



THE REPUBLIC OF UGANDA

**PROCEEDINGS**  
**OF**  
**THE CONSTITUENT ASSEMBLY**

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**OFFICIAL REPORT**

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Monday 4th July 1994.

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

PRAYERS.

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

*The Assembly was called to Order*

MOTION

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

*(Debate Continued)*

**MR. BAMWENDA TOTEREBUKA:** On behalf of the people of Buyaga I am greatly privileged and honoured to extend to you, Mr. Chairman greetings and congratulations up on your successful elections to the High office, and for steering this august Assembly to our satisfaction. My thanks also extends to fellow hon. delegates he of whom the of Uganda people of Uganda have vested their confidence to scrutinize debate and finally make a new constitution. At this trying moment, we should look forward to the promotion of National Unity, peace and stability. The people must be guaranteed their sovereignty, they must be governed through their will and consent. They want peace, and tranquillity to prevail throughout the country. Uganda peasants have the same problems, have the same problems, they do not have pass ports to leave this country during turmoil or looking for greener pastures. Uganda's political development been characterised by authoritarianism, right from the pro-colonial period and continuing through colonialism, and independence inspite of our attempts to establish democratic institutions. In the absence of viable political institutions, which can successfully mediate between them, groups have always tried and succeeded in capturing national institutions such as parties, legislature and security forces, mainly to serve their own interests. Whenever groups are in positions of strength, they tend to ignore the formally established constitutional rules, and attempt to dictate terms which provoke negative reactions leading to instability, civil wars, and other forms of conflicts.

Having said that, the people of Buyaga are saying that the new constitution should make institutional provisions for setting perceived historic injustices right, that efforts to provide for such a balance of forces that one single source of political force or institutional structure can manipulate such resources as it has to subvert the constitutions and dominate other groups and structures. While taking into account Uganda's social, cultural and political diversities, the constitution should transcend interests of narrow groups. The constitution should identify those residual Uganda values which can serve as firm foundations for the new constitution. What is important is to design our own suitable system as long as there is accountability, peaceful and regular transfer of power through democratic elections. The interest values and welfare of the people is important. As much as possible the ordinary people should be afforded opportunity to participate actively in policy formation and implementation and take charge of their destinies.

In the interest of nation building, and equal opportunities for development, Buyaga people recommend Uganda to be under unitary forms of government and republic. They are opposed to Federalism. Uganda is too small to federate, and they do not want an emergence of a state in a state.

The official language is English. When we come to the issue of national language, as I have already told you, that Buyaga is a cosmopolitan county, people felt that legislation as such on a language at the moment was not the most important despite the diversity in ethnicity, they have been communicating together. At last they recommended Swahili, since it is widely understood in many parts of the country.

The constitution should be translated in the local languages and made available. The language used should be simple, for a person in Buyaga to read and understand. The study of the constitution should be made obligatory in all educational institutions from primary schools to institutions of higher learning. We must be with a culture of constitutionalism and the rule of law.

Democratic principles should be a reality. They want to exercise their political rights by having peaceful, regular free and fair elections of their

representatives, right from grass roots to the Head of State and then those elected to be answerable to them. Only citizens above 18 years should vote. An independent and permanent electoral commission should be established. A county should be maintained as a constituency, subject to other factors like population, means of communication and size of geographical area. But no constituency should fall within more than one county.

Nomination should be for three days. Candidates meetings should be maintained. All candidates should be afforded equal opportunities to present their views to the electorate and must answer all the questions.

Elections should be free from sectarianism, corruption, violence and intimidation. The dates should be fixed.

On separation of powers, the people of Buyaga want an independent executive, legislature and judiciary but each organ should check the other. Concentrating power in an individual or organ or state, tends to be corrupting and leads to dictatorship. The executive has tended to be too powerful, and has overridden the other organs.

The President. Article 101 section (4) which states that while holding office, the President shall not be liable to proceedings in any court; the people of Buyaga are saying that this brings dictatorship. The President should not be above the law, and he should pay taxes like all other citizens. He should be impeached. For a person to qualify as a President, he must be a Ugandan citizen by birth, with minimum qualification of a University degree; and knowledge of military science is an added advantage. Since he is also the commander in Chief of the armed force, He should be of high moral character, integrity, social standing and sound financial status. The President should be directly elected by the people through secret ballot. For a person to be accepted as a Presidential candidate, he must be a symbol of unity to all Ugandans. His nomination must be supported by people from different parts of the country.

A parliamentary committee should approve ministerial and other constitutional appointments. The President should hold office for five years, and serve only two terms. Retirement benefits should be accorded a President who has successfully served this country.

Ministers should be appointed from Members of Parliament. A person who fails to win an election, should not be appointed a Minister. The Attorney General should not be a Minister. This is very important. Article 123, section (2) where an Attorney General must be a technical person, a Lawyer for that matter; a Minister for Justice does not necessarily need to be a Lawyer.

The people of Buyaga support article 133 section (1). A person is qualified to be a Member of Parliament if he is resident in the constituency for which he stands as candidate for elections and has some tangible interest in that constituent. The people of Buyaga are very serious about this. This vital as to the side of patriotism, nationalism, and commitment to the area. They have seen people who have just gone there to stand for elections, and then do not go back. So they must have a tangible interest in that very constituency.

The principles of participatory democracy, representation and accountability should underlie the constitutional provisions and the legislature. The people should reserve to themselves all power and authority to vote for a person of their choice and even have the right to recall a Member of Parliament who does not consult with the people who voted him, does not hold meetings, he is not development oriented and has totally neglected the constituency. So the people should have the right to recall an MP. A Member of Parliament who crosses the Floor should first resign and seek fresh mandate. The duties of a Member of Parliament should be defined.

The National Council of State. The people of Buyaga look at it as another chamber in this country. Its composition, where you have the executive and the legislature to resolve conflicts, this will not be possible. If conflicts are of a constitutional nature, they should be handled by the Supreme Court. The Chairman who happens to be the President is likely to make the process of resolving the disputes more complicated. Buyaga people recommend the removal of the whole chapter as it is an unnecessary expense to the tax payers.

Necessary measures should be taken to bring about balanced development of the different areas of Uganda. Major emphasis should be put on the less developed. The rural people feel exploited by the Urban area people. Allocation of resources and facilities should also be in their favour, to see if they

support the social economic well being of the country. They are being milked without being fed. The State should provide infrastructure like roads. I have already told you in Bunyoro particularly in Buyaga our roads are impassable, especially, when it rains. The state should as well provide electric power, water, medical service and free and compulsory basic education to the needy. Affirmative action should be taken to uplift the economic state of women, the disabled, or handicapped orphans, and children.

On land. The people of Buyaga have a feeling that land is a gift from God to whom every one is entitled by birth and citizenship. When you call somebody a Ugandan, actually that person should be accorded land; it should be fairly and equitably distributed and put to the most profitable and economical use. People of Buyaga are squatters; this an area which has been referred to as the lost counties, but as I talk now Buyaga is a found county. In Kibale district large parts of land belong to absentee landlord, we have never seen them for the past 50 years. People of Buyaga recommend that land titles belonging to absentee landlords be cancelled forth with. Fellow delegates, absentee landlords we have never seen in Buyaga, their land titles should be cancelled. Government may make arrangements to compensate them. People occupying land now should be assisted to acquire land titles if they wish. The procedure should be simple and a cheap. There should be restrictions on size of land granted to an individual or organization. This is because the rich will grab land. District land committees should have power to issue land titles without referring the matter to Kampala or Entebbe. At every subcounty, there should be a subcounty land committee responsible for processing applications for land titles and forwarding them to the district land committee and they should also teach the people how to get land titles.

On citizenship, the people of Buyaga support article 41 but then may be for article 43 their view is that a person applying to be registered as a citizen, must have good conduct without criminal record. Then sub section (c) for those who have lived in Uganda for more than 20 years, they should be vetted by the local leaders and elders where the applicants stay. He or she should know English or any of the indigenous languages and should respect the country's constitutional and other laws. People of Buyaga do not want dual citizenship; whoever wants to become a citizen of Uganda should first renounce the previous citizenship. We do not want compromised

citizens who live by convenience, able to be in places where there are better opportunities and then run back where they were once devolved. We want people who are patriotic, and ready to build the nation. In order to identify our citizens, a national identity card should be issued. It would control entry of illegal immigrants in the country. Every Ugandan should have a right to be issued with a passport whenever he or she applies for it without discrimination. The process of issuing passports should be simplified. Therefore, the Passport control office should be in districts so that people in rural areas have access to services.

The fundamental rights and freedoms of the individual are natural rights. Birth rights are given by the creator to every human being. Human rights are linked to the primary objectives of society. The establishment of peace and justice, to human dignity and respect, national unity and development. They are also the basis of security and stability. The Court should be made to enforce rights; A new institution should be established for the protection and enforcement of human rights: for example, the inspectorate of government and the leadership Code of conduct. Detention without trial should be prohibited; it has brought sufferings, especially to the politicians, the Journalists, opinion leaders, whom government suspects or imagine to be enemies. Capital punishment should be retained, especially, for serious crimes like murder and aggravated robbery with violence.

Buyaga advocates for the rights of the minorities to be taken into account like the recognition of Basongola, Baremegezi, Bafumbira, Babwisi, Baruli, Banyabindi, should be added to the second schedule as Uganda's ethnic groups and to their rights to culture, ecology and dignity as the people.

The rights of prisoners should also be looked into. A prisoner should have a right to sufficient food, water, fresh air, clean atmosphere and be treated as a human being. They have a right to be visited by relatives, a lawyer and friends. They have a right to quick medical examination, and the right to submit complaints against prison officials for any unjust treatment.

Education in human rights and freedom should be compulsory in the army, prisons, police, intelligence organisations and from primary to higher institutions of learning. Every body should know his rights.

They recommend the setting up of an independent Uganda human rights commission.

The office of the inspectorate of government should be established to deal with corruption in public offices, receive and investigate complaints about corrupt practices and take appropriate action.

On traditional leaders, the people of Buyaga say that a traditional leader should remain purely a cultural leader. He should not at all join or participate in political and governance of both the central or local government. A traditional leader who opts to join politics should first resign from his office and renounce his title. The indigenous people of Buyaga or even those presently there should not be compelled to pay allegiance to cultural leaders. Allegiance for that matter should be a local cultural practice on an individual's choice.

**Defence and National Security:** Recruitment in the army should be done in all districts of Uganda based on merit. Members of the army must be citizens of Uganda over 18 years of age, and of good character, and have a minimum qualification of primary seven (7). Promotion should be based on discipline, good performance and professional training. Then they recommend 60 years to be compulsory retirement age in the army.

Article 203 is fully supported as it is in the draft constitution by the people of Buyaga, that Parliament may alter the boundaries of districts or create new districts, and in section (4) that will be based on the necessity for effective administration and the need to bring services closer to the people and it may take into account the means of communication, geographical features, density of population, and the wishes of the people concerned.

The wishes of the people of Kagadi are that, since Kagadi had been a sub district for over 16 years, and that services are to be brought nearer to the people, Kagadi be elevated to a full district status.

**Safeguards of the New constitution.** The new constitution should be effectively safeguarded by the political and military leaders and the people of Uganda. It should embody people's aspirations, values and visions both for the present and better future. The army should be represented in Parliament. All power of government should be derived from the people of Uganda, who should be governed

only through their will and consent. Every body has a duty to defend himself, the nation and the constitution. All able bodied Ugandans should undergo military training and people need to be empowered with political knowledge and patriotism to decide on their governance.

In building strong democratic institutions, the role of the Press is important in informing and educating the masses. Hence the need to have a free and responsible Press. Attempts by legislatures or those in authority to tamper with the Press or curtail all efforts to guarantee the freedom of the Press. The Press should have the right to protect the source of its information, if the source gets that information in confidence unless it is established in court that disclosure is necessary in the national interest. There should be no restrictions on the establishment of Newspapers, publications, radio stations or television stations, other than the normal legal requirement of the registration. Neither the state nor individual or organization should exercise a monopoly of ownership or utilization in the area of the media. (*Applause*)

I again thank you, Mr. Chairman, for accorded me this great opportunity and fellow hon. delegates for listening to me. I hope to present detailed views from the people of Buyaga, at the consideration stage. Thank you. (*Applause*)

**THE CHAIRMAN:** I thank hon. Bamwenda Toterebuka for his contribution to our debate. I now give the Floor to hon. Wacha.

**MR. WACHA (Oyamu County):** Mr. Chairman, First I want to thank all the delegates who elected me to the legal and drafting committee. I want to assure them Sir, through you, that in performing my duties in this committee, I will act on purely a professional basis. So whatever I say now here will not cloud my vision in the committee. (*Applause*)

Mr. Chairman in this Assembly we are blessed to have hon. Tiberio Okeny Atwoma, hon. Abu Mayanja, hon. Adoko Nekyon, and hon. Mathias Ngobi. All the four hon. Members took part in the formulating of the 1962 constitution. Both hon. Adoko Nekyon and hon. Abu Mayanja participated in the making of the 1962 constitution. In our meet too, Mr. Chairman, are Members of the NRA who participated in the revolution which brought into being legal notice number (1) of 1986, which

being the legal body of revolution, destroyed everything off or from the past 1967 constitution except those aspects of which it chose preserve. These aspects of 1967 constitution preserved therefore, Mr Chairman, can safely be called the 1986 constitution. In this respect, therefore, Mr Chairman, in our meet we have persons who are blessed with the historical insight, into 1962, 67, and 86 constitutions of Uganda. While it is a unusually great honour to rub shoulders with men and women of old, in respect of constitutional development, this is a sad Episode. It is sad because the presence of these hon. gentlemen, serves as a constant reminder to all of us of the unstable and easily over throwable nature of our various constitutions. Mr, Chairman while I wish every Member here prolonged life, it will be a sad day indeed in the history of our constitution development, if one of us present here today were to be called upon at some future date to make another constitution for Uganda. His or Her presence in a body making draft constitution will effectly signify the failure of our endeavours here today, and of our leadership in implementing the wishes of the people. The constitutional commission in its analysis, gives some reasons why our past constitutions proved unstable, and unworkable. While I broadly accept their analysis, I however, wish to add that the cancer which gnawed the basis of all our constitutions, is the cancer of selective recognition and respect of provisions of the constitution.

The various constitutions did not eventually fail because they were not researched nor because people's representatives were not correctly elected to discuss them, nor because they were promulgated in foreign capitals. These constitutions failed because those in power chose to selectively respect some aspects of the constitution and to ignore, sometimes violently, other parts of the same document. (*Applause*) The inevitable consequence of such attitude was that the whole document was weakened and became hollow. Mr. Chairman, we are in the process of making and possibly enacting a written constitution. The bedlock of written constitutions is that they form the fundamental and Paramount laws of the nations in which they operate. They are termed the supreme law of those nations. Essentially then, any law which goes against such a constitution is not law. This is the principle under which the 1962, 67 and 86 constitutions were formulated. Such, Sir, is the principle under which the draft constitution is being formulated. Such a principle however will be rendered useless if the practice of selective recognition

of provision of the constitution is put in place by the leadership.

The 1966 constitution crisis arose because the leadership refused to accept implementation of the provision of the constitution in respect of the lost counties. The present constitutional making process has its roots in the 1980 elections with some people rejecting the results of the elections. Recent events also indicate that the cancer of selective recognition of aspects of the constitution is still very much alive. What I have been calling the 1986 constitution saved the basic rights of the individual as provided for under chapter (3) of that constitution. Amongst those rights saved, were the rights and freedom of speech of Assembly, of Association and freedom from discrimination. Certain declarations were made in 1986 which derogated from these rights and up to now Sir, these declarations have had the effect of administrative fiats in respect of political association in Uganda. Despite the fact that these rights were saved, and therefore are part of the Supreme Law of Land, a law was passed which ran counter to the constitutional provisions in respect of freedom of association, of assembly, of speech and that of prevention of discriminative law in Uganda. I make reference here Sir, to Statute number (6) of 1993, which provided for elections to this Constituent Assembly. Mr. Chairman, we should all be prepared to respect every coma in the Supreme law of the land. (*Applause*) Any attempt by any person or groups of persons to ignore some aspects of the constitution and to rule as if those provisions do not exist, this in the short term is an avenue for undermining the legitimacy of the constitution, and in the long term an avenue for instability. My understanding of the constitution is that it is essentially a political agreement setting out how a given people should be governed in their country. Because of this Sir, I consider that a constitution should not be prescriptive but prospective. A well drafted constitution should be able to cater for the present and future demands of any nation. It should be durable and flexible enough to cater for any eventuality however unforeseen. It can only do so by outlining the needs of society without dealing with details which could be subject to change in no time. The problem with the draft constitution, Sir, is that it appears in some respect to resemble a compilation of the demands of various interest groups. It looks as if the commission in recognising the seeds of the various groups, decided to allow such groups space and recognition in the draft. This to me is unnecessary. The rights of

various groups must of necessity be provided for in a constitution but the details of the requirement should be best handled by the various legislation which could be made under the provisions of the constitution. This arrangement too would take into consideration the fact that what today may appear a burning issue, could tomorrow be so ordinary that future generations will wonder why it was ever allowed space in the constitution. My suggestion Sir, is that the draft needs serious surgery to produce it to the basic essentials of the constitution.

Mr. Chairman, the interplay between the state and the individual vis-a-vis the individual's rights should be of paramount importance to any constitutional watcher. The individual in any state has certain basic rights. These rights as stipulated in various conventions, and luckily reduced for us in chapter (5) of the draft constitution, include the right to life, freedom of speech of expression, and the Press, freedom of Assembly and Association, the right of equal protection and due process of the law, the right to fair trial and freedom of religion. Freedom in this context Sir, means the ability to do something without coercion or constraint. The basis of all the freedoms is that they are personal. In fact they are intrinsically so personal that the beneficiary cannot transfer them to another person to enjoy. Being personal Sir, the state can only guarantee and protect these rights. It cannot withhold them. They cannot and should not be made subject of discretionary control of administrative or executive authority, which may grant or withhold permissions to enjoy such a right at the State's discretion. *(Applause)* The State too cannot suspend the enforcement of these rights. Mr. Chairman, it is for this Assembly to see that provisions placed in the new constitution protect the individual in totality. Argument has been presented that these rights are not absolute. I agree but the degree of freedom guaranteed should be of interest to all of us. Government will always want room to manoeuvre itself in its duty of governance, this will happen to any government, it should however, be restricted in its manoeuvres, in case it hurts the individual.

Limitations on the individual's rights must be limited to the bare minimum. The 1967 constitution has been criticized, and I think rightly too, on the various restrictions it placed on enjoyment of those rights. We should as an Assembly not fall prey to this fault. Because of this, I intend to propose only one general provision which has been applied elsewhere as a limiting provision for the enjoyment of these rights.

Of equal importance is the urgent need to put in the constitution declaration and recognition of the fact that these basic rights and freedoms belong to the individual and can only be removed with the permission of the individual. I will therefore, be proposing that relevant chapter (5) rights be removed only with the consent of the individual. Such provisions appear in the freedom and rights in the present chapter (3) rights, and I whole heartedly support it.

