

Friday, 1st July, 1994.

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

P R A Y E R S

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

The Assembly was called to order

COMMUNICATION FROM THE CHAIR.

THE CHAIRMAN: Hon. delegates, I have one or two things to say under this item. The Business Committee met yesterday and made a number of decisions. Firstly, I will only refer to those which I think we can report now and the others will come by way of communication. They made, among a number of decisions, the following: The first one was in relation to the program for the Constituent Assembly. The Committee took the view that as their number of 56 was not in a position to sit down and formulate the program immediately, they put up a small sub committee of 9 who are going to work out a programme for the Constituent Assembly and give it to the Committee for approval before it comes here as required by the Rules, to be adopted by the Constituent Assembly. This is a long term programme setting out how we see things until we promulgate the Constitution as required by the Statute and other attendant laws.

Secondly the Committee agreed on the hours of meetings. The Committee took note of the decision that is contained in the Rule that we should meet not less than 32 hours a week and accordingly having taken a number of factors into account, agreed on the following hours which we should keep from Monday onwards. For Monday and Friday the hours will be from 8.30 in the morning running up to 1.00 O'clock when we adjourn for lunch. Then we resume at 2.00 p.m. and work until 6.30 p.m. On Tuesday, Wednesday and Thursday 8.30 to 1.30 p.m. That together gives us a total of 33 hours a week and reserves the afternoons namely of Tuesday, Wednesday and Thursday for Committees to meet. We have four Standing Committees and also a possibility of Select Committees so that once those want to have meetings, they should arrange to meet on those days in the afternoons and, therefore, together with the Committee's work, we may find that we are transacting a lot of business as agreed in our Rules not to work less than 32 hours a week.

They also considered the question of the press. There has been a bit of dissatisfaction by members of the press as to the allocation and so on and so forth. The Committee took the view that this matter should be looked into in detail by the Rules and Orders Committee. Under the powers and Privileges Act, the Chairman is entitled to make orders and Rules relating to the presence of the press in the Constituent Assembly. They have not made any such Rules and I do not think it is necessary to make them but it is just a question of determining where and how the press should be accommodated in this place. There is a general feeling that they are unable to see Members properly from where they were seated. Of course, the other legal implication under the Rules and under the Act is that only Members may sit in the Assembly and the area made available for Members is that area from the Chairman to there. Whether in terms of the law the press can sit, for instance in the pool remains to be determined because that is part of the Assembly; but they can sit behind there. If they come here, then they must be members of the secretariat. These are the matters which the Rules and Orders Committee has been asked to look into and make a recommendation to the Business Committee before we finalise those arrangements. These were the important decisions which were taken, others were essentially of a procedural nature within the work of the Business Committee.

MR. CHANGO MACHYO (Samia Bugwe South): Mr. Chairman, some of us are wondering when we can have time to really go back and consult our constituencies, because if we are going to meet from Monday to Friday every week then you find that there is hardly any time you can go back and report and find out the opinion of your constituency. I do not know whether the Business Committee took that into account.

THE CHAIRMAN: I had two aspects to the Communication on that matter. I said we had the question of the sitting hours which I have just announced but the question of when we should break for instance, to allow Members to go for consultations is one of the matters to be recommended by this Sub-Committee of 9 which was appointed. They are going to come up with a programme - when do we finish the general debate, when do we start the consideration stage, in terms of the numbers of Members who have yet to speak and are likely to speak and when should we break off and for how

long, to facilitate interaction by members with their constituencies. These are the matters that will come out of that programme which will be prepared by the sub committee and it will come here as required by the rules.

MOTION

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

(Debate Continues)

MRS. WINIFRED MASIKO (Women Representative Rukungiri): Thank you, Mr. Chairman, for granting me this opportunity to air the views of the people of Rukungiri District whom I represent. I must express my gratitude to the different bodies that greatly supported the idea of choosing a woman from each district to participate in the Constitution making of Uganda. I am sure that most of the women in this august House are proud of winning the elections on the district level and can therefore, represent the ideas of the people at a more advanced level. The people of Rukungiri District are grateful to the NRM Government for peace, security and order it has restored to the district after a long period of political insecurity, social injustice and economic decay.

The issue of citizenship, Mr. Chairman, the people of Rukungiri District emphasize that it is a sensitive and a delicate issue and this august body must address it with a sober mind. Most of them are worried as to whether they are Ugandan citizens or not because the 1970s, there was a total collapse of the Central Registry and the people of Rukungiri District were affected. The children given birth to are not registered, especially those not born in the Hospitals. The death certificates have ceased to be issued ever since. This has raised questions in the minds of the people whether it is an intended phenomenon so that they are denied their citizenship in future or it is accidental. If it is not intended, let each citizen be given a number of identification or be registered. On the same issue of citizenship, Chapter IV Article 42 in the draft Constitution, it is absolutely inhuman to chase away any young child from this country who does not have a home anywhere else on the planet. Such children found within the boundaries of Uganda should be accorded full citizenship.

In any case as human beings, we are here on earth but for a season. Therefore we should not be excessively possessive. However the people of Rukungiri District feel that Members of this august house should not be tempted to overlook the Possibility of Uganda getting an influx of children from neighbouring Countries who are below the age of seven in case of any political instability or any climatic anomaly that might befall them or any other calamities. Therefore they suggest that the age be reduced to five years because the child of five years would know who the parents are and it would be very difficult to teach them to conceal who their parent might be in case they are from outside the country.

Concerning the traditional leaders, the people of Rukungiri District support the idea of any tribal group that might be interested in their leaders, to get her or him restored to her or his rightful status as long as he or she remains a cultural head

Concerning land, Mr. Chairman, the people strongly feel that the state should own land so as to distribute it accordingly. Each Ugandan should have a right to have a land title without incurring great expenses of say travelling from Rukungiri to Kampala to get one. The people of Rukungiri would like to enjoy the freedom of movement within their country. An individual should have freedom to live anywhere within the boundaries of Uganda according to his or her taste. The biggest part of the district is occupied by people who originated or belong to other parts of Uganda, most of them were settled in the area that had not been fully utilised and this has led to increased food product on in the district. They feel that such should apply to all other areas of Uganda. People in over populated areas should be free to occupy the less populated areas within the boundaries of Uganda for the purposes of profitable development. Some people in the district are quite worried about the land issue.

Some men who were settled within the peripheral of the National Park were given identification numbers. These men are growing old, they wonder as to what will happen to their children since most of them have more than one child and each child is struggling to keep the identification number to himself. Should they put up permanent structures in that area or not. They need the protection by the law.

People in Rukungiri District appreciate the work done by Odoki and his Commissioners especially

including the protection of environment, protecting the Game Parks and Game Reserves. People in Rukungiri District living very close to the National Park have been prohibited from encroaching on anything within the park by the law and cannot even fetch fire wood from such areas but no law has been established to protect them in case animals, which benefit every Ugandan, encroach on their crops and their gardens. Shouldn't there be a law put in place to consider compensation in case these gardens are devastated by animals from the National Park? They ask.

The people of Rukungiri District are impressed by the Resistance Council structures in the governance of the district. They do not care what name they will be called as far as such units of administration remain. They would like this Constitution making process not to put them aside but adopt them. They advocate for the Movement type of governance. They appreciate the multi-Party system but feel that it can wait until later. It was not easy to compile the statistics concerning the feelings of the people of the whole district to make one conclusion. Some people feel that the Movement type of governance should last five years, others say ten years, others say for ever. The view that most of them had was that to allow the multi-party system to start After Uganda has advanced economically and the dependence syndrome has been reduced greatly such that every individual in this country is free to make his own decision without fear of starving to death in case he does not support someone else who is rich. Parties in Uganda have been driving the people, greatly exploiting religious, ethnic and regional differences. This has led to conflicts, hatred, political murders and assassinations at times. People in Rukungiri District feel that on the day of the resurrection of parties they should come with a new form not leaning against religion what so ever. One should give credit to whoever deserves it. The recent CA elections in Rukungiri district cut across religion, political affiliations and ethnicity and was, therefore, conducted peacefully. Let us keep the peace for some time until we have become sober in the minds as Ugandans.

Most of the political elites in Uganda have not paved the way for development in their respective districts but being guided by self interest for future self enrichment. They have had to twist the arms of the masses to accept their interests even by just buying **perishable things** like beer, salt and the like to pull the masses to their sides. People of Rukungiri district

feel that every individual should be taught political science to a certain degree.

Regarding the electoral system, the people of Rukungiri district advocate for regular elections to take place and that a person who wins should enjoy the confidence and support of the majority of the voters. They feel that absolute majority should only be used when choosing the President while simple majority is used in other aspects. The reason they give here is that they can foresee the possibility of failure to make absolute majority in different areas which would render the exercise not only expensive but also time consuming and tedious.

Concerning decentralization, people in Rukungiri District

hail the decentralization policy. They are happy that, each district should manage, to a greater extent, its own affairs though it is still poor and a small district. They are convinced that this policy will bring about competition among districts in different facts which would accelerate developmental processes in Uganda. It would minimise some political elites who run to the cities to enjoy the comfortable living and only run back home when elections are about to take place so as to look for votes from the neglected masses. This policy will help people in the districts to live in harmony and guard their districts jealously for developmental processes. Instead of spending more of the time fighting, destroying human kind and property, just only waiting for manna from above or below, no matter how it comes as long as it is a free service.

The people of Rukungiri District appreciate the work of the religious bodies and Non-Governmental Organisations. Most of these bodies have been involved in education and health fields, and recently, in the care for orphans who are on the increase due to Aids. What is the use of keeping land not being fully utilised in rural areas while a Non Governmental Organisation can borrow it and use it for the benefit of fellow Ugandans. The non-Governmental Organisations should not be ignored, marginalised or taken for granted. The Government should work hand in hand with them because they serve Ugandans but the people emphasize the fact that **such** organisations should respect Ugandans at all times and be ready to employ them and never despise **any** Ugandan whatever state he might be in, rich or poor, educated or not educated, as long as the person is a **disciplined Ugandan**. These non-Governmental

Organisations should never behave in a manner not acceptable to the country.

The rights of the marginalised group in our society, Mr. Chairman, must be actively promoted. These include the women children workers, youth, the disabled, orphans, the sick and the aged.

The women in Rukungiri District are very grateful to the NRM Government which has called for the affirmative action in favour of women so as to reduce the culture which created gender imbalance. They expect that if there is any Member in this august House, who genuinely support women in their struggle for their rights he or she should, in practice, support the body that granted and encouraged the women to fight for their rights for the first time in the history of Uganda and that is the National Resistance Movement. Most of the women of Rukungiri District however still suffer. Some of them toil from sunrise to sunset looking for food, school fees, shelter, clothing, to mention but a few, while their husbands sit drinking beer all day long and constantly sell off their land without the consent of women yet to buy more beer to drink because culture has made them kings in their homes, to be free to do anything they like. Drunkenness, Mr. Chairman, is a serious problem to address in this august House because it is the woman who suffers in the long run and it hinders development. Women have had to take decisions made by men with big elements of force, with such statements as you either agree or go home. These are sweeping statements, Mr. Chairman, they do not understand which kind of home they are referring to here. Women are demanding for freedom to manage homes on equal footing like men and freedom to make joint decisions. For instance, why doesn't a man discuss with his wife or his wives before he brings yet another wife in the home. Why should a woman married to a Ugandan, become a citizen on application while a man married to a Ugandan woman is denied the privilege as well as the children whose grand parents are Ugandan. Why should a man and a woman decide to marry, which usually take place when they are still young before they accumulate much property of great significance, work and toil together, do a lot of saving and later give birth to children but after all this hard work and when age knocks on the door, the property has accumulated, the man sneaks in with another woman without the consent of the wife. Why should the woman get such a small percentage of their property so low as 15 percent while she has accumulated all

this property with her husband and yet only to be given the 15 percent and the children, from what we might call the permanent woman, has to share with the children who might be brought in from elsewhere on the 75 percent which was made by the original wife. We feel that the woman should get the 50 percent of the shares they have, and if the man is interested in bringing in more children and more wives, they should share on his 50 percent and the woman is also free to share with whoever she likes on the other 50 percent. We think this is the only way to bring equality.

The past nasty cultures should be dealt away with. A wind of change, Mr. Chairman, is blowing all over the nations. We beg Members in this House to move as the wind blows and get rid of the archaic conservative ideologies especially those concerning women. I live quite near the Kisizi water falls in Rukungiri district. I like to hear the noise it makes early every morning. It usually reminds me of the past barbaric cultures of throwing pregnant girls headlong the falls which could not stand the test of time and was dealt away with. How about the cultures that have deprived a woman her fundamental rights and freedoms, they ask.

The women of Rukungiri District call upon this august House to consider Article 131 Chapter 8 on page 53 in the draft constitution which talks about the composition of Parliament. The 15 women representatives are just too few. They wonder as to which districts will be represented and which ones will not be represented and why it should be? Rukungiri District, Mr. Chairman is a new and small and relatively poor district. They feel they might be left out when they are choosing the 15 women representatives. So they beg this House to consider choosing a woman from each district for fair representation. Mr. Chairman, I have this to say to this august house. As a committed christian I wish to beg the Members of this House to respect God, have a Constitution for the people, Set aside personal interests and aspirations but represent the interest of the masses in the respective districts, respect women's views and acknowledge that all leadership comes from above. Thank you very much.

