

Monday, 1st August, 1994.

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

NATIONAL ANTHEM

PRAYERS

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

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

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

MOTION

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

DR. SOPHY MUSANA: (BUIKWE COUNTY NORTH): I am Dr. Sophy Musana Ph.D. Plant breeding and Genetics, Buikwe North Constituency. Madam Chairperson, let me take it upon myself and Members of my Constituency to congratulate you and the Chairman for having achieved a great honour of being our Chairman today and Vice Chairman in this Constituent Assembly. Madam Chairperson, and hon. delegates, the people of Buikwe North, have asked me to congratulate all of you for having successfully passed through the elections and the able manner in which you are handling the proceedings in this House. Madam Chairperson, I am here to present the views of the majority of the people of Buikwe North who elected me and some of the minority views of the people who did not elect me.

The Baikwe have got very fresh memories of what has been happening in Uganda and what I am going to present today are views of people who have not lived on Mars or on the Moon for some time for the last 30 years, but views of people who are facing reality of whatever is happening in Uganda and they hope that because of those fresh memories, what they are going to present is something which will serve Uganda now and for posterity. They have not forgot-

ten that since 1962 there has been mainly two Constitutions; the 1962 and 1967 Constitution which have been working as the supreme law of this country and yet, for the last 30 years, there are glaring and marked differences in the peoples way of life. It is the events which have happened since independence that gave them food for thought in determining the views that I am going to present. Here, they argue that, most of the time which has passed, people have been suffering, they are poor, they have faced rape, murder, yet, all this has happened under almost a single constitution - the 1967 Constitution. So, they say, a good Constitution as such on its own, is not the only solution to our problems, but all these have been coupled with lack of culture of constitutionalism, bad leadership, ignorance of the population about what is contained in the Constitution concerning their rights and freedoms. The bad political systems and the culture of the politicians who have been in positions of power have all resulted in the suffering which the Baikwe have been facing. Consequently, the Uganda leadership has been able to abrogate or suspend parts of the 1962 or 67 Constitution and have been ruling at will or even pretending that these Constitutions were absent. My people are therefore grateful to NRM for giving them the power to choose and change at will their leadership, especially the example they have seen during the CA elections.

It is at this juncture that the Baikwe wish to appeal to the Members of this august House to discuss the Draft Constitution objectively, to make a Constitution that will stand the test of time, to use a system of cooperation instead of cohesion, use intelligence instead of intimidation, and to apply persuasion instead of perversion.

Finally, what they wish to see coming out of this august House, is the document that will guide our leaders to empower women and the youths to develop the country; the document that will prevent anarchy; a document that will unconditionally guarantee all the fundamental human rights, including the right of freedom of the press, the freedom to associate, and the freedom of speech. To the Baikwe, it the observance of this fundamental human right that will act as checks and balances in the reigning Government.

I have got a small inclusion which has been given to me by the women in Buikwe North, but since I am

representing all the people in the constituency, this is just a small inclusion of the whole views which I were giving.

The Baikwe women are grateful to the NRM for the affirmative action they have shown, especially in the political arena, but this has left the lives of the majority of women untouched. They feel that this affirmative action is only benefiting the elite; what the NRM has done, they feel, is like unchaining the women's hands but leaving the legs tied; because it is these majority of women who are still tied. Previous regimes had left women totally chained. The women's legs are still tied down by poverty, illiteracy, adverse social and cultural practices, thus making their progress slow and painful. Therefore, despite NRM's great effort to create conducive environment for their liberation, they cannot be liberated unless the Constitution abolishes some of the unprogressive social practices and laws. Laws relating to family and divorce, separation or death of one of the couples should favour the women, the girls, and reduce the suffering of the children when one of the members of the family is dead. Presently well intended projects by NRM such as The Structural Adjustment Programme, with Government spending less on social services like education and health, has made the life of women in Buikwe North harder because - pregnant mothers cannot afford cost sharing; thus putting them at risk. Secondly, girl children stand a risk of not going to school because the little money which is in the family is normally spent on boy children. Rural women of Buikwe want to see a Constitution which strongly bridges the gap between the elite and themselves; they want to see the tax payers money having dividends in the village. Formerly, looking at the contents of Article 61 and 62 which guarantee the rights of women, advocate for compulsory primary education; they have the following to say: that the NRM's policy of 1.5 points for girls in the University, is giving them too little rather too late. What they wish to see, is free Primary education for girls and free Secondary education if the State can afford it. Then there will be enough girls to benefit from the 1.5. affirmative action at University; because presently, very few girls can make it to the University. This will be a deliberate effort to liberate women educationally.

They further state that the State should take responsibility in looking for employment for all educated women within or outside the country; that this will make even the State benefit, because they will be

earning what they call invisible earning through taxation of those who will be working outside because their jobs will have been officially acquired.

Then, they also say that presently some women have got themselves say, in countries like Europe, as *Nkubakyeyos* and now Kuwait, but when they die there, because it is not the State taking them, their relatives spend a lot of money returning the dead bodies. But if it was State arranged, then the families would be relieved of such, because they would have gone there on State's permission.

Concerning other sections of the Draft Constitution, my people have got the following to say.

They are happy with the contents of Chapter 1, but in order to ensure that it is practically applied, they recommend massive education of all Ugandans about the Constitution so as to defend what they know. Secondly Articles 3, sub-section III, and Article 4, sub-section (A), may be manipulated by greedy leaders who may pretend to defend the Constitution while they are doing it for their own benefit. So, these Articles should be reworded.

In Chapter 2, the Baikwe combine this Chapter with the Miscellaneous Chapter on traditional rulers. They have no problem with the traditional rulers - in fact they are fully in for the king of Buganda, but they prefer a king who is apolitical, a king who has got unquestioned power, a king that will wield power akin to that of a religious leader; thus they want a king who is not mentioned in the Constitution of Uganda. Such a King will enjoy limitless power and will not be affected by changing Governments. That is what they have requested me to say; a King whom Government would need to push through development policies, like environmental policies. Maintenance of the king should be left to the people who need him; like in Buganda where we have 52 clans, each week of the year a clan should go to pay homage to the king and if each clan takes about 10 cows to the king every week, then in a year, our king will have made a big dairy farm for himself. Secondly, the property which has been returned to the kingdom should be in trust and be put under maintenance of the clan leaders who are not the former clan leaders who spoil the kingdom in the 50s, but they say the people should have a hand in selecting these clan leaders. So, they want a hereditary monarchy with unlimited power - whom nobody will touch.

As for a Republic or a federal State, the Baikwe want power to be in their hands, they want the Local Government to improve on the quality of the employees at district or sub-county level, who carry out adequate planning for the district or sub-counties. Ways must be found to ensure that devolution of power to local authorities goes hand in hand with recruitment of qualified personnel, because they say that presently, financial discipline and accountability are lacking because some of the personnel at sub-county levels are not qualified for such jobs, especially with the decentralisation programme.

What happened to the RC III Chairman in Buikwe North, during the CA elections left a lot to be desired in Buikwe North. Central Government be it under federal or unitary should have enough powers to prevent a total break down of administration, or a deprivation of essential social services like, electricity, that whenever a change or devolution of our currency is needed, that it should originate from the people themselves through Parliament but not from the Head of State, because they say what happened to the 30 per cent when our currency was changed and devalued, left a lot to be desired.

Language. They are in agreement that the official language should be English; but on the National language, they have this to say. English as the official language is used and preferred to be used everywhere in Uganda, but they prefer using our Ugandan languages as national, but at the same time keeping in touch with East Africa. They want Luganda, Luo, Lunyankole, Rukiga, Swahili, to be developed and taught; Luo and Swahili to be taught in Central, Eastern and Western Uganda, while Runyankole/Rukiga could be caught in Central, East and North and luganda in areas where luganda is not understood. At the end of 10 years, the whole country will know all the four languages and anybody can apply any language anywhere.

For Chapter 3, Madam Chairperson, on the economic objectives, my people have got the following to say. The Baikwe see that these objectives could be accomplished and act as guiding principles for the reigning Government, but they do not see how they will be reinforced by enabling legislation; so they say that this section should go to the preamble. Article 24 they want it to be included but it should be improved on to say that 30 per cent of the resources which they get from the country should be remitted to the communities which live around that resource. For

example, in Buikwe North, the sub-counties of Nyenga and Wakisi plus Njeru Town Council are the custodians of the Owen Falls Dam, but in Nyenga and Wakisi, there is not a single electric line. So, the people of Wakisi say that Government should have seen to it that the people of Wakisi at least get a line between the dam and Kayunga.

For Article 27, the Baikwe are opposed to cost sharing at the University, but they have got the following to say: that if cost sharing had been introduced before, there would be no single graduate in Buikwe North, because though people say that Buganda has been developed, but Buikwe North seems to be the 4th World of Buganda; very few people can afford to take their children to school with cost sharing at University. But if this has to be introduced, there should be a way of introducing some schemes to help the poor and to put it in place in such a way that maybe at Secondary school, they should include District Bursaries like it was in the 1960s and 1970s, that Government should also get scholarships for bright students in Secondary schools and also get a loan system to be availed to the poor students at the University like the Baikwe who cannot afford cost sharing; so that when the students complete University education, they will be able to pay back the loan, otherwise the parents cannot afford.

As for citizenship, the Baikwe have got no problems with citizenship because they feel that almost whatever is stated under this Section is okay, except Article 42 sub-section 1, they say that the Ugandan children, especially those in Buikwe North, by the time they reach seven years, they have by-passed the age where they know their parents. So, they only say that, that age should be reduced between three and five years. Then, they also add on that men married to non-Ugandan women, be availed the same opportunities for citizenship as foreign women married to Ugandan men.

Article 48, (D) is not palatable to them. Non-citizens, they feel should not vote.

Fundamental human rights and freedoms. The contents of Article 59 contradict with those of Article 96, which curtail the freedom of association and organisation. They feel that political parties should be left to form and associate at will, but if the people find them unfit, then the organisations will die a natural death. They have got a feeling that, if you

prevent people from associating or organising freely. they will feel automatically there is something they are missing, but if you let them form these organisation, then if they see that they are not working for them, the organisations will die on their own.

They endorse the idea of a referendum because one of the ways of exercising their democratic rights will be through this referendum. They further state that, those rights that are not enforceable like that in article 65 should not be included in the Constitution.

The executive. They want to see a Government in which the chief executive is elected through adult suffrage forming a popular Government which is representative and responsible, but they want us to include in this section, that before a Presidential candidate goes for elections, he should be able to declare his Vice President, because in Uganda and indeed in other countries, if there is an accident and the President dies or something like what happened in Rwanda, normally there is nobody who is recognised by the people to replace him immediately. So, they say that even the going through of the President will be measured from the Vice President whom he declares as a candidate; they also want to be involved in the election of Chiefs. They say that the Chiefs who are normally imposed on them, are people who come from outside; they do not know their conditions. When it comes to paying their taxes and rating them, they are people who are outside, who do not know what the peasants should pay in that local area. They want this august House not to be short-sighted, but to see beyond this present leadership. They have been listening to submissions and reading about some in newspapers, and they have noted the following: that those very persons who have been bickering for positions in Government and saying that this Government has been sectarian, are the very people who were practising worse sectarianism when they were in power. And they give me one example. That early in the 1960s, there was one of these parties which was in leadership and 300 scholarships came to Uganda from USA and the way they were allocated, had a lot of sectarianism both on religious and tribal basis. They feel that inherent in Government should be a system of protection of the right of life, liberty, happiness and freedom of speech. These freedoms should be extended to prisoners as well. Presently, in the small prisons like Kalungulumira, prisoners are subjected to sub-human treatment; like putting 20 people in dirty cells, cells which are fit to contain five pigs, not 20 people.

They recommend that Presidential decrees and announcements should not be valid unless they are endorsed by Parliament and the Chief Justice except if it concerns non-performance and dissolution of Parliament. They recommend a system to be put in place for impeachments of the President, but not to try him in Court while he is in office.

They would like to see a blanket and unconditional amnesty offered to all Ugandans in exile. They feel that this would reduce banditry activities which always turn out to be costly to the tax payer. They recommend that all monies loaned to Uganda should be endorsed by Parliament and accountable to Parliament, because debts eventually go to the taxpayer even for funds that are not used for the taxpayers benefits.

They also recommend that the Ministers should be selected from within and outside Parliament but those from Parliament should relinquish their Parliamentary seats as soon as they become Members of the executive. The Executive also could sit in Parliament if they so wish but they should not be allowed to vote.

The President should not stay in office for more than two terms of five years each in order to build a political capacity for Uganda. They also recommend that Members of Parliament should also stay in the legislature for not more than two terms.

For the DPP and IGG's office, the Baikwe have got the following to say: that these two offices should be independent of the executive, that they should be nominated by Parliament and approved by the President and not the other way round, that the IGG's office should be decentralised to the districts with the present decentralisation programme and devolution of economic and powers should accompany this office.

The Legislative body should be independent and answerable to the people. but there is a sub-section on the recall of Members of Parliament from the legislature and the Baikwe have got the following to say. They say that they have got a problem with Article 136. If a person is elected by 67 percent of the electorate, then it will be easy for the 33 percent of the opponents to recall him or her from the House. This may be abused for political purposes and violates the principle of majority rule. If in any event the Member may not carry out his duties properly, due to intimi-

dation or blackmail by the vocal minority, because the 33 percent which did not elect these members of Parliament, may be very vocal and intimidate or blackmail the Member of Parliament. In actual fact, Article 156, sub-section 2, is made useless by Article 156, sub-section 6, which means that a petition could be lodged outside the ground stated by Parliamentary Statute.

The National Council of State. The duties of the national council of state are alright to the people of Buikwe North, but the composition of the National Council of state renders it useless. They suggest it should not form part of the national council of state or else, let the duties be given to the Upper House composed of elders and prominent Civil Servants from districts.

The Code of Conduct. The Code of Conduct should be enforced and extended to lower cadres of Government like the RC officials and Chiefs and not only to the Executives. As far as the Judiciary is concerned, the people of Buikwe North say that in order to enhance independence and efficiency of the judiciary, the judiciary should be properly remunerated and given all the necessary logistics, because this would reduce corruption in the judiciary and therefore, ensure fair justice. They feel that people are complaining about corruption in the judiciary, because the Judges are not properly remunerated.

Judicial Service Commission and other Government related bodies - other Commissions should have at least 30 percent of their composition made up by the women community. The other disadvantaged groups should also have reasonable percentages on these bodies like the youths, and the disabled; and these percentages should be properly stated in this Constitution but not left silent.

Defence and national security. The people of Buikwe North have got the following to say about the Army, police and prisons. They say, the Army like the Police and Prisons should be recruited in a similar manner by allowing Ugandans who want to serve the State to apply to known Training Institutions, they get interviewed and recruited for training. Proportional recruitment would lead to men who are aligned to areas which they represent instead of being loyal to the State.

The present force of retrenches should form a reserve force with known leadership, so that when there is a problem, they know who is leading the retrenched

people and call upon their services. Trained cadres who form the local defence units should also be properly constituted with known leadership, otherwise as trained LDUS, reporting to an untrained RC Chairman or a thief is unpractical. They also stress that no district should train private Armies like the case of the former militia in Teso which the Baikwe feel forms part of what started problems in that area. The forces should be properly remunerated and educated on the contents of the Constitution in order to defend the Constitution. The Police, Prisons, should also be properly trained about the rights of the prisoners.

Amendments to the the Constitution. Madam Chairperson, the Baikwe want these Amendments to originate from the people through Parliament.

Land and environment. The Baikwe people feel that land should be placed in the hands of the people who till it for maximum efficiency and management to enhance productivity and production. The tenants in Buikwe North ask for liberation from a state of enslavement on the land. It will enhance a better environment and protection because the peasants say that presently, there is an amount of reduced tree cover on land in Buikwe North because it is the landlords who own the trees, especially the hardwood trees which stay on someone's land. So, the peasants are compelled to cut them as they cultivate. But they say that this should not go at the disadvantage of the mailo land owners. That Government or the State should put in place a loan system to pay off the mailo land owners so that the present tenants can maintain the land.

As for the form of Government, Madam Chairperson, I heard some presentation by the candidate from Lira Municipality which contained the definition of a political party and the Baikwe, when I read it to them, they said, then in Uganda we do not have any political party for the following reasons. That presently, we have got four known parties to the Baikwe; that two of the parties, DP and NLP, that they are person to holder, so they do not fit that definition, as for DP, they say leadership has got problems; as for UPC, they say they have gone beyond because it is now on remote control and they have not reached the supersonic era, so they say there is no political party in Uganda.

THE DEPUTY CHAIRMAN: Hon. Sophy Musana, your time has run out.

DR. MUSANA: I am winding up, Madam Chairperson, on this one only. So, Madam Chairperson, they say that they are completely in for the extension of the NRM Government for the following reasons: that during these five years these political parties who are ruled on remote control, those who are in peoples pockets and those who do not have clear leadership should be able to organise themselves and also they say that this Constitution, they equate it to a woman who has been pregnant, that NRM has been pregnant with the formulation of this Constitution idea for sometime and that for Buikwe North, it would be unreasonable - *(Interruption)*-

THE DEPUTY CHAIRMAN: Please continue and wind up.

DR. MUSANA: They say that even for a lady if you have just given birth to a baby, it would be unreasonable to hand it to your co-wife. So, they feel that this Constitution should be nurtured for five years under a broad based Government and when it is five years it will be ready to go to Primary one and that it will be fit to be handed on to any Government which will come. During this period however, there should be a clear programme of introducing political parties, - *(Interruption)*-

LT. COL. SSERWANGA LWANGA: Point of order. Is it in order Madam Chairperson., for hon. Njuba and his Colleague to hold another meeting, when the hon. Member is contributing?

THE DEPUTY CHAIRMAN: I had not seen them, but let them dissolve that small meeting.

DR. MUSANA: That during the five years when their extension will be on that a clear programme should be instituted to introduce political parties and it should be fully implemented during the five years; that a Code of Conduct and Constitution for the Parties should be put in place and by the end of the five years, a referendum should follow to ask the Buikwe and other Ugandas whether they will be ready for the political parties; that political parties formed should involve both the old parties re-organising and the young men in Buikwe are also willing to form new ones,

Finally, the people of Buikwe North do not subscribe to the submission an hon. Delegate from Nakasongola who said that, the dressing of meat should not be monopolised by a religious sect. They think that this

one would be infringing on the few people in Buikwe North who think that maybe religious matters should be left alone instead of being put since there is an Article which says, there should be freedom of worship. Thank you very much Madam Chairperson and hon. delegates for listening to me.

THE DEPUTY CHAIRMAN: Thank you very much.

MR. BASOGA NSAJU (BUSIKI COUNTY): Thank you very much, Madam Chairperson. I represent Busiki county in Iganga District. This is the former constituency of the Secretary General of the great party UPC, Dr. Luwuliza Kirunda; at that time he successfully rigged and sent away the DP Candidate who had won who is still in exile now, Mr. Hon. Wangola. Thank you very much.

Madam Chairperson, you will permit me if in some places by slip of tongue, I call you Chairman, because I had tuned myself to that direction, but since you are in the Chair, I think it is appropriate that by law established, if I address you as Chairman, I have not injured any feelings and it is not a sign of disrespect.

When NRM came to power in 1986, there was a wave of fear in the whole of this country, because at that time, each change, almost by what had become a tradition, signified the rolling of certain heads or lives or a certain section of society running around to hide in the bush or going into exile. Later on, in 1988, when the Odoki Commission was formed there was another trend of tremors that swept into this country; there were all sorts of whispers about the intention of that Commission. We witnessed more tremors in 1993 when the CA Statute was again passed by the NRC and each of us, had a different feeling in our individual capacities at different levels. What is perhaps common, to all Ugandans and us here, is that we are lucky to be among the few at this operational stage in the Constitutional making process; a stage that is very, very important and a very significant milestone in shaping the destiny of this country. Madam Chairperson, the Basiki at this moment would like to pay special and unreserved tribute to the NRM and NRA for the peaceful and calm atmosphere, both outside this hall and here in this building; unlike in the past. Madam Chairperson, we would now be surrounded by all sorts of security organs and there would be no one in the gallery up there. The Basiki were duly informed that during the debate or was it the promulgation of the 1967

Constitution, military helicopters were hovering over the Parliamentary Buildings, where they sat. We therefore, want to thank the Movement for this relaxed atmosphere and this new development in this country.

While the challenge is big, the Basiki do not have the slightest doubt that with their acumen gained in various fields and guided by far-sightedness, we shall perform with distinction.

I am under instructions to defend Chapter 3 labelled, National objectives and directive principles of State policy; that it should be included in this Constitution. We have had many arguments against inclusion of this Chapter in the Constitution. Some have argued that it sounds like a political party Manifesto and I dare say they are not far from the truth. In fact, with a little analysis, those are the objectives that should be correctly called national objectives and I do not mind if you call them the Republic of Uganda Manifesto, because they provide the bare minimum of set goals that we the citizens of this country, shall expect from any group or groups of people that will come to power by whatever means.

One cannot go to a bus or airline ticket counter and say give me a ticket, the people selling at the counter will want to know what your destination is. We are writing a Constitution but what is our destination? The answers to this destination can be as many as the stars in sky and here we have heard some hon. delegates saying the Constitution will tame political and military power; while others are sayings we are working towards political visibility. Prof. Nsibambi in his 30 minutes address here was of the view that the Constitution will stop politicians from holding power by manipulating rules and procedures in their favour so as to guarantee their access to retention of power relative to other competing groups. To him, this Constitution will guarantee good governance etcetera, etcetera. All these different interpretations Madam Chairperson, are correct. but they all point to one thing - that we need the Chapter of national goals and objectives because they give us a clear vision, a clear fix on where we want to go. Without goals and objectives, Madam Chairperson, we would just wander on to whom it may concern basis through life. Indeed, we have been stumbling along, for the last 30 years, not knowing where we are going, not knowing what will happen, and if we continue in this mood, we may never get far.

There has been moments of uncertainty when peoples survival in this country was by mere luck or

sheer accident. Madam Chairperson, therefore bearing in mind the history of this country, Chapter 3 is the national agenda for all Governments that will be in this country, be they Partisan or Movement. When these objectives are entrenched in this Constitution, Ugandans shall be kept on course to reach the target. The Basiki therefore, think as we visualise our future, we should not be afraid to be sky blue, we should be measured by the size of our dreams. So, who says that it is wrong to include in the Constitution an objective like: 'all Ugandans shall have equal rights, opportunities and access to education, health services, clean water, decent shelter, food security, pension and retirement benefits'. Those, the Basiki believe are part of our social vision; that is what we aspire to, and no one accomplishes more than he sets out to accomplish. The important thing Madam Chairperson, is not where we are, or where we were, but where we want to get. Where Madam Chairperson, do we want our country to be in 10, 15 years or 50 years.

How shall we be able to gauge our efforts? Research, Madam Chairperson, is undertaken to develop products that will not appear on the market for a decade or longer. Should we therefore leave our future to chance? The Basiki, Madam Chairperson, are of the view that we should form an image now of what our country should be in the future, if that country is going to become that image. We should not fail in setting long-range goals and objectives or else we get lost in life's shuffle. With this Chapter of national objectives in the Constitution, we shall show the whole world that we are serious.

In journalism, Madam Chairperson, the journalists work by deadlines and I have known Professors in Universities to get their term papers written on time, when a deadline is set.

MR. GEORGE ZZIWA: Point of information. I would like to inform the hon. Member on the Floor that the people of Kawempe are associating with Basiki on what you are exactly saying, and they want to reinforce your argument by giving you the information that is, Article 94 (II) (F), where it precisely says that there shall be no Constitution or set of rules for the Movement other than as provided for under this Constitution or under any other law consistent with it. They want to substitute the word 'Movement' by saying that there shall be no Constitution or set of rules for any party or political party leaving the Government of Uganda other than what is provided for in this Constitution. Thank you.

MR. BASOGA NSAJU: Thank you very much for the information, hon. Zziwa and I can only say bravo. Finally on this point, Madam Chairperson, we see in the national objectives our minimum political agenda established whatever our politics; party differences maybe; these objectives are our executive summary blood knot that will unite us: saying there is no wavering, no shifts in positions, no guesses as to what to do, no inconsistencies, and no lack of purpose. This Chapter, Madam Chairperson, will form the nerve centre and a consensus of our national, political values that will sustain our political, economic and social institutions.

MR. MASALU MUSENE: Point of clarification. Much as I agree with the hon. delegate on the Floor, that these objectives are very good, the point I am seeking clarification on is about the possibility or the practicability of this objective, because at any given time, I do not see how any Government will provide all these things, will ensure free education for all, food, accommodation, good health and so forth. Now, in view of Article 168, sub-Article 11 2 which provides that any citizen whose act or omission, he feels is unconstitutional, may seek redress from the high Court. Now, I wonder how many cases we are going to have of people with no decent accommodation, people with no medical facilities, with no clean water and so forth. I do not know how practicable this is going to be; because people are going to come to Court seeking redress that these objectives have not been met by any given Government in time. So, I want the Speaker to clarify to me on that.

MR. BASOGA NSAJU: I thank the hon. delegate. Madam Chairperson, but since he was debating, I hope my time shall be compensated. He is simply entering into the area of details which shall be discussed at a later stage when we are discussing Article by Article of the Constitution; the Basiki will make a submission.

I now want to turn Madam Chairperson, to the political parties versus Movement. Madam Chairperson, the Basiki have been monitoring the general debate and judging from what the hon. Delegates have advanced here, an impression was made to the effect that we seem to have not learnt much from our past and if we may recall what has been presented here, there has been selective areas of history; selective chunks which we have advanced for certain specific reasons. The Basiki would therefore like to

cast doubt on some of the messages delivered here. They on the whole, beg to defer and wish to invite all of us to carry a critical self examination of what happened in the governance of this country in the past years.

Suppose a doctor explained to a relative who has lost his dear one, and said, 'I am awfully sorry I do not know what happened, it is just one of those things.' I suppose that relative would switch doctors if another relative fell sick. Doctors carry out post-mortems so that they are better prepared to avoid duplication of mistakes the next time they face a similar situation. In this way, they pave way for better health and long life.

Looking at the history of this country, could it really be possible that nothing shocking really happened in Uganda, during the multi-party era? Could it be possible that no political murders and assassinations really took place? Could it be true that people were never persecuted and no properties were ever destroyed by supporters of rival parties? Could it be possible Madam Chairperson, that this country has never been in turmoil and no one was ever victimised and no Ugandan ever went into exile or prison? Is it sheer imagination, Madam Chairperson to say that there has been a vicious circle of oppression, of suffering, and a reversal of fortune for many party supporters in different parts of this country. - *(Interruption)*

MR. KITAKA GAHWERA: Point of information. I would like to inform the hon. Speaker on the Floor that I am one of those people who because of the political parties, really suffered. My brother was killed by a soldier; my mother died as a result of that; I was put into prison for no reason whatsoever, and even the Judge said, in his own words, "Kitaka Gahwera, I am terribly sorry, because we know you as a person, who is blameless, a person who has served honourably this country", especially in that Department of Lint Marketing Board where I served for 18 years, without any blemish and it was during that period, that this country exported about half a million bales and the Judge said, "I release you"; and when I reached outside, one of my friends said, - *(Interruption)* -

MR. KATENTA APUULI: Point of order. Is the hon. Gahwera in order to expound his history here in interruption of a speaker on the Floor and take up so much time? Could he not select a better avenue?

