



THE REPUBLIC OF UGANDA

**PROCEEDINGS**  
**OF**  
**THE CONSTITUENT ASSEMBLY**

---

**OFFICIAL REPORT**

---

**CONTENTS**

FRIDAY, 15TH JULY 1994

---

**MOTION:-**

Statements and Personal Explanations [Pg 875]  
General Debate on the Draft Constitution of the Republic of Uganda [Pg 876]

---

**Price: Shs. 3,050**

Friday, 15th July 1994.

*The Assembly met at 9.15 a.m in the  
International Conference Centre, Kampala.*

#### PRAYERS

*(The Deputy Chairman, Prof Victoria Mwakata, in  
the Chair)*

*The Assembly was called to order*

**THE DEPUTY CHAIRMAN:** There is no specific communication from the Chair.

#### STATEMENTS AND PERSONAL EXPLANATIONS

**MRS. MWESIGYE RUHINDI:** (Women Representative, Kabale): Thank you, Madam Chairperson. On the 12th of July 1994, at approximately 1.45 p.m., the majority of Women CA Delegates walked out of this august House in protest. I now, on their behalf and on my own behalf, have the privilege to deliver this statement in accordance with rule 12, rules of procedure of the Constituent Assembly, to explain our action to this august Body. We wish to acknowledge with appreciation, the cordial relationship and understanding we have so far enjoyed from our hon. male Delegates, and their support for the women's call. And arising from the statement we have heard from the Floor, we are convinced that most Members accept that the woman question is a fundamental one, to this debate. We are in no doubt that most Members realise that the subordination of women, the denial of their rights, and their exclusion from decision making, are a few of the causes for the instability and under development in this country. We are therefore, sincerely grateful for this realization. We however, want to take this exception on what we described as an unfortunate statement, made by our Colleague hon. Akisoferi Michael Ogola of West Budama South, Constituency. This statement, to us amounted to offensive and insulting language. In so far as it questions the women's integrity, capacity and ability to make decisions there by reinforcing these negative attitudes towards women. With your permission Madam Chairperson, *-(interruption)* we wish to bring to the attention of this distinguished body, that the low status and the subordination of women in this country, is partly established and enforced through the customs, cultural practices, legacies and language, expressed in proverbs, drama, popular sayings and analogies.

The statement made by our Colleague, Hon. Ogola, falls under this category. Madam Chairperson, hon. Members, you are all aware, that language is an important tool of communication. It can either destroy or create. We are here to create a positive image of all the peasants and the underprivileged groups in our society. And at this point in time, I would like to remind you of the eloquent appeal made by the hon. Elphazi Mazima, representing people with disability in relation to names and language. Speaking about the action we took on the 12th of July 1994, Madam Chairperson, despite appeals from the floor for the Delegate to withdraw the offensive and the derogatory remark, the Delegate continued to replace one offensive statement with another thereby violating Rule 19, sub rule 2 of the Rules of Procedure of the Constituent Assembly. Madam Chairperson, under these circumstances, not only did we feel offended, but we also felt unprotected. Of course, Madam Chairperson, we always respect the Chair's wise rulings. As Delegates here, we are conscious of our duties as negotiators for our respective constituencies. Consequently, the people care that no Delegate's negotiating position should be undermined by the use of trivial and undercutting language. As we are all aware, Madam Chairperson, and hon. Delegates, the action of walking out in protest is an acceptable, and legitimate tool in negotiation. Thus, our action of that day should be viewed purely in that light. Madam Chairman and dear Delegates, as we move to the consideration stage, we count on the continued support of the Chair, and understanding and co-operation of the delegates, in our struggle to achieve peace, equality, stability and development. I thank you Madam Chairman, I thank you hon. Delegates, for God and our country.

**THE DEPUTY CHAIRMAN:** Hon. Delegates, Rule 12, does not allow us to comment on a personal explanation. This was registered as a personal explanation, and I am not opening up any dialogue. Point of order would not arise, because this is just a personal explanation. And according to Rule 12(1) it says "... *but no controversial matter may be brought forward, under this rule, nor may debate arise upon a personal explanation.*"

## MOTION

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

*(Debate continued.)*

**MR. SSEKITOLEKO SALI SEBASTIAN:** (Bugangaizi County): Thank you, Madam. I bring you greetings from the people of Bugangaizi. Let me also take this opportunity, to express congratulations to other Members of the Assembly, the Secretariat, and all people who participated in organising this Assembly. As earlier mentioned, I am a Delegate from Bugangaizi, in Kibale District. Kibale became a district just recently in 1991; previously it was called the lost county. The lost counties comprised of Bugangaizi, Buyaga, and later Buyanja. The people living in Bugangaizi are really Banyoro Bagangaizi, Baganda and of late, we invited quite a number of people who were evicted the forest reserve in Toro.

I intend to address this Assembly on about five issues. Mainly Land, Movement, and national language. Time allowing me, I will also talk on education and environment.

Chapter 17 of our draft constitution, does talk about land. Land, as you all know, is a factor of production used in the improvement of the standard of living of man. It is of course a pride and security to the owner. Just for our wish, that all people should be facilitated to own land and this like of ownership should be enshrined, in our constitution. Madam Chairperson the problem of land in Bugangaizi is a bit unique. It follows the historical perspective. As you may recall, there was war in that part. That war at first was between Kabalega and the Europeans and later, the Baganda and other small tribes, joined in. The spirit of Kabalega, was in Bugangaizi and in some places around. Kabalega, was however defeated by this combined force, around 1899. Therefore, as a symbol of appreciation, mainly to the Baganda in their role to defeat Kabalega, Europeans gave them land which is today known as Kibale district. So, Bugangaizi became part of Buganda, and that was the beginning of mailo land in Bugangaizi. These who had assisted the British to defeat Kabalega, were given land, as large as 25 square miles. The Kabaka of Buganda also got quite a big land from the central government. What is important to note here,

Madam Chairperson, is that land they were dividing had people in it and unfortunately, these people were not considered and were not given any land. In effect there remained squatters on the land and this resulted in the history of a referendum. This referendum, favoured Kibale belonging to Bunyoro. However, after this referendum or when this Kibale went to Bunyoro, still the land remained in the hands of the Baganda Chiefs until today. We are very grateful to the NRM Government, that by 1991, Kibale district became a separate district, we are known as people of Kibale. Madam Chairperson, the people of Kibale have asked me to thank the NRM Government, for making them a separate district, and they are quite eager for development.

Now, Madam Chairman, what the people of Kibale really want about the land issue in this new constitution. They say, that all land should belong to the central government. That individuals should be enabled to get leases and finally to hold titles in Bugangaizi, with little inconvenience. A person should not be made a squatter in Kibale or some district to the extent of mistreatment by absent landlords in his own land. Mr. Chairman, it is the wish of the people of Bugangaizi that the people who were given mailo land in these areas of Bugangaizi, should be compensated by the Government. Because we feel it is the government that makes these ambiguous arrangements. We are also saying that, peasants living in these areas should be assisted immediately to own some land. Entirely, I agree with the Buganda's position and in fact, other supportive statements that were made by hon. Ssabalangira Mulondo, and also statements made by hon. Kalema. But they gave no further claim over these lost counties. Only that land should be administered by the local people in that area. Since now we are in Kibale, it is our view, that all efforts should be made, that we people in Kibale take care of land. It is just proper that, the Baganda who hold this land, join us in the struggle with government, so that they are also compensated.

The issue of land is really making us very uncomfortable. We wish to be understood that we are not asking, that it is only the Banyoro who should have land in Kibale, all we are saying is that land should not be used as a political tool to mean that all this land must be administered in that place. Equally, it is wrong for instance, for the *Omukama Rukirabasaija* of Bunyoro, to own a big piece of land or to own half of Masaka, it would be wrong.

Let me briefly set off about the movement. The people of Bugangaizi are saying, that the movement is moving, let us leave it to move. We are therefore, in support of the movement. We say, that the movement is a very good arrangement, because it is practicable. Gives the chance to everybody interested in the administration of government to participate. By the way, and I also say, that our people, have not yet mastered the politics of multi-party, for them parties mean fighting one another.

May I also speak about the monarchy. They are saying that, they completely support the restoration of monarchies. But our worry is only at their maintenance. In general, they are saying, that the people who support these kings, or monarchies, they should be able to support them. They should be able to pay, to maintain them, and everything that they may so wish.

Let me also talk about decentralization. Madam Chairperson, the people of Bugangaizi are in support of the decentralization programme. However, decentralization should not be simply a policy goal, made to shift responsibility for development to local authority, but as a policy instrument in improving local Democracy, participation, accountability, efficiency, and effectively, understanding the majority in the provision of social services. They are saying, this should be achieved through empowering the powerless. They are also saying, that these responsibilities which need national policy like education, should be considered to be left in the central government.

Let me also express our concern on environment. Madam Chairperson, it is believed that, man's survival, survives through production and in this process, man must come into contact with this environment. That we are saying, the views of man to cater for his well being, may in fact affect the environment. Because economic developments on the environment are definitely connected, and can affect each other. Madam, the people of Bugangaizi are arguing that, environmental uses needs to be placed at the top of political agenda. In this new constitution, we should ensure, that necessary known registration fund of personnel, are in place to address the environmental issues. It should be noted that effective implementation of this programme requires a sustained political principle. In this new constitution, to protect our environment it should be emphasized that there is need for mass mobilization for

environmental protection awareness among our people. Ultimately, environment will be improved in our country.

When the system is taken by government, to gazette certain areas for developmental purposes either on National Parks or other projects, government should compensate, adequately, the people from those areas. An alternative area to settle these people should always be thought. I have been knowing the experience of the people whom I visited from Kibale Forest Reserve and the Game Corridor. Government has not compensated them, it has not made any development to the areas where these people were. These people were just told to leave, their houses were burnt, I think this is very brutal. Government, before it thinks of removing people in forests or areas that are considered for its development, people should be adequately compensated and an alternative areas to be found. Turning on this point, Madam Chairperson, the government also should protect people, against wild animals that are destroying their crops. Some places have been made national parks, but animals, like baboons have been left to roam about, and these have caused real menace, especially to the people in these Areas. It is their wish, that government should take precautions to make sure that people are protected, and highly protected from wild animals.

May I also simply say something on our national language. Madam Chairperson, the sooner we start developing our national language the better for this country. And let us assure this Assembly that, there is no way we must have it, we must go through this difficult exercise, and find a national language. A National language is very, very, important. It must be really national. we have in mind people like the Israelis here, who are saved because of their national language. Those who did not know Hebrew, had it. Even as the Swahilis and other tribes and other races, had a national language. For there is no way, we must have a national language. And they insist that a language to be called a national language must be unique. They are saying, Madam Chairperson, that Swahili is a good commercial language and it is good, because it can be spoken in various countries of Africa and those who were in the world, but that is a commercial language, it is not Ugandan Language. It does not originate in Uganda, it is spoken by everybody commercially. So, you cannot identify a Ugandan, because he has spoken Kiswahili. You can probably guess, that probably this man is black

and comes from around Africa, would it be in Zaire, would not be in some parts of Africa. And we need a language that when you are in the streets of London, you are able to say, that this is a Ugandan.

Madam Chairperson, they are saying that there are three mainly spoken languages here in Uganda. We have Luganda, Lunyoro and Luo. These are the three main spoken languages. Bunyoro is in Kitara. They are saying that we should get a language from one of the smallest tribes in Uganda in the dialect of all these languages. And we have so many languages here. We have the Bagungu, when they speak, a Muganda can pick a few words. Now, why do we not talk such a language. We have also other languages like Sabeen. Now, the advantage of taking a small language is, most of us always start from zero. Madam Chairperson, we all start from zero. We start learning a new languages all of us. Even if it is starting from school, we shall have no reason for our children to complain that this was my mother tongue, or what if we are also learning a new language. But there is also another added advantage. This added advantage is that, we can be able to modify this language. But languages like Luganda, or Runyoro or Luo, the owners of that language, may not allow you to modify it. A small language will unite us, it is a language that is coming from a small tribe. As I said Madam Chairman, it is important, that we start immediately, to learn a Ugandan language. One should not think that would be easier for language which is probably half way spoken, Luganda because a national language does not need necessarily to be simple, why should it be simple? It should be simplified then everybody, every country will learn it. What I have in mind is that, the language should be exclusively for Uganda.

I wish also to say that there is need to distribute our services. That this country should make sure that the little we have, should be equally distributed. We know we do not have much, we are quite aware that our budget is more or less borrowed money, but that should be equally distributed. We have in mind that in an area like the district of Kibale, which does not have any road tarmac, we do not have electricity, we do not have social services. Now, why really should we begin budgeting for these services. So, it is our sincere hope that we should really find a way that services are distributed well. Also, special attention should be given to areas which have been left behind. Reasons not because of those areas, but probably because of our colonialists had in mind areas like

Karamoja. Mr. Chairman, unless we address such areas, we shall have a problem. The problems that exist in Karamoja are problems of the whole nation. People in other areas will be required to supply food, with a lot of discomfort, because they are attacked by the Karamojong everyday. So, it is important that we address these areas, these areas should get priority in development.

National Council of State: We are thinking, there is a lot of duplication of work but let us leave this one out for the time being. Let us leave it out. We have the Cabinet, we have Parliament, this work can be taken care of.

May I also say something about women representatives. It is our wish Madam, that each district gets a representative. It is so necessary that a district gets a woman representative. This should just continue the work we have started, of bringing awareness to our population, about the value of women activities, in their assistance to the society. Fifteen women proposed in the draft constitution would be a bit difficult, and very inconvenient to select. And sometimes, probably, this selection would go to a district that his services are okay. When it should really serve, if this representative would go to a district which needs a lot of mobilization.

Madam, let me also briefly speak on education. Education is one of the social services that must be provided to all ugandans, privileged and underprivileged. Given the wide spread of unemployment in Uganda, our new constitution should emphasize the teaching of practical science subjects like building, like medical, like computer services. It should seriously, for the time being, give some courses which are not geared to our immediate needs. I have in mind courses say like the Runyakitara, Luganda; such courses. But our attention should be geared towards courses that cover our immediate needs. That when a person leaves college, has no problem with finding employment. The courses like Building, Medical, people will continue putting up buildings, and people will continue being sick. So, there will always be places for these. But today, Madam Chairman, we have a number of our scholars just on the streets. They are on the streets. They are well educated, but they have no proper employment. To me, this I think, we have not planned very well our education.

May I also finally, speak about detention without trial. Madam chairperson, when the people in this

country have been detained, fortunately, it has not happened so much in this government and we really thank this government. But when we leave detention without trial in our books, some leaders in future are likely to misuse it. and begin detaining our citizens even when they have no cases or they have just had personal misunderstandings. I know of so many people, Madam Chairperson, who have been detained, have lost their property, their families have suffered, they have suffered, they have been detained because of personal grudges. It is very important to care for such people. That we protect these people. And the only way we can protect these people, is to scrap such laws, of detention without trial.

Madam Chairman, let me thank you, for the good work, you are doing for us. For God and my country.

**THE DEPUTY CHAIRMAN:** I thank you very much, hon. Ssekitoleko.

**MR. BWANIKA BBALE (Katikamu North):** Thank you very much, Madam Chairperson. My constituency borders Nakaseke on the West, Bamunanika on the East, Nakasongola on the North, and Katikamu on the South. The major town of my Constituency is Luwero town, where we have the headquarters of the whole district. And the population of my constituency is 80,000 people and it consists of the following sub counties - Luwero sub county, Luwero Town Council, Bututumula sub county and three parishes which were curved off from Katikamu sub county; these are mainly Migade, Banyuki and Kyalugondo parishes.

I bring you greetings from these people who sent me here. And they have sent all of you congratulatory messages, to have gone through the elections, and to have come here and do this important job for our country. I also want to take the opportunity to congratulate the Chairperson and the Chairman, to have been proposed by the President, and to have been successfully elected by this House. My people's basic economic activity is agriculture, and they also keep some animals.

The political history of this area has already been mentioned by some the previous speaker from Katikamu South, where we share the boundaries, and they have been dictatorial regimes since 1966. And in 1980 to 1986, this constituency really fought so hard to make this Uganda liberated. And it is out of that effort of liberation that most of us are here,

and have been given the opportunity to come and discuss the constitution.

Madam chairperson, the people of Katikamu North, are really people of the Movement and they have been fighting the dictatorships, they have been fighting lawlessness in Uganda, they have been fighting to unite people of Uganda, and they have initiated the process of calling you here to make a constitution which is going to consolidate all these aims which they really had in mind when they were fighting. Madam Chairperson, constitution making process is very, very important and they are saying that, everybody must participate in constitution making. And that whoever has interests, must declare it here in this august House, so that by the time we finish, make a constitution, none of us should march out as a loser, we should all march out as successful delegates having made a constitution for this country.

This constitution should be able to solve the problems of this country. Problems of tribalism, division, backwardness, illiteracy, fighting within ourselves. This constitution we are making, should be seen to be solving these problems which are really problems of this country. And the constitution will be able to stand the test of time. We do not want our children to come after some years and say, the 284 delegates who were seated in this beautiful building, made a very bad constitution. I think it will be a shame to me if I am party to making a constitution which is going to really put this country to chaos. So, we should be committed to come out here with a very good constitution. The constitution we are making, should be able to guarantee peace, Unity, and prosperity for this country. We must remain united in diversity. We should be committed to develop this country, we must move together as one country, develop together, we must assist one another, we must listen to each other, and we must appreciate each other's problem.

The constitution must also promote the cultural heritage which we are really very proud of. The constitution should be able to bring peace within the country and with our neighbours. And the constitution may be able to promote international relations with other countries. At this juncture, I would like to thank the members of the constitutional commission, who really worked so hard by moving all over the country, collecting views from the people of Uganda, and to have proposed a draft which we have before us, which we are going to consider to be the major document when we are discussing the constitution.

Now, what are the major considerations which my people would like you people to think about when we are making a constitution. They told me that, the most important thing is the fundamental human rights. This one is unquestionable, the constitution must be able to protect the people of Uganda, to protect them against any form of exploitation. The constitution must have some provisions which are going to promote equal protection before the law, that nobody should be discriminated against before the law. We should all be equal before the law, and if somebody has committed an offence, he should be fairly judged through the proper processes, and nobody should take the law in his own hand or her own hand.

They are also saying that, there should not be any discrimination between man and woman. We must all be equal before the law, and there should be no discrimination on grounds of state, race, colour, etc. Madam Chairperson, the people of Katikamu North are also saying that each one of us here and each Ugandan, should have a right to life. Nobody should have opportunity to take away one's life. The constitution should be able to make a provision for freedom of association and religion. And also the constitution should ensure that there is protection for the owning of property. That property should not be taken away from people without compensation. Each of us should have a right to property. And also, they are saying, the constitution should have protection of personal liberty. That we should be free. The constitution should not restrict anybody. We should be free to associate with anybody, we should be free to do whatever we want within the law as established.

And when they came to the area of family. They said that the constitution should be able to protect families as we know that families are the basic units of society. And that, the government in place should make good laws, to protect families, give rights to man, wife and children, and that those who wish to marry should be free to marry, and those who do not want to marry should not be forced to. I was surprised when somebody proposed that the President should be a married person. Why should you force somebody to marry if he does not want to? Why do you agree on that qualification for one to be a president? I think the question of marriage should entirely be his right. If a man does not want to marry, I think nobody should really force him to marry.

Madam Chairperson, now when they came to considering the rights of women, they said these women should have equal rights, right to own property, a right to decide as to how many children they should have. Many Ugandan women do not have a right to choose how many children they should have. It is the man who must decide. The people of Katikamu North say, this one must be written in the constitution that women have a right to decide on how many children they shall have. Madam Chairperson, when I come to the area of *-(Interruption)-*

**MR. BYAKIKA KASSAJA:** Point of information. I would like to inform hon. Bbale that there are times when men want to have a controlled number of children but their wives object.

**MR. BWANIKA BBALE:** Thank you very much for that information, but I think that the majority of them really do not have a right to decide on how many children they should have. Now, when it comes to rights of children, the people of Katikamu are saying the, the constitution should be able to uphold the UN convention on the rights of the children and the African Charter on the Rights and welfare of the children *-(Interruption)-*

**MR. CHANGO MACHYO:** Point of information. Madam Chairperson, I want to inform hon. Bbale that according to African traditions, and this is well known by scientists, a woman was not supposed to produce another child before the first child should be able to look after her or himself this is how Africans practiced family planning.

**MR. BWANIKA BBALE:** Thank you very much hon. Chango. But what I am saying is the right to have children they want. I am talking about the number, but the right to have a child they want, this is what I am saying. Now, in regard to the children, the constitution should be able to ensure protection, survival and development of the Ugandan child

**MR. CHEBET MAIKUT:** Point of information. The information I would like to give to the hon. Member on the Floor is that, the right to have children is not all that, the man's responsibility but rather, even women who can not have a child have been seeing all sorts of doctors including the local herbalists in search of medicine to make them produce children. So, it is not only right to say, it is the men who demand of the women to produce children. Thank you very much.

**MR. BWANIKA BBALE:** Okay, thank you for that information. I will not comment on it. I would like to proceed on the rights of the children. Our children should have the right to education. Why should other children go to school and others do not go to school? Why should other children, for example children in Dokolo as the other Member was contributing, why should they not have good schools, good teachers and others are having them? I think education should be equally distributed, and should be accessible to all children of Uganda. Children should have equal protection. Why should other children live on streets and others live in homes? Why can we not make a constitution which can really cater for all these children, because we know, the best place for children is in the family. But why should we not protect all the children? This constitution should be able to answer this, and also the constitution we are making, should be able to provide better schools, good health to our children to have a good nation.

On the right of a disabled and handicapped person, the people of Katikamu are saying, the constitution we are making should also be able to promote the well being of the disabled and handicapped persons. Uganda should make provisions for people with disability. So, these are areas of concern where the constitution really should be able to address and take care of the disadvantaged groups in our society. Now for your information, we have got a number of widows in Katikamu North because of the war, and they are saying that, they should not be marginalised, that they should have equal protection, that they should have a right to property, when their husbands pass away. And they are also saying that, they should have rights and freedom during the war and during the state emergency, that nobody should have these rights deprived of them when there is chaos. That people who are responsible should make sure that the people who were suffering during the war, are given equal protection and their rights safeguarded.

Now would like to turn to the area of citizenship. We have got this problem, but who is really a citizen. And when we were campaigning in the city and I think when the commissioner to the CA was issuing out the instructions, he said that, only Ugandans are the ones to vote. But the problem was, who was really a Ugandan Citizen? This one in my area is still a very big question, because we have got very many immigrant people from Rwanda, Tanzania, Burundi who came many years ago, they have been in Uganda

more than 40 years, 50 years, they have been passing as Ugandans. I think this constitution should be able to come and define who a Ugandan is. This is a crucial area. Unless we define this, we are going to have a lot of problems to identify ourselves. And the proposal is that a Ugandan citizen should not hold citizenship of another country concurrently - dual citizenship. But does not say, for example if a Kenyan came here and wanted to become a Ugandan citizen, is that one allowed. This one says, a Ugandan citizen shall not hold the citizenship of another country. Supposing that somebody from another country came here and wanted to become a citizen, that really does not appear to be clear to me. Madam Chairperson, the draft constitution is talking about the child of not more than 7 years of age found in Uganda whose parents are not known to become a Ugandan citizen. I personally do not see any problem here, these are the basic rights of a child, and if a child is found and nobody claims it, the country where he has been found, should really assume that he is a citizen of that country. So, this is not debatable, it means the African Charter on the rights of a child. I think members should not really fear that these children are going to become automatically Ugandans, once they are found in town. There is nobody to claim it, then he is awarded Ugandan citizenship. The issue of the national identity card for all Ugandans also should be considered, that after making a constitution, government in place must move very fast and get the national identity cards. And then the National Immigration Board should also be strict on those who may wish to become citizens.

Now, let me turn to the area of representation of the people. People should have a right to be represented and should have a right to choose the people they want. They should not be forced. People should have a right to vote, and they should vote according to their choice, and the people of Katikamu, are supporting the method we used in the recent elections to come here, that the voting must be transparent, as transparent as possible, we should have one box, it should be in the open, and everybody must be seen voting and everybody must be seen losing or winning (*interruption*) Otherwise, if it was like as it was in 1980, with my friends who really said they won and in fact they never won, we are going to have problems. The elections to the CA were transparent, and that is why we have minimum complaints, because we have had very transparent elections. We should have one electoral commission, and the per-

sons appointed to these offices, must be people of high moral character and proven integrity. And should be people who are not thirsty to take up political positions. And the people of Katikamu North are proposing that, a constituency should consist of about 100,000 people, and that the current arrangement is good whereby each county is a constituency. But those counties which have more than 100,000 people should be split and the big ones will have one or more representatives according to population. And they are saying that elections should be organised at regular intervals of five years and at times which are notified in advance.

Now, when they came to political system, what did they say? As I told you earlier on, these are people of the movement and they are supporting the idea, that the movement should continue for the next five years. Even when I was moving around, I think I heard two occasions where some people proposed 20 years, another one proposed 10 years, but I think the majority view is that, we should have an extension of movement type for 5 years. Not NRM. I think Members should get this one very clearly. This is movement type. Not NRM. NRM term is ending, after making a constitution it is ending. But we are having a movement type of government, whereby each group, according to my understanding, will be invited to come and share power. No one group is going to dominate power. So, those who are fearing for the extension, I do not see why the fear should be there. We are all going to be there, as we seated here, we are not locking out anybody.

When it comes to political parties, this one, the people of Katikamu are appreciating that, political parties are basic human rights, people should have freedom of association. But they are saying, for the time being, give them the first experience they have gone through, they are not yet ready for political parties. That is why they are proposing five years. They say they have really suffered. Just as the delegate from Gulu said, people in Gulu are hating the movement because this is when they have suffered most. And the people in Luwero, during the party politics, that is when they suffered most. So, when you talk about political parties, people really feel their blood freezing in their body. They do not want it. At one time when we were moving around during the candidates meetings, for your information, there was one man from a political party, and one woman came and told this man and the woman wept. Are these also back here, why are they here. So, this one indicates, how my people have hated

political parties for the time being. But we are saying five years. You people wait, we are going to make a movement government, where we are all going to share. And my people were disappointed with some political parties which never sent people in this august House here. What are they really for. These people, if we are making a constitution for this country, why should somebody, who have been give some opportunity to participate refuse to come? We are missing four important representatives here. UPC is not here, UPM is not here, why did they refuse to come, when they were there in 1980, and the law says those who participated in 1980 should be invited to come and participate. I think these are people who are going confuse us sitting aside waiting, and then they blame us; when we gave them opportunity to come and share with us and they refused. I think that is very unfair and I really condemn those people, who refused to send delegates here in the constituent assembly. When we gave them the opportunity to come and share with us and they refused. I think that will be very unfair and I really condemn those people who refuse to send Delegates here in the Constituent Assembly. *(Applause)*.

