



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

THURSDAY, 21ST JULY 1994

MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 1063]

Thursday, 21st July 1994

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

PRAYERS

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

The Assembly was called to order

THE DEPUTY CHAIRMAN: I do not have any specific communication from the Chair, hon. delegates.

MOTION

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

(Debate continued.)

MR. ENGOLA SAM (Presidential Nominee): Madam Chairperson, I would like to thank you for the ability you have shown so far in steering this honorable Assembly. I am sure that you will conduct the affairs of this House successfully until a new Constitution for this country is promulgated. This is a unique chance for the country where, for the first time, the whole country has been recognised to discuss and promulgate the Constitution for itself. Hon. delegates, this is a great Constitutional achievement. From the seriousness and concern shown by hon. Members, I am confident that we shall come with a suitable Constitution for this country. Madam Chairperson, I must emphasise here that the fact that all of us came as delegates to the Constituent Assembly strongly supports the view that there was need for a new Constitution based on the wishes of the people of Uganda and shows that something was lacking in the existing Constitution.

Madam Chairperson and hon. delegates, during this general debate, I intend to concentrate only on what I consider crucial matters that should guide us in the subsequent discussions. To my mind, there are some fundamental principles that I think should be useful and guide us in discussion and final promulgation of the new Constitution, and these are the following: One, a Constitution of this country should

be born of the past - the past experience we have all gone through. In other words, Madam Chairperson and hon. delegates, we must sincerely learn from history of this country and be able to reflect on these relations while we discuss the constitution. This will give the Constitution the local content that truly reflects the wishes of the people of Uganda. Majority of our people have greatly suffered in this country, either politically, socially or economically. All I am saying, Madam Chairperson, and hon. delegates is that the shape of any constitution depends and should be built on the history of a particular country, character of the community and the environment the Constitution is to operate in. We shall have done a great job to make a Constitution that addresses the past, covers the present and takes care of the future of Uganda. Some of the considerations that will need to be addressed are: (a) what conditions exist to support the form of Constitution that we want to have? I am afraid a Constitution that does not take into account practical existing conditions cannot last long. But these conditions, I emphasise, must be material conditions and not merely sentiment wishes. One of the reasons why the 1966 Constitution was abrogated was because it did not recognise the existing facts, namely that the Army was still colonial and wielded state machinery. No remedy was put in place to ensure that the Army was made to appreciate and respect the importance of the Constitution.

The composition of this Assembly clearly shows the commitment of the government to involve the vital and necessary component of government, that is the Army, in the making of a national Constitution that is one of the means of addressing the material vision of Uganda today, namely full participation of the Army into the political process of this country. We should appreciate that a lot of sacrifice, which should not be taken for granted, has been made by the National resistance Army leading to the current process in the political history of our country, that is what I call existing material condition. Another fact is that our people are tired of wars; we should not be guided by issues that will divide this country. (b) Uganda is not an island; indeed the whole world has become a village. What practical implications does this present for the current and future of Uganda economically, and how do we come out of our economic hardships? Although these are matters of policy, Madam Chairperson, and hon. delegates,

because it affects us we need to think about them as we make a new Constitution. Two, the Constitution should address the most crucial issues that are necessary to sustain our stability, progress and development. In other words, this country has been given an opportunity in the history of our life time to form a Constitution which, in my opinion, should promote unity, stability, progress and development. There is a problem in this country of avoiding the real problems and instead diverting the attention of the population to what appears to be the problem and not the actual problem. It is my submission that this hon. Assembly clearly separates the two and concentrate on the real problems. I beg to strongly submit that multiparty politics is not a solution to this country's political problems. Instead it has failed Uganda and caused untold suffering. Hon. Members, you can recall the sad story of real events that hon. Kutesa told this House and what hon. Lt. Mayombo said. Between 1967 and 1970 Uganda was a multiparty state, but we still witnessed a military coup and the emergence of dictatorship. I, who is on the Floor, I am an orphan, my father was murdered by Amin because of multiparty politics, it is a very sad thing. Between 1980 and 1984, Uganda was a multiparty state but we still had a military coup in 1985 by the Okellos. This means multiparties are not a solution regardless of its merit in the current Ugandan context *-(Interruption)*.

MR. NYAI: Point of order. Madam Chairperson, is the hon. Member holding the Floor in order to impute that whatever Idi Amin did, he was doing it on behalf of the multiparties?

THE DEPUTY CHAIRMAN: That was his own opinion.

MR. ENGOLA: Thank you very much, Madam Chairperson, for your ruling. The solution lies elsewhere and this hon. Assembly should honestly address this subject. I do not subscribe to people who merely use multiparty politics as a means of getting power for the sake of it or as a method of covering faults in leadership. By the history of creation, parties are sectarian in themselves and are, therefore, not appropriate vehicle for unity, because we have not developed a high degree of tolerance which can stand criticism. Why is it that the majority of UPC are Protestants and why is that majority of DP are Catholic, is it an accident? As a businessman, capital knows no colour or sect, and has no party, no tribe and I stand for a system of government that will

permit free trade amongst all the people in Uganda without tribal, political or religious obstacles. I believe all businessmen would like to conduct business with all tribes, all religions community *-(Interruption)*.

MR. OCHYENGH: Point of clarification. Madam Chairperson, the hon. Member is talking of majority of UPC being Protestants and DPs being Catholics, I wonder whether he has any statistics available to confirm it or it is just a speculation.

MR. ENGOLA: I believe all businessmen would like to conduct business with all tribes, all religious communities, all party followers in Uganda, and the best way to promote this is to set up a government that can freely develop and promote economic activities. Madam Chairman, we need a government and, therefore, a Constitution that will promote equal development. The priority, therefore, is to cause development in every part of this country. This country has been under multiparty government and several times, under the leadership of the people of the Northern Uganda. I quote: "Obote twice; Amin eight to nine years, Tito Okello for six months; Otema Allimadi as a Prime Minister; six cabinet ministers during Obote's last regime came from the North, including hon. Obua Otoa, here at present talking swallow-ability, because he was swallowed *-(Interruption)*."

MR. OBUA OTOA: Point of order. Madam Chairperson, is the hon. Member on the Floor in order to say that I was a minister in Obote II, when it was not, I was ambassador to Germany. Is he in order to tell a lie.

THE DEPUTY CHAIRMAN: He was misinformed, thank you for correcting him.

MR. ENGOLA: Madam Chairperson, thank you very much for your ruling. Hon. Obua Otoa, as per my understanding, I think he was a Minister Cooperatives by then so, even though he was ambassador he was also a minister.

DR. KAKUNGULU: Point of information. I wish to inform the House that the post of ambassadorship even calls for more excellence because you are referred to as "Your Excellency" whereas a Minister is a mere honourable. So, I think it is even higher than a ministership.

MR. ENGOLA: Thank you very much my brother for your information *-(Interruption)*.

AN HON. MEMBER: Point of order. Madam Chairperson, is it in order that this House is to be fed on lies such as this, which is proved that Obua Otoa was never a minister and here it is being asserted that because he was an ambassador he was more than a minister, therefore, he is a minister.

THE DEPUTY CHAIRMAN: The hon. Member who has raised the point of order, we are receiving the correction. He was in order that is what he knew.

MR. MWAKA: Point of order. Madam Chairperson, is it in order for an hon. delegate to disrupt the speaker on the Floor on trivial matters?

THE DEPUTY CHAIRMAN: Hon. Member you can continue.

MR. ENGOLA: Madam Chairperson and hon. delegates, today Northern Uganda is and still remains one of the poorest regions in Uganda, there is no tarmac road for all these years of multiparty rule in Uganda *-(Interruption)*.

MR. RINGWEGI: Point of order. Madam Chairperson, is the hon. speaker on the Floor in order to deceive this Assembly that there are no tarmac roads in the North of Uganda, when in actual fact it was the multiparty governments that first constructed all the roads in this country and the road which goes up to his home town of Lira Municipality is also tarmaced.

THE DEPUTY CHAIRMAN: That was information but not order; so, you have informed him.

MR. ENGOLA: Thank you very much, Madam Chairperson, for your good ruling. I beg to continue. To hon. Nekyon - where the leadership of this country one time came from, Madam Chairperson and hon. delegates, hon. Nekyon has been in Parliament for half of his life-time, including making the first Constitution of this country which has failed us, multiparty, therefore, does not construct tarmac roads as the other hon. Member is saying, because if that was the case all the problems of Uganda would not be there for us to solve now. Madam Chairperson, I happen to come from Lango and there, in the 1980 elections, the practice of unopposed based on selection and not election was the order of the day. Candidates were selected by parties without a gen-

eral election, this particularly explains why two people in this hon. House came from Lango unopposed. This made UPC undemocratic, for example, although Lango was taken to be largely UPC, hon. Omara Atubo lost in the 1980 general elections not because he was incompetent but because it was believed he was a DP supporter. UPC nominated or selected *-(Interruption)*.

MR. OBUA OTOA: Point of clarification. Madam Chairperson, I would like the Member on the Floor to clarify whether the hon. John Nasasira who also came unopposed did so under multiparties.

MR. ENGOLA: Madam Chairperson, I think I said in Lango and I said two people, I did not use three. It was believed he is a DP supporter and UPC nominated, selected Omara Atubo in his place. Although Cecillia Ogwal lost in 1980 to the late Charles Odyek Okot, he was selected and not elected to the high post of Assistant Secretary General of UPC, the position which she holds through selection up to today. Madam Chairperson, my point here is that multiparty does not mean democracy because there are clear examples where parties have not been democratic *-(Interruption)*.

MR. AWORI: Point of clarification. Is the hon. Member familiar with the Constitution of the party he is talking about?

MR. ENGOLA: Madam Chairperson, I think the answer is that everybody is aware. The problem, Madam Chairperson, is the dishonesty of some politicians who are now asking for multiparties, for example, when both hon. Nekyon and hon. Omara Atubo were given ministerial posts in NRM government, they were the strongest advocates of Movement system in the North, when they were left out of ministerial duties they became critical and sometimes negative of the Movement system. Madam Chairperson, it is important that we avoid being driven by sentiments but act on reason. This is the third principle I am standing in this Assembly for. While we make this Constitution, it is necessary that it should be flexible and progressive so that if it is necessary, a change can be easily incorporated without the need for a military coup.

I now turn briefly on some of the aspects of the Draft Constitution. We need to protect and uphold the rights of the people of Uganda on what they want, this is the best condition necessary for democracy.

No government should take away the power from the people and no politician should fear or even get tired of going back to the people for their regular mandate. This is a democratic principle I find well covered in chapter 3 of the Draft Constitution. Madam Chairperson, for the first time the Draft Constitution recognises the women, youth, the disabled and the aged. This is the type of Constitution that will be supported by all and it will be difficult to abrogate when all those interests are satisfied by government.

On economy, the people of this country should be involved in economic decision that effect them with a state providing equal opportunity to all citizens to provide for themselves economically. The problem of this country has been sharing the national cake. If citizen are made to develop themselves in all regions of Uganda, we shall guarantee stability, peace and development.

Article 231 on Land Madam, I wish to propose the adoption of freehold system of land. This will guarantee the citizens of this country a continuous asset of livelihood and also promote the development of land as a tool of investment and shelter. Madam Chairperson, one of the factors responsible for the instability in Africa is that some of the African leaders do not want to leave power. I would like to thank Julius Nyerere, former President of Tanzania for setting up a good example for all of us to follow. In Uganda, I would like to propose that after every five years, there should be Presidential election and the President should serve in an office for a maximum of two terms and not to present himself for the election again. In the same way there are some politicians who have never left Parliament, NRC Members or Parliamentarians should also serve once and if people like them, for a second time and thereafter they should leave young blood to take over. Although elders should have been leaving youth to come up in Parliament, now they are fighting the youth to ensure that they are the only ones to stay in Parliament. I must emphasise that unless we accept peaceful change, the youth will force us to accept that they are given the opportunity to participate in the political life of this country. The only way to test the desire of the youth is by a general election. I do not understand why some of the people of this country fear referendum where people go to decide for themselves.

Fundamental Human Rights and Freedom: A good Constitution should provide for a fundamental right

and freedom of its citizens. Chapter 5 of the Draft Constitution provides a good working chapter for this Assembly: the right to a fair hearing before court of law must be retained in the Constitution so that civil rights and obligation are guaranteed by courts of law. There are Members in this House who have practically seen the benefit of the right to a fair trial in courts.

This brings me to another important area, i.e. the supremacy of the law. Nobody should be above the law in this country, this should be included in the new Constitution. Nobody should be deprived of his property by state without adequate compensation. I support the setting up of the Human Rights Commission which should have the mandate and its own initiative on a complaint made by any person or groups of persons against any human right violation.

Article 287, Amendment of the Constitution: Madam Chairperson, on the amendment of the Constitution, I support the requirement that the district council must rectify the amendment of the Constitution unlike in the previous Constitutions. Parliament alone cannot amend the Constitution without involving the District Council, this is giving power to the people.

Form of government: Madam Chairperson and hon. delegates, given the relative peace that we have enjoyed for the last eight years, where DP are working together with UPC, CP and UPM, Uganda has been built into a single country where people from different political parties are working together. We have also seen a disciplined Army in the history of this country. A lot of economic activities are taking place. Uganda is now respected in Europe, far East and other parts of the world. Foreign investors are coming to invest in Uganda, all this is because parties have not been allowed to divide the people. Just recently during the elections, we saw a division which is happening upcountry in Uganda physically, not that anybody is lying in this august House. It is for this reason that I support the extension of the Movement system for another five years so that this peace and development continues for the good of the present and future generation of Uganda. Madam Chairperson, time is running out, but I believe the National Resistance Movement has capable leadership which has provided Uganda with one of the best African leaders in the person of His Excellency the President of Uganda, Y.K. Museveni who understands clearly the problems of leadership in Africa

and solutions to our economic problems. I, therefore, recommend the extension of the Movement system for another five years to consolidate the peace and development. For God and my country.

THE DEPUTY CHAIRMAN: Thank you very much. Now I call hon. Augustine Ruzindana - Ruhaama County to take the Floor.

MR. RUZINDANA (Ruhaama County): Thank you, Madam Chairperson. Ruhaama County is one of the largest rural counties in the country. We have a population of 132,000 people and the electorate I had was over 60,000, so I was surprised when hon. Kawere the other day said that Ntungamo District had a population of 20,000 only. I therefore, agree with the proposal that we should have study visits to other areas of the country so that we are not so uninformed about the country as a whole.