MR. ONETI-BATIA (Maracha County): Thank you. Mr. Chairman, allow me to congratulate you and hon. Members for being successfully elected or nominated to discuss this draft constitution and thereafter promulgate the Constitution for the coun-

try. Mr. Chairman, our constitutional history is well known to all of us and I am sorry to say that it has not been something so much to be proud of. The Odoki report observes on page 2 that at the time of Independence in 1962 Uganda had a Constitution with a lot of traps. It is therefore not surprising that the 1962 Constitution led to trouble in 1966. The 1967 Constitution, among other things concentrated power in the Presidency. Added to the traps in the 1962 Constitution and the power concentration in the presidency by the 1967 Constitution, was the use of the gun in politics. Mr. Chairman, our new constitution should avoid laying any more traps for the future and it should aim at making corrections of the past experiences.

At this juncture, I want to thank the NRM government for availing the chance to all Ugandans to write a new Constitution after a long suffering. This Constitution should necessarily provide for accommodation, tolerance and participation of all Ugandans. Every issue that has been causing conflict and discomfort should be identified, discussed and resolved with the sincerity it deserves. This means the inherent weaknesses in the past Constitutions should now be corrected in order to produce a document of hope for the country. Mr. Chairman, since trouble started in 1966 the affairs of this country have been more directed by the use of guns than by votes. Although the NRM used the gun to capture state power, the people of Maracha county have no doubt in their minds so far that the NRM is ready for the fundamental change to use votes rather than guns for the peaceful change of governments in this country.

According to the Maracha people, the problem of this country has been, among others, the Presidency, the guns which have been used to maintain him in power as long as possible and the unbalanced regional development in the country. Mr. Chairman, the people of Maracha county still remember Amin's regime which started as a caretaker government, which then became a take care government before it matured into a life presidency. Mr. Chairman, the people are observing the NRM with keen interest and they have observed that when the NRM came in 1986, it promised to be in power for four years and before the four years were exhausted it extended the period for another five years. The question, Mr. Chairman, which is disturbing the minds of Maracha people is whether the NRM is not taking them for a ride again. I have said that so far the people of Maracha have confidence and they have no reason to

doubt NRM but Mr. Chairman, it is really up to the NRM government not to disappoint the people again or else people will lose faith in any government to come.

The suggestions of the people of Maracha are therefore as follows. On how to defend the Constitution they express the fear that it may be difficult to fight any armed person with bare hands but recommend that at least peaceful demonstrations should be used as a means of protesting against people who may abuse the Constitution. They support military training of every able bodied Ugandan at the age of 18 to 30 years. This group can then militarily defend the Constitution when necessary. They also propose the education of the people about the Constitution so that they may know when something has gone wrong with the Constitution in order to rise to defend it.

On the Presidency they noted that the President is too powerful as almost all crucial appointments are done by him. They however, appreciate the attempt to reduce the power by creating a National Council of State and recommended the job of the National council of State to be done by a Committee of Parliament because they fear that the National Council of State could easily be manipulated by the President as he appears to dominate it by appointing many of the members as well as being, the chairman. They support the impeachment of the President and the minimum age of 40 years for the President. He should have at least a first degree from a recognised university and have two terms of five years each in office. The citizenship of the President should not be doubted so that we avoid non-citizens ruling us.

On representation of the people they recommend a permanent electoral Commission to be elected by the legislature so that it can be independent.

On the issue of political system to be adopted, the people of Maracha county are rather disturbed by the recommendations in the draft. They are very sorry about the issue of a referendum every five years. They were asking why there should not be a general elections every five years. They argue that political parties cannot really be blamed entirely for the turmoil that has been taking place in the country. They say that most governments in Uganda since 1966 have got into power through unconstitutional means, instead of these governments correcting the mistakes which forced them to take over the government of their predecessors, they embark on ideas or

tricks which will keep them in power as long as possible. Mr. Chairman, I have already narrated Idi Amin's story to illustrate this point. When people organise themselves to oppose such government because they have waited for the official channels in vain, these governments then start suppressing the opposition leading to the destruction of life and property. Mr. Chairman, the people argue strongly and believe that the quality of the leadership in the country and the good-will of people are more important in determining what will happen rather than the political system we shall adopt. A strong, dedicated, honest and fair leader will be accepted by Ugandans regardless of his or her religion or tribe. Political parties, Mr. Chairman, should not therefore be used as a scape goat for sticking to power. Mr. Chairman, the people of Maracha county therefore suggest that in order to get alternative leadership and policies without the use of guns, there should be institutionalised competition for power and they agreed that some interim period of not necessarily five years should be given to the Movement system to organise this competition for power between the various political associations that may emerge. In this period the different political associations should be allowed to operate because, unless we allow them to practice they will never mature. The rules and the calendar of the game should be set and agreed upon by all interested parties during this interim period. Let all these associations challenge each other so that we can see which of them is more popular than the other. Even a coalition government could be formed if all these associations respect each other. Therefore, there is no need for a national referendum to be organised at the end of the interim period.

The Article on the right of recall is rejected because of its likely practical difficulties of implementation, instead the people recommended continuous civic education of the electorate and frequent elections so that the electorate becomes formed and experienced in choosing wisely.

Representation of women was recommended to be one per district instead of the fifteen which is too few.

On Local Government, decentralisation was highly supported and the Central Government's representative role was requested to be clearly defined. The army should be recruited from every district and should be of manageable size. The local chiefs and RC's should verify the citizenship of those who want to join the army at the time of recruitment so that only

true Ugandans join the army. They further suggest that the special representation of the army in Parliament should be gradually phased out and thereafter any soldier who wants to contest a parliamentary seat should resign from the army as any other public servant. They think that the army was brought into Parliament out of fear and since most citizens will be militarily trained, this special consideration could be withdrawn.

On citizenship, the people of Maracha requested all citizens to be identified so that refugees or aliens are not given the same treatment as citizens. There is need to register all refugees and aliens so that they do not cheat the citizens. On land they recommended free hold land and peasants should be assisted to get titles as cheaply as possible.

On the traditional rulers the traditional rulers should be allowed where they are wanted as long as their activities are not financed by the government.

Uganda should remain Unitary and a Republic with Swahili as a National Language and English as the Official Language.

Finally, Mr. Chairman, Ugandans should begin to have faith in legal solutions to political tensions. This will yet be another fundamental change for the better. I thank you, Mr. Chairman, I thank hon. Members for listening to me.

MR. N. OKWAKOL (Pallisa County): Mr. Chairman, I congratulate you and your Deputy for election to the prestigious positions you now hold. I also congratulate hon. Delegates for their well deserved victory at the C.A. polls. I am a Delegate for Pallisa county. It is one of the four counties constituting the new district of Pallisa carved out of Tororo District four years ago. Up until 1986, Pallisa had abundant food such as millet, rice, cassava, peas, fish, meat and milk etc. etc. All this changed in 1987 when insurgency swept through East and Northern Uganda. At the height of the war, rebels of Lakwena crossed into Pallisa from Kumi and when the NRA engaged them in a fight, many people in the various parts of the district were displaced. Along with the rebels came the rumour that the NRA was rustling cattle and that the Banyarwanda had a hidden agenda against the people of Eastern Uganda. The CM's of the area did not take tangible steps to help resolve the war situation. This was later to lead to their humiliating defeat at the C.A. Polls. This is the

scenario which has given rise to the famine in Pallisa - *(Interruption)*.

MR. PETERAKURE (Jie County): Information. Sir, I would like to inform the hon. Member on the Floor that the CM was not there in 1987.

MR. OKWAKOL: This is the scenario which has given rise to the famine now raging in Pallisa as I was saying. It is against this background that I come to this august Assembly to present the views of Pallisa county on the making of a new Constitution for the republic of Uganda.

Before I present the views of the people of Pallisa county I beg your indulgence to permit me to highlight few matters which I believe we should observe in order to succeed. Firstly, we must foster a spirit of reconciliation. Admittedly we have made mistakes that is why we have suffered much but this is not the time for recrimination, let us forgive although we shall not forget. Fortified by words of a song which used to be sang by the Moral Rearmament in the 60s and I quote: "Inside everybody there is some good and some bad. So do not let anybody start abusing people, leave them as they are and fight for them to be great men and great women. That is what God made them to be". Secondly, Mr. Chairman, we must be flexible. Since hon. Delegates hold different views on some of the issues, reaching a consensus as stipulated by Sections of the Constituent Assembly Statute 1994, of necessity that we all have to shift our positions somewhat. It is regrettable therefore that some hon. Delegates seem bent on derailing this exercise of the Constitution making process. A case in point, Mr. Chairman, is well known to you hon. Delegates. In the New Vision of Wednesday, June 29th, 1994, the Hon. Delegate for Busujju county is reported to have warned aliens to stop talking or doing anything which will prevent the coming about of the Kingdom of Buganda. Mr. Chairman, that was denied *(Interruption)*.

MR MULONDO: Mr. Chairman, I wanted to give him an information and he has agreed to hear me and I think he has agreed to take the information. I wanted to inform the hon. Member that what he is deliberating on has been denied in the press by the Member who was alleged to have said it. I think in the spirit of this Assembly of trying to tolerate one another, it should have been better if such things are not dug up again in a meeting like this one. Thank you, Mr. Chairman.

MR. OKWAKOL: Mr. Chairman, the seriousness of our job really necessitates that we are honest and frank to each other. We must put our cards on the table so that we know what people are thinking. The intervention by the Hon. Sabalangira Mulondo is well taken. However, in yesterday's *New Vision*, the reporter who reported what hon. Abu Mayanja stated the other day insisted and I quote "what was published was what Mayanja said." He said, the Deputy Premier was quoted word for word. Mr. Mayanja addressed the people without mincing the words - *(Interruption)*.

MR. ABU MAYANJA: Information. Thank you, Mr. Chairman, I am grateful to the Hon. Okwakol for giving way. I am the Member for Busujju who is alleged to have made the offensive statement in Njeru. Mr. Chairman, I would like to inform the hon. Member holding the Floor of the House and the whole House that the story in the *New Vision* of the day before yesterday was indeed a fabrication and a concoction. I was speaking in the constituency represented by a non-Muganda in this House and the idea that I could have said a thing like that in her presence, even if it were a matter of good manners, is inconceivable. I denied the story in the presence of Hon. Dr. Sophie Musana in a press conference and she joined me and she is a Member of this House. The speech or the remarks which I made at Njeru were fortunately recorded on a tape and I am taking steps through the good offices of the Ministry of Information to acquire a copy and honourable delegates, if need be one could quote from there but I want to say in my experience, which is fairly long, Mr. Chairman, that sometimes the press can be malicious and when - *(Interruption)*

THE CHAIRMAN: I think you are going beyond mere information.

MR. ABU MAYANJA: May I then stop but that when an Hon. Member has made a statement denying a statement by the press, then I think courtesy requires that his colleagues would give him credence rather than the newspaper story. Thank you very much, Mr. Chairman.

MR. OKWAKOL: Mr. Chairman, it is comforting to note the statement which Hon. Abu Mayanja has given. It is our hope that no similar statements will be made in future because if they are then I see us drifting to 1966 and history will have repeated itself.

Thirdly, hon. Delegates and government leaders should not be insensitive to peoples feelings. This can undermine the good-will of the people and the legitimacy of the Constitution. I will illustrate. On the 8th of June 1994 the Rt. Hon. Prime Minister George Cosmas Adyebo who is also CA Delegate for Kwania county set out on the now well publicised helicopter tour of the famine stricken areas of Eastern and North-Eastern Uganda. During his tour the Rt. Hon. Prime Minister made some astounding statements which have left many aghast. I will confine myself to the statement *(Interruption)*.

MR. KIWAGAMA (Bunya West): Point of order. Is it in order for Hon. Okwakol to continue digging up statements made by Hon. Members of this House when his first appeal to us was reconciliation, he appealed to us to leave everybody as he is and just go ahead and negotiate a Constitution. Is he in order to continue digging up?

THE CHAIRMAN: I think the hon. Member is illustrating his arguments on his contribution to the general debate.

MR. OKWAKOL: I am much obliged, Mr. Chairman. As I was saying, the Rt. Hon. Prime Minister set out on a tour of the Eastern and North-Eastern Uganda. What he stated was unbelievable and I said I was confining my statement to those remarks by the Prime Minister in Pallisa which was his first touch down. While meeting the officials of Pallisa District Administration Hon. Adyebo sought to be shown graves of those who had died of hunger. If need be bodies of the dead would have to be exhumed for doctors to confirm whether or not they died of hunger. The people were insulted by the Prime Minister's remarks. They are saying that the Rt. Hon. Prime Minister was in effect calling them liars. So they wonder if the Prime Minister does not care whether they live or die; for whom is the Constitution being made. The situation is compounded, Mr. Chairman - *(Interruption)*

MR. ADYEBO (Kwania County): Point of clarification. Chairman, I am really shocked to hear an hon. colleague taking this Floor to give a newspaper position to have meant what I, Adyebo Cosmas, stated in Pallisa. When I went to Pallisa I was sent by the President to confirm or at least to witness what is on the ground so that the Government can take appropriate steps following the disturbing reports we in this country have been reading in different

newspapers. When I went to Pallisa I took one of my Ministers who is also a Member of this august House and he is here present, that is Hon. Kyemba. When I also went there I took one press reporter by the name of Baguma who had earlier been reporting so that we could go and harmonise what is on the ground. On reaching Pallisa I met first of all the district leaders to brief me. Thereafter we convened a meeting of the district leaders including the Central Government representative, the District Executive Secretary, the DEO and the RC 5. Later on I was even joined by an hon. Member of Budaka, that is hon. Kirya Gole. The meeting was in a very transparent manner. Mine was the listening rather than the commanding and there I asked them, the people of Pallisa and different leaders to confirm whether really people died of hunger and I did not in any case suppress the information being given to me. I was grateful to be told by the Central Government Representative that even a day earlier he had convened a meeting of all the RC.3 of Pallisa District about the famine situation in Pallisa and in that meeting they told me some four people died out of eating some cassava called Obwang because it is a poisonous kind of cassava which is not meant for human consumption. One person died also because of eating wild yams. I compiled this information but the people of Pallisa did say that they are not a lazy group, it was unfortunate famine struck them due to a prolonged lack of rain because in Pallisa it rained for only 55 days during last year and also there was cassava mosaic which had destroyed the cassava which is a staple food in Pallisa. I had wanted even to stay over-night and I pledged that the government would send them relief food just up to the harvest time which they wanted. I am, therefore, very disturbed if an hon. Member, instead of reconciling information by going to the relevant offices also reverts to newspaper reports.