THE DEPUTY CHAIRMAN: The hon. Member I think is in order, he was given permission by the hon. Basoga Nsaju. What I can tell him, is not to give us his history but to be brief in his point of information.

MR. KITAKA GAHWERA: Thank you very much indeed, Madam Chairperson, you are very fair, that is why we elected you in that Chair.

THE DEPUTY CHAIRMAN: But summarise your information, please, because you are eating his time.

MR. KITAKA GAHWERA: And quite a number of people in my constituency suffered as a result of these political parties.

MR. OGOLA: Point of order. My order would have been this, that is it in order for the hon. gentleman who says his brother was killed by a soldier, to impute that the soldier and political party was one?

THE DEPUTY CHAIRMAN: That is how he perceived it. Hon. Nsaju, continue.

MR. BASOGA NSAJU: Thank you, very much Madam Chairperson, I have a temptation although the Basiki are very democratic to say perhaps let us listen to the views and we shall inform each other in another fora when we are considering the Draft Constitution. But I hope those who have given selective chunks of our history have taken note of hon. Gahwera's information.

The Basiki were asking, that is it not true that there has been a period in our history when there was political favourism in appointment of personnel to the Civil Service, to the parastatal bodies and to national commissions, to the foreign service, etcetera, etcetera and name it. Madam Chairperson, could it also be possible that we never had state inspired insecurity in 1964, in 1966, in 1969, 1971 to 1979, 1981 to 1985? Could it even be possible that those who talk about the Nakulabye and Lubiri incidents are total liars? Was there no time in our history when Kampala streets used to be deserted by 4.00 p.m.? Madam Chairperson, the Basiki would like to sound a word of caution that it is not prudent for any Ugandan to wish away our history: we are not involved in an academic discussion, for the sake of winning an argument, we are talking about the

rights, the wishes, and the aspirations of the people who are sovereign in this country and anyone who does not recognise that sovereignty of the people, ought to get on his or her political exit. Madam Chairperson, did the Basiki even hear correctly that we have started forming alliances, caucuses or are they circuses and all those, for whose benefit? In all our undertaking, Madam Chairperson, let us recall the agony, the suffering of our people, let us honour those who have shed their blood to buy this freedom which we are now truly enjoying. As we forge a new nation, let us rise beyond our own selfish ends and shape the destiny of all Ugandans. We have suffered either individually or collectively, and we are legislating for Ugandans who have passed through all these agonies; Ugandans who have lost properties and relatives; in some cases, whole families wiped out. We have created a class of widows and widowers plus a class of orphans. We are shaping a destiny of Ugandans who have been mentally and physically maimed: some of them are here with us, we are talking of Ugandans who have had to flee the country and if only to help them escape prison or save their lives. These Ugandans Madam Chairperson, need reassurance, they need love and compassion, they need peace and security, they need the truth, justice and reconciliation. Above all, they need protection and insulation from these awful happenings and further assurance and a guarantee that never again shall these horrible and inhuman incidents occur in their lives.

In Busoga, we have had a unique problem. We have the problems with the tsetse flies which have unleashed on us sleeping sickness. We have lost a number of people as a result of that. The various Governments in various times of our history have used different methods to kill the tsetse fly which has become a menace; they have applied aerial sprays and poisonous nets, but all these have not done a good job and work remains uncompleted. Why? Because Madam Chairperson, this pest's survival is linked with the vegetation growth; there is a tree or a flower tree called *kapanga* or *lantana camalla* which provides beautiful habitat cover for the tsetse fly. The campaign has been launched by various Governments and people have been mobilised to cut down all the *kapanga* in order to remove that habitat. The hon. delegates should not imagine that the *kapanga* which is being destroyed is the enemy of the people that causes sleeping sickness. It may have its own problems, but in the context of the tsetse fly and sleeping sickness, it is a harmless tree. The real

enemy and target is the tsetse fly. But as the hon. Delegates may wish to note, to successfully combat the tsetse fly, one has got to cut the innocent *kapanga* or *Lantana camara*. Hon. Chairman, we would like to equate the position of political parties in Uganda to that of the *kapanga* which offers habitat to the dangerous tsetse fly.

The political parties Madam Chairman, may have no problems but they have offered a habitat to the causes of insecurity in this country. Perhaps a little illustration may show what we mean. The political parties are like the *kapanga* and they hide these tsetse flies and indeed when their activities were suspended, the untold miseries that the country has suffered from, seem to have ceased.

THE DEPUTY CHAIRMAN: There is a hand up.

MR. BASOGA: If it is information, I am afraid let me develop the point.

THE DEPUTY CHAIRMAN: Point of order.

MR. KITARIKO: Point of order. Is it in order for a Member of this august Assembly to use abusive language about political parties, which the people of Uganda have accepted to continue to exist?

THE DEPUTY CHAIRMAN: I think the hon. Member was just comparing. So, analogy is in order (*Applause*).

MR. BASOGA: Thank you very much, Madam Chairperson. The Basiki were saying, that when the activities were suspended, some of the untold miseries that they have undergone through also ceased. And we have had successive elections, nobody has been stopped from contesting, no one has gone into exile because of elections, there have been no inter-tribal killings, there have been no banana shambas that have been cut or should I say, no property has been massively destroyed.

MR. AWORI: Point of order. Is it in order for the hon. Delegate to display his ignorance about the last elections?

THE DEPUTY CHAIRMAN: He is giving the views of the people of Busiki and that is what we know. (*Applause*)

MR. BASOGA: Madam Chairperson - (*interruption*)

THE DEPUTY CHAIRMAN: I can see another hand.

MR. BASOGA: If it is information, I am constrained to first of all advance the views of the people whom I represent, and the detail shall come later.

THE DEPUTY CHAIRMAN: He is seeking clarification.

MR. BASOGA: But I have not completed that point, Madam Chairperson.

THE DEPUTY CHAIRMAN: okay, he begs that he completes the point.

MR. BASOGA: I was arguing Madam Chairperson that, there have been no spontaneous eating of peoples cows, goats, hens, no burning of houses during or after, elections. Madam Chairperson - (*Interruption*)

MR. ATAMVAKU: Point of Clarification. My clarification Madam Chairperson, borders on the negative comparison between the National Resistance Movement and the political parties made by the Speaker. As he has put it, the political parties are in a weak position, not organised and they have a problem of leadership - perhaps even poor leadership. I would imagine that because NRM, the holder of the power at the moment, is actually competing with the political parties to get power or to keep it. Therefore, as a competitor, I would imagine the weakness of the political parties and particularly UPC which seems to scare the Speaker so much should be the strength of NRM. After all, it is common knowledge in the social history of Northern ethnic groups that, your co-wife's weakness is your strength. When she does not know how to cook, you do not teach her how to cook; you exploit it by cooking better so that you can keep the husband. Now for that matter, Madam Chairperson, if that will be the case then, I will, therefore, imagine that NRM should not over bother itself with the weakness of political parties; could the Speaker clearly clarify what is that intuitive, unmentioned concern of the NRM over this so called weakness of political parties? Thank you.

MR. BASOGA: Madame Chairperson, I hope you have taken note of time. The hon. Delegate was taking an opportunity to contribute but I pray that since he has not made his contribution yet, he will

take advantage of the time when it comes, to air that as an official point of view from his people. In any case, Madame Chairperson, we are talking about NRM. We are talking about the people of Busiki who are shareholders in this country *-(Applause)-* and that is their view and opinion, not NRM. Madame Chairperson, I was saying that the people of Busiki have said no to the tsetse fly that causes sleeping sickness, no to the *Kapanga* that offers habitat to the deadly disease and no to the sleeping sickness itself. *(Applause)* The Basiki have for the time being, Madame Chairperson, to be blunt - declared a total embargo on political parties. They are saying that anybody who doubts this, is free to consult them, if they have changed their mind periodically - if you have the time and the resources. But in the meantime, let nobody break his heart to check on them. They have given you ten years. *(Applause)*

The Basiki have heard of sugar coated statements like 'The whole world and Africa is going multi party', 'Will Uganda be an Island?' 'Multipartism is an inalienable right entrenched in the United Nations Charter' or something like that but would someone be kind enough to explain to the Basiki, whether in this multi party world, people have killed each other and how many of them have gone into exile? Would someone be kind enough to give them statistics of how many goats? How many cows? How many shambas were cut down by party activists in those countries? In those countries where they subscribe to the wonderful charter with inalienable right, can someone volunteer information, Madame Chairperson, to the Basiki about whether -

MR. KITARIKO: Point of Order. Is it in order for the Member on Floor to misinform this House, the whole country and the world that problems in Burundi and Rwanda are caused by political parties?

THE DEPUTY CHAIRMAN: Hon. Delegate, what you have to note is - he is reporting what the Basiki think.

MR. BASOGA: Thank you very much Madam Chairperson. I hope that there will be an opportunity when the hon. Member will explain to the Basiki what they have requested for and they were saying *(Interruption)*

MR. WANENDEYA: Point of Order. Hon. Chairperson, I think everybody has got an opportunity to talk rather than to shout as though we are not hon.

Members. My point of order is this to the hon. Member on the Floor. In Uganda, especially in Teso, *(Interruption)* or Kumi, Soroti, Apach, Lira, Gulu and other parts of Northern Uganda have expressed their views in this august Assembly that some cows were taken from them and indeed, we used to see even cattle in Kampala here at the butchery; therefore, they have expressed their views that this happened. The fact that it did not happen in Busiki, is it order, Madame Chairperson, for the hon. Member on the Floor to think that since it did not happen there, therefore, political parties are bad and therefore, they should never be operational in Uganda and indeed, perhaps the whole of Africa. Is he in order to mislead this august House? Thank you.

THE DEPUTY CHAIRMAN: He is in order. I insist - he is giving the views of Busiki. Let us be patient and respect the views of the people. We shall come to that stage when we come to the consideration stage. Let us be patient.

MR. BASOGA: Madam Chairperson, without going beyond your ruling, but I do hope that the hon. Members may note a difference between cattle rustling practised by certain individuals in the country and state inspired cattle rustling. Madame Chairperson, I was on the last question about those who subscribe ...*(Interruption)*

THE DEPUTY CHAIRMAN: I can see another hand. Is it information, clarification, point of order? He is seeking clarification.

MR. BASOGA: Madame Chairperson, do clarifications not affect my time? Because if they do, then it is going to be difficult for me to clarify on certain issues without first running back to the Basiki. So, if it does not affect my time...

THE DEPUTY CHAIRMAN: Be very brief please.

MR. WACHA: Point of Clarification. Chairperson, the hon. Member has stated that during the times when political parties are either banned or inoperative, Ugandans have not had the sort of problems that they have had when they are in operation. Madame, in 1971 to May 1980, political parties were not operative in Uganda. To my historical thinking, a lot of things - disastrous matters happened during those times. Could the hon. Member clarify as to whether political parties had a hand in these matters?

MR. BASOGA: Madame Chairperson, I am excited to hear what the hon. Member would like to be clarified on but I hope and this is why the Basiki are concentrating on this thing of what type of government that the hon. Member is aware that what happened during that period is a consequence of the politics prior to that period - whatever happened at that time. I had one question to ask; that in those countries that subscribe to the wonderful charter with inalienable rights, can someone volunteer information to the Basiki about whether they also write a long list of political opponents to be butchered and packed in gunny bags to be thrown away to be eaten by vermin? I would like somebody to clarify some of these issues to the people. Conversely, Madame Chairperson, the Basiki have heard that in Britain there is Her Majesty's Royal Opposition. I understand that the leader of the Royal Opposition is even a very high respectable person who is given a good car and certain privileges and perhaps if it was here, he would even harvest a Pajero. Madame Chairperson, the only sensible government (*Interruption*)

MR. ERESU: Point of Order. About 1.5 years to 2 years ago, at the height of the insurgency in Teso, some Iteso took refuge in Busoga and in fact in Busiki. This way, people who were deprived of their property and their lives also were at stake. While in Busiki where they took refuge, the Basiki and also imputed the hon. Member holding the Floor, incited the Basiki to chase away the refugees and some were reportedly killed. Is it in order, therefore, Madame Chairperson, that the hon. Member holding the Floor attributes all the problems of this country to political parties, when in fact, at that time, political parties were not in existence? (*Applause*)

MR. BASOGA: Thank you very much Madame Chairperson for that information.

THE DEPUTY CHAIRMAN: That one was a clarification and information. It was not a Point of Order.

MR. BASOGA: It is okay, it is acceptable. Madame Chairperson, it is true that in 1989 at the height of the insurgency in the northern part there, and in areas of Teso; a number of citizens were displaced. It is also true they had a camp in Busiki - if the hon. Member does not know - it was at Iyiribi. They were given asylum. I, personally, thought I was helping good Ugandans. I got blankets and food from hon. Chango Machyo at that time, Minister of Rehabili-

tion and something. We took to those people but during the course of their stay, Madame Chairperson, they introduced one aspect which is not cultural in Busiki. During the course of their stay, they were caught at various times with eight guns and the last one was a light machine gun with six magazines - I understand that in a light machine gun, each magazine has got about 250 live bullets. Therefore, the Basiki thought a neo-culture of insurgency had been imported in Busiki. (*Applause*) Madame Chairperson, they requested the District Administrator who had given these people to camp there, to remove them from Busiki. I dare-say I hate to imagine what would have happened if those people had stayed for longer in Busiki. Guns and insurgency are not acceptable in Busiki for now and the future to come. Thank you very much. (*Applause*)

Madame Chairperson, I was advancing that the only sensible government that has treated the opposition members in this country in the Royal Majesty style, is the Movement type of arrangement. It is almost unbelievable that the Second Deputy Prime Minister and Foreign Affairs is the President General of D.P. That the Minister of Finance - I do not know whether they call him President General or Director General - but he comes from the C.P. That we have had a Minister of Commerce. Cooperatives coming from somewhere. Hon. Alai, who also participated in the insurgency is a Minister. Madame Chairperson, where in Tropical Africa, would you have all these things happening? Where in Tropical Africa would you have somebody calling a Chair 'rubbish' and with ease laughs it off, (*Applause*) not to appreciate what these wonderful things mean to the Ugandans. is to negate common sense and to reverse the clock to the days of chaos. Madame Chairperson, I am about to conclude. (*Interruption*) Like I said, if it is going to encroach on my time, then I will not take the clarification but if you will give me more time and you would really want the hon. Member to be clarified on, then I will take it.

THE DEPUTY CHAIRMAN: I think that would be the last clarification for you.

MR. BASOGA: But my time, Madame Chairperson, should be given to me.

THE DEPUTY CHAIRMAN: Yes I will give you one more minute.

MR. OMARA ATUBO: Point of Clarification. Madame Chairperson, in view of the fact that we are here trying to speak the truth so that we can make a permanent and lasting Constitution, based on viable principles; I would like my friend, Basoga Nsaju, to clarify on the issue of human rights which I am aware befell him. About two years ago, hon. Basoga was arrested in his county. He was taken to court after some days - according to the press report and I am quoting *'he was beaten, he was undressed and he cried like a woman.'* I am quoting. Madame Chairperson, I know that this did not happen during the life of political parties but it is an incident which we should take into consideration to balance out things. Could my good friend clarify to this House - what he has in mind to perfect the system first of all and secondly how far he is ready to overlook this terrible human rights abuse to him when he is praising the all perfect Movement System. Thank you.

MR. BASOGA: Madame Chairperson, I pray that with your indulgence, you allow me a little time, since it is you who allowed him to comment on it so that what I explain is not counted on my time because I was about to finish. But it seems of a very paramount nature, that I should give an explanation.

I want to link that one with the next point which I was going to say - that when all that has been said, has been grasped, the Basiki do not suggest that our country has reached nivana or the highest good. Oh no, they do want to believe that the movement has some shortcomings which the Basiki would like to see improved upon. So, in that connection with the matter of Clarification from hon. Atubo, I have already been given express permission that if that incident is referred to - to give an explanation to this House and on that one I will add another scenario which happened to me in the year 1984 and 85.

The Iganga Scenario which the hon. Member is referring to is correct. Madame Chairperson, I was, on 26th February, 1992, duly summoned to a Court but no summons were given to me, that is one anomaly. I appeared before the police, they did not want to arrest me but they said I should go to the court. In the morning of that day, with about 2,000 Basikis who rode on their bicycles, we went to the Courtroom, we found when the Courtroom had been surrounded by the Police, armed to the teeth. In the background, they were men in military uniform which I suppose was NRA, also armed to the teeth. In fact, Madame Chairperson, the whole police force

in Iganga District and the neighbouring Jinja had to be diverted to come to the Court that day. I thought in the simple mind of Basiki that I was given a V.I.P treatment. That I had after all become an hon. Member of Parliament with certain privileges of protection. Unfortunately, Madame Chairperson, their mission was completely to kill me and annihilate me as it was evidenced, that while I was in the dock and after the magistrate had granted me bail, the policemen descended on me and they had guns and beat me and undressed me; they took my jacket, my shoes, my socks, my watch, my tie. I was beaten and I cried like a woman it is true. Madame Chairperson, *(Interruption)*

THE DEPUTY CHAIRMAN: State that in the briefest manner.

MR. BASOGA: I wanted to draw a collaboration with another scenario that happened to me in 1984 and 1985. At that time I was working in Hoima. I was a regional information officer. I was arrested around 4.00 O'clock on the 11th Day of October. I was herded in many places starting with Hoima Local administration, Ihungu and Masindi Military Barracks. While in Masindi Military Barracks I was baptised with fire to join the UPC. What I mean is that long chunks of these jerricans in the colours of the party were properly sliced and at the end of it, fire was set and then it was dropping into my back while I was tied, of course, being caned that I was being baptised to join the party. In one incident in that very barracks while I was in the cells, my colleagues who had been with me on campus, very educated people who were then Directors of NASA had come to silence me because I understand some of my friends like hon. Serwanga Lwanga had gone to the bush, etc. They came and killed two Banyoro friends who were seated beside me to ask me whether I could still talk. That is innocent blood being shed.

Another incident which happened was in Masindi Local Administration where a NASA official, also a graduate and I can name him, came and pointed at me - we were squatting in a line and he wanted me to be beaten, to be killed but unfortunately for the young boys who took the order - they thought when he pointed he meant my neighbour and they beat him to death. So one year Madame Chairperson, I was detained, I was brutalised. I do not remember whether I cried like a woman when they were baptising me with fire to joining UPC. But for one year I was locked up. The difference between those

two scenarios is that in the other one I was taken to prison, I was also detained for one year without being produced in any Court of Law. Under NRM, I was taken to Court, although, they wanted to kill me. I have also won the case. I am a free man; and I am now instituting civil proceedings against the Movement and I hope I will win. In the other case, it was almost impossible to go to any Court of Law and seek redress. Therefore (*Applause*) looking at the two scenarios, Madame Chairperson, which have happened to me and I am talking from personal experience - I would think that the second scenario is better and together here, let us improve on the qualities of the Movement because it is better than the old system that happened to me in 1984/85; and I want to recommend that we should democratise the Movement and I have intentions to contest for one of those posts within the Movement.

On the whole, Madame Chairperson, the Busiki mind - and I can say that because there is this freedom - the Busiki mind can scarcely conceive political visibility and transparency, freedom and genuine reconciliation, commitment to democratisation and development without having this Movement arrangement in place. On the other side of the Bridge, Madame Chairperson, the Basiki can only see chaos, coercion, arbitrary rule, political storms and manoeuvres, divisionism and dishonesty, coated with intrigues, etc. We do see a bleak atmosphere because Madame Chairperson, we can see the same plot the same characters and the same theme now parading themselves here as advocates of democracy. We shall have the same style of administration and abilities. We do not see any new approaches. In fact, if we can recall what the hon. Delegate said - hon. Rwingyengi - he summarised well when he said, how can you try to change your father? This signifies a stagnant status quo; which show that they are not prepared to recapture any lessons from our past history and make a fresh start. Madame Chairperson, with your permission, now that hon. Nekyon is here, I would like for instance to give you one of his beliefs... (*Interruption*)

THE DEPUTY CHAIRMAN: I give you only five minutes to compensate for your time lost. I start - after five minutes you ring the bell please.

MR. BASOGA: Thank you very much. Madame Chairperson, hon. Adoko Nekyon, whom I respect as a Veteran politician; in the year 1966 when he was a Member of Parliament for Lango South East.

while contributing on a debate on the extension of the State of Emergency in Buganda and he was in support of the Motion - his contribution is duly recorded in the *Hansard* from pages 1167 - 1170; it was in the afternoon of the 18th November, 1966. He said and I want to quote him 'Sir, let me say this that in Africa where democracy is new, in which I do not believe sincerely - there were interjections - I do not believe in democracy, it is all rubbish. I can tell you that I am talking from the bottom of my heart. You can criticise me and say - Nekyon, you are not a democrat, I am not - this is the fact.' (*Applause*)

Madame Chairperson, the people of Busiki have, therefore, said no to political parties. That is their desire and so, let it be but they insist that there must be a referendum - to be consulted whether they have changed their minds or not. Because a referendum, Madame Chairperson, is a routine democratic procedure which gives an opportunity to the electorate and for those in power to ascertain their will on any legislative proposal or policy. The affluent elite have been sitting in Boardrooms and taking decisions that affect the welfare and lives of the populace without due consultation. A referendum, Madame Chairperson, according to the Basiki recognises the fact that the people are supreme and power to decide belongs to them. The people are the best judges of what they want and the Basiki do not understand why some peoples blood pressure goes up when a proposal to carry out this democratic consultation is mentioned. We should be prepared, Madam Chairperson, to rise beyond paying lip service to our people by allowing referenda on matters that we fail to agree on by consensus. This is the best way to recognise the fact that the people are supreme and power lies with them but does not emanate from any other source or quarter. The Basiki wish to draw the attention of this House to an observation which is made by the Odoki Commission in Chapter 5, Paragraph 40 of the report which says 'Decision making has hardly ever derived from or actively involved the people. They have been made marginal in matters that affect their destiny. Although in rhetoric, their sovereignty is constantly paid homage to - in practice, the people have at the best been passive onlookers, at worst they have been unsuspecting and helpless victims of misuse, abuse, neglect, torture and suppression.' The Basiki, therefore, hope that this hon. Assembly will be guided by the wisdom that they have and allow referendum to take place, especially after the ten year office under the movement type of system.

Lastly, Madame Chairperson, I would like to remind the hon. Delegates here that rulers are expendable. They come and go but the people will always stay. So, I pray, let us listen to the voices of the people. Because the people have spoken. Thank you very much Madame Chairperson. *(Applause)*

MR. KAWANGA: (Masaka Municipality, Masaka): Thank you very much Madame Chairperson. Masaka Municipality is the capital of the old Masaka District which used to consist of the present Masaka, Rakai and Kalangala Districts. Madam Chairperson, congratulations to you for being elected to that position, commendation for having so far performed that onerous task with such patience, skill and dignity. Congratulations, dear hon. Delegates, for having made it to this Assembly in your various ways. If anybody had any illusions then, about the honours that surround the little 'C.A. Delegate', one must have discovered by now that there are no beds of roses here. We, singly and collectively, are facing a historic but also daunting task. Historic, because this is the first time all Ugandans have been actively involved in making their country's Constitution. Ugandans were called upon to give their views as to what they want their Constitution to be. They were called upon to register, vote and finally elect their Delegates to this august Assembly. We are all here because we represent some interest, some group or some constituency. Hardly any passed simply by virtue of some office he holds. The task is daunting because we must constantly be reminded that we are here because a lot of bad things went terribly wrong in this country since we got our independence. We have known no peace, except turbulence, turmoil and destruction.

Young men and women born in the 60s and some of whom are now hon. Delegates of this Assembly must at one time believe that you cannot run this country without shooting your way into power and thereafter to retain it, you must keep armed men at various road blocks all over the country. Squalor, misery, deprivation and absence of human rights is all that they know. It is our task and responsibility to reverse this trend. We must prepare and hand over to Ugandans a new Blue Print for peace, stability, unity and progress. This must be a Constitution which is credible, appropriate in the circumstances and durable. For this to happen, we must ensure that at the end of the day, we all leave these beautiful chambers as winners and with no losers. For if any group leaves this place as losers, then let not those

who will be considering themselves winners, celebrate. Their victory, will definitely be short lived. We should do everything possible to listen to, patiently consider every point of view and finally adopt that position that is in the best interest of the whole country. At the end of it all, let every Ugandan feel that he is comfortable on board the Ugandan ship from now and for generations to come. There is neither government nor opposition in this chamber. We should avoid creating an east or west, north or south division on any issue. Uganda is so small and so poor and our problem is so basic that we just cannot afford to fail to reach a consensus on every issue. Those who came here with a firm and fixed position on any issue, please prepare to listen and submit to the force of reason. It will be heroic to change to the side of right rather than to stick to otherwise untenable positions simply because they are the ones you came with.

Madam Chairperson, it is not necessary for me to recount the sordid and unfortunate history of this country. This has already been done by so many speakers before me. The greatest tragedy of our Constitutional history is total absence of the spirit of constitutionalism in our body politic. Constitutionalism here, means the commitment to abide by the Constitution and the determination to make the Constitution work. This means that every citizen, be he in authority or not, should look at the Constitution as the final arbiter of every conflict. But how can this be if neither has ever heard of the word Constitution, later on any of its provisions? If you are not going to instill the spirit of Constitutional governance in the minds of all our citizens, this whole exercise shall have been wasted. It is fashionable to blame every ill of the past on the politicians of the past. But who is not to blame in Uganda? A lot of crimes against Ugandans have, under all regimes been committed by ordinary Ugandans to their fellow Ugandans. These have included the policemen, soldiers, chiefs, youth wingers, civil servants - name them. A soldier who disembowelled a pregnant woman, may not have been given such specific orders to do so; a youth-winger who cut off both arms of a peasant at a road block, may not have been given specific instructions to do so. Soldiers who used to torture to death, civilians in the barracks, sometimes thought they were doing the right thing because they were fighting the enemies of their government. The tragedy was that, because those in authority saw nothing wrong with defending their government in this manner - it could go on. The concept of the rule

of Law did not matter to them, provided they remained in power. As a consequence, the defenders of the rights of Ugandans, ceased to be Ugandans and their government and became the responsibility of Amnesty International and foreign governments. If this is to remain the case, then we shall have wasted our time and the money of our countrymen to have come here to make a constitution.

I have a disturbing feeling that we may never have learnt from our terrible past. For if that is so, our future, then, is doomed. I shudder to think that we are still like those proverbial men of old who learnt nothing and forgot nothing. For in the Uganda of the past, those in government are always right and those who do not visibly support the government are enemies of the country. They must not only be ignored and their views, they must be hunted and hounded in every way. So, the only solution for the group not in government is to make every effort to get into government by every means at their disposal and herein lies the tragedy of our country. I believe we must stop this syndrome and I am not so sure whether that syndrome is not the main basis of many contributions to this debate. It is interesting to observe which group supports and therefore, cheers which speaker or which point of view in this Assembly; but if we are going to use this forum solely for ensuring that one group of Ugandans retains or another group of Ugandans attains power, then again our labours here in this Assembly may be wasted. I, therefore, appeal to dear Delegates to remember that we came here to make a Constitution for the whole country. Not for the Delegates that are sitting in this Assembly or for a few elites who want to attain or retain power. If that message goes home, then I am sure, this country will resurrect from the dead. If it does not, then we are wasting our time.

