



THE REPUBLIC OF UGANDA

IN THE CONSTITUENT ASSEMBLY OF UGANDA

OFFICIAL OPENING OF THE CONSTITUENT ASSEMBLY

Wednesday, 18th May 1994

The Assembly met at 3.00 p.m in the International Conference Centre

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

THE CHAIRMAN: Your Excellency, President Yoweri Kaguta Museveni; Your Excellency, the Vice President; the Hon Vice Chairman of the NRM/NRC; the Chief Justice; Cabinet Ministers; Members of the NRC; Distinguished Delegates of the Constituent Assembly; Your Excellencies of the diplomatic corp; Religious Leaders; Ladies and Gentlemen.

Your Excellency, I feel honoured on behalf of the Members of the Constituent Assembly to welcome you today here to be with us and to inaugurate us in our work to which we are embarked having subscribed our respective oaths of office. You are welcome Your Excellency.

Sir, the Constituent Assembly elected by the people of Uganda is now constituted. The Chairman and his Deputy were elected and sworn in yesterday. I feel honoured to have been given the honour of Chairmanship and I speak on behalf of my Colleague, Professor Victoria Mwaka who is my Deputy that we are honoured to be the son and daughter who will serve in the process of producing the arrangements that will govern the lives and future of our people now and onwards (*Applause*).

The Members, Sir, while taking their oaths, although I was not yet here, but I have read the oath, have dedicated themselves to serve the people of Uganda in the capacities of Members of the Constituent Assembly and I can promise through you to the people of Uganda, that for the time we shall be here, we will dedicate ourselves to the service and

duty of responsibility and functions that have been imposed on us by virtue of our respective offices here.

The task, Sir, is a big one and we intend to handle it with the seriousness it deserves. Initially there may be some fears and hesitations essentially because we are new to each other and may be suspicions arising from political positions. But I can assure you, Sir, that me and my Deputy and I am sure most of the Members if not all, are determined to find common ground in our work. We may approach our tasks from different angles but the ultimate goal, Sir, is to create a consensus that takes into account the respective desires, aspirations and wishes of our people so that the arrangement which will come out of here will be everlasting and people will remember that through the dialogue they have had, they have produced a document and arrangement that will govern them without creating unnecessary frictions but putting mechanism to ensure that any frictions that may arise can be handled and put together into a workable arrangement without difficulty.

Sir it is not my day, I will now take this opportunity to ask the Minister of State for Constitutional Affairs to come and say a word before calling upon Your Excellency to come here and talk to us and give us a go ahead in our task from now until we report back. Thank you, Sir, and you are welcome.

THE MINISTER FOR CONSTITUTIONAL AFFAIRS (MR. Sam Njuba): Mr. Chairman, Your Excellency, the President of the Republic of Uganda; Your Excellency, the Vice President; hon. Vice Chairman and Members of the N.R.C., Members of the Diplomatic Corp., my Lord, the Chief Justice; Distinguished Delegates of the Constituent Assembly; Religious Leaders; Ladies and Gentlemen.

Mr. Chairman, I find myself in the unique position of being both a Minister responsible for the Constitution making process and delegate to this Assembly itself produced by the process. So, it is both as Minister and on behalf of all the Delegates to this Assembly that I have the honour to extend the warmest welcome to His Excellency, the President. To your Excellency, Sir, I say that we are honoured to have you as our Guest at this special Sitting. We are privileged to receive you to inaugurate the work of this historical Assembly of the representatives of the people of Uganda. Mr. Chairman, we should remind ourselves that at this moment He is the fruit - the long and deep commitment on the part of the National Resistance Movement to the establishment of the truly democratic Government in Uganda - a Government which will respect the rights of the people and work within the confines of a Constitution made and accepted by the people. It was as long ago as August, 1981, that the National Resistance Movement published its policy on Democratisation and Constitutional Reform. In the Resistance news, the following statement was made about what an Interim N.R.M. regime would do to restore democracy and I quote *"As part of laying the groundwork for returning Uganda to a democratic Government, the Interim administration shall see to it that a new Constitution based on popular will is drafted and promulgated by a Constituent Assembly elected by the people themselves"*. Mr. Chairman, a phased programme for development of the new was spelt out then and again I quote, *"Phase one - Appointment of the Constitutional Committee you can call it 'Commission', makes wide consultations with the public. The Constitutional Commission drafts and publishes its version of the Constitution and receives general criticism. The Constitutional Commission prepares a second Draft for the Constituent Assembly. Phase two - Election of a Constituent Assembly to debate a Constitution; (b) to promulgate."* But I should also mention that the last stage promised so long ago was to appoint an Electoral Commission and to hold elections under the new Constitution. It is good that we remember that even when we finish our work in this Assembly, the process of establishing democracy will have to continue and will require much additional effort from all of us. Mr. Chairman, as I was entrusted by Your Excellency, the President, with managing the conduct of the Constitutional making Process since February, 1986, I am immensely happy to state that the seed planted by what the N.R.M. promised so long ago has grown so close to bearing fruit.