Once we have established that the freedoms and rights proposed in the draft be part of the constitution, then we must accept and defend the applications wholly. I was worried at the beginning of our debate when Members voiced very strong sentiments against the Press; I was worried because as constitutional makers, our first and foremost role is to protect the various interests, freedoms and rights of various sectors of our society. I am happy now that those sentiments have been laid to rest. I am presently disturbed by certain sentiments being raised against political parties; the freedom of association is provided for in the draft constitution - hopefully it will become part of our new constitution. Freedoms of association is enshrined in our present constitution. Freedom of association is one of those personal and inalienable rights which are universally accepted. It takes various forms. However, I find it difficult to appreciate the fact that while all other forms of associations are acceptable for those hon Members, the right and freedom to form and participate in the activities of political parties should be objectionable to them. Each of these rights, that is of expressions of Assembly, of conscience, etcetera are interrelated. Restrictions on political rights of association could very easily lead to restrictions on the Press, later on Assembly and on conscience, e.t.c. The cardinal essence for the formation and maintenance of political parties emanates from the conscience of a body of citizens to promote the well being of the populace through a set of principles which can be varied from time to time.

As regards the matter of composition of a political party, that is to say, whether it is tribally, religiously, or regionally based, the existence of such a party is a matter of conscience of its members.

Where or when the phenomenon is perceived to be inimical to the best interests of the country, the ban is not the cure. The real and only cure is greater freedom which affords equal opportunities to the nationally and non nationally basic parties to compete openly, and publicly. *(Applause)* The proposi-

tion Sir, that the people are ignorant and backward, that they do not know what is best for them or that there is a class of Ugandans who alone know what is best for all the people of Uganda, constitute when placed in practice dangerous prescription for autocracy. *(Applause)* Arguments have been advanced here Sir, about how political parties have caused wars and destruction. These arguments are not only fallacious but deliberately misleading. The fact is that parties have caused and waged no war. Political partition cannot be blamed for launching and waging of war in Luwero, Acholi, Lango, Teso Bukedi and Kasese. Political parties cannot be blamed for the displacement and destruction of homes and food stuffs of over 2.7 million people in the North and North East as was admitted by President Museveni on the 11th of June 1989. Political parties cannot be blamed for the ascendancy to power of Idi Amin and Okello who wrought havoc to the people of Uganda.

Killing and devastation in Uganda have been greatest and more horrendous during the years when parties have either been banned or rendered inoperative. There are numerous examples to this effect. The people of Oyam North for example never saw their children tied on trees and executed till the time of Idi Amin. They never experienced transportation in car boots. They never saw so many of their children butchered for no crime at all, till that time. The people of Oyam North never experienced houses being pulled down, numerous girl's and women raped, people chased and killed like wild animals till after July 27th 1985. The people of Oyam North had abundant wealth in form livestock and fowl. All these were removed from them between 1987 and 1989. They never slept under grass like wild animals, till between 1987 and 1989; their children never experienced the inhuman and degrading torture methods of *Kandoya* and Brief case, till after September, 1986. Their children were never collected from fields and from mango trees and lodged in Luzira, till between 1987 and 1989. At the various times when these were happening, no political party was operational in their area.

Another argument being advanced is that political parties are divisive; Mr Chairman this too in erroneous. I remember one delegate the other day told the Assembly how the last constituent Assembly elections have caused bitterness in the areas where she contested. Except for electoral areas where delegates were returned unopposed, there is bound to be

bitterness from those candidates who lost their elections, and yet political parties never participated in these elections. Differences in society is a fact of life. Despite this, the history of political parties in Uganda has indicated that it is the only single institution which has gone beyond bad differences based on tribe or religion. They had to do this in order to gain acceptance from all sources in society, and this they have been able to do in only 14 years that they have been allowed to function in post independence Uganda. The little unity which has been brought to Uganda by political parties, is constantly being destroyed by militaries who survive in their leadership being surrounded by kith and kin. Mr. Chairman, to me it is an insult that a person or a group of people should prescribe an organization and then turn round and claim it has failed. To me, the arguments being presented is a trick to kill political parties. This is the trick behind the five yearly referendum provided for in the draft constitution.

The arguments before the Assembly have pitted political parties against the movement system. Article 94 (1) of the draft constitution provides for the continuation of the political movement system which is in existence now. Provision is made of the continuation of the movement proposed under Article (95 96 and 98). I have three very serious problem with this suggestion and therefore, acceptance of the Clause. First Clause (94(1) talks about the political movement system in existence before this constitution. Sir, we are writing a constitution, we are not writing a political manifesto; the proposed words and expression of the constitution must therefore be precise and definite.

The little I understand of a political system is that it connotes agreed and legally provided principles and arrangements for such matters faced for such matters as how government is to be performed and replaced, its powers and limitations and the participation of its citizenry in public affairs. For any such political system which the Clause claims was or is in existence to be recognized as such, and to be prescribed in the new constitution, the proposed constitutional system must first have been in legal form, capable of being interpreted and ascertained by the Courts. Nothing of the sort exists in our statute books so it would be constitutionally most inappropriate to provide for the continuation of a legally non-existent system. *(Applause)*

Secondly, at the political level, the suggestion for a movement system of government as couched by the draft, is a dangerous prescription for instability. The proposed articles seek to close all doors to free political expression and participation in politics of the country to those who may be opposed to the movement system of governance. With doors of participation to public affairs closed, the supreme law will end up inviting plotters and schemers to organize to overthrow the constitution. Because of the presence of the proposed article 3.3, the result of continued movement arrangements would be a revolving or recurring blood shed contest with the schemers plotting and possibly overthrowing the constitution and defendants of the constitution going to the bush to restore it e.t.c, e.t.c. This Assembly must realize the danger of inviting plotters and schemers, the disaffected and dissolutioned to organize and overthrow the constitution and should provide for a more peaceful and non violent system by which leaders can be changed so that predelictions of plotters are reduced to a bare minimum.

Thirdly Sir, the provisions of the Clauses embody trans-history ideas. The Clauses provide for the extension of the movement system of governance for some years; the number of years is irrelevant. The transitional nature of this arrangement was drawn to the attention of the commission under paragraph 8.26 of the report of the commission. This paragraph states Sir, *“there is also concern that if the existing top leadership of the movement were to be replaced, the movement system may have as such a potential as a party system to permit emergence of a deadly dictatorship”*. It looks to me, therefore, Mr. Chairman, that the commission was bent on catering for continued governance of the existing top leadership of the NRA to avoid the emergency of a deadly dictatorship. Constitutional provision should not be based on uncertainties and trans-history arrangements. Provisions of the constitution must reflect certain and sure expressions of the will of the people towards the governance of their country not for now only, but for the un foreseeable futures. Instead of the movement supporters initiating or providing for more years for the movement to govern Uganda, they should convince Ugandans how enviably democratic, the internal mechanism of the movements are. Ugandans would want to know how the chairman, the Vice chairman, the political commissar of the movement are elected for example. The people of Oyam North would want to know how they could if they wanted, remove the present leadership of the

movement. They would want to be assured by my Friend Mr. Chango Machyo that within the movement-

**THE CHAIRMAN:** Hon. Chango Machyo.

**MR. WACHA:** He does not want to be called hon. I understand Mr. Chango Machyo that within the Movement the positions are not, *‘As it was, is now and ever shall be without end’*.

**MR. CHANGO MACHYO:** Thank you Mr. Chairman. Mr. Chairman. I declared here before everybody that I have disowned the feudal title of hon. and whoever addresses me as that is being contemptuous. Thank you very much.

**THE CHAIRMAN:** Well, he raised a point of order. I think the hon. Member is entitled to reject but he is not entitled to call it feudal; it is an honourable title for hon. Members.

**A HON. DELEGATE:** Point of order. Mr. Chairman, thank you very much. I am raising on a point of order. Is it in order for one of the Members to disagree with the provision of our rules operating here which we all agreed to and passed. To opt out the particular provision which says we should be addressed an hon. delegates, is it in order, Mr. Chairman?

**THE CHAIRMAN:** The hon. Member is free to reject whatever name he is going to be given but of course, he does not restrict you from calling him what you want to call him as long as it is within the law.

**PROF. KAJUBI:** Point of order. Thank you Mr. Chairman. Is the hon Member in order to say he does not want to be called a constituent Assembly delegate?

**THE CHAIRMAN:** He has not denied the fact that he is a delegate for Samia Bugwe South but the style called ‘honourable’ is what he is objecting to. But that does not restrict hon. Senteza Kajubi calling him ‘honourable’ as long as it is within the law.

**MR. WACHA:** So, to Summarise this sector, once we opt for democracy, we must constantly remind ourselves that democracy is not only based upon the principle that the wishes of the majority must be respected, but also upon an equally important

principle that the views of the minority must be appreciated. It is only with the immediate return to political parties governance that the will of the majority and the minority will be equally reflected in the public affairs of this country.

Before I leave this sector of fundamental rights, I want to comment on two basic issues. One is that of capital punishment. The Commission recommends the retention of capital punishment for certain crimes. To me capital punishment is an inhuman and degrading form of punishment which in the end has no relevance what-so-ever to the crime being punishment for. It hurts more the people who are not participants to the crime than the culprit. The advocates of the death sentence have argued that this form of punishment acts as deterrent for the commission of serious crimes. This argument has never been supported by facts on the ground. The introduction, for example, of capital punishment for defilement in the country has been followed by an alarming increase in reported cases of defilement and not of decrease.

Because of this permanency, the death sentence has a brutalising effect on society. Nobody knows what happens to a person who is executed - (*Interjection*).

**THE CHAIRMAN:** Information, if he will take it.

**MRS. MATEMBE:** Thank you, Mr. Chairman. The hon. Member has said that the raising of the sentence for defilement to capital punishment has only increased the incidence. I wish to inform him that nobody has been put to death for defilement and maybe that is precisely the cause why it is even increasing. Maybe if one defiler was killed, the defilers would stop. Therefore he has no justification in what he is saying. Thank you, Mr. Chairman.

**MR. WACHA:** That sort of argument is defeatist because statistically it has been reported, for example, that in Kampala alone in 1993, 165 murders were reported; 313 cases of Rape were reported; 9,953 armed robbers were reported and yet (*interruption*). Please I do not want any more information. The statistics are there, anybody can look at them and yet, in March 1993 a number of people who were condemned for these serious crimes were executed. Now, Sir, another aspect of this matter, I notice that the Commission has provided for the establishment of a permanent human rights commission. I support this but I propose that the Commission should be a supporting body oversee-

ing the violations of human rights. The Commission should investigate and then refer its findings to a permanent constitutional court.

A few matters which the people of Oyam county north feel very strongly about. On the question of land, the people feel that the individual alone or as a community should be the primary land owner whose consent for access to their land by any outsider should first be sought. The new land system should, therefore, recognise customary tenures, existing leases and, in future, free hold as the only land ownership types in Uganda.

Now, on citizenship, Sir, the people of Oyam county north are against the provision of Clause 42 (1) as in the draft constitution. This provision, confers Uganda citizenship on aliens and sadly enough does so retrospectively. The expression "*the indigenous communities existing within the borders of Uganda as at 1st February 1926*" opens wide the door for acquisition of Uganda citizenship to any alien who since 1962 could not have done so except through naturalisation. Taken into account that the boundaries of Uganda as last drawn or adjusted in 1926 remain the same as those on 8th and 9th October 1962 and given that the indigenous communities enclosed within the borders remain the same; and that those born in Uganda received automatic citizenship at Independence, there is no reason for creation of this new category of citizenship.

Lastly, Sir, the people of Oyam north believe in devolution of power to the people. However, they wish to emphasize the fact that devolution should be accompanied by the devolution of resources to cater for the responsibilities. The people also note that under the proposed administrative structures, districts may prove too small or too fragile to work on their own and support the view that those who may wish to have bigger units by whatever name called should be encouraged and not discouraged so long as the format of power sharing is clearly spelt out.

In making this Constitution, we must guard against insensitivity to other peoples views and treasured ideals. I find it very sad that one group of people may find use in another group for the fulfilment of their wishes but that after such wishes are fulfilled, it turns its back even to the extent of becoming abusive to the cherished wishes of those people. Sir, the wishes of every group in our society must be listened to and appreciated. I thank you.

**MR. KABUGO (Nakaseke County):** Thank You very much, Mr. Chairman. I wish to start my contribution with a word of congratulation to you for having been elected to such a high office together with your Deputy. I should also like to extend my warm congratulation to my fellow hon. Delegates for having won the recent CA elections and to those who were nominated by His Excellency the President and other interested groups including the Army.

Nakaseke is found in Luwero District south, and it was carved from the former Bulemezi county. Its boundaries in the north are Katikamu county, in the north Buruli and Masindi, then west its boundaries are Kiboga district and South it is Mpigi. Mr. Chairman, Nakaseke is famous for the fact that it produced the veterans of political activities and political promoters of this country. It was famous during the 1980, 1981-1985 when Haji Musa Sebirumbi was then the Chairman of Luwero South Constituency. Those who were here during his period could bear with me that he was dominating Radio Uganda and the news of this country. Nakaseke is the place where the veteran politician, Ignatius Musaza Kangave was born and it is also the same area where the former Minister for Education, Dr. Luyimbazi Joshua Zake also comes from. Those who do not know Joshua Zake, he was the first Minister for Education in the then Obote One administration, immediately after Independence and he remained into that office until he went into exile where he died after a long illness.

Nakaseke is also known because it gave sanctuary to the 27 gallant children of Uganda, where they transformed into the NRM/NRA which fought and restored the democracy that we are enjoying today.

The people of Nakaseke suffered a lot at the hands of political administrations especially during the second UPC administration. In fact, we would not have gone through these atrocities if the then Chairman of the Military Commission had respected and honoured what came out of the people's decision in December 1980 elections. It was he himself who refused to announce the results until after he had finished to manipulate the votes cast in various constituencies in order to pave the way for his friend to come back a second time. This kind of manipulation did not please Museveni and his 26 young boys or young fighters. He had to find means to correct what went wrong for the benefit of all Ugandans. It was rather disappointing, Mr. Chairman, to hear

here that some hon. Delegates are criticising NRM/NRA and Museveni as a person because he took arms to correct what went wrong and to fight what we term as day light thuggery. I am sure if they had to wait for the next five years of UPC administration, this would not have been possible because Uganda has witnessed the period soon after Independence in 1962 until the overthrow of the same government in 1971 when the leaders of the day refused to hold General elections. Instead they were extending state of emergencies in Buganda in order to keep them into power.

Turning to the draft Constitution, I should like to start - (*Interjection*).

**THE CHAIRMAN:** Hon. Member, there is information on the Floor if you will take it.

**MR. KABUGO:** If I start receiving information as I had just started to address this august Body I may lose time Mr. Chairman.

**THE CHAIRMAN:** So you indicate you do not need it and you proceed.

**MR. KABUGO:** I am not taking any information. Thank you very much. Mr. Chairman, I should like to start my comments from Chapter Two of the Draft Constitution. Section IV sub clause (1) states that Uganda is to remain one unitary sovereign state and a Republic. Mr. Chairman the people of Nakaseke objected to this recommendation. They want Uganda to remain a sovereign state as such and not a republic. They want to revert to the 1962 constitutional arrangement whereby Uganda had some regions enjoying the federal system of administration. They have tested the agony of a unitary system for the last thirty years which were termed 'The Thirty years of Banana' by our Playwright, Alex Mukulu. Uganda enjoyed the first few years of federal arrangement. What brought the problem was the disagreement that broke out between Obote and Sir Edward Muteesa. It should be noted that the Prime Minister wanted the President to sign the certificate transferring part of the Buganda counties to Bunyoro Kitara. This kind of request could not be accepted by Sir Edward Muteesa despite the fact that he was then the President Of Uganda. This was a trying period for *Ssekabaka* Muteesa which a present sensible Muganda would not like to repeat such arrangement whereby the traditional ruler participated into national politics. For Buganda, we want

our Kabaka to remain a Constitutional monarch and a titular head of Buganda Kingdom.

The 1962 Independence Constitution, Chapter One, Section 2 sub-clauses (1) and (2) provided that Uganda consisted of federal states, districts and the territories of Busoga and Mbale. The federal states were the Kingdoms of Buganda, Bunyoro, Toro and Ankole and the territories of Busoga and Mbale. This is the arrangement the people of Nakaseke would like to revert to. They also want to see that the boundaries of Buganda are restored back to where they were before the abrogation of the 1962 Constitution.

**MR. BAGUMA ISOKE:** point of order. Mr. Chairman, is the hon. Member on the Floor in order to assert that Mbale was a territory equivalent to Busoga when, in fact, Mbale has never been a territory and has never been included as a territory in the 1962 Constitution.

**THE CHAIRMAN:** The Member was quoting from the Constitution of that time unless it is mis-written but if it is correct, he is right. I think the reference is to Mbale town not Mbale district.

**A HON. DELEGATE:** Point of order. Mr. Chairman, is the hon. Kabugo in order to claim a territory now comprising Kibaale District as Buganda territory when this question was settled democratically by adult franchise in the 1964 referendum?

**MR. KABUGO:** Can I answer?

**THE CHAIRMAN:** No. It was on a point of order so the Chair rules first. The hon. Member was quoting from 1962 Constitution and he was developing his point, so presumably he will be in a position to clarify before he finishes his remark.

**MR. KABUGO:** Thank you very much. Mr. Chairman, the boundaries that Buganda want to be indicated on the map of Uganda are those which exclude Bugangazi and Buyaga because those two are part and parcel of Bunyoro Kingdom now.

The people of Nakaseke also want to witness the restoration of the Great Lukiiko at Mengo, as the case was before the abrogation of the 1962 Constitution. With the restoration of the Great Lukiiko at Mengo they want to see that the other counties and subcounty councils are put in place with directly

elected people's representatives. The Kingdom had good roads throughout the country and had constructed good schools and health centres in areas where they were needed to serve the community. Buganda as a federal state was able to build the present Bulange, Buganda Law courts and prisons at Kigo and some other parts of the country as well as Buganda Police Headquarters at Makindye. The same kingdom managed to build a students hostel in London which used to be famously known as Muteesa house at 42, Paddington area. I used to live there and quite a number of Ugandans - *(Interjection)*

**THE CHAIRMAN:** Hon. Member will you address your remarks through the Chair and I would ask other Members to desist from interrupting the Speaker on the Floor.

**MR. KABUGO:** Mr. Chairman, this hostel assisted a number of Ugandan students who were studying abroad - *(Interruption)*.

**THE CHAIRMAN:** Hon. Member there is a hand of hon. Chango Machyo, I do not know on which point he is raising his hand.

**MR. KABUGO:** Well, I will take his information because he was once my president as a student in U.K.

**MR. CHANGO MACHYO:** Mr. Chairman, as his former president of Uganda Students Association, I want to remind him that it was called 42, Queens Gardens.

**MR. KABUGO:** Thank you very much. Mr. Chairman, the same government through its established scholarships office managed to award scholarships and bursaries to students in institutions of higher learning in Buganda and overseas. Mr. Chairman, the federal that the Baganda are demanding, in particular the people of Nakaseke, will cause no suffering to any other areas in Uganda. It will promote development and create harmony between Baganda and other tribes of sub country.

Let no one, therefore, amongst ourselves and the people we represent develop an attitude that once the Baganda get the federal status within independent Uganda, the Baganda Will suppress the rest.

**THE CHAIRMAN:** Hon. Member I see another hand. on which point?

**AN. HON. DELEGATE:** Clarification. I would like the Delegate to clarify to me and give statistics of how many Ugandans used to have a chance to go to study in Europe and what kind of people used to get those sponsorships.

