



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 19TH JULY 1994

MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 990]

Tuesday, 19th July, 1994.

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

PRAYERS

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

The Assembly was called to order

MOTION

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

(Debate continued)

MR. OWINY-DOLLO (Agago County): Thank you, Mr. Chairman. I represent Agago county situated in Kitgum District. We are bordered by Otuke in the south, that is in Lira District; we are bordered by Labwor county in the east and Jie county in the north-east. This is basically an agricultural county and at one time very rich in livestock although today it would be a miracle to even see hoofmarks of any cattle.

Mr. Chairman, I congratulate you and your Deputy on your securing of the much coveted Chair. Mr. Chairman, permit me to convey to you and through your good chair to the Distinguished honourable Delegates here assembled, warm and fraternal salutation from the people of Agago to whom I am heavily indebted and primarily responsible for putting trust in me and affording me this rare, lifetime opportunity to participate in concert with my fellow Delegates representing virtually the entire spectrum of Ugandan society in the formidable but noble and indispensable national task of articulating the views, wishes, interests and aspirations of our people. The 32 miles distance Uganda has travelled since 1962 in search of self discovery is awfully tragic, littered with grim sight of decomposing corpses, a ravaged and subdued people with bereavement and fear having a stubborn grip on them. All the milestones along this road have been marked in blood.

We, today, find ourselves at cross roads with a precarious hold on the future and pose to ask the mother of all questions: "which way Uganda?"

This pertinent question can only be meaningfully answered when we sincerely and without prejudice, and self deception re-examine and even re-consider our history. It entails that we sit here not in a game of chess or wits, that we do not sit here merely to point accusing fingers or cry foul play at each other or reduce this commendable process into a game of figures, where the numerical majority have it while the numerical minority loses everything. The experience of Rwanda is still with us. A place where the numerical majority merely brushed aside the demands by a numerical minority for the realisation of a fundamental right, the right to one's Motherland. The lesson here being that indeed it was the demand of the minority, as it turned out, that was in the majority and the intransigence of the majority that was in the minority; as justice, freedom and rights are not measured or determined by figures and this alone explains the staggering triumph of the otherwise numerical underdogs over the uncompromising majority in Rwanda.

The mantle of state power in Uganda was won by the political parties at Independence. The true heroes and harbingers of our independence were the non-political social forces who made it dawn on the colonial regime that the tide of political change was irreversible. These social forces, the Cooperative Movements, the Trade Unions, the Workers Associations, Tribal Associations, and the Press, which were all popular and nationalistic, suffered both in the hands of the colonial regime and the post-colonial regimes. They were compromised, they were subjected to the worst form of prescriptive and proscriptive legislation one can think of. Whereas at inception they enjoyed massive autonomy between Independence and today not a single of those non-political social forces can operate except within the wings of the regime in power. There is absolutely no semblance of autonomy in the operations of these important and stabilising social forces. With these social forces locked up and eclipsed, the political - allow me to say - the rival political parties which were in power as the vanguards of pluralism found that they were operating from a very narrow base. This explains why the unthinkable had to happen, UPC going to bed with KY, with whom it had nothing in common. This explains why progressives in the Uganda Peoples Congress like John Kakonge were sidelined by trickery from the reactionaries who were found an alliance. This was simply be-

cause John Kakonge was accused of even daring to rejuvenate the role of the workers in the political process in Uganda.

I have said the parties alone could not defend or even safeguard the ideals of democracy and rights and, by an accident of history, Obote had to stumble on the military. And since then, the military up to today as I talk, is the most decisive social force in our political process. No leader in Uganda can enjoy the peaceful sleep unless he is happy with that constituency called the Army. Every conflict resolution in Uganda since 1964, when the guns were unfortunately fired in the lost counties, are being resolved through the barrel of the gun and not through the ballot box. All political leaders because they successfully muzzled and imprisoned non-political social forces have become intolerant even of constructive criticisms. Any form of criticism, any form of opposition, any form of dissent is labelled sabotage or subversion.

Both the political pluralism and the Movement have been in power for more or less the same number of years. Parties have actually been in effective power for about twelve years while the Movement, if you include UNLF, have been in power for a total of nine years. So both of them can be put in the operation theatre and closely examined to see whether any one of them has the moral justification for asking to be given a chance to lead this country in the post constitution making era. The students of Movement politics have accused parties of all sorts of blame. Mr. Chairman, I wish to submit here very humbly that the people of Agago believe that other than being accused of bringing all the confusion, all these divisions and all the problems that Uganda has witnessed, political parties themselves have been victims, they are not the cause. Political parties have been victimised by the factors that I have laboured to list above. It is therefore wrong to blame the Kamunye travelling between Kampala and Jinja for the recklessness of the driver. All that we have to do today is to ensure that the drivers of our political Kamunye are actually given licenses only when they qualify as drivers. We have to ensure that we, as passengers in this Kamunye do not wait until we reach Jinja and say: "you see, you are driving very fast!" It is incumbent on us as travellers in this Kamunye to say, "Mr. Driver stop here, you are putting our lives in danger!"

The parties have been accused of atrocities. Which government of Uganda cannot be accused of atrocities?

I dare Movement fellows to step down from power tomorrow to see the number of accusations that will be levelled at them when they no longer enjoy state powers. Wars have been fought in this country...*(Interruption)*

MR. HARUNA SEBI: Mr. Chairman, I would like to seek clarification from the Member holding the Floor. He said that the first shot of the gun was in 1964 during the transfer of the lost counties. I am seeking clarification from the Member whether there was fighting in 1964 during the referendum when the lost counties were being transferred.

MR. OWINY-DOLLO: Mr. Chairman, as I said I have been sent here to act in concert with my fellow Delegates. I will readily educate my friend to know that before the referendum was held the guns were fired, and markets were burnt down with a view to intimidate the people from exercising their constitutional rights. So, if that suffices I will be happy.

THE CHAIRMAN: I think it does. Please, go ahead.

MR. OWINY-DOLLO: Mr. Chairman, just like the UPC entered an unholy alliance with KY, Movement is equally blameworthy for entering into all sorts of unholy alliances. We are told by the top leaders that in the bush they entered into alliance with witch doctors, with all sorts of people, with a view - this is on record - with a view to topple the government in power at the time. The marriage between DP, today, and the Movement, the NRM, is not based on any agreement on any one point, it is an agreement to bring the two sides to enjoy power. The target is power, not the people of Uganda. While Obote threatened Museveni with pursuit and abandonment in the bush, Museveni excelled Obote by telling the Mobilisers Groups that if they dare to hold the Assembly in City Square they would bury their dead. In the Movement government we have seen state apparatus shooting with impunity innocent and harmless students with live ammunition without the government batting an eyelid. We heard for the first time a government, whose duty is to the people, openly threaten and boast of massacring its own people, people who are fighting it with stones and holy water!

We have witnessed here in this Movement Government, a Bill in the offing, a monstrous Bill in the offing that it meant to silence the press once and for all. It was only the press that enjoyed some sem-

blance of autonomy that is why their contribution in the struggle for liberation of Uganda is remarkable. Hon. Elly Karuhanga is saying: "when?" I thought he would be the best teacher to tell us that it was a partner of NRM where it was in the bush.

THE CHAIRMAN: Please, could you direct your remarks through the Chair and the same goes to hon. Karuhanga, please.

MR. OWINY-DOLLO: I am most obliged, Mr. Chairman. The true redemption of Uganda lies with the liberation of all the popular social forces...*(Interruption)*

LT. COL. GUMA: I want clarification from the current speaker. Mr. Chairman, the current speaker is making sweeping statements. Some of us are very interested to know what exactly the massacres by NRM and NRA are, because he has said that the uniformed people are shooting and killing students. Can he substantiate so that some of us can be very interested because we would not like to be part of a government that is indiscriminately killing people.

MR. OWINY DOLLO: Thank you, Mr. Chairman. At the time when the NRM Government, at the time of insurgency in Northern Uganda, boasted openly of "punishing these people", "we massacred two hundred today" Col. Guma himself was in charge of the funds in the military that made the war in the north succeed. *(Interruption)*

LT. COL. GUMA: Thank you very much, Mr. Chairman. I would like to inform the current speaker...*(Interruption)*

THE CHAIRMAN: If he will give you the chance.

MR. OWINY-DOLLO: Mr. Chairman, I thought he was seeking clarification. Information, No.

As I was saying, true redemption for Ugandans lies in freeing all the social forces both political and non-political from prescriptive legislation. We should ensure here in this august House that all these social forces regain their autonomy and operate without hindrance. Mr. Chairman, the experience of Nigeria is the best that I can cite here where the Labourers and Workers Unions (the Nigerian Labour congress) brought down Babangida, a very powerful military machine; and threatens to bring down the present military regime, and for sure, will ensure the

release of Mashood Abiola. This is simply because those Unions enjoy a comfortable amount of autonomy something which is not heard of in this country.

It has been argued that pluralism in this country should await the emergency of a propertied middle class before it can hope to operate without fear of disruption. Mr. Chairman, such an argument was first heard during the medieval age but flatly rejected. For it to be advanced in the 20th century is a cruel joke. Secondly, in these eight years the NRM's most memorable achievement is the absolute impoverishment of the North and the East of the country. If you care to make a research today, you will discover with astonishment that the people buying properties in Kampala, Jinja, Mbale and graduating into this propertied middle class, dangerously come from one region or ethnic group. When people talk of a hidden agenda, Ugandans should know herein lies the hidden agenda. Mr. Chairman, should we promote this type of building of a class that is supposed to have a hold on political power in this country, all that we will be doing is to put in place a social-powder keg whose explosion, one day, will make the Rwandan tragedy appear like a picnic. The answer does not lie in Movement. The answer does not lie, even, in political parties alone. The answer lies in opening up the entire spectrum of Ugandan life to pluralism. How does one confine me to Movement when the fundamental right of association means I have a right to dissociate? Why should one, by legislation, confine me to be a member of the Movement?

MR. MULONGO: Point of clarification, Mr. Chairman. I would like the speaker holding the Floor to clarify me on his allegation that it is mostly the Westerners who are buying property including areas like Mbale, yet in Mbale I have not seen such a person acquiring property of that kind may be he will clarify to the House. Secondly, he said that the element of pluralism is of medieval character and yet at the same time he says it is the only way we can open up for the best politics of this country. Can he clarify on that point?

MR. OWINY-DOLLO: Mr. Chairman, I am surprised but it has helped me, the informant or the fellow seeking clarification has betrayed the truth. I do not remember saying it is the Westerners who are buying the properties. He is now informing us what the position is. Secondly, I said that, the argument

other, but come in equal representation and prepare Uganda for all that we cherish, a return to pluralism.

And Mr. Chairman the structures are in place... *(Interruption)*

BRIG. MUHWEZI: Mr. Chairman, I would like to inform the hon. Member that there is no membership to belong to the National Resistance Movement and to inform him further, Mr. Chairman, that anybody who is participating in the RC system in Uganda is automatically a member of the Movement so he is one.

MR. OWINY-DOLLO: Mr. Chairman, I participate in RC system of the Movement, as a useful Neighbours' Association. I do not belong to the National Resistance Movement. I disagree with its policies.

As I was saying, it is not possible to open up the Movement, it is not possible to correct the weaknesses that are intrinsic in the Movement. One time I cared to inquire from a strong supporter of the Movement, Hon. Elly Karuhanga, and this is what I said, Mr. Chairman. "Hon. Karuhanga, incidentally, is there a constitution written or unwritten for the Movement something that will set out the parameters of operation of this institution?" I signed as Hon. Owiny-Dollo which is still my name. He answered: "Thanks. None whatsoever. We survive on high moral integrity of the current leaders who went to fight for injustice and are enjoying the honeymoon". The question is, supposing the honeymoon gets sour today, what do we do? How would you, for example, remove the top leadership? We do not know how it can be done. How do you open up as it were a Pandora box and say this is the solution of the problem? Mr. Chairman, the people of Agago believe that this House - I am now concluding - *(Interruption)* I want to be fair to him, Mr. Chairman. He is a very good close friend of mine.

THE CHAIRMAN: Would you indicate what you are raising your hand for?

MR. KARUHANGA: Clarification

THE CHAIRMAN: From him?

MR. KARUHANGA: No. I would like to clarify what I said to him.

THE CHAIRMAN: Well, he was reading from what you wrote.

MR. KARUHANGA: No, the context was totally different. Mr. Chairman, Mr. Owiny-Dollo and I do exchange a number of jokes and a number of sentiments. Mr. Owiny-Dollo when he asked me whether the Movement had a written constitution and an elaborate system that will launch us in the next five years. I explained to him that it does not and then he asked, "How is it managing to survive now?" I told him the moral integrity and principle of the love of our nation and I said that it is a duty of this Assembly together write out the new structures and the new forms of what will happen in the next five years. Therefore, jokingly I told him that the honeymoon of the regime which was spearheading the NRM system of administration is now over and the time now to sit down and write a new system of the Movement is about to begin and he is part and parcel of it. It is only now that he tells is that he is an 'exclusivist' and that he does not belong to the RC system.

MR. OWINY-DOLLO: Thank you, Mr. Chairman. This has been very useful. We now hear from the mouth of the horse that matters of constitution, matters of laws, that are supposed to set up the parameters of an organisation are matters for jokes. This is what we are being told now but when I wrote this note there was no joke between hon. Karuhanga and myself.

The people of Agago have sent me here to confer with my fellow Delegates and come to a constitutional settlement and set in place a constitutional culture, the one thing which is most lacking in all the Constitutions of this country, that will ensure that this exercise, this process, which we are witnessing here is the last of the unfortunate rituals that have bedeviled our country in the name of constitution making since 1962.

I so beg to move, Mr. Chairman, thank you.

MR. KAGIMU KIWANUKA (Bukomansimbi County): Hon. Chairman, Sir, Bukomansimbi borders with Mawogola and it is in Masaka District.