THE CHAIRMAN: Okay, now we have finished, the hon. Member for Kwania has clarified his position with regard to the press statement to which the Member holding the Floor refers and the hon. Member holding the Floor please continue.

MR. OKWAKOL: I thank you, Mr. Chairman. Before I continue I just want to state that the information I got is not from the newspapers, I got it from the councilors who were - *(Interruption)*.

THE CHAIRMAN: But you did say that you were referring to a newspaper of a particular - but anyway

let us leave that subject aside, could you continue with your other remarks please?

MR. OKWAKOL: Mr. Chairman, what I am trying to highlight are problems which could affect the legitimacy of our Constitution. These are problems which the Constitution making process must address. The people of Pallisa are of the view that contrary to what we are made to believe that the problems of this country are caused by political parties, in fact *-(Interruption)*.

MR. KARUHANGA: Point of clarification. I just want to have a clarification these speeches in the East which seem always to have long trail of misunderstandings and misquotations. There was our Attorney General near the East, he was misquoted; there was our Prime Minister near the East, he was misquoted, and I remember in history there was a whole President who said it is alleged, and I do not think it is true, that a good Muganda is a dead one, and it was said in the East, what is all this?

THE CHAIRMAN: You are only interrupting. I think hon. Member should continue.

MR. OKWAKOL: Mr. Chairman, I was saying that the problems of our country do not really stem from political parties, and that is what the people of Pallisa have asked me to inform you. Rather they think the problems arise from three factors. The first problem of Uganda is that everybody seems to want to be a President even those who are not qualified to be Presidents. You may remember, Mr. Chairman, in the very recent past we had President Tito Okello who, with all due respect, probably should not have been a President. You may recall, Mr. Chairman, that when it came to the President being sworn in as the Head of State and later on to speaking to the OAU Assembly in Adis Ababa, it was difficult to determine whether he was speaking in Gujarati or in English or in Acholi *-(Interruption)*.

MR. KWERONDA RUHEMBA: Point of order. Is the speaker on the Floor in order to continue attacking personalities at that, in this House where we are supposed to be reconciling?

THE CHAIRMAN: I would like to caution the hon. Member holding the Floor that he is straying a little bit into personalities. I think he should concentrate himself on the general principles of the Draft Constitution.

MR. OKWAKOL: Mr. Chairman, I am much obliged for your ruling, but what I am trying to do is to point out what has caused problems to this country; the causes of our problems in respect to the recent past of our history. Let me proceed further and say one of our problems also is the people. Presidents tend to surround themselves with those people who seal them, who will insulate them from the people. Mr. Chairman, most of those who have tended to surround the Presidents want to say good things about what the Presidents want to hear, but they do not want to tell the truth about what the country may be saying, and this is where derailing comes about. Thirdly, Mr. Chairman, there has been absence of checks and balances, and it is in this regard that the people of Pallisa have asked me to make or to inform You what their views are on certain topical issues which the Draft Constitution has provided.

Firstly, Mr. Chairman, the issue of a Constitution, how best should it be preserved, if this august House promulgates a Constitution, how will it be protected? It is the view of the people of Pallisa that the best way we can protect it is that all able-bodied Ugandans be trained militarily. The example, Mr. Chairman, is our neighbour in the South, Tanzania. Tanzania has a population of about 25 million and slightly under one half of that is militarily trained, and those about ten million people are reservists, and there is no way one can have an occupation Army in Tanzania. I believe we can take a leaf from this so that our young men are trained, and if that is done it is not likely that someone will have the guts to take over, when he knows that most Ugandans can fight back.

Secondly, Mr. Chairman, on the issue of republic, the people of Pallisa say, let this nation remain a republic. It does not in any way contradict with the positions of having Kingdoms and the people say that if there are areas which do want Kingdoms the people of Pallisa will not stand in their way, but would still retain the leader of your Kingdoms. Because, for instance, in South Africa it is a republic but there are Kingdoms within; take the example of Ghana, it is a republic but there are very important chieftainships equivalent to Kings in that republic.

On the issue of national objectives, which is chapter 3, of the Draft Constitution, the people of Pallisa feel that this an attempt by the NRM to incorporate their manifesto into a Constitution. This is not the proper

way to do it. The NRM have some good ideas, but what they have to do is to form themselves into a party and put these ideas which they put in chapter 3 into a manifesto, and let the people vote them or not vote them into power. It is, therefore, recommended by the people of Pallisa that this whole chapter be deleted.

On the issue of citizenship, it is noted by the people of Pallisa that many of the people who are in the intelligence services, who cause suffering to the people of Uganda are predominantly non-citizens, and the reason they torture Ugandans is that they care less whether Ugandans suffer or not. Because at the end of the day, they would jump out and to their countries. It is, therefore, proposed that the issue of citizenship be strictly dealt with. It is only those who are Ugandans, who are citizens as by the 8th of October, 1962 who should qualify for citizenship; and, of course, subsequently those who may also want to apply later and are granted.

On the issue of political systems, Pallisa is staunchly multi-party. We believe that that is the system which is credible; the alternative, that is the Movement system, is monolithic, it is autocratic, it is outdated. Mr. Chairman, the people of Pallisa strongly believe there must be separation of power, namely there has to be the Executive, led by the President, distinct from the Legislature which should be supreme, and a Judiciary which is truly independent. To effect this, it is proposed that, in fact, this idea of separation of powers is implemented physically in the sense that we have a legislature positioned in Kampala. Let the Judiciary be taken, say to Mbale, and if possible we can have a seat of government in a place like Kigumba in Masindi *-(Interruption)*.

MR. SAM KUTESA: Point of order. Mr. Chairman, I have the highest respect for the Member holding the Floor when he is contribution on Constitutional matters, because I know him to have spent the longest time I know, reading law. But is he in order to confuse this House that the concept of separation of power means physical separation, when in fact, according to all principles of law separation of power has nothing to do with physical encampment or distance of the occupants of those powers. It means a distinct delineation of responsibilities and where one stops; the Executive stops here, the Legislature stops there and the Judiciary takes over from there, but not physical separation in terms of encampment. Is he in order to confuse this

House even after taking so long reading law that the concept-

THE CHAIRMAN: Hon. Member, I think you have made your point. The hon. Member is in order; in fact, yours is a point of argument rather than a point of order. Please, proceed to wind up.

MR. OKWAKOL: Mr. Chairman, I am most grateful to hon. Kutesa for that enlightened information or contribution he has made. Indeed I was not talking about the theoretical idea of separation of powers, but I was talking about the need for us to take these organs of government to other areas of the country so that they too can develop.

The people of Pallisa would want to have an Army which is a small Army of around about ten thousand well trained and well paid men and women, reinforced by reservists. That way, it will be possible to defend the Constitution of our country. I must stop here, as I will have some time to give details of what the people of Pallisa have to say during the consideration stage.

I conclude by saying this; we have a chance to start afresh, let us rise up to the occasion and give the people of Uganda a Constitution they deserve; one which will ensure unity, peace and prosperity. I thank you Sir.

THE CHAIRMAN: Hon Okwakol, I thank you for your contribution to the debate. I now give the Floor to hon. Basaliza Araali from Fortportal Municipality.

MR. BASALIZA (Fortportal Municipality): Mr. Chairman, I wish to extend my sincere gratitude to you for allowing me to address this august body of hon. delegates of the Constituent Assembly from all corners of Uganda. Further more, I would like to congratulate my fellow delegates for having been elected as C.A. delegates to this important body. It goes without saying that the people have great confidence in each one of us that we shall deliberate maturely and put in place a Constitution which will determine our future, the future of our children and grandchildren, in short a Constitution which will stand the test of time. Mr. Chairman, I wish to thank before you and this august Assembly, the people of Fortportal Municipality who elected me to come and present their views to hon. Members of this Assembly. Mr. Chairman, merits and principles of the

Draft Constitution cannot be discussed without reference to the C.A. background and role of C.A. The C.A. originates from the ten point programme of NRM Government. The NRM Government inherited a state of political confusion and mismanagement of the economy. The only solution which we members of NRM suggested to the government was leave the nation to enact the supreme law of the land, and that is the Constitution. Merits of the Constitution which we have to debate must be considered in the light of the previous constitutions, that is to say of 1962, 1966 and 1967. Background of Constitutional developments in our country, based on agreements made and imposed by our former colonial masters which was diffused in the 1962 Constitution. The Constitution inherited political upheavals which our former colonial masters wanted to get rid of, the lost counties. Subsequent Amendments brought more problems which culminated in its abrogations by introducing the 1967 Constitution. Both 1962 and 1967 Constitutions had a link with colonial governments, the supreme body, that is the British Parliament, to have been set up by Order of Council. This Constitution which we are deliberating on now is ours, it is an autonomous Constitution, it has no colonial influence and, therefore, we have to see to it that we deliberate in a mature manner, because if we do not, future generations will condemn us.

Now let me present the views of my people of Fortportal Municipality. The people of Fortportal Municipality have sent me here to inform this august body that they are in for a political system which is a Movement system of government. They say that they have never seen such experiment in Uganda which has worked so well, that is the Movement system of government. First of all, Mr. Chairman, the people say that they have been impressed by the achievements of the Movement and, for instance, in the history of Uganda no government has been accommodative like the Movement. Now, every person hopes to become a Minister if he performs very well, every person hopes to become a Prime Minister if he performs very well; that is a big achievement, and we cannot say that it is outmoded or archaic, because it has introduced new ideas which are modern and which are good for nation building. Mr. Chairman, the people feel that the old political parties should wait until five years when people will take a decision. Because the old political parties, some of them are based on a philosophy of eating and discrimination against other Ugandans.

Mr. Chairman, the view of the people of Fortportal Municipality is that, let us give a chance to the Movement to inculcate the spirit of constitutionalism and nationalism among Ugandans, then we can have parties which will be nationalistic in outlook and will not divide us on religious, tribal or regional grounds.

The people of Fortportal Municipality support the restoration of traditional leaders, they support the restoration of Kings; they view the traditional rulers as people who could bring about unity and development, hence contributing to nation building. But they support the idea that these rulers should be apolitical, they should not involve themselves in political activities. Experience has shown that once they get involved in political activities or in politics they create confusion and end up by undermining themselves and the nation. I know some people are cynical about restoration of such rulers, but you should remember that each of us, in one way or another, is enjoying the fruits of these traditional or cultural rulers who struggled very much to bring about unity. For example, Buganda, Bunyoro, Toro and Busoga were very tiny Kingdoms, but these traditional rulers merged them and formed very big structures of Kingdoms which our political leaders have inherited. Mr. Chairman, I know that these rulers can exist and play a role within a sovereign state, and a republican government at that. The colonial masters realised the importance of these rulers, I do not see why we do not realise their importance in the modern context of nation building. The task ahead of us is to eradicate political errors and enhance political and economic development. To decide on what type of Constitution is suitable to our country today, we had to examine our political background. Uganda protectorate, as it used to be, during the colonial rule, all its districts and Kingdoms were not on equal political status. Kingdoms had their own agreements which established special relationships with the central government. Districts were ruled directly by order of the central government; that is why in 1962 all Kingdoms advocated for federal government. But, Mr. Chairman, I must say that the people of Fortportal Municipality are not in for a federal government, but they are in for a unitary government.

Since NRM came in power, government has been advocating for economic development, emphasising people to participate in projects which can develop their areas. I, therefore, appeal to my fellow del-

egates to approach this issue with greatest care bearing in mind that any form of government which is not suitable for some regions will not be easy to implement. Political policy is not like human organs that can be transplanted. Since the NRM came to power, the policy of umbrella is equivalent to unitary form of government, and this is what my people of Fort Portal Municipality would like to embrace.

Having decided on the form of government, we should address ourselves to another important issue, the type of Constitution. There are two types of constitutions; rigid and flexible. Rigid Constitution states out fixed procedures to amend the Constitution and to enact any other law that is likely to affect the public at large. Mr. Chairman, a flexible constitution has no such clauses. If we adopt a rigid constitution then we should decide on issues which should require these clauses, so that our Constitution is not tampered with by greedy leaders. The above mentioned issues are so fundamental to our task that they deserve special consideration before proceeding to other issues in the Draft Constitution. However, Mr. Chairman, there are also some other issues which equally deserve special consideration in light of recommendations in the Draft Constitution: and one of them is ownership of property under the Bill of human rights, it was not catered for in the Draft Constitution. Chapter 17, gives all land in Uganda to the Land Commission, there and then depriving ownership of mailo land. Where today owners from various parts of Uganda got this land some out of sweat. Now, the people of Fort Portal Municipality suggest or propose that if the land or mailo land is to be used by other people, these people should be compensated. Mr. Chairman, land is essential for development of people; it gives people confidence and pride because they possess land and can be used as security to obtain loans from financial institutions. Mr. Chairman, chapter 17, abolishes individual ownership of land and rests all land in Uganda in the Uganda Land Commission; but the same Draft Constitution safeguards property under chapter 5: there should be no acquisition of land without compensation. Most people in Uganda are squatters on land who can be evicted any time, especially, in Fort Portal Municipality. The right to own land should be embodied in the Constitution, impose compensation so that any person evicted can find an alternative settlement without inconvenience. What is the use of owning land when it cannot be developed? Squatters should be allowed to own land if they can develop it. The government, therefore, should facilitate people

without land to own land without titles. The land issue in Uganda is a time bomb which should be detonated in this Constitution. Mr. Chairman, the people of Fort Portal Municipality propose that within the municipality, no peasant should be evicted without being fully compensated; that the government should facilitate the evicted people to be resettled so that they are not highly inconvenienced; that, actually, in the municipality, customary land tenure should remain and they ask that nobody, even government, should encroach on people's land unless it is highly necessary, and in this case the owners of the land should be compensated.