**MR. BYAKIKA KASAJJA:** Thank you very much Madam Chairperson. I want to inform hon. Bwanika Bbale that UPC did not send delegates to this Constituent Assembly because of the President's suspension on activities of parties. The only way they could have sent delegates is through holding delegates conference which was the only body which could nominate candidates or delegates to come to this Assembly. *(Applause.)*

**MR. BWANIKA BBALE:** I think in such circumstances, you would have appealed to government formally. Government would have looked at that position. But then why did others do? If the others really managed to send, why did you refuse? Madam Chairperson, if I could continue, regarding the President, they say the President should be elected by universal adult suffrage - *(Interruption)*.

**MR. ABU MAYANJA:** Point of information. I wish to inform the hon, Bwanika Bbale holding the Floor that according to the information which was widely publicised in the Mass Media, the reason why the UPC did not send Delegates to this august Assembly is because they had not been invited to do so.

**MR. BWANIKA BBALE:** Well, thank you for that information but we formally invited the CP and DP. Well, you are the Attorney General but if you only invited CP and DP, you were very unfair to UPC if you did it. But if there were no invitations, I think the UPC has really let us down.

On the question of the President Madam Chairperson, he should be in office for a term of five years and his term should be renewable but not beyond two terms and he must have good education, and must be of good integrity and as I said, the question of marriage should not arise when you are considering the President. The Cabinet should not be so big and my people of Katikamu are saying the members of the Cabinet should be members of Parliament so that there is good linkage. The Attorney General's position should be separate from the Minister for Justice. He must be an independent person, who must be qualified in law and must be there as a legal adviser to government. These two posts must be clearly split in the new constitution. And now when it came to Parliament, legislature, they are saying Parliament must be the supreme body of this country and they do not at all support the establishment of the National Council of State because it is going to water down the Parliament. We should have a Parliament in place which we are going to respect, which must be properly elected with very good representatives and the Parliament should last for five years. And then with interest groups like women I am surprised that the Constitutional Commission proposed only 15 women when we had a powerful lady, a spokeswoman on gender issues in the Constituent Assembly by the name of hon. Matembe. I do not know how this one really escaped her because me, I would like to see each district being represented by a woman in Parliament and the election for this one should be properly organised by adult suffrage, we should not have small, small elections.

Madam Chairperson, permit me to move very fast to the issue of land. The people of Katikamu want land, freehold and mailo land system and they want the people of *bibanja* to be equally protected on the land. I would like now to move to the Language. They are saying the official language should be English and when it came to national language, they are saying, why can we not look at our local languages? Why are we feeling inferior? Why can we not pick one language from Uganda here and take it on? Why should people think about Swahili? Hon. Sekitoleko has put it very clearly. Swahili is not a language, it

is not our language, it is foreign, it has no cultural touch and up to now, it is not yet developed and for your information, you go to Kampala streets, if you can find a Swahili newspaper, then we shall have some good points to say why we should have Swahili as a language. Why can we not develop one of the languages, Runyakitara, Luo whatever? We have languages which have been developed here for a long time. Luganda had been an examinable subject by Cambridge University since late 50s, Why can we not develop some of these languages? I am not saying Luganda should be the national language but it is the language to be considered. Why should we really leave it?

The question of monarchy Madam Chairperson, this one is unquestionable and we should really have it written down in the constitution and the monarchy should not have political responsibilities.

The last point I want to touch because of time is the question of districts. Why should we have districts as units of administration? Why can we not move lower to counties? We are here representing counties, why can we not really move low and say our units are going to be counties and we plan from counties? Why should we tie ourselves to districts? Why should we have officers sitting very far away from the people at district headquarters and yet we can afford to have them nearer to the people at county level? Why can we not really promote to ask Members to consider this view why we should not have these counties?

**HON. DELEGATE:** Point of order. Thank you very much Madam Chairperson. Is it in order for the hon. Delegate on the Floor to say that we are representing counties when we are here, some of us are here representing districts?

**THE DEPUTY CHAIRMAN:** The House is in two divisions. You are right and he is right.

**MR. BWANIKA BBALE:** Thank you very much for your wise ruling Madam Chairperson. Now we are saying, if we move to counties, these counties may be free to associate with other counties they want. We have a case of a man from Upe who said Moroto is very far. He would prefer to go to Kapchorwa. If we move to this level, I think really we are going to go very far with consolidating national unity and democracy and my people therefore propose that we move to the county level and those

counties which may wish to associate may associate and gradually we can create units. And they are also supporting that process so that we have a federal system in this country. Thank you very much Madam Chairperson for giving me this opportunity. Let us remain united and build the whole country as one country. Thank you very much.

**MR. PETER KAMURON (Kongasis county):**

Thank you very much Madam Chairperson. Of course I am Kamuron Peter, not Kemuron as you pronounce it, from Kongasis county. Madam Chairperson, Kongasis county is located in the eastern part of Kapchorwa District in eastern Uganda. It borders with the Republic of Kenya in the east, Upe county in Moroto District in the north, Kween county in the west and Mbale District to the south west. The inhabitants, Madam Chairperson, of this county are the Sabiny who are the majority, the Iteso who migrated from Kenya, Kikuyu who also happen to have come from Kenya. It was then British East Africa, the Baluhya and a section of the Baluhya known as the Bukusu, the Bamasaba who are known as Bagisu and the Turkana. The languages mainly spoken in the county are Swahili and Kubsabiny. Kongasis county is accessible by only one road which is "motorable" in the dry, season, during the wet seasons, one can get there with a lot of difficulties. The easiest way now, during wet seasons, to get in and out of Kongasis county is through a neighbouring country and I think Delegates can guess which neighbouring country that one is. Kongasis county is also a county which is in constant confrontation with the Karamojong and Pokot rustlers. Besides those problems Madam Chairperson, Kongasis county is known for production of cereals like wheat, barley, maize, beans, sunflower without mentioning the untapped wood products. Gold mining is also being, done on a small scale. Kongasis county people keep livestock and that is what attracts cattle rustlers.

The people of Kongasis have asked me to congratulate both of you upon your election to those prestigious positions in the Assembly. They have also asked me to congratulate the National Resistance Movement government for making it possible for Ugandans to elect Delegates to this constituent Assembly, at least democratically. Madam Chairperson, the people of Kongasis county would like us, in this constituent Assembly, to come out with very strong democratic constitution which will protect society from the whims of future powerful hungry elements,

a constitution which will stand the test of time, a constitution which takes into consideration feelings and aspirations of various categories of Ugandans of different shades of political opinion: republicans, federalists, monarchists, liberals - I understand there is a liberal national party in this country and also, if need be, some anarchists. Madam Chairperson, that is why the people of Kongasis county support very strongly the provision which empowers people to take up arms and fight any elements who might attempt to usurp political power unconstitutionally. They support the provision in the constitution which empowers Ugandans to say no to anybody who moves into Radio Uganda and says a democratic government has been overthrown. They are capable of mobilising a sizeable force to fight such elements.

The people of Kongasis county support a unitary form of government with a strengthened local government system. This is because they understand very well that they have been marginalised by a centralised system. The people of Kongasis county also have in mind the fact that in this country, there are diverse societies which societies are also requesting for a provision in this constitution to have a federal form of government or a federal state. The people of Kongasis have no problem with people in this country who would like to have a federal state if they have good reasons but they are saying the mandate of the people of that particular society must be obtained through any means either by referendum or by consensus. If the federal system is going to deliver, it is my submission and the submission of the people of Kongasis county that other societies who may not be able to go in for a federal system now can borrow a leaf from such a progressive federal state system.

I come to chapter 3 which talks about the national objectives and directive principles of policy. This chapter and its articles have had mixed feelings in this Assembly since we started the debate. There is a tendency, Madam Chairperson, by some Ugandans to shun good ideas and good innovations because probably by the way they were brought up. The people of Kongasis county, Madam Chairperson, support these principles because they were derived from the memoranda which were collected by the Commission and properly analysed and that is why it is embedded in this draft constitution. These are very good principles. They reflect the aspirations and interests of the people of this country.

The question of citizenship in this country has been very, very extremely complicated. At one time, this country had an official or a person of dubious citizenship running the migration department. That is why we have had problems of having probably foreigners or aliens obtaining passports including even Somalis who call themselves the Mukasa, the Musokes. It is because our system is not right. Madam Chairperson, this country is surrounded by tribes which cut across the borders. For example, you cannot differentiate me with a Kalenjin in Kenya if you found me in Nairobi. I think you can understand my features very well. So are the Alurs in West Nile and Lugbaras. The Madi have got the same problem, the Acholis of northern Uganda and those of Owiny Kibul have no difference. They just crossed the borders, the Karamojong and the Tewuzos in Sudan and the Turkana, we have the Pokot here now. The majority are in Kenya, about 400,000. They are only 10,000 now in Uganda. So we have to provide a system which can identify Ugandans and identify foreigners otherwise we may end up locking out our own citizens just because somebody looks very brown, probably he is from Kigali. Somebody is very black, probably he is associated to Sudanese communities something like that. We have to come out with a proper system or mechanism which will identify Ugandans. I support those who are saying that we should have national identity cards and even though we have identity cards, I know of people who are Ugandans, who have Kenya identity cards. So the system must be airtight.

The question of human rights has been a subject of critical nature in this country. State inspired violation of human rights have taken place in this country and when we are talking about human rights we need therefore to establish government which must make sure that its top priority, the cardinal principle is the protection of its citizens and property. That has not been happening in Uganda. To date, some people enter into this country and walk away with a lot of property and loss of human lives. In this case, I have in my county rustlers, particularly, from west Pokot in Kenya who have been coming in and out like that and the government has not built sufficient capacity to restrain them from entering into the country. So we would like to have a government which is serious, responsible, government which functions, a government which can deliver.

I come to probably the most critical element in this Draft Constitution. The Commission having gath-

ered the ideas from the population in this country, came up with the proposal that the movement system should continue for at least another five years. Thereafter, Uganda will be asked to take a decision whether we can adopt another system or not through a referendum. It is the submission of the people of Kongasis county at the moment that we continue with the movement system. They have their own reasons. They have undergone very terrible situations. They have known how political parties have ruled this country particularly one political party which has controlled state power at least more than once. They have known but they are saying let us have movement system now. It may not be the NRM but a kind of movement system which accommodates everybody, a movement system which must democratically be constituted. The defect within the present movement system is that it is not thoroughly democratic. There is no way one can now move from RC 1 in the village and get to the post of National Political Commissar, it is not there. The system is different, it is closed as we get to the top. So the people of Kongasis are saying the movement should democratise itself at the moment and allow all Ugandans to participate democratically and freely so that one like hon. Byakika from Bunyole can vie for the chairmanship of the Movement. (*Applause*). Madam Chairperson, if that is accepted, the people of Kongasis are saying the parties we know today, the DP, the UPC, the Conservative Party, now the Liberal Party and so on should be allowed to re-organise themselves. Right now they are torn apart with "factionism." They can have mobilisers group in DP and probably the main stream, then you have the problems within the UPC and so on and then Lukyamuzi and hon. Mayanja Nkangi also tearing themselves apart. They should be allowed time to organise themselves so that when we come to take decision as to whether we go to multiparty or we remain in Movement at the end of the day, we are very sure that we shall hand over a government either to the movement or to the multiparty system which is thoroughly polished; the leadership, the structure and so on. The political parties have got many different problems. They were founded on religious and tribal lines. We want them to shape and show or demonstrate a national character.

**MR. KIGAYE BILLYAWO:** Point of clarification. I would like the hon. Member to clarify to me to which political party he belongs which is disorganised.

**MR. KAMURON:** Madam Chairperson, the Member was not listening to what I was saying. The traditional parties which I mentioned earlier - I think he knows the traditional parties, the UPC, DP and the rest - are not organised at the moment. First of all, they have not had time to organise themselves. You cannot say you are organised. Now I can tell you, they have those problems of religion, problems of tribe and so we need parties which are national in character. If you look at the Democratic Party for example, it was found in 1966 mainly as a Catholic reaction to Uganda National Congress which was suspected to be Protestant. Imagine! That is how it was formed. DP was accusing the UNC that it was communist. That is how the DP was formed. Now, as if that is not enough, these parties have also got some foreign patronage. The DP here is supported by the Catholic church at the Vatican which is a monopoly and through its world-wide linkages with certain monopolies in Canada, Germany and France and through its churches in Uganda. So such a party cannot be free to lead. At least it will be looking behind - those who are right now the Democratic Party for example is being patronised by Conrad Adeneur Foundation through The Foundation for African Development. These parties have got foreign element. They are being supervised. So should we hand over the responsibility to such type of parties? Madam Chairperson, the UPC has its own serious problems.

**MR. NATHAN OKWAKOL:** Point of clarification. I am seeking clarification from hon. Kamuron. If the parties are disorganised as he would like us to believe, why is it that the NRM is unwilling to let the parties and NRM compete in an election? Because this would be the best way of killing off the parties. Why?

**MR. KAMURON:** Madam Chairperson, although the Member who was seeking clarification has got some claps demonstrating support, it was the decision of the people of Uganda to have the movement continue for five years. It is not the National Resistance Movement. These ideas were gathered through a memorandum. And when the commission went through, there was a consensus by the people of this country that the movement system continues for five years. Now, probably I was coming to the UPC, that is why this Member was reacting. *(Laughter)*.

UPC had its own problems and it still has problems of patronage. Madam Chairperson, UPC support

though disguised, was from the Protestant Church in Uganda aligned to the Church of England. It also has alliance with social democrats in Europe particularly in Germany and probably because of its left wing faction, it has some support in East Africa and other parties which were aligned to the Church of England. Now in 1963, ideologically, this time the ideological part of these parties, UPC lined up with Social Democratic Foundation called Friedrich Ebert Foundation. The foundation advanced money - that was in 1963 - and equipped for the purpose of equipping and setting up a propaganda machine for social democracy in this country. You can see how ideologically the foreign element was molding up or trying to shape up the political parties that we cherish today. And it disguised itself and advanced money for another organisation which was known as Milton Obote Foundation. This foundation set up a body of Trustees who were the dispensers of funds to various activities. They publish a weekly paper which is the People, the UPC organ. Now if I proceed to say what happened thereafter - I do not have the time but this is the gist of the matter here.

These parties are not themselves independent ideologically and economically. This is the position. Madam Chairperson, although the KY is no more, but there is evidence that there is conservative party and the Prime Minister then is the leader now of the Conservative Party. It had also a foreign element apart from being entrenched traditionally in Buganda. But it had links with outside world. Mutesa's support was wide and being a darling of British conservative opinion, he was brought up as a Brigadier Guard in Her Majesty's Army of British Empire. Economically, Sir. Edward Mutesa was supported by a unilever group which had wide interests in East Africa including manufacturing monopoly, the British East African Industries with a large market in Uganda. I can stop there.

So you can see that both ideologically and economically, these parties are not themselves indigenous. When they front themselves as if they are championing the interests of the people, they are not. So I want Delegates to understand that before you take decision at the end of the day in this Assembly, whether to go multiparty or to remain in the movement.

**MR. BEN WACHA:** Point of order. Madam Chairman, is the hon. Member in order to mislead this House that the Movement has no outside connections when recently, the communist party of China

donated 100,000 bicycles to the Political Commissioner of the Movement Mr. Eriya Kategaya? And it was accepted on behalf of the Movement.

**THE DEPUTY CHAIRMAN:** Thank you for that information. I think he has noted it.

**MR. KAMURON:** It was not a point of order. It was a point of information.

**MR. MUSHEMEZA:** Point of order. Is it in order Madam Chairperson for hon. Ben Wacha I have noted, consistently to disguise his points of information as points of order. Thank you Madam Chairperson.

**THE DEPUTY CHAIRMAN:** That is why I ruled as I did.

**MR. KAMURON:** Madam Chairperson, I now come to chapter seven which deals with the executive. As I said, the people of Kongosis county want an effective and functioning Executive but there is an article which exempts the President from being taken to court. When I discussed this with the people of Kongosis county, they said, no, the President must be taken to court because in another article 102 (3), it states that *"It shall be the duty of the President to abide by, uphold and safeguard this constitution under the laws of Uganda and to promote the welfare of the citizens and territorial integrity of Uganda."* What about if the President does not do that? Should he not be taken to court? So the people of Kongosis are saying no, he must be taken to court. Madam Chairperson, they are also saying that in the absence of the President and in the absence of the Vice-President, the Draft provides that the Speaker of the Assembly takes over the control of the State. They are saying no, I think the best thing to do is to have the post of Prime Minister. Now they have their reasons because if you entrust to the Speaker, he has problems. What about if you have a Parliament for example which is terribly factionalised? So the State must be intact in order to run the affairs of the country.

Now they wish to have a Prime Minister who has responsibilities. In this country now, we have a Prime Minister who is appointed by one person, we have a Cabinet appointed by the same person and therefore, he makes his work very difficult because he cannot discipline his fellow Ministers. Supposing **the Prime Minister was asked to appoint the Cabinet,**

then the Cabinet would be responsible to him and he is able to discipline the Cabinet. Now in this circumstance it is difficult to discipline the Cabinet because there is only one authority. So when it comes to the consideration period, I think I may try to move an amendment to provide the position of the Prime Minister in the Constitution of this country.

The composition of the Legislature is very good, the term of office is alright but the question of having women from the National Council of Women representing the women in the National Assembly, the people of Kongosis are saying no, the women must come from the districts because this one protects the minorities in this country. You will find a situation where - you know this country is very complicated it is so diverse. You get Delegates who come here you may end up getting all the women from one region and you will have nothing to say because it is in the Constitution. So they are saying no, the women must come from the districts.

There is this kind of thing called National Council of State, article 152. Some people - as I said, Ugandans are not sensitive to good ideas. I think they want to conform to the bible that as it used to be, as it is today and then as it shall be. This is a good Organ, it protects us the minority because if something cannot be resolved in the Legislature, because we are a small community there, then we can appeal to the National Council of State. But the people of Kongosis do not support the composition of Ministers being in that National Council of State because it is part of government if you leave it as it is now. So they are saying we should elect one representative from each district to come and sit there to oversee the affairs of the State, and the Legislature and so on. Some people may argue that there should be a constitutional court and so on. Those are too technical. They may not be politically sensitive. So the National Council of State is in my opinion and in the opinion of the people of Kongosis very, very much welcome. It should be there.

We have the Judiciary in this country. The people of Kongosis want an independent Judiciary and do not approve the appointment of the Chief Justice by the President. Let the Chief Justice be appointed by another body. How will the Chief Justice preside over a case between the State and an aggrieved citizen when he is appointed by the President? Definitely, even if he cannot say it, quietly he must be loyal to the appointing authority. So they are saying no, **the Chief justice should not be appointed by the President.**

And finally, the people of Kongasis county support the provision in article 157 which provides that the people shall participate in the administration of justice in particular through the system of trial by jury and assessors. This is very important because of our judicial system. You know it is very prone to all manipulations, corruption and so on and so on.

As said previously, the people of Kongasis support a decentralised system. Therefore, they have no problem with local government system. They support it 100 per cent.

I come to another crucial issue, defence and national security in this country. As I said, this country is not properly pacified. You can see the immigration problem coming in because of citizenship problem. Now this country is not properly pacified. If I were outside and I want to come to this country with one thousand men, I can enter through a point of my choice and I can find myself 100 miles away into this country. This country is not properly pacified from Mt. Elgon to the Sudanese border. Government has no control over that area. It has no control from the Sudanese border right up to Zaire border. So the question of pacifying this country is very important. We should have a defence system that takes any kind of invasion or subversion. In Africa, that problem is there. You can see, recently, some few boys just marched into Rwanda. So we have got to have a security system that is very tight, which takes care of the territory of this country.

Now, in this chapter, there are two traditional intelligence organisations. The traditional one and the non-traditional one. The non-traditional ones, I am saying, are these other intelligence organisations which are formed after new governments have come in. The NASA, the State Research Bureau. Now we have got the ISO and ESO. Those are non-traditional, I think the philosophy behind their formations is to defend those who are in power at that particular time. The people of Kongasis are saying, that instead of having non-traditional intelligence organisations, we should strengthen the traditional ones, we should strengthen the C.I.D, strengthen the Police Special Branch because those are the traditional intelligence organisations which deal with subversions; political or economic. If you want technical knowledge, then you can recruit technically equipped personnel to go and work in the traditional intelligence organisations.

**THE DEPUTY CHAIRMAN:** You have run out of your time. Can you wind up please?

**MR. KAMURON:** I was coming to an end Madam Chairperson. Thank you very much. On the question of land, the people of Kongasis are saying they want a constitution which provides for the people of Uganda to get land anywhere in this country. They also do not have land there so they want, as a country, to have freedom to get land else where. They want good policies which can protect our environment. Our environment is being destroyed because we do not have good policies to protect them.

Finally, I would like to comment on the question of circumcision because I think some people might have been waiting for that. I am the last speaker from Kapchorwa. Circumcision is a tradition that has been there from time immemorial, but the Sabinu society is changing very fast. I do not want to get Members of this august House who can dismiss us just like that we are not doing anything. Previously, we used to circumcise both boys and girls. It was compulsory. Now the other time, it became optional. Now we are moving towards zero now. So probably by the end of this century, we shall have eradicated traditional practices which are harmful to the health of females for example. But the men must continue being circumcised and we are also selling this idea to the Delegates and the people of this country, it is very healthy to get circumcised fellow Delegates. Thank you very much Madam Chairperson for giving me this opportunity to address this august House. I end there. For God and my country. Thank you very much.

**MR. JACK SABIITI:** My name is Jack Sabiiti, Rukiga county, Kabale District.

**THE DEPUTY CHAIRMAN:** Excuse me, if the order is not directed to the previous speaker, then you may need to put it in writing. I think that is the proper procedure.

**MR. JACK SABIITI:** No, I think Madam Chairperson, this does not violate the rules of the House.

**THE DEPUTY CHAIRMAN:** Okay, you proceed with your order and we hear.

**MR. JACK SABIITI:** On the 8th of July, the Delegate for Kyadondo east who is also the Minister for Constitutional Affairs, Sam Njuba, made a number of statements concerning the draft constitution which was officially tabled for our discussion by

the Chairman of this august House. This morning, I have read the article written by the former member and secretary of the Uganda Constitutional Commission challenging hon. Njuba on a number of issues raised by him. This to me, does not augur well particularly when some people have cast doubt on the authenticity of this draft constitution. Is it in order, Madam Chairperson, for this august House to continue debating this draft constitution before the hon. Delegates are fully assured by the chairman of the Uganda Constitutional Commission whether what we are debating are the views of the people and not views as imposed on us by the Commission?

**THE DEPUTY CHAIRMAN.** In my opinion, he spoke as a Kyadondo Delegate. Those may have been the views of the people of Kyadondo which does not actually nullify our continuing to debate the draft. *(Applause)*. So I call upon hon. George Bageya, Kigulu north to take the Floor.

**MR. GEORGE BAGEYA (Kigulu county North):** Madam Chairperson, I am hon. Bageya George Patrick, CA Delegate, Kigulu North constituency in Iganga District. Kigulu north constituency is located north of Iganga town on the way to Kaliro in Bulamogi county. It borders to the north with Bulamogi county in Kamuli District, to the east with Busiki and Bugweri counties, to the west, with Luuka county and to the south with Kigulu county south constituency which is represented by hon. Dr. Wandira Kazibwe Specioza. An illustration that the people of Kigulu in general are gender sensitive. With the Chairman's permission and on behalf of the people of Kigulu county north, may I request this august House to stand up and observe one minute of silence in honour of our fallen son, the late Prof. Dan Mudoola, Vice Chairman of the Constitutional Commission. May his soul rest in eternal peace, Amen. I am aware Madam Chairman, that this act was done before but being a representative of the area where this great son emanates, I felt it necessary to remind my Colleagues and I thank you for that.

As this is my maiden speech Madam Chairman, the people of Kigulu north have asked me to congratulate the hon. Delegates on their victories. Tribute is paid to Commissioner Odoki and his entire team for compiling the draft document that we are here to discuss. Similar tribute goes to Commissioner Akabwai and his staff. Your election Madam Chairperson and that of your Boss to the highest offices was received with great jubilation and they send you

their best wishes. Your boss's most recent victory of his petition has not passed unnoticed and they also congratulate his Excellency the President, the NRM, NRC and NRA for their efforts in creating the atmosphere conducive to peace and sustainable development.

The people of Kigulu north would like also to echo the advice given by hon. George Kanyeihamba that the constitution should be short, precise and simple after all, the constitution, at the end of the day, belongs to them and not to the draftsmen. That notwithstanding, my people are disturbed at hon. Kanyeihamba's sudden turn around regarding the issue of a referendum on the system of governance. Personal a view, as it may have been, during the address to Uganda law society. Are we once more high jacking the people's power through manipulation by the people we have respected in the law circles contradicting article one of the draft constitution? I have observed a general trend of resentment of other people's ideas in this august House and appeal to hon. Delegates that we devote our precious time to three principles to enable us to do a good job:

1. We should have faith in what brought us here in the first place.
2. We should be committed to accomplishing the task before us.
3. we should be tolerant of different ideas.

The Bakigulu are aware that elements in our society prefer to instil confusion, hostility and instability and it is their wish that hon. Members of this constituent Assembly will overcome such weaknesses and together, we should come up with an acceptable document to the people of Uganda. I pay tribute to hon. sam Kutesa of Mawogola county who uncovered the glossed activities of the past for which some Delegates castigated him. Madam Chairman, if we expect to achieve unity, we must not appear to hide from the truth because my people are ready to unite with fellow Ugandans but not to be exploited by opportunists. We were advised by the chief justice Wako Wambuzi and I quote; *"we must seek solutions and not take stands. We must give and take or compromise."* Unless we truly understand and appreciate the reasons advanced towards the need for a new constitution, it will be extremely difficult to reach a compromise and this will be a total waste of the meager resources availed to us by the taxpayers of this nation.

The views of the Bakigulu regarding the draft constitution are similar to those expressed by the previous speakers. The Bakigulu however believe the constitution must be the supreme law and therefore are in agreement with articles 1 and 2. However, article 3 regarding protection of the constitution needs to be revisited. This article appears in all the past constitutions and my people are saying, how come the past constitutions were never defended? They suggest that our constitution should stand the test of time if the following measures are taken:

1. Continuous civic education to the entire population.
2. Political and military training to all able persons.
3. Elimination of corruption from all ranks in government.
4. Encourage tolerance and avoid discrimination at all levels in society.
5. Equitable sharing of national resources is also essential.
6. Creating an atmosphere where all nationals feel encouraged and committed to protect their constitution.

Madam Chairperson, if we eliminate any of these I think arms will not be sufficient to protect our constitution.

I go to chapter two: Republic as a name for our country. This disturbs my people and they would prefer to call it the sovereign State of Uganda if Uganda alone is not enough. Republic in the past was introduced in bad taste and the people of Kigulu north would rather not be reminded of the bitter past. *(Applause)*.

Article 5. An official language like English does not conflict with them at all. However, turning to national language, it has been suggested by several that Swahili is most suitable and perhaps rightly so. Nevertheless, the people I represent have this to ask, and I quote: *“what is so national about Swahili in the Ugandan context and which district or region does it originate from?”* They believe it is foreign and therefore do not accept the suggestion. Aware that Uganda has its national and tribal languages, the Ugandans have failed to come to terms with reality due to intolerance of each others languages. However, it would seem that Luo, Luganda, Lunyoro-Lutooro or even Lusoga for that matter are widely spoken and understood than Swahili. And it would seem that 60 per cent of the population can speak and understand Luganda because it has been taught in most schools and has written literature. Why not choose from the more widely spoken languages than

choose a foreign language? The Bakigulu would even settle for Luganda as a national language if need be, aware that English which was introduced a century ago has never been mastered by the Ugandans; not even by 50 per cent of our population. Why involve ourselves into uncalled for expenses of yet another foreign language?

