



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

FOR REFERENCE ONLY

CONTENTS

MONDAY, 18TH JULY 1994

MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 936]

Monday, 18th July, 1994

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

P R A Y E R S

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

The Assembly was called to order

THE DEPUTY CHAIRMAN: Hon. delegates, I do not have any Communication from the Chair, other than welcoming you back from the weekend.

A HON. DELEGATE: Point of order. Madam Chairperson, I wish to say a few words for the late coming of the people employed here to look after our affairs here. It is really very shameful to see that this august body sitting here waiting for the employees to arrive before they can start their job. I think this is a very serious matter that your office will take it up.

THE DEPUTY CHAIRMAN: Okay, thank you very much that will be noted.

MR. AWORI: Madam Chairperson. I am seeking guidance on rule 9.1, on page 8, quorum: *As required by section 15 of the Statute, the quorum of the Assembly for purposes of transacting business other than adjournment shall comprise the Chairman and not less than one half of the total number of delegates.* On two previous occasions, Madam Chairperson, I have raised this point and I have been ignored or been given an answer which is neither consistent with this rule nor clear. So, I am seeking a guidance.

THE DEPUTY CHAIRMAN: Let me consult the other Members on the issue. Hon. Kanyeihamba.

MR. KANYEIHAMBA: I thank you, Madam Chairman. I want to give information on two issues relating to the issue and question raised by hon. Awori. First of all, this august Assembly decided unanimously that every morning we shall start debate and not transacting business as I will make the difference. We shall start promptly on time regardless of the number which is here. Transacting business, Madam, in law means making decisions: when it comes to passing resolutions or making a decision by this House, it is true that the rule cited by

the Member will be applicable. We cannot make a resolution or make a decision unless we are compelled by that rule. However, we can debate and debate can continue without any problem even when there is no quorum, Madam Chairperson. That is the explanation.

THE DEPUTY CHAIRMAN: Now, is that the consensus of all of us here? May we now continue with the debate?

MR. KITARIKO: Madam Chairman, I have heard the Learned lawyer giving us his explanation. do I understand that that rule stands amended by our resolution.

THE DEPUTY CHAIRMAN: I think what I would propose is that there is another provision when a rule can be - I think, hon. Kanyeihamba you can remind us.

PROF. KANYEIHAMBA: Thank you Madam Chairperson. Rule 43, of our rules says that any of our rules can be modified, suspended. But Madam, following on the question by hon. Kitariko, I do not know why he asked that question because there is no need for suspension, suspension does not arise. As I have said, I want to emphasise that the Assembly only transacts business in form of either making decisions or resolutions. Before they come to that there is a debate which is continuous, that debate can continue, as we decided sometimes ago, basing our decisions and our rules that the debate can continue regardless of how many Members are in this hall. But should we reach a stage where we have to make a decision, which of course affects our business or affects the Draft Constitution, then it is absolutely necessary that we must have a quorum and the rules, Madam, on the quorum cannot be suspended, you cannot suspend that. We can never make a decision or pass a resolution when we do not have a quorum. That rule is really binding on us, but we can debate and continue discussions and this is understood in Assemblies of this kind.

MR. ETIANG: Madam Chairman, thank you for welcoming us back. Madam Chairperson, I am on record for having taken or urged the position that has just been explained by Prof. Kanyeihamba, however, two observations I would like to make: in the international practice with regard to holding of

conferences, the moment we have a register showing that a sufficient number of people have registered to attend, the business of the day, even general debate can continue. Secondly, I entirely agree with what Prof. Kanyeihamba says, but this Assembly has a Legal Advisor and it is that advisor that should give us the opinion that this Assembly should follow with regard to the matter on the Floor.

Thank you.

MAJ. GEN. TINYEFUNZA: Thank you, Madam Chairman. While I concur with the views of Prof. Kanyeihamba that we should go ahead and debate, I think the agreement sometime back reached at in this Assembly on continuing did not mean that we can confirm even when we are only two Members. We should have a sufficient number, though not two thirds majority, but a reasonable attendance of Members to begin business. Madam Chairman, I think it is absurd for 50 delegates to arrive here and we say no we agreed unanimously here to continue business. In any case, Madam Chairman, I do not think that this House has a right to operate by resolutions which infringe on the legalities governing this body. I think any resolutions passed by this House must be consistent with laid down rules of the House or the C.A. Statute. Therefore, Madam Chairman, I think if the House is ultimately constituted in sufficient quorum as required by this rule, this matter be tabled for discussion and resolved. Because I think it is going to undermine the integrity of this House and ultimately Members are taking a laissez faire attitude, as if they can come any time they want because they know even if we are two we can begin business. I want to take this opportunity to condemn this behaviour. Thank you, Madam Chairperson.

PROF. NSIBAMBI: Thank you, Madam Chairperson. It is true that there was a gentleman's agreement as Prof. Kanyeihamba has said, that we would continue with our debate as long as a question of quorum is not raised. But since it has been raised, we have no option but to ascertain whether there is a quorum or not and it is my prayer and hope that this gentleman's agreement will from tomorrow be complied with. But now you have no option but to ascertain whether we have a quorum or not.

PROF. KANYEIHAMBA: Point of order. Thank you, Madam Chairperson. Is it in order even if some hon. delegates may not accept the interpretation of the Chairman of the Legal Committee, is it in order

for Members to continue ignoring the explanation I have given, that this Council in debating and continuing to debate, is not transacting business, it can only transact business when it reaches decisions or is about to make decisions or make resolutions. But continuation without any decision is allowed in the manner that this House with the Chairman in order ruled that we can continue with the debate. I take the point that it would be ridiculous and perhaps abuse of our authority if only two or three Members were present. But, Madam Chairperson, as you can see the House is nearly full. I thank you Madam.

MR. KITARIKO: Point of order. Is it in order for hon. Kanyeihamba to continue misleading this House, when actually the fact is that when this Council resolved it was a gentleman's agreement we cannot continue to rely on it unless we amend the regulation itself?

THE DEPUTY CHAIRMAN: He was just giving his opinion I hope, we are just debating - anyway - *(Interruption)*.

AN HON. DELEGATE: Thank you Madam Chairperson. If I remember very well, this issue of quorum was raised, I think last week when the Chairman was in Chair, and he explained the issue as exactly hon. Prof. Kanyeihamba has just explained. He said that if there is voting, then a quorum is necessary, but if it is only transacting business we can do without a quorum. It was explained last week, the same question had come up, now I do not know why it is coming up again, Madam Chairperson.

MR. KAGGWA: Thank you, Madam Chairperson. I think the previous hon. Member did not get the Chairman quite correctly. Somebody raised the issue of quorum in the rules.

THE DEPUTY CHAIRMAN: Okay, thank you very much. We were also advised that we have our Legal Advisor. I think really we should handle this matter through the Legal Advisor.

MRS. MAVENJINA: Point of information. Madam Chairperson, from the time this issue was raised, the House is reasonably filled up, we have enough quorum, therefore, delegates should be serious and we should start our business. We are wasting a lot of time for nothing, Madam Chairperson. Thank you very much.

THE DEPUTY CHAIRMAN: Given the nature of the trend of events, I want to suggest that we count and see whether we have a reasonable number and we continue with business. But again this matter should be resolved by our legal Advisor at a later date, but not today.

MAJ. GEN. TINYEFUZA: Point of order. Madam Chairperson, is it really in order for the Chairman of Legal and Drafts Committee to mislead this Assembly by giving us a wrong interpretation of the law saying that the debate on the Draft Constitution does not constitute a business to be discussed when there is quorum when in the parent Act, Statute No.6, section 15, it does not at all segregate against this debate, and it states, I quote Madam Chairperson: "The quorum of the Assembly for the purpose of transacting any business" - I want to add emphasis here - "any business other than adjournment shall comprise" - actually, the Statute goes on and it is very careful to only exclude adjournment and includes all other aspects of any business that takes place in this House. Therefore, Madam Chairperson, is the Chairman of our Rules Committee in order to mislead this House.

THE DEPUTY CHAIRMAN: Actually, I think that our problem is interpretation of the rule, and that is why I said that we have our Legal Advisor, we refer this matter to the Legal Advisor and the Legal and Orders Committee, but meanwhile we count and see how many we are, then go on with business. I am told that we are about 115, is that not enough number to let us transact business?

MR. OKALEBO: Point of information. There are two things, Madam Chairman, I would like to inform the House. One, right now there is no definition of the phrase "transacting business", so in the absence of that definition, what prevails is the law as it stands assuming that transacting business means and includes general debate. Two, in future I suggest that before the Chairperson is brought in, the Clerk to the Assembly should be the one to notify the House that so far there are so many Members present, because we cannot come here and use our judgement and say there are so many present we can go ahead or not go ahead. Thank you.

THE DEPUTY CHAIRMAN: Okay. With due respect, I note your interjection. But one time I came here and we suspended the Assembly, but about

three or four Members said that because the Chairman is not in the Chair, therefore, we cannot come. So, I was informed that there are only 50 Members, but I know we start at 8.30, but it is now 9.05 a.m. So, I said I think it is good manners to come here and resolve this issue. Otherwise, he would be coming at 11.00 a.m. and he seats in his or her office waiting for Members to take the laissez faire. So, I thought definitely sometimes the Chair has to make a decision even if there are two, to come and see how we proceed and this actually, has facilitated us to iron out this problem.

PROF. SSENTEZA KAJUBI: Madam Chairperson, in accordance with the rules, as soon as somebody draws the attention of the Chair that there is no quorum, there should be no debate other than just to count and see whether we form a quorum. Is this discussion in order, Madam Chairman, as long as the attention of the Chair has been drawn to the fact that there may be no quorum - what should follow is just to ascertain whether there is a quorum or not, and after, we adjourn for 15 minutes and then ring the bell and see whether we realise it. *(Interjections.)* - I am saying, Madam Chairman, that the gentleman's and lady's agreement we reached was that unless it was absolutely necessary, nobody should go out of their way to draw the attention of the Chair to the fact that there is no quorum, unless there are so few people. That was the agreement and, therefore, hon. Agrey Awori I think was not present when this was done, and I think that he has regretted having raised the question.

THE DEPUTY CHAIRMAN: No, but I think hon. Awori was in order because it is a fact. Now, hon. Members, according to the register we are 143, I think we make a quorum. So, can we continue with our business.

MOTION

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

(Debate continued)

MR. ONYOK-ETUKU (Moroto County): Thank you, Madam Chairperson. Moroto County borders Teso, Karamoja, that is Kotido, and the end of district. Madam Chairperson, permit me to join the

hon. delegates on this maiden speech of mine, on behalf of the people of Moroto County and on my own behalf, to take this opportunity to articulate words of thanks and appreciation to you, the Deputy and the Chairman, hon. delegates of this Assembly for your successful election to your various capacities. Permit me further to echo their heartfelt congratulations to the Electoral Commission for the work well done, and to the entire people of Uganda for having accepted to cooperate and participate in the Constituent Assembly elections that has enabled us to be here. The people of Moroto County are peace loving, law abiding and tolerant, they Pray to this House to have tolerance and forgiving hearts during the process of the debate. Madam Chairperson, this is a great and rare opportunity accorded to us to jointly and amicably discuss and come out with consensus and draw a lasting Constitution for the present and future generations yet to come. Needless to say, that the entire nation is patiently waiting. Before I conclude these congratulations, it will be unfair for me not to congratulate the fresh ladies and gentlemen in this august House: this is the first time they are entering into the limelight of Ugandan politics. I congratulate you because yours was not an easy task but it was a real war.

All that we cherish in the Constitutional making cannot be achieved unless we realise some of our problems of this country that tend to divert us away from looking at Uganda as a nation. I have in point a few briefs: one, tribalism; Uganda's ethnic diversity, about 48 ethnic grouping, is not a man made phenomenon but a divine gift showing God's infinite creativity. These people had no choice whether they should be who or who or in which tribe. The ethnic differences should, therefore, not be a source of conflict but rather a source of unity. One thing to note, Madam Chairperson, is that there is absolutely no ethnic or tribal differences among the peasants of this country. If a Munyankole goes to Lango, he will peacefully be accepted and stay comfortably. An Itesot can go to Bunyoro and he will have no problem. But the tribal differences is the making of the elite, some gathered here. They use them to advance their selfish aims and ambitions (*Applause*). In my opinion, Madam, there are only two tribes in Uganda and the whole world, that is the tribe of men where I and all the gentlemen belong, and a tribe of women where you and all the hon. ladies belong. I cannot be mistaken for hon. Matembe, for example, but I can be mistaken for hon. Karuhanga. Neither can hon. Cecilia Ogwal be mistaken for President

Yoweri Museveni. But even then these two tribes cannot do without each other, that explains why men and women, in the names of husband and wife co-exist, why then should we promote tribal sentiments?

We have a problem of refusing collective responsibility. Admittedly, Madam Chairperson, we have all in one way or another participated in almost all governments in Uganda since independence and in so doing we have offended each other in one way or another, knowingly or unknowingly. We have, for example, accommodated foreigners, who successfully help us to kill our own brothers and sisters. For example, persons like Ali Toweli, during Obote II, he was not a Uganda but he helped us to kill. Malera of Amin's regime, as quoted by hon. Agad Didi, helped us to kill. Bunyenyezi of this regime, quoted by Hon. Okula, they discriminately killed, burnt our people and yet they were left free. We have former ministers, Members of Parliament, advisors in the past and present governments, who have equally made mistakes; though lesser mistakes than the foreigners, they are free and they are participating in this noble duty. We too have leaders of former governments who fall in the same category, but their mistakes have been turned into capital offence, tantamount to life imprisonment or life exile, yet the governance of any given country is a collective responsibility of the state machinery. Madam, if unity of purpose for national progress and development we cherish is supposed to be realised, then we should open our hearts, have total reconciliation and allow all those in exile to return without any preconditions. Persons like Amin should be allowed to come. Dr. Milton Obote, Binaisa and their allies should be free to return. Madam Chairperson, history repeats itself, and in future should anything happen to our President, His Excellency Yoweri Kaguta Museveni, he should also be free to stay in Uganda. We should, therefore, have provision for this in the Constitution.

It is in this understanding that the people of Moroto County advocate for limited Presidential power. Unless we do that, Madam, we shall not have made a Constitution that will stand the test of time. Madam Chairperson, opportunism is sometimes referred to as AGIP by hon. Obua Otoa. In this country, there are people with unpredictable codes of conduct. It is very regrettable to note that we have, for example, some people of Uganda who are very strict in observing the traditional eating etiquette - table manners; they observe maximum silence while eating and only talk after the eating has been stopped, and later turn

round and very seriously blame the previous cook so as to impress upon the new cook and they continue eating in maximum silence. Madam Chairperson, this is exemplified in an opportunistic behaviour that was shown in many governments. When Amin came in, people had drums and they said you are the saviour; when Lule came they said no Lule no work or no food. These have been seen even in NRM when it came to power, those who observed silence while eating with previous governments woke up and shouted loudest and they clapped hardest against political parties and previous governments, accusing them of rigging the elections (*Applause*). Allow me, Madam, to say none of these people have been principled enough to resign from Parliament because elections had been rigged. Maybe, this explains why political parties have been viewed negatively. In my honest view, the NRM should watch out for these people, lest this Movement being applauded, becomes a fictitious show. Similarly, the innocent people who are following the advocates without understanding exactly what their intentions are, will be shocked to discover that at the time when they have outlived their usefulness, retrenchment may be the reward given to them.

Fourth, Madam Chairperson, we have ideological differences. As you may be aware, Madam Chairperson, we have in this House a mixed grill of the multiparty advocates, nicknamed the high priests by hon. Kutesa, and the Movement advocates, sometimes called the "movementists", each of them with their political and military minds respectively let alone the fundamental interests of the peasants represented in this august House. The three groups are eying each other for a favourable Constitution. Madam Chairperson, I am convinced that the composition of this Assembly which is characterised by people of high integrity, respectable and trustworthy, is an opportune institution capable of tending all parties of different ideologies in this Assembly. In reference to our Constitution making process, Madam, we should imperatively recognise the Constitution of these parties involved.

The political parties must be commended for the independence brought about in 1962 from the colonial power which has given us a platform here. Similarly the government should be given its due merit for availing this opportunity for us, after the war against the imperialists and colonial mentalities or sympathisers as is popularly claimed. Most important too are the poor peasants who must be

commended. These people produce for the rulers, but never receive their due share, and are always victims of manipulation. Madam Chairperson, all parties have made contributions, hence the Constitution should accommodate all parties, nobody should have the supremacy over the other. In that respect, Madam, allow me to borrow the words of His Excellency the President in his speech during the opening of the Assembly on the 18th of May, page 9, I quote; "*History has shown us in the crudest way possible that we need integration, the Constitution making conference should ensure a healthy and not enforced Ugandan*". Hon. delegates, your political might, military might, individualistic might is just a correct representation of the day, because a healthy society comprises of such. But this might will only be meaningful and beneficial to Uganda citizens if and only if we hold our might soberly to accommodate each others views and come out with a consensus view. In this respect Madam, we should admittedly take from prophet Jeremiah's words when he said, I quote: "*thus said the Lord, let not the wise man boast of his wisdom, neither let the strong man boast of his strength, let not the rich man boast of his riches, but let him that boast, boast in this; that I am the Lord who exercise loving kindness, justice and righteous on earth*".

Hence, Madam Chairperson, not at any given moment should there appear to be a winner as a God-parent to the unchristian, ceremonial baptism of this Constitution. Permit me, Madam, to say, all government that comes in must put a blame on the other, and when they are in power, even the mistake they make, they cannot see but they only see the previous. In Luo we say "*Romo neno yange*" it means, "the sheep will open the eye on the one who is skinning but the killer is not there". Permit me again to quote from the Gospel according to St. Matthew, chapter 7, verse 3, I quote: "*why then do you look at the spec in your brother's eye and pay no attention to the log in your eye*". I will analyse a few examples to supplement this: why lay emphasis on the small spec in the eyes of the previous governments while ignoring a log in the present government? The previous governments have been accused of having come to power through rigged elections, hence illegally but which election has been carried out thereafter to justify a government of the people, voted in a popular democracy? Two, Madam Chairperson, under development: under development is all that the past government is remembered for, but is it true to say that there was no kind of development whatsoever? What about where we are sitting, what about Mulago,

you name them - these governments did something we should recognise (*Applause*). Three, Madam Chairperson, atrocities: True atrocities were committed in the past regimes, but is it not true that there are similar atrocities being made now? If there was war in Luwero, is there no war in Gulu now? If there was war in Kampala, is there no war in Teso now? Four, tribalistic tendencies characterised with political parties, it is alleged that tribalism in all walks of life was the order of the day in the previous governments, yes, the phenomenon cannot be ruled out, it is true, but what about today, is there no tribalism? Let us go to our postmortem, let us check in our offices, let us check where we are working, let us check in all our government positions, is it not there? Moreover, in an attempt to justify the ancient tribalistic tendencies, a particular tribe or region has been researched by whoever took the trouble and declared most learned people to be coming from one region therefore, qualifying them to run almost all posts in the country! Is this not called tribalism?

Corruption: Amin in his 18 points he mentioned corruption; the other government in its ten point programme mentions corruption. Corruption has always been one of the primary reasons for any incoming government to claim they will eradicate. The previous governments were accused of massive corruption, to some extent these could have been true, we cannot refuse, but in isolated cases. But what is happening today in Churches, in offices? I believe it is only God to come to save the situation. Six, Madam Chairperson, IMF, World Bank: The previous governments were roasted as being students of IMF and World Bank, hence the new governments should come in to save Ugandans - Amin said it and all other people taking over said it - but are we saved from them? Madam Chairperson, I may not be very far away from the truth when I say SP1 and SP2 is a new Christian name for Window 1 and Window 2, I stand to be corrected. These are but a few examples to show that we should not heap blames on previous governments but rather do the work and others will judge (*Applause*). Arising from those historical happenings, Madam, in my view Ugandans problem is not the Constitution but rather excess greed for power which encompasses impatience, self ambition, tribalism, dishonesty, lack of sanity for this country and reconciliation. Otherwise the 1967 Constitution which forms a greater part of the Draft Constitution could have just been amended.

The people of Moroto await to receive a Constitution

that will demonstrate the true essence of democracy to avoid it being thrown away as a non-democratic and national Constitution. This essence includes, among others: full participation of all Ugandan citizens in the affairs of their country; periodical, democratic relations with a distinct stated timetable, not on a monolithic style; Transparency and accountability on public affairs; observation of basic human rights and freedoms not to be postponed; the rule of law with independent judiciary; executive powers; equal distribution of national resources and cake which can be deduced as principles of freedom; equality, justice and safety.

Madam Chairperson, permit me now to say something about the articles in the Draft Constitution. Allow me to echo the voice of the people of Moroto who sent me here. They told me to inform this august Assembly and to put it on record that the people of Moroto do not know His Excellency the President, Kaguta Museveni, together with his Vice President, the Prime Ministers and the ministers. None of these people have gone to Moroto County; the record shows that hon. Butime was the only one who went for the burial ceremony of the late C.M. hon. Alip Atepo whose by-election even took one year; and hon. Betty Okwir a daughter of the county who recently went there to solicit votes from RCs but not the entire people of Moroto. So, to them the term Movement is an illusion, they happen to add that nobody should whatsoever claim that the government has done much in Moroto. The only other one was the Minister of Local government hon. Amanywa Mushega visited - (*Interruption*).

MRS. BWAMBALE: Point of order. Madam Chairperson, is the hon. Member holding the Floor in order to state and read out only two ministers who have been to Moroto when I have been to his village with the late Alip, I participated in the youth programmes, I even contributed Shs.50,000/- to the youth programme and I planted a tree at Abako Headquarters. Is he in order?

THE DEPUTY CHAIRMAN: I think he had forgotten.

MR. ENYOK-ETUKU: Madam Chairperson, I wish I had known that person but I think that was a private arrangement and she was not a minister then but chairperson LMB, thank you very much. True, that the cadres were sent there and they all happen to come from one region; they have been helping the

people of Moroto to teach them the ten point programme, that is Kyankwanzi, for the last eight years. However, they say they need services but not seminars; planted trees are not saving them. The only good thing done by the government apart from a few trees planted, which has died and that cannot be forgotten by the people of Moroto is their cattle were rustled, and they also remember the supply of poverty. These, Mr. Chairman, are facts on the ground that some people may not like to hear. They urge that they have never fought any government since independence, why then did the NRM take their wealth? To them, to make it even worse, if I may say so, in all the appointees in government, Moroto is not considered. This is not because they do not qualify - (Interruption.)

MAJ. GEN. TINYEFUNZA: Madam Chairperson, is it really in order for the hon. speaker from Moroto to keep giving wrong information to this House? Right now he is saying that it is the National Resistance Movement which has taken away all the wealth of the people of Moroto, just a short while ago he said that the President or any other official except Butime and somebody else have never stepped in Moroto, when Madam Chairperson, I know very well that the President stayed two days in Aloi, at the time, I myself stayed a week in Apala which is in Moroto, and that the Prime Minister Cosmas Adyebo and also hon. Betty Bigombe stayed in that area while we were in Lorim. I think the information of the hon. Member is not accurate. Therefore, Madam Chairman, is the hon. Member in order to go on telling lies to this hon. Assembly? Thank you.

THE DEPUTY CHAIRMAN: Thank you very much. You see, as the hon. Members has just been elected here, perhaps he was not informed of those developments.

MR. ENYOK-ETUKU: Thank you very much for the information. They have not been there, they visited the Barracks not the people of Moroto county - (Interruption).

MR. ADYEBO: Point of clarification, Madam Chairperson. May I kindly inform the speaker hon. Enyok that one of the sons of Uganda who is currently holding the highest post in the PTA, that is the President of the PTA bank is the son of Moroto, that is the information.

MR. ENYOK-ETUKU: Thank you very much,

Madam Chairperson, for that information. I think I must correct you in detail. I have it in my statement, I had not finished - if I can continue, thank you very much.

THE DEPUTY CHAIRMAN: But I thought hon. Adyebo was still on the Floor.

MR. ADYEBO: I would like to reiterate that hon. Enyok is misleading the House, that government has never considered appointing people from Moroto County whereas the Chairman, in fact, the President of the PTA bank, Mr. Ogang, comes from Moroto; that is just one, but there are so many sons and daughters from Moroto who are in government.

MR. ENYOK-ETUKU: Madam Chairperson, thank you very much, but I would like the House to know that we should not at any given time think, if facts are mentioned, it must be defended. Ogang was not appointed by Uganda government but passed the PTA interview though recommended on his own merit by government. Because of their aforesaid poverty which has been given to these people - (Interjections.)-

MR. KAVUMA: Point of order. Thank you very much, Madam Chairperson. Is the hon. Member now holding the Floor in order to come here, in this House and categorically state that when appointments are made in this country called the Republic of Uganda, things other than merit, in particular tribalism and sectarianism, should be considered instead of the merit, is he in order?

THE DEPUTY CHAIRMAN: Hon. Member on the Floor, I think you better concentrate on what the people of Moroto told you to speak.

MR. ENYOK-ETUKU: Thank you. Madam Chairperson, that is exactly what I am saying. Now, on land in chapter 17, article 271 (b) and (c), the people of Moroto County strongly believe that the land is a gift of God and since there is none above God, then their land should be left to them. Historically, Madam, land tenure system in Lango has been customary. The first attempt by colonial administration in 1955 to introduce private land property and dissolution of African customary land regulations, as a process toward introducing European capital economy, and the bringing of the Nandi of Kenya to Lango received very stiff resistance. In November 1956 the protectorate minister of land tenure, Mr.