I greet and congratulate you together with your Deputy upon your election to the high office of Chairman and Deputy Chairman respectively. Though you were elected in my absence, I am deeply convinced that the House made the best choices and

I hereby endorse the same. One time you were called a rotten mango, the way you reacted proved your political maturity to be similar to that of His Excellency, the President. You took it with very exceptional and remarkable ease. I am sure ladies have a lesson to learn from you. In politics you must expect even more serious insults. The late Sir Apollo Kaggwa called the late Stanslas Mugwanyanya, a latrine. My father was called 'Kasajjaffuba' meaning a small and worthless pauper who tries to make others think he is great and, moreover all these were not jokes. In Buganda we have a proverb 'Eyeninyala empumbu tayigga biwojjolo' translated to mean one who detests moths does not hunt butterflies.

Allow me, Hon. Chairman, to convey the sincere thanks and appreciation of the people of Bukomansimbi to His Excellency, the President of the Republic of Uganda, to Maj. Gen. Mugisha Muntu, Dr. Kiiza Besigye, Brig. Matayo Kyaligonza, Lt. Col. Serwanga Lwanga, Col. Kahinda Otafire, Brig. Jim Muhwezi, Maj. Gen. David Tinyefunza only to name a few and all those gallant sons of Uganda who shed their blood so that their fellow Ugandans could enjoy the peace they are enjoying today. A peace which Ugandans last enjoyed before 1966. The Romans say "Si vis pacem, para bellum", to mean "If you want peace prepare for war". It is true many people have criticised Mr. Museveni together with his NRM Government, but we the people of Bukomansimbi are very confident that the NRM Government has done far much more than any governments since 1962.

Special thanks go to all those who have recognised the important role my father, the late Benedicto Kagimu Mugumba Kiwanuka, played in the politics of our country. The man whom, if the country had listened, would have saved the country the terrible agony it has had to go through for the last thirty years, let alone this very making of a new constitution. More thanks to His Excellency, the President who greatly honoured him by attending the celebrations of his last funeral rites and therein also declared him a patriot. In 1992 at the death of our mother, His Excellency came again in person to console us. We also thank the NRM Government for the naming one of the biggest streets in Kampala after the late, an idea which was brought forward by Mr. Henry Kayondo, Senior Counsel.

The political system. Allow me to clear some of the

confusion that have been put across deliberately by some people to confuse the masses. The claim that multiparty is responsible for the turmoil Uganda has had to go through is very false. The late Ben Kiwanuka together with many other innocent Ugandans like Martin Okello, Alex Latim and Ojela were brutally murdered during Amin's regime by either him, in the case of my father or by his henchmen. Ugandans suffered a lot during that period. Now, was Amin a 'multipartyist'? The multi-party system stopped to operate in 1966 when Obote came out with his true colours and became a real dictator and tyrant. It was in 1966 that Uganda in practice became a one party state though this was declared in principle in 1969. Ever since Uganda became a one party state, peace ceased to reign. During Binaisa's Government people continued to suffer. Binaisa is well remembered for his insistence on the umbrella movement though later he had to abandon the philosophy in favour of UPM after realising that the former could no longer help him clinging onto power. Now, was Binaisa a 'multipartyist'? But did the Ugandans not continue to lose their lives. Was this not the period when the doctors had to live on tension after losing some of their popular and high qualified colleagues like Dr. Barlow, Dr. Obache, only to mention a few. The period 1980 to 1985 was also in practice of one party state though in principle UPC claimed that it was a multi-party period. Views of opposition members were ignored and in some cases some members of opposition had to lose their lives, others had to flee the country, others to cross the floor to save their lives as indicated by hon. Sam Kutesa in his contribution.

It is sad that the UPC leadership has not been sorry for all the sufferings it has caused to this country and instead it has capitalised on the tolerance and broad minded nature of the President by sharply criticising him together with the NRM Government, calling him a dictator, killer and tyrant. The UPC leadership tarnished the image of parties and thus gave a chance to some people to use the UPC deeds as a weapon in convincing the masses that multi-parties are responsible for the sufferings Ugandans have had to go through. But does it mean that once something is misused it has to be done away with? The Army in the past has done a lot of harm, did it mean that the Army as an institution had to be abolished? When president Museveni polished his, is it not good? It is true most people have fears that if at all we were to return to parties, the treacherous and cunning UPC will outwit other political parties as in the past.

But two factors, Mr. Chairman, should nullify these fears. In 1962, it was the KY members who opened the door for UPC to get rid of my father and his DP. In 1980, UPC was already in power hence it could rig the elections outright. Now that it is not in power it is on the same footing with the others.

Further, on the allegations that to be a President General of the DP, one has to be a catholic and a Muganda. I would like to thank one honourable, his name escapes me, who in his contribution completed the sentence by adding that to be a UPC leader also one has to be a protestant and from the north. It has always been the DP to condemn for this. No one has ever talked about the UPC in that way. One time President Kennedy was asked how on earth a catholic could entertain the idea of contesting, for the United States Presidency. He said when he registered to join World War II, where he even lost his brother in a plane crash and where he also almost lost his life by sustaining a bullet in his back, no one asked him about his religious affiliation. It is when he stood for the presidency that the issue of religion came up. In the 1950s many parties were formed, for example, the Uganda National Congress which later became the UPC, then the Progressive Party only to name a few. It was only the DP that was led by a catholic. On fearing its leader who kept on stepping on their toes, so as to put them right, his adversaries had no way of fighting the great prophet apart from spreading this baseless propaganda which has found its path up to today. It is a propaganda which was and is intended to tarnish and destroy the good image of the party. The D.P. up to the death of my father kept on re-electing him in the delegates conference unanimously because they found he had no equal.

In 1980, hon. Kawanga was elected, also unanimously in a landslide victory because of his qualities. The NRM has for long suspended serious political party activities hence holding of a delegate's conference has not been possible. Any one is free to stand. The problem is that once it comes to the so called candidates meeting within the conference hon. Kiwanuka has no equal. So is elected on merit and not on any other criteria.

The allegation that the DP is predominantly catholic is not true. In the 1980 elections before the rigging took place which the UPC denied deliberately, even up to today, the DP almost won 80 percent of all the constituencies in the whole country including the predominantly protestant areas, even after this mas-

sive rigging the DP remained with 52 members of Parliament out of whom 26 were catholic, 24 protestant and 4 moslems. In this country various people serve in various areas like a business, teaching and so on and no one will ask them about their religious affiliations but let a catholic contest for leadership, even not done on party basis, you will see people raising their eyebrows. When a Moslem led this country no one questioned. If it is a protestant, it is the order of the day but not a catholic. All this is a reflection of the British indoctrination of its subjects to keep catholics out of power. This rose from the Anglo-Franco conflict which came at the time of the reformation. When a catholic does something good no one appreciates so long as he does not aspire for power. When the DP leadership in 1969 offered 500 scholarships to people of all religious affiliations and also when it sent a moslem to Parliament like the late Masagazi from Mawokota in Mpigi district, a predominantly catholic area, no one blew the trumpet.

People should know that NRM is good because the leadership itself is good. In this constitution we should restrict the powers of the President because Uganda may not always be fortunate as to have good individuals like Mr. Museveni. What if tomorrow a tyrant takes over the Movement? It is Mr. Museveni who has given the NRM a good orientation. If he was to be either a UPC leader people would be singing: "UPC is good". Let us not confuse the Movement with Mr. Museveni. How many NRM big officials have tried to molest journalists only to be strained by the President? Imagine what would befall some News papers if His Excellency, left office today? Mr. Chairman, the issue of political parties versus the Movement type of government has to be handled very carefully. It is like religion. Convincing hon. Tiberio Okeny to appreciate the Movement type of politics and hon. Kategaya to appreciate party politics would be like seducing the Archbishop of Kampala, His Grace Emmanuel Wamala to become a Moslem.

MR. KATEGAYA: Mr. Chairman, information. I hope the Member is democratic enough to take information. I have no opposition to multiparty, by-the-way. So there is no question of saying it is like asking a catholic bishop to be a moslem, that is not true, absolutely not correct.

MR. WANENDEYA: Thank you hon. Chairman and hon. Delegate holding the Floor. May I inform the hon. Member that one of the biggest problems we

have had over the last thirty years is the habit of praising whoever is in leadership. Right from the time when your father was chucked out, he was chucked out because he was honest. They brought somebody in, they started singing he is a good man. Amin came in they said he is a good man and again we are now singing the same song. So my information is that the constitution we are going to make should be the one where the leaders should uphold the constitution. I thank you.

MR. KAGIMU KIWANUKA: Mr. Chairman, we should give credit where is due. Hence, since we know that some of are very rigid, we should work towards a compromise. The people of Bukomasimbi, therefore, suggest that for the first five years we continue with the Movement system. But during that period political parties must be allowed to operate immediately and with optimum restriction so that by the end of the five years they are ready for elections. There must not be a referendum at the end of this period.

The problem with the Movement system is that democracy stops at a lower level like that of RC 5. At the decision making level there is no democracy at all. The people of Bukomansimbi want a federal system of government. Federalism is the highest form of decentralisation. It is not only Buganda that would benefit from federalism, it was very sad to note as Hon. Dick Nyai from Ayivu county in Arua District said that BAT pays the farmers only Shs. 5 billion for their tobacco while it pays Shs. 25 billion to the government in form of taxes. Sebei produces coffee, Teso produces raw materials for Nile Beer Karamoja also produces gold but almost all the dividends that accrue from all these go into government coffers. One can argue that districts will now have some autonomy on their money but we should appreciate that these districts will benefit more if they are to get their money as a block. That is as Northern Region, Eastern Region and so on. In business if four people each with Shs. 25 million group together they can invest in something more substantial other than each one investing on ones own. The unitary government, Mr Chairman, has failed to cater effectively for the social infrastructure in the country like roads, schools and hospitals. The system will save the Central Government this great trouble. The latter will then concentrate on issues like Defence, Foreign policy and so on.

The people of Bukomansimbi look at federalism for

developmental purposes not for political domination. Mr. Chairman, in case federalism is not granted because we are here to negotiate - Article 219 where district Powers are at the discretion of the President should be scrapped.

Traditional leaders. Mr. Chairman, I am extremely happy that what made my father unpopular among the Baganda has now become the song of everyone. Time and again, the Baganda were warned that the Kabaka should be kept out of politics. Politics is for us the common men, the bakopi, he would say. No vote only should be cast on the Kabaka. This wise piece of advice only earned him hate, spite, scorn and even drove the nail further into his political coffin thus sealing off his political fate. Buganda in particular and the country at large were later to pay heavily for this mistake. The people of Bukomansimbi want a separate Chapter where the limits, benefits of traditional leaders can be stipulated to avoid conflicts and misunderstanding. Traditional leaders will be apolitical and will be catered for by their people who owe allegiance to them.

The Army. It was very surprising that the Odoki Commission could render so much power to the President after all our history. Article 234 Clause 3 reads as follows: *"The President will appoint, discipline, promote, remove, any member of the Armed forces"*. We all agree that there would not be a problem if we could guarantee that all Presidents will be like Mr. Museveni but since we cannot guarantee this, the people of Bukomasimbi strongly insist that the President should not tamper in any way with this sensitive organ of state without prior approval of Parliament.

Conflicting institutions. Mr. Chairman, the people of Bukomansimbi are of the view that institutions which are bound to cause conflicts be abolished. For example, the *Mutongole*, the RC.1 Chairman, the *Muluka* chief and the RC.2 Chairman, The *Gombolola* chief, the RC.3 Chairman, the Central Government Representative and the RC.5 Chairman, The RC.5 Chairman of the Youth Council, the Women secretary, RC 5 and the Chairperson of Women Council of the district. The Prime Minister (Leader of Government Business), the IGG and now Parliament and the National Council of State. The people of Bukomansimbi would like to state as follows: If federalism is granted Batongole, Miruka chiefs and so on should be restricted to Buganda government's assignments if not then they should

retain only the cultural duties. All the other government duties they are holding should be left to the RC government institutions. For the District Women and Youth Councils, at first were formed so as to sort out the youth and... *(Interruption)*

MR. CHANGO MACHYO: Information, Mr. Chairman. I want to inform the hon. Member that the chief is a civil servant. The chairman of RC.3 is a politician and the two cannot conflict. One is a policy maker and the other is an executive.

MR. KAGIMU KIWANUKA: But if you had waited for my analysis, may be, the point would not have come up. But since these councils are needed at each district, we suggest that the Secretary for Youth and Secretary for Women on RC. 5 be left vacant while electing the RC 5. Then the District Youth Council and that of the Women council will play both roles. They will be the Secretary for Youth and Women on the RC.5 respectively.

My people are of the view that the office of the Central Government Representative be abolished. This office has on many occasions clashed with that of the RC 5, Chairman. Further more, some Government Representatives - because they are answerable to the President or the Central Government for that matter - tend to bulldoze their subjects. In the recent CA campaigns and elections some even campaigned for people whom they labelled progovernment. There was an incident when a certain Government Representative, somewhere, even went as far as beating up a high ranking government officer. The RC 5, Chairman knowing very well that he is answerable to his people he cannot misbehave, he can also link the Central Government to the people.

The office of the IGG, Mr. Chairman, should be scrapped from the Constitution. My people are of the view that it has been unhelpful; the people the IGG is supposed to deal with are usually the fellow state favoured giants. The press has done a far better job than his office. If at all some discipline is to be instilled into corrupt big shots, let it be the work of the Prime Minister. Powers rendered to the IGG in the Draft Constitution should be left to the Prime Minister.

The National Council of State: The National Council of State is bound to be the apex of conflict. Where will the dichotomy be between the council's powers

and that of the legislature? It is obvious it will be the one to be favoured by the President and thus claim superiority over the legislature. The chapter on the National Council of State should be scrapped; it should only be Parliament to approve all the Presidential appointments. Everywhere in this Constitution the words: "National Council of State" should be substituted with the word: "Parliament". Parliament must be the supreme body and no other body should be put over it under any disguise... *(Interruption)*

MRS. SEKITOLEKO: Mr. Chairman, can I request the speaker to, please, move the microphone further. He is very loud as a person and the microphone is too close to him.

THE CHAIRMAN: The Member has taken note.

MR. KAGIMU KIWANUKA: Okay, sorry. Detention without trial and states of emergency: Mr. Chairman, my people are of the view that these two laws be scrapped completely because many Presidents have used them to torture their opponents. What the President does is to pick the first sentence and ignore the conditionalities of the article. Personally I have suffered from these laws since childhood. I strongly insist that they be scrapped completely. I am sure hon. Abu Mayanja and others not in the House like Balaki Kirya, Mr. Lumu, Mr. Ibingira and hon. Ngobi, only to name a few, will strongly support us on this point. If one has committed a crime let him be tried by a court of law and within 12 or 24 hours, not 72 as stipulated in the Draft Constitution.