Madame Chairperson, we the people of Masaka Municipality have looked at the question of language for this country and have listened to the contributions in this Assembly. We feel that at this particular point in time, we have no quarrel with English language remaining the Official Language but when it comes to National Language, we have a feeling that it is premature to get a national language when we have not yet formed a nation out of the country or the people of Uganda. It will be premature to pretend to get a national language in that situation. We have listened patiently to contributions, that Kiswahili should become the national language. I have the benefit of knowing some Kiswahili but because I

have not been practising it for about 20 years, quite a bit of it has evaporated. Very few people in my constituency speak Kiswahili as a language but I do not know how many Delegates in this place speak that language well. Now, if not so many do, how can you adopt a national language which hardly anybody speaks in this country? We suggest that we let a national language evolve slowly. It is not an urgent matter which we ought to do here. It will be a terrible shame to adopt a national language which even a President of a nation may not be able to speak. I can envisage a situation where you can elect a President or even Ministers or ambassadors who may not even be able to know that national language.

On the question of citizenship, Madame Chairperson, we feel that Uganda became a nation in 1962; and that it is at that juncture that the issue of citizenship should start being addressed. Of course, Uganda is unfortunate that because of the nature of its boundaries, all kinds of people have claimed Ugandan citizenship and abandoned it whenever they have wanted. We must find a way of stopping that kind of situation. I imagine a situation where you can get a Ugandan Minister or ambassador living in Uganda while his brother is a Minister in a neighbouring country. It can happen! But let us get a situation when we will determine that these are now the credible Ugandans of this country and treat them that way. The problem has not been that we cannot identify who our citizens are. The problem has been that the people who have been running the immigration department, simply gave up on implementing the law as it is. Even if we now make the law, and leave the Immigration Department the way it is, the question of citizenship shall continue to be a problem.

We, in Masaka, love our land but we note with sadness that in a small municipality like that one, we have about three Land Tenure systems. We have the Mailo Land, we have the Crown Land which later became public land and then we even have what used to be called the Official Mailo and even Leasehold; and everybody in that small municipality has to keep running around to discover what type of title he has to land. We feel that titles to land should become uniform. Not only within our district, but in the whole of the areas where it is accepted. We opt for the freehold type of land or call it Mailo Land if you want. *(Interruption)*

MRS. RWABYOMERE: Point of Clarification. I just wanted a clarification from the hon. Delegate holding the Floor whom I must thank for giving way. He made a point but abandoned it very quickly - a point on citizenship. He gave an example of a citizen of Uganda who can have a brother who is a minister in a neighbouring country and I am just seeking clarification. Does that citizen cease to be a citizen just by the virtue of the fact that he has a brother in a neighbouring country or maybe he could quote the actual example? Thank you.

MR. KAWANGA: Madame Chairperson, I was being general. I do not want to quote real examples. All I wanted to point out is the fact that at the end of the day before you determine who is or who is not a citizen, it is important that, that person declares his own commitment, and if somebody declares that he is a Ugandan, it will be terrible not to call him a Ugandan because of the relationship that he may have to other people who are living in another country. But of course, I am giving an example which is very well known in this country.

Now, on the question of Land Madam Chairperson, what is called ownership of land in real terms means the right to use land. When you say, own this land, all you are saying is that according to the Law, I have been given a right to use it this way as against others. It is a question of defining interests and I think as we develop, it is better that we get a registrable Title so that no other people can come and dispute that land. Unfortunately for the great population of our people, they are using land...

MR. CHANGO MACHYO: Point of Clarification. Could the Speaker clarify on what he means that ownership of land means use. As a surveyor, I do know that you can use land without owning it. Could you please clarify?

MR. KAWANGA: Well, that is the difference of professions. I am speaking like a Lawyer and he is speaking like a surveyor. But if he had only waited I would have told him that it is possible to use land without having any registrable interest which is recognised in Law and that is the tragedy of our country. But we have got people here, who use land but the right to use it is not acknowledged by the Law of the land. Therefore, there is no security of tenure on that land. That makes their life very difficult and it retards the development of this economy. So, I think it should be the duty of this august Assembly

to ensure that people who occupy Land, always get their interests specifically defined and if they are to be deprived of that land, they should be specifically compensated before they leave that particular land to go; and that should only be done if it is really in national interest. That national interest should be considered by an independent organisation which can do justice to all. That is why I think that it is necessary in every district to put up a land tribunal or land committee which should take responsibility of looking into the interests of land in that particular district and we people in Masaka will support that kind of arrangement and support the suggestions that have come on the Floor that Land Offices should actually be spread out so that they come nearer to the people who use the land.

Now, I come from an area which used to be ruled by the Pokino and we people of Masaka love our *Kabaka*. I have been instructed to ask this Assembly to give full blessing to the existence of *Kabakaship* and other traditional monarchs in this country. In the case of Buganda, *Kabakaship* is always associated with certain things; it is something which is so dear to the people of Buganda. They are somehow all related with it and they feel happy when it is given the honour and due respect that it deserves. *Kabakaship* used not only to be a cultural institution, it also used to be a government in its own order; but as things happened, culture also changes and times change. So, we pray that the *Kabakaship* as restored now, and as preserved in the Constitution, defining what should be the apolitical aspect of the country, should be included in the Constitution. It would be disastrous to talk about an apolitical *Kabaka* without defining what apolitical means. We would feel that the Amendment that was made to the Constitution, sufficiently defines what apolitical means. But we also pray that the *Kabaka* of Buganda should have a *Lukiiko* and a *Katikiro*. There is no way you can have a *Kabaka* without a *Lukiiko* and a *Katikiro* but we do not want Buganda now to look like it is an isolated island or an area which is seeking to become extremely different from the others. So, we shall ask for a bare minimum. We shall ask that let the system of *Miruka*, *Magombolola* and *Masaza* remain together with the district but let the Districts of Buganda be allowed to make themselves into a representative *Lukiiko* which should include elected representatives and Clan leaders. (Applause) This *Lukiiko* would be advisory to the *Kabaka*. So that everything that is done in Buganda shall as it is traditionally done, be done in the name of the *Kabaka* but not

necessarily by the *Kabaka*. I think this does not injure anybody. The system that is being referred to as decentralisation or whatever called can be uniform to the whole of the country but for the sake of restoring the identity of Buganda, this arrangement should be accepted. This is so because, as it has been pointed before, the Baganda have really had to give up too much for the sake of joining in Uganda and whenever they do, people think they have not done enough. I think in this context, we should be able to allow this. This we point out, because we think that although, a Constitution is the supreme Law of the land, a Constitution is also a social contract and I think the Baganda should be able to feel that they have socially contracted with everybody in this context.

But Madame Chairman, I have been intrigued by the discussion that has been taking place in this House: about political parties and the movement system of government. The more you listen to the debate, the more I felt that there appears to be a polarisation between those who support political parties and those who support the movement system. We in Masaka, do not see any polarisation. We think that pluralism as a principle is acceptable. I do not know of anybody who would oppose pluralism as a principle. What has unfortunately happened is that this House has spent a lot of time and perhaps deservedly harping on the problems or mistakes that political parties may have committed in the past. I think it is necessary to point them out and I would have been happier that supporters of political parties actually acknowledge that mistakes were committed in the past. (*Applause*)- That is absolutely necessary. But we should be able to put that in its social economic context. I know in this country that mistakes have not been committed only in the names of political parties; they have been committed in the names of religion. I know people who were killed in mosques because of religion. People of the same religion killing each other and I note that in one particular faith here - some two Delegates who are sitting here, were in the sixties in different camps and at Kemishego Mosque, people were killed because these two camps were warring. It is also true that moslems were killed in Ankole and thrown in a river on religious grounds. But it does that mean that we should abolish these religions as a solution to the problem? Why do we not look at the social economic causes of these problems. This country has had a lot of problems. Unfortunately, when we look at the problems we analyze them with a lot of passion. We do not do it

dispassionately; and if we do that, then we are going to reach the wrong conclusion. This country has had a traumatic history. It is unfortunate. But that does not mean that we should abandon principles because we have suffered too much. Because in the course of things more problems are there. So, it is in this light that people in my Constituency whom I consulted even yesterday said that, "look! who are these people who caused problems in political parties? Are they not the very people who are sitting as Delegates in that Assembly where you are? Were they not the youth-wingers in those various political parties? Were they not the leaders of those political parties? Do some of them not still hold offices in those political parties? Now, if they condemn them and they want to move to another organisation without cleansing themselves, how sure are we that the dirt they are moving from the political parties, they will not move with it to the new system that they are trying to put in place?" (*Applause*) It is, therefore, necessary to look at ourselves. Let us not look as if political parties are vehicles which you abandon and you leave there. We are the cause ourselves and until we correct ourselves, whether movement or political parties, the tragedies of times will remain with us. (*Applause*)

It is for this reason that I want Delegates to look at Article 94 with some care. Because the people of Masaka make a distinction between the movement system and the NRM. I have been confused. Members keep saying 'my people say the NRM should be extended for 5 years'. Do they mean the NRM or the movement system. Because the Article talks about the Movement system; and if we are to talk about the movement system, it is that one which we have to define. When we have to talk about extending the NRM, the people in Municipality have fears. They do not want to associate this Constitution with another extension like it was done in 1967. (*Applause*) We would rather make a Constitution which is clear and know when it starts. If we want to extend the movement, let us be specific. That will not be a Constitutional matter, it will be a political matter. The way it was done in 1989 in the NRC; but the way the debate has been going, that is the confusion which is coming up and it is causing a lot of misunderstanding in this Assembly.

Madame Chairman, it is for this reason, that I want hon. Members to look at that Article much more carefully; and because we make a distinction between NRM and the system, I have a feeling that we

should define what the system is. Is it the RC system that we want to continue in course? So, if it is, the people in my Constituency have no quarrel with continuing with the RC system up to RC III. Beyond that, they want to elect their Members of the District Council. They have a reason. In my constituency, we have only three sub counties. Through the RC system, by the time we have reached RC III, you have only 27 Delegates to elect the Executive of RC IV, which is the Municipal Council. So, what happens in practice, we no longer elect. One sub county with 9 people makes a deal with another sub county with 5 people and they can share out the offices and that ends the matter and to the people of Masaka Municipality that is the height of the abuse of their democratic right. They would rather go beyond that and elect their Delegates or their people who will go to the District Council - and I support that. *(Applause)* Now, is that the movement that you want? Because if you allow me to elect my Delegate directly to the District Council and you allow me to elect my Member of Parliament - I hate the way I was elected. In that municipality, the electoral college which elected me to the NRC, was only 89 people. You can see where injustice can come through that kind of system. Is this the system we are talking about because if it is, beyond RC III, we would want direct elections. We elect directly our Members of Parliament. We elect directly our members to the District Council and what would be wrong with that? Now if that is the principle, and we have Article 97 which says - *'subject to the provision of this Constitution, the right to form political parties is guaranteed.'* Then what is the problem? Why have we wasted so much energy quarrelling over this issue? Because at the end of the day, we want to make a decision. After we have made this Constitution, allow the political parties to start operating. In fact my people want the political parties to start operating immediately. Not necessarily for electoral purposes, but to know how they should be formed. They think that we do not only have to have the four parties. Others should be able to come into operation. But if we do not allow them to start immediately and... *(Interruption)*

PROF SENTEZA: Point of Information. I would like to inform the hon. member on the Floor or at least to draw his attention to Article 96 which says that *'during any period when the movement is in existence, political parties shall not endorse, sponsor or offer a platform to, or in any way campaign for or against a candidate for any public election.'*

MR. KAWANGA: I am aware of that Clause. In fact, I would propose at an appropriate moment, that if we have agreed on what you call the structure, you have to be specific whether you want it to be interim or to continue; then Article 96 would be useless. Because we shall have determined the period and our proposal is that within the next five years or three or two - it depends on the programme that we should lay in place - we should be able to allow political parties to grow. It is not good enough just to allow them to stay. At the end of the day one day, they will start without the re-organisation. I want to be frank with you, in most constitutions political parties are not a Constitutional matter. They are not formed within the Constitution. They will grow of their own if there is need. In fact the political parties that are existing in this country grew inspite of the constitution, inspite of the colonial administration, that was there. Perhaps because of our history, it may be necessary to put the point to define how parties should operate. It is necessary because they have done a lot of harm without having been given guidance. But we should seek political... *-(interruption)*

MR. BIDANDI SSALI: Thank you Madam. Chairperson and my Colleagues for having given me this opportunity. I would like clarification from my Brother hon. Kawanga, when he talks of the people of Masaka recommending the extension and says which Movement are we talking about, and he says they recommend the extension from R.C. 1 to R.C. 3, I assume for the next five years; and they also recommend direct elections of the district and the Parliament. I assume on the basis that he was elected to this particular Assembly. Madam Chairperson, the clarification I wanted from him was whether my assumption is correct. Thank you Madam, Chairperson.

MR. KAWANGA: That is exactly the position because we are talking about the Movement system in that Article. And I wanted to define it along those lines. Now, the idea to our people is that as it has been expressed here, there is a feeling that there will not be a period of re-organisation for everybody concerned. But let it be defined in very democratic and clear terms.

MR ABALIWANO: Hon. Kawanga, you talk about the work of democracy within the N.R.M. System - the Movement System, at a high level. Why is it that you do not see it at the lower level. I thought the unity is R.C. 1, R.C. 2 and R.C. 3. Why do you not

want those also to be directly elected? Because in Bugabula South the feeling is, the few we are electing in leadership. Particularly when one is elected at R.C.1, that one you can assume that everybody is elected. Why can you not allow the two and three to be elected directly and it need not cost that much?

MR. KAWANGA: Really that is perfection which I would have no quarrel with. I only felt that for the villages to be able to handle it the way it is, so that they can be able to remove somebody they are having no confidence in quickly without having to go into ballots.

Finally, Madam Chairman, I want to address myself on the issue of Parliament. We have talked about separation of powers, we are giving a lot of powers to parliament. On the Question of Parliament, one of our weakest institution has been Parliament. The reason is because it does not control funds to run itself. Parliament is only at the mercy of people who control the money. So, whatever powers you give that Organisation, unless you give it the ability to run itself, this question of separation of powers that you are talking about will not be of any use. I suggest that Parliament should be able to run separately from all other organisations, have its own speaker, be able to have a budget which can enable it to do its own functions without interruptions from anybody. Unless that is done then we shall be wasting our time as Members who have been in Parliament before know.

Madam Chairman I am a great supporter of Human Rights. I am also a big supporter of Women's Rights. They are our mothers, our sisters and eventually become our wives. There is no reason why we should not give them every right that they deserve. Madam Chairperson, with those few remarks I thank you for allowing me to speak. Thank you very much.

MAJ. KATEREGA LIVINGSTONE (Nakifuma County): Madam Chairperson, and hon. Delegates, I thank you for the opportunity accorded to me to address this hon. House on a number of pertinent issues that do offer a strong political fabric for the running of this nation.

Nakifuma is one of the largest counties in Mukono District made up of six sub-counties with a multiplicity of tribes, ranging from the Ganda, Gishu, Samia, Badama, Lugbara, Barundi, Acholi, Banyarwanda, Langi, Basoga, Banyoro, Bamba,

Bagwere, Bakonio and many others that one may not recognise.

Madam Chairperson, inspite of such notable tribal differences, these people were living in harmony and united in diversity until they were misguided by political opportunists in a bid to politically manipulate them. However, I proudly report that their harmonious relations have been restored with time and they continue to improve day after day.

Madam Chairperson, Nakifuma is bordering with Mukono county, Ntenjeru county, Bamunanika county and Buikwe county. It covers Namataba, Moneko and Namagunga on Jinja Road.

Madam Chairperson, my people in Nakifuma join the rest of the Ugandans in appreciating the NRM Government for the initiative taken to institute the Constituent Assembly as a deliberate effort towards the most peaceful solution to lasting peace in Uganda following the long history of trials and tribulations. They regard it as a rare opportunity to see Ugandans of varied interest and ideologies working together after a reckless destruction of our solidarity. Our presence here has been referred to as a clear manifestation of reconciliation and therefore a sign of hope and not despair.

Madam Chairperson, Ugandans have appreciated the fact that we must live together despite our diversities. Therefore, we need to avoid an offensive spirit in our deliberations, instead tolerance, accommodation, reconciliation and appreciation should prevail. We must address those questions which have perpetuated rivalry, hatred and subsequently revenge and terror. If there is to be a new beginning for Ugandans struggling to see through development. We must appreciate the latitude left to us to determine our destiny. Let us therefore, not subscribe to the misguided beliefs, ideologies and policies. We should evolve ideologies, beliefs, attitudes and institutions which have a realistic bearing on our political, economic, and cultural circumstances.

Madam Chairperson, whereas the process of change is under way, it is hard to predict with any accuracy what will emerge from this process but we must be guided by the fact that we are answerable to the electorate. We should therefore seek to be realistic, sincere and have a clear sense of justice and judgement. We should not therefore act because of our individual personalities when acting on behalf of the

electorate. If we do, then we shall be the focal point of enumerable pressures and constraints during the period that lies immediately ahead of us. We shall live to be blamed by history.

We are challenged to make a constitution that will stand the test of time. Let us therefore reconcile the varying interests and not offend any region or interest group in Uganda.

Madam Chairperson, appealing to Uganda's history but without bitterness, the people of Nakifuma have given serious consideration to Chapter III of the Draft Constitution and advocate for its existence in the constitution. They believe that it is the extremes of economic, political and cultural deprivation under which the Ugandans have lived for so long which have made the endurance of peace and moral values difficult. They therefore, feel the national objectives and directive principles should be clearly defined in the Constitution for the following reasons:

- (i) For the provision of a broad future agenda based on the main principles and aspirations on which the Constitution is based;
- (ii) Such objective will guide Government bodies in developing and implementing their policies;
- (iii) They will also guide the citizens in determining priorities for their respective local government and nation;
- (iv) They will minimise the possibility of misleading Ugandans as Uganda's past has shown.

Therefore, though they recognise the fact that most of the modern constitutions do not consider this matter they concur with Chapter 5 section 79 of the Report of Uganda Constitutional Commission Page 99 which has regarded the inclusion of these objectives as liberating innovation as they give a clear vision of the direction in which the nation must develop.

Madam Chairperson, unless any one has any dark design aimed at marginalising the special interest groups such as workers, peasants, orphans, women, elderly, disabled, and children, this chapter should not be eliminated as some delegates have tended to suggest as it adequately caters for such groups.

The state obligation to provide equal opportunity for

all citizens to develop themselves economically should be clearly defined and documented in the Constitution.

Madam Chairperson, it has been common for leaders to discuss areas of sharing power at the expense of discussing areas of development. Let us not take this course.

Madam Chairperson, on the question of fundamental human rights; the people of Nakifuma strongly support Chapter 5 of the Draft Constitution and go further to suggest that guarantee should be made not to amend this Chapter at any one time but only to emphasize the powers of the Commission to sue those who violate such rights. They do not believe in a government that compromises people's fundamental rights.

Madam Chairperson, my people say districts which share common or similar cultural identity and other values should be free to cooperate in the entire area of culture and human development and to form organisation to that effect. Their stand in favour of this view is two fold:

- (i) It guarantees freedom of Movement and association;
- (ii) Maximises the benefits of a large scale organisation in form of coordinated socioeconomic activity.

This is in accordance with recommendation 9.94 (G) Page 253 of Odoki's Report.

Madam Chairperson, my people would admire to see regional or provincial groupings formed for effective coordination. They stress that their regions should be called by their true names. Nevertheless, they have no quarrel with the existence of constituent districts of such regions.

Madam Chairperson, the people of Nakifuma support the use of English as an official language so long as the Constitution guarantees the use of other indigenous languages as media of instruction in institutions of learning; legislative, administrative and judicial purposes as may be deemed appropriate.

MR. WANENDEYA: Thank you very much Madam Chairman. May I inform the hon. Member on the Floor that countries, and I am repeating this for the second time, like West Germany they had

different languages but they promoted what is now known as 'modern German' and over a period of years, they all now speak German. The same thing is happening to Italy. The same thing like happens in France and Britain; people speak totally different language all together. But in the United Kingdom, they promoted the English language as a result because they were in power it spread all over. But those people have got a totally different language all together. So, maybe he could think about that when he comes to a national language as opposed to official language as a way of promoting the unity of the people of Uganda and Africans in central and East Africa. I thank you Madam Chairman.

MAJ KATEREGA: Thank you for that information. But I am giving the views of the people of Nakifuma. They do not advocate for any language as a national language basing their argument on the fact that freedom of speech will guarantee the evolution of a national language. A national language is not given but evolves and develops. The concur with Article 5(1) and (2) of the Draft Constitution.

Madam Chairperson, on the political system the people would admire to see the Movement System continuing for more five years to ensure proper transition to the change that may come forth. However, the Movement should ensure that all levels shall be accessible to every citizen of Uganda through free and fair election. This is in Sub-section II (d & e) of the respect of Article 94.

The Draft Constitution: Madam Chairperson, the people of Nakifuma support the suspension of active party politics to enable effective re-organisation of parties and the formation of new ones pending a detailed arrangement to call a referendum.

During this period, a minimum programme should be put in place for parties to re-organise and explain their ideals to the people from the grassroots before a referendum is called.

Madam Chairperson and Hon. Delegates, I have been strictly instructed by the people of Nakifuma to uphold the need for a referendum after the five years. therefore, beg you to consider this one seriously so as not to deny the people of this right.

However, they suggest that a Code of Conduct of all parties should be worked out and civic education should be undertaken in order to afford equal oppor-

tunities to Ugandans to understand the ideals of parties/movement politics. The period will enable political prostitutes to find their levels.

Madam Chairperson, on the question of the Army, they advocate for a small well-equipped, trained and professional army with a nationalistic out-look and orientation. The people of Nakifuma say that it has been the misrepresentation and mispresentation of the army that has been the cause of its discontent. They therefore, strongly support the representation of the army in the Parliament.

Madam Chairperson, the people of Nakifuma attach great significance to their cultural values and traditions. They therefore, appreciate the initiative taken by the NRM, Army, NRC and the President of Uganda in restoring the institution of traditional rulers and the return of the property that had been confiscated.

Madam Chairperson, the people of Nakifuma strongly question the inclusion of such an important area that had bred discontent since 1967 in the General and Miscellaneous Chapter. They would admire to see Article 279 of the Draft Constitution being incorporated as a full chapter with the Constitutional (Amendment) Statute, 1993 forming the basis of this Chapter. They say Article 279 is unsatisfactory, inadequate and therefore, questionable.

Madam Chairman, on the question of land, the people have no quarrel with the existence of the Uganda Land Commission for the land vested in the Central Government but they also strongly advocate for Local Land Boards at district or sub-district levels for proper and efficient management.

Freehold and Mailo Land tenure systems should be guaranteed to ensure collateral security for securing loans for rapid development.

Landlords should be taxed to ensure proper use of land. Customary tenants should be given the right to lease their land so as to guarantee security of tenure. Modalities to effect this may be worked out by Parliament.

Madam Chairperson, for minerals identified in individual land holdings; Landlords and Local Governments should be given part on the returns. They, therefore, call for an appropriate amendment in Article 276 of the Draft Constitution and the abolition of the 1975 Land decree.

Madam Chairperson, my people have no objection to the existence of the National Council of State but they suggest that its composition should be revisited by the Hon. Delegates of this House. This is required for its advisory roles and checking the excessive powers of the President. Such a Council may be related or similar to the present NEC which is a creation of the Parliament.

Madam Chairpersons, all my people support Chapter I which vests all powers in people.

Madam Chairman, on the President, my people stand for a president elected by all people who should reign for five years and not exceeding two terms of office. The president should not hold any Ministerial Portfolio, they emphasized.

Madam Chairperson, the people of Nakifuma say that all Ministers must have the mandate of the people and therefore, all Ministers should be identified from the Parliament; they would wish to see a system that affords even backbenchers an opportunity to Ministerial portfolios.

Madam Chairperson, I have been strictly instructed by the people of Nakifuma to request the Hon. Delegates to ensure that all special interests groups that have participated in the Constitutional making process should also be represented in the Parliament. And the representation of women and youth in the Parliament should be adequately catered for by this Honourable House.

On citizenship Madam Chairperson, they say citizens should be well defined and clearly documented.

On the Chairman of the Electoral Commission, Madam Chairperson, they disagree with Article 85, Sub-section 2 which gives monopoly to the Members of the Legal Profession. They therefore, say that the Chairman of the Electoral Commission should not be determined by profession but by sound mind, high moral character and high integrity regardless of the profession of a person.

Madam Chairperson, I have been instructed by my people to request this House to ensure that the Leadership Code of Conduct that has been sidelined by the Parliament is entrenched in the Constitution.

And that the powers of the electorate to recall inefficient Members of Parliament should be pro-

vided for. Therefore they concur with article 136 of the Draft Constitution.

Madam Chairperson, the people of Nakifuma suggest the introduction of Constitutional teaching on the School and institutional syllabi so as to jealously guard against all odds that may undermine the Constitution.

Madam Chairman as a freedom fighter who had a justified cause to fight in order to respect human rights, I would have denied myself justice if I don't comment on the security situation in some parts of the country.

Whereas over 3/4 of the country are enjoying peace, it is appallingly unfortunate for some Leaders to opportunistically sit on the fence while most of the innocent peasant have been robbed of their lives and property. I must note with displeasure the acts of terror perpetuated by Kony and flanked by people who have undertaken it as dark design to grab power at the expense of people's innocent blood.

Madam Chairperson, I must ask here now why is there war in Gulu and Kitgum when people in Kumi, Soroti, Lira, Nebbi and South are enjoying peace?

Why should people shift the blame on the NRA and the Government as if it is not the same force and Government which are responsible for the prevailing peace in other areas?

Now is the time to put our forces together to crush the forces that have violated human dignity without mercy.

Madam Chairperson, I would like once again to call upon the Hon. Delegates to deliberate on this important document in the spirit of brotherhood, reconciliation, tolerance, accommodation and appreciation with a clear sense of justice in order to make a Constitution which is in harmony with all the regions and nation if it is to be upheld at all. I thank you.

MR. MAYANJA.NKANGI (Conservative Party): Madam Chairman, and hon. Delegates we are elected to this august Assembly to perform a very important function for our country, namely to promulgate a new Constitution. It is a great honour. I for one feels very honoured. For some us who have had almost a full decade of crusades and agitation it is our

concern that we debate constitutionalism, with the Rule of Law as a process for Government, with a view of indulgence and determination. Authority of power must be a balanced, checked and contained phenomenon. This is the first part of my constitutional statement.

The Conservative Party strongly maintains the position of federalising power like that of the union that was first in Buganda, at Old Kampala in April, 1894. Mutesa I and Muwanga came into this in their own ways. Both of them...