On the issue of representation, that is the legislature, I agree with hon. Kakunguru that in order for one to be allowed to contest in a given area, one should have property in that area - one should have a project. Because we have had enough of what I would call briefcase politicians; we have had enough of that. There are people who come from the city here, or come from abroad and contest in some areas and in the end they do not go back to their people. Mr. Chairman, I would like to propose that in order to contest for NRC or Parliament, one should be nominated by, at least, two prominent citizens in his own constituency and 50 proposers. I am saying this, to give an example. During the C. A. elections, we were supposed to be nominated by two people and then proposed by ten. But some people failed to get this number, this showed that these people were not pro-people, and they have remained in the villages and now they are learning to be pro-people.

A right to recall: experience has shown that once a person is elected to represent his constituency he cannot be recalled until the life period of Parliament, that is five years have expired. The views of the people of Fort Portal Municipality are different on this issue. Their contention, which I strongly support, is that if a Member fails his or her duties to make any contribution or debate on important issues, the people who elected him or her should be given a right to recall him or her.

Elections: People of Fort Portal Municipality believe that as much as possible election should be by adult suffrage, one man one vote and a secret ballot. This is a type of election which is carried out in many countries and it has many advantages. The question of lining up behind people is no longer needed at all.

Now let me touch the Judiciary; the people of Fort

Portal Municipality are saying that they should be independent of the Judiciary and it should be a must. Observations: Judicature Act 1967 is long over due for revision. People on capital offenses e.g. murder, have only one chance of appeal, that is from High Court to Supreme Court. My contribution on this issue is to amend the Judicature Act and to establish a Court of Appeal; hence the system should be as follows: High Court, Court of Appeal and Supreme Court. Number of judges should be increased and a commission of justice should be appointed whenever the situation warrants it. There has been public outcry that people have overstayed on remands in prison due to lack of judicial staff. There should be age limit also for the appointment of the High Court Judge, that is at the age of 45. Court system: Mr. Chairman, the people of Fort Portal Municipality appreciate the work which the RC courts are doing; the judicial committees established under Resistance Councils have facilitated the judicial system; this system enables a common man to lodge his complaints in court without incurring expenses, and the council members are very active, and they deliver their judgements in short periods compared to ordinary courts. Our experience, Mr. Chairman, in Fort Portal Municipality is that some people who have stolen chicken languish in prison and sometimes die there. The people of Fort Portal Municipality encourage this system and would like the system of RCs to continue in existence and be given more powers.

Let me touch on the Executive: Firstly, Mr. Chairman, it is a feeling of the people of Fort Portal Municipality that Presidents have been either Presidents of the party or of the Army; they were, therefore, answerable to the party or to the Army; they never considered the nation at heart. People may be in misery but party members or army men are enjoying themselves. It is only under NRM Government that the President and the government have decided to give power where it belongs, that is to the people. In order for the social contract to be completed, the President should draw power from the people; hence he should be elected by the people under universal adult suffrage by secret ballot, that is what the people of Fort Portal Municipality say. It is the view of the people of Fort Portal Municipality that the President should be elected by the people. Removal of the President on grounds of physical or mental incapacity; the medical board should determine this, but his personal doctor who is acquainted with his personal problems, should be also on the

board. The Draft Constitution does not cater for this.

Defence, Mr. Chairman: The people of Fort Portal Municipality are saying that the Army should have educated people, it should be a nationalistic Army. The article establishing Armed Forces is silent on standards required to be recruited in the armed forces. The education standard should be set. Secondly, the districts should be proportionally represented in the armed forces, and as regards the Armed Forces Service Board and the armed forces council, these two bodies have an important task and their members should include members of the public. We suggest that each region should be represented by two members who must be prominent citizens. Mr. Chairman. If members of the Army can come to join the NRC or can be with us in the Constituent Assembly, why can we not have members of civilians on such boards. The size of the Army should be decided, or should be determined. A body, that is to say, of military (Inaudible)- board should be established under the article. Its functions should be to assess that soldiers who die while on military service should get their entitlement, so as to assist the parents and children of soldiers who die while serving the nation.

Now we come to the law of the Police Force. The people of Fort Portal Municipality say that in order to implement the provisions in chapter 5, article 53, part I -(*Interruption*).

MR. ADYEBO: Point of order. Mr. Chairman, is it in order really for a sizable number of hon. Members to go on perusing newspapers, when actually, we are debating fundamental issues leading us to the promulgation of the a Constitution of a nation. Is it in order, Mr. Chairman?

THE CHAIRMAN: It is not in order, the rules prohibit the reading of newspapers during the proceedings.

MR. BASALIZA: Mr. Chairman, the people of Fort Portal Municipality have this to say on the Police Force. In order to implement the provisions of chapter 5 article 53, part 1, Police Officers in charge of Police Stations and Posts must have legal training, preferably lawyers. At this juncture, Mr. Chairman, if the government has not come to assist Police Stations and Posts, they should be allowed to engage in private lawyers devoted to discharge

duties immediately.

Prisons Service Board: I observe an omission vital to a prison; the consultations should include a prison entitling a prisoner to practice his profession, or be trained to do professional work. Finally on that issue, there must be categories of prisons, that is to say a driver who fails to pay a fine should not be detained together with *kondos* otherwise he will become a kondo. That role of prisons department should be to train and turn Ugandans into good citizens, that is a driver should not be trained by a kondo to become a kondo.

On Local Government: The People of Fort Portal Municipality highly welcome this new thing that is connected with decentralisation. Mr. Chairman, decentralisation must be spelt out clearly in the Constitution. If decentralisation is to be meaningful, we must have a strong District Council; the Draft Constitution is silent about the age limit or the age of the Chairman or the age of the councillors; yet we know that these councils are supposed to undertake a very important task and, therefore, Mr. Chairman the age of the councillors and the Chairman should be spelt out.

Let me continue with the sovereignty of the people. In chapter 3, and chapter 4, it is spelt out clearly that power belongs to the people, and this is very, very important. In order to have the democratic process to work out, we must give power to the people; and this is our work here to see that the Constitution caters for each citizen in Uganda. Political antagonism which has hindered economic development in Uganda has been based on the fact that power has not been given to the people. Mr. Chairman, at this juncture I would like to express the views of the people of Fort Portal Municipality as regards to criticism levelled against the Draft Constitution. Some of the Constituent Assembly Members have had a chance to advise government, by virtue of their office which is never utilized. I will substantiate my argument by referring you to criticism levelled against the Judiciary, notably the establishment of the Judiciary Service Commission or a body responsible to appoint judicial officers. Some members who opted to express their views through the New Vision suggested that qualification of the people who should be Chairman of the Judicial Service Commission should, according to their contention, be a third Judge, but how many third Judges do we have in Uganda here. According to my memory, I under-

stand they are only two, they are very few.

Now, Mr. Chairman, another point which the people of Fort Portal Municipality feel strongly about is that the people of Fort Portal Municipality believe that one way of protecting the Constitution is by teaching everyone in the nation what a Constitution means. This should be done through the Radio or the mass media and should be tried out in all institutions of learning so that people know what they are supposed to protect and also that people should be taught military science as well as political science.

On natural disasters, the people of Fort Portal Municipality feel that this point should be emphasised, and they have sent me to emphasise it here. We have had experienced in the past that these natural disasters which have been occurring in Uganda; in Teso, in Toro, in Kasese, the government has not been prepared for them. But if it had been constitutional, possibly the government would have been prepared for them, and something would have been done about this. Although, Mr. Chairman, I can say well, very little has been done, but if it had been included in the Constitution, then a lot would have been done.

On education I feel, that it is a right to every citizen. Therefore, Mr. Chairman, education should not only be compulsory but it should be free from p. 1 up to p. 7, that is what the people of Fort Portal Municipality have sent me to inform this august body.

The status of women: I cannot leave the Floor without talking about women, because the people of Fort Portal Municipality feel that this way should range, and eventually, the status of women should be recognised and acknowledged in the Constitution. It is the first time that the Constitution addresses itself to gender issues. It is important that women find their right status in a nation through this Constitution. If you want to build a healthy, balanced and educated group of people, we must see to it that women are catered for properly in terms of education, health and social well being. This is a group which spends more time on children and youth and men. When necessary a programme should be set up to raise the standards, in all aspects. So the people of Fort Portal Municipality fully welcome the articles in the Draft Constitution which deals with women.

Let me end up by talking about the rights of workers. Mr. chairman, the people of Fort Portal Municipal-

ity have sent me to emphasise that people should be paid a living wage, equal pay for equal work. This should be emphasised in the Constitution as it is written in chapter 3. It is appalling today, Mr. Chairman, that a teacher or any other worker earns a little compared to his input and in the end turns into almost a beggar. This promotes corrupt tendencies and it is devastating to the nation.

Let me appeal to hon. delegates that they give the people of Fort Portal full support so that their aspirations are included in the Constitution. Thank you very much Mr. Chairman.

THE CHAIRMAN: Thank you hon. Basaliza Araali for your contribution to the general debate. I now give the Floor to hon. Komakec Leander, Aruu County, he is not around. I move to the next speaker who is on my list, hon. Jenifer Nabafu - Women, Mbale.

MISS. NABAFU (Women Representative, Mbale): Thank you, Mr. Chairman. I want to thank you for this opportunity that you have given to me to make my maiden speech. I would like to take this opportunity to congratulate the Chairman and the Vice together with the hon. delegates for being elected in your respective positions to this august Assembly. Of course, many would have wanted to turn for these positions, but even the very act of forwarding one's name calls for a lot of guts. So, I would like to congratulate you very heartily for putting up with the challenge.

I represent a district that is cosmopolitan where we find the Bagisu as the dominant tribe, but we have some Baganda, Iteso, the Karamojong, Sebei and many others. So, I am not only representing the desires of Bugisu here. However, before I go into the messages that they have given to me to deliver to this august Assembly, I would like to say something, Mr. Chairman, on the business of this Constitution making. The business of Constitution making by this august body began off very well in my opinion, that is with God being exalted, the swearing in ceremony and morning prayers everyday impress me as a person. I hope we continue with God. I believe that if we make this plan for God and our country, it will be a successful nation that will come out. If you plan with God you plan to succeed, and because as someone said, "if we plan to fail, then it is better not to plan at all, and if we fail to plan then we are planning to fail." Let us not regard the

diversity of tribes as adversity, but put aside the tribal, religious and gender barriers, and instead seal the differences; like we look at a flower full of different colours enhancing the beauty thereof. Differences does not mean division or enmity; unity of a nation does not mean uniformity, but different parts coming together to make a great nation. Imagine tourists coming to this country only to find people who resemble each other in culture, in looks, in dress, in gender, language, it will be such a bore. But we are glad to be such a diversity; we need to appreciate the differences. Every person has a right to his or her culture, religion, tribal languages et cetera. On the international scene we see the white man does not fully understand the black man, and so he fears him; he tries to place himself superior and deny the black man independence and certain rights. If we try to understand the other tribes, therefore, in our country the separation would be released. The time has now for us to say, I know that you do not see the things the way I see them, but at the same time I embrace you, at the same time I am willing to have dialogue with you. We can agree on a compromise so that we can progress.

Mindful of the much valid historic events in the country, the ups and downs which affected everyone in one way or the other, the people of Mbale and indeed the women have delegated me with the following messages, views and aspirations. They pray Members of this august Assembly to consider them seriously and include them in this new Constitution.

They look back with consternation as they remember the loss of their loved ones, property and other belongings. They expect a Constitution which will not compromise their rights, because as a result of the violation, lots of lives have been lost, people have suffered in torture chambers, detention cells and many harbour hatred. People of Mbale, therefore, agree that this Constitution should be one that is written in a spirit of reconciliation so that its contents will guide us all into unity and so we can build Uganda. Many people desire a Constitution which will respect their cultural values. Mbale people therefore, request this august Assembly to leave the cultural value they have put in circumcision of men not women, that it is not injurious, but that it is a healthy practice and also return to them their cultural sites like Bumageni where circumcision rites used to start from. They also say as long as people prefer to have their traditional leaders, let them have them, but like the

Bagisu foot the bills of circumcision ceremonies, let those people foot the bills of looking after their rulers. They are concerned about those citizens in those areas where the cultural leaders exist, that they do not necessarily have to support the establishment of these rulers and then be taxed to look after them, but that it should be a voluntary issue, because you will always find those who do not really like these rulers.