The Human Rights Commission should be scrapped because it will be useless due to the mere fact that its Chairman will be appointed by the President who in most cases will have ordered the detention. How can one decide against his or her employer who can fire him or her any time. This work should be left to the press and NGOs which even today are doing a very good job. What is needed is to accord them more freedom in the Constitution. The press is very good at carrying out and exposing investigations. They deserve a pat on their back. *(Applause)* This will be according them more freedom in the Constitution so as to insulate them from the bulldozing of political giants, especially, while exposing corruption and even murders.

The right of recall. Mr. Chairman, my people are of the view that clause 5 of Article 136 be revised. It

should be the two thirds to sign the petition simply because if it is one third the people who never voted for an MP who are in most cases more than one third of an electorate can easily gang up against him or her maliciously. Article 209 in the case of the District Executive is very fair in this matter, for it stipulates for the two thirds majority. Clause 1 and 2 of Article 138 are very absurd. The President should never, ever, in any way approve the emoluments of the Members of parliament because he may put them at ransom and thus render them politically impotent. My people are of the view that ministers be appointed from within Parliament. This is because it is usually through Parliament that people of political calibre from all corners of the country are known and found. Moreover, a minister has to be a Member of Parliament as to support the President in passing through his policies in Parliament. If Ministers are left out of the House that passes all bills and policies of government, the President will be left alone maybe with only a few MPs to support his policies. Members of Parliament are not always there to oppose but also to build.

Presidential Parliamentary nominees. In developed countries such people are supposed to be nominated from bodies like those of industrialists, professionals with extraordinary qualifications, people who are not interested in going through the hazardous campaign methods but who can be of much help to the country through Parliament. This privilege is abused by many rulers because instead they appoint people who will dance to their whims in Parliament: hence the number of Presidential nominees in Parliament should be reduced to five. Since the business community influences the country's economy, they should be accorded, at least, two or three seats in Parliament to advise government on its Budget policies. The Army should have six representatives; the Police Force, two; Prisons, two; and one lady for each district.

Religion. Mr. Chairman, my people kindly ask this House to lay down strict rules that will restrict government from meddling in religious affairs except when it is a Police case.

Language: My people support English to be the official language, and the national language will emerge by itself with time.

Land. Mr. Chairman, my people insist on mailo land, hence the 1975 Land Decree should be re-

pealed. With a title deed one can secure loans from financial institutions for development. The socialists tried to nationalise land so as to develop but they failed miserably. Further, Mr. Chairman, there must be no tax on land.

Military training: My people suggest that military training be included on the syllabus so that the gun is learnt mainly by the educated. This is the only way to safeguard our Constitution. For the army, minimum standard should be senior four. We should avoid unfortunate statements like "some areas cannot produce soldiers worth promotion". It is like the other sad statement that, "Westerners occupy most jobs in government because they are the most educated". Mr. Chairman, the Constitution should be taught in schools so that people know their rights, since the law protects one who is aware of it.

Last but not least, widows and orphans should be, strongly protected from in-laws; in defilement and rape cases, victims should give their testimony in camera; in criminal cases the aggrieved party should be compensated. In clause 2 or Article 62, if education is to be compulsory then it should be free; otherwise it should not be compulsory.

Thank you very much, Mr. Chairman.

THE CHAIRMAN: Thank you hon. Moris Kagimu Kiwanuka for your contribution to our debate this morning. I now give the Floor to hon. Richard Kaijuka - Sheema County, North.

MR. KAIJUKA (Sheema County North): Mr. Chairman, I represent Sheema North a well known county that does not need any description. In case you have never travelled via Sheema, just get to Mbarara and go straight. Sheema is surrounded by counties of Kashari, Buhweju, Igara, Kajara and Rwampara. You are welcome.

Mr. Chairman, distinguished hon. fellow delegates, I am greatly honoured to represent the citizens of Uganda resident in Sheema County in this important and historical exercise of drawing up a new Constitution for Uganda. I will endeavour at all times and to the best of my ability to articulate their aspirations for a unified, stable peaceful and prosperous Uganda. A Uganda looking to the future with a hope and vigour. A Uganda to which all citizens feel proud to have. The people of Sheema County are truly thankful to the National Resistance Movement Government for the opportunity they have been given to

make a fresh start in national building in liaison with their brothers and sisters from different parts of the country. I would like to emphasise consensus building in a Constitutional making exercise. We are engaged in an exciting exercise of building a foundation of good governance in this country. The question is: 'What kind of foundation will it be?' 'Is it a foundation built on rock or on sand?' In my view we shall have to built on a rock, if we can identify and emphasis those issues on which we are all in agreement instead of highlighting areas that divide us. Mr. Chairman we should endeavour to avoid the geographical device which is clearly evident from the recent Constituent Assembly elections in the North and East. I have been wondering what the factors were that contributed to this division. Were the people voting for multiparty politics or were they reacting to the measures taken against rebel activities in the area? Could the people in the East or North be reacting against perceived over zealousness of the anti-smuggling unit of the Uganda Revenue Authority? I am posing these question for us to reflect. Mr. Chairman, I am raising these questions essentially because I believe that if we are to draw up and promulgate a permanent Constitution for this country, transient issues of this kind should not unduly influence our long term decisions. I would like to appeal to all honourable delegates to focus the attention on what unites us as Ugandans. This is the only way we can ensure living together in peace and harmony. Mr. Chairman, you may wish to consider setting aside one or two sessions during which we should jointly list all national issues of interest to our constituents in which we are all grieved. You will discover that there are many issues on which we are all in full agreement and these include, if I may dare say, the need to promote national unity, peace, stability and development, and good governance.

Which delegate here does not believe in peace? The need to promote freedom and liberty for the individual; the need to wage a war against poverty, disease, hunger, ignorance and corruption; the need to promote a culture of tolerance, respect and accommodation for other people's views, customs and cultural backgrounds; the need to promote fundamental human rights, including the freedom of association and freedom of worship; and the need to promote strong democratic institutions which provide for the full participation of decision making. In short, the need to provide an enabling environment in which every citizen in this country can work for his or her prosperity and the prosperity of Uganda. If we

indeed agreed on these and either fundamental issues, how can we, Mr. Chairman, fail to reconcile our divergent issues and views on the most appropriate issues at stake today for the attainment of these objectives? I submit that these common objectives should form the firm foundation for the Constitution we are now called upon to construct.

The promotion of unity among our people on the basis of cultural and ethnic equality is of crucial importance. We must, at all times, place great emphasis on being Ugandans first and foremost and be truly proud of it. We cannot afford a repeat of our recent tragic system which had its roots impressing greater emphasis on parochial interests than national interests. In order to forge national unity, all of us in our respective roles as leaders and distinguished delegates as we gather here, are enjoined to be tolerant to and accommodative of other people's views and interests with the overall objectives of consensus building on issues that tend to divide us. Mr. Chairman, rigidity often leads to alienation.

Let me turn to the Movement versus the multiparty system. It is in consideration of the need to force national unity, as I have remarked in my introduction, that the people of Sheema North see distinct advantages in a Movement type of government which they consider to be the most appropriate for Uganda at this point in time. The Movement type of government provides us with an ideal of vehicle for consensus building because it is particularly suited for the commodation of various shades of political, social and cultural opinions. Where else would you find socialists and capitalists, monarchists and republicans, federalists and unitarians, elitist and grassroots politicians interacting amicably, laughing, enjoying themselves, exchanging views as in this great national Movement? *(Applause)* Every Ugandan is free to participate...*(Interruption)*

MR. WANENDEYA: Point of information. Mr. Chairman. May I inform the speaker on the Floor that in the Constitution, the current Constitution of Uganda, the boundaries are clearly marked and are at Busia, Malaba, Lwakaka, very clearly - some rivers and other places. Mr. Chairman, people in the East find themselves in big problems in the sense that the government has ignored these boundaries. Whilst they have got customs officers, security office at the border, you find that the anti-smuggling unit has no love for them and has no love for smugglers either who go to Mbale, to Budadiri and other places in the

East, right inside the country, to confiscate peoples' goods. Is that the kind of way, as a country, we are going to promote the movement when people are losing their capital, Mr. Chairman? I want the hon. Member to reflect on this when he is contributing to the Movement as opposed to the way people in the East have lost their capital and one of the commander has now been dismissed. I want him to bear that in mind. I thank you, Mr. Chairman.

MR. KAIJUKA: I want to thank hon. Wanendeya for his information, but I suggest that since he is a distinguished Member of the National Resistance Council we will address that issue more appropriately.

Let me turn to the constitutional issues which we should be addressing here. I was saying that every Ugandan, Mr. Chairman, is free to participate in the Movement politics from RC 1 to the national level. I want to give my personal example, that I had the benefit of joining politics from RC 1, upwards to the present position that I hold. It does not matter what background I may have had, I did not see anybody asking what background I had, that is why most Ugandans in the villages, throughout the country, truly are saying, and I have taken pains because I had to be careful whether I should come here to say what the peasants want or do not want, they do not want to hear of the political parties at the moment. And I was convincing them - I was asking them for how long they were able to say, in their judgement - you will not believe it, the majority of them were saying: 'Please, if it was possible, and if we have weaknesses let us address them, but, us have this arrangement that brings everybody together for a long time to come'. So, that is why most Ugandans as I said, throughout the country, are saying they are happy with the democratic political experiment.

While advocating for the movement type of government, I also recognise the fundamental right of freedom of association. I am not blind to that. To deny this right would be an unhealthy development and would create unnecessary suspicion whether justified or not. However, it is necessary to point out to those in the political parties to come, that they should not be afraid of new ideas. In my view, the system of participatory democracy, right from the village to the national level, has contributed immensely to the peace and stability now prevailing in this country. This is an original innovation Uganda should be proud of. I have no doubt that long after we

have gone, scholars of political theory will study our new movement system along side other systems which were expounded by many scholars and philosophers like Aristotle or John Lock. Why are you afraid of being original as a country? (*Applause*) The phenomenon of political inclusion rather than exclusion, which is at the heart of participatory democracy is closer to our cultures which are characterised by a sense of belonging and sharing than the winner takes it all Westminster model. In my opinion, the instability experienced during the political parties era was basically due to the exclusion and alienation of the losers.

Questions of genuine concern, and here I am extremely serious, question of genuine concern have been raised with regard to the openness of the Movement system as currently practiced by the National Resistance Movement. Areas of concern include:

- i) Lack of clear guidelines on the composition of and election to the various organs of the Movement.
- ii) Appointments to high positions of government and the disciplining of leaders and so on.

It is my considered opinion that these and others need to be addressed now. It is necessary to clearly spell out rules and procedures for the participation of all Ugandans in the affairs of the Movement at all levels, and clearly all of you Ugandans will be proud of a model that will be an example not just around our region but globally. This is the only way we can ever hope to make the Movement universally acceptable as a truly transparent and democratic institution.

Sheema North which used to be a stronghold of both Uganda People's Congress and Democratic Party is saying loudly and clearly, so that the rest of this country and the world can hear, that the Movement system should continue for the next five years. If at the end of this period Ugandans feel that the Movement system is best for ensuring unity, peace and stability which are prerequisites for sustained development, for no other reason, then they should say so loudly and clearly through a referendum. If, on the other hand, such a referendum is carried by those who genuinely - and here is an opportunity for multiparty strength - believe that Uganda's interests are best served by a return to a multiparty system of government then Ugandans including myself shall all be bound by that decision.

Traditional rulers. Mr. Chairman, in the spirit of respecting each other's customs and cultural values, the people... *(Interruption)*

MR. SABIITI: Mr. Chairman, so far I think I have no quarrel with his presentation but I want him to throw more light on what he termed as the openness of the Movement because he seems to have said that this is the main concern. Could he come out to throw more light on how the Movement could be open, what type of model he has in mind to make sure that all the citizens of this country have direct approach to this Movement.

MR. KAIJUKA: Thank you, Mr. Chairman, for allowing hon. Jack Sabiiti to give me that information; that is why he is here in this Assembly. I thought all along I was listening to Members making contributions and their concerns loud and clear, and I was reacting to their concern, as being genuine maybe, if he has not got any concern then he has no problem. So, turning back to my text, Mr. Chairman, in the spirit of respecting each other's customs and cultural values, the people of Sheema North are not opposed and I repeat, people of Sheema North are not opposed to traditional rulers in societies where the overwhelming majority of the people concerned want them, for example, in Buganda. They are in agreement with Article 279 of the Draft Constitution; they recognize the unique image of the Kabaka of Buganda through mother clans - every clan in Buganda - which uphold an opportunity to have that clansman called Kabaka. However, Sheema North...*(Interruption)*

MRS. SEBAGEREKA-KAKOKO: Point of clarification, Mr. Chairman. I would like to request the hon. Member holding Floor to explain what he intends to do with the minorities who support and who feel they are part and parcel of the culture he wants other people to enjoy; but there is a minority that is denied that privilege. What has he got in stock for them? I thank you.

MR. KAIJUKA: Mr. Chairman, I welcome that question that is raised by hon. Victoria Sebagereka. I am not blind to the issues of minority, but that is why we are here and that is the essence of, above all, even democracy - that even the minorities may object overwhelmingly to having certain views. But when you have overwhelmingly large numbers, they dictate and democracy dictates that you respect the view of those. And so much as I am mindful about the need

for societies to have traditional leaders, the difference here - I am giving an example of Kabaka where every clan is associated to the Kabaka, and I have full respect for that kind of system - and I am going to talk about my own society of the Banyankole. Can I come to my prepared text with your permission, Mr. Chairman...*(Interruption)*

MR. AMANYA MUSHEGA: Point of information, Mr. Chairman. I would like to inform hon. Kaijuka and the House that even in areas where monarchies have been accepted and supported, there are substantial minorities who do not believe in those institutions. That is true in Bunyoro, it is true in Busoga, it is true in Toro and it is true in Buganda. So, that should be noted. Thank you, Sir.