A HON. DELEGATE: Point of clarification. May I get clarification from the hon. member in what he means by federalising power. In my view I think all we are trying to do is decentralise power. Can he clarify further on that?

MR. MAYANJA-NKANGI: The state exercises power in different ways.

On the democratic process of representation of the people, free fair and regular elections based on universal Adult suffrage and secret ballot, should be held.

The Chapter on women and children is special interest groups, we do not accept, Madam Chairperson. I would like to say that really the constitution should not provide for just groups. It should provide for citizens, it should not provide for gender, let every citizen have equal rights under the constitution. And to this list the party will add unity, solidarity, desirability, and the inviolability of the state of Uganda.

In principle it is the right of the sovereign people of Uganda to vote in referendum on a continued movement system of government or political Party system. Both systems derive from the freedom of association which right of freedom in society is an inalienable right. Both the movement and the political party systems are sweet delivery systems depending on their relative efficiency in promoting the only justifiable objective for their existence, and this is promoting good governance of the people of Uganda. Each of these systems has an independent justification apart from its stability and effectiveness in delivering for the public good. Consequently the people who are the consumers or beneficiaries can easily decide for one system or for the other by a referendum. We conservatives maintain however,

that such a referendum must be preceded by unrestricted public debates on the merits and demerits of the systems.

On the question of five years or any other period of broad based government, our position is this. That judging from what we see, from what we hear, we judge that getting the people to go into an election based on manifesto political party systems, full blooded, the people will not really be ready for it. *(Applause)* We do not want to press any section of the society; if they are not ready give them time. For that reason, we say alright, the broad base system of government should continue for the next five years. *(Applause)* And there is another reason for this, Madam Chairperson, that is the stability of this country is a basic requirement, a basic prerequisite for investors to come here. We want stability. The appearance of it, or its continuance, we want it for next five years. *(Applause)*

Madam Chairperson, let me talk now about the rights of political parties to exist. The Odoki constitution provides for the freedom of association; and therefore, I can not see how for the worth of us, we can stop association of political parties. So that is the first point. Secondly, by definition broad baseness must refer to different kinds of opinion, different thinking; this is going to constitute the broad baseness, and therefore, again by definition it can not rule out associations of people, to call them political parties. Now what is a political party? A political party is an organization which specializes in governance. That is all. Just like a company, they allow competition. We must allow competition in the governance of our country. The political parties should be left to exist. I have heard here with dismay all sorts of reasoning of the nature that because of this and that, therefore Political Parties are bad. Some one says: because under Amin, because under Obote, they did such and such, the UPC is bad, therefore political parties per se are bad. I ask the question on the behalf of the conservatives. Who was Amin? A Kakwa, a Moslem, a man west Niler, a soldier? Are West Nilers bad? Are all Moslems bad, are all soldiers bad, what can we argue? We cannot say therefore, that because one political party did something so and so, therefore, necessarily all political parties are bad. *(Interruption)*-

THE VICE CHAIRMAN: I can see a hand -

MR. MAYANJA NKANGI: If it is not a point of order, I will not take it. I do not have much time, sorry. This argument you see, that we should be careful to distinguish between operators and institutions. And we should be careful not to shout at people at any one time? If we had stopped Mr Museveni then, not me but those people in power then, where would you have been now? We must let people speak, let people organize, let people think for themselves for a better position. And therefore, on political parties, let them be there but for these next five years they should be allowed to operate to get Membership, to organize, to speak their minds, to disseminate their principles, disseminate their promises in that time so that after about four, five years when the time comes, then we can have these parties known, their thinking known by the people. They are saying give them time to recover, give them time psychologically to be able to adjust and then they will come.

Now, the last point I want to make is this. That some actions under the present system are imperfect. How? We stand as people, one person here says this - and every person is a manifesto, and people only elect men or women to the National Assembly. A perfect democracy must also allow the electorate to vote on programmes so that they do not only vote on people. This is why political systems are good, they allow competition so that people in Kabale can say this group has got this type of manifesto and the same people, the same manifesto goes to the whole country. The people of Uganda then can say, this group is better than the other. So this is an imperfection. But it is a necessary imperfection at this time because we need to proceed, to progress for the time being. And I want to finish by saying this. That in this Assembly we have to be very careful with what we say, with what we do so that we do not seek to open only wounds but to heal them so that we seek to instill mutual trust and confidence rather than rivalry and suspicion; that we tend to take extra care to reconcile and accommodate, rather than to irritate each other. Thank you, Madam Chairperson.

LT COL. ODONGO JEJE (N.R.A Delegate): I am called Lt. Col. Odongo J.J. Correction, the Odongo has an O at the end and the J.J. are not initials, it is Juliet Eko, Juliet Eko, not initials. Madam Chairperson and hon. delegates if we should appear to routinely and repetitiously congratulate you, please do not tire or bore. We are simply doing so, to emphasize the fact that we are deserving of those positions which we now hold.

In the course of the general debate a number of comments have been about the National Resistance Army. I will now briefly comment on some of these comments. One of the comments that have been raised about the National Resistance Army was one that was raised by hon. Alice Oryem Akabo in her contribution, to the effect that the National Resistance Army is perpetuating the war in the North, and according to her because of the fat, operational allowances the National Resistance Army is getting. To me what hon. Oryem is in effect saying is that we in the National Resistance Army enjoy war. Hon. Chairperson and fellow delegates, we soldiers are human beings, we laugh, we cry, we eat, we die like any other human being. When there is war, people die, either side. Is the hon. Member therefore, suggesting that we in NRA like dying? That we in NRA enjoy crying, that we in NRA enjoy burying our dead? The National Resistance Army's presence in this Assembly has been looked at with a bit of suspicion: it has been suggested that you should continuously look over your shoulder lest the army pounces on you. Let me take this opportunity to assure all, that we in the National Resistance Army have good intentions. I mean well; we shall always remain pro-people. *(Applause)* Therefore, only those who have anti-people motives may have crossed to look over their shoulders once in a while to see if we are there or not. *(Applause)* It has been suggested that the National Resistance Army delegates are hand picked. Those holding that notion are demonstrating a complete and total ignorance of the workings of the National Resistance Army. The manner in which certain NRA delegates were elected was very democratic, perhaps more democratic and transparent than the manner in which the whole CA delegate election exercise was carried out. How many Generals and Brigadiers and Cols. are in the National Resistance Army? How many of those high ranking officers are here with us today? You should therefore, ask yourselves, why is Lt. Mayombo among us and not the Generals, Brigadiers and Colonels. *(Applause)* It has also been implied that the National Resistance Army is not National, and by this implication they really mean tribal representation in the National Resistance Army. The issue of nationalism is not an arithmetic question. It is a matter of character more than anything else. *(Applause)* It is possible to have an army of only one tribe but which by character is National. It is also possible to have an army of all tribes in Uganda equally and proportionately represented but which is not national. All tribes are represented in the

National Resistance Army in significant numbers and the National Resistance Army is certainly not anti-people. NRA is arithmetically and by character National. It has been said before, but let me say it again if only to emphasize the point that the National Resistance Army will accept and support whatever constitution the people of Uganda will democratically agree upon. *(Applause)*

Having said that, some one will may then therefore, ask; if that is the stand of the National Resistance Army, then what are the 10 of you doing here?

There are two reasons. The first reason is a learning process for us. It is common knowledge that for quite some time and may be even up to now the army has been synonymised with a reservoir of fools, failures in life; the last place a gentleman or a lady would want her son or his son to go to, thus the derogative name in one of our local languages "AbasiruKaale."

The second reason, why we are here is that, we have really been looked at with suspicion, that is why you have for example heard the notion; "Soldiers should not get involved in politics." "Barracks should be far from town", in some Zoo like areas as if soldiers are a special species apart. We are therefore, here to break these hang-overs, to mix and associate with you, to appreciate your difficulties and problems so that we in turn can make our contribution to the process of arriving at a democratic pro-people constitution. *(Applause)*

During the period preceeding the CA elections and the inauguration of this Assembly, various utterances by very important persons I must say, were a cause of great fear to me. Fear that the Assembly will turn out to be a battlefield in the sense that there would be myriad of divergent views. Happily and especially after listening to the contribution of hon. Otim Ogwal, hon. Robert Kitariko, hon. Prof. Apollo Nsibambi, hon. Mayanja Nkangi to mention but a few, my fears are now turning out to be rather unfounded. *(Applause)* With the exception of fine tuning on a handful of issues, there is really a general consensus in my view. *(Applause)* Let me therefore, now turn to these handful of issues in the hope that what I will say or what I am about to say will help all of us to come even closer together.

Nobody has yet come out completely opposed to the substance of chapter (3) of the draft constitution. All that I have so far heard are reservations about the

length, applicability and the like. Let me point out that perhaps without the substance contained in that chapter, the whole exercise that we are now involved in might be without direction and therefore, futile. Granted. The chapter as presented in the draft is too long, too detailed, and therefore, in the that respect in my view rather limiting. I would definitely therefore, be happy we retain the substance either in preamble or appendix form with a saving Clause of its non enforceability in courts of law. Most delegates have dismissed the idea of the National Council of State; hon. Njuba perhaps has been most emphatic of all in doing this, and that leads me to wonder whether we delegates are really all equal, especially when some of us use our privileged positions which entitle us to certain information, use that very information to undermine the exercise we are not involved in. What hon. Njuba did, to me, is tantamount to what is colloquially called hitting below the belt. Let us try to understand the spirit under which a National Council of State was smuggled in by the gang of 8 wise men. In a situation where the executive and legislature disagree, there is danger of grid lock of paralysis. It was therefore, hoped that the group of elder statemen, old wise men, the envisaged National Council of State, would mediate. In view of the fact that the legislature is Supreme, my difficulty arises, to what would happen should the National Council of State take a decision say which is pro-executive, and anti-legislature. If the legislature rejects the decision and since the National Council of State has no legal basis, the decision would therefore, not be binding on anybody. In this respect, the National Council of State would turn out to be a redundant organ, and a waste of our meagre resources. I therefore, ask, why such a white elephant? *(Applause)*

The virtues of federalism as a system of governance have been articulated perhaps most vividly by hon. Prof. Apollo Nsibambi, and definitely most emphatically by hon. Nsubuga Nsambu. We have been told, Federalism is working in the United States very well, it is working in Germany extremely well, and it is working in India perfectly well - true. However, I wonder are these States, are these Nations comparable to Uganda in most or if in all respects. Interestingly, apart from Prof. Nsibambi, the majority of other delegates so far pushing for Federalism come from within Buganda and not the rest of Uganda. I wonder why. Following certain remarks already made in this Assembly, I certainly hope we are not being entertained to the story of the Arab and the camel.

MR. SSEBAANA KIZITO: Point of information. The speaker, Madam Chairperson has been wondering why most people from Buganda are asking for Federalism. The reason is simple, all the electorate in Buganda asked their delegates to come here and ask for Federalism.

MR. LUBEGA: Point of information. I would like to inform the hon. Member holding the Floor that out of 596 memoranda from Buganda as analyzed by the Odoki Commission more than 530 proposed Federalism. So it is not surprising.

LT COL. ODONGO: Thank you very much, Madam Chairperson. I really thank the hon. Members for pieces of information that they have given; all I can say is that what they have really said strengthens what I have already said. I would like to remind hon. Delegates, especially from Buganda championing this position that the rest of Uganda has looked up on Buganda with jealousy supposedly for their advantaged position Buganda has enjoyed from the colonial period hitherto. Right or wrong this is the position. As we all know jealousy breeds animosity. Is this the kind of relationship my Colleagues from Buganda would like to forge between themselves and the rest of Uganda? For their own sake and our own, I hope not.

With 90 per cent of our population comprising of the peasantry, perhaps the single most important economic resource in their livelihood is land. Whichever land tenure system we shall adopt is therefore of significant interest and importance to them. We have heard the virtues of mailo land, the supposedly stronger attachment people have to *Busulu* and *Envujo*. In the rest of the world today people are pushing for modernisation; we in Uganda who are pre-industrial also aspire to advance. The constitution we make should therefore, be in consonance with our aspirations. That being the case, I wonder why at the end of the 20th century when the rest of the world is advancing, some people in Uganda renowned, academics and social scientists at that, are pushing for a return to pre-20th century feudalism, the very negation of our aspirations. We should...
(*Interruption*)

MR. KOMAKEC: Point of information. The information I am trying to give to the hon. Member on the Floor is that Feudalism is not equitable with Federalism, the point he has just made. And secondly when people are giving their point of view on

Federation, the majority are coming from Buganda. I think it is the question, may be it is historical in that the Uganda population in Buganda have tested federal - the exercise of federated power. And the rest of the country may not have tested it, or it is unknown to them. So, Madam Chairperson this one does not rule out the benefits of the Federation because what Ugandans have suffered, the Ugandans have suffered under unitary government, has made us where we are now today. Why you are sitting here and it is not true that all the questions are coming from Buganda about Federation. I understand Mr. hon. Somebody from from Bugisu, I think hon. Nabudere advocated for the Federation. So Madam Chairperson, it is not true that it is only Buganda which is clamouring for Federation. We have had enough of unitary that is why Federation. Thank you.

LT COL. ODONGO: Thank you, Madam Chairperson. I think in future such divergences should really be restricted because I believe some of us really want to be heard or seen to be talking. (*Applause*) We should argue, Madam Chairperson, for a land tenure system that is progressive, encourages production through security of tenure and gives to the producer full benefits of his or her sweat. The type of the people's representation in future is perhaps the one area which so far has drawn greatest interest in the manner in which debates surrounding it has been most lively. Interestingly and to my greatest relief, unlike my earlier fears, all of us are agreed about our people's need for democratic governance, about the need to improve our people's plight through enhanced development. All that we are now really grappling with, is how we go about achieving this. Some of us are saying multi-partism is the way out, others on the hand are saying 'oh no, not at all, let us go the movement way!' To both and to all I say wait and listen to this. In the western part of Soroti District there is a village bordering Lira District, this village is called Okude. I came from this village. There are about 90 homesteads in this village. 99 per cent of the people are protestants, 1 per cent are catholics. In the 1960s when parties reigned, 99 per cent of the people in this village voted UPC. The one percent who voted D.P. comprised my brother-in-law, my sister and their children and two other homesteads of catholics. As I grew up in 1960s, I was not allowed to visit my brother-in-law or my sister nor was my brother-in-law welcome in our home. At the local beer parties, people coined songs to ridicule DP. In fact if the local brew *ajon*

was not so good, it was called DP! One day in 1971, immediately after the coup, I jokingly and naively told my father, it was after all good that Obote was overthrown. Not that I knew what I was talking about, I simply did not care less, I was just a kid. My father reacted by wanting to beat me, only my little legs saved me. He then promised never to pay my school fees, and so I completed my education through charity. For the rest of my village mates, their one and only pre-occupation was there salt, did they have sugar, was soap there? The *ajon* which was DP had mysteriously disappeared. Come 1980, and again the DP *ajon* appeared, since 1986 our village has no longer got two chairmen a UPC chairman, and the DP chairman. We now have only one RC chairman. Between 1987, and 1990, the pre-occupation of the inhabitants of people of Okude was running away from the rebels and cattle rustlers. In 1988, my father was killed by the rebels. People were in hiding to afford him a decent burial. But the National Resistance Army detach at Okude Primary School gathered the people they could, provided whatever assistance they could, including burial materials and together with the local people buried him. I thank them. Today my brother-in-law who was never welcome at our home is the one who takes my mother to hospital and any of us who would like to go to any village meeting or anywhere for that matter. When we talk of governance, I want to believe we care about the lives of simple villagers like those from Okude village. (*Applause*) If so, let us ask them how they wish to be governed. Madam Chairperson, and hon. Delegates, my guess is as good as yours which way forward they see. I thank you all for listening to me. (*Applause*)

The Assembly adjourned for Lunch and resumed at 2.45 p.m

MAJ. GEN. TINYEFUZA (NRA Delegate): Maj. Gen Tinyefuza (NRA Delegate): Mr Chairman, Hon. delegates, my constituency is very well known. say a very controversial constituency. Mr. Chairman, according to what has been said here if you listen to some of the speeches, some tend to portrait as a monster, a devil incarnate but others and I am happy to note like the likes of Hon. Ben Wacha, they know it as a God sent institution. I think this is a wonderful thing. (*Applause*) Mr. Chairman, this institution has more or less trial in this house. I therefore beg your indulgence Mr Chairman, to grant me more time to do justice to this institution of the military. Thank you, Mr. Chairman.

Mr. Chairman, Fellow delegates, It is generally perceived and I agree that, of all the riches of Human life, one of the most highly prized by human beings is freedom. The more of it we have, the more we are able to obtain the satisfaction of our other desires. In this sense, freedom is the first requirement and over the long history of human kind, people have shown an astonishing willingness to risk anything, even life itself in order to be free.

Thus, to me Mr. Chairman, this occasion, our sitting here to chart a new course for Uganda is in a way redeeming of a debt to the men and women of this Country who fought and died for creating and preserving Uganda. What we shall achieve here will be a way of saluting their contributions and acknowledging their suffering and sacrifice;

Mr. Chairman, a struggle takes many forms, but it is one and the same in substance. I want to pay tribute to all those gallant sons and daughters of Uganda, our great strugglists and ancestors who ably forged and protected all the political entities that make up Uganda today. Men like Kabarega, *Kabaka* Mwangi, the Acholi chiefs and their people who resisted the British in 1911, to the likes of Fred Nkurungas, the Kagwa's of Uganda, the likes of Late Agello Okello who convinced his friends to abandon rebellion in the North so as to return sanity to this country.

To the thousands of gallant citizens in Luweero killed in the struggle for justice, and those thousands of Gallant citizens from the North of this country who have lost their lives, limbs, lips at the hands of Unholy Spirit thugs. To the hundred of the gallant citizens from Eastern Uganda, especially innocent RC officials who were murdered by the Forces of terror and confusion in the late 1980 and early 1990s.

To you fellow Delegates, and to all Ugandans who have lost their dear ones in these National "struggles, hear these words of wisdom from Abraham Lincoln. I quote: "It is rather for us to be here dedicated to the Great task remaining before us, that from these Honoured dead we take increased devotion to that cause for which they here gave the last full measure of devotion; that we highly resolve that these dead shall not have died in vain; that the nation shall, under God, have a new Birth of freedom; and the Government of the people, by the people for the people shall not perish from the Earth".

Therefore, Mr. Chairman, fellow Delegates, may their shedded blood immortalise this Constitution we are about to make and in turn may their contributions be immortalised by a stable posterity.

The Constitution: Mr. Chairman, to me a Constitution is basically about one thing: Of course there are many others, but I want to stress what I consider cardinal and that is, how people can establish necessary power for those governing their affairs without giving away too much. This Constitution in the making if it is to last at all, must establish a clearly thought out form of National government, clearly define the right and liberties of our people. It must clearly state the aims for which leaders must exercise power and the methods of achieving them. But taking a leaf from our turbulent history, this Constitution must establish a balanced National Government and strong local Governments. In summary on this point, James Madison at times referred to as the Father of the American Constitution said, I quote, "In framing a system which we wish to last for ages, we should not loose sight of the changes which ages will produce".

Thus, this Constitution should be designed to serve all interests of our people, the rich, the poor, the Northerners, the Southerners, Federalists, republicans and Monarchists alike and above all, the suffering masses, the silent majority, the peasants of this country.

Political Systems: Here I will deal with Historical Aspects and the political question which will touch on issues like the Buganda question, the Northern question, Southern question and neo-colonial political systems. Mr. Chairman, since this debate began, I have heard with sadness many members of this Honorable Assembly taking a lot of their time apportioning blame. Some blaming political parties, others blaming Movement, others blaming Obote, Amin, Muteesa or whoever they can use as a punching bag.

To me, honourable Delegates, to do so is just to miss the point to say the least, Why? First of all Mr. Chairman, and fellow Delegates, every member here must with pains admit that: among the things bequeathed to Africa by colonialism are the modern geopolitical independent States of Africa. Uganda inclusive. That Uganda as a modern state as it now appears like many other African Countries is a creature of colonialism maintained and perpetuated by colonial forces as evidenced by many revolts

against it. The 1911 and 1914 Acholi rebellion, the 1891-1899 wars between Kabalega and the British, the 1890s rebellions by the *Kabaka Mwangi*, the 1945 *Bataka* rebellion, the 1953 exiling of the Late Sir Edward Muteesa. The declaration of independence by Buganda in 1961 and clashes over the Bunyoro lost counties and many others. All these were suppressed by the colonial monster and after the exit of colonialism and its replacement by neo-colonial masters, the status-quo was maintained by deceit, oppression and out right war.

Many leaders come here and shout about Ugandan nationalism, Kenya nationalism etc. etc. I want to inform them Mr. Chairman, that the birth of Nationalism on the African continent was not, I repeat, was not the result of a positive feeling of identity with or commitment or loyalty to the new Nation States like Uganda, but rather, in cases like of the Baganda, Banyoro, the Kikuyu, the Zulu and many others it was a negative sentiment, generated by a sense of anger, frustration and humiliation caused by the oppressive, humiliating and exploitative measures introduced by the colonial rulers. To, them it was lack of identity. Should there then be any surprise that with the overthrow of colonialism, that artificial feeling was quickly lost and degenerated into hatred and civil strife all over Africa? Therefore to me Mr. Chairman and Hon. Members, especially us assembled here, our main task is to realize, as African leaders, that we need to replace this negative feeling with a positive and enduring feeling of nationalism. And the only way to do this, is first and foremost to realize and accept one fundamental Factor. That Uganda as a modern geo political independent State was a creature of colonialism maintained and perpetuated by colonial might and kept together after independence by deceit, unholy alliances, oppression and even outright war.

Once we accept and fully grasp this fundamental truth, unfortunate as it may be, we should ask whether there is any qualitative superiority either politically, economically or even in social organisations of these neo-colonial States, a struggle against neo-colonial politics and economics? It is sad to hear people saying the problem is the North, or the problem is Buganda. All this is nonsense, if anything Northerners have suffered more than any other tribe in this country and the funny thing is that they have been killing each other. Amin vs. Okoya, all were from the North. Amin massacred the Acholis and Langis. In 1980-1982 Oyite Ojok massacred the

people of West Nile. In 1985 the Langis were fighting with the Acholis; excesses of Ojuku in Lira are well known. The atrocities of Lakwenas against their own people are well known. So where were the Southerners in all this? The Baganda have had more than their share of suffering, brought by political betrayals by Baganda themselves, like against Muteesa, you hear wars between cousins, the ltesots and Karimajong. There is no tribe in Uganda that has not suffered in this bloody neo-colonial era. And therefore it is wrong to approach the Uganda political problems from Regional versus Regional hostilities.

In fact Uganda, at independence in 1962 was glaringly a country in jeopardy. The colonial supremacy of coercion had receded leaving a whole lot of confused belligerents facing each other. UPC and KY had entered into an unholy alliance characteristic of the colonial manoeuvres which had born and nurtured these neo-colonial sharks. Religion and tribalism had been entrenched into the political system in this country characteristic of the colonial legacy of divide and rule. Muteesa was required by law to sign the dismemberment of his own kingdom by transferring current day Kibale district to Bunyoro. Muteesa was both *Kabaka* and President of Uganda, the two roles contradictory to each other both in form and substance.

The Army of the independent Uganda was still the colonial Army trained and equipped to suppress native revolts manned by colonial officers, only that these were more stupid than the colonialists themselves and of course they were black! I therefore think that the 1964-1966 political turmoil had built up like a sea wave. What could have been avoided was the crude manner in which it was handled; Obote handled it, crudely, impatiently, vindictively and maliciously. Basically because he was not equal to the task of building consensus. But of course also Muteesa failed in his historical role to unite Uganda. And this was a fundamental failure on his part. Muteesa had an edge over other leaders of that time in that he was leading a more organised group assisted by colonial preferences and in an advantaged economic leadership at that time. His popularity by 1955 had reached such level that he could have been a saviour for Uganda. At that time, the *Kabaka* and his group were in effect Kingmakers. The only problem was that instead of making Kings they ultimately un made them.

You have known the late Sir Tsete Khama of Botswana, he was a traditional leader like Muteesa and his people constitute 85% of the Botswana population. But at the time of independence he had such moral authority to be President and unite the country. But he could not do so if he was King of Botswana because his roles would conflict. Hence he abdicated the throne to a lesser fellow and offered himself to Botswana. Botswana has been the most peaceful country on the African continent and the only country on record with financial reserves in Africa.

Therefore Muteesa also made his mistakes. No wonder when I come to the so called political parties, I will show how wrong many politicians who just sing how bad political parties are. That the problem of Uganda had been political parties. What hypocrisy and lack of analytic understanding -(*Applause*)- political parties have had their own problems and I will point them out but they have not been the only problem, not even the main problem to me.

The last parties I have heard ended in 1964. Definitely it is absolutely wrong to call the State of affairs that pertained in 1966 and thereafter as multi-party politics. The Ministers Obote detained in 1966 were all UPC ministers. Actually what has been in Uganda since 1966 was just a mixture of confusion, ignorance and most part total madness. We just had military juntas and Drunken Despots. I want to be clear Madame Chairperson, that in any system which abolishes or is without adequate structures and institutions and transparent rules of transacting business, and by the way even a Movement type inclusive will ultimately all tend to run off with themselves. (*Applause*) Monarchs become despots, Aristocracies normally would divide into factions and the one gaining ultimate control would form itself into a tyrannical oligarchy and even democracies can degenerate into anarchy which in turn do give rise to a despot. I want to submit that what we have had in Uganda can not be said to be multi-party politics. Multi party politics connote democratic rules, sanity and genuine completion. They have clear ideologies. So it would be unfair to upgrade these theatres of confusion DP, CP, UPC, Liberal party, UPM, as political parties at best (*Applause*). These have been tyrannical oligarchies of the most backward African elites for lack of a worse term.

Neither is the military solely to blame for its intermittent interventions into Uganda politics. To my knowl-

edge, Honourable members, the army intervenes when and takes advantage of a breakdown in the political systems in the country and the same would happen again if this country was to degenerate into Anarchy. Hence once democracy breaks down, the political institutions don't work, it becomes wishful thinking to suggest that the army or any other organised group may not take advantage of the situation and intervene. I will deal with this point later but suffice it to say that even the army can not be blamed for all this past turmoil. For instance let us briefly observe the state of affairs immediately before all the military take-overs in Uganda. The first was in 1966 when the army was officially pushed to the centre of political stage ordered to bomb the President of Uganda and to kill on sight the President of Uganda, an embodiment of Constitutional rule in this country. Buganda Government had ordered Uganda government of which the *Kabaka* was also the Head to move from Buganda etc. etc. So the 1st Military takeover was led by Obote in 1966. In 1971 Uganda had almost gone to dogs. Law and order had broken down, political killings, conspiratorial politics were the order of the day.

Baganda had shot and tried to kill President Obote at Lugogo. The 1962 Constitution had been abrogated, Amin had tasted royal blood when he stormed Muteesa's Palace, Obote had banned parties by 1969. There was general disenchantment in the population. And when Amin came, to any reasonable man, there should have been no surprise.