**THE CHAIRMAN:** Do you think that information you can give us now?

**MR. KABUGO:** Mr. Chairman, I was a member and in charge of overseas scholarships in Mengo and I know quite a number of Ugandans who had access to this facility. I mean in particular, the Baganda, because the scholarships and bursaries were extended to the Baganda but within Buganda, the scheme did not in fact segregate those who were born here as Banyarwanda who were working in Buganda. Once they got their higher education they could have access to these bursaries and scholarships award.

**THE CHAIRMAN:** Hon. Member I think you should proceed. That information cannot be given by statistics just now. I think the hon. Member was asking a very difficult question of you now.

**MR. NEKYON:** Clarification. Mr. Chairman, I would like to get clarification from the hon. Member on the Floor on the issue of the relationship between the Central Government and Buganda because first he said that the Prime Minister then, Dr. Obote, tried to force the *Kabaka* cum President to sign a warrant transferring Counties from Buganda to Bunyoro which the *Kabaka* could not do. Then he just said that the giving of federal relationship between Buganda and the Central Government will not cause trouble. Let him clarify to the House how that can be. At the London Constitutional Conference, after a lengthy discussion on the lost counties, it was agreed that a referendum be held in three of the six counties and the delegation from Buganda which was properly elected by the elected *Lukiiko* as all others from the districts which were elected signed that agreement - the constitutional agreement. How else would the agreement be implemented after the holding of the referendum apart from the President then signing the results of the elections? How would he do it? We know that five counties were taken by the British from Banyoro and transferred to Buganda as a reward and one of them Ruwanga was then Partitioned into two, Sango and Bulmezi, to make six counties. That was done after the transfer. So after a lengthy discussion it was agreed that since three of them were already well populated with the Baganda

those should remain outright with Buganda without anything being done but then three of them would have to be decided on by a referendum and everybody agreed but when the referendum was held and the results came out, the President who was to sign, according to the provisions of the Constitution, refused to sign. What could we have done? Let him clarify this.

**THE CHAIRMAN:** Hon. Kabugo, could you clarify and then proceed?

**MR. KABUGO:** Mr. Chairman, the Hon Nekyon was a Minister in the then government and he knows what happened so I do not have much time to try to repeat what I had said. Mr. Chairman, (*Interruption*).

**MR. KISAMBA MUGERWA:** Mr. Chairman, I am very grateful to the hon. Delegate for having given way to enable me to clarify by giving information that hon. Kabugo has been very accurate on this matter. He is not in antagonism with what had happened then constitutionally and that is why he has submitted that it was improper for the traditional ruler then, the *Kabaka*, for having been involved in national politics and that is what led to the conflicts. So he is submitting that the people of Nakaseke and indeed of Buganda do not like any more the *Kabaka* to be involved in the national politics. And Kibaale District, those lost counties will remain where they are as long as Buganda remains what it was constitutionally made of.

**THE CHAIRMAN:** Well, that is fine. I think that clears the air.

**MR. KABUGO:** Thank you very much. Continuing with Chapter two of the draft constitution, Section 4 talks of Kampala as the Capital of Uganda. Mr. Chairman, it is now the right time for fellow delegates to think of a new site of the national capital. Mr. Chairman, I am not meeting Members to say that I am trying to drive people from this land. The object to propose this is because Kampala is badly planned. Its present position and the traffic, as well as the increased population, makes it to have no room for expansion. This is the reason why I suggest that we should look for an alternative site where the capital city should be established and make a road plan. That is the reason.

**THE CHAIRMAN:** Just hold on, there is clarification first.

**MR. KIRENGA:** Mr. Chairman I would like the hon. Member to clarify whether by his statement that Kampala cannot expand because of bad planning he does not take into account the fact that Kampala can be extended to take into account new developments? Can he clarify? Does he mean that Kampala should remain what it is or should move out because it is smaller or does he take into account the fact that it can be expanded and take into account the new developments.

**MR. CHAIRMAN:** Hon. Kabugo.

**MR. KABUGO:** Mr. Chairman, the boundaries of Kampala are limited and there is no land for expansion. If you want to establish good roads and avoid the present traffic congestion, you cannot do it and the only thing that we can do is to start a new capital.

**MR. FRANCIS BABU (Kampala Central):** I just want to inform the hon. Delegate on the Floor that we have right now drawn in 1968 the urban planning of Kampala which can expand. Two, we have just finished the urban planning of several towns in Uganda. Kampala, Jinja, Mbale and a few other towns. So for the expansion of Kampala there is no question about it although most of the land is mile land and the 75 percent freehold, the Government eventually will have to be forced to compensate and Kampala will become a bigger town all the way up to Entebbe, Thank you.

**MR. KABUGO:** Thank you for that bit of information. I was turning to Chapter Three, Clause 7 sub clause 2 which suggest that the President shall report to Parliament and the nation at least once a year. This is not acceptable by the people of Nakaseke. The Presidents we have in mind will be directly elected by the people and reporting to Parliament only once a year will really cut them off the track and they want to see that the Presidents report to Parliament once every three months and inform the nation of the economic development, the achievements made so far and the stability of the nation and the relationship that prevails from within and external areas

Section 116 of the same Chapter undertakes to provide services to enable the disabled, the handicapped and the related persons to live as independently as possible in the community. We want this provision to be strictly observed by the state and not just to remain on paper. Experience existing now is that the handicapped and the disabled, the sick

persons of this country, are the most poorly catered for. They do not have sufficient facilities for education, I can quote the deaf who have got to be given special gadgets for their education, we do not have facilities where they can get hearing aids, we do not have audio aids and speech trainers to enable them to learn and to at least mix with the members of the public. We want these people to have a recognised sign language because sign language has become an international language for these people. Wherever you go you find that sign language has been developed to the standards of the media of communication. When the deaf leave the country they would not find problems in communication. So if these services are catered for it will be a good thing for the handicapped.

The blind are lacking also materials and they have no special provisions made to employ them either in covered shelters and other industries. Without such provision, Chairman, it will not be possible for the physically handicapped persons to develop, to manage services which are non-existent. Let us be positive on whatever we talk of these people. They are Ugandans and are entitled to equal rights, opportunities and access to education, health services and clean water as the normal hearing people do normally get.

The people of Nakaseke support the recommendation which touches the fundamental human rights aimed at the protection of women, the family, the disabled and the aged as indicated in Sub Section 13 to 17 of Chapter Three but what is needed now is to be specific in the distribution of the estates of the deceased husband who may die leaving more than one widow and several children belonging to different mothers. It must be clear because many women of this country are mistreated immediately after the death of their husbands whereas the wealth and the estates which the close relatives of the deceased are trying to grab were collected together with these innocent women.

As for the citizenship, Mr. Chairman, Clause 42(1) talks of a child of not more than 7 years found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth. This is not acceptable to the people of Nakaseke. They say that unless that child is found to be deaf and unable to talk he should know the names of both his mother and father and where these parents can be traced. The child must be kept for some time before the state

can accord him full citizenship to enjoy the privilege accorded to Ugandans. They also want applications for citizenship to be considered for only those who have lived in this country for a period not less than twenty years. Applications shall have to be channelled through the local councils where the applicants live. Ugandans should be issued with the necessary passports without due difficulties and we should introduce the national identity card in order to move freely from one area to the other.

Chapter Six has the strongest support by my people of Nakaseke. They want to continue to remain in the Movement for the next five years. This, therefore, means that Political activities must stand suspended. The Nakaseke people have not yet buried the bones of those who were brutally murdered between 1981 and 1985. Political wounds inflicted by the majority have not yet healed to make them forget what happened during that period. If one now took the trouble to visit this county he will bear witness to find that what used to be Kapeeka, Nakaseke, Kiwoko, Kikamulo, Katooke and Ngoma trading centres still stand in the ruins and the people who lost their homes have just been given chances to have access to subsidised corrugated iron sheets to construct their homes through the newly established office of the Hon. Minister of State in the President's Office, Mr. Kisamba Mugerwa. In fact, he has just dished out the second consignment to the local residents of Nakaseke. So now the situation is still pathetic.

The people of Nakaseke agree with the recommendation contained in Chapter Seven. They want an elected President by universal adult suffrage through a secret ballot. They also concur with the provision that the elected President should serve for only two terms of five years each.

As for mailo land, Mr. Chairman, Nakaseke people would wish that the old system is restored and that the 1975 Land Decree is repealed forthwith. They went on to suggest that if fellow Delegates feel that the mailo land tenure is favourable to their areas, then let us all adopt it throughout the country. They would also wish to see that *Busuulu* and *Ernujjo* are restored. This will enable customary *Bibanja* holders to continue to live in them - (Interruption).

**LT. COL. FRANK GUMA:** I would like to seek clarification how it would be practically possible for mailo land tenure to cover the whole of this country; and two, I would also want to inform him that mailo

land is still there, it is not abolished. Maybe he should have talked of preservation. Thank you very much, Mr. Chairman.

**MR. KABUGO:** Mr. Chairman, I think the hon. Member has not read and got grasp of the 1975 Land Decree.

**MR. KIRENGA:** Clarification. I would like to clarify to the hon. Member that "mailo" actually means "free hold" so that if those areas which do not have "mailo" they can export their "free hold" holding. So instead of attacking "mailo" here they should try to get it if they want in their areas and then I would like to clarify further that the 1975 Land Decree did transfer the mailo into leasehold, into a term of years, that is leases. So in fact the proposal is that those years which are held by the people who are outside Buganda can be transferred into freehold and then these terms of years which were created by Amin can be transferred back into freehold. We can abolish the word 'mailo' but have the word "freehold", it does not make any big difference. Thank you very much, Mr. Chairman.

**MR. KABUGO:** Thank you very much hon. Kirenga. I was coming to the issue of paying '*Busuulu*' and '*Ernujjo*'. In fact this should be restored because it is the only means through which the customary *Bibanja* holders could enjoy the permanent stay on somebody's land. We have witnessed a number of cases whereby a *mailo* or freehold land owner goes and negotiates the sale of his land to other interested parties without giving prior notice to the local *Kibanja* holder and he just finds bulldozers coming down to bulldoze their houses and properties without due compensation and, in fact, we have the most recent one which happened in Mukono whereby Mehta bought a junk of piece of land in a certain area without the notice of the local residents and these people had no access for compensation because the land owner was claiming that he did not know these people; they were not his tenants so he could not compensate what he termed squatters.

Finally, we are here to formulate and debate on a national constitution. It is our duty to agree on the national language to be adopted. The people of Nakaseke strongly object to the adoption of Kiswahili because it is as foreign as the English Language is. The argument that Kiswahili is spoken by our neighbouring states should not force us to copy it

because the constitution that we are deliberating on is meant for Uganda and not our neighbours. What is good for our neighbour may be bad for our own consumption. In this case, Mr. Chairman, let us adopt and agree to one of the 48 ethnic groups to adopt that as a national language. That is when we shall really refer to ourselves as Ugandans; but not to adopt Kiswahili, the language which was introduced into this country by Arab slave traders. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** Thank you very much hon. Kabugo for your contribution to the debate. Hon. George Masika, Mbale Municipality is indisposed; he is unable to make his contribution now. I therefore give the Floor to hon. Lubowa Moses of Budioppe county.

**MR. LUBOWA (Budioppe county):** Thank you very much, Mr. Chairman. I come from Budioppe county in Kamuli District. This is the northern most part of Busoga. I share borders to the north with Apac and Lira districts. To the west I have Luwero and Mukono, East I have Bulamogi county and the Teso Districts. To the south is Bugabula the mother of Budioppe. I am here with a message from Budioppe county and it starts on a congratulatory note, Mr. Chairman and your Deputy, you are both congratulated upon your acquisition of those high offices. My colleagues are also congratulated and hailed for having participated in the cut throat competitions or contests and emerging winners. They also want to congratulate all those who have played the various areas if it were a football match we are here as strikers but we have the mid fielders, that is Steven Akabway and his group and then the backsmen, Odoki and his group. You are all congratulated upon whatever you have done.

Mr. Chairman and hon. Members, I would like to report to you here and the entire nation that the people of Budioppe have been handling and participating in the constitution making exercise with a lot of vigour and enthusiasm ever since the idea was hatched. This they have done not for the sake of it but seriously for the fact that they have never been satisfied with what they are and attribute this state of affairs to the bankruptcy and illegitimacy of past constitutions. Now and again they have admired the social and economic status of other countries. They would like to enjoy the type of security, stability and prosperity that countries like Switzerland and many others in the world enjoy. Leaving alone international differ-

ences, even internally, the people of Budioppe are a disadvantaged society referred to as a Third World of Uganda. The national wealth is not equitably distributed, the basic social services like roads, health units, water services, schools and colleges. These are not properly distributed, even economic programmes are not equitably enjoyed. They feel all these differences have been brought about by the past inappropriate constitutions. So with this opportunity given to them by the NRM Government to make their own constitution, they are determined to overturn things and they will do this in the following manner.

First of all, they are serious advocates of a democratic system of government and here they want to be understood as referring to practical democracy and not democracy in inks, words or speeches. Democracy is said to refer to the government of the people, for the people and by the people. If that is the definition of democracy then one would be right to say that in Uganda democracy started in 1986 with the NRM Government introducing the RC system. Past governments were the ones making the people instead of the people making the governments. i.e. the people had never been given opportunity to actively involve themselves in discussing, deciding and implementing national policies or matters that affected the destiny of their country as opposed to the present RC system. Leaders ranging from the presidents to the lowest levels did not depict the will of the governed or ruled. So Mr. Chairman and hon. Delegates, the articles of, for and by, used in the definition of democracy would not be applicable in a system where the organs of the executive such as the army, the police, prison services, intelligence organisations, all of which are under security and organs like the Public Service commission and the entire Civil Service have no mandate from the people and so end up not being answerable or accountable to the people.

No wonder, one time in 1985 I witnessed a very nasty thing. That time the President of the Democratic Party was expected to visit Kamuli and so people in that kind of mood prepared for his coming. What happened is that one man just wore a cap with white and green colours. I think the UPC thought it was insulting on their side, they tried to drag this man into their office in order to torture him. He was only helped by an electric pole, he grasped it strongly. What these people did, they stripped all the clothes off this man, even the pants and the whole public

really got embarrassed and, funny enough, we cannot say that there was democracy when the organs of the executive, for instance, the police was just about 200 metres away from the scene and these people did not move in at all because the organs of the executive were just possessed. The police belonged to a certain group of people and so could not do what was required. Was that really democracy? It was not.

Concretely, therefore, the people of Budiope say the Movement type of government should continue for another five years as the parties re-organise themselves. To me and the people of Budiope it appears very ironical one time to find a hyena and a goat camping together for a night in peace unless something happens in the form of evolution so that the hyena drops the habit of eating meat, that is when you can expect a hyena and a goat camping together in peace. The parties we have today are characterized by intrigue and a the dictum, *winner take it all reigns the day*. They are based on sectarian grounds. Mr. Chairman and hon. Members, the issue of which type of political system to adopt is very crucial because all government machineries work within a political system. A political system can be democratic or undemocratic. Democracy should entail the following. There should be protection of human dignity. There was no protection of human dignity in that case I have just outlined. Ensure peace and security. I do not think that peace was being enjoyed. Defend national unity, give allowance for social justice and national development. Where these things are missing you cannot tell me there is democracy.

I would like to say something about land and I would like to remind you, like I have told you already that I come from Budiope which is an area in Busoga and in Busoga generally there are two things which are taken to be sacred. We have land and a woman or a wife. If you want trouble, you tamper with a wife or somebody's land, there will be explosion. I have told you these two items are taken to be - *(Interjection)*

**THE CHAIRMAN:** Order. Will you address your remarks through the Chair please!

**MR. LUBOWA:** Land is so important because the people of Budiope derive their livelihood entirely from it. They are agriculturist and cattle keepers whereby they require security of the land. These activities are done both at subsistence level and also commercially. So land is regarded as the most

important resource in their possession. For this constitution they re-affirm that the land must belong to them on free-hold basis. The Land Commission should spread its services to the districts and counties to enable the *wanainchi* get permanent land titles. Transfers of land on the basis of selling or renting should be a matter between the owner and the needy. In case of disputes the local councils should be put in place, should help here and, Mr. Chairman, and hon. Members, I would like to remind hon. Members that the order of the day is privatisation. If parastatals are being privatised, why don't we privatise land. Parastatals are being privatised because of inefficiencies.

Just recently we had the two big transport companies, government companies, close down just because of inefficiency. One time a company having 97 buses and being grounded to about 12. Likewise the bureaucrats in the land system are not helping the people so I feel the land should belong to the people.

The *Mvule* tree in Busoga is almost extinct because of the funny phrase used "*Gyamera gyene*". It is very unfortunate and this is taken advantage of by the bureaucrats. There is also the danger of the well to do who could have taken advantage of, for instance, being very close to the slaughter houses which unfortunately, have never been established in Busoga. The fellows with money may flock to Busoga and leave my people as squatters for ever and ever. This will be a very nasty thing to as squatters to see in future because somebody will come with money from Buganda here, from Kigezi, from Ankole or any other part of Uganda, get a land title in Busoga and then poor Basoga who may not have access to these various offices and they do not have the money to do this they are going to remain squatters; this thing we do not want to see in Busoga. This thing must be taken very seriously. I remember one time the Busoga Parliamentary Group approached His Excellency. We asked him how come we do not have big people in the Government at the level of a Permanent Secretary? You know what he said? He said "can you look around and give me some people at an Under Secretary level"? We looked around, we could not see them. So it is a kind of vicious cycle of backwardness of poverty so that if we allow this kind of thing for land also, our people are going to remain in absolute poverty. Okay, nobody is interested in seeing land idle but I feel it should be the responsibility of the Government and the leaders to motivate the public to make optimum use of the land. The Government should introduce rural - *(Interjection)*.

**MR. RWOMUSHANA (Bujumbura County):** Thank you Mr. Chairman. I would like to seek clarification from the current speaker. The current speaker has said that he is calling for privatisation of land so as to ward off inefficiency and again he is complaining that people should not go to Busoga and purchase the land lest they fuel a vicious cycle of poverty in that area. I note a contradiction. Sir, I would call for a clarification from him.

**MR. LUBOWA:** About inefficiency, basically I am interested in finding levelled development. (*Interjection*).

**MR. SSEBAANA KIZITO (Makindye East):** Mr. Chairman, I want to inform the hon. speaker on the Floor that even Basoga come to Buganda to buy land. Just recently I sold land to Eng. Nathan Muyobo who is a Musoga - it was in Buganda.

**MR. LUBOWA:** That is very interesting, it is exactly what I want. What I am saying is that there should be private ownership and then somebody comes to buy. You give money for something, so there is nothing wrong with that. I am also saying that the Government programmes like the rural farmers scheme should be carefully studied and made to function properly to benefit the rural society in order to properly use the land. For instance, we have the micro project programme linked with EEC through the Minister of Finance. This one is really doing a very good job. Maize mills have been introduced in rural areas and in areas like my county where we never expected maize to grow now the whole land is under maize. Such programmes can facilitate the rural society in order to come up economically otherwise if we simply left things like that we could have somebody coming from Kampala going to get land titles from there and then my people remain squatters. There will be imbalance in development for ever and ever. Something I would not like to see continue.