Mugwanya and his officials took to their heels as the mob approached them in Lira town. This was further augmented with setting ablaze of a magistrate's vehicle by women. So was the burning of Alere farm and chiefs' headquarters. With that background information, the people of Moroto are asking for redress of article 271 (b) and (c), a repeal of 1975 Amin's decree and incorporation of article 36, 37 of chapter 3, to chapter 17. They recommend customary tenure and freehold without equal distribution of land, and that the district land board should be the one to handle the affairs of their land and not Uganda Land Commission.

On citizenship, Madam Chairperson, the people of Moroto County observe that there could have been a typing error in the years of 1926/1962 which could be corrected. They argued that if boundary demarcation was done in 1926 and on the 8th of October 1962, the British Colonial administration recognised all Ugandans within the boundaries as British Protectorate persons and qualified them for citizenship of Uganda on the 9th October, 1962, who are then these people who were left outside that should be collected. If anything, most of them could have been dead by now hence, they do not require any change. Article 42(1) and (2) is to be redressed so that the provision of universal convention can be accommodated, otherwise to them the local system or RCs are in full operation. A pregnant woman can be recognised within two months, hence the question of finding the children of seven years or five years loitering will be out of the question and they advise that the government should take care because there is a new development of coloured beggars with children similar to the age quoted, and if not carefully observed, we may end up in the present position of Portugal. They recommend that article 43.2 (a) (b) (c) should be scrapped off. This is on account that Uganda is a patrilineal society therefore those married to foreigners should follow their husbands wherever they are, no more accommodation should be extended anyhow. On schedule 2, on ethnic composition people of Moroto County say the names Karamojong, Banyankole and Banyarwanda seem to be group names, specific names be indicated such as Bafumbira, Bahutu etc. They request that Banyarwanda as a tribe should not be included in the Constitution. Dual citizenship provided for in article 46 is rejected, national identification card be introduced, and passport acquisition should be simplified and immigration department be strengthened

On fundamental human rights, the people of Moroto County submit that the provision in chapter 5 are good but stress that there should be equal distribution of resources and services, equal job opportunities and balanced development in all parts of the country. They were, however, so bitter on the provision of the Government White Paper introducing cost sharing, against article 59.1 (b). To them cost-sharing is a long term plan to submerge the poor and leave education to the rich. At the present rate, where the gap between the poor and the rich is so wide, everybody should take up arms against cost-sharing, and they have a proverb in Luo, which says "me dyel pe oporo imeadyang" meaning "you cannot compare a goat with a cow". Madam Chairman, on a point of concern, the people of Moroto, poor as they are they notice that the educational planning unit seems to have hidden agenda or the planning has a problem because it is not consistent. For example, yesterday the Minister for Education closed about 95 primary schools and about five TTCs in an attempt to improve on the old schools. Today the same Minister for Education and Sports, with approval of the Cabinet is going to open P.8 schools in all the 8,442 primary schools. That is giving a total of about 9,226 an equivalent of about 1,153 new schools, and yet without provision and they seek for a release of 900 billion as the News papers put it, well above this year's expenditure. Tomorrow the same ministry is going to give free education to primary 4 pupils, a total of about 415,180 at a cost of about 4 billion - *(Interruption)*.

MR. OKAKWOL: Point of order. Madam Chairperson, according to rule 5 of the rules of procedure of this Assembly, delegates shall ordinarily sit in alphabetical order of their names which shall be displayed in front of their seats. Is it in order for hon. Ssekitooleko to keep shifting her seat and take over the seat of hon. Masika who is not here?

THE DEPUTY CHAIRMAN: I think the honourable has taken note.

MR. ENYOK-ETUKU: Now, Madam Chairperson, this opening of the primary 8 classes, is supposed to be funded by the savings from the cut cost of tertiary institutions. I quote, Madam Chairman from the speech of the Deputy Minister for Finance, hon. Katumba Muka on his contribution to the NRC, on vote on account he said "Primary education will be funded by savings from the cut in spending of the tertiary institutions". The question

that remains disturbing the people of Uganda is: are we not robbing Peter to pay Paul? Are we really sincere in that planning, can the government afford to meet the 900 billion shillings required to carry out the exercise? You will recall, Madam, allowances of the students of the higher institutions were scrapped, they introduced the needy students work scheme and now cost sharing - hon. Rwomushana will agree with me, he fought it. The students, just last month, tried to protest this and they were beaten by Police. The professor who proposed these innovations is with us but he is now quiet, because after all he was re-trenched. This is the dilemma. The people of Moroto are sending an appeal to NRC to revisit this decision so that the Bill on these revisions are corrected to save the poor parents, and the future students of this country.

On rights of women, the people of Moroto support article 61.3 on the rights of affirmative action to the purpose of redressing the imbalance created by history and traditional customs to them. But they have these reservations and advise that women's emancipation should be taken to the rural areas. Most of the meeting and seminars have been carried within the urban areas, and they are saying that to them it is difficult to note or to agree that a man can be equal to a woman. They know that no man will ever be equal to a woman since creation. Man is master appointed naturally while woman is wife of man appointed naturally, nobody has the knowledge why God created man first as quoted in Genesis and from the ribs came woman. There will never be two bulls in a kraal they observed. They continue to argue that women in most cases should also advise their friends on trust, women do not trust themselves, according to them, and even God, as they mention, has never had trust in woman since the betrayal in the garden of Eden. They have general fear on money and riches and they advise the women that they should jointly condemn the acts of women killing men. For example, the Monitor of Tuesday, if you have read on page 15, "Wife kills, buries husband in the room" in an incident in - these ones they are supposed to advise their fellow women not to continue - (Interruption)

MRS. KABIRISI Point of order. Is the hon. delegate holding the Floor in order to make sweeping statements to the effect that women are not trustworthy? Thank you.

THE DEPUTY CHAIRMAN He is talking on behalf of the Moroto people, that is what is happening there.

MR. ENYOK-ETUKU: Thank you very much for protecting me. I would like to say those are the examples hence their voice, and if I may quote, Madam, the last one, I am sorry to be so Biblical, but Christians will agree with me that Samson who was the strongest man was put to death after a woman called Delilah after getting money, betrayed him and they cut his strength which was in the hair.

The last thing, if I may summarise, Madam, is that the people of Moroto are very bitter about cattle rustling, they are saying that government should take away the guns from the Karamojong. If they cannot take away the guns from the Karamojong they should supply the guns to them so that they have self protection, and they also concur with the rights of voting.

On political parties, they say in the absence of clear demarcation and policies on the Movement - I should ask you and the hon. House to support multiparty so that we vote democratically (Applause).

In summary, Madam, because of time the rest I will contribute during the consideration stage. In view of the above realisation, views and accommodation, it is imperative that the Constitution making process will require total forgiveness not by word, by tolerance of the highest degree, open mindedness, patience which has been Uganda's problem and total reconciliation as a pre-requisite to national unity, which is a cornerstone for national development. In conclusion, if I may say, Madam, the people of Moroto County remain open hearted for realistic compromise in the spirit of give and take for the benefit of us all and new generations to come. I thank you, Madam Chairperson, I say all these for God and my country.

THE DEPUTY CHAIRMAN: May I now call upon the hon. Data Sebi from Koboko County.

MR. SEBI DATA (Koboko County): Thank you Madam Chairperson. On behalf of my people and on my own behalf allow me once again to congratulate you and the Chairman on your success to the elections to the highest positions of this august Assembly, of Chairman and Vice Chairman respectively. Similarly, I would like to congratulate all the delegates who succeeded to get here in their various capacities. Hon. delegates I urge you to always remember the NRM government and all other organs, public or private who initiated and facilitated this forum to date to make a new Constitution for this country.

References have been made to various constitutional models such as the Westminster, the American, German and others which we could emulate. While it is healthy to do so, it is worth noting that ours is a unique country with its own peculiarities, while America, for example, was a loose and competitive society where enterprise made money and this meant power. We, therefore, must adopt what is appropriate for us and avoid what is suitable to our condition. We must cut our coat according to our cloth and avoid straight jacket imitation. We must, therefore, remain cool headed, sober, patient and sincere, compromising, broad minded, in making a durable document, the supreme law of our land.

A brief note about Koboko. Koboko is a county in the furthest corner of the Republic of Uganda on its most North Western border. To the East it is bordered by Aringa county, to the west by Republique du Zaire, to the North by the Republic of the Sudan and to the South by Maracha county. The population, Madam Chairperson, Koboko is the home of the Kakwa people numbering about 63,000, it is Bilingual as some people speak Kakwa and others speak Lugbara. There are some Zairois and about 80,000 Sudanese refugees in UNHCR camps following an influx which began last year in 1993, due to the civil strife in the Southern Sudan. Thus, recalling the horrendous experience, also as refugees in the Sudan and in Zaire, due to the war in 1979, and noting that the refugee problem has now become a chronic African problem, the people of Koboko are appealing to this august Assembly to write a constitution that will stop the scourge of war. A Constitution that will guarantee peace, unity, stability, and development so that never again shall the people be forced out of their country to seek refuge in another country however beautiful and hospitable the host country may be, home is always best. The people of Koboko are very hard working people and for those who are inclined to business, there is a vibrant border trade in coffee, simsim, G.nuts, maize, beans, rice and cassava. Besides, the county produces a lot of tobacco as the main cash crop, Some cotton and quality timbers especially Mahogany. Koboko town is the headquarters of the county and subdistrict comprising Maraca and Aringa county. The town rose in the 1960s as the traders built it up with the tobacco money. There were no alien developers in Koboko, in fact it was one of the earliest examples of African initiatives in commerce. But during the war, it was reduced to a ghost town although a lot of people are rehabilitating their old structures and to

date, over 40 new structures are coming up. But it is a modern town within darkness, without water or electricity because these services were vandalized during the war.

Madam Chairperson, allow me to turn to the draft proper, Under-development: I would like to submit that the principle root cause of our constitutional problems is under development. I would therefore, like to give this subject a distinctively materialist approach. I am arguing that our problems began with the advent of colonialism, from 1890, when the British Imperial government established her colonial state here. We are saying that in executing its administrative and social and economic policies, the colonial state was deliberately divided, i.e. it concentrated most its development efforts in its centre of administration while neglecting, to a greater extent, its outlying districts. Consequently, the core area developed into a centre of administration, education, health, commerce and industry. Schools like Mengo and Kings College Buddo were built for the sons of chiefs, while Entebbe and later Kampala became the capital of Uganda, embracing Makerere University as the main institute of learning. And this was not the fault of the core area either. The choice was that of the colonial government. But the peripheral areas distant from the centre were largely left to fend for themselves. For instance, without the Christian Missionaries who founded schools like St. Joseph's college Laibi, St. Joseph College Ombachi, St. Aloysius College Nyapea and St. Charles Lwanga College in Koboko. At a much later date, the people of these areas would not have got any western education at the time they did, as a result, the core areas developed a middle class that serviced the colonial administrative machinery as clerks and teachers much earlier than the peripheral areas like Gulu, Pakwach, Arua, Soroti, Kabale and so on. And so we are saying that, this lop sided development in education for instance, has led to regional imbalances and disparities within this country. This dichotomy between the core and the periphery has had far reaching consequences on the politics and economy of Uganda which continued to bedevil this country to this day. And this is a cardinal point in an attempt to explain a persistent power struggle between the communities from the least developed areas like the North, East and extreme West and those from relatively better developed areas in the South over the so called "National Cake"

PROF. SENTEZA KAJUBI: Point of information. Madam Chairperson, I would like to inform Member on the Floor that schools like Mengo and Kings College Buddo, even one could go on, Gayaza, Kisubi, Namilyango, Mwiri were also started by Missionaries. He seems to imply that government built schools here and Missionaries built schools up country. So those schools which he mentioned earlier as being in the centre, through no fault of the people here, were also started by missionaries. Up to 1925, government was not involved in building schools and Makerere was the first institution in which the protectorate government at that time was involved in.

MR. SEBI DATA HAROUN: Thank you Madam Chairperson, I thank hon. Kajubi for the information, but I would like to emphasize that they were set up primarily to educate the sons of chiefs. Madam Chairperson, protect me I am being harassed by a neighbour here *-(Interruption)-*

MR. KABUGO: Point of information. Thank you, Madam Chairperson. I would like to inform the hon. speaker that I belong to a Mukopi father, but I went to Mengo and Buddo. So this was not an intended arrangement that it was through the arrangement of the enlighten local people in this area. Thank you.

MR. SEBI DATA HAROUN: Madam Chairperson, I think the hon. Member must have been one of the lucky few to have gone to a Kingly school - I will take it, Madam, provided I will be compensated.

A HON. DELEGATE: Point of information. Madam Chairperson, through you I would like to correct the erroneous impression my neighbour holding the Floor is trying to make because there are so many people who have gone to Kings College Buddo and Gayaza and all other schools who are not sons of chiefs; one of them is hon. Nekyon, he was at Kings College Buddo *-(Interjections)-* okay, he is a chief but he does not come from this region, then Abu Mayanja, they are so many I cannot name them, but Madam Chairperson we are here to make a constitution for the country I do not see why we should keep rubbing in unnecessary ideas that do not build the constitution.

A HON. DELEGATE: Madam Chairperson. I wish to question the integrity of the last speaker who was giving the order whether she knew that Nekyon - hon. Nekyon is a son of chief. So the contention of the speaker is correct.

MR. SEBI DATA HAROUN: Thank you Madam Chairperson. I am not trying to introduce sectarian tendencies here, but the point I am trying to make is that, these schools were set up for education of the chiefs but this did not mean that they were exclusively for sons of chiefs. In a school you do not go into a class alone, a class must be about 40, and if they are not enough then of course the others can supplement. Madam Chairperson I was saying that this was a cardinal point in an attempt to explain the persistent power struggle between communities from the least developed areas like the North, East and extreme West and those from the relatively developed areas in the South over the so called a Share of the National Cake. For instance up to now, there is not a single University in the whole of the traditional North, private or public. The rest of the regions have at least one each. For this reason, our people strongly support article 23 on balanced and equitable development to redress the imbalances.

Defence and National Security: Madam Chairperson, as if the neglect of the periphery areas was not enough, the colonial state embarked on a recruitment policy which deprived most of these areas of their most productive labour force. For example, the 1900 Buganda agreement concluded between Buganda and the British opened up a new era. The British colonial government turned to the lesser tribes in the periphery for recruitment into the army - Kings African rifles. Hitherto, this profession had been the preserve of the Baganda and this encouraged the Baganda to prefer to look for alternative channels of dignity, income and achievement. The British then turned to the North, allegedly because the Nilotic and Sudanic tribes provided, "good, drill material". Since they possessed "good drill material" or "athletic qualities" and since the North remained for a long time a recruitment ground for personnel for the army, police and prisons to such an extent that they came to regard the army as their own thing, but the crucial point is that the consistent recruitment policy robbed the region of the youth, and the able bodied who would have otherwise contributed to its development by engaging themselves in productive activities at home. But instead these remote areas e.g. West Nile remained labour reserves for recruitment into the security forces or to provide cheap labour on the sugar and tea plantations in Lugazi and Kakira and so on. And these are areas which were already becoming politically peripheral in Uganda. Madam Chairperson it is also argued that an army recruited predominantly from

one peripherally exploited region which is one of the least developed is grossly unfair and potentially politically risky. This is because its members are likely to have deep sympathies with the plight of their chiefs and King in the country side and can be a hot bed for revolutionary tendencies. For example, in a paper entitled "the military agrarian complex: the Uganda Case", Professor Ali Mazrui identified the alliance between the brains of the intelligentsia, the guns of the military, and the members of the peasantry, brain power and gun power in Obote I. He then noted that it was not long before the guns fell out with the brains as in the ousting of the civilian government in 1971. In this respect the people of Koboko agree with article 231, 232, 233, 234, 235, 236, paragraphs 1 to 2 and 237 up to 239 including article 239 stating that Parliament shall make laws regulating armed forces and in particular the manner of the recruitment and appointment of the Members of the armed forces and delegation of the powers of the President in relation to the appointment, promotion, discipline and removal and their forms and their conditions of service. Madam Chairperson, we are saying that there is no way one can lock out the army from politics in the Uganda context today because, one, a precedent has already been set where the army has been right in the centre of politics all along. It has been the power itself since the pre-colonial, colonial and independence periods. This role appears almost irreversible. Note its role in the 1964 Mutiny, the 1966 battle of Mengo, the 1971 Amin's coup, the 1979 liberation war, the 1985 Okello and Okellos coup, and the 1986 NRA revolution. Two: an army - a people's army which is well disciplined, politicized and highly educated through its rank and files is far less prone to political manipulation than one which is far less fascinated by ideas. Three: Madam Chairperson, an hon. delegate while delivering his speech recently warned us against the politics of - to borrow his words - "excludism" and in the same spirit, I would hesitate to exclude such a sensitive instrument of the state apparatus from politics. Madam Chairperson, it appears, the army is now indispensable, as another school of thought has it that it is the highest stage of politics.

Fundamental human rights and Freedoms: Madam Chairperson, I wish to report that this is an area which my people considered with all the seriousness it deserves. They regretted the great suffering brought by violation of human rights, criminal acts, meted out by some people on fellow Ugandans. The destruction of property, public and private; the freezing

of people's bank accounts as they fled, regularly looting, rapping, and so on. They generally request Ugandans to forgive each other as this has been the ugliest record of our history. Thus, they endorsed article 50 to 53, and they amend 53 (b) to reduce the 72 hours of detention to 48 hours, and article 72 is supported which discourages opportunists from taking advantage of a state of emergency. Article 60 protection of the family is supported, article 60 to 64 women's rights, is strongly supported as the women bore the brunt of the exodus and age their life including carrying, cooking, building, child care family care and so on.

Madam Chairperson, I have heard some people selling the slogan, "one man one wife" but as a moslem, I know that I am protected by article 64, and incidently, the Holy Koran devotes one whole chapter on the status of women: the rights of women, family rights, widows' rights, rights of orphans including even the arithmetic of the distribution of widowers' property which they call "Mirath" to the widow. For instance the Koran states and I quote "Inna Khalaqnakum Min bhakry wal Untha. wa Shuuban wa Kabaila Lita arafu". Translated that the Lord Almighty Allah says that "I created men and women and nationalities that they may know each other", it is not for sectarian tendencies, we should not discriminate against women nor against tribes, the Lord Almighty says he did it in order to know each other. So the Holy Koran is intensely gender sensitive in this manner. So we support affirmative action for women to redress the imbalance created over the years. Article 63 on the rights of the disabled is also strongly supported. Madam Chairperson, in Kakwa, we believe that every one is potentially a disabled as a misfortune can befall you any time.

Article 60. Economic Right for workers is also strongly backed. we only need to create awareness and education for women to know their rights.

Citizenship: Madam Chairperson, we would like to submit that this issue is a creation of the colonial government. For instance, Uganda's boundaries were first drawn by the colonial powers in 1890, and Uganda's present borders are marked by the Anglo German Belgian Convention of 1910 and by 1911. Uganda was effectively occupied by the British and the tribes that were affected by this scheme included Banyarwanda, Bakonjo, Alur, Lugbara, Madi, Kakwa, Acholi, Samia, Teso and so on. The final arrangements were made in 1926 when parts of

Uganda were transferred to Kenya. But what is a boundary? According to Richard Hertshone, in his study of "The political process", a boundary is that line which is to be accepted by all concerned as bounding the area. everything is under the jurisdiction of one state as against areas under different jurisdiction. The first thing to know about an International boundary therefore, is to know the degree to which it is accepted by all the parties concerned. That is to say, the adjacent state and population whose statehood is determined by the location of the boundary. Yet it is a fact that when the colonial boundaries were being drawn, the local people were never consulted, the colonialists arbitrarily parceled out huge chunks of land and territory without due regard to such considerations as origin, language, culture, traditional rulers and geographical limits. Thus, various tribes in Uganda today became victims of such schemes. For example the Kakwa tribe, was divided into three countries to which they now belong. Namely, Uganda, Zaire, and Sudan, the least number being in Uganda, while in the Sudan they constitute a complete district, the Yeye River District. Madam Chairperson, we are a dismembered in Nation. That is, the origin and nature of Uganda's citizenship problem is not of our own making, we are victims of circumstances of the cruel hands of imperialism. Therefore in the draft, we support the setting up of the citizenship and immigration board which should be decentralised to the district level. We note article, but oppose article 46 on dual citizenship as it breeds divided loyalty which can be risky to state secrecy. Similarly we do not agree with article 42 (1) as a border community, we feel this article is obscure, granting citizenship to such kids should not be automatic, the matter should be thoroughly investigated. We support the issuing of citizenship cards and temporary work permits to aliens. It is accepted that every Ugandan is duty bound to defend his country article 47 (1) a and e. We support Mucakamucaka as it promotes a sense of patriotism and nationalism for the defence of the nation. - (Applause)- Madam Chairperson, allow me to quote the Tanzanian example from the "Mwongozo wa TANU TANU" guidelines, it states, "Ulinzi nausalaam wa Tanzania ni wa Tanzania Wenyewe. Kila Mutanzania nahasakila mjama nakila muzalendo Muwongizi Wataano". And on this point I would also recommend that we actually adopt the leadership Code of conduct - (Interjections)- sorry, Madam Chairperson, the quotation means the security and defence of Tanzania is a responsibility of the Tanzanians themselves.

every socialist and every patriot. I was saying that we should also adopt the leadership Code of conduct article 267 to 270, to instill discipline and clean work methods to overcome corruption.

Political systems, articles 94- 97: The people of Koboko were very clear on this. They argued that a political party as an institution is not a problem, the leaders of these parties have so far left a lot to be desired. They endorse the five year interim period during which the old parties should sort themselves out. - (Applause)- while budding ones prepare themselves, meanwhile the movement should also get re-organized.

First Madam Chairperson, they say this is absolutely necessary as history is full of examples of ill prepared and hurried hand-overs of state power calumniating in utter anarchy and suffering of the population. For example most of the former Portuguese colonies Guinea Bisau, Cape Verde -

THE DEPUTY CHAIRMAN: I hope you are summarizing.

MR. SEBI DATA HAROUN: Madam give me just two minutes, please. Most Portuguese former colonies, Guinea Bisau, Cape Verde, Angola, Mozambique and so on, not to mention Napoleon who boasted "Apré Moi Le deluge", "after me the disaster". Secondly, they also urged that if the CA elections which were non partisan generated so much heat, hatred and division among the electorate, how much more chaos would general elections on party lines cause early next year when in fact the wounds have not yet quite healed. Thirdly the people of Koboko feel, they have every reason to support the Movement which they associate with their repatriation after about 10 years in exile in Zaire and Sudan, and the prevailing peace and security in Koboko county today. (Applause)

Traditional leaders: First I must thank all the traditional leader areas in protecting my people wherever they have settled. My people have a high propensity for migration. We hope that we shall continue in the same spirit as usual, please acknowledge this hon. Ssabalangira.

THE DEPUTY CHAIRMAN: Hon. Member, wind up please.

MR. SEBI DATA HAROUN: I am winding up Madam Chairperson. The people of Koboko have

no problem with the restoration of traditional leaders, provided the provisions of article 279 sections 1 to 4 are applicable. This is because politics is like the wind, it changes, yet the wind knows no royalty. We would not like the personality of a traditional leader to be called names. Madam Chairperson, in the 1970s I remember seeing the photograph of one of the Royal Princesses of England who had a dress she was wearing displaced by the wind and the Camera man was only too eager to take a snap and commented, 'the wind knows no Royalty'. *(Laughter)*

Language: We are saying English should be the official language and Kiswahili should be the National language because they say, most of them served in the armed forces, police and prisons where Kiswahili was the medium of communication and lived in towns where Kiswahili was commonly spoken. Besides I was cautioned that I must also be very careful in the use of my language, for example, I should have avoid sweeping statements like, "all west Nile people wear leaves", or "Batoro women do not eat grass hoppers" or "All Langi women do not eat cakes because they contain eggs". I must use words like some, few, probably.

Local government: Madam Chairperson my people support a strong decentralized government replicated to the sub-county level. However, they would argue that needy districts which are less developed, be given extra attention by central government. Care of article 214 1 to 3.

Land and environment: People would support customary land tenure, free hold in urban areas, and a vigorous massive environment protection education.

Executive: Madam Chairperson, while some of us would like to reduce the powers of the President, because he has been too powerful, we must not lose sight of our political history where this country has been ruled by an iron hand for a very long time. The question is, are we capable of sustaining our governance under an executive whose powers have been immensely reduced?

THE DEPUTY CHAIRMAN: Wind up please.

MR. SEBIDATA HAROUN: Madam Chairperson, I hope I will get an opportunity to address this august Assembly during the consideration and reconsideration stages as you notice it is quite a lengthy

material. I beg to stop here, thank you very much for listening. *(Applause)*

MR. MULINDWA BIRIMUMAASO (Bukoto West): Madam Chairperson, hon. delegates, my names are Mulindwa Birimumaaso, delegate Bukoto West Masaka district. Madam Chairperson this constituency borders with Kabula in the West, Lwengo in the East, Mawogola in the North, and Koki in the South. The place is known for its production of maize, beans, bananas and it is also known for its being dry and our major problem is water. Madam Chairperson the people of Malongo have sent me to deliver their views to listen to all of you, negotiate, reconcile and if need be, disagree - God Forbid. Madam Chairperson I am under strict instructions not to apportion blame to any Ugandan for the ill my people have suffered but to appeal to logic so that we understand the past, appreciate the circumstances that prevailed then, and get determined to start afresh. The people of Malongo, through me Madam Chairman, would like to share with you some of the major factors they think have adversely determined the political chart of Uganda.