Chapter 3. National Objectives: Madam Chairperson, the people I represent have been convinced after this recent election that power has been returned to them and the government has clearly demonstrated willingness to derive power from the people and they wish the same to continue. However, they do not consider the inclusion of chapter three necessary as they are expecting a short, precise and simple constitution. What they wish to see is the principle and suggest that details can best be left to the legislature to deal with.

Chapter 4. Citizenship: Madam Chairperson, my people have no objection to article 40. However, the contention is with article 41 regarding the year 1926 whatever the magic is, and wish to maintain the status as in the 1962 constitution chapter 2 article 7. The Bakigulu wish to advise that while issuing citizenship, we must be extremely careful and mindful of the consequences. We must avoid what other highly developed countries went through. For example, when the Indians arrived in East Africa to build our present railway line from Mombasa, they were issued with British passports or rather British citizenship. However, when President Amin chased them from Uganda, it was not easy for them to enter Britain. Conditions were imposed on Uganda to accept the unwanted Asians at the time in exchange for financial and or political support. A lesson should be learnt from this in that we should realise that granting citizenship is not a simple task. We have to mind the influx which might cause us discomfort. Take an example of the confusion arising during the registration of voters. Who was a legitimate voter?

The Bakigulu are saying that cases of citizenship and the question of foundlings and adopted children as in article 42 and cases relating to article 43 (c) where persons have chosen to stay here even for 20 years must be strictly examined because it is common that some of these categories are not always loyal to the nation. You can cite our great man Peter Owili who was a director of military intelligence in this country and I think everybody knew that he was a Kenyan but

for some unknown reasons, he was assimilated as a citizen here and held a very sensitive post. Those qualified in security matters will understand our stand.

Article 44 sub-section 2. The present appointment of the immigration board should be approved by the Legislature and not national council of state as suggested. Reasons will be understood later. For easy reference, all Ugandans should be issued with identity cards and registration of births and deaths, a must to enable proper planning by our government. Passports to nationals should be a right and not a privilege. Dual citizenship should not be permitted at all. It does not serve any purpose to any loyal citizen and article 46 is in line with my people's thinking.

Chapter five, Fundamental human rights and freedoms: Madam Chairperson, my people agree entirely with the principle. However, they vehemently oppose the suggestion of article 53 (b) where 72 hours is recommended. In the past constitution, 24 hours was recommended for a person arrested to be produced in court. Unfortunately, there has been great temptation and abuse to punish people by not producing them in the prescribed period and at times, people have been arrested late on Fridays so that they languish in prison for a week-end or have to bribe the interested parties in order to get out before Monday. In other cases especially in rural areas, people are arrested and kept in prisons indefinitely. Therefore, the Bakigulu asked me to first reject the 72 hours and enforce the existing 24 hours which should be a must. Cases have arisen where arrests have been illegal and perpetrators have tended to exploit this provision to extort money to unsuspecting victims or even settling personal grudges. This is a great violation of human rights which must be condemned outright and any officer who so violates must be asked to pay damages to the victim personally from his pockets. This will reduce these instances which are very common all over the country. My people do not see the logic of arresting a culprit when they have not established reasons enough to produce him or her to the Courts of Law, Police officers are normally given orders to arrest "big people". If the arrested person is illegally arrested, those responsible should compensate the affected person. Article 58. The right to fair hearing must be maintained.

Article 71, Madam Chairperson, detention under emergency laws must be scrapped without even further negotiations, since many of us have suffered

under this Article without good cause. I am one of those who suffered under this Article and I do not wish to see similar occurrence to any other citizen of this nation.

Representation of the people: Madam Chairperson, my people have asked me to go along with Articles 84 to 93. As for Article 94, my people wish to be specifically told, how one becomes a Member of the Secretariat under the Movement system. They advanced this question because they wish to be fully integrated into the Movement type of Government. For instance, Madam Chairperson, how does one become a National Political Commissar or a Director of the Secretariat? The dynamism of the Movement needs to be polished because the Bakigulu have generated great interest in this type of administration. Madam Chairperson, during the campaigns, I clearly told my people that I was against political parties and I told them not to elect me if they supported an immediate return of political parties. I was elected with an overwhelming majority. This, Madam Chairperson is a clear testimony that the Bakigulu people prefer the current type of Government where every adult above 18 years of age is free to elect. The five years extension is fully accepted by my people and they have told me that regarding the return to political parties or not thereafter, must be their decision since they reserve the right to choose. Therefore, if we still maintain that government derives power from the people, this decision will be through a referendum.

Also Madam Chairperson, my people have told me to say, after electing a leader at any level they reserve the right to recall him or her if the performance does not satisfy them. This will guarantee them maximum performance from their candidates. Should they decide to return to political parties however, then anyone who crosses from one party to another, must resign his seat in Parliament and seek fresh mandate from the electorate. Lastly, they will not accept a return to a one party state.

On the executive Article 101, sub-section (I), (II) and (III) are okay with my people, but sub-sections 4 and 5 are not acceptable realizing that we might have a President drunk with power. Safeguards must be made to maintain the security of the people. For example, if a President violates any law or commits atrocities, there must be a provision for impeachment. Otherwise Articles 105 and 106 have been approved by my people and as for Article 108, two

year term of office is recommended and the people I represent wish to include the provision that should a particular President prove more than satisfactory, he can be re-elected after a break of five years, if he or she wishes to return. The Vice President and Cabinet should be appointed from the legislature and their appointments must be approved by the legislature only. Once one has been appointed Minister, they should cease to be legislators, but instead be replaced in the legislature. The President and his Cabinet will derive their power from the legislature to maintain our promise to our people and Article 129. Madam Chairperson, must be excluded from this Constitution to close the loopholes normally used to employ the detention Act.

National Council of State: Madam Chairperson, you may have noticed where approval of appointments was by this body, I have deliberately put legislature. This is purely because my people have not appreciated this body. Other than creating another chamber which we can ill-afford or rather another centre of conflict to the detriment of the people it serves, it serves no purpose and the people wish the entire Chapter omitted from our Constitution. If it is supposed to solve conflicts between the executives and the legislature then, let the arm of the law handle this aspect.

Finance: Madam Chairperson, the Bakigulu are seriously concerned with Article 185 - power of Government to borrow and lend. My people are tired of high taxes due to Government over borrowing especially from abroad and wish to state that it be stipulated in this Constitution that no individual, even President can enter negotiations with any country, institution or individual for the purposes of borrowing money for or on behalf of our country without express permission from the legislature. Reasons advanced are that no government has ever been able to explain to the people why they borrowed the money and what that money was used for. On many occasions, Madam Chairperson, Governments including this one, have entered into deals which turn out to be disastrous to the people of this nation. There are cases where Government enters into loans agreements with strings attached where the donor countries subsequently send us expatriates who in turn consume the borrowed money which later turns out to be a debt burden, hence the continuous suffering of our people. Imagine the \$2.6 billion dollars debt burden that is hanging over our heads, aware that in most case negotiators get their

cash, the tax payer will be lunded with the burden of the payment. To avoid such situations, why do we not accept that the legislature who are the direct representatives of the people approve such loans and owe contracts entered into by Government and continue to monitor the progress of the borrowed resources or the projects such as the NSSF deal as an example. We are always told certain projects have been won by such a company and it is being financed by the company as an excuse to award the tender to them. Do we ever stop to examine at what cost, do we present the true picture to the people? The answer is no, because if it was the case, then the debt burden of \$2.6 billion dollars, always referred to, should have been explained and perhaps it was for a good cause in which case the peoples attitude towards repayment participation through taxes.

This takes us to Article 191, accountability for public funds which in this country is taboo. Madam Chairperson, as long as Accountability is not respected, the people will be negative towards taxes, because of the rampant corruption. My people are asking: why are we unable to educate our children, to sleep and eat well and even treat ourselves in hospitals and yet we pay taxes, only to enable the privileged few to have a good salary, accommodation, cars, allowances and trips abroad? This has been the case with every Government that has come to power.

My people resolve that matters affecting the finances of this nation be policed by the office of the Inspector General of Government, who should be empowered to prosecute the offenders. We were saved by the oil pipeline - who wanted to reach us by asking us to have an oil pipeline from Mombasa to Uganda and I am grateful for those who rejected it. The IGG must be autonomous and only answerable to Parliament.

Madam Chairperson, long ago, the *Muzungu* wanted to borrow or lease land from the Basoga for 90 years, wondering what the *Muzungu* wanted to borrow land for, one of them asked him if he had a mother and the answer was in the affirmative. So the Basoga asked if they could in turn borrow his mother but only for three months, rather shocked the *Muzungu* responded negatively. The *Muzungu* was told, the way he feels for his mother, is the way they attach value to their land. Kigulu North is part of this society, Madam Chairperson, and they pray that their customary land, tenure system or rather free hold, be recognised and included in the Constitution. They

cannot claim to own power if they do not own land and they suggest that any form of wealth thereon, if extracted by Government, must be shared by them two. Lease hold tenure system is recommended for non-citizens and urban centres and the duration will be subject to debate.

**Traditional leaders:** My people cherish this institution of *Kyabazingu* as their cultural leader and a uniting factor for the Basoga. Ours is apolitical and Madam Chairperson, being a unifying figure of our people would enhance the national aspirations of unity. Madam Chairperson, and hon. delegates, if we come from divided units, there is no way, we can achieve national unity which we are all yearning for. Aware that unity begins at home, the Bakigulu support unity in diversity since we all come from diverse cultural backgrounds which must be respected if we have to forge unity. The moral degeneration we are experiencing now and we all talk about, would be properly taken care of by these institutions.

**The legislature:** Article 130 sub-section 2 and 3, need to be revisited by inserting into that: an MP or Member of Parliament, can serve a maximum of two terms of five years each and not more and in 3, an extension of the life of Parliament can only be through the electorate and not as suggested. Article 136 and 137, are supported by my people to ensure proper representation and on Judiciary, since time has gone, needless to say, the people of Kigulu North want judiciary to be totally independent of the executive, but answerable to the legislature which derives its powers from the people.

I would not like to cheat on your time. I will have to cut short my speech and hope that my Colleagues will be in a position to sit and deliberate and take care of each others differences and come to make a united Uganda. I say all these, For God and My Country. Thank you very much.

**MRS. SOLOME MUKISA (Women - Iganga):** My names are Solome Mukisa. I represent Iganga district, I am actually the voice of the district. Madam Chairperson, Iganga district, has the following borders: in the North, it has Kamuli and Pallisa, in the South, it has Lake Victoria, in the West, it has Jinja district and in the East, it has Tororo district as its borders. Iganga, Madam Chairperson, has got 6 counties, 41 sub counties, and a population of about 1,000,000. Those are the people Madam Chairperson, that I represent in this House.

Allow me to tell a short story of what happened to me just after they had announced that I had won the Iganga Constituent Assembly elections, just to illustrate the feelings of a big portion of the people I represent here and also to give this House an idea of the type of person that walked here to represent Iganga district. On 26th April 1994, it was announced that I had won the CA elections with an overwhelming majority of over 70 per cent, defeating three alternatives. My supporters, Madam Chairperson, were overjoyed and drummed and danced and sung songs of victory. All roads on that day in Iganga district, led to Bugiri town where people came to congratulate me. I was overwhelmed too with joy, and from time to time, I joined my people in the dance. As all this went on, Madam Chairperson, there stood a fairly old man at the corner of the house in which we were; he looked at us, with a lot of curiosity, but said no word, it was difficult to trace a smile on the old face, despite the fact that everybody around him was carrying a smiling face. When he realised that I was looking at him, Madam Chairperson, he called me and asked that he wanted to have a word with me and also to talk to the crowd. I gave him a chance. "My dear daughter", the old man said. "I congratulate you on this victory, but I wish to advise you that time for celebrating has not yet come, the struggle before you is a difficult one, your victory today and the victory of many others today, is only the beginning of what may bring tears of joy to this country", the old man went on. "If wh it we the people of this country have charged you to do which is not done with a spirit of concern for the country and the people of this country, in a few years, we shall be in tears. If the implementors of the document we are going to make, make the same mistakes that were made in the past, there will be nothing to rejoice about, Uganda will continue to cry". The old man went on. The victory dances and the songs were immediately abandoned when we heard the old man and we went into serious discussions about the Constitutional making process.

It was agreed during the discussions that while in this august House, we must examine the history of this country so as to be able to learn from the past mistakes and avoid repeating them. We should not be ashamed of our history, we should not shy away from our history however embarrassing it is and in any case, there is no future without a past. Players in the previous Constitution, we discussed, if in this House, should come up as honourably advisers on

where they went wrong. We need their experience on which to build. After all, the people of Iganga think, that many of the players in the past Constitution made the mistakes because they were learning the politics on the job. We examined the 1966 war during our discussion at that time, which hurt many Ugandans, the 1979 war which left many dear ones dead, the Luwero Triangle war and the insurgency in the North, which have left the very loved ones dead. Each part of this country, we realised has had its part or its share of the bad story. We then asked ourselves: was it the bad Constitution that brought all that, was it the bad leadership? What happened? Why have Ugandans killed fellow Ugandans? Why? We asked ourselves. How will Uganda ever pay for the fallen comrades and the innocent Ugandans who have been murdered in cold blood because of the bad politics? Can we afford to go through this again? We asked ourselves. At the end of it all, we all agreed that the struggle ahead of us was not an easy one and that time for celebrating had actually not come and we abandoned our celebrations.

And the people told me, if you come back here, after deliberations, with a bad Constitution, we shall hold you responsible, can you believe it? I will be held responsible. So, Madam Chairperson, you can see what kind of woman walked here to deliberate for the people of Iganga. I walked here with a spirit of give and take, I must leave this House with a pro-people Constitution, a Constitution which will unite the people of Uganda and bring everlasting peace; a Constitution that will stand the test of time and a Constitution, Madam Chairperson, that even the unborn will stand to be proud of. Short of this, Madam Chairperson, home will not be home for me.

When we went back after a short deliberation here, Madam Chairperson, to consult our people, my people told me the following: that dear daughter, when we were making a decision, to cast our votes for a delegate to go to that House, we were looking for a person that is, one, patient, a person that is understanding, a person that is accommodative, a person that is mature politically, kind, tolerant, loving and well informed and Madam Chairperson, they said that they had found all this in me.

The people of Iganga, prayed that other citizens in this country use the measure to elect their people to come to this House. They said Madam Chairperson, that Ugandans who are arrogant, hot-tempered, impatient, selfish, people with fixed minds

on ideas, have no room in a Constitution that we are making today. Madam Chairperson, they advise us, if we have people of that type here, they should change so as to be able to contribute meaningfully to the Constitutional making process.

I now bring the views of the people of Iganga district on a number of issues in the Draft Constitution.

Citizenship. The question of dual citizenship is totally discouraged by the people of Iganga. The whole idea is, if encouraged, turns into a business where foreigners invest here, make profits and repatriate the profits to their motherland. People who want dual citizenship, are people who want to speculate on our economy; they are not committed citizens. They are simply interested in siphoning away Ugandan wealth, it is totally discouraged, Madam Chairperson. On the section which says that a child of not more than seven years of age, found in Uganda, whose parents are not known, shall be presumed to be a citizen of Uganda by birth, the people of Iganga have no quarrel with it except that, they say that the age should be reduced to five years. They argue that a child of seven years is capable of having a clue of where he came from. The people of Iganga say, that we should not fix our minds on the children that may be damped here from other countries and forget that even children with Ugandan blood flowing in them, maybe victims. Unwanted pregnancies, Madam Chairperson, are on the increase in this country, children are born and thrown, picked on the streets, in the dust bins. I want to repeat Madam Chairperson, that some of these children have Ugandan blood flowing in them, it would be really very inhuman, it would be very inhuman to declare these children stateless. These type of children, Madam Chairperson, are bound to be found in our societies and should be accommodated and be protected.

The people of Iganga, Madam Chairperson, emphasise the need for the national Identity Card for every Ugandan, but in the process of issuing these cards, Government should be careful or should put in place procedures to ensure that the idea is not abused because the whole thing can turn into business, where you find non-Ugandans coming to buy these cards.

On political systems, Madam Chairperson, the people of Iganga support the extension of the political Movement system of Government for another five

years, after which, a referendum should be held to find out from the people themselves how they want to be governed. The people of Iganga say that if they were not as wise as they are, they would have made statements like: those who do not want the extension of the Movement type of Government should find where to go or that the extension of the Movement type of Government is not negotiable. Fortunately, Madam Chairperson, the people of Iganga are very wise and they did not say that.

**LT. COL. GUMA:** Point of order. Is it in order for the current hon. delegate holding the Floor to contradict herself immediately on matters of principle because she said, she was elected because she was patient, tolerant, at the same time she is saying that those who do not like the Movement should find somewhere.

**MRS. MUKISA:** I did not say that.

**THE DEPUTY CHAIRMAN:** Let me make a ruling because it was a point of order. Actually you are impatient, because she had not completed the sentence.

**DR. KAKUNGULU:** Point of order. Is it in order for the previous speaker to continually mislead the House by changing positions in the House? Thank you, Madam Chairperson.

**THE DEPUTY CHAIRMAN:** I had not noticed that because I did not know where he was seated originally.

**MRS. MUKISA:** Madam Chairperson, I continue by going a bit backwards to clear the air. The people of Iganga say, that if they were as unwise as some people, they would have perhaps said that those who do not want the extension of the Movement type of Government should find where to go or that the question of the extension of the Movement type of Government is not negotiable, but because of the unquestionable wisdom of the people of Iganga, they did not say that.

**MR. HASHAKA JACKSON:** Point of order. Is it in order, Madam Chairperson, for the current speaker to say the people she represents were wiser and never mentioned words, whereas she never contacted them when she was walking out.

**THE DEPUTY CHAIRMAN:** I think that was a procedural matter

**MRS. MUKISA:** The people of Iganga have advised that the party agitators should, without bias, take stock of the achievements of the Movement since it came to power and compare it with the what happened during the party politics and come up to support the noble decision for the extension. The parties should be given time to reorganise and Madam Chairperson, we mean real re-organisation and also give the people of Iganga time to forget the pain they inflicted on them.

Gender and affirmative action: On the question of gender and affirmative action, by the women of this country, my people, especially the women and the children, asked me to thank the hon. delegates here for the overwhelming support they are giving them. To the delegates who have out dated attitudes towards women, my people say, their situation is understandable in a society where men have been dominant in all spheres of life. All that is required now, Madam Chairperson, is to give them the necessary therapy to cure them from the unfortunate infection. If untreated, they can cause untold suffering to humanity, Madam Chairperson, because in the process, they also hurt themselves. Those who believe in prayers, Madam Chairperson, please, frequently pray for them, those who believe in seminars, please do organise seminars on gender issues for the affected members. Otherwise, we request everybody constantly to talk to them with the hope that time will play the trick so that they too can see light. We in Iganga are also putting our special request that the support that you are giving us should not be only theoretical. In our discussion, Madam Chairperson, a case was cited where a man well placed in Government, gave a very moving and supportive paper on gender and affirmative action. But when he went home, that evening he picked a quarrel with his wife and badly battered her, he sent her out of his home and told her, get out of the home without carrying away any item. He also asked the woman never to have claim of his children. When the man was asked about the good paper he had given, just the day before, the man said, he was doing a job - when he was giving a paper he was doing a job and he also added that in any case, these days it is fashionable to support the affirmative action and he went on to say, Madam Chairperson, that the job had nothing to do with his family and he had an obligation to discipline his Wife. Can you believe it? Battering a Ugandan, beating a woman in the presence of her children and finally saying, you are disciplining your wife? We ask, we the people of Iganga, that the support that we have been given should be practical.

Defilement and rape. Madam Chairperson, when hon. Kabirisi woman delegate from Bushenyi district talked of capital punishment for the defilers, many of you or many of us thought it was a bit too harsh. But we the people of Iganga wish to ask you, to think of the three-month old babies, as has been reported in our Papers, think of the five-month old babies, think of the five-year olds, the eight-year olds, who have been raped by men of 25, think of them, that may help you to decide on whether the delegate was right or not. Madam Chairperson, we also examined the old women as reported in our Papers, of 90 Years raped by men of 20, 25 and so on; think of the agony and of the cases I am talking about, the three, five months, and five years, the victims actually died. We therefore think Madam Chairperson, that it is fair and punishment is necessary.

The people of Iganga Madam Chairperson, support the Articles that are stated in the draft on the rights of the children, but say that many children are asking that they should be produced responsibly. The children hate to have sisters and brothers all over the country. Some of them not even known to them and some cases being discovered when it is too late, at times, even after marriage. They ask Madam Chairperson, that Ugandans should produce responsibly. Do, not have a child in Acholi, you have another one in Kabale, another one in Buganda, another one in Kapchorwa, at times you do not report these births, and the children end up marrying each other. The people of Iganga feel that this makes family ties a little too loose.

Cultural leaders. On cultural leaders, Madam Chairperson, the people of Iganga have no quarrel with Ugandans who cherish their traditional leaders provided, Madam Chairperson, they can look after them. The people also advise that traditional leaders who have not stocked enough resources to sustain their palaces should not go into the business and over burden their subjects who are already over burdened with poverty.

National language: English as a national language has been accepted by the people of Iganga and they say, that at this time when we are having a cultural revival, it would be absurd to talk of promoting one indigenous language at the expense of another and they say, as recommended in the Education Review Policy, in the White Paper, which has just been discussed and passed, let all the languages be taught

at lower Primary level. Dialects of Ugandan languages could be taught at higher Primary and Secondary levels including Swahili. With time, they believe that one of the dialects will become nationally most popular and will evolve into a national language. Here, no language. Madam Chairperson, will have been deliberately suppressed and so people will not be heard. The people of Iganga, Madam Chairperson, however say, should that idea not be bought, then Swahili would be considered as the national language.

The National Council of State: The formation of the national Council of State is supported by the people of Iganga. They however opposed the ten Cabinet Members appointed by the President and instead suggest that, Parliament elects the Members from among the Ministers. The people also think the number should be reduced to five from 10 so that the Ministers do not use the numerical strength and positions to influence the Council of State to pass ideas which favour Cabinet ideas, thus turning the National Council of State into a rubber stamp.

Women representation in Parliament: We oppose Madam Chairperson, the suggestion that only 15 women be chosen through the Women Councils to represent the women and suggest that each district be given an opportunity to send one Woman Representative.

In conclusion, Madam Chairperson, I would like to pose a question which was posed to me by the people of Iganga before I came recently. They asked me Madam Chairperson, that is the Movement type of Government as popular in other parts of the country as it is in Iganga? And I said, it certainly is considering what I have heard other delegates talk in the House. They thank you Madam Chairperson, they thank the delegates for that.

I would like to take this opportunity as I end that the people of Iganga send their greetings to you and the Chairman and also congratulate you on attaining those very high offices. The say Madam Chairperson, that no doubt, you have done a very excellent job. Thank you very much Madam Chairperson. For God and My Country.

MR. KAHEEBWA JOHNSON (Bujenje County): Thank you very much, Madam Chairperson, Fox Johnson Kaheebwa is my name and I come from Bujenje county, which is one of the four

counties in Masindi district. Madam Chairperson, I bring greetings and joy from my people of Bujenje to you and the Chairman and the hon. delegates of this august House. I wish to thank you for your wise Chairmanship and guidance of this Assembly so far exhibited. Thank you very much. I also wish to register my gratitude to the Commissioner for the Constituent Assembly, Mr. Stephen Besweri Akabway and staff, for having ably steered the march Constituent Assembly elections whose competition was mature but stiff virtually throughout the whole country. Indeed, it was a good barometer for democracy in this history of Uganda. Congratulations to all of you who won and all other Ugandans who participated in one way or another in that important exercises, except one thing, fellow Ugandans, we should continue shock absorbing defeat wherever it comes.

When leaving my constituency, I was strongly warned by my people that when in the Assembly, I should stick on what we discussed together and not what I personally think should be as an individual. Therefore, Madam Chairperson, my people have this to say: Our country Uganda has at least for the last three decades of its independence, been torn apart by unprincipled wars and civil strifes. This all came about by violation and lack of respect for the Constitution of this country leading to its abrogation at the whims and will of the individuals. Madam Chairperson, we have had a number of Constitutions for this country and none of them has the sanctions and views of all Ugandans. We are now in the process of debating and promulgating a new Constitution of this county, which embraces the majority views of Ugandans as they were specifically consulted before this draft was compiled.

We are indeed representatives of the people, having been directly elected by them and we hold these positions in trust for the people of Uganda. It is therefore, our duty to pay them back for their trust. This will be by putting in place a Constitution that will enhance and promote unity, prosperity and guarantee their freedom. We have therefore to act and deliberate without fear and favour and give this exercise the due seriousness it deserves. Having promulgated a Constitution whose supremacy should not be unduly challenged, and promote the above virtues, we have to see to it that provisions, or safeguards are put in place for its defence and protection. The document must not be subject to manipulation by any leader and should be under-

stood by all. For that matter, Madam Chairperson, it must be translated in the local languages. It is worth to note Madam Chairperson, that nobody will defend what he or she does not understand. The Constitution must sustain all regimes and should not be referred to as a few peoples booklet, but a sacred document for all Ugandans and all these will depend on the good work we shall produce here with free and open minds.

I concur with Chapter 1 of the Draft that, and would urge that the people should be sensitized at all levels about the supremacy of this Constitution and the need to defend it. Lectures and lessons on the same, should be conducted in schools, barracks, security training camps, and public galleries. All of us should bear the onus of defending it. If it is to be amended, the very people should be consulted, Among other areas, appropriate emphasis should be geared towards educating the Army on the Constitution and its defence and through this focus, we shall be minimising or if not eliminating, unnecessary coups. The Army leadership should educate the average soldier on the good relationship with civilians and must feel part of them.

My people of Bujenje, are thankful to the National Resistance Army for their exhibition of this kind of relationship. Madam Chairperson, my I also recommend that Ugandans should be sensitized on the need for basic military training and political education in defence of the Constitution and the country at large, hence as many Ugandans as possible should be encouraged to take up short Military Training courses as a deterrent to any person who could be tempted to abrogate the peoples Constitution.

Language: Madam Chairperson, Masindi district in general and Bujenje county in particular has gratefully accepted permanent settlement of other Ugandans from various parts of this country. Although, Runyoro is still the predominant local language, Swahili is widely spoken and accepted as a language that cements and harmonises all our people whose diversity almost includes all tribes of this country. It has been successful as a medium of communication for simple trade and commerce in my county. My people, Madam Chairperson, would like to encourage this Assembly to accept it as a national language as one of the tools of national unity. Its acceptability is made easier due to its neutrality, after all, it already has a strong base, as it is not only used in Uganda but also by our neighbours like Zaire, Tanzania, Kenya

and others. So, this would be an instrument for regional integration and should also be taught in schools. The reasoning that Swahili is associated with atrocities does not hold substance as it was only being used by misguided people.

