



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 12TH JULY 1994

MOTION:-

Statements and Personal Explanations	[Pg 765]
General Debate on the Draft Constitution of the Republic of Uganda	[Pg 765]

Tuesday, 12th July 1994.

The Assembly met at 8.30 a.m. in the International Conference Centre, Kampala.

PRAYERS

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

The Assembly was called to order

THE CHAIRMAN: I have no communication from the Chair to make at this juncture. We go to the next item.

STATEMENTS AND PERSONAL EXPLANATIONS.

THE CHAIRMAN: Hon. Delegates, I was approached by the hon. Delegate on the basis that he had been misrepresented in some journal and he would like to make a statement of personal explanation. So I give him the Floor.

MR. MUSEKURANDARUHUTSE (Bufumbira North): Thank you Mr. Chairman. I am Dr. Musekura Ndaruhutse Baruhire Thaddeus, Delegate for Bufumbira North in Kisoro District. The Press, Mr. Chairman, has misunderstood me on a controversial issue and since my efforts to correct the misunderstanding have proved to be fruitless, I would like to make a personal explanation as per rule 12 section 1 of the Rules of Procedure of the Constituent Assembly of the Republic of Uganda. Mr. Chairman, this personal explanation will help to give clarification on my position as well as the position of Bufumbira North as far as the Movement type of Government is concerned. Mr. Chairman, I have a brief statement clarifying the issue and it reads as follows: Regarding an article in the New Vision of 6th July, 1994 stating that Dr. Musekura N. B. Thaddeus is one of the Delegates not keen on movement type of government, I, Dr. Musekura N. B. Thaddeus, have this to say on behalf of the people of Bufumbira North and on my own behalf.

1. Thanks should go to the NRM Government for enabling the making of the draft constitution as well as its debate by people's representatives.
2. Democracy, human rights, development, peace, justice unity and political stability must be given priority in the new constitution
3. In view of the above, the movement system should continue for five years and meanwhile, the political

parties can reorganise themselves and if Ugandans accept them after five years, they can operate. This is therefore, Mr. Chairman, serving to clarify facts that the hon. Delegate for Bufumbira North, that is me Mr. Chairman, was misunderstood by the special correspondent of the New Vision as being one of those not keen on the movement political system. The people of Bufumbira North are happy with the current participatory democracy under the movement type of government. Thank you very much Mr. Chairman

THE CHAIRMAN: Members, under our rules, just to remind you before we go to the next item, under rule 12 where a Member or a Delegate is authorised to make a statement of self-explanation, no debate arises from that statement. Debate or comment would arise only if the statement was based on what we would consider a matter of great public importance or urgent public importance. Otherwise therefore, no debate arises when a Member explains or clarifies himself under that rule.

MOTION

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

(Debate continued)

MR. OWOR CHARLES (Aswa County): Mr. Chairman, I am Charles William Owor from Aswa County. There has been a problem, usually people confuse me with the Charles Owor who is the DA. Whenever people say, are you the DA? I say not yet. But I am Charles Owor from Gulu and Aswa county extends right from Gulu Municipality northwards and is bordered by Kitgum District to the east and Kilak county in Gulu Distract to the west and I would like to continue with the presentation of the views of the people of Aswa. Mr. Chairman, I think it is in order that I should also add my voice to those of my fellow Delegates to congratulate you and your deputy for being elevated to your current leadership position within the Constituent Assembly. I wish to particularly thank the people of Aswa for all the confidence and trust they placed in me to be their voice in the Constituent Assembly. Let me also congratulate all the fellow Delegates for finding their way into the Constituent Assembly, whichever route they used to

come in. What is important however, is that now we have a group of Ugandans sitting together to discuss the past, present and future of our nation.

At this stage, I do not feel that it is necessary for me to go into the details of the draft constitution. But I will discuss broad principles of the views of the people of Aswa and in due course, when we reach the consideration stage, I will be able to move specific amendments to the draft constitution in line with the aspirations of the people of Aswa. Mr. Chairman, I believe that the real issue in Uganda today is our quest for a true national spirit. We all know that our history has been characterised by division, selfishness and Political bigotry. I dare say that all governments in Uganda, the NRM Government inclusive, have exhibited these vices in various forms and degrees.

Nationalism Mr. Chairman, is a virtue which has eluded Ugandans for a long time. Nationalism has to do with allegiance and commitment to the wider body politic otherwise called a nation as opposed to allegiance and commitment to the lesser social grouping which is usually a subset of the larger social grouping. In my opinion Mr. Chairman, this has been Uganda's problem. Governments have come and gone but each government in Uganda, again the NRM Government inclusive, have been bedeviled by the problems of nepotism and regional favoritism as opposed to a true national spirit. Every government in Uganda comes in and is accompanied with a loss of fortune by some tribes and sudden gain in fortune by some other tribes. This is a reality that I think needs little elaboration since Ugandans have lived with it and are still living with it. Of course reasons can be advanced to justify why some tribes have gained fortune and others lost or never gained at all. But this Justification can never assist us in addressing the socioeconomic imbalance which is a major enemy of a true national spirit.

The problem I have described did not start recently. In fact the history of Uganda is steeped in this problem. It is interesting to note Mr. Chairman, that in 1900 when the famous Buganda agreement was signed, the British colonialist Sir. Harry Johnson and Kabaka Chwa II, signed an agreement formally recognising the Kabaka as the native ruler of Buganda. The Kabaka was to have direct judicial and administrative rule over his subjects. Choice of the Kabaka's successor was vested in the Lukiiko, the Assembly of chiefs. I am told the Lukiiko does not

have chiefs now. But this choice was subject to the approval of the British Government. The British introduced individual title and ownership of land. This agreement primarily benefitted the chiefs of the Lukiiko, whom the British granted land in return for support of the agreement. That is when we had the famous milo land tenure and by implication, mailo land tenure is another name for a bribe. In stark contrast, in 1933, a similar agreement was signed with the Omugabe of Bunyoro bringing his land under British control. It is interesting Mr. Chairman, to note that the Omugabe did not retain as much power over his subjects as was given to the Kabaka of Buganda. Ever since, political favoritism has made its home in Uganda.

Under Article 10 of the draft constitution, there is a Provision that talks about national unity and stability. This article falls under the national objectives and directive principles of State policy; that is Chapter 3. This Chapter in constitutional law is what would be called a non-justiciable part of the constitution. It would merely form constitutional conventions. I believe that in order for us to properly address the problem of national unity, we need a provision that squarely deals with the problem of regional favoritism or sometimes can be tribal favoritism. This article, left the way it is, would not entitle a person who has been a victim of this favoritism to proceed against the government policy, that is promoting favoritism. Under this article, the Omukama of Bunyoro could not have sued the British Government in court of law for the enforcement of his political rights because it is a non-justiciable part of the constitution. An article should exist in the constitution which gives Ugandans a right to proceed against the government for pursuing a policy that creates favoritism or discrimination. I believe prince Barigye would be able to ensure that he is not left in the cold while his fellow monarchs are feasting in royal bliss. However, I must hasten to say that what creates a true national spirit is not quite the letter of the law. It is rather the social practices of the people that creates a national culture. The development of a true national culture will remain far removed from us when we still have governments of ethnic or tribal arrogance and regional favoritism.

On the very critical issue of the type of system that we want to live under, I would like to bring the views of the people of Aswa county. The issue of political system is probably the most critical issue in the draft constitution and yet it is not the first time a group of

Ugandans have sat together to discuss what type of political system to guide the body politic. Uganda has tried various forms of governmental systems or political systems. Right now, when we discuss the political systems, the bottom line issue really is, who are the people going to be at the control of State power in Uganda? It is the people controlling State power that eventually also control the allocation and distribution of resources. Ugandans can no longer risk their well-being to the benevolence of those in control of that powers. On the contrary, every political interest Group must be ably represented at the level of control of State powers.

Under article 94 (1) of the draft constitution, it is provided that the political movement system referred to as the movement which was existing immediately before the coming into force of the new constitution shall continue in existence subject to the new constitution. Now let us analyse issues here. What is this political movement preceding the promulgation of the new constitution? There is only one I know of. This is the one which has its Secretariat on Clement Hill Road, Post Office building. This Movement has a hierarchy, it has its chairman and vice chairman, it has a political commissar, it has various directorships. I am told there is also a high command. I do not know which one comes before which. However, I wish to say I am a friend of this movement and as a friend therefore, I will be very frank with the movement. Only a friend can do that. I am told that the movement is a broad based political institution. That includes all the major shades of political interests in Uganda, I am not very sure. Whereas that might be true, I wish to add that the movement could be broad-based but is extremely narrow-topped. I would like to be shown the representatives of the Democratic Party duly nominated in a democratic process by that party to be Members of the high command of the NRM, I would like to be shown the representatives of UPC duly nominated in a democratic process by that party to influence policy at the NRM Secretariat. I would like to be told which member of the Conservative Party sits at the NRM Secretariat to represent the views of that party after due nomination. Otherwise we would have members' views of these parties calling themselves members of the movement when they actually belong to the famous AGIP party that is "Any Group in Power". I wish to submit that the so called political groups forming the broad-based movement system are simply strangers, albeit distinguished strangers, who are merely invited at the mercy of the NRM core group. The Cabinet portfo-

lio that some of these so-called political party representatives in the movement hold are reshuffled without due consultation with these parties.

Under article 94 (2)(c) of the draft constitutions the Movement, we are told, shall among other things, be under the control of the people of Uganda. Now the term "people" needs to be also examined. If left vague it is subject to manipulation by the current movement functionaries. Unless people refers to the representation of political interest groups which are legitimately existing in Uganda, we are going to see the continued entrenchment of those already in power and exclusion of those opposed to their policy. Even as we talk about the movement system, this Assembly needs to pay particular attention to the structure, composition and leadership of this movement. It has become a normal talk now in this Assembly for people to say let us give the movement five more years. Who are these people we are giving five more years? What is the structure of this Movement? What is the composition of this movement? Who are the leaders of this Movement? Do they reflect the interest of the political groups?

MR. KWERONDA RUHEMBA: Point of information. I wish to inform the hon. Member on the Floor from Aswa county, that we have been told in this House that we should hurry the constitution because NRM's term of office is coming to the end at the beginning of next year. That is by January 26th and I am also informed that we are here...

THE CHAIRMAN: I thought you are informing him.

MR. KWERONDA RUHEMBA: Yes I am informed but I am also informing him -

THE CHAIRMAN: There is a point of order on the Floor. Please give way.

MR. KWERONDA RUHEMBA: Whom is he ordering now, me or him?

THE CHAIRMAN: No, there is a point of order.

A HON. DELEGATE: Point of order. Is it in order for the hon. Member trying to give information to speak so slowly as to spoil the time of the contributor?

THE CHAIRMAN: Hon. Kweronda Ruhemba,

you have taken longer time than is necessary for you to inform. Could you come to the point of information, then we proceed please?

MR. KWERONDA RUHEMBA: The point is that we are here to determine what kind of political system should govern this country at the end of this exercise.

THE CHAIRMAN: That is it? Okay, whether that has improved his knowledge, I do not know but that is up to him. (*Laughter*).

MR. CHARLES OWOR: Mr. Chairman, thank you for your wise ruling. That I think falls far below the level at which I was reasoning. Mr. Chairman, I was talking about the Movement being exclusive. It is this political exclusion by those in power that has caused disaffection and eventual revolt by people affected by it. Political exclusion has two levels; at one level, you are either being kept at the periphery of public affairs by those in government in what would be a one-party system, whether it is called that or it is a defacto. Secondly, exclusion could be when you are denied opportunity to form an alternative government by soliciting for votes on a political platform of your own. These two are the enemies of democracy in any body politic. I have tried to examine Uganda's history and discovered that all those who have tried to practice political exclusion in any form have burnt their fingers. I predict or prophesy that anybody who tries to practice political exclusion will eventually burn his fingers again. Let me hasten to add that this is merely an observation in history. It is not a vow to go to the bush if things turn a particular way.

In 1945 during the colonial period, the exclusion of the colonial government had to be re-thought because of the agitation of the *bataka* party and the African farmers union who wanted to have more say in the thing that affected them politically and economically. Hence in that year, Sir. Charles Dundas gave a little more political freedom to the population and eventually the Africans were authorised to elect representatives to the Legislative Council. Again in 1949, the *bataka* party delegates petitioned the Kabaka for popular election of chiefs on a more representative Lukiiko. The Kabaka on his part granted the Lukiiko the right to submit a list of candidates for his Ministries. He was wiser at that time because before, he had agreed that chiefs be elected, he was merely appointing people by himself

and co-coordinating the political atmosphere in the way he liked.

In 1969 Mr. Chairman, after the 1967 Constitution had been promulgated and Obote had become President, all opposition parties were declared unlawful and only the UPC was recognised. There was what was called the Penal (unlawful Societies)(No.2) Order, 1969. We all know what happened to Obote's government because of this political exclusion. Obote was overthrown by Idi Amin in 1971 and in 1971, Idi Amin as we know, in a coup de tat took over power on the 25th of January. He proclaimed rule by armed forces under his leadership and suspended and modified the 1967 Constitution by various Decrees and one of the interesting Decrees he made was The Suspension of Political Activities Decree. He made his government the sole framework of political activities. In fact in 1972, Idi Amin gave the military police power to shoot all those who held political meetings at night. That is what happens when you practice political exclusion. People begin to meet at night and even during the day, I am informed, and that does not augur well for you. Once again, we all know what happened to Amin in 1979 after eight years of ruling. Amin was overthrown. I am told the practice in Uganda is that those who practice political exclusion are given a maximum of ten years. In 1979, a meeting was conducted by a representation of 18 Ugandan exile groups at Moshi, at the famous Moshi Conference.

A HON. DELEGATE: Point of order. Is the hon. Member in order to compare NRM Movement with the Idi Amin Government of 1971 which was brutal?

THE CHAIRMAN: I understood him to be making or illustrating his argument. I do not think he was comparing.

MR. CHARLES OWOR: I am told Mr. Chairman, that there is a lot of similarities: one of which is that both governments failed to stop circumcision of women in Kapchorwa. (*Laughter*). But there are also a lot of other similarities. At the meeting in Moshi Mr. Chairman, the UNLF was headed by Mr. Yusuf Lule. UNLF overthrew Idi Amin and formed a new government. On the of 8th May, when the UNLF was in power, the Minister for Justice in Lule's government, Dan Wadada Nabudere declared that for the following two years, the UNLF was to remain the sole authorised political organisation in Uganda with all other political organisations prohibited. The hon. Nabudere -

PROF. DAN WADADA NABUDERE: Point of information. I would like the hon. Delegate to state which public document of record in which I am recalled as having said that or commanded that, which Decree?

MR. CHARLES OWOR: Mr. Chairman, I do not think the hon. Nabudere needs to worry because I have since then realised he has become wiser than that and that was not his personal pronouncement. He was only carrying the voice of the government of the day. Well the hon. Nabudere tells me the prohibition of political activities was probably ill-conceived. I have talked with him on this matter and he is now wiser as I have said. Mr. Yusufu Lule, as we all know, was replaced by Binaisa in 1980. Binaisa again attempted to lock out the independent political activities. He moved down the elections which had been scheduled for 1981 to 1980 and declared that any person who was properly qualified could contest for the election. But within the UNLF framework, the famous umbrella. Many Members of the NCC were uncomfortable with the Umbrella. Binaisa did not heed the demand for free political platform and as we all know, the Umbrella was badly punctured and Binaisa had to go. This should serve as a warning for those who are still trying to lock out independent political platform in the body politic in Uganda. Binaisa was removed in 1980 and this was by the Military Commission partly due to the issue of Umbrella versus political pluralism. Paul Muwanga the late, who was the Chairman of the Military Commission declared that individual parties were to contest elections for Parliament and Presidency. Then the Electoral Commission was established in 1980 June, to supervise and prepare for the elections. Only the UPC, DP, CP and UPM were allowed to contest. No additional parties were allowed. Active campaigning started in June 1980. There were allegations that Obote's UPC was being favoured by the Military Commission in its election preparation. This caused a confrontation in the NCC and in the Cabinet. There were also various allegations that the Military Commission was interfering with the election preparations of the parties opposing UPC. It was claimed that the Military Commission was guilty of manipulating voter registration, bias reporting of the campaigns by Radio Uganda and the Official Press and the act of intimidation. The results of the elections, as we all know, came out and UPC, according to the results, had won the DP followed and UPM was dissatisfied with the result and decided to go to the bush. Obote became

the President and announced his policy of reconciliation and reconstruction. The DPs accepted the role of official opposition but the UPM leader, as we said, thought otherwise and took for the Luwero bush. Obote was overthrown as we all know in 1985.

MR. BIDANDI SALI: Point of order Mr. Chairman, Sir, is it in order for the hon. Member holding the Floor to state categorically that the UPM went to the bush when only some of the leaders of the UPM then decided to go to the bush on their own accord and not on the accord of the movement? Is it in order for him to make that blanket statement when I, as the then Secretary General of that movement, did not go to the bush? On the contrary, two days after those individuals went, I was dumped in Luzira for a period of almost one year and that when I came back, I did not follow to go to the bush. Is he in order to make that blanket statement Mr. Chairman?

THE CHAIRMAN: I think we shall treat that as information to the Member so that he proceeds better informed. *(Laughter)*

MR. CHARLES OWOR. Mr. Chairman: as we have said, the UPM had various leadership, the top leadership went to the bush and one of them remained and I am told they had many fronts.