First and foremost, the misuse of religion right from the time Alexander Mackay and Father Laurdel - Mapela, set their foot on the Ugandan soil, just how they struggled for the control of the Lubiri the war that were fought with the Moslems, the distribution of land between Catholics and Protestants after defeating the Moslems, the "anglicanization" of the institution of "Kabakaship", and religious teaching being the most widely attended to lesson in a sea of the illiterate majority, religion is the major factor in our political life and cannot be ignored. Secondly, Madam Chairman, the law of the colonialist and external forces. In shaping Uganda, we have had, starting with the 1900 agreement, the reward of the best chiefs with land, the tactic of having local agents, mainly Baganda, as chiefs in other areas of Uganda. Their policy of divide and rule, their involvement in the creation of Kabaka Yekka and UPC, their involvement in 1971's coup, IMF, World Bank and so on. External forces therefore, cannot be ignored when we are discussing the politics of this country. Thirdly, Madam Chairman, a very important sad factor is the Ugandan Elite. Most of them, or most of us are self centred and inward looking, at times intellectually handicapped to analyse issues, we have a very high appetite to consume while we do not produce, and we resort to the forces of religion, ethnicity, regionalism to preserve for ourselves a

living at the expense of the majority. (*Applause*). And that is why you see Ugandan politicians change their appetite as soon as a new dish comes at the table. (*Applause*) So, my people say, Madam Chairman, that there is no point blaming anyone. How do you blame men at that time who created DP and UPC when religion was in the centre place, how do you blame my grandfather who would kill anyone for Kabaka Yekka? He is a very traditional Muganda. How do you blame a man called Amin who was trained to lead 30 men on a suppression mission but later to lead Uganda with a Vice President who wanted to shoot down a man called Foreign exchange? And how do you blame a man called Rwakasiisi, a graduate of primary six, a one time bus conductor to become the national chief of intelligence, what intelligence did he have? How about Mugwisa, a primary four graduate he failed to qualify to become a vernacular teacher, but he became a minister of agriculture on which Uganda depends. So Madam Chairperson -

MR. MED KAGGWA: Point of order. Is the hon. Member on the Floor in order to start apportioning blame when he himself said he was not going to apportioning blame?

THE DEPUTY CHAIRMAN: I thought he was illustrating.

MR. MULINDWA: Thank you, Madam Chairperson, you have protected me. Again my people say how do you blame an educational system that can produce a whole professor who believes that when they throw stones they can turn into bullets. Madam Chairperson, and hon. delegates, the time has come to rebel against this historical mess, the present generation must take stock of this past and now in this Assembly, get decided to democratically chart a new course for this country. If we lose this opportunity, the alternative is to undemocratically sort out ourselves either with "*sura mbayas*," if I may refer to Adio's helicopter gun ship, and the consequences will be bitter for us and the generations to come. Madam Chairman, the draft constitution, the way the people of Malongo see it, the people of Malongo Bukoto West having fully participated in the making of this Supreme law, for the first time in the history of Uganda, we wish to say that no other law shall be above this constitution. They advise that it should be simple, precise, and should be translated for the ordinary person to read and understand, leave alone making it part of the school syllabus. One time I

asked my grandfather what he knew about the 1962 constitution, and he told me that men from Lancaster told him that we have got our things "Ebyaffe Tubifunye" can you imagine such a statement, a show of ignorance of the constitution. I do not want to see this happening, Madam Chairman. Therefore, it should be a constitutional obligation to know the constitution and to defend it by all means. Military training and civil disobedience must be supported.

Form of government: Irrespective of any form of government, the people of Malongo would wish to see their lives improved ecologically, socially, culturally, politically under a stable peaceful and democratic environment. Madam Chairman, the people of Malongo have been spectators in running the affairs of this country they have been watching helplessly how central government clerks misappropriate taxes and loans contracted on their behalf. They detest the concentration of power at the centre, and now demand to fully participate in determining their destiny. They even go further to suggest that if it were economically and administratively viable, they would prefer doing everything by themselves on village level. They therefore, appreciate the programme of decentralization and would like this programme to be entrenched in the constitution so that the central government does not raid their powers any time it so wishes.

In relation to traditional leaders Madam Chairman, the people of Malongo cherish the institution of Kabakaship and they are very proud of it. They have sent me to give credit the NRM Government and the Baganda elders for having our Kabaka back. They want a Kabaka who is apolitical, a symbol of their culture and a mobilizer for economic development. They urge that their Kabaka does not need prisons, does not need the police, does not need the army, and therefore, does not need what some people would like to call government. (*Applause*) When you talk about a government, first thing you are talking about is a prison, my people say that they would like a Kabaka to have an executive or a functional committee supported by a council. They suggest that the council be consisted of directly elected Members of the National Parliament from Buganda, elected district heads, and clan leaders elected to emphasize that they do not want un-elected people to be around the Kabaka, to form cliques and misguide him. (*Applause*)

MR. OGWEL LOOTE SAMMY: Point of clarification Madam Chairperson, I would like the hon. speaker to make a clarification. I just get confused when he says they need a national Buganda something national. I did not get him clearly. I need clarification from him, is it Buganda elected or nationally elected. So I need to be clarified Madam Chairperson.

MR. MULINDWA BIRIMUMAASO: Thank you Madam Chairman, the clarification is coming in due course as you listen. I said, for your benefit that, the Kabaka needs a council and should be consisted of the directly elected members for the national Parliament from Buganda to be joined by district heads and clan leaders. Because we want the Kabaka for two major things; to mobilize the Baganda who are very poor economically. And these are the people who can do the job very well. And secondly, to enhance their culture. Madam Chairman, they therefore, want this Assembly to allow in the provision under local government that districts can cooperate if they have a particular programme of common interest to peruse. This will enable the Buganda consultative council to meet and discuss ways and means of sustaining the institution of Kabakaship. Madam Chairman, and hon. delegates, I cannot hide my disappointment with some fellow delegates from Buganda who are asking for form and not content. The issue is that the people of Buganda are poor, their children are not going to school and so on. Not that the problem of Masaka is that the people of Masaka live or they die they want Masaka to be changed to Buddu, I do not believe in that. We are not asking for a name of Buddu or Masaka but we want power. So I appeal to all of you that we should take the power down to our people; it should not be a betrayal but a great achievement and posterity will judge us correctly. Let us take power down to our people. *(Applause)* Madam Chairman, let us not be so desperate to exchange our dear lives for the sake of a form, or to try the bitter KY and UPC of 1962. *(Applause)*

Language: Madam Chairman, the people of Malongo suggest that we should have two official languages. English and Swahili, they should be taught in schools. the question of national language has been delicate since October, 1963 when Parliament rejected the use of Swahili. Though a number of delegates have supported it as our national language, Madam Chairman, I doubt their enthusiasm to practice it. Probably, I would request you to suspend the issue of

English for one day and we see how we can proceed in Swahili. Madam Chairman, given the historic back ground to this phenomenon, I suggest that the national language should evolve by itself through interaction without legislation.

On chapter (3) Madam Chairman, the people of Malongo wish to see this chapter maintained in the constitution, or as a schedule to provide in a summary form the objective and guidelines for any government that wants to govern the people of Uganda. The contents also provides a yard-stick or a realistic to gauge the performance of a government at glance. It is because of this chapter that the people of Malongo wish to inform the next government that their slogan will be no water, no mandate

Citizenship: The people of Malongo agree entirely with chapter (4), though several Members have expressed fears about article 42 as having a hidden agenda. The problem I see with the Members, is the Nyarwanda phobia, there is this Nyarwanda phobia haunting people, there are a good number of Zairois here, Sudanese, Barundi. Uganda has been an open door, but I appeal to Members not to be short sighted and probably show the ignorance of international law. What are we going to do with the growing number of street children we find? How about the orphans, and I understand Kony is also producing kids who might need to be accommodated. What are we going to do?

Human Rights and freedoms of the individual, especially those of children, women, the disable must be protected and respected by all people and organs of state. The elite women, the people of Malongo request you, especially, those who are here, who can walk out, do not leave the rural woman alone, please try to go back and educate the rural women about their rights. Education is a very fundamental right as you know education is a key to human development. Madam Chairperson, torture, Inhuman and degrading treatment of a person who is arrested is very criminal. This practice has been in Uganda and is still so rampant in the security forces. Madam Chairperson, the people of Malongo strongly support article 59, the freedom to settle anywhere in Uganda. Malongo would be empty if this freedom was impeached upon. They support the human rights commission and the sensitization of people about their rights to be a constitutional obligation. The freedom of Association which entails the freedom to form political parties. Madam Chairperson, is a

fundamental right. *(Applause)*- I am wondering why the sister of my wife, Cecilia you are not clapping for me. *(Laughter)*- The freedom of association which entails the freedom to form a political party is a very fundamental right. But it must be reciprocated with responsibility, duty, and respect for people's rights. Reminder, the right to live is Supreme, dead people do not associate. *(Applause)*- The forces of ethnicity religion and regionalism coupled with illiterate majority with an opportunistic elite - here you want to say an opportunistic elite in a form of politician - have been so detrimental to the objective political development of our parties. Why say opportunistic? Why should I come here and say tomorrow that, I was not in this House debating this constitution, I think I should resign? Some people make irresponsible utterances and they keep on as if everything is normal. Because they harp here and there to survive. *(Applause)* Our various parties cannot, therefore, be built as an alternative political programmes, why? They have basic common problems to solve, any party that would wish to rule Uganda will have one slogan, poverty, disease, ignorance and you will find that all manifestos will be the same in character but different in form. So such a party to look for support, if you are singing one song and I sing the same songs I have to look for support somewhere else, and that is why you find our parties have gone to religion, ethnicity, regionalism, to get support and the problem is with us the elite. The common man in Kyazanga, Malongo is as poor as that one in Kwanya or any where but it is we, you and me. *(Applause)* Secondly, Madam Chairman, many leaders in Uganda have not yet developed a democratic culture. Recent history has indicated that we still have a long way to go, can you imagine having a very "democratic politician" boasting of having been in the Ugandan politics in the 50s in the 60s in the 70s, 80s 90s as if their sons who are now in the 40s cannot take up their jobs. *(Applause)*- And, therefore, here Members I would like to thank hon. Gerald Ssendawula who encouraged me to stand because he does not want to leave a vacuum. *(Applause)*- The result Madam Chairman, is having stagnant ideas, fixed out look, and on some occasions snoring, day dreaming while discussing important issues. *(Applause)* Madam Chairperson, and hon. delegates, since we have common problems, we the politician elite, we have a common problem to solve, by whichever party that would wish to come and govern the people of Uganda, well knowing the problems we have passed through, most of us here, and you mostly, can run to exile and leave the

ordinary man suffering. I appeal to the elite, me-inclusive, to hold ourself interest for the benefit of the common man first to ensure that there is peace, stability and development. Then we who want power can come together because we want this power to share, to apportion or to distribute what the peasant produces, we do not produce wealth. Let us democratically or on merit, all of us, come and say how do we share this power. And the people of Malongo Madam Chairman, have this to say. They wish to have an all embracing government so that we can avoid fighting within and among ourselves because they are the people to suffer, and therefore support the Movement political system for the next five years, and reserve the rights to decide which way next. *(Applause)*

MR. OWOR: Point of information. Madam Chairperson and hon. delegate who was just on the Floor before me, this is your young friend Charles from Aswa, I would like to inform the hon. delegate currently on the Floor that the same problem that he has described which bedevils, the leadership of the political party is the same problem that still bedevils the Movement system. It is still elitist at its leadership level, it is still full of in fighting in that many people are questioning why the leadership should be restricted and then excluded and I would like to inform him that merely extending it without solving the crisis of the leadership will not help to bring peace and stability.

MR. MULINDWA: Thank you very much. Well before any other information, I am very happy Madam Chairperson, that me and Owor we are going to be together under a broad based government and sort these problems out. *(Applause)*

THE DEPUTY CHAIRMAN: Hon. Mulindwa, there is another information here.

MR. MULINDWA: Welcome.

MR. BABU: Thank you very much Madam Chairman and the speaker on the Floor. I am sorry I did not want to interrupt but what made me to interrupt was, when somebody said that there is an extension which is going to take place, I have been fighting this word extension. In the proposed draft constitution, it is very clear that the model that has been proposed is not the same model as we have now. What has been proposed in the draft constitution is a model of a Movement system where the President, Parliament,

the district councils are elected directly by the people. *(Applause)*- And therefore, I think time has come for us to stop conniving and lying. This is very clear that these people will be elected. Thank you. *(Applause)*

MR. KOMAKEC: Point of order. Thank you, Madam Chairperson, is the hon. Member who has just spoken in order to mislead this House that the Member who was giving the views of his Constituency is wrong to give that information? Is he in order to mislead the House?

THE DEPUTY CHAIRMAN: Order, that was his understanding

MR. BEN WACHA: Madam Chairperson, proposed article 94(1) reads as follows: *"The political movement system in this chapter referred to as 'The Movement' which was in existence immediately before the coming into force of this constitution shall continue in existence subject to the provisions of this article and articles 95, 96 and 98 of this constitution"*. Madam Chairperson, is hon. Captain Babu in order to presuppose that the movement system which is in existence now is any different from the NRM movement system?

THE DEPUTY CHAIRMAN: If I can make a ruling on that one, even the draft constitution is a pre-supposition because it is what we are debating

MR. MULINDWA BIRIMUMAASO: Madam Chairperson, thank you very much. I was enjoying the Debate.

THE CHAIRMAN: And note that you are running out of time.

MR. MULINDWA BIRIMUMAASO: With due respect, thank you. Now Madam Chairperson -

MAJ. GEN. TINYEFUZA: Point of clarification. Madam chairperson, if you look at article 292 of the draft constitution it clearly stipulates actually what we are talking about after putting into place this document. I quote, 292(1). Transitional government. *"Notwithstanding anything in this constitution, a government of the National Resistance Movement, existing immediately before the coming into force of this constitution in this chapter referred to as the NRM Government shall, (a) continue in office until a new government is elected in accordance with this constitution but not later than*

25th day of January, 1995". Even if I do not go on, it shows that NRM Government's life stops there and what we have is a new creature. Thank you Madam Chairperson

MR. MULINDWA BIRIMUMAASO: Thank you very much, Madam Chairperson, time is against me. I would request Members to hold their information and clarifications until I finish.

Land: The people recommend a uniform freehold land tenure system throughout the country. I have been hearing Delegates here praising and boasting of customary land tenure system. At the same time, saying that there is uneven development. If you do not have a land title, how will you get money from the bank? So the people of Bukoto West recommend a uniform system. It should not only be in Buganda but the whole of Uganda. Freehold land tenure system and the customary tenants, the *kibanja* holders should be free so that they can also get titles. However, they say the mailo owner should not lose his interest without mutual understanding between the two parties. Transactions on freehold, on mailo land with *kibanja* holders should not be permitted without the consent of the *kibanja* holder and or without maximum compensation. So many people have suffered; a land owner in Kampala just sells a title and the ordinary people are evicted without notice. Madam Chairperson, since time is against me, briefly, the people of Malongwe want the Inspectorate of Government but they suggest he should be on a contract term of three years or seven. On army representation, some people have been not very happy with the army representation. Madam Chairperson, what the army says according to the way the people of Malongo understand, they say if the army has requested to come and reason together with you, I think it is very good and actually the presence of the army commander here in this Assembly, I wish it could be the same even in Parliament. Suppose there was a coup rumour in town, everyone would be now looking at the army commander and they are saying, let us reason. Now if you refuse them to reason, what other alternative do you give them? Madam Chairperson, I hope I will get time when we are debating chapter by chapter. I thank you very much and I thank the hon. Delegates. Thank you

MR. MUSHEMEZA: Point of clarification. I did not want to interrupt hon. Birimumaaso but I would like to clarify the following to this House. When we talk of the Movement system, we must differentiate certain things

1. National Resistance Movement; this means an experiment model of governance that has been operating since 1986.

2. National Resistance Government. This is a transitional government that has been operating under that experiment model.

3. Movement system. This is the system which draws lessons from the experiment model in order to create a viable political system that will stand a test of time. I hope that is very clear to the House. Thank you Madam Chairperson.

PROF. NABUDERE (Budadiri West, Mbale): Madam Chairperson, since it is my first time, I would like to join others who have congratulated you and the Chairman on your election to your important positions. I would like also to thank you for giving me this opportunity to present the views of the people of Budadiri West on the draft constitution which is before us. Madam Chairperson, what is constitution making? Constitution making in my view, ultimately, is concerned with the issue of how power is distributed. This power involves, not only political power, but also economic resources. If we look at our history since 1960 during the constitution making exercises, beginning with that period 1958 onwards, constitution making has been connected with the issue of transfer of power or retention of power. That is why we see that the 1962 constitution was essentially concerned with the transfer of power from the British colonial government to the independent government of Uganda, that of 1966 was the result of struggle for power between two individuals resulting in the 1967 constitution which confirmed the transfer of power from the formerly non-executive President but with entire powers to the Prime Minister who then became executive President under a new system of government based on republicanism. So what we are really talking about here is the issue of power. This is why the issue of movement versus "multipartism" is featuring so highly here. It is not by accident that people are already talking in terms of extending the movement for another five years when we are in fact involved with the issue of trying to draft a constitution which in essence as I have said, is really concerned with the issue of who holds power and how.

Having said this Madam Chairperson, I would like to say that we are not alone in this exercise. Foreign interests are interested in this matter as indeed it has been in the past. How could it be otherwise when over 50 per cent of our national budget is borne by

these friends of ours? How could it be otherwise when over 50 per cent of the expenses that are running this Assembly itself are being met by external sources? Hon. Akisoferi Ogola of Tororo reminded us recently that when we are talking about the problems that we have faced in the past, we should never exclude the element of imperialism and neocolonialism. This, in fact, is our problem. Should we so easily forget that when Amin took power in 1971, it was in fact the support of the Israelis with the British that made him succeed? Should we forget so easily that the instruments of torture that he used were willingly supplied by British industry and at times by Her Majesty's Crown Agents? If we forget these facts, then I am afraid we will be emphasizing too much about our own internal weaknesses without seeing that these are in fact connected to the external factor. The three constraints that face us in this constitution making process are connected with the problem of intervention by the external forces into our economy. You all know that when we went to elections, we were the spectacle of our people asking us for money in order to be elected. I do not think anyone of you can deny this fact. Our people have been reduced to poverty of unimaginable proportions. Why? Because of the structural adjustment policies imposed on us by the World Bank and the International Monetary Fund. No one can deny this. These policies are affecting the well being of our people and therefore to talk of making a constitution which will last the test of time when in fact we are in a crisis of unimaginable proportions is to involve ourselves in an illusion. What is moral to be drawn from this? Madam Chairperson, the moral to be drawn from this is that whatever we do in this constitution making, is to do exactly what the last speaker has said, to transfer power back to the people, to return sovereignty to the people of Uganda so that they can sort out the mess that we have created for them. We have to remove power from the bureaucracies and the elite back into the hands of the people. I will talk more on this point. The other moral to be drawn is that whatever constitution we make now is to be flexible and relevant. We should get away from old models imposed on us through books that we have read, law books, political science books. Forget that for the moment and understand that laws are made by people themselves and structures of governance must arise from the people themselves to meet their immediate needs. With these few remarks Madam Chairman, I would like to move on to the draft constitution.

On the issue of Republic and following immediately on what I have said, the people of Budadiri West agree that we should retain Uganda's status as a Republic, a united Republic but they stop there. They are now prepared to reconsider what that means. They do not agree that this necessarily means a Unitary Republic. We should remember that when we moved into this model in the 1960s, we were doing it at a time of great enthusiasm for development. The idea that we cannot develop without nation-building was then the talk of the day, political theories talked of nation-building as being the basis of modernisation. It was assumed that all societies would develop and modernise their economies on the lines of Europe. In fact the model nation-building itself was the European invention which arose in the 18th century and which implied the right of people for self determination. The European model has shown that right to self-determination has meant that the dominant nationality within the nation became the effective voice. Now in the way that nationalism was introduced in our countries, in conditions of underdevelopment, our initial enthusiasm that Uganda could become a united nation has in fact not been borne out by the results. The policies that we adopted in 1967 were correct for that period in the sense that they met a crisis of the proportions that we had at that time and creating of a Republic also arose out of the circumstances of that time. But the people of Budadiri West note that since then, there has been tremendous changes on the political scene in Uganda and in the world generally. People of Budadiri West therefore now believe that unity can now be preserved and achieved in Uganda in diversity and not through enforced uniformity of administrative structures. They see no problem with forms of federalism, regionalism, decentralization, semi-federalism or whatever you like, built in the constitution in a flexible manner so long as these are not imposed but that they are selected by the people who want them applied to themselves. This should be the kind of flexible structures we should have in our constitution.

The people note that in the old African empires, kingdoms existed side by side with segmentary societies who did not have chiefs. They were incorporated within the empires. So what is wrong with having a kingdom in Uganda with a segmentary society of a Republican kind? We think that this principle of African constitutionality should be maintained. We want a constitutional framework which accommodates the diversity of our people according

to their cultural and social conditions. We see no problem of having a group having more powers than another; a region having more powers than another region if the people in those regions can manage those powers, they should have them. We should create a constitutional structure and schedules in the constitution which gives the people maximum powers they can have and those regions or districts that want those powers can ask for them. If they fail to use those powers, they still can revert to the guidance of the central government. There is no need for them to be rigid. They see no necessary link between federalism and feudalism. They insist that monarchism as has recently been introduced in Uganda or re-introduced in Uganda, should be of a cultural kind, they should also be democratised since we are all living, under changed conditions. Ugandan monarchism can also draw on the experiences of the changed conditions.

MR. BART KATUREEBE: Point of clarification. I would like the learned professor to explain to me or clarify to me, when he says that those regions that may have their powers, when they fail to use those powers, they may revert to the central government. Who decides when they have failed and how much harm will have been done in the misuse of those powers?

PROF. WADADA NABUDERE: That matter is for us to discuss here. I will not give you a ready answer. We have to discuss it, that is what my people are saying. I am not presenting you with a model, I am giving you ideas around which you can make a workable constitution. The people of Budadiri west also note that central government power has increasingly become corrupt power. They say that if corruption is in fact the order of the day in central institutions, it is better to decentralise this corruption. Why? Because at least those who have stolen from the district will build where they are. (*Applause*). At least they will have their assets built in their own districts. Secondly, the people say that at least these thieves will be near to them so that the people can talk to them and they will be able to improve their performance. In Kampala here, although we are told there are about 100 corrupt people, they are so invisible. Their names have never been published despite promises to the country. Today in fact in Uganda, we can say that corruption is power although in the old days we used to say that power corrupts and absolute power corrupts absolutely, today, the adage is better when it is stated thus:

“Power is corruption and absolute corruption is absolute dictatorship”.

On the issue of citizenship Madam Chairperson. The people of Budadiri West believe that this matter was settled in the constitution of 1962. They see no need for this matter being re-opened. They do not agree with the following passage in the Odoki Report which is stated on page 128 of their final report which states, and I quote: *“Those refugees and immigrants who may have obtained Uganda citizenship or passports illegally should be required to re-apply for citizenship through the official channels once they fulfill the conditions contained in the previous recommendations. (b) Government should declare an amnesty for a specific period which should prevent or nullify prosecution of those who voluntarily apply anew for registration”*. The people of Budadiri west say this recommendation is unacceptable because it compounds illegality. It is also unacceptable because it grants Uganda citizenship to criminals including those who merely are holding passports moreover illegally. To do so would be to open a pandora box to all con men and international mafia who up to this moment are still getting Uganda passports when Uganda nationals cannot do so easily. So our position on the question of citizenship is that the 1962 position should be held firm.

On the issue of fundamental freedoms, the people of Budadiri west agree with the statement of the Odoki Report on page 131 which states: *“The fundamental rights and freedoms of the individual are natural rights, birth rights given by the creator to every human person without exception. They have their foundation in the very nature and human dignity of every man and woman. They are therefore by nature inert, and inviolable and inalienable”*. Agreeing with this position therefore, they do not accept any attempt to curtail these freedoms in peace time. They agree that in special circumstances, particularly during war or emergency, these freedoms can be curtailed for a short time but they do not agree with the notion that they can be curtailed in peace time. Leading from this issue on to the issue of representation of the people, the people of Budadiri west believe in representative government based on free and fair elections of parties offering different programmes. They instructed me to say that they do not accept the extension of the movement whether new or old. *(Applause)*- Because it contradicts their freedoms. It is alright for the majority here or

anywhere to say that they want a new movement but that majority cannot decide for the minority when it comes to their fundamental freedoms. To do so is to introduce instability in this country because you give a license to those who have been marginalised, however small they may be, to create problems.

MR. BAGEYA: Point of clarification. I would like the speaker on the Floor to clarify to me how we intend to govern ourselves. Is it through the wish of the majority or the minority?

PROF. WADADA NABUDERE: Well the people of Budadiri West are telling you, you can make majority decisions on any other issues other than those which contradict their fundamental freedoms. They want to have the freedom to join the organisations of their choice.

MR. WAGIRA MOSES: Point of clarification. Thank you Madam Chairperson. The clarification I wish to seek from Prof. Nabudere is about fundamental freedoms vis-avis political parties. In his well documented work which I admire, *“The Political Economy of Imperialism”*, Prof. Nabudere says that the old political parties that were in this country, were not formed on a popular basis. They did not have the mandate of the people but rather banked their support on foreign capital. I would like the professor to clarify to me what stand he has now vis-a-vis the old political parties and now the new notion of fundamental human rights including the freedom of association? Thank you.

PROF. WADADA NABUDERE: First of all, I said nothing of the kind in that book. I think you are referring to the Uganda book - *“Imperialism and Revolution in Uganda”*. That is where I might have said something like that. But I am here presenting the views of the people of Budadiri West. *(Laughter)*. I have my views on the old political parties by the way and do not confuse the issue of freedom of association with the issue of existing political parties. Please do not confuse the issues.

MR KARUSOKE: Point of order. Is it in order Madam Chairperson for hon. Nabudere CA Delegate for Budadiri West to continue representing his people with whose views he differs greatly? Is he in order?

THE DEPUTY CHAIRMAN: He may have changed and being convinced by his people.

PROF. NABUDERE: Madam Chairman, I should continue.