MR. KAIJUKA: Thank you very much. I welcome that contribution from my Colleague, hon. Amanya Mushega, representing Igara East, and I think that was useful contribution. In other words, he is saying where there are traditional rulers there are majority there are minorities who do not want institutions but they are tolerant. But in case of Ankole which I want to turn to, most people from Ankole and Sheema North are totally opposed to the imposition of traditional rulers in the absence of majority support and consent. It does not make sense for someone to call himself a traditional ruler when the overwhelming majority of his would be subjects are strongly opposed to the institution of Obugabe. This is why I think that the document circulated to the CA delegate by the Ankole Cultural Trust is provocative to say the least. The issue of Omugabe for Ankole is a closed chapter as far as most Banyankole are concerned. I wish to assure hon. delegates that we in Ankole...*(Interruption)*

MR. SSEMAALA: Point of order. Is the hon. delegate in order to keep confusing the House - first when he was talking about political parties and democracy he did not agree with the view of the majority or the winner take all. He said that at least people who lose must in some way be accommodated. Now when coming to traditional leaders he said that the minority should not even be considered. Is he in order to keep giving the House contradicting views?

THE CHAIRMAN: That is not a point of order, it is a point of argument.

MR. WAGIRA: Point of order, Mr Chairman. Is hon. Kaijuka in order to close debate on certain aspects of the Constitution by saying that the issue of monarchy in Ankole is a closed issue.

THE CHAIRMAN: I took it that he was only expressing his opinion on that particular point: the opinion of Sheema North to be more exact.

MAJ. GEN. TINYEFUZA: Point of information. Mr. Chairman. My information is short. I would like to inform hon. Kaijuka that the issue of the Monarchy in Ankole is not closed. Secondly, *(Interjection)* I have not finished hon. Kaijuka, since you gave me the Floor. The issue of monarchy in Ankole is not closed. Some Banyankole live outside the borders of Ankole and culture is trans-territorial. So, for us the Banyankole outside Ankole we subscribe to the *Obugabe* of Ankole. *(Applause)*

MR. KAIJUKA: Mr. Chairman, hon. Tinyefunza is entitled to his views, he can have his traditional ruler in Sembabule: I am talking about Sheema North that I know only too well, that I represent in this Assembly. And I can assure you that for us it is a closed chapter. That is why I think that the document circulated to the CA delegates by the Ankole Cultural Trust is provocative. The issue of Omugabe is a closed chapter, I repeat, as far as most Banyankole are concerned. I wish to assure hon. delegates that we in Ankole live in absolute harmony which should be maintained at all times and at any cost... *(Interruption)*

MR. KARUHANGA: Mr. Chairman, the delegate from Sheema says that the chapter of the Ankole monarchy is closed. I am a delegate from Ankole. I come from another constituency in Ankole: the people I represent do want to have a monarchy in Ankole. If my Friend Kaijuka closes the chapter on the monarchies for those people, what plan has he got for them who want the King of Ankole? If he has no plan for them, is he intending to gag their mouths as by closing the chapter on the discussion in this Assembly? Does he want them not to be called Banyankole? Can he now go and do some homework and tell me what my tribe is? Having put those questions to him - is he really in order at his level and having made such a wonderful contribution on democratic principles of life and for the betterment of peace and stability in our country and for the promotion of culture in other areas - is he really in order at his level because if he was somebody who was just joining politics I would not mind - but at his level is he really thinking that he is reasoning like a reasonable man? Is he really in order?

THE CHAIRMAN: Hon. Member, I did not hear the hon. Member saying you are not a Munyankole. He did not say that, so that assumption is wrong. He is only saying that - and he did qualify his statement by saying according to the majority of Banyankole - now that becomes arguable between you and him - and I think we cannot rule that on the basis of order, rather it is just a contending argument on subject matter. Maybe you will have a chance to take the Floor at the right time and correct the situation.

MR. KAIJUKA: Thank you, Mr. Chairman, for your wise guidance. I do appreciate hon. Karuhanga obviously belongs to that minority, so he must accept the general principles of the overall majority.

Let me turn to the form of government, Mr. Chairman. In the spirit of promoting national unity the people of Sheema support a unitary system of government based on a strong administration at the centre and clearly defined and devolves powers to the district and lower level of administration. Uganda should continue with a Parliamentary form of government in which the President appoints ministers from the legislature. The President may appoint people from outside legislature, but they will be nominated to become members of the legislature. In the Ugandan context, a federal system of government would introduce elements of inequality leading to conflicts and unnecessary jealousies which we should endeavour to avoid. What we need is centralized legislative power tempered by efficient local administration. The issue here is that we should create a viable Uganda that can withstand the test of time. Is Uganda viable as a state to do business with: where people can embark on meaningful development? That is the issue. If districts wish to associate in areas of culture, sports, etc. this should be supported. Indeed inter-district visits where RC leaders, farmers, women and youth groups visit their counterparts in districts - which most leaders are already doing - they would go a long way in facilitating a better understanding and appreciation of our diverse cultural values and the extent of our developmental problems.

I believe in the constitutional separation of powers between the executive, the legislature and the judiciary supported by appropriate checks and balances. We should, however, I must say avoid excessive bureaucracy because if you are going to establish a Constitution that will even tie the hands of the Executive to get a job done, you will also have a problem - you need to balance this decision

On land matter, Mr. Chairman, sheema North advocates for the adoption of a uniform land tenure system throughout the country based on freehold in rural areas and leasehold in urban centres. They recommend that all persons occupying and utilising land be granted security of tenure. This Constituent Assembly should make a historic decision to correct errors of the past by liberating squatters and tenants who, because of accident of history, found themselves incorporated in mailo land. Those people who have lived in their Bibanja for years should automatically be granted freehold. I have no doubt in my mind that those communities who either practice the communal land system should also welcome the freehold system so as to promote equal economic development for goodness sake. This would encourage peasant farmers to take great care of the land and to invest in long term projects. Land is so central to our development effort that we should endeavour as much as possible to ensure that all those who have the capacity to put it to good use are facilitated to do so. It is against this background that appeals by some leaders to their subjects not to sell land to their fellow Ugandans on the grounds that they are outsiders are to be regretted. Ugandans have the inalienable right of movement and settlement in any corner of this country. This right should not be interfered with anyway on the grounds of protecting tribal land.

On the freedom of the press. With regard to the press, the people of Sheema North do wholeheartedly support the concept of freedom of the press. However, they also emphasise the need for this press freedom to be reciprocated with press responsibility. The press has a major role to play in national building, in building Uganda as a unified country. It is, therefore, imperative that the press endeavours to highlight those positive aspects which unite us, instead of the press emphasising on our differences. How can we ever hope to build a united society, for example, when more often than not we are confronted by the headlines insisting on our division, mistrust and outright hostility amongst ethnic groups. It is my experience that our people can live happily irrespective of their ethnic background. Take the example of Buganda where virtually all tribes of Uganda have settled happily. It is we, the political leaders, who fan tribal discords for cheap political gains. The press should not provide us with a platform when we are engaged in the kind of destructive propaganda.

National Council of State. Mr. Chairman my constituents have questioned the necessity of having

a National Council of State. The Council is expected after the liaison between the executive and Parliament and to endeavour to establish and promote good working relations between the Executive and Parliament including the resolution of any conflict that may arise. It is not clear how the council would achieve this objective given the fact that membership of the council consists entirely of Parliamentarians, some of whom are members of the Executive. In addition the council is expected to advise the Executive and review the Presidential appointments. It is my view and the views of the people of Sheema North, that the President should be advised by his ministers and where necessary he can pick advice from other quarters. With regard to Presidential appointments, these could be reviewed by Cabinet and they should be answerable to Parliament.

On Army representation. The representation of the Army in Parliament is supported by the people of Sheema North, because it creates a real interaction between the Army and the politicians. Participation by representatives of the Armed Forces in parliamentary debate enables the Army to appreciate the problems faced by the country and how difficult it is to find solutions for them. I must say I was excited yesterday listening to Lieutenant Mayombo making what I considered a useful contribution to this Assembly.

Let me conclude, Mr. Chairman. It is my sincere hope that at the end of our deliberations we shall have a Constitution which is acceptable to all people and that it will stand the test of time and can truly be regarded as the supreme law of this land. We should aim at a precise, simple and consistent Constitution which minimises the likelihood of unnecessary disputes and litigations. I am no lawyer, but I do appreciate the significance of a simplified format. In my view the Draft document before us contains the many points of details which may necessitate frequent amendment to the Constitution, depending on the tempo of social and economic change. Let me end by appealing to you, Mr. Chairman, and my fellow delegates that after the conclusion of the general debate we should go down to serious business, chapter by chapter with a view to finalise this important exercise by the end of October 1994. I am afraid if we delay finalising the Constitution, we may not have general and Presidential elections until mid 1995, essentially because of the inevitable preparatory work that has to be done between the promulgation of the Constitution and the election. I thank you all for listening. Thank you.

THE CHAIRMAN: Thank you, hon. Kajjuka for your contribution to our debate this morning. I now give the Floor to hon. John Ndege - Luuka County.

MR. NDEGE (Luuka County): Thank you, Mr. Chairman. Now, we are debating the fourth Constitution of Uganda. When we ask ourselves why are we having a fourth Constitution when other countries have made only one, the answer to this, I think, is one of the issues which we should debate and see the causes of the failures of the past Constitutions. Was it the Constitutions or the people? In the past our leaders - the first was Obote, the second was Amin, the third was the junta, then Obote back, and all their administrations were characterised by lack of the rule of law. In other words, during the Obote I, just before he was overthrown, he had abrogated the use of the Constitution or the rule of law. During Amin's era, there was nothing called a constitution; they did not know whether it existed. So, we were just ruled by crisis or by will of the leaders then. And after that there was a series of changes - I mean, we came back to the rule of Obote (Obote II) and the same characteristics which he left - as he said beginning where he left. Indeed, he just continued with disregarding the people, and yet all of us are here to protect the interests of the people. Now, the NRM came in power and they have used the same Constitution of 1967 which has been in the opinion of the people of Luuka being misused by other governments. So, is it the Constitutional or is it the administrators? Or are the people supposed to represent the masses or to govern services on their behalf? and I think this is the fundamental question.

During the time of Amin, there developed all these units, the worst being the General Service Unit and the State research Bureau during the time of Amin. Some people are talking about the Army being bad, but I think those organs were worse! Because they harassed people everyday. People could be arrested and detained without trial; some are never seen again while others were seen after so many years. Others who had connections here and there could get their way out. Today we have the ISO, what is the rating of the ISO? I think they have done some mistakes, but I think in my opinion there is some sort of sanity - They are a little bit better than the last organs. So, as we deliberate this Constitution we must find ways of controlling not just the Army but these other organs of state which have powers where there are no checks and balances developed to such a level that the whole concept of the freedom or the rights of the

people are broadly eroded. So, the people of Luuka are saying that of all the governments under these Constitutions which adhered to the rule of law is the Movement system or the government of today. Therefore, they are saying when you have a good thing and it is doing well, why change it? If you are using the 4,4,2 system why insist on going to 4,5,2 or 4,5,1. Just as the Brazil has won the World Cup, because they are playing as a team. We are praying to everybody that let us play as a team and endorse the present system which includes RCs and so on - an umbrella for everybody - while it is still good. The people are enjoying freedom, why should we change it? One old man after one of the rallies asked me: *"Aye muna bwetunakutwala toidha kwizawo parties?"*, in other words, "If we send you there, are you not going to turn and return the parties?". I said, "No, whatever you tell me I will do it". And he said, "If that is the case, I will give you my vote". People are concerned right to the hearts and we come here to present their views and not our views. You may make the most beautiful speech but it does not reflect the people's views and I think we have to be really serious on what the people want. I think this is important. In Luuka we say the Movement should go on, but maybe in Soroti some facts affecting the people may not have been properly addressed and there may be a sort of thinking that this system is bad because so many people were killed and there has been no redress and so on and so forth. Also in other parts of the North there has been war, but war is inevitable and war is caused by the people. And if the people of the area condone those people fighting the government like the people in Buganda and South, definitely accommodated the NRM, they would not have survived. Then you have to take the consequences of these acts with a look at the system: Does it give you freedom? Yes. The fundamental right is to live. Are there some executions of people? No. When people are arrested do you have the right to go and ask? In most cases, yes.

I still have to see and ask the Minister of Justice, there was a writer in the magazine of the NRA, in my opinion he died under circumstances which I have never understood and nobody has ever said a thing. I think these are the kind of acts which can bring down the morale or the integrity of the government. So, such acts, as they say *'Omulungi tabulaku kamogo'*, which means that "even the most beautiful person has a dent somewhere". So, NRM is not perfect. It also makes some mistakes and it is our duty... *(Interruption)*

MR. KOMAKEC: Point of information, Mr. Chairman. The point I would like to give the speaker on the Floor is on his supposition that there is war in the North. At least, there is no peace in the North. The information I would like to give which was given at a conference at Makerere in 1987 is that the war in the North was a continuation of the war in Luwero and this was admitted. And in 1988 when we were negotiating for peace and this point was also made very humbly by hon. Ruzindana who is here in the House in the conflict Resolution in 1987, that the war which was in the North is not because the people in the North rose against the government but it is that the NRA went and followed those who were fighting. It was not because it was supported. Thank you.

MR. RUZINDANA: Point of clarification. Thank you, Mr. Chairman. I have just heard hon. Komakec mentioning my name with reference to a statement I am alleged to have made in 1987. This is not the first time he has attributed that statement to me. I had read sometime back that he made it before the Human Rights Commission that I made this statement, and I have never made a statement like that one. When I talked in the seminar he is referring to, I had a written statement and in that written statement there is nothing like that. I do not know where he ever got that statement from, but I would like to request the hon. Member not attribute anything like that to me again because I have never said so. Thank you, Mr. Chairman.