Environmental degradation. This constitution should make provision for avoidance of environmental degradation. The climate in most parts of the country is deteriorating and no longer favourable for crop production and hence causing continuous famine. My people have recently been suffering from terrible famine and even up to now some sub counties are still 'grassing'.

About citizenship. Mr. Chairman and hon. Members., this one has been a controversial issue, very

common in the politics of Uganda as has already been referred to by my colleagues. I feel this is the opportune time for us here to indicate who a citizen is and how one can become a citizen. This will help us from putting up laws to do with things like sectarian which may not even work, we have this law in place and I do not know whether it has effectively worked. The people of Budiope concur with what has been put in the draft constitution with regard to children below 7 years and found in Uganda, their parents not known. I do not think there is any country which is interested in dumping their children into Uganda. These are fellows we should sympathise with. They could have been a result of the way we behave during those awkward hours and we find children on the streets. So we must be able to accommodate these. I agree with automatic citizenship for women married to Ugandans but not to men who are married with Ugandan women. I say this because in most cases the men will over a time even retire to their countries and I do not think we should be interested in them, these people know where they belong.

Leadership Code of conduct. To ensure that our country Uganda gets good, efficient and upright leadership, a leadership code of conduct must be put in place. It is unfortunate that certain remedial steps are taken after it is too late to rescue anything. I personally see very few benefits arising from post mortem. As I have already mentioned, the two big government transport companies have collapsed and now the companies are being privatised but what has happened to the officers concerned with the management of these companies? Virtually nothing has been done but the companies are grounded. It is not surprising to find tomorrow the same officials with personal fleets of buses and cars at the expense of the tax payer. This is very unfortunate. It is also important that leaders are put on a weighing scale to detect their integrity before and regularly while in leadership positions. Just recently my people have been starving to death, in fact, quite a number have died. I tried to find out about how much money could be required to save these people and perhaps in the range of say hundred million shillings could rescue these people but tomorrow you will read in the papers that a certain government officer has embezzled or swindled a hundred million shillings and these people go away with it. Why should we continue with such This point drives me to the judiciary. This department employs a variety of people okay who have done some work in bringing about justice but

have left quite a lot to be desired. Certain provisions in the law leave open ends for the people involved to do a lot of injustice instead of doing justice. Provisions like an offender being proved beyond reasonable doubt, a provision like one not to be taken to be guilty until he is convicted by law, after appearing in court, are very dangerous. However, I being an advocate of human rights, apparently there is nothing I can say here clearly that we should have these people simply taken to be convicts. (*Interjection*).

**MRS. MWONDHA (Women Representative Jinja):** Point of order. Mr. Chairman, is it in order for the hon. Delegate to castigate the judiciary because of the badness of the legal system, saying that it is the judiciary which administers justice in the wrong way and it is the legal system which is wrong, in his opinion?

**THE CHAIRMAN:** He will not be in order. Hon. Member, could you clarify what you said so that we do not seem to castigate you?

**MR. LUBOWA:** Well, I do not think I can say it, Mr. Chairman. After all I am reporting what the people think about this judiciary. I have had to put forward for them to hear. I have said being an advocate of human rights I feel there is nothing we can do about it but let us try to strengthen the jury system where at least the public may be involved in deciding what in the end. Let us strengthen this and even the RC courts should be strengthened for certain cases otherwise things are not all that good for the public particularly the rural society who are ignorant and their ignorance is played about with.

About traditional or cultural leaders. My people and I have never under-estimated the role played by the traditional leaders in uniting their people and giving them direction towards development. We say, let those who have the taste for them enjoy the benefit. However, non-loyalties should be given the freedom to think and act otherwise. What happens in reality unfortunately is that these cultural leaders have jurisdiction over a given geographical areas where non-loyalists may happen to be. These do not have to be forced to abide. If it means rolling before the King, let those who want to do it do it. Taxes should not be imposed on the people for the sake of running these institutions. There must be a way they try to raise funds for these institutions.

I would like also to caution my colleagues in this

House that this country has been historically plunged into problems because of opportunists. I feel avenues for such opportunists should be sealed off by this constitution.

I would like to say something about the official language. We people in Budiope have no quarrel with the official language remaining English. This is a language with a wide scope internationally and yet officially Ugandans interact with many outsiders who are English speaking. Internally, we have also been a British colony and we have developed a culture of interacting in English. Why not continue! About the national language the people of Budiope county beg to differ from many Ugandans all over the country who are advocating for Lusoga to be the national language. This will save the country the past experience of confusion which gave the impression that some tribes were more superior than others also those others developing inferiority complex. It was unbecoming for the 1962 Constitution to put it that the President of Uganda would have to be one of the traditional leaders in Uganda. This meant the other leaders had to succumb to the superiority of the other tribe from where the President may have emerged. That was very unfortunate and we should not have it again.

Something about decentralisation. Mr. Chairman, and hon. Members, I feel the move towards decentralisation is a healthy one since it takes services nearer to the people. Budiope county which is over 200 km. from Kampala will not be that far from the district headquarters, Kamuli. This constitution should, therefore, crown the move to make sure that the people benefit from the taxes they pay. Ministerial departments will move closer to the people and as long as the representatives of the people are effective and the bureaucrats are of a higher integrity and not corrupt, definitely the wanainchi will benefit. Some form of decentralisation has been practised for as far as three years ago whereby district councils decided that part of the money collected from taxes be allotted to the sub counties. In some cases to the tune of 20 per cent. This has been seen to work. Let us have it.

Women. The people of Budiope are generally sympathizers of the disadvantaged groups. Basically because they are themselves disadvantaged and they want the cocoon to be broken through. The right of women to share jobs and other opportunities on equal capacities must be catered for in this constitu-

tion. Cultures which deter women from social, economic emancipation must be revised. The right to inherit and share properties should be given to them. We must all remember that women are the major producers of wealth in this country more so in the rural areas yet unfortunately it is mainly in the villages where such rights are denied. Hon. Members we should not behave like ostriches which hides their heads underneath the sand when they see an enemy and feel contented that they are hiding. The women we deprive of such opportunities are our own married daughters, sisters, aunts. If these are in poor conditions definitely we should be touched. Now why not give them the freedom? Social and economic opportunities must be given to them and here the need for such considerations is made even more obvious these days when men die at a faster rate than women because of the AIDS scourge. Which means the women have more days to live with and care for the dependants; they should therefore be able to work and sustain these dependants who remain.

Can I say something about the President. An individual should enjoy this highest office for two terms each one five years and then we should have regular elections which should be by universal adult suffrage. The right age should be 40 and if we are to discipline the President it should be by impeachment other than going to law courts when he is still in office.

The National Council of State. The national council of state can easily compromise parliament which is the supreme organ of the government and it is the one which oversees the functions of the government. This is an organ which is likely to confuse the functioning of all the other parties concerned.

Now, about fundamental human rights, Mr. chairman, I agree with all the fundamental human rights and freedoms as put in the draft constitution particularly when non-interference with other peoples rights are properly indicated. Good democracy must be backed up by a sense of responsibility. Unfortunately when we fight for these rights, if our people are irresponsible and misuse the rights, then that cannot be democracy. People talk of freedom of expression it is okay but you know what usually happens in the papers at times, there is misreporting. Freedom of association is another right that is misused. Freedom of conscience and then protection from inhuman treatment. But unless the various organs of the executive are not possessed by individuals like I have

told you about the police in Kamuli, these human rights will not be recognised. Unless those organs of the executive are not possessed by individuals or by people in the government then the human rights will not be recognised and there will be no democracy.

Still on human rights, the people of Budiopo feel that the Government White Paper on Education is a way of keeping the rural low income earners out of the race for the university and other tertiary institutions by introducing cost sharing. There is consolation that a loan arrangement will be organised but then they are very pessimistic about the real functioning of this thing because, according to law people are meant to be paid but in that same Ministry you find that there are some teachers who have not been paid for two years now. What guarantee is there that when we talk of cost sharing and then organising loans, what guarantee is there that my people from Budiopo can have access to such opportunities? There is no guarantee because even where a matter is constitutional that somebody must enjoy his salary, these people have not been paid for two years and they are starving. There are demons in the Crested Towers - things are not proper. Mr. Chairman, I am about to sum up.

The Inspector General of Government and those below him. other than being appointed by the President - *(Interjection)*.

**MR. AMANYA MUSHEGA (Igara East):** Mr. Chairman, could the hon. Member holding the Floor help us to know whether human beings have now turned into demons and is that in order to call human being demons? secondly, I wanted to inform him that at the moment the poor are actually out of the university system because they are knocked out by the high PTA charges at secondary level. Thank you.

**MR. LUBOWA:** Somewhere it is a point of inquiry, somewhere it is information. Now, about the inquiry as to whether the people should be referred to as demons, I have used demons as a metaphor. Because if there are certain persistent behaviour torturing people, please permit me to refer to these people as demons.

**THE CHAIRMAN:** No, but that language is unparliamentary.

**MR. LUBOWA:** I withdraw it if it is unparliamentary.

Mr. Chairman, to sum up, I would like to assure you and the Delegates, that I was sent here on a give and take basis. I am willing to compromise with people so that we come up with an everlasting constitution for the good of the people of Uganda. Thank you very much.

**THE CHAIRMAN:** Thank you hon. Lubowa for the contribution to the debate. I now give the Floor to hon. Kiraahwa Monica, Women Masindi.

**MRS. KIRAAHWA MONICA (Women Representative, masindi):** Thank You very much, Mr. Chairman. Allow me first to congratulate you, Mr. Chairman, as this is my maiden speech and your Deputy Chairman on your successful election to the House smartly without any rigging and petitions. Through you, Sir, I would like to take this chance to congratulate my fellow Delegates for the struggle and success they achieved. It was not easy. I cannot forget to congratulate the Commissioner and his office for the work well done. This indeed must go in the history of Uganda whereby everybody got involved in election, youth, women, men, peasants and school children. We have been elected to this august House for an important distinguished work where the 17 million people are eagerly waiting to hear on how we are going to come up with a good constitution to be respected and protected for generations to come. I believe the first constitutions we had did not have much problem with them except people were not being involved in making them but except very few individual. Secondly, when they have been in use although we know it is the supreme law of the country, these constitutions were kept to high offices and officers alone and no one among the ordinary people knew anything about them. How then did we expect people to respect and defend these constitutions when in reality they did not know what was included in them! At this Juncture I want to pay special tribute to the NRM Government which has managed to involve all people alike in the writing of the constitution and presenting the views freely. The people of Masindi propose that when this document is promulgated it should be put in the curriculum of education so that every child goes up knowing what exactly is stated therein. The old ones and those who can no longer go to school should be encouraged to go for political education i.e. *chaka muchaka*, where they will be taught among other things all about the

constitution. The people will be able to defend it and should be translated in all local languages made available so that everyone, everybody can acquire and keep it in his house for daily reference normally like us Christians who keep the Bible, and refer to it.

Masindi District is one of the few districts which is blessed by having a lot of ethnic groups staying there, almost about 56. The people say they have all along lived together happily as brothers and sisters knowing how to solve their problems. So they believe and wish Uganda should remain a unitary state. They want to continue living and working together. They hate things that divide us in small groups as they believe Uganda is still poor and a developing country where we need to work hand in hand.

They support English as an official language and Swahili as a national language to help us link with our neighbours but all other ethnic languages should be promoted alongside and taught in schools for our culture identification.

I agree that we are not the last generation in Uganda and we are not hungry of people but I support strongly Article 42 in Chapter 4 about citizenship and I agree with hon. Katurabe. We have a lot of children picked in streets, towns, suburbs, left in hospitals, whose parents are not known but we are all equally responsible. These children are in orphanages and homes. Shall we be right to deny these children citizenship? Where will they go? We are not going to pick on any child loitering, believed to have been thrown here by war, these can also be identified and we should not fear that Africa is going to continue in the endless wars hence bringing in more refugees.

Masindi people support the idea of national identity card. As soon as the Constitution is promulgated, we want before the next elections are carried out, all to have identity cards. We do not want to have people complaining that they are strangers who were brought across the borders for elections. All citizens should have equal protection of the law. People should not be detained without trial. People should be brought to court within 24 hours of arrest. If this period is exceeded then it should not exceed 72 hours. We hate people being detained for months and years without trial when they are responsible people looking after their families; at times their cases are referred to the high court and wait for months and months before they see the judge. We request that

judges should also be put in districts so that their cases can be heard quickly. If these people are kept for months and they are found innocent the government should make arrangements to pay them damages or compensation.

I agree and support that the death penalty should be abolished. As a committed Christian, the Bible tells us that in the beginning God created man and woman and gave them a right to live. Therefore, why should we deny them their rights? We have a commandment that we should not kill. If these people are found guilty, for example, guilty of rape which we say is very serious, these people should be imprisoned for life. We always give punishment to people so that they should reform and become good citizens but with the death penalty what do you get in the end apart from continuous orphans and needy families. If these people are imprisoned for life, at least, they will have a chance to communicate and continue administering their families so that we do not have children crying all the time.

As we women we are always advocating for children's rights; why should we then accept the death penalty? Shall we not be adding injury to the innocent children?

Women in Masindi want to have equal opportunities with men when it comes to the law of succession, daughters should be considered like sons. Laws have always discriminated a woman, we advocate for a human rights court to be instituted. These laws were uprooted directly from the British legal system of 18th century. When a woman dies, for example, instead her relatives do not claim her property, it is taken wholesale by the man while when a man dies the relatives of the man come in to distribute the property and share it with the relatives. We want family courts to be instituted to look into the problems affecting women and families. When the courts rule that there is no evidence then these family courts be given a mandate to handle these cases.

The farmers in Masindi complain that for them their rights should also be observed. We believe that the police and prisons were denied their rights. When in the constitution, Chapter 14, Defence and National Security we have Army, Police and Prisons but in the special group we have only the Army. We accept these people did a tremendous job for the peace of our country but while the Army are responsible for the defence of the country, there

are other arms which keep law and order. These people when we are talking about courts and prisons where these people are being denied justice they should have been around to hear and give us a reply. We think that since we have vacant seats of UPM and UPC, it is not yet too late since we are still swearing in more people, these people should be considered.

The type of government. In Masindi, people say they are enjoying their peace due to stability brought in by NRM government and they want the Movement to be given more five years, they want to continue enjoying the peace they have. NRM government should be given a chance to implement the constitution they have put in place. They say we are not yet ready to go into multi-parties. After five years let there be a referendum and people should decide how they should be governed.

They support the President to be elected through adult suffrage and all the delegates - and the President should be given two consecutive terms of office each five years. During elections we want one ballot box in the open, no more hiding. Let the constituencies be demarcated so as to avoid any new leaders coming in to demarcate the constituencies according to the people where they can get mandate. This will help and avoid gerrymandering.

Composition of Parliament. Women should not be increased to 15 as in the draft. We represent our districts and we have different problems. Then who will come in to air views of other districts when our problems are still unattended to. Fellow Delegates we need your support, women should be left as they have been representing their districts. We want women to be put on every constitutional committee or bodies like human rights, citizenship and immigration, parliamentary committees and electoral commission and the rest.

People in Masindi support the local government with decentralisation powers. The system of Resistance Councils should continue as it has proved to be good. It involves everyone in the governance of their own land. We have seen these Councils neglected and left to people who are idle in villages and this has retarded development in some areas. We want these Councils, the RC Councils, to be given salaries so that people can contest for, them very well and corruption will decrease. We shall have able people.

Pensioners. The people in Masindi complain that the pensioners are being paid very little money and the money they get cannot be enough for the services they have delivered to this country. Pensions are meant to reward for the services you have given to this country but when you look at the pension they give Kampala to come and get another cheque.

Defence and National Security: Recruitment should be done at district levels for the army with recommendations from RCs and elders. Children who are impossible in villages should not be sent to the army so as to get rid of them, remember they will come back. The government should put institutions in place so that after the military training they should go to different institutions and acquire skills. They should be allowed to serve on contract so that when they get out of service they should go out as professionals and be able to fit in society. We hate this business of retrenching soldiers and they come back and they cannot fit in the villages whereas if they had been qualified they would be absorbed in the system straight.

Traditional leaders. We are grateful to the NRM Government for having reinstated these leaders. We want our traditional leaders to be cultural leaders to help unite their people but where these people are not wanted they should not be forced to them. We want these cultural leaders to help us to preserve our culture and unity, they should not be involved in politics.

Land and environment: In Masindi we are advocating for free hold land. Let the Land Offices be decentralised so that we do not have to move from Masindi to go to Entebbe to have a plot in Masindi plotted and given authority to acquire it. We have our own land, we want these people to be put in districts so that anybody can move freely to these people for the services, and let Ugandans be free to move and acquire land anywhere as long as the people of the area give them a mandate. And we want the Government to put in place a provision for squatters. Those people who have already developed those land should be left free and arrangement should be made for compensation.

About land and environment: people in Masindi complain some big shots are disintegrating the environment. These people when they are told not to cut the forests, they come all the way from here to come and cut these forests with permission and we people

who are keeping those forests, guarding them, we keep on looking at these forests. We want the government to put in place if they are being taxed at least our district should have 50 percentage on this money taxed because we are the people who are controlling these forests and we are not given a chance to go and get timber from these forests. For example, if you are caught cutting timber, the next morning all the timber is confiscated and where it ends up we do not know and then you are taken to prison. I think that is all, Mr. Chairman, I will add on next time. Thank you very much.

**MR CHAIRMAN:** Thank you hon. Kiraahwa Monica from Masindi for your contribution to our debate. Hon Chebrot is indisposed so he is not able to speak now. I now give the Floor to hon. Dan Ochyengh from Kapelebyong county.

**MR. OCHYENGH:** Thank you Mr. Chairman. I sent in a request but since you have requested me to speak, I think I will just go ahead. I had requested that you reschedule me to Wednesday.

**THE CHAIRMAN:** But are you ready to speak? If you are not ready to speak we can reschedule you so that we are not unfair.

**MR. OCHYENGH:** I am not really quite that ready.

**THE CHAIRMAN:** Okay. Is Hon. Mavengina around?

**MR. MAVENGINA:** I am around, Mr. chairman. I was the last on the list so I was preparing for the afternoon. My paper is still in the Documentation Centre, Mr. Chairman. Thank you.

**THE CHAIRMAN:** I had nine people and as you can see today we did not have enough Members registered but I have on my list Hon Leander Komakec, if he is prepared to speak - although I think he had asked for the afternoon.

**MR. LEANDER KOMAKEC (Aruu County):** Thank you, Mr. Chairman. As you rightly say I had requested to speak in the afternoon but since there is nobody on the Floor, I will speak more or less off the cuff but I hope I will not disappoint the House or be unfair to myself. I represent Aruu county which is a rural county in Kitgum District to the west and

south of the particular district. In the west it is bordered by Gulu district. In the south it is by Apac and Lira Districts and as such, those of you who know the geography of northern Uganda that forms part of Central Acholi along the river Aswa.

Now that the torturous course of the political history of Uganda has brought us together as elected and nominated delegates to this Constituent Assembly for the sole and most important task of making a new constitution for Uganda, I rise to present my views and those of my constituency, the people of Aruu county, who in their wisdom freely elected me to represent them in this very important exercise.