MR. CHANGO MACHYO: Point of order. Mr. Chairman, is the hon. Member on the Floor correct to mislead the House that the top leadership - I was one of the top leadership and I never went to the bush.

THE CHAIRMAN: That is additional information. Please proceed.

MR. CHARLES OWOR: Mr. Chairman, thank you for that discerning insight for those pieces of information which have been disguised as points of order. But I was referring to the fact that the UPM leadership went to the bush. I am now being informed that some of them remained but this was just part of the front. Others were to fight from within, others were to fight from the bush. Mr. Chairman, as I said, Obote became President but was overthrown in 1985 by Tito Okello and Tito Okello was in turn overthrown by the NRM Government after he was fooled into peace talks.

Originally, the NRM was to be in power for four years from 1986. They came to power on 25th or 26th, we are not sure, of January. But later, they said

they had not finished their business. They had overestimated their ability to finish business in time and extended themselves until the present time. During the period the NRM has been in power, independent political activities have been in abeyance except for some limited political activities. I am sure the hon. Cecilia Ogwal of UPC and Michael Kaggwa of the DP Mobilisers Group can elucidate this point better than me.

This year on the 28th of March, 1994, NRM Government organised the elections to the Constituent Assembly which has brought us here. It is interesting Mr. Chairman, to note that there were a lot of similarities between the elections of 1980 and the elections of 1994 for the Constituent Assembly.

1. There was favoritism of candidates who promised to support the movement system. These allegations were similar to the ones labelled against the Military Commission for favouring the UPC. Allegations of large sums of money dished out to support the candidature of those in favour of the movement. It is not a secret. And the beneficiaries of those monies are all here with us. This provided an equal political platform and to the shame of those who are trying to exonerate the NRM government and make it appear holier than God. This message is addressed to whom it may concern. There was biased reporting of campaigns in favour of the NRM government functionaries. I was amused one time. There was a report of the candidates meeting in which the hon. Attorney General was involved and after five minutes of reporting what he said, either by the way, they said, the other candidates were so and so and they just mentioned their names and it was a candidates meeting where all the views of the candidates were supposed to be heard. It is this favoritism that provides an unequal platform that causes discontent, that causes disaffection, that eventually results into revolt.

2. The prohibition of political parties to field their own candidates and openly support their candidature; this is similar to the allegations of the frustration of DP candidates by the UPCs in 1980 election. NRM candidates openly flouted the election rules with impunity. I am told of a friend of mine who even used part of a Presidential motorcade for his campaigns. Others, I am told, even used helicopters.

On the crucial issue whether the Movement system, as it stands now, should continue, a number of colleagues have advanced reasons favouring the

movement system as compared to the multiparty politics for example. Basically, these arguments are twofold. One is that when the multiparty politics was going on in Uganda, there was a lot of hatred, divisions, malpractice and atrocities. This argument is completely untenable because the vices now being attributed to the multi-party politics have happened even at worst levels sometimes, during the reign of this government. Who does not know of the hatred that we heard about in Ntungamo? Who does not know that certain Members narrowly escaped death during the 1994 elections? Who does not know that malpractice was reported everywhere and that was the reason why we had to resort - *(Interruptions)*

THE CHAIRMAN: I can see a number of hands on the Floor although you should be winding up because you have overrun your time by about five minutes having been allowed due time because of points of order.

MR. CHARLES OWOR: Mr. Chairman, unless it is a point of order, I think I should -

THE CHAIRMAN: And maybe I should warn Members that under Rule, 47 (2), every time you disguise your information as a point of order, you give the speaker on the Floor additional time. This I think you should bear in mind. Because under Rule 47 (2), it reads, 'During the general debate, each Delegate shall be allowed a maximum of 30 minutes within which to make his or her speech but the Chairman shall take into account time unduly lost through points of order taken by other Delegates but shall not take into account time taken by points of elucidation under Rule 23 of these rules.' So every time Members disguise themselves under points of order, they cause the Chairman to apply 47 (2) and extend the time of the speaker on the Floor. I therefore have allowed him additional time because of the points of order that have been coming on. Some of them disguised. So let us be serious when we raise points of order to make sure they are really points of order.

MR. CHARLES W. OWOR: Mr. Chairman, I would also seek protection from two Members of the Assembly who have even turned their backs to you and are directly facing me and hurling - *(Laughter)*

THE CHAIRMAN: I think you are right. If Members have been attracted by the points being made, you should still look at the Chairman.

MR. CHARLES W. OWOR: Thank you Mr. Chairman. I agree, probably they have been attracted by the wisdom of the words I am saying. Mr. Chairman, there is one last issue on this point that I want to raise; that of political hypocrisy. Hypocrisy Mr. Chairman, is the sin of appearing to be better than you really are or wanting a good name without actually earning it. There has been a lot of absurd talks about peace and stability ushered in by the NRM Government. We in Aswa do not understand the language that is being spoken because we have not experienced peace and stability during the reign of this government. Unless we are going to say that for all the innocent men tied *kandoya* and tortured to death during the reign of NRM by the NRA soldiers, we are supposed to be grateful for the peace and security ushered in by the NRM government. For all the women and girls and sometimes men raped in Aswa by NRA soldiers, are we supposed to be grateful for the peace and stability brought in by the NRM Government? For all the houses and food granaries burnt down in Aswa by NRA soldiers, even as recent as March of this year, should we be grateful for the peace and stability brought in by the NRM Government? For all the Karamojong raiders who are allowed to destabilise Kitgum District, kill and rape its women while the NRA looks by, can we talk about peace and stability? I urge all Ugandans

MR. PETER AKURE: Point of order, Mr. Chairman, arising from what he was saying that the Karamojong and the NRA have been raping women, what about those people who are cut their noses, their mouths, is he in order to say

THE CHAIRMAN: No, no, hon. Member, you raised your hand on a point of order. Now you are just arguing.

MR. CHARLES W. OWOR: Mr. Chairman, I would like to urge those Ugandans and fellow Delegates who are serious about peace and stability in Uganda to look further than the pages of the New Vision newspaper, to listen deeper than the voice of the news readers on UTV and Radio Uganda. I invite you to come to Aswa County and talk to our people. There you will see the truth and hear the truth as the people tell you: who was killed by rebels, who was killed by NRA soldiers. I say this not out of hatred but because the people of Aswa simply want a responsible and honest government which is actually capable of holding peace and true security.

MR. KARUHANGA: Point of order, Mr. Chairman, I have been listening very carefully to the speech by Delegate Owor, which reminds me of the song of Lawino but I have not heard him condemn the rebels whom we have been reading about since the days the rebels lodged a serious campaign in his constituency up to now. - *(Interruption)*

THE CHAIRMAN: Now you are just beginning to argue. That is not a point of order.

MR. KARUHANGA: And all the miseries we have been hearing are all attributed to one party. Is this the type of political understanding that the hon. Delegate would like us to have? Is it in order for him to conclude his speech without reference to this situation?

THE CHAIRMAN: That is not a point of order. *(Applause)*. The Member is entitled to selective argument. He does not have to argue your case for you.

MR. CHARLES OWOR: Mr. Chairman, I am not talking to rebels but I am talking to an audience where there are government functionaries and when I am talking to rebels, then I will tell them about their own atrocities.

MRS. MUKWAYA JANET: Point of order. Is it in order for the hon. Delegate, wise as he is, to disappoint some of his listeners by arguing unwisely?

THE CHAIRMAN: All that you have done is you have given him more minutes.

MR. CHARLES W. OWOR: Mr. Chairman, I have never seen such 'unwisdom' coming from a lady. Mr. Chairman, as I wind up, I would like to say that part of our exercise here is to expose the period in our history that has contributed to instability and when that period eventually interferes with your own pride, I think humility only requires that you listen patiently and do not interfere until you have your chance also to catalogue your own and Mr. Chairman, I am told that I am to wind up and as I do, I have said that I do not consider it necessary at this stage to move specific amendments or to state specific views to articles other than just talk on general principles of what I think has caused instability in Uganda. And for this, I wish to thank you hon. Delegates. Thank you very much. *(Applause)*.

THE CHAIRMAN: Thank you hon. Owor Charles for your contribution to the debate.

MR. SAMSON LOKERIS (Dodoth County): Thank you Mr. Chairman. I would wish at this juncture, on behalf of the people of Dodoth county, to congratulate all of you for having gone through the last elections and to the Chairman and Deputy for having been elected to these offices. Mr. Chairman Dodoth county is found at the North-Eastern region of Uganda known as Karamoja at the North-Eastern tip of Uganda. In the North, it is bordered by Sudan, in the East by the Republic of Kenya, to the West by Kitgum District and the South by Jie county and Moroto District. It has a population of over 100,000 people of whom as I am speaking now, over 10,000 are in Kenya and Sudan in search of food. This is because of famine and drought that has hit the area.

I would like to give the following observations about our task in the making of the new constitution of Uganda. We should come up at the end of this exercise with a constitution that will stand the test of time, a constitution that shall respect or emphasize on the sovereignty of the people of Uganda, in essence, of a generation to come. Mr. Chairman, we should not advocate for a constitution that shall benefit interest groups or individuals socially, economically and politically. In my observation Mr. Chairman, during the contributions by several Delegates, they have particular individuals or groups that are quite excited that this is a chance ushered in for them, especially after the new constitution is promulgated, to come into law and speculate leadership positions that has been a dream. We should leave about this speculative leadership but prepare the ground for a united Uganda.

Views have been brought in by various speakers on the size of the constitution with reference to America, Germany and so forth. We should consider the size of the constitution of Uganda in relation to what we Ugandans feel should be contained therein. What is good for an American in the USA should not be good for us in Uganda because we are not in the USA. For example, some Delegates are of the view that Chapter three in the draft constitution is not necessary and that it is the obvious for a government in power to exercise. However, contrary to this Mr. Chairman, we have had 1962 constitution, 1966 and 1967 without such provisions reflected in, but the end result has been that no government whatsoever has implemented the obvious. Hence, this is quite impor-

tant to be a reminder to the leadership of the day to avoid imbalanced provision of goods and services to the people.

On Chapter 2, the people of Dodoth county have proposed Swahili to be a national language because it is widely spoken in Uganda and the neighbourhood as well as in the world. They have also Mr. Chairman, advocated that English remains the official language as has been the case up to today.

On Chapter 3 Mr. Chairman, national objectives and direct principles of State policy, I did earlier on inform you about the need for this Chapter to be included in our new constitution. This Chapter gives a provision to the leadership in power to remind themselves of what they should do in planning policies geared at bringing about good welfare and development of the nation and its nationals. Mr. Chairman, on economic objectives, articles 20 to 23, only provide what the State should do in order to achieve the economic development. Article 23 provides for the balanced and equitable development. Hon. Delegates, this proposal is quite important because since the time of colonialism to independence, there has not been any equitable distribution of resources leading to imbalanced development.

In Karamoja for instance, serious attention has not been paid to it in order to develop. Instead it has received little out of circumstances. This is because the leaders in various governments have associated development back at home on regional basis. Mr. Chairman, during the colonial government, we were made a zoo and our resources taken away. During Obote two, we saw some little development especially maybe building of primary schools, roads and then our Abim hospital. The NRM Government developed a very good programme now to develop Karamoja. The plans are good but not much has been achieved because those responsible have failed to implement. However, enough noise and memoranda and the Press have been used to inform government of such anomalies but all in all, it was watered down. This has left the place in the same way it was before. Let the picture be shown that Karamoja has been transformed Mr. Chairman, it is quite important therefore, to create a constitution that will address itself to the issue of balanced development attained through the leadership in power.

We should not have to attract government attention or bodies and what have you in the needs of develop-

ing an area through a rebellion or a disaster. This has been the case for instance, in 1980 Karamoja was hit by drought and famine. Various NGOs came in on emergency relief. Mr. Chairman and hon. Delegates, this later led to the EEC and the government of Uganda giving some money for Karamoja that led to the creation of Karamoja Development Programme. If you can see it, it is out of disaster that there was some attention paid otherwise there was nothing in plan. Another one is the Northern Uganda Reconstruction Programme. This programme has been given to the north because of the rebellion. Hon. Members you can see that we have had programmes given to us out of maybe losing people or fighting. So I think it should not be blood that should be used or offered to the programme. Mr. Chairman, it does not mean that the grants from the international organisations should be channelled through such things. That is why we feel a new constitution should address this.

In article 26 and 27 of Chapter 3 on social objectives, it is quite important that the objectives be provided for with the following proposals as seen by the people of Dodoth county. On education, the people of Dodoth propose that in the new constitution, it should be paramount that the government should provide compulsory education but it should be free when one attains higher standards at 'At' Level, University and tertiary institutions of learning. This could therefore merge this provision proposed in article 27. Mr. Chairman and hon. Delegates, you will bear with me that most of us in this Assembly are what we are because the previous government shouldered this obligation and provided for such a provision. But today in Uganda, a situation has arisen where a few individuals after accumulated wealth, have created or come up with wild policies that have deprived Ugandans of these rights and it has given a special offer of educational opportunities to a special class of people to educate their children; those are the rich. Mr. Chairman and hon Delegates, His Excellency the President, while opening or inaugurating this Assembly in his speech said, I quote, *"It is without argument that the social structure of a country like Uganda has 94 per cent peasants is different from UK where the social structure is as follows: Upper class 2 per cent, Middle class 52 per cent and Working class 46 per cent."* This is something which took many years to develop but in Uganda, 94 per cent are peasants who at most times have a very low per capita income or in actual fact are becoming poorer and poorer. Comparing the

above Mr Chairman, the type of educational policy required for our nation should be formulated out of the large social structure that must benefit out of it. The White Paper in essence actually is relevant to Europe. It is this wish of people of Dodoth that unpopular policies as such should not appear in the new constitution. Mr. Chairman, the people of Dodoth county also argue that the past regimes were characterized by the following:

1. There was mismanagement of resources because of lack of planning.
2. Employment sector was so enormous.
3. Poor economic policy.
4. International bodies and government never favoured their policies hence little investments, loans and grants.
5. No cost-sharing in hospitals.
6. Poor revenue collections.
7. No retrenchment policies.

However, in spite of all the above, they were able to provide free education from 'A' Level to University and even bursary at 'O' Level to some students. In contrast to these above, today, we have retrenched the civil service, parastatals, the army. We have better economic policies that have attracted donors, governments, investors, dirty methods of tax collection; that is URA, cost-sharing in hospitals and schools. But Mr. Chairman, all in all, we are unable to provide what those governments with poor managers could afford. The question is, should we have better policies to drive the peasants to poverty and elevate a special class? Hence, education must be given due consideration in the new constitution. Mr. Chairman, if I can give an example, the hon. Minister for Education the other day thanked hon. Adoko Nekyon, hon. Adimola who were at that time in the Ministry of Education. They really had better policies and the Minister said he was a young boy in school and if at all this policy had come in when he was at that age, I do not know whether he would be now in this House or would be a Minister.

On article 33, the people of Dodoth county have been victims of natural disasters such as famine and drought and ended up dying or going to different countries looking for survival. For example, as I said in 1980, famine and cholera hit our area and many people died out of this because there was no immediate attention paid by the then government. The same applies to this year. Well, because of famine, my people end up being in Sudan and Kenya getting relief while our government denies the deaths of these

innocent Ugandans. Mr. Chairman, the people of Dodoth county have proposed that in order to avert such calamities, a national preparedness and disaster commission be included in the new constitution that shall perform the following functions:

1. Monitor the natural disasters that can erupt out without warning, such as drought, famine, earthquakes and diseases.
2. Monitor the weather forecast and thereafter provide an early warning to the people of Uganda.
3. Shall be a body provided with funds by government to ensure that the needs of an emergency are met without delay and should also be able to receive funds from donor agents for that particular disaster as well with the NGOs to rescue the situation.

If such a commission is in place, it could make the Government in power to surely address itself to the issue of natural disaster without problem. For example, on the new Vision of 4th July 1994, His Excellency the President of Uganda said he cannot believe people dying of hunger in Uganda. His statement was quite unwelcome. Mr. Chairman, since the issue of people dying of hunger appeared, his Excellency delegated the hon. Prime Minister, George Cosmas Adyebo to go and get the full information. I would like to inform you that the Prime Minister only reached Moroto Town and Matheniko and came back without reaching for example a place like my county in which people are affected. Mr. Chairman, I would wish at this moment to request the hon. Prime Minister in order to prove that people are dying in Karamoja, to organise a trip to Southern Sudan and Western Kenya; to visit the people of my county who are in these countries and ask what they are doing in Kenya and Sudan and I would wish to thank whoever is supporting my people in Kenya and Sudan for this noble cause.

When hon. Chepsikor Mohammad used Eastern Region in his contribution and said that when the earthquake took place in Kabarole recently there were trailers taking blankets, Mr. Chairman, in reference to this, when hunger reports came in from Karamoja early in September 1993, the Government recently gave Shs. 300 million for famine victims, while on earthquake victims, where eight people died, which was in February this year were given Shs.500 million immediately. Is it in order really hon. delegates for Government to leave its people going in diaspora to Sudan and Kenya looking for food. Which people from these areas like Dodoth county will benefit out of this new Constitution? Can the copies of this Constitution be sent to hell or

heaven? It is because of this that the people of Dodoth strongly support the national preparedness and disaster commission to be included on the new Constitution.

On traditional leaders, the people of Dodoth county are in the view that the kingdoms should be restored to those who are willing to have them, but caution that they should not have political powers. They explain that even they have clan leaders, their recognition remains with the clans as they are assumed to represent their divine gods at shrines established. The maintenance of traditional leaders should however be the obligation of that particular group of people.