Ruhaama county borders the Republic of Rwanda and the Republic of Tanzania in the South; in the East it borders Isingiro and Rwampara counties in Mbarara District. In the West, Ruhaama borders Kajara and Bushenyi in Ntungamo District and in the North we have a small border with Sheema County in Bushenyi District - this is a very small border, that is why hon. Kajjuka was not aware that we have a border with him in the North.

Madam Chairman, time is very brief so I intend to address a few issues in the Draft Constitution, and these are human rights, citizenship, political systems, cultural leaders and the new institutions in the Draft, like the office of the Inspector General of Government, the Human Rights Commission, the Audit Commission and the Central Bank of Uganda and I would like to end with two proposals to the Assembly. So, I hope, Madama Chairman, you will not cut me short before I make these proposals.

Madam Chairman, I already congratulated you on your election, but I would like first of all to thank you and the Chairman for having ably managed the affairs of the C.A. I would also like to thank fellow delegates for their frank and high quality contributions during the on-going general debate. I have been impressed by the quality of the debate and the quality of individual delegates whose collective wisdom will enable us to make a durable Constitution for this country.

The previous 30 years or so in Uganda have been a period of decay in which the rule of law, the inde-

pendence of the judiciary the constitutional order and systems of accountability had broken down. We have gone through a history in which human rights, including the right to life and the right to property had become insignificant. Civil and political rights were a forgotten dream. Uganda had become what is quite often called a "soft state", whose characteristics are that various types of social undiscipline manifest themselves in the form of deficiency in legislation and in deficiencies in the observance and enforcement of the law. This is what Uganda had become; this is why quite often there is a gap between the pronouncements of political leaders and the tangible significance of their action when it comes to the respect of the rule of the law. This is what has created a credibility problem for all leaders in this country. Leaders who lack credibility also lack legitimacy, irrespective of the system through which they passed in order to attain power. I hope we shall adequately address the issue of credibility and legitimacy of political leaders and the political organisations which they use as vehicles for acquisition of power. Violation of human rights started immediately after independence, even though the various constitutions the country has had protect the fundamental rights and freedoms of the individual. The relevant articles of the Constitution regarding human rights remained in force during Amin's regime and the subsequent regimes of the UNLF, Obote II and the current administration. It is clear, therefore, that violation of human rights have occurred not because of the lack of the necessary laws and constitutional safeguards. Madam Chairman, violations have occurred in spite of the fundamental rights guaranteed by the Constitution and the Penal Law. Let us, therefore, bear in mind that it is easier to write a Constitution and to make laws than it is to create the mutual respect, trust and the tolerance necessary to sustain the Constitution, especially, if the times are bad. This historical experience, Madam Chairman, allows us to conclude that it is unrealistic that African countries and Uganda in particular can become like Western democracies instantly even if similar institutions are created. The other day the Daily Nation carried a story of an MP in Western Kenya who happened to be at College with some of us here when we were students, and it talks of this MP consulting a witchdoctor during the elections, and there is a petition by a petitioner who believes that he lost because of the witchcraft practiced by this MP; that is why I am making this general statement about Africa, Madam Chairman. Now, this is the context of our deliberations in this Assembly, i.e. that Constitutions have

been violated with impunity and quite frequently in the past. We should bear this in mind when making this Constitution. Madam Chairman, we are here to make a Constitution largely for posterity, we should, therefore, not debate the Draft Constitution as if we are making a Constitution for the NRM period only and neither should we debate this Draft Constitution as if our aim is to facilitate the re-introduction of the UPC, DP rivalry, camouflaged as multiparty system. Madam Chairman, the NRM period and the immediate subsequent post C.A. period are merely the transition to a permanent constitutional arrangement. The arrangement for the post C.A. period should, therefore, not cloud our perception of what our task is. Our task is not to oppose or support the current administration. Our task, Madam, is to make a good, durable Constitution for this country.

Let me address a few aspects of the Draft Constitution, Madam Chairman, and one of them is the length of the Draft Constitution which has already been commented upon by many other speakers. The Constitution is very long and we should at the end of the day make a good Constitution for the country. Why do we need a lean Constitution? Madam Chairman, there are many advantages for a Constitution which is not too long, and one of them is that it can become a popular document for ordinary citizens or students, and it is not a document that should be accessible only to judges, lawyers and academicians. So, this is an important issue for the protection of Constitution that it should become familiar to the population - to a wide section of the population. Secondly, there are many things that are repeated in the Constitution and I will shortly give one or a few examples, then I will speak about specific articles and chapters of this Constitution. But before I do so, let me also address some other aspects that have not been touched by many speakers before me which I hope other speakers after me will touch, and this is the amendment of the Constitution. Madam Chairman, too many hurdles have been placed in the way of any effort to amend the Constitution once it is in force. This may mean that an otherwise weak minority may be unduly empowered to block constitutional amendment. What is the disadvantages of this? This may eventually lead to circumventing the Constitution by a frustrated government or by a frustrated majority, which is determined to effect some changes in the Constitution, thus endangering the rule of law. Once a Constitution is violated by a government, by a frustrated majority, all other laws will similarly be violated,

and thus the rule of law will be endangered, Madam. The future contains many unforeseeable surprises, because of changing political, social and economic circumstances. If the Constitution becomes too difficult to alter and places too many constraints on the government of the day, it will result in frequent social and political crises. Too many constitutional barriers placed in the way of action, considered imperative at a given time, will lead to a breach of the rule of law as government will just overrun those barriers. We should, therefore, strive to strike a balance between flexibility and rigidity in the Constitution we make.

Let me now turn to some specific chapter and articles, Madam Chairman. Article One: everyone has supported the constitutionalisation of the sovereignty of the people. But Madam Chairman, article One is repeated in article 8, in chapter 3.

It is important to constitutionalise the principle of the sovereignty of the people, but we should retain only one article in the Constitution and not repeat it all over the place. Article 3 provides against military coups, but I would like to alert this Assembly on the fact that the Nigerian Constitution has a similar provision and it has not prevented this from taking place. We must, therefore, devise better methods to defend the Constitution than merely making coups legal. The Constitution must be made familiar to the people, this is the most fundamental defence to the Constitution so that they know the dangers they face if it is overthrown.

chapter 3 on the national objectives has been criticised by many delegates who have spoken before me and, in fact, many have recommended that it should be scrapped out altogether. It seems that there is a suspicion that this is an attempt by the NRM administration to constitutionalise its manifesto. However, I would like to inform the Assembly that a number of countries in which the NRM is not in power have similar chapters in their constitutions. The principles in this chapter are provided as an enforceable policy directive in India, in Nigeria, in Sri Lanka, in Bangladesh, in Papua New Guinea, and more recently in Namibia. These are all countries in which national building is not yet complete, so that governments in those countries is given general guiding principles around which its programme should be built. Take the economy, for example, the most important question for a long time to come is going to be the economic question; that is the question of raising living standards. The economic question is

the single most crucial question now, and no system whether multiparty, one party, movement and so on is going to succeed, without succeeding on the economic front. The economy affects education, health, social infrastructure and so on, and more of the discontent in Africa and in Uganda is caused by economic hardships of the people. Democracy is not going to thrive unless the economic well-being of the people appreciably improves. Emphasis must, therefore, be laid on the economy so that a firm foundation is made for democracy. Poverty stricken people cannot be the guarantors of democracy. In African countries, and in Uganda where the crisis of survival is the main issue, social economic and political rights which may not be possible in the short-run, are perhaps, the most basic rights. We all know the inhuman pressures which new leaders face to provide instant results. In a situation where new democracies confront the resentment of millions of people, sometimes some of them found in a specific region, who owed their allegiance and, perhaps, their livelihood too, on foreign dictators, there is need to find established principles and guidelines on which the principles of new government and programmes can be based. This is why the inclusion of the chapter on national objectives and directive principles of state policy should be supported by this Assembly as it is among other things about the promotion of the welfare of the people. We should, however, and mark this one, we should, however, include a specific Provision that these objectives and principles of state policy contained in this chapter shall not of and by themselves be enforceable by any court. The courts could have regard to them in interpreting laws based on them, and this would be an important provision, and this would cater for the objection of the many of the delegates that have spoken.

Let me say something about citizenship. Dual citizenship, Madam Chairman, should be prohibited. It is politically untimely and there is no need to provide for it in the Constitution. Madam Chairman, article 42(1) about a seven year old child found in Uganda without known parents should be considered objectively by this Assembly. This mainly refers to children found in urban areas, as in rural areas all person are accounted for and clearly known without doubt. The important word in this article is presumed, there is nothing automatic. Therefore, when the identity of the child is found or known at a later date, this presumption will no longer hold. This could be borne in mind when this article is debated, Madam Chairman.

The debate on citizenship has often degenerated into discussion of the Banyarwanda question, and I think it is right that this issue has been highlighted so that it is better understood. First of all, what should these people be called? Some delegates have argued that since there is a country called Rwanda whose citizens are called Banyarwanda, therefore, Banyarwanda must be citizens of Rwanda. This is erroneous, Madam Chairman. Banyarwanda citizens of Uganda should be called Banyarwanda just as the Somalis of Kenya and Ethiopia are called Somalis. The Swedes of Finland are called Swedes, the Germans of Switzerland are called Germans; the English, Irish and so on of America are called English, the Arabs of Kenya of Uganda of Egypt of Sudan are called Arabs; Banyarwanda of Uganda must be, therefore, called Banyarwanda. This is also in line, Madam Chairman, with the cultural rights enumerated in the Draft Constitution. However, the people of Kisoro District who have expressed a wish and, in fact, took a decision in the district council that they should be called Bafumbira could indeed be called Bafumbira. This again is their right. In schedule 2, we should, therefore, have Banyarwanda and Bafumbira separately just as we have Karamojong, Labwor, Dodoth and so on separately in that schedule. The existence of Banyarwanda citizens in Ntungamo and Kabale District outside Kisoro District has been ably explained by my Colleagues from Ntungamo and, therefore, I will not dwell on it, I will only talk about it when we are in the consideration stage.

What about human rights? Human rights should be the basis of the Constitution so that each and every provision of the Constitution should be in accordance with the human rights we shall enshrine in the Constitution. No article in the Constitution should give rise to breaches of human rights. We should, therefore, while making our Constitution make sure that we harmonise all articles with provisions of the human rights. One small point I would like to mention here is that Uganda has not yet ratified the international covenant of citizenship and political right. This Assembly should make a decision that Uganda should ratify this covenant. If necessary you may have to specifically include the whole of it in the Constitution so that thereby, it is ratified by this country. Before I leave human rights, I have not said everything I would like to say about them, I would like to interest this Assembly in the aspect of minority rights which are not usually paid the due attention they deserve. Madam Chairman, I wish to observe

that in Uganda, all of us are minorities of one kind or another. Each tribe in Uganda is a small percentage of the total population of the country. Further more, members of each of our tribes have moved outside their original areas and settled in areas where they are minorities. Every tribe in Uganda is thus a minority and there are also permanent indigenous minorities among many of tribes. For example, we have Basongola in Kasese, we have Bahima in Ankole and all over the country; we have Bakenyi, we have Bagungu, we have Bachope, we have Nubians, we have Indians, we have Banyarwanda and so on. Democracy means the right to participate in the politics of one's country but sometimes this right may be denied to minorities as wherever there is rule of the majority, democracy may not necessarily be for everybody. The concept of minority right embodies equality and non-discrimination together with special rights, preferential rights and affirmative action for these minorities. We should, therefore, include strong protection for minorities who may be subjected to discrimination.

Representation of the people: There should be an independent Electoral Commission, this one everybody agreed; but principle concerns of membership of this commission should be competence and impartiality, to ensure that all contestants in an election, respect the commission and have confidence in the impartiality of the commission. No single profession, therefore, has a monopoly of competence and impartiality and we should, therefore, not stipulate that the Chairman should be a Judge i.e. a lawyer. Why should we bar Mr. Akabwai from heading the next Electoral Commission merely because he is not a lawyer, do we have doubts about his competence and impartiality. Membership of this commission, including the Chair, should therefore, be open to all Ugandans of high integrity, competence and impartiality (*Applause*).

Political systems: I do not have a lot of time to address this one, but it is a very, very important thing. I would only like to postulate some of the issues that should be considered when considering political systems. We have been hearing about Movement arrangement as against multiparty politics. The Draft Constitution which we have is a multiparty Draft Constitution, let us all be clear about that. We should, therefore have alternative scenarios for those pushing for Movement broad based politics and for those pushing for unconditional freedom of political organisation at this material time, that is the only

difference. Provisions relating to regulations of political parties and arrangements for operations and activities of these parties and other social political organizations should be the basis of our discussion. I do not have time, Madam Chairman, to address all these issues, but I would like to illustrate some of the articles, for example, article 95 in the draft Constitution which empowers Parliament to create organs of the Movement and the role of the Movement. What would happen if the majority of Members of Parliament would be anti-movement Members of Parliament with a duty of creating the organs of the Movement and its role, have we considered that, Madam Chairman? That is one of the things we should consider. But before I leave this topic, I would like to make general remarks about democracy in general. Our debate in this Assembly is about the building of a democratic system and the Constitution is supposed to be the foundation of this system. We should lay emphasis, therefore, on human rights, democracy and the rule of law. These include very many notions and these things are the things which we are here to create consensus about. We are here to create consensus about a lot of these things on which we shall base democracy and constitutional order. Madam Chairman, we are faced with a situation where nation building is not yet complete, and this is what I think we should bear in mind, but I do not have time to address them. Let me address one important aspect that does not seem to be understood. The other important aspect is the question of multiparties; do we have a multiparty system in Uganda or do we not have a multiparty system? Madam Chairman, we have a multiparty system in Uganda; we have several parties DP, UPC and so on and they are all sitting here. Therefore, the question is not whether we institute a multiparty system, the question is what activities, what political activities are appropriate at any one single time including the parent time, Madam Chairman. We are not going to address the issue of whether multiparties should be there, that is not the question, the question is what activities should take place currently and after the C.A. when we leave here. Madam Chairman, building democracy is respect for human rights and the rule of law, it is a slow process requiring commitment from all sectors of the population. It requires institutional development and capacity building, and the development of a political culture with a high degree of tolerance, it also requires increased understanding of the process of governance which is impossible without popular participation. Some countries, for example, those in

the West and more recently some in the far East, have had the advantage of a long period and favourable circumstances in which to develop the necessary institutions, values, standards and conducive climate and proper systems which allow democracy and the respect for human rights to thrive. In the West, the historical base for democracy goes back to Aristotle, there is a strong civic consciousness, there is a strong middle class with enough wealth distributed in healthy ways so that people feel secure enough to challenge the state unit when it seeks to monopolize power. The preconditions are strong credible groups within civil society that can articulate all of society's interests. In Uganda, these institutions are non-existent. The nearest to them, are the religious organisations and that is *why* political parties always seek links with religions, because they are the strongest organisations within civil society.