This being my maiden speech and before I make my presentation, therefore, allow me on behalf of the people of Aruu county to congratulate you, your Vice Chairperson and all the Delegates, hon. Members of this Assembly for having been elected to hold the various posts to which you have been elected.

The people of Aruu county enjoins this Assembly to very carefully consider all the factors and issues which do affect the lives of the people of Uganda now and its likely to do so in the future, to discuss these issues coolly and with open minds so that they can come up with a democratic constitution, a proper constitution which will guarantee the 50 or so nationality groups in this country, the full enjoyment of real social, economic and political powers and responsibilities at the local, the national and even to the international level.

We know that the constitution is a set of fundamental laws that describes usually in general terms the philosophy, the aspiration and the type or systems of social and political organisation which the country holds important. It is comparable, Mr. Chairman, to the tap root of a tree which anchors the plant to the soil and from which all other secondary roots, the stems and the other parts of the plant derive their lives. In order to produce such a law for Uganda, we delegates in this Constituent Assembly must base our deliberations and judgement on fundamental humane thoughts and correct facts about the country of Uganda. To my mind this fundamental concepts and fundamental understanding and the facts of life of Uganda can be subsumed under just three headings. If we allow these three headings to guide our deliberations, to guide our writing of this constitution, we are likely to come up with a constitution that will be acceptable to the majority if not to all the

people of this country and likely to produce a constitution that will, perhaps, last a little longer than most of our lives.

We have heard this morning that we have already produced a number of constitutions some of which have been short-lived and we want to make one that is long lasting. We can only do this if we are guided by concrete principles and objective evaluation of the realities of our life. I said I subsume these under three that if we base this constitution that we are making on the principles and imperatives of that is generally accepted as democracy. Democracy as a concept is almost a whore in the sense that it is a subject which is very pregnant in term and has been subjected to different interpretations by different people across the world, both in time and across the world but there are certain principles of democracy that are agreed upon all over the world and we Ugandans are not exceptions to the human race. We should accept what is universally accepted as the principle of democracy. Some of these are, that it is the government which honours the sovereignty of the people and it is a system which respects what is usually referred to as human rights and responsibilities and it is a system which respects liberty and social justice. So these are general terms which have got certain implications that if we apply them systematically and honestly we should not come out with something which is short-lived and which we shall regret very soon.

The second criteria upon which this constitution we are making should be based is on the Ugandan culture. By the Ugandan culture I do not mean all the cultural traits and practices that make up what is known as a way of life of these people, what I mean is that we should base our decision and judgment on what I would call qualitative evaluation of what is good in our constitution. There are certain practices which are inimical to the good life of the people. Those we should discard. There are certain ways of looking at things and organising ourselves in such a way that we impede rather than promote development. Those, Mr. Chairman, we should guard against as we coolly and rationally come to what is good for all of us.

The third area which I say is a yardstick on which we will produce something which will be acceptable to all of us is what I will call objective lessons from our experiences and from what the people of Uganda want. While we generally agree on what is democ-

racy and its implications and we may even, perhaps, agree on what we think is good in our cultures; what I have seen here and what we have already experienced, Mr. Chairman, is that we have difficulties in interpreting the experience of Uganda. For example, we say for the last thirty years or so Uganda has had a hard time, we have had wars, we have had killings, we have had insecurities, the standard of life has gone down, but why are these? Speakers in this House have already come out with different interpretations and the reason why Uganda has suffered. But really honestly is that difficult if we really look at why for example we lost our sovereignty; why for example we fought wars in Buganda, in west Nile, in Kasese. Why we had disturbances in the east, why there is insecurity right now as we speak in the north and perhaps in the east! People have tried to blame in this House; I have been listening and have been noting - we seem to be divided into two groups. Those who support the Movement type of government or those who are now in power tend to blame all most of the ills in Uganda to political parties and we even set up institutions to investigate why there has been violation of human rights for example; but these institutions are instructed to only find out why Uganda has been suffering, why human rights in Uganda and social justice have not been practised. There is what we call Human Rights Commission but it must investigate violation of Human rights up to 1985. They were instructed to stop there. Mr. chairman, this is the kind of practice, the kind of concept, selective evaluation of our own experiences and our culture. This will not do, Mr. Chairman. If we want to cure some of the problems and difficulties that have inflicted untold sufferings on the people of Uganda, we should be objective enough to see the mistakes of others as well as our own so that we can, as the Bible says, if you take away the beam in your own eye then perhaps you will be able to see the moth or the small dust in the eye of your neighbour. So Mr. Chairman, I pray that while we are here we should be objective enough to come up with a true evaluation - *(Interjection)*

**THE CHAIRMAN:** I am sorry to interrupt you but I see a hand on Floor. I do not know in respect of what point.

**MR. KOMAKEC:** Yes, Mr. Chairman, I can take it.

**MRS. MATEMBE:** Thank you, Mr. Chairman. The information I would like to give to the hon.

Delegate holding the Floor is that it was not only one institution that was established to look into the violation of human rights. The Human Rights Commission was established and charged with the responsibility of looking into previous violations while the Inspector General of Government was also established to look into the on-going violations of human rights. Therefore, it is not true that there was only one institution to look into the past because there is one which is charged with the responsibility of looking into the on-going. Thank you.

**MR. KOMAKEC:** Mr. chairman, I am grateful to the Hon. Matembe for the information but as I said that one is also quite partial. She is not quite correct in that I am aware, I only pointed one, I do not think I have the time in these thirty minutes to cite all the different institutions set up but the fact of the matter is that, even the very institution she has mentioned that the IGG is there to investigate violation of human right; one could say that in practice it is concentrating only on certain aspects, things like corruption in government rather than on the violation of human rights - *(Interjection)*. I will take it, Mr. Chairman.

**MR. KITARIKO:** Mr. Chairman, the institution of IGG has not been helpful because it reports to the President directly and nobody knows what it has reported to the President.

**MR. KOMAKEC:** Mr. Chairman, all I am saying here is that we have been selective in trying to blame other people. I think we should be just objective. It is a general remark, there is nothing very specific, I do not see why should people panic but it is a reality. It is the only kind of open mindedness which we demand - *(Interjection)* Mr. Chairman, I am not taking any more information at this stage. Let me develop my point.

**THE CHAIRMAN:** If you are not taking it, just go ahead.

**MR. KOMAKEC:** Thank you, Mr. Chairman. So what I am saying is that we have been guilty and the reason why we have been guilty, inflicting unnecessary hardship on ourselves is that we have been unfair; we have been mostly selfish; particularly all the past and the leadership has been selfish in the way they handle public affairs. This selfishness is not confined only to the independent government but also to the British in the way they handled the affairs

here. They took our sovereignty by force, by fraud and insincerity and the application of the various things we have gone into. If we try to avoid these then we will come out with a constitution guided by democratic principles that we will find more acceptable. For example, one cardinal point of democracy is that the people are actually the sovereign. The powers that the government has are the ones that come from the people. So people can exercise these powers through their elected representatives who normally make laws or go and constitute what is the National Parliament. That is why with the three government institutions that we would be setting up, that is Parliament, the Judiciary and the Executive; that Parliament should be supreme.

I also think that while people think there should be sharing of powers and checks and balances, separation of Powers between the executive, the judiciary and parliaments; I am for one of those who regard the three organs of state as one government in operation. The three cannot really be separated or checkmated. We should know that parliament is supreme, and it should be even more important than the judiciary or the executive because those are really the implementors of what the peoples representatives will have decided. So I plead for the supremacy of Parliament.

Secondly, the second organ, that is the executive, is usually headed by the President. The people of Aruu County and myself would want that. It is true we should have the executive which is limited in time and also in power mainly because all if not most of the violations of human rights across the world, not just in Uganda here, come from the activities of the executive. So it is the executive that should be watched and it should be part and parcel of parliament. I personally would think that the President once directly elected should serve two terms of five years each. He should not sit in Parliament but Members of the cabinet should sit in Parliament, because you do not make laws in a vacuum and I think it is important that in the implementation of policies - the President should appoint the cabinet Ministers from elected Members of Parliament only because if you allow the executive or the President to elect his Ministers from anywhere under the sun and make up the executive council, it may not have a smooth working relationship with Parliament. I am pleading for the cooperation of the judiciary and parliament and the executive. By this, I think the three should work hand in hand and they should be

closely linked together. It is the type of administration which is a mixture of the British system of Parliamentary Democracy and the American type of democracy where the President and the executive are insulated and separated from parliament.

I think Uganda's history, if we are going to base our constitution on our own history, it has been that we normally have the President and his executive forming part of the legislature. I think this is not a wrong thing, it is not bad; if we see what has happened in other countries where the President and his cabinet sit outside the Parliament such as countries like France and all that. There will be difficulties with the executive and the cabinet if the two are completely separated.

Now, the third point I want to make is that there is a danger of having a very powerful President or a powerful executive. Remember, I said the dangers to our human rights, the dangers to the problems in Uganda is from the government and not from individuals, not from parliament, not as much from the judiciary although some times the judiciary has been blamed. If we are going to check things, the excesses of either parliament or of the President, of the executive or the judiciary, then we could have a second house. I think that a case could be made for a second house. Parliament should be bicameral where you have all the people elected, both in the lower house and the upper house. I think that we should have a second house made out of people elected on district basis. So on behalf of the people of Aruu and on my own behalf I think this House should consider the possibility of having a second house made out of what I would call something like the Senate in the USA. I think this would go a long way to check the excesses of parliament or the presidency.

The next burning issue which tends to divide the House here is that of the form of political system. The form of government I have spoken for is that I want a mixture of the parliamentary democracy and the presidential one.

Now, on the form of political system, this is the one that the Odoki Commission says that the new Constitution will fail or succeed. If we select the best political system to run this country, that constitution will succeed because basically the Constitution is a political document not a judicial one. It is not necessarily a legal thing and it is really the will of the people. So on that one I tend to agree with the people

who say that because we want to form a democratic state we should allow the people of Uganda free association. If we look at the argument that the Odoki Commission advances on why the Movement should continue, it is actually less convincing than the one for the multi-parties. At any rate, if you agree that we are going to follow a democratic principle in this country and one of the cardinal points in democracy is that of free expression and free association, then you cannot run away from it. You cannot have your cake and eat it. If you say we are going to be democratic then you allow people to start and run political parties as and when they want. The time does not matter and some one says okay, political parties may be good but let us give ourselves five years or ten more years. Mr. Chairman, politics is like swimming, you can only learn it if you are doing it. You cannot expect Uganda to learn to behave and work well within the political system if they do not practice it. There is no way. You just have to allow people to form as many political parties as they want. Those who are good national and democratic people will join them and they will survive. Those who do not will just fall by the way side. So there is no fear why you should allow not these people to associate freely politically.

Secondly, there is a Ugandan tradition on political parties. Political parties are formed for the sole purpose of capturing state power and could not - *(Interruption)*. Okay I will take it. I am a democrat.

**MR. ZIWA (Kawempe North):** Information. Mr. Chairman, I want to inform the Delegate Member on the Floor that you cannot equate Politics with swimming in the sense that when you start swimming, you do not start at the deep end. Thank you.

**MR. KOMAKEC:** Thank you, Mr. Chairman. I was making a point that political parties are formed for the purpose of capturing state power. If we think that our politics should be conducted in a certain way, we get enough people who think like us then we form a political party. Now, we say we are going to base this Constitution making on our experience. Our experience with political parties up to now have been following the British tradition, where political parties are never registered. I am told as we speak now none of the existing political parties have been registered and the reason is actually very sound. There is a sound political and constitutional reason why political parties are never registered or should not be registered. The reason is that when you have

a group of people who think they can run a country in a certain way and another group who think they should run it in a different way, you cannot give the right to register those who are going to oppose you - those who are in power will not register you. That is why the British do not register their Political parties and that is why Ugandans do not register their political parties. I will recommend that we leave the formation of the political parties in Uganda as it is. It should be free, people should start when they want it, any time they want it and do not give away your life or your future to the hands of the enemies.

All I am saying is this: I told you that I am speaking off the cuff and it is really Komakec who is speaking, I know what I am talking about, that do not leave your political future in the hands of your enemies. So I will recommend, when the time comes, that people should be free to form political parties as and when they want without hindrance from the state. You can register any other organisation in Uganda but do not ever *(Interruption)*- Okay, clarification, yes.

**MR. WAGIRA (Kibuku county):** Thank you, Mr. Chairman. I wish to seek clarification from the hon. Delegate. Should I then take it from his word that the views he is giving now are views of Komakec and not of Aruu county because he said it is Komakec talking. Thank you.

**MR. CHAIRMAN:** I do not think there is necessity for that because we know that he is Komakec talking.

**MR. KOMAKEC:** Thank you, Mr. Chairman. I come from Aruu so it is the views of Aruu as well as mine. I said it at the beginning. You see we are delegates and then delegates don't mean that they are dead, they do not just reproduce anything

Lastly, Mr. Chairman, on the question of decentralisation of powers - you see, the powers we say come from the people. When you say that the government should decentralise powers to the local levels I find difficulties with that one. If we believe that it is the people who are sovereign and they gave their sovereignty and their powers to the Central Government and the government is giving it back to them, I think, the power comes from there.

On the question of land, Mr. Chairman, for example, the power of owning land and disposing of it in a particular area; the Acholi people, because of experience, because of the kind of discriminatory prac-

tices that has been operating, they are saying that things are very expensive from Kampala, they want their land to be administered by the people who are closest to them, by the local government so that the question of land is in the hands the local communities. The forty-eight or fifty nationalities that form the Uganda population are the ones who are the owners of Uganda and they are the owners of the land. It is they who should, therefore, run the land as they want and the Acholi people in Aruu county want the land to be vested in their district council, most preferably leaving the state only those parts of it which will be for the national good for the whole country. They cannot run away from it but the thing is that the power belongs to the people, the land belongs to the people and it should remain there. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** Thank you, hon. Leander Komakec for your contribution to the debate. Now, Hon. Delegates, for the morning session I do not have any other speaker. There are two Delegates who have indicated that they would like to deliver their speeches in the afternoon and, noting that tomorrow we have put down on paper 14 Speakers and yet by the time table we have given ourselves, tomorrow we shall have five hours. I do not see how we can process 14 Speakers tomorrow within five hours at the rate of slightly over 35 minutes, allowing for interjections, per speaker. Are there any Members who are set down for tomorrow who are prepared to speak today in the afternoon? In other words, I can see no volunteer. I am looking for more Members so that we utilise the afternoon. You see, Mondays and Fridays, as you know, are our long working days and unfortunately on Friday we did not have many Members to set themselves down for today and among those who did, two are unfortunately indisposed so they reduced our number although we have had an additional set of numbers. When we resume in the afternoon we shall have four speakers, hon. Mavengina Akumu (Women- Nebbi); Hon. Gertrude Kulany (Women- Kapchorwa); Hon. Kayizzi (Kassanda North) and Hon. Medi Kaggwa. Then tomorrow's list we shall have reduced it by one person but we shall see how we proceed. Members should be urged to register and indicate otherwise the Chairman will assume that the general debate has achieved its purpose. (*Interruption*). Well if I run out of names, I cannot call meetings, we shall have to go to the next stage.

**MR. ETIANG:** Mr. Chairman, I want at this point, to address a point of procedure. I felt a feeling of

many Delegates wishing to speak after certain Delegates have spoken and may be that explains why some who have registered are opting out and those who have registered are not quite yet willing to come forward. I wonder whether the Business Committee or whatever Committee is concerned could give us a guideline as to the latest possible time that the general debate should be confined otherwise at this rate, Mr. Chairman, we may find ourselves really derailing the time that we had set ourselves.

**THE CHAIRMAN:** The Business Committee set up a sub-committee which will meet tomorrow to work out a time-table. From indications, given the numbers we have and the length of contributions, we are looking at possibly latest by the last week of this month that we shall be finalising the general debate; but of course, the House can collapse earlier than that as the indications are and if you do we go to the next stage. If we do not receive volunteers to speak, we shall go to the next stage. But given the numbers, 284 by 30 minutes, we are looking at about the fourth week of this month to complete the general debate. So Members have opted out not because they want to hear others first. Today people opted out, two of them, because of indisposition. They had to go and see doctors.

**MR. KISAMBA MUGERWA:** Mr. Chairman, I do not think that it is a must that every Member has to speak. It is a privilege for a Member to speak. So let us follow the same system. If there are none who register then we shall go to the second stage.

**THE CHAIRMAN:** Well, he is entitled to make his proposition.

**MR. KARUHANGA:** Mr. Chairman, I have a fear that if we leave this speaking at random, chances are that there might be one day where there are a lot of people who want to speak and another day where there are a few people who want to speak and this might not be a very good way of handling our business. So I suggest that while we could use the two combinations, people to volunteer to speak and also that the Business Committee may start, from using the numbers that we have, to start from the bottom and kind of fixing everybody on a kind of a day schedule and if possible, if people want to change, they can always change within an established set time for each one of us so that people can work towards a time set and for those whom Hon. Etiang is expressing, he is right. I know there are some people who are waiting to hear others speak so

that they can also argue their case against those people or vice versa. So this would actually take care of that problem. So I would suggest that we start from the bottom, kind of lay a time table, and anybody who wants to adjust can always come to the secretariat or the Business Committee and change may be with another Member or something like that so that we can all know that we have a scheduled kind of system.

**THE CHAIRMAN:** But that is very undemocratic. We assume that everybody wants to speak.

**MR. WANDERA OGALO:** Mr. Chairman, I would only request Hon. Karuhanga if we could know his basis why we should begin from the bottom. The rules say we sit alphabetically. When it comes to speaking, from the bottom.

**THE CHAIRMAN:** Any way, his observations have been commented upon by the Chair. Is Hon. Ziwa still wanting to speak? Well, that is alright. We will not allow any altercation to develop.

**MRS. ZIWA:** Mr. Chairman, still I would urge that we continue in the form we have been following especially encouraging Members to come forward. I think this kind of uncertainty was due to the fact that people wanted to see how the House moves but I think everybody is willing to talk. Likewise, to react to hon. Karuhanga's order of preference, this House has never moved from the bottom. So I suggest if really we are to carry his suggestion, let us start from 'A' and we end up to the last in the row and the column. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** Thank you. I can see a lot of hands. I do not think we should have a debate on how we are going to work because the Business Committee is going to come here with a recommendation. For the time being we shall work as follows: I have got here today five names. We shall come back in the afternoon and listen to them. I think that is a good development. As far as tomorrow Wednesday, Thursday, Friday are concerned, I know that the names for tomorrow and Wednesday and Thursday - Thursday is probably okay, but Tuesday and Wednesday far exceed our capacity given the time table we have given ourselves. So the Clerk and the Chairman will re-arrange so that some of those who have put themselves down for tomorrow or Wednesday may find themselves on other dates so that we balance out, taking say, for instance, ten or eleven

people tomorrow rather than fourteen knowing that we can do possibly ten or eleven and so on and so forth so that the number of four on Friday could be filled up by some other Members being shifted from these other dates so that we keep the practice and procedure as it is of Members volunteering, otherwise the undemocratic method of hon. Elly Karuhanga could lead us to a situation where we impose a right to speak on everybody. There is also a right to silence.

With this I adjourn the House to 2.00 O'clock when we resume. Thank you.