On the issue of Uganda; the Dodoth people have proposed Uganda remains a unitary sovereign state and a Republic.

On political systems, Mr. Chairman, the people of Dodoth agree that the Movement system be given some time and the political parties should hold on due to the following:

1. To ensure that there is total stability and peace achieved in the whole of Uganda and as for now, the NRM has the capacity to do so if given time. There are areas that still need peace and stability in Uganda that is, Northern and North Eastern Uganda.
2. To fight out corruption that has become so rampant today in Uganda which needs a proper and organised approach towards eliminating it. The NRM Government could eliminate this if it addresses itself fully to this considering the rampant corruption now on the stage.
3. To provide enough time for political parties to re-organize their institutions and come out with clear political objectives because today, if general elections were to come under political parties, the whole country would be plunged into political chaos. This is because these parties will be struggling for leadership which is even the case now with UPC and DP. There are no political committees in some of the districts. For instance, in my county, there is no political party at all since the late Chondry disappeared with the UPC.

The only fear is that people like the staunch, die hard, political heavy weights, shall appear on the scene and will not give chance to the young capable Ugandans to appear in the political party leadership.

On Article 259 of the Draft Constitution, the people

of Dodoth county are in support of the proposal of inclusion of this in the Constitution: because our country has had meager resources for development and welfare mismanaged or misused by a few individuals. This organ that is the IGG can, if facilitated, ensure corruption is curtailed and those involved or indulged in such practices should be brought to book. Mr. Chairman, it shall also ensure that the Leadership Code of Conduct will be enforced without due hinderance.

The people of Dodoth propose that the office of the IGG be decentralised so that it will ensure easy access to Government departments in various parts of the country. This will enable opportunities to the peasants in those areas and take necessary action.

National security and defence. Article 232 is a self explanatory statement, Mr. Chairman, that people in leadership should ensure this is provided at all costs. I would like to point that from the time of our independence to date, Ugandans have not had security provided for once in a while in different areas during the successive Governments, it has always been the contrary because the Army used to destroy institutions, kill people, destroy property and even fight his own nationals. It is on this note that on defence and national security, Mr. Chairman, I would like to oppose the statement where hon. delegate Prof. Kabwegyere said, Uganda was now with peace and stability; while North and North Eastern are still lacking. Mr. Chairman, presently in Karamoja, we are in a security dilemma especially security for our lives and property. I mention this because in 1971, after the overthrow of Obote, people started acquiring guns and then during Obote II, the neighboring districts were given a provision to get militia who were now used by the Government indirectly to fight the Karamajong and I think exterminate them. But because they had acquired these guns, that is why they are now existing.

This indicates therefore the role Government should play in trying to provide security for people and their property due to political differences and lack of nationalism.

The Kenyan Air force, Mr. Chairman, as you know, was brought to fight the Karamajong, the guns have had their positive and negative effects on the Karamajong and the neighbours and the nation. Mr. Chairman, a summary on the negative effects: a lot of atrocities have been committed by the use of these

guns: when the Karamajong themselves, the neighbours and the state, all of us are aware of this. On the positive effect, we have also used them to protect our property, lives, including the neighbours and the state. Mr. Chairman, the Karamajong have used these guns to fight the rebels, against using their own areas to fight the NRM Government and although it would be a more regrettable issue to some of us but the Karamajong wanted security in their homes. Today, the vigilante units are established in the region composed of all those illegally possessing guns and are being registered and they are going to be under the control of the Army. These forces are organised in a manner that they can be used to fight cattle rustlers or thuggery and so forth. This is one method of trying to control the use of illegal guns. Mr. Chairman, this is a positive move and even should be strengthened by Government to provide security to the region. However, the Army should, at all costs ensure that this responsibility rests upon them and that it is unconstitutional for the people illegally armed to provide security for the state.

We have been hearing the neighbours saying that Karamajong should be disarmed. Well it is very unfortunate that these people are not at the borders. I wish there could be provision that we, who are holding guns should be brought to within Uganda and then our neighbours whoever feels we are refusing with these guns, would go to the borders and meet the Turkana from Kenya, from Sudan. But otherwise, the appeal from our people is, it is not their responsibility to pay for security and they have promised: the moment security is given to day, even tomorrow the guns will go, you give them security, they give away the guns. So, actually we are not refusing with the guns but with the situation where our national Army is not able to provide us security as well as themselves. I believe when the new Constitution comes into force, the Karamajong will have been relieved of this burden and concentrate on development especially with decentralisation now in place.

On the Army. The people of Dodoth propose the following that there should be a national Army composed of Ugandan citizens recruited at district level.

On the issue of National Council of State. (*Interruption*)

MR. WANENDEYA: Point of order. Would it be in order, Mr. Chairman for our neighbours to move

from their area with guns into Mbale district and loiter with them in markets, whereas the NRA has been keeping in Mbale?

THE CHAIRMAN: But that is a hypothetical case. Please go ahead

MR. LOKERIS: Mr. Chairman, I think the hon. Wanendeya has really quoted the right thing where we say, the Government is not giving security because if people in Mbale are not given security by NRA, who is supposed to give them security?

On the National Council of State. The people of Dodoth are in support of this Council and propose that it should be included in the new Constitution. The President as they propose, should not be the Chairman of the Council. People are proposing because this Council will ensure there is balanced representation in political appointments, Ministerial and Diplomatic and so forth. Therefore, the reason is that today certain districts are not represented in cabinet which is a policy maker. There are no ambassadors in Karamoja; I do not know whether Mr. Chairman, if you appointed a Karamajong as an ambassador to Denmark, he would rustle the cows from there. Mr. Chairman, you will find that the positions of ambassadors and Ministers have been used by people in Government to solicit assistance to their own regions. In case you go to the U.S., you will have the chance to discuss with the capital, because there is the President of America, but with us, there is no one to lobby, we are only waiting for disaster to give us the assistance.

I would like while winding up, to give a comment on my brother's contribution yesterday, where the Karamajong who are Suk by origin are now trying to look for secession.

MR. KOMAKECH: Point of clarification. I wanted the hon. Member on the Floor to clarify on one point. He seems to be saying that the Karamajong should be allowed to own illegal guns because NRA cannot protect them. Is it really correct, Mr. Chairman, when we know that the Karamajong in fact travel outside their districts with their guns to rustle cattle as far away as Gulu and Kaberamaido? Is it in order for the hon. Member to mislead people, unless he clarifies this point, - *(Interruption)*

THE CHAIRMAN: Are you raising a point of order or are you.

MR. KOMAKECH: I am seeking information to clarify that point. whether the protection means movement of armed Karamajong to rustle cattle across the border, within Uganda?

MR. LOKERIS: I would like to clarify that today, the Karamajong feel if they are provided with security any time, the moment you give them security, the guns will be given and Mr. Chairman, for my hon. Member Mr. Komakech, I would like to inform you that the Turkana of Kenya have ever even gone beyond us and raided Kitgum district. So, if such a state is in position, I do not know where they would reach if we did not have the guns.

MR. ERESU ELYANU: Point of clarification. I have not been clarified on the point that hon. Komakech raised. I suppose hon. Komakech raised an issue that the Karamajong carry guns beyond their districts to other districts within Uganda. I would like to be clarified on that point, as to whether insecurity of the Karimojong is also threatened outside their district so that when they go to other district, they have to carry guns.

THE CHAIRMAN: I thought he was in fact, almost saying that they have been protecting Kitgum because the other guys came from Kenya and went beyond.

MR. ERESU ELYANU: Mr. Chairman, who gave them that mandate? Who has given the mandate to go and protect people in Kitgum?

THE CHAIRMAN: That is what he should comment on.

PROF. NABUDERE: Point of order. I am raising a point of order on a more fundamental question of state security, whether it is in order for any part of the country of people in any part of the country to be given the opportunity hold guns, when the state cannot give them security. Is this a correct statement or policy, because we have heard about this statement before. Is it correct for one people to be armed in one part of the country, because the state cannot protect them?

THE CHAIRMAN: I think the hon. Member was saying that until such time that the State can give them adequate protection, they should be allowed to keep weapons. Whether that is the correct policy or it is not, I think that is for the Government. Here we are just delegates.

PROF. NABUDERE: I was raising the question of order because he is also a delegate who is - (*Interruption*)

THE CHAIRMAN: But the Chair could not see the point of order in it, it was really a reflection on whether or not it is a correct policy and as mere delegates, we cannot comment on government policy here whether it is good policy or bad policy that is done in Parliament.

PROF. NABUDERE: My point of order then actually was that he should (*Interruption*)

THE CHAIRMAN: No, we cannot have many points of order on the Floor. Go on.

PROF. NABUDERE: My point of order is that the hon. delegate should not be allowed to hold that point of view.

THE CHAIRMAN: But really, it is difficult for us to tell members which views they should hold and which ones they should not. What they can say is whether those views are acceptable or not, and that becomes a question of a subjective situation.

A HON DELEGATE: Point of order. Is the Member holding the Floor in order to say that Karimojong are not being given security when there are Battalions and Brigades in Karamoja region. Is he in order to say that Karamoja region is not being given security by the Government when there is NRA Brigade and Battalions in Karamoja region?

THE CHAIRMAN: I do not think he said there were no troops there.

PROF NABUDERE: But he has said there is no security for them in the region.

THE CHAIRMAN: No, no, let us finish this one, he raised a point of order. I think the hon. Member should clarify himself, was he saying there were no troops in Karamoja region or that there was insecurity and the two are different.

MR. LOKERIS: I would like to inform the Member that the Karamajong themselves have not been provided with enough security and that is the situation why they are in fact in a pathetic manner; otherwise, the issue as I have already expressed, the

people say, you give security, you take the guns, even if it is tonight.

MR. BYAKIKA KASSAJJA: Point of information. I want to inform hon. Lokeris who is now on the Floor that, the Karamajong move with their guns outside their own area not for their own protection, but for rustling cattle outside their own district. This has been seen not only in Kapchorwa district, but also in the neighboring districts of Mbale, Pallisa and the rest.

MR. LOKERIS: Mr. Chairman, I think I would like to inform hon. Byakika that, in the neighboring districts of Karamoja, there are these local defence forces which have been armed by Government in order to get such achievements. If you find a Karamajong with a gun and in your land, why do you not pick him up? So, that is the issue, if they cannot provide security for themselves, with Government provision of LDU's, I do not know who they should ask for security.

BRIG. KYALIGONZA: Point of clarification. I am seeking clarification from the speaker on the Floor regarding the insecurity in karamoja and his reasons as to why the Karamajong are keeping the guns. On the 7th of this month, there was a tribal fighting between the Dodoth and the people of Matheniko, about 90 people died, is that also one of the reasons why they are supposed to keep guns to be protected by NRA or Government? I am just seeking clarification, why is there tribal fighting within themselves causing the death of up to 90 people? Is that caused by the insecurities of Government or by the Karamajong themselves who are holding illegal guns?

THE CHAIRMAN: Let the Member respond to that.

MR. LOKERIS: Mr. Chairman, I would like to inform hon. Kyaligonza: he has been a Brigade Commander and he left the place insecure as he left. So, I'm sorry if a Member who has been a Brigade Commander there can mislead the House and say that the Karamajong are fighting.

A HON. DELEGATE: Point of clarification. The clarification I wish to seek from the Member is, somewhat related to what the issue is, he raised that issue on which the Chair ruled as Prof. Nabudere was asking, you said it should be addressed to

Government. But he raised it in discussing the Constitution and the clarification I seek therefore, is, is it right to suggest that we put in the Constitution that an area which is not securely protected by the state should take the law into their hands or should be entitled to their own guns? Thank you.

MR. LOKERIS: Mr. Chairman, I think that is not what the Karamajong are proposing to put in the Constitution. The issue is, it should be indicated in the Constitution that it is the role of the state to provide security for all Ugandans and their property so the state itself by the way, should be the one to ask this question not me. Why are they failing to do so?

THE CHAIRMAN: Okay, you have made that point. Now, what the Member is saying is that there is Government presence in Karamoja, but in his view, the security provided is not adequate and he is arguing that until that level of adequacy has been reached, the Karamajong should keep weapons to protect themselves against other rustlers or gun-carrying groups from Kenya and such other places. I think that is what he is trying to say. The rules are clear, if the Chairman is talking the members should keep quiet. So, the Member is trying to argue his case. Now the best thing is for the Member who has not spoken to come and find better arguments to counteract him rather than wasting time through points of order and numerous points of information. Please wind up.

MR. LOKERIS: Thank you very much, Mr. Chairman. I was just trying to wind up my debate. But I think other issues will come later. At this juncture, I was trying to talk about a part of us who are now trying to disassociate themselves from Karamoja that is the truth as per communication yesterday. In actual fact, the Pokot are cattle rustlers, they are armed and I do not know whether as the Member was observing, they have surrendered their arms to Government so that they would say the Karamajong are marginalising them. But actually, they all have the guns and most of their guns are in Kenya. This is because they have dual citizenship. When, for example, Mr. Chairman, if you went to Upe now to call for a meeting, you will be asked to stay for about one hour while they go across to call for these people from Kenya to come and attend the meeting and also Mr. Chairman, the land which the Upe now are occupying, belongs to the Suk and Matheniko. During the boundary-demarcation of 1926, these people were pushed out by the white settlers in Kenya, - *(Interruption)*

MR. KIYONGA FRANCIS: Point of order. Is it in order for the Member holding the Floor to mislead this House that land the Pokot are occupying belongs to the Suk and Matheniko when in actual sense that is the land of the Pokot? It seems the colonial Government knew even when the demarcations were made and that is why they are still there up to now. I think that is why there is conflict between the Pokot and the Epian because the Epian are on expansionist policy. Is he in order, Mr. Chairman?

THE CHAIRMAN: He was only commenting on the points made yesterday.

MR. LOKERIS: Mr. Chairman, I would like to inform the hon. Member that if he is ignorant of his history, there is a book I will lend him after so that he reads about it.

THE CHAIRMAN: Please wind up.

MR. LOKERIS: Mr. Chairman, with these few words, I would like to thank you and I stop here. Thank you very much.

THE CHAIRMAN: Thank you very much hon. Lokeris for your contribution to the debate.

MR. SSEKANDI EDWARD: (Bukoto Central): I am Edward Kike Ssekandi delegate for Bukoto Central which is part of Bukoto County in Masaka district. Mr. Chairman, Bukoto county has these borders: in the South, we have the border with Tanzania in Lake Victoria; in South West, we have Kyotera, a county in Rakai district; in North West, we have Bukoto South; North East, we have Masaka Municipality and the East, we have Bukoto East. These are the boundaries for my area. The area is populated by people from various parts of Uganda and those of you who may want to settle in the area are most welcome.

Mr. Chairman, permit me to congratulate you and your deputy upon your appointment and to thank you for the good job you have done so far, at the same time I want to express the same sentiments to my fellow delegates for having won the confidence of the people they are representing. People from Bukoto Central have sent their best wishes and I am praying for you so that you successfully complete the important assignment entrusted to you. We hope at the end of the assignment, everybody will go away as a winner, nobody should go away as a looser. I wish

also to express thanks to NRM Government and all its organs for the commendable work it has so far done to promote peace, stability, unity and also to create political awareness in the people of Uganda.

The assignment we have, is a very important assignment not only for the present citizens, but for many more that will come in future. The Constitution we should make should not only take into account the relative peace we have now or the democratic sober leaders we have at present, but the Constitution should be a Constitution for all seasons so that it can also control wide and un democratic leaders that may be anti-people.

The people of Bukoto Central are satisfied with the provisions of the Articles in Chapter I relating to the constitution. However, I wish to warn the fellow delegates that if you want the peasants to protect and respect the Constitution we shall make, the Constitution must be pro-people, but the moment the Constitution we make is seen to be a Constitution for the elite, be sure, the peasants will not support it. The Constitution should carry the aspirations of people. We are making a Constitution to unite the people but we should not think that Uganda will be united simply by saying Uganda is a Unitary state or a Republic. We must make a Constitution that will make the people feel that it is theirs and the unity should not only be sought in terms of a Unitary Government, but the unity can be even achieved with a federal system of Government. I will elaborate on this later.

As for the Constitution to be known, it is necessary that it should be put in many languages of Uganda so that people in the villages can read and be conversant with the various Articles and when there is a need, they can easily invoke the Articles we shall have put in the Constitution to protect them.

The Constitution should be taught not only in schools but to the peasants in the villages and should be taught in military the Academy because as you know, our previous Constitutions have always been overthrown by use of the Army and security forces. So, it is necessary to teach the men and the officers about the importance and contents of the new Constitution we shall make.

As for Chapter 2, the people of Bukoto Central, propose that Article 4 of this Chapter is not creating good will especially among the people of Buganda and may be other areas which cherish the traditional leaders and therefore, people of Bukoto Central,

would like the word Republic dropped from this Chapter. The dropping of this word from this Chapter will not prejudice anybody; it will not change the public nature of Uganda but it will comfort and please the people who are not happy with this word Republic.

We accept English as the official language but as for the national language, people of Bukoto Central, think and strongly recommend that we should not rush in adopting another language outside Uganda to be a national language. Why do we not wait, why do we not teach our various language throughout Uganda and maybe after a period, we shall have dropped all these jealousies, prejudices, and adopt one of our language as our national language? Therefore, people of my area would like to be taught Luo, people of my area would like to be taught Ateso, would like to be taught Karimajong; in the same way, we would recommend that people in the North, in Teso or Acholi and so forth should also be taught Luganda, Runyankore and so forth. It would definitely give a bad image of people of Uganda to leave their languages and go to a foreign language the Swahili - the language of the coast. I heard many people saying in our area, I heard a delegate from Isingiro saying that the majority of the people in Isingiro are conversant with the Swahili, I do not know the statistics he had when he made that statement.