The main problem facing the existing parties, is the crisis of credibility. The problem of the existing parties is that, they do not accept that they made mistakes, that they do not accept that even mistakes were made unless they were made by others. (*Applause*) They therefore, do not accept the need for internal

reform and for organisational reform. They do not see a need for renewal. In fact they go further and advise the NRM to cast itself in their image. This is why, there is a fear, that immediate return and conditional freedom of all forms of political activities, means a return to the same mistakes. No one in this Assembly can be in principle against political parties, no one has a quarrel with the exercise of the freedom of association. The people of Uganda have a problem with the credibility of the existing political parties, and the political leaders this country has had, and the added problem is that, some of these same political parties and their leaders are still going strong, and still trying to capture the reins of state power, presumably in order to make the same mistake. (*Applause*) We must therefore, create favourable conditions and allow ourselves the necessary time to develop the proper system, for sustainable democracy and the respect for human rights to be established and thrive. This is what we are here to do in this Assembly. Madam Chairman, of course I have not had time to develop my arguments, that is why they do not seem to flow very well.

Traditional leaders, Madam Chairman, Article 279 about traditional leaders is alright but it will have to be polished at a later stage. What I want to mention

here, is that we should call them cultural leaders, not traditional leaders. No, information, Madam Chairman, as I might be winding up soon.

The reason, I prefer the title of Cultural Leaders is that (*interruption*)

THE DEPUTY CHAIRMAN: Is it point of order? He says he does not want information.

MR. RUZINDANA: I will be winding up Madam Chairman, so - Why do I prefer the title of Cultural Leaders rather than traditional leaders? The reason I prefer this title is that, these would be covered by the cultural rights under the human rights section of the constitution. And the need to talk about their political role, would therefore, not arise (*Applause*) In other words, cultural leaders would arise as a result of the cultural rights enjoyed by the different people of Uganda. This would be similar to religious freedom, for example, which gives rise to the different religious sectors. No religion and its structures, beliefs and practices will be mentioned in the constitution, which should be the same with cultural leaders. There are many types of cultural leaders, but the attention seems to be paid only to the top cultural leaders, e.g. the Kabaka, Omugabe and so on. This is not right as the clan leaders e.g. the Ssabalangira, are also cultural leaders, and we shall not mention them in the constitution. For the sake of the cultural leaders and their systems, the best guarantee for their durability is not making them a constitutional issue, or worse still a political one (*Applause*) The emotive element about cultural leaders has risen because of linking their role with federalism. Which is a topology of local or regional government, in case of Buganda and the question of the acceptability of the Omugabe in the case of Ankole.

THE DEPUTY CHAIRMAN: Information?

MR. RUZINDANA: Let me finish this point, Madam Chairman. On the question of federalism, through prudence advises that, the issue would be considered objectively by this Assembly, without linking it to the political role of the Kabaka (*Applause*). This should be examined properly at later stages so that, we do not seem to suppress the people of Buganda. The Baganda as a people, have shown themselves to be tolerant, patient and accommodative of other people. This partly accounts for the strength of the Baganda. The absorption of other peoples into Buganda, has had a fertilizing and

regenerating effect on the region. The people who are so exclusive, that they shun or feel adulterated by contacts with other people, degenerate and decay.

THE DEPUTY CHAIRMAN: Time.

MR. RUZINDANA: Let me finish this point a little. One of the signs of a great people, is their capacity to absorb foreign elements that come into it, and the Baganda have found this capacity. (*Applause*) However, Madam Chairman, the Baganda have been wounded as a people, and I think we should take measures to address the issue of their wounded pride, without pandering to the most backwards elements within Buganda. (*Applause*) Madam Chairman, I do not have time to address the issues adequately.

Finally, Madam Chairman, the new institutions within the constitution. The Draft Constitution creates or institutes constitutional institutions which were not in earlier constitutions, like the Human Rights Commission, the National Council of State, the Central Bank, the Uganda Audit Commission and the IGG. I do not have time to say something about them. But what I would like to say, is that the constitution should merely state out their functions and perhaps their relationship with other organs, and then leave the details to the enabling legislation. That is what we should do.

The proposal I wanted to make to this Constituent Assembly, the first one I want to talk about is an issue which is not a constitutional matter, Madam Chairman. And this one, Madam Chairman, one of the functions of this Constituent Assembly is eventually to lead to the national catharsis *-(interruption)-*

THE DEPUTY CHAIRMAN: Hon. Member on the Floor, present them and summarize please.

MR. RUZINDANA: Yes, Madam Chairman. And I wanted to propose, that at the end of this Assembly, this Assembly could deliberate the appropriateness of giving a blanket amnesty or pardon to all the former leaders of this country and their supporters (*Applause*). An amnesty similar to the Presidential pardon to the Presidential amnesty, extended to the rebels. Do we have this authority and power Madam Chairman, I think we do. If you read properly Statute No.6 of 1993, and so on. I wish to develop this, but this is one of the proposal I would like to make. The second one, Madam Chairman, I do not know whether I can be allowed to develop this one but -

Madam Chairman, this is about the procedure of debating the constitution. I have seen that we rejected the procedure of committees, Madam Chairman. And I have seen that it will bog us down, we will not finish within the estimated (7) seven months. I would like to propose Madam Chairman, that, at an appropriate time, we revisit the issue of discussing the constitution in Committees, Madam Chairman. And I have a reason. Madam Chairman, why do I propose this? I have seen that we shall be bogged down and go beyond the seven months, and the people of Uganda will not have mercy on us, if we cry to extent ourselves, in the manner which some delegates have been trying to propose, that we constitution ourselves into a government of National Unity after the CA which means we do not go back for elections, Madam Chairman. And I would like to propose a system that will allow us to hold elections before the 26th of January, next year Madam Chairman. And at this juncture, I would like to thank you, Madam Chairman, and the fellow delegates. Thank you very much.

THE DEPUTY CHAIRMAN: Thank you, very much.

DR. KIYONGA CHRISPUS (Bukonzo County, west): Thank you very much, Madam, Chairperson. I would like to start my contribution by expressing my personal satisfaction in the way the process of making a new constitution for Uganda is going. In most parts of this country, the population gave their views to the Odoki Commission, Ugandans turned up in large numbers to register for the elections, and also to cast their votes in the unprecedented free and fair elections. Those that felt grieved by the electoral process, have been to the courts of law, some have lost, while others have successfully petitioned. And here in the Assembly, hon. Delegates, the atmosphere of freedom could not be better. Those who are satisfied in the way the NRM is carrying our business, have said so those who feel past governments were better, have also expressed themselves. The president of this country has been criticized, without restraint by those who feel he has made mistakes, even those who are unhappy with the way the press are covering our proceedings have also been heard. In my view therefore. Ugandans have reasons to be happy, so far with the constitutional making process.

Let me also share with fellow delegates, my concept of Uganda today. Uganda as we know it today, is basically the result of the Berlin Conference of

1884. It was created as a result of sharing by the colonial powers of the territorial loot obtained by the conquest of Black Africa. In my consideration, this creation of Uganda, gave rise to three major features. In the first place, it put together a number of ethnic groupings that had reached different stages of development. While for example the Baganda people had a fairly well developed feudal system, the Bakonzo and the Banyabindi, and Basongora people of Bukonzo county in Kasese District had not developed a fully grown feudal system, but were instead just struggling out of a clan system of leadership. In the second place, Madam Chairperson, the boundaries of Uganda cut across some ethnic tribes, leaving them in different colonial states, and in some cases different colonial systems. For example, the Bakonzo and the Basongora people exist both in ex-Belgian Colony, Zaire and ex-English Colony Uganda. While today the Bakonzo people in Uganda number approximately 400,000 and are described as a minority group, the same ethnic group has a population of nearly two and half million people in Zaire, constituting a major tribal group in that country. Thirdly, Madam Chairperson, the colonial system put in place a social economic system that was intended to cater for the interests of the Europeans or the colonialists.

As we all know, hon. Delegates, Uganda is one of the least developed countries in the world. This means, that on the average, the income of our population falls below 300 United States Dollars or 300,000 Ugandan shillings per annum. It is no wonder therefore, that even as we meet here, in the modern International Conference Centre, people are dying of starvation in Karamoja and other areas. Ugandans are being swept by floods and land slides in Kasese. Some Ugandans do not even have access to water whether safe or unsafe. In the midst of this very difficult situation, Kony in Gulu is doing the killing and he is planning to kill more of our people. The NALU rebels are still hiding in Zaire, waiting to bounce on the peasants in Kasese any time. I have no doubt, Madam Chairperson, that all of us here, in this air conditioned modern facility, wish Uganda could graduate out of being a least developed country. We want to see Uganda that is like Malaysia, Singapore, or even the UK. However, what we desire as a country will not come by merely wishing for it, or verbal appeals to one another. It is precisely because of this realisation that the people of Uganda, from all over the country have decided to take advantage of the prevailing, enabling political envi-

ronment to make the basic law that will govern us. Hon. Delegates, I say "enabling political environment", because as I have said before, we are giving our views in a clear atmosphere here. Today, Uganda could boast of having the freest press, at least in this region which is limited only by lack of sophisticated professionalism, and of course the high semi-literacy in the country. The peasants all over the country are now exercising real power, in the elections just ended, the elite of this country more or less, went on their knees to beg the peasants for their votes. The elite are in addition organising seminars left and right, to push their own views about the current exercise of making the constitution. In my view, this constitutes an unprecedented level in this country of political freedom across the different strata of our society. We have the opportunity and duty, hon. Delegates, to set up a workable, practical and realistic system that will provide the means to actualize our interests and wishes. I must stress, the word "our" represents the majority of the people in this country, the peasants plus we the small group of the elite. We have an opportunity to make a system that will work, and which can realistically sustain and defend. The system has been realistic in the context of our times in Uganda. Uganda as a family of varied ethnic groups, Uganda as a member of the International Community of varied interests which international interests, are not always in line with our own aspirations. Let me at this stage hon. Delegates describe the area I represent.

The electoral Area for which I am a delegate, Bukonzo County West, is partly comprised of the Rwenzori Mountains, and part of the Western Rift valley, and is at the border of Uganda with Zaire. The nationalities that traditionally inhabit this part of the country are the Bakonzo people, the Basongora, and the Banyabindi. Hon. Delegates, you notice that Schedule No. 2, of the Draft Constitution, has made two errors in this respect. First error it has called ethnic group No. 12 Bakonjo instead of calling them, Bakonzo. Secondly, it has totally missed out the Basongora and the Banyabindi people. At the appropriate time, during the consideration stage, I will move the required amendment. At the time of colonization, the people of Bukonzo and Kasese, in general had a fairly well developed clan system, with well identified leaders and their respective territories. Kabalega's influence was fibbly felt in this area. There is on record, a number of battles that the said clan leaders fought to protect their territories. In 1921 for example, the then *Omukama* of Toro

Kingdom - Kasagama son of Kabalega, ordered the execution of Nyamutswa, Kapoli and Tibamwenda, leaders of the Bakonzo people who were resisting the influence of Kabalega's son. These three leaders were buried in one grave at Kisinga, in Kasese. In recognition of the courageous efforts of these heroes, the Kasese people intend, in the near future, to construct the monument to remember these fallen heroes. The death of these leaders was the beginning of the firm influence of the *Omukama* of Toro in today Kasese District. The next challenge to the Toro Kingdom, came in 1962, when the Rwenzururu Movement was launched. I would like all the hon. Delegates to know that the Rwenzururu Movement was an organisation that fought for justice, recognition, democracy, development and the dignity of man. Between the time Tibamwenda, Tapoli and Nyamutswa were killed by king Kasagama in 1962, the Toro King subjected the people of Kasese to ridicule and contempt and treated the Bakonzo people as sub-human, and denied them participation in their own governance and development. The movement was finally precipitated, when the king and his advisers refused the request from the Bakonzo and Bamba people, that they be recognized and named in the 1962 constitution. I will make reference here to two documents. One, the report of the commission of inquiry into the disturbances amongst the Bamba and the Bakonzo people of Toro of October 1962, presented by Sembeguya, Oda and Okae and also the book entitled "The Formation of the Toro Kingdom". As it is well known now to all of us, the Toro Kingdom was subsequently broken up into the three districts of Bundibugyo, Kabarole, and Kasese. I would like to convey to this august Assembly that while the people of Bukonzo County West support the provision of restoration of kings and kingdoms and whereas the *Omukama* of Toro has been reinstated, it should be made absolutely clear that, the Toro Kingdom today, is limited to present day Kabarole District. The Districts of Kasese and Bundibugyo, are no longer part of the Toro Kingdom. Meanwhile Mr. Chairman, intensive consultations and discussions are going on within Kasese District to resolve the question of whether or not Kasese should have a King or cultural leader. These consultations are taking into account the fact that, at the time that Kasagama conquered the Kasese territory, the area had not developed to a Kingdom level. There existed several clan leaders as I said before. Considerations also is being made to the fact that the king will require resources to maintain him and his kingdom. The indication so far

is that, the idea of a king in Kasese, is likely to be rejected.

There are a number of lessons, hon. Delegates that emerge from the history of the Rwenzururu Movement that could be of assistance in the discussions we are holding in this House. Movement fought for human dignity, justice, democracy and development. This was a popular organisation of peasants, and led by the peasants themselves. Indeed it is my view that, if other Ugandans had taken trouble to understand this organisation, the Rwenzururu Movement could have become wider and a National Liberation Movement, and so would have been the beginning, of the National Resistance Movement. The injustices that the Rwenzururu fought against existed in other parts of Toro Kingdom and elsewhere in Uganda. The success of the Rwenzururu Movement was partly due to the strong sense of unity that existed in the area. Delegates will recall that Uganda had local council elections in 1961 and 1962, under a multiparty system -*(Interruption)*-

MR. KASAJJA: Point of order. I represent Bakonzo in my constituency. Is it in order Madam Chairperson, for the hon. Member holding the Floor, to try to give the impression that, the Toro Kingdom which was reinstated, is only catering for the people of Kabarole District whereas there are even people who are not Batoro in Kabarole District. Therefore, is it in order for hon. Member to misinform us?