(Applause). I am proud too, that we have been able to follow so closely our promised programme involving our people in all stages of the processes, thereby ensuring that they believe in and support the Constitution produced by the process.

Mr. Chairman, permit me to thank his Excellency the President for his personal commitment to this most fundamental important cause of building a democratic society. I will also give thanks to all those whose efforts have, in various ways, contributed to the attainment of this new and crucially important stage of our efforts to rebuild Uganda. This includes the distinguished members of the Uganda Constitutional Commission who together, have given this august Assembly the Draft which forms a starting of its work *(Applause)*. It also includes the many thousands of Ugandans who submitted their opinions and criticisms on the Constitutional issues to the Uganda Constitutional Commission. The resulting synthesis of ideas has brought us a long way towards achieving our peaceful and democratic future. I also cannot forget the International Community for their encouragement and support rendered to the Constitution Making Process in this country. Mr. Chairman, I wish to assure His Excellency the President, that Delegates before him are determined to contribute fully to this last stage of the to Constitution Making Process. We promise to deliver goods and deliver them well. We are deeply conscious of the fact that it will be disastrous if, in our anxiety and urgent desire to create a healthy society and strong democratic traditions, we instead end up assisting the volcanoes of divisions from the past to erupt again. I am confident this will not occur. For these Delegates, Mr. President, are assembled in the name of the people of Uganda and are committed to finding constructive ways of defining a new character of our Nation. Mr. Chairman, it is in the spirit of our desire to achieve the full objectives of the Constitution Making Process that the Delegates to this august Assembly have elected you as their Chairman and Deputy Chairman, Prof. Victoria Mwaka. We have every confidence in the ability of both of you to work tirelessly and impartially to assist us achieve our objectives. I wish personally to offer you both my warmest congratulations. As for you Mr. Chairman, I am especially pleased to see that the Assembly overwhelmingly supported someone I have worked closely with both outside and inside Uganda in the struggle to establish democracy. We could not have chosen a better person for the task. Your skills and commitment and

impersonality are assured. As for the Deputy Chairman, for all that I know of her, she is very well equipped; a most vital contribution to the Assembly. I am particularly pleased that in her we have a Social Scientist of distinction who can balance the input that you a distinguished Lawyer will make as a Chairman. Mr. Chairman, His Excellency the President has always emphasized to this Nation the value of consultation. Consultative processes are the heart of this Constitution Making Process. Its philosophical base has always remained and I quote, "a Constitution made by and acceptable to the people of Uganda." In that same spirit the distinguished Delegates here today pledge to work in consultation and indeed in unison with those who through their electoral process placed tremendous trust in them to become

Today, Mr. Chairman, after all their toils and sacrifices, Ugandans can point with pride, to the many positive achievements recorded during the past eight years. The successive completion of this Constitution Making Process will be a crowning achievement that will go far towards touring our people's confidence and pride in Uganda. With those remarks, Sir, I have the honour to invite Your Excellency to inaugurate the work of this unique and historical Assembly. Thank you.

HIS EXCELLENCY THE PRESIDENT OF UGANDA (Mr. Yoweri K. Museveni): Mr. Chairman of the Assembly, Constituent Assembly Delegates. As you know, I dislike to read speeches. However, since this is a special occasion, I will endeavour to read these remarks which I wrote here. *(Applause)* I take this occasion to welcome our political elder, Dr. Kenneth Kaunda, *(Applause)* - and some people from the United States, the African Americans who have come here on the certain assignment of Peace-making in Africa. First of all, I congratulate all of you delegates for being elected to the Constituent Assembly. Secondly, I congratulate all Ugandans, including your opponents who lost, for conducting generally peaceful, free and fair elections. This is a great step forward compared to our past elections. Those who are old enough remember the gerrymandering of constituencies; the multiple ballot boxes that would be tampered with; the loose electoral symbols that could be glued on and off the ballot boxes; multiple voting; not counting soon after the polling and on site that permitted tampering with ballot papers in the process of transporting them to counting centres, and a host of