As for Article 6, although personally I understand the importance of this Article, that the Government of Uganda shall not adopt any religion as a state religion, but when I approached the people I represent, they were confused, they thought that what is being suggested by this Article is that Uganda does not care about religion whereas our Motto is "FOR GOD AND MY COUNTY." So, some ways should be found to include the fact that Uganda is a God fearing country. Thank you.

As for Chapter 3, the national objectives and the directive principles of state policy. People of my area seriously and soberly considered the provisions under this Article and were of the view that the contents in this Chapter cannot be enforced in the Courts of Law or Constitutional Courts, and therefore the best that we can do, is to leave the contents to the Parties when they come to take part in politics or the Movement to deal with this in the Manifestos and in any case, there is an Article on legislature, where there are committees. I think this is Article No. 143 on committees. These committees would be in

position to monitor and assess the performance of Government on various objectives that are in Chapter 3. Therefore, we recommend that this Chapter should be deleted.

As to Chapter 4, on citizenship, we are satisfied with the provisions as included in the Draft Constitution, even we are satisfied with Article 42(1) which is dealing with a child of seven. In my observation, it appears people have been against that Article because of the present, but the present I mean the problems that are in neighboring countries and they fear that such children may be brought to Uganda and eventually become citizens of Uganda. But the problem that is happening in neighboring countries is temporary and the Constitution we are making is a long-lasting document. So, as I said before, we should not make a Constitution because of the present, we should make a Constitution even for the future and therefore I do not see what the people who are against this Article are suggesting? What do you do with such a child you find in the streets of Kampala, to which country will you deport this person? We have had contributions here about Banyarwanda - Uganda citizens. Some people have been suggesting that we should find a name for these citizens, why? What shall we do with Indians, who are Uganda citizens? What shall we do with Goans, who are Uganda citizens? I do not support this idea of changing peoples tribes simply because they happen to be another republic carrying the same name; because I know one could be a Ugandan but at the same time, maybe a citizen of Rwanda. Would you say I am no longer a Muganda because I am a citizen of Rwanda? So, what is being recommended as far as citizens are concerned is to enforce the Constitution provisions and statutory provisions dealing with citizenship so that the proper documentation of citizens is made and we support the introduction of Identity cards for the citizens.

As for traditional leaders, we considered the Draft and we noted that in the Draft, the traditional leaders were dealt with in the general and miscellaneous Chapter. I quite understand why this was done. In 1992 when the Draft was being made, the traditional leaders were not there, but they were just proposing the restoration, may be they did not consider it as a very important subject, but as of now, when we are debating the Draft, as from 1993, the traditional leaders were restored, we have them, we love them and therefore they are important people, they merit a separate Chapter in our Constitution and I suggest

this Chapter should come just before or after the Chapter dealing with the Republic since the subject of traditional leaders and Republicanism are related. We suggest that since now we know who are the traditional leaders since the law has been in place for over a year, and areas that want the traditional leaders to be restored have done so, we should have a schedule in our Constitution listing the traditional leaders and areas under their control. For this I am suggesting for instance, Kabaka of Buganda controls Buganda and the schedule will include all the districts that were in Buganda prior to 1967. For the Omukama of Bunyoro, then you say Kibale, Masindi, Hoima as areas under his control or districts forming Bunyoro-Kitara.

THE CHAIRMAN: It seems hon, Member you are not clear enough, some Member is seeking clarification, if you give way please.

MR. KIRENGA: Point of clarification. I would like the Member to clarify to me the position regarding those districts which today do not want a monarchy, but might want him in the future. If those who have monarchies are listed in the schedule, does it not mean that you deprive others of having monarchs in the future? I would like some clarification, Sir.

MR. SSEKANDI: Thank you, Mr. Chairman. We shall put a provision dealing with the schedule to the effect that this schedule may be altered depending on people invoking the provision allowing the restoration of traditional leaders.

MR. TIBAMANYA: Point of clarification. As I said, Kashari county has a presence of some Baganda who subscribe to the cultural role of the Kabaka and by describing the boundaries of Buganda in the Constitution, it would appear the hon Member will be cutting the Baganda in my Constituency out. Can he clarify Mr. Chairman?

MR. SSEKANDI: Thank you Mr. Chairman. The position of the schedule was to show the territory. I was concerned with the territory rather than the people because you see, the Kabaka of Buganda, if you are not a Muganda and you are here, he is your Kabaka, why do you cause anarchy, by saying I do not respect him? So, the schedule was concerned with the territory, so I do not think the Kabaka of Buganda would go even to Kashari simply because the Baganda are in Kashari and this schedule would for instance help people of Ankole because you see:

Ankole has got four districts as I understand, you could well, find that maybe people in Mbarara may approve; maybe by referendum they want their Omugabe. So, we put a schedule Mbarara for Mugabe.

MR. TIGWEZIRE KASAIJA: Point of clarification. I am seeking clarification Mr. Chairman, from the Speaker holding the Floor as to what he means when he talks of the area which will fall under the control of the traditional leaders. Is the control political or cultural control?

MR. SSEKANDI: I will come to that when I am discussing Local Governments. As for maintenance of traditional leaders, the people of Bukoto Central are of the view that the traditional leaders should be supported by the people of the areas they control and this should be done through the Local Governments of the areas of control. They do not want for instance our Kabaka to be involved in national politics, they want him to be confined to Buganda, so the same should be - they suggest for Omukama of Bunyoro, Toro and so forth. They oppose the suggestion that he should be voluntarily supported by the people because what do you mean by that, because some people would refuse and this would cause anarchy in the area. So, it is better that the Local Government of the area supports the Kabaka. In any case, the traditional leaders are very useful people to peace, stability, and prosperity, why can they not be maintained?

Now I come to Chapter 5, fundamental human rights. Mr. Chairman, we have noted the contents in this Chapter but we have to observe that it does not matter how many rights you list in a Chapter. This Chapter has always been included in all Constitutions we have had, but all the same, Governments which are supposed to protect people have violated peoples rights with impunity. So, what we should emphasise when dealing with this Chapter, is the enforcement and awareness. People should be taught what are the human rights, they can be found, especially as the Draft includes Article 69, which says even if the writer has not included it, this does not exclude it. So, we support the introduction of a permanent human rights commission and we also support the encouragement of NGOS because it is the NGOs that are likely to fight for peoples rights. We welcome the provision of Article 75, which allows any person, even if he is not a victim, to fight for peoples rights if they are violated. Say, if the

people in Karamoja cannot come to court and say their rights are violated, any person is now entitled to go to Court and say his rights have been violated. This is an indication of solidarity.

As for peoples representation, while we support the idea of interest groups to be represented, we do not see the idea of putting a number of seats for those interested groups especially since the seats in the entire Parliament were not given, we think this should be left to statutes and in any case these interested groups should only be represented for a limited period of say, 10 years, after that one, then it should leave the representative of a Constituency to represent all other interests. We do not support the recall system, the recall system is not practical. The Draft suggests that a third of the people in the Constituency can sign a petition and the man can be recalled, imagine a person has won the elections with two thirds and the third one was against him, so this third who was against him, can put their signatures and the man is recalled. It is not practical and in any case, I do not know why the Draft does not suggest a recall of the entire Parliament if it does not measure to the expectations of the people.

MRS. RHODA KALEMA: Point of information. I would like to inform the hon. delegate that the reason which I personally have to support this Article and also which a lot of our people we represent have expressed a number of times is that we betray them, people go to Parliament and they do not go back, they do not participate with them in their development, they forget them entirely. So, I think there is a good reason why one should be recalled, I think there is a tendency of the representatives forgetting the people. That is the information I would like to give the hon. delegate on the Floor.

MR. SSEKANDI: I thank the hon. Member for the information, but I would have liked, if I would be enlightened, how do you recall an incompetent Parliament which is not delivering goods?

Now, on political system. This matter was seriously considered by the people I represent and at the same time, they are aware that the Draft in Chapter 20 talks about the transition in particular this is Article 292. Now, when considering the political system, we should consider the political system during the transition and political system after the transition. It should be noted that it is very important that we put a transitional Government. There is no way this

The Madi are a very heterogeneous grouping. We have three major languages in the same county: we have UPCS, we have DPs, we have UPM, we have NRM; we have catholics, we have protestants, we have moslems. Now, with that complex, you can see that everything will always be contentious *-(Interruption)*

MR. BYAKIKA: Point of Order. Is the hon. Member on the Floor in order to confuse us by saying that political parties are what he has called them - to be languages.

THE CHAIRMAN: I thought he was talking figuratively. So, you go ahead.

DR. ANIKU: Thank you very much for your protection Mr. Chairman. Mr. Chairman, with that complex background, we have supplied the Lugbara Version of the abridged Draft Constitution to the people. They have read it carefully and they have the following points to raise. In the preamble, there is a part which goes like this 'recognise our struggles against the forces of tyranny and oppression.' Because we are a heterogenous community, this section has generated a lot of argument among the people. While the DPs think the forces of tyranny they are referring to is Amin, the UPC and the Lutwa regime, the UPC think it is the Lutwa, NRM and the Amin regime and NRM think it is all the other former regimes. So, the people are divided just right from the beginning of the Draft Constitution and the spirit of writing a Constitution should be a spirit of synopsis or agreement. So, the people think that this spirit has not been reflected right from the beginning and they would like that particular *-(Interruption)*

A HON. MEMBER: Mr. Chairman, I would like to raise the Point of order in reference to what the hon. Delegate has put forward that the people are already divided. He says the UPCs think it is the NRM as he gave it though he forgot the CPs but is he in order to apportion Ugandans in those categories? Thank you.

THE CHAIRMAN: The Member is in order. Continue.

DR. ANIKU: Thank you very much Mr. Chairman, once again. The people think that this section should be modified to reflect the desires and aspirations without really stirring disputes or without pointing accusing fingers to a particular group.

Chapter 1 Mr. Chairman, the people of Okollo are happy with Clauses 1 and 2 which emphasize the sovereignty of the people and the supremacy of the Constitution. My people, however, think Article 3, Clause 4 (a) and (b) - this Article talks about encouraging people to defend the Constitution by whatever means and the people think that some criminals may use this Clause to commit murder, kill people and then turn around and say we are trying to defend the Constitution because we saw so and so conspiring to overthrow a government. So, they would like this particular Article modified so that people do not take advantage of it to commit crime.

The Madi people are very happy with Chapter 2 which talks about Uganda being a republic with its capital in Kampala and English as its official language. They have no quarrel with that and they do not want a state religion and they do not see any need for a national language because we have been doing without it for so long and so well. They, however, think Swahili could be taught in schools.

Chapter 3 sounds like a manifesto for a party and my people say it should be left out, if need be, a pamphlet could be produced and circulated as a separate document but not as a part of the Constitution.

Chapter 4 deals with the citizenship. This chapter gives comprehensive definition of the body responsible for ensuring who is a citizen, who is not and how you become a citizen. The people are happy with that but Mr. Chairman, my people like many other Ugandans, are very sensitive with the issue of some people illegally becoming Ugandan citizens when they are not. They are sensitive justifiably because we have had cases where Kenyans got Ugandan passports, they went to Southern Africa, they committed crimes - It was not until they were caught that we realised they were not Ugandans. So, Mr. Chairman, they are very sensitive on that issue. On Article 41 - My people say the issue of citizenship was resolved in the 1962 Constitution and it should remain as it is, in other words the cut off period should be 9th October 1962, - Independence time: not to go back as far as 1926. Mr. Chairman, the people say there should be a national identification card so that we know who is actually a citizen and who is not. They say it works in America, it works in other countries so it should be able to work here.

The village level government organisation should help to identify those who are actual citizens, those

who are trying to cheat us on our citizenship. I would like to caution here that we Ugandans have sometimes been over sensitive - some people see a tall brown guy and they conclude that he is a Munyarwanda and therefore, he is not a Ugandan. The other time an hon. member was talking about a tall black guy - he thought he was a Dinka, only to find he was from Arua. Mr. Chairman, this criteria of pigeon holing a person into whether he is a citizen or not is very wrong and many of us lost relatives during the 1979 war when Amin was overthrown. You simply had to have a few tribal cuts on your face then you were identified as a Sudanese and therefore killed in a mob justice. I have had similar discrimination to my own children. Last year I sent two of them to the village to get RC letters so that they could enter the Makerere University and the villagers saw them as Banyarwanda because they do not resemble anybody in their neighbourhood. Well, I think this is a very serious injustice: we should be very careful in establishing who is a citizen and who is not and there should be proper identification.

Article 42, Clause 1 - this talks about the 7 year old child found roaming a street and presumed to be a Ugandan. Like all my other hon. Delegates, I would like to say that nothing in this country justifies this Clause, except children who were abandoned and were found kept in orphanages or in adoption homes. Mr. Chairman, I do not know whether some people read this particular Clause and they are jumping ahead of us. Last week, I saw a child 4 or 5 years old - an Asian, no African features begging in the street and I was so surprised and about half an hour later I met Asian women - one carrying a baby: they were also begging and I do not think these are Asians who came as business people. I was wondering whether some people are jumping ahead and bringing children to abandon in the streets in the hope that they will become Ugandan citizens. That Clause - there is some complications.

A few women from my county asked me to express their desires and some of these women went to Zaire during the war; they were separated from their husbands and during exile they conceived, produced and they came back with babies and these babies are now in Uganda. Are these going to be Ugandan citizens? Or what are we going to call them? And these women cannot go back to Zaire where they met these people. That is some food for thought for all of you Delegates here. Are we simply going to reject anybody because the father was not a Ugandan or

because he was not born in Uganda. Article 45, Paragraph (b) - there is a serious issue here Mr. Chairman. This article talks about somebody who is given Uganda citizenship, later on he joins a foreign army or joins any army that is hostile to Uganda and this article says - this person's citizenship will maybe be withdrawn. Our people are suggesting that, it is not somebody who simply joins any army that is hostile to us but once somebody joins a foreign army, he has switched his allegiance. He is no longer a Ugandan and therefore, his citizenship should cease forthright.

Chapter 5 - the fundamental Human rights. My people support Article 51, Clause 2 which talks about the enjoyment of rights and freedoms as prescribed in this chapter. No person has to prejudice the right and freedom of others or the public interest. Now, the expression 'public interest' there, is a catchy word. In the past, this public interest paraphrase has been used by government to arrest political opponents and punish them. Our people believe this Article should be modified so that no government uses the pretence of public interest to punish its opponents.

On detention, Mr. Chairman, my people say a person should not be detained more than 24 hours before being charged and they say that the inability of government or the police or the courts of law to organise transport or to have the papers ready within that time should not be used as an excuse or to be put in a Constitution. That is the weakness of the system: it should not be a Constitutional matter.

Chapter 7, Article 101, Clause 4 - My people say that, although they would like to protect their president against Legal harassment, adequate provisions should be put in place to ensure that the president is not above the law and that was the Article which talked about - the President cannot be sued in courts of law when he is in office. Article 105 - Qualification of a President - they believe he should be a graduate.

The Legislature: My people believe that women should be represented at district level rather than the 15 women and they believe that the parties, if they are allowed, those which got 5 per cent and above votes in the general elections should be nominated to go to Parliament just as it has been done in some countries. The people support the right to recall M.P by voters if he does not perform to their expectations. Mr.

Chairman, my people say - voting in Parliament should not be by voice - it should be by ballot and they recall some recent incident in NRC where the Chairman ruled differently than actually the vote was. So, they think the vote should not be by voice but by ballot.

The people do not want to see the National Council of State included in the Draft Constitution. - *(Applause)*-

Defence and National Security: The people say the responsibility to appoint, to recruit and dismiss in the army should be that of the Armed Forces Services Board and that the president should only be consulted. The Constitution also should prevent the army from holding civilians in detention or in military camps. Where such people are arrested, they should be removed from such camps within 12 hours.

My people are in agreement with the IGG but they say the IGG should be appointed by the Parliament. The IGG and his Deputy should be appointed by the Parliament and the president should just approve it.

Land and environment: Mr. Chairman, land is the most important resource to man and all the conflicts in the world can be traced to have arisen from conflicts over fertility of soils. This fight may be disguised as tribal, religious but in most cases, it originates from control of this resource. The government should make it easy for people to own and lease land. Government should recognise the customary ownership of land. In the north, we own land by customary ownership. We do not have leases and we know each other's rights but the government does not recognise this. So, we would like government to recognise that. I alluded to the creation of the Ajai Game Reserve earlier. This game reserve was created in 1964. The boundaries were drawn in Kampala without consulting the people and therefore, the game reserves have got schools, dispensaries, technical schools, Divisional Headquarters, some farm lands inside them. Now, the people are demanding the following: That the boundary should be changed to exclude human habitation and they also want the administration of the game reserve to revert to the people. The people should run their own game reserves so that the game reserves can give them employment and they can control their own environment in the neighbourhood.

I left the most important Chapter which is Chapter 6,

on representation of the people. The people are all divided as to what kind or what system of government we should have after NRM Administration expires January, next year. As I said earlier, we have the different political groupings, they all have their strong arguments for and against parties or the movement. Now, the following view points seek to converge among all the people. They say although the issue of political system is a very contentious issue, even at county level, the following observations are very common to them.

