



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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THURSDAY, 14TH JULY 1994

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Thursday, 14th July, 1994

The Assembly met at 9.30 a.m in the International Conference Centre, Kampala.

P R A Y E R S

(The Deputy Chairman, Prof. Victoria Mwaka, in the Chair)

The Assembly was called to order

THE DEPUTY CHAIRMAN: Hon. Delegates, I do not have any specific Communication from the Chair.

STATEMENT AND PERSONAL EXPLANATIONS

PROF. NABUDERE: Madam Chairperson, I am reading a statement which I have served to you. A statement was made by Charles Owor, hon. Delegate for Aswa County that in 1979 at the height of interim administration of Uganda National Liberation Front (UNLF), I made a declaration banning or suspending the activities of political parties for two years or to that effect. I would like to state that the suspension of political party activities was agreed by all the groups which constituted the UNLF as part of the process of national reconciliation, particularly, at a time when the country had undergone a regional war. The decision to hold elections under the umbrella of UNLF was predicated on the presumption that this army's stand was still acceptable. Unfortunately, this consensus broke down and this explains why the May, 1980 coup took place by the Military Commission which incidentally argued the case for multi-party. Among the leaders of the Military Commission who argued the case were late Paul Muwanga, Chairman of the Military Commission and Yoweri Museveni, the present President who was then Vice Chairman of the Military Commission. It has been assumed that since I was Secretary of the Political and Diplomatic Commission of the Front, who endorsed the idea of working together, I qualify automatically to be a movement supporter. For this reason, some people have queried my position to the movement since I came back from exile. I would like to state that the arrangement agreed on in Moshi in March, 1979 was to be a temporary political arrangement. It is true that some people began to have some other ideas when the seat of power became sweet for them. But it was never the policy of the UNLF as a whole to entrench itself

as a permanent movement of the government of Uganda.

I pointed out in a number of writings since I returned to the country in 1992 that we should learn from all the experiences of UNLF period. The first experience was that when faced with a national crisis, we should all unite and work together. The second experience is that once the crisis is over, no attempt should be made to perpetuate such institutions beyond their purpose. If this is done, consensus breaks down and instability sets in. This is what has made me to oppose the idea of perpetuating the NRM under the guise of creating a movement which unites all Ugandans for an indefinite period. Such an arrangement in fact, contradicts the freedoms of Ugandans. This is the basis of my present position. Thank you Madam Chairperson, for allowing me to make this personal explanation for record.

(Applause)

MOTION

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

MR. BAGUMA-ISOKE (Buyanja County): Thank you very much Madam Chairperson. Buyanja County is in Kibale District - one of the newest districts. To reach Buyanja, you take Mubende Road and branch off north-westward from Mubende town - 40 miles to Kibale, which is both the headquarters of Buyanja County and Kibale district.

I am under instruction from the people of Buyanja County to present their views which are already documented in 108 memoranda which all the villages of Buyanja County submitted to the Odoki Commission. There is only one issue that needs revisiting in the presented memoranda, but all the other issues remain unchanged. Because of that one issue, Madam Chairperson, we request that we be accorded time and be facilitated to go back at least twice a month to consult the people afresh.

The case in point related to Buyanja is the case of the monarchy. At the time, three years ago, when the people presented their memoranda - none of the memoranda requested for the return of the monarchy and in the course of time, the King of Bunyoro-

Kitara, King Solomon Iguru was crowned. Documents say - no King but the fact is, there is a king. Now, we have got to come out with a new position on that issue. In this general debate, therefore, I will not say much about the monarchy. It is there in reality, although we did not ask for it. And since the monarchy was abolished in 1967, there had never been a memorandum or a petition from the people of Buyanja to any government of those years requesting government the return the monarchy. This was a windfall and now we have got to check position.

The second point which should have been the first Madam Chairperson, is human rights. The people of Buyanja regard the chapter on human rights - Chapter 5 as being the most important chapter in the Constitution; because these rights fundamentally point out that the human person is a human being and must be treated as a human being. A cow is a cow and it should be treated as a cow. A dog is a dog and it is treated as a dog, not as a cow. There are even laws that protect these animals against cruel treatment and which provide also for their veterinary treatment. So, human beings have their rights that have to be respected by every government and individual human being. So, we should have a Code of Laws in Chapter 5 about them, which should even be Chapter I, which must be protected so that they may enhance the attributes of a human being of independence, conscience, and creativity. These human rights enable the full development of human qualities - intelligence, talents and creativity - in order to satisfy our material and spiritual needs.

The people of Buyanja want to live as human beings enjoying life. No one human being should deny another of enjoying these catalogued human rights. The denial of these rights is a human tragedy and it always breeds conditions of social unrest, conflict between individuals or even conflicts between individuals and the state. The denial of these rights is what always brings about blood letting. The people of Buyanja recognise the fact that when an individual or a group of individuals enjoy these rights they should not disadvantage the majority or the popular or public interests. These rights should be made known to every citizen; should be taught to them in schools and in people's councils - the village councils. The people of Buyanja also recommend that the Article on the institution of the Human Rights Commission be entrenched in the Constitution.

The second vital point to the people of Buyanja after

guaranteeing their rights, is their physical survival on land. Land is considered to be the most important resource for human survival. The people of Buyanja say that since 1900 they have never enjoyed their right to land. The people of Buyanja who are 99 per cent peasants derive their livelihood from growing crops and rearing livestock. They are Banyoro and of recent there are some Bakiga settlers and to a smaller extent, Banyarwanda. Before, I leave this point of Banyarwanda, I had the occasion last weekend to consult this group who reside in Mugarama Gombolola and Kikada in Bwamilamila. I asked them: "Are you Tutsi, Twa or Hutu?" They said: "we are Banyarwanda and our language is Runyarwanda; like you speak Runyoro, you are also Banyoro. The people who speak Runyarwanda are Banyarwanda and they do not want to be confused with Tutsi and the Hutu polarisation in Rwanda" (Applause) Madam Chairperson, the people of Buyanja as I said, have a long history of suffering. The turn of the last century saw tremendous blood letting in the counties of Buyaga and Bugangaizi. Buyanja happens to have been carved out of Buyaga in 1974. Now when the British were fighting the resistance put to them by King Kabalega, they managed to push Kabalega out of his Kingdom being assisted by about 1,000,000 strong army of Baganda and "Baswahili". After pushing out Kabalega, these counties commonly known as the "lost counties" were occupied by the collaborators... (Interruption)

PROF. KAJUBI: Point of Clarification, Madam Chairperson. I am seeking clarification from the hon. Delegate on the Floor. I am Senteza Kajubi, Kyadondo North. He has stated that the British were assisted by an army of 1,000,000 Baganda plus some Swahili from the Coast. At the time when the British came here, I do not think there were 1,000,000 Baganda at the time because the population of Uganda was less than 2,000,000 and how is it that there were 1,000,000 Baganda at that time and that all of them were in the army. (Laughter) How many people do we have in the army of Uganda today? Can he, please, explain?

MR. BAGUMA-ISŌKE: Madam Chairperson. I will explain. I am referring the Learned Professor to a book written by Dunbar, Uganda's Famous Man, Kabalega. It is well documented and it is in Makerere University Library as one of his reference history books. The 1,000,000 fighters also included Nubi who came with these British expeditions. These are

the ones who supported Col. Colville, Gerald Portal, Major Owen, Sergeant Cyril, Sergeant McDonald and plundered - they did a lot of damage to that part of Uganda. I do not want to repeat here what happened because it was much worse than what we have just been witnessing or continue to witness in the state of Rwanda. Yes, this was the beginning of the suspicion and mistrust between the Baganda and Banyoro. Now, to consolidate that position, our area was occupied and our land was parcelled out to these occupation forces up to this day. Madam Chairperson, I am under instruction from my people to retrieve this land because it is *(Applause)* their right. Every human being is born on a position, on a place, on a spot on earth, in time and space. Now, this space belongs to the indigenous people. It was a gross violation of their human rights for the British to parcel out this land and give it to an occupation force and...*(Interruption)*

MRS. KALEMA: Point of Information, Madam Chairperson. I would like to inform the hon. Delegate on the Floor that I quite agree with him. The people of Bugangaizi and Buyaga, since the referendum of 1964, they deserved to regain their land and that is why me and my family have not taken trouble to go and reclaim our land, although we still keep our Title Deeds which we inherited from our father. Thank you. *(Applause)*

MR. BAGUMA-ISOKE: Madam Chairperson. I wish the people of Buyanja were around to witness this debate. The spirit of Delegate Kalema from Kiboga is the spirit that we want to evolve in this Assembly. If I may go on, Madam Chairperson...*(Interruption)*

MR. CHANGO MACHYO: Point of Information, Madam Chairperson. When I went to pass out a political course at Kibale, the people there asked me to tell the government that they do not want any absentee Landlords to go back to Kibale and reclaim that land. *(Applause)*

MR. BAGUMA-ISOKE: Thank you very much, Mzee Chango. This is the reality. The people in Kibale District as a whole are condemned to perpetual poverty because chunks as much as 16 miles - a whole Gombolola - was given to one person. That land policy - Mailo Land is not developmental. Although, hon. Delegates here have argued that Mailo-Land is freehold. It is freehold only in form but not in substance. *(Interruption)*

MR. KIRENGA: Point of Clarification. I would like the hon. Member holding the Floor to clarify to this Assembly what he has in mind regarding the change in ownership of Mailo in his county. If the people of Buyanja are given this Mailo-Land, does he propose that the absentee Mailo owners will be compensated or will they be deprived of their land without compensation. Can he clarify how he intends to carry out this exercise. So, that when we are debating the Constitution we know what he has in mind. Thank you very much.

MR. BAGUMA-ISOKE: Madam Chairperson, I can see the hon. Kirenga is reading my mind. Let me quote from this document 'Buganda's Position on the Draft Constitution' (which was badly bound because the pages have been repeated) Page 6, on Land Reform Decree. There is a statement to the effect that, "every political community should be allowed to evolve and put in place a democratic system of land management that takes into account its cultural values among other things and which affords the widest possible consultations on land use among the population within its jurisdiction; so that all aspects of land settlement, land allocation, economic development, conservation of nature and culture receive a local consensus". I repeat for emphasis - "receive a local consensus and contain a local flavour". Nothing could be more supportive to our cause than this document from Buganda which, at the same time, was the beneficiary in the parcelling out of our land in 1900.

I was explaining that the Mailo land system is actually exploitative. Its aim is to create a class society. A class of landlords who supported the British Government and a class of 'Bakopi' - the landless, the tenants - who hire land for producing crops and rearing animals. This is not developmental because the rights of the people are taken away by this land policy and when we talk of 'Ebyaffe' or 'Ebyaitu' - those who support 'Ebyaffe' are actually the people who got these parcels of land. Those are the 1,800 supporters of the British and in areas...*(Interruption)* That is why the support for the monarchy in Buganda is very strong and the support for the monarchy in Bunyoro, Toro, Ankole and Busoga is not equally strong. For example, in Bunyoro, if the King had been allotted say, 300 miles of land and the princes, the princesses, the chiefs and the Army Commander and so on, they would have been a very strong force supporting the monarchy. But because 'Ebyaffe' was not instituted by the

British in these other territories that is why there is weak support for the monarchies - and 'ebyaffe' today means land. The ones who did not get land do not talk about 'ebyaffe' - because what did you share anyway? Yes, I must emphasize, this Mailo land is counter development. That is why people are subjected to the same 'Bibanja' of 1900. Their sons, grandsons, generation after generation have nowhere to earn a living and they shift to towns to become *bayaye* and that kind of thing.

We should, I believe and trust that in this Assembly, we should address Mailo land and liberate the peasants where this tenure exists. The landlord should retain the area that he develops and the peasants may take freehold titles on the land where they were born and the land which they are developing as squatters. In the case of Kibale District it is anti-people, anti-development. The owners of the land who hold the title deeds are not there, they have never developed the land since 1900. Now, why keep in place a Law, a tenure that enslaves the rightful owners of the land? The people of Buyanja are proposing that the first government that shall come in to implement this Constitution must compensate these landlords, thus solving this conflict for ever. This government will have inherited a problem which was institutionalised by the British. Every government succeeds assets and liabilities of the preceding government. This was a historical error. We cannot continue living with this error and we cannot gloss over it. As I told you at the beginning, this was the beginning of suspicion and mistrust between a Muganda and a Munyoro. Once, this land issue is solved, then a Muganda and a Munyoro will sleep in the same bed and become very friendly bed-fellows but at the moment that is not the case. This is a national issue. It is national because even the troubles of the post independence days started with these counties - the "lost counties". We do not want history to repeat itself after 30 years. We are here to resolve, to redress every error that was committed by colonial or even by pre colonial structures which we had in place. I pray, the hon. Delegates to understand the case that the Buyanja people have put forward and abolish Mailo land tenure in Buyanja and provide for compensation to those mailo owners. And should it be found that a mailo owner is developing a portion of that land, he or she will retain that portion; but the rest which is occupied by the people who are developing the land should be liberated by compensating the landlords according to the laws of equity. After that, the government of the day

should carry out an extensive and intensive cadastral survey of the whole area and offer freehold titles to individuals peasants. Similar to the one which the British carried out in the counties of Rubabo, Rujumbura, Igara and Sheema in Rukungiri and Bushenyi Districts respectively. Madam Chairperson, once upon a time I was the Superintendent of the Uganda Lands - I know what I am talking about. Today, the best villages in Uganda are found in the counties I have just mentioned. These are the people who do not mind about population explosion because they can support their children in schools, they can feed them - these are the people whose lands in 1955 and 1956, - as one Delegate, I remember the hon. Kisamba Mugerwa pointed out two weeks ago - in 1955, the Colonial government carried out cadastral survey for every holder of land or every person who was working the land in those counties and gave him a freehold title; which up to now, they have and which titles have enabled these people to acquire the development credit from any credit institution. We cannot condemn our people to perpetual poverty if they are not facilitated to have land titles. The best title is the freehold on the land that the family is developing. That is the best arrangement for the people of Buyanja and that is the one we are recommending for the rest of Uganda because that is developmental. I can go on to say that the gap in development between the South on one hand and the North with the East on the other hand in development - socioeconomic development, is also caused by being Land titles in the south enabling people in Southern Uganda access to development credit. While the people in the north perhaps because of custom or colonial omission, were not designed an appropriate Land Tenure System for the people of the north. When credit is available in the East African Development Bank, Uganda Development Bank, any of these credit institutions; it is the people in the south and particularly more so, the people in Bushenyi, the counties I mentioned and Rukungiri who get it. I am recommending to the Delegates of Eastern and Northern Uganda to legislate for a freehold Land Tenure System to be conferred on every household. That is when you will move, that is when the population will move from a peasant level to a progressive farmer level and to an industrial level. Short of that, we shall be condemned to poverty as peasants and even famine will claim thousands and thousands of our lives.

If the British in 1900 up to 1927 were able to carry out cadastral survey extensively and intensively in

Buganda and then in two years they did so for freeholds in Bushenyi and Ankole the way they did, why can't the government of the day also embark on such a wide-spread cadastral survey for areas that were omitted for the cause of development. *(Applause)* For those who may be 'doubting Thomases', you go to Bushenyi, Shcema and Bunyaruguru, you will see the difference. The moment you leave Rubabo, go to Kajara - you will see the difference. The difference is created by Land Tenure System. Why is Bushenyi more developed than Masaka? Masaka has got an exploitative land tenure system while Bushenyi has got a developmental land tenure system. *(Applause)* That is my contribution on land.