*(The Assembly adjourned until 2.30 p.m)*

**THE CHAIRMAN:** Hon. Members, we have five speakers, and I give the Floor to hon. Mrs. Mavunjina Akumu; Women - Nebbi.

**MRS. MAVENJINA (Women Representative Nebbi):** Mr. Chairman, I am a woman delegate for Nebbi and I am representing all the people of Nebbi District *-(Interruption)*.

**MR. ONEGI-OBEL:** Mr. Chairman, I would like to remind the hon. Mavunjina that she represents the women of Nebbi only, not all of us.

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

**MRS. MAVENJINA:** Mr. Chairman, I disagree with my brother from Jonam County; I was elected by men and women from Nebbi District, I therefore, represent all my district. I am a mother of Nebbi District, thank you.

I wish to apologise for my sore throat. Nebbi District is a small district which comprises of three counties of Okoro, Padyere and Junamu. The people of Nebbi District have asked me to convey their warm felicitations, and hearty congratulations to everybody in this august Assembly. Mr. Chairman, the people of Nebbi District vividly recall the past history of Uganda and all about the previous regimes, their strength and their shortcomings, because for the most parts they personally witnessed their activities as adults. The people of Nebbi Mr. Chairman, wish to thank the NRM Government for leading the country safely to date, and for ushering in peace and security which we now enjoy. Mr. Chairman, I wish to address certain provisions of the

Draft Constitution which the people of Nebbi have considered and expressed views upon. But first I would like to say that the various memoranda from Nebbi, all agreed in principle on the need for a new Constitution which would be more democratic and address specific issues important to them.

The specific proposals they made were as follows: I will go straight away to chapter 2, about the Republic of Uganda.

Mr. Chairman, the people of Nebbi prefer a republican, unitary form of government and fully support article 4, subsection 1, of the Draft Constitution, which makes Uganda one, unitary sovereign state and republic.

They also support article 5, Clause 1, which establishes English as the official language of Uganda. I wish to inform the Assembly here that in West Nile, which is the only region in Uganda named in English, our official communication is English. Therefore, I would appeal to other Ugandans to emulate our example in West Nile. The people of Nebbi District support Kiswahili as a national language.

Chapter 4, on citizenship, article 42, clause 1, states *"a child of not more than seven years of age found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth."* Mr. Chairman, this is going to cause a problem, especially, at Uganda borders. The people of Nebbi feel there will be many children from the other side of the border who can easily be smuggled in the country and abandoned for Ugandans to rear up when we have a lot of our own orphans who need care and protection. Why do we not look after our children who need our attention? Clause 2, states *"a child of not more than 16 years of age, neither of whose parents is a citizen of Uganda who is adopted by a citizen of Uganda shall by virtue of the adoption be a citizen of Uganda."* This does not reflect the view of the people of Nebbi District. The people of Nebbi District believe that a non Ugandan who wishes to acquire Ugandan citizenship by marriage under article 43, clause 2, paragraph (a) must renounce his or her original citizenship. In case the marriage is dissolved, or nullified as per article 43 subsection 4 (a) and (b) of the Draft Constitution, such a person must lose the Ugandan citizenship, unless the termination of the marriage is for a genuine cause. The people of Nebbi suggested that all children born in Uganda must be registered and national identity

cards issued to all citizens should be introduced in order to know the true citizens of Uganda. Chapter 5, on fundamental human rights and freedoms. Mr. Chairman, for the first time in the history of Uganda, the people of Uganda democratically elected representatives who are now gathered here to make a lasting Constitution that should guarantee the fundamental rights and freedom of the people. Special provisions in article 61, 62 and 63 are provided to protect the rights of women, children and the disabled. These groups are represented in the Assembly in a fairly good number. The people of Nebbi say credit must be given where it is due. These disadvantaged groups are very proud of our one man who has uplifted us to our status.

Article 20, clause 3 states *"necessary measure shall be taken to ensure that women have equal opportunity with men to play an active role in the development process"* and 22 subsection 1, states: *"The State shall take all necessary steps to involve the people in the formulation and implementation of development policies and programmes which affect them."*

It is our hope that in applying these provisions women will also be remunerated equally with men. Although there two articles fall under chapter 3, which does not create enforceable rights, but it sets out objectives and guiding principles; it is our hope that future government policies will be guided by the provisions in this chapter.

Chapter 6, representation of the people: The people of Nebbi support article 84 subsection 1, on the right to vote. However, article 84 subsection 2, which makes it a duty for every citizen of Uganda to register as a voter, should make it a right and not a duty. A citizen should have a choice whether to participate in voting or not. In addition, Mr. Chairman, the people of Nebbi propose that article 84 should include provisions empowering constituents to recall and replace any leader who is not accountable to them, or does not perform to the standards required. This proposal in addition to article 19 subsection I and 2.

A good example of the need for such provision was in the *New Vision* of June 22nd 1994 and the *Monitor* of 24th June, 1994 where some CMs who do not attend sittings were exposed.

Chapter 13, on Local Governments. Mr. Chairman, the people of Nebbi welcome the policy of decentralisation as they desire more local control over matters

such as finances and development. However, there is one problem. Decentralisation to a young district like Nebbi which has not received much from the government since independence will be useless unless central government makes financial provisions to aid the district for some years. This is necessary because the sizable contributions of Nebbi District through tax paying and cash crop growing throughout independence has not been matched by development programmes. Even to base it on the infrastructure essentials and social services such as tarmaced roads, housing, electricity, piped water and health centres and educational institutions. The people of Nebbi would like equitable distribution of national resources, because they, like every other district, contributed in building the capital to what it is today.

They would like facilities accorded to them too, for example, provision of maternity centres for the women who live the most hardship lives, going miles and miles looking for water and firewood with babies on their backs.

Chapter 4, defence and national security: The people of Nebbi would like to have a strong national Army comprising of true Ugandans recruited equally from all parts of the country; they must be 18 years and above, and must have attained, at least, O level certificates like the Police; their numbers must be reasonably manageable and they must be answerable to civilian authorities, specifically to Parliament. A list of demobilised soldiers should be availed to the public in order to ascertain balancing in the exercise lest one district suffers more.

Chapter 17, on land and environment: Land is very important to the people of Nebbi just like to other Ugandans, there is no better asset than land. Land must be traditionally owned and passed on by parents to children and grandchildren. The people of Nebbi say that the district Land Commission should recognise customary land tenure, they do not agree with the idea of getting land titles for five years, 49 years et cetera when the land is theirs - they prefer freehold. If, however, the government would like to develop part of their land the owners should first be fully compensated.

Chapter 8, traditional leaders: The people of Nebbi have traditional Chiefs in all the three counties of Jonamu, Padyere and Okoro; we attach great importance to them as our traditional and customary leaders. Their roles are not political and they

contribute a lot towards the peace and development of our district and the nation as a whole.

Chapter 9, transitional provisions: Mr. Chairman, the people of Nebbi said the NRM government should continue for five more years, while parties and non partisans prepare for elections. That could give enough opportunity for every Ugandan to contest in the Presidential and other elections; it will also provide for a smooth and peaceful transfer of power to the elected government by the NRM.

The people of Nebbi request the government to utilise the funds that would be spent on elections in 1995, instead to develop the neglected district of Nebbi where essentials like basic infrastructure, water, telephone services, health centres, maternity centres, drugs, to mention just a few, are still lacking.

Finally, Mr. Chairman, the people of Nebbi wish to thank the Chairman of the Constitutional Commission, the Commissioners and every Ugandan from within and outside Uganda for giving their views which have formed the basis of our new Constitution in the making. Thank you very much Mr. Chairman, and all the hon. delegates for listening to me.

**THE CHAIRMAN:** Thank you hon. Mavunjina for your contribution to the debate. I now give the Floor to hon. Gertrude Kulany; women-Kapchorwa.

**MRS. KULANY (Women Representative, Kapchorwa):** Thank you, Mr. Chairman, for giving me this chance to address this august House. I will also take this opportunity to congratulate you and your deputy upon your successful election to the high office; so far, you have conducted the proceedings so well, and I hope this will continue to the end.

I wish to thank the NRM Government for giving the women of Uganda a chance through their affirmative action to also participate in the decision making of our mother Uganda. Since independence all the regimes that came and went sidelined the women of Uganda, and it is no wonder that their performance left a lot to be desired.

I must also thank the Uganda Constitutional Commission for the work done on the Draft Constitution. As previously stated by my Colleagues, the previous constitutions failed to bear fruit because the people of Uganda and, especially, women were never consulted. Mr. Chairman, we have only been the

recipients of the mess up in Uganda. I believe that now the women of Uganda are involved, everything will run smoothly.

It is the duty of every Ugandan including the women to defend this Constitution. We shall only do it if every able-bodied Uganda under goes military training. If the worst comes we shall defend this Constitution by the use of force, and whoever abrogates this Constitution should be hanged.

The people of Kapchorwa have sent me to say Uganda remains a republic, a unitary sovereign state. As far as federalism is concerned, the people of Kapchorwa feel that this will divide us more, and especially now with the rampant poverty which is prevailing all over the country. Those who advocate for the monarchism, the people of Kapchorwa say they have no quarrel as long as they confine it to cultural matters and not politics. The people of Kapchorwa will be disappointed to disassociate themselves on federal grounds, especially, when the names of Uganda originated from Buganda. Buganda should be proud that, actually, we carry their name all over the place.

If it were not for historical accidents maybe Kapchorwa would be more of Kenya than Uganda; this is because her tribes stretches as far as the rift valley in Naivasha; therefore, Mr. Chairman, I pray that we develop our mother Uganda and we remain one as a unitary state.

The people of Kapchorwa feel that the only way Uganda can go forward is by decentralisation. This will bring us unity, progress and democracy.

On political objectives, article 9, the people of Kapchorwa say that the leadership positions at all levels should be distributed fairly to all ethnic groups and also to the women. In fact, in all posts, women should be given a third of the total number. Mr. Chairman, it is very sad despite the fact that we women are mothers, we are the producers of health, we are custodians of homes, but when it comes to positions we are sidelined. Also the small tribes, Mr. Chairman, such as the Sabinu, the Samyas, the Bakonjos, the Bambas, they are not well represented at the moment in government, but we want in this Constitution that they also be well represented, because even if they are so small, every unit of Uganda be it small or be it big, makes the big country - Uganda. The people of Kapchorwa are saying that

the composition of the Army, the Cabinet, parastatals and Civil Service must be reflected in all the ethnic groups in Uganda. This is the only way you can remove instability in this country.

On fundamental human rights, Mr. Chairman, the people of Kapchorwa, especially, the women attach great importance on this article. The women of Kapchorwa think that all the problems they have gone through are a result of abuse of human rights. The women will agree with me that since time immemorial they have been treated as slaves, properties and source of enrichment to please men; they have been treated in some cases as subhumans. Therefore, the women of Kapchorwa have said that all cultures in Uganda that lower their dignity must be scrapped off in this Constitution; and I will give some of these examples like female circumcision, kneeling down for men, being shared in bed by in-laws, bride price et cetera.

On the land issue, the people of Kapchorwa believe in the freehold tenure system. The women of Kapchorwa say that because of the bad cultures women have been denied access to land. Mr. Chairman, when we arrive on this earth the channel is the same for everybody; we have never seen people with special cards from God saying that only men must own this land on earth. We are all the same in the eyes of God. In fact, it is said that the best image of God is a woman, or the best of God's creation is a woman; that means the heirs of this world should be women. It is sad that because of this selfishness of man, a woman has been pushed to the drain and helpless on this earth. Therefore, in this Constitution the women are asking for a law which gives them access to land.

I want to talk about culture. I think, Mr. Chairman, you will agree with me that most cultures do not do well with women; the women of Kapchorwa sent me to say that all suppressive cultures must be done away with. I was happy to hear the concerns of my Colleague hon Mugenyi on female circumcision. In fact, the elite in Kapchorwa are equally concerned, and for your information, this practice does not cover Kapchorwa alone but it stretches all the way from Senegal to Somalia, at the horn of Africa to the Kalenjin and Kikuyu parts in Kenya. Because of the geographical position Kapchorwa lies within this region, therefore, we have a lot of work as far as awareness is concerned and it is not only a national problem, it is a regional problem. It is stated that

about 20 to 30 million female are mutilated every year in Africa. Much as you are concerned with female circumcision in Kapchorwa, the people of Kapchorwa are equally concerned about the Uganda male wellbeing. They say male circumcision is good and protects male from sexually transmitted diseases, they therefore, recommend that let every male in Uganda be circumcised *(Laughter)*

**THE CHAIRMAN:** Order, order. Give her the chance to continue.

**MRS. KULANY:** On another culture, Mr. Chairman, which must be scrapped off in this Constitution is rustling. Much as our neighbours I think will agree with me that rustling is considered as part of culture in Karamoja and because of that, we neighbouring Karamoja have lost lives and property *(Interruption)*.

**MR. NABURI:** Point of information, Mr. Chairman, I would like to inform the hon. Member on the Floor that cattle rustling is not part of the culture of the Karamojong. Cattle rustling is criminal and it is not practised by all the Karamojong. I am a Karamojong and I do not practice cattle rustling.

**MRS. KULANY:** Thank you, Mr. Chairman for that information *(Interruption)*.

**MR. CHANGO MACHYO:** Point of clarification, Mr. Chairman, cattle rustling is practised by many African nationalities, because even in my language we have got the word 'okupeeya', okupeeya means you attack the other fellows and take their cattle, but there was a way you negotiate and the cattle is returned. When I was in Karamoja at Nakapiripirit, an old man addressed us and he said that we do not know the guerrilla warfare, for us we know cattle rustling, but what is happening today is not the way we do it, and he said the Iteso and the Sebei they know how we used to do it, so, what is happening today is not even according to the Karamojong culture.

**MRS. KULANY:** So, Mr. Chairman, I was not very far from the truth that rustling is part of culture of Karamoja.

On the type of government the people of Kapchorwa have endorsed the continuation of the NRM government for the next five years. This will give old and the new parties time to organise themselves. We believe that even by then, the woman of Uganda will

have been brought to the main stream of Uganda politics, and we shall be competing at the same level.

Mr. Chairman, NRM is women's saviour and, therefore, we still need the support of NRM. Parties sidelined women and we find it very difficult to ally with them, they must convince us for the next five years to come.

On the environment, the people of Kapchorwa are concerned with the environment. They are saying that let it be endorsed that every home in rural Uganda must have, at least, half an acre of land for domestic use, and all the forest under public land must be protected. Factories which produce toxic substances should be discouraged or should not be given any licences to operate in Uganda. This is for the sake of environment.

On article 101, the people of Kapchorwa are saying they want the President to be elected under adult suffrage; he should hold two terms but not exceeding ten years, he should hold a Degree and be above 45 years of age.

On article 131, the people of Kapchorwa are saying Members of Parliament should consist of members directly elected to represent constituencies on the basis of universal adult suffrage.

On the interest groups the women representatives should be elected from every district, not as indicated in the draft of 15.

Article 152, National Council of State: the people of Kapchorwa are not happy with the composition of this draft. They have two alternatives; either the whole thing is scraped off or we create two chambers of Parliament - one is the upper House and the lower House. The upper House can consist of highly distinguished representatives of retired civil servants from each district, the lower House are representatives elected under adult suffrage. The function of the upper House is to curb, maybe, the Executive powers of the Executive or Parliament.

Lastly, Mr. Chairman, I wish to correct the second schedule No 45, instead of Sebei it should be reading Sabiny. I also join my Friends who have objected to the word 'Banyarwanda'. We do not want our brothers to be mistaken identities to other nationalities. The representatives of this tribe may avail us a good alternative.

Thank you, Mr. Chairman.

**THE CHAIRMAN:** Thank you, hon. Kulany for your contribution to the debate this afternoon. I give the Floor hon. Kayizzi - Kassanda North.

**MR. KAYIZZI (Kassanda North):** Thank you very much, Mr. Chairman, hon. delegates, Ladies and Gentlemen. Allow me, Mr. Chairman, to pay a great tribute to the NRM Government for its participatory democracy provided which enabled us to join this august House. It is quite absurd, Mr. Chairman, for a child to praise his presence and forgets his father who brought him. Further more, Mr. Chairman, allow me to present the package of my people to this august Assembly, first with two good points of remarks and observations.

The first one is about the betraying of Odoki's Constitution which to me sounds unhealthy. Mr. Chairman, documents provided here reflect positive contributions of all Ugandan citizens but not Odoki's views as an individual or any other person. Therefore, Mr. Chairman, if we continue with this quotation, I am worried, the same might happen here with the Constitution coming out with one of your names

A second remark, Mr. Chairman, is about the largest beneficial of our deliberation - poor peasants. I would like, Mr. Chairman, to appeal to all hon. delegates gathered here to consider as much as possible their wishes, desires and aspirations, because they are more likely to face Rwanda's tragedy when a bad Constitution is so enacted and promulgated. Therefore, Mr. Chairman, academic theories are acceptable here, but practicably unworkable in this class. Therefore, Mr. Chairman, my people are worried of the oppressive class which might try to hijack the entire exercise and impose on the country what they alone see as the best constitutional arrangements for Uganda.

Back to the subject matter, Mr. Chairman, is about the form of government. The Draft Constitution advocates a unitary form of government, but I and my people wish to have the powers evolved at lower levels of subcounty which should be the base of central government planning and development by the local people of the very area. Thus, Mr. Chairman, will minimise greatly corruption at all central and regional pools and hence bring services nearer. To be more specific on this issue, my people have liked and positively responded to this system of decentralisation where the national cake is going to

be evenly distributed, but there is need to constitutionalise its powers.

**Political parties and Movement:** Mr. Chairman, my people feel touched and hurt when one talks of political parties; therefore, Mr. Chairman, they do recommend to go in for the Movement for the next five years or more; but during this period, political parties be given a chance to reorganise themselves and at the end call in for a referendum to decide its continuity.

Mr. Chairman, much as it is our right to associate, it would be our right to decide whether to associate or not and with whom. Further more, if parties are to resume, Mr. Chairman, they say new ones are very desirable, because the present parties are only for the minority old timers and their sons, while the youth, the women and poor peasants are just there to push the in power. Mr. Chairman, before I leave this issue I stand to be informed; if we protest that multipartism is the only solution to democracy, is it true that before the coming of Europeans here that we had no democracy? More still I would like to seek information as to whether democracy is only experienced in change of powers? For your information, hon. delegates, with Movement all social interests are very well accommodated as you can see here with such a freedom of speech we have here.

**Elections:** Mr. Chairman, elections to President, Parliament and district councils be of universal secret ballot voting taking place every after five years and not more than two terms of office. Mr. Chairman, they wish to stress that constituencies remain as demarcated for C.A. as they were found convenient for contest and consultations.

**Traditional leaders:** It is my people's rights and their culture, therefore, they wish to preserve, protect and promote their culture through these institutions which should be restored in consultation with the people concerned. However, this should be very well streamlined in the new Constitution.

**Land:** As I have earlier told you of the largest beneficiary of our deliberations, wish to have a system of land tenure which gives total ownership even to the squatter who have been bounced for a reasonable time without compensation. And on the other hand of urban areas leasehold should be maintained for proper development.

Culture and customs: On behalf of my people Kassanda North, I propose that culture and customs should be preserved, protected and promoted to maintain our cultural identities, but those considering earlier prohibited in consultation with the people concerned. Therefore, Mr. Chairman, through me they would like to appeal to hon. delegates here advocating for installation and promotion of foreign cultures and customs in our own country to have their country at heart during our deliberations.