MR. NDEGE: Thank you, Mr. Chairman, just to summarise on the question of the Movement versus party system, the people of Luuka and if I can refer to hon. Komakec's comments. They agree there is a state of insurgency of some sort in soroti, therefore, people may have misgivings. The people of Luuka summarised Lakwena within a matter of days, so they do not want this kind of situation in their house. Since NRM is for peace, for human rights in general, I think we can give them a distinction. And looking forward at the economic advancement we are saying that, since the lady is enjoying the honeymoon let her enjoy, until it is finished. To some it is over, but for us the honeymoon is still on and we shall continue, and there is nobody who should say that I am giving you five years for the honeymoon, a honeymoon goes on until it stops. So, we are going to continue and we want to be asked every five years: "Are you alright?" and we say, "yes" or "no". So, if we say yes, we continue. Nobody should impose upon us something we do not want. We are not

responsible for the misdeeds made by the parties. If they played their game well they would be here, since they did not they were thrown out by the will of the people, by the peoples struggle. This is part of history, whether you like it or not is part of our history!

Now, we come to the Draft Constitution. We do accept most provisions of the Constitution, but we have in that document where our views may not have been taken into account... *(Interruption)*

MR. ONEGI OBEL: Point of order, Mr. Chairman. I think it is becoming a song which should have ended a long time ago, when we continue suggesting that the NRA or NRM went to the bush because of the misdeeds of political parties. We had a quotation given to us here by hon. Ogola, quoting the President that the election or the rigged election is not an issue that pushed the NRM or NRA to the bush. I also have in brain here something very clearly remembered as a statement from a very high ranking military commander who said that while - well, I cannot quote the exact words but they were along these lines - that when the preparations for the elections in 1980 were going on the NRM/NRA were already mobilising. Is it in order, therefore, for any honourable Delegate here to continue stressing the points which has been proved wrong already, that the NRA went to the bush because of the rigged elections? Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. Member your point of order was more of an argument. In Luuka, that is how they understood it. But of course, it could contradict other positions on the Floor. I mean that he is out of order to bring that sort of message.

HON. DELEGATE: Thank you, Mr. Chairman. I even never talked about the elections. I talked about the misconduct. But if he is talking about the elections... *(Interruption)*

MR. OMARA ATUBO: Point of clarification, Mr. Chairman. I would have been very grateful if the hon. speaker, John Ndege, could clarify and educate me, that parties were thrown by bogus roles, by the peoples struggle and drafted by the people. Mr. Chairman, I am aware that for the struggle like the bush war in Luwero Triangle which covered three districts of Uganda - there was some struggle in West Nile, basically incursions from Zaire and Sudan - but Mr. Chairman, I do not recall struggles waged by the

people of Luuka against parties because at that time the representative of Luuka was in Parliament. I do not recall struggles against parties in Acholi, Lango, Teso, and Ankole, Kigezi, and so on. It could be better please to clarify to me on this very serious and fundamental statement, that parties have been overthrown and rejected by the struggles of the people of Uganda. Thank you.

MR. NDEGE: Thank you. I was only conveying the message of people from Luuka and another, to clarify their position. The position is:

i) That war that took place in Luwero, some of us were part and parcel of the struggle. Because that only people of... *(Interruption)*

MAJ. NYAKAIRIMA: Point of information. I would like to inform hon. Ndege and some Delegates here that the war in Luwero was a continuation of struggle for freedom in Uganda which is still continuing and will continue. So, in 1985, it culminated in the revolution that removed dictatorships and it will continue. It should not be mistaken to have been a coup but it was a revolution. Thank you. Mr. Chairman.

MR. KAMURON: Point of information. I would like to inform the Delegates through you that even though the war was fought in three districts in Buganda, some Ugandans from some parts of this country joined the war and fought in Luwero with their fellow Ugandans there. I have in mind the people of Kapchorwa who fought hand in hand with their brothers in Luwero in order to liberate this country. Thank you very much.

MR. WAGIRA: Point of clarification. Hon. John Ndege has made a very serious statement, and I would want some clarifications made for me. Hon. Ndege said, political parties were overthrown by people through revolution, and that should be the end of the matter. I want him to clarify whether our participation in this constitution making process is a waste of time for some of us who believe in political parties? And whether we should, therefore, resort to what we call peoples struggle to then forward our ideas and our hopes? *(Applause)*

MR. NDEGE: Mr. Chairman, I go on. There have been a few comments here and there that Hon. Onegi Obel mentioned about the 1980 elections. I stood in the 1980 elections. I did not get my results until I left for exile. So I come to the question of hon. Wacha,

I think all the delegates have answered him as the people from all-over the country. It was not Museveni alone who set this protest and the protest was against bad rulers. And these bad rulers, unfortunately were connected with parties. Thus, the people of Luuka do not want to associate themselves with bad rulers which are associated with parties. And they are saying that as long as they enjoy the honeymoon - if NRM defaults, they will choose another system whether party or otherwise. But they do not want relationship with parties, they disassociate themselves from them. They are resistive kabbisa.

THE CHAIRMAN: Could you use the language of the Constituent Assembly, please?

MR. NDEGE: Okay, Sir. That is what they want, and there is nothing else I can report, they have reasons for that.

A HON. DELEGATE: Point of information. There is information I would like to give in relation to what was said about the beginning of the war. Some hon. Delegates are trying to make an impression that the war was inevitable because it was already programmed, whether there was rigging or not. Which is not correct. Because if the elections in 1980 had been held openly and if they had been free and fair, there is absolutely no way anybody would have started a war. Even if anybody would have started the war thereafter, it would not have succeeded. This is because people to a guerilla are like water is to fish. If fish does not have water it cannot survive. Now, how would a guerilla survive if the people were satisfied that the elections which were held were free and fair? It would not have succeeded at all. Therefore, that impression created by some hon. Delegates that some people were already determined to fight whether the elections were rigged or not, should be corrected. Thank you, Mr. Chairman.

MR. KISAMBA MUGERWA: Point of information.

THE CHAIRMAN: Will you speak up, please?

MR. KISAMBA MUGERWA: When it came to know that the elections were rigged, those who were in political parties joined the bush.

LT. COL. SERWANGA LWANGA: Point of information, Mr. Chairman. The people who went in

Luwero or to the bush should tell you why we went. Hon. Onegi Obel did not go to the bush. So, he should not bring this talk with President Museveni, when they were discussing here. Chairman, I must inform the hon. Member, and the House, or the assembly in general that, the war in Luwero, was a result of the rigging of 1980 elections through Legal Notice number 5 of 1980, which was issued by Paulo Muwanga. And it said that nobody should talk about the results. Anybody who will talk about the electoral results, shall be imprisoned for five years, or pay a fine of half a million shillings, or both. And he went on to say that his office was the only one to come out with electoral results. Some people went to court, one is Hon. Kitariko here. Up to now, he has not received his judgement. Some politicians decided to go to the bush, among whom were also leaders of political parties for example hon. Kateroga. So, Mr. Chairman, let us not be confused that the war in Luwero was not the result of the rigging of the 1980 elections. This one is so and we should not accept any confusion.

THE CHAIRMAN: Okay, you have made your point.

MR. WAGIRA: Point of order, Mr. Chairman. Is it in order for the House to keep bogging us down on the causes of the struggle, instead of debating the constitution? When we know that a revolution is a culmination of a number of factors? Is it in order for us to begin apportioning parts which participated and which did not participate in the war, when we know that a struggle is a collective effort of each and every individual of that society irrespective of whatever tactics he made.

THE CHAIRMAN: The House is in order to discuss all matters relating to constitution making process.

MR. WACHA: Point of information, Sir. I respect my leaders, I particularly respect President Museveni and I believe that everything he says as the leader of this country must be taken very seriously. Sir, President Museveni is on record as having stated that this struggle which culminated in the NRM/NRA being in power started in 1966. It is on record as having stated that he and hon. Eriya Kategaya in Ntare formed a struggle and he is on record, Sir, as having stated that he started recruiting his cadres as early as 1969. He actually gave his own record as having stated that he gave pistols to certain people to start the struggle. Sir, this is a fundamental matter.

THE CHAIRMAN: With that historical perspective, I think, hon. Ndege can continue.

A HON. DELEGATE: Point of clarification, Mr. Chairman. Thank you. I just wanted to clarify on the statement made by hon. Wacha, whom seems to be changing positions every time he is giving information and order.

THE CHAIRMAN: He is entitled to.

A HON. DELEGATE: I do not see any conflict in someone saying that the struggle started in 1966, war might be part of the struggle. But the struggle can be political, it can be political accusation, it can be all sorts of ways of putting the views and consolidating the struggle. I do not think we should mix the struggle starting in 1960s and the war starting in Luwero in 1980. The war might have been part of the struggle and it has been necessary as a means to fulfill that struggle. I do not think the war in Luwero was planned in the 1960s, Mr. Chairman. Thank you.

MR. AMANYA MUSHEGA: Point of order. When we came here, Sir, you assigned us sitting positions. Is it in order for some hon. Members to rig their way by changing sitting positions? And they are appearing from each position as if they are starting afresh? For example hon. Wacha has given a point information from here, he has now shifted to another one in another corner? As much as I respect his views, is it in order for him not to stick to his assigned position, and continue appearing as if he is a fresh hand, when he is actually the same hand? I would like to have your comment on that one, Sir.

THE CHAIRMAN: No, the hon. Member is in his seat. So, this does not arise right now. But where he was, I think he had gone to consult and if he wants to speak from there, I do not see anything wrong with it.

MR. NDEGE: Thank you, Mr. Chairman. As a final remark in this, I say that it is a historical fact. Today it is a fact that Kony, is staging struggle in the North, nobody is saying it is not a fact. If he succeeds, good luck! if he does not, it means that his struggle has no base. It must have a base.

Now, let me turn to the point on the Republic, Chapter 2, Uganda being a sovereign State and a Republic. The people of Luuka are saying that the

definition should come after the passing of the constitution because it could be unitary, federal, semi unitary or anything. So we should not restrict the definition until we have finished all the other provisions of the constitution.

On women. The women of Luuka are saying that there is not enough in the constitution for the women. First of all, most of the women there are married in a polygamist position. The constitution is silent on this. It does not recognize the fact that there are marriages in the church and there are those of customary law and other forms of marriage. So, they want this point to be addressed. And they want to know their rights. Who inherits what? Because there is always a belief that the woman who is married in church is superior to the others. But they are saying it is all marriage in different forms. So, let the constitution be very, very clear on this point. Secondly, is that they should be represented at district level. And the third is the question of inheritance. This should be defined as their right, because they can contribute and build a house with a man and then he says, "just go". And whatever you have contributed is null and void. So, they want their rights defined in this constitution. So, I am requesting the ladies to come out strongly on this.

MR. KATABAKU: Point of information. Mr. Chairman, I wish to humbly inform the hon. Member that, he is directly sent, while at the same time he is informing the House not about the basic sharia law, regarding 'Talaka' inheritance. You do not just pronounce divorce by saying 'talaka, talaka'. That is a popular assertion but false. Legally speaking and technically speaking at the same, there is no divorce pronounced without witnesses present. And the woman inherits a part of what belongs to the family including 'Hamaharah'. Thank you.

I am saying that as somebody technically and professionally trained in Islam and therefore, Islamologist. Thank you.

MR. NDEGE: I accept your explanation, and I wish to apologise to the Moslem Community, but we used it locally to mean a man just saying to his wife go. It has nothing to do with religion. So, I am very sorry about that.

On the National Council of State, they say, they were never consulted. And I think this is a foreign body and it will be left out. Parliament and the President

should be able resolve their differences, we do not need a third man to be there waiting for differences to resolve them. So, I think they can resolve their differences through the committees or Parliament sitting as a political organ. So, we think that is a very unfair organ which has no basis.

On land, the people of Luuka do not necessarily agree with the provisions, but having very little time, I will explain later. They believe that the customary land tenure should continue. That ownership of land should not be shared between them and government, it should be their right to have land, and the government should not have any power over land. If it is your land, it is your land.

On minerals and other resources found on your land, they say they should be yours and if somebody wants to exploit them, he should pay you. Even the mivule trees should go back to them. Because now they belong to the state. So, they think that power on whatever is on their land should be theirs. If you have given me land, it should be mine, and whatever is there is under me. So, that is their view.

And this proposed taxation on land, or cultural land, they disagree with it. They say that it should not even be debated in the constitution. It is a budgetary matter. So, we cannot allow government to bring a budgetary matter in the constitution. We should leave it.

On Chapter 3, which talks about the economic objective, they say that the state shall control the important natural resources and they also say that animals have not been given adequate protection by this constitution especially the endangered species. Like some fishes in the water which have disappeared and people are worried, but we have not addressed this issue.

On Local Government. They say it should be absolute because in the draft constitution, the government dictates what they are going to do with money. So, if government is going to dictate what is to be done with the money, then really, that is not decentralisation. So, if you give grants, give them and whatever we want to do with the grants is our decision. It has taken the Central Government seven years to make a decision on a simple thing called decentralisation. And this amuses some of us. How we can have four years to study decentralization, and take three years to implement it. So, we are saying

that if you have started implementing, leave us alone. Let us make our own decisions. Do not give us rules on how we shall use the money or grant or whatever because we are responsible for our own development. So, we want total decentralization in its meaning. But not giving it by the book and in practice you are the controller. This happened with 60 per cent money given to schools... *(Interruption)*

THE CHAIRMAN: Hon. Member you should be winding up.

MR. NDEGE: Local Government used to give us the money and makes sure that it comes back the next day. Everybody has tried to make definitions on how this money should be used including the President, and the Prime Minister when he was in Mbarara. He has brought his own version of how we should use this money. We are saying that all this should be stopped. Unless we control our own affairs at district level this question cannot work. Then the only alternative is to go federal. So, we are saying, either we have a proper decentralised unitary system or we go federal. And that is their thinking. Thank you very much.

THE CHAIRMAN: Thank you hon. John Ndege for your contribution to our debate.

MR. ADIMOLA (Gulu Municipality): Mr. Chairman, hon. Delegates, I would like, first of all to congratulate you and your deputy. I also congratulate myself and I think there are about four or five of us here who attended or were present at the Lancaster House Conference. I also was present in the House of Lords where the Uganda constitution was debated and finally promulgated. Of all the delegates who went to Lancaster House - the constitution was not yet promulgated it had to go to the house of Lords - I, as Uganda's Government Agent represented it in London, I had to attend that debate. These are the reasons why I do congratulate myself. I also witnessed the introduction of the interim constitution in 1966. I was not told nor did I only read about it but I was present and saw the events that took place. In 1967, I witnessed yet again the production of the republican constitution. I wish to say much but time will not allow. Today, I am writing the last chapter of my political history by participating in the debate on the draft constitution before us. So, I feel I have done very well by participating in this debate. *(Applause)*

Mr. Chairman, a word about Gulu. Gulu is a catchment area, with greater North comprising of West Nile and Madi, Lango, Karamoja, Luo and Southern Sudan. It is only second to Entebbe as regards annual rainfall. Entebbe has 70 inches of rain or more, Gulu has over 60 inches of rain. So, that much rainfall clarifies Gulu's climate. Historically, Gulu was a route for the Arabs Slave Traders as well as explorers who came from the North.