The people of Buyanja sent me to say something about the representation of the people: that the county should remain a constituency and no constituency should stride between counties.

On the political system, they say they have had the most unfair deal as regards political systems because the period between 1900 to 1962 were periods of exploitation, subjugation, ridicule; this is the period when any small dog was called a *Kinyoro* dog, any witch was a *Munyoro*, any poor person was called a *Munyoro* until 1964 when we regained our identity and - but even then our King lasted only two years and a multiparty system removed that King. The period 1971 to 1980 was a period of chaos. The period between 1981 and 1985 was a period of even greater chaos. Long before 1980, the people were all united and not divided but when the parties of the 1980s came into place, families split, friends split, you could not tell which way your brother had gone; by the time you realised, you found he was in a different camp. That period of multi-party, 1980-1985 had a lot of people fleeing the area because of the then fighting. Mubende Road was closed. Kiboga Road was closed. We were just landlocked there because the parties could not guarantee good governance to the people. What have we seen in the period after 1985? We have the institution of people's councils - the Rcs; where everybody has got a chance to express his will and according to the common interest, that will is granted. *(Interruption)* What system is better than that? The people of Buyanja are saying - enough for parties. Until the parties undergo internal democratisation and also a Code of behaviour is worked out as to how these parties will relate to each other and with the population, that is when they will accept a multiparty system. For the next five years, we want to go movement. I thank you. *(Applause)*

MR. ESWAU (Kasilo County): Madam Chairperson, I thank you very much for giving me the Floor. Kasilo is a tiny county Southwest of Soroti. It was formerly one and the same county with Serere which many of the Delegates here know because of the Agricultural Research Station stationed there which has produced SATU cotton and SERENA sorghum out of which Nile Special Beer is made. *(Applause)*

I would like to beg the indulgence of the House to allow me to introduce myself at length. I am doing it for a good reason. I want to demonstrate that through a spirit of reconciliation, give and take, we can achieve a lot towards peace in this country. I served this country as a cooperator, a District Commissioner, Under Secretary till 1985 when I resigned to contest the then planned elections which never took place. I went home to live as a peaceful citizen but from 1987 to 1991, I lived the life of an animal. I was flushed out of my house and pushed into the bush by NRA. I was forced into the insurgency which gripped mother Teso. I and my friends were sleeping in the bush, being hunted and we suffered a lot. The issue started as cattle rustling and then turned into a rebellion and eventually, it became a very destructive war indeed. The conduct of that war was carried out without following the Geneva Conventions and protocols for conducting warfare. People were arrested and killed without trial. Torture was practiced and scorched earth policy was practiced. Madam Chairperson, I want to say, however, and put it on record that, that war is now over. *(Applause)* I want to say that the war has ended because both sides adopted a spirit of forgiveness, reconciliation and no revenge. Some of the rebel commanders are now back in arms and are keeping peace in Teso as LDUs. Some of us have resumed our national politics and are here making a new Constitution for Uganda *(Applause)* which we hope will put an end to the idea of going to the bush as a means of solving our problems. *(Applause)*

I am not forgetting to congratulate you and the Chairman upon your election to those high Offices. Congratulations! May I also say to those who lost to you that they are all illustrious sons and daughters of Uganda. There will always be another time for them too. To my fellow Delegates, I say well done and get ready for 1995.

I would like to report to the Constituent Assembly that we are only beginning to take part in the

Constitution making process. At the time the Constitutional Commission was set up, Kasilo and indeed the whole of Teso was in turmoil. So, the views which appear in the Constitutional Commission report attributed to Kasilo are a bit scanty. One Member, here, of the Constitutional Commission said she went to Teso frequently to collect the views but I doubt whether she really went deep into the villages. Otherwise, she would have been abducted. (Laughter) Yes, that is a fact. What used to happen, we hear, is that the Commissioners used to go up to Soroti and Kumi, and then get their information from Rcs who had fled the villages and came to dwell in towns and trading centres where there was security from NRA. Madam Chairperson, I would, therefore, beg that like the previous Speaker, we should be facilitated to go back to our people and get more views from them. Otherwise, most of our views shall be left out in the Constitution making process.

The second issue worth mentioning which has affected the making of our Constitution in Teso is the famine. At the time that civic education was being carried out very many of our people were without food. So, they were not attending these classes. At the time candidate's meetings were taking place, the famine was in full blast. I remember being swamped by people in one meeting because we did not produce the food and the money which the chiefs had deceived them that we were going to distribute. I must report that such a group of people could not participate effectively in any meeting, in decision making or absorb anything that was being taught. However, the situation has now improved and I think we can go forward and visit these people to collect their views.

In spite of our late start, we can say a few things. We agree with that part of the preamble to the Draft Constitution which states that Our political history has been characterised by political and constitutional instability. We also agree with the Constitutional Commission when they say in their report - page 1, Introduction, Paragraph 01: *'The making of a new Constitution for any country marks an important water-shed in its history. It demonstrates the desire of the people to fundamentally change their system of governance. The Process gives the people an opportunity to make a fresh start by reviewing their past experiences, identifying the root causes of their problems, learning lessons from past mistakes and making genuine efforts to provide solutions for their better governance and future development.'*

Uganda has indeed been unstable. There are so many facts which point to this. We are now engaged in making our third Constitution after independence - 31 years and 8 months ago. Besides: i) We have had so many changes to the present one that it is almost unrecognisable. ii) We have had 8 or 9 presidents and as many governments. iii) We have had numerous coups and wars with a lot of bloodshed, hatred and socioeconomic stagnation as a result. I give the examples further, there was the palace war of 1966 which led to the abrogation of the 1962 Constitution and the abolition of the monarchy and the coming into force of the interim one of 1966 and that of 1967 and change of president. The attempted murder of President Obote at Lugogo in 1969; the coup of 1971 followed by what has been called Amin's rule of murder and terror. The liberation war of 1979; the unstable period of UNLF, which saw the changes from President Lule to Binaisa to the Military Commission and three presidential commissioners. Then followed the NRM bush war after the elections of 1980; then followed Tito's coup of 1985 and now we have had the NRM/NRA coup against Tito in 1986 and the wars which are going on in the north and the one which has just been completed in Teso.

This is, indeed, a very impressive list of negative events in our history and as the quotation above directs, let us view this exercise we are on as a watershed in our history. A watershed according to geographers, is a line dividing two river systems. In this case, the past should be regarded as our river number one. The future is another. The river past is very muddy, nauseating while River Future is clear and fresh. So, it should be. Let us make a fresh start towards the two goals of better governance and future development.

Why has this happened in our country? The list is very long but let me offer six reasons.

1) Political intrigue. Our leaders say one thing and act differently. I have been a civil servant, thank God. So, I have not been following that saying that politics is a dirty game. Our politics has, indeed, been very dirty because our leaders have been playing political intrigue.

2) Lust for power. Madam Chairperson, that also is self-explanatory. We have been struggling for power in this country, particularly the executive power.

3) Lack of democracy and democrats. Here I want to tell the Assembly what I read and it attributed that

illustrious son of Africa - Julius Nyerere (Dr.) former president of Tanzania. Dr. Nyerere said 'We the first leaders of post-independent Africa failed to build democracy because we tried to do so without democrats'.

4) Tribalism. It is not bad to be proud of your tribe but when it becomes an issue to divide you and your fellow people, then it is very dangerous.

5) Neocolonialism and (6) lack of respect for the Constitution and other forms of contrasts. How can the new Constitution help us to solve these problems? As other Speakers indicated before, the change can only be meaningful if it occurs in our own mind. We must become political converts or "born again" by following the doctrines of constitutionalism, democracy, political decency, nationalism and our independence.

In line with the above, the people of Kasilo, through me, have the following points to present to the Assembly for consideration for the new constitution.

a) That Uganda should adopt the culture of constitutionalism and adhere to it once the new Constitution comes into force. A lot of speakers have given their views on how this culture can be established and we endorse those ideas - like making the Constitution short and precise; translating it to local languages; teaching it in schools and colleges; and encouraging people to respect it. When it comes to defending it, we in Kasilo, agree that people must rise up against anyone or group who might try to overthrow the Constitution. We, however, feel that we are perhaps not in a position to adequately combat such a power. Some people have suggested military training similar to that of 'chaka mchaka' but I think it would be very dangerous to let a *chaka mchaka* graduate to face a fully trained military man. It will be suicide. I would like, however, to suggest that we should give our people more intensive military training. I would also like to propose that when there is likelihood of someone overthrowing our Constitution, we should be able to appeal to OAU, or United Nations and the like for intervention.

b) We also recommend that Uganda should remain a unitary sovereign state and a republic. We are a small country and it is desirable that we remain one. More reasons to support these were given by President Museveni in his opening speech to this Assembly on 18th May, 1994.

c) We embrace decentralisation but we request the central government to balance out those districts which may not be in a position to raise enough funds for their own programme by giving them slightly

more than those districts which are alright.

d) We would like English to be the official language with Swahili as the national one. For the simple reason that, making Swahili a national language will avoid opening up a Pandora box of tribalistic feelings. It is moreover widely spoken in Uganda and can assist us to communicate with our neighbours.

d) The people of Kasilo also recommend that this Assembly should enact a Constitution which will safeguard Uganda's national sovereignty, Independence and territorial integrity. We are worried about these because: (i) Uganda is borrowing too much money from outside. We are told that 75 per cent of our Revenue for the Budget will come from the Loans, Aid and Grants. We are not very happy about this situation because we know that Loans are often given with strings attached. For instance, the IMF Loans have got what they call 'structural adjustment programmes' which included retrenchment and so on and so forth. They dictate to us what we should do. (ii) Parliament should also endeavour to watch our foreign policy closely. As we are land-locked, we should be friendly with our neighbours or else they can strangle us. For example, in 1976 when Amin claimed Kenyan Territory, they shut off the supply of oil to Uganda.

(iii) We should also watch the activities of refugees and non-nationals who may try to use our country as a base for causing trouble in their own country and thereby bringing us trouble. I have in mind the Rwandan Exodus from NRA; we are lucky that, that one did not cause problems. Parliament should be on the look out for this.

e) Citizenship - we recommend that our citizenship should be guarded jealously and our citizens should be given passports and identification cards. We also agree that those unfortunate children who will be collected within the boundaries of Uganda should be accepted as our citizens automatically. We agree with the setting up of the National Citizenship and Immigration Board by Parliament. The choice of the Chairman and Members by the President with the approval of the National Council of State is not acceptable because we do not approve of the Institution of the National Council of State. Parliament should approve presidential appointments.

f) Fundamental Human Rights and Freedom - Madam Chairperson, this is where my Constituents have suffered most. As I said earlier from 1986, 1987, 1988 and 1991, our area was looted by cattle rustlers from the neighboring Karamoja. We were deprived of our right to own property. We were deprived of our right to life and human dignity. Our

educational Institutions were burnt and the Government Agents in Soroti did not offer us any protection. The human rights were included in the 1962 and 1967 constitutions but the enforcement has been the problem. If cattle rustling occurs again, we appeal that it should be included in the new Constitution so that the Government should be able to pursue the looted items and animals from the districts which have carried out the raid, recover them and distribute them to the districts from where they were taken. We also request that it should be included in the Constitution that blood money for those people who have died should be paid by the district whose people have looted and killed the neighbours. We also support the rights of women, children, disabled, etcetera. We have no quarrel with that.

8) Let me talk about land: The people of Kasilo have lived under a customary land tenure system all their lives and we would like to maintain that system. We have however, left the door open to some people who want to get lease hold titles particularly in the townships and even rural areas and the speaker is one of the holders of such a title.

9) The system of governance. Madam Chairperson, let me run through this very, very quickly. I think this is the most important reason why we are making a new Constitution because we have failed in the past to rule ourselves. The people of Kasilo are still busy consulting on this issue but they would like me to say here that they want a democratic system of governance. Democracy is not a new concept to the Delegates but let me repeat that it is the Government of the people by the people for the people. It is a system of governance where people control the affairs of their country through their elected Delegates or Members of Parliament. The Executive will exercise the power through the consent of the people. Time has run out. So, let me sum up by saying that we are still consulting and when I pick up something during my visit back home to the Constituency, I will bring it back here for further discussion. Madam Chairperson, I thank you.

DR. ODUR DICK (Dokolo County): Madam Chairperson, thank you very much for giving me this time. Allow me to congratulate you and your boss for attaining your respective high offices in the Constituent Assembly. The people of Dokolo are happy and quite satisfied with your impressive performances so far in steering the activities of this Assembly. I would like to pay tribute to Commissioner Stephen Akabway and his team for the good job they did in organising the CA elections under rather difficult times.

The people of Dokolo County are following with keen interest the Constitution making process we are now engaged in. Some two weeks ago, I had the opportunity to consult with them again during which time they refined and re-emphasized their instructions to me. They would like the new Constitution when it finally gets enacted to address the following issues:

- 1) Genuine peace, stability and national development.
- 2) Equitable distribution of our resources.
- 3) Equitable provision of social services such as education and road networks.
- 4) Corruption particularly corruption which may be connected with our international development loans and credits.
- 5) Huge foreign debt which presently appears not to be under control. It seems to me, the Republic of Uganda is slowly but surely being mortgaged.
- 6) Heavy taxation which now seems to fellow Ugandans even in their last resting places.
- 7) The issue of fundamental human rights and freedoms which is the cornerstone of any good Constitution.

In discussing these matters, the people of Dokolo have implored us Delegates to do so with the spirit of give and take. To do so with the spirit of tolerance; the spirit of forgiveness; the spirit of accommodation; and above all, the people of Dokolo would like us to discuss these issues with sincerity of purpose.

The people of Dokolo County would want us to produce a workable Document. They do not want a Document that will serve on the narrow interests of a small group of persons under whatever name they may call themselves. They do not want a temporary Document that is subject to review every five years. The people of Dokolo would want us to produce the Constitution that will promote the wider interests of Ugandans and those interests must also be balanced with the rights of individuals of Uganda. It is, therefore, futile for any group to believe that the Constitution is being made for them. Madam Chairperson, it has been said in this Assembly to this effect that "we gave you your kingdom, but we are not going to give you Federation". Even equally outrageous was the statement that, "those who do not want the kingdom should get out of the country". How absurd! The people of Dokolo would want a Constitution that promotes the will of the majority, but the views of the minority should always be heard and respected. *(Applause)* Madam Chairperson we

believe that a good Constitution should evolve from consensus rather than from mere numbers as some Ugandans have been misguided to believe. So, Madam Chairperson, what will the people of Dokolo expect to benefit from this Constitution as ordinary peasants? They told me their expectations are moderate and include the following: They expect genuine peace throughout the country. They expect cattle rustling which is a menace to them to be eliminated and no raiders should ever step in their territory again. They expect to experience no more famine in their area. It is a humiliating fact which happened just recently. They expect to begin the long march to development in their country. They expect to see some medicine in their dispensaries and hospitals once again. They expect to start sending their children to school. Madam Chairperson, the people of Dokolo expect to be left completely free to elect the Government of their choice from a variety of alternatives. *(Applause)* They do not expect to be ruled by the Movement type of political system again. Above all, Madam Chairperson, they hope that sooner than later they also will be able to share just a little of the abundant comfort which some Ugandans are now enjoying in Kampala not by coming here to Kampala but by staying right where they are.