THE CHAIRMAN: Point of clarification please.

PROF. NABUDERE: Please, I do not want clarification. These are interventions to confuse me. I want to continue with my presentation. I do not accept the clarification I am sorry. Madam Chairperson, the people of Budadiri West believe that the issue -

A HON. DELEGATE: Madam Chairperson, I am raising a point of order because the hon. Member on the Floor is saying that the majority cannot dictate the minority in the area of rights. Now, we are here representing areas where not all of us were voted unopposed like a few of us. Now, how does hon. Nabudere handle the situation that he was voted in by the majority and there was a small minority. How does he constantly get that minority represented here? Is he in order to confuse this House?

PROF. NABUDERE: The people of Budadiri west believe that the issue of extension or non-extension of the movement is an electoral issues. It is a political issue which has to be determined politically and electorally and not constitutionally here. On the same issue Madam Chairperson, it has been stated that the NRM should continue in power because of the peace and stability that it has ushered in. The people of Budadiri West believe that the very existence of peace and stability should be in fact the basis for extending freedoms to the Ugandan people. Peace should not be used as an argument to deny people freedoms. On the contrary, it is the very basis for extending freedoms. Moreover, they note that emphasis on negative peace, which means that there is no violence, there is no armed conflict ignores the need for us to pursue positive peace even more vigorously to increase the freedoms of people in order to create avenue to increase production in the country and increase the well being of the people. That is what positive peace means. Constitution making therefore should not be a manipulation for immediate political gains of one group. They would like to repeat the fears expressed, and which were recorded by the Odoki Commission in their report on this issue. The Odoki Report says on page 26 of the final report, I quote: "A few imagined that the NRM Government had already made its own constitution and had chosen a commission of its own "liking" as a mere rubber stamp. There was fear about

whether the Commission would be impartial in its work, and free from interference from Government. There was fear that people's views might be "rigged" in order to support the favoured positions of the government in the new draft constitution... Some feared that the new constitution would be based on the temporary aspirations to the detriment of lasting results... Many people feared that the new constitution like the previous ones would be elitist, that is, based on the views of members of the elite. Some feared that the necessary freedoms of expression would be curtailed so as to impose on the people what the government wanted". I would like us to bear in mind those fears of the people and that is why they pressed me to say that they want their freedoms protected in the new constitution without any manipulation from the powers that be. The issue of whether Uganda should be subjected to the agony of a referendum every five years -

MR. E. KARUHANGA: Point of order. I would like the professor, the learned Friend Nabudere to resolve - is it -(Interjections)- Yes, it is an order. Madam Chairperson, can you protect me from the mouth of Nekyon? Madam Chairperson, is it in order for my learned Friend Prof. Nabudere to contradict himself every other paragraph when he says one, that he wants to ensure the transfer of power to the people as a cardinal opening statement of his speech and then goes on to say that the people, whom he quotes using the Odoki Report, said that they want the NRM Government system to continue and then now to say that if the people so wish, and then he quotes the section where they were suspecting that this might be a rubber stamp but he turns out to support that it is not. Therefore confirming that the people did not rubber-stamp the views of the commission but he said they gave their own views and their views are that they would like the extension of the movement system of government to continue. Now how is he going to transfer this power back to the people if the people tell him something and he comes here and says the opposite? Is he in order?

THE DEPUTY CHAIRMAN: Okay, I presume he is floating ideas.

PROF. WADADA NABUDERE: Madam Chairman, I should continue because I do not understand the point of order, myself.

THE DEPUTY CHAIRMAN: Please continue. Can we minimise the interruption of the hon. Member on the Floor.

DR. MIYINGO KEZIMBIRA: Point of order. Is it in order for Prof. Nabudere to go on discussing the constitution and presenting the views of his people when from the very beginning he has said that this is an illusion. We cannot be able to make a constitution?

THE DEPUTY CHAIRMAN: As I had earlier ruled, I said he is floating ideas which are not committal.

PROF. NABUDERE: Madam Chairperson, I continue, I am not floating ideas but I *am* presenting the views of the people of Budadiri West. So on the issue of referendum every five years, the people of Budadiri West say this is unworkable and unacceptable because it tantamount to asking the people every five years, "do you want freedom or not?" "Do you want freedom to associate or not?" I think in that case, this "freedom" would be so conditional that it has to be subjected to referendum every five years. So the people want their freedom finally defined so that they can decide what to do next. However, the people of Budadiri West are realistic and here in saying this, I am taking into account the views of the people in my constituency who did not vote for me. Hon. Kabwegyere take note please. The people realise that there is a need for our old political parties to reorganise. They note that this could not be done in the period that is before us before we have a general election by January next year. While disagreeing with the idea of extension of the movement, whether new or old, they propose instead that a transitional government of national unity should be formed for a certain period to be agreed upon in this Assembly. I say this because the Odoki Report itself recommends - as hon. Babu has been trying to point out from time to time - that the present movement should in fact be modified and re-organised. If this has to be done and if also the parties have to reorganise, surely this task of reorganisation cannot be done in the next two, three, four months even if we were to start from today. Therefore we have to be realistic if we want a new government in place in January. Therefore we propose a transitional government of national unity. We have a lot of ideas on this matter and I would ask that as soon as we finish the discussion on the general debate, a select committee should be set up which will include all the parties interested in this matter to make recommendations on this matter. We believe that a government of national unity, lasting between two or three years, not five years, should be okay.

On the issue of legislature and executive, the people of Budadiri West believe that the powers of the executive should be considerably reduced and the powers of the legislature enhanced. They believe that it is proper for the President to be elected but they do not see that this is in contradiction with the need to maintain a Parliamentary system. Presidential candidates should be backed by a political party. There should be collective responsibility. The Ministers should not become employees of the President but should be accountable to Parliament. For this reason, they do not agree with the formation of the National Council of State which would have enhanced powers of the President. On local government, the people believe in decentralisation in principle as stipulated in the constitution but they insist on effective transfer of power and resources to the grassroots to the regions, districts and lower levels. They want powers so developed to be defined in schedule number five which will lay clearly down the powers of districts and regions. They also do not agree with the power given to the Minister to alter boundaries of districts or regions without the consent of those districts or regions. They insist that the old boundaries of the districts should be re-defined and re-inserted in this constitution as was the case in the 1962 and 1967 constitutions. They also insist that the districts should be free to name their own districts rather than the matter being handled at Uganda House. On the issue of devolution of power - (*Interruptions*). I do not mean UPC Headquarters but Bidandi Sali's .

On land Madam Chairperson, the people of Budadiri West say land belongs to the people and it is their land and the state has no business getting involved here. If the state is divesting itself from industrial activities, through Parastatal bodies, it should not concern itself with ownership of land and they disagree with article 24 which says that the State should control land on behalf of the people. The people say that they are there themselves to control it. (*Applause*) - They concede that the State should acquire land only for specific purposes and after those purposes have been accomplished, land should revert to the people who own it. They demand that district or regional land boards should be the ones to control the management of land. Uganda Land Commission should merely frame policy in consultation with regional and district land boards and to maintain a central registry which should record the decisions of regional or district land boards. They insist that customary land title is the best title and should be recognised as such

and they agree with Odoki recommendation that customary land title should be in fact a freehold title. They encourage registration of individual titles where necessary.

On the issue of defence and national security, the people of Budadiri west are happy to note the conduct of the armed forces and their improved relations with the public. They believe this can still be improved upon but they note a tremendous improvement in the conduct of the soldiers and their relations with the public. They however demand that the army should be detached from political control by one political movement, party or individual. Therefore, they do not agree with the power given to the President in article 234 sub-paragraph 3 which gives power to the President to recruit, appoint, promote, discipline and remove soldiers. They believe that this power should be given to the armed forces council and board and the Minister for Defence should be the one to preside over the council and not the President. The people of Budadiri West - and I would like to end on this note - sent me to ask the following questions to the armed forces and I am happy that the commander of the army is here and I direct this question to him hoping that he will answer it when he comes to speak through the Chair. Madam Chairperson, the people of Budadiri West asked this question. "Although we have gone to all this trouble to send our Delegate to make a new constitution for our country and in view of our historical links to the National Resistance Movement and its top leadership, by whose name you still continue to be known, how can we be sure that your loyalty to this Movement and its top leadership will give way and loyalty to a new government elected by them under the new constitution? Are we wasting our time?" With those remarks, Madam Chairperson, I would like to state that we would like to join other Delegates in this Assembly in discussing the constitution and we hope that we will come out with a document that will fulfill the aspirations of the Ugandan people as a whole. Thank you very much.

LT. NOBLE MAYOMBO: (NRA Delegate): Madam Chairperson, the National Resistance Army salutes you on your election to that high office and salutes the Chairman. Madam Chairperson, I feel honoured and privileged to be part at this stage of the process of democratisation in Uganda which started with violence. The statement by James Bright, a legal philosopher who wrote studies in history and jurisprudence, I quote: '*knots which the law cannot*

untie may have to be cut by the sword.' It was relevant in 1980 and it has brought this country to this process of democratisation. I and many others in uniform today symbolise the politics of resistance to misrule and injustice in Uganda. We wear uniform not out of choice but compulsions to keep power away from those who think power is an end in itself, to keep power away from those who think the people of Uganda are not important, to keep power away from those who think they can use power to kill, plunder and settle personal scores with impunity. I am once again proud to witness this role discussed and enshrined in our supreme law. Madam Chairperson, my constituency is composed of people who were denied peace at a very youthful and tender age. In their teens, they witnessed genocide, parents were burnt, property destroyed, loved ones raped, sisters and brothers killed, neighbours amputated and assaulted, villages erased to the ground and the only reason was nothing but misuse of power. It was State terror. Madam Chairperson, my constituency is composed of people who have walked the length and breadth of Uganda, come rain or sunshine, because they were compelled to abandon education when a regime turned against its people. Speaking for myself, I was a university student in mid- 1980s when I demanded from a 'popular elected government' which believed in political pluralism, my right to choose my leaders at the university, my right to choose a guild President. I was summoned by the then secretary general of the ruling popular party and Minister for Internal Affairs, assaulted and threatened with detention. If I were not short and small enough to slip through his legs, possibly I would not be here today. (Applause). Madam Chairperson, as Secretary General of the Makerere Law Society, I was chosen to represent Makerere University at Berlin where there was a law conference. I was then summoned by the Minister for Education, a Professor we were later to capture in Iganga throwing stones, Isaac Newton Ojok. He withdrew my passport and threatened to cancel my university scholarship if I insisted on going simply because I did not follow the party line. This was Uganda in a multiparty era I know of.

My constituency is composed of people without limbs, of some with bullets and anti-tank and grenade fragments in their chests, arms and legs. People who do not sleep but had to stake their lives in defence of this country. It is a constituency of people who have given this country selfless service since sixth of February, 1981. They have therefore sent

me to tell this honourable and elected Assembly that the only price you can pay them, the only price you can pay for their comrades who fell in the process of liberating this country in Kapeeka, in Semuto, at Kikandwa, at Katonga, at Corner Kilak, in Soroti, in Moroto, at Bibia, is to build a just, united, peaceful and stable country. (*Applause*). It is to ensure that their children do not pass through this similar experience, to ensure that never again should this country be ruled by con men, gunmen, abrogators of constitutions and riggers of elections in power. Madam, the problem goes beyond Uganda during the independence era. This problem started with economics and politics of colonialism. The politics of economics Madam Chairperson and colonialism breed conflict. People who shaped policy were guided by eurocentric writers who wrote that Africa had no history, Africa was incapable of innovation by nature and without civilisation worth the name. There was a professor of history called Coupland who wrote that *'The main body of Africans had stayed for untold centuries, sank in barbarianism. So they remained stagnant neither going forward nor going backwards. The heart of Africa was scarcely beating'*. Madam Chairperson, I am saying that the politics you see today has roots in colonial economy and colonial policies. A cash crop economy producing raw materials for export in primary form without any added value produces conflict. One British Labour Minister informed Ched Jaggary who was a Prime Minister of Guyana. I quote: "Our national position - meaning the British national position - is really too grave to warrant any indulgence in our particular opinion, on the method of overseas development. By one means or another, by hook or crook, the development of primary production of all sorts in the colonial territories and dependant areas in the commonwealth in far abundant quantities than it is, is, it is hardly too much to say, a matter of life and death for the economy of this country." Madam Chairperson, I am saying that a peasant based economy without industry breeds conflict. If I quote the Chancellor of exchequer Sir Krips 1947 while addressing all African governors conference said that : *"You will, I understand, be considering the question of the development of manufactures and industries in the colonies. Although I take the view that such development is highly desirable, so long as it is not pushed too far, too quickly, yet it must be obvious that with the present world shortage of capital goods, it is not possible to contemplate much in the development of industrial development of the colonies"*. So our

economy Madam Chairperson, has no industry to talk about. That will reflect the kind of politics we have had. Madam Chairperson, there is no inward looking infrastructure to facilitate exchange and create the culture of interdependence. The economics and politics of colonialism Madam Chairperson, there was a conscious policy to keep commerce in the hands of Asian middle class which made the Asian survival dependant on the colonial state. The civil service was dominated by the people from the centre, from Buganda and from the west, the army and other paramilitary institutions by the north, and eastern Uganda - the Martial race ideology as you are aware; and the south as a labour reserve. If I may quote Prof. Kabwegyere in one of his many books, he quotes that by 1920, there were 368 schools in Buganda, 44 schools in Western province, 42 schools in Eastern province and none at all in Northern Uganda. This sectarian conduct of public affairs breeds conflict. Madam Chairperson, I am saying that imperialism, was constantly in a problem. The problems were how to erode the African systems and institutions of government while taking advantage of it and utilising it to ease the cost of administration; how to conquer vast areas for the extraction of resources and guarantee markets for their commodities while at the same time maintaining that area divided along ethnic and religious lines. How to unite people at different levels of social economic development into one unit while maintaining them in their historical and cultural conditions. How to maintain law and order in an alien and exploitative system of production and exchange.

In conclusion on this point, Madam Chairperson, I am saying that, the seeds of conflict the seeds of instability were rooted in the fact that, we entered colonialism with a panga and a hoe as instruments of labour and production, we came out 70 years later with a Panga and a hoe as instruments of production. But there was a difference Madam Chairperson. The panga and the hoe we entered the colonialism with was home made, the panga and the hoe we came out with was imported. These are the seeds of instability, and these seeds of instability can be in any economy which produces what we do not consume, and consumes what we do not produce.

When we went to Lancaster, we forgot to raise two issues which were very important, and these are the issues which would have created some semblance of stability. The first issue Madam Chairperson, was what type of economy Uganda was to inherit after

independence. Was it the colonial, import dependent, primarily producing for export to the world market without linkages internally? The second question we did not ask Madam Chairperson, was what character of the state were we to inherit after independence? Is it the army that shot and killed mau-mau liberators in Kenya - allow me at this stage to quote *Uganda Herald* of 11th July 1953 which was discussing Amin's military campaign in Kenya. "An African non commissioned officer, who has now been promoted to sergeant, Idi Amin, tackled a gang at a time when his platoon commander was away in Fort Hall. After tracking four terrorists for some distance, he made contact and opened fire with a stein gun, at long range. His stein jammed, and he borrowed one of his section members rifles. A four mile chase ensued, at the end of which, corporal Amin, in his own words, put the site up to 500 yards, aimed a little low and hit one at 400. The corporal went on to capture two members of the gang". This is the hero of the Anti-Kenya struggle, who was to become Uganda's number one and champion its independence and sovereignty.

Madam Chairperson, is it the Police that shot down workers during the 1930 and 1945 general strike? Is it the law that denied the Cooperative and Trade Union the right to organise and is it the court that handed down the Judgement, is it the political institutions with the colonial character that did not respect the local people referring to them as natives?. I contend that, the whole colonial state apparatus symbolized by the hand cuffs was transplanted into the new and independent Uganda. It continued with anti-people character of colonial systems till 1986.

I am sure you know the role played by the British and Israeli governments represented by Col. Bar Lev, in the overthrow of the first Obote Government. It is a fact that the British Prime Minister Edward Heath, knew of it much earlier than Obote himself. The colonial hand continued to control the affairs of state in Uganda, throughout the Amin period and the Second Obote Government. The bush war waged by the NRA, Madam Chairperson which had started earlier under FRONASA was a war to dismantle the colonial establishment by over hauling the colonial army and using the new army to build a new pro-people state structures and changing the quality of politics in Uganda. I contend, Madam Chairperson, that the insurgency in the North, and the North Eastern part of the country, spear headed and commanded by the very elements we had routed out of

power, was an attempt to re-organise the old colonial establishment and capture state power in order to minimize our achievements. The insurgency used tribal sentiments and the backward condition of our people, and took advantage of the limited number of the NRA to terrorise the population. I do admit that the NRA which had to increase its ranks to cope with the new challenge, had to integrate other fighting forces, which had been fighting the Obote regime, recruited anti-people elements who killed people in areas of operation. But what cannot be accepted is the line - to borrow hon. Kuteesa's words - "the new high priests of democracy" - that violence here was state inspired. A code of conduct which provides "never abuse, insult or even shout at any member of the public" Continued to be applied without mercy on all those involved in extra judicial killings. A few examples will illustrate my point. Point of information postponed, I will look for it later. On 16th of September 1989, R04469 2nd.Lt. Ereso of 55th Battalion, shot and killed one Grace Apiu in Alego Gulu district. Two days later, Madam Chairperson, we convened the Field Court marshal and executed him by firing squad. On 1st April, 1988, private Simon Bole of 4th division headquarters, shot and killed one Charles Ochola, on that same day, we put him on firing squad after a field court marshal.

Earlier April, 5294 sergeant Erama Mourice of 49th Battalion threw a grenade and killed Charles Manaweso son of Albino Akure, at Ajumani, Moyo district. We convened the general court marshal and we executed him by firing squad. On 2nd December 1988, at 1800 hours, Corporal Pule Richard of 307 Brigade Headquarters in Kumi, raped a *mwanainchi*, whose name I do not have here, we convened a Court Martial and executed him by firing squad. RA 7252 Sergeant Kakooza Sam on 14th of April, 1990, killed Apedu Francis at Aloet Arapai, Soroti district; the field Court Martial sat on the 24th of the same month and executed him by firing squad. RA 19910 Eric Mugendagi of 118 Battalion, Soroti, on 19th August 1989, at Kikinjaji killed one Tom Adiclu at Moruapesur ward, we convened a Court Martial and executed him by firing squad in public. Madam Chairperson, the list is endless; but the point I am making is that violence that has been taking place in these areas was criminal violence by individuals which was punished harshly by the Army in accordance with the existing law. (*Applause*)- According to the scriptures, Madam Chairperson, that even satan was in heaven, what was important is that, there was a system to identify him and deal with him.

So satan can infiltrate NRA, but we have a system to identify him and deal with him. (*Applause*). The people of these areas knew our policy and run after the so-called liberators into our camps.

The policy of broad based Government must be commended to inculcate a spirit of restraint and tolerance in handling different personalities in this country. A lot of these so called political heavy weights in these areas would be behind bars if we were to follow the raw intelligence reports we received without contextualising and historicising these problems. This country is lucky to have a sober military High Command; we have fought this war with clear politics guiding us and that is why we insisted on training our soldiers on politics which was new in the curriculum of the military of this country. I find the allegations by hon. Owiny-Dollo which he made in this House on the 15th of July 1994; that the NRA is benefiting in terms of allowances as cheap, baseless and unfortunate. It can never be the policy of our Army to prolong war, we loose our comrades everyday, in these areas and we have a historical mission to pacify the country and liberate our people from fascists and gun men. We shall ultimately do exactly that. (*Applause*).

On the question of defence of the Constitution, Madam Chairperson, as provided for in Article 3(1), there is a philosopher in law called Kelsen, according to this philosopher, Madam Chairperson, law is a system of norms. There is a basic norm and general norms. There is what we call a grand norm. So, according to this theory, Madam Chairperson, a revolution is a nullification of a legal order and replacement by a new one. So, for there to be a revolution, you only have to crash the existing order and replace it with another one, once the people support the new order, then a revolution has taken place. Madam Chairperson, this theory was used by our forces in a number of cases, but let me quote one case, where Justice Oder in the case Ssempebwa versus Attorney General, said this, a change of Government through extra constitutional means establishes a new legal order in place of the old, is now too well established in Uganda to be disturbed. In fact, in view of our history of the last 20 years, one would be tempted to think that the principle might have been invented for Uganda and Uganda for it. Madam Chairperson, we must change this law and this thinking, beginning in this Assembly. (*Applause*). Most of these upheavals did not start in the barracks, although they were executed by uniformed

men, they started in the legislature, in Cabinet rooms, in civil institutions. Let us clean these areas and our Constitutions will survive. (*Applause*).

We support the idea of military training for the people in order to defend their Constitution; we do not believe that the whole population of Uganda should remain hostages when gun men decide to take the country for a ride. Our Constitution needs to be supported by the deliberate policy of inculcating a culture of constitutionalism in all spheres of our social and political lives. Madam Chairman, a Constitution survives because of the method that brings it into force. Those who challenged Government that it was wasting time and money to consult what they referred to as every Tom, Dick and Harry, have now seen for themselves the value of consultation. Some, including my distinguished Chairman on the Legal and Drafting Committee, a celebrated Constitutional lawyer, did not initially support the idea of an elected Constituent Assembly. Fortunately, he ultimately conceded to the majority will and I thank him for that. (*Laughter*).

I now hear ugly voices rejecting the idea of a referendum. Ours was a protracted peoples warfare not a coup d'etat; it was not by accident that we did not use assassination, that we did not run out of this country to look for a foreign base to launch a conventional war, by using internal resources on Uganda soil, we brought the people at the centre stage of politics by establishing the Resistance Council and Committees with administrative and judicial powers, we brought the people into the main stream of public affairs in Uganda. The people have tested power. I beg the indulgence of hon. Members never to attempt to take away that power. (*Applause*). It is a very dangerous venture, I shudder to imagine myself a party in a mission to take away peoples power, a referendum is the Court of Appeal, the NRA is with the people, you may need another Army to do that. (*Applause*).

A Constitution is durable because of its provisions, that is the most important arsenal; that is the most important weapon that can protect it, what it provides for, a Constitution that dispossesses our people, that does not give them the means to produce, that does not give them security of tender, cannot be durable. A Constitution that targets the international community and forgets the local community, a Constitution that targets 50 years to come and forgets that it begins to operate the moment it is

promulgated, six months from now, cannot be durable. (*Applause*) Where was the international community when Amin butchered Ugandans, or where was it when 1,000,000 million Rwandese perished at the hands of the murderous regime? A Constitution that is universally acceptable yet it is not nationally acceptable, is not a lasting Constitution. (*Applause*). Let us begin with ourselves. this Constitution is going to operate in Uganda. Westminster models have not been the best for our country let us import ideas when we find ours wanting. Our people may be ignorant, but they are not stupid, let us not depart from their proposals which came from their experience, their aspirations, their values, their history and the Uganda they want to build. (*Applause*). A constitution that puts the rights of the individual to associate, I repeat this, a Constitution that puts the rights of the individual to associate above the rights of the society to exist in harmony, peace, stability and development; where the two are in conflict, cannot and will not stand the test of time. (*Applause*)

Political system, Madam Chairperson. Madam Chairperson, as an institution, we have no right to determine which political system will govern the people of Uganda but as Ugandans we benefit or suffer depending on the type of system in place, we have the right therefore to give our views. For those who challenge the National Resistance Movement as it is today, I say that we did not shoot democracy in place, we shot in place a process of democratisation. The first task of our Resistance Council right in the bush was the recruitment of and procurement of food. Today, it is legislative and judicial: even with executive powers. Our struggle has been protracted from NRC of historical members, to an expanded one, to an elected NEC and today to an elected CA with which we are now debating our Constitution. We reject a system of "winner take it all". Uganda is in short supply of resources, both human and material to warrant such a system. We reject systems that are exclusionist and do not tap all the resources of all the people of Uganda irrespective of tribe, creed, profession and sex. We reject systems that claim to be of universal application without considering our experience as a nation, our cultural specificities, our economy, our level of development of technology, and our aspirations as a new nation. We are not keen on form, but we insist on content of democracy; we want regular elections along with universal adult suffrage, we want respect for human rights, we want a free Press, we want an independent judiciary that upholds the rule of law.

we want accountability of leaders, we want social justice to improve the quality of life of our people, to have food, shelter, health and security. We support the system that allows freedom for the producers of wealth, peasants must be free to organise, workers must be free to organise, the youth, the students, the women, to develop their talents, and release their potential. That is why Madam Chairperson, we support Chapter 3 of the National objectives. Since Uganda was colonised, it ceased to have its own objectives and aspirations, our labour and time go to serve foreign interests, our politics and economy are directed by external forces for predatory alien interests. This Chapter, Madam Chairperson, is reinstatement of our independence and sovereignty as a people and as a country. We may need to reduce the content or restructure it, but this Chapter will guide subsequent legislation in this country. This Chapter will guide our future political parties and the conduct of public affairs in Uganda.

In our recent conflict with a foreign country, I am sorry I am not a diplomat, in our recent problem with Rwanda, there were some newspapers, mouthpieces of certain political parties which openly sided with Rwanda against Uganda. This is a very dangerous trend, it must be stopped by some of these provisions in our Constitution. Madam Chairperson, this Chapter will guide the Government on the economy we have to build, there cannot be a people, there cannot be a society without objectives, without principles governing state policy. Madam Chairperson, the other day there was somebody who wanted to register a party on the basis of Islamic fundamentalist principles. How do you challenge such a person without such principles? No law can be enacted that is inconsistent with our national objectives. This Constitution is both a legal and political document. I beg hon. Members to see the wisdom of including this Chapter in our supreme law.