My people have no objection to English as an official language more especially to gain access to literature, on science and technology and other subjects. It is cheaper to teach, since it has published literature in the country. It will also facilitate national and international trade and all these will assist in the development of this nation.

National objectives: Madam Chairperson, under this, it is recommended that there should be a balanced development and equitable distribution of resources to all parts of the country. This will inculcate a lot of faith and trust in the Government of the day, as no corner of the country will feel neglected. There should be a plough back system where your contribution towards national development should be used to benefit you as a district or otherwise. When we look at Bunyoro, there is L. Albert which produces plenty of fish and has plenty of timber out of its forests. These products are transported and consumed in other parts of the country with a portion to export. The people of Bunyoro would be happy to see that in return for their resources, some developments are ploughed back in their district, by at least improving their road infrastructure. Those of you who have been to Masindi or Bunyoro know what I am talking about. The roads there are so pathetic that they are almost impassable and it does not only end there, this is similar with other places like West Nile, that produces cotton and many other crops.

Fundamental human rights: Madam Chairperson, my people are saying that these should be guaranteed and protected at all costs. Without protection of these, people will feel cheated and loose trust in the Government which is supposed to protect them. These are things like freedom of expression, life, and right to property and more especially right to the disadvantaged groups like orphans, the disabled, the Youth, Women, Farmers, Workers, Widows etc. Arrests and detention for long periods without trial should be avoided. The Draft talks of detention for up to 72 hours before availing one to court. This is excessively wrong according to my people and my people recommend a period of 48 hours. If the investigative machinery is provided with all logistics

required, there is no reason why it should fail to charge someone in court within that time.

Workers: Workers too are entitled to protection by the law. They should be adequately remunerated to give incentive to work. One who retires with pension, should have an amount that can at least sustain him or her as pension. Madam Chairperson, it is absurd that these days pensions are so meager that, they have lost meaning yet the pensioner will have served this country very diligently. It is recommended by my people that pensions be revised and should be easily processed and paid out unlike where one spends more money to go and collect what is less than his expenses by way of transport for his pension. Madam Chairperson, I have been instructed to voice out this concern which touches many old pensioners in my county.

The Farmer: My people have it that a farmer who is a backbone of our economy is still unhappy. He has no protection in times of hazards, and his produce must be paid for promptly or else he loses incentive to production

Women: Madam Chairperson, my people fully recognise the big and invariable contribution by our women who are more than 50 per cent of our population, from the family level to participation in public affairs. Whereas more encouragement must be shown for the women to participate in Public Offices, big emphasis must be given to protection of women at village level where local cultures must respect the home ownership of the widow after death of the husband. After all, it is the husband and wife who jointly build up the home, including the property, during the lifetime together.

Madam Chairperson, my people salute all women to continue with their worth while struggle which should ultimately bring every Ugandan woman in the development effort of this country. To the women in Leadership, this is a laborious job that will require due perseverance and calmness.

Presentation of the people: Madam Chairperson, people of Bujenje view the issue of an appropriate political system as one of the most serious and fundamental concerns. If we must have sustainable peace in this country. My people vividly remember the personal and fratricidal conflicts and disharmony that were the order of the day especially after the 1980 Multi Party campaigns and elections. Many of my people lost lives as a result and many others still

have bleeding wounds. Over all, my people have experiences of peace under the Movement type of political system which has encouraged collective development and minimised conflicts. It is with this view, that my people have recommended a provisional extension of an extra five years still under the Movement type of Government. Thereafter, if the decision can be revised to see if it is ripe to introduce multi-party politics.

Defence: Madam Chairperson, my people have noted that the Army has been one of the most important organs of state in the management of this country. Constant and appropriate political education must be administered to the soldiers to ensure that they fully understand the role for defending this country and its Constitution. Madam Chairperson, my people have further noted that one of the factors that has led to indiscipline in the Army is the often inflexible culminations that one must stay in the Army, even when he is no longer committed to being a national soldier anymore. It is therefore recommended that our citizens who have volunteered to serve in our Army should at every ten-year period be given an option of whether to retire or continue in service. In this way, we can stay with a committed force of pro-people Army. My people Madam Chairperson, were happy to note that the Army is appropriately represented in the Constituent Assembly to fully participate in this historic and important national exercise.

Land: Madman Chairperson, among other resources, Bunyoro in general and Bujenje in particular, is endowed with very rich expanses of arable land, almost all of it has been owned by the people over centuries by customary tenure of ownership. Land Titles has never taken root in our villages, although everyone knows whose land is which. Of recent, there has been concern by our rural population that the more informed relatively, rich people directly grab their land by getting land titles from the local town or Kampala or Entebbe. This has even caused serious land disputes in some cases, this has even brought uncertainty as to whether our future generation will ever own development land, that previously belonged to their parents and grand parents. My People therefore, Madam Chairperson, have recommended that formal land titles be processed for all those local people that own land under customary land tenure system. This should be under supervision of the Local District Land Authorities.

N.B. Literally in my language meaning, "*Nabinu Bikuru*". Madam Chairman, my people instructed me to inform you and this august House, that when composing this presentation, they had no bias. My people look at the Movement type of governance as a system. Madam Chairperson, I am repeating, they look at it as a system, that can even continue with or without personalities like, His Excellency Museveni, His Excellency Kisseka, the Right Hon. Agyebo, the NPC hon. Kategaya, the hon. Mayanja and many others in Government.

Finally, Madam Chairperson, I would like to thank all Ugandans who supported us at the recent installation of the *Omukama* of Bunyoro Kitara, *Rukirabashaija* Solomon Gafabusa Iguru Amoti. (Applause) Thank you very much. May God bless us all. Thank you very much indeed.

MISS. ADIO: (Women Representative, Soroti): A little about Soroti District. To begin with, hon. Members, I am the lady who the newspapers said was NOT identified from the gallery who did not walk out. (Applause) I did not walk out because I love people at home and they love me. Because tomorrow they would ask me the reasons for my walking out. So, next time if I am to walk out I will do so after consulting them. (Applause) I did not walk out not because I was minimising my colleagues but because I had a strong shock-absorber. (Applause) But hon. Delegates, the truth of the matter was there. I am not trying to say my Colleagues walked out for nothing but what I am saying here is that I had a strong shock absorber to obtain whatever was said. So, if we are talking of tolerance, hon. Delegates it is in that spirit that I did not walk out.

A little about my district: Soroti District is a district that has two sub districts within the mother district. It borders Lango, that is Lira. It borders Busoga or Kaberamaido and Serere side - Kasilo side. Serere side, it borders Pallisa and Kumi. On Usuk side it borders Karamoja and part of Sebei. We have Katakwi Sub-District and Kaberamaido Sub district which we hope this House will come out with a good demarcation and agree that the two will become full districts under decentralisation.

Soroti District is a cosmopolitan district in that we have people of many tribes. We have Iteso, we have Baganda, we have Basoga, we have Sabiny, we have Bagisu, we have the Langi, we have the Lugbaras

and we have the Luos, the Kumam and even the Madi. The Banyoro are there. We have the Hutus and the Tutsis. I am saying so because last week there was an article to confirm what I am saying of how the Tutsis and the Hutus fought in Serere and this is Serere Sub-county. It is not false about it. Those are the people who came to Teso, and H.E. The President, on the inauguration day in his speech, put as the consultants of cattle at that time. They are there. Although some of them have already left and when they left, they did not leave in a good way. They made havoc, took things, vehicles, trailers with cows. A lot of cattle was taken by these people in trailers and so when we say that the cattle were taken, they were not only taken by the Karamajong, they were also taken by our brothers the Tutsi and Hutu in NRM Uniform who were there at that time when the rebellion started. The question is - why are there so many of these people? We have agriculture, many are farmers and we have the Lake Kyoga. So many of these people like the Jaluos and the Sabinu are there as fishmongers. So, it is the truth about that - they are there because of fishing. Others are there because of trade. We used to grow a lot of cotton which we do not now although we were the best growers of cotton in the country that time - in 60s but we are looking to starting growing cotton because our seven ginneries are being idle. So, help us develop into three full districts so that we go in full action.

No more war in Soroti. *(Applause)* I am saying no more war in Soroti because we in Soroti know what the war brought us. We were not the ones who wanted war. I am one who was forced to the bush because of what happened. *(Applause)* We are saying - when my sister of Ntungamo said she is a boss and when my sister of Iganga said she is the voice, here hon. Delegates, I am saying I am not only the voice of the people of Soroti District but I am the heart of the Soroti people. *(Applause)* Therefore, hon. Delegates and Madame Chairperson, I say I am a "Mama Shida" I am not a boss. To control a lot of tribes is not an easy thing. You have to have tolerance; you have to have patience, you have to have love for your people. To join the band-wagon, the rest of Ugandans have done so, the Soroti people would like to congratulate the Chairman, and the Vice Chairperson upon being elected to your present chairs. The Soroti people also congratulate the hon. Delegates who are in this august House for the struggle you went through to come here. They do realise what you must have gone through to come

here. They are with you. They are always praying for you to come out with something - *(Interruption)*

**MR. KINTU MUSOKE:** Point of order. Is the hon. Lady who is the heart of Soroti in order to continue without telling us at least why she went to the bush?

**MISS ADIO:** Thank you Madame Chairperson. You will definitely learn it.

**THE DEPUTY CHAIRMAN:** Okay let her give her version.

**MISS. ADIO:** Thank you Madame Chairperson. The hon. Member will get it as I talk - in the context of my contribution. Madame Chairperson, I personally thank the fellow hon. Delegates for having elected me as a member of the Committee of Privileges and discipline and Welfare. *(Applause)* Madame Chairperson, in the Bible, there is a story where it says Jerusalem was broken to pieces and it remained in ruins for some time and the people there had to think of how to rebuild it. For the Holy Spirit touched on one person and said go and tell the man on the chair to rebuild the Jerusalem we talk of today and the people who were to do it, were people who were strong, who were dedicated at heart and who loved Jerusalem.

I believe the hon. Members here are the people who have come with strong hearts and who love Uganda to rebuild a new Constitution that will serve our children and the children to be born. What we need Madame Chairperson, according to the people of Soroti, is a long lasting Constitution for many generations. A Constitution that will not undergo a lot of surgery like the Constitution of 67. A Constitution that will serve the silent majority; the majority being the people who are not here, the peasants, the women, the disabled, civil servants and many others like the youth and the children and the army for that matter. A Constitution that will have justice. The justice will make somebody when he is arrested to be taken on trial immediately within the working 24 hours. Not to be taken to an unknown place for months and he comes back as a walking stick or to be taken as many of our children, sons and middle aged men who were taken in 1988 to Kiburara Farm Prison, Luzira Prison and many prison places and up to today, have never returned. To leave many widows and orphans uncared for and they say - is this the right to life? It is their question. The children keep

asking where is my father? Who took him? Where was he buried, if he died? Why was he taken?

A Constitution that will bring equal development at national level not regional development. The development that will cater for every district and a Constitution that will cater for all groups - if it is disabled, it should cater for the disabled, if example. A Constitution that will bring us practicable things. A not theoretical things that we talk of - (Applause) A constitution that will bring unity to Uganda and the Soroti people believe the way to bring unity to Uganda is by having Kiswahili as a national language because they believe Kiswahili is widely spoken in East Africa. (Applause) - and since we have many tribes in Uganda, the only thing that can unite us, they believe, is Kiswahili.

A constitution that will give them their fundamental human rights: will give them freedom of association, freedom of expression, freedom of movement and freedom to have their property without being deprived at a time when they most need it and for no reasons given. In all, they say the Constitution should be a practicable Constitution for both the silent majority and the minority. People of Soroti say, it is not the Constitution that has been bad. All these four Constitutions that have been made and what we are going to make are good but it is the people who have been implementing those Constitutions who are to blame. It is all because people go looking for wealth and power. They say the Constitution should be one that will be precise and clear and should be translated to various languages and to be taught in schools and even in Military Training Schools and also in the media and also on the radio, and they say clubs should be revived for teaching the women and the old people at home who cannot read or write.

Human Rights: According to the people of Soroti, they say the human rights in those Constitutions, there is nothing wrong they see with them except what they see is - it has all been theoretical. Even what we are going to make, if we do not practice it, it will remain theoretical and therefore, will become bad. Why do they say so? Because for them they were deprived a lot of things during the insurgency. For example, we are talking of multi-party having brought problems to one side of the country at one time. But during the movement, the Soroti people, as you know suffered heavily. One way is what I have told you - the Tutsis and Hutus, who were there, who

had been consultants turned out to be the owners of the property and ended up taking the cattle in trailers. The other way was that when the rebellion came, they had no option because for one thing, when the NRA came in search of the rebels, they would find maybe a young man crossing or even a child of 4 years crossing the road - he would be asked where his people are and if that child is a boy, the boy would be killed, branded that he was a rebel. The other is that, if they were collected during the operations, the girls were taken as rebels and they would end up as their wives only to come back home recently with two children or one child. Others came back with disease to die at home. The other was that their sons were killed, if not, some old men, if found at home because he cannot run, they would say; where are your son? If the old man says "mamajeni" he would be said he is a rebel and therefore, would be gunned down. Others would be pushed into houses and burnt alive. Is this a right to life? Is this human rights? This is the question the people of Soroti ask. If you are collected, there would be those put down and tied up on trees on *Kandoya* - three piece, you are beaten when all your people are seeing.

Fellow Delegates, Madame Chairperson, if you talk of that - women for that matter say, they are very grateful to the NRM for the affirmative action they have taken on women and therefore, they say instead of 15 women, it is their cry that we maintain the 39 women per district - they say or if tomorrow there are more than 39 districts, therefore, each district should come with a woman. They also say that the women should be given 30 per cent of participation at every level. Empowerment to women in Soroti, they say it is not there in Uganda. Please they need also economic empowerment. They need to have Land Titles so that tomorrow they also go in for loans. The widows are many in Soroti. The widows of AIDS, the widows of cattle rustling, the widows of the rebellion and the widows now of famine and they say they are not alone but even in Uganda, there are such widows and therefore, they say they need this House to clearly state a Law that will enable women to inherit the husband's property; not a Parliament Act as it is at the moment. They also condemn wife beating. Because really they do not see why, if a woman has been beaten and she takes the matter to court, other than the court settling, the local RCs will say it is a family affair and therefore, it is brushed off but if it is a man, they will say this woman is big headed. (Interruption)

**MRS. BAGARUKAYO:** Point of Clarification. May I get clarification from the hon. Delegate, as to how famine in their place - in Soroti caused widows? Was this really sectarian death as far as famine was concerned? *(Applause)*

**MISS. ADIO:** Thank you Madame Chairperson. The question here is when death strikes in a family, it may not take all maybe you would have preferred me saying widows and widowers but in most cases it is the men that go first. We all know that women resist longer than men. *(Applause)*

My children in soroti say they need education, they have no text books, no furniture in schools and many schools were destroyed by the war. Madame Chairperson, my people say in Soroti that the children of Soroti are being deprived of life in that many of them are out of school and therefore, because of what has happened, they have no property. The House should come with a clearly stated policy for the children who are orphans to be educated free from P. 1 to S.4. The children of Soroti also say they are not being looked after because there is a lot defilement going on today. Many of their sisters are being defiled and there is little being done about it. Many are defiled due to the influence of a gun and as a result, they are being given disease and that is killing a nation. Therefore, the children of Soroti say this House should come out with a clearly stated policy on defilement and me, as their mother, as their heart, Madame Chairperson, I say, the present policy under Penal Code Act is mild and therefore, what I say is because of what is inflicted on a child that is defiled. There should be no question of imprisonment. It should be a question of throwing the person who defiled the child for mob justice. I say mob justice. Mob justice, I say. Throw the man to the public for mob justice. Madame Chairperson, the aged in Soroti say they have lost many of their beloved ones and therefore, they believe it is the same with many other places like Rakai and Masaka. They are saying here that, providence homes be established at district levels. The disabled in Soroti say, one seat given to the disabled was not enough. At least it should have been two seats - for a woman and a man. My children in the School for the blind are not well *-(Interjection)*

**MR. SEKANDI:** Point of Clarification. Madame Chairperson, I thought I heard hon. Delegate advocating for the protection of human rights. Will it be protecting human rights if the suspects are subjected to mob justice?

**THE DEPUTY CHAIRMAN:** That was her opinion.

**MISS ADIO:** Madame Chairperson, do you protect human rights by promoting law on defilement? I am answering the hon. Speaker who has been on the Floor.

The people of Soroti say - my children in Soroti school for the blind have sent me to tell you that they have no machines for braille work and it is the major thing they use in the school for their education. Soroti school for the blind, is one of the schools that caters for many of our children all over Uganda and therefore, they said - they have no machines for their Braille work. Can this House put it into the book so that whoever comes in - every government that comes in, will see it as a duty for them to cater for them properly. Madame Chairperson, I also have the disabled next to Madera Boys, who are not being well catered for and they are only being catered for by the missionaries and I have also forwarded their cry to this House, that let something be done within the book. So, that it becomes something continuous for any government that comes in to take it as their duty to look after such children and the children of Soroti said the question is - What are we in this House going to do for the street children?

Decentralisation. The people of Soroti say - besides having two sub-districts which they want to become districts, they say they have no roads. They have no transport. The schools were all broken. The few schools that were rebuilt by youth with the mission and PAPSCA have no textbooks. Many of their teachers ran to other districts to look for security. The women of Soroti say, they have no clean water and indeed, we have no clean water. Medical attention is not there. If the medical staff is there, they are not paid. There are no drugs, therefore the people of Soroti do not welcome the idea of cost-sharing in hospitals because they lost all their property. Only if you can revive them by giving them tools to start growing cotton again, they will definitely be grateful. But they also said - the idea of decentralisation is good but it needed a lot of civic education before it was to be implemented. Therefore, they still say the masses need a lot of civic education on decentralisation exercise. Many of the people in Soroti are peasants and therefore, they said they want agriculture to be revived fully by getting tools or by being given tools. They also say - they had things like farm schools like Amuki Farm School where they used to

send their school dropouts. They have daughters and sons who are discontinued because of the insurgency and therefore, they say this kind of schools - Amuki Farm School should be revived for the sake of the school dropouts. They also say that for girls who have been school dropouts, the home crafts should be revived so that these girls go there and study freely.

The people of Soroti say, they cannot pretend and say I should come here and pretend and say - we are for the movement. Obviously, their reasoning is, they cannot accept the movement to extend for another five years because as we speak now, there is perpetual misery in the district. When you talk to the Soroti people in terms of extending the movement, for them they remember the "sura mbaya" the war plane which used to come there during the rebellion. It is popularly known as "Sura mbaya". So, when you talk of extending the movement for five years, you are actually telling them that "sura mbaya" tomorrow will come back when you are praying - it bombs you and thinks you are the rebels in church. "Sura mbaya" will bomb you when you fishing and think you are rebels and yet for us there is no more rebellion. Hon. Delegates, the "sura mbaya" did a lot of things - not good things anyway. So, I do not blame my people and therefore, I say they are right to think they cannot accept the idea of five more years.

**MR. KOMAKECHI:** Point of Clarification. Madame Chairperson, I wondered whether the Lady hon on the Floor could translate the word "Sura Mbaya" What is that?

**MISS ADIO:** Thank you Madame chairperson. "sura mbaya" is a war plane but because of the way the activities it used to do there - bombing people in the funeral places, bombing people in churches, bombing people in gardens, bombing people in the lake fishing; that is why it was nicknamed "Sura mbaya" It is a helicopter gun ship. (Interruption) So, therefore, Madame Chairperson - I am not accepting the information because my time is running and I do not, know whether I will be compensated for it.

**Executive:** The people of Soroti say the president should be elected, should also go around and be elected by the people and he should serve for one term and if he is to serve for two terms, it should be the people to recommend him serve for the second term and it should be for five years. For the political

system, once again they said they are not out for five years. Those who are talking of ten years, twenty years and forever, they are not being realistic. Let them think of their conditions in Soroti, what they look like. Are they really people who can contain for all that long? If they are human beings, they should think in terms of something else, if possible - if there has to be a change, it should be negotiable and not manipulated, not by force. This is what they say. The people of Soroti say the president has too many powers according to a number of these Constitutions. It is not only the Draft that has given those powers, but even the old Constitutions, they say, had given a lot of powers to the president and they say the president, if elected should be a citizen not necessarily a degree holder but must be a citizen of Uganda. The people of Soroti said, in the present movement there are too many Prime Ministers. (Laughter) The women of Soroti said but if they are many now, why is there no woman. There should also be a woman Prime Minister (Applause) and therefore, they say that a Prime Minister should be elected by Parliament. It is the Legislature, according to them who should elect the Prime Minister and they still insist that the Prime Minister should be a woman.

**THE DEPUTY CHAIRMAN:** Hon. Adio, I give you another two minutes because of your time lost.

**MISS ADIO:** Thank you Madame Chairperson. The gun is another thing my people in Soroti have said has done a lot of havoc in this country. It has robbed lives, it has robbed property and it is being used at large. In my district, many people are there who use the gun like a stick and they are wondering and they are asking the people of this august House to come up with a strong Law that can return the gun which is at large back to the barracks because the guns has done a lot of havoc to this country. Anybody picks it and uses it the way he likes.

About the army, they said it is okay if the army is national and proportionate. They also said being an army having discipline does not mean an army should not have its right good uniform. The army people who are in my area are rugged and as a result you find the uniform they have shared between them and the wrong people including the cattle rustlers. It is the concern of the people of Soroti that the prisoners are not well looked after. Because when you go to any prison, you will find the prisoners have no clothing they do not have enough food and even their barracks are not up to date. Therefore, they say

the welfare of prisoners - this House should take care of. About military training, they said anybody from 18 can go for military training but for any adult, it should not be compulsory. Anybody can go when he wishes to.

**THE DEPUTY CHAIRMAN:** Can you wind up.

**MISS ADIO:** Madame Chairperson, my people say - the youth have been left to loiter in the streets. Many have got their papers (*interruption*)

**THE DEPUTY CHAIRMAN:** I hope you are winding up?

**MISSADIO:** Madame, let me try to wind up. Many have got papers from Makerere, papers from Nakawa and not Kyambogo at least, because those are teachers and they are doing nothing for years they are in the streets. This House should come up with a good policy for public service to absorb all those people who have no jobs. As a result you will find that many of our youth are going astray (*Interruption*)

**THE DEPUTY CHAIRMAN:** I hope you are not refusing to leave the Floor.

**MISS ADIO:** Madame Chairperson, thank you. All in all what the people of Soroti say is that we have all had a bitter history. From 66, 71, 79, 80, 85, 86, to date. There is no region that has not tasted the bitter part. The question they ask is - Are we here to make a Constitution that will continue to be theoretical? Their request here is we should come out with a practicable Constitution that will cater for everybody and they say we in this House should start with unity, with the spirit of give and take. (*Applause*) The people of Soroti (*Interruption*)

**THE DEPUTY CHAIRMAN:** Thank you very much. Thank you very much.

**MISS ADIO:** So, therefore, hon. Delegates we should start afresh. Let us forget that history. Thank you Madame Chairperson. (*Applause*)

**MRS. OKORIMOE JANET: (Woman Representative, Kotido):** Thank you Madame Chairperson. Madame Chairperson, before I sit down I would first like to make a correction on the wrong impression that the hon. Delegates here have about the name Okorimoe. On Monday the 11th of July, an hon. Delegate from Upe county said here that in Karamoja,

all the names that end with OE are associated with cattle rustling. (*Laughter*) Madame Chairperson, I would like to say that my name ends with OE but I am not associated with any cattle rustling because I come from one of the most peaceful parts of Kotido District, where people are settled agriculturalists. Thank you madame Chairperson. (*Applause*)

Kotido District has three counties represented in this House by hon. Peter Akure, that is for Jie County; hon. Sam Lokeris for Dodoth County and hon. Obonyo Jabwor for Labwor County and lastly the team leader being myself Okorimoe Janet. (*Applause*) Madame Chairperson and fellow hon. Delegates, it is indeed a pleasure on behalf of the people of Kotido and on my own behalf, to have this dear opportunity given to me to address this august Assembly. Madame Chairperson, before I commit myself into any substantive contribution, I must first congratulate you and the Chairman on the fortune that has smiled upon you for being elected the managers of this very important Assembly. It is our sincere hope and belief that you will manage the business of this Assembly well, as any normal person would expect. Madame Chairperson, I must inform you that recently when I was in my Constituency, my people appreciated the way you have started the engine so well and taken on off firmly on the steering. They are wishing all of us good health and fruitful deliberation. Madame Chairperson, the people of Kotido District will want to see us coming up with a Constitution which is going to ensure that there is gender balance in representation in all the national bodies including the cabinet whereby if the president happens to be a man and his vice also a man, then the Prime Minister should be a woman.

Allow me to describe briefly what Kotido is. Kotido District is a district where people are almost failing to travel due to lack of transport. The people of Kotido last saw a bus in 1984 during Obote 11 which operated briefly and stopped. During Amin's regime we had several buses some of which were coming from Gulu and Kitgum District. We have never seen a bus during this regime of the NRM. Madame Chairperson, in my district, most local population in the villages do not know what a bus is because they have never seen it. So, each time we, the elites of Kotido have kept on explaining to them that a bus is a big -vehicle which looks like a box and it has "chairs" for people to sit on. (*Laughter*) Madame Chairperson, the people of Kotido have always

imagined a bus coming to their district but they are wondering when this imagination will come true. Kotido has been marginalised on the side of transport. In some places, vehicles just wait for people but in Kotido people wait for vehicles for ever in order to get to Moroto or Lira. The only reliable means of transport is the pick-up of one of the Members who is also a Delegate here, hon. Omara Atubo, who is the only sympathiser of the people of Kotido. (Applause) The people of Kotido extend their sincere appreciation to the hon. Member for this kind of rare attention to them. Madame Chairperson, we recommend that in the near future, a Minister for Transport, should come from Kotido District so that we see how government is going to marginalise us on the issue of transport even with our own son or daughter as a Minister for Transport.

The people of Kotido say - they have been denied some of these posts in Kampala despite the qualifications their sons and daughters have. The highest man or son of the district is just an assistant central Government Representative and the highest women have been secondary school teachers despite their high qualifications. Even the one who was appointed District Administrator, Moyo, was sent back home without getting somebody from Kotido to replace him. He is now just in the village a farmer. Madame Chairperson, Kotido District is a district with too main hospitals. One in Dodoth County, the other in Labwor County. The one in Dodoth has one doctor and the one in Labwor has almost no doctor. I say almost no doctor because the one they have is mentally unstable. Madame Chairperson. So, he can even prescribe for anything depending on his mental state at that time. Soon, he may even start prescribing quinine for diarrhea and ORS for cough or ever carry out D & C for women through the mouth. (Laughter) Madame Chairperson, if it is the duty of the state to provide medical care for every citizen then why is Kotido District ignored?

Let me address the House on issues concerning the Constitution. Madame Chairperson, because the state exists for the purpose of serving its people, to care and promote their well being, the state has an obligation to care for all its citizens - particularly the disadvantaged; like the poor, the very old, the sick, the dumb, the deaf, the crippled, the widows and orphans. The people of Kotido District are in agreement with Article 26 of the Draft that all Ugandans should have equal rights or opportunities and access to social services. It is, therefore, the duty of the state to provide these services to the needy.