One: For the multi party democracy you need very strong opposition to check and balance the government in power but political realities in Uganda are such that political parties are at presently internally weakened due to the long period of inactivation. The second observation they made was that NRM is the political wing of NRA and an immediate multi party elections may bring in power a party that may not even have similar views as the military leaders. This will bring chaos and misery to our people. The Burundi coup attempt is still fresh in our minds and it had similar complications. Number 3, the people say they see President Museveni as the engine behind the NRM and NRA successes in pulling us together. They are happy with the security and the unity so far holding in most parts of the country, but the people say - should the President retire, and leave the seat, can we be sure of this stability? Number four people say there is a perceived and real need for an interim administration for reorganisation and for information of our people. They say, should we grant this interim period of administration to the NRM or any group of people? The boundaries of such interim administration should be very rigid. If it is five years, the five years should be counted up to the dot of five years. Nothing should be extended beyond. Number five Mr. Chairman, the people say - there is need for more time for consultation among themselves and for us here Delegates to consult so that we can arrive at what will be good for everybody in Uganda.

These are the views and observations the people sent me here Mr. Chairman, they tell me to negotiate with all of you and reach consensus with Delegates so that we make a durable Constitution for our beautiful country. I thank you Mr. Chairman. All these I say For God and my Country. *(Applause)*.

A HON. MEMBER: Mr. Chairman, I find presence of a very important stranger. That is presence

of hon. Mr. Justice Benjamin Odoki who is here with us. I think the Assembly should recognise his presence here. Thank you.

THE CHAIRMAN: Hon. Members, my attention has been drawn and yours I am sure to the presence of hon. Justice Odoki the Chairman of the Constitutional Commission from whose hands came our working document that we are using in our deliberations towards making a Constitution. I think we should welcome him and give him a clap. *(Applause)* Justice Odoki you are welcome. As you can see we are making very good use of the material that came to us through your hands and let us look forward to your regular presence so that Members can be inspired by the Father of the Draft Constitution. You are welcome. Thank you very much

MRS. NTABGOBA (Women C.A. Delegate for Kisoro District): Thank you Mr. Chairman. Kisoro District is three years old as a District. It was Bufumbira County before it became a district and the residents of that district are known as Bafumbira. Kisoro District borders with Zaire on the south West and Bunagana is on the border and Busanza also borders with the Eastern part of Kisoro. Rwanda is on the South and West and the border town is Kyanika. The whole of the Western part of the district is Kabale District and Rubanda sub-county. the constituency of hon. Kanyeihamba is our immediate neighbour. The residents of this area use a mixture of Rufumbira and Rukiga. Kisoro stands at approximately 3,000-5,000 square feet above sea level. It is one of the highest in Uganda. In the 1991 census, the population figure was put at 1,866,000 but to be more precise we are over 2,000,000. One person is referred to as a Mufumbira, many people are Bafumbira. The language is Rufumbira and the county is Bufumbira. Historically, our leader was known as "Mutware Bufumbira" meaning "the chief".

The name Kigezi originates from Kisoro District. It refers to a pond of water and that was adapted as a district which included Kabale until recently. Most of the names given to our places and mountains are wrongly spelt due to misunderstanding of the European who did the naming. In actual sense, this disturbs Bafumbira because their names have got two meanings. It is their wish to ask the local government to correct these errors. Muhabura should be not called Muhavura - that changes the meaning. Mugalunga it has got a vowel after 'M'.

That should be changed also. Mfumbira is not Mufumbira. Sabyinyo is not Sabinoe. All those words have got two meanings and we will be happy to see them changed on all maps of Uganda. The only name which should keep its original meaning is Kisoro. The reason is that the Muganda, Mr. Sebalijja who came to Kisoro leading a group of Germans and British and some investors saw Kisoro hill and he described it in his own words by saying 'Ohusozu lulinga ekisoro.' So, that one, for the people of Bufumbira, means "it resembles an animal". The people in Bufumbira in Kisoro District have no objection to keeping the original meaning, however, the local populace normally put 'G' for 'K' but that is because of the local dialect or it can work together, the local people can call it as they wish but on the map and in books we adopt the letter 'K' for Kisoro.

The discovery of Bufumbira in the 17th Century, the movement as mentioned by hon. Kweronda Ruhemba saw some people go through Mbarara to Kabale heading for Rwanda and some, for reasons unknown, found themselves stuck in Bufumbira. They remained there and made their homes. The history of 17th Century was characterised by Kings of Rwanda sending representatives to rule Bufumbira and Kabale, Tanzania and part of Ankole and many more areas as you know. I will not go into much details of what happened in the 17th Century but I will straight away go to 1906 and the rest will be circulated to you at a later stage. The Baganda are known to have ruled Bufumbira for 19 years. During that time, the following happened. Joashi Ssebalijja who was a *Gombolola* Chief of Sabadu-Kajara, as he was leading these Belgians and German to discover more areas, he coordinated their movement through Nyakisenyi and settled in an area which we have mentioned - Kigezi and set their first camp there. In 1909, Ssebalijja with the three mentioned Capt. Coote, Sir De Courcy and Hall with their Indian and Sudanese soldiers reached Bufumbira and formed a resettlement in the county.

In 1910, the British took over Bufumbira and built its post in Kigezi and claimed Bufumbira as their own. At the same time, they claimed some areas of Kivu and sent their missions to the then Congo which is now Zaire. Between 1909 and 1945, other things were happening on the side of Kabale. There was Muhumuza who is believed to be the wife of Rwabugiri. She was also trying to take over that area but the British who had a firm hold on Kigezi area did

not allow her to do that. She went to Tanzania and left her son Ndungutse who was to remain in her place. When she came back she was sent to Bukinda and she remained underground. During that time again in Kisoro District, a man called Nyindo, who was a chief was sent from Rwanda by King YUNI V to Bufumbira as a satellite state of Bufumbira and he met three people - Mutambuka, Hagumakamwe and Mizerero who were Bahutu and did not manage to work with them. There were wars. Then Katuregye who was head of the Batwa encouraged wars and Batwa's job was to kill until the British took hold of the area. Now, as we proceed, Bufumbira did not have any particular King whether from Rwanda or from anywhere else until the British started their government.

It is believed that a man from Bunyoro-Kitara was also trying to go there and he went through Western Province, that is why all people from Western were known as Banyoro in the minds of some Baganda. It was not a prejudiced name but that is how they wanted to identify us. Then Ntokibiri was also from Zaire. He tried to control Kisoro District but he was so crude that he was later killed before he became a ruler. Due to lack of education, Bafumbira were ruled by other people and eventually a man called Philips and this was a British, became a governor of Kisoro and headmaster of our first school in the district which is now a teacher training college. They were teaching Swahili. The teacher was called Mr. Alikade and he was a Mugoya. That is how our education system started in Kisoro District.

Before this Philips left, he had made his Constitution - or maybe we can call it by-laws. He told said you chiefs you must love one another as well as people you are appointed to look after. He said you should respect one another. The young should respect the old and vice versa and in addition do not forget to ask advice from one another. You chiefs, you should work zealously advising the people in good ways of developing their country. If you fail to rule your country, the central government will call back the Baganda to rule you. After that, we had chiefs the Mutware Bufumbira and followed by the central government.

With that little history, which I am sure many of you needed, I go to Kisoro District and its needs. The people of Kisoro still-need water. The area has no water. Projects which are started there do not take off. They are abandoned and people keep suffering

without water. The roads are very narrow and winding and they scare people to go there including our own government representatives. We are waiting for these roads to be done. Electricity is not there and as you know without electricity, there is no modern development. Schools have deteriorated so much and this is due to negligence. Government finds Kisoro too far to reach physically but one can reach the furthest end of the universe through thoughts or by delegating other people to go there. If such things are not done, the people take it for granted that they are being neglected or marginalised and this is indeed a degrading treatment which violates people's rights. Generally, Mr. Chairman, when you say you are having a bath and you leave your head unwashed, you have done three quarters your body good service and surely a quarter of your body will remain unwashed. So, the government should try to equip every district with resources at hand to be able to share on tax payers money.

Let me turn to the Draft Constitution. The people of Kisoro welcome the idea of participating in the making of a new Constitution but they point out that it is not writing a Constitution only but it should be seen that the contents made should be learnt by every Ugandan and be implemented by all. Ugandans have this chance to make this Constitution, to unite everybody in our diversities. It should be further seen to guarantee the national independence and territorial integrity and sovereignty of Uganda.

The people of Kisoro, however, comment that they have observed that the Draft Constitution is too verbose. It should be precise and concise and easy to be understood by everybody. The size of the 1962 Constitution is the right size or it can even be made smaller. It needs to be compressed into a small handbook which everybody can read easily. They observed many chapters which should be merged together since there is a lot of repetition in the Draft Constitution. They said that as it is now being debated, it served its good purposes during the C.A. rallies when we had to sit and explain to the people. Chapter 5 is already summarised in The Human Rights Charter and since it is already summarised, we should follow this summary and avoid unnecessary words.

On the National Objectives and Principles of State, the people of Kisoro District support the government to encourage everybody to have a feeling of pride, the inner feeling of belonging and everybody is entitled

to undoubted nationality. We are all responsible for our country's behaviour. We should, therefore, have in place a strong law that eliminates all forms of ethnic, religious discriminations and discourage sectarian words and the names that can spark off chaos once used publicly. For example the words Tutsi, Hutu, Dokora and Banyoro. All those words should be discouraged because they affect people psychologically, when they are used in time of chaos or war. All politics of exclusion and hatred that characterised our past governments, should be discouraged. That, while making our new Constitution, we should avoid marginalising any group of people or we should discourage degrading treatment of any nationals. Mr. Chairman, we should respect all Charters and the Declarations of United Nations to which we are members.

All nationals should be issued with an Identity Card. Visitors who come to our country, need Residents Permit and if they are to stay longer, then they need Residents Permit giving them specific time. Investors will need work permits and these should be issued after investigating their personality. All organs of the state and people of Uganda shall work towards the promotion of national unity, peace and stability. That the state should strive hard to lay down some attractive ways that can unify all Ugandans without divisive acts. Nationals should be loved and not defied. We should all care for all our nationals because at times we find ourselves in hopeless and frustrating situations and no one seems to care. During famine and in case of a natural disaster, we should learn to share what we have individually and nationally. Leaders should try to equip their subjects equally. Bad leadership creates poor relationship. Some of these leaders are fathers and citizens who should create good environment for the children born and those unborn.

On land Mr. Chairman, Biblically, we believe that we were molded from soil and it grows our food that we live on. If soil is on land and people of Kisoro regard it as our parent and relative whom we should treat with love and great care. Our land is not much but we cherish it. It is a volcanic soil and so it does not need much manure. However, since it is so fragmented, we need a land tenure that fits our environment. Mr. Chairman, the people of Kisoro say that, much as many people would opt for Traditional Land Tenure, this will not enable people to acquire loans from banking institutions. We, therefore, opted unanimously for Freehold Tenure

but request that the government will regard our case differently and reduce the amount of money for buying titles or maybe give a discount for the same. The people do not see themselves affording to get Title Deeds to all the fragmented pieces of land. People of Kisoro strongly suggest that the Minister in charge of Agriculture should teach people the modern ways of cultivation to yield better crops. Irrigation is another idea which should be encouraged. Crop rotation and prevention of soil erosion are some of the things that people of Kisoro pointed out.

On citizenship, people of Bufumbira and of Kisoro District said that every Ugandan should be well identified and an Identity Card should be issued by a single central authority such as a Board. Recommendations should be issued by the local authority, those are the RCs. They should be empowered with authority to give clearance without fear or favour or even corruption which has characterised all our activities in our society. Children who are found without a name or after exhausting all investigations, there is clue to his parents or originality - this child should be named and be given a nationality and citizenship. Article 3 of 1969 United Nations Declaration to the rights of the child, provides that *'Every child shall be entitled to a name and a nation'*. Article 7 of the Convention on the rights of the child, provides that *'The child will have the right from birth to acquire a name and nationality and where possible a right to belong and be cared for by his or her own parents but where the parents are not known, then it is up to the state to adopt the child'*. All parties to this conventions, which includes Uganda should follow suit. Nobody should be rendered stateless. Expatriates or investors should always carry their work permits so that they are not bungled up with nationals. Every birth should be registered without undue delays.

On language, Mr. Chairman, the people of Kisoro District would like to see English continuing as the official language. They also support Swahili as the national language. It is the language spoken in our neighboring countries in particular, Kenya, Tanzania, Zaire, Rwanda to some extent. Its adoption as a National Language, will foster more regional co-operation, which is badly needed and in view of the current thoughts, to revise the old ties of East African Community. Swahili is also spoken and used on air time by Germany, France, Russia, China and U.S.A. You can see, therefore, how international and useful

Swahili is. If Swahili does not belong to any of the local dialects, no one will complain that one group has been favoured. So, those were the reasons for the people of Bufumbira to opt for Swahili.

They go on to support traditional rulers for those who want them but look after them. The people of Bufumbira say Uganda should remain a Republic. Bafumbira of Kisoro District would like to have their language Rufumbira recognised and added on Schedule 2 of the Draft Constitution. People were surprised, many of whom had read the three volumes of the Constitutional Commission - that whereas, people of Kisoro had been rightly referred to as Bafumbira in all the three books all along, they were left out in the Draft. They do not know whether it was deliberate or just an oversight. Now, that this is an opportune time to make a Constitution which will stand the test of time, let us correct all the anomalies that were unsolved. The people of Kisoro say - that the Resolution which was sent to the Minister of Information when they were asking for an air time still stands. They want their language Rufumbira for development and for unity of those different people in Kisoro who speak some of them speak Zaire Language, those on the border of Zaire, some of them speak Rukiga and therefore, they are all united to be known as Bafumbira to be able to build their district. They are being very careful of course, not to suspect anybody who would wish to divert their interests in the language of their choice. But they have all the confidence in you, hon. Delegates that you know very well it is one's right to choose one's identity. No one whatsoever maybe compelled to belong to any association or group unless of his choice. The Bafumbira have evolved into united groups and this is a principle of social factor.

On family, Kisoro people say that any serious person genuinely concerned about peace, unity development and democratic process that they are totally committed to, will know that for the above to be achieved, the nation needs a strong foundation which is a good home in all areas of Uganda, where a good citizen complete with all good qualities should grow. Families should be empowered to have love for one another. With this, parents will feel empowered to fend for their families unreservedly and suitably. Government should always be ready to subsidise the meager incomes so that undeveloped areas are not left behind. Forced marriages create bitterness to the lives of girls. It puts in them a feeling of rejection when they are forced to marry men who are not of

their choice and their offsprings grow in a bad environment of unhappiness. Parents should be taught to let girls and boys choose whom to marry and should use the modern methods to produce the children they are able to maintain psychologically, socially, spiritually and mentally. Dowries should be discouraged in many areas where parents bargain with the suitors when they are giving away their daughters. They propose that may be the word bride price should be changed to gift and this will be paid voluntarily to avoid this psychological feeling of girls being bargained for. Dowries leave some homes poor and when the girl reaches there, they do not have enough to build on.

The people of Kisoro observed a lot of violations of individual rights by men who after making sugary vows in church in few years time they turn around and share the goods they have vowed to give to the wedded wife even without consultation. They bring second wives or even third wives and the small saving of the first wife is shared by force. It is only on religious basis like moslems who should keep their tradition. But if you choose to go to church then follow the church Law. If you choose to be traditionalist you keep to your tradition. Do not mix this. They cause chaos. It is a contract between two people, but we have marriage rules, when one breaks them, they should be punished and this was overlooked in the past. It is only if a man marries more than one wife, and should really divide his property before he dies because if he dies before doing that, the second wife by Law has no property and this violates her rights. Church Leaders of Kisoro are very much concerned about marriage Laws. Government should specify them and teach them to Ugandans. Polygamy is another way of violating people's rights. The first and the Second wives, both their rights are violated, because in agreement the husband has promised love and if that love is shared that is a breach of contract. Children learn what they live with. I would like to wind up talking on the Parties.

The people of Kisoro District when asked, answered in chorus that they do not want Multi-Parties at all. For them it is Movement and the question of Parties must wait with the new generation to come. (Applause) Many people gave their differing views. They gave their personal experiences of the past and some of them were very sensitive. However, they say, that should the Movement be accepted by all Members for five years as proposed, they will follow suit. But after the five years then they propose a

Referendum should be held to see if they have changed their mind on the issue. They say the President should be given two terms after which he should give way to others.

On taxes, Mr. Chairman, people are concerned about decentralisation now. They say that the Government should clarify this to every national in Uganda. While districts should encourage their people to pay taxes in their districts, they should not charge double tax as it is happening in some areas. Where they reside they should pay the tax. But where they are working they should present the tax-ticket from their home area.

On security, the people of Kisoro expressed their concern of the continuity of using them as caretakers of refugees although we belong to United Nations but it is becoming too much because people of Kisoro suffer without due respect. Now they say, some refugees have gone back, they are forming their Government. But the new ones have doubled almost those who went back. Now they are asking the Government to make the security very tight because these people are too near the Boarder and normally they are followed and taken away, we do not know their fate. They propose that these people should be moved away from the boarder which is only 13 kilometres and be put away about 50 kilometres for their security.

The rest I will circulate to the Members because Kisoro District is a unique area which many of our Members or Delegates here do not know about. But I should give them a lesson so that when we come to start debating Chapter by Chapter you will support the people of Kisoro District. I thank you very much.