other malpractice. Incidentally, although I said I would read the document but I will not resist the temptation of adding a few things. You remember that when we went to the bush in 1981, the immediate cause was the rigged elections of December, 1980. So, having fair elections is very crucial in my opinion; and as you heard hon. Njuba reading to you what we are doing now we promised in 1981. In that News Letter of August, 1981, we had already put out the blueprint of a post-Obote Uganda.

However, I was not pleased to discover that the Constituent Assembly Commission allowed two weaknesses to linger around; these were, not stamping the registration certificate so that it is not used again and failure to display the voters' registers in the popular fashion we know, that is pinning on the public notice board for a prescribed length of time. These were two weakness which I noticed. I understand that the Constituent Assembly technically displayed in some parts the registers by somebody sitting for two hours at a registration centre waiting for voters to divine his presence and come and inspect the registers. So, their idea of display of registers was a bureaucratic and legalistic one, not a popular one. Because they say somebody went and sat somewhere for two hours and it was expected that the whole village would dream about them and know that they are there and come and inspect the register. In fact I was worried that some people may challenge the elections on that basis when I discovered late in the day. But the lawyers told me, no, legally there is no problem. They displayed the register. I said, how? They said, somebody went and sat somewhere and if people did not know about him that was their own problem. Now that is not my idea of politics. Politics must be understood by the people not a secret of the lawyers and the elite. It must be populist - it must be within the reach of the people. There was also the exclusion of the RCs in the registration of voters - yet they are the ones that know all the local people. These loopholes all by the C.A. Commission - these were by the C.A. Commission. I repeat here - they are here they can challenge me. These loopholes were by the Constitutional Assembly Commission and contrary to the views of the NRM Government, must be corrected for the future. I do not want any more loopholes, there should be no loopholes.

There was also the problem of partisan District Executive Secretaries. Those who do not know our system, the Executive Secretaries are the returning

officers for each district. I noticed quite a number of this thoroughly unprofessional civil servants that were partisan to a nauseating degree. I held my fire before and during the electoral process, because I did not want to be accused of tampering with the elections. However, this is an oversight that will not be permitted any more. And I must say that these civil servants missed a good opportunity because this was a chance for them to show that they can be non-partisan. But many of them behaved in a very partisan very biased way. So, I think they missed a good chance.

Now, coming to the writing of the Constitution. When people in the more advanced countries talk of writing constitutions, they are talking of constitutions to run their countries. It is my view that when we in Uganda talk of constitution making we are talking of creating, building or consolidating countries. The other ones are talking of running countries for us, in my view, we should be talking of creating and consolidating countries. Therefore, constitution makers in backward countries and constitution-makers in advanced ones face different tasks. The one group face Nation building, the other one face Nation running. You run a country which is already there. That is a different assignment from writing a constitution to build a country. Clearly our mission in Uganda is nation-building. In my recent speech to the Convocation of the University of Dar es Salaam, I tried to delve into the details in the causes of African backwardness. I pointed out that the main weakness has been the failure of the emergence of sufficiently large political units in terms of territory and population to guarantee the sovereignty and security of the African peoples.

The big countries that emerged in the past, did not endure. In our own area here the Bachwezi Empire that existed between 1100 A.D. and 1500 A.D is one such example. This Empire headquartered in the present-day Mubende District and Sembabule sub-district, either controlled or influenced in one way or another, the whole western region of Uganda much of western Buganda, Busoga, areas of Bugwere and Bunyole and Bukoba in Tanzania, parts of Rwanda, parts of Eastern Zaire and parts of Northern Uganda. Around 1500 A.D., however, it collapsed and I would invite the C.A Delegates with the permission of the Chairman, if they so choose in their wisdom, to go and visit the capital of this State in Uganda. The capital is there; many people have not visited it including the traditionalists. But I have visited it

several times. Around 1500 A.D, however, it collapsed and was replaced by the mini-State the micro-states - the smaller states of Buganda, Nkore, Bunyoro, Toro, Karagwe in Tanzania, Rwanda and Busoga chiefdoms, etc.