Take an example of the widows and orphans, Madame Chairperson, Kotido District has about 20,000 orphans and several widows. These categories of people are very needy in terms of basic needs like food, clothing, education and Medical care which are not easily accessible for them. Madame Chairperson, however, sometimes we hear about the assistance being rendered to the orphans and widows of NRA and the victims of AIDS and almost nothing for the rest of widows and orphans. Does it mean Madame Chairperson, that some orphans are more orphans than others? And some widows are more widows than others? The question is - why cannot a clear and indiscriminate policy be put in place to cover all the orphans and widows since they are all in great need for human dignity, basic human needs and human rights? Madame Chairperson, the circumstances under which the orphans and widows have become what they are, does not matter in this context. The people of Kotido, therefore recommend that the Constitution should put in place a policy that will cater for all orphans, widows and the rest of the people with disabilities without discrimination. (Interruption) Madame Chairperson, on education, it is stated very clearly in the Draft that "the state shall promote compulsory basic education and that the state shall take appropriate measures to accord every citizen equal opportunity to attain the highest educational standards." Madame Chairperson, my people recommend that if the state is to promote compulsory basic education, the education should be free to fight the high rate of illiteracy in society and also to enable children of poor parents to afford and all bottlenecks to education like Parents Teachers Association contribution and cost-sharing, Madame Chairperson, should be dropped. Madame Chairperson, it is, therefore, recommended that a special education programme be put in place so that this very important basic need for the orphans is addressed satisfactorily.

Right to development, Article 20: Madame Chairperson, on issues concerning Economic Development, the people of Kotido are in complete support of the provision in the Draft - Chapter 3, Article 20 - that the state shall take necessary measures to ensure that women have equal opportunities with men to play an active role in the development process and that shall facilitate rapid and equitable development by encouraging private initiative and self reliance. They, therefore, recommend that in order to effect the above, there is need for government to emphasise on rural development schemes like Rural

Farmers Schemes. This is to enable farmers - people to settle some of the problems that they are facing. In so doing, Madame Chairperson, it is hoped that these people or groups will be a model or rather demonstration units to others who have a low attitude to development and for the development of the entire community. Madame Chairperson, on this, people of Kotido hope to go long way from poverty, ignorance and disease. However, the people of Kotido appreciate the effort by the NRM government to put in place the Karamoja Development Agency in charge of development in Karamoja but up to now this agency has done apparently very minute work for the people of Karamoja in terms of development because of a number of limitations and there is no specific desk given in the KDA to address women development.

On language, Language being a very important aspect of culture, must always be promoted, preserved or developed in a manner which is consistent to modern way of life. My people recommend that the indigenous language of Uganda should be encouraged and developed and English to remain official language. For the national language, it must be a language which can unite all Ugandans and promote cooperation between Ugandans and the peoples of the countries within the region. In light of the above, we recommend that Kiswahili be the national language because it is widely understood among the population, it has an established grammar, it is not identified with any particular nationality and therefore, it is unlikely to provoke negative attitudes on that basis and it is widely spoken throughout East African region and therefore, can promote regional unity to which we aspire. Madame Chairperson and hon. Delegated, allow me to dwell a bit on Kiswahili being the best choice for a national language. Kiswahili is already seen as a professional language, especially in the forces - Police, army and prisons even local defence forces in their routine training and duties, Kiswahili has been basically used for many decades now. You have even heard of it being used on airlines of Germany, France and U.S.A and most businessmen use it as a media of communication in their day to day business interactions. In almost all the Ugandan languages, there are many words similar in tone and meaning to Kiswahili words. Like, for example, the Kiswahili word for salt is "chumbi" and in my language Karamojong is "Achumbi". The Kiswahili word for table - (Interruption)

**A HON. DELEGATE:** Madame Chairperson, I

told you that I am a Swahili scholar. The word for salt is not "chumbi", it is "chumvi"

**MRS. OKORIMOE:** Madame Chairperson, that was only wasting my time. It is the same thing. The Kiswahili word for table is "meza" and in my Karamojong is a "mesa". The Luganda word for water is "amazzi" and in Kiswahili it is "maji". Kupsabini, the word for come "cho" and in Kiswahili is "njo". Therefore, Madame Chairperson, I recommend that Kiswahili be the national language - (Applause) - of Uganda. Therefore, Madame Chairperson, at this juncture I wish to disassociate myself completely from the Members who have the views that Kiswahili is a foreign language and therefore, it should not be adapted as a national language; and yet they forget that even English which we adapted as an official language is a foreign language. The Draft Constitution which we are discussing is in a foreign language. So, what is not foreign? To say that Kiswahili is merely a foreign language, and thus, it cannot be developed into a national language is a non issue.

On the rights of women, the people of Kotido are in support of all the provisions in the Draft Constitution geared at the protection of disadvantaged groups especially the women but one thing I wish to emphasise is that the cultures and customs or traditions which are against or undermine the dignity, welfare or interests of women must be prohibited by this constitution. For example, most cultures and traditions in Uganda do not allow women to own property or even to inherit property especially when the husband dies. Widows are violently deprived of their right to any property by the relatives of the late husband. Madame Chairperson, the widow may only claim 15 per cent of the property after the husband dies whereas, when the wife dies the husband can inherit, 100 per cent. It is even worse when the Law of succession is exercised, in which a woman is in most cases forced to remarry or be inherited by a man of the clans choice and not the woman's choice. So, this Constitution should ensure that women have equal rights to inherit and own property and also choose which man to stay with when the husband dies.

Marginalisation of women: Madame Chairperson, the fact that women have been marginalized, must be accepted. Women have been marginalised without even considering that it is these same women who are the backbone of our economy. A woman is often

overworked on an average of 15 - 18 hours per day of unpaid labour to support the home. I am appealing to all hon. Delegates here that let us make a Constitution that will ensure that the status of a woman in society is uplifted. However, Madame Chairperson, women must also accept this fact that they have oppressed themselves right at birth because right at birth, most women have preferred baby boys. This is already discrimination against sex. Even in politics, women do not support their fellow women. This can be evident in the recent experience by my fellow women C.A. Delegates who stood at counties or constituencies with men, that it was the women who gave them a lot of opposition, not men. There is, therefore, need to have intensive education of society as a whole on the fact that women are as important to Uganda and to the whole world as men.

Defence Madame Chairperson: Security being a basic need in developing countries and less developed countries, must be seriously addressed. My people, therefore, recommend that there should be a national army recruited from all districts of Uganda.

The Uganda Police Force: The functions of the police in respect to protecting lives and Property, preserving law and order, enforcing laws and regulations must be strengthened by the Constitution. Madame Chairperson, it is true that the prolonged instability and insecurity in this country has decayed the effectiveness of police in performing their essential duties so that most of the police posts were closed. This situation has culminated in the criminal behaviours we hear of today like cattle rustling, road thuggery, highway robberies and so forth. The people of Kotido recommend strongly that in order to stop or prevent this criminal acts, all police out posts that were closed should all be opened and that in order for the police to be more effective in performing their duties, they should work side by side with the RCs and chiefs or local security organisations in areas, like vigilantes in the case of Karamoja. In addition, the people of Kotido say that recruitment into the police force should be done from all districts, (*interruption*) of Uganda at an appropriate time so that those who join get good opportunities. Madame Chairperson, if I can make a flashback to the most recent recruitment into the police force in my district, my people say that it was done at time when there was starvation in the district and therefore, most of the boys and girls who could have joined the service were left out that they were thin and weak.

Representation of soldiers in the Constituent Assembly: Comment by Kotido people. The people also say that instead of NRA taking all the 10 seats, it should have been done in this manner: NRA should have taken 5 seats, police - 2 seats, prisons 2 seats, and local defence force 1 seat to avoid *(Applause)* unnecessary Complaints from these bodies who are not represented here.

The National Council of State, Madam Chairperson, the people of Kotido say that the idea of National Council of State could be a good idea. However, the composition of its Members is not proper because the Members of the Executive and legislature seem to have dominated this Body. The people of Kotido therefore, recommend that a reasonable number of veteran politicians and senior civil servants be included in this Council because they believe this category of people have recognised loyalty and wisdom to the affairs of this nation which must not be underrated and the representation of women in this council should be a third the total number.

Composition of Parliament: My people are strongly in disagreement with the provisions in the Draft that the number of representatives for women in Parliament should be 15. This number was based on an assumption that out of the 39 women sent to Parliament, only 15 were contributing; effectively in the Parliament and therefore, that there was no need having all the 19 who could not all contribute. However, Madam Chairperson, this assumption does not consider the plight of women in the struggle for recognition and development. In addition there were many men from many Constituencies who were quiet in Parliament. But the county representation is not affected, Madam Chairperson. So, the people of Kotido, therefore, urge that if it is the effectiveness in Parliament which is to determine this number, then they should reduce the number of representation in the county or if not, then women should even be one per county. What is wrong with that Madam Chairperson?

On the right to recall, my people said people should always have a right to recall representatives who are ineffective. They say, the authority vested in them will act as an inlet and outlet to the House of representative.

Political System, Madam Chairperson: On the issue of the system of Government, my people have given it a deep thought by first reviewing the turmoil

through which we have undergone many decades now. They have therefore, tended to associate this to poor management of State Affairs which emanated from the type of Constitutions we have been operating under. Now that the NRM has initiated the efforts to put in place a new Constitution, which could cater for the various aspects of Governance, it should be allowed to put to test all that will be enacted in the new Constitution and see where re-adjustment could be necessary, before another infant Government is put in place to handle the affairs of this Nation. Therefore, they recommend that the Movement be extended for a period of up to five years. These are the views of Kotido people. Madam Chairperson, please protect me from my neighbours.

Madam Chairperson, if I may continue, let me talk something on duties of a citizen. Madam Chairperson, the objectives and directive principles of State policy represent the basic values agreed by the people in order to promote a just, free and democratic society. It is therefore, an obligation on the part of Government and the individuals in the community to see to it that these goals are achieved therefore, the people of this Nation should have love for their country, be loyal to it and promote its well being, and above all follow the national unity and live in harmony, with others. However, Madam Chairperson, it is unfortunate that in this country, we have undergone a long period of instability and insecurity which has caused a lot of suffering to our people nation wide. Therefore, it is a high time we found avenues of living together as one people by accepting and accommodating one another. If it can only be done by cultivating a positive attitude forward to one another. But, Madam Chairperson, to some people because of the past nasty, experience caused by the Karamojong cattle rustles, they have tended to label the Karamojong and what is associated with them as being bad. The labelling theories, Madam Chairperson, argue that these labels have a lot of effect on human behaviour that once somebody is labelled bad or good, he will continue in that manner because whether he changes or not he is already aware of people's opinion about him. So, he will prefer to remain on his label. Even now, Madam Chairperson, some people still think that all the Karimojong elite, including the Delegates who are here abandon their clothes when they reach Karamoja and move on the warriors attire. Madam Chairperson, others even think that in a certain corner, a Karimojong must be having a tail. All these are

negative imaginations. Madam Chairperson, my humble request to Colleagues hon. delegates in this august Assembly and to every Ugandan and to the whole world is that they create a positive attitude towards Karamojong so that we all live together as one people in unity and harmony. However, we very much regret the havoc that the Karimojong rustlers have caused to Ugandans.

Madam Chairperson, even as we debate and later promulgate a Constitution for our country Uganda, let us cultivate a spirit of tolerance, sincerity forgiveness and cooperation. Remember together we stand, divided we fall and I am because you are, and since you are, therefore, I am. I say all these, for God and my Country. *(Applause)* Thank you.

**THE DEPUTY CHAIRMAN:** Before we adjourn I want to refer to today's programme at the very end page 3. There is a Statement that hon. Delegates scheduled for 18th and 19th July, 1994, may volunteer to speak on 15th after hon. Abbey Mukwaya as the number is still below the average of 14 contributors following days of Monday and Friday. We note that today you have done quite well. We have only 4 speakers in the afternoon. And what I am saying is that those for 18th can volunteer for today should time allow this afternoon. We are convening at 2.15 p.m. We should have reconvened at 2.00 o'clock, but because we have eaten in your time, the 15 minutes should be compensated. So we report here at 2.15 p.m. So, we adjourn.

*The Assembly adjourned at 1.15 p.m and resumed at 2.45 p.m,*

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

**MR. LUBEGA WAGGWA (Butambala County):** Mr. Chairman, thank you for giving me this opportunity to present the views of the people of Butambala. I would like to also add my voice to that of the fellow Delegates to congratulate you and your Deputy upon attaining the two important offices of this Assembly. I have confidence that you will sail us through this difficult task that is before us with the blessing of Allah. I would also like to take this opportunity to congratulate all hon. Members of this House upon your successful elections which brought you here. The elections generally were fair and free. The elections proved very expensive in terms of time, travelling and answering so many questions.

All that proved to me that democracy is an expensive matter.

I wish to salute the N.R.M. Government for giving the people of this country a chance to make their own Constitution. Every Ugandan is aware of how the 1967 Constitution came into existence which has been amended beyond repair. And the N.R.M. Government saw it fit for a new Constitution for Ugandans containing views collected from the entire population of Uganda. Similar gratitude goes to N.R.M Government for peace and security which is being enjoyed in most parts. This peace must be guarded jealously and should be maintained. Where credit is due, I have to give it without fear.

Thanks go to Mr. Akabway and his team for the work done which enabled us to be here. Justice Odoki and his Commissioners are also thanked for civic education and for collecting views from corners of Uganda which they tried to put in the Draft Constitution which will act as a guide to this Assembly.

Let me go to a small message from the people I represent to this august Assembly. One is patience. All hon. Members of this august House are requested by the people I represent to be patient throughout the constitutional making process. Two, they say tolerance. The people of my Constituency do appeal to hon. Members of the House to tolerate each other for the good of our mother-country. If we are not tolerant to each other, the general public will put the blame on us for failure to exercise maturity. Three, Accommodative. The people of Butambala do appeal to Members of this august Assembly to try as much as possible to be as accommodative as possible. There are many different views from the people of this country. Please, listen to those views, analyse them and finally come out with the best views which are acceptable to the people of Uganda. The people who sent me here do appeal to hon. Delegates responsible for making, the Constitution, we should be calm because what really divides us is less in number than what unites us as Ugandans. We should try to avoid hatred and anger as used in 1962 Constitution, when the Kingdoms were abolished and property and Roads renamed republic, republic, republic. This has been mentioned by hon. Mulondo that, Lubiri became Republic, Kababaka Anjagala became Republic, Bulange became the Republic House - all these were done not in the right order, it was done through anger and hatred.

Give and take spirit: The people of my Constituency, request hon. Members of this Assembly to discuss with the spirit of give and take. If we remain rigid, the People of Butambala have warned that if we remain inflexible, the task before us will take more than seven months which is stipulated in the C.A Statute. We should compromise. The Good Constitution is the one which is respected by the Government in power, so if we make a bad Constitution which will not be respected by any Government in power, the blame will be put on us in this Assembly plus our sons and daughters. The people of my Constituency want to see the Constitution of the peasant farmers, manufacturers, women, disabled, present generation and the future generation.

Coming to the Provisions of the Constitution, Mr. Chairman; (a) non adoption of a state religions. Article 6 which states that "The Government of Uganda shall not adopt any religion as a State Religion." There have been some interferences in some religions in this country by the past Governments. Some politicians have used some religions in Uganda to achieve their political objectives. That Article must be respected religiously.

Article 3- the people of Butambala do support strongly Article number 3 which is connected with the defence of the constitution. They suggest that able bodied Ugandans must compulsorily undergo military training. All articles and Clauses of Chapter one must be respected by all Ugandans of sound mind. Unpatriotic citizens of Uganda in leadership positions have suspended some constitutional Articles and some have abrogated the constitution. Unfortunately the patriotic citizens of this country who try to resist such as are found out were punished to death.

National Objectives and Directive - principles of State Policy: The people of Butambala do support this Chapter because the type of Leaders we have and those which we had in Leaders positions formulate bad policies which do tarnish the good name of our country. Some leaders do formulate the Economic policies which lead this country into poverty. With this Chapter, where we put the national objectives and directive principles of State Policy, the future leaders will be clearly and properly guided by this Chapter. The National Objectives and Directive Principles of the state are political objectives, economic objectives, social objectives, cultural objectives, foreign policy objectives, etcetera.

Land : The view of the people of Butambala Constituency is that the land in Uganda should be free hold. The *Bibanja* owners - land tenants in my Constituency must be respected and protected constitutionally. Through proper channels, the land-tenants, the *Bibanja* owners can acquire or buy the land from the land-lord. They can be assisted by the local people. The land Lords have kept the land for some good reasons. For commercial purposes for their children, for cultural rights, for security, etcetera. The people of Butambala strongly reject the idea of imposing of taxes on land. Land in urban areas should be lease-hold for better planning and easy development. Those in urban areas with free hold land should not be disturbed provided, they follow the rules of the urban local authority. Land in Uganda should be decentralised in order to take services near to the people and possibly the reduce corruption in the land office. The people of Butambala do fear that the first Governments have put laws in place which have not been applied. For example, the land reform decree of 1975. This decree should be refused.

Form of Government: The people of my Constituency want to see that the name of counties, districts, regions are restored, as they were in 1962. Because the counties' names have served no good purposes. Decentralisation is gaining firm ground in some districts. The local leaders have been given responsibility and some powers. But the Minister reserves the right to withdraw the same from districts. So, I pray it is put in the Constitution. However, the people I represent, with due respect, want to have a Buganda Region because of their culture, Language, development, etcetera. The Odoki Report in Chapter 4 (94) put it clearly and if that recommendation can be improved and polished bit, it can be entrenched in the Constitution. In fact, it is very difficult to get rid of regions in Uganda because even in this august House, we have Delegates representing regions like the Youth. So, we cannot get rid of regions. Again taking you back a bit, in the Draft Report - I mean the report presented by Odoki, it has views from the people that they want regions. That is why it was put there so it should not be neglected.

**MR. KULE MURANGA KIGHOMA:** Point of Clarification. The Member has said that the old names should be restored, the names of districts and regions. A place like Kasese has so many tribes and if we named it say, Bukonzo or Rwenzori some other tribes might feel that may be we are being tribalistic.

Equally a place like Kabarole, if it was named Toro, some people who are there may feel bad. So, I wanted him clarify much with tribal affairs.

**MR. LUBEGA:** Mr. Chairman, I think the gentleman must be proud of being a man from Kasese. What's wrong with that? If I am a Muganda and I come from Buganda, I am proud of it. So, if the name was wrongly omitted or because of the anger and hatred, it is the time now to have those names restored.

Political system: People of Butambala have tasted and enjoyed the good part of Ugandan politics, and they have also tasted the bitter pill of the Buganda politics which may be difficult to forget now. Political parties in Uganda were started on a very weak ground of religion and tribe. In my Constituency when you talk about DP they will connect you immediately with catholicism. When you talk about UPC they will say that is for protestants, when you talk about CP that one is a Muganda, or you are a monarchist. So they were started on a very bad or weak grounds. On Democracy - the people of Butambala cannot see any democracy in the political parties we have today, especially when you look at the leadership of the parties in question. So, the people of Butambala strongly support the Movement type of Government for another five years.

**MR. OBOA OTGA:** Point of Information. I would just like to inform the hon. Member on the Floor that the Assistant Secretary General of the U.P.C. is a catholic, and the Chairman of U.P.C. is a Moslem. That is the information I want to pass.

**MR. KITARIKO:** Point of Information. I would like to inform the Speaker holding the Floor that in the leadership of D.P. we have got experienced men with high qualifications, they are not *tangatanga* men.

**MR. LUBEGA WAGGWA:** Mr. Chairman, I expected that from Kitariko because he represents one of the Parties which has been - *(interruption)*

**THE CHAIRMAN:** He is hon. Kitariko, not Kabarole.

**MR. LUBEGA WAGGWA:** Sorry. Hon. Kitariko is expected to give me that information because he was sent here by a political party which he has just said it has no clear leadership at the moment because

they have an internal problem. My friend Kaggwa claims to be the President *-(interruption)*

**MR. KITARIKO:** Point of Order. Is it in order for the Member holding the Floor to say that we have no leadership when we have got Ssemogerere who is the 2nd Deputy Prime Minister?

**THE CHAIRMAN:** He is not in order. I think he should withdraw that part of his statement.

**MR. LUBEGA:** I withdraw. Mr. Chairman, let me go to another point of traditional leaders.

**MR SEBI DATA:** Point of Information. Mr. Chairman, I would like to inform the hon. Member, holding the Floor, that the political parties were actually sectarian from their genesis. If you look at the state of the Parties in May 1962 after the general elections, the Membership is as follows: Directly elected representatives. Party - U.P.C. a total of 43 Members five of catholics, 32 protestants, 3 moslems, 3 others. DP - 15 catholics, 6 protestants, 1 moslem, 2 others. Total 24. So, you can see that the number of the protestants in the U.P.C. is larger than any other religion.

**MR. LUBEGA:** Thank you very much for that information. That is what I said. He is supporting my point that that party UPC is for protestants.

**MR. KOMAKEC:** Point of Information. Thank you, Mr. Chairman. Mr. Chairman, the information I want to give - the clarification I want to give is in respect to the information that was given by the hon. Member who has just interjected, by naming the total number of elected Members of Parliament in 1962. Mr. Chairman, the information and clarification I am making here is that people who get elected to Parliament are not necessarily the Members of the Party - It does not tell you the actual number of the Party, because I know that where people like there were as many U.P.C. than D.P Members who were actually protestants and they were not rejected. And vice-versa there were very many catholics particularly from the North who were U.P.C. and they were not elected. So, the elected Members in Parliament does not reflect the composition of the Parties. That is the clarification I would like to make, Mr. Chairman.

**MR. LUBEGA:** I am a monarchist and about 80 per cent of the people I represent are monarchists.

The people of Butambala want me to salute the N.R.M. Government for the restoration of traditional leaders. The people asked me to salute the Government, for the courageous act of restoration of traditional leaders; because my people in 1967, on abolition of the kingdoms, in Uganda, the Baganda in particular became orphans in Buganda orphanage home until last year when the N.R.C passed the Constitutional Amendment Statute. Unlike other places where they have culture with no ties with traditional leaders, in Buganda it is different. The Kabaka of Buganda is the head of 52 clans and he rules them very voluntarily. Mr. Chairman, it is the wish of the people I represent that the traditional leaders should not be involved in politics and any amendment of this Article on traditional leaders should be made by Parliament with the consent of the people concerned, so that the traditional leaders should be purely cultural, developmental and they should also recognise modernization.

**Citizenship:** Article 44. Formation of National Citizenship and Immigration Board. This Article is supported. Members of the Board must be very careful in carrying out its duties for the good of the future generation. All Ugandans should be issued with National Identity Cards. The issue of Passports to Ugandans should be their right and the issuing of Passports should be decentralised in order to avoid unnecessary travels. The process should not be so long. Dual citizenship is strongly opposed.

**The Fundamental Human Rights and Freedoms:** The people of Butambala strongly support the whole Chapter of Fundamental Human Rights and Freedoms. It is clear to all Ugandans that the Fundamental Human Rights and Freedoms were not respected by the past Leaders. Because of the abuse of Human Rights and Freedoms by the past Leaders, I remember a time when some Ugandans used to hide their names and religions for fear of connections to certain tribes or religions. Those backward acts should not be repeated by us all here. If the persons have been detained, they should be brought to court of law within 48 hours from the time of arrest but not 72 hours as the per Draft Constitution.

**Article 60 - Protection of the family:** I quote from the Draft Constitution. *"men and women of full age shall have the right to marry and form a family and shall be entitled to equal rights in marriage during marriages and at its dissolution"*. The full age must be specified and they are suggesting 18 years.

Article 60, Clause 2. *'Marriage shall be entered into with a free consent of the intending parties'*. The people of Butambala, particularly the women, feel that the sharia Law and customary law should be looked into because those laws do conflict with this article. Those laws take away the rights of women to consent to marriages. The Sharia Law and Customary Laws give too much powers to parents to decide for their daughters. Sharia and Customary laws give little chance to women to inherit the property of their husbands.

Article 62, Clause 2. Rights of children. Parents have to ensure that all children of Primary School Age are given primary education which shall be compulsory in Uganda. The people of Butambala are suggesting that primary education must be free and compulsory. But due consideration must given to given to birth control.

National Council of State. I am not agreeing with the National Council of State because of its composition of the Members.

Defence : the defence of this country is the responsibility of all Ugandans. So the people of Butambala wish to see, at the end of our work the following:  
(a) All able bodied persons above the age of 18 years shall undergo military training. A Well trained army, well balanced - should be a small army but well enumerated. Students after senior four or senior six should undergo military training then render compulsory military service for a period of two years, before going into the University. We should have a National Army composed of highly qualified officers and men.

There are number of Chapters which intend to curb corruption. So, they are saying past leaders and current have been accusing each other for corruption and embezzlement of public Funds. Corruption and embezzlement of public Funds have affected the economic development of our country since independence - 1962. The good name of our country has been tarnished abroad for being corrupt and embezzlers. So, the people of Butambala do support Chapter 16 on Leadership Code of Conduct. They support Chapter 11 on Finance, Article 189 on formation of Uganda Audit Commission. Chapter 15 - Inspectorate of Government - All those Chapters above are intended to reduce the current corruption and embezzlement of public Funds.

The old men also in my Constituency, say something about taxation. Those people do appreciate the Government efforts to collect graduated tax. That is on Graduated Tax. Mr. Chairman, when the Local People on attaining the age of 18 years, the elders in Butambala wish that the people aged 70 years by Act of Parliament not to pay Graduated Tax, where there is a minimum there must be maximum. In this case if 18 years is minimum, the seventy years should be maximum for Graduated Tax.

Presidency - The people I represent have the following to say: Direct election of President by all Ugandans of 18 and above years of age by adult suffrage system. Two terms of office of five years each. Ministers be appointed by President from both the elected Members of Parliament and outside Parliament. Appointed Ministers from Parliament should be replaced by his Constituent because they cannot serve two masters, nationally and his Constituency. Small Cabinet must be put in place because Uganda, as we are aware, is among the poor countries. We cannot manage the big Cabinet.

Women Representative: I support the Women Cause in their struggle and wish to suggest that women represent districts. But in case of small districts, one representative, and in case of big districts they should be two. And there must be direct elections.

Language - Swahili is a foreign language like English. So, the people of my Constituency are saying that the national language must be one of the local languages which is rich in literature. They do not care having more than two national languages adopted by Ugandans as a National Language.

Finally, Mr. Chairman, I want to repeat very briefly what I said at the beginning to the people here, my people in Butambala are appealing to them to be tolerant, accommodative, calm, patient, with give and take spirit, and sincere so that we come out with a Constitution that will stand the test of time. Thank you, Mr. Chairman.

**MR. RWABITA DEOK. (Ibanda South):** Thank you very much, Mr. Chairman. There are two facts that could be of interest to us about Ibanda. One - that Ibanda was very liberated regarding women equality with men. It was the first county in Western Province to allow a Woman to be a Gombolola Chief - Julia Kibubura in the 1930s. The Second fact is that Ibanda has been feared as people who dare to do

extraordinary things and one day, a Muzungu who was a Commissioner in the names of Harry St. George Galt after destabilising some chiefs in Ankole Government, on his way from Fort portal to Mbarara, he was speared dead in Uganda. Now that was the beginning of anti-colonialism. Mr. Chairman, after that background about Ibanda, I want again to congratulate you and your Deputy, and hon. Delegates, for the trust the people gave us to discuss this new Constitution, and further more, I congratulate you for having won the C.A petition in Mbale Municipality.