Then came 1979, I don't need to repeat what had happened, I think we all had our plates full to forget, so when the Tanzania Army supported by different Uganda exile groups came in, there was a sigh of relief. The Army intervention to many was a salvation,

Then came 1980, when Muwanga and his Military junta deposed Binaisa. The country had just become ungovernable, people were dying in thousands, atrocities in West Nile were incredible. The Moshi spirit had gone to hell. The Tanzanian troops here had taken sides in the politics of the country: to summarise the situation, chaos was in charge. Thus when the military commission seized power, there was little wonder.

Then came 1985, of Lutwa - There had been a bloody war in Luwero for 5 years which the government of the day could not win, roads had been closed, there were attacks on Acholi officers by

Langi officers as evidenced by attacks in Mbuya which Paul Muwanga Baptised Uncoordinated Troop Movement and when Lutwa took power, no one was surprised.

Then the 1985-1986 NRM Takeover - The country had been virtually divided in two. The internal borders being Katonga River - Kampala was like Beirut in 1970s balkanised between UFM, FEDEMU, UNLA, UNRF, FUNA, etc. Spheres of influence indeed it was a great relief when NRM took control of this then mad Nation *-(Applause)*.

The purpose of my rather lengthy narrative is to show to you Honourable Delegates that apportioning blame is naive. There is a Runyankole puzzle which says *Kaha Keira, Kashangirwaha na Nakabandize aha* (said in English) *who was the original inhabitant*. It is normally difficult to point out who the original inhabitant was, at best they all came at the same time.

This I find the same in the faults of our Leaders, parties and armed forces. There are all to blame and now our task should be to determine whether we should have a Movement type of Government. Which encompass all shades of political opinions or political arrangement where the winner takes all.

There is no magic in the names Movement or Political Parties. The magic is in what policy and political arrangement each system offers. So Dear Delegates, I suggest we do not polarize our political discussion on these jargons of Movements or Parties, but whether.

How can we achieve Broad Based Governments in whatever Political arrangement? We may choose, are coalition Governments for instance the same as broad based governments? For instance can we attain political stability in say, a front where all political forces come together over a minimum programme and have a government of National Unity but the individual tendencies keep their distinct political identities. For instance can a movement system be improved upon and opened up further, etc. etc.

On a Referendum: A referendum may actually also polarize this country politically between North and South if not handled carefully.

For instance the majority of Delegates say the movement type of Government continue for another

5 years or whatever number this Assembly may decide, then after these five years a referendum is held on political parties. To me this is a chaotic way of handling things for suppose after 5 years the population decides to go to parties? Which parties are these? I think it would be unfair to hold a Referendum for the people to choose between a dead cow and an alive one. Of course depending on the situation if the people are hungry they may choose the carcass but at least the carcass must be fit for Human Consumption.

So to me, the reasonable compromise would be to lift the ban on political parties within the 5 years transitional period for internal re-organisation alone, so that we know their Leaders, their Programmes etc. And may be new parties also get a chance to come up so that we do not require our people to choose rotten carcasses. This means that, when a referendum is held after 5 years and the people of Uganda choose to go multi party, let them do so fully aware of the parties and know that they have chosen to go to hell.

The Army: Mr. Chairman, and Honourable Members, I want you to know that power, wherever it lies ultimately has to be backed by Force.

Nations need Military Forces to protect themselves against intruders threatening their integrity. They need internal Police Force and Prison services to put down disorder and make people obey the Law - whether these laws and rules are good or bad is more a question of jurisprudence that practical political value.

Fellow Delegates, there is little sense in assuming that Human beings would live together in peace and brotherhood if left to themselves. Take it from me that without physical might any Nation whatever it is worth, would last a short time.

I heard Rev. Father Geotani Batanyendera in his submission appealing to human conscience on the principle of common good. Hon. Rev. Batanyendera that is more a matter of the pulpit, the Rosery and alter wine. What I want to tell the Honourable Delegates is that the world does not run on righteousness, it runs on petrol and for sure you all know what the rules of petrol are all about, at least they are not similar to the Ten Commandments in the Bible. So I want to advise those friends whom I have been hearing including, Professors at the University advocating the abolition of the Army, that Armies are only

abolished by those who are tired of this world and want to go to heaven. In case they are not yet ready to meet their creator, then such talk is not useful.

To me the whole question of the Army revolves around its control and its relationship with the President. The questions we should ask and try to find answers are:

- What type of an Army should Uganda have? Should we have Local Defence Forces or Militias as popularly understood?
- If yes who would controls them? President, Parliament, Local governments or there should be joint control of these institutions?
- Would these Local Militias or L.D.Us be entirely for Local Security or could they be utilized for National Defence should need arise?
- What role would Parliament play in making war?
- Who would promote and discipline Commanders of both the standing Army and Local Militias?
- Who would carry out and supervise recruitment?
- Should there be an Armed Forces Committee of Parliament to assist a President in his task as Commander-in-Chief?

These are the Central issues about the Military and must be answered if we are to have peace in this country. Mark you this constitution is not only for today but for generations to come. Suffice it to say that, I find it strange to find members shy, for instance to say, take away these powers from the President and give them to Parliament. I only want to assure them that they are committing no sin. And this does not only apply to control of the Armed Forces but to all other aspects of public Affairs. We may benefit from the wise words of one of the Fathers of the American Constitution by the names of Langdon who said I quote "i can not understand the jealousy expressed by some gentlemen, the National State Governments are not enemies to each other, but different institutions for the good of the people of America, thus in transferring power from one to the other, I only take out of my left hand what it cannot so well use and put it into my right hand where it can be better used".

So Honourable Members, be free, its your Historical duty to be so and save this bleeding country.

Army: The central issues among others are who should be in charge of the Army? Thus this Constitution should spell out the role of the Army and its control.

The central issues being, who should control the Army?

Who should have the right to put it in action?
Who should tell it who to shoot at?

Mr. Chairman, fellow Delegates, he who models the army may as well use it to set up an absolute Government using an Army commanded by his creatures. And the reverse is also true for example King James II of England was not obeyed by his officers because they had been appointed by his predecessors, not by himself. Thus, a compromise must be sought where for example a President remains a commander in chief. But the top appointments in the Army and such top commissions are vetted by Parliament.

Briefly let me talk about this central puzzle - why do Armies intervene in politics or why does it become easy for them to do so?

Mr. Chairman and Fellow Delegates, as long as these primary societies remain as they are, backward, under developed and with fundamental distortions not only in the economic field but also in the Political and social spheres, the only organised, mobilizable and tangible Force is the Army.

This makes the Army the main player in crises since it is the most organised coercive Force available for Dictators in all these backward countries. But if you take Western European countries where society is more developed and integrated, though these coercive organisations are definitely part of the system, they only play a complementary role which does not expose them to direct involvement. This is because in those developed countries they have other concealed ways which control and influence and help keep the ruling class in power.

Say, the developed power of the mass media which is itself controlled by the ruling class, Power exercised through Parliament. And of most significance is the power of the ruling class over the State institutions of coercion - i.e legal apparatus, the police, the civil services, prisons, government departments, immigration, customs and taxation departments etc. etc. which are all modeled around the preservation of the status-quo.

The Economic power exercised by employers, by Banks, by the industrial monopolies, by the big

Landlords etc. all help to compel people to accept the status-quo in these developed countries. Thus, the Military which in most cases is part of the ruling class is assisted by those indirect coercive organisations of State that they keep in the background. The interesting thing here to note is that in these neo-colonial states of ours the above institutions of State are mere caricatures of decadency and confusion that the army must always be at the fore front if the status-quo is to be kept, for the former are almost non-existent in the real sense.

Then the second problem was the Central place in Third World Countries of Armies:

Another phenomena which has affected the behaviour of our armies in the third world, Uganda inclusive, is the fact that armies were placed in political centre stage due to the part they usually played in liberation struggles. This tended to put them in the role of leadership as the main players which consequently made them disruptive to civilian rule which at times they regard as merely opportunistic basing on their contributions in these struggles. It is this notion that basically in one way or the other influenced the Military mutinies in East Africa in 1964.

Confusion of Post Colonial Era Despots And so Called Smashing The State Theory: Because of the assistance mainly got from the socialist countries, the post colonial leaders fantasized the concept of smashing the State. The concept of smashing the State was identified with the concept of the armed overthrow of the Capitalist political systems and of course in our case it went further to say it was revolutionary not to reform but to smash the colonial and neo-colonial States. Thus this theory became an essential part in the political thinking of our Leaders thus making military action an essential element of achieving change. Thus its not uncommon to hear our confused politicians say that the 1966 military attack on the Buganda Monarch was part of the concept of smashing the old order to replace it with I don't know what? May be with unparalleled corruption in the history of Uganda. *(Interjection)*. Madam Chairperson, let me just talk about what I consider central on this and I finish.

THE DEPUTY CHAIRMAN: And can you say that in three minutes maximum?

MAJ GEN TINYEFUZA: I want to talk about one thing on constitutional safeguard including the Army.

Madame. Chairperson, I have heard many Honourable Members talking about several articles in the Draft Constitution, what magic lies in these provisions I wonder! The other day, I heard Honourable Lt. Mayombo saying that the hitherto upheld interpretation of a successful revolution as advanced by Kelsin in his theory of the Grand Norm be made illegal. All these are good summons on a Christmas day. After all, the Kelsin's theory of the grand Norm and successful revolution up held by our court is not in our Statute Books nor in our Constitutions but they are pronouncements of judges faced with a triumphant armed Junta who cease control and become a hovering menace over these justices of the peace. What other verdict can be possible when the same junta can even suspend that so called Article or throw out the entire constitution. I hope the disappearance and murder of Chief Justice Benedicto Kiwanuka is not yet in a too distant past not to be remembered.

Therefore security of our Constitution lies elsewhere not in legal Jargons put in Constitution Treaties. I can assure you, it is good and healthy to fill our constitution.

With these provisions but believe me they are mostly of psychological comfort than practice relevance. I will try briefly to outline what I consider more practice Constitutional safeguards.

Political safeguards - This places the main responsibility on the Top echelons of the Leaders of this Country. Those in power must possess moral authority, those in power must be committed patriots, people with something to offer, not to be offered. A leader with a capacity to listen to people carefully, take in all they have to say seriously and never insist on his or her ideas even when they are wrong simply to prove he is in charge. A leader must be committed to Democratic principles. Of course when I talk about Democracy here, I am not talking about its narrow perception of pluralism etc. Yes, even those but I am talking of the sanctity of life. There can be no democracy for a dying man, a starving baby, a hungry mother, without a right to education and to decent Health care. As long as leaders treat these as a priority as long as a country has citizens who know they have the attention of their leaders, there is likely to, be less need or justification for anybody to interfere with any democratically constituted institutions for State. Thus where there is no democracy

you can not rule out coupe; and chaos. And democracy means and includes welfare of citizens. Not "the peace of the grave" as Kennedy once put it.

Organisational Safeguards: I think we need to organise ourselves in such a way that one should not be easily tempted to indulge himself in any political or military adventure.

Decentralization and where possible limited Federation is a significant organisational check to abuse of power by the centre.

By providing two controls of power, one embodied in the usual separation of powers controlled at the centre (which can always be easily abused as history has shown) and more important is the second control of power which bases power and government on the smallest possible (viable) administrative unit in which there would be a commonality of interest between the ruler and those ruled. For those governing would hardly pass oppressive Laws because they would be injuring their own interests in any case if you are to talk of civil disobedience, there must be something to die for. For as one person put it, if you have nothing to die for then you have nothing to live for. And it is mainly for fear to Dictatorship of the centre that I support a well thought out and balanced Federal position for Buganda.

The third organisational safeguard lies in adequate political organisation of the so called minority Nationalities of this country. If you study the trend and pattern of instability in this country. I would support a well thought out and a balanced position for Buganda. The reason why I support such a position for Buganda is not so much to appease the Baganda more than checking the excessive and dictatorial potential threat of the Central Government which is the other way around. So it is a challenge for us to cool down and think about it.

My last one will be about Military Safeguards.

THE DEPUTY CHAIRMAN: And let that be the last one because you have been given another fifteen minutes.

MAJ. GEN TINYEFUZA: Okay, madam Chairperson. I am sorry I should leave that one.

Universal military training of all able bodied adult Ugandans must be insisted on.

There must be creation, training and arming of Local Defence Forces known as Local Militias in other countries. I need to spend some little time on this question of Local Defence Forces which members seem not to have taken seriously. If these forces are created and trained and well controlled, they are the most reliable citizen's defence against tyrants. Besides, in time of war, these local militias role is cardinal. The role of the Tanzanian Jeshila Mugambo in the 1979 war against Idi Amin serves to illustrate this point.

How Would These Militias be Controlled? I suggest that the Central Government could make Laws for organising, arming and disciplining the militia and for governing such part of them as may be called for National duty but reserve to Local Governments, - the appointment of the militia Leaders and the authority of training.

That militia according to the discipline prescribed by the central government. With this, these African dictators would be closed in their graves for ever.

Increase parliament role in shaping and monitoring the affairs of the military.

Raise the educational standards of soldiers and political education (not NRM politics as multi parties call it). I mean politics of under development, of democracy, and of the tragedies and hopes of the African peoples, of our achievements and our failures and above all on the expectation and aspirations of our people. Should be taught in all our military schools.

Improve the welfare of soldiers and hang all those who embezzle their funds. The Army must be protected.

Madam Chairperson, I think I have taken enough time. I could not talk about the issue of the Banyarwanda and the language and federalism. Even Sembabule I will not talk about it. *(Laughter.)*

THE DEPUTY CHAIRMAN: But you can distribute that paper to the Members.

MAJ. GEN. TINYEFUZA: Okay, Madam Chairperson. To summarise, therefore, in conclusion, I will feel cheated not to say something about Monarchy. Being a Member of the Army Council which initiated the process, the institutions of monarchies in

some parts of this country, traditional leaders and cultural leaders. I feel that there should be freedom for those people who like these leaders to have them. Actually if even the people of Kasese leaders to have them. Actually if even the people of Kasese and Bundibugyo wanted *Iremangoma* I would have no quarrel at all myself. Likewise if the people in Ankole do not want the *Omugabe* it should be wrong for the *Obugabe* to be imposed on them. But in the same breath if some other people in Ankole want the *Omugabe*, it would be unreasonable to say the least, to deny them of their cultural rights. We are talking about a cultural leader, Madam Chairperson, and of the Banyankole. I detest this idea of cultural leaders of territories as if social life in Uganda is static, as if there are no migrations between districts. Therefore, the law should not require a referendum on my culture. My culture should never be voted on, whether I should eat *Kalo* or not. Government should stop meddling in cultural disputes, that is why there are courts of law. Government meddling in cultural matters of these leaders reminds some of us of the historical episode of UPC-K.Y. alliance. Please save us the agony. Let those of us who want the *Omugabe* have him and let those who do not want him reject him. They should reject him if they do not want him. I hope reason will prevail. Thank you Madam Chairperson and fellow Delegates.

THE DEPUTY CHAIRMAN: Thank you very much hon. Maj. Gen. Tinyefuza. Now I call upon hon. Joan Rwabyomere, Presidential nominee, to take the Floor.

MRS. RWABYOMERE (Presidential Nominee): Madam Chairperson, and hon. Delegates, my full names are Joan Kakima Nyakatura Rwabyomere - Presidential nominee. I ask you to lend me your ears. Thank you.

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

MRS. RWABYOMERE: Madam Chairperson and hon. Delegates, it is my honour today to present before you my comments on the general principles of the Draft Constitution of the Republic of Uganda. I must state from the very onset that I am very glad to be associated with this Distinguished Assembly whose noble task is as stipulated in the Constituent Assembly Statute, No.6 of 1993, to scrutinize, debate and prepare a final Draft of the Constitutional text as prepared and submitted to the Minister by the Uganda Constitutional Commission.

Secondly, to enact and promulgate a new constitution of the Republic of Uganda. Hon. Delegates, if the above task is well and justly performed Uganda as a country and Ugandans as a people can derive peculiar security from this Constitution. This Constitution once promulgated will be the central instrument of the Government of Uganda and the supreme law of the land. It will guide the evolution of government institutions and provide the basis for political stability, individual freedoms - Madam Chairperson, I invoke Rule No.24 (2) which states that when a Delegate is speaking other Delegates should remain silent. (*Laughter.*)

THE DEPUTY CHAIRMAN: Members take note and I had already requested you to observe silence.

MRS. RWABYOMERE: Thank you very much Madam Chairperson and hon. Delegates. This Constitution will guide the evolution of government institutions and provide the basis for political stability, individual freedom, economic growth and social progress. This Constitution will always stay in power to its simplicity and flexibility. Its basic provisions, therefore, must be soundly conceived. I am very mindful of the fact and I hope you hon. Delegates share the same view that the power to making a Constitution has neither been tried nor is easy. I am also aware like the rest of you are that the people who have been empowered to make this constitution, that is ourselves, are of widely differing origins, belief and interests. Our religious beliefs are varied and in most cases strongly held. This diversity has continued to increase as special, regional and commercial groups spring up. Therefore, the problem of governing 17 million people at present in much less developed economic conditions seem enormous indeed. But one common factor we have to realise as the authors of this constitution is that we are building for the future as well as the present. We should therefore remain keenly aware of the need for a structure of government that will work not only in our lifetime but for generations to come. Hence the need to uphold and retain the Article which provides for amending the Constitution when social, economic and political conditions so demand. I repeat that the flexibility of this constitution will prove to be one of its greatest strength. Without flexibility it is inconceivable that this constitution will serve the needs of our people nor will it apply with equal force and precision to the problems of small tribes and big towns. Although no product of human society can

be perfect, foresight to lay the foundation of this country will be tested for many years from now but as I have already pointed out, there are sectional interests to be balanced, differing views to be reconciled, conflicting ideas on the role of federalism but the way to compromise will be eased by the high quality of you Delegates constituting this Assembly.

I would like to state that inspite of representing a wide range of interests, background and stations in life, we are all agreed on the central objective expressed in the preamble to the Draft Constitution.

A brief look at history will review that the cold war between the East and the West to some extent encouraged African leaders to decampaign the spirit of unity in diversity in preference for a clarion call for united governments without respect for diversity. Even modern political thinkers, apart from proposing a democratic government order, have not provided a solution capable of shifting power to both the constituent entities and the centre in a world scheming with diversity. Culture, language, ethnicity are part of our society and must be protected. Countries which hurried in destroying such values are now regretting for having destroyed their cultures for purposes of uniting people on uniform lines.

It is on the basis of the foregoing argument that I would like to state the I strongly support the institution of traditional rulers. The institution is still cherished by a number of our people. Our constitution should therefore reflect the will of the people. It can also unite the people and champion development. We should take advantage of its roots in the people, to develop our country. However, I propose that they exist within a Uganda which is one unitary sovereign state and a republic as stipulated in Article of the Draft Constitution.

I would also like to propose that Articles 279 to 281 on the said traditional rulers which are under Miscellaneous provisions constitute a main Chapter so as to be given the importance it deserves. It is for the same argument, Madam Chairperson and hon. Delegates, that I support Chapter 13 on Local Government and support the policy instrument of decentralisation which is in essence a devolution of power from the Central government to the local authorities and ensures the safeguard of liberties and maximum utilisation of resources. It provides the individuality of approach and flexibility which are essential to the organisation of a progressive society as opposed to too much centralisation which tend to discourage local development initiative and falsify progress.

I now come to the form of government. Madam Chairperson and hon. delegates, the form of government to be adopted in this constitution is not simply a matter of general principle but more or so as a result of a consideration of Uganda's concrete historical experience and specific lessons of her history. My constituency is clearly opposed to the view that today in Uganda access to state power and the governance of society should be based on multiparty organisation and elections or that multi-party politics is a timely, a historical and a universal form of democracy. Multi-partyism would essentially mean the struggle for state power by political parties. Parties, some of which, in spite of thirty years of Independence have never advanced beyond their essentially ethnic otherwise tribal and religious constituencies. In addition to their local partisan constituencies, they are equally specific linkages to foreign interests. Their natural constituencies can only be a basis for dividing Uganda as emergency nation only to be a benefit of the middle class faction in the leadership of these parties. My constituency support a non party democracy type of government which is formed on the basis of concrete social and political organisation, which has a base in Ugandan society and history. This will enhance general political, social and economic stability and indeed serve as a condition sine qua non to create and generate conditions for the flourishing of genuine pluralism. I repeat, for the flourishing of genuine pluralism in all aspects of life, political, ideological, cultural, social etc.

I support a non party democracy type of government which will lay a foundation for a democratic Uganda with the popular forces dominant or at the very least meaningfully participate in or influencing the political, social, economic and cultural decision making process. Other organisations, for example, professional associations, women organisations, cultural institutions or associations and youth organisations; and by youth I mean both employed and unemployed, should be included in this type of system. Other social movements should be included in this type of system. Other social movements should also be encouraged, for instance, some religious organisations, the informal sectors and several issue based organisations subject, I repeat, subject to the exclusion of suspect foreign organisations which come under apparently legitimate cover but with hidden anti-national agenda.

Article 99 of the Draft Constitution prohibits the

enactment of laws establishing a one party state. I could not agree more with this view because for the reasons that I disagree with the views on multi party democracy, I am equally strongly opposed to the one party state and ask me why. The one party state has historically been found wanting and lacking in many respects and for the short time it operated in this country, that is between the years of 1969 and 1971, it was too partisan to be generally acceptable to the excluded Ugandans. In this kind of system, the leaders lack accountability because everybody is beholden to them and Members of Parliament in this type of system will usually not debate in a representative capacity to protect or advance the interest of their constituencies. Furthermore the rights of non party members are in practice completely ignored. There is no safeguard against the abuse of power by the majority and it simply leaves powers to the President alone or together with a few of his Ministers.

In Article 94 the people of Uganda have chosen the political Movement system in existence immediately before the coming into force of this constitution. In the subsequent sub section, the nature of this system is described and among others it requires that every Ugandan is entitled, mind you, not forced, to participate in the public affairs of Uganda. Secondly, the system shall work for the benefit of all Ugandans on the basis of equality. To crown it all, this system shall operate on democratic principles and shall conform to the provisions of this constitution. Today in Uganda, the populace support the political movement system in preference to the multi party system. The Constitutional Commission statistical analysis support this as follows: Of all the Memorandums received, the memorandum which supported the Movement system totalled to 1,299. Multi party system 625, combination system 425, other political system 62. This could have been the appropriate time also to say that this is the time that the Movement system prevailed over the multi party system and also to state that after the elections the Movement system prevailed which just meant that the system prevailed, not that the Movement is a party like the other parties which were in existence.

Madam Chairperson, my constituent support the political movement system because it is national in character and most importantly the majority of the people have chosen the same. It is for the same reason, Madam Chairperson that I support the retention of Article 98 which stipulates that a refer-

endum shall be held to determine whether or not the Movement system should continue in existence or whether the system of representation through political parties should be adopted in place of the Movement. This is because I associate myself with the view that the people are sovereign, they are the ultimate victims or beneficiaries of whatever system we put in place.

So much for the form of government, Madam Chairperson, I now turn to the separation of powers. The idea of separating powers among the various branches of government, to avoid the tyranny of concentrated power falls under the larger category of checks and balances. The virtue of the principle of separation of powers is in the fact that by being limited specialised functions, the different branches of government develop both an expertise and a sense of pride in their roles which would not be the case if they were joined together or overlapped any considerable degree.

Secondly, qualities that might be crucial to one function could be instituted for another. Within this scenario, therefore, once the legislature reflecting the will of the people has rendered its deliberate and fully debated judgement by passing a law, the Executive must firmly carry out that law without favouritism, resisting any self-interested pleas for exception and in the event of an attack by a foreign state, the Executive must have the power and energy to respond immediately.

As for the Judiciary, the qualities wanted there are special as well, not the executives energy and despatch, not to the legislators responsiveness to popular sentiments or his ability to compromise but integrity and modulation and by being appointed for a secure period, freedom from popular executive or legislative pressures. For the above reasons, Madam Chairperson and hon. Delegates, I strongly propose a Presidential system of government whereby the powers of the executive and the legislature are distinct and so is membership so as to ensure genuine and effective separation of powers.

I should wind up my thirty minutes performance by adding my voice to those who have spoken in support of respect for human rights and individual freedoms. I would like to add, however, that we must try to remain a well ordered society so as to reserve our own customs and traditions. There are examples whereby for the pursuit of individual freedom, com-

placency has grown among the young especially resulting to greater demands for western style liberty of the individual. The poor results are very well known to us.

I thank all those who have supported the women issue in this constitution which in essence is a human right question. But I would like to add, Madam Chairperson and hon. Delegates, that the extent to which women in this country are left to determine the affairs concerning their lives and those of their families and the country as a whole, will be the key to the future, not only for the women but for the people in this country. I would also like to say that inspite of the fact that women are a physical majority, we remain a political minority and economically handicapped. Therefore effort should be made or efforts which have already been made continue to be made to achieve total emancipation and liberation of women in this country. To continue leaving women out of the political economic affairs of this country in general and in places of origin in particular is like choosing to slap with one hand. You cannot try that. I would like to share with my female colleagues here that we should look at ourselves as part and parcel of the crew and not as passengers in the struggle for peace, freedom, equal opportunity in this country and I feel like quoting the slogans like 'backward never, forward ever, together we rise, apart we fall', and so on and so forth.

I would like also to comment on the recent -of course, there are those people who are trying to impress the women in this country and tempt us into bigger offices. For example, when hon. specioza Kazibwe was being interviewed she was asked as to whether we wanted a woman president. The same question was put to hon. Rebecca Kadaga. I am glad they answered very well but I should say that we have very crucial matters to focus on at the moment and for us it is not so important to have one woman in one big office; what is important to us is if seven out of ten women can be economically independent, if seven out of ten expectant mothers can attend the ante-natal clinic, if seven out of ten children can be immunised against the five deadly diseases; we shall have gone a long way and if we have achieved a degree of economic independence, political participation at higher level, social emancipation, we shall have arrived and then we can think of those higher offices.

But I would like to add some opportunistic flavour unlike my sister, the hon. Delegate who said that she

is here to get the best out of a bad situation; we should strive and keep together and work together with our supporters including our male supporters to get the best out of a good situation. I suppose, we have got a lot of support, both from the leadership and from our brothers and sisters.

I have deliberately left out of my intervention today issues connected with land and citizenship, national objectives, national council of state because I notice, like my fellow Delegates have pointed out, they will need some amendments to be moved. I therefore have deliberately left them out on my intervention on general principles of the constitution and I intend to intervene on the same during the consideration stage.

Madam Chairperson and hon. Delegates, I thank you all very much.

THE DEPUTY CHAIRMAN: Thank you very much, hon. Rwabyomere. Now I call upon hon. Ruhakana Rugunda, Kabale Municipality to take the Floor.

DR. RUHAKANA RUGUNDA (Kabale Municipality) Thank you very much, Madam Chairperson. I am Ruhakana Rugunda from Kabale Municipality.

I would like to take this opportunity *-(Interruption)*

THE DEPUTY CHAIRMAN: I wish Members on the right could leave the hon. Member on the Floor to make his presentation rather than you having your own small meeting there. Hon. Member you can continue please, I was trying to protect you.

DR. RUHAKANA RUGUNDA: Thank you very much, Madam Chairperson. I would like to take this opportunity to congratulate you and your colleague the Chairman, on your being elected to this important position of Chairman and Deputy Chairman of this important House. I would also like to take this opportunity to congratulate my colleagues, the Members of the C.A. on their being elected or appointed to this august House.