Rights to education: My people are very much appreciative with the new system of universal primary education, but strongly oppose the idea of being free. Mr. Chairman, they are very much worried and take it as a very crucial matter, especially, on the side of poor peasants whom they are claiming to have been unable to raise the little tuition fee which the Minister of Education wish to abolish in primary schools and leave them with the exorbitant PTA. They are questioning one another and me in particular as to whether they will be able to raise funds through the cost-sharing for post primary education if this is the case *-(Interruption.)*

**MR. KOMAKEC:** Point of clarification. Mr. Chairman, I would like to get some clarification from the hon. Member holding the Floor on his statement when he says that under NRM no political group is being excluded; or it does not discriminate against anybody; when in actual fact when broad based government was being formed by the NRM, the NRM asked the National Liberal Party to submit names of those to be included in government and when it did so they were promised three ministerial posts but when the war broke up in the North these were withdrawn. Is that not discrimination against the National Liberal Party that was founded and has been operation in Uganda?

**THE CHAIRMAN:** I think that question or that point of clarification has been directed to State House. I think the hon. Member is making his contribution from the information available to him.

**MR. KAYIZZI:** Thank you very much, Mr. Chairman. Still on rights to education, Mr. Chairman, my people go on to say they would be able to sale off their firewood, charcoal, etc and take their children to school up to O-level and thereafter the State plays the biggest part as it is clear that most intellectuals here had such benefits being what they are today.

Women's rights: my people have recommended article 61 section 1,2,3, and 4, chapter 5; however, on the other hand as they are recommending their property to be taken over by their wives after death, they are optimistic of having forced death. To explain this better, Mr Chairman, I have had many cases where wives have threatened and killed their husbands for succession of such property. To remind you hon. delegates this has been taking place before any law in force; therefore, we should be very careful and not get over excited when we are entrenching it in our new Constitution or else we may have *-(Interruption.)*- the point of information is not allowed because I am just completing. Thank you very much. Defence of the Constitution *-(Interruption.)*

**AN HON. DELEGATE:** Mr. Chairman, we are here to discuss very important issues of succession among other things, and how the families left behind by departed husbands should be looked after by the wives who survive the husbands. Is the hon. Gentleman on the Floor, in order, therefore to impute that women will immediately want to kill their husbands in order to get hold of their property for their own sake, Sir?

**THE CHAIRMAN:** I think that was just an argument by the Member and it cannot be proved or disproved by any subsequent speaker. So, I think he should continue.

**MR. KAYIZZI:** Thank you very much. Defence of the Constitution: The history they have had, my people have this to say, to talk and listen in Uganda's politics today in case of violation, abuse or abrogation of the Constitution, there is need for compulsory military training for all students joining higher education and all Ugandan citizens. This should be also the qualification for one to be elected President. How can one be a Commander in Chief without even a simple knowledge of handling a gun?

Natural resources: The State be guided by the principle of government system and should protect but not control and exploit all important natural resources. They very much recommend to shared or, at least, to get a reasonable percentage at local levels concerned.

Breach of law: Any person, Mr. Chairman, arrested, restricted or detained, they said should be informed of the reason and taken to court immediately in any

case not later than 24 hours, and that death penalty be maintained.

National language: I have heard many hon. speakers contradicting themselves when they strongly advocate for observation and promotion of our culture and then bring in Swahili as our national language! I beg, through you, Mr. Chairman, to be clarified which tribe in Uganda here has this Swahili as a cultural origin. Therefore, Mr. Chairman, my people do recommend any cultural language of any ethnic group in Uganda rather than promoting foreign language. Before I leave this issue, I would like also to be informed on the number of delegates here holding Swahili Degrees.

In conclusion, Mr. Chairman, having made intensive study of the Draft Constitution, I would like to commend the principles of building a better Uganda. You need peace, equality, democracy, freedom, social justice and progress are all very well catered for in various chapters of the Draft Constitution, and all these are embraced in the Movement type of government, therefore, credit should always be given where it is due. With that, Mr. Chairman, I thank you very much.

**THE CHAIRMAN:** Thank you, hon. Kayizzi for your contribution to the debate. I now give the Floor to hon. Medi Kaggwa - Kawempe Division South.

**MR. KAGGWA (Kawempe Division South):** Mr. Chairman, hon. delegates, allow me first of all extend my congratulations to you, Mr. Chairman, and your deputy on having been elected to the office of a Chairman and Deputy Chairperson respectively. Allow me also to thank the NRM Government for having deemed it necessary for the people of Uganda to make their own Constitution.

The people of Kawempe South also requested me to extend their gratitude to the NRC for passing Statute No. 6 of 1993 with full knowledge that some of them could fail to make it to the C.A. The people of Kawempe South are convinced that this was a mature act and are hopeful that this marks an important milestone in progress towards political maturity in Uganda.

Same thanks go to the Commissioner, Constituent Assembly who ably conducted the C.A. election; they extend their thanks to the Constitutional Com-

mission which made the Draft Constitution the subject of our presence here. Lastly, since this is the general debate they have instructed me to be general and at the appropriate time I will go into specifics.

The people of Kawempe South, like other Ugandans, see this exercise as a very important milestone in the history of our country. With this backdrop, therefore, they have instructed me to make the following general observations and remarks.

They say that most of us here came on their mandate and because of that they have very high expectation in us. Our people are looking forward to seeing us complete our assignment in time. They emphasise that we should at no time attempt to prolong this exercise any longer than it is provided for as by law established. Mr. Chairman, it will be nearly criminal if at the end of the day we do not come out with a document that will satisfy the population and also stand the test of time, especially, as they say that a lot of tax payers' money was spent on the Constitutional Commission and now on the Constituent Assembly. In view of the above, the people of Kawempe South say that while debating this Constitution we should bear the following in mind and give them due consideration.

The history of our country and the suffering we have undergone; the different ethnic groups and their different cultures; the different religious affiliations; the interest groups and most important the people's views as documented in the Constitutional Commission Report. Mr. Chairman, I must hasten add that we all acknowledge that some people might have changed their views, but it is unlikely that there has been a hundred percent turn about.

The people of Kawempe South would like a Constitution that will aim at uniting various peoples of Uganda; that will improve their wellbeing by providing peace, freedom and stability; that will give equal treatment to all; that will bring about development and above that will fully democratise Uganda.

I need to say more on this aspect. Here I do not say that we should import systems merely because they work elsewhere, but I would be contented if a system is put in place, which will provide for regular free and fair elections at all levels.

I now move to some specific areas. I know that there several sensitive issues which will be discussed in the

Constitution; the instruction from the people of Kawempe South acknowledge that it is rare that at any one gets a hundred percent of what one wants: for that reason they urge all delegates when it comes to discussing specific chapters and proposals in the Draft Constitution not to be emotional but rational so that at the end of the day we come out with a Constitution that suits Ugandans and for all times. That we should have a spirit of give and take, and above all being prepared to sacrifice for the good of the nation. They say that to the best of their knowledge, Uganda's boundaries are not likely to change and if that be the case whatever we discuss, whatever we decide in this august House should be such that we all continue to live peacefully within these boundaries.

During the days of the C.A. campaign we used to tell the electorate that Uganda should be seen as a human body if the toe is sick the entire body is uncomfortable, if likewise is the eye one cannot say that because the legs are okay one will deal normally with business. What do I mean? Mr. Chairman, hon. delegates what all this means is that no one single group will exist singly and manage. We need one another, and accordingly we should endeavour to first of all consolidate what we all cherish, that is peace, stability, etc, and thereafter, go on to build new areas of agreement.

Mr. Chairman, sorry for using the example I am going to use, but I do so because these are the words of the people of Kawempe. They say we should not be like grasshoppers in a sack or *kaveera*, once they are in any one of the above two, instead of putting their heads together to think of how they free themselves, they spend their time in biting one another and hence kill themselves.

*Women, children and orphans:* The people of Kawempe South note that it is the women and the children who are the majority in this country. They, however, regret to say that it is this group that has been neglected. I must, however, hasten to say that they also acknowledge with appreciation efforts made by the NRM Government in this area, but as the Holy Book say they thank the NRM Government for the work done so far, but they request humbly that special provisions be entrenched in the Constitution to over this large requirement of society.

Turning to the orphans, the people of Kawempe

South note with regret that for several years Uganda has had wars and many incidents that have left many children being left orphans. In light of that it is their desire that provisions be put in the Constitution to cater for this subject since it is likely to stay with us for some time.

*Human rights:* Mr. Chairman, the people of Kawempe South do wish to see the issue of human rights well articulated in the Constitution. However, they also observe that human rights have limitations and for that reason they would only want the human rights restricted when they must be, otherwise, they would be unhappy if their rights are not respected. *Presidency:* Mr. Chairman, the people of Kawempe South are really concerned about the powers of the President; they say that the existing Constitution gives too much power to the President, they wish to see some of this power distributed to some other organs and in particular the Parliament and the Judiciary; despite that, they are at the same time do not wish to see the President who is emasculated as some people would seem to wish. They argue that a President who should be elected by universal adult suffrage or once elected would have the mandate of the majority of the people. So, he or she should have enough power to enable him or her execute all State duties.

*Land:* Mr. Chairman, hon. Members, we all know how sensitive the land issue is. It is the view of the people of Kawempe South that for the time being we should each have a land system that the people of each particular area cherish, but should definitely move towards that freehold tenure in rural areas and leasehold in urban areas. Furthermore as for the *bibanja* holders in the case of Buganda it is their contention that the removal of the *busuulu* and *envujo* law of 1928 left them exposed; to the end they would wish to see a reenactment of that law or modified accordingly to suit the present situation.

*Army:* Mr. Chairman, the people of Kawempe South are greatly worried about the Army. Time and again they ask why make a Constitution that will be overthrown by the Army. While they acknowledge with appreciation the present performance of the present Army, they would want to see an Army that would survive changes of government. They say that they do not approve of each government coming with its own Army. To that end they would like to see an Army that is national in character and representative of all the ethnic groups of Uganda.

Conduct of leaders: Mr. Chairman, the people of Kawempe South are greatly concerned about the conduct of leaders; they say that as a matter of urgency those in leadership position, and those aspiring to should inculcate into themselves a culture of shame so that if their reputation is brought to ridicule justifiably they do resign. My constituents would, therefore, want to see the Leadership Code implemented and indeed are happy that the Draft Constitution considered it. They also note that at times allegations are made on people in leadership position without facts; to that end they would prefer to provide for an impeachment clause applicable to all in leadership. Once the allegations are proved to be correct.

This brings me to the related matter of corruption. The people of Kawempe South are disturbed by the high rate of corruption in our society. They say that they reject the assertion that corruption is seen more now because of the freedom of the Press. To that end they call upon all C.A. delegates to deliberate diligently on this matter for they contend that unless this problem is greatly reduced we live a problem and developments will be curtailed. They say this fully aware of the corruption Act and well knowing that it takes two to tangle, but feel it is a matter that cannot be left pass without a word. They, therefore, call for the strict enforcement of the corruption Act, as non-enforcement of it gives the impression that some people are above the law.

Further related to this is the issue of accountability. Mr. Chairman, accountability and transparency are two principles the people of Kawempe South would wish to see being practised at all levels. They say that while they demand for accountability at the top, it should also be at the lower levels and above all in our homes.

Traditional leaders: Mr. Chairman, the people I represent wish to express their thanks to the NRM Government for having passed Statute No 12 of 1993 the Constitution Amendment Statute, and Statute No. 13, Traditional Rulers for restoration of assents and properties act, that enabled Buganda to once again have a *Kabaka*. They go on to say that all those who cherish the institution of traditional leaders should be left to have it since they see it as a fundamental cultural right and to that end they would wish to it well entrenched into the Constitution.

Education: Mr. Chairman, the people of Kawempe

South say that education has become a preserve of the rich they appreciate government efforts towards solving this problem, but argue that it is taking too long to come; and secondly that it serves no useful purpose for the government not assist the parents in school fees which are peanuts, they wish to see the government assist the parents with PTA contribution, especially, as there is a move towards cost-sharing at the University. The people of Kawempe South would also like to see more technical education and technical schools.

Conclusion: By way of conclusion, Mr. Chairman, I wish to say the following: That our duty among others is one of reconciliation; we should aim at reconciling all those divergent views that will be expressed by the peoples of Uganda, and it is our duty through the principle of rational approximation to narrow the gap and come out with an acceptable document that will serve the interests of all Ugandans. Consensus should be a guiding factor in all our deliberations. I know that we all cherish democratic rules and rule of the majority, but I wish to emphasise that the minority views should never be suppressed. I pray that we have no hidden agendas in this august House, we should be open to one another; we should deliberate freely and frankly and to that end I salute all those interested groups e.g. the Baganda and the multiparty who have put their cards on the table; this should be the spirit from all.

Lastly, Mr. Chairman, we should deliberate from a point of equality; no one group should impose on others what is not the consensus of the Ugandans. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** I thank hon. Kaggwa, member for Kawempe Division South for his contribution to this debate this afternoon. I give the Floor now hon. Mazima Eliphaz of NUDIPU

**MR. MAZIMA (NUDIPU):** Mr. Chairman and hon. delegates, I am called Mazima Eliphaz from NUDIPU or National Union of Disabled Persons of Uganda, and my Constituency borders with the Sudan in the North, Kenya in the East Tanzania in the South, Rwanda in South West and Zaire in the Western part. Mr. Chairman, before I talk, the disabled people have sent me to talk about the following principles which should guide the Assembly

One, they are advising us that when all has been said and done the rule of all should prevail

Two: that we should start the principle of going or referring to the law other than going to the bush. They have a reason. Many of us have become disabled because of the war - we want peace.

Three: looking at principles other than the numbers, how many are we if we are going to win; what about if somebody is one and he is talking about a principle, are we going to leave it?

Four: the principle of affirmative action to redress the imbalance due to traditional beliefs and practices; and this should go to all marginalised groups not one, as it is stated in the Draft Constitution. It is only given to women, maybe it is only women who were talking at that time, it is only those marginalised groups that are not represented here.

Five, active representation of the people in matters that affect their lives. Mr. Chairman, let me talk briefly about my Constituency. As I said that it is a biggest of all, and whereas the Commissioner for Constituent Assembly participated in demarcation of the current constituencies and because of that, some people were put where they are now without being consulted. And this has resulted into a problem. Some are being rejected, especially those that are sharing borders. Those who have their right in sharing borders and they are sharing the same language. I beg, Mr. Chairman, to come to this later, when I get all the information; because I am still consulting.

With disabled people, we do define ourselves and you know there are a lot of people who define us.

But we define ourselves as people with physical, mental, or essential limitations; or a combination of the above. What do I mean? People with physical limitations are mainly those who have been affected by polio and they have got moving difficulties; or some of them you might find have got sick muscles and they find it very difficult to move. And then, people with mental limitations, are basically mentally retarded and they are mentally ill. And then people with sensor limitations are those people whose senses have been affected like the blind and the deaf. As I said it should have a combination of the above. We have got the blind, we have got the deaf-blind; we have got somebody who is blind and he is physically handicapped.

In short, let me leave this point by making an

observation. While many Members were contributing, they were saying that all able bodied Ugandans should defend the constitution. Disabled people also has a role to play and they are very good with the gun (*Applause*). Estimates made by World Youth Organisation in 1977 - puts the precaution of every developing country for ten percent of it to be disabled. In our case if we are using that, we have about 17 disabled people in this country. But in other countries it has proved to be higher or lower. And in our case, it is higher because many people have become disabled since 1966 because of the wars; and in 1988 we carried out a survey and we found there are over 40,000 people who were casualties. That is what the army calls them; those who became disabled because of the gun, and these want either walking aid or whatever; that is how it came to know about them. And when I personally went to Butabika, three quarters of the people who are at Butabika Hospital were people who had come from the war ravaged areas. Somebody saw his wife being raped, and became mad. In fact these people are not mad, but it is because of their behaviour that they are like that. But of recent, a friend of mine carried out a survey in Luwero District, and discovered that disabled people are 14 percent of the total population of the district. If you use that figure therefore, and bearing in mind that we are 17 million Ugandans, I am representing about 2 million disabled people.

The situation of disabled people in this country, Mr. Chairman, faces two major limitations. I will come to the conclusion, but it is important that I give this information. One limitation that affects our functions - my walking, my seeing and limitations that come, this is two, - limitations that come as a result of other peoples attitudes. The way people think about us. And we feel that this is our greatest handicap. Otherwise, my disability with the right attitude, I can move, I can walk, I can do whatever I want to do; but because of peoples attitude, that is our greatest handicap and it has hindered our progress. It is because of this that we have been protected by our parents.

Allow me to inform you hon. Members that I started Primary one when I was 15 years old. I was being over protected - you do not move, you will fall down, do not go, something bad will happen to you. That is our plight. As it is being done, you loose a lot of things. Two, we are being segregated and therefore, being uprooted from one family; nobody thinks about us although we are living, and there is no policy

about us. We are being uprooted, and this one has got effects. Three, the labels put on us like if you look at cultures of this nation, you will find, there are local names given to disabled people. Most of them are very negative. Of recent I gave you an example of the Baganda, I am sorry because that is what it is called -of 'Kateeyamba' - useless person. And deaf person being referred to as 'Kasiiru' - a stupid person. Now, as a person when they say you are stupid, you are useless, -(Interruption)-

**THE CHAIRMAN:** Hon. Mazima, you see several hands, it seems you have provoked them.

**MR. MAZIMA:** Yeah, I am open to criticisms and -

**CHAIRMAN:** Well, if you will just give way for a while.

**MR. LUBEGA WAGWA:** Point of information. The word 'Bakateeyamba' does not mean useless; it means disabled in Luganda.

**MR. MAZIMA:** Thank you, very much for the information. And for your information, the word, disabled, means somebody who cannot do anything completely 100 percent. May I continue, Mr. Chairman?

**THE CHAIRMAN:** Yes, but may be, you are saying the word 'disabled' and in the draft constitution page 7, they seem to make a difference between 'disabled' and 'handicapped'. I do not know, may be you could also clarify for the benefit of Members as you go along.

**MR. MAZIMA:** Thank you very much. And because very many people lack information about us, rightful decisions are not made. Because of the situation I have stated will have the following effects: one, we have a dormant potential because we do not go to school in most cases; two, we do not enjoy the free benefits enjoyed by society through the system of socialization - we are cut off. And in some other societies when visitors come, we are hidden. You know we learn through practice, and we are not allowed to practice here because of being over protected, so we have that problem. Three, because of lack of information about us, the few existing policies are not relevant to our situation. And four, we develop self denial and loss of confidence.

Mr. Chairman, you are able to preside over this meeting because -(interruption)- If you are not sure of yourself and you are fearing to take the step, you will not do anything. That is our plight. We also become permanent dependents and a burden to the nation and our parents because of our potential not being developed. Now is need for this situation to help develop and tap the potential of disabled people. What I am saying here is that this is an optimum moment for the constitution to help disabled people to develop their potential and the state needs this potential for its other benefits as I will be telling you. Now, the laws to be enacted here should facilitate disabled people to develop our potential through both formal and informal means. And two, this is to enable us support ourselves and contribute to the nation.