On traditional leaders, Madam Chairperson, in philosophy, we have a law called the law of negation of the negation. According to this law, you will not build a new society from nothing, but on the ruins of the old society. As you build a new society, elements of the old society will reappear and if they are negative suppress them, but if they are positive, take advantage of them, to build a greater and superior society. (*Applause*). When the Army Council sat in Gulu in April, 1992, its attention was drawn to the fact that some of our people still believed in traditional leaders and their role was still cherished, as an

institution whose axis are the people, who were we, to deny that right? So, we still stand by our position and that of the NRC, for a political leader in order to reconcile their role with human rights and with the level of development of this country.

Madam Chairperson, I must hasten to add that culture also means the way of life of the people, so when you are talking about a royal drum, you are talking about people who are involved in smelting iron, people who are involved in cutting timber, who are not kings, people who are involved in tending trees, so we have been taught history of emperors, presidents, chiefs, we forget that people are also participants. So, we should recognise that people are participants in making culture and recognise their contribution. It is then that our Culture can be enriched beyond the royal house.

On affirmative action, Madam Chairperson, - I am winding up, we know - we have participated with women in the liberation of this country, their contribution cannot be under estimated. All legislation, that challenges the right to exist as a people, that roadblocks their enjoyment of fruits of their labour must be repealed immediately. *(Applause)*.

On land, we are saying that the 1900 Agreement distributed land unfavorably. It gave certain personalities in this country the right to evict, if you do not pay rent, that was not very good and therefore created squatters in Uganda. We are saying that the 1928 *Busuulu* and *Envujjo* Law was a good law because it restricted rent and also guaranteed some security of tenure, we could not evict a peasant without a Court Order. The 1969 Public Lands Act took away some of these rights, because, it made a peasant less secure. With Ministerial consent, you could evict a peasant from the land. I am winding up, Madam Chairperson. The 1975 Land Reform Decree created tenants at sufferance with notice, you could evict a tenant from the land. We are saying Madam Chairperson, that this Decree must be repealed and security of tenure given to our people. It is then that we can increase food security and provide permanent homes for our people.

Finally, Madam Chairperson, I am talking of the National Council of State. As advocates of peaceful resolution of conflict, we support an institution by whatever name called, which can reconcile our differences, our different institution of Government without recourse to war. We are tired and the people are tired of the use of the Army as first resort to solve

political disagreement. We appeal to hon. Members, to take stock of the experiences of Uganda and make sound judgement on this matter. Once again, allow me to restate our total allegiance to this process of democratising our country, our total allegiance to the people of Uganda in their effort to build and strengthen their democratic institutions; our total support for the struggle for justice in Uganda. I thank you. *(Applause)*

THE DEPUTY CHAIRMAN: Thank you very much hon. Mayombo, I think the clapping is indicative of the peoples acceptance of your presentation.

MR. LULE WASSWA: Point of clarification, Madam Chairperson, noting that the Army hierarchy is dominated by people who hail from the West, and for various reasons have been forwarded for this imbalance. I heard from the hon. delegate, the hon. Mayombo a long string of summary executions which undoubtedly were in circumstances where this process was invaluablely abrogated, what I would like hon. Mayombo to clarify, is the relative proportion of the victims who hailed from the different regions. No, I agree it is historical, but it basically does impinge on human rights, when you have got certain people who are in control, it is easy to get a lot of powers and you use those powers on certain individuals. It is important to clarify this, because we are going to have to take it into account when we are dealing with those issues.

LT. MAYOMBO. Madam Chairperson, we have a Code of Conduct which says, any officer or man; we do not discipline people regionally. If people from the North have not committed an offence, why should we discipline them? A Code of Conduct is clear, we discipline criminals who have violated the laws of Uganda in conflict with the Code of Conduct, we do not mind where he comes from and secondly, Madam Chairperson, I only quoted six instances, we have been dealing with very many people, if you give more time, I will take him to archives and show him how many people we have dealt with in accordance to the law. Crimes have no tribes. Thank you.

DR. PHILEMON MATEKE (Bufumbira South): My names are Mateke Philemon Bufumbira South.

THE DEPUTY CHAIRMAN: Can we have some silence in the House?

DR. MATEKE: Madam Chairman, and hon. delegates, Uganda as an independent state is 32 years old. Since 1962, the country has had three Constitutions and this august Assembly is being asked to make a fourth one. It is hoped that this Assembly will make a viable Constitution which will stand the test of time. Madam Chairman, Ugandans are spending vast sums of money on this Constitution making exercise. Our Government has gone to the extent of borrowing money from friendly countries so as to facilitate this exercise. This external borrowing increases our debt burden, which has to be met by all Ugandans. We therefore owe a big debt to the entire population of Uganda of today and tomorrow. If we take fixed positions and fail to come out with an acceptable Constitution, the future will pass a harsh sentence on us. We must have a capacity to build a consensus, so that we come out with a permanent document. We must be in a position to bridge our divergent views for the stability, good governance and development of our country. We are not here to please individuals, a political party, or a clique of people, or region. We are here to make a Constitution that will be workable, and keep our people together. Our personal or group sentiments must be overshadowed by a spirit of nationalism.

Ugandans are tired of the gun rule, those who want to rule should get their mandate from the people, might does not make a right. The consent of the governance expressed through periodic elections, must be observed by all who want a permanent Constitution. We must ensure that our leaders do not exceed powers prescribed by the Constitution. Conscientious efforts must be made by all Ugandans to avoid emergence of benevolent dictators, after we have made this Constitution. Those leaders who are determined to remain in power against the wishes of the people, because they want to satisfy their lust for power must be resisted. Madam Chairperson and hon. delegates, in the 1930s, the German people allowed Hitler to come to power, in the course of time, he worked outside the Constitution, just before the German occupation of Austria in February in 1938, Hitler had to say this, and I quote: *'Above all, a man who feels it is his duty at such an hour to assume the leadership of his people is not responsible to the laws of Parliamentary usage or to particular democratic conception, but solely to the mission placed upon him and any one who interferes with this mission is an enemy of the people'*. He was convinced of his own infallibility, he disregarded the suffering of the German people as all

dictators do, he controlled education, the press, the radio, the police, the army and the courts of law.

I would like briefly to go into the possible cause of our political instability in Uganda since 1962. The present is built on the past, and the future will be built on the present. Madam Chairman, the past has influenced the events of today and while interpreting our history, we must be guided by objectivity. Since 1962, we have had fragile political institutions, which gave rise to political complications, tinted with expediencies that were used by some politicians to usher in the Constitutional crisis of 1966. Since independence we have had a weak political system, based on weak and sometimes unprincipled political parties and organisations. The emergence of the Army as a factor in our politics has adversely undermined our stability and socioeconomic development. The Army was used when there was a dispute between Mengo and Central Government. Some political leaders in UPC attempted to collaborate with Kabaka Mutesa II, to use the Army to capture power. All in all, the use of the Army to capture and maintain power, is a bad precedent. Since the involvement of the Army in politics, in 1965, the armed forces have become an integral part of the political system in Uganda. Some of our politicians, Madam Chairperson, who want to take a short cut to power, have collaborated with Armed Forces to achieve their own ends, this does not promote healthy political development. Our history is full of examples of sycophants, bootlickers, whose job is to mislead the Head of State, these behave as soothsayers, who would like to tell the President what he would like to hear, such people who are always looking for hand-outs from the State, normally contribute to adoption of oppressive policies, thereby driving opposition underground especially if there is no room for freedom of expression. Our leaders must adopt a culture of accepting constructive criticism because there is no single Ugandan with a monopoly of a formula as to how the country should be governed. Madam Chairperson, this country has had power maniacs who acquired and maintained power at all costs. These power maniacs commit murders and keep their imaginary enemies in cold storage in the name of national unity and economic development. Such leaders remain in power so long as they enjoy the support of the Army. Such leaders forget the Biblical dictum which says that, those who live by the sword, will die by the sword, those who live in glass houses should not throw stones.

Now, I go to the Draft Constitution. Chapter 3 talks about National Objectives and Directive Principles of State Policy. This Chapter, Madam Chairperson, should be removed from the Constitution because its contents cannot be enforced in the Courts of Law. Moreover, this Chapter looks like a political party Manifesto

Citizenship: Madam Chairperson, Section 41 (A), is highly unacceptable. This provision confers citizenship on aliens retroactively. Under the 1962 and 1967 Constitution, aliens can only become citizens of Uganda through naturalisation and are required to renounce any other citizenship. This provision confers citizenship on aliens automatically and does impose on them a requirement to renounce the citizenship of any other country or countries they may hold.

Political system: On political system for Uganda, the Draft Constitution guarantees freedom of association. This freedom of association is diluted by articles 94, 95 and 96. The Constitution Commission created confusion by recommending co-existence of political parties and the Movement. They should have recommended for the adoption of either of the systems. So far, there are diverging views about the political system the country should have. One school of thought feels that the Movement should continue for five years and thereafter a referendum should be held to determine whether we should continue with the Movement. Another view says, elections should be based on pluralism after the adoption of the Constitution. A third view wants the Government of national unity in place for some time, when the incumbent President continues in office. During this transition, the President has to draw his Cabinet from existing political forces. This transitional period would enable political parties to re-organise themselves so that when multiparty elections take place, they would be in position to participate effectively. One of the fundamental tasks of this Government of national unity should be creating conducive climate for free and fair elections. Madam Chairman and hon. delegates, the people of Bufumbira South, asked me to negotiate, they do not have fixed positions about these divergent views.

The executive: The Draft Constitution provides for a Presidential system of Government. It also provides for direct elections of the President. The Draft Constitution gives the President latitude of freedom, to choose his Cabinet outside the legislature. World

over, the executive tends to be powerful, it is the duty of the population to make sure the executive does not overstay its power by usurping the powers of other arms of Government.

Legislature: There is a need, Madam Chairperson, to create a powerful legislature which cannot be trampled upon by the executive. We do not like to have a Parliament which gets directives from the Executive to pass anti-people legislation. It is the duty of the legislature to support, watch, and criticize the Government. It has to preserve the rights of the individual in his relationship with the administration. The people of Bufumbira South feel that the legislature must participate in the negotiation and allocation of loans.

National Council of State: The people of Bufumbira South, Madam Chairperson, strongly object to the creation of the national Council of State. Its functions can be taken care of by the Cabinet. Whatever needs approval, can be approved by Parliament on the advice of the relevant committees of Parliament. The existence of the National Council of State, would undermine the supremacy of Parliament and would violate the principle of checks and balances. *(Applause)*.

The Armed Forces: Madam Chairperson, the Army has been a power to be reckoned with in our politics as I have said before. It is an institution that must get special attention in our future deliberations here. Uganda as a small country, needs a small, mobile, well trained and well equipped army. It has to be catered for in terms of adequate remuneration, feeding, and favourable terms and conditions of service. Our Army should serve the Government of the day instead of being misused by individual leaders. Our Armed Forces must avoid as much as possible our maniacs who might be bent on getting power undemocratically.

The people of Bufumbira are Bafumbira and their language is Rufumbira, which has air time on Radio Uganda. Article 34, Section 4, of our Draft Constitution, states that the State shall encourage the development, preservation and enrichment of all Ugandan languages. A language grows from the people, it is seldom that it can be imposed. Any attempt to impose a particular form of a language on unwilling people has usually met with the strongest opposition and has actually resulted in something very reverse of what the promoters thought.

The people of Bafumbira South would like Bafumbira reflected in the second schedule of the Draft Constitution. Bafumbira have been living in Bafumbira since time immemorial and the fact that Bafumbira were at one time under the rule of Rwanda up to 1910, does not make them Banyarwanda. Similarly, Ugandans cannot claim to be Englishmen because they were under British rule for some decades. *(Applause)*. The Bafumbira have been developing their own culture and identity. Madam Chairperson, the existence of Bafumbira does not mean that we do not recognise the existence of Banyarwanda in other parts of Uganda.

Socioeconomic aspects of the Constitution: Madam Chairperson, our Constitution is expected to promote balanced socioeconomic development. A Constitution cannot operate in an environment of extreme individual or regional inequalities. Government must take it upon itself to eradicate these imbalances wherever they may exist. If such inequalities are deliberately allowed to exist, mounting discontent can destabilise our country. Article 185, Madam Chairperson, gives power to Government to borrow and lend. Parliaments must be given power to negotiate and allocate these loans. If Members of Parliament are accorded an opportunity in allocation of loans, there is a chance that this would promote sharing of the "National Cake" thereby fostering national unity because political democracy without economic democracy can lead to discontent. Accordingly, the decentralisation policy introduced by Government, is a step in the right direction. But if these big monies going to the districts are not tightly controlled, decentralisation will be rendered useless.

Madam Chairperson and hon. delegates, if the Constitution has to stand the test of time, some of the following conditionalities must be made:

1. The Government must observe the Constitution letter and in spirit. Elections must be held on schedule and Government must accept the verdict of the people at the polls unlike what happened in Nigeria, where Abiola won elections and the junta failed to hand over power.
2. Government should avoid manipulating the election process.
3. A conscious policy by the Government to sensitise the masses about their role in defending the Constitution. Here, the Constitution could be translated into our local languages.
4. Independence of the judiciary can act as a bulwark against encroachment on individual liberties of citi-

zens. Judges must be appointed strictly on the advice of the Judicial Service Commission. It would be unfortunate if judges are appointed on political considerations because they would be used by the executive to pass political judgements.

5. Emergency provisions should be diluted by this august Assembly to avoid the sliding of the country into dictatorship.

6. A conscious policy of the Government to sensitise the Armed Forces in protecting and defending the Constitution. An Army which is controlled by individuals cannot defend the Constitution. Under such conditions, it would be difficult to have a permanent Constitution.

7. Balanced development of the whole country must be a conscious policy of the Government.

In light of what hon. Sam Njuba revealed to us when he was addressing this august Assembly to the effect that some provisions were smuggled into the Draft Constitution by a Committee of 8 wise men, I suggest the Commission should exonerate itself by giving us sufficient explanation as to whether hon. Njuba was right or wrong. The public is very uneasy about this important revelation; the public is saying, the Draft Constitution - *(Interruption)*

MR. WANENDEYA: Point of information. Thank you Madam Chairperson, may I inform my brother, on the Floor of the House that I talked to one of the Constitution Commissioners and they had recommended that five of them could be over here with us as ex-officio members, that is without voting; so that any points which are being raised in this august Assembly would have been answered by those Commissioners. But whoever it was, in his wisdom or otherwise, did not allow this point to be debated. I thank you Madam Chairperson.

MRS. MATEMBE: Point of information. Thank you Madam Chairperson, although I am a delegate representing Mbarara district, I had the privilege of being one of the 21 Member Commission who are responsible for producing this Draft and I think the information which I will give you is the true information. Hon. Njuba said, that he was giving his views, if you read even today's paper, where he said, he is entitled to his views and he was giving his views. But what I want to tell the hon. Delegates is that, we went around everywhere, many of you saw us, we gathered views, we have given a source of all those views, you have it with you. If hon. Members can go to Post Office building on 11th Floor where we used to sit,

they will get all the files and everything is there. We divided ourselves into groups, we discussed the peoples views, we analysed them and we came out with a Draft Constitution. What I want to tell the hon. Members here, is that the 21 people were not just machines where you switch on electricity and it goes - the current goes. We were there, when you look at the word analyse, you get all the views, you sit, you analyse them against the background in which the views were given, you analyse them against the circumstances Uganda has gone through and you analyse them against everything to be able to come out with a recommendation. When I submitted my first statement here, I told Members that this was a genuine document which could be improved and put better, but it was sincerely drawn from the genuine views of the people. On the very note of the Council of State, people expressed views about the way they could harmonise the Executive with the Legislature so that they can stop these executive when they put Members of Parliament into prison and so on so that they can amicably work together and when the Commission sat, we weighed this and the other and we came out with that kind of body. It is up to you dear delegates to see whether it is good or not good, but as for hon. Njuba to say that something was smuggled, I wanted to give him information, but I stopped because even our working relationship had never been so smooth, I am forced to say it here and in fact, I am glad he talked what he talked because this clears the air, that the Government had no influence on the Commission and the Commission was working very independently of the Government. I thank you.

LT. COL. SSERWANGA-LWANGA: Point of information. I also happen to be a Commissioner on this Commission. Madam Chairperson, our work was to study, analyse, review, and then formulate proposals for the new Constitution on this Commission. The Commission was composed of 21 Members. However I would like hon. Njuba frankly to say, he talks of eight wise men, who are these eight wise men? Unless he wants to bring division around. Madam Chairperson, this Commission went ahead as it was stipulated in Statute No. 5 of 1988, by Parliament and this Statute gave powers to the Commission to make proposals. If the Commission went ahead and made a proposal of National Council of State, that was proper and it was in order; if he does not agree with it, no problem, let him oppose it. Thank you Madam Chairperson.

MR. OBELONEGI: Point of clarification. Madam Chairman, I have listened very carefully to the explanations arising from the words of the speaker on the Floor and would like the clarification as to why, and of course from my Former Friend Madam hon. Matembe. Madam Chairperson, I wonder over one thing that, the same people who were on the Commission, not the same but some of them, who have read this thing and followed our debate here are now telling us or telling me, that Article X, Article Y, Article whatever, were put in there without his or her consent. Does that not look or sound a bit confusing to us that there was apparently disagreement? I have said some have said it to me, I do not have to mention names, now I would have expected Madam Chairman, that in a normal situation when a Member of a Committee or a Commission disagrees as they some of them now disagree, he is entitled to write what is a minority report and we should be reading this Draft. *-(Interruption)*

A HON. DELEGATE: Point of order. Madam Chairperson, is it in order for us to start explaining this issue when on Friday this matter was raised and you ruled me out of order?

THE DEPUTY CHAIRMAN: Actually, before listening, we would not know what is his sense of direction. But I think I better give the Floor back to hon. Mateke to complete his presentation.

A HON. DELEGATE: All the same, the public is saying that Draft Constitution embodies ideas which did not originate from them, it would seem there was no electing and compiling of the information. I suggest Mr. Chairman, that Justice Odoki should be requested to come here to rectify the situation if what we are doing is going to be respected by posterity. He should be able to give us true statistics. Madam Chairperson - *-(Interruption)*.

PROF. KANYEIHAMBA: Point of order. Is it in order, Madam Chairperson, this august House having heard all the explanations from everybody including Commissioners, and knowing that all delegates here have full mandate to discuss this Draft, replace it if they want and everything else, to continue labouring this point that the Commissioner-Chairman of the Constitutional Commission should come here? We are not bound by this Draft, the hon. Member speaking now on the Floor is telling us what his Constituency wants to be put in this Constitution and will insist on putting it in, whether or not Odoki

makes some other proposal. So, is it in order to continue to labour on this point when in fact he has got a full mandate to change everything in the Draft Constitution?

THE DEPUTY CHAIRMAN: I think we have the mandate to discuss the Draft whether Odoki is here or not. Hon. Mateke, you can continue with your presentation.

DR. MATEKE: Madam Chairperson, let all of us leave this august Assembly as winners. I thank you Madam Chairperson and hon. delegates.

THE DEPUTY CHAIRMAN: Thank you very much hon. delegates. I can see it is 1.00 O'clock, we can adjourn and be back here at 2.00 O'clock on time please. Thank you.

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

MAJOR ONDOGA ORI AMAZA (NRA DELEGATE): Thank you Madam Chairman Hon. delegates I am the one called Major Odonga and for the record, I would like to once again say that my full name is Ondoga ori Amaza, ori written in small letters. Thank you.

Madam Chairman, it has been the habit of almost all hon. delegates who have come here from constituencies that are counties or districts to begin by telling the geographical boundaries of their constituencies. Since I do not come here from a county or a district, I will begin by telling you about myself.

I regard this as important because shortly after we were sworn in Madam Chairman, one hon. delegate approached and asked me, Major Ondoga, you have been in the Army for a long time, why is it that you are still a Major? This hon. member Madam Chairperson, had heard of some Captain or some Lt. Colonel Ondoga in the 1970s and mistook me to be one of them, still marking time. For the record Madam Chairperson, I would like to bring it to the notice of all fellow delegates and other Ugandans who are not here that, my association with the Army started in 1982, when I was forced from my station of work, which was then Nakaseke Hospital by the then forces of the Government, who came to look for the enemies of the Government and finding there Ondoga who was supposed to be an enemy name, I was forced out of my work station and run into the

bush to join the NRA and that is my first ever association with the Army. Having said that Madam Chairman, permit me to begin my contribution by making reference to remarks made in this House by hon. Maikut as reported in the proceedings of the Constituent Assembly of 12th May 1994. Hon. Maikut is reported to have said, "you remember that under the Legal Notice No. 1 of 1986, there was the provision that the Constituent Assembly will be made up of the Members of the NRC and the Army Council. So, however, I am extremely very grateful for the NRM Government under the leadership of His Excellency the President and honourable Members of the NRC, and more so, the gallant sons and daughters in the Army Council, for wisely accepting to pave the way for our being in this honourable House". I am a Member of the Army Council, Madam Chairperson, I therefore find myself lamentably incompetent to join hon. Chebet Maikut in paying gratitude to those who are supposed to pave the way for our being in this honourable House. In the circumstances, I will instead place the scenario in its historical perspective. As most hon. delegates will no doubt agree with me, the in 1979 ousting of the Amin regime was received with a lot of hope by the majority of Ugandans who suffered its oppression and atrocities. It is however a sad testimony of our history that those hopes were no sooner registered than they were shattered. It was in the wake of shattering of the hopes Amin's ouster gave birth to, that the process that has culminated in our presence in this august House, we are set in Motion. The story of the 27 young men who launched the bush war that paved the way for our presence here has been told 1,000 and one times already. I will not therefore have to bother you with it; rather I will tell you the story of the rest of us who against our will, in most cases were subsequently forced by the circumstances of the time to join the now legendary 27. While we were out there, Madam Chairperson, we used to hear of characters traversing the width and breadth of the country and even globe trotting from one capital to another proclaiming "Abaana bakola" that is, "the boys are working". That reminded us of the briefcase freedom fighters of 1979; the Ladies and gentlemen who came from Moshu and other capitals of the world, with briefcases that were supposed to be full of liberation, but in the end it proved to be full of greater suffering instead. - (Applause)- and we said, never again shall we leave the destiny of our people in the hands of these briefcase freedom fighters; liberators and politicians.

So, when we learnt of the formation of NRM, with the NRC as its legislative arm, and we in NRA as its armed wing, we resolved that 40 per cent of the members of the NRC must come from the NRA. That in principle remained our position until January 1989. Then on 27th January 1989, an Army Council meeting was called to discuss the impending expansion of the NRC. The main point of contention was whether the NRA should insist on 40 per cent presentation in the NRC, as was stipulated in the agreement by which the NRM was formed or not. In essence however, the debate revolved around the question of whether or not the destiny of our people could now be left in the hands of what we had dubbed the briefcase freedom fighters, that is the political elite. In the end, we resolved to renounce the 40 per cent share and opted for 10 seats only. With that decision, we also disassociated ourselves from the Legal Notice No. 1, provision that the Constituent Assembly to debate the future Constitution be comprised of the NRC and the Army Council. I do not know whether, Madam Chairperson, members have noted the significance of this; because what it meant was that, the Army Council which is 100 per cent military and the NRC which was 40 per cent military would have been the ones sitting here now.

The Army Council's decision to renounce its 40 per cent share in the NRC, as well as the option of merging with the NRC to form this Constituent Assembly, represented a vote of confidence in those of us who have been given the honour of making a new Constitution of our country. As we go about doing what the people of Uganda have entrusted us to do in this Constituent Assembly, I would, therefore, wish to implore my fellow delegates to reciprocate the vote of confidence that has been passed in them. Let us not, fellow delegates, go down in history like the briefcase freedom fighters of the immediate post-Amin era, who raised peoples hopes only to leave them in even greater distress.

Let me clarify that when I talk of a vote of confidence having been passed in our political elite of which honourable delegates present here are a sample, I do not mean it was the Army Council or even the NRA that passed that vote of confidence. The NRA, you have been told several times, begun as a 27 man nucleus. However, by 24th January 1986, when NRA took position on the outskirts of Kampala in readiness for its capture, it had a strength of over 20,000 fighters. The growth from 27 to over 20,000 and the advance onto eventual take-over of Kampala and the whole country happened because behind

those 20,000 fighting men and women of the NRA, there were millions of ordinary Ugandans who had similarly lost confidence in the country's political elite. The vote of confidence referred to is that of those millions that made it possible for the NRA not only to become what it is, but also to do what it has done, such as enabling us to assemble in this august House to make a new Constitution for our country.