THE DEPUTY CHAIRMAN: He is in order, because those are the views of his constituency.

DR. KIYONGA: Madam Chairman, in addition to what you have said, I referred to Kabarole District, and not the Batoro people. I did not refer to the ethnicity within Kabarole District. The people of present day Kasese and Bundibugyo at that time when these elections were held realising that parties would not address their concern, and that at any case, they had the effect to the parties of dividing them, went to the Toro parliament as a united group and disregarded the artificial party division. In this way, they became more effective in the parliament and when the popular struggle went into high gear, the colours of UPC and Dp disappeared and instead a more defined and purposeful Rwenzururu Movement emerged. Therefore, we should never take any people for granted. We should discard the notion that peasants do not know or that they do not understand. How can anybody fail to feel and

understanding justice, and human degradation? Any human being is capable of feeling the ill effects of deprivation, and is capable of reacting to liberate himself. It is clear to me therefore, fellow Delegates, that if we are to survive as a society, we should ensure that the constitution we are making will ensure justice and human dignity, increase production, and equitable resource allocation. Accordingly, we should work for a high degree of accountability and mass or popular democracy.

Regarding decentralization, Madam Chairperson, the people of Bukonzo County West would like the powers of the decentralised districts entrenched in the constitution. These powers should include making of laws at local level, which laws should be consistent in the constitution. This is particularly important in the area of cultures and norms of each society. The people of Bukonzo west also demand, that they should have the power to rename their district.

I will go now, to the question of resource allocation, Madam Chairperson. In my assessment, the permanent theme in the contribution from hon. Delegates, is the issue of resource allocation. No doubt this is at the centre of all political considerations, and we shall have done Uganda justice, if we address this matter effectively in this document. Delegates have used different expressions in reference to this matter of resource allocation. Hon. Prof. Nabudere has called for decentralisation of corruption. In his view, at least if those local people steal, the development they will carry out will be in their local areas. Other hon. Delegates, have talked of an even distribution of jobs, while others have talked of the South of the country being developed while the North is not. The small ethnic tribes of Uganda, are talking of being marginalised. And so, Madam Chairperson, the case for equitable resource allocation, has been made. In an effort to institutionalise fair resource allocation, the NRM has started the programme of decentralisation, and is evolving a formula on how revenue collected by the Central Government will be shared with the local authorities. Perhaps, hon. Delegates should be explained this formula. This formula could even be made part of the constitution, in order to re-assure all Ugandans, and to make the whole matter very transparent. The people of Bukonzo County West that I represent here, are raising a number of issues in regard to resource allocation. Their first concern is in the area of education. They would like other Ugandans to know

that Western education came to Kasese very late. As a result, there are relatively very few people who are educated in the district, and very high rate of illiteracy. And so, while we support the idea of compulsory basic education, and appreciate the inability of government to give free universal and compulsory basic education in the whole country as of now, we feel there is a strong case of government to assist in a special way, areas like Kasese and others, that got disadvantaged for historical reasons. In this way, Madam Chairperson, these areas would be assisted to catch up with other areas of the country. The people of Bukonzo county West also support the concept of cost-sharing but argue that Kasese for historical reasons would have to be treated differently, at least for some time. The Bukonzo County West *Wanainchi* also call for special treatment of business people who site industries up country. They argue that, it will be very important in the interest of equitable resource allocation, for special incentives to be created, to encourage the entrepreneurs to site industries, particularly in the country side. The people of Bukonzo also feel that, even in the liberalised economic system, manufacturers should not be distributors as well as thus deprives some members of society means of livelihood.

I made reference earlier in my contribution to the concept of revenue sharing, an issue of particular interest to the people of Bukonzo County West. They would like to see a system in place that will visibly enable them to benefit from the few national parks in the district, the Hima Cement factory, Kilembe Mines, and other national assets in the district. The people nevertheless realise, the fact that, there are other parts of Uganda, that are not as equally endowed with the national resources. Consequently, they have no intention of asking that, the benefits of such establishments like the National Parks, the factories etc. be monopolised by the district. They do appreciate that, being part of the Unitary Republic of Uganda has desirable benefits to them over and above these resources. But they have asked me to emphasize here that, other Ugandans must appreciate that, as a result of the said national resources being situated in Kasese, under the rising population, the peasants are running short of land.

Regarding the system of Land management, the Bukonzo West people want the free hold system. The Bukonzo County West community have also considered the issue of taxation. They support the

matter of graduated tax. They do realise that, unless everyone contributes to the Government revenue, development will be difficult. Nevertheless, they have a few points to make, on the system of graduated tax. First of all, they want the formula for the graduated tax assessment revisited. The reason being that, productivity, of coffee, for example, achieved in the 1960s, can no longer hold, because of the now reduced productivity. They also want surcharge on graduated tax, to be applied in well studied cases, because some peasants fail to pay because they cannot afford. To go ahead and surcharge them, complicates the situation. Finally, they would like all the graduated tax payers, particularly the peasants, to retire from payment of graduated tax at the age of 60 years, so that they can spend the balance of their wealth as some kind of pension.

Madam Chairperson, we also have interest in regional integration. We strongly support the concept of regional integration. We appreciate that, regional integration will increase trade and expand markets, and therefore, support the issue of resource allocation. Nevertheless, we want to urge this House, not to limit regional cooperation to economic matters only. Article 25 states *“The state shall promote international cooperation which is beneficial to the country and work for close regional, economic cooperation and integration.”* I have been instructed Madam Chairperson, to cause amendment to this article so that it reads in part, *“for close regional, economic and cultural cooperation and integration.”*

Here I would like to refer to resource allocation again, Madam Chairperson. They appreciate that, a resource allocation does not only mean partial or regional distribution of wealth, but it also implies gender balance in the resource sharing. The Bakonzo people would like all the Ugandans to know, that the culture of the Bakonzo people, has always been gender balanced. In our history, women have a share of the wealth in the home, they even inherited land. Under this renewed spirit of strengthening our culture, the Bukonzo County West people have resolved to revive the strong and positive culture of ensuring that women do own and share property. The people have also decided that, all marriages must be covered by certification, either from religious organisations or the state. They further say, that divorce must be formalised either in a traditional court, or in a court of law. This decision has been taken so that the mechanism will be in place to ensure

that, at the time of divorce, there will be appropriate sharing of the property that the man and wife may have accumulated while they lived together.

The community also, is calling for harsh punishment for those guilty of rape, defilement or elopement. Madam Chairperson, and hon. Delegates, we are talking of sharing wealth, what wealth are we talking about? The loans from abroad? The foreign investment? Our GDP is hardly 3 billion dollars, the income per capita is below 300 United States dollars. The GDP is growing at a mere 6 per cent while the population is growing at 3 per cent. So, even if we equitably shared out this poverty, the situation would not change. We do realise we are a poor country, Malaysia and Singapore only 30 years ago were no different from Uganda. But today, they can be described as developed countries. Can we resolve here now on behalf of our people to end poverty? Can we resolve to develop our country? Resource allocation will make meaning once we have talked about resource production. Do not be deceived hon. Delegates that Uganda is the Pearl of Africa, do not be deceived that, the Pearl of Africa will rise and shine again. Uganda has not graduated from being a developed country to become a least developed country. So, when did Uganda shine? Uganda fortunately has people, has a population, Uganda has natural resources, Uganda has land. If we can resolve to work, all of us the elite and the peasants, using whatever resources we have including our muscle power, Uganda has the potential to become a wealthy country.

Article 21 in the draft constitution subsection (1) says and I quote *“the state shall take all the necessary steps to involve the people in the formulation and the implementation of development policies and programmes which affect them.”* Sub section 2, of the same article also states, *“every citizen has the duty to contribute positively to the development of self, the family, the community and the country.”* If we can actualise these two provisions, Uganda will look forward and then correctly claim to be the Pearl of Africa. Madam Chairperson, when we come to the consideration stage, I will say a little more on this situation of wealth creation by ourselves and for our country.

On the issue of citizenship, we fully support the provisions in Chapter 4. And we support the formation of a board as provided for. But we totally reject the idea of dual citizenship.

In our turn to the question of a culture of constitutionalism. Madam Chairperson, many hon. Delegates, have called for a culture of constitutionalism. How can we ensure that the spirit of constitutionalism prevails. In my view, this has to evolve over a period of time, it has to build on our traditions as Ugandans and the experiences we have gone through over the years. A culture of constitutionalism cannot merely be transplanted from one part of the world to another. We require patience, commitment and time to evolve this culture. There will be mistakes and pitfalls on the way. We have made a good beginning under the NRM system. There are of course imperfections, indeed some mistakes have been made, but these imperfections and mistakes compared to overall good and positive developments that have occurred in the last 8 years cannot be a source of discouragement. They should be a basis for seeking further positive changes for strengthening the overall good.

Today the peasants have got power to change leaders at the local level up to RC 5, and the NRC. During the CA elections, further advances were made to perfect the electoral system, and the constitution we are seeking to make is calling for further perfection. Let us now move to the level where the people will listen to those who wish to become their presidents. Let those people go and discuss directly with the population. Do not give them the cover of parties which may complicate the process of choice, and let the people exercise the power and right to decide whether or not they want multiparty or movement type of government. The argument that multipartism is God given and a natural human right is a misplaced argument in Uganda, for a number of reasons. One, the people of Uganda have seen the situation of no parties as well as situations of multiparties. They are not quite sure that this issue of multipartism is as obvious as some people want them to believe. The African or at least a Ugandan traditions, have no history of multiparties. And so, we have to be careful when we are selling this matter to the peasant who forms the overwhelming majority of our population. Therefore, if multipartism is to become a sustainable future of our population, it will have to evolve within the population, and not imposed again by elite in this Assembly in the name of freedom of association. The peasants know their mode of freedom of association. They have families they have friends, they have *(Interruption)*- No, information Madam Chairperson. They belong to various religions, this creature called multiparty is definitely new, whatever merit it may have. In my

view therefore, we should take time to give confidence to the population, that they have power to change leaders at all levels, and we should give them power to choose, whether to go to multi party or not. So that, should mistakes be made in future, they take the multi party course. They will not have reasons to blame anybody. The other day, Madam Chairperson, hon. Prof. Nabudere, whom I respect, asked the Army Commander this question. How can we be sure that should a different government be elected, that the NRA will be loyal to the new establishment? This in my view is a good question. I will however like to pause a different question to the Assembly. How can we be sure that if today, they hand back power to the multi party system, that the power of the peasant will not be hijacked again? The question of Prof. Nabudere should also be looked at, in the light of this question I have put. Hon. Prof. Nabudere knows very well that the people had been empowered under the UNLF, but this was hijacked in the name of establishing multi parties. The importance of hon. Nabudere's question is this, that for a political power to be exercised firmly and sustainably, there are certain conditions that must obtain. One of these is that the military must be under the control of the political. Secondly, those that own the political power, must be very clear about their objective, mission and the interests. They must be aware that, power needs to be guarded, because at all times, there are interests, external and internal, that would wish to take away this power. And so those whose interests are at stake must be given the means to exercise their power and protect it.

The draft constitution says and I quote "*All power belongs to the people*". It also says, "*The people are sovereign*". How can the people be empowered to guard this law? Many hon. delegates have answered this question. We seem to be in agreement. Madam Chairperson, hon. Delegates, that the constitution should be fully internalised by the masses of this country. It has been proposed that the constitution be taught widely including in schools, civic education has been emphasized. We have agreed that all able bodied Ugandans, be assisted to learn the basic of military science. We have also agreed that the pillars of state be strengthened, democratised and made to owe allegiance to the people of Uganda, and not to an individual or group of individuals. We seem to agree that, if these three conditions were obtained, then we can afford to wonder into the romantic world of multipartism, and yet be safe as a country.

The people of Bukonzo County West feel this is where, we ought to put emphasis, in drawing this constitution. And then allow an evolutionary process to take place; that will ultimately decide whether or not, we go multi party. They argue that, it is inconsistent and treacherous, to say that, the people own power, and are sovereign and at the same time deny them the right to choose in a referendum whether or not, they want a movement type of government or multiparty.

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In conclusion, Madam Chairperson, I would like to state as follows: One, we have learnt a bitter lesson as a country. Two, there is now an enabling political environment to take advantage of and work for our interests. Three, a culture of constitutionalism is desirable, but we require time, commitment and patience to develop it. Power belongs to the people, the people are sovereign and accordingly, they must decide on what they want. The new culture we want must be decided by and based on the people, the peasants. It is critical that we resolve to work hard, in order to end poverty and make our country the Pearl of Africa. On the basis of this resolution, it then makes practical sense to apply the concept of equal resource allocation. Thank you, Madam Chairperson, and fellow Delegates.

THE DEPUTY CHAIRMAN: Thank you very much.

MR. BASOGA: Point of order. Thank you, very much Madam Chairperson. Madam Chairperson, we agreed that we shall be dressing decently with decorum, is it in order therefore, for the hon. Member from Samia Bugwe North, hon. Aggrey Awori, and hon. Adimola, not to dress with decorum? I see one of the buttons for hon. Aggrey Owori Open. Is it in order.

THE DEPUTY CHAIRMAN: He has noted your concern.

MR. OLWA BEN (Kole County, Apac) Madam Chairman, permit me on behalf of the people of Kole, and on my own behalf, to congratulate you for your election to be the Deputy Chairperson of this Constituent Assembly. I would like to thank you for the able manner in which you have so far, chaired this Assembly. I wish also to take this opportunity to congratulate my colleagues, the various distinguished delegates in various counties, and in the republic of Uganda, for being successful in their election to this

Constituent Assembly. They together with special groups, including the Women Groups representing various districts, the NRA, NOTU, the disabled and the presidential nominees, will together deliberate and eventually promulgate a new constitution for the people of Uganda.

We in Kole, wish this Assembly success in this very important assignment. Madam Chairman, it is very important that, for this constitution to last, there should be peace in this country. Also, there should be need that the constitution which we are promulgating be recognized. Madame. Chairman, Kole county, like any part of Northern Uganda, and North Eastern part of Uganda is just emerging from the period of turmoil which was inflicted on the people of this area by the various forces that were operating there. If I am biased in forwarding the views of the area, I would rather be supported by the many delegates from the place. It is surprising to say that, whatever, they have said concerning the problems of the area, I am in full agreement with them. I wonder, however, Madam Chairman, we had one very important point. Over a long period of time now, Kole County from the North in particular, has been accused of supporting insecurity, they have been accused of not doing enough, to help solve the problem, and to address the problems. This has been more so by the problem caused by Kony and his group which even now, continues to bring massive suffering to the people of the North. I want to say, Madam Chairman, that, the problem of Kony actually is a political problem. It is not a military problem, and it cannot be solved militarily. Many times, Madam Chairman, the politicians who lead the people from the North have recommended to government, that government should stop the use of military methods and resolve the problem by political means. The government therefore *(Interruption)*-

LT COL. SSERWANGA LWANGA: Point of clarification. I am seeking clarification from the hon. Member holding the Floor that, how is cutting people's mouths, people's hands, how is raping women, killing people, RC officials, a political problem. I am seeking clarification. How does it become a political problem, ruining those schools girls, I want to be clarified?