A popular question is, "If the explorers who were travelling from the North tracing the source of the Nile who were to arrive at Jinja first before the East and the South, the history of Uganda might have been different". This is a very popular historical question which I did not want to answer now. Gulu is the gate way to the North, as well as the gate way to the South. That is of course the significant position of Gulu.

Now, we come to the thing before us. I feel greatly honoured when I listen to the debate on the Floor of the House, particularly from contributors in Gulu and Kitgum districts. Because they echo the feelings of Gulu Municipality. It is hot, not only to Acholi, but to the whole of Northern Uganda and Southern Sudan. I support everyone, these ladies and gentlemen who have put in their contribution. I will have to conclude, Mr. Chairman, in value of history. I have listened very carefully in this House to statements blaming the colonial administration and statements blaming the past regimes. Like all the evils that we are experiencing and going through, all our sufferings are now tied on the backs of the colonial administration or the past regimes. Mr. Chairman, I wish to disassociate myself from this kind of contribution and statement. I would like to dwell on an article in the New Vision, about two or three months ago, saying that the Colonial Administration had done a lot of good things for Uganda. And if you were in position, you would go to Mombasa and bring them back. I share these ideas and explanations and I feel that the colonial administration should be appreciated. First of all, colonialists created Uganda. The 1900 Agreement, ladies and gentlemen, was our first constitution. That agreement covered this country for 62 years. And I believe, those of you who were not yet born in those days - I was born on 27th May, 1925. I went to school during the colonial administration, at the end of my education, I joined colonial administration and I do know how efficient their administration was. So, when I hear people blame the colonial administration, I believe they do not know what they are

talking about. There was no Uganda, they created Uganda out of this administration. During the 62 year they ruled us, they built roads, they built hospitals, they built schools, making Uganda the centre of learning for East and Central Africa. When I was at Makerere University - the University College of East Africa - we had students from Ethiopia, Uganda, Kenya, Tanzania, Zanzibar, Nyasaland, Northern Rhodesia, all these came to Makerere and Makerere was the centre of learning for East and Central Africa. That was the work of the Colonial administration. The problem is that the people who are blaming the colonial administration are failing to maintain this. That is what we should talk about but not to blame the colonial days.

No, they were not bad days at all. They brought security, they stopped tribal wars and these things must be appreciated. Therefore, those of us who experienced it, regret the loss of that kind of peace and administration.

So, from the colonial administration, the constitution was promulgated in the House of Lords, and there it was. In the beginning, of course, we were learning to walk. But when you look at the independence constitution that was debated, it is obvious that we were bound to run into trouble. Contentious issues were written into the constitution, for example, the position of Kabaka in the independent Uganda; the position of Buganda; the lost counties and then of course the districts. The position of the Kabaka was quickly agreed as stated and was got out of the way. After Buganda got their things, and that was also got out of the way. That left one contentious issue: the lost counties. Delegates from Bunyoro had huge badges declaring either they get back Bunyoro Kitara in full or not. This is what the badge said. Over this issue, it was not easy to persuade the Banyoro to accept the arrangement and it was not easy also to persuade the Baganda to give up the lost counties. After negotiation, finally, the Banyoro were persuaded to accept a referendum. I was present at a party given by delegates from Buganda. During the party, somebody kept at a glance and asked for a vote. Now this man referred to the referendum and in the end he rose up his glass and said, "Gentlemen, the lost counties have been found" and all the delegates from Buganda with their friends in Britain stood and urged everyone around to take heart. I was there, I participated at that party, but underline these words: *'The lost counties have been found'*. This was uttered by a living Muganda at the

party. Other people had also found those counties. When the delegates came back, steps were taken to send the ex-soldiers to the lost counties. Bulldozers, tractors and projects which never existed there were immediately started in the hope that once the referendum takes place, the Banyoro there will be so intimidated that they have to go to stay inside Buganda. All the Baganda soldiers were there and, finally, a revolution took place and the lost counties went to Bunyoro. I ask the question. Who found the lost counties? That is our history. I give this reference as one of the contentious issues which delayed our independence.

To leaders, what is before us here in the draft proposals are contentious issues. We have already heard from my Friend, hon. Sam Njuba, who said that 'satanic verses' have been implanted in the constitution. We must be very careful. I do not mean to offend my friends, the Moslems, when I refer to 'satanic verses'. That is not my intention but it is just an explanation. The 'satanic verses' are already written in this constitution. Among other things, this National Council of State is un called for. The commissioners should come out, very clearly and have Uganda with two chambers that is Parliament and the Upper House, and then proceed to describe the manner in which the Upper House will be formed, and its role described. But this click of people, so many nominated by the president - you find that all these people are his men and the power is given to them to supervise Parliament. The people of Gulu say that if an upper House was created with proper functions and responsibility then they will consider it. But this one is not acceptable. And they came out very clearly that if Parliament is to debate, there should be no other House above that. (*Applause*) So, that is one point which we have got to go into very carefully.

A number of people have spoken... (*Interruption*)

MR. HAROUN SEBI: Point of clarification. I have been listening to the very good presentation by Mzee hon. Andrew Adimola glorifying the colonial period and I am seeking clarification. He said that it was all good during the colonial period. How does he explain the dichotomy between the North and the colonial period? Thank you.

MR. ADIMOLA: The colonial administration did all they could to develop both the North and the South. Of course, the South had a start in develop-

ment; business activities were centered here and administration started here, and then grew outward, and spread out. It got to Koboko rather (*Laughter*) I think this is wasting time. Let me continue.

The people of Gulu Municipality like those of other districts about land, say that land was given to them by God. And no one should come to legislate that government should take control of the land, and if you want to cultivate an acre, you go and ask for that authority to be given to you. They idea this reject. I am happy that all the speakers from all the districts of Uganda seem to come together on this. (*Applause*) That in each district, there should be a District Land Board. This is what the Acholi said, and I am happy that every district has come out supporting this Land Board. I think we should get our minds clear about this. The only thing which they are trying to suggest, and this morning Owiny Dollo came out with it, is that if there is a national project in an area, the natives of that area should be compensated. A good example is that when the National Park was established that is - now they call it Kabalega National Park. It started like this: The Bishop of the Church of Uganda, I think the Bishop of Upper Nile Diocese joined a hunting safari of the Acholi in that area. Then when he came back from hunting, he wrote a report about what he saw and he recommended that if the Acholi were allowed to continue with their traditional way of hunting, they would finish all the game. That recommendation led to the establishment of the national park. The Acholi were persuaded to accept that the area be demarcated for a national park and it was agreed that 25 per cent of the revenue collected from the park was going to their treasury. Recently, as Owiny Dollo pointed out that politicians wrongly accused the government that it sold land. No! We did not say that. I was one of the politicians. All we said was that, "Is the 25 per cent that the district administration was getting still there?" If it is there we have no problem, we welcome projects - national projects in our area.

The Presidential power. Mr. Chairman... (*Interruption*)

MR. KARUHANGA: Point of order. I know that this matter of national parks is very, very well known, Mr. Chairman, in your position as the honourable Minister responsible for this business. And since we are all Ugandans, we would like to know whether hon. Owiny Dolo was right or whether hon. Adimola is giving us words of wisdom. Would it not really be right for the Chairman to

enlighten the House on this question so that we can move without any misunderstanding. In light of the fact that, we know that you really have the answers to this question - Yes, and I think for the benefit of knowledge and information, you could help us.

THE CHAIRMAN: In due course, may be the Member can educate himself and inform the House at some later stage by interacting with the Chairman. But otherwise, I would be setting the dangerous mistake to interrupt and provide information.

MR. KITARIKO: Point of order. Is it in order for hon. Karuhanga who sits in Parliament to come and tell us this matter.

THE CHAIRMAN: But I think he was in order that. He wanted the House to be informed except that the Chair is not in the position to do that.

A HON. DELEGATE: Point of clarification. I would like to get clarification from the hon. Member on the Floor about the position which is in the constitution text regarding lease hold ownership. He does not mention that. I said that, the position taken by Acholi is the same as that taken by other areas. But I remember there was opposition from some circles of the people of Acholi holding land in free hold. I would like to get clarification on that.

MR. ADIMOLA: Mr. Chairman, the people of Gulu and the people of Acholi in general as I stated, welcome the proposal. They say land must be on customary tenure and that it must be free hold in the rural areas. You may in urban areas, for certain reasons of development, apply for titles, for leases and all that. But in rural areas, land must be under customary tenure and free hold. This is the position of the Acholi on land.

When we come to the power of the President. A lot has been said about the presidential power, and we say, of course as a president he must have power but it should not be unlimited power. We particularly note the concern on one item: The power of the president to declare a state of emergency. This is a very sensitive and delicate issue, because we had a very nasty experience in 1991. When the state of emergency was declared in the area North of Karuma, Gulu, Kitgum, Lira, Apac. And people suffered. Now, here we say the person should not be given 8 hours or 9 hours after declaring the state of emergency. Two to eight hours are enough. Because, we

have got now modern forms of communication, and Members of Parliament from up country can be summoned quickly to come and confirm or approve the state of emergency declared by the president. But to give a long time, before parliament comes in is very dangerous, and this to me should be removed off from the constitution.

Citizenship. I think those of us who have been in exile have experienced something. We in Uganda seem to have been too generous with our citizenship. We seem to have written nothing in the law regarding citizenship. The people of Gulu would like to seek a provision in the constitution which is allowing them to control the aliens among us with the Alien Control Act written into this constitution. As I speak now, there is an influx of refugees from Sudan to areas of Kitgum, Gulu, Ajumani, Moyo, Koboko, and Arua and the Northern area is full of these people. Although we took part in the Geneva convention on refugees, we do not seem to have our own laws. These refugees should be gathered and kept in camps. I am saying this because at one time, I was a director of refugees and hon. Katenta Apuuli, there, was my deputy in charge of refugees. And so, when we speak of the presence of refugees - I think in those days the administration was much better with camps everywhere and refugees were kept in these camps. We worked hard and, finally now, the camps are no more. The influx of these refugees brings about insecurity in our country; brings about disease that we never knew of, and many other things. So, I would recommend that we revisit the laws and we should include the Alien Control Act in the present constitution. The people of Gulu agree that a child of seven years found loitering around should not be given citizenship. Hon. Amanya Mushega will confirm that the school age is six years. So, a child of 6 years must know who his parents are. So, we cannot automatically give him citizenship. We could send him to a children's home until we find out what he is. We are to revisit this provision again.

Judiciary. We would like to see in place the Judicial Service Commission. Mr. Chairman, you are a lawyer yourself. If I ask you a question: "Is the judiciary in Uganda independent?" I do not see any independence here. There is a judge of high court with his robe of justice who falls suspect. "I know you are inside but I can not release you because the moment you step out you will be rounded up again. So, I am welcoming you to Luzira

where you will be secure". Where is the independence of judiciary if a judge of a high court officially makes this statement?

MRS. MWONDHA: Point of information, Mr. Chairman. I would like to give information to the hon. delegate, and help you answer the question that the judiciary, as far as I am concerned and in my opinion, is independent. The example he has shown means that the judiciary or the Judge or the magistrate takes a decision and then the state machinery intervenes in that decision. That does not mean to say that it is the judge or magistrate who reverses the question.

MR. ADIMOLA: It must not only be independent, but it must be seen to be independent. This is what I am trying to say. Our judiciary to my experience is not independent. Even Parliament is not independent, otherwise we would never have the closed door sessions. Why must Parliamentarians lock themselves up? What would they be discussing there? Is that independence of Parliament? We want to see that independence of Parliament and independence of judiciary. The executive seems to have too much control over these departments. So, this is the point I am trying to drive at. The people of Gulu want Uganda to be a republic and unitary state.

We have no objection to the traditional rulers. When the king of Bunyoro was being crowned we sent the Gulu delegation. Groups of dancers from Gulu went to participate in the coronation of the King of Bunyoro. However, one point the people of Gulu would like to make is that - as you know, whatever we say here is never permanent - when this constitution comes to be overthrown, the king will be overthrown also. So, we should not protect the kings in the constitution. We should leave the kings to their own people for protection. This is what the people of Gulu say about traditional rulers. We welcome them, let them be there, let the people protect them. But we should not include them in a national constitution. Let them be out.

MR. KIWAGAMA W. (Bunya West): Thank you, Mr. Chairman. I am from Bunya West in Iganga District. Bunya West is one of the three CA constituencies in Bunya County which I represent in the NRC. It is situated south-west of Iganga District. For those who may want to visit me, it is a constituency which you enter just after the Kakira sugar estate on Jinja-Tororo Road. Thank you.

I thank you for giving me this chance to contribute to this historical debate on the making of the constitution for Uganda. First of all, on behalf of the people of Bunya West, I would like to sincerely congratulate you and your Deputy on being elected to that Chair. I look forward to working together with you up to the time this constitution will be promulgated. In the same breath, I would also like to congratulate my fellow hon. Delegates for having managed to insert their names in the history books of Uganda. Welcome and I wish you all happy and successful deliberations. Mr. Chairman, the people of Bunya West are thankful for the NRM Government and all institutions which have organised and enabled the whole country to assemble here to agree on the basic law on how the people of Uganda want to be governed. It is a unique opportunity for us all to be here. The people of Bunya West request the Delegates to be frank and truthful to one another; to be tolerant; to be accommodative and to have a spirit of give and take so that at the end of it all you come out of this great Assembly having agreed. That will be the greatest day for Uganda. They shudder to contemplate the opposite.

I have noted one tendency here where the elderly are accused of over staying in power. I think the elderly to come here are elected by the people themselves and they should be respected for that if not for anything else. The elderly represent continuity, they represent wisdom as it is exemplified here by the presence of Lord Andrew Adimola who has just contributed and hon. Tiberio Okeny Atwoma. Their contributions are a great help to this House. In any case, why look upon the elderly? Tomorrow, the young ones you will be elders.