The expectations of the peasants from Dokolo are simple and very basic. But since the NRM came to power in 1986, the Movement has consistently and continuously denied them some of these basic requirements for a meaningful livelihood.

MR. RWABITA: Point of Clarification. Thank you very much, Madam Chairperson. I would like Dr. Odur to clarify to us after making all this declarations that never again will Dokolo county be ruled under the Movement. What will happen if the majority accept the movement?

DR. ODUR: It is their expectation, hon. Delegate. If it does not happen, they will follow what the majority will do.

While some areas being favoured by the Movement, have roads of tarmac, peasants such as those from Dokolo in the North lack hoes - simple tools for production. While, for example, a primary school in one favoured area can have up to 50 students passing in Grade one in the PLE Exams - a whole county such as Dokolo in the North can hardly manage to push one student in Grade I. This, to some of the peasants, is a calculated long term destruction

of the North so that in future we have no educated personnel to participate in running the affairs of this country. A NewsPaper Report recently, some...*(Interruption)*

THE DEPUTY CHAIRMAN: There is point of information hon. Delegate.

DR. ODUR: I will take it later on not now. Let me continue. A NewsPaper Report recently...*(interruption)*

MS KABIRISI LUBERENGA: I would like the hon. Delegate holding the Floor to clarify to me whether his Constituency not passing students in Grade I has anything to do with Government not giving the money. Because in my view, at least in my understanding, the pupils are supposed to be taught to pass - so the Government is not to blame. Can he clarify to me please.

DR. ODUR: Thank you very much. These schools I am talking about are Government aided schools and they are not being aided. There are no scholastic materials; there are no good teachers; there is no payment of teachers. So, it is upon Government to improve these services so that these children can pass well. Thank you.

MR. KARUSOKE: Point of Clarification. The hon. Delegate on the Floor says that the failing of children in exams is attributed to Government. The best of my knowledge Bundibugyo the whole district passes less than 30 students in first grade. Is that also a systematic way of destroying Bundibugyo by the Government? I want clarification on that.

DR. ODUR: That is up to your people. These are the views of my people. Thank you very much, Madam Chairperson, May I continue, please.

There was a NewsPaper Report which all of us are familiar with. It was attributed to our President that Government jobs are being monopolised by Western Friends of ours because they are more educated people and that is why I am bringing these points. Madam Chairperson, allow me to make some remarks about our recent past political history so that we may put into perspective the problems of sectarian development which we are now practicing in this country. Because of our diverse cultures, traditions, and languages, our nation building process has been characterised by ethnic groups taking advantage of their men in power. The process then becomes that

of group development, group consensus in politics; group employment; group tolerance if any; and above all, group "eating".

The country has had two golden opportunities during which concrete foundations for unity could have been laid. One was the Moshi Conference in 1979 which all of you are aware of. After Amin had brutalised us for eight ugly years we fought a war of liberation with the help of Tanzanian Defence Forces. Even when going to war, we still maintained our concept of group behaviour. Groups went into battle to fight Amin. When the Moshi Conference finally got under-way, the business of groups nearly wrecked the proceedings. Some groups were even locked out. State power was at sight and so groups wanted to capture power. The Moshi Conference did not achieve that much needed unity. But out of it emerged a number of conspiracy groups. Many elements of the Moshi Conference are with us in this Assembly, and they have since seen a lot of things. The fragile unity after the conference allowed the war to be executed successfully. Then the birth of UNLF was a spirited approach to national unity much similar to the NRM broad based policy. UNLF had to die of conspiracy. This was really necessary so that multi-parties could resume political work. Therefore, the Military Commission was wise to turn the matters to the electorate leading to the well known general elections of 1980. After the general elections the people of Uganda were expected by observers and our international friends to settle down to the demanding task of rehabilitation and reconstruction of Uganda, which had been devastated by war. But one group, as you are aware, Madam Chairperson, is the current President was defeated at the polls and did not accept the 1980 general election results although they got one Member to Parliament. This as you know, was UPM.

The UPM is the only Party that I know of which turned into a Guerrilla Force to fight a Constitutionally established Government. UPM went to the bush and this was the beginning of the atrocities committed in the Luwero Triangle - UPM could have presented their grievances to the people of Uganda through Parliament because they had one Member in Parliament. Unfortunately, this Member also decided to desert the House and opted for other deadly methods of solving UPM's grievances. Now the Parties are being blamed for causing chaos in the country. This is a distortion of our historical facts. *(Applause)* Madam Chairperson... *(Interruption)*

MR. BIDANDI SSALI: Point of Clarification. I would like the Member holding the Floor to clarify the statement that the UPM went to the bush. Madam Chairperson, I happened to have been the secretary general of the UPM at that time and at no time did the National Council of the UPM or the Executive resolve to go to the bush. In fact, as the then Secretary General, I did not go to the bush. I would like the hon. Member to clarify the statement that the UPM as a Movement went to the bush and not individuals, some of whom happened to have been some of the Leaders of the UPM and others indeed came from the Democratic Party. Thank you Madam Chairperson.

MR. ODUR: Thank you hon. Delegate. I think we should not really try to confuse ourselves. We are aware that the Chairman, of UPM did go to the bush and he went with some elements of the UPM cadre. So, what else do you want me to say? This is a fact very well known to you and those UPM fellows who remained inside the country - they also had a role to play.

DR. KANYEIHAMBA: Point of Order. Is the hon. Delegate on the Floor in order to evade the question that has been put to him and to imply that since the leader of the UPC Milton Obote is in exile UPC must, therefore, be in exile. Is he in order.

THE DEPUTY CHAIRMAN: I think that was the answer he had at hand.

MR. RINGWEGI: Point of Clarification, Madam Chairperson. I would like to clarify that what the hon. Delegate holding the Floor is trying to say is this - I am seeking clarification from the hon. Speaker currently holding the Floor on whether the information he is trying to give to the hon. Delegates about the UPM has been obtained from the many numerous public utterances made by some of the UPM in political rallies glorifying their roles and participation even if they did not physically go to the bush but glorifying themselves to the population after the victory that, "I also participated actively and did the following even if I remained in the city". Madam Chairperson, is that what the hon. Delegate is trying to tell us.

DR. ODUR: Madam Chairperson. I think the hon. Delegate who has just been speaking must have read my speech because that is what is in the next paragraph which I am going to skip. I am going to

skip that paragraph. I think you are now quite happy.
Madam Chairperson...*(interruption)*

MR. WAGIRA: Thank you very much, Madam Chairperson. Is it in order for the Speaker to imply that the views he is giving are a result of his discussion with the hon. current Speaker and not of Dokolo County?

THE CHAIRPERSON: I think it was a coincidence of ideas.

DR. ODUR: Madam Chairperson, I am running out of time and it is unfair that my time should be taken in this way. As I was saying, Madam Chairperson, the war in Luwero has been talked about a lot. There are many sides to blame but what we are saying is that, it is no use heaping the blame on any particular group of people because those of us who were in the country know that vehicles were being shot on Uganda roads, mines were being laid on Uganda roads and in all these innocent people were being killed. Now you can ask yourself: "who really won the Luwero Triangle war?" Do you win a war without shooting down your enemies? If can answer those questions then we are somewhere getting to the truth of the matter. In fact, we have been told that in the 1980s, there were already people who were poisoning UNLA soldiers in that area. And we wonder how many people were poisoned in that area.

Madam Chairperson, the second opportunity for Ugandans to put their House in order was the Nairobi Peace Talks which many Delegates are very much aware of. Although the groups involved in Nairobi Peace Talks were from very narrow political bases in Uganda, nevertheless, they were a group of power-hungry fellows who, if they had agreed to share power, would have saved Uganda thousands of lives and property worth billions and billions of Uganda shillings. But this was not to be the case...*(interruption)*

THE DEPUTY CHAIRMAN: Point of Order.

DR. ODUR: No thank you please. The two groups were not serious about power sharing. They engaged themselves in the art of conspiracy, deceit and disinformation. The UPM proved too smart for General Okello Tito Lutwa's men. The concept of group conspiracy was strengthened by the doctrine of swallow-ability. Madam Chairperson, I am reflecting on these historical instances to show the

hon. Delegates that the problem of power-sharing is central to our politics and unless we allow pluralism to operate freely, we shall never solve the problem of governing Uganda adequately.

Just not too long ago in Uganda, the NRM opened talks with the leaders of the current political parties. But the exercise was abandoned without any explanation to the people of Uganda on what really happened. The people of Dokolo are calling upon the NRM to come out of disguising themselves as non-Party. We know that when the UPM successfully executed the war in Luwero Triangle, they became born-again christians under the baptism name of NRM. They then denounced all those primitive and backward people who destroyed Luwero - who killed innocent civilians and who brought chaos to Uganda. The born-again NRM must now...*(interruption)*

THE DEPUTY CHAIRMAN: Point of information. Do you accept it.

DR. ODUR: No thank you, please. The born-again NRM must now work with other established political Parties for the broader interest of the people of Uganda. But this should be done through genuine accommodation and not through the doctrine of swallowing your opponents.

I wish to remind ourselves that Uganda has once again got a real golden chance to put its House in order and this time it is not so much for us but for generations and generations of Ugandans yet to come.

A HON. DELEGATE: Madam Chairperson, is it in order for the hon. Gentleman to say that the NRM should not operate on the policy of swallowing its opponents when I, in my capacity, as Chairman of the Presidential Commission for Teso, know that in Teso there were about 5,000 men fighting NRM in the bush. They came out of the bush and Government has allowed them to operate as free agents and we heard one of them giving his speech here this morning. Is it in order for us to give this wrong information to the House, Madam Chairperson.

THE DEPUTY CHAIRMAN: I think the hon. Member on the Floor has taken note.

DR. ODUR: Well that is assimilation - that is not swallowing. Hon. Delegates this opportunity given

to us is very rare and very special. Are we again going to fail the people of Uganda? God Forbid. Madam Chairperson, I submit that the Movement has a big role to play in this matter as a senior partner in this discussion. We call upon the Movement to die a little as was ably put by hon. Ogola a couple of days ago. We call upon the Movement to abandon conspiracy tendencies and the doctrine of swallowing opponents. We call upon the Movement propaganda machinery to stop the policy of disinformation and distortion of historical facts about Uganda. We call upon the Movement to disengage the gears of its propaganda machinery on political parties. Madam Chairperson, and hon. Delegates, the people of Dokolo County call upon the Movement to lift the illegal ban on political party activities immediately. *(Applause)* Such positive change of mind by the Movement will definitely usher in tranquility in this august House which will, no doubt, enable us to produce a workable Constitution that will stand the test of time. Our Constitution must accomplish one very important task - that of "guiding the Pearl of Africa to rise and shine again".

I would now like to turn to the provisions of the Draft Constitution and I will start with political systems. We in Dokolo are rather surprised that Articles 94, 95, 96 and 98 were included in this Draft by the Odoki Commission. We strongly feel that matters covered under these articles are rather political and not really constitutional. They should best be discussed under transitional arrangement by this august House. Article 95, powers Parliament to create organs for the Movement and then define their roles. It has never been the job of any Parliament to produce organograms for private organisations. Parliament is a people's Legislative body and should never be used as a consultation firm. Article 96 of the Draft is to ban political parties. One is entitled to query as to why an Association or Movement for that matter should interfere and violate the rights and freedoms of individual Ugandans to associate and operate their associations freely. The business and purpose of political Parties, Madam Chairperson, is to compete for power to govern the State through the open market. It is up to the people of Uganda to grant this power through their wise votes as it happened in December, 1980. It is not the job of any individual or group of individuals to grant this power as one hon. Delegate here unwittingly submitted to this august House last Monday, to the effect that UPC should not be allowed to take power again.

Adoption of Article 98 on political systems which calls for a Referendum every five years would render our Constitution a temporary Document. That Article should be deleted altogether. In Article 94. Clause 1 (f), it is stated that the Movement shall have no Constitution not even a set of Rules. If adopted. Madam Chairperson, this Clause would render the Movement vague and suspect in Law. In fact the Members of the Movement would then not be accountable to anybody and we believe that this was deliberate and intentional. It is no wonder that the Movement is said to be full of AGIP Members, to borrow hon. Obua Otoa's definition, meaning people who will always join any group in power. I believe that the Odoki Commission was not very kind to the Movement as far as this Clause is concerned. Madam Chairperson, this fluid situation is ideal for the operations of the doctrine of swallowing. You are just swallowed and that is it. You have no reference point on which to challenge anybody, if it becomes necessary to do so.

I now move to fundamental human rights and freedoms. Madam Chairperson, the people of Dokolo are very concerned about the provisions relating to fundamental human rights and freedoms. They call upon all the Delegates to debate these provisions with all the seriousness they deserve. The provisions contained in Article 50 to 83 are generally upheld by the people of Dokolo. They however, reject completely any clauses which give loopholes to the State to infringe on the rights and freedoms of the individuals or groups of individuals. For example, in Clause two of Article 51, it states that: *'in the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the rights and freedoms of others, or the public interests.'* This is the type of loophole I am referring to. The State often uses the excuse of public interest to interfere with freedoms and rights of political opponents. Various UPC officials have been harassed and locked up under such a loophole. Two DP political rallies were prevented from taking place at the City Square last year by heavily armed personnel. The police evaded the campus of Makerere University a few years ago, all under such loopholes. Madam Chairperson, since these rights and freedoms did not originate from anybody, their enjoyment cannot and should not depend on the benevolence of Government or any individual. However, because of lack of civic education and hence general ignorance, our people still talk of human rights and freedoms as if the Government has a right to give or to withhold them.

We would like here to point out that the familiar forms of human rights and freedoms such as the rights to life, to association, freedom of the Press, religion, assembly and protection of the Law are well known by the educated Ugandans. But they are not very well known or some of them are not known at all by the peasants. There is, therefore, need for vigorous civic education at all levels of society. The State should take up this task seriously and let our people be educated. The newer types of rights such as those for education, economic well being, shelter, job security and fair wages are even not being promoted and protected at all. We urge the State and other able organisations to teach these rights to our people urgently. We support the establishment of the Human Rights Commission. We do not support the detention without trial. It should be abolished forthwith.

Lastly, on this topic, we urge the State and we shall suggest provisions to this effect that our Government takes all possible steps to promote and protect human rights and freedoms in Uganda. In particular we appeal to all functionaries of Government at all levels, the Police, the Prisons and particularly the army to stop violating the human rights of the people of Uganda on behalf of the Executive of Government. The people of Dokolo would like to appeal to the cattle rustlers of Karamoja to stop violating their rights to life and economic well being. The long term solution to cattle rustling we believe is to disarm the Karimojong completely. They should instead be persuaded to pursue gold prospecting and mining and crop husbandry as relatively lucrative forms of culture they can and should adopt.

Madam Chairperson, I thank you very much and fellow Delegates for listening to me. Thank you very much.

MRS. BWAMBALE-BHIRA LOICE (Women Representative, Kasese): Madam Chairperson, allow me to congratulate you and the Chairman upon attaining such a high office and we are all proud of you and your performance so far. Allow me also to congratulate my Colleagues who have made it to this Constituent Assembly. We have already showed that we are going to have a spirit of tolerating, listening to each other as we go through this Constitution making process.