MR. OLWA: Madam Chairman, I have said that there is rebellion in the North which is a political problem. All those are symptoms and signs of

rebellion; it must be solved by political means, Madam Chairman.

I would like to raise another matter Madam Chairman, that as we deliberate here, we should be able to eventually get a constitution which *will* last so that the people of Uganda should maintain peace. To be able together, to solve this confusion *-(Interruption)-*

DR. KIYONGA: Point of order. The hon. Delegate on the Floor has said that, there is a political rebellion in the North. Before, a number of Delegates from the North have stood here and reconciliated themselves, with the rebellion in the North. The statement he has made has made it better that there is a political rebellion and no member from the North has been able to reinstate the question that this is not the situation. Is this in order, Madam Chairperson?

THE DEPUTY CHAIRMAN: He is in order. His area may be unique.

MR. OLWA: Madam Chairman, thank you for that ruling but I believe the hon. Colleague of mine *-(Interruption)-*

MR. NGOBI: Point of clarification. I would like to seek clarification from the hon. Member holding the Floor, to indicate exactly, what political problem it is which is causing children's lips and noses to be cut off? That political issue should be addressed so that we are clear and we apply our mind to that political issue.

MR. OLWA: Madam Chairman, I have said that, the government should open negotiation with Kony, to listen to his differences, his political differences. This is what I have said. Kony will tell them, not me. I would like to add Madam Chairman, that for this constitution to be recognized, it should be recognized by the people. But as it stands, the draft constitution as proposed, intends to give short term political objectives, which is intended to preserve a particular group of political objectives in power, unfortunately is the present draft if taken in *-(Interruption)-*

MRS. LAGADA: Point of clarification. Madam Chairperson, sometime back here, the hon. Member Mugisha Muntu, told this House, that the President gave Kony one week to come out of the bush, of course the intelligence service had discovered that Kony was asking for 6 months, to give time to

reorganize, to get ammunition from some foreign country, so that they could continue fighting. Madam Chairman, when the hon Member on the Floor says, government should open negotiation, when you know that hon. Betty Bigombe has been negotiating for so many, many months. I fail to understand then what sort of political negotiation the hon. Member is talking about *(Applause)*. Because I know, that there have been negotiations and what the hon. Commander of the Army told us here is something we have ever heard there. So, could he please tell the House what sort of political negotiation he is talking about; there have been negotiations, and it does not seem to have taken us far? I wish to be clarified please?

MR. BIDANDI SSALI: Point of order. Somewhere in our laws, it is provided that, a Member delivering a speech should have a limit to disturbance or interruption. Madam Chairperson, the hon. Member holding the Floor, is expressing his views and the views of his people. Now, is it in order for the Members to continue to disturb, instead of listening, so that when time comes for them to contribute, they respond to the feelings of the people the hon. Member is representing. Is it in order Madam Chairman, for hon. Members in this House to continue disturbing and interrupting the speaker, when some of us are listening so that we should prepare for how best we can solve the problem of the North. Is it in order, Madam Chairman?

THE DEPUTY CHAIRMAN: I think - actually they are in order; the Member could refuse the information and the clarification.

MR. OLWA: Madam Chairman, I like you. -I request that since this Assembly started, we in Kole, have been listening very carefully, and we have not interrupted these people, I am begging my hon. Colleagues not to interrupt me so that our views are reflected here. Those who have contrary opinion will have the opportunity.

Madam Chairman, I saying that, for this constitution to be long lasting, it must be recognized, we in Kole find difficulties in this problem in that, not everybody in Uganda has been involved in making this constitution. Madam Chairman, the nature of a constitution is again a political problem for vast opportunity would have been for political parties to have been allowed the opportunity to participate, to organise their people, so that they in their opinion, should have

informed, should have presented their views, to the people who are making this constitution. This has not been done, the political parties still remain suspended, the only views that we have got here, are from RCs or their agents. The draft constitution therefore, appears to present the interests of NRM and perhaps the other organs of the NRM, and therefore, intends to keep them in power forever and ever. This cannot guarantee a lasting constitution.

It is said that, the people of Uganda fully participated. How, could they have participated when the parties which are their organs have been suspended? How would they have presented their opinion? This is the view of the people of Kole, that really, in the first place, if the parties are open, then they would have talked to these parties. Even the electoral Commissioners were appointed by just one man who is also the Chairman of some military command, chairman of a political organisation, chairman of everything. How then, can we - I know that they have tried their best, but it does not prove whether they have got problems to the people. Because their problem being a problem of recognition. As we have said the constitution making process is a political problem, and therefore, parties should have actually been allowed to contest these elections freely in their own rights, so they would have brought their own stands. But as we stand now, it was not allowed for parties or even anybody, to say that I belong to this particular party, and therefore, parties never had opportunity at any stage. And yet we know that, parties actually, have a majority of their followers in this country Madam Chairman. So, we think that, this already will bring problems, this matter was even made worse by a number of people dancing and saying that you see, NRM has won. But has won against who? Whom did they contest with, so that they say they have won? If parties' hands were tied, then whom did they win against? This Madam Chairman, is a very serious problem to the people of Kole, and we think that this Assembly, when they deliberate, should be able to correct this problem so that, the constitution which we are promulgating should really reflect the views of the people of Uganda. It is not even late for political parties to be allowed to operate fully so that, even at this late hour, they can still be able to present their views. So, that what we have here a national problem solved by the people of Uganda. And not by a group of people Madam Chairman.

Madam Chairman, we have this other problem of

recognition. As we talk here, two parties are not represented; the NRM and I think the UPC - UPM. Now UPM went to the bush - some of them because they felt that their constitutional rights were violated. The elections were rigged, so they went to the bush. UPC did not come here because they felt that they should have been allowed to hold their annual delegates conference. So, that in these annual delegates conference, they would have elected two people, now these possibilities have been denied. How can you be sure whether NRM - UPM would not say No! for us we were not there, what guarantees me is that, they are not even here, and they are not talking. Where are they?

Madam Chairman, with those few observations, I think that, we now assembled here, should observe two matters. We should observe the problem of toleration, we should also observe the problem of flexibility if we are to address the problems which have already been caused and now imposed on us to correct. It is therefore, important that, all of us now assembled even without the UPM and UPC, can try to be tolerant with each other, and see what views each of us represents. And see whether we can make Uganda, a nation beautiful, proper for us to coexist. Now, toleration is very important, and the people that I represent are worried about this matter, because us again we say that, when election results were declared, somebody said, they have won. But further somebody went away to say that you see the few elements which have been left, we have now taken that from them. We feel Madam Chairman that, at this material time, when we are deliberating on the elections, we would advise our leaders in authority to be very, very careful in whatever they say, because now, it is a very sensitive period. I think Members of this Assembly should be allowed opportunity to deliberate freely without the influence or without pressure, from any part. So, I hope that those who make such statements, in due course, their friends should advise them to refrain from making further statements which will divide this nation. I also believe Madam Chairman, that when we deliberate this matter, we should be flexible. Because there could be a majority of people in one station and there could be also a minority in one station, the success to resolve what we are going to deliberate, will not be a result of the majority making decision. I think the strength of this constitution will be the ability of the majority of the people to respect the views of the minority of the people. Both the minority and majority, have equal rights in this Assembly, and their views are very important.

I would like now to talk lightly about the constitution. Madam Chairman, on details of this constitution, it is important that welfare and the well being of the people in the constitution that we are going to make, should ensure that, our own welfare and the welfare of the people who elected us actually are safe guarded. It becomes very important, the economic policies, the way in which the economy of this country is being run is very, very important. I would like in this regard Madam Chairman, to pay my tribute to political parties who were here to steer this country to success in the early 60s, throughout, we had a very successive period, and this was brought about by political parties. Madam Chairman, we had problems during the time of Idi Amin, and therefore, our economy suffered tremendously, so that we actually negative growth in our economy. But I am happy to note again, that during the political period, in the early 80s, we were able to reverse that position, from negative growth to positive growth, so that by 1985, we were already getting positive growth in our economy, from a negative situation. This growth was brought about by the political parties. Because those parties were able to compete. And this is exemplified in that, as soon as the military took over power in 1985, we were able to register again a negative economic growth. So, it is important therefore, that the political parties should be allowed to operate independently so that their economic programme should be the one to spear head the other policies so that the people will decide on the basis of what they stand for. I note at this stage that government in particular since 1986 has not looked at the welfare and well being of the people of Uganda. This problem has not been addressed. The majority of the people in Uganda had been subjected to such abject poverty and yet as we see, people are subjected to poverty, to poor health, to famine and even in the 21st century, people still die of hunger, and Madam, we have the problem of heavy taxation. Uganda is still with the heaviest taxation system. Uganda has the worst and most harsh system of collection of tax by the Revenue Authority.

DR. MUGYENYI: Point of clarification. Madam Chairperson, I am seeking clarification from the speaker holding the Floor on two points. On many occasions we have been told that in the 1960s, the positive economic growth was due to the existence of federalism at that time. The current speaker is saying that it was because of the multipartism. I am seeking clarification as to which is which. Secondly, Madam Chairperson, the speaker is saying that in the 1960s,

the positive economic growth was because of multipartism. We know that in 1969, the party which was holding the government banned the other parties. So how sure are we that when multiparties are given chance again, they will not swallow the other parties and the party in power will remain the sole player Madam Chairperson?

MR. BEN OLWA: Thank you Madam Chairperson. I am developing my point and my Colleague will be able to get results. I would like to say that for example, there has been the highest increase in external debt borrowing in this country. It went from 1180 million dollars in 1990 to 2592 million dollars in 1991, it is now three billion dollars; money which we have borrowed. That means that every Ugandan whether adult, whether small, whether able bodied or disabled, whether a man or a woman has the equivalent of 20,000 dollars to pay as debt in this country. But Madam Chairman, what have we done with that money? What is the result of that borrowing in this country? Our people remain poor, there is no medicine in hospitals and yet this is the government which wants five years. We in Kole find it difficult - a government with such a poor economic performance to comprehend that they can ask for five years. We find it difficult here Madam Chairman. I would like to talk very little that if government had channelled our resources to production, there would have been success. But government has channelled these resources to non-productive sectors. I have figures Madam Chairman. I know that I do not have time to go deep but figures which I have here indicate that almost 50 percent goes to one Ministry and a very unproductive Ministry. How is that economic performance going to improve the standard of living of these people of Uganda? And if the people of Uganda's conditions are not improved, how are we going to ensure that the constitution which we are going to make is going to be useful Madam Chairman? We find considerable difficulty in this area. Madam Chairman, it has not been my intention to talk about the past performances of anybody, those who have killed or what. That I think is now a thing of the past. We are now talking about constitution for the future and not the past. But I would like to comment just a little about the movement system because it has been contested here that either we have a movement system of government as an option or we have multiparty system or even a movement system as amended. But it has been argued here Madam Chairman that the movement system embarrasses everybody. But the definition itself has not

been very clear. Nobody knows the manifesto of the movement system and it is even made worse on chapter 95 where it says that the definition of Movement will be defined by Parliament, a Parliament which most likely has been elected under the NRM Movement system. What sort of Parliament it will be, we do not know. And how can a Parliament not elected by the people decide on the type of government? So we find that this sort of argument, Madam Chairman, does not actually hold water and it would mean that we have now abandoned our responsibility of preparing a constitution for Uganda. Our job here is not to delegate our job to another organ but to deliberate. If NRM has not by now defined what NRM means, it means this is not going to be our job. They will have to modify themselves into a political party and compete for power together with other parties new or old. It has been argued that the NRM Government is really home-made. I think this is a problem for the historians. We all know that this sort of one-man rule originated from the dark ages. It was refined by the people during the enlightenment in times of Peter the great, those who went in foreign countries, borrowing, asking for investment and spent there a lot of money. That sort of system Madam Chairman is irrelevant to the people of Uganda these days. We are moving forward and we want programmes of economic policies, which will sustain the development of this country, which will make Ugandans happy but not a trial of an experiment which was tried in the dark ages and even failed there.

The poor economic policy which NRM already brought, Madam Chairman, is not something which I would like to elaborate on. I have already talked about it, but I would like to mention a little about employment policy. It is unfortunate that - even it has been admitted by people in higher circles that people from one region were employed because they were better trained, they were better educated than people in other regions. Of course this is a bit of an insult to other regions because I know that some of us went to school and we can compete for other jobs. But the policy of employment which allows one sector of the economy to rule the other sector is actually the one which brings problems and as we are talking now, it is the problem, it is the thing which divides. If one people of the community are made to rule over another without question, it is just natural that the one who will be ruled unfairly is bound to object. The argument therefore was then advanced that the movement type of government has therefore

united people. Madam Chairman, I think this is not perhaps true. What I know, the people in parts of Uganda are united but they are united in fear of losing power to the people they have assisted to underdevelop and who have lost life, and poverty in their hands while on the other hand, another group of people are also united. They are united in a situation of massive poverty, underdevelopment and also united in mourning their dead and dear ones and their property which they have looted. That is the sort of unity that we are talking about.

MRS MARGARET ZZIWA: Point of clarification, Madam Chairperson, the hon. Member on the Floor has continuously hinted on the economic performance of this government and somewhere he has quoted that the performance or the budget of this government, 50 per cent is attributed to just one Ministry. Though he declined to mention the Ministry. I would like to find out and get maybe the relevance as he is complaining that in the north insecurity is rampant and he is demanding government action towards the curbing of insecurity; that is in case this Ministry is Defence. Thank you very much Madam Chairman.

MR. BEN OLWA: Madam Chairman, we in Kole believe that the problem of insecurity can not be solved by soldiers. The problem of insecurity can only be solved politically if people who are involved can sit down and negotiate their position. They will agree even without soldiers firing their guns. We contest that the use of soldiers must be discouraged and this is what we stand for, non-violence Madam Chairman. In that case, it will be cheaper for the nation and the people of Uganda. This has been our argument. I think the people of Uganda should learn from the people of Kole. It is in fact one of the most peaceful places because we always never believe in violence. We believe in non-violence and Kole is one of the most peaceful few places even if it is in the north and this is the argument which we are advancing to our Colleagues that let them borrow this from us also. Let them negotiate so that this problem should not incur a lot of cost on the people of Uganda.