In my speech in Dar es Salaam, I pointed out that it was no accident that by 1900, the whole of Africa, apart from Ethiopia, had been colonised. African sovereignty had been usurped in the whole continent except Ethiopia by 1900. During the coronation of Kabaka Mutebi the Second, I said and I quote, *"Of course our ancestors failed to preserve our sovereignty when our continent was invaded by Europeans. As I have said elsewhere the phenomenon of colonisation in Africa, more than anything else, showed that our ancestors had done something, but not enough. The fact that the whole of the continent was conquered except Ethiopia, the traditional systems notwithstanding again, we must ensure that the previous loopholes are plugged. The main weakness was that we did not have enough unity to confront much bigger powers from outside assisted by technology"*.

That is what I said during the coronation of Kabaka. African sovereignty was usurped, the traditional monarchies notwithstanding. In spite of the traditional monarchies African sovereignty was usurped because the scale of organisation was simply too small to content with the ambitions of the more organised societies of the world. Some African apologists try to say that we were colonised because of superior technology. In my view this is only part of the story. Japan and China withstood and repulsed the pressures of the then technologically more advanced west their technological inferiority notwithstanding. Therefore, I repeat, the scale of organisation was too small to withstand the greed of more organised societies. African political units were in small swallowable units. The African units which were found here before 1900 were small and therefore, swallowable units. Buganda, Nkore, Bunyoro, Karagwe, Rwanda, etc. China and Japan were technologically backward but organisationally unswallowable by imperialism. You cannot say that when China defended itself against the Europeans, that it was technologically advanced - it was not but it was too big to swallow. The fact that by 1900, the whole of Africa had been colonised was a big vote of no confidence in all the traditional systems that existed then.

Those systems had done something but they had not done enough. I am not saying that our ancestors did not do something, it was something. If you united the 52 clans like in Buganda here, that was better than nothing. If you united the Banyankole- sometimes they say 36 clans, sometimes they say 100 - I do not know which is which, if you united the 36 clans in Ankole it is better than having one clan by itself. But the point I am making here is that that was not enough to guarantee the sovereignty of the Africans they prove Q.E.D. is that we were colonised - the whole area was colonised. Is it because we were cowards? We could not fight? No. But the organisation was inferior-political organisation. It is therefore, the duty of the Present generation to do what our ancestors did not do satisfactorily. Build sufficiently powerful African States that can, among other things, guarantee African sovereignty and security. One is ever tempted to extrapolate from the past known history of the world and crystallise a theory from the past known history of the world to the effect that the higher the degree of vertical and horizontal integration in a country, the greater its cohesion, the power potential and the prosperity of that particular country. Here I am putting forward a tentative theory in that those societies going by the history of the world - those societies that are sufficiently integrated vertically and horizontally have got more potential for prosperity and security. U.S.A., Germany, China, Brazil, the Arab countries and others prove this. One may superficially, think that there is no sufficient integration in the U.S.A. because of the ratio problems they have had in the past. However, the fact that they speak one language, English, and they have one huge market are very crucial integrative links. The turmoil in Russia may give a wrong impression that it is a weak unit especially after the detachment of the non-Russian Republics from the former USSR. However, Russia remains the largest country in the whole world. Russia today minus these republics which went away is still the largest country in the whole world in land-area. Russia is 5 million square miles. You remember how big Uganda is. Soviet Union used to be 8 million square miles. With 145 million people - these are the Russians who speak one language, Russia is in fact still a super power. In fact the weakness of Eastern Europe is that communism prevented the emergence of a middle class that had a vested interest in maintaining a huge integrated market in the former USSR. This is the weakness but it is not durable. Russia will soon re-emerge as one of the most powerful countries of the globe. It