As I congratulate my Colleagues who have made it here, I call on all of us to come here with openness,

tolerance, objectivity and capacity to listen and respect views contrary to ours. We should endeavour to make a Constitution through developing a consensus on many issues. All of us here men, women, the Army, political Parties' Representatives, the Youth, the Disabled or the Handicapped are trying to evolve a culture of constitutionalism to construct Uganda through a long lasting Constitution whose dividends should be security, and development for all the people of Kasese and Uganda at large.

I recognise with appreciation the participation in this Assembly of women who were brave enough and competed with men for the CA elections. I say bravo! Without the affirmative action of the National Resistance Movement and the Parliament to include a seat at each District level for a Woman CA delegate, how would 39 district women Cas be in this Assembly? We congratulate the National Resistance Movement for that. (Applause) Indeed, the Chief Justice put it well during the swearing in of the CA Delegates. I quote: 'opportunities come in singles and misfortune in multitudes'. This is the opportunity for women to participate. Fellow Women here in this Assembly, prepare yourselves for a brain storm on gender issues and other aspects of the Constitution. I appeal to all of us women to develop shock absorbers. When misfortunes like the one which hit us through hon. Ogola come, who said that women say no when they mean yes just diplomats, let us have the shock absorbers to sustain the political shocks in this House. (Applause) Since the male Delegates here are our fathers, husbands, sons, neighbours, let us negotiate skillfully for their support. Our cause is developmental; it is not a displacement of men by women.

My contribution, Madam Chairperson, will carry messages from the Ministry of Women in Development where I am a Deputy Minister, women NGOs that I coordinate in Kasese District and specifically, the women and youth's views. The elderly have a message too and the disabled have to be considered by the Assembly. I intend to cover issues on land, specifically, Kasese; Human Rights in general; Gender; citizenship; education; minority ethnicity; federalism; decentralisation; monarchy; cultural development; political systems; and the Executive, if time allows. If it does not, I beg to circulate the rest of the contribution to have on record the views of the people of the areas I represent.

On land issues, the people of Kasese are constrained and have sent me to say this here, especially, the women and the developers of the area. Land in Kasese is in acute shortage. There is need for rational sharing between the people locally living in Kasese, the mining industries there, the National Parks, the water bodies, the Government Institutions, Kasese Urban Development which is very fast, the Rwenzori mountains that exist in Kasese and we are all sharing the small piece of land as I will soon illustrate. The people of Kasese need a constitutional provision to enable them utilise and develop the land under a protective system which allows owners of Bibanja, urban people and Government to co-exist well. Kasese people recommend a system of customary land tenure in rural areas and leasehold in urban places. They say they need land titles in urban areas and that this Assembly should grant that for a faster development of the district.

On the land shortage, allow me to demonstrate, Madam, how Kasese district is seriously short of land. Kasese is covered by 3,330 square kilometers. Of this land, the land area itself is 2,872.61 square km only. We find water bodies and swamps covering 460.39 square km. Queen Elizabeth National Parks covering 1,485.17 square km and a huge mountain, the Rwenzori, covering 582 square km. As if that was not enough, there are forests covering 984 square km, leaving available land for us to use which is 1,221 square kilometres. This land remaining after extracting these other features is shared between Government institutions like Kilembe, Hiima, the Cobalt Plant, the Prisons and the people of Kasese who are hard-working. Some are farmers and some are pastoralist. So, we have a hope that in view of this picture the land tenure system should clearly protect and benefit the natives of such areas that are oppressed by inevitable national developments which are also desirable for both local and national economic development.

If you look at schedule 4 of the Draft Constitution which outlines functions and services exclusively reserved to the Central Government, areas like Kasese I want to state will be advisedly deprived of too much land and therefore, they demand to benefit directly from the Revenue from the Mines, the Minerals, the Parks, Water Resources and other Government Institutions that are presently in Kasese District and perhaps other districts being affected. Perhaps similar situation exist in other districts. Schedule 276, deprives the district a lot of revenue

and resources. This clause puts the entire control of minerals and ores in or upon land or water in any control of government. Further section (2) of clause 276 exempts clay, murrum, sand, or any stone from such control.

The people of Kasese are requesting this Assembly to support them in amending Schedule 4 No. 7 of clause 276 to include local salt (NaCl) in the list of exemptions. At the present local people manage the same but local government administration manages it. This status quo should not change. Notwithstanding that central governments has a while elephant salt project which obtains its raw material from underneath the crater lake. This Assembly should support the suggestion that government reconsiders by way of provision or addition of one mineral on this list in schedule 4, No. 7 of clause 276, called Sodium Chloride mined at Lake Katwe. The people wish to retain local extraction and ownership of this mineral and also they wish that the list should include precious stones like gold, which exists elsewhere in the country were they benefit local communities greatly. So, they wish to suggest to this Assembly that these minerals and others that the Delegates may so feel also be included in this Schedule No.4, Section 7 of clause 276 for exemption. Madam Chairperson, I hope hon. Delegates will give this due consideration and come to the aid of the people of Kasese and other areas where such problems are existing.

I now turn to the issue of Fundamental Human Rights and Freedoms. On the onset, I pray to the Members that this will include Women's Rights. The people of Kasese are saying, human dignity should be of paramount importance in constituting the document that aims at regulating and directing the people of Uganda into political, social, cultural and economic development. Therefore, the provisions of the Chapter 5 - on Fundamental Human Rights and Freedoms are okay. I mean it is a key-note proposal in the Draft. It should be restructured and elevated to a status of a Bill of Rights, as it is in the constitution of the USA, so that it is not interfered with by undisciplined leaders.

Considering that this august Assembly will be scrutinising various categories of human rights, Kasese people wish to request this House to seriously consider rights of people who have or who may feel socially, politically and economically disadvantaged such as the minority ethnic groups, religious groups.

women, the youth, the handicapped and the elderly. In fact, the elderly are not specifically covered by this chapter and yet the elderly in this country have been neglected for too long. In this regard, I would like to suggest that hon. delegates look into the possibility of establishing a permanent commission or commissions to be entrusted with the duty of collecting or receiving grievances of minority groups and aspects in Uganda. This commission, if accepted by this House should assess and rationalise the minority aspects and advise government on the right course of action of handling or resolving such grievances as they may arise from. Minority is a temporary situation created by imbalances in decision making or allocation of resources. I hope that this will go a long way to create an effective mechanism of monitoring and managing potential explosive minority situations for the good governance of our society in Uganda. The idea is to learn from the past experiences such as that which we experienced in Kasese of the Rwenzululu movement. Those of you who do not know the Rwenzululu movements, I can always circulate some information later. It was a movement fighting for human dignity, democracy, self governance, education and development that emerged under Toro Kingdom by bakonzo and Bamba now in Kasese, Bundibugyo and some in Kabarole districts. This sort of movement from minority groups has been a problem in Uganda. The Rwenzululu movement has been a problem in Uganda's political history for three decades fighting for minority rights. We have other examples of minority issues existing elsewhere in the country, and these should not be ignored. I will only give ethnic minority examples. A more recent ethnic grievance was that of the formerly majority, Baraaro cattle keepers who live in Mawogola, Ntusi and Kabula (they also live in other parts of the country), who were scattered by the government ranching scheme of the 1960s and have been wondering as nomadic minorities when they could have been a majority. The Karamoja issue has also been so well discussed here. Now these are the sort of areas where a permanent commission is necessary to address into oblivion such a minority status. In future, I shall elaborate on minority ethnicity in Uganda with more details. Should the draft proposal of establishing a permanent commission go through then I will also propose on behalf of the people of Kasese that the issue of education for minority groups in Uganda should be handled with greater sensitivity when it comes to financing. The commission could be empowered to lay out modalities. Madam Chairperson, this proposal is

very inclusive, not only does it cover ethnicity, it covers the women, the youth, the disabled and the handicapped as I have already mentioned. I wish to urge members to support me in proposing a commission for minorities.

I now wish to move the point of gender development. The people of Kasese appreciate the process of gender development that is currently world on. I wish me to convey to this Assembly that the women who are here in this Assembly do represent a silent majority of women, the youth, and children whom past constitutions have ignored. It is hoped that the women delegates here in this Assembly will ably articulate the demands for gender consideration and win the support of the men delegates, here, who are the majority in this Assembly. We request for cooperation, as women delegates here, understanding, tolerance and responsibility when we tackle gender related sections in this draft constitution. The women of Kasese, in particular, were concerned about the rights of children. They call up on the hon. delegates to consider that the rights of children are also the rights of mothers. The orphans, the disabled - their rights are also rights of the mothers.

The economic empowerment of women through the constitution on equal exercise in terms of opportunities is a welcome move, and let us support them in the interest of development for this country. Do not sacrifice us hon. delegates and ignore the economic role of women in exchange for the politics of the day. The women of Kasese would like to request the support of this House that gender representation on all bodies that are proposed by the draft constitution be taken very seriously because this brings the women in the decision making arena. We have observed carefully that most bodies be they commissions, be they committees that have been proposed in the draft constitution, just name numbers: two women, three women. The people of Kasese would like to propose that this representation should be on a quarter basis rather than numbers. If we are talking about Parliament let us talk about perhaps a third of Parliament to be reserved for gender balancing and in respect of women. *(Applause)* Instead of just talking about a handful of women, let us talk about a quarter system. And in this request we are not asking for favours, not at all. We are asking for competition on merit accompanied by affirmative actions.

The Ministry of women and the women of Uganda have also a message through me. We wish that the

women and youth councils that have been put in place by the ministry, to gear women into development should be recognised and well incorporated into the constitution, as of now they are not. We also request that the restructured the Ministry of Women in Development should be retained among those ministries that this draft constitution is proposing to uphold. Because we see it still has a role to play and may in the long run be 'seized out' because we feel women have been left out of Uganda constitutions for too long. This has been a development omission which should be redressed very seriously by this House. We are doing this assertively to avoid frequent or regular amendments of this constitution in 20 to 50 years. When we talk about putting institutions and putting gender representations we are not only talking about women alone, there may come a situation and a time when the men may also feel that they need special gender representation - it will also apply. So we need your support.

The issue of citizenship has been having gender discrimination against women. The people of Kasese live on the border with Zaire. They want to see national identity cards issued. They support all proposals on citizenship in the draft constitution.

- 1) Children without parents are considered as part of the children's that had never had constitutional attention before.
- 2) Foreign men married to Ugandan women are also accommodated.

Let me turn to the system of governance; and I want to

concentrate on three areas. Federalism, comparing it with decentralization, a political system, and cultural leadership. Given the problematic history of Federalism in this country and the ever increasing currents of ethnic integration and intermingling of people through marriage, the people of Kasese would prefer a system of decentralisation to federalism. Given our past history in the struggle for human dignity, democracy, and self governance, the majority will not embrace federalism in Kasese district even if the basic units were a district. For the people of Kasese have a nasty political past to refer to. But areas that are cherishing federalism should go ahead and negotiate with central government organs to meet their demands so that we can be able to live in harmony with aspirations of the people such as Kasese who may not want the system of federalism. We feel federalism is likely to implant unhealthy ethnic prejudices but in the spirit of tolerance

and appreciation of each others ideas, we do not see anything wrong in having a republican system and then those who wish to have federal system should have it provided it does not infringe on the constitutional rights of other people.

The second system of governance: the political system. Due to historical reasons and gender consideration the people of Kasese, overwhelmingly, support the current temporary suspension of the activities of political parties. And they believe that in selecting the type of political system to adopt in Uganda, let us not forget the pressures of international giants of the World. These giants have their own calculations and they know how to enforce them and go through them. However, in the meantime, Kasese wholly advocates for the extension of the National Resistance Movement system for another five years with the provision that the current leadership of the NRM should come up with a programme for that period of time. We associate ourselves with the NRM in Kasese because the district is new and when it was formed NRM recognised its existence and allowed people to work freely and develop themselves. The people therefore support a referendum at whatever stage before or after five years on political parties and they would like to be governed for the time being under the current movement system. They request that if people of Uganda through this House so choose that political parties come now or after five years, their manifestos must consider the protection and promotion of women's rights.

THE DEPUTY CHAIRMAN: Hon. Bwambale, I hope you are winding up.

MRS. BWAMBAALE: I am, Madam Chairperson. Cultural leadership. The people of Kasese would like to be governed under cultural leadership in accordance with the provision of Clause 279 which appears in the Draft constitution because it supports cultural development and cultural development is necessary. At the moment, the people of Kasese are still carrying out debates and consultations on who and when they begin to institute cultural leadership in Kasese district, and not until a decision has been reached shall we be able to inform the House. We, however, feel that provision 279 is enough and should not be confused with monarchies, kingdoms. The monarchies is a different issue from cultural leadership. In Kasese we hope the people know the difference. Some people want a monarchy

or kingdoms while others do not because they view it in terms of economic demands and historical problems and practicabilities. Because our past monarchies covered both the current Kasese and Bundibugyo into Toro Kingdom and that was already causing a representation problem. But we the leadership and the people of Kasese are taking our time and we think this is not a constitutional issue which we should hurry through now. We would rather continue to be governed under decentralization arrangement.

On the executive. We want a provision inserted where a President could be impeached by Parliament, but we wish to retain the power to elect a President through universal suffrage. The people of Kasese also requested that regional cooperation be promoted. The constitution should provide for effective maintenance of close and friendly relationship with our neighboring countries, and where tensions appear to rise, issues should be resolved through consultations and dialogue as much as possible. Living on the border and having had a tumultuous political past, we have been suffering from incursions in Kasese from neighboring countries and therefore, we feel that the constitution should protect people living along the borders of Uganda.

Finally, Kasese considers Odoki's draft to be a proper working document for this House, and that we keenly will follow the debates and effect necessary changes through the five delegates from the districts who are here. They think and request other hon. Delegates to stick to the principles of unity, peace, equality, democracy, freedom, social justice, progress and then have the cardinal rule in this House of remaining tolerant and accepting each other as we go to the general debates. We shall continue to insert in more views where and when necessary. For God and our country. *(Applause)*

MR. KASAJJA GEORGE PATRICK

(Bulamogi County): Madam Chairperson, my full names are George Patrick Kasajja. I represent Bulamogi County in Kamuli district. Madam Chairperson, I wish to request you, before I give the views of the Balamogi that, judging so far from the qualitative contributions that have emanated from the hon delegates here, I have cultivated the impression that we are on the rightful course of charting out a good political future for our country. I say this because there were many prophets of doom who at the time

when we were campaigning to come here as CA delegates who were saying that this was a multiparty or a movement type of politician and may not be able to agree. But the debate so far has showed that Ugandans are ready to come up with a government which is going to establish peace and stability. Madam Chairperson, I wish also to state this, and this is the view of an economist that the contributions that we are making so far are all yielding what we call marginal utility. Everybody who contributes adds something useful and at the end of the contributions we shall have yielded what we call optimum ideas which we shall use as the basis for building this everlasting constitution.

Madam Chairperson, let me inform the Members about the location of Bulamogi. Bulamogi is located in the North East Part of Kamuli, and it is bordered by Pallisa in the North and Busiki in Iganga district in the East, and Kigulu in Iganga district in the South with Bugabula and Buzaaya in the West. So if you want to reach there it is only 150 kilometres and this county is known for producing the white gold in this country - that is cotton - and the scientists have come up with results this year that the cotton produced there is the best so far that has ever been sold outside this country. *(Applause)*

I thank the NRM Government for having given the people of Uganda the chance and resources to make a constitution which, if enacted, will pave way for unity and development. I wish also to thank my hon. Colleagues, the NRC Members, for having acted rationally contrary to what happened in 1967 where the Parliamentarians at that time constituted themselves

into a Constituent Assembly like this one, and you saw what happened and I am sure for us what is going to come out is going to last for a long time. I should also like to take this opportunity to congratulate all the hon. Delegates for having been elected or nominated to represent the nation in this august House.