I would like to talk briefly about defence and national security. As we have said, we believe very strongly that we can have Uganda properly secured without the use of the military. We shall be able to propose that Uganda should have a very strong police force to be able to handle the problem of internal affairs. We should therefore be able to allow a small defence

force whose guns are geared against our enemies outside of this country. We believe this to be cost-effective but we also believe that it will tame our soldiers from coming to interfere with political affairs of this country. In this Assembly Madam Chairman, we have ten soldiers. In fact we should have been having ten policemen because we are discussing internal affairs of our country. We are not discussing attacking another nation which would require the army, no. So we feel that the police force should be strengthened so that they should now take over the role of maintaining internal security of Uganda.

MR. KOMAKEC: Point of clarification. Madam Chairperson, this point of a rebellion being political or not, I wanted to give this one which is clarification. When we mean political, I think it is incumbent on this House that they should listen. We say, the rebellion in the North started off as a political protest and you will have noticed Madam Chairman, that there was a team that went out to find out why the thing first started. These people reported and the people who actually started the war said they did not want to fight. They wanted to make a point. Having been overthrown, family people who went to the north were followed by the army that took over the government and one of the points that was brought down clearly was that these people tried to victimize people who were no longer in government, people who were at home through an exercise that was supposed to be a collection of guns and that went up to the civilians. The three piece tying for example, killed one of the managers of Uganda Airlines who was a civilian, who happened to be at home at that point in the name of Moro, he is the brother of Okot who is one of the Commissioners for this Commission. This man and other people in Acholi died in the process of collecting guns which was in actual fact a right ground. So people went making a protest. So when we went out to find out why there was a rebellion, they gave four reasons why there were rebellions. They were then calling themselves UPDA. The report was out and it was submitted to the Uganda Government and they said they did not want to fight. They wanted to negotiate the political conflict with the government of Uganda; with NRM government. Some of them actually came out in 1988, others remained. The leadership remained. One of the things why they remained was that they were talking of two different things. They wanted a political negotiation under an independent chairman whereas the government said no, it must be under the

President of Uganda. He said you are talking about terms of surrender. So the group which actually surrendered was the one which negotiated with NRM and resulted in the Peace agreement of 1988. Now if this House wants to know the fact, they should read the circumstances and even the communique which was signed in 1988 between NRM Government and the UPDA. In that agreement, the NRA actually admitted that they made a political mistake in that area and that is why these people went out. Now these people who are now there right now remaining, I would imagine -

THE DEPUTY CHAIRMAN: Hon. Member, can you make your information brief. The second bell went.

MR. KOMAKEC: Okay, I think this point has been bothering the House for a long time and I thought I should give that information. Whereas a political solution is to be negotiated through discussion, there are others who say they must be crashed and there is a division of opinion here. There are people who say the rebellion in the north should be crashed militarily and there are others who say since it is a political thing, it must be negotiated through intervention of perhaps a third party. But if I am fighting you, you do not make yourself the chairman. You cannot be a judge in your own case.

A HON. DELEGATE: Point of order. Madam Chairman, is it in order for the hon. Member, hon. Komakec to tell lies in this House on matters he seems not to be conversant with? One, by stating that actually the northern rebellion was a rebellion of the people in the north themselves when we know as a matter of fact that the first attack on the National Resistance Army came from Sudan and not inside Uganda but from Sudan and attacked our forces in Bibia? Two, Madam Chairman, is the hon. Member in order to tell lies to say that people died while guns were being collected when the gun-collecting exercise in the north after the capture of power in March, 1986 when it was completed, this collection of guns was done by the UNLA officers not by NRA? And we can give these names. One of them was Kaggwa who later on became the CPC of UPDA, captain Latim Abola, Caesar who was in West Nile at that time, Kinyera who was the DA at that time. Is he in order to mislead the House that it is NRA which collected guns when it was the people in the north who decided to collect guns and to pacify their area? Is he in order to tell lies in this House Madam Chairman?

THE DEPUTY CHAIRMAN: He is in order. That is what he knows,

MR. BEN OLWA: Madam Chairman, I would like to wind up with a few points. I would like to wind up by saying that now we assembled here in this Assembly, it is important for us to develop a culture of negotiation using peaceful means. And we would therefore appeal to those who are involved in solving the problems that even exist in this country, that they should stop the use of the military forces so that that culture should stop with the old time. This new constitution starts with a facelift of negotiation. We in Kole therefore, have one small matter which we want to solve Madam, the Executive, this position is a very important institution in this country. Unfortunately, our history has made the chief executive of the nation very insecure. There is no one who has been Chief Executive in Uganda and who has stayed in Uganda after his regime. Everyone stays and he gets out immediately for his life. I think this Constitution should resolve this problem so that we should recognise the role that Chief Executives, who are our Presidents play in this nation. It is never easy to be head of state. Given that he has got to solve these problems, I therefore propose on behalf of the people of Kole that as one central measure, and perhaps to protect the future Presidents not to run away, we allow all Presidents from Idi Amin, Binaisa to Milton Obote to come back to Uganda and participate in the development of this country unconditionally. We in Kole wish to confirm that we would want a Uganda where people are free to associate and assemble and in liberty. We therefore wish for an immediate return to multiparty democracy without any condition. Thank you for listening to me. (*Applause*).

MR. KITAKA-GAWERA (Bbale County): Madam Chairperson, I am called Kitaka-Gawera Elijah John Habert, Delegate from Bbale. Bbale was carved out of former Bugerere and the two counties were created namely; Ntenjeru and Bbale. Madam Chairman, Bbale has got common borders with Luwero in the west, Lake Kioga in the north and Kamuli District in the east and as stated earlier on, it borders with Ntenjeru county in the south. Bbale is the home of over 48 tribes of Uganda plus other nationalities of Africa. Madam Chairman, the people of Bbale requested me to convey their heartfelt congratulations to you and your Chairman upon your being elected to those high offices which you both deserve because of your unquestionable efficiency, impartiality and respectable personalities.

They extend their appreciation and gratitude to NRM Government led by President Yoweri Kaguta Museveni for ushering in peace, tranquility and sanity. The pearl of Africa, which had been miserably trampled upon into a dungeon and had become a laughing stock is now on a smooth path of its image being restored and shine again. They instructed me to give a credit where it is deserved. The President and NRM deserve this credit. Madam Chairperson, the people of Bbale county requested me to convey their additional congratulations to all my fellow hon. Delegates upon winning the confidence of the people who elected us. It will be ingratitude and unfair if I and the people of Bbale, failed to congratulate the Commissioner for this Assembly and his team for organising the various elections which generally were free and fair. In the same tone, they wholeheartedly thank the Constitution Commission for the splendid job which they did in producing the draft constitution which we are now debating. Madam Chairperson, the people of Bbale implore you hon. Delegates to start this noble job of constitution-making with a clean, unbiased and friendly heart, not coated with any filming or preconceived ideas. They urge us to be tolerant, listen honourably without interruption to those contributing to the debate. The people of Bbale, through me their Delegate, in no uncertain terms categorically declare that in view of our motherland's history which has been characterised by political and constitutional instability, forces of dictatorship and oppression, it is now or never. I repeat, it is now or never for us to build a better future by establishing a new social and political order through a political and durable national constitution based on the principles of unity, peace, democracy, equality, freedom, social justice and progress. I repeat, it is now or never and if we lose this chance, our posterity will be very angry with us and they may, if we die and this has been done in Russia, remove our bodies and punish them from the graves. I repeat, it is now, the onus is now to make a constitution that will be durable and respected. I may add that it may be difficult to name one other country in Africa or the world in general where *wanainchi*, right from the grassroots were given a similar opportunity to decide their form of governance. Dear hon. Delegates, all eyes of the world are set upon us to see what type of constitution will be produced by us. Let our names be elevated in the esteem of our posterity. This is possible if we work in unity and in diversity. We must by now have learnt our lesson. There have been civil wars in almost all corners of this country. It is only a nincompoop who does not learn from his or other people's mistakes.

The people of Bbale sent me to convey their recommendation that this country should be called the Federal Sovereign State of Uganda. They recommend the restoration of Buganda on the map of Uganda with its original boundaries excluding the two counties which were returned to Bunyoro. In order to foster and promote culture of cooperation, understanding and appreciation, tolerance of each other's customs, traditions and beliefs, Buganda should have a federal relationship with the sovereign State of Uganda. The people of Bbale are advocating for federalism in Uganda for the following reasons: One, federalism is the final stage of decentralisation, it does not delay the handing over of powers to the people, it accelerates development, enhances competition and discourages inefficiency. Three, federalism facilitates the creation and preservation of counter-availing of power. When division of power between central and local governments is entrenched, it requires a special majority of say two thirds to amend the constitution. Buganda should have its traditional organisation of *Sazas*, *Gombololas*, *Mirukas* and *Batongole*. If the word federal sounds repugnant, then Buganda can be called a State, a region, a province consisting of a number of districts, counties, sub-counties, parishes and villages.

It is suggested that a constitution should be reasonably flexible and in this regard, a compromise - there should be a provision in the constitution that districts which may wish to merge and form a larger unit or a region may do so if the districts concerned pass resolutions by two thirds majority. Madam Chairperson, the people of Bbale have no objection to Kampala remaining the capital of Uganda and in the same spirit, they concur with English being the official language of Uganda. Since there is hope that the three neighbouring States of Kenya, Tanzania and Uganda may form some sort of social and economic regional cooperation and since in the other two said sister countries including some areas in Uganda, Swahili is widely spoken, the people of Bbale were tempted to suggest that Swahili be tried as a national language. But alas Swahili is not an indigenous language. It originated from the coast where the Arabs used it in slave trade. In some parts of Uganda some people, especially in Buganda, associate Swahili with murderers, rapists, robbers, looters: *njaa nauma*, *panda gari* and et cetera. It has a bad image. However, as a compromise, there is nothing wrong in promoting especially in schools, Ateso, Luo, Runyakatura, Luganda, Swahili in-

cluded so that as time goes on, the national language will evolve.

The people of Bbale associate themselves with political objectives as set out in article 10 and 11 of chapter 3. Madam Chairperson, the people of Bbale strongly urged me, as their Delegate, to emphasize the issues relating to Human Rights and Freedoms. They cannot afford to forget the untold sufferings, death, looting, disappearances, oppression that were meted on them right from the 1960s until 1986 when NRM/NRA liberated them. Madam Chairperson, I am speaking on behalf of the people of Bbale as one of them who in early 1980s experienced many of the aforesaid evils and sufferings. Those were indeed satanic days. The truth is that in such a situation, the *wanainchi* in the area urged me to cross over from DP to UPC. It was absolutely necessary to save the lives of the people and their properties. It is on this basis that the people of Bbale, having retained their confidence in me and my ability that they elected me as their Delegate. They wholeheartedly endorse article 12 of the said chapter and are also in consonance with the provisions of chapter 15 regarding the Inspectorate of Government.

Protection of women, the family, the disabled and the aged: Madam Chairperson, a woman is a delicate admirable gift from God to man and therefore should be valued. For a long time, women have occupied a third place and have been discriminated against. The NRM Government must be thanked for championing the emancipation of women from injustice and unreasonable discrimination. We must face the truth that populationwise, women are more in numbers than the men and therefore, whether we like it or not, women are on the path of emancipating themselves. Some tribal customs or cultures which are outmoded and inflict injustice or discrimination against women should be done away with. For example, brothers sharing a wife, or a widow being inherited by the brother of the deceased; circumcision of women and the women being denied the right to share some of the property of the estate of her deceased husband. These should be done away with. Madam Chairperson, allow me to convey the sentiments of the people of Bbale county that since the youth are in greater numbers and the fact that they are the future leaders of this country, the NRM has done a commendable job in promoting their economic, social and political interests. They youth of today are not like the Youth Wingers of the by-gone days. In fact the youth are now organized and represented on all RCs - in fact

the youth are represented in this august House. The people of Bbale have extended their views to the disabled who are now represented here but suggest that since they are over two million disabled persons, a mere one Delegate is miserably inadequate. There should be proportional representation.

Economic objectives: Madam Chairperson, the people of Bbale who sent me here state that they agree with article 20 regarding the economic objectives, appreciate that all development efforts should be directed at ensuring maximum social, economic and cultural well being of the people. The people of Bbale are law abiding, they pay their taxes promptly, they are hard working farmers, they grow almost all sorts of crops you can think of. For example, coffee, cotton, soybean, maize, millet, cassava only to mention a few. They rear cattle, they go on fishing but they are sorry to say that in spite of all these, they have been marginalised and rated as a third world area; education, medical, communication, electricity which is just next door. These facilities are miserably minimal or non-existent compared with the areas in Mukono District. They cannot forget to mention however, that at least something is being done at a snail's speed. They are in agreement with section 22 that the State should give priority to the enactment of legislation, establishing measures that protect and enhance the right of people to equal economic opportunities and remove social, cultural inequalities by equitably distributing wealth. They argue that the State should take special measures in favour of development of the least developed areas like Bbale county. They crave for priority. The people of Bbale further agree that affirmative action should be taken to enhance economic status of the disadvantaged groups including women, youth, orphans and people with disabilities. The people of Bbale are in agreement with the social objectives as set out in article 26 to 33.

Citizenship: Madam Chairperson, the issue of citizenship has been previously-not understood by the people of Bbale as no steps were taken to educate them. The problem became glaring during the recent CA registration. Many non-citizens participated in the registration and elections simply because the law regarding citizenship was not made clear by the immigration department. They question article 42 of chapter four regarding 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. We must remember that Uganda is the pearl of

Africa and is on the way of shining again if we make a good constitution. If this article is included in the constitution, it will tantamount to mortgaging this beautiful country to aliens who will take advantage of this article by making Uganda a dumping ground for these foundlings. They urge hon. Delegates to consider this matter very seriously. The people of Bbale vehemently oppose the dual citizenship; they oppose vehemently dual citizenship even if at the moment the government is trying to attract investors, some of whom may be interested to have dual citizenship.