My thanks also go to Justice Odoki and his Commission for the work that they did and I think they did a very good work and I also have liked the regular intervention by Fr. Waligo who was the Secretary of the Commission, for his regular intervention in the press to make some comments on controversial issues. His clarifications clearly shows that he is alert and that he is serious and that he wants the work

that he contributed to, of making a constitution, to succeed. I also would like to thank Mr. Stephen Akabway and his team; I think they did good work in conducting an election in difficult situations.

Let me take this opportunity also, Madam Chairperson, to salute the NRM Government for creating a good environment in which the C.A. deliberations are taking place and, in fact, it is a fulfilment of the ten Point Programme of NRM that brought about the C.A. During this discussion we are in effect implementing Point No. 1 on the Political Programme of the Movement of Democratisation of the country.

Lastly but not least definitely, I would like to salute the people of Uganda who came out enthusiastically and resolutely to elect us to this august House.

The history of Uganda has been very well discussed during the deliberations of this House. All of us know that Uganda is a colonial state *-(Interruption.)* This is just a manifestation of underdevelopment in which we are operating, Madam Chairperson. I was saying that Uganda is clearly a creation of colonialism and that the boundaries of Uganda as we have been told, were changed a number of times in order to accommodate conflicting colonial interests at the time, irrespective of what the people of Africa or what the people of Uganda which was being created, desired. As for one, Kabale Municipality and kabale town until 1914 part of it was in the republic of Rwanda and part of it in Uganda. So really this country is just being formed and we have to do everything possible to make sure that it becomes integrated and becomes viable.

Still on history, the differences that we had during that period were exacerbated and accentuated by the colonial administration through religion which was closely associated with colonialism and also through the political parties which subsequently came about, especially as we approached independence. So what has been wrong with Uganda? My view, Madam Chairperson, is that the problem of Uganda is really a combination of imperialist plunder and exploitation and wrong politics at home. It is a combination of this inter-linked phenomena that has contributed and that it explains the state of backwardness in which we are. The history we have had has been a very turbulent one in the last thirty two years since Independence. This is the fourth Constitution that we are discussing. An average of a constitution every eight years. Madam Chairperson, the making of these constitutions has been a costly exercise in

terms of money, in terms of time and more importantly in terms of life. This very constitution we are discussing now we are discussing it after losing many lives in the liberation struggle and other related struggles. Therefore, we should endeavour to ensure that this constitution we are making now will be a lasting constitution, will cater for the present and for the future so that the people of Uganda can put aside the constitution making processes and embark in transforming their country from a backward state to a modern one.

It is important for us to be clear as to whose constitution this is going to be. Okay, it is true, it is going to be for the people of Uganda but who are they? In the past, the main consideration has been taking care of the interests of the big people and big forces that have been struggling for power. I would like to emphasize, Madam Chairperson, that in our deliberation today and for the few months to come, our focus should be to make a constitution that will take into account the interests of the ordinary person. It must, if it is going to be viable, if it is going to be sustainable, it must take into account the interest of the peasants in Kabale, the cattlekeeper in Karamoja, the small coffee farmer in Masaka, the simsim producer in Lira, the youth in arua, the ordinary trading woman in Kumi and the steel worker in Sembule Steel Mills. It should also take into account a primary school teacher in Hoima, a constable in Kitgum and must take into account a private soldier in the National Resistance Army staying in a *Mama ingiya pole* house. It should be a constitution, Madam Chairperson, that caters for the overwhelming majority of the people of this country.

On specific issues of the constitution, the people of Kabale Municipality have said that their views on the political system to be embarked on are very clear because they have had a very bitter experience in the past. Madam Chairperson, they have been previously sharply divided on religion, in D.P. and UPC; they could hardly eat with each other because of fear of being poisoned because of belonging to different religion and different political parties. They even went to the extent of damaging places of worship, they were harassed by the different security organs and their energies, instead of focusing on development were focused on burning houses during elections, cutting banana plantations and some times burning vehicles and even killing people. They say, Madam Chairperson, that since the National Resistance Movement took over the reigns of power, they

have had peace, they have had stability, they have had free choice in choosing their leaders at local and national level and they have now seen good beginning for economic and social recovery. They attribute this stability, tranquillity and security to the National Resistance Movement and they would like to see NRM, the Movement, whatever form it may take, being given another five years after the promulgation of this constitution.

Madam Chairperson, I am very happy because my good friend, hon. Bob kitariko is here, he is quite a popular man in Kabale Municipality but the people of Kabale decided not to send him because he supported the multi party politics -*(Interruption.)*

MR. KITARIKO: Information. My Colleague knows that it is true, I could have won if he had not decampaigned me on multi party politics but I am a partisan so tomorrow we shall be together in multi-party.

DR. RUHAKANA RUGUNDA: Madam Chairperson, I am very glad to see Bob here because this shows the inclusiveness and accommodativeness of the politics of the National Resistance Movement.

On the question of land, the people of Kabale and I believe the people of Uganda, deeply value land as a great natural resource given to the people of this country. They support the free hold land system so that the people are free to utilise their land as they so desire. They, in fact, demand the formalisation of customary land Tenure. The customary Land holders have had a raw deal. Sometimes whenever there is a project, the land is just taken away and when you try to get some compensation they say "ah! this was a customary land tenure and you did not have a title." The people of Kabale want this formalisation to be done quickly and they also would like a simplified and a clearly decentralised system of title allocations that there is no problem about the ordinary people getting all the right papers for their land.

More specifically, Mr. Chairman, urban authorities and centres have been expanding and when they expand, they grab or they take over land that has been under customary tenure. When you try to ask for some compensation, the usual answer is, now it has been taken over by the government. So we would like to see that people whose land has been taken by urban authorities and other public institutions should be given proper compensation, either by the developers or if necessary by the state.

On Local Government, Madam Chairperson, the people of Kabale Municipality fully support the decentralisation programme which has already been brought about by the Minister of Local Government under the NRM Government. They see this as the real empowerment of the people because RCs have also been under clear mechanisms of empowering the population to take decisions on their own destiny. They do support that the district is a good unit for the decentralisation programme, and they also support the regular and democratic elections at all levels of government to ensure that the people's voice is always heard. There has been a lot of discussion about federal, our views are that we should do everything possible to have one system of local government in Uganda; that if we do not, if we have a multiplicity of different systems, we are likely to find ourselves in problems like the ones that we have found ourselves in before.

The people of Kabale do clearly see the case presented by the people - some people from Buganda like Ssabalangira Mulondo and others, but they still recommend that Buganda as a region should remain there, no one should try to erase it, but that we should still accept a decentralised form of government because the critical point here is to ensure that the population have the power, that the people are deciding (*Applause*). We should leave this war of fighting with words and look for substance, look for what will benefit the people of this country and ensure that their participation and their powers are optimally utilised.

On traditional leaders, the people of Kabale, as you would most probably know, are republicans but they do recognise that people who wish to have cultural and traditional leaders and are ready to sustain them should be free to do so. Consequently, they support last year's Constitutional amendment which restored cultural and traditional leaders.

On the National Council of State, Madam Chairperson, this subject has been discussed; the people of Kabale Municipality support the National Council of State. They support it because it will help in building national consensus on a number of issues that may be controversial. It will also help in the promotion of political consultations which are crucial in a country like ours, which is still forging its systems, and it will also ensure top level representation of marginalised areas or marginalised districts

in top decision making, since every district will be represented in this National Council of State. It will also help in harmonisation between the Executive and the Legislature, and this is not a far fetched issue because we have had previous problems between the Legislature and the Executive; the National Council of State should be able to lend a hand and solve problems when such a clash comes. The National Council of State will also ensure that key appointments have got broad national support, and this will go further to enhance and strengthen our struggle to have a united country.

Another crucial factor Madam Chairman, is that the National Council of State is going to reduce political opportunism and sycophancy, because there will be now a broader section to appeal to instead of trying to please or to sing to one man who may be the appointing authority. I regard the National Council of State as a significant innovation by the Odoki Commission and it should be, in fact, congratulated for it. I do realise that the minister responsible for Constitutional Affairs had a different opinion, but that is really not a surprise; that is merely consistent to the open methods of work and the rights of people to have different views, especially, when he was speaking as a representative from Kyadondo County. The detail - (*Interruption*).

MR. KUTESA: Point of clarification. Madam Chairman, I thank hon. Rugunda for giving me the Floor. I want to be clarified when there is a conflict between the Executive and the Legislature, I cannot understand why Parliament should not be dissolved and you go back to the people. I cannot quite understand why you need an intervening institution rather than the people. Thank you.

DR. RUHAKANA RUGUNDA: Madam, really going to the people is not as easily done as hon. Kutesa has put it; it is a very expensive affair - going to hold elections. If you can solve a problem at a different level without having to go to a national election, that would be a reasonable option. It is also important to highlight that during discussions about appointments, Members of government will not be attending these very meetings.

Now, on the question of the Executive, Madam, the people of Kabale Municipality would like to see members of Cabinet appointed from Members of Parliament. They think this is important because it is crucial to have in government people who have the

support and the mandate of the population; people who have roots in the countryside. They also think these will also again help in reducing opportunism and sycophancy because if one is sacked from being a minister, because he has taken a principled position, he has political base; he has his constituency and he will continue representing the people, but if we are to depend purely on being appointed by the President, the tendency is that you will be hanging there without roots and you will be tempted to accept whatever is said because you are defending your own breath.

Madam Chairperson, on the Legislature, it is proposed that the Army should be called the Uganda Armed Forces, and should have ten representatives in the future Parliament and the reasons have been very well articulated by the previous speakers. They also support that the youths of this country who often sacrifice so much whenever there is trouble in this country, should also be represented by the number that is proposed.

On the question of women, the people of Kabale believe that women play clearly a very, very key role in the affairs of any nation, and that culturally and otherwise they have been disadvantaged and that even biologically they are at a disadvantage because they have to carry babies for nine months as if they consummated the marriage alone. Madam Chairman, we in Kabale, therefore, strongly propose that the women should have a representative from every district, until such a time when the affirmative action has had such an impact that there will be no need for such special representation. We think that this will also go a long way in consolidating the gains that have been scored during the period the NRM has been in power in as far as the emancipation of women is concerned.

The disabled, Madam Chairman, are not referred to in the Draft Constitution for representation. I want to say that the information we have shows that ten percent of the population globally are disabled. In case of Uganda, we think that this percentage is even higher because of rampant disease and wars that we have been going through. Therefore, we have approximately two million people who are disabled in different degrees. When you are disabled you are normally not easily accepted in society, education is difficult, job opportunities are difficult, therefore, the cases of disabled remain inadequately articulated. We, therefore, propose that, at least, two

people should be elected to Parliament to represent the disabled people (*Applause*). Madam - (*Interruption*).

MR. BAGEYA: Point of clarification. Thank you, Madam Chairman. I would hesitate to disturb the hon. Member on the Floor, but I wanted some clarification from him. He mentioned earlier on that ten members from the Army will be adequate to represent the people here. Now, I hear only two should be for the disabled. Does he intend to tell us that there are more Army fellows in the country than the disabled? Can he clarify on that.

DR. RUHAKANA RUGUNDA: Madam Chairperson, this does not require any clarification, it is not only pure numbers that one considers, there are many other considerations in making this proposal, when time allows the elucidation will be made in future.

On the question of Defence and Security, the people of Kabale obviously salute the National Resistance Movement, the National Resistance Army and other organs for the very commendable work of not only liberating this country, but also ensuring sustainable security that the country has enjoyed. This security needs to be consolidated and, in fact, they propose that the Peoples Defence Forces should be given recognition in this Constitution, because that is really the first line of defence of the people, so that the people who have trained themselves can continue and be formally recognised as important organs of our security system.

On the IGG, Madam, the people of Kabale know that the IGG and his team have done a very commendable work, and they believe the IGG should be strengthened. They further say, Madam Chairman, that his office should be decentralised to districts so that even more can be done. This is even more so with decentralisation of funds that are going to the districts with limited experience and personnel in financial management.

The people of Kabale support an independent Judiciary and Public Service Commission.

On Electoral Commission, we support an independent Electoral Commission, but we do not accept the draft proposal that the Chairman should be a High Court Judge: the performance of Steven Akabway clearly demonstrates that you do not have to be a

High Court Judge to do such good work (*Applause*). The critical point is choosing somebody of high calibre and integrity. We have had nasty experiences of elections before. My Colleagues will remember that in 1980, we had a nasty experience of a massively rigged election. I remember very well that the National Consultative Council on the 17th of April 1980 did vote that we should all go for election as UNLF and UNLF was similar or close to the National Resistance Movement, but unfortunately an alliance of the two political parties, DP and UPC destroyed the UNLF, and in fact, that heavily contributed to the subsequent chaos that we had in the early '80s. We are in a similar period, Madam, which we should take seriously and if we do not maximise our unity and we are tempted by stereotyped arguments or political parties being panacea, we will end up in more problems; but fortunately the majority of the people in Uganda have been politically and military sensitised and they are not ready to leave the unity that they are now embracing.

On Human Rights, we support the chapter on human rights and, in fact, the National Resistance Movement, if you want is really the critical movement that has been fighting for human rights. I do agree that there may be some problems here and there but the struggle to improve the human rights of the people of Uganda must and will continue.

In conclusion, Madam Chairperson, we are here to make a Constitution that will put the ordinary person at the centre stage of Uganda politics so that he is no longer just a spectator and when he is a performer he is a performer as a victim; we would like him to be now the decision maker, and to consolidate what the National Resistance Movement has already put in place. Every provision of this Constitution that we will be considering must be decided upon against this background - its relationship with the ordinary person. Is it going to improve his or her wellbeing or not? If it is going to improve his or her wellbeing, it passes; but if it is going to undermine the wellbeing of the common person, then it is removed. The majority of the people of Uganda would like to see the peace, the stability and economic progress that has started in the country to be consolidated. They have seen that the National Resistance Movement in bringing the people of Uganda together has done good work and, that therefore, the movement type of politics has a reasonable chance to pull Uganda out of the present state of backwardness. Let me hasten to add, Madam Chairman, that it would be erroneous

to give an impression that the Movement is a perfect institution or that everything is okay - definitely not. There are many areas where improvement can and should be made, and I do believe, and I do even recommend that this august House should agree on the structure of the type of Movement that we will move with after the promulgation of this Constitution (*Applause*). Madam Chairman, I believe that with the spirit of give and take as elucidated by my sister Cecilia Ogwal and other speakers, and with the seriousness that the people of Uganda have shown in this Constitution making process, and with the heavy sacrifice that the people of Uganda have paid in blood to ensure that we have peace and stability; this C.A., this august House that enjoys the mandate and support of the people of Uganda, will agree to pass a Constitution that will ensure that the Movement in a modified form will be in power for the next five years after the promulgation of the Constitution and that when the time comes as the people of Uganda decide, then the multiparty politics will be able to return to Uganda; but the critical point is that the people of Uganda must decide the form of government that they consider most appropriate for their country. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much. Now, I call upon hon. Beatrice Lagada - Women, Apac.

MRS. LAGADA (Woman Representative - Apac): Madam Chairperson, and hon. Members, Apac District is bordered by Gulu in the North, Lira in the East, Masindi in the West and Luwero in the South. Madam Chairperson and hon. Delegates to this august House, I would like to take this opportunity to congratulate you, Madam Chairperson, and the Chairman of the Assembly, on not only your election to the high office of Chairmanship of this historical Constituency Assembly, but also on your able performance which has put to shame all those doubting Thomases (*Applause*). To my hon. Colleagues, I wish to extend the same congratulations for winning a gruelling battle; but I hasten to add that the war is not yet won. Madam Chairperson, we shall only count ourselves victorious when at the end of our deliberation we come up with a Constitution that is acceptable to the people of this country. I want at this juncture to give my apology to hon. Kaheebwa, a delegate from Bujenje in Masindi District. Towards the beginning of our sitting here, I raised a point of order which the newspapers picked up and have continued referring to it. I am doing so because

I understand it is giving him a hard time in his Constituency; actually, at that time, Madam, I did not have any malice and I was not even directing that point of order at him; it was at a very different hon. delegate who happened to wake up just in time, I am sorry Mr. Kaheebwa (*Applause*). Madam Chairperson and hon. delegates, I have every confidence that victory shall be ours, because no better forum could have been created for Ugandans to squarely examine their problems and work out solutions than this one. We have in this House all sorts of people; we have veteran politicians, that is those who have been on the scene since 1950, who were and have remained key actors in the politics of Uganda; we have a new breed of politicians who are not, and would not like to be encumbered by the alliances of the past, and the youth who have even greater stake in this Constitution since they stand to bear the main brunt of it, should it go awry. Madam Chairman, we have here all shades of political opinion, former and current security personnel, former rebels and the women. I want to heartily thank the NRM government for its vision in enabling these diverse people to sit together amicably and chart out a new course for Uganda (*Applause*). Madam Chairperson, we are at a cross-road, the question in every Ugandan's mind right now is which way Uganda? The eyes of the world are on us and the onus is surely on us. Hon. delegates shall we be able to live up to the challenge and find lasting solutions to the enormous problems that have bedeviled this once beautiful country for so long? That Uganda has been brought low to her knees over the years is a fact that we all bear witness to; that the people of Uganda have suffered for the last 30 years we have ruled ourselves is also an indisputable fact that cannot be over-emphasised. Madam Chairperson and hon. delegates, I would humbly beg all of us here to pause a moment and ask, where did we go wrong? Where went the glorious hope at the birth of independence, why did that hope prove a still birth which has up to now left Ugandans with a bitter taste of ashes in our mouth. The hon. Kirunda Kivejinja, one of the many key actors or veterans this House is blessed with, gave us an insight in his submission. He told us that the first act of the independent Uganda was one of betrayal, where John Kakonge a great patriot was manoeuvred out of his rightful place in Parliament. We have heard of the 1964 UPC delegates conference at Pece stadium in Gulu where the party constitution was ignored and Busoga took twice as many delegates as they were allowed by the party constitution; that was the election that ousted John Kakonge, the Secretary

General of the party and brought in Grace Ibingira. Was this the beginning of unconstitutional regime that was to become a cancer for Uganda? Ironically, Madam Chairperson, it was the same John Kakonge who voted against the motion attacking Obote's leadership in February 1966 when Obote was on a tour in the North. Madam Chairperson and hon. delegates, I do not bring out these examples to condemn anyone, but to give us the necessary background to help us make wiser decisions today.

The lost Counties' referendum held on November, 4th 1954 in which Bunyoro got back her counties was greeted by angry protests from the Baganda. The Army was called in and bestowed the proceeded to tear the crowd apart, thus Uganda witnessed the first misuse of the Army by the powers that be against the civilians. It is interesting to note that as early as 1954, the DP as opposition party, in a democratically elected government, was already struggling for survival. Mr. Basil Bataringaya crossed the floor and justified it by saying, and I quote: "*an opposition is only necessary if it has an alternative policy to offer, but this is not the case in Uganda.*"

Madam Chairperson, this reminds me of an hon. Member's submission in this House that if you remove the party colours from UPC and DP constitutions, you will not know the difference, including the party members or leadership itself.

In February, 1965 Obote himself asserted that he no longer recognised the opposition, and I quote: "*in the Constitution there is no provision for a Parliamentary opposition, this post died when the former leader Mr. Bataringaya crossed over to government side. None of the Kabaka Yekka or DP leaders is a member of Parliament, therefore, we cannot recognise any member of the two parties as leader of the opposition.*"

Hon. Delegates, I have brought up these quotations so that Hon. delegates bear them in mind when we argue here so eloquently that multipartism means democracy and that the party in opposition acts as a check on the government in power by keeping it on its toes! Madam Chairperson, the 1966 crisis, when the army was used to solve a political crisis militarily, marks in my opinion the true beginning of Uganda's derailment! The subsequent events, the arrest of the five ministers and subsequent promotion of Amin, the 1967 Constitution, the 1969 assassination at-

tempt, were inevitable. It is not surprising that the overthrow of Obote by Amin in 1971, was greeted by drums and jubilation in Buganda. The harrowing experience Uganda went through in the '70s are memories best forgotten. If we did a random sampling here, we would find that a very high percentage of hon. delegates here were personally touched in the form of losing a dear one.

I am not going to labour about the early '80s. The events are still very fresh in the minds of all present here. Suffice it to say that a golden opportunity for true reconciliation and forging of a new democracy was once more lost. Instead of working out a new course for Uganda, bearing in mind the experiences we had just gone through, the manipulators were at it again. The UNLF umbrella was quickly punctured and once more we had multipartism firmly in place. Was there a major difference between Obote I and Obote II? I wonder whether the many years in exile had taught the UPC any positive things! The veterans who were both in those two governments should be able to enlighten us. Hon. Sam Kuteesa's revelations here were taken as insults by some hon. delegates, but I ask you, did those murders of the DP parliamentarians take place? And if they did, since no one challenged him, can we now, with the hindsight we have, defend such actions?

Madam Chairperson, hon. Irene Kalikwani told us here that true repentance starts with recognising and accepting one's faults. If we are to believe that multipartism *per se* is the answer, then the champions, had better exhibit some repentance (*Applause*). Madam Chairperson, once more we have another chance, thanks to the NRM. What are we going to do with it? I have listened to the various submissions and I have come to agree that generally, it appears - I am here quoting one Ugandan who has kept sitting up there in the gallery and listening to us - he commented to me and said: *"it appears we have learnt nothing and forgotten nothing."* We are once more in a very big hurry to go multipartism. The question in this House, I think, should be, is this country ready for it now? Look at the greatest proponents of it! Can we be assured that in the last eight years they have changed? If this country went multipartism, tomorrow can we be assured that they are well organised and they have structures in place to make sure that Uganda does not once more slide back into the chaos we have experienced? I am not saying Uganda should never go multipartism again, but I think it is a question of time. One can never force a pregnant woman to deliver a baby at either four months or one

year. It comes when it is ready.

I have this to say, therefore, Madam Chairman, to the UPCs who have been in government during the two times Uganda has been under multipartism rule. No woman, worth the name cooks her food, serves it and insists it tastes wonderful when the very diners are groaning that it is unpalatable! To the DPs, I wonder how effective you were! You still have to convince quite a few of us that should you find yourselves in government tomorrow or in opposition, you would do a good job. Sometimes, I am pained to see that in spite of what we have gone through, the old forces are regrouping and their agenda can only be left to one's imagination.

Madam Chairman, I now come to the movement. By the very manner in which it came into existence, it cannot have been as open as we would like it to be. The argument here is that since the movement came into power by the use of the gun, it is therefore, unacceptable. But how has it performed in comparison with the other two military governments - that of Amin and the Okello's? How has it performed in comparison with Obote I and Obote II governments? Can we just toss it out of the window without a fair hearing? The weaknesses of the movement has been enumerated here. It is said that its leadership is closed. Can it be opened up so that whichever Ugandan wants to contest for presidency can go ahead? Apparently, we have Ugandans who believe that they are in government only if they are occupying top-most positions. It would appear that even being in Parliament is not being in government. Is it possible, Madam Chairperson, and hon. delegates to work out a system of distributing the national cake fairly without it being dominated by one sector of the country as appears to be the complaint? We should agree here that the politics of winner takes all has led us into problems and work out how we can share power and the national resources so that we can co-exist peacefully in this country (*Applause*). I therefore, urge the hon. delegates to free themselves from the shackles of the past and work out solutions with an open and honest mind.

Madam Chairperson, I now turn to the message from my constituency: One, land: The people of Apac view land as a God given gift. They, therefore, would like land to be controlled by the District Land Board. They advocate for a freehold and leasehold systems.

Citizenship: Madam Chairperson, until the CA campaigns started, the peasants of Apac were not both-

ered about citizenship, since Apac does not share international borders; but the politicians did a very good job. Now they know that the most succulent positions in this country are held by foreigners, specifically, the Banyarwanda. In fact, the job was so well done that in February, this year, when the President was touring the North, Lira students among which were my students of St. Katherine Girls, screamed at the President of this country that he is a Munyarwanda and should go home to Rwanda, and I, their headmistress, had a difficult job of explaining up and down Apac, why I took disciplinary measures, when in fact the girls were only echoing the feelings of their parents. The question of citizenship should be settled here once and for all, so that we do not have Ugandans in leadership being labelled foreigners whenever we feel we do not like them. The people are saying that they would like the reference point for citizens to remain like in the 1962 Constitution: by birth, descent or registration. They, however, would like the spouse of a Ugandan man or woman to be given citizenship on application after they have lived in Uganda for, at least, five years.

On the question of dual citizenship, they do not agree with it in principle but they would want exception to be made in the case of children born to Ugandans in exile who take on the citizenship of their country of birth. We should remember that even now, there are still many Ugandans living abroad. They also want immigration laws strictly adhered to and a national ID.

National Language: The people of Apac endorse English as the official language. They say that they imagine all tribes in Uganda are as attached to their languages as they are to Luo. They would not like any other Ugandan language to be forced on them. They advise that Swahili be taught in schools and we shall eventually have a national language.

Form of Government and Traditional rulers: The people of Apac have no quarrel with the monarchy. They appreciate the attachment different people have to their traditional rulers. But they would not like those traditional rulers to meddle in politics. They still remember the 1966 crisis which strained relations between them and their in-laws, the Baganda, which should never have happened (*Applause*). They imagine that maintaining the *Kabaka* should not prove a burden to the peasants who are like themselves. They also believe that since Uganda has been one for the past 28 years, we should not go backwards and confront the very problems we con-

fronted in the '60s.

With decentralisation, both in terms of authority and funds, districts should be able to cooperate as much as possible in terms of cultural and developmental activities. They would not like another power centre between the district and the central government. They are quite happy after all to be called the Langi of Apac instead of Langi of Lango. They are after the content, not the form, especially since Apac as a district has been able to develop their headquarters into a semblance of a town in the last few years.

Separation of powers: Madam Chairperson, the people of Apac want us to make a constitution which puts in place strong, independent institutions of governance. They would like a directly elected President, ministers appointed from outside Parliament or if they are to be appointed from within Parliament, then they must vacate their seats. They would like a strong Parliament with a parliamentary committee that can carry out the functions proposed in the Draft Constitution for the National Council of State. The Parliamentary Committee for appointments should take over some of the appointing authority from the President. They say that under a multiparty system if we come to and when we do, members of Parliament should not cross the Floor without consulting their electorate (*Applause*).

They would like an independent, fearless Judiciary. The practice of each President coming with his Chief Justice is a bad one: the Judiciary should be able to serve any government irrespective of the President.

Defence and Security: Madam Chairperson, the Army has been a major headache most of the time in Uganda; the people of Apac emphasise that the Army should be independent of manipulation by the leadership. To make this possible, recruitment should be done fairly, training done on a non-partisan lines and the armed services board should be made up of professionals since they would be responsible for recruitment and promotion, subject to the approval of Parliament. The people of Apac have asked me to commend the National Resistance Army for the restraint they exhibited when they reached Apac in 1986. The people had been very worried, especially, as they knew that there were army men in the NRA who were products of the Luwero Triangle and who may have wanted to exact revenge. Thank you for the restraint.