MR. OKALEBO HENSLEY EPHRAHIM (Bukedea County): Thank you, Mr. Chairman. Mr. Chairman, Bukedea County which I represent is one of the three counties of Kumi District which was curved out of the old Teso District. It lies astride on Mbale-Soroti road starting about ten kilometres from Mbale town, and continues up to its boundary with Kumi County in the North and then with Mbale in the South, Pallisa on the West and Kapchorwa on the East. Now, this being my first time to address you, Mr. Chairman and this Assembly, permit me to congratulate you and your Deputy upon your elections to the Chairmanship of this august Assembly, and also to congratulate the hon. Delegates to this Assembly myself inclusive upon our successful

election and nomination to the Assembly. Permit me to give special thanks and congratulations to hon. Kagemo, Delegate of Bukomansimbi, Masaka, who went through the exercise of elections twice and still emerged a winner. Mr. Kagemo, we say, once a winner always a winner. I also bring to you greetings and good wishes of the people of Bukedea who have asked me to inform you, Mr. Chairman, and hon. Delegates, that we are looked at by the public as the best choice of people for this noble exercise of Constitution making, and it is their hope that we will come out with the Document expected of us considering our diversity another fact which may have to be considered later.

I will not be very long because I hope I will have another time later. But briefly the people of Bukedea have told me to inform you that the Document - that is the Draft Constitution, together with Constitutional Commission Report do not cover their views or the would be intended views because the collection of these views and ideas were done at the time when peace, security and freedom were absolutely lacking in the area. Because there was cattle rustling which had caused the people to disintegrate and flee their homes for their lives. Then the insurgency and the way it was handled by the Government, especially by herding the people into camps where the rules of hygiene were disregarded, that caused suffering and death due to the outbreak of diseases like diarrhea and other causes, including starvation and torture and general suffering. They are also saying that at that time, deaths, burials, tortures even by the Government askaris keeping them in the dark ditches containing water for a number of days was the order of the time. Therefore, the chance, the mood and the ability, even to contribute effectively to these ideas was absent.

So, the views and ideas collected so far as they say, from Bukedea if any, were of few RC officials and individuals but not of the majority of the people of the county. We have gone through the Draft Constitution with them and they have asked me to come to this Assembly and say a few things about some of the articles. But before I do that, they have asked me to thank the NRM Government for coming up with the idea of making a new Constitution and say this is a chance we should all use because we do not know whether it will come again. But they say this step alone, good as it may be, is not the only factor or the only step to justify the NRM desire to have another term of office for five years as if Uganda is giving

them a reward for this particular step they have taken. They say there are other things and matters to be considered based on the general performance of the NRM since 1986 up to the time now. The people of Bukedea also say, that as we sit here trying to make a new Constitution we should bear in mind the philosophy of nationhood as the most important aspect that will bring us together. Until we realise that we are Ugandans of one Nation who should act together, it would become difficult to come out with a national Constitution. So, the philosophy of nationhood should also be accompanied by that of accommodation of the ideas of others since we live in diversity. Together with this we should also consider the principles of equality, democracy and respect for human rights which has been spelt out in the Draft Constitution. And then together with this, we have got to consider the objectives of our Constitution which should be based also on consultation, sharing of ideas and then the experiences and the principle for forgiveness of one another for the wrongs that might have been complained of before. But to them they say, they have so far observed that the spirit of nationhood appears threatened.

When you are considering the Draft Constitution you should also bear in mind these threats. One - there was a public announcement or declaration by the President who is the Leader of the NRM/UPM and the Government that the Movement had won the C.A. Elections. (*The New Vision* and *Daily Topic* of 31st of March, and 3rd of April, 1994). The question they asked is, "the Movement has won the elections against who?" They asked this question because we were supposed to go into the elections on non-partisan basis and then the political parties were kept in suspension and they did not even participate. Then they are also saying that the un-leveled ground at the C.A. elections is another point to be considered. This is where the NRM Secretariat, using public Funds, went out to pay public mobilisers and organise the youth elections and so on and they are also saying, continued suspension of political Party activities against the wishes of the people which are stated in Article 59, parts 'D' and 'E' of the Constitution should be looked at. There is the question of unequal representation where political Parties are given two Delegates each and that the President has got ten nominees and they wonder what particular interest the President has - so as to cover an area of ten Constituencies. Now, they say other aspects of this matter will come later but one thing is let us work for the good of our country and for our future. We must

strive to produce a Constitution that shall be the final settlement of all that we may have been complaining about.

Now, on the aspects of the Draft Constitution, they have asked me to say, Mr. Chairman, that Article 23 (ii), which talks of assisting the least developed areas to develop, the people are saying that there should be a statute to put out a score board, giving the best performing district and also showing the least performing district. This will help the nation to move together in that when the Central Government releases the Funds for assistance for a particular district, that district is accountable to the whole nation and we see the annual growth rate or development rate of the districts, so that we move together as a Nation.

On citizenship - Article 42, sub-article (ii), they have sympathy for the children being considered in this particular article. But they suggest that let the National Council of Children, maybe together with the Minister responsible, come up with figures of the numbers of these children so that we may know how many they are so that also in future this one does not become a continuous exercise where for one reason or another, some fellow in need may just push their children into Uganda and they say they become citizens by birth. They are also saying that if they are to be given citizenship, it should be by registration after the Government has established an institute where to keep these children because they are in need of care and protection and also education. Then they may be allowed to grow up to the age of maturity when they can be screened and be given citizenship where found necessary.

Then they jump up to Article 280 - Administration of Estates. They say this is an area where particularly mostly widows have suffered a lot in the hands of unscrupulous relatives of their deceased husbands. So, here they suggest that FIDA should be strengthened, given support and assistance so that it comes forward to the aid and help of these widows especially when it comes to making applications for letters of administration especially where the widows themselves cannot do it since they do not have the knowledge or may not have the knowledge. So, FIDA should come up as a Body to assist in this respect especially where there are conflicting claims by the relatives of the deceased.

Another question that bothers the people of Bukedea

is their own security against their neighbours. They are saying that they have suffered enough if not more than enough in the hands of their neighbours or some of their neighbours. So, what they are suggesting now is, especially the cattle rustling issue, they are saying there be a Constitutional provision that the Central Government together with the District Administration of the area concerned should be vicariously liable for the wrongs of their citizens or their residents who go out to the neighboring areas to rustle cattle and to do other acts which are criminal.

THE CHAIRMAN: Hon. Member, I notice a hand of a Member. Are you ready for the information?

MR. OKALEBO: Hon. Chairman, I am sufficiently informed. So, I am not taking it.

THE CHAIRMAN: Please proceed.

MR. OKALEBO: Thank you, Mr. Chairman. The people of Bukedea have also considered Article 67, sub-article (ii), because they are mainly workers, and workers who have fared very poorly. They say apart from giving a worker a rest and leave, the employers must also ensure that they pay these workers their Leave salaries together with transport so as to enable them to go to their respective home areas may be to join their families be able to develop or do some jobs that are beneficial to their families like farming since they cannot survive on salaries alone. What they say has happened so far is when a worker is given leave, he is not paid his dues, he is left hanging there in the place of work and he does not even go home. So, may be the wife staying at home will expect him without seeing him, the excuse say being given that there is no money to go home.

Now, I come to Judiciary. People of Bukedea say, this is a Body which is one of the three main Bodies of Government, that is Legislature, Executive, and Judiciary. It is a body whose function, duties and expectations are well known. That is administration of justice in the Country. It is an essential and sensitive organ of Government responsible for the interpretation and application of the laws of the Land including the Constitution. By this assignment, the Judiciary becomes a Law making Body thereby making the Law grow and alive to the changing conditions and circumstances of society or a nation. By its role, the Legislature and Executive all owe respect and allegiance to the Judiciary which, is the national social clinic in which the disputes and

suspensions are handled according to the established rules of procedure. To do its noble job peacefully, interferences by other organs of Government and individuals must be excluded and excluded absolutely.

Some blame that has been directed on the Judiciary have been caused by such interferences, by some Members of the Executive and even of the Legislature, who plan to push into the Judiciary system their own concepts of Justice outside the legal system. For example, popular justice against legal justice. Some say popular justice is preferable to legal justice and therefore, the popular justice should prevail. But this as a matter of Law is wrong because that is not the concept we are applying. Here I will say, a person suspected of having committed a criminal offence and taken to court is presumed innocent until he is proved guilty, and the principle is that he who asserts has the duty to prove. That is what we have and we cannot run away from that unless we change it in the Statute Books. Another one is a person suspected of having committed a crime and taken to court, they say he should not be granted bail because it is believed that since he has been arrested on suspicion, he must have committed the crime because there is no smoke without fire. This is dangerous in our society, if we are to apply the rule of Law and whatever you do or say, you must also do it or say it bearing in mind that those judged with the duty of administering justice, are not given difficult conditions which they cannot fulfill and whereby justice will not be seen to have been done.

Another point is that to say the remand of the suspects for sometime so as to allow the tempers of complainants to cool is no justification for prolonged remands of prisoners or suspects. This is causing undue and undemocratic suffering of the citizens of this country. Even the idea of remanding the suspects for long periods to allow the police to finalise their inquiries is no just excuse. The Constitutional right should be a constitutional right unless removed correctly by the Law. Some of it, if not all these things, were directed to be done by the Members of the Judiciary to be done with the full knowledge and awareness of even those knowledgeable on the legal position of this presumption of innocence. I know the people who have suffered - who have been victimised for the truth and for upholding the Law. But be it as it may, we must bear in mind Article 15, sub-article (ii), part (a) of the 1962 - 1967 Constitution. The disregard of the Legal principles, led to the making

of harsh and unrealistic laws which were oppressive and difficult to administer. One of them being the Law of Bail. How do you keep a man away from his home for 480 days and you think that is Justice. At the end of the day you say the judges have been withdrawn against him or he goes away with an acquittal and goes back home empty handed not even compensated by the Government for the suffering he has had while in prison. (Applause) They say even the release on bail should be based on certain conditions and capital offenses say, a special circumstances - old age or bad health. Who, while in prison against your own wish, you did not apply to go there, can be said to be in good health, and caught up by this harsh Laws were some suspects who are suspected of having committed crimes and are below 18 years are remanded with adults in one cell. But because we lack cells for the remand of these juveniles they became or they are subjected to many abuses by the adult prisoners. So, here (interruption)

MR. LIIGA: Point of Order. Mr. Chairman, the hon. Speaker was a High Court Judge but he never lifted a finger against the very Laws he condemning. Is he in order, Mr. Chairman.

THE CHAIRMAN: I think he is entitled to express his views. Please proceed.

MR. OKALEBO: Thank you very much, Mr. Chairman. Let him also remain with his views. Going on with this particular subject, we should also note that in our own societies, a sentence of caution is established by Law not by an individual. So, where a sentence of caution is passed by a court, it is a legal sentence. It should not be abused by the Executive because it is lenient against the person who has used it because this one is an erosion on the principle of Law and administration of Justice. Now here again let me consider the problems that the Judiciary has faced.

The Judiciary does not have enough Court Halls. The Judiciary does not have houses for its staff, maybe the Judges have, if not, not all of them, and the causes of delay in the administration of Justice are blamed on the Judiciary when in fact, I should send some of the blame to the Minister for Finance. This is the Ministry that releases funds for the High Court, especially to conduct sessions, in bits, and when the money is finished a Court cannot continue. The Ministry of Justice should bear in mind that the administration of Justice cannot be compromised.

And the Budgetary Estimates of the judiciary should not be questioned and should be taken as they are so that the nation can see how the Judiciary can delay the administration of justice. This is when they will be questioned.

Now, I come, Mr. Chairman, to political systems. This is what my people have told me to say. It is their view that considering Article 94 to 98, it is un-constitutional and may be unprecedented, according to their knowledge, to begin discussing one political organisation in the Constitution, and keep the others at the background. They therefore, say that these Articles are not even fit to be where they are, but they should have been placed under the transition provisions for consideration if need be. They are saying Article 94 - "...that the Movement type of Government in existence shall continue..." They ask and say continue to what. This is the Government which has been in office for nine years now, we do not know what balance of work they have to finish, we do not know what will happen if they finish it in two years, we do not know what will happen if they do not finish it even after the five years and then after the five years, you come back to the people and say, let us hold the Referendum, "shall we go back or not?" They say this one is a very unfortunate and an unconstitutional issue, which should be disallowed by this Assembly, because by the following articles from 95, the Movement is seeking authority from this House and Parliament to make preparation for the national coronation of the Movement. This coronation of the Movement presupposes that if the Parliament makes Laws relating to organs of the Movement and to assign them functions, this is what they look at as a coronation of this Movement and which presupposes that everybody owes allegiance to it which is contrary to the views held by the people of Bukedea. This coronation they say might give a license of continuation to the N.R.M. as Article 96 keeps other political parties under suspension, and worse still a suspension that appears indefinite, a suspension that looks like there is no way of seeing a chance of it being lifted, not even before the elections.

So, if the N.R.M. continues for another five years, even the suspension may continue for five years. When this one happens even after the five years, they will say the Parties need time to organise. Here again they say, if the reason advanced is that Parties are to reorganise themselves, who is this one speaking on behalf of Parties. What time did the N.R.M. or

Movement take to organise itself when it came from the Bush before it ruled. The political Parties are in position. Their existence is recognised even by the Government by allowing two representatives of each Party to come to this Assembly. So, the reason for saying that they need time to reorganise is arguable and unreasonable.

They say this kind of thinking is inward looking and as a matter of fact it creates a feeling that other Ugandans are of inferior type - incapable of thinking for themselves and if this is true then the philosophy of the N.R.M. may amount to a tyranny. If not recolonisation of the minds of other Ugandans. (Applause)

THE CHAIRMAN: Hon. Member I can see the hand on the Floor.

MR. OKALEBO: Not needed, Mr. Chairman. If there is an attempt to recolonise the thinking of other Ugandans, we say, considering Paragraph two of the preamble to our Constitution, they say we should fight all forms of tyranny and in the words of Thomas Jefferson, the famous American President, he says, "we should swear eternal hostility against any form of tyranny over the mind of man." Mr. Chairman, the people of Bukedea wish to inform you and the Assembly that they have not seen or even received or even perceived any peace and stability in their area. So, when you talk of N.R.M. having ushered in peace and security, when they are dying, right now they have famine not because they are lazy but because somebody took away their means of cultivation. And then worse still and sad enough, during the meeting held in Madera on the 19th of January, 1994, which was attended by a special Assistant to the President in the names of Peter Lokiris, a revelation was made by Mr. Loumo, one of the leaders of the warriors, that there were three people or three groups that were responsible for rustling cows in Teso or in Bukedea. One - the Karamojong themselves; two - the N.R.A; three the rebels in the bush, and people say if Government participated in this rustling and has not even come up to put them right in what they lost, they do not see anything good in saying the same person continues in office for another five years.

They finally suggest that if we go into this Constitution making and eventually elections in 1995 under the present arrangement, we shall be unfair to ourselves. So, they suggest that since the N.R.M. claims popularity throughout the country, let it leave

office now, go out either to operate as U.P.M. or become a Party known as N.R.M. and then the followers of this Party will follow the leadership wherever it goes by whatever name and then they participate in the elections with other Parties and they get elected back into authority. It is by this process only that we shall see justice and democracy in our midst. Otherwise, staying where we are now may give some others a thought that may be it is time to act against this kind of tyranny. And when this happens, Mr. Chairman, should it happen at all, Mr. Chairman, they say Article 3, sub-article (v), even gives undue protection to the N.R.M. because in the event of someone else trying to remove the N.R.M. in power, because of its undemocratic means it is trying to use, the N.R.M. will always come round and say, we were defending so we committed no offence, and it is their suggestion that this provision in Article 3 should be amended by saying that any person in leadership say, a President or any other who fails or refuses to hold elections when they are due, or after holding elections refuses or obstructs declaration of results because he has known that he has failed at the polls also commits treason, and should be punished according to Law. So, Mr. Chairman, I think I will have time to deliberate on each Article as we go by, and for the time being, I think that is enough, Mr. Chairman. Thank you very much.

MR. OGOLA AKISOFERI MICHEAL (West Budqma South): Mr. Chairman, thank you very much for giving me the Floor. Mr. Chairman and hon. Delegates I recall that on an earlier occasion, I had the pleasure to extend to you and the hon. Deputy Chairperson, my many hearty congratulations upon your election to your respective high offices. Even then, I must say how happy I am at the excellent manner in which you have steered our deliberations so far and I am confident that the good humor, wit and the friendly atmosphere that you have set an example of here will remain with us to the end. I also wish to congratulate all our Colleagues here and to appreciate their total commitment to this assignment of writing and promulgating the new Constitution. Mr. Chairman, talking of the words, "total commitment," I would like to recall a joke about total commitment. Chicken and the pig were taking a walk on the street, window shopping. And they came to a restaurant where they saw a menu displayed on the window. The chicken told the pig and said that when he read the menu, among other things he read eggs and bacon, fried chicken and

spare ribs. The chicken told the pig - it said, "look how happy we make human beings. Let us go in and see how happy they actually are with our contributions". But the pig declined telling the chicken. "You know, I will not go in. With you chicken, sometimes you only contribute but in my case, it is always total commitment". Therefore, when I say, 'total commitment', I really do not imply the pig's type here, but I mean commitment to the purposes for which we have come here.