is merely management problems. How could the Africans tribal or slightly supra-tribal units like Nkore, Buganda, Bunyoro, etc., hope to content with the negative ambitions of these more integrated societies? How could the small units of Africa of the last century hope to guard themselves against these giants? I know christianity has helped us. We read from the Bible that, you should love your neighbour as you love yourself and you should not covet your neighbour's house, wife, but in the kingdom of heaven, the lamb will lie in the bosom of the lion. But this is all in the kingdom of heaven. Here on earth lions eat lambs. So, if you decide that African societies become lambs in the midst of lions, that is you historical responsibility the N.R.M. has given you all the possibilities. Air conditioned room, allowances, whatever you want if you want coffee you call for it. So, this is now all up to you. It is therefore, clear that an African Constitution Maker must realise that his/her mission is to create a modern industrialised societies if our people are to emancipate themselves from manual labour and instead of manual labour use machines and guarantee their sovereignty. I think here you need to ask yourselves what is your fundamental mission. What Africa should we have today? What Uganda should we have today? I unequivocally tell you hon. Members, that we must have an industrialised modern society because our weakness is in the lack of modernisation. We have got preindustrial social systems and structures and economy; that is where our weakness lies. So, a constitution-maker must realise that his job now is to create conditions for modernisation and industrialisation of Africa. That is his assignment. A modern industrial society needs the following: If you say our job is to modernise and industrialise our countries and our continent you ask yourself, what does an industrial society need? It needs the following: 1. It needs a wide spectrum of raw materials; 2. a large skilled labour force; 3. a large internal market. The other day I was discussing with some Chinese, not the other day, sometime ago. At one time in Tanzania, we were talking of the second railway from Musoma to Arusha; and the Chinese told me that the section of the Chinese railways which goes from Peking to Shanghai every year transports 60 million metric tonnes of cargo. Our wonderful railway from here to Mombasa now that we have supported it with subsidies and everything, it transports half a million metric tons per annum. Remember that the railways are there whether you use them or not. If you use them once a day, the rails are there. If you use them six times

in an hour, the rails are there. So, the scale of operations is very, very crucial. That is why business in these backward countries is not easy because the market is very small. So, I am telling you hon. Members that three important things for the modern society: a wide spectrum of raw materials; a large and skilled labour force and a big internal market. That is what you need to build a modern society. Integration was necessary for security and sovereignty in the past integration linkages uniting clans into tribes and tribes into nations. This was important for security and for guarding sovereignty. But integration now additional to security and sovereignty is important for modernisation. If we were interested in grazing goats and camels only, where we would not have surplus that needs a market, and if we did not have to cohabit on a planet that is also a home of 1.2 billion Chinese, 1 billion Indo-Pakistanis, 200 million Arabs, 150 million Russians, 300 million Americans, 100 million Germans, etc. we could content ourselves with the pre-colonial tribal units we had, If we were living not in the present world but in the world where we did not have these giants who threaten us. This not being the case, however, we must evolve constitutions that fairly quickly galvanise the Ugandan people into a cohesive force. However, search for homogeneity is not necessarily in the interest of integration. You should not think that when I talk of integration I need homogeneity that we must all be the same; abandon our traditional dialects and so on. We should identify the commonalities those common essential elements that are necessary for modernisation that need to be shared and leave peculiarities to each area. If Bagisu want to circumcise themselves, that will not affect our market; but if somebody was to say that the market of Bugisu should be separated from the market of Uganda, I would oppose you because that one is interfering with modernisation. But circumcising yourself or not; cutting your face, if you want to put marks; knocking out one tooth or even two. As long as businessmen are doing our business, without interruption, we have no problem. So, in other words we can keep our tribal customs side by side with modernisation. That is why I talk of the commonalities; the very essential elements for modernisation, those must be identified. You must be able to say, that is important for modernisation, we must include it. It must be integrated. What is not important, you can keep - it is no problem. However, circumcision does not include circumcising women. 'That one is a bit I think that one should be part of commonalities. Somebody is saying that it is a

market. I do not know whether it is a market. It should be unity in diversity but with the clear vision regarding the role of integration and modernisation as I have already said. In the past, the impediments to more political integration and social progress were the following: In the pre-colonial times, these were the impediments to integration. The thick forests and a rivers with their cataracts, W this was problem number one. The deserts that could not be traversed in safety and the vectors that carried organisms that are parasitic to man and to beast. So, the forests and rivers, the deserts and the insects that spread diseases were the barriers to integrations sometimes. The former two impeded the travel of man and spreading of ideas. The latter inhibited growth of the population. A phenomenon that made the political integration those days - not a priority and that militated against inventions in science and technology because of absence of pressure from nature; no extremes of temperatures and of absence of competition between man and man over natural resources. The fact that the population was small not very big in the past did not make it necessary to go and conquer another tribe. Sometimes you could go and raid cows and come back, or sometimes you could migrate. But it was not absolutely necessary. Why were the population of Africa small? It was partly because of the diseases which I have mentioned but also later on because of the slave trade. So, our weakness allowed foreigners to come and take slaves from here now that compounded the problem. Africa became even more de-populated. Today the whole of Africa is 600 million people including the Arabs. India alone is 800 million; and you remember the population of Uganda in 1956 when I was in primary four. I was told that the population of Uganda then was only four million people. So, even these 18 million you are talking about is a recent phenomenon.