Mr. Chairman, before I come to the Constitution, I have got two observations. One is that we do appreciate that we come from various districts, regions, cultures of Uganda, however, we must remember the main objectives of the new Constitution that is in the making. I have heard a lot of Delegates talking and I have found that what the Constitution is about is summarised in the preamble on page Roman XII that the people of Uganda are recalling our history which has been characterised by political and constitutional instability. They want that in this supreme law we enact laws that will be against forces of tyranny and oppression. Our people are tired of wars, of senseless killings, of being refugees in their own country. They have been impoverished by debasing poverty for a long time. They want us to have a Constitution that will build a better future, that will establish social, economic, political order based on principles of unity, peace, democracy, social justice and progress. Therefore, Mr. Chairman, let us be ready to be accommodative, tolerant, listen to other people's views and come out with the constitution that will enshrine people's aspirations.

Peace is a prerequisite for all social, political and economic objectives, of any country. Uganda will never attain its objectives unless we have total peace. But let me put a question, Mr. Chairman. Why have some Ugandans negated peace to their brothers and sisters? Why can the war in the North and some parts in North-East not stop? Who gains? No one at all. Because whether an N.R.M. soldier dies or Kony's man dies or Otai's man, these are all Ugandans. We need all Ugandans to develop this country. Mr. Chairman, the biggest asset any country has is its people - its population. For example, when you take China now, it has got more than 1.5 billion people. And every June, they have what we call, 'Tree Planting Day' and in one year, they plant over 40 million trees. Why? Because of that population. But

here in Uganda we are killing each other. Can that war not stop. Yes, it can stop, Mr. Chairman, if only the people and the leaders of those areas decide to stop it.

We have got a living example. In 1986 West Nile rejected war and they are progressive. The Langi rejected war. Now go and see what Apac and Lira is. There is a lot of development. And as we heard from C.A. delegate Eswau -

**THE CHAIRMAN:** There is a point of information. Are you ready to take it?

**MR. RWABITA:** Mr. Chairman, can I first make my point then it can come later. As I was saying, Mr. Chairman, the Langi rejected war and Lira and Apac are developing, very fast. And as we learnt from C.A. delegate Eswau of Kasilo, and other Delegates of Teso, many areas of Teso now are peaceful because the leaders talked with the rebels and they stopped the war. Therefore, with the present N.R.M. negotiation and reconciliation policy, let us use it to have total peace in Uganda. Mr. Chairman, if a nation like Uganda is like a human body, you can be eating well, sleeping in a soft bed but if in your little finger you have a thorn, you will never be peaceful because it will disturb you. Or if one of your glands is swollen, you will never sleep. Therefore Uganda cannot have total peace unless every area is peaceful. Mr. Chairman, we are having Northern Rehabilitation Programme in progress but how can it take place unless there is peace? Therefore, the people of Ibanda, Mr. Chairman, call on Government and the rebels, to talk and end this war.

My second observation is that although we are Ugandans, we do not know Uganda. I am putting a proposal that through your good offices, you request Government and some Donor Countries to avail funds and logistics so that we spend at least one week of exchange visits. Let the people from North, West Nile, North East, visit Central and West and vise-versa. This will give us a common base. Because when we will be talking about Parties, when you are talking about Movement or when you are talking about Federalism, you would know for whom you are talking. Because then we shall know what Uganda is. This is lacking, not only with us but even in Government. For example, we do not know the problems of the guinea worms in Kitgum unless you go there. You do not know the problems of the peasant in Masulita unless you go there and see what

happened during the war, and Rakai orphans, you cannot know them until you are there. These problems are there but we are just sitting here, discussing national issues but we do not know the very issues and where they come from.

Having said that, let me turn to the Constitution. The people of Ibanda South support the principles in Chapter 1 of this Draft. They support the sovereignty of the people *-(interruption)*

**MR. KOMAKEC:** Point of Information. May I inform My Friend hon. Rwabita, that the war in the North can be stopped if leaders from those areas stop it, and he went on to mention in particular Teso and Lango, the obvious areas where there is insurgency especially in Acholic, the implication is very clear. There, are perhaps leaders in Acholi who either want war or are encouraging it or have not tried to stop it. The information I would like to give is that the war first broke out in Acholi area of Northern Uganda, and it was the leaders of Acholi community - Mr. Tiberio is here, even the Speaker himself, Mr. Komakec here, we were the first to go and try to stop this war through peaceful negotiations. We even formed our Association of Peace called the Uganda Peace Commission. This effort of the Acholic Leaders was shunned by certain leaders in N.R.M/ N.R.A Administration here in Kampala, to the effect which I could even quote, they were quoted in Newspapers, which stated "If there is war in the North, so long as there is peace in the South, it should continue, they should fight it to the end."

Two - in 1990/91, or there about, it was quite clear that Acholi Leaders, among others, were actually told not to go home. The same Mr. Tiberio when he tried to go to Kitgum, he was ordered out of Kitgum by the Commander in Kitgum Town, then his presence in Kitgum was not allowed. On his way out he was arrested. So, it is not a one-way thing. The Acholi leaders or would be leaders have been at the fore-front of stopping the war in Uganda by suggesting to Government a granting of amnesty as early as 1986. This was implemented in 87/ 89. We even participated in the complex solution in this country. So it is not for lack of leadership from Acholi, but it is because the Acholi have some reason or rather have been singled out as the culprit. They are seen as the culprit of the war in Uganda. Mr. Chairman, they are the only people who were actually collected by force and brought to be accused as if it was the Acholi who have been killing. This is a sinister act.

The point I am making is that Acholi leaders are in the fore-front of ending the war. Thank you.

**MR. BYARUGABA:** Point of Order. Is it in order for the hon. Member on the Floor trying to give information and turns it into a personal speech. Was he in order really?

**THE CHAIRMAN:** That is why I stopped him from continuing. That point of order does not arise.

**MR OKENY TIBERIO ATWOMA:** Point of information. My information to the Speaker, Mr. Chairman, is that just recently, last month, I gave a speech here over the situation at home, in Kitgum, Gulu - in Acholi generally, of the new wave of insurgency there. And I have said here before this august Assembly, that there was a peace-talk which was being processed by the regional Minister together with the elders, and the peace-talk was being well conducted. It was going on. Even these people put down their arms, they were all together in one place. It was nearing completion. Then suddenly, the President gave the rebels a seven days ultimatum to come out and every body was caught unawares. I make this known to this responsible House that we are not here to discuss wars, but to discuss peace. When it comes to detailed discussion of this situation, I am going to table a Motion. So, the Speaker now should be prepared to second me to call upon the President to withdraw that statement. Thank you very much.

**MAJGEN. MUGISHA MUNTU:** Point of Information. For the second time hon. Tiberio has given information to this House in regard to the 7 day ultimatum and I thought that I could give information on that because I have inside information as to what happened at that time, so that may be all the Members could be cleared. The President has already explained that point. But it looks as if either most of the Members did not have the opportunity to watch that Press Conference where he explained. Or may be they did not read the papers. But what I know is that during the time of negotiations, there was a cease-fire, and Kony and his group had been assigned some areas where they could go and they would have a guarantee that they would not be attacked, and indeed they went to those areas and we knew where they were camped. Several times they met with the army officers as well as some elders in the area in the place of negotiations. They had been given the word by the leadership that, nothing would

happen to them as long as they were involved in a negotiation process. During that very period, the army had intelligence reports that, they were planning to bring arms into the country. Most of the elders from that area know. I am absolutely sure of that. The leadership did not want a position to be taken that would seem as if the Government did not want to negotiate. The months that went on when the negotiations were taking place, that the intelligence was available to Government. Now, towards the time when they were about to get another consignment of arms, that position was taken, that these people either give up because they were not serious, they were not talking peace, they were only preparing for war, that they surrender or the army starts fighting with them again. Now, why the President gave that ultimatum, was because, you see a minority of army officers had a view that since these people were in a camp, they were known, we could have easily surrounded them and wiped them out. There is no doubt about that. The majority, and of course the President himself overruled that. He said he had given his word and there is absolutely no way they should be involved in such a plot because the N.R.A. will warn you first, and in most cases it will allow you to choose your weapon, if you want to negotiate, you will negotiate. If you want to fight, it will fight. And it is in that spirit that the President gave that order to the same group. For the group to make up their mind in seven days, if they wanted to negotiate and surrender. If they did not want, then there would be exemption of this spirit. And that gave them time to filter out of the camps, and start the acts of banditry.

They resumed the acts of banditry, they are doing so right now. Most of the elders in the North may in fact be aware that, even now I will insist with this group in following the suggestion of the army. And we know that the Kony Army *-(Interruption)-*

**THE CHAIRMAN:** Hon. Tiberio, I will not allow this to develop into an exchange. I think Hon. Rwabita should continue.

**MR. MWAKA:** Point of clarification. I would like to clarify one little information that has been given us by the commander of the army, in response to what Tiberio Okeny was saying, this is connected with what hon. Rwabita has just said. Mr. Chairman, I am not soldier, but I have had the honour of representing this country, as Uganda's High commissioner and Ambassador in a number of countries.

One thing I would like to say is that, the commander of the army, talked about, *-(Interruption)-*

**THE CHAIRMAN:** He did not speak as commander of the army.

**MR. MWAKA:** Hon. Mugisha Muntu, Mr. Chairman, who represents NRA here referred to an intelligence report that had been received, to the effect that the Kony's group were about to receive some arms from a neighbouring country. But I would like to say here, Mr. Chairman, that an intelligence report must first be verified.

**THE CHAIRMAN:** Order, order. give him the chance. I have given him the Floor.

**MR. MWAKA:** Those who have found themselves in my position of receiving all kinds of reports from all processes, know that some reports are correct, others are false. And that is why it is important to first of all verify whatever reports one receives, before taking action, in one way or the other. Not that the Acholi people support what is happening in Acholi land. We do not support what is happening there, we condemn it. But it is beyond our control.

**THE CHAIRMAN:** I am not allowing further interruptions on this matter. I think you have clarified.

**MR. MWAKA:** Now, I would like to wind up, Mr. Chairman, my clarification by saying that, when there was a cease fire, these rebels who are in the bush now, were scattered in different parts of Acholi Land. They were not in one confined place. And by the time the 7 day warning was given, hon. Betty Bigombe the Minister of state in the Office of the Prime Minister residence in Gulu, had more or less solved the problem. There was no more fighting. These people would have come out, they were ready to come out. But when they heard the 7 day warning, they got excited and said if this is the case, we are going to continue. And it is unfortunate, Mr. Chairman. That is, this kind of situation will continue to happen in that part of the country.

**THE CHAIRMAN:** I think you have finished. Now we will not go back to this subject, I think you have heard as much as you can.

**MR. RWABITA:** The principle of supremacy of the constitution. Mr. Chairman, the people of Ibanda

uphold those principles, but they have put a big question. What guarantees, what safe guards are we putting in place to defend this constitution? One day a buffoon will come and throw it in the dust bin. Mr. Chairman, they are proposing that, the problem of Uganda is that we have been having constitutions without constitutionalism. That is lacking of separation of powers of the rule of law, so that both rulers and those ruled can know their limits and that they have been ruled by decrees and legal notices. We propose, Mr. Chairman, that in order to sensitize our people about the supremacy of the constitution, the constitution should be part of the primary, secondary and university education syllabus. And it should be taught to our army, and even to our RCs in their local languages.

Secondly, most coup de tats in Africa and the third world countries are through the barrel of the gun. We must maintain and continue demystifying the gun through political and military science training. We propose that every youth in this country should go through this training exercise, so that the masses can defend the constitution by any means, even the gun if necessary.

Thirdly, during the making of this constitution, we must make sure that the powers to amend the constitution remain in the hands of the people and the representative in Parliament, and not with the Executive.

Let me talk a bit about human rights. The people of Ibanda South, support chapter 5 on the human rights. That specific articles for disadvantaged or minority groups should be articulated. This is about women, children and the disabled. Article 60, 61, 62, 63, talk about children, women and the disabled. Women should be respected as able, intelligent human beings, and not to be subjected to segregation because of their sex, especially regarding jobs, and even in families when we are taking decisions. And women from Ibanda have got stories, that some men especially in villages, even in towns; use beating of these women as a punitive measure to educate them on how to behave. That must stop also. They are saying that, educating boys and leaving girls is inhuman. Because children are equal in the eyes of the law and society. They say that the mistreatment of children by step mothers must stop. Mr. Chairman, they say disability is not inability thus Government must sensitize the public about respecting the disabled, and avail them facilities to overcome some of their disabilities, so as to have a worthwhile life.

Here I want to tackle article 280 - the administration of estates. Mr. Chairman, there is a tendency of outright robbery by relatives, taking all the property of the deceased, leaving the widows and children empty handed. We say this must stop and the family must be protected by this constitution.

Regarding the youth, Mr. chairman, it is important to know that a leader is made, not born like kings. Adults must stop the postponing of leadership of the youth. They always say that, they are the leaders of tomorrow. No, They must be leaders of now. They must start now. The youth should be encouraged, to be given responsibility, to be guided in the principle of leadership, so that in future, when they are given bigger responsibilities, they are ready for them, and not amateurs or to rule by trial and error.

When we talk about human right vis-a-viz discipline. Mr. Chairman, the people of Ibanda South say, the poverty we are crying about and famine, would not be so much if people were working. Especially men, wherever you go including trading centres, by 9. a.m. they are drunk with *waragi* and *Muchomos* and only women and children cultivate for the family. We need to build a culture of discipline and hard work in order to develop our country. The people of Ibanda South however, advise and remind the women folk, that they are the mothers, and molders of family life. They should endeavor to remain dignified in all ways within their human rights claims. Mr. Chairman, these days some women have become very good business people; they go to Dubai and make good money. But there is a problem of sometimes bullying their husbands and nagging them so much that these men get frustrated and go heavy drinking or even go for "away matches" thus destroying the family life. Mr. Chairman, mothers and fathers must guide their children, especially the youth, so, that the human rights of children is not to be defeated, to be disorganised and unrealized. There is a defeatist saying by parents today, that you cannot manage a child of today. This is a very weak point in a family and very dangerous to our society. As a result some youth, especially boys, have taken to heavy drinking of *waragi*, *lira-lira* etc. They smoke *bangi*, opium and indulge in un protected sex and even homosexuality. And this has increased the spread of AIDS. The girls are not spared also, they indulge in provocative styles: very short dresses, too deep slits, and other practices that would not befit a dignified lady. In short, the claims of human rights, must not be misused to destroy our society.

Let me turn to the Republic of Uganda. We in Ibanda South, we support that Uganda should remain a Unitary Sovereign State and a Republic with decentralised districts.

On districts, Mr. Chairman, Chapter Two article 2 says: "*Uganda shall consist of the district which existed immediately before the coming into force of this constitution, or such a district as may be established in accordance to this constitution or any other law consistent with this constitution.*" The concern of the people of Ibanda is: what is the criteria of creating new districts? This one is a big problem in the case of Ibanda because for the last 20 years, the people of Ibanda sub-district and Kitagwenda county have asked for a district, but it has never been granted. Right now, they have got serious reasons: the Ibanda sub district and Kitagwenda county are on the peripheral of Mbarara and Kabarole districts. They have a lot of problems of infrastructure and management of their administrative problems. Their Headquarters are far, they have got enough population, the three counties have got over 300,000 people, they have got resources enough to run a district. But you hear that a district has been created here and there. Is it political, is it economic? We want to know the criteria of starting a new district so that when people come to that level, then they are granted districts, but not just to open a district, without any principle to follow. The people Ibanda would like to have their district, it is over due.

Let me talk on the question of traditional leaders. Article 279 explains how traditional leaders may exist according to culture, customs, traditions, of the community, if they so wish. In case of Ankole, Mr. Chairman, I would like to give you a short history. By the close of 19th century Ankole was called "*Nkole Karokarungi*." A small kingdom, by King Kahaya of the Bahinda clan and there were other tributary kingdoms, like the one of the *Bashambo* kingdom of Igara, the *Buzimba* - that is Ibanda, we had also a kingdom. Then *Rwampara Ndeija* had also a kingdom. *Buhweji* had a king there called *Ndagara*, followed by *Ndibarema*. But all these, with the assistance of the British Government, they concurred and formed the Ankole Kingdom. Therefore, Ankole kingdom was politically made, not culturally made. So, Mr. Chairman, when we talk of traditional leaders, for instance in case of Ankole, this is a question of the Banyankole. Therefore, we should not mix it as people say, if other people have

got why can Ankole not get theirs. This will depend on whether it is true that Ankole is under a common culture, customs and traditions. So, you leave that to the Banyankole, they will sort it out very well. And some people try to make a story out of nothing. The question of the Bahima and Bairu, does not hold water now. At the beginning of the century, the Bairu were agriculturalists, and the Bahima were pastoralist. Today, we are all mixed farmers. As a matter of fact, Mr. Chairman, a lot of Bairu have got better cattle than the Bahima. And some Bahima in Kashari, have got better plantations than Bairu, and we are living happily, together. So, let us not be disturbed by these people around us.

I want to talk about decentralization and federalism. The people of Ibanda South support the principle of decentralization because it brings service nearer to the people. And where it has been properly executed, results are felt. Roads are made, schools built, Health centers, water etc. But when you say that after accepting the decentralization policy, then you allow also the regional government, then I do not see the logic because we are creating a duplication of functions. How is the federal administration going to be financed? After the *wanainchi* have financed their districts, and they are decentralised, they are planning for their development, now, you create yet another body to over see the district to bring them together. That will mean, you will have a new administration which needs funding, which needs offices and other infrastructure. Mr. Chairman, we in Ibanda we say, if the decentralization is done properly, then there is no need to have a federal government.

Political systems: The people of Ibanda support a movement type of government for the next five years after the enactment of this constitution. Why? They say experience teaches. In Latin they say, "*Efferencia Docet*." Uganda has experienced four types of government since independence. One: multi-party 1962 to 1969; 1980 to 1985. One party government system 1969 to 1971; Military Government Dictatorship, 1971 to 1979; A united front or Movement Government, 1979 - 80, 1986 to up to now. If I treat this through the law of elimination, Mr. Chairman, one party system is not acceptable to the people of Uganda. Because the leaders of the party support the president for their material gains, they are yes men. You remember when Obote was confused with the ideology of move to the left: Nakivubo pronouncement. Three plus one - that was new mathematics of

uphold those principles, but they have put a big question. What guarantees, what safe guards are we putting in place to defend this constitution? One day a buffoon will come and throw it in the dust bin. Mr. Chairman, they are proposing that, the problem of Uganda is that we have been having constitutions without constitutionalism. That is lacking of separation of powers of the rule of law, so that both rulers and those ruled can know their limits and that they have been ruled by decrees and legal notices. We propose, Mr. Chairman, that in order to sensitize our people about the supremacy of the constitution, the constitution should be part of the primary, secondary and university education syllabus. And it should be taught to our army, and even to our RCs in their local languages.

Secondly, most coup de tats in Africa and the third world countries are through the barrel of the gun. We must maintain and continue demystifying the gun through political and military science training. We propose that every youth in this country should go through this training exercise, so that the masses can defend the constitution by any means, even the gun if necessary.

Thirdly, during the making of this constitution, we must make sure that the powers to amend the constitution remain in the hands of the people and the representative in Parliament, and not with the Executive.

Let me talk a bit about human rights. The people of Ibanda South, support chapter 5 on the human rights. That specific articles for disadvantaged or minority groups should be articulated. This is about women, children and the disabled. Article 60, 61, 62, 63, talk about children, women and the disabled. Women should be respected as able, intelligent human beings, and not to be subjected to segregation because of their sex, especially regarding jobs, and even in families when we are taking decisions. And women from Ibanda have got stories, that some men especially in villages, even in towns; use beating of these women as a punitive measure to educate them on how to behave. That must stop also. They are saying that, educating boys and leaving girls is inhuman. Because children are equal in the eyes of the law and society. They say that the mistreatment of children by step mothers must stop. Mr. Chairman, they say disability is not inability thus Government must sensitize the public about respecting the disabled, and avail them facilities to overcome some of their disabilities, so as to have a worthwhile life.

Here I want to tackle article 280 - the administration of estates. Mr. Chairman, there is a tendency of out-right robbery by relatives, taking all the property of the deceased, leaving the widows and children empty handed. We say this must stop and the family must be protected by this constitution.

Regarding the youth, Mr. chairman, it is important to know that a leader is made, not born like kings. Adults must stop the postponing of leadership of the youth. They always say that, they are the leaders of tomorrow. No, They must be leaders of now. They must start now. The youth should be encouraged, to be given responsibility, to be guided in the principle of leadership, so that in future, when they are given bigger responsibilities, they are ready for them, and not amateurs or to rule by trial and error.

When we talk about human right vis-a-viz discipline. Mr. Chairman, the people of Ibanda South say, the poverty we are crying about and famine, would not be so much if people were working. Especially men, wherever you go including trading centres, by 9. a.m. they are drunk with *waragi* and *Muchomos* and only women and children cultivate for the family. We need to build a culture of discipline and hard work in order to develop our country. The people of Ibanda South however, advise and remind the women folk, that they are the mothers, and molders of family life. They should endeavor to remain dignified in all ways within their human rights claims. Mr. Chairman, these days some women have become very good business people; they go to Dubai and make good money. But there is a problem of sometimes bullying their husbands and nagging them so much that these men get frustrated and go heavy drinking or even go for "away matches" thus destroying the family life. Mr. Chairman, mothers and fathers must guide their children, especially the youth, so, that the human rights of children is not to be defeated, to be disorganised and unrealized. There is a defeatist saying by parents today, that you cannot manage a child of today. This is a very weak point in a family and very dangerous to our society. As a result some youth, especially boys, have taken to heavy drinking of *waragi*, *lira-lira* etc. They smoke *bangi*, opium and indulge in un protected sex and even homosexuality. And this has increased the spread of AIDS. The girls are not spared also, they indulge in provocative styles: very short dresses, too deep slits, and other practices that would not befit a dignified lady. In short, the claims of human rights, must not be misused to destroy our society.

Let me turn to the Republic of Uganda. We in Ibanda South, we support that Uganda should remain a Unitary Sovereign State and a Republic with decentralised districts.

On districts, Mr. Chairman, Chapter Two article 2 says: "*Uganda shall consist of the district which existed immediately before the coming into force of this constitution, or such a district as may be established in accordance to this constitution or any other law consistent with this constitution.*" The concern of the people of Ibanda is: what is the criteria of creating new districts? This one is a big problem in the case of Ibanda because for the last 20 years, the people of Ibanda sub-district and Kitagwenda county have asked for a district, but it has never been granted. Right now, they have got serious reasons: the Ibanda sub district and Kitagwenda county are on the peripheral of Mbarara and Kabarole districts. They have a lot of problems of infrastructure and management of their administrative problems. Their Headquarters are far, they have got enough population, the three counties have got over 300,000 people, they have got resources enough to run a district. But you hear that a district has been created here and there. Is it political, is it economic? We want to know the criteria of starting a new district so that when people come to that level, then they are granted districts, but not just to open a district, without any principle to follow. The people Ibanda would like to have their district, it is over due.

Let me talk on the question of traditional leaders. Article 279 explains how traditional leaders may exist according to culture, customs, traditions, of the community, if they so wish. In case of Ankole, Mr. Chairman, I would like to give you a short history. By the close of 19th century Ankole was called "*Nkole Karokarungi.*" A small kingdom, by King Kahaya of the Bahinda clan and there were other tributary kingdoms, like the one of the *Bashambo* kingdom of Igara, the *Buzimba* - that is Ibanda, we had also a kingdom. Then *Rwampara Ndeija* had also a kingdom. *Buhweji* had a king there called *Ndagara*, followed by *Ndibarema*. But all these, with the assistance of the British Government, they concurred and formed the Ankole Kingdom. Therefore, Ankole kingdom was politically made, not culturally made. So, Mr Chairman, when we talk of traditional leaders, for instance in case of Ankole, this is a question of the Banyankole. Therefore, we should not mix it as people say, if other people have

got why can Ankole not get theirs. This will depend on whether it is true that Ankole is under a common culture, customs and traditions. So, you leave that to the Banyankole, they will sort it out very well. And some people try to make a story out of nothing. The question of the Bahima and Bairu, does no more hold water now. At the beginning of the century, the Bairu were agriculturalists, and the Bahima were pastoralist. Today, we are all mixed farmers. As a matter of fact, Mr. Chairman, a lot of Bairu have got better cattle than the Bahima. And some Bahima in Kashari, have got better plantations than Bairu, and we are living happily, together. So, let us not be disturbed by these people around us.

I want to talk about decentralization and federalism. The people of Ibanda South support the principle of decentralization because it brings service nearer to the people. And where it has been properly executed, results are felt. Roads are made, schools built, Health centers, water etc. But when you say that after accepting the decentralization policy, then you allow also the regional government, then I do not see the logic because we are creating a duplication of functions. How is the federal administration going to be financed? After the *wanainchi* have financed their districts, and they are decentralised, they are planning for their development, now, you create yet another body to over see the district to bring them together. That will mean, you will have a new administration which needs funding, which needs offices and other infrastructure. Mr. Chairman, we in Ibanda we say, if the decentralization is done properly, then there is no need to have a federal government.

Political systems: The people of Ibanda support a movement type of government for the next five years after the enactment of this constitution. Why? They say experience teaches. In Latin they say, "*Efferencia Docet.*" Uganda has experienced four types of government since independence. One: multi-party 1962 to 1969; 1980 to 1985. One party government system 1969 to 1971; Military Government Dictatorship, 1971 to 1979; A united front or Movement Government, 1979 - 80, 1986 to up to now. If I treat this through the law of elimination, Mr. Chairman, one party system is not acceptable to the people of Uganda. Because the leaders of the party support the president for their material gains, they are *yes men*. You remember when Obote was confused with the ideology of move to the left: Nakivubo pronouncement. Three plus one - that was new mathematics of

course - three plus one equals one constituency. MPS in one party state debate for the sake of debating, only supporting government. For example today, our Parliament has got every freedom to criticize government and guide it properly. Mr. Chairman, when we talk of Military government, I do not want to waste your time, that one you know what came out. Field Marshal, General Idi Amin, DSO, CBE. *-(interruption)-*

**THE CHAIRMAN:** Hon. Member, you should address your remarks to the Chair please.

**MR. RWABITA:** All that Mr. Chairman, was to make people suffer, "lalachini", "we kabila gani", "we muyekera", "abalasi kabalasi" chasing business lines and what have you. All this we know, we cannot go through it again.