Mbale people believe that all power belongs to the people through democracy, and Mr. Chairman, they say they have never realised this power, like during the NRM period where everybody, irrespective of their political persuasions, participate in election, either by standing or by voting. The most excited group is that of women; their opportunity in leadership is attributed to the NRM, they recommend here that the issue of participatory democracy is crucial and, therefore, should be picked upon by existing parties or any new parties that may come around. Women are glad that the Constitution will have binding force on all authorities and persons and, therefore, they do not expect their husbands to set up funny rules which will be caught up in the Constitution. One of the greatest concerns, Mr. Chairman, of the people of Mbale in this exercise that my people say, what is the protection of the Constitution. They are afraid for the much time, money, brain power which is being spent on the writing of this Constitution, and then in a matter of a moment, the twinkling of an eye, some power thirsty gunman or woman would just kick it aside. Therefore, they emphasise the need for military training and politicisation of every citizen if possible so that they can very ably match any crazy person who comes around.

They take an example of *muchakamchaka* what it has done to equip people with knowledge of military science; but they would like the curriculum to be balanced in that it does not only teach about Movement politics, but they should allow party politics to be taught during the *muchakamchaka*. Mr. Chairman, a balance political education will give a chance to the citizens to make a choice and not to feel that they have only one choice, and Constitutional culture should also be cultivated during the political training. This will give a chance to those who are not able to go to schools whereby Mbale people are saying school should take into their curriculum Constitutional education; but for those who are not able to go to school, they will at least, benefit during the *muchakamchaka*. They say that military education will organise a reserve army in

our country. We do not forget what our brothers and sisters from Tanzania did as a result of such a great reserve army. This will then help the country to have an active small Army just able to keep Uganda's borders safe.

The people of Mbale agree that Kampala is a capital of Uganda, but they say that it can change to another location as long as two thirds of the Parliament can consent. English can be the official language and Swahili should be developed as a national language. Duties of a citizen, Mr. Chairman, should include that once 18, every citizen should attend military service for six months, and that if a citizen is not in school at 18, every citizen should have meaningful employment. They do not want it to be in the national objectives, but to be a law; and this will make some men and women who like to depend on their mothers and fathers, even in their adulthood, to stop the practice so that we can look after our parents instead of harassing them even in the old age. They take example of a man who was reported - some people from Iganga can correct me if I am wrong, but it was reported sometime back that a young man of about 20 harassed his mother and beat her up for not giving him food. Mr. Chairman, there are many others who are harassing their parents to pay taxes for them when they should be working. Mr. Chairman, on citizenship, people of Mbale say every person born in Uganda or had parents or was a member of the community existing in Uganda at the independence of 1962 should be considered a citizen, and should be identified by a document; even non-citizens should also be identified by a document, then we shall be able to know who is who. Strict immigration rules should be constituted to avoid influx of foreigners. At the moment, Mr. Chairman, the people of Mbale being at the border with Kenya realise that there is a lot of relaxation. Children of seven years found without their parents should be collected immediately after the promulgation of this Constitution, and kept by government in reasonable circumstances. Mr. Chairman, the people of Mbale think that there is enough money to take care of this, considering the number of very expensive vehicles which are being driven by government officials. Some of this money could be divided for such purposes because it is a human issue. Interviews with these children will, therefore, reveal-of course they will have, especially, to reveal where they belong and will be treated as the case may be. Mr. Chairman, in Mbale district we have a tribe known as Balegele; they are not Bagisu and they are none of

the tribes that I have mentioned, and they are not even in the second schedule; they have sent me to request this august Assembly to include them on the second schedule, they are an ethnic group that came from Ethiopia, and have never been known to be existing in this country, but they are there. Mr. Chairman, it does not matter how many they are, in their own rights they should be considered citizens.

Passports: the people request that should be a right to every citizen; we have a saying in lumasaba which is a language the Bagisu speak, '*uhakendaho afumisa itsamunyu ya mawe*' meaning that if you do not travel around you will always praise your mothers cooking. Mr. Chairman, they think that if they are availed passports or travel documents as a right, they will be exposed to better ideas and, therefore, that this is one way the Uganda can develop very fast.

Fundamental human rights, Mr. Chairman, as article 51 stipulates is very welcome to the people of Mbale, and women have appreciated the affirmative action, because it has helped to raise up their social economic status: they are now in Vice-Chairmanship of the C.A they are in ministerial, ambassadorial, corporation management, Parliamentary, district administrations positions, they are very grateful to mention but a few. But they are saying show them a man who is in affirmative action, who is joining them in affirmative action and they will show you a man who is a good husband and a good father. Women, therefore, know that their position or their role that God told them to be helpers; he did not stipulate that they should help men only in kitchen; they think that men should allow them to help them in every sector of life. In politics, in society - the woman is unique and special, that is why Mr. Chairman, God has never thought of ceating any other type of human being after the woman. But they say that submission should not only be concentrated in the home: an agreement between the husband and his wife. Submission, Mr. Chairman, they say should not continue in other sectors of life -

MR. MULONGO: Point of clarification. I just would like to clarify to the Speaker that since she has quoted that the woman is supposed to be an assistant to man, therefore, all women should be deputies and assistants and never to take up being bosses of men. Thank you.

THE CHAIRMAN: That was a point of argu-

ment; proceed.

MISS: NABAFU: Mr. Chairman, thank you very much; let my brother wait for the time we shall be debating this issue. Thank you very much.

In marriage ceremonies, Mr. Chairman, the women of Mbale argue that in most cases, the man vows to give the bride or the wife everything they own, then when they die, they give only 15 per cent; it is a contradiction, Mr. Chairman, and it needs to be redressed. Mr. Chairman, the women of Mbale and men as well have agreed that it should be provided Constitutionally that men should make their will before they even anticipate death, because nobody has made a contract that they are going to stay here for so long. They demand that the widow should take up the responsibility of administration of her late husband's estate, but should relinquish that kind of administration as soon as she remarries. For in this case she has made a new contract with another man. Mr. Chairman, Uganda is signatory to the United Nations Convention on the elimination of all forms of discrimination, against women. Therefore, Mr. Chairman, girls should not be discriminated in education vis-a-vis boys. They argue that, girls should be given equal opportunities at home. But many times you find that the girl will be kept at home as long as there is not enough money to educate all the girls and boys or she can just be married off, so that they may get enough cows to sell and educate the boys. But women of Mbale argue, Mr. Chairman, that women differ from men only for reproductive purposes. But intellectually, they are just as capable. The recent 'O' level and 'A' level results in our country confirms this. Because parents and teachers are responding to the positive discrimination in favour of women, end results, are being seen.

On the issue of Bride price still among the issues concerning women, they say that, it should remain a family affair; but such cultures which promote bride price should be discouraged. Because many men will barter their wives and will beat them up, saying they are beating their cows. Mr. Chairman, sometimes, men will even demand the cattle, even after the woman has given birth to children, and then after he has chased her away, then he goes to the family of the girl, and demands the cattle back. That is not a good show, Mr. Chairman. So, the women of Mbale say they should not be caught up by a law of such men. They want a law which will provide that, if a man

wants divorce, he is the one to leave the home. Mr. Chairman, these are the views of the women from Mbale. Because they say often times, the man will send her off, sometimes with all her children, and then he will settle down with a fresh lady, on all the wealth that she has been so helpful in gaining. But it can be debated and we find a compromise.

The draft is taking about full age for men and women to be married, that is in article 60. But, Mr. Chairman, the people of Mbale are saying, there should be a clear marriageable age. They propose the age of 18, when a girl is physically and mentally ready for the challenges of marriage; and also after attending some necessary knowledge and education. Many girls, Mr. Chairman, have been married against the will of their mothers, and the will of the girls themselves.

In representation, they support the special group representations; particularly of the disabled and women. 15 seats they say will not be enough and so, they completely disagree. They say, they want representation per district to be upheld.

The right of recall is very popular among the people of Mbale, because they think that some MPs do not know what they are supposed to do, and they waste the peoples time. Mr. Chairman, they say, here the duties of the representative in Parliament should be very, very clear in the constitution; so that people can use them as points of reference in challenging their parliamentarians. Otherwise, he can always escape the recall because they do not know what he is supposed to do, neither does he sometimes know what he is supposed to do. Mr. Chairman, the children's cry could be enhanced by compulsory education, and whether at home, in school or elsewhere, children should be protected by law from sexual abuse or any other abuse. Child abuse should receive serious penalty. They recalled an example, in Nkokonjeru recently, it was reported that a matron, destroyed a girl's spinal cord by beating her so bad in school, because she found her eating with the left hand.

A simplified and a well distributed constitution is demanded by the people of Mbale. On land tenure system, a free hold tenure system has been advocated by the people under prevailing customary law. There is one which is very well known as leasing in Mbale. For uniformity, they propose that mailo land may be transformed to free hold, so that tenants can register

it as free hold and take compensation to land lords. In urban areas, Mr. chairman, they say lease hold should be promoted to proper development thereof. In cases of reserves, or national parks like Mount Elgon National Park, which is really the concern of the people of Mbale, sharing of its management, and a share deal of the very revenue that will be accruing from it, should be also considered.

On the leadership code, they base their argument on a proverb which says, *"when the righteous are in authority, people rejoice; when the wicked leaders ride, the people mourn"*. Therefore, they think that the leadership code which will guide the character on which people can vote for leaders should be promoted. The IGG's work has been appreciated, but they say that the IGG should not judge cases which he prosecutes and investigate. Therefore, judiciary power should be removed from IGG. Mr. Chairman, also in the IGG they say, he does a good job but they never know what the IGG has done because the information he gets does not get released to the public. It Should also be decentralised to reach everywhere.

On political system, Mr. Chairman, women in Mbale have advocated the Movement system to continue for another five years. They say, it will give an opportunity for the parties to organise themselves, and therefore, people will have a better chance to choose. Because now, many of them do not know what is happening in the parties. And they say, that during the time, when the parties have been suspended, they have been able to look each into each others eye as brothers and sisters. And they have had some peace and they have been able to sleep at night and keep wealth. Mr. Chairman, but with the resumption of parties, the people of Mbale demand democratization of these parties whereby any body from any tribe, may be able to have leadership position.

Generally, I can say, about Mbale there is a division on the desire for movement or party politics. They also say, that the NRM is broad based alright but the people of Mbale desire a larger base. They say other parties, except for UPC are well represented in the Movement. They also say, a referendum must be held to give chance to the people to choose and determine their future. Mr. Chairman they say, the parties on being regulated should include a proposition for emphasizing democratization with gender sensitivity in place. In other words, they are willing to do more in parties other than just wearing party

colours and singing slogans and serving refreshments at functions. Very few women have been considered for leadership in the existing parties. They think the parties should take note of that.

On the form of government, some of the Mbale people like the descendants of Semei Kakungulu, who are there, and their escorts, prefer the federal form of Government. Others however, would go in for a republic inter- state because, with this they could realise unity of purpose and central direction of politics for national progress and development. Here a good constitution will safe guard against absolute power or arbitrary power. Decentralization which was already in place they say, is welcome, but should be accompanied by a provision of sufficient resources. In Mbale's case, also the people desire that two thirds of revenue collected from the export of Arabica coffee which is grown in Mbale, should be retained by the district. They suggest this should be the case to other districts as well, considering the export coming from their areas. They instructed me to speak for balanced development programme for the whole country, hence avoiding a situation whereby some towns, are towns of pajeros and other towns are towns for boda bodas or bicycle transportation. They suggest that, industrial licenses should be for sometime issued if only factory is to be set up in up country areas where industrialization has never taken place as long as factors of production exist there.

The people of Mbale, welcome the issue of setting a national council of State, because this will help some of their tribes- mates who are talented and able to perform certain jobs to be picked up. They suggest that two elders at least from every district should be members of the council and assist it in talents quoting: "to avoid job concentration in certain areas it the country". Mr. Chairman, that is all. I have from Mbale District, they wish this august Assembly the greatest wisdom that God can provide in writing a good and lasting constitution. Thank you, very much.

THE CHAIRMAN: I thank hon. Jennifer Nabafu for her contribution to the Debate.

MR. OMOLO:(Soroti Municipality): Mr. Chairman, while I congratulate you for having obtained that seat, I have to inform you that, the people of Soroti Municipality were not contented with the way they conducted elections for the Chairman of the

Constituent Assembly. They say, it was undemocratic for in the normal democratic constitutions, it would have been up to us to nominate the candidates for chairmanship from amongst us, and then we vote accordingly. But then five people were imposed on us. It is equivalent to somebody giving you a basket with five mangoes all rotten and tells you to choose one.

THE CHAIRMAN: Order, do not disrupt the speaker.

MR. WAGIRA: Point of order. Mr. Chairman, is it in order for an honourable Member of this House, to go back on a decision which we went through, instead of challenging the Constituent Assembly Statute? And as if that is not enough, to have negative contentions on the Chair, by asserting that we chose one out of the five rotten mangoes? Thank you.

THE CHAIRMAN: I think the hon. Member was only expressing his opinion. Since the Chairman is not a mango, this does not arise (*Laughter*).

MR. OMOLO: And I have to congratulate hon. Members who arrived here through the normal channels of campaigns. The going was hard, and only tough ones arrived here. Meanwhile, we have been reading papers and listening to radios; you find that left or right, conflicts are all over the world, you find wars. These are all based on nothing, but struggle for power. For instance, when the States went in the disguise of UN, to intervene in Kuwait, they were defending the old resources, and not that they were sympathetic on the people of Kuwait. You find Abiola being denied a seat after winning an elections. So, we cannot guarantee that our problems in Ugandan are never associated with greed for wealth and power. We have heard of what they call liberations in Uganda. But a liberation in principle is a revolution. And in any revolution, there must be a positive impact on the life of the citizens - there must be a positive social impact. And if there is non, there is no use in having a revolution. It is like you keep on moving upstairs - I am in the 6th floor, then you come up with your lips say, I will take you to the 10th floor, or let us bring it to ground level it makes no sense. For instance, Amin came up and said he was liberating us, and he only set us to a state of queuing for commodities. And people looked for ways of hunting for plants to use as salt and soap. Lutwa as well came in, and he set us where we are now. So, likewise, NRM came up, with what they call liberation. And they have set us to a situation of

cost sharing hospitals and in high institutions of education.