On gender: Madam Chairperson, the women of Apac have specifically asked me to thank His Excellency President Yoweri Museveni and his government for his policy of affirmative action towards women. The women of Apac want to do away with those cultural practices like the initiation ceremony that a young wife is forced to undergo wearing only a small skin which hardly covers her nakedness. They say it is meant to belittle them. Customs like wife inheritance, which they say is purely to benefit the inheritor, who squanders what he never sweated for and abandons the woman with the responsibility of looking after the orphans alone, must be done away with, not to mention the scourge of the AIDS. The Constitution we are making should protect widows and orphans. Madam Chairperson, the eradication of negative cultural practices will only come with massive and patient education of the masses, both men and women. I have heard different people castigate women activists of talking only from Kampala and not doing enough for the women at the grassroots. I would like to disagree with this view. We must realise that the women who are gender sensitive are very few and education in this area started only recently in Uganda, whereas the subjugation of women started with the beginning of mankind - Adam and Eve. The women of Apac appreciate what their sisters have done for them. They now have skills which they are exploiting right from the villages where they live. Madam Chairperson, the women are concerned about the education of their girl children. They have realised that as mothers, they have added to the vulnerability of their daughters by overworking them when the boy child does a minimum of chores. These girls report late to school because in the face of scarcity of resources, the boys' fees is paid first and the girls later, if at all. Madam Chairperson, whereas only 70 per cent of Uganda's children ever see the inside of a primary school, only 20 per cent reach primary 7, and 13 per cent complete secondary education and only 0.3 per cent get tertiary education. As the percentage dwindles, the number of girls dwindles even more. Madam Chairperson, when government expressed affirmative action towards female education by giving 1.5 percent at the University, there was an outcry. If we do not have enough women in policy and decision making positions who are gender sensitive, who will help draw programmes to liberate the producers of wealth for this country? I would go further to say we need affirmative action for girls' right from primary schools, training female teachers and gender sensitising them to handle girls at this

vulnerable age and giving the girls an incentive in the form of free education if we are not able to give free primary education to all our children immediately. I would be remiss, Madam Chairperson, if I did not give a word of appreciation to those great Ugandan men, especially, the ones in this House who have given support to our cause. We would ask you to go further and give your support in real terms by educating your electorate on gender issues. The men will definitely realise the seriousness of the issues when it comes from a fellow man, instead of imagining that women are trying to overturn the natural order of things!

Political systems: Madam Chairperson, many people in Apac are multipartists or shall I say UPC. I found it interesting during consultation that whenever we discussed multipartism some would say, yes, we want multipartism. But when I went ahead and proposed that it could mean DP in government or any other new party, then they could not even begin to imagine that such a thing could happen! *(Laughter)* Madam Chairperson, in the *Monitor* newspaper of April 5th - 8th, the President, while addressing newsmen in Rwakitura said the movement had managed to beat the opposition overwhelmingly because of the genuine support it enjoys countrywide. Hon. delegates have challenged this statement here saying that how could he say so when we all stood on individual merit? Madam Chairperson, I want to submit that, at least, in Apac and Lira, there was no question of individual merit! The question was movement versus UPC and candidates openly declared that they were UPC and pointed fingers at others as movement. If that is what happened in other areas, then the President was perfectly in order to make that statement. I wonder whether such challenges would have been made if the results were otherwise. Madam Chairperson, in the same paper the President is quoted to have said that in Lango and Acholi UPC still enjoys some support, but that the party has become a Lango-Acholi party. I would, perhaps, add Teso as well, judging from what we are hearing in the House. Now, hon. delegates, when you look at the geography of Uganda, would you not agree that the analysis of the Horn formation is right, with western and Buganda as the main body, Sebei and Karamoja as the Eastern Horn while West Nile forms the western one? Madam Chairperson, why then are we upset by that analogy? I think from reading the story that the President meant he will defeat the North or win them over in political ideology of the movement rather than physi-

cally crushing them. I would, however, like to add that, hon. delegates here should not imagine that all Lango is UPC or multiparty. For the first time in Apac we had candidates who stood for CA and challenged officially those candidates of the party; some won, others lost. I have been instructed to say that UPC was never Lango people's party and should not be viewed as such. The people who sent me here say they are tired of carrying the burden of UPC's sins or whatever they did when they were ruling. They observe that their lot has never been much different, whether under UPC or other governments (*Applause*). The only difference, Madam Chairperson, comes that whenever UPC was overthrown they then really suffered; the horrors they underwent through during Amin's time when they lost their loved ones are very fresh in their minds. They shudder to think of what would have happened had the short reign of the Okellos not been quickly brought to an end by the NRM/NRA. They would, therefore, like to be left in peace, to struggle for their own development which they have always done, irrespective of whoever is in the Chair. They are only disappointed by their neighbours, the Karamojong, who rustle their cows, bringing poverty in the district. But they are even more disappointed with their in-laws, the Acholis, who keep crossing into Apac to terrorise and kill the people; the counties of Oyam South and North have particularly suffered. They asked me to tell the Acholis where I am married that they should follow the good example of a great son of Lango, hon. Omara Atubo who persuaded the Langis to stop insurgency when he was Minister of State for Defence, thereby saving the Langis from the sort of suffering the Acholis have undergone.

Madam Chairperson, the question of political solution to the insurgency in Acholi has been raised in this House. It has been tried but apparently there was bad faith on the part of rebels. The people of Apac are adding that since a military solution is the option, the Army should act speedily and stamp out this insurgency so that, people like my husband do not have to live with the *bakos*, but start rebuilding our home again. Madam Chairperson, the people of Apac do not want to appear to this nation as extremely egoistical; they do not imagine that it is only in Apac where leaders can come; they are concerned about the views expressed by some sons and daughters in the area that whichever Langi worked with another leadership in this country is either a traitor or bought. Those men and women who sent me want to remind such people that in Obote's government other parts of Uganda worked willingly with him, they therefore,

want to continue working together with the movement government until such a time that this country is judged by all Ugandans to be ready for multipartism (*Applause*).

Last but not least, Madam Chairperson, the people of Apac specifically sent me to ask for their '*ebyaffe*'; they are asking that their son, Milton Obote, be allowed to come back like other Heads of State (*Applause*). Madam Chairperson, they are asking that he be forgiven for only then will they be free of his shadow. They have discovered that when politicians want votes they usually use his name; when they have got the votes, no mention of him is made and this worries them.

In conclusion, the people of Apac are saying that they have heard that UPC is not represented in this august House, yet the people of Apac and indeed in Lango sent many people specifically because of that. What is the implication for the Constitution in which they have put so much hope? Will UPC to which, in fact, many of them belong, deny the Constitution, and will this not mean further sufferance for them? They would like the reassurance. Madam Chairperson, hon. Members I thank you (*Applause*).

THE DEPUTY CHAIRMAN: Thank you hon. delegate; now, I call upon hon. Omara Atubo of Otuke County to take the Floor.

MR. OMARA ATUBO (Otuke County): Madam Chairperson, I do represent Otuke County, Lira District. Madam Chairperson, I am indeed flattered to speak so soon after this rather enchanting end by my dear sister from Apac; but I do hope that I will be given the same enthusiasm; thank you.

Otuke County is in Lira District and stretches between 50 kms to 100 kms north-east of Lira Municipality. It is bordered to the North by Agago County in Kitgum District, to the East by Karamoja, to the South-East by Amuria County in Soroti District, to the south by Moroto County in Lira District and to the West by Erute County also in Lira District, Otuke prides as the anthropological cradle of the Langi in that the Langi as a tribe who are reported to have originated and migrated from the east, passed through or at one time lived in Otuke before spreading out to the rest of Lango.

Otuke was once the richest and most prosperous part of Lango. It had the highest concentration of cattle in the whole of Lango but all these have been rustled.

But the destruction and suffering of Otuke started way back in 1971 during the era of Idi Amin who concentrated his destruction on human life. Between 1986 and 1990, rebels also had their toll. The arrest and torture of their member of Parliament, Hon. Omara Atubo was a devastating factor in their political life as it did come at the height of political crisis in Otuke and Lango as a whole. The suffering and destruction the people of Otuke went through since 1971 together with the arrest and torture of their member of Parliament, have shaped their attitude on this Draft Constitution especially on the system of governance.

I would like to point out at the outset that I personally (as a lawyer, politician and by belief) attach such great importance to a constitution as Christians do to Bible or Muslims to Koran) and more so to the making of a new constitution for Uganda that I have been telling my Constituency and friends that if we miss this unique opportunity for a new beginning, then Ugandans will be thrown yet again into a state of disunity, dictatorship, destruction and further underdevelopment.

Let me quote from Shakespeare in Julius Caesar who wrote: *"There is a tide in the affairs of men which taken at the flood leads on to fortune. Omitted, all voyage of their life, is bound in shallows and in miseries. On such a full sea are we now afloat; And we must take the current when it serves. Or lose our ventures."*

In our current affairs when we have the fortune of making a new constitution we cannot afford to lose the venture, otherwise we shall be thrown into miseries.

Some people have called the Movement a monolithic system of dictatorship. All I can say is that if any dictator agrees to go to election or to a forum like this CA, then those who call themselves otherwise, must exploit the rare opportunity to the maximum. I am sure this is what political parties and other democratic forces are doing. So my people and I would like to thank the Movement for availing such opportunity, however limited.

Ugandans today are much more aware of their rights, though to a lesser degree to their corresponding responsibility. Everywhere people are talking about the making of a new Constitution, about

democracy, good governance, peace, stability and development. This fact is due to our turbulent thirty years of independence. But I would also like to mention and thank the Movement for raising the high level of political consciousness and constitutionalism among Ugandans.

The political parties have been on forced holiday since 1986. I would like them to look at this period as a positive one for self-examination, self-criticism and when they start again, they will be much better off than in the past for it is only a fool who does not learn from history.

Leaders must learn to admit and correct their mistakes and never to repeat them and even to compensate the victims. In a number of instances NRM has done exactly that which I think is commendable. In this respect however NRM still has a lot of work to do in the war-torn areas of the North and North East.

I have been greatly encouraged by what I have heard in this House and outside. Speaker after speaker before me have emphasized the need for delegates to be tolerant, accommodative and loving. I am yet to hear a Delegate rejecting Unity, Peace, Stability, Democracy and Development. Even those Delegates who strongly support the Movement system have not outrightly rejected pluralism but they rationalize that parties must be given time to reorganize and democratize. To me therefore, this rather paternalistic attitude of the Movement, is positive but subject to careful scrutiny.

I have been able to listen attentively to Delegates who spoke before me. Some of the Delegates have unfairly and even dishonestly emphasized the negative aspect of our history without due regard to proper analysis, interpretation and application.

To me history is important not as a mere story from the past but as a lesson for the present and as a tool to build a better future. To make a good and lasting constitution for Uganda, let us draw lessons from our rich and controversial past history and use them as a tool. It is much easier to catalogue who did what but more difficult to answer why it happened and how it should not have happened. Those recitations of our sufferings dwelt more on symptoms rather than on causes.

Fortunately all of us who are in this House today are not strangers to our past nor are we in a classroom reading that sad history. We have been the makers.

We experienced it. We continue to see it happen. We can stop it and we can even make it better. This new Constitution is not for the dead but for the living and unborn.

We gathered here today (except very few) are what I call a 'Third-Wave Generation' of leaders. The first generation being Nationalists who struggled for Uhuru. The second were mainly Military Dictators who overthrew civilian independence governments. The third generation emerged from the past turmoil and are in the age of Democracy and Human Rights.

It would be a sad and dark hour in the history of this house and indeed Uganda as a whole if we were to fail to agree on the new Constitution and if even one area or any one of us only were to refuse to be part of or reject the new constitution. If such a dangerous act were to occur, then like the Bible stories of the woman who lost her coin or the shepherd who lost one sheep out of so many, this House, this country, must spare no efforts to find all ways and means to bring such persons or area into Uganda's political mainstream for the good of us all.

Constitutional Issues: Mr. Chairman, I will concentrate my remarks on those constitutional issues which I consider are still contentious and therefore central to our survival as a country.

To my constituency and myself, the basic issue in this constitution is "Good Governance" and it is this serious problem which has compelled us and NRM in particular to direct Ugandans to make a new constitution. I will also deal with three other related philosophical issues: Power, Freedoms and Reconciliation.

Let me observe in passing that we have already agreed or can agree or are likely to agree on the following issues with minor or without amendments:-

The Constitution

The Citizenship

National Objective and Directive Principles of the State Policy (to be removed or integrated).

Fundamental Human Rights.

The Executive (with powers of the President greatly reduced or checked),

The Legislature (by making Parliament Supreme).

The National Council of State (to be removed and functions distributed between the Legislature and the Judiciary).

The Judiciary (to be strengthened).

Finance.

The Public Service.

Inspectorate of Government.

Leadership Code.

Land and Environment.

General and miscellaneous.

Amendment of the Constitution

I fully agree with those delegates who said that a Constitution should contain and contain only, general and fundamental principles and not bulky details. Most of the detailed legislations will have to be made by Parliament later after we have passed the Constitution.

On the issues which Delegates have already commented upon, I would like you to further consider the following:-

Preamble:

(a) Include Uganda as an independent, sovereign state as from 9th October, 1962.

(b) Do we merely recognize our struggles against the forces of tyranny and oppression or do we actually state our rejection of tyranny and oppression as a continuing cause and therefore institutionalize the rejection.

ART. 1: The people should also be allowed to exercise their sovereignty through other non-state institutions.

ART. 3: Defence of the Constitution: The Constitution should prohibit foreign governments and international organizations from recognizing or dealing with any government which has come into existence by means other than as provided by this Constitution.

Whatever done, should be declared null and void. Moreover such a provision will strengthen our struggle against such an unconstitutional government especially on the international front.

ART 41(a): (a) I prefer the provisions of the 1962 Constitution as 1962 deals with physical boundaries.

(b) The year of our independence is fundamental as we stopped being British and became Ugandans. It is in 1962 that Uganda was born a State.

(c) Border tribes should avoid double Loyalty based

on Political Expediency.

CAP 5: Fundamental Human Rights And Freedoms.

- (a) Entrench Cap. 5 under Art. 288.
- (b) Unnecessary restrictions and provisions must be removed.
- (c) Press freedom must be specific and stated in a separate Article.
- (d) Art 53 (7). Right to order of habeas corpus should be absolute.
- (e) Art 53. Clearly state power of arrest and place of detention.
- (i) No person shall be arrested except by a person authorized by law.
- (ii) A person arrested, restricted or detained shall be kept in a place authorized by law.

CAP 7: The Executive:

- (a) Powers of the President must be reduced and checked.
- (b) Art 114 (1) Include office of the Prime Minister.
- (c) Art 116 (2) Why should ministers be limited to 21?

CAP 8: The Legislature:

- (a) Parliament should be Supreme.
- (b) Art 131: Oppose the special representation of all interest groups except Women who should be directly elected by each district.
- (c) Any interest groups should be prescribed by Parliament but not by the Constitution.
- (d) It is high a time the Army resumed its proper role in society and subordinate itself to civilian authority (Art 231 (2))
- (e) Art 136: Right of recall of MP opposed for the following reasons:
 - Subject to great abuse
 - Destabilises the MP.
 - Abuse of Voters' intelligence.
 - Expensive.

CAP 10: The Judiciary:

- (a) Art 164 (1) - the Chief Justice and his Deputy to be nominated by the President and appointed by Parliament on behalf of the people of Uganda.
- (b) Trial by Jury system for lower courts (Magistrates)

CAPS 7, 8, 10: Government:

- (a) Separation of powers.
- (b) Presidential system of government
- (c) Supremacy of Parliament

(d) Money appropriated in the Budget for the functions of Parliament and the Judiciary should be automatically released and never delayed nor reduced. This is to strengthen the separation of powers, the independence of the Judiciary and Parliament and it is to eliminate manipulation by the Executive of the other two organs.

CAPT 9: The National Council Of State:

- (a) The institution is unnecessary, will create conflict and subject to abuse.
- (b) The intended functions can easily be done by Parliament and the Judiciary.
- (c) Lessons to be drawn from NEC which failed.

CAP 13: Local Government:

- (a) Support district for decentralization.
- (b) Reject federalism for now. Uganda must have a uniform system of decentralization if we are to build a united and stable country. If federalism is to come, it should evolve from the districts over time and allow for intergration.
- (c) Rationale is Power to the people for Service and not for Territorial Acquisition or Size.

CAP. 14: Defence And National Security: As you are aware, it has been the armies and guns which have been the major actors and victims of our sad and bloody history. Yet the pride and dignity of a nation is symbolized and defended by its Army and Police. So let us address the issue of the army, defence and national security most carefully and objectively,

Every successful leader in this country has to a large extent depended on a personal army seemingly loyal to him but which later turns against him. The Army and other security organs, the government and the political party must be independent and separate to avoid the situation under UPC, NRM, and Amin (who had no political party). This is so because this Constitution is being made for a democratically elected civilian government led by civilians.

The secret for the success of NRM/NRA is that it is led and commanded by President Lt. Gen Museveni who is basically a military man. This NRM/NRA Model is temporary and unique and cannot be part of our Constitution which is intended to be trans-government and permanent.

My proposals are as follows:-

- (a) NRA provides a reasonable base to build a new

national army in accordance with Art 23 1(2).

(b) Size of the army should be determined by Parliament basing itself on the need and resources of the country (Art. 233 (2)).

Now that NRA is training a Reserve Army (though without authority from NRC) there is need and justification for a small standing army (See *New Vision* of 26th July, 1994).

(c) Art 234 (3) should be exercised by the Armed Forces Service Board appointed by Parliament.

(d) Art 252: Reject establishment of intelligence organization:

(i) Expensive/wasteful

(ii) Militarized

(iii) Unprofessional

(iv) Misuse

(e) Strengthen Police Special Branch to intelligence work.

(f) Military intelligence is a unit in the army administratively established which needs no constitutional provision.

(g) For personal protection of the President, a small intelligence unit can be established as an institution of the presidency which requires no constitutional provision.

(h) Armed politicians should not be allowed in the army or intelligence organizations and if there should be removed or asked to retire.

(i) Enlarge and properly equip Police and Prisons.

The people of Otuke and indeed Uganda suffered so much not because of a bad Constitution but because of bad governance. The 1962/66/67 Constitutions do not permit murders, genocide, destruction of properties, cattle rustling, corruption, coups, rebellion or guerilla wars. All those Constitutions indeed provide for good governance as evidenced by provisions on human rights, democracy, freedoms, election, parliament, the Judiciary, etc.

Indeed the cornerstone of the 1967 Constitution is Freedom of Association and unfettered right to form political parties. That is why DP and UPC have survived this long. That is why in 1980 Museveni and Mayanja Nkangi could form their own political parties, the UPM and CP, to compete in the 1980 General Election. That is why even when UPC was in power 1980 - 85 Hon. Tiberio Okeny and group could found the Liberal Party in 1984 and be allowed to move around the country to campaign and prepare their Party for the scheduled but aborted 1985 General Election. That is why, the Democratic Party

between 1980 - 85 (when UPC was in power) could function by regularly holding public rallies, Delegates Conferences, meetings of the National Council and NEC.

But since 1986, political party activities including those of DP and CP, have been officially suspended though de-facto banned by NRM. The concept of good governance is inseparable from the method of acquisition of power, that is, is it by coup, by people's revolution, by uprising, by war, or by democratic election. Any violent change polarizes and alienates Ugandans or part of Uganda, the level of tribalism, nationalism corruption, stability, oppression and respect of human rights is directly related to the level of mandate the ruler has from the people. In law, the mode of acquisition of property, determines your title and free enjoyment of that property. Freedom of Association addresses organization for acquisition of power, hence the legitimacy of the regime. Moreover election fought and won on a competitive basis makes leaders value the whole of Uganda.

I would like this august House to reflect on three issues:-

(1) Why elected UPC governments have twice been overthrown on the eve of a general election?

(2) Why the overthrow of UPC governments have always coincided with citizenship crisis (Sudanese, British, Asians, Rwandese) and instability or wars in Sudan or Rwanda?

(3) Why are we now interfering with the Freedom of Association which is fully guaranteed by the 1962/66/67 Constitutions.

Because of limited time, I can briefly tell you that foreign forces in alliance with their local bootlickers will always protect their foreign interests, recolonize us further, undermine democracy and abuse human rights.

In 1970/71, the crisis was Asian British citizens, Sudanese and Sudan war and Move to the Left which threatened foreign capitalists interests (British, American, Israel). In 1985, again it was the return of Asians and their properties and the Rwandese citizens. In 1975 we saw the return of the Sudanese refugees and the Addis Ababa Accord. Now we are watching the return of the Rwandese refugees after a protracted war and the Arusha Peace Agreement.

The 1967 Constitution resulted from the 1966 Crisis. One can assert that if the 1966 Crisis was never

there, then the 1967 Republic Constitution would not have been born. So who were the victims of and the complainants against the 1967 Constitution?

Surely they are the monarchists. But the 1967 Constitution was amended last year by NRC to restore monarchy, though belatedly and reluctantly after NRM had been in power for 7 years. Moreover Decentralization is a fait accompli. NRC enacted laws governing intelligence organization, IGG and Leadership Code. So what is so fundamentally new and missing from the 1967 Constitution (as amended by NRM) or which could not have been further amended by NRM, which required such enormous and perhaps wasteful expenditure into making a completely new Constitution?

It is my belief and conviction and of that of the people of Otuke that the only reason why Uganda was tricked into a five year expensive exercise of making a new Constitution is because NRM wants to entrench itself in power by killing political parties and curtailing the Freedom of Association. My experience in NEC and NRC (Political Organ) leaves me in no doubt about this obnoxious agenda. In 1989 and 1992 NEC and NRC were asked to ban parties.

I will not discuss individual political groups such as UPC, UPM, CP, NPL or DP but rather concepts and philosophies underlying these associations, for what is in a name? I am doing so for a number of reasons. First of all, speakers before me have eloquently argued the case and exhausted the topic. But more importantly, I think we should discuss concepts and philosophies to be included in our constitution rather than indulge in fruitless somersaults. The 1962/66/67 Constitutions never stipulated for a one-party state nor specified by name any one political party although from 1966 UPC had the power and the capacity and even the will to constitutionalise itself as a one-party dictatorship. The fact that it never did so is a great credit to UPC and its leadership. But the fact that UPC had tried from 1967 to entrench itself as a de-facto one-party state but failed miserably is a big lesson and warning to us all. Since 1980, UPC has never dreamt again of ever constituting itself as a one-party dictatorship for Uganda. Those who are trying to do so must be vigorously resisted and condemned to the dustbin of history.

I fully subscribe to the Power, the Sovereignty and the Supremacy of the people. This fact of natural law and legal truism has been advanced against parties in

that the people must be asked through a referendum whether they want political parties or not. I am not afraid of a justified and impartial referendum. But before we reach the stage of a referendum on parties we must answer one fundamental question; Which people of Uganda freely choose the Movement to rule Uganda so as to call a referendum? Therefore before any referendum on parties is called there should be a referendum first on the Movement and secondly on whether there should be a referendum at all on parties. Moreover NRM cannot organize such a referendum impartially and in good faith.

The supreme and sovereign people of Uganda are the best judges on matters of political parties, their crimes, strengths and weaknesses. Such Judgements are passed, not through a referendum, but at the time of General Election where parties should be allowed to freely present their case and policies to the people. During a free, fair and pluralistic general election, the people will reject the bad and elect the good.

For us gathered here today to usurp people's power and to pretend to condemn or to favour any one political party is to exceed our mandate and therefore to be subject to condemnation by the people. We cannot rightly constitute ourselves into a superior court and pass any judgement on political parties.

I urge you once again that we should concentrate on such philosophical concepts as Human Rights, Democracy, Freedoms, Power, Election, etc. Let us defend, define delimit and distribute them. Those who today hate political parties should remember that monarchy being reinstated today and even churches were once very oppressive and murderous. Let us have confidence in a general election and struggle peacefully to perfect it. A rigged election is a remedial problem of democracy but killing election is an unforgivable murder of democracy. *(Applause)*

If Freedoms of Association or Freedom of Belief were abused in the past, the solution is not to abolish them, for no mortals can rightly abolish them, but rather let us ensure their non-abuse by prescribing the necessary legal framework and by wisely differentiating between the immortal philosophical concepts from the perishable institutions and humans. The Freedoms of the people of Otuke and mine are not a free gift from anybody, but from God (See Article 12 (1)).

I have been privileged to listen to the argument that

what Ugandans need today are social services and economic development but not their freedom on political parties. It is a truism to assert that Ugandans need peace, stability, roads, schools, medicine, salt, soap, etc. But so do animals! The single most important characteristic in any human being is "Freedom based on his higher brains and conscience". In fact human beings have sometimes left all the beautiful things in this world all in the name of freedom. We fought colonialism in the name of Freedom. The mighty communism collapsed in the name of freedom. Human beings without freedom are but sieves.

Uganda must reject the holding of selective referendum on the freedom of political parties. Such referendum on an aspect of fundamental human rights is inherently wrong and subject to great abuse by an impartial and an interested party like the NRM.

The selective nature of the referendum itself would be most unfair. Why then not hold a referendum on other freedoms such as the Press, Religion, Speech, Association, Culture, Movement, Conscience which are all interrelated?

The concept of broad-baseness may in the short-run appear successful but it is politically useless and opportunistic. Even the doctrine of swallowability has been practised by virtually all past regimes. It is not something new. Between 1962 and 1966 there was a lot of swallowing of DP by the ruling UPC. After the 1966 crisis and the demise of the Mengo junta, many KY and Baganda leaders decided to join or remain in the ruling UPC in various capacities. But that did not help UPC. As soon as Amin overthrew UPC, the swallowees were vomited and came out in their true colours condemning Obote and UPC but only for Amin to swallow them. Then there was UNLF and Obote II which saw similar scenario though at a much reduced scale.

But broad baseness and swallowability is best crystallized and abused by NRM both in the army and the government. All I can say is that broadbasedness and swallowability are a disadvantage to the NRM and the country at large. People must be free to practice and articulate what they truly believe in rather than be forced into opportunism and hypocrisy. Ideological difference does not mean one is anti-government. in power.

I am aware that in times of War or National Cata-

strophe or need for Higher Unity, people have come together to form government of National Unity or Coalition or Front. But such a government is formed by free consent, by a free people, by free disengagement, for a specific purpose, for a specified period and based on agreed formula without any interest group losing its identity,

The time has come for political parties to examine afresh their relationship with NRM, design new strategies and change tactics if they are to survive. Never in the history of this country have political parties been threatened with death as today. Hon. Paul Ssemwogerere, president-General of DP and Hon. Mayanja Nkangi, President of CP have very weak cases indeed for pluralism for as long as they continue under the armpit of the movement. Yours is not a case of a servant striking for better terms of employment from your master. You want your master's job. Is a servant going to negotiate with his master for his master to surrender the job to him? Can a servant win in such a relationship? Applying the doctrine of swallowability, the master may as well decide to chew up the servant completely and that will be the end of the matter.