As a representative of the National Resistance Army, I cannot, like most honourable delegates here, claim that what I am saying represents the views of this or that county or district. However, as I pointed out a few minutes back, the NRM managed to become what it is because there were millions of ordinary Ugandans advancing in concert with it on all fronts. This, Madam Chairperson and fellow delegates, is neither an idle braggadocio or even a sterile academic make-believe. For a good five years, we were out there with those ordinary Ugandans, feeding on *kama* and *kainja* infested with lice and jiggers, sleeping under the open sky on beds made of banana leaves. We thus got to know and appreciate the fears, needs and aspirations of those poor people because we, ourselves, had been reduced to embrace these fears, needs and aspirations as our own. Those people with whom we ate *kama* and *kainja* are the same class of people on whose behalf honourable delegates representing counties and districts in this House, have come here to speak. I can therefore, without any fear of contradiction tell all honourable delegates present here that I actually have a fairly good idea of what the fears, demands, and aspirations of their constituents are. That being the case, Madam Chairperson, I can not help feeling dismayed when I hear an honourable Delegate representing the Workers of Uganda in this House speaking in the language of a would-be Chairman of the Uganda Manufacturers Association. I cannot help feeling amazed when an honourable delegate from Kabale or Mbarara quotes Rudyard Kipling or William Shakespeare and tells us that those are the words of his constituency. Indeed, Madam Chairperson, I cannot help feeling very worried for the future of our country when I hear an honourable Delegate from Arua, like my Colleague here for example, reciting Hobbes, Locke, Rousseau in an erudite manner, and telling us that those are the views of his constituency. (Applause)

Many reasons have been advanced, both in this House and elsewhere to explain the failure of the 1962 Independence Constitution. One reason why

that Constitution failed the way it did, in my own opinion, is because it was forged on the basis of the interest of the political elite of this country to the exclusion of the interests of the ordinary people. It has been mentioned in this House already, Madam Chairperson, that as far as our political elite is concerned, politics is about competition for jobs and positions in public life. Without meaning to demean the Ugandans who participated in making the 1962 Constitution, I therefore, submit that they concerned themselves more with what each of them, either as individuals or political elite groups would get on the attainment of independence. That, Madam Chairperson, is how we ended with the UPC-KY alliance that many honourable Delegates have already spoken against. It is my hope and prayer that we do not come out of this exercise with any arrangement that in its substance is a replication of the UPC-KY alliance. Many Delegates who have already spoken expressed the desire that the Constitution we will come out with at the end of this exercise be one that will stand test of time. If this desire is genuine, common sense dictates that the basis of that Constitution ought to be the basic interests of the broad masses of the Ugandan people, as opposed to the narrow class interests of the political elite or sections thereof. The main concern of our people today is that they be left to peacefully develop their individual and collective capacities to provide for their needs. They want peace and they want development that will get them out of their poor conditions of living and we have an obligation to let them have it.

Madam Chairperson, permit me to digress and remark on the nationalistic personal statement made by hon. Tiberio Okeny in this House on 12th July, 1994. It has been common to generalise that the people of the area from which the Head of State comes are ruling or are the ones in power. Thus we have heard of northerners or even, more specifically, the Lango or Acholi ruling. We have heard of the West Nilers ruling and today we hear of the westerners or Banyakole ruling. But is the situation in reality as it is depicted? Did the peasants of Lango stop sleeping in grass thatched huts and fetching their drinking water from Lake Kyoga when Milton Obote assisted by the likes of the Late Luyimbazi Zake and John Babiiha were ruling this country? Did the people of West Nile stop carrying schistosome or Bilharzia worms in their abdomens when Idi Amin assisted by the likes of Colonels, Itabuka and Lukakamwa -(Applause)- and Generals Nyangweso, ruled this country? Since 1986, when Yoweri

Museveni with the assistance of, at one time, the likes of hon. Adoko Nekyon, Omara Atubo and Moses Ali ruled this country, have the Banyakole herdsmen ceased milking their cows using their bare hands? (Applause) The point I am making, Madam Chairperson, is that the peasants of this country who constitute the majority have never ruled this country even when the president comes from their area. If anything, peasants have only suffered because the president comes from their area. (Applause) as the case of the West Nilers in the wake of Amin's oust illustrated in such a tragic manner. Madam Chairperson... (Interruption) I am informed, it has been what I have referred to in my presentation as the political elites who have ruled this country since independence and from whichever part of the country this political elite comes, their interest has always been the same and totally different from that of the majority peasants. The political elite, therefore, have no right to drag the peasants into their intra-class quarrels and struggle for power. The Constitution we are making is not for the political elite but for all Ugandans, especially the peasants who make up more than 80 per cent of our population. (Applause) And while we are about this business, let us not forget that constitution making is not a politician's job but that of a statesman. According to James Clarke 'A politician thinks of the next election, a statesman of the next generation.' If we want to make a good Constitution, we have no choice but to stop behaving like politicians and instead become statesmen. So, there you are, fellow Delegates.

Having said that, Madam Chairperson, permit me to turn my attention to specific areas of the Draft Constitution beginning with Chapter III that deals with National Objectives and Directive Principles of State Policy. Quite a few honourable Members have expressed the view that this Chapter be scrapped. My view, however, is that we retain it. It can be condensed and maybe merged with the preamble, but it ought to be retained. (Applause) My reason for this stand is simple. A Constitution, Madam Chairperson, is at once a Legal and Political document. As a Legal document, the Constitution largely concerns itself with how power is distributed in the community, acquired and transferred from one hand to another. As a political document, on the other hand, the Constitution is about the purpose for which the power, thus acquired and distributed, is to be used. Power, Madam Chairperson, to me connotes the exercise of actual or tactical control over the resources available in a country. That is, when we

say someone is in power we mean he has actual control over the country's resources and that he can deploy and cause such resources to be used at will. Is it not fair, Madam Chairperson, that such a person should be told in no un certain terms to what use you expect him to put those resources, more so when we are talking about a Constitution for nation building as opposed to nation running! Because we are here concerning ourselves with ruling. We are concerning ourself with distributing the national cake, but it has been at the level of distribution - nobody has talked of how this national cake should be produced. I think that one should be a Constitutional issue. (Applause)

If you look at the 1967 Constitution, for example, you read in Article 2, Clause 1 that '*Uganda shall be a republic and shall be known as the Republic of Uganda*'. The Republic, Madam Chairperson, drops upon us as if out of heaven. We do not know where it is coming from or even where it is heading to. What is the intention of thrusting itself upon us? In the circumstances, is it surprising that it has had such an enviable lifetime? I propose, Madam Chairperson, that we condense Chapter III, combine it with some aspects of the preamble and retain it as the first Article of the Constitution we are making and ensure that no other subsequent Article is in contradiction to it.

Turning my attention to the question of traditional rulers, I would like to remind hon. Members that the reinstatement of these institutions was initiated by the National Resistance Army Council. Being a member of the Army Council, myself, I am therefore, in complete agreement with the provision of Article 279 of the Draft Constitution and would like us to adopt it exactly as it is. During the course of their contribution to this general debate, quite a few honourable Members have conveniently avoided talking about traditional leaders... (Interruption)

MR. OKWAKOL: Point of Order. In view of the fact that we have come here to make compromises, is it in order that some of our honourable Colleagues should be issuing ultimata?

THE DEPUTY CHAIRMAN: That is what he feels.

MAJ. ONDOGA: Madam Chairperson, I wish I had been allowed to continue up to the end, then I could be judged. I was saying during the course of

their contribution to this general debate, quite a few honourable Members have conveniently avoided talking about traditional leaders, clamoring instead for rulers, monarchies, etc. To be a ruler, whether traditional or modern, implies the wielding of political power. And a monarchy, according to the Collins Concise Dictionary of the English Language, is:

1) A form of government in which supreme authority is vested in a single and usual hereditary figure, such as a King.

2) A country reigned over by a monarchy.

Madam Chairperson, if the idea of those who have been using the terms traditional ruler or monarchy instead of traditional leaders is to have in place individual or institutions that conform to the above definition, I must here and now make them know that they have embarked on a path that can only take us back to where we have just emerged from. From what most Delegates have said here already, I have been led to believe that we all agree with the philosopher who said that '*Where as life is to be lived forwards, it must be understood backwards!*' It is nevertheless amazing how we seem to be paying only lip service to this philosophical dictum by constantly making reference to and condemning the events of the 1966 crisis, when at the same time advancing the very same ideas and positions that laid the groundwork for that crisis. (Applause) Here, Madam Chairperson, I must take issue with the political elites of the kingdom areas, especially those ones from Buganda. In apportioning blame for the 1966 crisis, the villain has always been identified as Milton Obote. In all fairness, however, should not the Baganda Political elite who, together with Obote, prepared the recipe for that crisis be taken to equal task? Indeed, Madam Chairperson, are we not blaming Milton Obote for more than what he did when we say he abolished monarchies in 1966?

It is my contention, Madam Chairperson, that the 1966 crisis had its origin, not only in the 1962 Constitutional arrangements but that its root lay also in the 1900 Buganda Agreement. Clause 6 of that agreement, in part, provided as follows: '*So long as the Kabaka, chiefs and people of Uganda (read Buganda) shall conform to the Laws and Regulations instituted for their governance by Her Majesty's Government and shall co-operate fully with Her Majesty's Government in the organisation and administration of the said Kingdom of Buganda*'. Her Majesty's government agrees to recognise the Kabaka of Buganda as the native ruler of the Province of Uganda under Her Majesty's protec-

tion and over-rule'. Regarding the appointment of the Kabaka and his maintenance, the same Clause provided as follows: *'The name of the person chosen by the native Council must be submitted to Her Majesty's Government for approval and no person shall be recognised as Kabaka of Uganda whose election has not been approved by Her Majesty's Government. The Kabaka of Uganda shall be guaranteed by Her Majesty's Government from out of the total revenue of the Uganda Protectorate - a minimum yearly allowance of 1,500 pounds a year'*.

It needs to be pointed out, Madam Chairperson, that at the time that agreement was worked out, Kabaka Chwa was just an infant. It was the chiefs whose place has been taken by what I have referred to as the political elite of Buganda who negotiated those terms which, in camouflaged form, were later smuggled into the 1962 Constitutional arrangements. We have seen the results. In 1954, the deportation of Kabaka Muteesa II and in 1966, his tragic show down with Obote. Mr. Chairman, it is my contention that both 1954 and 1966 occurred because with the initialling by the Baganda chiefs of the 1900 Agreement, the Kabaka of Buganda ceased to be a monarchy in the scientific sense of the word and became an employed chief of the Protectorate Government. *(Applause)* The fact that in the eyes of his people, he remained the Kabaka, did not alter the fact that he continued to hold his position at the mercy of the government. Hence, 1954 and 1966. The only way you can have a Kabaka with political or even administrative powers without the institutions sooner or later conflicting with the Central Government is to have a state of Buganda that is separate from Uganda. But since nobody either in this august House or elsewhere, said they want that, I earnestly implore all Delegates to accept the arrangement that has been proposed in the Draft Constitution.

I quite agree with the hon. Delegate who last week reminded us that when Buganda sneezes, the rest of Uganda catches the cold. Ugandans did not like the cold they caught, the last time Buganda sneezed and do not want her to ever sneeze again. *(Applause)* We, who have been given the mandate to make a Constitution for our country, should therefore, avoid turning ourselves into an influenza virus for Buganda in the manner of those who made the 1900 Agreement and the 1962 Constitution.

It has been quite correctly pointed out that monar-

chism and federalism are two different concepts but as my Colleague hon. Tumukunde pointed out last week, in the particular historical context of Buganda, the two are so intricately linked as to be almost synonymous. Or to put it in another way - In Buganda to ask for a federal status is to ask for a political monarchy. As I have just said, however, such an arrangement only serves as a political time bomb. On the other hand, Madam Chairperson, I find it hard to buy the argument that federalism will entrench decentralisation. This question should be answered: For whom will it entrench decentralisation? Is it for the political elite or the peasant majority? What is the essence, for example, of creating a bureaucracy in Gulu whose sole purpose is to serve as a buffer to whatever resources the Central government may avail to the districts of Northern Uganda? Madam Chairperson, the idea of decentralisation is that resources should move from the Central Government right down to the districts. Now, you want to put another bureaucracy - Central Government gets its cut, the regional bureaucracy gets its cut, by the time you are through, what will reach down to the districts? *(Applause)* I am, therefore, very suspicious of this federal agenda and we would rather proceed with decentralisation to the districts according to the programme already under way. *(Applause)*

Regarding land, my conviction is that it should be owned by the tiller. I, therefore, fully associate myself with the views expressed here on 14th July, 1994 by hon. Baguma Isoke with regard to transforming customary tenure into Freehold and reversal of Mailo land to the peasants from whom it was taken and who occupy it. *(Applause)* Some obscurantists have argued that mailo land is a Kiganda custom or tradition...*(Interruption)*

PROF. NSIBAMBI: Point Clarification. Thank you, Madam Chairperson. Decentralisation is essentially concerned with giving powers to different tiers of government and it does not preclude a regional tier because there are certain things such as mending roads, which districts may not actually manage. So, when they have tiers, there is no cause for conflict.

AHON. DELEGATE: Point of Order. Thank you Madam Chairperson. Is hon. Nsibambi in order to try to explain or advance an argument under the guise that he is seeking clarification from the Speaker on the Floor?

THE DEPUTY CHAIRMAN: He was still continuing. Hon. Nsibambi put exactly what you want to say as clarification.

PROF. NSIBAMBI: Thank you, Madam Chairperson, I was still articulating when I was hijacked.

THE DEPUTY CHAIRMAN: Then you were giving information, not clarification.

PROF. NSIBAMBI: Then, I wanted the hon. Colleague on the Floor to clarify to me his failure to grasp - *(Laughter)* - the conflict between the regional tier and the district tier.

MAJ. ONDOGA: Thank you, Madam Chairperson. As the lawyers say, I have got nothing useful to add to that clarification, so I will proceed. I was talking about land. I was saying some obscurantists have argued that mailo-land is a Kiganda custom or tradition but this argument contradicts reality. Before the British came, the Baganda used to say of their ruler - 'Tafuga taaka, afuga bantu'. Implying that even though the Kabaka ruled over them, the land on which they lived, belonged to them. Since the 1900 Agreement came into being, the Baganda have not been able to talk like that because of the 17,300 square miles of land in Buganda, 1,000 square miles or 5 per cent were given to the loyal family. 8,003 square miles or 46 per cent were given to the collaborator chiefs and the remaining 49 per cent went to the government, leaving the rest of the Baganda without any land. The 1900 Agreement... *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Member on the Floor, can you make your statements short because you have run out of time.

MAJ. ONDOGA: I am just winding up Madam Chairperson. The 1900 Agreement, therefore, amounted to a total negation of Kiganda custom as far as land is concerned. Is it, therefore, not ironical that 'Ebyaffeists' who claim to be traditionalists, should oppose the negation of this tradition?

Madam Chairperson, with respect to the question of the National language, some people have argued that it is not something that can be legislated but must evolve naturally. Such people disregard the fact that the intrusion of colonialism into our land, threw the natural evolution of our people off course. To talk of natural development in our present state is simply

an exercise in self-deceit. Colonialism introduced in our midst both centripetal and centrifugal forces and the demands of nation building today dictate that we must consciously augment the centripetal forces while undermining the centrifugal forces. The adoption of a national language is one such conscious move in this direction. I am, therefore, in favour of a national language and my choice for this is Swahili. The argument that Swahili is a foreign language must be dismissed with the contempt it deserves. Swahili is a Bantu language that emerged when the people of Eastern and Central Africa came into contact with people from Arabia, Asia and Europe. Its vocabulary is over 80 per cent Bantu and every Eastern and Central African country, where the development of the language was not tampered with, has its own Swahili dialect. In Uganda, Swahili took root during the reign of Kabaka Muteesa I and its further development was only curtailed by colonial interference. That is why, unlike in Kenya, Tanzania, Rwanda, Burundi and Zaire - we today, do not have a distinct Ugandan Swahili dialect. Swahili is moreover cosmopolitan, richer in vocabulary than any of the other Bantu and non-Bantu languages here and being the youngest Bantu language it is still growing, which cannot be said of the others. It is moreover neutral and it is unlikely to cause feelings of inferiority or superiority complex in any nationality. *(Applause)* So, let us adopt Swahili, fellow Delegates.

I now turn my attention to the army. The army - *(Interruption)* - much has been said about the army. While this is healthy, I must say that some of the suggestions that have been made on the nature, role and size of the army have bordered on either the absurd or the suicidal. For example, in a pamphlet produced by the Makerere Institute of Social Research and the Human Rights and Peace Centre, it has been suggested that *there should be provision in the Constitution stipulating that "In time of peace, there shall be no standing army, which force shall only be constituted in the engagement of war with an external enemy"*. I will not be surprised if there were, in this House, honourable Delegates who hold a similar view. To those of you with such views, let me refer you to the words of the American Political Scientist - Kenneth Waltz when he says *"In times of relative quiescence, the question men put is likely to be: what good is life without Justice and freedom? Better to die than live a slave. In times of domestic trouble, of hunger and civil war, of pressing insecurity, however, many will ask - of what use*

is freedom without power sufficient to establish and maintain conditions of security?" (Interruption)

I could also make reference to the Chinese Military strategist of ancient times Sun Tzu who wrote: "It is a doctrine of war not to assume the enemy will not come but rather to rely on one's readiness to meet him; not to presume that he will not attack but rather to make oneself invincible." Some people will say that this is militaristic but we must make decisions in accordance with the circumstances that confront us and on the basis of our historical experience. Even as we debate this Constitution, all but one of the countries that neighbour us are in a state of war or near-war. Military aircraft from one of these countries has periodically violated our air space and dropped bombs on our territory, killing innocent civilians. At one time a large force from one of these countries crossed our borders with the intention of turning our territory into a base area and it was only superior capacity that enabled us to round them up and send them back to their country. In such circumstances, the need for a strong, well trained and well armed army cannot be over emphasised. Such an army should be comprised of a Professional Officer and non commission officer corp and there should be a large well trained reserve army that can be mobilised and armed within 72 hours in the event of attack. There must be compulsory military training and two year service for every Ugandan under 40 years of age. For the rest, the army should serve a national character, the idea of a quota system in *(Interruption)*-recruitment should, however, not be allowed to interfere with professionalism. Madam Chairperson, those have been my reflections on the Draft Constitution, as on the tasks and challenges that face us, It is my hope that fellow Delegates will accept them in the spirit of give and take that we have talked so much about. As an advocate of democratic centralism, I shall subject myself to the final decision that we shall arrive at, at the end of this exercise. It is my hope that every Delegate will do the same regardless of whether that which they cherish has been accepted or not. I thank you, Madam Chairperson. I thank you fellow Delegates. *(Applause)*

DR. MIYINGO: Point of Clarification. I just want to clarify one thing which the hon. Speaker has just mentioned which I think is going to mislead the House. This was in Luganda where he said "*Tafuga taaka, afuga bantu*". I think the literal way he has taken it is wrong. All it is used to reflect is that if somebody had done wrong and he was to be punished

or be killed, then he would retort that the Kabaka or the chief does not rule soil or dust but people: not really meaning that it was land. That is what I wanted to clarify. Because it was giving a wrong impression.

MR. ERESUELYANU (Kaberamaido County): Kaberamaido lies astride Lake Kyoga, bordered in the east by Kalaki Sub-county, to the north and the west by Kyoga County and Dokolo - that is the place. Apart from that, it is the centre point of Uganda. Maybe if we were to look for a new capital, that is the best place we would look at. Thank you. Madam Chairperson, joining the rest of the Delegates that have so far spoken, I would like to extend my congratulations to the Chairman and the Deputy Chairperson of this Assembly. I would like to thank also the people of Uganda, especially the peasants who have sustained this country from the time it became Uganda and passed through the difficulties without any compromise with those problems that challenge them and to sustain this country to the level it is now. Apart from that, I would like to thank them also for dedication and commitment to the nation as a people for the production that they have maintained against all odds that have so far made the country reach the level it has attained.

Today I bring you the views for consideration in the making of the new Constitution for Uganda from Kaberamaido. To us, in Kaberamaido, we view the making of this Constitution as a binding factor that must bring this nation together. Several Delegates who have so far spoken have stated in their various forms the factors which divide us. Others have said we have divergence in Uganda because of our different cultural backgrounds. Others have even quoted certain aspects of our differences based on historical origin. For us in Kaberamaido we look at it in another direction. We look at it from the view point of unity and we cite this unity as based on the commonness that we have gone through as the people of Uganda. This unity dates itself from the period of colonialism when the different forces of colonial oppression forged us together. This unity, irrespective of our diversity, must be the paramount factor to determine the type of Constitution that we must have if Uganda is to prevail as a nation. *(Applause)* It is quite important, Madam Chairperson and Members of this Assembly to realise that - irrespective of our past history which makes us different because we originate in different places and we speak different languages and we have different

cultures, we must realise the most important and the cardinal factor and that is the fact that whether we like it or not, we are going to be Ugandans and our children will be Ugandans. There is no other nation, there is no other country, there is no other territory that we shall go and claim that we are nationals of that country: unless we renounce the one we live in here. I say this on behalf of my people in Kaberamaido and neighbours as well and indeed for the people of Uganda who share the same view with me and with my people because all the nations of the world that you see strong today, at one stage or the other, they were united. The Germany that we talk of today, was divided after the Second World War. The strength that Germany derived, that made it stand firm and fought wars, the strength that the Roman Empire had which made it fight and win over other countries in Europe, was because they stood together. There is no shame and there is no doubt that if we stood together, we would win political power, political problems and fight for our sovereignty as a nation: and in so doing, we shall earn a concrete place in this planet. Irrespective of all this, we must also caution ourselves that we must be aware that within us we are also having people, as individuals or people as groups who think that by division, they can survive as a group at the expense of this country. If we allow that force to penetrate us, we are actually disintegrating even before we make ourselves strong.

I would like to come to some historical occasions which justify our existence here. We must realise that the British Colonial system of indirect rule was coined in Africa because it was cheap. It was cheap because the British Colonial system did not want to spend in Africa to develop Africa but rather to exploit it. Because we are part of that British dominion, therefore, we were to be cheaply colonised and be exploited so that we remain underdeveloped. The Colonial Administration when it came to Uganda, colonised us without a shot but instead used people within Uganda to shoot ourselves so that the British would, therefore, come afterwards and symbolise Her Majesty's power. That is the reason why we discover that Buyaga and Bugangaizi in Bunyoro had to be given to Buganda. I do not think I need to go into the details of explaining this. So that, by the time we got independence, and by the time that independence was being negotiated in Lancaster House, it was evidently clear as outlined the British system from their own point of view, had realised that Uganda as a protectorate, was no longer viable to be kept. So, they granted us independence on a half

baked agreement. So that the 1962 Constitution - I would like to repeat this, Madam Chairperson, the 1962 Constitution was not meant to create an everlasting peace for the people of Uganda. Those who believe that the 1962 Constitution was a fundamental law to create peace in this country, to usher Uganda to a dimension of an independent and sovereign state, they are not sure of what they are saying. For us in Kaberamaido, we say this, It was a document given to guarantee the existence of the colonial Administration so that with the problems they had created during the colonial period, remaining unresolved, the British Colonial system in exit, left us with a surmountable problem to be resolved. That is why the sons and daughters of chiefs who took over the reigns of power in the names of elite, failed to agree to create peace. That is why the sons of chiefs, the daughters of chiefs who took the reigns of power in this country, under that Constitution failed to provide economic growth for our country. Madam Chairperson, the 1966 crisis was inevitable. I do not want to go in the detail of explaining this, Madam Chairperson - all of us in this House are intelligent and men of high class of judgement. *(Interruption)*

MAJ GEN. TINYEFUZA: Point Clarification. I would like the Speaker holding the Floor to clarify whether by that statement that the 1966 crisis was inevitable; whether it also covers the manner in which it was handled. In other words, was attacking the Palace of Muteesa and trying to kill him also inevitable?

MR. ERESU: Madam Chairperson, with the indulgence of the House, I beg to clarify. Madam Chairperson, in the *Hansard* and all records that I have come across, it took me days to get to know why the 1966 crisis took place and I have this to say. Much as we regret the incident, when those who went to negotiate in the Lancaster House met, it is recorded that the issue of the lost counties, for instance, was left to the incoming administration of Uganda to resolve. Which means the British Government exonerated themselves from solving the problem. So, because that problem was left unresolved and by Article 67 of the Constitution of 1962, I can justifiably say - that crisis could not be converted. *(Interruption)*

MR. NGOBI: Point of Information. Thank you very much Madam Chairperson. I would like to inform the hon. Member and also the Members that

the 1962 Constitution provided for the solution to the lost counties. It provided for a referendum which was actually carried out. It also provided for how the results will be implemented and made into a Legal Document. It provided that if the President who was then the Kabaka of Buganda, was unable to sign the results, the Head of Government could do so and did so constitutionally. It was brought to cabinet. I was present in the cabinet and this was provided constitutionally. So, that is not the problem which caused the crisis. The crisis was elsewhere. Thank you.

A HON. DELEGATE: Point of Information. Thanks very much Madam Chairperson, the hon. Delegate holding the Floor has informed us that the leaders we have had, have been a product of chiefs but when I look at history, I find all of them have been in fact, sons of peasants. Kiwanuka, Obote, Amin, all of them. The only problem I see is that even if they are the elite, I see that when they became the elite, they committed class suicides irrevocably. So, when we talk about the chiefs, we should not blame them for what they have not done. I think it is not fair.