I will give an example. I used to work in the field in Bushenyi; there is someone a disabled person like myself, who owns a very big plantation, and so many people go there to buy matooke, they bring it to Kampala, they sell the matooke, get money supporting the family; people who are cutting the matooke get the money; people who load the matooke on the lorry are paid; the owner of the lorry is paid; at times when the lorry reaches Lukaya, government takes these road tolls, City Council also takes money, all this money contributes to the building of a nation.

So, we, want to support ourselves and to support the nation. Because we feel we have a role to play, and the state should assist us, all the laws to be put in place, could assist us to achieve this.

Now, let me talk about the draft constitution. In the draft constitution, the way it was drafted, we are only covered by two articles, article 16 and article 63. I would like to have a departure from that arrangement, by not referring to a disabled person alone, but by looking at a girl with a disability, a boy with a disability, a woman with a disability, and a man with disability. Why am I doing this? Women have done a lot, I am not accusing them because I am discussing them. But at times, they forget that disabled women also exist. So, when you are talking about girls, boys, men and women; you should know that at that level, there is a disabled person. If we say section for disabled people, there will be a danger of marginalising all disabled people.

Article 16 which is about the objective, it has two major elements that the Government shall provide

services and capable or qualified disabled people will manage those services. I would like to make it wider when time comes, so that services are defined we need to be rehabilitated, we need to be developed and disabled people who will become elderly, they need to be given welfare services. I will come to that later.

What needs to be added? Those are the only articles that talk about disabled people. When you look at Chapter 2 and Chapter 1, they are okay in our own opinion, we feel there is nothing to change.

Chapter 3 about the national objectives, we want it to be maintained as it is; although we prefer it to be as one of the schedules of the constitution so that it can give guidelines to policy makers, to planners; not necessarily those who are making the constitution. We would like to see an objective on reconciliation. They talked about all things, but the word reconciliation was left out, and we are here talking about reconciliation, when there is no objective to guide us.

Article 27, it is on education. We would like to see free and compulsory education for all children with disability and children of disabled parents. Because a majority of us live below the poverty line this is a fact.

Article 28, which talks about health services. I would like to add clause 3, because there are two clauses, to include appliances - these are walking aids. And may be other aids used by disabled people. The current situation is that, it is mainly NGOs that support the production and supply of these appliances. And most of the parents of disabled people are too poor to afford them. If the NGOs pull out as was the case during Amins regime, then people will not get appliances, and they will not be able to do what they are supposed to do. Now, the proposal is that, it should be the responsibility of the state to provide these appliances free of charge as a right.

Article 37, talks about the environment. We agree with whatever is there, but we would like to add a principle there. That is it should be accessible. Mr. Chairman, and hon. Delegates, if the Chairman was a person in a wheel chair he would find difficulties moving to this hall. The Ministry that caters for disabled people is on fourth floor and there is no lift going there. All Prime Ministers including IGG which is supposed to listen to these problems of people are upstairs, and at times when I go there, the

lifts are not working and I go back home. I am serious on this point; if you have to address the rights of people, the issue of accessibility must be addressed *(Applause)*.

Most City Councils approve plans for the buildings, that would be easier to tell the planners to incorporate that, so that, whoever does not have accessibility his plan is not approved. I will maintain this position. And may be, we can give chance to those who constructed buildings, and give them a time limit may be ten years. If we do not improve on the situation, may be the state should take action. In certain countries you find blind people are guided by talking gadgets. But you are in a lift, you are moving, you keep on asking, I am on which floor? Then they will misguide you or misdirect. But others, they have got talking gadgets in their lips, then they say, first floor, second floor and so on and so forth. I would like to see that element incorporated by the constitution.

Then places. We would also like to enjoy *-(Laughter)-* it is also discriminative *-(Interruption)-* It is difficult for some of us to reach those recreational places. You find steps, you find libraries, you find conference halls, dining rooms, they are upstairs - what do we do? Should we allow the situation to continue? That is the situation which we need to look at.

Chapter 5. I would like to address article 50 which talks about discrimination and that nobody will be discriminated on sex and whatever and whatever. We would like to have the word disability added. Why are we saying this? Article 50 Clause 4. Because in the institutions of higher learning especially those of education, I tried one time I wanted to join teaching, I failed the interview, and they said, children will laugh or students will laugh at your leg because it will keep on swinging in the air. But I moved on, I taught for 8 years, my students passed and nobody complained *-(Applause)*. I know now, some disabled people are being admitted in TTCS, but on gentleman's agreement. We would like to have a law here covering disabled people. Even for this. In employment, I would like to talk about the forms we fill, when we are applying for employment. One of the issues they want to know whether you are disabled or not. And you are not short listed. It is just there, and we as disabled people we feel that this one should be scrapped off. Deaf, people, they have legs *-(Interruption)-*

**PROF. SETENZA KAJUBI:** Point of information. I should like to provide information to this hon. Member on the Floor: that the education of disabled people is taken very seriously particularly in the White Paper which has just been approved by NRC, and that ITEK - Institute of Teacher Education at Kyambogo is actually putting up a college, a complete college for the education of what we call special education to take into consideration, to train teachers, to admit teachers for the advantage of the disabled people.

**MR. MAZIMA:** Thank very much. A credit actually should be given to hon. Kajubi because he is the man behind the White paper and he did a lot of work in regard to affairs of disabled people - we are very grateful. I was saying that, the deaf have the legs, they have got all the limbs, but then there is a policy that stops them from participating in sports. They say, you cannot hear the whistle. We are not allowed. They cannot drive, they say you will not hear the vehicle. But my experience is that, driving is guided by the side mirrors. And so those people are saying, such a type of discrimination - they should be protected by the state. Article 62, it is only affairs of children. I would like to borrow the contribution made by the children, when they were here, and I could read it here. *The state should provide support services and preferential treatment to the disabled or handicapped person, to enable them live as independently and possible in the community.* With an amendment obtaining people or persons or children. I am supporting children.

Economic wide, that is I think article 67, I would like to talk about the living wage. I regard a living wage as a basic - something that will enable you get best needs like shelter, water, food, medical care, clothing and so and so forth. But if you relate the situation, and look at the expenditure per month of an individual in your family, with the requirements for best needs, and also look at the salaries as stipulated on the scales U1 to U8, take it as homework, then it will help us make decision. I tried it, I almost cried, it was almost in millions, just expenditure of one person in Kampala, while most people get - I do not know. Maybe 10,000/-, 20,000/-. That is the situation. We need to look at this situation objectively and rectify it.

Organs of government. We believe as disabled people, that there should be a proper specification of roles or separation of powers. Ministers should not

serve as MPs, they should only go to Parliament to give information to Members of Parliament and the President while making appointment or swearing them in. They should be assisted by a Committee of Parliament. And would like a president being elected directly by all the people, because we have an advantage, we want to negotiate with him to tell us. You want to become a President, what do you have for disabled people? Yeah, we are about two million, we have got our wives, our relatives, our in-laws. In fact I am warning multi parties, that you should revisit your manifesto. In future when your manifesto does not talk about a disabled person, forget.

Parliament. Mr. Chairman, we would like to see composition of Parliament. Let me start with women. They should be represented according to each district. Then disabled people, we are two million, when you divided that by 70, which was criterion for the constituency, you get about 32 people, the fact we should be having 32 people talking. But the disabled say let us be realistic, we do not want 32, we only want 10. And why? Two per each region and then any type of disability that will be marginalised, then our organisation can try to appoint two to make a total of ten, that is a small number.

Right to recall from Parliament. We support it, but then when you look at article 136, one of the clauses talks about one of the conditions as being physical incapacity. We would like that word to be properly defined, so that everybody knows what it means. We would like to have a proper definition circulated to people, so that they know.

The office of the IGG, it should be maintained, but it is carrying a lot on board. Some of its role should be given to another body, especially things like the human rights. It should also be decentralised, and should strictly report to Parliament, and then Parliament would ask the President to take action.

The army. I told you that we are also capable of joining the army. But would like to see the army being national, being small and there should be a special tax. If I am paying 5,000 to Mazima, a certain percentage should be designed to meet the needs of the army. And if somebody else becomes a president, and may be the army is being paid by the individuals, then the *Wanaichi* will be the owners of the army. Nobody will temper with the army. And again - this is a question to them. When some people use their arms and get hurt on front line, they are

referred to as casualties, and most of them have told me that, somebody who used to be an 'Afanle' is no longer an 'Afanle', he becomes a beggar, can you improve on the conditions of the casualties please? It is not only to disabled people, but to all groups.

On education, we would like to pursue through education more time to slow learners and writers, additional points at various levels to the disabled people, especially when they are joining senior one, senior five, university and other institutions of higher learning especially those for example the blind can only listen, and there are no materials, the deaf are only copying notes; why should this person not be given additional points?

Employment. It should be adoptable to the situation of an individual. If somebody cannot manage, the table is high and he is a dwarf it should be adjusted - there should be a quarter system. This means that, if you have got an establishment and you are employing people, then a certain percent and now we are recommending 4 to those people who have more than 30 employees; 4 per cent of them at least should be disabled. And if you cannot employ them, give us the money you would have paid them, then we shall give it to those who are not employed.

Tax collection and exemptions to those who are starting businesses. A lot of disabled are starting businesses, but they need to be protected or need at least some opportunity to establish themselves. Therefore, they should be given some tax concession and exemptions where necessary, up to a certain time.

Then safety loans. If you go to the bank now, it is terrible, they do not give us loans, because they see they are the people of the highest standard, they do not. And the constitution should provide that disabled people are given special branch to enable them improve on their situation, so that we have a small interest rate.

Assisting services that is may last point Mr. Chairman.

**A HON. DELEGATE:** Point of order. Mr. Chairman, is it in order for the hon. Delegate to be completely irrelevant in this august House?

**THE CHAIRMAN:** It is out of order.

**MR. MAZIMA:** Thank you, Mr. Chairman. I was saying Mr. Chairman, that because the deaf people their language is not developed - at times they are able to integrate because of interpreters, and the blind people who cannot read because of readers, and these people could also be employed by government, a reader and an interpreter. Then hearing aids, and other appliances, I would like to talk about the sign language of the deaf in particular. This one should be developed. It should be taught in schools like any other language. Because deaf people that is the language they know. Unless it is developed, then they won't have a problem. All these shall be able to achieve this if a disability board is established by an act of Parliament; it consists about 5 people, to monitor the implementation of the laws in access and to devise areas that need new laws.

I thank you, Mr Chairman for giving me time, and I thank Members for listening to me.

**THE CHAIRMAN:** Thank you hon. Mazima Eliphaz for your contribution to the debate. He was the last speaker on the list I have for today, and - *(Interruption)*

**A HON. DELEGATE:** Mr. chairman, there is something which you said, while distinguished delegate Mazima was speaking, and I thought he would address it but he did not, and it is very important for him to have taken into account for the benefit of the delegates. That is, whether he can distinguish or differentiate between disabled and handicapped. Because he has made some references to section 63 article 63, article 16 and at some point he made a reference to article 110, he said he had forgotten to find it. I thought that may be if he is in the know, he could assist us to know, whether he is saying that we should write in the constitution obligatory statements or persuasive statement. Because there is a difference here. And you are just asking the reports to implement things which if we put in the constitution which are obligatory might become very serious problem. And I would like clarification on that, if at some stage in future he is permitted to address us.

**THE CHAIRMAN:** So, you are saying he should clarify on two issues; whether there is a practical difference between disabled and handicapped; and also to whether the statement in constitution in relation to the rights of the disabled should be by way of mandatory enforceable statement or by way of directive statements which are not necessarily

justiciable. Well, I think you can take advantage and answer.

**MR. MAZIMA:** Thank you very much, Mr. Chairman. It is because of time I would have explained that. In as far as the word 'disabled' is concerned, - (interruption)- We do prefer first of all to be called persons, because we are human beings. You can say persons with a handicap and persons with disabilities, these are people with limitations only. But if you say the word, 'disabled', it has got some negative contention. Although there is a conflict between the Americans and the British, the British are saying, that even if we say, the disabled person, it does not mean you have mentioned a person; but then in many countries, they prefer persons with disabilities or persons with handicaps. Then the difference between the two words shall give - (Interruption)-

**MR. KEZIMBIRA:** Point of order. Is the speaker in order, Mr. Chairman, to tell us that they should not be called disabled? When the organisation says, the disabled? The organisation he is representing has that name - starts with disabled people.

**THE CHAIRMAN:** He was developing his argument, may be he will come to that.

**MR. MAZIMA:** Mr. Chairman, for the information of delegates, our organisation is called National Union of Disabled Persons of Uganda, not National Union of the disabled. And I was just bringing out the difference between Americans and the British. The Americans were the first ones to find out that mistake and the negative consciences of the word disabled. But then the British said, so long as you have the word 'disabled', you have disabled persons it is okay. But of recent, we seem to have reached a general consensus that the persons with disabilities or persons with handicaps, those phrases are okay, and we are in the process of changing our name. And then two, the difference between the word 'handicap' and 'disabled'. When you say disabled it only refers to disability, but handicap, somebody can be handicapped even if he is not disabled. You can be handicapped economically, you can be handicapped in anyway - (Laughter) . So, we would prefer people with disabilities and than we would prefer persons with handicaps in this constitution.

**THE CHAIRMAN:** Okay. I would suggest then that, as we come to the detailed discussion of the various clauses, may be you consult with the techni-

cal committee, so that they help you in writing out the way things should be, so that when we come to this stage, you are properly assisted.

**A HON. DELEGATE:** Point of information. Further information to hon. Delegate Mazima. He mentioned section 132, and the right of recall, and he was wondering what this meant. He was not quite clear and he was seeking clarification. I think it is subsection 3. Am I right, hon. Mazima? It reads like this: *'for the avoidance of doubt physical incapacity and mental incapacity shall be included among the grands under this article'* If one was disabled and was elected in Parliament, one would not be recalled, one of course has a disability, physical disability, one would not be recalled because he was elected when they new he had a disability. But of course, even mental disability, that is clear, one will not be elected. So, one would not be recalled when he has the disability because he would have been elected in the first place. Thank you, Mr. Chairman.

**THE CHAIRMAN:** Thank you. But I think, he very carefully did not develop the argument because he knows we shall come to details of the various articles and when we do, such arguments of course will arise, and then we shall polish those articles as we go along, to suit the various interests and situations that will arise. I guess the hon. Member has finished in his clarification, the question of whether or not a provision should be mandatory I think, will also be handled at the stage of detail. Because the provision in article 16 are not justiciable. But others may be particularly when it comes to articles in the operative body of the constitution.

We have come to the end of speakers set down for today, according to our plan, we should be working until 6.30, but we cannot do so today. Tomorrow, we have 14 or so speakers, we have only 5 hours, if we start promptly at 8.30 a.m. And I would like to suggest that tomorrow, at 8.30 a.m. regardless of the numbers in here, the Chairman will come and we start. So, It is up to you Members to make sure that you attend promptly.

**PROF. SENTEZA KAJUBI:** I would like to propose as a matter of procedure, that the register, where we write our names when we arrive, there should be a coin to indicate the time, when the members are checking in. It is not childish, just record.

**THE CHAIRMAN:** Order, order. Hon. Senteza Kajubi is a great teacher of many teachers in Uganda. And that is one of his lessons. I would not like us to start a debate on this. The point is quite simple. There is nothing like arriving at 8.40 a.m. We have given ourselves the duty of being here at 8.30 a.m.

**MR. SENDAWULA:** I would like to use this time to remind you that you made arrangements for some of us who are unfortunate, that you would get the wire extended, so that we can have access to the microphone. As you may have observed, the majority of us who are totally on the back bench, cannot even participate on a point of order or information, because we are totally handicapped *-(Laughter)*.

**THE CHAIRMAN:** Yes, order, order. It is true that I did promise that we would have long cords, so that people can speak from their various places they are sitting in. The point is that, yes the cables were brought, but of a wrong size. They were bigger than our sockets. And so they were returned and we are expecting them to be brought. That is the main problem. We do not have them in East Africa, they have been brought from Europe, and they are buying them from Philips UK. They were flown in here, and then they have been flown back. And that is why we are not ready. But I am working, and we are working, and we shall make sure we are ready, as soon as possible.

**A HON. DELEGATE:** I am just seeking your guidance. How can we start regardless of the quorum?

**THE CHAIRMAN:** We do not have to suspend the rules. The procedure is that we can start deliberations and the Chairman has no power to call the quorum, it is only if a Member draws his attention to the fact. But should it become necessary that we conduct a vote, then we must have a quorum. Because you cannot vote unless you have the quorum on any matter. But you can discuss. So, it is up to you Members, if you want to continue with your business, do not prompt the Chairman. Because the Chairman has no voice; once prompted, he is under obligation to follow the same procedure i.e. suspend for 15 minutes, wait, and if he resumes and we fail to raise the quorum, then adjourn. Now, if you do not want that to happen, we start, we transact business. Should we reach to a stage where we have to vote on any matter, then there we must ring the bells and we insist on having the minimum quorum before we can vote.

**MR. KUTESA:** This morning when you were talking about people who were supposed to speak today, and then, they were not able to speak, you closed off suggestions. I would like to suggest, Mr. Chairman, that, everybody does register by a certain time when they want to speak. Whether it is towards the end of the month, or sometime next week or the week after, so that somehow you know how many people finally intend to speak. And then you can bring these people forward if others have not spoken. Because it looks to be a great waste of time, that we should schedule all appointments away and all our other engagements, and then we adjourn two and half hours before time.

**THE CHAIRMAN:** Would like to make your contribution now?

**MR. KUTESA:** I beg your pardon Sir?

**THE CHAIRMAN:** Would you Like to make your contribution to the debate now?

**MR. KUTESA:** If you had told me this morning that I should contribute *-(laughter)*

**THE CHAIRMAN:** No, you can see the practical difficulty of bringing forward someone suddenly, unless they are ready. Let us do it as we are. Today, it is just that we had some two people go off, and so on. Otherwise tomorrow, from the numbers I see, I see no problems. The same thing with Wednesday and Thursday. In fact by the time we went out, Friday has already been over subscribed as well. Although we shall shift more people to Friday, because that is a long day. Another six or so people had added themselves to the four who appear on that list, so that the registration is now coming, the numbers are coming in well, I think let us proceed as we are. The other one creates administration problems for nothing.

**MR. SABIITI:** I would propose that, since we have two and half hours, those who have already spoken, but they did not complete their full speech, they could be allowed to give the entire speech they had wanted to give.

**THE CHAIRMAN:** No, we go by the rules which provide certainly under which you may speak more than once, I do not think that is one of them.

**PROF. NSIBAMBI:** I was not ready to speak, but if I am given an hour, I am ready to do it.

**THE CHAIRMAN:** That again creates administration problems. Because if members are released now, then called back in an hours time, we may have even a problem of having enough numbers to hear you. Unless you want to address the chairman and the clerks.

**PROF. NSIBAMBI:** What I meant is that, if I am given an hour in which to articulate my concept, then I am ready to plunge in the exercise although I am not

**THE CHAIRMAN:** In other words you are fighting for an advantaged position. I do not think that is fair. I think hon. Members I know that even hon. Kuteesa has chambers to attend to; I do not think he will lack what to do. I would like at this juncture, to adjourn until 8.30 a.m. tomorrow. Thank you.

*(The Assembly rose at 3.15 p.m. and adjourned until 8.30. a.m. Wednesday 5th, July 1994).*

**FOR REFERENCE ONLY**