But even of greater importance is the image and credibility of parties in the eyes of foreigners and voters when parties continue to fight for their freedom while inside the movement. Parties must prove to the people that they can offer alternative leadership not by playing a sycophant and inferior role but by being independent, better and superior. Parties must articulate their own policies. Surely on issues of national importance, parties should clearly state their own ideas. What do parties have to say on the economy, divestiture, education, health, foreign relations, defence, Employment, return of so-called Asian properties and the creation of the so-called new middle class? No one single political group should arrogate to itself the monopoly of national matters. Let us compete, market out ideas and the people will freely choose the best.

THE DEPUTY CHAIRMAN: Clarification.

MR. OMARA ATUBO: But I hope that will be compensated for.

LT.COL. KIIZA BESIGYE: Point of information. My understanding is that, parties even today, and certainly since 1986, have never been banned. Some of their activities were suspended, they were

definitely allowed to hold offices until some of them of course could not pay for them. But they were supposed to be free - to hold executive meetings and other meetings within their parties. I would like to know from the hon. speaking holding the Floor, what stopped these parties from giving positions executive as they may be; on the issues he is raising about the economy, about divestiture and so on?

MR. OMARA ATUBO: I think you better ask them because I am not their spokes man (*Laughter*). Madam Chairperson, can I continue?

I call upon political parties to sacrifice and struggle for their rights. Museveni did it for himself by struggling for five years in Luwero and abroad. Why can't the political parties do it just for the next remaining five months, moreover here in the CA in a peaceful environment where you are being paid allowances for talking or listening!

During the struggle for independence in the 1940's and 50's, the cry was UHURU. At that time, people used to sing: "We would rather be free though poor and hungry rather than be slaves who are fat and rich". Today some Ugandans prefer to be slaves rather than free people.

Let us be aware that heavy borrowing and dependency syndrome are symptoms of slavery. Most of the independence nationalists were overthrown or eliminated because they refused to be slaves. Today, some of the new generation of leaders are attracted by chocolates, jets, foreign tours and debt traps. In terms of foreign relations, foreign powers prefer such weak leaders who don't threaten their foreign interests however corrupt, undemocratic and violators of human rights such local leaders may be. But as soon as those local dictators are about to be removed or are actually overthrown, the foreign friends are the first to condemn them block their foreign accounts and then move quickly to embrace the new leaders who may even be worse than the previous ones. The history of Uganda and indeed of Africa is very rich in such political theatre. Let us be firm and uncompromising on issues of national independence, sovereignty, national economy and individual freedoms. "This is the only way we can be respected and even feared. Of course I am not advocating for isolationism not for interventionism but for equality, protection of our national interest and for Ugandans to control their economy and national resources.

It is easy to talk about democracy but difficult to practice it. Even dictators talk of democracy. I am sure you have heard of "Guided Democracy" and Democracy as "Dictatorship by the Majority"

All these distorted versions of democracy have failed. Even the classical Greek democracy excluded slaves; it was monopoly of power by aristocrats. Greek democracy was founded on the philosophy that ordinary people are endowed with extraordinary possibilities. "The democratic practice which have survived and been perfected over years and is attractive today is the British-American version which embraces the following:-

- (1) Respect of Human Rights and Freedoms.
- (2) Separation of Powers.
- (3) An independent and impartial Judiciary.
- (4) Directly elected Legislature.
- (5) Regular, free and fair election.
- (6) Competition for State Power (Pluralism).
- (7) Free and independent press.

Experience has shown that those who talk loudest of democracy are sometimes afraid of the results of democracy when it threatens to remove them from power.

To Ugandans, let us stop the obnoxious and hypocritical practice of glorification of our leaders and making them demigods as if Uganda cannot be there without such leaders. Uganda is rich in leaders and let us not stand in the way of those who can make good leaders for this country by denying them the freedom to do so. In 1958, Dr. Obote had the freedom to found UPC which led this country into independence in 1962. Similarly, Museveni had the freedom to found UPM in 1980 which went to the bush and has led this country since 1986.

I am sure that in 1958 or in 1980, few Ugandans ever imagined or dreamt that Obote or Museveni at those times could ever be Presidents of Uganda. So it is a matter of opportunity based on available freedom to organize, reach the people and put your case to them that they freely choose their leaders. For those aspiring for leadership in this country my sincere advice to them is: "You must listen to the cries of all Ugandans and do Justice unto all.

I was forced to join politics during Amin's era. I went to exile, struggled and came back to Uganda. But whether in UNLF, UPC or the Movement, I have always and I will always stand firm in the defence of

democracy and human rights even at the risk of my own life and property. The issue is not simply belonging to a regime in power, but what good one can do while there.

Reconciliation: It would be unfair and a great omission if I were not to address the issue of Reconciliation. Reconciliation should be the living and driving but hidden spirit behind this new constitution. Unless we reconcile with ourselves and with others, then this new constitution will be utopian, materialistic, revengeful and bound to fail. Our bloody history demands full and complete reconciliation in this new constitution.

By reconciliation, I mean the following:-

- (1) An opportunity to start afresh.
- (2) Mutual forgiveness and love. Consequently release all political prisoners, grant amnesty and call back all exiles especially former leaders, with international guarantees for their safety. Grant immunity from civil and criminal proceedings.
- (3) To live and work together in peace and mutual respect.
- (4) Reject and renounce violence.
- (5) Tolerance and accommodation
- (6) To admit mistakes and correct them and where possible or relevant to apologize and compensate the victims. *(Applause)* This new constitution must be reconciliation-centred.

Peace and Security: We have listened to a lot of lecture and praise for the peace and security ushered in by the NRM/NRA. While I recognize the efforts and success so far made, I would like to caution this House and Ugandans at large that the struggle for peace and security is a continuing process. It rests on good governance and it is basically a social phenomenon rather than a military conquest. Ugandans must be able to live in peace with one another in the absence of the gun everywhere. The fact that party believers are here in CA and not in the bush but are struggling for power democratically is an important factor for the consolidation of peace and security.

Peace is an attitude of the mind and a product of the humane nature of man. Peace won by blood cannot be permanently sustained by blood. The gun can be there, but only to protect peace and security just as the gates, doors, windows and locks to a house are there to shelter the house and inside from hostile foreign bodies. Therefore the permanent peace and security of this country should never be personalized nor monopolized nor militarized.

In conclusion, Madam Chairperson, let me just say few things. one - I want to talk on jurisprudence. I think every body who has studied jurisprudence knows this is a very popular quotation. And Madam chairperson, allow me to quote to this House. It appears under Dias on jurisprudence, Fourth Edition page 140, and deals with a very important issue which I have here mainly liberty, and it is entitled limitation of liberty - liberty to exercise power. It is superficially attractive *-(Interruption)-*

DR. MUGENYI: Point of clarification. Madam, Chairperson, before the hon. speaker lives the Floor, I would like him to clarify to me one point which he made and abandoned it on the way. I would like to get it from him. He has castigated the leader of CP and the leader of DP for having supported the movement, just because they are within the system; they are eating as they would call it. I would like to know from him, why, when he was eating, in the NRM, he was never heard at any one time championing democracy in form of multi party system. So, Madam Chairperson, why is it at this time that, when he has been dropped, he is actually championing democracy in form of multi parties. Thank you, Madam Chairperson.

MR. WANENDEYA: Point of order. Thank you, Madam Chairperson. Is the speaker who have just left the Floor in order always to Personalise issues as though it is Wanendeya, it is Omara Atubo, or did we come here as delegates to represent our people to really personalise issues in the way he has done it. Is he in order?

THE DEPUTY CHAIRMAN: The hon. who asked for clarification, I think you were out of order. You should really know personalised issues. I think hon. you better wind up your presentation.

MAJ. TUMUKUNDE: Point of clarification. Madam Chairman, is it in order for cine hon. Member in the name of Wanendeya, to continue confusing this House at every stage and moment. One minute he is saying, do not interrupt, the next minute he is interrupting, the other minute he is saying do not personalise. The second one he is personalising. What shall we take of the very hon. Member, and what shall we leave. Is it in order therefore, Madam Chairman, that this House must continue to be permanently and pensionably confused by one hon. Member?

THE DEPUTY CHAIRMAN: Hon. Members, I am not going to indulge in history. But of this particular occasion, hon. Wanendeya was in order because, hon. Atubo was being victimised; by being labelled that he was 'eating'.

MR. OMARA ATUBO: Madam Chairperson, this is a very interesting quotation and very relevant to us from one of the great writers. And it goes like this: *"It is superficially attractive to contend that there should be equal Liberty all round, or at least that it should be curtailed equally. The matter is not so simple, however; whether minorities or individuals are allowed certain liberties at all depends, not on equality, but on the priority of values as can be seen in the following examples. Suppose that a government is established by rebels. They will find it difficult to accord liberties to anyone else to express opposition. [This is so whether it is a right-wing rebellion against a left-wing e.g Spain Franco's rebellion against the previous Communist Government]. For, if they believe in their own case and the values which they espouse, they clearly cannot allow others to act on values against which they rebelled and which would imperil their hard won position by inspiring the same sort of agitation by which they themselves weakened and eventually overthrew the previous regime. (Applause) Such agitation will be, from their point of view, an abuse of liberty, which cannot be allowed. The result is usually twofold: the imposition of a severe discipline consisting of sundry prohibitions and the intensive use of propaganda vilifying other points of view as "Counter-revolutionary, fascist, Communists, etc", so as to justify repression. In this way, as pointed out earlier, a worse power-structure than- that which it replaces comes into being, but the point it illustrates is that the limiting of liberties which all this entails reflects the absolute priority given to the values of those in power. Should governments have liberty to destroy liberty by the exercise of such power"?*

My free answer is a big "NO" The answer we give to this fundamental question is the greatest challenge to this House.

(b) The great national philosophies which will unite, stabilize and develop this country cannot be based on temporary, narrow opportunistic alliances. The monarchists may be excited with the return of 'ebyaffe' by and during the NRM regime. The

Karamojong may just be too stupefied with the retention of their guns and massive cattle rustling during the mortal life of NRM government, which cattle rustling has been the very antithesis to the neighbouring districts. My brothers and sisters from West Nile from where fascist Idi Amin is reported to have come, the fascist who rained genocide first on Langi and Acholi, have good cause to be grateful to NRM for pacification and their return from exile.

The women and the youths have very good reasons to rejoice and praise NRM for creating the enabling environment for their continued liberation mainly on the political and cultural front. But the liberation of women and youth did not start today. The foundation of today's fruits were planted in the 1960s through massive investment in education, health, and various youths and students organizations. The best youths and women organizations are voluntary and private but not state sponsored.

Monarchy must also open up to women so that we have ruling queens. I also want to congratulate Ugandan women for being the least tribalistic. I urge women to expand on this positive attribute and to spread nationalism.

I beseech the monarchists, the Karamojong, the West Nilers, the women and youths all political parties and indeed all Ugandans "to look for bread that will not perish but will last for ever", that will survive beyond the life of NRM and that will bring unity, peace and development for all Ugandans and for that purpose you can fully rely on me and the people of Otuke.

Mr. Chairman and Honourable Delegates I thank you all for listening to me. For God and My Country

THE DEPUTY CHAIRMAN: Thank you very much, hon. Omara Atubo.

MR. KAYONDE: (Gomba County): Madam Chairperson, contrary to the views held by many people that, all areas in Buganda are developed this is one of the least developed in Buganda. Madam Chairperson, allow me to register my appreciation to you and the chairman for the excellent job you have done since you started.

THE DEPUTY CHAIRMAN: Before you proceed hon. Kayonde, I beg Members to maintain their

seats, we would not like to cut hon. Kayonde short, because everybody would have gone out. Let us be patient and complete this session.

A HON. DELEGATE: Point of order. Would it not be in order Madam Chairperson, for hon. Kayonde to speak through the micro phone so that we can share his presentation?

MR. KAYONDE: Madam Chairperson, allow me to salute the people of Uganda, who have struggled to bring about this conference. It has been at a big sacrifice, for it has cost Ugandans one million lives to come to this situation. I strongly salute them. I wish also to salute the delegates for offering themselves to campaign vigorously at a very big cost, so that they can serve Uganda in this conference: I salute you. Allow me also to salute the NRM government and its leadership to create this enabling environment because in Africa, it is very rare for a government in power to allow this kind of debate. A debate to create consensus. For the first time, we have seen organisations springing up, the Think Tank Foundation, PERD, the renowned NOCEM. All these are signs that, the government has created enabling environment so that this debate can take place.

Having said that, Madam Chairperson, I wish to propose that this Assembly, after promulgation of the constitution that, we constitute ourselves into a constitutional club. To make sure and evolve a culture of constitutionalism so that, this club will be a pressure group for compliancy to the government that will be in power after the promulgation of this constitution. And here I want to propose that, even those who went to Lancaster, who are still alive, would be members of this club. Madam Chairperson, constitutional making is an exercise which should offer opportunity for good governance, and the ingredients which constitute good governance. We must create mechanism to ensure that, these ingredients are upheld.

One, good governance: There must be transparency and open method of work. Any government that will not be transparent and open is not a good government. There must be accountability. Accountability of leaders to the people they lead. In Africa and in Uganda in particular, leaders perform anything, according to their interest without regard of the population or being accounted to anyone. So, we must create conditions where leaders must be ac-

countable to the people. Good governance demands that, there must be democracy, and democracy means regular free elections for people to choose their leaders. There must be respect of law and social justice. There must be respect for human rights; these are ingredient in that irrespective of the system, these are essential. There must be peace and security of both persons and property. There must be economic progress and development. We shall have wasted time if this constitution we are going to make does not become a foundation for emancipation of our people from the economic hardship they are going through.

I have listened attentively to proposals that we raised, this Chapter 3. In my view, it is a very important chapter. No wonder we have gone through this turmoil because there was no yard stick on which to measure the leadership, whether they are meeting the requirements or not. So, I strongly support retaining Chapter 3. But within that Chapter, there is one important provision and this is the supremacy of the people. The supremacy of the people, this constitution must entrench it. I have listened to people who claim to be democrats, saying that there should not be any referendum. To a democrat - what better democracy other than the referendum, for people to exercise their rights. It is not surprising that the previous constitution, have not provided any mechanism of resolving conflicts. It is not surprising that Obote had to shoot Muteesa out of the *Lubiri*, because there was no other mechanism of resorting to the people.

So, it is important that we must provide for referenda to be held. By the way, not on political parties. But any issue that may arise We should consult the people. So, it is important that this is included in our constitution.

Let me come to specific provisions in the constitution. One, land is the most fundamental resource the country can have. And there would be no country without land. There is a direct relationship between agricultural development and the land tenure system that the people practice. Studies have been made and have proved that, a system that does not offer the marketing of land, to change as a property that can be improved on, that system does not offer good incentive for development. So, the land system that allows people to sell land to people who can use it better is a better system. And here I am talking as an authority because of my profession. I have studied and I have gone throughout Uganda where different

systems are practised, and I have found that the customary land tenure system as practised in Northern Uganda and some parts of Eastern, is a disincentive for agricultural development. And here I want to recommend to my fellow Delegates, that those who are still practising this customary land tenure system, of shifting of land belonging to the clan and even those who will come, I think we need to consider because, it is not even surprising that there is a disparity, in economic terms, between the North and the South. Because why the people have been benefiting here in the South, is because of the bank facilities which the others do not have. How can you develop without going to the bank; what savings do you have to depend on your own savings for development. So, I recommend the land system to be a free hold land system or mailo land as it is commonly known where every Ugandan can walk and get... - *(Interruption)*.

MR. MULONDO: Point of information. I would like to inform the hon. Member holding the Floor that, in 1979, I happened to be the chairman of the Uganda Land Commission and there was a gentleman, who wanted land in Gulu, he applied for a ranch and we offered him land. This gentleman at that time was the General manager of foods and beverages. He went to buy all the necessary material to develop that land which was free of tenants. He bought everything, the barbed wires, the poles and whatever, and he was not allowed to fence this land by the people in Gulu. Because they said it was their common land and therefore, he cannot fence it to use it on his own. This was a very, very big development for the area, which was prevented by these people of the area to take place. I personally went to look at the land in question after all materials including bricks, stones, sand, everything, had been put on the site. And the people I was about to talk to said, "this is our land, this man although he also belonged there is not allowed to fence it and use it." And that was the end of the project, and this gentleman lost all the materials he had put on the site. Thank you very much. That is the information I wanted to give.

MR. KAYONDE: Thank you. That confirms really what I was saying. Now there is stalemate in some parts of Buganda where mailo land is practised. As a result of the 1975 land reform decree. It removed the rent which the tenant used to give to the landlord. At the same time, it did not authorise the tenant to take over the land. So, both parties are now in a deadlock, and the people I represent have asked

me that, this assembly should resolve that problem. And they have proposed that, the mailo owner should have a right over his land; but the sitting tenant, should be given an opportunity to pay for the *Kibanja* in instalments, until after he has paid, then he should be given the title, so that he is not a perpetual tenant on the land and I hope by this both parties will benefit. Because the sitting tenant today even if you built a structure like this one, and you are a tenant with no title, you cannot benefit from the bank. So, it is important that the landlord should have his liberty, but it should enter into negotiation with the tenant and the government should assist so that eventually land titles can be given to these people. But here I am saying, they have categorised. There is institutional land, like the land of the *Kabaka*. The institution has no life. So, the land belonging to the institution, they should give leases so that, those sitting on it can use the land titles to acquire bank loans.

I come to the question of the traditional rulers. Now, first of all, it was politically wrong and unjustifiable to abolish the kingdoms. There was no political justification for the removal of the traditional rulers. These institutions have lasted for instance in Buganda - we have been calculating it is about 700 years; their kingdom have lasted. Now, this institution is part and parcel of the public of the society. It is not surprising that when these institutions were removed, and were replaced with nothing, we had problems of governance. So, the people I represent strongly recommend that the institution of the traditional ruler or leader, should also be entrenched so that it does not depend on the wills of even one political leader who will come up and manipulate parliament. The enjoyment of somebody's culture is part and parcel of human rights and should be entrenched. However... *(Interruption)*

THE DEPUTY CHAIRMAN: I can see a hand behind there, what is your cause?

A HON. DELEGATE: Point of clarification. I am sorry to to interrupt the hon. Member. Section 279 of the draft constitution refers to traditional leaders. I have heard from the hon. Member making reference to traditional rulers, and at one time said that, traditional rulers or leaders. I would like clarification as to whether, he either thinks that these two terms are synonymous or which of the two are we pleading for.

MR. KAYONDE: To me really the two mean the same. It depends on their authority and powers given to traditional rulers or leader. Now, the people I represent and when they were asked by the constitutional commission and this was the question that was asked. Should a restored traditional ruler have a political or active government role? And according to indexes, attached to the result, Those said No! In other words, they are saying, the restored traditional ruler, should have no political and government role.

And here I want to urge my Colleagues, we should respect the recommendation of the people because they are supreme and they enrich their institution, they cherish the *Kabaka*. Now, how does the *Kabaka* or traditional ruler or leader be maintained? They are saying, since now the power belongs to the people to decide democratically, they should be allowed to decide since they enjoy culture, they practice culture and the cultural aspects are charged to this institution, they should be allowed through their local units, to vote money for the maintenance of this institution for purposes of promoting their culture democratically in their councils. Now they have also recommended that it would be very difficult for a *Kabaka* or traditional ruler to work in a vacuum. He must be linked to his people. So they are recommending that this Assembly should give an enabling clause to give the traditional ruler to form his councils through which he can pass on words for development, for culture as a *Lukiiko* for instance in Buganda. So they are recommending that at least there should be a *Lukiiko*.

Thirdly, they cherish their tradition, the values and their heritage. Now this word Buganda comes from a Luganda word meaning bundles *obuganda* and this word is intrinsically linked with their culture. For a *Muganda* and I have told you the history 700 years this word has existed and suddenly to remove it - so that is why they are recommending that this Assembly should also recognise that the *Kabaka* should have a geographical area from which he can know his jurisdiction. So they had recommended that this one should be retained for cultural purposes. Now, I want to go to ...

MR. BAGUMA ISOKE: Point of clarification. Could I know from Delegate Kayonde of Gomba what his people propose as the boundaries of the territory for their *Kabaka*?

MR. KAYONDE: They do not propose to include

the lost counties because those were democratically surrendered to the now Kibale. But excluding the lost counties, the rest - and in any case, there is no conflict, there is nobody who is in Buganda as we know it who is complaining that he should not be in Buganda. There is no problem.

A HON. MEMBER: Point of clarification. Thank you Madam Chairperson. I would like clarification from the hon. Member. He mentioned something about the geographical jurisdiction and the *Kabaka* having power over a certain geographical jurisdiction. I would like clarification on whether or not that *Kabaka* will have power over the non-Buganda that may be within that geographical jurisdiction. Thank you very much.

MR. KAYONDE: To some of us who have lived in Buganda, who are non-Buganda, I have not heard anyone complaining that he is opposed to the *Kabaka*. So in other words, the *Kabaka* is generally accepted but to answer your question directly, since the *Kabaka* is cultural and he has no administrative or political power, if you are a Mukiga living in Buganda, you are not going to practice the Kiganda culture. You are not compelled. But since his subjects, the Baganda live generally in that area, it is recommended that this area is considered as his domain if I may say.

I now want to touch on the question of political system. Now the political system some of you may know my personal inclination. I am a very strong advocate of the Movement type or system of governance and I have very strong reasons. Those who have argued that it is a matter of time to introduce political parties, I see that time a long time away, and here I have my strong reasons. I am asking, why have the parties failed in Africa while in Europe and other areas have worked? Has one made a critical analysis why they have failed? All independent Africa, at the time of independence, they got multi-parties. But they could not hold, some collapsed after two years, others, three, others four, the longest I think was Ghana and then immediately, they were overthrown or they were banned by the same parties. In Kenya, KADU banned KANU, Tanganyika or Tanzania, TANU banned the rest. In Congo, Lumumba was killed; in Nigeria, successive coups took place; in Uganda, UPC banned the rest. Now I could go on and enumerate and then immediately, we got either a mixture of one party system or a military dictatorship. Now, why did they fail? They failed because

- first of all, the African societies were either under clans or kingdoms like the case of Buganda; and in African context, there has never been opposition. People used to sit under trees and discuss and reach consensus. Now, what is also interesting, why did the colonialists adopt the multi-party system when they came to rule over these African States or protectorates? They were here for 50 years, they never introduced the parties. Until as they were leaving, they introduced. So the parties are not indigenous, they will fail. In fact what is interesting, after this phase of one party system, now the masters who had prescribed the medicine at independence after 30 years now, prescribe the same tablet. And the champions of the party are saying, oh how can Uganda fail? Everywhere is multi-party. But this time, the African States had even become allergic to parties. As soon as they were introduced now the second time, Algeria collapsed. You can see what is there. Kenya, people who had fought together, Mau Mau and Kikuyu are killing each other. In Burundi, this military man had stabilised the country and because of pressure, he introduced multi-parties. The President was killed after a month or so. In Rwanda, people are saying it is ethnic but by this invasion the man had been forced to introduce multi-party and the parties disintegrated. So what is in Rwanda is a combination of multi-partyism and ethnic. Now I can go on and enumerate how parties have failed on the African continent and here I want to recommend very strongly, that we look at this system, the Movement type of system, to me, why it is even popular and it is even going to be popular is because it is indigenous, it is based on an African model. Let me illustrate. Why I am saying it is going to be popular is because it is indigenous. Let us look at the models which were here before colonialism. How did the Buganda kingdom, the Ankole kingdom, how did the Acholi govern themselves? Let me talk of Buganda which I know very well. We had a *Kabaka*, you can equate him to the President now. Okay? There was a *Lukiiko* and that is Parliament, you can equate it to Parliament. They had lower units, they had the *saza* which is a county. It is now the RC 4. They had a *gombolola*, it is now RC 3. They had *muluka*, it is now RC 2, they had a *mutongole*, it is now RC 1. So this system - and by the way, one important feature in this system is that there is no parties and there is no opposition. That is fundamental. The elite here - and I am part of you - we have made assumptions which cannot work. The example of Lt. Col. J.J. Odongo. What he explained this morning will happen in any village and

it happened. The Baganda who are one had to divide themselves and cut bananas and coffee shambas. This is exactly what is going to happen even if you introduce it today. So I strongly recommend that let us look at the movement. Please, forget about the individuals who are in this NRM and do not equate NRM with the Movement system. Call it a committee system and its structure is very simple as I have elaborated. So I strongly recommend that we adopt this system for the future because development is going to come when the conditions in the rural areas, when people will be understanding the parties to the level the European now understands the parties.

Lastly, let me briefly touch on the citizenship, There is a new phenomenon in Uganda where somebody after he has been a citizen and he does something wrong, he suddenly loses the citizenship because he has done something wrong. Amin was a sergeant in the army and nobody mentioned whether he was a citizen or not. When he came, he grabbed power and lost it, he became a Sudanese having served the army and nobody was talking about it. When Binaisa replaced Lule, he became a Murundi. Bazilio, when he terrorised people here, he certainly became an Acholi of Sudan. Museveni now, because people do not believe in him, have now termed him a Munyarwanda. Now this is a very dangerous phenomenon which must be condemned because we are going to kill each other over this issue of citizenship. We were curved in, we were not consulted. Now, if we have to run a modern State, a modern State demands that once you are a citizen and there are certain requirements you must meet, once you meet those requirements, then you enjoy the same riches and privileges like anybody else.

I must mention something about this Banyarwanda phobia, so that those who are not informed know. This Banyarwanda phobia is not a new development. This is a result of multi-party factions because they were based on wrong premises. The Banyarwanda apparently, by accident, the majority happen to be catholics. So in the 1960s when UPC and DP were struggling for votes, it so happened that these catholic Banyarwanda automatically - because that was the foundation of the parties - found themselves supporting DP and this is the crime they committed. This Banyarwanda phobia is as far as that and in 1969, there was expected an election. Obote's government wanted now to count the Banyarwanda with the sole purpose of disenfranchising them so that they do not participate because

this was a vote for DP. So here, fellow Delegates, this question of Banyarwanda is a development of the parties. That is why some of us are very strong about parties because parties inevitably will divide the people and they will make other ethnic groups scapegoats, because they have supported this party and others have supported this. So, I think we must come up with a solution and in my view, the only solution to the citizenship issue will be identity cards. Let us register our citizens and once they are registered, then they must enjoy the same rights and privileges. I thank you. *(Applause)*.

THE DEPUTY CHAIRMAN: Thank you very much hon. Kayonde. Before I adjourn, I have an announcement from the Ministry of Information and Broadcasting. It reads: The Ministry of Information wishes to inform all Constituent Assembly Delegates that free of charge radio announcement services are available relating only to their constituents' programmes. Delegates wishing to send messages about constituents meetings, should do so in writing and conveying through Mr. Birungi Raphael who will be located at the reception counter in the lobby of the Assembly Hall between the hours of 9.00 a.m and 1.00 pm. daily when the Constituent Assembly is in session. *(Applause)* These special announcements will be made with effect from 2nd August, 1994 during the coverage of Constituent Assembly proceedings featuring in the news hour between 8.00 p.m. and 9.00 p.m. daily. This one again is going to be circulated to all Members at a later date. Thank you very much hon. Delegates. We adjourn until tomorrow.

(The Constituent Assembly rose at 6.42 pm and adjourned until 2nd August, 1994 at 8.30 am.)