In the little Book entitled 'Alice in Wonder Land' by Lewis Carroll, there is a passage which most Ugandans would find suitable on occasions like this. The passage in question describes Alice, who having got lost in the maize under ground is groping to find her way out, but without much success. She meets a cat and asks it for direction, and the following is the conversation. "Cheshire Puss" Alice began, "Would you tell me please which way I ought to go from here?" "That depends a good deal on where you want to get" said the cat. "I do not much care where" said Alice. "Then it does not matter where or which way to go" said the cat. "So long as I get anywhere" Alice added as an explanation. "Oh, you are sure to do that" said the cat, "if only you walk long enough... In that direction lives the Hatter and in the other lives the March hare. Visit either you like: they are both mad". "But I do not want to go among the mad people" Alice remarked. "Oh! you can't help that" said the cat, "we are all mad here. I am mad, you are mad". "How do you know I am mad?" she asked. "You must be" said the cat. "Or you would not have come here". If I were to say that the people of Uganda are mad, in the literal sense in which the cat described the character in the above passage I have just quoted, I would, in all probability, be drowned in the chorus of points of order demanding substantiation. On the hand, however, in a colloquial sense, Ugandans are mad, they are angry, they are fed up with the way political life of this country has tended to be run for the better of 30 years since our Independence. (*Applause*) I can only mention few areas in which this is so, otherwise the list would be very long.

Ugandans are weary of the way regular, almost predictable and violent changes of Government has become the norm rather than the exception. They are angry at the "holier than thou" posturing assumed by those who violate the constitution in the name of preserving it. They are overwhelmed by the extreme hatred and sadistic violence meted out by the aggres-

sor upon the people. They are fed up with those who keep changing the rules of the game each time they are about to lose the game.

Mr. Chairman, Ugandans are fed up with the Orwellian Double Speak in which the violation of human rights is called freedom. Extreme poverty is called development; Daylight robbery by the Revenue Authority is called tax administration; and where foreigners are called citizens.

Imagine a Soap Opera written to depict the Constitutional crises in this country written as a musical chair staged entirely within the confines of Government. The partners in this dance macabre go by the group names of the "Inners" and "Outers". The dance is characterised by the inners indulging in an excessive orgy of greed, selfishness and more especially sectarianism. The dance has no set rules save that "Might is Right": Whoever wins by force takes the Chair. Thereafter the winner talks alone until the next "Outer" becomes the "Inner". Mr. Chairman, the music is from a very old record with a title so long that it is abbreviated to DRIP. This stands for Dreary Repetition of Insipid Propaganda. The people (spectators) are often called to see the so called concert but they find no dance at all; only disagreements, fights, blood letting. The farce is repeated every so often but on an average of about ten years. The present "Inners" have now been there for nine years. Thus, since the first general election in 1961, this cycle of the "Inners" and the "Outers" has been played on the political stage in no less than six times to date. And except in 1962 and 1980, all the changes of Government arising from the musical chairs have been violent with incalculable loss in human life and material.

While various interpretations are instantly given as to why the Constitution was violated, the only thing we seem not to do is to learn anything so as to avoid violence in politics.

The 1962 Constitution was violated in 1966, and it was replaced by a temporary constitution and then a permanent one in 1967. In reality the Constitution was actually violated in 1964 when the first President was ill-advised to choose the more extreme line of political confrontation when the diplomatic one of negotiation could have contained the explosion. Admittedly, he was given no choice at all for whether he chose to sustain the Constitution or not, he was set to preside over the dissolution of his own empire. To quote Winston Churchill, he chose war, it was a far graver mistake instead. Nevertheless, Mr. Chair-

man, judgement by the wisdom of hindsight is indelicate and we should not overdo it.

The 1967 Constitution, has been violated no less than four times: in 1971, 1967, 1985 and 1986. Each time after the violation, the country is subjected to a spectacle of verbal diarrhoea spewing out selected denunciations of certain Governments we have had before. The guiding principle seems to be that if a lie is repeated long enough, the general public will ultimately accept it as the truth. This Nazi policy of the Big Lie has reduced our Governments into a farce. For instance, protracted war was fought in Luwero Triangle on account that the 1980 general election was rigged. Yet in a rare burst of candour, the President of this country has stated many times since he assumed office that actually the said war was not at all provoked by the alleged rigging of the 1980 elections, because there was no rigging. But that the rigging allegations were just a subterfuge to justify going to the bush because he had a political programme, the implementation of which could not be accomplished without having political power first. So, in the end he justified the means. Yet, Mr. Chairman, only recently, the hon. Sam Kutesa, the High Priest of Double Speech *(Laughter)* - who himself won that election over the very President now in power, and who says there was no rigging, came here fire in hand, and made a statement implying the most incredible scenario. What he said in fact added to this that the U.P.C somehow rigged the election in favour of the D.P. in which he was standing as a candidate, so as to defeat the U.P.M. in the Constituency of Nyabushozi *(Interruption)* -

MR. SAM KUTESA: Thank you, Mr. Chairman. Is it in order for hon. Akisferi Ogola to allege contrary to what I stated here that U.P.C. rigged in favour of D.P. for me to win because they were against U.P.M. while in fact they had a candidate of their own who became number two to me, exactly benefitting from the rigging as I stated in my speech here. Is he in order to misquote me and misinform this House -

THE CHAIRMAN: No, the Member stands corrected. Please could you go ahead.

MR. OGOLA: Thank you very much, Mr. Chairman, for protecting me. Mr. Chairman, I had not completed the sentence. I was saying, that what the hon. Sam Kutesa had argued here, was tantamount to suggesting that somehow since he won the elec-

tion, but he was saying that U.P.C. rigged election. But against whom now in this case. He won, the President now lost, even the U.P.C. candidate lost to him. That is why I am saying, this kind of argument is so unfair that I asked here and said, can you buy a second hand car from hon. Kutesa. Because this kind of gentleman can always fiddle with the speedometre in order to show that the car has not run long enough.

A HON. DELEGATE: Point of clarification. Thank you, Mr. Chairman. I would like the hon. Delegate to clarify to this House whether there was only one Constituency in the 1980 elections that had a problem of rigging?

THE CHAIRMAN: No, he was referring to the statement of hon. Kutesa. So, I think he should continue.

MR. KUTESA: Point of Order. Mr. Chairman, hon. Ogola has stated that nobody can buy a second hand car from me. Is he in order to impute that I am a liar or unreliable?

THE CHAIRMAN: If he is saying that you are a liar then he is not in order. He should withdraw that portion of his statement. It is well known that when you refer to someone as a person from whom you cannot buy a secondhand car, he is supposed to be a liar.

MR. OGOLA: Mr. Chairman, I withdraw with apology.

THE CHAIRMAN: Okay. Please proceed.

MR. OGOLA: I was about to continue, Mr. Chairman, and say that part of our constitutional problems in this country are based on selective denunciations of what is wrong, and in our country, this has been concentrating on the U.P.C. This has made some people swear that they would not have anything to do with political Parties anymore. But Mr. Chairman, in my opinion this attitude is as futile as rejecting fire. Just because it once burnt one's parents to death. This reminds me of the conversation between a man and a sailor - both are friends. And the other man asked the sailor and said, "Mr. sailor, how dare you go to sea, your grandfather and your father both having perished in this sea." The Sailor retorted with a similar question, "Oh, what about you, how did your grandfather die?" The man

replied, "in his bed peacefully". "How about your father?" The sailor pressed the questioner, and the man replied, "the same way I told you, peacefully in his bed." So the sailor asked the man, "then how do you go to bed?" The shallow and frivolous accusations labelled against political Parties should really cease. They hold no substance and they are intended to make a scapegoat only of one party, the U.P.C, with the intention to cover away monumental acts of pillage and destruction meted out to innocent people by the other Parties including the N.R.M. (*Applause*)

MR. KARUHANGA: Point of information, Mr. Chairman. The speaker, hon. Ogola was my neighbour and a very good friend in 1980 at election time, and I think there was nothing that was happening that we didn't share together at that time to the extent that he even advised me to escape from the country. Now, I am surprised that he thinks that the sailor should not have advised his friend to go to bed because his father had died in bed like his grandfather. So I would like him to help me to know if these parties come back, whether he is not going to advise me to run away again. (*Laughter*)

MR. OGOLA: I thank the hon. Karuhanga for his observations and I think I should stop there protempore, we should have another occasion to reply. But because of time may I continue, Mr. Chairman. I was saying that, that the fellow asked the gentleman, how dare you go to bed after all that. So I was saying that these accusations about parties committing crimes should be general and not selective. When they are selective Sir, these other groups that condemn so much in my opinion, are like some one trying to cover an Elephant with a bath towel; People can see the Elephant without much effort, and no matter what you do you cannot afford to cover an elephant with a bath towel. So I wish to plead fervently, that as a country, we must start a new life and observe certain time tested parameters in order to ensure that democracy is protected in the country. Therefore, we must develop a spirit of tolerance, of give and take and willingness to work by the rules of the game. We must accept the fact that in democracy both the party in government and the one in opposition are constitutional, and that their functions are expected to be complimentary and not antagonistic, and that is why the British call the opposition Her Majesty's Loyal Opposition, While opposition is necessary. Mr. Chairman, it is really not a responsibility of any government to create opposition against itself. There-

fore opposition for opposition's sake is dishonorable and provocative.

In order to inculcate a democratic culture, all parties in the game must identify the highest common factor in the arithmetic of national interest so that in the end one party should not get unduly worried whether the other party has come to power. A loser party should contend with a temporary disappointment but should allow the country to go on. In other words, national- (*Applause*)- policies should be a continuous process. Regular free and fair elections should be held, and any short cut to power must be avoided. This way, the voice of the people would not be myth but the reality. Finally we must not entertain the notion that only one man possesses primordial virtues and others attributed to leadership. Mr. Chairman, democracy is not just words slogans or jargons, it is a very difficult concept to handle because it is a double edged sword. Nearly every one seems to want to be regarded as a champion of democracy. Nevertheless they are deadly afraid of the results yet there is no system better suited to serve the people. The functional equivalent of democracy in economy would be free enterprise. The two handled well together will move a nation to prosperity. Set backs such as Uganda has had to contend with, must not prejudice us against democracy. So, Mr. Chairman, before I leave this introduction, I must touch briefly on the role of foreign forces in the destabilization of our constitution.

It is not true to say that the distabilization of our political system and violations of our constitutions have all been due to our perceived high national propensity to violence and disorder. On the contrary, the role of colonial, imperialist, neocolonial forces whose interests are best served by our internal political disequilibrium should not be ignored. The further away we seem to have advanced in age as a nation, the more tempting it is to argue that it is far fetched to discern the neocolonialist stand in our turbulent 30 years after independence. This temptation of ignoring imperialism grows in direct proportion to the undemocratic manner in which a government comes to power. The more undemocratic a government is, the more it will remain dependent upon foreign powers for legitimacy and survival. (*Applause*) After all, our power to identify heroes and villains among ourselves is extremely blurred. Foreign powers are determined to do that for us as indeed they seem to underwrite the NRM. For this reason, many among us now may not accept the view that if

it were not for the direct interference of the UK Government in 1966, and of Israel in 1968/1971, perhaps the course of our political history, would not have taken such extreme and uncompromising dimensions. For while we were more independent during the early days of independence, we are much more vulnerable today. Such external interest peg their relationship with us not on the interest of the masses but on the survival of one man or a handful of men who can sell them the country in exchange for their own personal survival in power come what may.

Therefore, as we prepare for this constitution, let us not think only of the political wing of the field, the economic wing poses a far dangerous specter to our democracy than we may be prepared to admit. The extreme poverty, the higher and heartless taxation, the beggarly bastard state to which the Structural Adjustment Programme of the World Bank has set us, go directly against our constitutional rights. It is vital that we do not lose sight of external factors as we prepare this constitution.

The electorate in West Budama South have sent me here in search of democracy. They urge us to write a constitution that is simple to follow, flexible so as to take the distresses and strains in democracy, workable and hence acceptable to the people of Uganda. They nevertheless urge us to look out for yet one more danger, that this Assembly shall not find itself divided into contending camps: that of the people on the one hand Versus that of the government. For we are not here to defend the government, we are here to see to it that the constitution that will emerge will truly forge a Nation State out of a State of Nations or tribes that we are presently. Therefore, we are like sculptors asked to carve an elephant out of a large stone. What we have to do is to chip off those parts of the stone which do not look like an elephant and to do that we need to approach the task in three ways: One, to seek the way of negotiations and not confrontations in the true diplomatic sense. Words such as non negotiable leading to certain impulse to close the door shut will not be helpful. Mr. Chairman, I am speaking as a carrier diplomat, and when I was learning diplomacy, my professor told me two things, he said there is direct line up between a diplomat and a lady in the use of words except that they are in the opposite direction. In that what they say is always the opposite- what the diplomat says will be in the opposite of what the lady will say. When a lady says no, she means perhaps *-(Laughter)-* and

once she says perhaps she means yes, and when she says yes, then she is no lady *-(Laughter)-* On the other hand, Mr. Chairman - *(Interruption)*

THE CHAIRMAN: There is a point of order on the Floor.

MR. OGOLA: Mr. Chairman, with your permission, can that point of order come after I have given the other side of the Diplomat, otherwise the joke will not come.

THE CHAIRMAN: There is a point of order, you must give way.

MRS. KABIRISI RUBERENGA: Point of order. Thank you, Mr. Chairman. Is the speaker holding the Floor in order to impute that we ladies do not normally mean what we say; at least that is what I understand him to be saying, and I wonder whether that is in order, Mr. Chairman.

THE CHAIRMAN: I think the hon, Members was still proceeding to give the other side of the diplomat then we can compare the two. *(Applause)*

MR. OGOLA: Thank you, Mr. Chairman, a country which has no sense of humour is no worse than an atomic bomb.

THE CHAIRMAN: I have ruled that let him give the side of the diplomat then we compare.

MR. OGOLA: Thank you, Mr. Chairman. I was saying on the other hand, when a diplomat says yes, he means perhaps, and when he says perhaps, he means no, and when he says no, then you know he is no diplomat. And that is why I am saying that if we have come here to negotiate, let us avoid the word 'no'. The advantage being that in all negotiations...

MRS. MIRIA MATEMBE: Point of order Mr. Chairman. Your ruling was pending the final statement, now that the statement is concluded, is it in order Mr. Chairman for the hon. Member - protection, Mr. Chairman, these people behind me are about to jump on my neck.

THE CHAIRMAN: Please, do not. *(Applause)*

MRS. MATEMBE: Is he therefore in order to sit in this hall and rebuke women?

DELEGATES: No!

MRS. MATEMBE: Yes, and rebuke women, Mr. Chairman, by implying that they just do not know what they want, they do not know what to say, they do not mean what they do. Is he in order, Mr. Chairman, to use even sexist analogies in this hall?

THE CHAIRMAN: Hon. Ogola could you clarify whether that is what you meant!

MR. OGOLA: Mr. Chairman, that is not what I meant. With due respect Mr. Chairman *-(Interruption)-*

THE CHAIRMAN: There is another point of order, yes.

HON. DELEGATE: Thank you, Mr. Chairman, I do know how to take a joke on a good day, but, Mr. Chairman I find the comments that hon. Ogola has made offensive, is he in order to suggest that I do not mean what I say simply because I am a woman, Mr. Chairman, is it in order?

THE CHAIRMAN: Hon. Ogola has said that is not what he meant. So he has more or less cleaned the threat, he will just continue. *(Applause)* Continue, please. The Member is entitled to reject clarifications and points of information. Please, continue, we do not have time.

MR. OGOLA: If it is information, May I be spared please. I will not accept information now, because I still have a long way to go. Mr. Chairman, I take note of what objections have been raised, Mr. Chairman, but as I said sense of humor is necessary for national capacities. A country without a sense of humour is worse than a nuclear bomb. I think what I was cracking was a piece of humour and it was not in any manner calculated to be offensive.

MR. BIDANDI SSALI: Point of order. Mr. Chairman, while we appreciate the value of humour, is it in order for a Member of this hon. august House to crack a joke at the expense of the feelings of others. Is it in order? *(Applause)*

THE CHAIRMAN: What I understood the Member to have said right now is that, he is in fact saying sorry, if it was understood that way. I specifically called up on him to explain whether that is how he understood it to be, when he replied that that is not

what he meant, then more or less he had cleaned the threat. In other words, in our records it will be shown that he did not intend to crack a joke that would annoy people; if he did, he has withdrawn it, I invited him to say it and he said it.

A HON. DELEGATE: Mr. Chairman, is it really in order for delegates to harass a delegate contributing on a matter which he clearly said as a quotation from his Professor instead of himself *-(Applause)-*

THE CHAIRMAN: No, no that one I do not think is a point of order. Members are entitled to raise points of order. The hon. made a joke. I wanted it to be extended until we hear both sides. I took it he was making a joke on two sides but as a diplomat, he was not disturbed by the other side of the joke, the ladies in this House were disturbed and a point was raised. I asked hon. Ogola whether that was what he meant to say. 'In other words do you intend to crack a nasty joke at the expense of ladies' I asked him and he said he did not intend that. Then he proceeded at one stage to say and he was actually interrupted as he was finishing to say that which more less could have been an apology. So could you say it so that we hear it properly.

MR. OGOLA: Thank you, Mr. Chairman. I was just quoting what my Professor told me. And genuinely I thought the thrust of that quotation was more to those who say no rather than to those who say yes. And I was saying that in this House, if we are going in for negotiation let us secure the word no and that is all. Therefore, if they insist that I should apologise a second time I should, but I do really beg you to protect me that I have nothing to apologise for, Mr. Chairman. If somebody has not got a wide scope in life, I am not going to apologise for her ignorance.