MR. ERESU: Madam Chairperson, I beg to continue. I think we must realise that whenever we talk - we talk with a time scale. I am talking about the first leaders of this country and chiefs were very important and these were the people who had a very strong contact with the British system and they were in fact, most of those people - all their children were the ones who went to negotiate this Constitution and therefore, the reigns of power - were either given to them directly or to their children. So, I beg to continue. Madam Chairperson, I would like to bring in another aspect that our people in Kaberamaido would like to share with the rest of Uganda. The people of Kaberamaido share democracy. They share in the ideals of democracy, they share in the ideal that man is born free and man has the freedom to exercise his ability to think and to implement what he thinks. That being a very cardinal factor, the people of Kaberamaido propose that as individuals and as a nation, we need to cherish this idea. So that, whatever we discuss, we must be able to put it into what must be practiced. For that reason, they believe that the form of government that we must come out with in the Constitution must guarantee the fundamental rights of the individual to think, to choose and to implement. The form of government that we must come up with, must be that which guarantees that cherished goal. For that reason, the people of Kaberamaido believe that it is of paramount signifi-

cance that this august body takes into account the realisation that they need power; power at the top may not necessarily effectively reach them. They need services; services provided from the top may not necessarily adequately reach them. For that reason, they believe that in the event of the economic decline that the country has undergone, they must be given the ability to plan and to implement those plans and see the result of those plans to chart the economic direction of that community which is immediately within their own setting. So, they advocate a fairly decentralised form of government but if we are going to adopt a fairly decentralised form of government we must look for viable units that must have that decentralised form of government. On the other hand, they also suggest that if Ugandans talk of going federal, the mistake of 1962 should not be repeated - the mistake that some parts of Uganda go federal and the other ones remain under a centralised system. If it is federal, Uganda must be fairly divided and equally made federal in all aspects. To this, they suggest, given the fair view that people in the Buganda region seem to think they should go federal, people of Kaberamaido have this alternative to pick - that while we grant federalism to Buganda, they also feel the great federation must be created stretching from Tororo ending in West Nile. *(Applause)* If this alternative does not take place, then we must all unite together and fight under one central government. But a federation is not for its own sake. A federation must have a viability. It must have a population viability to sustain it. It must have economic viability to make it workable. Recently, on the 18th May, 1994, while opening the Constituent Assembly, His Excellency the President had this to say "A modern industrial society needs the following: a wide spectrum of raw materials, a large skilled labour force and above all a large internal market". So, I think if we are to go federal, the consideration of the people of Kaberamaido, cannot be just flashed aside. Above all, the people of Kaberamaido see education as one of the principle factors which must usher our society into greater heights. The education as it stands now, as shown or as given in one of the Articles in the Draft, is only for a privileged few. The education that we have today, denies the multitude of Ugandans the opportunity to excel in their intellectual capabilities. Education that we have today is coined to the interest of those who have and the "have-not" are not getting any opportunity as if this country does not belong to them *(Interruption)*

MR. ELYAU: Point of Information. Madame Chairperson, the information I would like to give the brother holding the Floor is this that as we speak now ever since the NRM took over power, Kalaki, Kaberamaido is still dark - no electricity. We cannot read at night like others here. The lorries which are given to schools - were promised but today the ministry is changing its line that there are no longer good. You can see how we have been overtaken by events. Thank you very much.

MR. ERESU: Indeed, Madam Chairperson, things speak for themselves. If we maintained a structure of education in its present position, we risk to create an army of illiterate people. We risk to create an army of disgruntled people. We risk to create an army of those people who will retard our development. I propose, on behalf of the people of Kaberamaido and indeed to those who share sentiments with us that to say that education must only be free for primary school is not justified. It is not justified and it is wrong. The right thing is, education for primary school alone does not create a transformation required to make one be called educated, let alone make a society move forward. But what we propose is, this nation, this government must sit and think carefully to create an opportunity for every Ugandan to be educated to what level he can reach. I have been in a country much poorer than we are and they succeeded in the process.

While I was a student in the University of Dar-es-salaam, I met students who benefitted from universal free education and I am proud to associate myself with that university and with the kind of education that is propelled by that university and to share classrooms with the students who benefitted from that kind of good far sighted policy. Madam Chairperson (*Interruption*)

DR. KAKUNGULU: Point of Clarification. I seek clarification on what is common in that federal region referred to as stretching from Tororo to West Nile. In Buganda, we have a commonality in that we have the same language and we have a similar cultural institution that unites us which should be developmental. What I am seeing is that the multiparty diehards want to find a way of luring us to believe that they are serious about thinking of a federation whereas, they want to propagate something as a trap for us. I seek clarification.

MR. ERESU: Madam Chairperson, one danger

that this House will have is to begin having illusions and thinking in suspicious manner. That is the greatest disease we shall have and that is the disease Ugandans have had. I beg your indulgence and the indulgence of the almighty God that we desist from this. The greater north federation has so many similarities - by language. The Luo spoken by the Adhola in Tororo stretches and can be understood all the way up to Kitgum and Arua and Nebbi. The cattle culture that is kept in Tororo, stretches across through Kapchorwa via Karamoja, all the way to West Nile. The food in terms of simsim, millet, the beer they drink in terms of "malwa" The customs and traditions and marriage styles cut across. Madam Chairperson, I see no reason why the hon. Member is suspicious. Unless he is denying facts of our society.

Madam Chairperson, if I may go on, I would like to continue on a specific ground. One most important thing which has created problems in our country is the issue of presidential power. Presidential power has been said to be very strong in the 1960s as per 1967 Constitution. Presidential power has made him a king or even beyond a king to the extent that a person wielding presidential power can even determine whether you should breath air or not perhaps. But I would like to say the people of Kaberamaido also share the same sentiment that the presidential powers be reduced but at the same time, there are institutions within the Executive whose powers have been usurped by the President. So, we feel those institutions must also be given their semi autonomy within the Executive Body. I cite a case like institutions like that of the Public Service, institutions like the Teaching Service and what have you. They must be free in their operations to create efficiency and to make those offices viable in terms of credibility. I would also like to cite one important aspect that is corruption in this country should not be said only to be because we are poor and it is poor people who attain offices. No, corruption is because Ugandans and governments that have been in place, have failed to do one thing - that is institution building. Because we have failed to create institutions that should be semi autonomous and having a competent or depending on their credibility and sapping up all those institutions into one single body, then corruption sets in. That is why sometimes we accuse our president and the officers immediately after him, of appointing people on sectarian basis. (*Interruption*)

I would have talked much more but you see we still have time. I would like to touch on one small aspect that is also important and that is citizenship. I choose to talk about citizenship because it is perhaps one of the most dogging questions affecting us here and many other Ugandans who are not here. Ugandans today, do not know how to define who is a true Ugandan. Ugandans today, do not know even how a person becomes and when he becomes a Ugandan. When we the people term each other "Anyanya", when we hear people calling someone a "Munyarwanda" - it is just being derogatory. The real issue is because citizenship has been mixed with state power. At one stage or the other, people whose citizenship has not been properly ascertained, have found themselves directly or indirectly being in position of power. So, it is very important that people of Kaberamaido - you have to realise this - people of Kaberamaido do not have any grudge against anybody whether he is a Munyarwanda or an Anyanya. But we simply need to do one thing - to come with the proper Laws of the game to make someone be a citizen so that he can participate in the affairs of Uganda. I think that will answer a lot of our queries and make us comfortable. I would now like to touch on the last bit and that is the Political Question. The last thing I want to say about the political Question because it is the most important and the thing around which our problems tend to circulate. We must realise *-(interruption)-*

THE DEPUTY CHAIRMAN: Yes. But summarise that point.

MR ERESU ELYANU: Madam I will do. Man is born free and must be free. Free in talk, free in expression and free in putting his decisions into action. I think it is important to recognise the free association of man to choose so that he is left to be comfortable. But in our situation, this is very important, and in the light of our history, we must consider that we may not achieve that thing as directly and as quickly as we want. It is therefore, important, that we implore into ourselves and ask for the blessing and guidance of the Almighty God - for those who believe in Allah and even to our ancestors that the present form of Government or any other form of Government must be there so that we get a change to a properly elected, politically, free chosen Government of Uganda. I thank you very much.

MR, ODOY-ASOKA ALFRED (West Budama North): Thank you Very much Madam Chairperson. Madam Chairperson, permit me on the behalf of

the people I represent and on my own behalf to extent to you and your Colleague the Chairman our most heartfelt congratulations upon your elections to the high offices of Chairman and Deputy Chairperson respectively of the Constituent Assembly. Your elections to these two important and demanding posts. Positions are a clear manifestation of the confidence and trust the people of Uganda, through their hon. Delegates here present, have in both of you. May I also take this opportunity Madam Chairperson, to express my sincere gratitude to the people of West Budama North Constituency for having sent me here as their Delegate to this august House, to join my fellow Delegates for the important task before us to deliberate diligently and promulgate a lasting Constitution for ourselves and the generations to come.

Madam Chairperson, before I touch on some aspects of the Draft Constitution let me make some general comments about some perturbing experiences we have had in our country, since Independence.

For 32 years now, since Uganda obtained Independence from the British Colonial Powers in 1962, we have lived troubled lives characterised by political turbulence, wars of destruction, economic degeneration and stagnation, mistrust amongst ourselves and calling each other names, to mention but a few. But why have all these happened. Madam Chairperson, all these problems in our view have largely troubled us due to political intrigues and intolerance of each other egocentric leadership, selfishness as well as gross disregard of the rule of the game and therefore, dictatorial chauvinism, and on top of all these vices, is the greed for political state power at whatever cost. The situation has also been aggravated by external interference in our internal affairs by neocolonialists. Tribal, ethnic and regional hegemony and malpractice in the management of Public Affairs by exclusion or inclusion of other groups is equally contributory to our problems. Madam Chairperson, Uganda's past and present political turbulence cannot be blamed 100 per cent on the 1962 or 1967 Constitution alone. For a Constitution is like a sleeping lion or a crop-seed. You only reap what you sow. That is to say, if you do not disturb a sleeping lion it will not destroy you and when you plant cotton seed you get cotton not groundnuts or simsim. Similarly, Madam Chairperson, even with the new Constitution we are about to make by itself will not be a guarantee or a panacea for peace, stability and progress in this country, unless we the people of

Uganda change our ways and begin to behave responsibly. The new Constitution would never be held responsible for our misdeeds Madam Chairperson.

Let me highlight briefly some of the major events which have taken place since Independence to enable us reflect, ponder and hopefully caution and guide ourselves to approach the Constitution-making task before us with humility, selflessness and commitment to build a one, united, stable peaceful and prosperous Uganda. One - Madam Chairperson and hon. Delegates, you will remember the insecure dishonest U.P.C / K.Y Alliance of the 1960s whose only purpose was to keep D.P. from gaining State Power. This insecure alliance of convenience inevitably had to end up in the 1966 collision and the destruction of the Kabaka's palace leading to his subsequent exile life and death in the United Kingdom. Here both the K.Y. and U.P.C. had to be blamed for both had hidden Agenda on selfish motives which had to erupt like volcano one day as it did. The consequential coalition and the abolition of all kingdoms in Uganda is a well known phenomenon.

Fellow Delegates and hon. Chairperson, our country is full of dishonest leaders. For instance, during the U.P.C./K.Y. Alliance, there were some political opportunists who were in those camps busy dining, wining and would not care less of what was happening so long as their stomachs were not complaining. These elements of self-seekers whom hon. Obua Otoa rightfully called and I quote, "AGIP". That is to say, those who rotate with any group in power and they are also today in the N.R.M. Government. They will never see the bad side of the situation so long as their stomachs are not complaining.

Two: Madam Chairperson, and fellow Delegates another sad event occurred in 1971 when Amin staged the coup-d'etat which witnessed the great jubilation by people from the Kingdom Region in particular in Buganda, welcoming Amin's Regime. Later on some elders even proclaimed Amin life President. We all know the traumatic experience the people of Uganda went through during Amin's Regime of murder and terror. Unfortunately those high ranking Ministers, Ambassadors, General Managers and so on, the "AGIP" group never agreed nor believed that the regime was murdering people until their own kids or themselves directly were affected then they came out to tell it all, to the

whole world. What a double standard! Madam Chairperson since the subsequent event which took place resulting into the forceful removal of Amin by the combined Tanzania armed forces together with Ugandan Exiles in 1979 is well known. So far, I believe the underlying causes of Uganda's problems emanate from the political greed, dishonesty, intrigue and intolerance by both past and present leaders. These vices were also clearly manifested during the U.N.L.F. and the Military Commission period, culminating into the 1980 general elections following which, Mr. Museveni had to take to the bush after failing to win elections. Madam Chairperson, it is fashionable these days, for advantaged people to conveniently forget historical facts and feed others with lies. For this reason, before I leave my general comments about Uganda's troubled contemporary life, let us recount briefly how NRM shot into State Power. Unlike the UNLF arrangement, the task of the Military Commission was, among other things, to organise the multiparty general elections which took place in 1980. It is well know, Madam Chairperson and hon. Delegates that four political parties took part in that general elections namely - the UPC, DP, CP and UPM. These political Parties were led by their respective presidents - that is UPC by Dr. Apollo Milton Obote; DP by Dr. Kawanga Ssemogerere; CP by Mr. Joash Mayanja Nkangi and UPM by Yoweri Kaguta Museveni. However, Madam Chairperson, and fellow Delegates, it is interesting to note that Mr. Yoweri Kaguta Museveni, now President of Uganda, when he was defeated in that general elections by Mr. Sam Kutesa, in Nyabushozi Constituency, Mbarara District who is now hon. C.A Delegate for Mawogola Constituency Masaka District, did never go to court to contest whether or not either the DP's hon. Sam Kutesa rigged that elections against him. The most intriguing aspects of the events that followed, the result of the election, Madam Chairperson, which led Mr. Museveni to take to the bush to lead the guerrilla warfare to solve constitutional issues need to be critically examined. The questions that immediately come into mind are: Did DP or Mr. Kutesa rig the election results in favour of Mr. Kutesa to defeat Mr. Museveni? If the DP or Mr. Kutesa rigged the elections for Mr. Kutesa, why did Mr. Museveni not choose the democratic means of court action against the election (*interruption*)-

MRS. MAVENJINA AKUMU: Madam Chairperson, is it in order for the hon. Delegates to group and keep on consulting when this morning one hon.

Delegate raised a point about Delegates who are not sitting in their respective places; and more so, when the hon. Delegate is making a very good contribution from his electorate. Thank you, Madam.

THE DEPUTY CHAIRMAN: The Members are not in order. I think the Members should go back where they belong. There is an information are you taking it.

MR. ODOY-ASOKA: I will take it.

MR. KUTESA PECOS: Point of information. May I inform the Speaker that he should distinguish election, between two people and the principle behind carrying out at election. The Kutesa and President's issue that is one Constituency Area. But the general principle is - was the elections rigged or not. Thank you Madam.

MR. ODOY-ASOKA: Madam Chairperson, I would like to respond to the other question to say, that the question of the two examples I have given, is only as an example. But otherwise the principle is there. In other words it is well known by everybody else that we have the courts in Uganda, and we have even here in this hon. august Assembly former High Court Judges who can testify that Mr. Museveni never followed court action to resolve his election defeat.

MR. KATUREEBE MAGUNDA: Point of Clarification. The hon. Member has told us that if Museveni or anybody else was not satisfied with the elections, he should have taken the democratic route of going to court. How does he clarify to us the fact that hon. Bob Kitariko was not satisfied with the elections, went to court and five years later he never received a ruling?

MR. ODOY-ASOKA: Hon. Speaker, I am talking here on a specific issue of the two cases which is very clear to me and therefore, I beg to proceed, Madam Chairperson. After the protracted bush war, the NRM/NRA captured State Power in 1986. They then promised the Nation a four year term of office. That promise has been unilaterally extended to a total of nine years up to January 1995. Now hon. delegates, can we trust that there will be no other extensions of the NRM Government after the January, 1995 term? Following these experiences, Madam Chairperson, my people have asked me to discuss and agree with the fellow Delegates to specifically

state in the New Constitution, a date and a month of power transfer from one Government to the next to avoid future hijacking and postponement of power transfers. *(Applause)* Madam Chairperson, there is a lot to learn from the past and present experiences in this country. One, Uganda is one country and therefore, we must learn to live together in harmony with each other in a spirit of give and take, and fair play. Two, we must be tolerant and accommodating each others views with open minds without prejudices. And three we must up-hold at all times the democratic principles of governance. Madam Chairperson, the lack of practicing this good ideals brings us yet to another but regrettably relevant bad experiences we have had in this country. Uganda is the only country in East Africa in particular and the world in general where leaders choose to solve national problems using the ostrich style hoping that by avoiding tackling, problems would by themselves disappear in the course of time. Often times our leaders also use wrong methods in solving national problems. The lack of moral commitments and seriousness, patriotism, and nationalistic consciousness is the order of today. Madam Chairperson and fellow Delegates, for example, some of you who have ever lived in exile in other countries will appreciate the sad, bemoaning sentiments I am expressing here. Whenever we set our house on fire, in this country, we run to our neighbours for shelter and once there we experience contemptuous treatment from our hosts. Then we pretend to be united in licking our wounds together but only temporarily. Once we are back here in Uganda we quickly revert to our tribal values which over-ride the need for national unity. Madam, and fellow Delegates, we must make sure that the Constitution we are about to make is responsive to the needs and aspirations of the people of this country. Need we be surprised Madam Chairperson, to find ourselves in the destructive problems when we ourselves are responsible for escalating them?

Madam Chairperson and fellow Delegates, the Government of Kenya and Uganda and Tanzania - the East African Community broke up - that is about 15 years ago, the three countries Kenya, Uganda and Tanzania appointed a mediator. The purpose of appointing the mediator was among other things to determine the equitable way of sharing the assets among the three East African Countries including the payment of the terminal benefits of the nationals of the three countries. Regrettably, in the case of Uganda, 15 years hence, not even a single Ugandan

has had his/her total benefit paid. What has happened on the other hand. Is that Kenya and Tanzanian Governments immediately proceeded to meet their national commitments. But in the case of Uganda, the Ugandans today have got to resort to Court cases to have these problems solved. What a shame, Madam Chairperson.

MR. CHANGA MACHYO: Madam Chairperson, I am reliably informed that as we are speaking now some of the former East African Community employees are receiving their cheques.

MR. ODOY-ASOKA: Thank you, hon. Delegate for that information. But you know that the hon. Finance Minister did release some Funds in March from March up to now is over four months. But only a very tiny part of that payment so far is what is to be paid as pension only. But all the same it is 15 years and up to now it is a lot.

Let me now comment on some aspect of Constitution proper. Madam Chairperson, my people asked me to discuss the question of Land with very concerned sentiment because to them, like anywhere in Uganda, land is the most important and precious commodity for anybody in this country. The present land-laws as they stand, particularly in my area, are anti-people. It is not surprising that if you were to have a *mvule* tree for example, on your compound and somebody who has money would go to Tororo which is the administrative headquarters of the district, he buys a license to fell that tree. If you are lucky, the tree will not fall on your house and even it did, you will not have the right to claim the destruction of your right. If you did it will be a very protracted court case. Moreover for you and your father or grandfathers who must have looked after the *Mvule* tree for such a long time, you would be only as a squatter and not the owner of the property on your land. This I think, is a very unfortunate kind of law that is being practiced in some parts of Uganda. And they say this, that the law that they are going to make in this Constitution regarding land-tenure must be that the people of Uganda are the owners and managers of the land in which they stay, and that the law should be responsive to make the people productive. The land tenure system should be free-hold. And with the decentralised system of local government enabling the local people to the District Administration Offices to acquire land titles so that they can also tender this for developmental purposes. Presently, somebody will have to go from the village to Tororo,

Mbale, Kampala, Entebbe and back to Kampala and then eventually you will get your land title. So, for local people, this is too much. So, they prefer a simple land-tenure.

On citizenship, Article 42 is not acceptable to them in that because of the nature of the people of the African culture, it is always possible that anybody or any child that you find around your neighbourhood, chances are that you must know the origin of that child. Either a relative or a young girl must have run away and left a child that will be known. But in the case of urban areas like Kampala, then for sure such a child will not all of a sudden be found in the middle of the street. For sure there must have been some residents or some areas where people live, and where those people live, such a person must have his/her origin somehow established. In which case it will be known how the child happened to be living in such an area in which case it is possible to identify such a person and if he is a foreigner or left by foreign parents, the people recommend that such a child should be kept and looked after by whoever would have taken over either through the juvenile homes or families until such a person reaches 18 years and then the State can decide appropriately. But not automatically to give citizenship to whoever you find on the streets. Secondly, they recommend that in order to avoid welcoming anybody who come to Uganda like it happens now, and giving him or her our citizenship, we should have a national identity card like it happens in other countries. The problem which has happened up to now is that there is a very interesting but disturbing story that during Amin's time there were soldiers who were not Ugandans, and they would cause Ugandans to go and disturb bees in other words, they would be commanded to go and get honey out of the bee-hives during day-time and they would know what would happen. And because these people were not Ugandans they were not concerned about the lives of Ugandans. I will give an example, if you go to our neighbours like Kenya, it is so difficult that even if you say you are a Ugandan and you would like to become a Kenyan citizen it is almost made impossible to automatically acquire the Kenyan Citizenship unlike ours which is an open field. Anybody comes today, tomorrow he is a citizen. It is very unfortunate. Thirdly, what they say about presidency. That when we are discussing this issue, we should not be looking at the present administration or a chief executive. We are looking at posterity. In other words, that we put in place checks and balances that will govern the administra-

tion of the President's Office or whoever will come even after so many generations and therefore they recommend that the Office of the President - the powers of the Office of the President should be minimised by putting checks and balances like giving the Members of Parliament powers to regulate and therefore, to administer and check the otherwise over whelming powers that the President currently exercises, according to the present Constitution. Secondly, they say that the terms of the Office of the President should be five years of two terms each. They also say the President should not be more than 40 years because in the possible two terms, he would by then be 50 years. At that time he should retire and somebody should come in. They say the qualification of the President should be at least of a University education and the President must be elected by the adult suffrage and must be a Ugandan.

For the Judiciary they say it must be independent from possible interference by the Executives. There must be a Judicial Commission that should responsible for the appointment, dismissal, and promotion of judges, so that they are independent of Executive interferences. With regards to Legislature - they say the Members of Parliament must be supreme so as to exercise, on behalf of the people who are their masters, in determining the administration of national affairs so as not to allow the possibilities where the Executive may commit the country in a very serious acts without the consent of the people's representatives.

Madam Chairperson, I shall not be taking very long, the next issue that my people asked me to discuss is a question of representation as proposed in the Constitution is well supported. The reason is that often times you have MP's or representatives, once they have been elected, and they resume their seats in the august House, or Parliament, they tend to sleep and forget that they have a duty to their Constituencies and they say that this recall or power should be specifically spelt out in the new Constitution that we want to promulgate. In that respect also the MP's or the Legislature, must be specifically given to impinge the President in case he misuses or he is about to commit a serious mistake where he should inevitably involve the nation unnecessarily.

Talking about the political system, the people in West Budama North cherish the question or the system of multiparty. The example they gave me at the time we were campaigning was this *(interruption)*

THE DEPUTY CHAIRMAN: Please wind up.

MR. ODOY-ASOKA: I am trying to wind up Madam Chairperson. They gave me the example of six of us, who were candidates and they said yes if we were to have a number of possible avenues where you can practice and freely participate in terms of political parties, you are much better off because you can choose a much better representative than being put together like being in a basket and you will not know which one is a better fruit because you will pick whatever your hand meets there. Madam Chairperson, allow me to just talk briefly about decentralisation.

They agree and say decentralisation per se will solve our problem. They welcome the issue of decentralisation but they say sharing power is the issue. There must be specific powers spelt out how far and how much the district officials and the saza officials will be able to exercise the powers that will be responsible to enable them to develop their areas other than a mere cosmetic approach whereby you will be told now you are able to do all your things. I will give you an example. There is at the present moment the question of Divestiture. Supposing as it is, we have UCI - Uganda Cement Industry in Tororo. There have been talks that it is going to be sold off under the Divestiture. We believe that if the UCI is sold, the people in Tororo District must have the power and the administrative powers and all that to be able to determine how to use that money to re-invest in another industry to develop Tororo District and not to take it to the general or consolidated funds and then you leave at the mercy of the Central Government when to give it to you back when they want it and when you want it, they may say it is no longer there.

About language, there is a crucial issue here and this touches something which one of the earlier hon. Delegates talked about. I believe that as most Delegates have already expressed views here, about the question of language, we are again using the ostrich method. Some people say, let us leave the question of Swahili as a national language or in fact leave deciding on the national language to time so that we use a number of our local languages and we teach them in schools and see how they evolve. They say, that this is not being serious because Tanzania they give an example, they have *Bachaga, etcetera*. so culture - their cultures have never been affected because they use Swahili. They give the example of Kenya, they have kikuyu, luo, kamba, and so on.

They use this language (swahili) as a national language which has greatly acted as a unifying factor, and those other tribes I have just mentioned. They have not had their culture affected because they use swahili as a national language. But they say, in the case of Uganda, there is only the question of dishonesty by portraying swahili as a language that was used by soldiers and so on and they rightly say if soldiers use swahili language and probably make some people suffer and so on, what about German language which Italy used to command its forces all across Europe and today the German language is being taught all over the world and it is in fact being taught here at Makerere University and it has never ever been seen to be a brutal language because Italy used it. So, they say that the people - the hon. Members who are elected and representing the entire area of Uganda should make a decision and say yes we want to unite Uganda or we do not want to unite Uganda they hide behind the usual or rather the dishonest way of believing swahili will polarise our culture and we are not ready yet.

Madam Chairperson, there are still a lot to be talked about but I would like to leave at this moment and say that for the other issues, we will be talking in details when we come to the matter of discussing the Constitutional provisions. Thank you very much Madam Chairperson.

MRS LUBEGA MUTAGAMBA (Rakai District): Thank you, Madam Chairperson. I have a message from the people of Rakai to congratulate you and your Colleague upon the attainment of your high offices. And I gladly congratulate you Madam. On the same note, allow me to congratulate the hon. Delegates here for their victory to this House. Madam Chairperson, I have been assigned a job, what they told me to do was to come here join hands with fellow delegates in the process of shaping Uganda. However, Madam Chairperson, before we embark on this job, I would like to re-echo hon. Delegate Paul Etyang as quoted by Saturday New Vision, "All along we have pretended to live as a nation which we are not, we are yet to learn and appreciate each others' values and customs. We are yet to share each others jobs". And as long as we do not do that I believe Madam Chairperson, we are wasting our time here. We might as well pack up and go and tell our people that there is no country called Uganda. Having said that Madam Chairperson allow me to proceed to what the people of Rakai sent me to say here.