Madam Chairperson, I bring you and the Chairman and warm greetings and congratulations from the Balamogi upon your election to these high offices. They wish you good health and pray that God gives you wisdom to Chair this Assembly successfully. The Balamogi do recognise the need for a new constitution because like the rest of their brothers and sisters elsewhere in the country, they say that while the 1962 constitution had a semblance of amateurish

consultations; the 1966 and 1967 constitutions were a one man document imposed on the people on the birth of an abominable baby called dictatorship. The results, we all know, have been political, social and economic instability of our country that has caused untold suffering for our people. The Balamogi abhor the fashion of taking to arm in order to solve political as well as constitutional problems which results in terrible consequences to the ordinary people who get caught up in the conflicts. The Balamogi also wish to see a Uganda where change of government is neither sudden nor violent. We now have a chance to lay foundations for safeguards which will ensure that those in power do recognize respect and uphold the supremacy of the constitution which we are about to make. We must make a constitution which will not only stand the test of time, but will effectively control politicians, government and the governed. This is the task before us and how best we carry out this task will determine what Uganda we are to have in future.

Let me now turn to the ideas that were given to or directed to me to bring to you by the Balamogi. The Balamogi wish to see a united Uganda being created and re-enforced under the new constitution with the goal and objectives which all people strive to achieve. Madam Chairperson, we will act wisely if we ensure that Uganda remains a republic and let us strive to achieve unity in diversity and all we need to do, is to give local governments a enough powers to run their own affairs. *(Applause)* In this way people's desires to cater for their common values and participation in their own governance will be achieved. We all know that what Uganda now needs most is national unity, identity, and common effort for the stability and development of the whole country. A fragile country with a diverse society, under developed, fraught with the evils of tribalism and sectarianism as ours may not prosper under any other form of governance. The Balamogi therefore, applaud the wisdom embedded in Article (4) 1 of the draft constitution that is having a unitary government and republic.

Let me now turn to defence of our constitution. Because I look at this one as the most important. We may take seven months or a year here, I do know how long we shall take, but if we do not come up with the proper safeguards and how we are going to defend our constitution, then we shall have done almost nothing. The people of Bulamogi note with disgust that one of the principle causes of instability, backwardness and sectarianism in this country as been

the fact that the past politicians failed to honour the constitution of the day. Uganda saw power-hungry politicians of the likes of Obote and Amin suspend or totally abrogate the constitutions. We should not again give room for such maneuvers to take place in our mother Uganda.

Article 3-4 of the draft constitution empowers all citizens of Uganda to defend the constitution and to do all in their power to restore the same if tampered with. Ugandans can only do this if given military and sufficient political training, an idea the Balamogi cherish. Because the Balamogi at least have tasted this political training and the use of the gun. Now if the person goes there with a gun they will not fear him like the way we used to fear in those previous governments. When Lakwena came she stopped in Bulamogi she never went beyond Bulamogi because of de-mystifying the gun. *(Applause)*

Chapter (3) of the draft Constitution contains fundamental aspirations of our people as reflected in chapter (5) of the Constitutional Commission Report on page 92 to 99. These aspirations of the people of Uganda who have suffered for over three decades during which monumental social misdeeds have been wrought by the then governments. It is my opinion, that we do specify these aspirations in the Supreme Law of the land. This will help in keeping governments accountable to Ugandans. Because the biggest problems are faced here is accountability to our people - corruption, allocation of jobs, allocation of resources etc. which the hon. Members have talked about, have been due to lack of accountability. So it is our duty here to come up with a constitution which will enhance that accountability. Madam Chairperson, the general import of article (8) is such that the people shall expect any government of the day to respect their values, interest and honor their demands. Again the entire article (9) spells out the political vehicle that will be used to achieve that most desirable attribute of government. the people's participation in shaping the way they will be governed. For this I want to thank all the Ugandans because this was an idea which came from the whole country that Ugandans should be given the opportunity to decide how best they are going to be governed, and I think this is a noble idea.

We have no quarrel with these obviously noble objectives whatsoever. My problems is that our history is not full of good examples on how to put upright a tilting political boat. But I dare say that in

the NRM, we have the rare opportunity to formulate and assemble novel ideas on our culture, our politics, our economics, and our beliefs in order to derive a lasting formula for handling deviations. I wish to take this opportunity to caution hon. Colleagues that this will be an up hill task requiring us to move at a rate of 1,000 words per idea.

Let me now consider Article (10) sub-section (1) of the draft constitution. This one stipulates: *“All organs of state and people of Uganda shall work towards the promotion of national unity, peace and stability.”* Madam Chairperson, this re-enforces the argument by the people of Bulamogi that what Uganda needs is to create a firm foundation for peace and stability. They have enjoyed peace, they have seen what stability brings, because all development that is so far taking place in Bulamogi is as a result of stability that has been ushered in by the NRM Government. *(Applause)* This county is a unit county because it has a different dialect from the Basoga as Busoga has two different dialects, that is Lutenya and Lulamogi and the political belief we have had has been almost different from the previous governments. So, people have always been persecuted for their political beliefs, it is only during this government that they have realized that there is a government. *(Applause)* For reasons of mere decorations of a poor political garment, the past governments made half hearted efforts to promote women and reduce the gender imbalances. They certainly made no impact on the solution of this grave social problem. The Balamogi, therefore, do support the declarations made in Articles (13), (14), (15), (16) and (17) of the draft constitution concerning women, the family, the disabled and aged. The Bulamogi, however, wish to caution that in our efforts to correct past imbalances, we should not turn the tables up side down thus realizing that all the habits die hard. The Balamogi advise that evolutionary, rather than revolutionary methods in terms of this issue of gender should be adopted.

On the regional balance. The Balamogi have asked me to say that the areas which have been left behind should be helped to catch up with those that we were lucky enough to catch the eyes of the government and the previous governments. And in this regards they recommend that Article 23 should spell out the mechanism that will be used to determine such areas. This is a very important thing because during the time of campaigns, they were asking me that, “hon. Kasajja we are going to send in the CA, but what are

you going to say about imbalance of development? Because there are some regions which have benefited, those which have at least managed to catch the eye of the government, what are you going to do?” I said, “I am going to make sure that I bring this idea to the House and we should be able to deliberate on it, and I have done that”.

Citizenship. I wish to state that citizenship is a continuous relationship between man and the state. The right of a person to citizenship of a particular state originates from his or her very creation and therefore, inalienable. Our resources, especially land, are scarce. Job opportunities are limited and yet Ugandans must have the first call on all resources of this country. Therefore, we should use this constitution making process to clearly and un equivocally define who a Ugandan citizen is. Madam Chairperson, the constitutional commission in its report on page 113 and 114, made recommendations up on which a recognition of a person as a citizen of Uganda should be based. The Balamogi endorsed these recommendations but argue that for a person to be considered for registration as a Ugandan citizen, he or she should identify himself or herself with aspirations of the people of Uganda in line with accepted international practices on their acquisition of citizenship. However, the Balamogi consider the constitutional proposal to grant the precious citizenship of Uganda to any being which may be an imp or whatever found in Uganda as unacceptable and they pray that this House deliberates on Article 42 with care. Because a person being found here at the age (7) and then given citizenship, this is something which is not acceptable to the Balamogi. Because the Balamogi say that when a person reaches seven years of age he is able to talk, able to define whose father, able at least to know where he came from. So, why don't we ask these people who exactly their fathers are and then we find out their clans so that we can give them the true citizenship. The Balamogi say that they would like to see a well organized and strict system of issuing national identity cards entrenched in the constitution whereby national identity cards will be given to all Ugandan citizens. They rightly argue that in this country anything can happen, there were days when Ugandans were required to carry identity cards, obviously the poor self employed Ugandans both in rural and urban areas could not produce such identity cards and this provided a license for the security organs to torment robe and even kill those people. However, in recommending the system of issuing the identity cards, the Balamogi

are not un aware of the dangerous loopholes to our citizenship which the system might contain. They therefore suggest that the system must be really water tight so that a person getting an identity card should pass through the RC system, and be recommended properly before an identity card is given.

Allow me, Madam Chairperson, at this juncture to share with you and indeed with all my hon. Colleagues the wisdom of the constitutional commission on this matter, by quoting section (6), 5.2 sub-section (c) which appears on page 113 of their report. *"The problems and confusion which surrounded the issue of citizenship must be resolved once and for all by the new constitution so that the provisions are not changed from time to time to suit the regimes of the day"*. In fact, the hon. Members are aware every regime, that has been coming on the stage has been using some of our tribes here as buffers or using them just to help them to cushion their leadership. So this issue of citizenship should be handled with care.

Last but by no means the least, the Balamogi totally reject dual citizenship. The reason they give is that when a person has dual citizenship he does not have proper allegiance to a nation and once things turn around, he will always be the first person to go away and he waits for things to be alright then come back. Then you can see how many people have started coming back and yet those who suffered to make this nation the way it is are not recognised.

The presidency. The people of Bulamogi welcome the idea of having a democratically elected President who should be the head of state. The Balamogi lament the fact that the Presidents we have had in this country did not have the mandate and support by a popular vote of Ugandans. This re-enforces the importance of Article 101 in the draft constitution. A President should be elected through a universal adult suffrage system on the principle of one man one vote. The Balamogi, therefore, maintain that it does not matter what system we may have be it multiparty, movement or even one party, what is important is that there should be more than one Presidential candidates to contest the elections so that people can choose the best. *(Applause)*

Madam Chairperson and hon. Delegates Article 102 sub section (1) of the draft constitution vests authority in the President. To the Balamogi this is acceptable but would wish to see a properly instituted mechanism for checking the use of Presidential

powers. This one we have seen, and the 1962 and 1967 constitution are our testimony, the President is given too much power. So, it is now our duty to make sure that the President is given at least moderate powers which may not be dictatorial. The Balamogi would also like to see a system of checks and balances established in the constitution in relation to the executive powers and they suggest that the President should at all times seek the approval of the people through the Parliament for major decisions he or she makes. This will ensure that the President is accountable to the electorate.

The Balamogi wish to limit the term of office of the President to two terms of five years each and he or she should be (40) years or above and should be educated at the level of a University degree. The reason they give is that if this person or the President goes out of the country he should at least be able to articulate the views of the country and be able to explain the government policies. We have had governments with Presidents who have failed to address some conferences outside and they wanted to use our vernacular here.

The Cabinet. The Balamogi say that they see no harm in having Ministers come from the Parliament, after all if you are a Parliamentarian you have the authority of the people. But their caution is that when you become a Minister, you should at least apportion your time to make sure that you go back to your constituency so that you are not always on your ministerial post only, otherwise you will cease to be useful. The reason why they say that they would like not to recommend the ministers to come from the outside the Cabinet is that we may be left with people who are not supporters of government and if such people are given authority as Ministers they might sabotage the government which is in power at that time. The political history we have had in Uganda has not been good because some regimes had some untouchable ministers who terrorized the people and failed to deliver and yet the President could not remove such people. So here the Balamogi are saying that if a President is given a mechanism for checking on the untouchable ministers it can help to clear the suspicion of not dealing with such ministers. I will give an example, when I was working in the Ministry of land, mineral and water resources in 1983, I am sorry to say the ministers died those were hon Chodre and Amon Bazira. Amon Bazira was Deputy Minister, Chodre was the Minister. These two ministers were all untouchable but the behaviour

they exhibited at that time was also really not good to the people. They almost fought in the office, they were fighting over a vehicle! One Minister asked for a Mercedes Benz Cross country to go home that was Amon Bazira, and Chodre also wanted the same vehicle, good enough the transport officer had given the vehicle to the Deputy Minister but the Minister said, "how can you take a vehicle when I am the Minister and I am supposed to take it? To us as civil servants we thought this was unbecoming and the matter was brought to the attention of the authority at that time but nothing was done. And the ministers continued to act as if nothing had happened. So the issue remains unsolved.

Now I turn to the issue of land. Land is the most important factor of production that cannot be matched with any other natural resources. We all know that Uganda is an agricultural based country where about 90 per cent of the population derives its livelihood from this resource. The Balamogi therefore, agree with Article 271 sub-section (1), of draft constitution but prefer to have a system of land ownership whereby each area has a system best suited to it. They argue that the land issue is a sensitive one and as such land ownership as exists today should in this regard continue. The Balamogi say that the free hold and customary land tenure system should be strongly entrenched in the rural areas while lease hold tenure remains in urban areas in the interest of the proper planning. The Balamogi maintain that land is and should remain fee and that there is therefore no need to have titles for it. They also insist on wanting to maintain their grand parents method of using "Bilowa." They said their grand parents were using Bilowa and the land is still there why can't they continue to use these Bilowa to demarcate their land. Bilowa is the type of tree which demarcates land from one neighbour to the other, and they say the Bilowa should be recognized and they are saying, if you can use the stones to get a land title, why can't you also use these Bilowa to get a land title and use them to go and get loans from the Bank?

Madam Chairperson, let me refer you to Article 276 on page 106 of the draft constitution where an anomaly is introduced for discussion. The Article states that: "*the entire property in and the control of mineral and mineral ores in, and up on any land or waters in any land shall be vested in the government of Uganda*". The Balamogi say this is not fair. Owners of land should have a proportion of the proceeds from the sale of these minerals. The

Balamogi are worried that for long now they have been cheated when other people have enjoyed proceeds from the sale of items on their land without having a share. An example they give is where tree like the Muvule which is found on their land and yet they cannot make use of it without being granted permission by the government. They are saying freehold should allow them to use the Muvule but not to come to government and get permission to utilise it. And one of the reasons why there is environmental degradation in Busoga is because of this archaic land tenure system which does not allow people to look after resources on their land.

On form of government. Madam Chairperson, the Balamogi have directed me to remind the hon. Members that history is the best teacher and they have told me to tell you that we have ever tried multi parties, and we saw how divided we were. Families broke up, fathers and sons fought and killed one another because of differences in their political beliefs. A UPC die hard would find it very hard to comfortably have a drink with his brother who was a DP. We must not allow ourselves to get divided again. Since 1986, when Uganda has been under the movement system, we have tasted a sweetness of real peace and true liberty like people of different political persuasion coming together say under RC to discuss common problems. Under this, I am under instructions to say that the Balamogi would like us to try the movement type of politics for another five years. (Applause) And they have asked me that we should, at the end of five years still if we respect them like we did when we went to ask them to give us authority to come here and represent their views, to go and ask them whether they want the movement type of political system to continue. They say we should still go back after five years and ask them whether they would like the movement type of politics to continue. They are very, very emphatic on the referendum to be held. (Applause)

THE DEPUTY CHAIRMAN: Can you wind up.

MR. KASAJJA: Madam I would like to wind up though I still have other issues to raise. I will wind up, may be, on traditional leaders. The others, I will give them up when we are discussing item by item of the constitution.