Now, that small population meant that competition between man and man over resources was limited. So, he did not have the sort of pressure like the one you have in China to be disciplined. The saving rate in Japan is 35 per cent. When a Japanese gets 101= shillings, she saves shs.3 and 50 cents. The saving rate in Uganda is only 7 shillings out of 100 shillings. This is because of the discipline. And why is the discipline lacking? The discipline is lacking because we are not conscious of the limitation on resources. Even myself who is fond of figures, sometimes I am not as disciplined as I ought to be. Some seven years or so I went to Cuba and Fidel Castro asked me how

many cubic metres of water there are in Lake Victoria. I said the man is mad, why is he asking about cubic metres of water in Lake Victoria? Because for me I take it for granted. But when I came back I tried to find out. But Castro knows all the cubic metres of all the water in Cuba. So, people who are used to living in scarcity or competing between man and man over limited resources become more disciplined and more conscious. But here we take things for granted because we are few, the resources are many. So, we are asleep, and those who are more conscious when they come here, they know how to cheat us.

Well I will tell you one interesting story: In 1918, tsetse flies started spreading from Tanzania into Uganda. As a constituent of those tsetse flies, Banyankole lost quite a lot of cows in some of the areas; not in all. Now those who lost cows went to Teso, Lango to work for cows. Now when the Banyankole went to Teso, and Lango they were like expatriates when they come here, as far as cows were concerned. They knew so much about cows and the Iteso did not know much; they did not care because their area had not had problems of cows dying. So, when a Munyankole comes, the Iteso asks him, 'you want a job?' the Munyankole says, 'Yes.' 'How much should I pay you?' The Munyankole says, 'No, I do not need any pay'. The Muteso says, 'this Munyankole is foolish, he wants to work without pay' So, the Muteso gives him all the cows. 'What do you want from me?' 'Just milk'. These Banyankole are foolish, they do not know. At the end of one year the Munyankole takes as many cows as the Muteso has. That shows you the problem that is created by one group of people being conscious of resources while another group is not. That lack of common knowledge about the scarcity of resources is quite a big disadvantage. But the Africans in general are like Bateso as far as the cows were concerned. History has now shown us in the crudest way possible, through the losing of sovereignty between 1891 in the case of Uganda up to 1962 and the subsequent upheavals not to mention the rampant social economic backwardness while other races are landing on the moon, that we need integration. This constitution conference should insure a healthy not enforced Uganda. We should be a healthy but not enforced Uganda. Remember that Uganda is a microcosm of the rest of Africa. Apart from nation building and not merely nation-running the second historical assignment to the constitution making process in Africa today is to ensure modernisation as

I have said. We cannot continue to rely on manual labour while others rely on intellectual labour. We cannot continue to rely on human muscle while others rely on machines. Before the machines, if you remember the Europeans relied at least on animal muscle while we relied then, in many parts of Africa, on human muscle. I have already told you that modernisation needs three things: raw materials, a big market and a skilled labour force. There is something else I did not mention an entrepreneurial class. This is a class of people that have got a sharp nose for profits and profit is the difference between cost price and selling price. In the history of human and social evolution, one of the most important events was the emergence of the middle class in Europe during and after the Middle Ages, The European middle class first took on the form of merchants then industrialists and they are now multi-faceted; there are very many types now: financiers, professionals, those who work in the services sector, bureaucrats, etc. The middle class encourages integration because they want a market for their products.

Hitherto, and up to now, black Africa has drawn the worst number in the lottery by having only bureaucrats as being the only ones that constitutes the middle class. The bureaucratic element of the middle class are the civil servants, managers of parastatals soldiers, teachers, professionals, etc. The only thing they have in common is that most of them are not direct producers of wealth but users of wealth produced by others. Consequently, they are not as sensitive to the need for integration and stability as the industrialists of Europe because they have nothing to sell. This is the structural distortion in Africa today; and even of Eastern Europe. Because the people in charge of public affairs have nothing to sell. They are salary earners. They are job seekers; they are not job-creators. And with the job-seekers, the fewer the better because in our language where I come from, we say that when we are making alarm for food, we make a small one so that so many do not come (*Laughter*). But when you are making alarm for war you make a loud one so that more people come. Now the problem is that the bureaucrats, the politicians who are not producers, the soldiers who are not producers, the other professionals - doctors who are not producers do not appreciate the importance of integration because they have nothing to sell. they are not like Mulwana. Mulwana is beginning to understand the importance of a big market. That is why I appointed one of the industri-