Fundamental Human Rights and Freedoms: Madam Chairperson, as pointed out much earlier on, the people of Bbale cherish the fundamental rights and freedoms of the individual enshrined in chapter five of the Draft Constitution. In view of the suffering and injustice they have experienced in the past, when their freedoms and liberties were trampled upon, they unreservedly endorse and embrace the provisions of article 50 to 75 which inter alia include the enjoyment of rights and freedoms, protection of right to life, protection of personal liberty, respect for human dignity, protection from inhuman treatment. Madam Chairman, if the people of Bbale may mention, that Kony's Holy Spirit army has subjected some people in Gulu and Kitgum to various forms of torture, cruelty, inhuman and degrading treatment such as cutting off the victim's nose, lips and ears. I and some born again christians; that is the *balokole* dissociate ourselves from the activities of Kony's holy spirit. We believe that the holy spirit is supreme, divine and does no harm to anybody and does not indulge in evil doings. The politicians, elders, opinion leaders and religious leaders in that area should come openly and condemn the inhuman activities of Kony's army. We are aware that some time back, some political leaders and elders in the area met and dissociated themselves from Kony's activities but that was not enough. Something more should be done. The people of Bbale endorse the protection of the rights of children, the rights of disabled, the handicapped people and the rights of culture, and a healthy environment.

Political system: Madam Chairman, the people of Bbale are in agreement with the proposal that the current movement system should continue for a further period of five years. Political parties, in view of the nasty experiences we have gone through in the past, part of it emanating from the mismanagement of the political parties by some leaders and the elite, the people of Bbale county, over 95 per cent of the

eligible voters, recommend that their activities continue to be suspended for four years and the fifth year should be utilised for reorganising them and or for formation of new political parties.

Land is one of the most valuable assets that God has given to man and woman. Land always appreciates in value. The people of Bbale Madam Chairman, feel that the land system should be the pre-Amin land reform decree position in the sense that land should be held in freehold which in other words, should be called *mailo*. In other words, land reform decree should be dispensed with. Every political community should be permitted to evolve and put in place a democratic system of land management which takes into account its cultural values and which affords possible consultations of land use among the population within the jurisdiction so that all aspects of land settlement, land allocation, economic development, conservation of nature and culture receive local consensus punctuated with local flavour.

Traditional rulers: Madam Chairperson, the people of Bbale thank the military council, the government and Members of NRC for returning some of *ebiyaffe* to Buganda and other interested or concerned areas. They urge the government to return the balance. They are happy with the restoration of the Kabakaship institution. They urge the hon. Delegates to see to it that for the Buganda institution, monarchy is recognised and entrenched in the constitution and for all the areas who may be interested in this institution. They further suggest that Buganda should have a Kabaka, who will be non-executive, not involved in day-to-day administration of government or in partisan politics but a titular head of Buganda shouldering such traditional functions as shall be stipulated in the constitution.

MR. KIGAYE BILYAWO: Point of clarification. Madam Chairperson, I would like the hon. Member to clear out the doubt which exists in me, to tell us what balance, which they are demanding from us which they do not tell us wherever they talk of *ebiyaffe*. What balance? Thank you very much.

MR. KITAKA GAWERA: Madam Chairperson, the balance will come and will be enumerated as we proceed. Madam Chairperson, the people of Bbale would cherish the Kabaka who, by tradition, is at the pinnacle of motivations, mobilisations, keeping and conservation of culture and the cultural assets. Indeed the Kabaka is the social stability and unity. In

the exigency of the execution of his duties, he needs funds and facilities to carry out his public functions but that these funds should not be a charge on the central government revenues. However the central government will be free to make any discretionary grants, gifts, presents or facilities as it may deem expedient.

MR. GEORGE ZZIWA: Point of information. I probably would like to help the Delegate on the Floor that we have a very, very good example of what is *ebiyaffe* left. We have our public land; public land for Buganda government has not been returned and that is one of the *ebiyaffe* please.

MR. KITAKA GAWERA: Thank you. Madam Chairperson, the people of Bbale desired me to inform the hon. Delegates that they would like to see a reasonably balanced ethnic representation in the armed forces, intelligence organs of State and the Civil Service. Steps should be devised to enable the disadvantaged communities to progress rapidly to a level where they can contribute the staff in all organs of State in proportion to their population. Proper arrangements must be made in order to proportionately recruit to the armed forces, people who are disciplined, loyal and productive. Their allegiance should be intrinsically to the people who pay their emoluments not the leaders who have been misusing them in order to suppress the people and remain in power.

Presidency: The executive authority of Uganda vested in the President is enormous and therefore, care must be exercised in electing the right person in that very important position. He or she should be typically a typical Ugandan, a mature person of 40 years and above, of exemplary character, reasonably educated to a level of a degree, he should exhibit the image of the country and be the chief spokesman of that country Uganda. We would be letting down our country if we have as a President, a person who has never known that there is such a thing as a constitution, a President who will talk of Makerere of Dar-es-Salaam, Makerere of Nairobi to whom Makerere means university. Madam Chairperson, the people of Bbale agree that the President should be elected by all people of Uganda who can vote through a secret ballot or universal suffrage. They further agree that he should be elected for five years and he should not hold that office for more than two terms; that is ten years however exemplary he may be. The current constitutions, that is the 1967

bestows too much power to the President. Like-wise the draft constitution has done the same thing. The holy bible talks of St. Paul, too much learning having made him mad. We would not like to make our President mad by bestowing on him too much power and the people of Bbale suggest that some of the powers which have been suggested in the draft constitution should be curtailed and reverted to Parliament. Madam Chairperson, the people of Bbale recommend that Ministers should be appointed by the President from within and outside the Parliament and those from within should resign so as to give room to the affected constituencies to elect replacements.

National Council of State: Madam Chairperson, the people of Bbale have mixed feelings in the National Council of State in its role as an advisory and mediating council. It is intended to act as a bridge between the executive and legislature and it is supposed to promote good relations between the central and local government and approve Presidential appointments as specified in the draft constitution. This appears to be a contentious issue for the following reasons: It does not appear to augur well with the principle of checks and balances. It appears to usurp the powers of Parliament, impartiality Madam Chairperson is wanting. The President whom the Council is supposed to advise is at the same time its Chairman. The people of Bbale ask if there is a conflict between the Executive, that is the President and his Cabinet and the Legislature, who will chair the meeting to resolve the conflict? In the circumstances therefore, the people of Bbale suggest that if the Council has to exist at all, it should be chaired by a disinterested person of the highest calibre, of irreproachable character such as a retired judge of Uganda Supreme court of Appeal. Alternatively as a compromiser, a small upper chamber can be elected from each district, of retired district personalities and religious leaders from established denominations in Uganda.

Inspectorate of Government: Madam Chairperson, the people of Bbale agree that in the present circumstances, the Inspectorate of Government should be enshrined in the constitution and empowered to hear and determine cases involving corruption, abuse of authority or public office and make any order according to law. Once the Inspectorate of Government is in place, punctuated with an effective and constructive Press, and sandwiched with a leadership code of conduct, the rampant corruption will progressively be minimised and or be stamped out.

To sum up Madam Chairperson. The people of Bbale would like me to give credit where it is due. They bestow unreserved credit to President Yoweri Kaguta Museveni, the NRM, NRA, NRC for the restoration of peace, tranquility and giving the *wanainchi* the power to participate in the constitution making by electing their representatives. They appeal to hon. Delegates to diligently make a lasting, concise, flexible constitution which will promote unity in diversity and fraternity. A constitution that will procure sacred seats in the hearts of composite population of Uganda, a constitution that will give Buganda all the remaining *ebyaffe*, "federo" and even if it will mean regarding Buganda as RC 6. In so doing, the people of Bbale further implore you hon. Delegates to restore the lights. The people of Bbale further implore the hon. Delegates to stringently exercise tolerance, patience, appreciation and respect of other Delegates' opinions or views, an attitude of give and take, live and let live and put it into practice God's cardinal law of "love thy neighbour". I repeat, love thy neighbour the north, love the south, the east, love the west and everybody. Thank you very much indeed Madam Chairperson for according me the opportunity to contribute on behalf of the people of Bbale to the general debate in this august House and hon. Delegates, thank you for not interrupting. For God and my country.

MRS. RHODA KALEMA (Kiboga County): Madam Chairman, the hon. Delegates, first of all, I wish personally to commit this constitution making exercise to the almighty God that he may guide and bless our deliberations because without him, we can do nothing and with him, everything is possible. I come from Kiboga East County and my names are Rhoda Nsibirwa Nakibuka Kalema. Madam Chairman, I bring greetings from Kiboga East people to you and to everybody here. Kiboga East county is one of the only two constituencies of Kiboga District. We are now three Members in this Constituent Assembly but we do not know who is the team leader. The district is one of the youngest with a total population of 140,800. It is in the traditional singo county of Buganda and all of it is in the Luwero triangle. It was created a district on the 15th of March 1991 by Parliament after the people of Kiboga sub-district of Mubende, determined to request government to create an autonomous district for them in order to obtain an effective administration and development. Madam Chairman, I am glad to say that today, signs of economic and social progress are visible.

I come to the constitution making. Madam Chairman, I feel very privileged that I should be among the 284 elected Delegates to be entrusted with this noble task of making the third or perhaps the fourth constitution of our country. It is a constitution with a special significance, with the full input of the people of this country indicating how they want to be governed. I pray that it is the last one. Madam Chairman, I have been very much involved in the former administrations of this country indirectly through my birth and marriage and also directly as a Member of Parliament in the National Consultative Council in 1979 to 1980 and in the present National Resistance Council, the present Parliament. I have known the constitutional problems and the suffering of our people and I have tested it myself. I have known the inside of the State Research, I have known the inside of Katabi barracks, I have known the inside of women Luzira prison, in addition to the disappearance of my dear husband William Kalema in 1972 who was one among the first of thousands of people to disappear. But I know that everyone here is clear about the extreme and unprecedented violation of human rights that has happened in our mother land. I am sure that is why we are all here to attempt to give Ugandans a good chance to govern themselves sensibly for generations to come.

Madam Chairman and hon. Delegates, I have come with an open mind on behalf of my people, determined to work out a constitution together with all of you that will establish reconciliation, democracy, peace unity and prosperity for every one in our country and then we shall be able to create a new Ugandan nation. The people of Kiboga East want me to thank the NRM government and its leader President Yoweri Kaguta Museveni for realising the importance of Ugandans to make their own constitution. When NRM had just reached the bush in 1981 - you can clap - I was among those people who had so much hope in the liberation that came with the liberators in April, 1979 after the fall of Amin. There were many doctors and professors. As a matter of fact, excited people used to ask, Sir, you are professor who? Sir, you are doctor who? Which meant that the liberators were all qualified and educated people. I also offered myself for the National Consultative Council and I was the only woman there. (*Applause*). Because I wanted to attempt to rebuild the Country, but peace evaded us once again.

I remember one of the main businesses in the National Consultative Council was to repeal Amin's

Decrees. However, this was not well fulfilled, because most of the liberators endeavoured to frustrate the quorum in the National Consultative Council and finally we reached the elections of the December 1980, with many obnoxious Decrees plus the executive powers in the 1967 Constitution still in place. Mind you, Madam Chairman and hon. delegates, Amin during 1971, had suspended the 1967 Constitution after swearing by it, then he used Article 62, section 1 and Section 2, which reads, "*The President may at any time prorogue, the President may at any time dissolve Parliament*". He dissolved Parliament and he ruled this country by Decree for a good eight years. He was the executive, the legislature, and the judiciary. We quite well remember the abduction of the Chief Justice, late Benedicto Kiwanuka from his Chambers during broad day light, simply because Amin did not agree to the way a certain judgement was made by the Chief Justice.

Human rights: Madam Chairman, may the Almighty God forbid that there shall return to this country the excess of violation of human rights by the very security institutions of Government. The Chapter of human rights is present in both former Constitutions, it is not new, so here again, it is the duty of all Ugandans to know the law and to determine to defend their Constitutions, thereby defending themselves. When I was picked up from my house in early 1982, I was interrogated out there in the Car Park but my nephew who was in the house could not even ring the police, because he knew he was not going to get any help. I was blindfolded all night until the following day. I am glad to be alive and here today.

Now, human rights. Madam Chairman and hon. Delegates, in this country and in most of Africa, have been violated in three main ways. By Government through their security organs, by adults to minors, and usually their own children, by customs that deprive women of dignity. However, because of time, I would like to share with this Assembly what women managed to do, several years ago.

Madam Chairman, rights of the family, the women and children are inseparable. I would like to mention here, that the struggle for the rights and status of women in our country started way back in 1956 by women themselves. When a certain prominent man in Rubaga North died and his widow and her children were deprived of all their property by the clansmen, the woman sent the memorandum to the Great

Lukiiko in 1957, objecting to the injustice later to the leaders of the Church of Uganda and the Roman Catholic Church and later a questionnaire was sent to all women groups in the country which included basic aspects of marriage, law, marriage law, customs, inheritance, property after death of husbands, making wills, bride price, women's right to work and other issues. These issues, it was believed by the women during that time, that were the roots of depriving women of fundamental human rights and their due status. In December, 1958, during the Uganda Council of Women annual general meeting, a resolution was passed asking Government to introduce legislation that all marriages should be registered, whether they were religious, civil or customary. In 1960 we held a Conference in Kampala and it was attended by women from all over the country; Irene Emini was one of the women from Teso I remember. In 1962, a team of women, I was one of them, secretly to the status of Women sub-committee, we went and met the first Prime Minister, late Benedicto Kiwanuka in his office in Entebbe and he gave us a lot of encouragement. In 1964, the then Prime Minister, Dr. Milton Obote announced that there should be a commission to look into the marriage, divorce and status of women. The Commission appointed by the Minister of Justice, Grace Ibingira and chaired by my dear husband, William Kalema carried out its work under these terms of reference. Madam Chairman, allow me to read these terms of reference because, they make a lot of difference to what I am going to say. The Commission on marriage, divorce and status of women, also known as Kalema Commission, was appointed on the 14th day of January 1965, Legal Notice No.2 of 1965 and the terms of reference read like this: *"To consider the laws and customs regulating marriage, divorce and status of women in Uganda, bearing in mind the need to ensure that those laws and customs, while preserving existing traditions and practices, as far as possible, to be consistent with justice and morality and appropriate with the position of Uganda as an independent nation and to make recommendation"*. That ends the terms of reference.

The Commission visited various parts of the country, holding public meetings and received submissions from diverse individuals and organisations and they made two national broadcasts. Each report which was submitted to the Government on the 30 of July, 1965, made several recommendations following the discussion on which recommendations had

been made. I am not reading these discussions, but I am just informing this Assembly that paragraph 11, on marriage recommended that there should be a law to regulate all marriages, this has not been implemented up to today.