Now, when we come to multiparty system, Mr. Chairman, 1962 to 1969; 1980 to 1985. The people of Ibanda South know very well that parties could be good, but it is the leadership in parties that will make them good or bad. The parties - unfortunately the way they were started Mr. Chairman, the beginning of these two parties DP and UPC, unfortunately started on religious biases. And therefore, continued religious rivalry that had been started in the 1880s. The two parties also have been attached to external influence of either socialism or capitalism, depending on who is the supporter. In the party system there is the pinnacle of the winner takes it all which is unacceptable today because it is very discriminatory. You remember Mr. Chairman in 1980, the slogans "twarire" - we have eaten. "Okakatahi" - where did you put your vote? "Sibaho" you wait for your turn. But it means if you do not belong to a party, then you are not in government, you can not be accepted, they cannot listen to your even reasonable arguments.

Another problem with parties, they have a problem of political alliances or what we call marriages of convenience, without electorates' consent. In 1962, KY and UPC went together to defeat DP because Kiwanuka was a catholic. In 1979, UPC and DP joined hands with other forces to destabilise NLF so that they introduce multi-party politics and you know what followed.

Of late, Mr. Chairman, these are facts, this is real, that DP and UPC have been again joining hands to decampaign the movement type of politics. This is an alliance, which I do not think is sincere, but it must

be an alliance of convenience and if you continue that way, you will see what comes out because we shall have to suffer the same problems we have gone through.

**THE CHAIRMAN:** You should be winding up.

**MR. RWABITA:** Mr. Chairman, I believe in positive criticism, and I thank members who have criticised the NRM government positively, the people have learnt from the past regimes. I am trying to give a positive criticism today, Mr. Chairman. That the old parties need an over haul if they are to be accepted by the people, so that we go beyond, or we are above those sectarian tendencies that have put our people into hating each other, killing each other. Mr. Chairman, we need even new parties that are all embracing, cutting across social strata. For example, the farmers could start their party, workers could start their party, so that we get an overall party which covers everybody's interests.

**MR. ATWOLA:** Point of clarification. Thank you very much, Mr. Chairman. I have listened to the contribution of hon. Des Rwabita, and indeed he has said that parties need to be reorganized. So, I am seeking clarification as to what suggestions he has about reorganizing the parties so that they function well. Thank you.

**MR. RWABITA:** Well, I think, some of the leadership is too old. We need new blood in the system. So, let them hold meetings and elect new members, so that there is new blood in the system.

Mr. Chairman, let me wind up by concluding why Ibanda people want a movement democracy. We need a movement type of government to continue for sometime, so that people can have peace. *-(Interruption)-*

**THE CHAIRMAN:** Order please. No, hon. Adimola was conducting another lecture on this side. And I would like to request the hon. Member for DP sitting on this side not to continue talking to the back.

**MR. RWABITA:** The people of Ibanda South, prefer to continue with a movement sort of Government, because the peace they have enjoyed, cooperation they have enjoyed, has taught them, that, we can have elections, free and fair without parties. We can be united without parties. And this time during these five years, we should allow new parties to be created.

old parties to be reshuffled and overhauled and give a new sense of direction to our country Uganda. So that, when there is any new system, it will have done its homework and it will be for all of us and for the benefit and progress of Uganda.

I want to thank you and hon. Delegates, let us discuss this draft constitution with a cool mind and be considerate and sincere to all the people of Uganda. Let us use this opportunity to start a new foundation of a united Uganda. Thank you, Mr. Chairman.

**THE CHAIRMAN:** Thank you, hon. Deo Rwabita for your contribution, to our debate this afternoon.

**MRS. NANTONGO ZZIWA: (Women Representative, Kampala):** Thank you very much, Mr. Chairman. I wish to bring you greetings from the people of Kampala and I wish to join them in congratulating you and your deputy upon this post that you are holding. Likewise, they congratulate you upon the case which justice took in Mbale Municipality to reveal the truth. The people of Kampala, would like to also congratulate all honourable Members who got elected to this House, and nominated. They will support your cause to be here and they have high hopes in you. Mr. Chairman, the people of Kampala, truly they picked the example of Uganda, for every tribe, age, sex, ideologies, political belief etc. exists in Kampala. With a total population of over 776,500 residents, that is approximately one million people according to the 1991, census. And with a total area of 75 square kilometres, Kampala spreads out into 8 constituencies. They are Kampala Central, with over 112,000 people, here represented by hon. Babu Nakawa is over 136,500 people represented by hon. Jaberu Bidandi Sali, Rubaga North with over 90,000 thousand people, represented by hon. Waswa Lule, and Rubaga South with over 90,000 people, represented by hon. Damiano Lubega, Makindye East is over 90,000 people represented by hon. Ssebana Kizito, Makindye West, with over 90,000 still represented by hon. Nsabu, Kawempe North represented by hon. George Zziwa, with over 70,000 people, and Kawempe South, represented by hon. Medi Kagwa is over 80,000 people. Mr. Chairman, this is a big number. I have to say, that most of the delegates here can comfortably be called 'Banakampala' meaning that, they are members of Kampala. And I can say, that I think they are ably being looked after. So, I think if there is any complaint, to those fore mentioned hon. urables, can be approached. However,

Kampala being the capital of Uganda, has politically enjoyed some good policies of government, but likewise, has greatly suffered the political maneuvers and continuous rules, which have invaded this country, Mr. Chairman, the people of Kampala, did witness the fall of Mengo in 1966; the overthrow of Obote in 1971, the Amin *Saba saba* of 1979, the fall of Lule, the ascension to power of Muwanga in 1980, the fall of Obote Two in 1985, let alone the fall of Lutwa Government in 1986. Mr. Chairman, all these have been armed of course, and the amount of lives lost in these coups are enormous. This period has not only left lives being wiped out, but also has been continuous conditions, that have ever lastingly harassed them. Situation like the Kafu time in the 1960s, and the state of emergency during Obote. The car boots, which were greatly used to abduct people during the 70s; the great incidence of 'Twagala Lule' at the City Square which claimed several lives, the 'panda Gari' and the many people who have been taken there of not to mention the so many individual killings of men and women, butchered at the famous Nile Mansion, and other places like Makindye barracks, State Research and so on and so forth - which claimed so many lives of the people of 'Banakampala'.

The people of Kampala, have to say and they are saying, that no man awards life, so, no man should take away life and in any form, everybody must have the right to live. Whether these are killings of the 'Anyanyas', who laid to rest at the golf course in huge numbers, or the continuous big headed Baganda who have been butchered in various places like in Nile Mansions, and later to be found in the grave forest at Namamve. And so many others around Kampala. This situation, people have attributed to the disrespect of the first constitution, these people of Kampala say, it should stop. They say that, they detest all forms of killings, and they should be apprehended by this constitution. Mr. Chairman, consequently to this, the people of Kampala insist that Section 54 - that is the respect of human dignity and protection from any human treatment in the draft constitution, should be upheld, and death penalties should be stopped thus, also the removal of section 114 of the proposed draft. As even the president has no right over life, so there is no need for him to have prerogative mercy. They say, section 52 should read:

-(Interruption)-

**PROF. SENTEZA KAJUBI:** Point of clarification. The hon. Delegate on the Floor has made a statement that no one can give life and therefore, no

one should have the power to take away life. And there is a very controversial matter these days, one of abortion. I would like to get hon. Member's opinion on that matter.

**THE CHAIRMAN:** If she chooses to give it. I do not think.

**MRS. ZZIWA:** Mr. Chairman, with your ruling, I can say, that I am also against abortion. Mr. Chairman, in fact I was concluding on this by saying, that the people of Kampala say, that section 52 should read *'no person shall be deprived of life intentionally'* And this I think has been stated that, some countries like Britain, have already taken it home. Mr. Chairman, the people of Kampala, yarn and cherish a constitution which will bring to them the following virtues: Peace, stability, unity, democracy and good governance; development both social and economic. The people of Kampala, Mr. Chairman, salute the NRM Government for the peace they have enjoyed in these 8 years. One will state that, the term peace is relative, especially when some incidence of thuggery and undiscipline have resulted and deprived people of life, for the killing of the 15 people at Naguru, which is very regrettable, the killing of the great men of Kampala, like Edward Mugalu, Sebuliba, Nsereko, and others like the one which resulted in the death of Prof. Mudoola, whom you all know, and others. But they say, that at least, there has been a registered effort and these culprits have been brought to book. So they say, this kind of - they say that, never the case in many deaths like those of Kedevia, who have never been seen to have grace should not be repeated.

The people of Kampala have used their peace, to ascertain that really there is peace in Kampala. So, today, the famous killings which I have explained, which went ever lastingly in the nights of Kampala, which have completely stopped. The regular and unwarranted road blocks, and continuous demand of *"Bitambulisho"* - these are the identity cards, is today stopped. And I think that, even the Constituent Assembly can comfortably sit in the Conference Centre, just amidst Nile Mansion butchery, is a testimony that peace has been ushered in Kampala. And they are saying, that we can rest in peace, once Kampala is peaceful.

As stated earlier, Kampala comprises of people of different ethnicity from all tribes of Uganda, with different ideologies and different beliefs. But I want

to emphasize, that they live in harmony. This is because, the people of Kampala, have a spirit of nationalism which calls for unity. I am quoting these situation of diversity in unity, in areas like say, Bugolobi Flats, Bukoto Flats, Nakasero, Kololo, and the rest of places, where you know very well that, a neighbour has in his choice, if any, over a choice of a neighbour, but they always live in harmony, and I am certain that they rarely collide if at all they do. So, likewise, there are also similar cases of ethnicity who live together, within Kampala, the Bafumbiras who live in Kifumbira, there is a famous Kinyoro, all these people live in Kampala, and they have never been harassed, despite the fact that they are within their own localities. And I have to emphasize, Mr. Chairman, that these people - all these people sent me to this House. And they sent me here, to convince you hon. delegates, to support their views for the betterment of this country, especially the betterment of Kampala. So, the people of Kampala, have the following to propose towards the constitution.

First and foremost, they salute the good work done by Justice Benjamin Odoki Commission and they have made the various contributions which I am soon to enlist. But before I enlist them, Mr. Chairman, as I was elected a woman delegate for Kampala, I cannot miss voicing the women views of Kampala towards the draft and their support to the NRM Government. Mr. Chairman, the constitution has shown for the first time, a gender alignment. Section 13, 14, 15, 50 and 51 truly reflect this. The women in Kampala, who are highly oppressed, are urging this august House, to make a gender, balanced constitution. Which will foster policies which will boost women's economic and political empowerment. They salute the NRM Government, and they sent me here to say, that they support fully the NRM Government. And they thank the government for the positive discrimination policy so far passed. They commend the involvement of women in few positions of administration and politics; other moves like the 1.5 points at Makerere University entrance; the various forms of opportunities now offered to women, and they however insist though, that let there be a continued analogy of women's need due to their special position of being social providers, to help them out by a fair share of the national cake. And they strongly object, to an all round cost sharing to the hospitals, especially Mulago, and particularly in the labour room. They also object to the increasing tuition and coaching fee in education, which renders most children not to go to school. And they object to

the new proposed policy of the education White Paper of cost sharing at higher institutions of learning especially Makerere. They say, these poor mothers will never be able to raise tuition money for the University, making it hard for their children to complete their academic ladder. They insist Kajubi's report, and the White Paper, therefore, should be scrutinised.

With gender consideration policy and equitable distribution of national resources across society needs, the women will be effectively covered to their special betterment, and may be after a time, the positive discrimination, may not be warranted. In this respect, I wish to disagree, with the hon. Members, who agitate for the removal of chapter 3, to leave it to party manifestoes. The danger of the party of women in this case is that, supposing parties do not consider special services or priority, it will never line it out for implementation. Consequently, putting the women, who are ever in great demand for the services. I wish to quote that the woman falls sick twelve times in a year which is not the case for the man. So, we need greater medical services. And I want to say, Mr. Chairman, *-(interruption)-*, and, Mr. Chairman, they are saying that supposing this is left to a party, and the party does not provide, they will never have a place to appeal if this is not included in the constitution. But with this in the constitution, in case party government fails to provide, then there is a reason to go for transitional court and appeal.

I wish at this juncture to support hon. Delegates including hon. Ogwel Lote from Moroto and several others on the status of women. I have to emphasize, that the oppression of women by women leaders should be taken as a general phenomenon of the strong oppressing the weak, which is a human weakness, and also strongly exists among the men. It should not only be criticized on the women. So, points to correct it should be directed more to society value other than women being criticized.

On the rights of the family and the rights of the women, that is section 51 of the draft constitution, the women of Kampala, do welcome their inclusion in the constitution, bearing in mind that laws, customs, cultures and traditions, have for a long time kept them in an oppressed position. So, the removal of this chapter to be replaced by a bill of right, as proposed by some delegates, should not be considered. These customary laws and other cultures, would only be challenged readily, once considered

violating constitutional rights. And likewise, the cultures which oppress the dignity of women, can effectively be challenged here. Cultures like those affecting the health of the women, say in cases of circumcision of women. Cultures that enforce women remarrying after death of their husband - their in laws; Cultures which deny women to eat certain food, when they need them for their physiological development should be discouraged. Mr. Chairman, the women of Kampala therefore, support the inclusion of chapter 3 of National Objectives and Directive Principles of State Policy, and chapter 5 of human rights with emphasis on the disadvantage. Likewise, they say that, the equal opportunities should be attained. Section 95 should read as follows: *'In making appointment to public offices, including appointment to the constitutional body, gender balance shall be given due consideration and effected'*. In the same vein, Mr. Chairman, chapter 8, section 131 (2) (b) should read: *'One woman representative from each district elected through universal suffrage.'* As widely supported by other hon. Members, that is what should be inserted in the draft constitution.

The people of Kampala in general, have the following contributions to make. With chapter 4 on citizenship, Mr. Chairman, the people of Kampala, have been most hit by the issue of foreigners. This is because of the corrupt system in the immigration offices. They advocate for improvement in registration of birth and most obviously, introduction of national identity card. They disregard the idea of dual citizenship, to any foreigner or Ugandan and they insist that, no Ugandan has ever received equal treatment in any other foreign country. They say that, if there is any good foreigner who wishes to stay, let resident permit be given to those who wish to stay, but not citizenship permit. That is in regard to section 43(C). However, I wish to assure this august House, on behalf of the women, of Kampala, that they should not get worried about section 42 on the foundlings. They say, that this is not a known phenomenon to be practiced deliberately by women as most foundlings are a result of adolescent mothers, who are always harassed by cultures and economic strife, that they end up in that position. So, they condemn the act of dumping children, but insist that the child having been dumped, should not be punished twice, he should be entitled to citizenship. This is the very spirit why United Nations under the universal declaration of human rights to which Uganda is signatory, has this as a recommendation.

Those who imagine that children will be removed from their mothers and be brought and dumped in Uganda for the sake of getting citizenship, should be assured that it is not very likely.

In chapter 6, that is the representation of the people, the people of Kampala support the existence of an electoral commission Mr. Chairman. But they say, that section 85, should be elected; that is the commission should be elected by the legislature. Likewise, the people of Kampala insist that representation should be according to the population and not number. They are of the view that, Kampala with its population of over 800,000 people should have more than six legislatures. Now we have only six. We propose that the ratio be reduced to at least one representative, every 50,000 people, this will lessen the range of big constituencies like Nakawa which I said has over 136,000 people and Kampala Central which has over 112,000 people. Let alone Makindye, Rubaga and Kawempe; to which by this constituent Assembly, its purposes were divided, but under the normal circumstances, we have one representative of each.

On the political system, the people of Kampala, and I wish to stress this, elected me because of my stand for the support of the movement. New Vision at one time quoted me, as a strong sympathizer. They support the Movement type of government, and they say that the movement should be given chance for five years, and after all still a referendum must be put so that political party or not political party is decided. Mr. Chairman, the people of Kampala know, that it has been stated by political theory, that multi-party is the highest form of political advancement and they know that, it should be respected but they stress that the political parties in Uganda have never lived to the expectations of the people. They insist that, let any political party wishing to come to the front of Uganda politics do the following: One, let the parties strengthen their leadership. Let them be able to democratically elect leaders, and let all the members within the party participate equally. Two, they are saying that, let the parties mobilize, and announce the term available at their disposal. Kampala people are tired of parties using national funds to persecute their opponents. Which ever party it may be, they do not want it. Let them have their own funds. Then thirdly they say, let parties go out to teach their manifestos and to mobilize national membership especially to the young generation between the ages of 18 years to 30 years, who may not have witnessed

multi-party systems in Uganda. And this has been elaborated very well by hon. Deo Rwabita. Old parties should be overhauled, if they have to continue. The people of Kampala and especially the women, will live to accept the political system like that of the movement, which has allowed them to participate in power administration. Anything below or short of it, should not be accepted.

On the executive, that is chapter 7, the people of Kampala are happy with the proposal of two terms of five years each and an elected president through adult suffrage; that is section 106. They add that, the qualification age of the president should not exceed 70 years of age bearing in mind that levels of efficiency diminish as the age curve drops. Let 40 years be the minimum and 70 years be the maximum for those who are above, to take care.

The legislature that is chapter 8, Mr. Chairman, the people of Kampala support added numbers of women representation to one woman per district until such a time, when a full district of equal opportunities for both men and women have been achieved. They support the rights to call their members as this is deemed in the spirit of democracy and accountability. With the national council of state, Mr. Chairman -*(Interruption)*-

**THE CHAIRMAN:** Order. There are some hon. Members who are talking over there and they are disrupting the member on the Floor.

**MRS. ZZIWA:** Thank you very much, Mr. Chairman. They say, Mr. Chairman, that they still have problems with national council of state. That the intended objectives look good, but the composition of the council is unsatisfactory to them. If this national council of state is passed by this House, let the composition be changed to the removal of the President and his vice, and cabinet members, and members of the legislature, to include members of the high court or judiciary and distinguished judges, thus section 152 of this constitution needs a complete surgery.

With judiciary, that is chapter 10, they wish to have minimum interruption from the government to the judicial system. They demand that it should be developed and respected by all Ugandans.

With finance Mr. Chairman, the people of Kampala are hard hit by high taxation, and I wish to emphasize it. They are really hard hit by high taxation espe-

cially the business group. They feel that section 178, should carry a provision of direct consultation of the business group prior to the reading of the budget. They insist that any law to be taken by the government should be discussed and approved by parliament. Otherwise, Section 185 should be strictly adhered to. Likewise, comprehensive accountability and transparency of use of funds should be emphasized to parliament. Or scrutiny of performance of the Budget by parliament, parliament should be given ample treatment.

On public service, the civil servants of Kampala, and I say this because the majority feel dehumanized by the wage paid to them, they are asking through me, Mr. Chairman, that when will government ever start to pay a living wage to them? Mr. Chairman, I beg a few minutes. They are highly demoralised, and they say that the interruption carried on section 200 of each chapter, should directly carry a provision of their wage. They feel that section 184, omits the basic civil servant and the public servant who are always underpaid. Today there exist lack of professional ethnics in more established servants because of the meager pay. They do not object to restructuring and retrenching, as long as those who stay are paid what is good for them, and keep them dignifiedly. The number of coats which hang on the chair backs in offices without owners, I think will be greatly reduced. Why the deliberate low wages, even in circumstance where Ugandans are working, as counterparts to foreigners like UN expatriates on foreign funded projects, they are asking this because they hate shadow waging. Even where they are known to have been budgeted for but deliberately pushed down by government, they hate it.

On local Government Mr. Chairman, the people of Kampala discussed this chapter in relation to decentralisation. The majority of the people of Kampala support the idea of decentralisation in principle, bearing in mind that, for a long time, central government administration which is related to the unitary system of government has failed. Unitary system of Government has failed. There is a big portion of people in Kampala who are also insisting that they should have a federal form of government. Why? Because they feel that there will be an adequate check and balance on the power and the resources of the people. But they say, that they demand devolution of power from the center to the region or district. And they are saying that, the people of Buganda who want to be decentralised as a region, should be given

a chance, after all, they have not let out any person. Whoever comes in Buganda, he is welcomed as a Buganda person.

They support the mailo system on land in Buganda, and other community land practices that exist elsewhere. They say "Busulu" or regular payment to land lords should be standardized. The mailo system in Kampala has enabled many, even non Baganda, to buy land. With this they argue that the decentralisation of land administration to district committees and Buganda land committees should be given a chance. They detest the 1975 land decree and insist, that it should be scrapped. And they are saying that the democratic mobility factors of pool and push which are natural, and which lead to natural settlement of people, should be given a chance, after all nobody has ever invited the other to go where he or she is. And likewise, no one should tell the other one to go away.

Parliament, Mr. Chairman. The people of Kampala are asking for strict adherence to be made for the preservation of the City beauty. Kampala is the eye of Uganda. It should not be left to local governments like Kampala City Council. The situation of a water hyacinth on Lake Victoria should receive a gross portion in the Ministry of Agriculture, Animal Industry and Fisheries budget of the Ministry of Environment as it is a very big problem now which is soon wiping away most fresh waters of Uganda.

The people of Kampala detest corruption, Mr. Chairman. Various leaders of our society have been caught in this trap eye though they have not been tried but the kind eye of Kampala people is watching them. So they are supporting the Leadership Code Of Conduct and the empowerment of the Inspector General of Government.

On the Army, Mr. Chairman, and National Security, they have no quarrel with the proposal of the Army and its composition but they emphasize a high level of discipline both in the Army and Other security organs. They are saying that though ethnicity representation should be keenly followed.

On traditional leaders. Mr. Chairman, the proposal of Kampala is that they want the Kabaka. And why not, let them have him. He brings to them warmth and love. They jointly agree that they want a king who is apolitical but should be constitutional and they will be ready to maintain him if need arises.

As I conclude, Mr. Chairman, I have to say that there are other basic virtues which have been talked about, the National Language, the people of Kampala say that they have no quarrel with English, after all, it is fully developed but they are still finding a challenge with Swahili but they are saying that other than legislating it, let it evolve. After a time this one will have its balance within the Constitution and in our society and they are saying that properties like those of the Custodian Board should be debated Mr. Chairman, by Parliament and easily or quickly reach a consensus. That Parliament should debate this Bill of Custodian Board so that they can have the City Council repossess the expired leases and empty plots so that all Ugandans can redevelop the empty plots so that they can have better working premises and face lift of the City. Likewise they insist that let all Ugandans who gave or loaned property to NRM Government also be adequately paid or compensated as it is a violation of human rights if they are not paid. They know that this exercise of, constitutional making is highly commendable and has been given maximum finances to be accomplished. Let the doctors who are you, hon. Members, who have been assigned the duty of this surgery to do justice to this Draft so that we can come up with a document which is respected and which is taken as a document for all Ugandans. For God and My Country.

**THE CHAIRMAN:** Thank you hon. Nantongo Zziwa for your contribution to the debate this afternoon. I now give the Floor to hon. Abby Mukwaya, Busiro East.

**MR. MUKWAYA ABBEY: (Busiro County East):** Thank you Mr. Chairman, let me first of all guide the Members to Busiro East. Busiro County East is north-west of Kampala on Kampala Hoima road about 16 kms and west of Kampala on Kampala-Masaka road only 10 kms. The great and famous historical site of Buddo Naggalabi where the coronations of Baganda Kings takes place is found in this constituency. The Constituency is composed of two big sub-counties, i.e. Wakiso and Nsangi and the population is approximately 96,000. The entire county, however, stretches up to Entebbe including Entebbe Airport, Entebbe Municipality and State House whose Delegates are Hon. Matovu Byatike for Entebbe Municipality; hon. Kawanga Ssemogerere for Busiro South, Hon. Maj. Kiwanuka Sam for, Busiro North and Busiro derives its name from the word "Masiro" which means the tomb of the past Baganda Kings.

Hon. Chairman and hon. Delegates, the people of Busiro East Constituency are very grateful to the NRM Government for maintaining peace in most parts of the country since 1986. They are happy to see that the fundamental change in the politics of the country, as promised when the NRA took over power, is beginning to take root. It is their wish that this peace and stability is further consolidated in order to foster development in the social and economic spheres of this country. They have instructed me to record their sincere gratitude for the restoration of their monarchy and those of other kingdoms. They are hopeful that they will be adequately provided for in the new Constitution for it is their desire to keep and maintain their king at all costs.

You must wish to know that the people of Busiro East are the custodians of the majority of the Buganda Cultural sites like tombs and other historical sites as I said earlier. Most of the past kings of Buganda were buried in this constituency, at least 8 percent of them. Therefore, the question of Ebyaffe in this locality is not merely a sentimental matter but a historical and a real one. You will, therefore, bear with me hon. Delegates when I stress the importance of entrenching constitutional provisions in the new constitution to guarantee the existence of traditional rulers and their bona fide cultural activities. You may also wish to know that I am also a descendant of the great kings of Buganda on the maternal side. That is the strong feelings and views of both the people and mine. However, these people have expressly stated in their memoranda that they do not want to see their king involved in divisive political activities nor do they want to see him involved in any form of sectarianism. They only want to see a king mobilising his people for economic, social and cultural development. Since a King must have a state over which he reigns, the people of Busiro East would like to see the restoration of Buganda as a region. They want to see Buganda on the Uganda map again and in all official documents. The fragmentation of Buganda which started in the 60s was a very unfortunate development and they feel that it would be erroneous to continue with the same attitude when an opportunity has availed itself to correct this mistake. All these people ask for is the naming of the districts in Buganda as the case was in 1962 plus the names of the counties in Buganda as they were traditionally known.

The people of Busiro would wish to see Buganda in a united Uganda under one President as head of state

but they would also like to see power develop to districts as in the case in the current decentralisation programme. They strongly support the RC system. After all they participated in the struggle that brought the NRM's fundamental change in Uganda. It is my humble appeal hon. Delegates that these noble ideas be given your due attention and consideration. I am ready and willing to discuss, at length, the advantages and disadvantages of this type of government to the benefit of all our people. What is important is to ensure peace, stability, harmony, national unity and development.

Turning to the Draft, hon. Chairman, I would like to highlight a few points on the following Chapters: Chapter 2 Chapter 3, 4, 5, 6; Chapter 7, 8, 9, 10, 11, 13, 14, 15, 17 and 18 if time allows.

However, before I start on Chapters, let me say something about the Draft Constitution. "The Constitution of the Republic Of Uganda". The people of Busiro East instructed to inform you that they are not very comfortable with the title bearing the word "Republic" and the reasons they advance are that the Obote One regime misused the word "Republic" by putting it on the Bulange house as a means of psychological torture to the Baganda and besides, Obote never proved to be a republican in any sense of the word, they argue. He was merely a reactionary politician who lost his bearing. So these people say that they need time to recover from this stigma. This should not construe that they oppose Uganda being a republic since they fully understand the concept of the term. They have therefore suggested that the title remains the "Constitution of Uganda". That is good enough in their view. That is what they have instructed me to inform you hon. Delegates. Now, let me turn to chapters.

Chapter 2: The people of Busiro East support the use of English as the official language, however, they would like one of the indigenous languages to be considered a national language. They do not support Swahili and the reason they give is that Swahili is not indigenous and that it will take longer to teach than a local one. They further say that Swahili has foreign connotations so they prefer a local language which we can all be proud of. They have instructed me to be very serious on this matter and to appeal to you take their views seriously. They are however happy on Article 6 on religion and they want this one to be entrenched in the Constitution.