The Balamogi say the institution of traditional leaders is part and parcel of the cultural heritage of some of us here. As such the Balamogi say that those who

want the institution and respect, should be allowed to have it as it is an essential part of the fundamentals rights. To be strong every country evolves values and traditions on which to base itself. Without a specific identity, a nation cannot be proud of itself, let alone, to be respected by any other nation. The values and traditions nature on which our country should be built, should be derived from the very ethnic group in order for us Ugandans to have an individual identity in diversity. The Balamogi however, wish to advise that traditional leaders should remain cultural leaders and not to indulge themselves in politics. This is because of the fact that the institution of traditional leaders belongs to the right to culture and once the people who are affected by it, freely chose to have it and continue with it, there would be no harm. The Balamogi have directed me to add that it is important that traditional leaders are respected, protected and supported to a certain extent by the government. *(Applause)* Say, in the form of provision of transport, up keep and genuine maintenance. However, if this is to be acceptable, all traditional leaders should receive equal treatment from the government as this will remove suspicion that some Kingdoms are more important than others, and may subsequently lead to division amongst ourselves. Other have Pajero others have been given other amenities but our Kyabazinga has not been given anything. *(Applause)* The Balamogi have asked me to...*(Interruption)*

THE DEPUTY CHAIRMAN: Time, time, please.

MR. KASAJJA: Yes, the Balamogi have asked me repeat this thing that Kyabazinga has been neglected and yet other Kingdoms have been respected. If we are going to have traditional leaders we should have equity in treatment.

We prefer English as an official language then the national language should evolve among our languages because I do not see why we should have a foreign language being our national language when we can, amongst our languages, evolve one as a National language. So, I wish to stop there. Thank you very much. *(Applause)*

MRS. SEBAGEREKA-KAKOKO VICTORIA (Women, Mukono): Madam Chairperson, permit me to correct the erroneous terminology used in reference to our designation as women. Women, Mukono; women, Mbale; women, Arua; etc. The correct designation is woman district delegate for

Arua or woman CA delegate for Kapchorwa District or for the other districts. I would like that to be put on record.

The district I represent is a vast one. Vast in area, vast in population, vast in culture and endowed with a wealth of agricultural fortune. Mukono has a population of approximately one million inhabitants, it borders with Luwero, Lira at Lake Kyoga, and Mpigi districts. The district I represent is the food basket of Uganda, the dormitories of Kampala. It is referred to as a model district with Islands of Buvuma and Kome - the Savana of Galilaya and Baale, the agricultural land and wet lands. It has a variety of lush vegetation and has won this year's national agricultural show. *(Applause)*

Mukono district is a cosmopolitan district inhabited by no less 48 tribes and usually referred to as the United Nations of Uganda. The harmonious coexistence of these ranges between 48 tribes within the confines of this one districts and it can serve as a role model for other districts and the nation at large. The Spirit of nationalism must be enshrined in our constitution which should be developmental oriented as is now in Mukono district. This can be achieved if we evolve towards tolerance in accommodating the views of others as well as a spirit of reconciliation. Reconciliation alone will be a dramatic step towards making the nasty and the good experiences of our history worth remembering. Let us transcend to a level of patriotism where the individual group tried etcetera is an integral part of the national agenda. Let us be open, frank in our self-examination as well as self-criticism. Let us remember that we are carrying the blind torch for over 17 million Ugandans. Let us brain storm without prejudice.

From 1992 to date I have been collecting people's views as regards the constitution. I would like to take this opportunity to thank this Assembly for contributing openly to this brain storming exercise to discuss the general principles of the constitution. It serves as the perfect opportunity for us to let out steam and will give us a footing when touching the detailed deliberations. For instance, I know now that when we get to debating gender issues in the draft, we will have to work very hard to enlighten our Colleague from West Budama, Hon. Ogola.

The draft constitution has addressed a wide range of issues which affect every Ugandan in daily life. However, in this submission I shall limit myself to

the following topics and views. I will only touch (9) topics. Human Rights, Women, the National Language, the Army, the disabled, citizenship, Political system, traditional rulers, land and Environment.

I will start with the women. The people of Mukono district support Chapter 5 on Fundamental Human Rights. But it should elaborate the form of rights for women. Article 61.1 should read as follows, according to the people of Mukono: *"Women shall be accorded full and equal dignities of the persons with men at every level in society: school, place of work, politics, judiciary, law etc. Their hours of work should be quantified and recognised. There should be free and fair competition for jobs be it in government, private or public sectors"*.

Article 61.2 should read that, *"the Constitution of Uganda should put in place conditions to give women economic independence and decent representation without them being overburdened with excess work"*. The women and men of Mukono District recommend that women, especially the disadvantaged ones, such as disabled, widows, uneducated single mothers, etc., should be given every assistance whether moral, physical or monetary and there should be helpful attitudes for women suffering injustices and harassment of any kind. These categories are house girls and house boys, rape victims, victims of domestic violence, and any sorts of marginalisation.

The people I represent recommend that women and girls should be encouraged to seek equitable and just positions and share in the wealth and properties of their families and their business and also in their marital homes for equitable share with their husband's estates. The law of inheritance is spelt out but it is rarely practiced. They further go on to recommend that laws of inheritance and whatever other laws that discriminate or disadvantage women especially women with disabilities and girls from leading a meaningful life should be abolished. This Constitution should develop a culture of enforcing the existing laws. There should be positive gender balance and active participation in law making bodies that affect our lives virtually and seek easy inexpensive and quick systems for redress like family courts, the consumer protection councils, rights of women councils and existing RC courts to include more women. These should be decentralized and spread out so as to give easy access to women without too much legal and transport costs.

On children, elderly and disabled. Children and people with disabilities have to have equitable just and fair system put in place. The Government should contribute properly and fully towards the well-being of these groups. For example, the other day I was watching people struggling to take Hon. Wandera who is in a wheel chair up the stair of Parliamentary Building. Here, Madam Chairperson, the people of Mukono District add their voice to that of Hon. Mazima that the government should have ramps, and well marked lifts with attendants. Schools, universities, hospitals and all public buildings should have facilities to ease the movement of people with disabilities. *(Applause)* Needless to say, abusive language in respect to disabled single women and children born out of wedlock should be stopped. The state should enhance the integration of these 12 million people in the social, economic trend of things to supplement the efforts of NGOs.

Women's rights are human rights... *(Interruption)* I am not taking information at the moment but I will accept it later, Madam Chairperson.. Women's rights are human rights. Therefore, the support given by men and women who acknowledge the women's voice seeking equality is not inadequate or carrying it to absurdity... *(Interruption)*

A HON. DELEGATE: Point of order. Is it in order for Hon. Sebagereka now on the Floor to say that children who are born of women out of marriage should be respected after condemning Hon. Ogola's statement on women's affairs?

THE DEPUTY CHAIRMAN: That is her own perception.

MRS SEBAGEREKA: Thank you, Madam Chairperson, I will not carry on. It deserves commendation while realising that it will take a very long time for society to change after centuries of ingrained cultural attitude against women. For example, bride price; female circumcision: women should not eat all the high protein or the tasty savory foods; it is against good culture for a woman to speak her mind out; etc. These demeaning and belittling customs have been enhanced from time immemorial to suppress freedom of speech and expression. We cannot overemphasize the need for women to have equal rights spelt out in this Constitution. Madam Chairperson and hon. Delegates, from the attitude exhibited in this House on Tuesday where an

lected respected former Civil Servant, leader and diplomat spared no effort to blatantly insult the women folk of Uganda by insinuating that women are incapable of making a decision and illustrating his story by quoting a joke from his teacher. Although there were protests from the Floor the hon. Member continued to rub in his dry humour. Madam Chairperson, I felt insulted and my colleagues are of the view that if this Constitution has to uphold its expectations we should start now to reverse the trend of things that is...*(Interruption)*

MR. OGOLA: Point of order. Thank you very much, Madam Chairperson. Is it in order for the hon. Member on the Floor now to take up an issue which your Chair asked and ruled that it should be withdrawn from the record. Is it in order for her now to revive the matter which was already resolved?

THE DEPUTY CHAIRMAN: I think she was reflecting on history.*(Applause)*

MRS. SEBAGEREKA: Thank you, Madam Chairperson. We should start now to reverse the trend of things that is, African women have always been at the receiving end of issues. To them being at the decision making positions...*(Interruption)*

MR. SENTEZA KAJUBI: Point of order, Madam Chairperson. When this matter came up yesterday and even the Member who was on the Floor wanted to refer to it again you, from the Chair, ruled that the matter was off the record of the Assembly. Is it in order to raise a matter which was struck off the record of the Assembly?

THE DEPUTY CHAIRMAN: I have just said that history is not rubbed off the record, she was only reflecting on history.

MR. KATENTA APUULI: Point of order. Thank you Madam Chairman. Although I arrived recently in this august body, is it in order, for Members of this august Body to unduly interrupt other speakers on flimsy issues? Is it in order?

THE DEPUTY CHAIRMAN: Members, we should distract each other least. Hon. Sebagereka, you can continue.

MRS. SEBAGEREKA: Thank you. *(Interruption)*

MR. OGOLA: Point of order, Madam Chairperson. Since you have ruled that history cannot be erased, would it not be in order therefore, to reinstate my statement for historical purposes?

THE DEPUTY CHAIRMAN: But, you are not on the Floor!

MRS. SEBAGEREKA: Thank you, madam Chairperson. I hope my time will be compensated. I would like to appeal to all Delegates to be more gender sensitive and not to merely say this women are getting over sensitive like what I am experiencing on the Floor now. I think we are making a Constitution and we should bear in mind peoples views. I think I will leave that now.

I move to the form of government. Madam Chairperson, I would first like to define the two words that have been widely misunderstood. These words are feudalism or feudal which system was used in medieval Europe where allegiances were awarded with land. Later on in the areas which had kingdoms in Uganda, feudalism was equated with that system of managing society. Now federal or federation or as it is now popularly known, federo is a system of government in which several states unite but are autonomous in local affairs. After seeing the differences in these two words, I would like to urge all of us here not to succumb to unprincipled alliances and give power to the people through fair and direct elections. When we differentiate these two words we will know that federal is a form of government not a system. In effect, madam Chairperson, the people of Mukono District feel that the principle of federalism has been accepted and as a form of decentralisation. Here I feel that every Member in this House embraces decentralisation. So the people of Mukono District propose that freedom of association for the decentralized districts to form larger unions should not be interfered with if the populace so wish especially if they share the same culture. The following is their suggested structure. There should be a central government which is a sizeable unit with an elected President, a sizeable cabinet of at least ten line or key ministries such as the Ministry of Finance, Defence, Agriculture, Health, Education, Foreign Affairs, etc. People should elect their leaders at district level for administrative and ministerial posts. The district should have interest pressure groups who are producers and money makers to mobilise resources and ensure the self sustaining economy of that area. For example, instead of having a district

farmers association which is a wider unit there should be a coffee, vanilla, flower, simsim, tobacco, matooke, dairy, association and more. There will be easy resource mobilisation. This will ease resource mobilisation, increase accountability, and loans and grants will go to the people they are intended for. By so doing the Central Government will have less burden on the state budget and we shall have curbed the dependency syndrome of government should do this, or the government has not done this.

The big infrastructure should be controlled by the central government such as trunk roads, universities, institutions etc., while feeder roads, schools, health centres etc., are controlled by the district. This will minimise corruption, create jobs and give efficiency and better accountability hence strengthening local leadership and making rural life interesting. The central government should develop and strengthen supreme courts. However, the people of my constituency suggests that the President and his or her cabinet should constantly alternate the seat of power so as to familiarise herself/himself with the special needs of that particular area. They support the two terms of office each of five years. They agree on the elected President through universal adult suffrage.

Finally, madam Chairperson, the people of Mukono district are mindful of the role the NRM Government has played to bring peace, development, stability, unity and they want the district to have their historical regions. These historical regions are, for example, Acholi, Bunyoro, Buganda, Lango, Teso, Ankole etc. They also prefer our local names to remain the used names of these administrative regions no matter how they are demarcated but they should keep the names of gombolola, saza, etc. The administrative powers and control of resources, for example, all revenue from industries should be remitted to the districts and financially controlled by the same, giving a certain percentage to the central government.

No party politics, yet. In case the need arises in the future after we have been politically mature the people of Mukono suggest that these political parties should be of a local origin. Terms of office of political party Presidents should be tagged to the term of office of the head of state. Each aspiring political leader should be given a chance to climb the political ladder in that party hierarchy. There should never again be political party stagnation which Uganda has experienced since Independence. By

that I mean all leaders in all these parties have never changed since their inception. No political party should base its manifesto on sectarian grounds. All in all, madam Chairperson, the people of Mukono are frightened of political parties and they support the Movement system to be reviewed every after five years.

Language. I will go fast in the history of language. Language expression are basically arbitrary than natural or onomatopoeia, that is formation of words that are like natural sound, "*Dugudugu, mama, tata, pakamuka, erkoko*", those are sounds. That theory is now difficult to prove. By convention words are fixed arbitrarily other than motivated and a national language is normally a language which reflects the culture and aspirations of its people. Admittedly any other language can be a country's national language generally through imposition or conquest. For example Arabic in North Africa was imposed with Islam and local languages got swallowed and minimized, such as the Ababa language in North Africa which was spoken by Algeria and Morocco. Then English which was Germanic displaced the Celtic languages such as Welsh, Scottish and Irish. In France it was the other way round, which used to be Germanic, Celtic and with the Roman conquest it became - French became the national language. This came with the Roman conquest in Europe.

In the case of Uganda we should promote area languages which should be given priority. We should not make the mistake that our neighboring country, Tanzania, made and rid its local languages. Swahili should be a lingua-franca for business, commerce and general communication outside Uganda's borders and gradually it can be a language for Africa rather than getting swallowed by English which is far removed.

Teaching. It is possible for Ugandans to learn three languages which should be, the area language or mother tongue, Swahili and English. The national language is normally the mother tongue. These should be allowed to evolve. There should be a clear language policy in education in which our local languages should be given prominence especially at primary level. Therefore, Mukono district supports that English should remain the official language of this nation. Swahili should be taught in schools and widely spoken as a language to unite Africa but we should not limit ourselves to Swahili as the national

language. Let the national language evolve. Since this Constitution is for posterity, it will give room for our local languages to develop and evolve in a national language. Culture is inter-linked with language and in turn language promotes technological development. For example, all developed countries whose local languages were not tampered with developed fast technologically, such as Japan, China, Korea and Russia.

Now, Madam Chairperson, on traditional rulers. The people I represent are grateful for the support the hon. Members have given to the people who have kingdoms. I come from a kingdom culture and married in a kingdom culture, hence I am a royalist through and through. *(Applause)* Being a consumer and a beneficiary of that culture, I feel I have a duty to protect this institution. If we look back in history we shall realise that kingdoms played a big role in the socioeconomic development of this nation. This differentiated the way we were ruled because when the colonialist came they decided to make Uganda a protectorate, Tanzania a territory and Kenya a colony.

However, the kind of kingdom in place now is not like the kingdom which was in the late 19th century or now in the 20th century bearing in mind that we live in a dynamic society and change in our system is inevitable. Therefore, the people of Mukono District have the following to say that, the traditional leaders should be cultural and apolitical; they should play the unifying and developmental role; and they should be custodians of our culture and customs, our language and historical points of reference. Their maintenance will have to come from the district budget and their own resources and assets. This Constitution should put in place guidelines as to their role as we now know that politics is the science of managing society.