alists here. I had wanted Mulwana to come but he was too busy. That is why I appointed one of the industrialists here, Mwebesa to come and sit here. I wanted Mulwana to come but he was so busy; because I wanted the industrialists to sit in this Assembly. They are the ones who have got the problem of market. I do not know how many of you have got something to sell. Because that shapes your vision. Some of you have been talking of tribes. You say tribes are very important; and religion. If tribes and religions are important, then what is the problem in Somalia? Because Somalia is one tribe, one religion, one language. So, what is the problem? The problem is backwardness. Somalia is backward. There is nobody who has got anything to sell there. The only thing they have is camels. If somebody has got 100 camels, he is a rich man and with camels you can graze them on one hill. You do not understand integration! What is it for? They do not see why Southern Somalia should be with Northern Somalia. They do not see the purpose. Because they can graze their camels on one hill. But in that way we can never develop. We shall have perpetual centres of upheavals just like now. So, the problem with Africa is that up to now, the bureaucrats and the professionals - the non-producers have been the ones guiding the affairs of nations. Even now I do not know the composition of this C.A, the detail - what interest rather, of the producers is reflected intensely here. So, that is why I am saying in this written speech that so far Africa has drawn the worst number in the lottery *kalulu*. We have got the bureaucrats. These are the ones we are having. We do not have the manufacturers. We do not have the insurance houses. We do not have the people who need big markets and therefore, need integration. We have got some insurance people like Ssebaana Kizito and so on. (*Laughter*) Therefore, these bureaucrats or these petty elements of the middle class tend to be politically irresponsible and opportunistic exploiting religious or ethnic differences regardless of the chaos they cause. In case of problems they flee to secure Europe, when things do not work out - because he is not worried. He has no factory to leave behind. He is alone with his family. He can speak English. He flies off to Europe where the place has been secured by other people. Europe is secure. The Europeans have secured their area. So, when we create insecurity here, then we fly off to secure Europe. We go to be guests of other people; having set our own house on fire. But those who set it on fire do not care because they have got the ability to flee, they have got the ability to run away. They have no factory to worry about. They are therefore,

in my view, responsible for the political and economic chaos in Africa. While prices of stock in America may go down, prices of shares may go down - because there is a rumour that the president like Clinton is sick. In Africa a leader may initiate a crisis in his own country just in order to stay in power which may result in the loss of life and property. In Europe when there is a rumour that Clinton is sick - he is having influenza, the prices of stocks go down. Just influenza, but here a leader can initiate - see what is happening in Rwanda, that is done by the government. The government itself can initiate crisis even when there is none. What does this prove? It proves that we have got wrong people in the right places. That is what it proves. This is because the African leaders are not conscious of such phenomena as disinvestment. They do not know about disinvestment. They do not know what issue will create uncertainty. There will be disinvestment. They will take away their investments. They do not know about such things. They do not know about capital flight and other such phenomenon that affect the health of the economy. Therefore, the post colonial state having been under the straight jacket of bureaucratic myopic mismanagement has been suffering from a fundamental structural distortion does not allow political stability or economic social metamorphosis.

Therefore, the African Constitution maker faces his second most important challenge that is actually linked with the first one. We must design a constitution that puts in place maximum freedom for the direct producers of wealth. I am talking of the farmers, the industrial workers, the industrialists, the artisans and the people who work in the service sectors - in hotels, insurance and so on. The Constitution - because remember if you want to talk of modernisation and you want the Constitution to assist this, you must ensure that the direct producers, the farmers, the industrialists, the artisans, the people who build hotels and so on have got minimum inconvenience from the bureaucrats, from the government (*Applause*) - so that they can be able to create wealth quickly and put in effect social metamorphosis, social transformation; so that we go from a backward society to a modern society. The power of the bureaucracy in terms of licensing, nationalisations and other more crude forms of interference in the process of production and distribution must be curtailed apart from putting in place the non-profitable parts of the infrastructure; for example roads and the macro-economic framework.