Chapter 3: The people are happy with Article 10(3) and 10(8), 12(3) on the protection of women, the family, disabled and the aged. They wish that affirmative action in these areas must be consolidated as the NRM Government has so far done to the emancipation of women. They are only worried about women liberation whose objectives sometimes come into conflict with our social set up and are likely to destabilise the society. They only appeal to the women to advance their struggle with as limited contradictions as possible otherwise they support these noble objectives.

They are happy that the element of constitutionalism and accountability is one of the major objectives under this Chapter. They say that some of the mistakes which have led this country into constant turmoil is lack of accountability especially political accountability. Political accountability is one of the means to defend a constitution coupled with other radical means as proposed in Chapter 1 which they fully support.

On economic objectives, Article 23 sub section (1) to (4), the people of Busiro East stress the issue of balanced development of the different areas of Uganda between the rural and urban areas. They say that some Ugandans are bitter seeing some areas developing faster than others simply because of poor planning. They believe that the cause of this is centralised planning where those in charge of planning at the national level are insensitive to problems facing rural people or they only care about the areas of their origin. In short the people of Busiro are totally in favour of decentralised Planning. Let people at the grass roots be in charge of their own planning and can only be assisted by bureaucrats where necessary and then the Central Government will channel the funds required for projects directly to the localities concerned. This will also reduce on the burdensome red tape which is one of the bottlenecks in planning.

On Social Objectives, Article 26 and 27 the people of Busiro county east are grateful to the government for all the efforts it has put in uplifting social requisite of its people but education is still a big huddle to jump they explain. Whereas they support the idea of compulsory basic education, they are skeptical of the source of funds to achieve this noble objective. For neither the government nor the parents are sure that this can be easily achieved.

On the foreign policy objectives, the people are satisfied with the current government policy which has resulted in very good diplomatic relations in the region and abroad. This should be consolidated.

The people of Busiro East believe that any good citizen must know the national duties that bound him or her. It is therefore pertinent that this objective is part of the new Constitution. It is antirevolutionary for citizens of a country to behave as though they are mercenaries. The attitude of apathy in our people which has been growing since the 60s must be uprooted and instead a spirit of nationalism be cultivated and nurtured.

Chapter 4: The people of Busiro endorse the Articles under this Chapter on citizenship. They are, however, not convinced that Article 42 was really necessary unless there is a hidden agenda under this Article. They believe that the Government Cannot fail to find a solution to such a problem for it has never tried before. Unless there is enough statistics with sufficient research, the people find it rather difficult to support this Article. They, however, wish that as soon as resources are available, Ugandans should have National Cards.

Chapter 5: The people are satisfied with that Chapter especially Article 64 of this Chapter which gives every person a right to enjoy, practice, profess, maintain and promote any culture, language, tradition, creed or religion.

On human rights and freedoms during a state of emergency, the people say that there must be care when applying the provisions of this Article because bad leaders could easily abuse it. They therefore suggest the endorsement of Parliament for any action taken during a state of emergency.

Chapter 6: The people of Busiro East are in total support of Article 94 on the political systems. Their reasons for supporting the Movement type of government is the well known peace and stability in most parts of the country and the political tolerance in the broad based government something Ugandans had never dreamt of or had never seen before. They urge that since we still want this kind of peace and stability for development, let the Movement system continue for the next five years. They further advise that in case of any change in the political system the entire people of Uganda must be consulted. They would however like to see restructuring of the Movement

and its leadership elected from the grass-roots. However, the people of Busiro East instructed me to salute, on their behalf, the founder members of the Movement for the historical role they played during the infancy of the organisation and for having introduced a new political concept which has broken the colonial and neocolonial political setters hence a progressive political culture.

Chapter 7 The Executive: The people of Busiro East instructed me to inform you hon. Delegates that you must be careful while dealing with this Chapter. Some people are arguing that they want the powers of the President to be reduced and generally controlled by Parliament. This concept is not totally bad in their view. However they caution that if you reduce the President to a mere you rubber stamp you may as well have no President at all. They suggest that in the case of Uganda, a strong executive is necessary. Allowance in the exercise of Presidential authority must be given enough room in case the need arises and the President should be elected by universal adult suffrage.

On Article 114 (1) they suggest that while the President is determining the number of cabinet Ministers, he/she should do so in consultation with Parliament. They believe that Article 116 (2) is not necessary. They ask the logic of the Constitution determining the number of Ministries to run the government. What if there are more ministries required than the 21? Do you amend the constitution, they ask. The people are suggesting that this should be left open. The same goes with Article 117(2).

Chapter 8. Establishment. Composition and Elections of Parliament. Whereas the people of my constituency appreciate the number of seats allocated to women representatives, they are not happy with the number 15 as in Article 131 (2) (b). This is a total departure from the affirmative action which is already a policy of government. Since the women have already enjoyed the preserve of electing one woman to represent each district, it is only befitting and good policy to maintain the number. Thus, they suggest that there shall be as many women representatives in Parliament as are districts in the country. I also totally support this view personally being a strong ally of the women liberation. The people of Busiro County East support Article 136 on recall of representatives in Parliament.

Chapter 9: On the National Council of State, the people in my Constituency are not satisfied with the

proposed composition although they support the notion of having a consultative council, they advise that this Chapter be revised to suit our circumstances.

Chapter 10: On administration of justice, Article 157 should be supported because it gives people opportunity to determine their fate and to judge themselves.

Chapter 11, Accountability for Public funds: The Constituents of Busiro instructed me to appeal to this Assembly to put in a provision that will deal with culprits who misuse public funds and get away with it because of the current legal structure. They say that there must be serious measures to deal with corruption and embezzlement of public funds and misuse of public property and office.

Chapter 13: The people of Busiro East are happy with the Draft objectives and structures of Local Government. They further stress that they are in support of the current decentralisation programme which decentralizes power from the centre to districts. The people of Busiro in particular and their brethren in Buganda in general wish to see power devolve to lower levels as a means of targeting some centres for purposes of development and adequate resource mobilisation and distribution. They would also like to see a regional level in the case of Buganda and other regions who may wish so. They further say that this level need not necessarily be political. It could be for co-ordination purposes only for those districts which have similar characteristics be they social, cultural or geographical as it was recommended in the Odoki Report, Chapter 9 Section 94 (d). What the people of Buganda long to see is the resurrection of Buganda as a unit mainly for economic development as a primary objective.

Chapter 14, the Armed Forces: The people want to see the Army recruited on the basis of proportional representation and so are the promotions. They want a very disciplined Army, full of politicised personnel with a Constitution as a part of the curriculum during training.

Chapter 17, Land: The people of Busiro have lived under the mailo land system since 1900. As I said in my preamble, Busiro is a county characterised by the Buganda monarchies. So the element of land ownership is part of the federal system. Before the 1975 Land Reform Decree, the customary tenants were

paying to the land lords "*Busuulu*" as rent and they were used to the system. It had become part of their economic life style. The Land Reform Decree destabilised this norm and created instead antagonism between the land lords and the tenants. This is skeptical of the other and they now live in artificial harmony. I have been instructed to tell this Assembly that the people of Busiro County East would wish at least to return to this traditional ownership with freehold land ownership which recognises customary tenants who are also ready to pay a reasonable rent determined by an independent land committee at a county or sub county level. They further say that elsewhere in Uganda, no land tenure system should be enforced on to people. The people should adopt such a system which will not destabilise their social and economic dynamics. Where they want customary land system let them have it then gradually graduate to freehold and those with communal land system continue with it until they graduate into the customary bracket. Any land tenure system forced on to the people will not only stagnate development but may result in civil conflicts.

Chapter 18: On this chapter the people of Busiro County East would like to register, first of all, their gratitude to the Odoki Commission for at least putting in a provision in the Draft to cater for the traditional rulers. However, they are not satisfied with Article 279 for it does not wholly bring forth the concept of the traditional ruler the Baganda want and know. And besides, why put this important provision or Chapter under general and miscellaneous provision, they asked. The people of Busiro East have therefore instructed me to prevail over this Assembly and convince you hon. Delegates, to improve on this Article and if a separate Chapter dealing with traditional rulers cannot be enclosed, at least Article 279 becomes one of those to be entrenched and put among other Chapters, under Chapter 19, Article 289 and, in case of any amendment, the people concerned must be consulted first. They say they are not even happy with the wording of Article 279 (1). They instructed me to make amendment on some of the phrases used so as to ensure compliance at implementation without any ambiguity.

Hon. Delegates and hon. Chairman, the people of Busiro East will be most happy and grateful to you all when I report back with a well scrutinised, thoroughly debated final Draft Constitution for enactment and promulgation, a constitution that will

stand the test of time. May God bless us all in this noble task. I thank you.

**THE CHAIRMAN:** Thank you hon. Abbey Mukwaya for your contribution to our debate this afternoon. We have a Member who has volunteered to speak and I will be giving him the Floor. Hon. Pinto. But before I do I recognise a hand over there in respect of what?

**MAJ. TUMUKUNDE:** Mr. Chairman, I did not want to interrupt Capt. Abbey Mukwaya when he was talking but I wanted some simple clarification arising from his speech. He says that in the Army there should be proportional representation depending on the districts of Uganda effected on recruitment but how does he want it to be effected on promotion because if you are promoting an Army Officer, Mr. Chairman, you depend entirely on merit, presence of areas of promotion or responsibility and many other factors. How shall we promote people on proportional representation?

**THE CHAIRMAN:** Hon. Mukwaya you may respond if you wish since you have already completed your comments.

**MR. ABBEY MUKWAYA:** Mr. Chairman, there has been a phenomenon that whenever there is a government, there is always a hierarchy in the Army of officers being promoted from one region. This has been the tradition so they are saying that since they have seen it on several regimes, the Constitution must provide that there must be proportional representation. First of all in recruitment and even for appointment because they do not believe that one group of people from one side of the country can be always excel in all activities to merit promotion. So they are saying that let there be as many chances as possible to promote Army personnel without seemingly being biased.

**THE CHAIRMAN:** Okay, now with that clarification I give the Floor to Hon. Manuel Pinto to be our last speaker for the day.

**MR. PINTO (Kakuuto County):** Hon. Chairman, thank you very much. Hon. Chairman and hon. Delegates, I will start by quoting Ali Mazrui and Darryl Thomas. *"Today some two decades after their independent movement, many African nations still struggle for freedom and self determination. The political culture of most African nations*

*today can be found in the legacy of colonialism whose boundaries were drawn in an arbitrary manner, cutting through ethnic clans, familial tribes and religious groups. Subsequent to the colonization unleashed deep social cleavages based on political, ethnic and tribal differences. Nation building since Independence has seen rival clans fighting for supremacy in a game of zero sum politics. Today nationhood in Africa remains illusionary where the loyalty of a citizen are stronger towards ones tribal clan than towards ones country."* Hon. Chairperson, having said that, I now bring salutation and best wishes to the Chairman and hon. delegates from Kakuuto County of Rakai District.

**BRIG. MOSES ALI:** Point of order. Mr. Chairman, is the speaker in order to refer to you as Chairperson as if you are a madam?

**THE CHAIRMAN:** I thought the word "Chairperson" was gender insensitive.

**MR. PINTO:** Hon. Chairman, to satisfy my colleagues, our neighbours in Tanzania who have been victims of Uganda's past misrule and civil strife have also requested me to convey wishes of peaceful co-existence with their Ugandan brothers and sisters. The people of Kakuuto county in particular have suffered grave consequences of past misrule and bad leadership. In 1966, soon after the Obote government invasion of the Kabaka's palace and subsequent unleash of soldiers of terror in Buganda, Kakuuto county was occupied by unruly, raring and murdering soldiers of the regime of the time as it was feared the Kabaka could use his palace located at Luyunyu just next door to Tanzania. In 1972 an ill-fated attempt made by former President Obote to oust Iddi Amin resulted in terror of the civilians in this constituency. Known well is Mutukula Prison and the neighbourhood which was a death spot of many Ugandans. All along Iddi Amin's men run and the State Research men spelt death in our area. For the first time in 1972, my mother and many civilians were made to witness how Amin soldiers would kill a human being with a rifle bayonet piercing into the liver, then they lick the blood off the knife. I was taken to Nakasero State Research and detained before I escaped and fled into exile in 1977 only to return in 1986 after the NRM victory. In 1979 the UNLA and the Tanzanian led liberation sprang from Tanzania via Kakuuto county. The counter offensive by Idi Amin soldiers was horrendous until Amin was repulsed. The memories left include many

civilians raped, tortured and murdered. Furthermore, the scourge of AIDS then known as Slim emerged in Kakuuto county soon thereafter as the first patient of AIDS were noticed in Kakuuto early 1990. From 1980 until 1986 life in Rakai was hell as it was in the rest of Uganda. *Panda Gari*, The Youth Wingers, the agents of death, terrorised, raped and killed our people. In 1990 the civil war in Rwanda brought to Kakuuto floating on River Kagera, decomposing corpses which were buried. This time the situation has been very grave as we buried more than ten thousand rotten Rwandese bodies which reached our river banks and lake shore lands between April and July this year. We have buried them at great pains. If you saw the television and photographs in the news papers, the horrible stench is not photographable.

Hon. Chairman, fellow Delegates, our people have constantly suffered over the years due to conflicts and civil strifes caused by external factors outside of Kakuuto either from within Uganda in most cases, but also external as in the case of Rwanda. Hon. Chairman, hon. Tiberio Okeny informed us here how he one time led a peace mission to the rebels to stop the civil war in the north. I wonder why the political leaders we have in this Assembly do not act with urgency and determination to influence Kony and the rebels to stop the civil strife which is causing misery to the people in the north? (*Interruption*).

**MR. OWINY DOLO:** Information. Mr. Chairman, I have listened with a lot of restraint the several provocative statements being made in respect of the insecurity in Northern Uganda especially Acholi land. I would like to inform the substantive speaker now on the Floor that since insurgency, rebellion and thuggery enveloped Acholi land from 1986 up to now, the leadership in Acholi land horizontally and vertically have always condemned insurgency and rebellion. The leadership in the persons of elders, clan leaders and political leaders have always acted one with government and government troops to fight against insurgency. It is on record that the entire Acholi population were always behind NRA line not the rebel line although atrocities were committed against them despite their support for the NRA troops. It is on record that UPDMA came out of the bush on account of the struggle and work of elders and leaders in Acholi land. The peace talks which were held culminated in the peace accord of Peace on the 3rd of June 1988 which peace accord I, Mr. Owiny Dolo, drafted and was accepted by the

government, was the work of leaders in Acholi land. Even before coming here, I was already a leader. Mr. Chairman, the peace talks that failed early this year was a tedious effort of elders of Acholi land who worked for three odd years and quietly - you do not have to go to roof tops and say we are talking with Kony, we have talked with Kony and actually persuaded him to come and talk with the government, which Kony accepted and it led to the talks between the Minister of State resident in Gulu and Kony section and when - as we were told by hon. Mugisha Muntu who doubles as Army Commander on receipt of intelligence report, they issued the unfortunate ultimatum, the people of Acholi would like to inform fellow Ugandans, I am acting as their mouthpiece today that the Ugandan Government, NRA was and is in position to intercept, especially when they receive intelligence that arms are coming, they would have been in position to intercept those arms, they would have been in a position to say, "Kony we are talking with you, we have this intelligence, confirm whether or not you are actually planning to bring arms". This was not done, instead a most inconsiderate ultimatum was issued which actually, as it were, disturbed the hornets nest of the people of Acholi land. The victims of this decision by the government are the people of Acholi.

I would like to inform my colleague, hon. Pinto, whom I respect very much that in the eyes of the Acholi people, the NRA and Kony are acting in collusion with a hidden agenda on the people of Acholi land.

**THE CHAIRMAN:** Hon. Member I think you are going beyond.

**MR. OWINY DOLO:** I am concluding, Mr. Chairman, I would like to inform you, with your permission. Mr. Chairman, there is a talk going around the Acholi land that if there was this intelligence information it could have been the work of some people who are benefitting from war allowance which goes to the north in billions because they want to finish north projects. These are not situated in the north but here so they would have fabricated this intelligence information that is why the matter was not brought before Kony who was having peace talks, with the Government. Thank you, Mr. Chairman.

**THE CHAIRMAN:** Hon. Pinto with that information I think you should continue.

**MR. PINTO:** Mr. Chairman, I would like to add that I thank hon. Owiny Dolo for this information. I would like, with your permission, to implore him and fellow leaders not to give up the fight for peace but to continue and pursue the dialogue with Kony to stop the suffering of our brothers and sisters in the north. The rebellion should stop. Hon. Chairman, that information is very useful for us because we have come here at the negotiating table and I believe all of us have got a contribution to make for the overall peace process in Uganda. It is clear, Mr. Chairman, from what I have said earlier to determine why the people of Kakuuto have delegated me to make a strong representation to the Constituent Assembly.

Uganda borders with Tanzania in Rakai, Rwanda, Zaire, Sudan and Kenya and comprise people of the same cultural and traditional ethnic values which must be respected. In addition to the borders, ethnic variety, several other different tribes and groups living in Uganda should be respected. Indeed the Constituent Assembly should strive for national unity embedded in strength in diversity. The situation in Rwanda is another bitter lesson of bad politics. Bad leadership which has been advocating hatred of one group against another leading to the horrors in which over half a million people have hacked each other to death.

Hon. Chairman, fellow delegates, Uganda's political stability and economic development are interdependent with our immediate neighbouring countries. We should be now talking within Uganda about democracy and development. Hon. Chairman, fellow Delegates, I had an opportunity earlier to distribute to each of you a booklet entitled "The situation analysis on HIV on AIDS" whose data is pertinent to this debate. The first observation is that women and children form the majority in Uganda. These people must receive proper attention, we must safeguard them as they are most vulnerable. Poverty levels in Uganda are deplorable. According to the booklet and this is information obtained from the Background to the Budget, 56 percent of our people are not capable of spending more than 25,000/= or \$25 per month, the majority of them would not have capacity to spend above zero. Most have nothing, 30.3 percent can spend between Shs.25,000 to 50,000. In total 90.7 percent have limited capacity of earning and spending up to a maximum of Shs.75,000/- per month the majority are at zero. What quality of life do the majority of Ugandans live

in? In what conditions are women, the mothers of the nation living? With which quality of life do we bring up our children under such circumstances? Most of the children are out of school, instead of a million children enrolling in primary one, only 524,000 enrolled in 1986 and I follow that cohort in that booklet. They have kept dropping out from this number, from 524,000 in 1986 to 178,000 who completed Primary Seven in 1992. Worse still, although most passed the Primary Leaving Examination, only half of the number could be physically absorbed into senior secondary schools screening the majority out. It went further to reveal that, out of 64,000 who enrolled in Senior One in 1987 only 7,000 completed Senior Six. Where are these young citizens of Uganda, the future leaders, what are these young people doing? What life skills will they possess? What contributions will they make to the nation if they are left in abject poverty and deprived of education? I will not fail to mention the scourge of AIDS and the duty of all Ugandans, especially these leaders, to stop its further spread.

Today one and half million Ugandans carry HIV virus with one hundred sixty five thousand carrying full blown AIDS, and we suspect that 1998, the projection are that 1.9 million Ugandans will have HIV. Young people are the ones most affected. They are the most productive, well educated, the producers of wealth, the future leaders. We have a problem in our hands, indeed a crisis. Aged between 16 and 30 girls are six times more affected. Our women, housewives, have no option. They simply get affected by their husbands without a choice. They have no chance to say no to sex or to safe sex. We must ensure and guarantee the rights of women so that they can also protect themselves and be assured of life.

In the AIDS prevention program, we have identified the window of hope between the ages of zero to 16 which must be aggressively protected. The guardians of the young people unfortunately have let us down and indeed most elders, most adults in Uganda should question their moral values. There is a study that was carried out in Kabale but this could be true in any part of Uganda and the question was, with whom do the adolescent engage in sex or play sex. Nine percent were the teachers, 49 percent were with fellow pupils, 67 percent were neighbours, 63 percent were relatives. The people the guardians, the neighbours, who would be taking care of the young and future leaders and citizens are encroach-

ing on them and defile them. We must have systems that must protect these people whose voice we carry here today. Where are the moral value of Uganda. It is necessary Hon. Chairman for the Constituent Assembly to produce a Constitution that promotes peaceful internal and external co-existence with our neighbours, in particular, and the global community at large in accordance with the United Nations Charter and the Organisation of African Unity. We must make sound constitutional provisions to enhance and enable an environment of peaceful co-existence, citizenship, emigration, territorial sovereignty, the economy and security should be sensitive to the geographical factors which have a direct influence on Uganda.

The people of Kakuto who are very diverse in ethnicity requested me to negotiate at the Constituent Assembly for the assurance of existence of Buganda's kingdom headed by His Majesty the Kabaka. The restoration of cultural and traditional leaders in Uganda is a sign of political maturity and cultural development which permits individual freedom to adhere to the culture and cultural institutions of the community to which a Ugandan belongs or a community of his choice. This is fundamental to peaceful co-existence.

Hon. Chairman and fellow Delegates, my people recommend free hold land tenure. They recommend abolition of Amin's land Decree of 1975 and that the customary tenant should be facilitated to acquire ownership and land title.

Citizenship should be based on national identity not simply on ethnicity. Patriotism is fundamental to national unity. Hon. Chairman, Uganda's history has bitter lessons for all of us, This should be fully recorded and taught to future generations to avoid repetitions of the terrible civil disorders of the past. Hon. Chairman, promotion of democracy in development must be a supreme goal of this Constituent Assembly. Democracy in Africa must grow in the African soil based on tolerance of differing views and hence the democratic society is not an area in which individuals pursue their goal oblivious of what the other Members of the society consider and say to be right. Our democracy must grow and flourish when tenderly nurtured by Uganda citizens willing to use their freedom to participate fully in the political life of Uganda, contributing to the public debate as we do now, electing representatives who are held accountable for their actions and who must

accept the necessity of tolerance and comprising public affairs.

The citizens of Uganda must enjoy the right of individual freedom but they must also share the joint responsibility to shape the future which must embrace fundamental human rights and freedoms and these are some of them, universal suffrage, the separation of power among the legislature, the judiciary and the executive and that the Presidency should have a two-year term. That the Presidents powers must be constrained and regulated by Parliament, presidential appointments of Ministers and others such as Ambassadors should be vetted by Parliament. There is no need for a national Council of State instead such references and consultations should be vested in Parliament. There should be regular free and fair elections at intervals of five years. Freedom of expression, conscience and Assembly and an independent and vigorous media, press, which must also bear joint responsibility to shape the fundamental issues of freedom, self government and accountability not just because you have a pen you can write but the press must equally share our responsibility because we are developing together. But the press should be guaranteed its freedom.

Strict observance of universal human rights: The human rights commission should be a permanent feature of Uganda's democracy. Empowerment of women and the disadvantaged members of our society, the disabled, the youth and the orphans must be our priority focus. I am being corrected that I should include the aged. But hon. Chairman and hon. Delegates in terms of the aged I have vested interest because I am heading that route. Regarding the Rule of Law, No person should be above the law. Provisions of indictment of the President should be made in the event of misuse of office.

Whereas the fundamental values of democratic life are universal to humanity as a whole, no single kind of democracy is applicable to all societies and no single culture enjoys exclusive insight of democratic truth. Uganda, and indeed Africa, can achieve its own democratic destiny indigenous to our unique cultures. In this respect the Movement should be given a chance for the next five years to consolidate our acceptance of each other while we build a culture of restraint and tolerance. In the past disputes and opposition were settled by gunshots. Our society must maintain constant vigilance against all forms of corruption and excessive military expenditure which

must be supported by the free press and media constitutionally guaranteed to ensure long term viability and protection against the corrosion of authoritarianism. We must recognise that there is no perfect democracy which exists in the world and which we must copy. As an example, in the USA only 30 percent of the electorate participate in the election process.

The Constitutional making process therefore, must face up to the challenge of ensuring durability of a functional democracy by putting strong emphasis on the pillars of the community who must be vigilant to avoid the collusion of dictatorship and political bankruptcy. Minimum basic human needs are the precondition to functional democracy. Food, shelter, health and other basic social services, physical security in society, law and order, are some of these basic preconditions. Abject poverty, famine, insecurity, illiteracy, disease, must be addressed and plans for corrective and affirmative actions made in the constitutional making Process.

A civil culture must be developed within the body politic of Uganda as it embraces tolerance, restraint, respect for the rule of law and political customs, we should embrace a civil culture to nourish the democratic process. Mutual dignity and respect must govern the relationship between the government, the Executive and the legislature, between the executive and the judiciary and between the executive and political positions whether groups or individuals. The executive must resist temptations to abuse the power and privileges of office for the purpose of political dominance or electoral advantage. Opposition whether in party groups, caucuses, individuals or press must also work within the bounds of proper political criticism, dignify the public behaviour and parliamentary procedures. The Executive and Opposition must avoid manipulation of the electoral process, respect the outcome of free and fair elections and accept to lose gracefully.

Mr. Chairman and hon. Delegates, we must give credit where it is due. The NRM administration since 1986 has been the only administration which has given Ugandans a stable system which has ultimately brought us to this negotiating table to work together with mutual respect of each other to formulate a constitution for posterity. In the past regimes, the military has been the cancer against democracy in Uganda. The role of the military is to **protect and defend the nation from external danger.**

The Army must return to its traditional role as a neutral guardian of the body politic with no interference. The Army must be loyal to the Constitution and bow to the wishes of the people, the masses. We must have a National Army composed of proportional representation, of all ethnic and tribal groups of Uganda.

Citizenship is a right of all Ugandans as provided in the Draft Constitution and should be safeguarded. National Identity Cards should be issued to every citizen. A mechanism should be put in place for non-citizens who wish to become Ugandans to apply so that having fulfilled the procedures they may be granted citizenship on fulfilling certain conditionalities.

Decentralization is an appropriate form of government which must be safeguarded with truly devolved powers from the centre to the districts. Hon. Chairman and fellow Delegates, I will soon wind Up. Safeguards must be embedded in the decentralisation procedure to ensure separation of powers at the district levels too so that the people remain the supreme authority for both forms of Government to answer to. The Central Government and the decentralised district governments, the civil service and all systems must be servants of the people at all times. Ultimately, Mr. Chairman, with this decentralisation, the districts in Buganda could form regional affiliations to enhance economic development. Similarly regional affiliations could be made in other areas to foster development although all must remain in a unitary central Government under a President directly elected by the people. Mr. Chairman, I am delegated to join my fellow hon. Delegates to start a new Chapter in Uganda, to debate, draft and promulgate a new Constitution of national unity in diversity. For God and My Country.

**THE CHAIRMAN:** Thank you Hon. Manuel Pinto of Kakuuto for your contribution to the debate as our last speaker for today. Hon. Delegates, you have seen a list of speakers for Monday; we have twelve speakers but we would prefer to have fourteen. So those of you who appear on Tuesday's list could volunteer to come forward seeing that Tuesday is a half day. I do not think we shall be able to process thirteen speakers; but it will be good if some two Members from Tuesday could move forward or those who have not volunteered to speak can come forward and volunteer and be included on the list so that we can cover fourteen. Today we have covered

thirteen speakers and we have exactly enough time for another speaker but being, the situation as it is, I will adjourn so that we resume on Monday. So we stand adjourned until Monday at 8.30 a.m. thank you.

*(The Assembly rose at 5.45. p.m and adjourned until Monday the 18th of July 1994 at 8.30 a.m)*