AHON. DELEGATE: Point of clarification. Thank you, Mr. Chairman. I am sorry to interrupt but I want to be clarified on this point I did not get clearly the statement by the hon. Delegate, about Mr. Lutwa; "brought us here where we are". This is the point I want to be clarified on. Thank you.

MR. OMOLO: You do not realise where you are right now, it is where you have been put by Lutwa's liberation. And, the NRM came up with its liberation, and has set us to a situation of cost sharing in hospitals, and cost sharing in high institutions of Education. I really wonder if that is an improvement in anybody's personal status? So, in total according to me, liberation according to our African rulers or heads of state is dipping one's hand into government treasuries, and then he thinks he has liberated a country. Why cannot they see they have liberated themselves in poverty; and we shall accept that. Now, who is right and who is wrong? And who should forgive the other? We find that *-(interruption)-*

DR. MUGENYI: Point of information. Mr. Chairman, I am wondering whether it is in order, for the hon. Member on the Floor, to mislead this House, so that cost sharing in the hospitals and health centers was sanctioned by NRM. Cost sharing in hospitals has never been passed, has never been legalised by the NRM Government; only where it exists, it exists after being sanctioned by the local authorities. Thank you, Mr. Chairman.

THE CHAIRMAN: That is more information, than point of order.

MR. OMOLO: So, what kind of Government is in power, is this federal kind of government or a republican type of government. The people in Soroti, have no business with federal kind of government. For reasons that, its basis of operation is on ethnic basis. In which case, that is going to make us distinguish ourselves as tribes. And can ultimately end up in tribal wars. Secondly, it is expensive to run-

MR. WANENDEYA: Point of order. Thank you, Mr. Chairman. Is it in order for the Member to mislead us, when he says that federalism is all about tribalism? Whereas in countries like United States, it is a federal republic. The federal Republic of Germany is not also based on tribalism. Could he

therefore, clarify? Otherwise is he in order? Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. Member, would you like to make yourself clear? Otherwise, I think he is trying to develop his argument. let us give him the chance. But could you clarify for the benefit of hon. Member for Budadiri East and other Members?

MR. OMOLO: As a matter of fact, if you looked at the report, they were trying to debate as to on what grounds to conduct the federal kind of government in Uganda. And one of the plans was either on district basis or ethnic origin. So, I do not think I will be wrong to say, it is on ethnic origin.

THE CHAIRMAN: Okay, then proceed. You are not making a statement of general application, you are referring to Uganda.

MR. OMOLO: And I am sorry that, the advocates of federal government, are centered around Buganda area. I would like to inform the hon. Members who belong to the area to understand that Buganda is a subset of Uganda. Now, in any case, we demand for extreme powers to the in disguise of a federal government. Let it be spelt to us clearly, then we will either give you or not. Now the confusion between Buganda and Uganda has caused us a lot of problems in this time. And I am of the opinion, if I am to be on a safe end, to distinguish Uganda from Buganda by giving Uganda another name. Because there is a tendency of people who belong to Buganda to assume a lot about Uganda. Such that anything, said they just approximate to be Buganda and that is why I insist we should distinguish Buganda from Uganda by possibly calling Uganda a Nile Republic - *(Laughter)*.

Now, when we talk of political system, I may ask the advocates of Movement right now, supposing by 2.00 O'clock today, we are told that, the president of the current Movement is an Acholi, will you still accept the movement? That is the question. So, I should say, let us not look at the people, when we are looking at any ruling system. But we should look at the policies of a ruling system. And if the policy does not subject the citizens; then the ruling system is bad. And if it improves the status of the citizen, then it is good. When you are looking at multi-parties also, do not look at UPC or DP. Because, these ones are subject to change many times. But look at the idea behind multi party. And not UPC or DP. And that is why people have been singing that DP is un religious UPC is on religious basis. When we talk of

multiparty, let us forget about UPC or DP. Other parties will emerge. If you look at what we had within the NRM period, I remember 20 years after independence, Uganda was still a beggar and collecting low taxes. But if you went to hospital, you will get free treatment. If somebody fell sick, an ambulance would collect him. But despite the high collection of tax today, people are pushed on 'gandigandi' or hand made wooden wheel barrows or boda boda. And there are a lot of taxes collected; what happens to the tax? No, I do not take any information. But at that time when they were collecting taxes, low as they were, they were easy. But today, taxes are so high. And if you go to the hospital only sighting a doctor, you are told to pay 500/- shillings; thereafter, if you go for drugs in the dispensary, you are told, there are no drugs; 500/- shillings gone, no treatment got. Where are we heading now. So, all in all, I would say, the policy that the movement has, are not adequate to run the citizenship.

Now, the extension of five years, is not very safe, in the way I look at it. You know, these guys who are not advocating for extension few as they are, you realise there are many later. So, they are hopeful now, that our movement should continue, others say, movement should not continue. Why cannot we come to a compromise and have an interim period, so that both parties are happy? And we have got to have it in mind that, the effect of a ruling system is directly proportional to the number of years it takes in power. The longer you take in power, the more problems you get. And this is what is happening in Rwanda. Habyarimana made power his home. He made sure he stays there for years, and when people came up to resist you see what is happening here. And Uganda can be no exception. Why do we not hand over power to other people, when it is still early enough and we find that the effect may not affect the ruling people or person but it affects the common people. Let us reach a compromise, and I think we forget about it. Let us come to a compromise; we have an interim period, and possibly come up there after.

Human rights. The rights of women. I have no grudge with women at all. And if any, I would expect them to fill a presidential candidate for the next elections. (*Applause*). So, somebody has promoted to see that you come up - somebody besides you. So, they should not keep complaining that they have been denied their rights, they should come up to do things. And a human right is a God given right, you cannot

buy it. Even before you are born, you have your right. That is why criticism is not allowed. Nobody is supposed to receive any abortion. So, you have your right, before you were born. And the basic responsibility of any government, is to defend a man's life and his, property. Now, I do not know what happened in Teso, either the government forgot, or it neglected. The Karamojong came up with a similar right for ammunition and potential, and they did as a job. They left us in a very, very desperate situation. And nothing was done about it. I am sorry to say - one Karamojong came up to say, that if you are complaining of your cows, we have brought the cows to graze in your land, in which case we have brought the cows back. What happened to the cows taken by soldiers who is going to bring them back? So, that made us a bit concerned, we began suspecting the government was involved. And secondly, you find that, if a Karamojong is to board a lorry, and there is a soldier or a policeman in that lorry, he will hand over his gun to one of those people and then when he gets off the lorry, the gun is given back to him. Is that what should really happen? Well, he is saying, there is no illegal possession of gun. A soldier has sold a gun or a policeman has sold a gun, gives it back to a Karamojong who is not entitled to hold a gun. And we have been complaining about this coming of the Karamojong. The Government instead makes it official, by registering with license. It is well placing a private army or something else. So, I could like it or rather I would like the Government to work on this very quickly, such that by the time we make this constitution, it will either decide to do something for the Karamojong so that, we say; no person or no tribe is supposed to possess guns, or it will have to legalise the possession of guns; if it cannot disarm the karamojong, such that everybody has it.

The president should have two terms of five years each, before he goes home to rest. And the power of impeachment is too long and he has got a lot to go through, and in the course of going through these channels, anything can happen that can be rigging of issues. And I have taken time and learnt that, it always happens that, if the president is from the North of Uganda, in most cases, the commander of the army is also from around there. I really do not see why it happens that way? It look as if this is the only way of trying to say, let us be in power. You defend me from behind, I will talk from the front.

So, I am of the opinion that power of appointing

army commanders should be taken away from the president and possibly given to parliament. Because it is a technic of keeping oneself in power continuously. If you control the force and control the papers, how do you go wrong? And then, state of emergency, I think state of emergency has been misspelt. And it is not being exercised of where it belongs exactly. Because when they hear that there are guns in Teso, immediately, they declare a state of emergency. But when they hear people are dying of famine in Teso, they do not declare a state of emergency. And whereas this state of emergency is supposed to cater for such - famine, natural disaster like it happened in the West, the earthquake; they should have declared the state of emergency. But they come up to declare a state of emergency when there is insecurity which was dumped in an area. I equally feel that declaration of state of emergency should be handed over to Parliament and not the President. Because he seems to use it for his own advantage, to suppress his opponents, and not to do the needful.

Land. Land can be taken as a property, human right or a resource factor - a factor of production. Now, if you take land as a property, this is basically by the customary system. Because it is there, and you keep handing it over from generation to generation. And free hold land system should be there in the constitution. This is to enhance availability of land to places like schools, hospitals and churches. And the little can be in the urban areas. Now, when I come up to talk of adequate use of land, for sure, that time when we had the animals, there was nothing we could not do, we could plough all our land, because we had the oxen, our swamps were being grazed on by cows. Are they going to say, we are not using our land adequately. And then, equal distribution of land. I do not know, where these people were who have not got land up to today when our grand parents were getting land? You begin coming for my piece of land giving it to somebody, it does not work. And our land is associated with our culture. Supposing we have got a grave somewhere? And somebody comes up to put a permanent house, and tomorrow a kid falls sick, they say, spirits of the grandparents are affecting these kids. How do we dig that foundation? This will not work.

Defence. We should form a National Army, basically out of citizens and they should be recruited equitably. At least every district should have people in the army. And soldiers should serve for a specific number of years, so that they go home and do some productive work. I know of some who have been in

the army since the second world war. And they are still there. Now, they only wait to go home as dead. The number should be limited, possibly 10 thousand; this will help us very much, economically. Because if you take for example that we have 10 thousand soldiers now, and each of them goes at 40,000/- shillings per month, that is about 40 billion shillings per year. Now, supposing we had only 10 thousand soldiers now; and each of them goes at 40,000/- shillings per month, that is about 40 billion shillings per year. Now, supposing we had only 10,000. That is about 4.8. Do you not think the rest of that money would be used elsewhere properly? I am sure our kids will be able to study even freely. And there would be no lacking of medicine in hospitals. I am sure even cost sharing of medical service will not be there. But because we have got a fleet of soldiers, basically doing what I do not even see, but depending on one position, we find ourselves in a mess.

Citizenship. People have talked about citizenship, but I may only giving you some information that it is risky to nurse a non citizen. Some people might not have seen the examples, but we have seen and have gone through a suffering of that kind. For instance, during that time when there was insurgency in soroti some of the commanders were really bad we really could say, whether they are Ugandans or not and indeed they killed. But later on, we got to realise that, they were not citizens. So, it is like if you brought a strange kid to a family and he is really bigger than your children, he will show bad example to your kids. He will kick, he will do anything. So, you must be very careful when you are talking about or thinking about citizenship. So, when we get to it, we discuss it in this way. We should approximately or correct really to become citizens. And we have had three military governments and the suspicion behind these leaders, I do not see why the non citizens suspected to be, come in by the gun? It looks as if, non citizens come in to loot and they go away with the wealth.

Finance, Taxation especially. It is an obligation for a citizen to pay tax. But the question is how much does he pay and where does he go? Recently, the NRCs were complaining of their allowances to be increased, hon. Members do we have to grow fat stomachs when our people are walking naked at home? You force the poor people and they pay heavy tax just to develop your stomachs. It is not fair. We should begin assessing these taxes when we consider the common man. Because that is the only person we

can refer to when we are doing anything. None of us is a reference. We are a bit exceptional because we can afford medicine. Some of you have got fleets of vehicles, mansions and your brothers I am sure could walk naked. We must come to something else. The RPF broke off from NRA, went away with guns and trucks. Who is going to compensate for that? Are we going to be collecting taxes from the people to finance such things, we should collect the right taxes and direct them properly.

Therefore, the Ministry of Finance should be accountable to the people. In conclusion, I must say, when we are seated here, thinking of making a constitution, one thing is, we must be realistic. The truth has nothing to do with the majority or minority. The truth remains. Say, I am one person, and five people come up and say, this is my pen, then all the five say, no, you are wrong, it is our pen. The truth is, I am right. So, when we are seated hear to think of making a constitution, we must be realistic, and let the truth take course, let us not forge in things because we want to nurse our position, because we want to continue. Nobody hates power it is sweet. And by the way, power is connected with money. So when you are there, you are making money, then you forget about the truth. And tomorrow when things happen, you begin regretting. So, with that, I hope to meet you next time when we begin looking at the draft constitution. *(Applause)*

THE CHAIRMAN: Thank you hon. Peter Omolo Omara for your contribution. Hon. Members, we have three speakers left for the day. I suggest that we stay longer. Finish with them, and then we have a nice weekend. I think that is the better.

MR. WANJUZI (Bubulo County West): Thank you, Mr. Chairman. This being my maiden speech let me take this opportunity to congratulate you, Mr. Chairman, together with your vice Chairman, for having been elected to that high office of the constitution making in this country. The people of Bubulo West in Mbale District, whom I represent in this House, have particular interest in both yourself and the vice chairman, and look forward to your neutral guidance to the successful completion of our new constitution. Congratulations also, to my fellow hon. Delegates, for the hard time they went through during the campaign and elections. I would like to thank the Commissioner for the Constituent Assembly and his staff for the good work done to date.