THE CHAIRMAN: First hon. Ogola will you withdraw the word 'ignorance' because that is not fair.

MR. OGOLA: Mr. Chairman, may I withdraw.

THE CHAIRMAN: Withdraw the word 'ignorance' first.

MR. OGOLA: The word 'ignorance' is out. Mr. Chairman.

THE CHAIRMAN: Okay, then we were coming to a point where you were prepared to apologise because of the slur as taken by the ladies.

MR. OGOLA: Well, I was saying that basically I was explaining as one Parliamentarian said that the Members of the opposition were an act and the speaker asked him to withdraw it, and he said "Mr Speaker I am very very *sorry* I did not mean to say that half of your opposition is an act, what I meant to say was that half of the opposition is not an act." *(Interjection)*

THE CHAIRMAN: No, hon. Ogola just wait -

MR. OGOLA: But Mr. Speaker may I withdraw the whole thing. I now withdraw the joke. I withdraw

THE CHAIRMAN: No, what you withdraw now is the quotation.

MR. OGOLA: Okay I withdraw it Sir.

A HON. DELEGATE: Point of information. Mr. Chairman. I wonder whether hon. Ogola would accept some information from a woman.

MR. OGOLA: Mr. Chairman, I will, that would help to quell the situation.

A HON. DELEGATE: Mr. Chairman, every joke that belittles a woman, I would like hon. Ogola to know belittles his mothers, his aunts and all the women he would like to respect.

THE CHAIRMAN: I think we should come to the end of this. The hon. Member has withdrawn the joke. Now let us proceed.

MR. OGOLA: Thank you, Mr. Chairman. There is a Russian saying *(Laughter)*- that a frog in a pot can only see the size of the sky which is equal to the mouth of the pot.

THE CHAIRMAN: And XAnd that is intended to mean

MR. OGOLA: It is intended to mean that unfortunately, we have various experiences. Some of us have lived in a pot with a larger mouth therefore, we are able to see a large part of the sky. And in that context -

THE CHAIRMAN: Order, order, will the Members sit down please, and keep quiet *(Interjections)*- hon. Ogola you have run out of your time. We take it that the ladies are going out for lunch, they are not

walking out on you. You have run out of your time. *(Laughter)*

MR. KARUHANGA: Point of procedure. Mr. Chairman. I wish to just move on a point of procedure, for our future meetings. Mr. Chairman, the issue of sexist language in the hall which tends to demean other Members of the other sex should be taken very seriously by the Members. Mr. Chairman, I am speaking as a delegate. My instructions when I was elected, I was elected by ladies - I was elected among others by women and my job here is to make sure that their dignity is preserved in this Hall. Any words which implies their demeanor or continued situation as they were, should be resisted and should be avoided. Otherwise this meeting will continue to be interrupted and this morning's incidence is very unfortunate. I really would like to appeal to Members in future to use a language that does not offend Members of the opposite sex if they are men or women or to offend Members of the opposite sex if they are men.

MR. OGOLA: Thank you Sir. I know I trust your-

THE CHAIRMAN: But could you please avoid the stories that inflame. *(Laughter)*

MR. OGOLA: I promise, your Mr. Chairman, I will keep away from humour. But I know that without a little humour in this House, we shall remain absolutely frigid, and I think we need it. Mr. Chairman, I was saying in such 'inconsensus', let each one of us die a little, if each one prefers to die a little, -

THE CHAIRMAN: Which point are you raising your hand on? If he will take it.

MR. OGOLA: Yes, I will take if they are giving me more time Sir.

MR. J. SABIITI: Point of information. I would like to inform the hon. Members that some of us really appreciate the analysis given by hon. Ogola, and if the analysis can reach our understanding of the political situation in this country, surely some people who feel they cannot understand his analysis should leave us who can understand the analysis. *(Applause)*

THE CHAIRMAN: But I do not mistake that to mean that we should continue with colour speeches of humour.

MR. OGOLA: Sir, I was saying the second point to watch out for is the one that we should each "die a little" in order to save this country, and out of the ashes will arise a phoenix and thirdly; we should aim at the end of these political diplomatic negotiations, that there shall be no one to claim that he or she alone brought about the success of promulgation of the new Uganda constitution. That is to say, let there be no winners or losers. Rather let us take the advice of Lao-Tse who wrote thus; "*Of the best rulers when their task is accomplished, their work done, the people all remark we have done it ourselves.*" (Applause) Therefore, now that I have lost time, I shall not read the rest of the Speech but, Mr. Chairman, can you guide me whether this speech can be tabled later on as a whole though I summarized it?

THE CHAIRMAN: Yes. Go ahead.

MR. OGOLA: Thank you very much. On land, Mr. Chairman, we accept that the traditional clan or customary ownership of land is okay, we accept the free hold and mile land, for citizens. The lease hold system should be limited to foreigners and only in urban areas and the Land Decree of 1975 should be repealed. On citizenship, we do accept that, it is the most valuable asset and must be closely protected that other people should not acquire our citizenship so cheaply and that we should observe all the international and O.A.U conventions on refugees. That way, we can avoid trouble with neighbours.

On political system, Mr. Chairman, my electoral area has asked to say that article 94 (1) which seeks to extend the period of the NRM by another five years is not acceptable. (Applause) We should persist in persuading the NRM to accept the role of a political party which is what they are defacto and that at the end when we effect the promulgation of the constitution, we proceed on to general elections to form a government that will last and that will protect this country from further violence.

On separation of powers, we do accept most of the articles there but the question of the National Council of State is un acceptable because in the view of my electoral area, it mixes up the role of the government, government is an employ of the people and we should limit that role of the government it should be seen in the terms of the dog and its tail. The English say the tail does not wag the dog. When it begins wagging the dog you know that there is something very serious. Therefore, the attempt by the National Executive

Council as proposed, would bring the executive back into Parliament by the back door, and not only that as it is drafted it seems to give the executive or the National Council of State actually vital powers but these vital power will be exercised by the executive that is exercising administrative power over the political decisions of the people made in the Parliament and this is totally unacceptable. (Applause)

On the form of government, I say that the people of West Budama South prefer a Unitary Republic. However, they suggested that we must listen carefully to the presentations of other people, because Uganda should not live as a divided society any more. The question of federalism which our Colleagues from Buganda want so much, we feel that the question of decentralization of the local government at district level provides a functional equivalent of federation. But on the whole this is a negotiable question which we must go into with open mind to show that this country remains united. (Applause) As far as decentralization article itself is concerned, it is my people's view that the articles on that should be entrenched in the constitution.

On fundamental human rights, Mr. Chairman, we do accept most of those articles certainly we do accept the affirmative action on women and children. (Applause) They should be entitled especially, the right to own and inherit property must be considered but taking special care to our patrilineal culture.

Defence this is where they have a novel idea. The feeling is that Sir, usually in time of peace it may not be necessary to have large ministry of defence or army. As a matter of fact, they are proposing that, in time of peace only the original barracks in Jinja which was feared during the colonial days and served the country very well should be enough and the ministry of Defence -(Interruption)-

THE CHAIRMAN: There is information on the Floor are you taking it?

MR. OGOLA: No. Sir. No thank you very much.

THE CHAIRMAN: Okay. go on.

MR. OGOLA: And it is the view that in that case when there is general peace, the ministry of defence should actually not exist except as a department of the ministry of agriculture. (Laughter)- And I will tell you why. Mr. Chairman, the feeling is that the first line of defence is actually food not military, and

so when we are at peace, these able bodied people in the army should be able to work very actively in the area of production of food and other food stuffs, that is their suggestion.

Finally, Mr. Chairman, on the defence of the constitutions they are saying that when you read this chapter one, it is tempting to agree with all the articles on inter face value; but on greater scrutiny, certain elements crop up which can end up providing a cover for the distabilization of the country, and propping up a dictator. In particular, article (3) sub article (1) is meaningless in the face of the person bent to subvert this constitution. Any one bent to take control of government by force knows that he or she is going to break the law. To admonish him not to break the law, maybe too late. He will have already done it. Secondly, in article (3) Paragraph (2) which threatens extreme penalty to any one taking over a government by un lawful means, Mr. Chairman, it is an axiom in political theory that a good revolution is the successful one. Perpetuators of a successful revolution cannot be punished unless it is suggested that they should punish themselves after they have broken the law which is absurd. For those who would have punished the usurpers would have been decimated in the course of the struggle for power. So who shall be punishing who according to law and court?

On the contrary, this article serves the interest of a would be usurper of power. All that such a person needs to do to is to undermine the existing government by carrying out a string of illegal underground acts such as indulging in acts of assassination of all classes of innocent people, car robberies, bank robberies, when he has thoroughly undermined the state, discredit the government, and has brought the population to the edge of despair, he can easily now come out boldly to remove the government under the pretext of arresting insecurity and also restoring constitutional order. He could well argue that he has saved the country from anarchy, who then will resist whom. This is a case which will be like the cat eating the rat and telling the rat I am eating you for your own good. *(Laughter)* This is un acceptable because, in my view, this articles gives dictators a very good way if he needs to destroy democracy, and with those remarks, Mr. Chairman, I beg to end and thank you so much. *(Applause)*

THE CHAIRMAN: Thank you hon. Ogola for your contribution to the debate. I see a hand of a Member there, what would you like to raise.

MR. RUZINDANA: Thank you Mr. Chairman. I did not want to interrupt the Floor of the speech of hon. Ogola on the question of language, I wanted to alert the Assembly that rule 19 (2) says that he is out of order to use offensive or insulting language in the Assembly. And since I have seen that the type of humor of Mr. Ogola was not quite appreciated and a lot of our Members have actually gone out, I would like actually to call the attention of the Assembly in future to be aware and to be conscious of this so that we do not continuously interrupt Members who are speaking with point of orders and so on because it really spoils the flow of ones thought as one is speaking. *(Applause)* So, this, Mr. Chairman, should be borne in mind because there is a rule already in existence as to what type of language we should use. Thank you, Mr. Chairman.

THE CHAIRMAN: I can make a comment on that. Every time Members withdraw statements, the best way to do it, is to give a Member chance to find the way of withdrawing those statements without disrupting himself. In this case if you are commenting on the matter that was here and many of us left here, I think as far as our record is concerned, hon. Ogola did withdraw the entire quotation constituting the joke, which was not well appreciated because of its nature. But definitely the rule as quoted by hon. Ruzindana applies and we do not expect the Members to use offensive or insulting language, indeed hon. Ogola was called upon to withdraw the word ignorance when it was applied in relation to some Members of our Assembly. But it is worthy reminding the Members that in future the chair will be very strict in applying that rule particularly when the words are offensive, or are un diplomatic or un called for. I think we should not generate a debate but I can see a few hands there. Yes what would like to say?

BRIG. KYALIGONZA M.: Point of clarification. The point I am seeking clarification on is in relation to the apparent disagreement of certain section of our Members in this House regarding the utterances which were in my view eloquently presented by hon. Ogola. But during the debate, there developed a situation where Members had to express their indignation by marching out which has now been termed as having gone for lunch. But, Mr. Chairman, the point of clarification I am seeking from you is that on a number of occasions some jokes have been cracked, especially from the opposite sex, of the Members who have deliberately walked out where they were asking or proposing some Members

of the Assembly here present to be circumcised and cartoons have even appeared in our papers where locks have been put on our pants and we have not reacted by marching out. Now, Mr. Chairman, I am seeking a clarification from you whether in our future debates and contributions in this House and bearing in mind that we are delegates who are supposed to deliver messages of our people. Is it going to be a fair game as far as our future politicians and our future leaders are concerned where we are looking for equality, where we are appealing for women emancipation and so on, with this kind of defeatist reactions from ladies and we only now have one or two or three iron ladies who are - four, thank you very much (*Applause*) - who have demonstrated their capacity of tolerance and zeal of leadership to bear some strong words that may emanate from our future citizens. Because as a leader you are supposed sometimes to be insulted, to be opposed to be sometimes criticized, but if you cannot bear this type of joke, sometimes which are quotations from Professors, how are we sure Mr. Chairman, that the future leaders who are likely to be the opposite sex will steer us properly and with a lot of patience. (*Applause*)

THE CHAIRMAN: I do not think that I should make a statement of guidance on a basis of a statement that has been withdrawn. The Member withdrew and the ladies walked out and they never told me that they were walking out before they were walking out on him. So I cannot make guidance on that. On the question of padlocks, those were cartoons, they were not Members, so I do not know how you should have walked out on a basis of a cartoon.

MR. NEKYON: Mr. Chairman, I would like to say something and in direction to what the hon. Brig Kyaligonza is saying. I think what has happened is unfortunate, as we proceed with the listening of speeches from different constituencies, I would expect that we do not have the conceived ideas such as that some people are against us. To me this is what is happening. When I listened to hon. Ogola, what I understood him to be saying was that we should be diplomatic as women are diplomatic, as diplomats are diplomatic. This was the trend of the source, he was giving examples of how we can negotiate here without going straight to saying no to each other. He was trying to say that we should talk to each other in such a diplomatic manner that we live the door open for back door negotiations as we proceed towards the end. This is how I understood him. But those who had

the idea that men are out to destroy them, received the message in a different context. So my appeal would be, that I think we should listen to each speech with an open mind before reaching conclusions hurriedly and emotionally. This quotation was from a Professor I do not know whether the Professor is already dead or still alive but he might have written books and his quotation is still on the market. So by withdrawing it here, will not solve that because we will send diplomats to the same Professor, he will be teaching them the same joke.

THE CHAIRMAN: Yes, but there is a difference, it will not be in our records.

MR. NEKYON: But I want you, Mr. Chairman, to inform those ladies if you can, and I think they misunderstood the spirit behind the joke, it is the spirit which matters always - (*interruption*) -

MRS. SENDAULA: Mr. Chairman, in view of what has happened and the occurrence of walking out and in and so on which is common in this House, is it proper for us who are still gathered here when it is already 2.00 O'Clock, and the set time is about 1.30 p.m. to claim that people who went away, went away as a result of protest or ignorance of the joke which was cracked by the Member who was speaking it will be extremely unfair to set a wrong precedence because I have seen so many people walking away, others even when they are starting speeches. In the final analysis, if we carry on with this debate over this matter, it is again going to create a very bad record because one day for example, an hon Member who is said to be for one group or belongs to one political party will be starting to speak and then hon. Agard Didi walks out, then they will say he has walked out on so and so because addressing the House. So pleases when the ladies never gave notice that we are walking out as a protest, to hon. Ogola's address, then it is not very fair for us to attribute their going away on the remarks which were made hon. Ogola.

THE CHAIRMAN: I will allow Mr. Ben Wacha.

MR. WACHA: I will be very brief Sir. I have noticed on a number of occasions that issues of gender tend to inflame certain factors of our Assembly. I want you Sir, if you could permit it, in consultation with business committee to try and advise some of us how best we should coach our language in handling gender issues because it is becoming too much I think in certain respects. We

cannot possibly now talk about a woman without having certain ladies raising up arms. I think it is only proper Sir, that the sectors which are instantly inflamed by a mention of their names should be advised that in debates there are instances where references of certain nature cannot be avoided and it should be taken as straight Sir, without having them raising up any arms all the time. Thank you Sir.

THE CHAIRMAN: I have taken a note.

MAJOR GENERAL MUGISHA MUNTU: Thank you Mr. Chairman. I do not know whether the ladies walked out in protest or not and I have also just heard contribution of the hon. Ben Wacha. He is talking about sensitivity of gender issues that you are bound to get such reaction. There are many other issues that, when talked about touch the feelings of people or individuals. In fact several times in the House here I have heard people talk about the derogatory terms at times used against different peoples. You have heard of people saying, *Anyanya* or *Banyarwanda* or they are so many, *Badugudugu* or things like those. Nobody walked out alright, but you see in this House it was not specifically targeted to anybody, these are things which are normally said outside in society. But these are words, but they do hurt, you find people fighting at times in bars or streets because of just words. Now for the ladies certainly they got hurt, it seems I do not know whether they walked out as a protest. I have heard information some people are saying that they had a Seminar and therefore they had to leave in time. But that is not the argument; the argument is that people should feel sensitive about certain matters. Like in this case it was a joke alright but to me, I think it was a joke in bad taste because we are entitled to our opinions. If anybody talks about any of us using any derogatory terms, you would feel hurt by of course, it was not so much in my own interpretation, I have heard the interpretation of hon. Adoko Nekyon he had his own interpretation in a wider context, but within that wider context, there came in the comparison of what ladies say that they cannot say straight yes, they, they do not mean what - I think that is exactly what caused the ladies to feel sensitive about this. Maybe the ladies also have differences, we have ladies in the villages, we have ladies who are educated who may be able to tell you no when they mean no or yes when they mean yes. And I think that is exactly what made them feel bad about, and I think I just wanted to make that observation, and we should make a point not to really get to people's

feelings because if that is opened up then everybody could open a front in here. Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you, now the position is this, we had a debate - you know it - the ladies felt very strongly about what was being said, but at the same time I had been requested by a lady Amaitum to announce when we close that ladies should go for their Seminar, a DANIDA one day seminar in committee room (a) and I was going to make that announcement. So it is possible that the time came, the Members rushed to their seminar. (*Applause*) and for us here we took long because of the controversy which was on the Floor that it came from hon. Ogola's remarks. Hon. Ogola had withdrawn his remarks. And I think really it serves no useful purpose now for us to continue. We shall now adjourn and resume tomorrow at 8.30 in the morning.

(The Assembly rose at 2.14 p.m. and adjourned until Wednesday 13th July, 1994.)