Aware of their right as the people of this country, mindful of their need to surrender some of their power to this nation in the process of resetting the country, the people of Rakai have got this to say: Leadership - the people of Rakai recognise the loopholes of our problems since Independence as bad leadership. Leaders of successive regimes have always been driven either by fellowship interest or bribe or envy or a combination of all of them. Or even inferiority complexes and as such the people of Rakai strongly endorse Article 257 to 269 about the leadership code and urge the Government to implement it immediately on promulgation of this Constitution. When they talk about leadership, at the apex we have got the President. The people of Rakai recommend that the person aspiring to get that high office in this land should be a mature person, over 40 years old and with a family and they insist on the word "family". He should be able to demonstrate the basic leadership field required in the basic unit of the community. That is the family. He should be a person of a sound social standing not somebody aspiring to sleep in State House when he has never constructed a house for himself, not a person aspiring to be driven when he has never acquired a Volks Wagon in his life. Because if such a person has access to such properties he will have no value for them neither does he appreciate the problems involved in acquiring such properties and as such they plunder such properties. Such a person should be a holder of a University Degree to be able to understand the dynamics of a national and international politics and economics. The people of Rakai strongly feel that the President should be impinged if need arises. However, in the Draft Constitution the procedure outlined of removing a President while he has committed an offence is not very clear because Article 110 talks of removing the President and the conditions that are stipulated. But however, the people who are called upon to investigate the President are the high Court Judges who are at the same time appointed by the President. So, we do not think those people are in a position to actually investigate, the President. Further more, the people of Rakai are questioning the way the Vice President is going to be appointed or elected. We have a fear that we may have a good President but he may have a bad Deputy and as such if anything went wrong or even given chance to deputise for a month, he may fail. So, the people of Rakai suggest that as a person aspiring to become the President declares his/her candidature - he should be able to declare before the Vice-President is elected so that we judge both on merit. If the

vice President so nominated is not the right person of calibre, then the person aspiring for President looses for that matter and so you should be careful in choosing her/his vice President. Madam Chairperson, the second issue that concerns - Madam I am talking about them in priority. When we talk about the leadership still we are talking about the Cabinet after the President we have the Cabinet. The people of Rakai recommend and strongly too, that Members of Cabinet should note the Members of Parliament for one simple reason that we have seen and we are still experiencing that once Ministers are appointed, they become constituent Ministers and you may have to beg and kneel down in order to get the Minister to go to Rakai. So, we suggest that a Minister should be a national figure and should be detached from the Constituency.

Land: The people of Rakai say that their sense of belonging and entire being is on land. So, they want this Constitution to recognise and entrench their customary land along with a free hold system. They urge that the customary land tenure was intended to preserve land for the generation to come. And the people of Rakai completely reject the 1975 land decree.

Citizenship: The people of Rakai do recognise a Ugandan by either descent or by birth, by registration but they reject Article 42 (i), I will have differing views and I have different messages. While some advocate for an automatic citizenship of such children under seven years, other people say that such children should be considered on merit or individual cases. We have got examples of children that have been born to say, Koreans who have been working with Marubeni. These people have gone back the children are here. You cannot give them automatic citizenship because eventually the man who was working here may claim that child, and the child will have to go. But at the same time, I have got to consider that man may never come back and the child will never find his/her way to Korea. So, what do you do with such a child. So, that is why we are saying we should consider individual cases as they grow. The people of Rakai further recommend on the issue of citizenship. As for the people who are already adults like we are here, we shall not be registered by birth because we were born a long time ago, the people of Rakai recommend that we under go an exercise of registration. So, they call upon all Ugandans to go back to their areas of origin and register as soon as this Constitution made while we

will put it as a government, call it a committee, call it a cabinet, call it secretaries we do not care what you call them, we know what to call them in Rakai or in our areas of origin. So we think that we should have a Lukiiko elected from the district and to be joined by the clan leaders and they form their executive that will be able to carry out the work or mandated work that they will have to do in their region.

MR. KIRENGA EMMANUEL: Point of clarification. I would like the hon. Delegate on the Floor to clarify whether the Lukiiko she has in mind will be composed of secretaries for culture from each district, one being man another one woman in addition to clan leaders. In other words will the Kabaka Lukiiko be a Lukiiko of cultural leaders or cultural secretaries those who have been elected to represent culture?

MRS. MUTAGAMBA LUBEGA MARY: Thank you Madam Chairperson, as for the clarification I will give it, while we get these people from the district to go to the Kabaka Lukiiko we expect them to handle all common issues in their districts. Just to give an example, supposing in Rakai or in our region - I take Buganda because that is where I come from - supposing in Buganda we wanted to put up an agricultural University because I understand it is being taken to Lira, and we wanted to put one and definitely alone cannot shoulder it nor Mpigi alone can shoulder it. So this Lukiiko could sit and discuss that one and see how they are going to locate it and then how they are going to mobilize their resources. Then the representatives from the districts will come back and report to the various districts what has transpired and how to mobilize the resources for such an institution. Or better still supposing we want to build a *Lubiri*, a palace somewhere and say in my home county Kakuto where we have got an original *Lubiri* which was demolished and we know people of Kakuto alone cannot build that *Lubiri*, then that person, a representative from Rakai will go and present the topic to the *Lukiiko* and then they would appoint somebody to specifically go into the problem of building that *Lubiri*. So, it is not only cultural it will be developmental.

The people of Rakai say that with such a decentralized and a democratized quasi federal system, they would be happy to continue with the movement as it stands now. The people argue that with such a quasi decentralized system, and one thing, this system is

going to transfer power - already it is being transferred through the decentralized system - to the local government that will rule out the problem, or it will stop the current trend of Ugandans looking at the centre as the source of privileges. And it will actually encourage development in the regions and the districts, and it will also give competition instead of envy to various regions to develop their areas.

With the experience of the last 30 years shown here, it has shown that what belongs to everybody belongs to nobody except those people who surround it. So we believe that let this power be surrounded by the local people where it belongs and it will belong to them, otherwise right now it belongs to only those people in the centre.

Traditional rulers: The people of Rakai do appreciate the step taken by NRM government for having restored their joy with the restoration of the "Kabakaship". They assert that the people of these areas where the institution is restored will be able to maintain the institution through the proposed regional quasi federalism whereby districts in the region will be called upon to maintain what they have decided to take on, and they believe that will be achieved.

Political system: The people of Rakai do recommend an interim period of five years during which a legislation and the guidelines for the formation or restructuring or consolidation of political parties will be in place. At the end of five years, the people of Rakai have varying views. The women recommend that the people be consulted in the referendum after five years and as a woman I support this stand. However, since I am to represent a district, those who supported and those who opposed me I appeal to them to forward their views, other people have got these to say. They say that after five years, political parties should be allowed to practice so that we pass on to our children a democratic political system. Otherwise they argue we are postponing the teething problems of nation building to our children in much the same way the colonialists did when they postponed the issue in 1962.

The army: People of Rakai say that the army should be recruited proportionately to the district population so as to give a balance of power of strength. They also say the army should be detached from the executive power and remain a national army to serve successful regimes. The army should be stationed at borders to protect the national integrity, and let the

police run the international affairs. They also strongly recommend that military training be given to all Ugandans or become compulsory to all Ugandans on the argument that each person in Uganda has got an obligation to protect and defend this country and the constitution. So Mucakamucaka is encouraged.

Women and children: Madam Chairperson, while my Colleagues from Rakai have articulated about the human rights in general, allow me to advocate for the rights of women and children. The women of Rakai do point at the inadequacy of the marriage law and the law of succession. While the family is the basic unit and the foundation of the nation, many families in this country are centres of conflict, which conflicts transpire and are reflected at the national level in the form of bad leaders, in form of child abuses in form of street children and all these are issues of national character originating from conflicts in the family.

It is recognized that in Uganda we have got three types of marriages, the church marriage, the official marriage before the DC and the customary marriage. It is unfortunate that while our men have tended to become polygamous, they have not utilized or they have deliberately refused to utilize the three types of marriages. What happens is that a man weds once, either in church or office or customarily and then he goes ahead to cohabit with other women. It could be the vice versa. The women of Rakai suggest that there should be a law that no man should cohabit with a woman without any form of written contract, and I said it could be a vice versa. In that contract all rights of those people entering it should be stipulated so that on the demise of one of them, the other is not taken advantage of by relatives. The women of Rakai do realize that the plight of children starts at home. Parents are carelessly getting children as accidents of pleasure, either within but mainly outside wedlock. These children become too many for the man to support then they do not attend school and become a problem in the community, they are undernourished and that increases on the meager health services and as such become a burden to the nation. As such the women of Rakai recommend that family planning be enforced. A tax be put in place for those families that have exceeded a certain number of children, and in our case, we are recommending four children. All those children produced out of wedlock should, together with their mothers be catered for separately and that a woman should have a contract with the father of the children to the effect of maintaining those children.

The women of Rakai went onto question as to when a child stops benefitting from his parents estates. What we have in place right now, is that a man of 45 years still claims the estates of his father or parents, and may even sell it out leaving the young ones and the mother without property. The women of Rakai would like this House to come out with a recommendation as to when a child stops living off his parents' property as to give protection to the mother and young children from greedy sons. Madam Chairperson, the women of Rakai say, as much as possible children should not be taken or abandoned by their mothers before the age of 16. This is one of the causes of child abuse. What happens is that a woman produces a child by a married man, and then takes that child and abandons the child in the family. In most cases, and as we know men do not look after children, so it is a woman who is being punished, the woman in the family who is being punished to look after another child whom she did not plan for. And because of that, the woman punishes the child for a reason or a cause she never committed. So in the final analysis it is the innocent people, both the wife in the family and the child who suffer when the two people who committed the offence are quite free. So we say that a woman should be responsible for her own child until at least the age of 14 but preferably 18 so that he knows how to look after her children without passing the problem to the other woman.

National Council of State: Madam Chairperson, while the duties defined in this chapter are honourable, the body to be formed is questionable, especially, its composition and model of election. The people of Rakai recommend a direct election of the body to do the job assigned to the National Council of State. This could be in a form of an upper House of Parliament and their decisions could be approved synchronized with Parliament.

National Language: The people of Rakai did not have much to say about the National language, as they think it would develop on its own accord without forcing it on anybody. However, they recommend Swahili as second official language but not a National language.

Chapter number 3 in the draft constitution comes last in their priority because they think it should actually be completely left out as it does not form a pillar of the constitution. They say that it is well intentioned and it is a well intentioned national plan but bound to change with time, and levels of devel-

opment. So we give flexibility to our constitution and future generation and let our children determine the relevant objectives of their time.

Madam Chairperson, with those few words, thank you, and I thank the hon. delegates and I hope I will be able to contribute at another stage. Thank you very much.

MR. KYEMBA HENRY:(Jinia Municipality West): I represent the people from which the late Sir. Winston Churchill called our Country "The Pearl Of Africa". It is located at the Source of the Nile in what is popularly known as JIK or the territory of Busoga according to the 1962 constitution. My constituency is the Gateway to the East or to the West depending on where you want to go and we generate the hydro-electric power which whenever it is disrupted, this August CA is greatly inconvenienced. My constituency represents the greatest diversity of the people of our Country and it is said with some degree of justification that if your tribe does not exist in Jinja, then it is difficult to find anywhere in Uganda. With such a diversity of people, it is no surprise that my constituents have a very wide divergence of views on issues that demand the widest tolerance, accommodation and comprise.

Hon. Delegates, may I associate myself fully with the courtesies and congratulations extended to all Hon. Delegates and Mr. Chango Machyo, in whatever way they found their way here and for the most valuable contributions so far made in this general debate. The task before the Delegates elected to this Assembly, Madam Chairperson, is a singular honour and privilege of a lifetime and calls for a degree of maturity that must rise far above mere semantics and "sloganeering". This Country of ours has gone through hell in spite of its being most appropriately referred to as the "Pearl of Africa". Let it never be said again that we lost yet another golden opportunity to build a better and united Uganda for our children and grandchildren, let alone for ourselves, that have not witnessed many chances such as the present one, to go forward.

Madam Chairperson, hon. delegates, our mission in this Assembly calls for frankness, boldness, and compromises that must take into full account the fact that Uganda belongs to all Ugandans and no one has any right to play with that unalienable and fundamental rights. Our people, the people of Uganda need protection from the excesses of past regimes

and we must strive to provide the machinery to block at all costs the re-emergence of those elements and forces that have ravaged and mauled the innocent citizens of this country, men, women and children alike. The constitution that we must adopt must take into full account our diversity, and the fact that we shall never be monolithic. Respect for each others' values must be a matter of course, and we should not fool ourselves that any one group of people can be bull-dozed into compliance by either ganging together or finding convenient areas of association. Respect for each other's values must be a matter of course and we should not fool ourselves once again, that we bulldoze anyone into compliance.

The Karamajong are there to stay and so are the Sebbei. The Acholis and the Langis the Madis, the Bakiga, the Batoro, the Banyankole, the Baganda, the Banyoro, the Ateso, the Bagisu, and of course, the Basoga and all others I cannot mention because of time are here to stay with us in our mother Uganda for all time to come. If anything else, we are going to become even more international than what we are.

From the fore going, it is quite clear that our first constitutional arrangements had left a lot to be desired and the people of my constituency are yearning for an accountable and responsible leadership that can emerge from our deliberations. They are not looking hon. delegates, yet again for marriages of convenient, they are looking for proper solutions to the problems and to the nightmare that has afflicted their lives while many of us are witnesses. Madam Chairperson, hon. delegates, it is possible to waste time on things and issues that possibly we can never find a consensus on, and even if we find a consensus or whatever it means, it may just be as well useless. And I may wish to start with one or two of such subjects.

I will start with the question of language. We all know, hon. delegates that language builds bridges and the people of my constituency would not wish to see a situation that marginalizes any language for political convenience. That is why they fully support the provisions on page 11 article 34 (a) in which emphasis is put on the retention and development of our cultural language. We should encourage our people from all corners of Uganda to learn as many language of our diverse people wherever they have found their home, and not to deceive ourselves into thinking that by learning say Luo, or Luganda we shall be below our dignity. *(Applause)* I have found it extremely friendly whenever I have greeted people

in Ateso, whenever I have greeted people in Luo, you name it. The mere fact that you can stick to language of your brother or sister creates a climate of association that we cannot afford to play with. Promoting one group's language against another generates unnecessary and uneasy hostility. In just as much as we do not feel ashamed hon. delegates, to speak the colonial and slave languages of Arabic, English, French, Portuguese Spanish and the rest, let us not play with our culture reflected in our languages. They just cannot be replaced and any attempt to do so or to demean them, will only be counter productive. English as an official language, is now fully respected and accepted in our country. To some, Swahili is like English to French, Canadian, or Afrikaans to blacks in South Africa. We have enough problems to deal with in this country, and I would honestly appeal to hon. delegates that any attempt to create an imaginary national language is the one subject that I suppose could wait. We should promote English which is the official language and used widely. One really wants to go very far to find a place in Uganda where you find yourself completely isolated if you speak English.

Cultural leaders: Hon. delegates, the recognition of cultural leadership is the fact of life in our societies for those who want, and cherish their positions. Their position and up keep should not even be a matter of unnecessary contention. Do not expect to come here to be lectured about the wisdom of having a Kyabazinga, let alone about turning myself into a lecturer on how best to have a Kabaka of Buganda. Their positions and upkeep should be left to the leaders and people that are affected. These leaders are respected immensely by those communities who have them, and those who do not want to have them, or who do not have them, I would appeal that they just take note of the fact and maintain their peace. In handling the affairs however, I would appeal, hon. delegates to the government that they must as has already been done, by the NRM Government to recognize them, provide for their existence a matter of fact. The government must also be even handed and not to create the 1963 unfortunate situation where one of the hereditary rulers or cultural leaders was installed as the first among equals as the President of this country, with the resultant animosity and conspiracies that resulted from that exercise.

Hon. delegates, ladies and gentlemen, may I now turn to the issue of multiparty politics. Hon. delegates we have all heard about the Uganda national

Congress, we have all heard about the Uganda People's Congress, we have all heard about the Democratic party, the Progressive Party, the UPM, the CP, and God knows what else - I had forgotten hon. Tiberio Okeny's party. Madam Chairperson, hon. delegates, I was privileged to serve as a civil servant in the office of the Principle Private Secretary, to one of the party Presidents and Head of State of Uganda in the names of Apollo Milton Obote and I believe I still hold the record for the longest serving PPS to any President of Uganda, a total of 8 years. As a civil servant, I also served and later as a cabinet minister for five years, in Idi Amin's regime until I fled into exile. I had also served the NRM administration since 1986 in the RC systems and later as a Minister since 1989. I have therefore served these three administrations out of the seven administrations this country has had. I am not one of those who have jumped on the band wagon of different administrations Obote II included. I served three administrations out of the seven, that this country has had. I can therefore, claim with a considerable degree of justification that I know most of the players in Uganda's political games which include many who are gathered here to map the next course of our mother Uganda. I certainly know the leaders of this country to a reasonable degree.

Many Members have dealt with constitutional proposals relating to the political system under which our country shall be governed for at least the next five years. The proposals of the constitutional commission are set out under chapter (6) of the draft constitution. Some Members have argued strongly against these proposals contesting that elections must be held under the multiparty system. These Members appear to equate democracy with multiparty system. To them, once there is a multiparty system, you have achieved democracy. There is no way hon. delegates I can accept this. We all know that under both Obote I and Obote II, before parties apart from the UPC were outlawed and again under Obote II, Uganda was supposed to be governed under the multiparty system. For any one to suggest that the opposition parties under these periods could have taken power from the UPC, through democratic elections, is to be either very naive or to be less than honest. The multiparty system during those periods were mere window dressing for the benefit of outside donors. *-(Applause)* There is no reason why we in Uganda and in Africa for that matter, cannot evolve a system which is suitable for our conditions *-(Interruption)-*

A HON. DELEGATE: Point of information. Madam Chairperson, I am giving this information to the fact that the Member here has said multiparties are wrong in their contention in democracy, and he quoted the regime of Obote I, Obote II and even of Amin, was it not the fact that why their regimes were overthrown was because they were denying other parties to exist? Because they were under one party, and this is what we are opposing again.

MR. KYEMBA: Madam Chairperson Obote I was supposed to be under multiparty, Obote II was also supposed to be under multiparty, and I know what he was referring to, he can be naive or he can be less than honest. We know ladies and gentlemen, as I was saying that multipartism does not necessarily *-(Interruption)*

MR. WANENDEYA: Point order. Thank you Madam Chairperson. Is it in order for hon. Kyemba to impute that those people will be naive when the rest of Africa and the world is going multipartism, are they also naive like we people in Uganda?

THE DEPUTY CHAIRMAN: That is his own observation on behalf of those people of Jinja. We have to accept his words.

MR. KYEMBA: Thank you Madam Chairperson for your protection. Madam Chairperson, moreover, what appears as democracy in other countries - *-(Interruption)*

THE DEPUTY CHAIRMAN: There is a point of clarification requested.

MR. KYEMBA: Madam Chairperson, my time is running short and I want to finish.

MR. OBUA OTOA JAMES NAGAI: Point of clarification. I am seeking clarification from the speaker on the Floor, when he says multiparty does not necessarily mean democracy, is he saying that the monolithic system is *histo-facto* a democratic system?

MR. KYEMBA: Thank you, Madam Chairperson. If the hon. delegate hon. Obua Otoa, was a little bit patient he would get the clarification in the next two minutes. Madam Chairperson, I am telling hon. delegates that multipartism is not by itself democracy per se. What appears as democracy in other countries may not be indeed democratic. We all

know for example, and this may interest hon. Obua Otoa, that Margaret Thatcher in Great Britain was Prime Minister for many years but all the time she was in power, she was a minority Prime Minister. All the other parties combined had a bigger majority votes than she had at the elections. There were more people voting against her than for her the figures are there hon. Obua Otoa. Again hon. delegates, the parties always want to select candidates who will stand in constituencies not on the basis of one man one vote or one woman one vote. Why should they do so? This cannot be democracy, it is only the movement system which is better which provides for everybody who wants to stand as a candidate, anywhere in Uganda so long as she or he qualified to do so. (Applause) Hon. delegates, the movement system of government proposes unity between people while the multiparty system emphasizes divisions between these people. How can you tell me that, that is what we want for this country, this, hon. delegates, is asking for trouble, and Uganda has had enough trouble already in her history of political independence. (Applause) Hon. delegates I would quote my own saying in *Lusoga* "Atanekontola tamanha Kudhoma" If you have never knocked your toe, you will always be rushing but if you have knocked it while walking, you will take care of the next step.

Article 94 (1) and (2) on page 35 of the draft constitution hon. delegates, provide exactly what the movement system is being suggested, where every one in Uganda is being provided for to participate in the governance of this country without discrimination. You read article 94 (1) and (2) on page 35. I have not time to go through it but this is very clear you can aspire and fight for any position in the movement as it is being provided for in the next election. Madam Chairperson, hon. delegates, I also support the proposal that, the President should be elected by universal adult suffrage, and by secret ballot.

The President holds a lot of power and should only hold office for two, five year terms as proposed in the draft constitution chapter (7) and no more. If he has not been able to perform well within two terms of five years, I think he should give a chance to somebody else. However, the people feel that the winning Presidential candidate should receive more than 50 per cent of the votes cast. If on the first ballot no single candidate secures more than 50 per cent of such votes, the top two candidates should submit themselves to a further election with others dropping out.

Citizenship: The question of citizenship ladies and gentlemen, is a very sensitive issue. That is issue of ownership of this country Uganda which should belong to the people of that country. But there is also the question of dual citizenship which should be carefully and unemotionally considered. Uganda has had bad governance for several years and as the result of which until recently, we were net exporters of refugees all over the world. We have got the biggest diaspora apart from Nigeria, you will find Ugandans in Australia, in Papua New Guinea, you name any country in the world they are there, they have been there because of our bad governance here. And as a result they have had to take on certain responsibilities, sometimes even citizenship of those areas. We need to be careful what is the position of our Ugandan citizen by birth, those who are not registered, who have not applied but who are Ugandans by birth. What is their position in this day and age where many of our sons and daughters have found it necessary to acquire nationality of other areas through marriage, or through other needy reasons? This is a matter which we cannot sweep under the carpet, because we cannot assume that just because somebody lands at Entebbe and is Mukasa that he is a Ugandan, but if he goes back to America, he is an American. These remarks make the statement clear. If you are not going to provide for dual citizenship for some of our children who are born who are Ugandans by birth, we need to examine it carefully so that we do not deny our Ugandans the nationality which they have by birth.

Hon. delegates, we also fully support the independence of the judiciary because this is the only way we can ensure that everyone is equal under the law. However, Madam Chairperson and hon. delegates, we are concerned about Clause 145 of the draft constitution which restricts the powers of Parliament to pass law to alter the decisions of a court of law. Parliaments everywhere are sovereign which means that, it has the power to pass any law it likes. In practice of law hon. delegates, Parliament will not act irresponsibly and will not pass laws which reverse decisions of a court of law unless there are very good reasons for it to do so. There must be safeguards therefore, against court decisions which to all women or men in the street or in the village are plainly wrong. Let me give hon. delegates an example, from another country. Not so long ago, the Supreme Court in Colombia gave a controversial ruling that every Colombian citizen has the right to be in possession of drugs for personal use. Now we

all know that drugs are very dangerous all over the world, and that is why they are bad in virtually all countries so far as I know. Unless they are prescribed by a qualified doctor. In many countries, to be in possession of drugs means a death sentence. Now to correct that decision of the Court, the Colombian government had to call a referendum which they knew they were confident of winning. We feel hon. delegates that it is a bit possible for Parliament to correct such a decision without going to the trouble of an extensive referendum. So I would like to appeal to hon. delegates to have another look at that provision.

On the question of appointing Ministers, hon. delegates, these ministers should indeed be Members of Parliament. Government Ministers exercise extensive powers, and it is only right that they should enjoy a measure of public confidence and support through the ballot box. To have Ministers who owe any special allegiance to the electorate, could be dangerous, and I think we must be very careful if we want to have people who are going to work as Civil Servants rather than people who are answerable through the electorate together with the President. After all, these Ministers are servants of the people, we are demanding more accountability on these ministers, we are demanding more accountability for these leaders, and to say that we can stand a situation where we are going to have ministers appointed from Makerere or from any where else, to perform these duties, we might be stepping on dangerous grounds. So we feel these people should be servants of the people, and they should have a mandate from the people.

The Press: Madam Chairperson, we are wholly for the freedom of the Press so that they are able to air and articulate problems and short comings that might otherwise be kept under the carpet. This is only right and proper that our Press should be free to publish things that will help us to do better in whatever we do. However, Madam Chairperson, and hon. delegates, the Press must realize that this freedom gives them a lot of power, and that it cannot be a right that they should exercise that power irresponsibly. To us, it seems that some news papers for the sake of achieving increased sales, will go to great length to print or publish any story which suits them but which they may well know to be untrue. We cannot provide that these injured people should only go to seek libel damages which take long and which many people just ignore for the sake of not wasting

much time on it. We all know, hon. delegates, that we are providing that no one is above the law and therefore, we cannot accept a situation that under the guise of the freedom of the Press, one individual should have the right to injure the reputation of another citizen without just cause and with impunity, we must find a way in which we must protect the citizens of this country, from malicious damage rather than say, we give a blank cheque for the press to act as they wish.

Lastly Madam Chairperson, hon. delegates, time does not allow me to go through other issues but I will just mention a word or two about the National Council of State. Hon. delegates we know only too well that the people of this country have suffered because of lack of control on what they do, and that I am sure is the reason why the National Council of State has been proposed. It is proposed, it is a good proposal, suggest in the draft constitution that, I want to say that there is room for improvement on this proposal if it is going to be a success. Presently, its composition is defective, and for it to be effective and to have some teeth on the controls of the leadership of the country, then we must make sure it is properly improved upon. Its role should be totally advisory since the President is elected by universal suffrage - everybody votes for him, but we would like to have this composition of the National Council of State looked at so that its existence does not depend on the person to be advised i.e. the President. Let us find a way of finding some personalities - leading personalities, and we have very many in Uganda, who can constitute that National Council of State. I say this, hon. delegates for God and my Country. Thank you. *(Applause)*

(The Assembly rose at 5.22 p.m. and adjourned until 9.30 a.m. on Tuesday 19th July, 1994)