Before I submit to you hon. Chairman, and Del-

egates the major issues articulated, and demanded by the people of my constituency, I would like to recite and acknowledge our wise leaders from Mbale district among them, Mr. Solomon Mutenwa and the late Stanley Wiliam Wanambwa who hailed from the area I now represent here and who were chosen among others as delegates to the London, constitutional conference in 1961. These gentlemen, like others from the whole of Uganda did all that they could to enable us attain our independence. Thanks to them. I am certain that, their contributions laid the foundation for making this new constitution today. They also congratulate those past leaders nationwide for the work done for the nation. To them, they did the best to even their capacity. Resolving conflict unconstitutionally was due to unworkable provisions in the existing constitution. Let us however, prove ourselves best to be acknowledged and judged by the future generations at having made a constitution which will stand for the period of time.

The people of Bubulo County West, have this to say about the draft constitution. Chapter 2, on the capital of Uganda in the draft constitution. They agree that the capital of Uganda is Kampala. But this could be transferred to any part of this country, if the parliament at that time so decides. Depending on reasons agreed together. Like it has been done in other countries such Malawi, where the capital city has moved from Blantyre to Lilongwe. Nigeria from Lagos to Abuja. Tanzania from Dar-es-salam to Dodoma. The people of my Constituency, maintain that the official language of Uganda should remain English - but seriously advocate Swahili to be a national language. They urge that this will be easier for Ugandans to communicate with our neighbours who also happen to have shahili as their national language. They also urge that swahili does not mean any ethnic group in Uganda, and will therefore, unite Ugandans.

Chapter 4, citizenship. The people of Eubulo West, have the following submission on citizenship: citizens of Uganda are well defined in the second schedule of the draft constitution, as clarified from the ethnic groups (tribes), mentioned thereto. But they reject one of the ethnic tribe number 14; called the Banyarwanda. To them, the Banyarwanda are citizens of Rwanda. They, therefore, suggest that, if such a tribe exists, they be given another ethnic name which will have no relationship to citizenship of another country. They also oppose article 42 which says *'a child of not more than seven years of age,*

neither of his parents are known, shall be presumed to be a citizen of Uganda by birth." To them, such a child should not be granted the citizenship, but be registered as a refugee until the age of 18 years, when the child will then decide, whether to register as a citizen or otherwise. Or unless such a child has been adopted by a good samaritan, then the article 42(1), can apply. So, Bubulo West agree that the national identity card be issued for easy and standard identification of all Ugandan Citizens, from the age of 18 years. But they also add that, even non citizens who are refugees or visitors, should be issued with identity cards, on their arrival in the country. The three types of identity cards, should be differentiated by different cards, for quick identification.

Chapter 5, human rights. In regard to the rights of education, article 62 which reads and I quote "*parents shall ensure that all children of primary school, age are given primary education which shall be compulsory in Uganda.*" To us in Bubulo West, it should be the social responsibility of government to give to those primary school going age, free and compulsory education. Article 64(2) which reads "*all customary practices which undermine the dignity of or are injurious to the well being of a person are prohibited*". To us hon. Delegates, it looks to be a total elimination of our most respected culture value *mbalu* (circumcision). However, they urge that with the exception of *Mbalu* which is compulsory to every male of Masaba descent. They uphold the article. They advocate for this clause to be reviewed or else be omitted. Deportation of foreigners on orders of one or two high government officials, without going through proper channels is a violation of human rights. For example, in the case of one, a Canadian NGO staff who was deported by a single government official in 1991. Two, a Pakistani expatriate working for the Islamic University in Uganda, who was deported on orders of two people. And an Asian of British citizenship, who was arrested at the airport while smuggling foreign currency, was also deported in a similar manner. All people regardless of their origin, while in Uganda or otherwise, should be granted a right to be heard before decisions which affect their lives are made. Under the human rights and freedoms, during the state of emergency. Article 71, when a person is restricted or detained under law made for purpose of state of emergency, Bubulo west suggest that instead of 24 hours provided for in the draft constitution, they urge that, it should be within 12 hours after the commencement of the restriction or deten-

tion. A person be informed of the ground upon which he is restricted or detained. They also urge that spouses (partners) - or other close relatives be informed of the reason and action taken within 24 hours instead of 72 which are provided for in the draft constitution.

Chapter 6. Political system. The people of Bubulo West in Mbale District recognise as a fact that a political system in any given country is very important in relation to other aspects of constitutional matters. Hon. Delegates, the position of political systems in Bubulo county West, is not yet clear; half of the population prefers Movement type of Government, and half of the population prefers multi party type of government. These statistics are obtained, for your interest in the people's views submitted to the Ministry of Constitutional Affairs in 1991. I will need more consultation in this respect, in order to come out with a clear decision. But above all, a clear decision should be made through a referendum to clear the doubting Thomases out of the way which should be organised, before the CA session ends. Meanwhile, the Bubulo West agree to the extension of the NRM administration for a period of five years from January 1995, to give time to people to organise themselves.

Chapter 7. The Executive. The people of Bubulo County West, agree with the article 108(1,2) which says that "*the person elected president under this constitution shall hold office for a term of five years and a person shall not hold office as president for more than two terms*".

The national council of state. The national council of state to the people of Bubulo West is a mere duplication of duties - the President, the Vice President, the Speaker and His Deputy, and the ten Members of the Cabinet are people who are already busy and an interested group. And cannot check themselves; but will otherwise rubber stamp for their own benefit. They checks and balances of the powers of the executive and the legislature cannot reflect on the above kind of arrangement. They therefore urge that this Chapter be omitted or otherwise, if need be, the National Council of State be composed of at least two elders, elected from each district, by the district council.

The people of Bubulo West, recognise the important major political role, the army plays, for the security of a nation. The Babulo, therefore, urge that the role

and functions of the army be clearly defined to reflect people representation of all ethnic groups in Uganda. The minimum qualification to join the armed forces particularly the army, should be 'O' level. The recruitment into these forces, be seconded by the leaders at the local council in every part of the country.

Chapter 17. Land. The people of Bubulo West, argue with the Odoki report, which says that Land should remain under the customary tenure system, with boundaries marked. These local marked boundaries, should be recognised by government. And the purpose of registration - the people of Bubulo West, are in for free hold tenure system. For urban areas, the Babulo west urge for free hold systems; but to foreigners; they urge for lease hold, with long terms to attract foreigners for investment purposes. The 1975, land Reform Decree, should be recognised.

Lastly, Mr. Chairman, the people of Bubulo county West, support the present trend the government has taken deliberately to emancipate women. The Babulo urge that a law should be constituted to favour this trend, by availing equal opportunity with men. Thank you, very much Mr. Chairman and fellow delegates for having given me the opportunity to address this august House on behalf of Babulo. Thank you very much.

THE CHAIRMAN: Thank you, hon. Silvester Wanjuzi for your contribution to the general debate.

MR. BYAKIKA KASAJJA (Bunyole County): Mr. Chairman, allow me to join my Colleagues who spoke before me in congratulating you and your Deputy Chairperson to the election of the high office of chairman and deputy chairman, respectively. Mr. Chairman, I want to use this opportunity, to thank all delegates for electing me to serve on the business committee. In appreciation of this honour bestowed on me, I want to assure all hon. Delegates, that I will respond by rendering services with diligence and honesty. Mr Chairman, we were elected to this Constituent Assembly as Delegates to come and enact and subsequently promulgate a constitution for Uganda. Those voters who elected us foresaw the task as a big one and urged us to discuss this issue with all the conscious and seriousness that it deserved. In our initial discussions before we debated and approved the rules of procedure, it was agreed by consensus that we shall give respect to each other's contribution so that in the end, we can analyse all the

views in order that we reach a compromise.

I want to start by making comments on the political systems. Mr Chairman, as it has already been advanced, giving reason for adopting the Movement system or the multi-party system. Those who support the Movement system have given among many reasons unity and peace in Uganda. They have advanced several reasons against the multi-party system of government. But most outstanding one so far is associated with insecurity, atrocities and disunity. Mr, Chairman, in my view, the reasons put forward by one party supporters are three. The first one is the adoption of a Marxist or neo-marxist ideology. The second is the obvious one that is to do away with a viable position and the third is that one already stated; the need for unity in order to progress. That is their argument, Mr. Chairman, the adoption of a marxist ideology can be likening to becoming a Messiah; a son of God. Those who try to follow this ideology have always found they reach a stage when they find that there is no originality in the whole concept. They eventually fall out.

MR. MUSHEMEZA: Point of clarification. I would like hon. Byakika to clarify to me what he means by marxist or neo-marxist ideology adopted by the Movement system. Thank you Mr. Chairman.

MR. BYAKIKA: Mr. Chairman, I have not committed myself by saying a Movement system has adopted marxist ideology. All I am saying, those who argue for that type of monolithic system of government have followed that marxist ideology. Mr. Chairman, the other reason for a Movement type of ideology is that it is assumed that there are no radically opposed views to warrant different political parties. What is in Uganda has been accused of being divided on tribal or religious grounds rather than on ideological ones. Yet as we all know Mr. Chairman, the main parties in Uganda, namely, UPC, DP, CP and UPM have embraced people of different tribes and religions throughout Uganda.

MR. BIDANDI SSALI: Point of information. I just wanted to inform the hon, Member on the Floor that UPM was never a political party. It was a Movement. Thank you.

THE CHAIRMAN: Did you indicate who you are?

MR. BIDANDI SALI: Mr. Chairman, I am Bidandi Sali, Nakawa, who has the authority to talk about the

status of the then Uganda Patriotic Movement. Thank you.

MR. BYAKIKA: Chairman, I am surprised -

MR. ERESU ELYANU: Mr. Chairman, I am Eresu Elyanu John, Kaberamaido. I would like to ask for clarification from the speaker who has just informed the House that UPM was not a political party. On what ticket and on what ground did UPM participate in the 1980 general election?

THE CHAIRMAN: I do not think we should continue with that altercation. It will be wasting more time. I think hon. Byakika, should proceed.

MR. BYAKIKA: Mr. Chairman, I was just going to say just that and I was surprised to hear such a statement from no other person than hon. Bidandi Sali whom we know as the secretary-general of Uganda Patriotic Movement. The Patriotic Movement was registered in 1980 as one of the parties which contested, as a political party. The third reason is unity Mr. Chairman which they are saying. This has been advanced as the most important argument for the Movement. They add that unity leads to stability and security and peace. Unity can only be considered perfect if the purpose to be achieved by that unity and the means to be employed by that united group are acceptable to all the people concerned. Mr. Chairman.

I now turn to multi-party Parliamentary democracy, Mr. Chairman, the reasons for the need for the adoption of multi-party system. Mr. Chairman, needless to say that after many years of socialist one party war in Eastern Europe, so many countries have decided to throw it out overnight and to introduce multi-party rule. Typical examples are Poland, Hungary, Czechoslovakia, Romania and East Germany. Mr. Chairman, what has happened to the great United Socialist Soviet Union as you know it? Why is it accepting different political groupings after 70 years after a monolithic type of government? Why is everybody who has been under monolithic type of government now turning to social justice and multi-party set up? What is happening around us Mr. Chairman, Why has Nyerere said that Tanzanians can have it if they like? Have what? Multi-parties. What has happened in Zambia, Kenya, South Africa, Malawi? Is Uganda to remain a gimmick? One of the speakers this morning spoke of an experiment being conducted in Uganda to find out whether there has been any system before-*(Interruption)*. If it is

information, I am not taking it. What type of experiment are we carrying out that has not been done elsewhere? Mr. Chairman, can we say we are original in our way of thinking simply because we have substituted the word Movement for one party? Mr. Chairman, multiparty system has the following positive properties in my opinion: One, free expression of every kind of ideology on political opinions without harassment whatsoever. Two, human rights and freedom of expression, association as well as assembly since its political grouping assembles freely. Three, the recognised position to control the powers of the President who will have the conscience of being voted out at the next general election -

A HON. DELEGATE: Point of order. Is it in order Mr. Chairman, for the hon. Delegate to refuse information which would help him to make his point more valid?

THE CHAIRMAN: Yes, under our rules, he is in order. Proceed.

MR. BYAKIKA: I will make the third positive argument for multiparty, this recognised opposition to control the powers of the President who will have conscience of being voted out at the next general elections if he does not measure up to the expectations of the people. Number four - you can keep the information until you contribute. Number four, the debates between rival groups serve to educate and enlighten the public especially when this is coupled with the free Press. Number five: people are made more conscious, able to decide what they want rather than being told to accept what has come. Six dignity is enhanced by guaranteeing the rights and freedoms of each individual.

It has been argued by earlier speakers that political parties have been a cause for all the atrocities that we have experienced in this country.

MR. KARUHANGA: Point of order, Mr. Chairman, is it in order for the hon. Byakika to continue arguing and developing a point as if he is not aware that Article 99 of the draft constitution prohibits a one-party State in Uganda and argue and give examples of Zambia, of Tanzania, of Kenya, countries which have been having one-party States which is prohibited here now and try to go one-party State within the Movement? Now having said that, is he in order to refuse even information?

THE CHAIRMAN: He is in order to refuse

information and the hon. Member has not finished developing his point. So let him develop it first.

MR. BYAKIKA: Mr. Chairman, I am surprised -

MR. BEN WACHA: Mr Chairman Sir, is it in order for hon. Elly Karahanga to mislead the House that Article of the draft constitution is already passed by the House?

THE CHAIRMAN: He was only making a reference to an existing Article.