Such a constitutional arrangement will free the entrepreneurs that will help us in creating a middle class that will be one of the stabilising and integrating elements of our country. This freedom of the entrepreneur will be the ignition key for the modernisation process. There must be free movement of labour, free movement of capital throughout the entire length and breadth of Uganda and preferably throughout East Africa as well, if we are to modernise. When we talk of constitution making, many educated people think of sharing power among the Judiciary, executive, Legislature and the traditional forces; because that is what is written in most books - that constitution making is sharing of power between these branches or sharing of power between the national and the local and provincial levels. That is what many people understand as constitution making. What I am mentioning to you now that I have got this opportunity is to tell you that documents which only confine themselves to the sharing of power without addressing the two fundamental questions of modernisation and integration will condemn us to sharing power over a perpetually stagnant or regressive society with endemic crisis as it happened between 1962 and 1986. Sharing of power will be meaningful if it put itself atop - on top of the process of creating the power of production of wealth through integration and modernisation. Without that, your sharing of power will degenerate into an endless disaster. It will end in a perpetual battle for power to control poverty. So, you can share power but over poverty you will have the right to control poverty, will have the power to control poverty. Modernisation and integration will give meaning to the Ugandan identity.

Finally, designing a constitution that will address the fundamental tasks I have referred to, you should avoid the temptation to transplant management models from elsewhere. The pressure to copy European political models is disruptive. You know I have rejected this. I do not have to be in leadership and as I have told you many times, I am the first person in my family to be in leadership. We are always grazing cows; but now that I am in Leadership, I tell you what I think and I have told all what I think. Political institutions cannot exist in the air without a social basis. It is without argument that the social structure of a country like Uganda where 94 per cent of the people are peasants is different from United Kingdom where the social structure is as follows: - Upper class 2 per cent. - this I think means Her Majesty The Queen and few people like that.

Middle class - 52 per cent; working class 46 per cent. There are no peasants in UK (*Laughter*) and I told my aides to get these figures from the British Council. So, I am sure they are authentic. The political institutions of UK have evolved out of their society over many years. Magna Carta in 1215. The WHIG Party, this was one of the earliest political parties in UK - in 1688. TORY Party in the early 18th Century The Labour Party in 1906, Magna Carta was decentralisation of power within the feudal class - The Magna Carta of 1215 was the sharing of power within the feudal class. The WHIG party represented the merchants; so there was a new force; This is now 400 years since Magna Carta or almost 500 years - a new force had emerged which was not there before. The merchant class. So, they needed a political party to speak for them. The Tories represented the landlord class while the Labour Party represented the industrial class. We must similarly ensure that our political institutions spring from our social structure on a healthy basis. (*Applause*) You should know that political models are not like hair styles; even hair styles must depend on the shape of your head. (*Laughter*) The one who has got a flat head does not comb hair in the same way like the one who has got an oblong head. So, each one must be according to his situation. Hon. Members, Mr. Chairman, I hereby declare this Constituent Assembly inaugurated. Thank you very much. (*Applause*)

THE MINISTER OF STATE FOR CONSTITUTIONAL AFFAIRS: (Sam Njuba). I know you are not in habit of performing rituals and I want to do the least inconvenience to you but there is one which we must. Since 31st December, 1992 on behalf of your government, I have been the custodian of three documents which was the work of the Constitutional Commission and on behalf of Your government, I would request that you hand them over to the Chairman of this Assembly which will form the tool for its work from now on.

(His excellency The President handed to the Chairman the Draft Constitution)

MR. WAPAKHABULO (Chairman of The Constituent Assembly): I thank your Excellency on behalf of the distinguished Delegates and all the invited guests who have come to join us on this occasion. I thank you for the words of wisdom that you have given to us in your address; and I can assure you we will use, in our deliberations, those words of

wisdom as the oasis of our dialogue and discussion of the task before us and I am glad and wish to thank you together with my colleague the Minister for having surrendered the tools of our work and I can assure you they will be in hands of the Members latest by tomorrow. Before I let His Excellency depart I have to do one very important duty namely to adjourn you first - Members of the Constituent Assembly. I will adjourn the Assembly to reassemble tomorrow at 9.30 a.m in the morning. You are hereby adjourned and also this brings us to the close of today's proceedings and functions. Thank you very much ladies and gentlemen

(The Assembly rose and adjourned to the 19th May, 1994 at 9.30 a.m.)