On the Army, Mukono District suggests that the Army should be a national army owing allegiance to the President of the day and when she or he is no more, the army should not disintegrate. There should be equal representation from districts. The Army should have officers who are professionals and learned men and women of good repute.

THE DEPUTY CHAIRMAN: Time. Can you wind up please?

MRS. SEBAGEREKA: I request for more time, madam Chairperson, because I was very badly interrupted.

It should be small in size for the state to manage. It should have money generating projects. However, every citizen from the age of 18 should do national service, that is, military, political and civic education, a peoples militia type of training.

On citizenship, Mukono district agrees with most of the things in that Chapter but they stress citizenship by birth, descent and registration. They emphasize that the President and Commander in Chief of the Armed Forces should be a Ugandan by descent and also any person of national importance or position should be held by citizens of descent and birth.

Land. Mailo land or freehold land should be held by Ugandans of birth and descent. Security of Bibanja holders should be accorded by giving them proper documents and protection. Leasehold should be in the urban areas for commercial purposes. These should be availed to the big investors. In case of any precious stones or minerals found in a given area, the owner or the leaseholder should be compensated and given a certain percentage of the total value of the minerals.

I hope that at the end of our brain storming exercise we shall come out with one voice of "unity in diversity". With this, Madam Chairperson, I wish to end my humble submission and thank all of you for listening. I thank you.

THE DEPUTY CHAIRMAN: Thank you very much, hon. Sebageka. Now I call upon hon. Betty Akech Okullu, Women-Gulu.

MRS. AKECH OKULLU (Women - Gulu): Thank you very much, madam Chairperson. I come from that very beautiful and fertile land of the north which is currently bedeviled by rebel activities. Gulu is bordered to the south by Masindi and Apac. To the west it is bordered by Nebbi. Arua and Moyo and to the east it is bordered by Kitgum. To the north it is bordered by Sudan. We have a population, an estimated population of about 400,000 people. However, this population is an estimate because the 1990 census was not properly carried out, by then we were still in a war situation.

I take this opportunity to thank the NRM Government for embracing the positive policy of affirmative action which has facilitated the entry of the women and the youth into the political area. Although women and the youth form the physical majority,

they have always been a political minority. The NRM's recognition of this fact and its placement of the women and the youth at the core of all its social, political and economic plans will go a long way towards the realisation of tangible development in Uganda. The women of Gulu District strongly commend the NRM Government for this move.

I also to congratulate the nine women who trounced the men during the direct elections. We believe that this has opened for us the way that come next elections many more women will come through this channel into the legislative Assembly. (*Interruption*)

MR. OBUA OTOA: Point of order. Thank you, madam Chairperson. Is the hon. Lady in order to make a clearly sexist statement when we have just been going through a bit of a trauma on account of this kind of statement. Is she in order? "What is good for the goose is good for the gander". Is she in order to make that sexist comment? Thank you.

THE DEPUTY CHAIRMAN: Charity begins at home.

MRS. AKECH OKULLU: Thank you very much, madam Chairperson, for that protection. Allow me to show my appreciation and that of my people to the Government for initiating the making of a people centred Constitution. The people of Gulu hope that at the end of this exercise, the document that will emerge will be acceptable to all Ugandans and have national and international legitimacy and credibility respectively. For we believe, madam Chairperson, that the said document will be made in the spirit of give and take which is the cardinal principle guiding all Constitution making exercises the world over. Utterances such as certain positions within the Draft Constitution are 'not negotiable' worry us immensely but we do believe that these utterances were 'slips of tongue'.

The House is already polarized along two axes with the NRM protagonists advocating for the system to remain in power for as long as it is possible and the political pluralism demanding for the immediate return of political pluralism in Uganda. Both sides are rigged as of now and therefore are guilty of disregarding the principle of compromise I mentioned earlier. However, both sides have their own reasons for this inflexibility. Both systems are excellent in principle but both systems have erred in

practice and the magnitude of their errors vary from place to place and with time. In certain parts of the country the merit side of a system might have been shown masking completely its demerits while the reverse is true in other parts of the country. Madam Chairperson, allow me to elucidate this point rather graphically. I hope that hon. Members of this House will not think I am insulting their intelligence with these elucidations. If one went to my district of Gulu and asked whether the NRM system should remain in power for some time, many would be disappointed albeit accepting the inevitable in the spirit of democracy. They have reasons for this. They believe that this is a government where they have lost so much life in a war that is so senseless; in a war that is so destructive; where many of their wives have been raped; where many of their daughters have been defiled; and where many of their sons have been sodomised. Madam Chairperson, my people fear that they may be facing a biological warfare at the moment. Ten years hence where will they be? Will we be having that nation called "Acholi" still? This is their question. They also believe that this is a system where they have lost all they ever worked for, they have lost their cattle, they have lost their household properties. They also believe that this is a system where they currently sleep intermittently in the house and in the bush for fear of being burnt alive by rebels. They also believe that this is a system where their children cannot go to school for lack of school fees, for lack of security, for lack of facilities and they also believe that this is a system where their sons working elsewhere from Gulu cannot go home and visit for long as they used to do. For instance, as I am speaking, I have a very sick brother but I cannot go home because I fear being hacked to death if I went, some twenty miles inward... (*Interjection*) by the rebels, of course. I have already clarified that point, madam Chairperson.

The people of Gulu do not hate the NRM system per se but they say that although the system has united them, the system has actually failed them in the protection of their lives and property and they believe, as I do, that a good government has to protect its people. Currently rebels roam at will and attack with impunity yet we have the Armed Forces within the system. There was an incident where people were burnt to death in Gulu town itself which is just a few metres from the Army Barracks. Therefore, my people wonder why they are being subjected to this kind of problem? They believe that the NRM has the capacity to control rebel activities but it has not done

so. Why? This is their question, Madam Chairperson. If I asked the same question, the original question I gave before, in any other parts of Uganda, for instance, Luwero, this will produce the reverse response because of the Luwero problems in the 1980s but asked in reference to political parties the whole scenario could be reversed. These are the realities of the situation. It is therefore, a fallacy for hon. Members of this House to stigmatize certain people from certain areas because of holding views that differ from their own. This contravenes the very essence of democracy which allows for freedom to differ ideologically or in opinion. In a truly democratic society, the majority rule but the views of the minority is never submerged. The people of Gulu more or so the women say that they will bow to this principle of democracy but they caution that the charisma and acuteness of a particular leader should not blind us to the fact that after him an equally un-charismatic and dictatorial leader may emerge. If we, the constitutional framers have not instituted any constitutional safeguard against such emergence, our children and their children's children will suffer and we shall be blamed for ever. We should also remember the Rwandese holocaust at the present moment.

It is true that parties caused untold suffering to the people of Uganda and, therefore, they need restructuring, they need re-organisation, they need depersonalisation but the same is true with the NRM Government. The hierarchy of that government needs to be restructured too, so that many members who find themselves outside the system can also be absorbed into that system in whatever interim period we may have, if the House so desires. The people of Gulu caution the hon. Delegates to handle the issue of political system with care and without so much emotion.

What are the real cause of our problems? In my view this lies in our leadership and their elitist advisers. All our leaders have always been ethnocentric rather than nationalistic believing more in the superiority of their ethnic groupings than in others. They have always tended to give development, job opportunities and powerful appointments to relatives and friends on a reward basis while denying it to others as a punitive measure. This has tended to create lopsided developments, job acquisition and power sharing patterns in favour of those areas enjoying presidential magnanimity while the rest of the country remains in abject poverty. According to social theory, conflicts and discontents arise because

of inequitable distribution of scarce resources and benefits. Our leaders have always been insulated from the real causes of such conflicts and discontent emanating from the populace by the political, social and economic opportunists parading as their advisers. Constant misinformation and misadvice offered to such leaders by such elements have tended to make such leaders view opposition as synonymous to subversion, therefore, must be crushed by military means.

To my mind the only constitutional crisis we ever had in Uganda was the 1966 one. The rest of our problems have been greed for power and poor leadership rather than ideological or constitutional failure. Therefore, however good a constitution we make, whatever political system come to power, if these ills in our leaders and in our society have not been addressed we shall have wasted our time and the tax-payers money here. It is against this background that the people of Gulu, more or so the women, have delegated me to say that they want a Constitution that will bring them peace and security which are the prerequisites for development. They say they have suffered, they have lost their dear ones, and they have so many orphans at the moment.

The people of Gulu say they have lost two chances of acquiring a university because in the first place the Mbarara university for Science and Technology was supposed to be put in Gulu but it was not established there because of insecurity. The Martyrs University Campus was supposed to be put in Gulu but it was removed on the basis of insecurity. We are yet in the process of losing yet a third one because of insecurity. The people of Gulu do not have a television station. They do not have a television booster station hence their children cannot watch educative programmes and yet these very children have to sit the same examinations throughout Uganda. They feel that some times the song of insecurity is being overly sang so as to deny them development. They want the Constitution to address seriously the issue of equitable development throughout Uganda.

On Election, the people of Gulu agree that a graduate married President who is a citizen of Uganda by birth and descent should be elected by universal adult suffrage with a fixed two five year term of office but he or she has to seek fresh mandate from the people for the second term. Elections should be held in a fixed month every after five years without disqualifications. This should also apply to all parliamentary elections. They feel that many parliamentarians

have monopolised their constituencies for too long to the extent of scaring new politicians off the field when they themselves have become redundant and obsolete. Therefore, they advocate for two five year terms of office for all parliamentarians to allow in fresh blood into the legislature. They support the recall of a redundant representative but they say that the percentage given is too low they want it moved to two-third of the electorate to sign this because they believe that in a constituency where two or three people contested, the one third may actually be made of the supporters of his opponents and, therefore, he could be recalled only by his opponents and not by his supporters because of revenge.

On parliamentary extension of office, the people of Gulu are worried about the combinations of Articles 129 sub-section 4 and Articles 130 (3) which allows parliament to extend its tenure of office almost perpetually in cases of emergencies. In the Draft, Parliament may extend the period of a state of emergency for six months at the same time. That is in Article 129 (4) but the same Parliament may extend its tenure of office for a period not exceeding twelve months during a state of emergency. These are dangerous combinations, Madam Chairperson, and we feel that this should be looked at with care. We should be mindful of the President's address while opening the CA on the 18th May when he said that "African leaders are capable of creating a crisis to remain in power if possible".

On the Electoral Commission, the people of Gulu would like defeated contestants in the leadership struggle to accept at least for five years the verdict of the people at the polls in order to facilitate smooth and peaceful transfer of power. The women of Gulu contend that violent transfer of power has contributed to their suffering, they have lost their husbands, they have lost brothers and sisters which has left them, ill equipped as they are, the bread winners of their families with so many orphans to look after. They quote the 1966 crisis, 1971 Amin's coup, the 1972 counter coup attempt, 1979 liberation war, 1985 Tito's war and the 1986 to-date war. Madam Chairperson, to facilitate a smooth transfer of power they advocate for an independent fearless and impartial Electoral Commission which will not bow to any pressure from any quarter and, therefore, can be trusted. The appointment of such Electoral Commission as allowed by the Draft Constitution currently puts them at the mercies of the National Council of

State which in itself is an interested party in the election process.

On the executive, the people of Gulu feel that it is still too concentrated in the hands of the President and a few individuals in the names of the National Council of State. Together with the National Council of State, the President appoints all heads of departments in Uganda some of which are sensitive and should be critical of government actions. For instance, the Human Rights Commission, the Judicial Service Commission and the Electoral Commission. If democracy is to prevail, these organs should be impartial, independent, fearless and strong. It is the contention of my people that such appointments could become political rewards for presidential supporters. Therefore, the organisations could lose their independence and impartiality. Parliament or Parliamentary Select Committees, they suggest, could very easily do this job of appointment.

On the National Council of State, they say that the National Council of State questions the supremacy of Parliament. Left as it is, the National Council of State may become so strong as to render Parliament useless or so weak as to become a rubber stamp for an unscrupulous President. They, therefore, recommend that this be scrapped from the Draft Constitution.

On the Judiciary, they feel that the Judiciary should provide checks and balances on the legislature by having the powers of Judicial review to declare a law or an Act of Parliament constitutional therefore enforceable or vice versa. This will prevent Parliament from passing Laws and Acts that may not be to the best interest of the nation. The DPC is okayed but they are worried as to the fact that the DPC can withdraw a case anytime. Here we mothers are most worried about rapes and defilement cases being withdrawn by the DPP anyhow.

On Emergency Powers, the Draft Constitution allows for the declaration of a State of Emergency by the President in consultation with the National Council of State, Article 129 (1). During such a state of emergency two very worrying provisions are allowed:

- i) That is the suspension of any human rights and
- ii) unlimited presidential powers to deal with such emergency, Article 129 (9). These are dangerous provisions once allowed. We should remember that Presidential powers are very enormous. An unscrupulous

pulous President can wipe out a whole ethnic group under the guise of quelling an emergency and definitely he or she will be constitutionally right. We also contend that certain basic human rights cannot be suspended. For instance, the right to life and the right to property can never be suspended. Therefore we feel that this provision should be looked at very critically during the consideration stage.

On Detention without trial, my people of Gulu advocate for freedom from arbitrary arrests and detention without trial. They contend that this has always been used by unscrupulous leaders to remove political opponents, real or imaginary, from the political scene while they the, leaders, enjoy unquestioned misuse of state power and the nation loses the skills and talents of such a detainee while his family suffers, at the same time. We feel that a person arrested should immediately be charged and therefore let the law to take its course.

On the Armed Forces, my people of Gulu want a National Army with the Armed Forces, the Police, the Prison and the Intelligence Service recruited, promoted, disciplined or retrenched on a balanced manner throughout the country. The current Draft provision allows the President too much power to discipline, to promote, to remove any Army personnel from the Army, Article 234 (3). He or she may delegate this power but subject to provision that he or she specifies. Definitely, this ties the hands of the Armed Forces Board. If he says that I have given you this power but I want you to promote only people coming from this area and demote only people coming from the other area, what happens? These peoples hands are tied and they will definitely do as he has specified. So, we want this looked into very seriously. Our sons have been so retrenched and they are at home and possibly they are causing us that insecurity problem.

On Women's rights, the women of Gulu support affirmative actions. They believe that equal treatment of unequals perpetuates inequality but they believe that unequal treatment of unequals carried out in a positive manner redresses inequality, therefore, they want to see more women, at least one-third, in all constitutional offices and in all positions of power. They agree to the district representation of each woman to the legislature and question the workability of the 15 advocated for by the Draft Constitution. Uganda ratified the 1979 UN Convention on the Elimination of all Forms of Discrimina-

tion Against Women. It therefore must implement this constitutionally.

On the law. The dual legal system in Uganda where customary and statutory laws are practiced simultaneously are confusing. Customary laws which are often discriminatory against women takes precedence over our statutory laws because the latter is always shrouded in mystery. But even known statutory laws are discriminatory. For example, the Succession (Amendment) Decree 1972 prefers a male to a female heir. The women of Gulu want divorce laws, marriage laws, property laws revisited. They therefore support in entirety Article 281 which allows for the reform - they want the laws reformed de-mystified and democratised for all.