MR. BYAKIKA: Mr. Chairman, I am as utterly surprised that a whole hon. Person like Elly Karuhanga can start quoting from a draft which has not even been debated and finished. Mr. Chairman, the cause for these atrocities cannot be wholly, attributable to political parties, Dr. Okullo-Epak in his contributions, has already enunciated some of the atrocities that have taken place without the parties being involved. Some of these have been mentioned as massacres of martyrs by Kabaka Mwanga in the late 19th Century, the Mukura incident in Teso, the Coner Kilak incident in Gulu, Makerere University murder of two students and the latest incident at Naguru when 14 people were shot dead on the spot by the NRA soldier.

MR. PECOS KUTESA: Point of order. Is it in order for this hon. gentleman to quote skirmishes as part of the - these are all skirmishes. These were battles. You cannot quote them as massacres like you are talking of the matyres. This was war between two belligerent parties. I do not think he should tell us lies here Sir.

THE CHAIRMAN: No, no, I think hon. Members we should interrupt each other less. I think let the hon. Member finish his point.

MR. BYAKIKA: Mr. Chairman, I am surprised at that comment from a whole hon. Member when he calls a massacre not an atrocity. I wonder what they refer to when they talk of atrocities. Mr. Chairman, although it is said that Luwero killings were attributable to a political error, it must be well understood that if the 27 historicals, had not gone to the bush in Luwero, these things would not take place. (*Applause*)

THE CHAIRMAN: order, order, could hon. Byanyima not heckle the speaker? I think I will refuse to accept other points of order. They do not

seem to be really points of order.

MR. BYAKIKA: Thank you very much for your protection. Mr. Chairman, we have been listening to statements from very responsible members of this society that the idea of going to the bush was to stage a war by capturing arms and ammunition from the then UNLA and police units. In an attempt to size these arms and ammunition, some scuffles ensued. This obviously had to provoke the government of the day who had to send reinforcements to the units. Mr. Chairman, what could one have expected under the circumstances? When UPC Government was overthrown in July 1985, there was no attempt to regroup as a party to cause suffering to this country; hence the peace now. The present stability should not therefore be attributable to the Movement government alone but also to those responsible citizen who did not want to cause insecurity by going to the bush (*Applause*).

In light of the argument advanced above, the people of Bunyole are advocating for the multi-party system of government as opposed to the monolithic type such as the Movement which is neither original nor consistent. The Constitution when written, enacted and promulgated must be conclusive. There will not be any room left for future uncertainties. This means therefore, Mr, chairman that the question of a referendum after five years or after any period has no room in a concluded Constitution. Neither has the Movement any room in the concluded constitution since their ideology, in terms of Articles 94 to 98 is of a temporary nature. We cannot endorse matters of temporary nature in a document which is intended to last the test of time (*Applause*). The question is therefore, Mr. Chairman, one of bridging the gap. In view of the people of Bunyole. Article 94 to 98 of the draft constitution has already been overtaken by events. Towards the end of announcing results of the Constituent Assembly elections, the announcements were made to the surprise of many people to the extent that the Movement had overwhelmingly won the elections. Mr Chairman the alarmist pronouncements left people perplexed. Up to that time, we all knew that we had campaigned for the elections under the Movement. We did not know whether some candidates had been specially favoured and sponsored by the NRA Secretariat. It became imperative therefore, for people to assert that NRM had campaigned as a party but against who? All other candidates stood as individuals. Since these pronouncements, it became apparent that NRM is a

political party and therefore the provisions of Articles 94 to 98 should be deleted so that NRM legally declares itself a party to work side by side with other parties. *(Applause)*

This leads me to the system of government we should have. We should consider bridging this gap with a broad-based government which initially we can term as traditional government. This transitional government will be headed by a President to be elected directly by all the people of Uganda. The Presidential candidates need not to be heads of any political party. An independent President will then emerge. In order that elections may take place, to lead to a broad-based government, it will be imperative for the suspension of parties to be lifted so that the elections can be organised on party basis. The Movement will then register as a party and campaign side by side with other parties. Casting of votes will then be done on party basis and not on individual candidature. After counting the votes, parties will then be given their due positions according to the numerical strength of their total votes using the number of the total seats in Parliament. The parties will be awarded their numbers of seats proportionately according to the strength of the votes received. Mr. Chairman, this method will enable Parliament to recommend to the President those names given by parties proportionately to form the executive on the Cabinet. Mr. Chairman, in this way, a transitional government will be formed. This transitional government will take the responsibility over the nation for a period which will have been agreed and argued by the Constituent Assembly.

Under the system of winner takes all, the country misses the contribution of many talented citizens. If I may refer to hon. Kisamba-Mugerwa's speech when he said, while he was a Member of Parliament from 1980 to 1985, he made brilliant contributions but because he was on the Opposition, his contributions were not headed. Mr. Chairman, in my view, this country needs the wise contributions of all her citizens. This is the more reason why we should involve all able persons in the broad-based government. *(Applause)*

Now I move on qualifications for President and Member of Parliaments. Mr. Chairman, Article 105 lays down qualifications needed for a person to qualify for election as President. At the same time, Article 133 states that the requirement of a person to be a Member of Parliament shall be as stipulated

under that Article. However, Article 105 (b) implies that the qualifications needed for a Member of Parliament are enough for a person to qualify for election as President. Now this one negates the requirements to elect a President who is 40 years of age and the rest of it; because the requirements for Member of Parliament are only 25 years of age and '0' Level. But according to this Article 105 (b) says anybody who qualifies to stand as a Member of Parliament also qualifies to stand as President. So that one, maybe at consideration stage, will be looked at more carefully and be corrected. In this case Mr. Chairman, the requirement of 40 years and Higher education is irrelevant for the election of the President. It is therefore necessary to look at this provision at the consideration stage. Mr. Chairman, the people of Bunyole have asked me to emphasize this matter that they wish this sub-article remains so that when need arises, they can recall their Member Parliament; that is article 136 (1).

On kingship and traditional rulers, Mr. Chairman the matter of kingship, cultural and traditional rulers is really for those directly concerned. However, Bunyole would not be opposed to the attainment of kingship, cultural and traditional rulers if those to whom it concern feel very strongly about the same. The only provision is that these kings, cultural and traditional rulers will not have political rights and that they should be non-political.

Bunyole people have detailed me to inform this Assembly that their stand is on unitary government and that power should evolve around the district. However, they did not want to block any other groups who may have reasons to argue that they can suitably form bigger administrative units and political groups suitable for a federal unit or units. They therefore support the cause of Buganda to bring all the boundaries of the kingdom and Kabaka and to restore the name of Buganda on the map of Uganda.

I wish now to make a few comments on the local government system set out in the draft constitution Chapter 13. The people of Bunyole county feel that the provisions in articles 201, 202 203 and 228 of the draft have vested too much power in the Central Government to the extent that the whole notion of decentralisation and devolution of powers becomes meaningless. Mr. Chairman, the same draft constitution stipulates in article 8 as follows; and I quote: 8(1) *'All authority in the State emanates from the people of Uganda and the people shall be, gov-*

erned through their will and consent-'' and the rest of it. Mr. Chairman, it is unfortunate that the local government statute of 1993 was implemented to prejudice any debate on the structure and powers of the local government by this Constituent Assembly. For example, Mr. Chairman, Article 201 (d) states: *'there shall be established for each local government unit a sound financial base with reliable sources of revenue.'* Mr. Chairman, this matter as stated in the draft constitution must be emphasized as of paramount importance. The matter of talking of decentralisation of local government without serious considerations of the above provision renders the whole concept unworkable and useless. In Tororo District for instance, Mr. Chairman, decentralisation is said to have been initiated. Instead of this concept being celebrated as a very worthy move, it is being abhorred, not because it is bad to decentralise power but because it is causing suffering to the citizens to pay as much as three times the tax they used to pay as graduated tax. This is a result of the transfer of functions and services from Central Government to the district.

This brings me to the matter of finances for a decentralised district. The people of Tororo wish to agree on a clean formula established for sources of revenue and finances for the local government. This formula must be agreed to between the people of the district and the central government. The local government must have a reasonable share from the revenue realised from its boundaries. In Tororo District, between Malaba and Busia border stations, a total of two Uganda billion shillings is collected every month yet Tororo is one of the poorest districts in Uganda. The feeder roads are impassable, schools are in a sorry state, chiefs and other workers have not been paid for almost a year yet Mr. Chairman, the district budget is only 0.7 of a billion a year. Of this, the ordinary peasant is expected to use or to raise 0.3 billion shillings through graduated tax and that is the only source of revenue for the district. Mr. Chairman, we talk of an income per capita of 170 United States dollars. In actual fact, a peasant in Bunyole hardly realise 17 dollars. This is only 17,000/-. Out of this, he is assessed graduated tax of 12,000/- a year. Mr. Chairman, the situation is very grave and as a result, people cannot afford any provision in their homes, leave alone being able to support their children at school. Mr. Chairman, Article 178 of Chapter 11 says that no tax shall be imposed except under the authority of an Act of Parliament. It is understand-

able that graduated tax is imposed under the Local Government Act but the people of Tororo and Bunyole would like evaluation from this archaic law which was initiated long before the introduction of such taxes as income tax customs, exercise duty, CTL, rental taxes, with holding tax and very soon as we have heard value added tax. Mr. Chairman, after examining proper methods of sharing these finances from central government, Banyole recommend that time has come to abolish graduated tax. Mr. Chairman, Uganda will not be the first country to abolish graduated tax or head tax. Our neighbours in Kenya have abolished it and the administration is running very well. The local government should not depend entirely on charity from central government to grant or withdraw whatever it thought expedient at that time. A proper formula must be put in place. Mr. Chairman, 1979 when the original members from Moshi formed the National Consultative Council in Kampala, the very first issue which concerned them was the change of district names which signified the ethnicity, of the people therein; names of the main towns of the district. They did this without consulting the people.

Article 202 says that Uganda shall be divided into the districts which existed immediately before the coming to effect of the Constitution, this constitution we are trying to make. Now Mr. Chairman, this article, if approved, is denying the people of Uganda to have a right in the constitution making exercise; to say that their districts, should be called what they want; Bukedi, Bugisu, Sebei, Teso, Lango, Madi, Acholi and whatever the case may be. Mr. Chairman, in this way, the ethnicity of various groups and peoples will be lost. The people of Bunyole therefore feel that ethnic names of districts should be restored so that in the case of Tororo, the name of the district becomes Bukedi District. Furthermore Mr. Chairman, the Local Government Statute of 1993 intends to obliterate from the map the names of counties. This is so because the post of county chief has already been abolished at any rate in Tororo District. This means sub-counties are now linked directly to the district. Mr. Chairman, a county has special significance in Local Government administration. In the case of Bunyole for instance, it has ethnic significance as it embraces the six sub-counties which form Bunyole tribe. To erase the status of county means the name Bunyole which embraces the whole tribe is obliterated from the map. It is the feeling of the people of Bunyole therefore, that county chiefs be not only restored and

reinstated but also greatly strengthened to maintain the ethnic grouping of Bunyole, Badama, Basamia Bagwe, Iteso, Langi, Acholi et- cetera. I am not taking information. My time is gone.

On the land issue Mr. Chairman, the people of Bunyole county would like to have their customary land tenure of beacons, or *birowa* was recognised. At the same time, a freehold system should be enhanced to enable citizens to acquire freehold titles. But the system being used today is so difficult that it will necessitate government thinking of decentralising it to the districts so that people can acquire land titles easily.

On the question of language Mr. Chairman-
MR. BIDANDI SALI: Point of order. Mr. Chairman, is it in order for the hon. Member of this House, who also was an hon. Member of NRC -

THE CHAIRMAN: He was a Member of Parliament one time yes, but not NRC.

MR. BIDANDI SALI: Okay, is it in order for the hon. Member to build an argument in order to convince Members of this House to his opinion when the argument being given are based on wrong information such as stating that the post of county chief was abolished when in fact all counties are existing and the county chiefs are existing except that they can be called assistant district executive secretaries? Is it in order Mr. Chairman, when a district is free to call him county chief, saza chief or assistant district executive secretary and that such a person stood in his own county just like such a person existing. Is it Mr. Chairman in order for the hon. Member to continue giving information on what somebody has called falsehood? Is it also in order for him to imply that no money comes from the central government to his district and that the only revenue to his district is the graduate tax when only yesterday, the NRC voted not less than seven hundred thousand million shillings on Vote on Account to his district Tororo? Mr. Chairman, is he in order to continue building arguments on wrong information?

THE CHAIRMAN: Anyway the hon. Member is now informed and I think he will continue.

MR. BYAKIKA: Mr. Chairman, I could not understand whether it was a point of order or a matter of information. Mr. Chairman, on the ques-

tion of language, the people of Bunyole have resolved that English be the official language and that Kiswahili be the national language. Mr. Chairman, I hope I shall have another chance at the consideration stage to present the views of Banyole. Thank you very much. *(Applause)*

THE CHAIRMAN: Thank you very much hon. Byakika for your contributions. As I had indicated, he was our last Speaker. Hon. Bamwenda Toterebuka had gone out under the assumption that he was still having other people between him. However, since we had already indicated we are going to adjourn, and seeing that on Monday we have only so far eight recorded speakers, hon. Bamwenda should be transferred to Monday so that we adjourn now. I therefore adjourn the Assembly to 8.30 a.m on Monday morning. We are starting our new time, 8.30 a.m. Thank very much.

(The Assembly rose and adjourned until Monday, the 4th of July 1994, at 8.30 a.m)