With bitter memories of Uganda's history, the people of Bunya are of the opinion that Uganda's history is what it is because the people of Uganda did not respect the constitutions that were made from time. And the reason was that those documents were written by a handful of Ugandans without consulting the masses. They have, therefore, instructed me to prevail upon my fellow honourable Delegates to come out with a constitution which will bring about understanding and mutual respect between the diverse people of Uganda - a constitution which will stand the test of time. This is to say that provisions of the constitutions must be such that they will be palatable to the future generations, a constitution which will be defensible by the masses. This means that provisions must be included in the constitution

through which the people will be educated and sensitised about their constitution so that they can appreciate it and internalise it and make it their own constitution. They want us to make a constitution which will recognise and respect the cultures and traditional rulers in regions where these rulers are revered. They want a constitution which will be understandable by the ordinary person at RC 1 level. This means that the constitution must be written in standard English and local languages as far as possible. The usual colloquial language is a language as of our learned friends. The people of Bunya West are ordinary people. In any case, the document is theirs and it is important that they understand it for them to be able to defend it.

The constitution must be a constitution which will ensure that there are no more of Ugandan exiles. This means no more wars ever again. It must be a constitution which will not allow the formation of rings around national leaders. In the past, we have experienced the practice which allows people of the same ethnic origin as the president to form a ring around him and making it difficult for any other person of a different ethnic classification to have access to the President. The President must belong to the people of Uganda as a whole and not to a few people. Mr. Chairman, my people want a constitution which will provide for regular elections for the leaders at all levels of leadership from the grassroot level up to the national level elections which will be free and excellent not merely fair. They want a constitution which will recognise the right of all citizens to employment and fair remuneration for a day's work done. It is common knowledge that government employs a class of Ugandans which is entrusted with a lot of responsibilities and yet they are regarded as non-entities. These are the government drivers. These people are entrusted with very expensive machines such as pajero, benz and so on. They carry the lives of very high ranking officers. They work under difficult conditions, sometimes 24 hours and for all these responsibilities, this class of government employees get the lowest pay. They have no proper set of conditions of service and they can be dismissed anytime. In fact, even a wife of a high ranking officer can dismiss a driver. Is it, therefore, surprising that government vehicles do not last long? Mr. Chairman, this elaboration does not sound a constitutional matter, it is purely administrative. But it is good to bear it in mind when drafting the constitution to make sure that at the end of the day, a constitution which will come out of this

Assembly will ensure the rights of even the lowest worker to proper working conditions.

Political system. I think this is the most contentious topic in this august Assembly. There is no doubt all the honourable Delegates here without exception agree on one type of political system, that is the democratic system of governance. What we have not agreed upon is this definition of what democracy is and how it is practiced. The people of Bunya West say that the simplistic form of democracy is that it is a system of governance which has been freely agreed on by the people themselves without coercion of any sort. It is a system agreed on by the people for their own benefit. A democratic system which works in Uganda may not necessarily work in South Korea. The mistake which many leaders make is just to look around for a type of democracy which works in a foreign country with different cultures and historical background and import it into Uganda, a country of diverse people with diverse cultures, quite different from any other country abroad or overseas. Sometimes we are told by our mighty masters on whose charities we depend to adopt their own type of democracy or else they will have nothing to do with us. For instance the Western European friends of ours have told us that a multiparty democracy is the only viable democracy and nothing else. Maybe, this is correct but not without modification. If transplanted wholesale and in accordance with text book definition, it is bound to fail in Uganda. What do we not know about multiparty democracy? We have practiced it in the past for a period of more than 13 years. What did we see? We do not want even to remember what happened. It is a nightmare. Brothers killed brothers, families broke up, crops were mowed flat, schools were demolished, detention and torture, slaughter mansions were set up, and all sorts of human rights violation. Freedom of speech was gagged, thousands ran to exile, opposition members killed - all this in the name of multiparty democracy. What is interesting is that those very leaders who failed to operate it are the very ones who are telling us that it works. Yes, multiparty works well in other countries but not in Uganda, at least, for the time being.

As I have said above, a democratic political system which the people of Bunya West understand is the system agreed on by the people themselves. Uganda has not had this opportunity before. The Moshi Conference was the first opportunity of this type which should have been exploited to achieve a

consensus on how the Ugandan people should be governed. Unfortunately, the Moshi Conference consisted of Ugandan exiles who thought that they had the solution in hand to Uganda's problems. When they came back here under the UNLF umbrella, through their NCC, they agreed to work under an umbrella to rehabilitate the country. However, due to political greed, the partisans sabotaged this agreement and preferred multiparty. And then what followed thereafter is public knowledge. The last of the group of the four top players in the UNLF fiasco has just come back under the NRM enabling conditions. We should avoid a repeat of the UNLF scenario. Mr. Chairman, every Ugandan citizen is assembled in this hall through the representation of these honourable Delegates in front of you. Since all the Ugandans are all here, let us take this opportunity to agree on a democracy which suits Uganda only for the benefit of our people.

The people of Bunya West have instructed me to support the movement system of government for the following reasons:

i) After eight years of the system in operation, it looks workable. The idea of its broad-based nature is very attractive since it does not discriminate anybody. Ugandans of all shades of opinions together right from grassroot level up to the top, up to Cabinet level, seek to agree on how they want their part of this country and the country as a whole should be governed for their benefit. A so called democratic system which leaves other citizens out is definitely bad for Uganda.

ii) Another reason why Bunya West supports the movement type of government is that it brought some security in the country. Some honourable Delegates will jump on a point of information or order if I say so. I am aware and alert of the suffering of our brothers in the north especially in the Acholi land. Of course, it is strange that this insecurity still prevails because NRA is duty bound and they do boast of their ability to persuade other groups opposed to them. Indeed their track record shows that they are capable of putting an end to this rebellion. But what has happened? Kony is not a jigger, but even a jigger causes a lot of discomfort. To the people of Kony is not a jigger. He is a serious Ugandan, with a grievance which needs to be looked into. Maybe hon. Tiberio Okeny Atwoma can help. He has done so before. He performed a noble act at the height of rebellion when he went to the bush and talked to the rebels into peace which resulted into the Peace Accord which was signed in Gulu, Peace stadium. I

do not know who can save us the Kony embarrassment? The people of Bunya West request the government to talk to Kony and agree with him so that security and stability is restored to the area in the shortest time, preferably before the new constitution is promulgated. The people of Bunya West have demanded for this action to justify their tribute to NRM that they have actually established peace and stability in the whole country. Because whenever we use this argument of security and peace to justify NRM, we are immediately reminded of the atrocities still going on in the North to our embarrassment. Anyway, despite this, NRM has brought security to this country as a whole. Their standard of administration is worth exploiting and preserving for future use.

Mr. Chairman and dear hon. Delegates the Movement system is here to stay and it is on stage. If you see any fault with it, come out please and suggest improvements so that we perfect it and it becomes a Ugandan system of democracy which works in Uganda for the benefit of our people. Do not import those frozen systems from temperate countries which will decompose and melt on our heads before we use them. Therefore, the people of Bunya recommend the movement type of government to run as long as the people want it with periodical referendum say every ten years and periodical elections at intervals of five years. Why not? The people of Bunya want to elect their President through universal suffrage after every five years. The person should be permitted to serve a maximum of three terms of five years each, if the people elect him to. Honourable Delegates should appreciate that if one becomes a President at the age of 40, he will only be 50 years at the end of the second term. The People of Bunya West do not think that a university degree is essential although it may be of advantage. The minimum qualification that allows a person to go to Parliament should be the minimum qualification for one to stand as President.

Parliament must consist of Members not exceeding 200. We do not want too big a Parliament which will be burden to the nation and a limited number of nominated Members may be allowed but they should not exceed 15 distributed between different interested parties. The representation of women at each district should not be a permanent provision in the Parliament because this will work against them if they ever hope to be equal to men. They should be able to stand and struggle and get votes. People of Bunya West suggest that, that provision should last for a limited period of 15 years.

The people of Bunya are in agreement with Chapter one of the draft constitution which vests all powers of State in the people to the effect that no leader will exercise power unless elected by the people. Mr. Chairman, the people of Bunya west do not mind Uganda being called a Republic but resent the fact that the districts are known by the names of major towns in those districts. They feel bad about this as they are of the opinion that the naming of the district by the names of their headquarters was done in bad faith. The intention was to kill cultural identity of Basoga and other ethnic groupings. If this state of affair is allowed to be incorporated in the constitution, the Basoga as an ethnic entity will disappear from the map of Uganda. A person who has no cultural origin is culture-less and therefore unreliable - *muyaye*.

MR. KULE MURANGA: Point of clarification. I would like to clarify that the names of districts named after major towns is in order because these districts do not comprise of one tribe. Take an example of my district Kasese, every tribe is there and if you named them after one tribe, it would assume that other tribes do not exist. So I believe it is in the interest of nation that these names remain what they are. Thank you Mr. Chairman.

MR. KIWAGAMA: Mr Chairman, that confirms exactly my fear that the intention was to eradicate any identity of tribes on Uganda map.

THE CHAIRMAN: Hon. Member, there is a persistent attempt to inform you from hon. Bidandi Ssali who may have been associated with it.

MR. BIDANDI SSALI: Point of information. Mr Chairman. Thank you Member holding the Floor for having allowed me to give you this information. I happen to have been at the helm during the time when these names were being given to the various districts. I just want to give this information so that we use this chance of correcting or deciding on whether to go ahead with these names or not. It happened in this very room in the NCC then when one Member who happens to come from Iganga - I do not remember the exact constituency now - came up with a proposal based on what I would call anti-thesis of tribalism. He said that why should districts in Buganda be named after names of Buganda. Mengo and then he came up with an amendment to stop calling West Mengo as West Mengo. or East Mengo as East Mengo because it reflected tribalism

and came up with the name Mukono and so on. By then I was the Minister for Regional Administration. Now instead of allowing this to go ahead because it was seen to cause problems later, I was authorized to go and look for a formula that would cater for the whole of Uganda. Because I put a question to him, why do you then accept West Busoga and you say West Mengo is tribalistic? So we came up with a formula to say that nobody would complain if every district is called after the name of its "capital". So that is the origin. It was not done necessarily in bad faith but it was then to create harmony at that material moment. Mr. Chairman, let me add that in my own submission when I come, I am to agree with the hon. Kiwagama that let the districts decide, be given the powers to decide by themselves what they are to be called. *(Applause)* Thank you.

MR. ADOKO NEKYON: Point of information. Mr. Chairman. I would like to inform distinguished Delegate hon. Kiwagama that mere naming of districts is a different way from the name of the tribe. It does not make the ethnic group in that area disappear. For example, from the very beginning of colonial time we had a district here called Bukedi. This district collected a lot of ethnic groups like Basamia-Bagwe, Ateso, Japadhola, Banyole and Bagwere and they have survived. They have not disappeared because their names were not the names of the district. Similarly, we had a district known as West Nile which had the Lugbara, Kakwa, Madi, Alur, Jonam etc. They have also survived. So the mere giving of a name does not destroy the tribe because the tribe has got a culture, it has got a language. All the time you go to Tororo, they say we are speaking Ateso, we are speaking Japadhola. Even Masaka which we knew as a district for a long time whose language was Luganda and everybody knew somebody in Masaka was a Muganda. The non Baganda did not disappear or die because they were in Masaka. Thank you.

MR. KIWAGAMA: I thank the informers but the one from the Minister for Local Government confirms my fears and the one from hon. Nekyon is a thinking in the short term during his life time. But after 50 years, 100 years, Busoga will not be there - I can assure you of that. But you will not be there to prove me correct. I am happy to hear the Minister for Local Government submitting that he will release this to the districts to name themselves but otherwise, the people of Bunya think that Iganga should be known as South Busoga, Kamuli as North Busoga and Jinja as South West or even Butembe.

Mr. Chairman, because of time, there is one item I cannot fail to talk about in winding up and this is the land issue. The people of Bunya West feel very strongly about the land issue. To them, land was given by God. It is equivalent to one's life as much as Kiwagama can never claim to own Peter's life. But they are always puzzled when government agents go to their places and claim that land is public. Who gave this land to the public or to government? They regard this daylight robbery. From time immemorial, they have lived on this land and nobody, therefore, should limit them to 49 or 99 years of occupation. Therefore, they say land belongs to them permanently and it should be permanently theirs. Freehold customary system of owning land should continue to be recognised and the demarcation of land by using *Bilowa* must be acceptable. Land must be administered at local level and the highest being the district, otherwise Kampala is too far from Bunya West. A certificate from local RC should be sufficient evidence to prove ownership and even a bank should recognise this. People should be allowed to own land at their own pleasure like any other property and market forces will determine its distribution.

The people of Bunya West think that Busoga should revert to the 1962 arrangement with a centre. And that is the federal arrangement because during that period Busoga was very, very progressive. They achieved many things, they built many institutions like Butiki college, Namasagali college, Wanyange and the roads were in good conditions. But when you visit the region now, you will see what is happening there.

I conclude. Chapter 20, the transitional provisions. Yes, this is necessary and they are okay with the people of Bunya West except that an arrangement should be made to include other interested parties, to allow other parties to be included in the transitional government to give legitimacy to the whole process of the general election that will follow. Otherwise, I thank you, Mr. Chairman for allowing me to contribute to this general debate. There are points I have not touched but I think as we go to the consideration stage, we shall articulate them. Thank you very much, Mr. Chairman.

MR. CHARLES RWOMUSHANA (Bujumbura County): I am Charles Rwomushana, the people's choice of Rujumbura. I salute the NRM government for organising free and fair elections, otherwise the

humble ones who walked on foot would have found it absolutely insurmountable a journey to here had the rigging of 1980 taken place. Thank you, NRM Government and keep it up! Nevertheless, the challenge is big that the 1995 general elections be organised superbly and fairly. Mr. Chairman, considering the fact that Uganda is an island of peace in a sea of war or civil unrest, the Assembly which is a cog wheel on which the peaceful future must rotate has the most delicate task to extinguish the political volcano that is busy bubbling and popping up awaiting eruption. We ought to recall that the convening of the Estates general which had not met in France for 200 years provided the spark for igniting the smoldering of discontent and flames of revolt went limping skyward that culminated into the French revolution. We ought to exercise caution that the Assembly becomes the exact opposite of the said Estates general.