On Children's rights, the women of Gulu feel that education is a basic human right which should be enjoyed by all our children in Uganda. With the increasing number of Aids orphans due to the AIDS scourge, they feel that basic education should be compulsorily and freely given. This will ensure that even our girls receive education and are not married off at the tender young age of eleven and twelve which the moslems are prone to do. We feel that given our economic growth rate of about 6 to 7 percent as they say, this can be possible. It only requires a little financial rescheduling. We should know that receptivity of new ideas, knowledge, technologies and health development can only come when society is literate. The women of Gulu advocate for the abolition of child labour, child abuse and child marriages constitutionally.

On Citizenship, the women of Gulu agree that foreign spouses of their children can become citizens by registration. They want, however, the period of marriage to increase from three to five to protect such marriages and they say that as soon as the marriage is dissolved then the citizenship is revoked.

On founding, they want the age of adoption to move down from seven to two because they believe that a seven year old is capable, definitely, of remembering where he comes from on interrogation.

On land, the people of Gulu are worried by Articles 22.6; 24 and 27 (2)(b) which seems to nationalise lands. They want the administration and management of land to be decentralized in order to avoid bureaucratic red tapes in land acquisition, access, registration and development. They advocate for

leasehold in urban areas and free-hold in rural areas controlled, definitely, by District Land Boards. They feel that land itself should be decentralised if we are decentralising management.

On federalism, the people of Gulu want to remain a unitary republic. They contend that a federal arrangement could fuel antagonism between tribalism and nationhood, tribalism and democracy and national and local policies. They fear history repeating itself. Definitely, the hon. Member from Katikamu elucidated this very, very clearly. They also worry as to how facilities and institutions that all Ugandans helped to create can be shared between the national and state governments. They are not worried about traditional leaders as long the maintenance of such leaders does not infringe on other Ugandans; and as long as the maintenance of these leaders does not force, even, their own tribesmen to maintain them. In other words I am saying that traditional leaders can stay, but even their own tribesmen should be given the option to refuse to look after them if they want. Thank you very much, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much. I think we can accommodate one more speaker, hon. James Okanya of Butebo County.

MR. OKANYA (Butebo County): Butebo County borders Bunguko North in Mbale, Bukedea in Kumi, Budaka in the west and Pallisa counties. Butebo County is one of those counties or one of those parts of the country which has been going through a very devastating famine situation.

I have been sent here by the people of Butebo to bring their ideas, to articulate their ideals and agree with the whole House here so that we come up with a document that will live and survive the test of time for the posterity of this country.

Madam Chairperson, and fellow delegates I would like to congratulate everybody in this Assembly on having merited to sit, debate and promulgate Uganda's new Constitution. This task has been entrusted upon us and should not be taken lightly. In other words, the future of this country is in our hands; let us therefore, not drop the golden egg. We have all agreed that we must craft a document that will serve all Ugandans fairly without bias. Those two are the ideals and dreams of the people of Butebo County in Pallisa. The future has to be determined today and not tomorrow; the document that we are expected to

come up with should be one which all Ugandans should respect and believe in. It is the document that should contractually bind us together as a unified society in the process of our nation building.

It is, therefore, this notion that we must germinate in our minds, and as we germinate and eventually nurse it through growth to maturity, this country should be able to forgive and forget the past. The political system we need for this country is the sum total of our deliberations in this Assembly. We should not debate the issue of a political system in isolation of the entire Draft, it will be irrelevant. We can all do this by resolving to have flexible positions on issues that are not necessarily palatable to other folks in this House. We should not have fixed ideas and perception about other regions or areas of this country. It should be emphasized that the main law of this land which we are going to make has to serve all Ugandans equally.

The idea that 'winner take all' in resolving contentious issues as we come to them will never help us. I believe that every single opposition and voice, however feeble it may be, should be given due attention so that all of us emerge victorious from this House at the end of the day. We should seek to find a middle position in resolving issues. The majority should strive to win but not to defeat the minority because a defeated man is injured while a man won over becomes a useful ally in prosperity and in development.

I have been told and expressly directed by the people of Butebo to be flexible in my position, but this I will do without compromising their very lives. They insist that their views were not collected by the Odoki Commission. They contend that only RC opinions and doctored memoranda to suit selfish interests of some interested individuals in the country were collected. I am here to present their ideas, their dreams and ideals of an enviable Uganda as we enter the 21st century. Countries like the US, Germany and other Western democracies have written Constitutions and have used them to found democracies that are the envy of many. The Ugandan Constitution which we are seated here to draw should be one of such documents. Posterity will judge us who are poised to craft it by the seriousness and patriotism we exemplify.

There are a lot of issues that the Butebo people would like to be entrenched in the Draft Constitution. First

and foremost, they believe that Uganda needs an electoral system that is acceptable to every citizen. This system should be taught to all Ugandans through a concerted civic education programme; this will greatly reduce the risk of rigging elections and people going to the bush rather than to the polls. The system will cut down on costs and ensure credibility of any election. There should be a permanent electoral commission to handle periodic elections at national and local levels of decentralisation.

The people of Butebo believe that a national food policy should be put in place to avoid embarrassment to both the government and victims of famine. It becomes only more ridiculous when the State boasts of empty unused silos in Jinja and in Kasese. Such a policy would address food shortages in the country with a view to minimising or better still eradicating famine in vulnerable areas. Butebo, as I said, is one of those counties which have been facing famine but it was very ridiculous to the people who were dying of famine to hear that state officials, like the Prime Minister insisting that there was nobody dying of famine. Famine does not necessarily kill because you are starved, you do not eat food; famine by nature can drive you to commit suicide, for example. It can force you to go and steal and get killed in the process. So, famine as such killed a lot of people in that part of the country. The government should come out clearly and more seriously to address such a situation. We should also have a national disaster policy to address calamities like the recent earthquake in Fort Portal, Kasese and Bundibugyo. We should be able to help ourselves before we start sending SOS to foreigners, because after over 30 years of independence, I think we should be in position now to start addressing some of our most serious problems, because they look like they happen every other day, and yet we do not seem to have permanent or working solution formulas.

On the national Army: The people of Butebo believe that a disciplined, small, manageable and rapidly "deployable" force is necessary. We are talking of numbers of about ten thousand men and officers. These should be verified and certified Ugandan citizens of at least secondary school or 'O' level standards. In this way, we shall be avoiding gross human rights abuses by the military and the likes of the RPF, for example, absconding from the NRA to invade their motherland. Uganda now has the problem of labouring to deny and explain the origin of the Rwanda quagmire. This country has never

had any real threat to its national sovereignty to warrant a large force. The force is, therefore, nonproductive and needs a facelift. I would like to thank the NRA and the NRM as such in doing the right thing to crop the force; but the defence bill for the current fiscal year has pegged at Shs. 72 billion. That still leaves a lot to be done. We do not believe that a force that is being trimmed and that is not productive should chew up such a chunk of the national cake. When we are demobilising officers and men in the NRA the bill should come much lower.

In the Army at the moment there is misuse of vehicles, and we would want to see an Army that is national in the outlook that respond to all the attributes of a national force. That small Army should be deployed in border areas for civilian security - I mean for national security. We do not want the population to become victims of gun misuse; a reserve force can be drawn from a national service scheme that should be put in place. The people of Butebo believe that the Army, if small and in a case like ours here where we have not had serious external problems, that Army should be turned into a productive force that should be kept away from mixing with the public. It is also hurting to find that some of our neighbours are allowed arms and the State has failed to control their use of guns and even uniforms which they use to go their rustling into the neighboring districts. It makes the people of Butebo wonder if there is a separate authority for those brothers of ours in the neighbourhood. They believe that the laws of this country should apply to each and every citizen. A part of the population should not be allowed to carry guns and wear uniforms and move with impunity in those areas.

On the Ugandan citizenship, the people of Butebo agree that it should be by birth, adoption and by registration. But they insist that the 1962 position as shown in the 1962 Constitution should still apply but not the 1926 cut date. We do not accept foreigners taking on Ugandan citizenship by maliciously intentioned naturalisation. A strong immigration board appointed and confirmed by Parliament should be set up. All of us realise that Uganda has been the most lax country in the region; one cannot enter Kenya, for example, or even Tanzania and settle in those countries like most foreigners from those countries which neighbour us have done in Uganda. It is clear, and we all know it that aliens from Kenya, Tanzania and Zaire, for example, have entered and

naturalised in our society after acquiring property. This is not possible in their countries. We should adopt mean citizenship laws that will restore credibility and pride to this pearl of Africa.

When dealing with national wealth and development, the people of Butebo feel cheated out while sharing the national cake. Many of my Colleagues, here, have expressed sentiments of their people to the fact that they are not getting what they should get, or they are getting less than what other regions are getting. I would like to add the voice of the people of Butebo to that cry. The people of Butebo believe that they have been neglected, they would want the sharing of the national cake done fairly. They do not want to believe that when, for example, loans are acquired for the development of this country, their children are indebted in a way. They do not want to see their children paying these loans which never benefitted them. They should, therefore, be deployed fairly for the development of the entire country.

When it comes to land, land ownership is a very sensitive issue to the people of Butebo. To them, land is a matter of life and death. They believe that the land ownership law which we are using at the moment, that is the 1975 law passed during the time of Idi Amin, is very unfair. They believe and they have practiced the system of land tenure whereby an individual is given land or land is passed on from generation to generation. They would want a permanent Land Commission set up to advise them at their local level on how they can maximise profits from their land. They want to own the land as their own without any conditionality.

On political parties and form of governance: Madam Chairman, my people believe in pluralism and they want political parties. They would prefer a national accommodation of all shades of opinion as expressed in their inalienable right to associate, to express themselves and to decide their destiny. Parties to them have never been bad. Their managers may have been. Article 96 should, therefore, not arise, since article 97 guarantees the formation of political parties. The idea of giving with the right hand while taking away with the left is dangerous. There should be no conditionalities to this. A tendency to associate parties with divisiveness, disunity, sectarianism and suffering is wrong. They have no hard feeling about the NRM; it is simply a fact to them that they have not seen much about the NRM. The idea of the NRM and its attributes has never been sold to them suffi-

ciently. If political parties committed atrocities, which could be true, they believe that the NRM as a body now in power is also vulnerable to similar atrocities as we have seen over time now. Therefore, the NRM or the parties for that matter are not super. It also has glimpses of sins that have bedeviled parties like UPC and DP, because the NRM is also composed of human beings; errors are committed by human beings.

Most if not all, members of the NRM belonged to the main stream political parties. The problem, therefore, is really with individuals and not with parties per se. As we get out of this Assembly at the end of the day, we should have been able to put in place generally acceptable balances, checks and balances of any excesses in future political activity in this country. Past party mistakes should not be repeated, therefore. The idea of no party democracy tends to hoodwink Ugandans into believing its genuineness. There is nothing like it in real life. As long as there is an accepted need for the fundamental right to associate, this country should not escape from the reality. There is a strong yearning for political party activities in Butebo. The idea that the Movement should have another five years is not acceptable to the people of Butebo. Since they have not known much, they have not accepted much or studied much about the NRM they do not know what its agenda is, what it has so far done. Its very nature and composition is unknown; they cannot afford to mortgage their future on what they really do not understand. (*Applause*) In this regard they urge for the lifting of the ban on political activity.

The people of Butebo would like to see the exercise of the freedom of the press and information, they would want it entrenched in the new Constitution. They believe that the press should be given free access to inform, educate and entertain Ugandans and the world. The press in Uganda has fairly been objective and responsible we as leaders should encourage this as we enter the 21st century. The wronged can seek redress in courts of law, but let us ensure press freedom. As leaders we are supposed to conduct ourselves respectably; if we behave otherwise, like careless or uncoordinated talk and utterances of statements that are nationally inflammatory, we shall not blame the press when it covers such utterances.

Back to the request to the extension of the NRM period. The people of Butebo believe that five years

is too much, but as they advised me to be flexible and not to be rigid in my position, they would prefer an interim period, and that interim period should permit political parties to start organising and getting their act right and organising themselves. The next general election should be held without a referendum from the people, because that is subjecting their right to associate without...*(Interruption)*

MR. TIRUSASIRA: Point of order, Madam Chairperson. Is the Member in order to imply as if it is the NRM demanding for the extension of five years when it is, actually, the people themselves we are representing who are telling us to demand for that?

THE DEPUTY CHAIRMAN: I think the hon. Member is giving the views of the Butebo people who may not know.

MR. OKANYA: Thank you very much, Madam Chairperson. The people of Butebo would like this House to give more powers to the Legislature. They believe that the legislature is the only arm of government which in actual terms and facts gives them the power, that they are supposed to wield. It, therefore, rounds to the fact that the people should be sufficiently represented and the legislature should take over some of the powers that are currently vested in the President. They believe that the President at the moment has a lot of powers. If Parliament is strengthened, committees that should be set up in the Parliament should handle some of the functions of the President. That will relieve the President of excessive powers. They believe that a President should be elected every five years, in other words a President should be in office for two terms of five years each. At the end of each term he should be subjected to a fresh mandate from the people. He should be elected directly by an adult suffrage. The Parliament too should sit for five years and should go for the election at the end of every five years, but it should be elected like the president. A Member of Parliament should serve for two terms only, because if he exceeds - staying in power too long it corrupts one and - he becomes ineffective.

The people of Butebo are republicans by nature, they believe in decentralisation and tend to view federalism as an unworkable compromise given Uganda's size. Federalism is a more advanced form of decentralisation; let us not cross bridges before we come to them. Decentralisation is a good start for now. On monarchism, Madam Chairperson, the people of

Butebo have no quarrel with it. They say monarchies, wherever they exist may survive as the situation permits, but they do not want other people who do not necessarily believe in them to be subjected to paying taxes for the sustenance of those monarchies.

On the rights of women, children and the disabled: The people of Butebo totally support a struggle by women to have equal opportunities with men. But they say we should accept natural limits which, barriers, gender awareness cannot help. We should treat our female counterparts with respect and encourage them along the rough road man has been travelling on. We should not be antagonistic with each other, but gender equality should not mean suppressing man. Women are a part of man and they should, therefore, enlist his cooperation in moving forward.

We should consider seriously the children's memorandum as presented to us on the day of the African Child. The people of Butebo believe and agree with them on their rights, because they are our extension. We should strive to prepare them for a better tomorrow.

There should be free and compulsory primary education to the children of this country. The people of Butebo believe that with the rampant corruption going on in government circles the tax payer's money is going down the drain. If government could effectively and seriously curb this kind of thing, the money lost in corruption could be used to develop and to sustain the education of our children.

In Butebo County there are very, very few children who can make it to the top. It is, therefore, of very serious urgency that the government or the Constitution we are going to make should take into account the fact that every Ugandan should get sufficient education because we are building for tomorrow. If we are unable to educate our future, then we are not fulfilling one of the basic fundamental rights of the children in this country.

Madam Chairman, those are the views of the people of Butebo, God willing I will be there to air more views of the great people of Butebo as we discuss this Draft article by article. Thank you very much.

THE DEPUTY CHAIRMAN: Thank you very much hon. Okanya. Because of the time factor and we know that in the afternoon our friends in the NRC

should be meeting, I propose that we carry forward hon. Sebastiane's presentation to tomorrow morning, first on the list.

I have a few announcements. I need to remind the members of the Business Committee that their meeting is continuing today at 3.30 pm. Secondly, I have another announcement here from hon. Aggrey Awori reading that delegates who represent border and international tribes or ethnic communities are requested to remain behind for five minutes at the end of this sitting. I think now we can adjourn until tomorrow.

(The Assembly rose at 1.45 p.m and adjourned until Friday 15th July, 1994 at 8.30 a.m.)