The onus is on us to make a document that guarantees fundamental human rights and freedoms, the right of men to live free from the shadow of fears which cramp their dignity when they exist in servitude and dire poverty, in degradation and in contempt. Mr. Chairman, the Movement should uphold as the unquestionable right the burning aspirations of the still subjected people of our country for freedom. As Kennedy says, "The state has the power and resources to abolish all forms of human poverty and all forms of human life, if violence is viewed as the highest form of struggle to resolve contradictions at the expense of dialogue". Mr. Chairman, when two elephants fight or wrestle, the grass suffers and even when they make love still the grass suffers. With war the peasants suffer. Let word go forth to warmongers that the rights of man come not from their generosity but from the hand of God. Mr. Chairman, let dialogue take precedence for civility is not a sign of weakness and sincerity shall be subjected to proof. Mr chairman, let word go forth to friends and foes alike, that the torch for change has been passed on to a new generation of Ugandans born in this decade tampered by war and disciplined by hard and bitter peace and who are unwilling to witness the slow undoing of those human rights for which our brothers shed volumes of blood. Let them know whether they wish us well or ill that we, the young ones, will pay any price, bear any burden, support any friend and oppose any foe to ensure the survival and success of liberty, freedom and democracy.

Let the State be restrained from gagging the Press. We call for Freedom of expression and speech. Let them write, the reader will separate the grain from the chaff. The time has come when Ugandans should be able to break the ice without the fear of opening the unnecessary cans of worms. Failure to realise this, Mr. Chairman, we shall see an abyss opening before us and we shall be unable to formulate any decisive alternative. The corner stone and firm foundation on which our future political stability and economic progress shall be built is no doubt, unity. If we divide, the strategy will be to pick us and destroy us one by one. United there is little we cannot do in a host of cooperative ventures. Mr. Chairman, let us labour on issues which unite us rather than belaboring on those which divide us. "Divided, there is little we can do for we dare meet a powerful challenge at odds and split asunder", says Kennedy. The political taproot of unity will easily each the water table.

Given the nature of the political system, democracy is simply the authority of the people. Under multiparty, the party becomes an organism of dictatorial government which permits those who share the same ideas and interests to govern over a vast body of people. This means that the party governs those who are not part of it. The party represents only a fraction of the people while popular sovereignty can only be one and indivisible. The party domination brings about the application of a political system that is unjust and a dictatorship. There is need to search out the consolidation of balanced government by means of new political structures in which the people will no longer be represented by majorities or by minorities according to a political game, by transactions and sterile battles which annihilate the present and the Future of social generations. Multiparty, no doubt, creates majorities and minorities. In a peasantry setting, ideas are similar even if our projects have crystallized in different organisational structures both reflect the same desires of change and transformation. And in multiparty we have:

- i) the illegitimacy of the rule of the part over the whole. For a political struggle, that results into a victory of 56 per cent, leads to a governing body and a dictatorship disguised as a false democracy since 44 per cent of the electorate are ruled by a body they did not vote for. Mr. Chairman, even the 44 per cent opposition is not the people's watch dog from the ruling party but it is itself seeking a chance to oust the ruling party and this results into tyranny and hegemony.
- ii) The risk which is set, promotes and encourages

the development of centrifugal forces and end up changing society into a precarious and formal unit with isolated compartments which are barely linked through the coercive framework of the State. You could recall that the many changes in society have been carried out by multi-class movements that welcomed as members a qualitatively and quantitatively part of the people, that is of the society as a whole. Mr. Chairman, the movement is characterised by a high form of ideological non-definition which is inspired by an ideological axis that brings together the classes and gives priority to all the religious, cultural and political elements which unify the society around minimal national aims like the recovery of sovereignty and independence. Although, within the movement, there are trends and groups, they all respect a few central objectives that have priority over factional interests.

I heard this morning that some are not members of the movement because they disagree with their policies. Here I would like to state that within the Movement, though there maybe disagreements, all must respect central priority areas: For instance, you would be politically unwise not to respect the central objective of rehabilitating the infrastructure, or establishing peace and stability. Let us take a look at other people's struggles. If the struggle against Samozaim in Nicaragua had been defined as the work of a political party, save for natural death, Samozaim would still be in power. The Movement, however, should adhere to the following principles:

i) Unifying the country against the unjust order that must be thrown out to a rubbish heap of history. For instance, the terror which is unleashed against persons with contrary opinions. As a young democrat, I would like to see a free hon. Cecilia Ogwal, I would like to see a free hon. Kitariko and I would like to see a free fire spitter, hon. Adoko Nekyon. Mr. Chairman, the talk that some are more movement than others is non productive. In the movement, we are all equal. It is the role you play that distinguishes. With discrimination, the movement loses meaning and those who are discriminated against must be given chance to associate and the opportunity to do so.

ii) Mechanising the mechanisms necessary for resolving contradictions at a political level, that is movement versus multiparty; federalists versus republicans and majority versus minority. I would like to suggest that as we adopt the movement, the multiparty agitators and the architects of the movement sit together and hammer an all inclusive politi-

cal deal. We are brothers. Why should we always apportion blame rather than sharing the responsibility to rehabilitate our mother land? Why should we devour one another?

iii) Making a qualitative leap so as to allow for the deepening of internal democracy and there by moving on from a national movement to class struggle, to a class party in the modern sense of the word since the movement is transitional. If the movement does not fulfill those requirements, then it will be another type of a political formation, as an instrument of dictatorship and under another name, front or form. I have attentively listened to the argument that the right to associate is an inalienable right. Therefore the formation of political parties is a principle. But the question today is not the question of principle but what is possible. According to the theory of growth, when the growth of an organism stunted, even if it is allowed to regrow, it starts from where it was stunted. For example, when political parties were suppressed in the 1970 by Amin and were later allowed to regrow by the Military Commission of Paulo Muwanga in 1980, they came out from where they were in the 1960s. That is UPC was for Protestants, DP was for catholics, CP was a disguised KY and for UPM for those Protestants who fell out with UPC and could not go to DP due to sectarianism and for the DPs who were Catholics and had fallen out but could not go to UPC for religious reasons went there as a political asylum. If political parties were let out of the chain, they would be as wild as they were in 1980. They therefore, need a gradual growth. It is common sense that if a humble dog is kept indoors and is stubbornly let free, it will bite as many as it can see and reach. Allow it a gradual conditioning with human beings when it is that it is on chains until it gets used to man. Do the same to political parties and be sure that at a certain time "T" we shall have good political parties. Open for them now, we shall have as many political parties as the tribes and religions in Uganda but punctuated with assassinations, disappearances, intrigues and vandalism.

Multiparty thrives in England where most people are literate and where the Prime Minister speaks to a railway man and gives in his programme and asks for a vote. The railway man answers him with humility and promises to act. But in Uganda, if you announce your candidature, peasants demand salt, beer and iron sheets with menace. I will give an example of a lady whom I interviewed in my constituency as to why she voted UPC. She told me that the open hand

of UPC is a symbol that UPC is not to fight unlike DP which had a clinched fist and to her, the open hand on the ballot box indicated that they were asking for a vote. And she looked at the symbol of UPM which was a lamp as an abuse to her simply because she could not afford the paraffin for that lamp. Mr. Chairman, that kind of illiteracy, you cannot have a pro-multiparty system for it is said that the amount of freedom a person can conquer depends on his level of political maturity. Let us have a Movement and be sure we shall have a ruler who is superior by his culture, who is superior by his knowledge and personality and who governs the people to achieve their goals. We shall be immunised against a person who excels because of his decent, money and party or tribe.

To the peasantry, Mr. Chairman, and the common man, the chief was a symbol of a decentralised dictatorship. According to Prof. Mamdan, he would assess the tax and when the peasant was over assessed he would appeal to the chief. The same chief would effect the arrest if the peasant failed to pay the tax and would levy a surcharge if the peasant failed to pay that tax. He would be the 'commander-in-chief' of peasants labour extortion. The chief was a clinched fist. It was only in the institution of the RCs that the chiefs' decentralised dictatorship was decolonised. The chiefs now remain administrators and RCs provide justice in RCs courts. There is practical separation of powers.

You are an RC not because you are a citizen but because you stay or work in that place. Hence the RC system recognises the importance of labour - a fundamental change. Mr. Chairman, allow me to pose a few questions. What is the employment policy of this country? If you want to improve prison services, as I said before, imprison all politicians when they sleep on the floor and go hungry, the next day prisons will be fully stocked. For some politicians who have not done any other job outside the Ministerial posts and have never walked on the streets for three years on empty stomachs, they will not restrain from giving out jobs before they are advertised. The question today is no longer 'technical know-how' but 'technical know-who'. Where is job security? Many young people are dismissed to create vacant positions - for employment is now a political asset. The many jobs you fraudulently give out, the many the votes. Mr. Chairman, precedence is also given to expatriates. Even in our area, there is a time they brought a white man to educate the

peasants who are illiterate, moreover, on malnutrition. This reminds me of the story of irrelevancy where a professor who had specialised in the front legs of a horse was asked to come and man our economy. He was first and foremost, irrelevant to our economy and second and most important, he was irrelevant to the horse because he had only specialised in the front legs. Mr. Chairman, how is our workman compensation? Recall the policeman whose eyes was damaged during the operation and was only compensated with 29,000/- which was not even enough for medication.

What is the health care policy of this country? It hurts to take a patient to hospital only to be told that there are no drugs. Think about the penniless peasants who are compelled to bribe for medication. Let us ponder about the cost of 100,000/- for a major operation at Mulago. How about those who cannot afford it? Should someone carry the said sum of money before he falls into an accident? Imagine if it is you! As we go privatisation, what is the taxation policy? More so, the private companies will conceal their profits and will categorise employees as casual labourers whose wages will not be taxed? What safeguards are there that the poor peasants will not be over taxed to the bone marrow?

What is the education policy of this country? The only thing that has come up as a pill to diagnose the disease is the cost-sharing and in this the cure will become worse than the disease itself. How do you begin cost-sharing with the poor? What is the problem now that we cannot afford to service education? Some say it is because the population has increased. Are we sure it will not increase tomorrow? "*Society is made up of two classes*", Mr. Chairman, "*Those who have got more dinners than the appetite and those who have got more appetite than the dinners*" says Nicholas Campbell. We have the privileged and the under-privileged. We have those who sleep on the earth and cover themselves with the sky and pillow themselves with stones. We may cry that we do not have luxuries but remember that as you cry that you do not have a shoe some cry for a foot. Widows, orphans, the handicapped and the aged all in dire poverty bracket have been shedding tears of disappointment but all ending into a graveyard of buried hopes. They seemingly have a hope in the hell. This constitution must salvage them if it is to stand the test of time.

Man's freedom is lacking if somebody else controls what he needs, for need may develop man's enslavement by man. He will live in a state of anxiety which will take away your happiness and render you unfree because you will live under the apprehension of outside interference of the basic needs. The materials include food, housing, clothing and transport. They must be within his private and sacred ownership. But with corruption which is the cancer that is eating at the very foundation of our society, many think that they have a right to eat on behalf of the others. They say that if every one has a horse, no-one would stand and watch and applause. But we say to them that a free society which cannot salvage many who are poor cannot save the few who are rich. Mr. Chairman, why this scourge of corruption? Whenever governments come into power they embark on systematic alienation of the honest, the hard working and the nationalistic. At the end of the day, they empower the thieves with authority and the good people increasingly feel that they are left out or are being hunted down. They steal at a rate that may make one suspect that they think they are about to die and if they are to go to hell they should go there in comfort. But the best pill to diagnose this disease with microscopic exactness is found in the wise words of Williams Penn - 1644 to 1918 - when he asserts that: *'Yet the public must and will be served and to do it well, deserves public marks of honour. To do so, men must serve public minds as well as salaries or they will serve their private ends at the public cost'*.

We either preserve the environment or we perish. I commend President Museveni's attempts to regulate the monopoly of power supply of UEB. Let the price of electricity go up, let the people be compelled to use charcoal, let every household use a sack of charcoal per week and give it ten years, we shall have no forests in Uganda. Soil erosion will be eminent, rivers will be blocked with silt, lakes will be swampy and bye bye to fish. But where there is a contradiction between man and wild animal, man takes precedence. Let the concerned Ministry solve the impending problem of the Banyabutumbi in Rukungiri District who are an endangered specie. It will be a said irony for the peasant to be an endangered specie for the preservation of wild animals, for the safe heavens of winter fleeing tourists.

Let the army be represented but let there be internal democratisation in the force. We need to hear the voice of the soldier at the quarter-guard. These

soldiers are our brothers, they are our children and parents. We are not happy and are extremely sad seeing our soldiers walking bare-footed and wearing rags. How come that some of their superiors are in absolute luxury? We are tired of seeing a uniformed soldier hacked to death after the removal of the President. We want the army as a profession like any other profession. How many teachers and doctors have been executed because they served a regime? I recall the voice of the late Kennedy when he said, *'Now duty calls us all not to bear arms though arms we need, not as a call to battle embattled we are, but as a call to bear the burden of the twilight struggle year in and year out, rejoicing in hope, patient in tribulation', a struggle against the common enemies of man, tyranny, poverty, disease and war itself'*.

Mr. Chairman, and fellow delegates let us create a new Uganda of law where the strong are just and the weak are secure and peace preserved. The people want democracy and real democracy and they want peace and security of persons and property and the basic facilities: medical care, shelter, employment, food and clothing, name them and they must have them. Lack of these to the peasants, the Movement and multiparty become a lion and leopard respectively. Whichever, side the peasant runs to, he will be eaten. Hon. Delegates, we need resilience and fortitude tempered with an active commitment to solution finding. I thank you all. *(Applause)*

THE CHAIRMAN: Thank you hon. Rwomushana for your contribution to the debate and you are also our last speaker for today. We resume tomorrow at 8.30 a.m. With that, I adjourn the Constituent Assembly to tomorrow 8.30 a.m. Thank you.

(The Assembly rose at 1.28 p.m. and adjourned until Wednesday 20th at 8.30 a.m.)