Maintenance of children: Paragraph 223 and 224 recommended that there be provisions for mothers of children to sue for maintenance for themselves, for their children under 18. No law has been enacted in this regard.

Divorce: None of the recommendations relating to divorce have been enacted into law, these are contained in paragraph 239 and include establishment of an ad hoc Committees chaired by the High Court Judge to handle divorce petitions. Madam Chairman and hon. delegates, I am giving this story very briefly to help this Assembly realize that when we talk of women rights today, we should appreciate that women themselves started to struggle 40 years ago. (*Applause*) to see to it that laws that govern their status needed reform. I mentioned certain Ugandan women in this struggle, in the names of Mrs. Esther Makumbi, Rebecca Mulira, Sarah Ntiro, Florence Lubega, Joyce Mpanga, Mrs. Winifred Brian, wife of the Bishop, Barbara Saben, who was the first Mayoress here in Kampala, are the short list and of course myself, Rhoda Kalema, who was with them. (*Applause*). Madam Chairman, I appeal to hon. delegates to consider seriously and implement the recommendations of this report which will help Government of Uganda to fulfil the rights of the family, of the woman and of the children. We pray and we ask that all women all over the country should be given an opportunity to learn about the laws governing them.

Madam Chairman, the gender issue is of course very important and women have done very well, we have done very well so far in the present Government and in the past ones and I would like to inform the male delegates here, that the campaign is under way for Premiership in January 1995, of a woman. However, this in itself cannot strengthen the women and children's rights all over the country.

I say this, Madam Chairman, women still need to be liberated in themselves and this can be done in these ways, to be literate and reasonably educated.

MR. OKWAKOL: Point of clarification. I am most grateful to hon. Kalema on the Floor for giving way. In view of what she has just stated, that the

ladies are aspiring to put up a candidate for the Presidency, - for Premiership, I beg your pardon, that I thought it was the Presidency. I beg to withdraw my clarification.

MRS. RHODA KALEMA: Thank you, Madam Chairman, I am pleased that the hon. delegate is prepared to allow a woman to be a Prime Minister in January. (*Applause*). When I was interrupted, I was saying that women need to be literate and reasonably educated. Women need to know the law that governs the child and the family and the woman and also women need to know their real status of marriage. They should know whether they are really married or not. I am saying this Madam Chairman, and hon. delegates because this has affected very much property inheritance when the sad days come. Casual marriages have caused a lot of misery to women and children. We support Article 60 and 61, and 62, I and my people, support these articles, but as I have said above, we need an organized society, based on firm family foundations. Children's defilement and rape has reached an impossible degree, also abandonment of parental responsibility by fathers is on the increase. Last week, many of us must have read in the *New Vision*, three beautiful triplets, with their mother who have a father working in the President's Office and the mother was asking for public assistance because the father of these three babies had refused to show responsibility to assist the children.

Madam Chairman, regarding defilement, I would like to propose that the sentence for defilement should change (*Interruption*)

THE DEPUTY CHAIRMAN: Can we have less noise in the House, please?

MRS. RHODA KALEMA: Sentence for defilement should change from death to long term imprisonment, because, Madam Chairman, the reason why I think this is better, it can be implemented. I was one day informed by a Policeman in Kiboga, because there are so many cases of defilement and the parents do not turn up to come and give evidence, because they are afraid to be attacked and most of these defilers are in the neighborhood. So, he said to me, Madam, the sentence of death is very difficult and I think what he said was correct and this where I appeal to this House and to the NRC, that we may have to change this law. People will be scared off by a long sentence rather than death, because here people may come up to give evidence.

Judiciary Chapter 10: The Kiboga people and myself are very much concerned about the mal-administration of justice in our country. Corruption, particularly in the rural district courts has resulted in the citizens of this country to be denied justice by the authorities of judiciary, because there, justice is a commodity that can be bought by one who has money. It is common knowledge about the missing files from the courts and the police, through bribes. Therefore, Article 156, section 1,2, and 3, which read that the judicial power is derived from the people, is much appreciated, by them. It must therefore be strengthened as much as possible so that it becomes effective. Articles 157 and 158, are also supported. It is very important however, to educate the people about the law so that they know what to do when justice is interfered with. It is crucial, Madam Chairman, that corrupt magistrates should not be transferred, but must be sued and convicted and the public must be protected to enable them to give evidence against the corrupt judicial authorities without fear. Wrong magistrates have got away with it due to lack of evidence.

Traditional leaders: Madam Chairman, when the country of Uganda was formed it was against a background of an Agreement, this was in 1894, 30 years after the 32nd Kabaka Mutesa I of Buganda had invited the British, who had already penetrated into the geographical boundaries of what was later to be known as Uganda. He had seen a white man, Captain Speke only two years earlier, he invited them to bring light to his people of Buganda. Then another significant agreement was that one of 1955, although the one of 1900 dealt mainly with land, but the 1955 one is mainly very important for us to remember here, which was compelled by his great grand son, the Kabaka Mutesa II, when he asked the British Government after his deportation in 1953-55 to arrange from Uganda to be an independent country within five years from then. Mutesa II says this about his great grand father. In his book "The Desecration of My Kingdom". "*It was the actions and character of my great grand father, Mutesa I, that shaped modern Uganda. He invited Europeans to come to his country as missionaries and they responded eagerly. They were not asked so politely to all other parts of Africa they had visited*". Madam Chairman, the legend of the Buganda Kingdom and that of Bunyoro goes back over 500 years. When we read about these Kings, most of them were once Great leaders who had courage, love and vision that led this country to where we are now. It is

therefore very important that the role of traditional leaders in the social and political development of this country today should not be taken lightly in the exercise of this Constitution making. Traditional leaders must have a Chapter on its own and definitely not under miscellaneous. We cannot make a structure without a firm foundation of history; we cannot throw away history. Madam Chairman while we expect to build a country.

Kiboga East people are very happy about the restoration of the *Kabakaship* and of the other monarchies. But we wish our *Kabaka*'s role to be apolitical and we wish the Buganda Lukiiko to be in existence which shall be democratically elected. (*Applause*). The Lukiiko's function will be to guide him and to link him with his people for cultural purposes and development. Madam Chairman, I wish to assure everyone here in this Assembly, that traditional rulers shall complement and supplement all development and mobilisation of the people. They will not on the other hand conflict with the Central Government. Finally on this matter, the traditional rulers Chapter, should have the schedules that should outline their roles and functions. Madam Chairman and hon. delegates, traditions die hard.

Political system: Madam Chairman, the people of Kiboga East and myself, feel we should wait for another four years after the establishment of the new Constitution so that we would like to see a non-party system of Government, which we believe, will help to preserve and establish completely, the peace and development that we have so far enjoyed for the last eight years. My people have the bad memories of political parties. I appeal to all multipartists to appreciate that our people in the rural areas, that the democracy they understand is that of peace and to them peace, social justice and progress is what they understand as human rights and is the true expression of democracy to them. Madam Chairman, of course I am not opposed to political parties all the time, but as we are making a peoples Constitution, let Ugandans be given a chance to choose a multi-party system after we have built national institutions: the Army, the police, prisons, civil service, judiciary and the rest. We have allowed unity, peace and reconciliation to take place and when, above all, we are a nation!

Form of Government: Madam Chairman, the Kiboga East favour a federal form of government and they wish this to be uniform all over the country. Let

Uganda have federal states and let the name Buganda and all other tribal names be restored in the Constitution. Tribal ethnic groups will foster unity rather than disunity we believe. Unity in diversity shall work and as it had not created any problem in 1962 Constitution, the problem came from elsewhere, the federal states shall control development and finances of their districts. We shall see real development. Therefore, Article 202, section(I) should read: "*Uganda shall be divided into federal states to suit people and similar cultures and values*". This can be improved upon. Madam Chairman, we should adopt sub-section G, in the Chapter 9 section 94, in the constitutional report, it was unfortunate that this was left out in the Draft Report. I entirely disagree with hon. Specioza Kazibwe, Minister for Women, Culture and Youths, when she called upon all women to reject federalism, because she says, it shall handicap the women's emancipation which has been started by the NRM, we should discuss this issue more in women's forum. I would like to remind her also that this Commission which was appointed in 1965, we were still under federal state.

Chapter 3, National Objectives: ALL the objectives in this Chapter are acceptable Madam Chairman. These factors are best suited to the establishment of a meaningful Constitution. A strong nation needs educated, healthy and prosperous people to appreciate it and be able to safeguard it for generations.

The Leadership Code, Chapter 16: Madam Chairman, Article 267, Article 269, and Article 270, are indeed acceptable to be part of the Constitution. The population has lost confidence in their leaders due to stories and facts un abated of corruption, embezzlement, and misuse of office, all of which have impoverished the country. The country has lost billions of money through the hands of only hundreds of people. So, leaders must really be controlled. If leaders are the custodians of society, how can we guarantee a lasting Constitution, people are asking?

Madam Chairman, Article 268, which give the powers to the IGG to enforce the Code, here we say, the public is not impressed yet with the IGG's office. The Code should be enforced by the Courts of Law for as it seems- because Members of staff being young they can fail to implement the making of the VIPs, Ministers and Members of Parliament and General Managers to be interviewed. Madam Chairman, it seems that when I talk about this matter, that we have to start with ourselves now, by being more

sensitive and calculative when we are demanding more allowances for this work we are doing. The people are not happy about this, which seems excessive allowances to ourselves in the NRC and in the CA while we are aware of so much poverty around us in the country. The allowances issue must be seriously debated here at the end of this general debate.

Language: Madam Chairman, the people of Kiboga East reject recommendation of Swahili to be adopted as a national language. We say that, any Ugandan language that is widely spoken and understood by many Ugandans should be adopted instead. Madam Chairman, language is a culture, it is a badge of identity, and it is a badge of unity. Every collection of human beings who have to live or work together must produce a language for themselves if their social relationship is to be sound. The purpose of language is to arrange with others how we shall act in the world. Article 34, Section 4, it will be difficult for us to develop and preserve the other languages as it has been suggested, while at the same time the population, young and old, are subjected to learning Swahili and English in schools. I appeal to hon. delegates, through you Madam Chairman, to ask ourselves, to whom are we accountable, our neighbours in the Central and East African Region, or to our people in Uganda? And yet, we are here to build a Ugandan nation. It would be to our shame that this historical Assembly spent 27 months, and failed to agree on one of the languages in our country. Hon. delegate Bageya suggested Luganda as appropriate for it is understood by about 60 per cent of the people, it has a rich vocabulary and a grammar. It is taken at "A" Level and taught at Universities. The argument that Swahili is used in the Army, police and prison is not enough excuse either because all who are recruited in these security organs, must have a minimum of "O" level and "A" level so they should know English. In fact, graduates are now being recruited into even the prison service.

National Council of State: The people of Kiboga do not appreciate fully the function of the National Council of State and its composition makes it even more useless. The Constitution Commission in its report, gave an example of a conflict during the period of 1962-67, when the Kabaka of Buganda was at the same time the President of Uganda. Let us be clear and read the 1962 Constitution well. Unfortunately, the revised version does not say, but in the original one, it made the Governor General be

head of the Government, the Presidency, the Ugandan President, was put in the 1963 Constitution. So, when they were in London, it was the Governor General to take care of Uganda when the new Constitution started to work. The second issue is that of the lost counties which created the problem, this should never have been left unresolved before the colonial masters granted us independence.

After all, they gave away these two counties to Buganda, they should have taken them back from Buganda to Bunyoro before they left. All the conflict that ensued was entrenched in the 1962 Constitution, Mutesa was not to blame. Madam Chairman, I appeal to this Assembly - *(Interruption)*

MR. ERESU ELYANU: Point of information. Madam Chairperson, I would like to inform the speaker holding the Floor, a Conference was held in London, between the 21st to 27th of June 1962, to lay the final nail on the issue of the lost counties and Buganda also sent in fact Kabaka himself, was there, although he did not participate in the Conference directly. The Buganda delegation that went, actually stated that, the lost county issue was final and it was to be in Buganda. So, at the end of that Conference, the colonial administration and the parties concerned stated in their final communique that the issue of the lost counties were to be resolved by the in-coming administration of Uganda which means, any Government that would have come after the British had granted independence to Uganda.

MRS. RHODA KALEMA: Madam Chairman, I do not appreciate his information, because I still say that the British should have resolved this issue long before they prepared the Constitution. *(Applause)*.

THE DEPUTY CHAIRMAN: I hope you are winding up.

MRS. RHODA KALEMA: Madam Chairman, I appeal to this Assembly that we should not live a hidden conflict in this Constitution we are making. I propose an independent body to be elected by Parliament if it seems necessary to have a National Council of State to intervene and to advise the executive and the President.

THE DEPUTY CHAIRMAN: Can you summarise, you ran out of time long ago. The second bell went.

MRS. RHODA KALEMA: Madam Chairman, I come to the end of my submission and I thank you very much indeed for this long time and I thank the hon. Members here, for listening to me.

THE DEPUTY CHAIRMAN: Thank you very much.

MR. LUMALA NKALUBO: (KALUNGU WEST): I represent West Kalungu. The Eastern part is represented by Hon. Kintu Musoke. Kalungu county borders Mpigi district on the North East and Bukoto in the West. I would like to start, Madam Chairman, by giving my sincere thanks to the President of the Republic of Uganda and to the gallant sons and daughters of this country who made a lot of sacrifice to enable us to be here. I would also like to pay special tribute to the commander of the Armed Forces who has instilled a sense of discipline in the Uganda Armed Forces. (Applause). The situation as it is now, is very much better than it used to be in the past. I would also like to convey to you, Madam Chairman, sincere greetings from the people of Kalungu West, particularly the women. Permit me to say, they are extremely proud of you. I would also like to convey to Government the assurance that the people of Kalungu West, are fully behind a system of NRM Representation for the time being. I would also like to appeal to our Colleagues coming from the North and North East of Uganda to do their very best to convince the rebels in the north to put down their arms and come to the negotiating table. The reason why I am doing this is that, the people of Kalungu are fully convinced, that unless there is uniform development in the whole of Uganda, the chances of having a lasting peace are not there.

HON. TIBERIO OKENY : Point of information. Mr. Chairman, my information to the hon. Member now on the Floor is to the effect that he said, we the leaders from the North and North East should do all our utmost to convince the rebels to come to the negotiating table with the Government. I think time and time again in this honorable and august House, it has been stated that there was a negotiation in process, but it was disturbed, it was disrupted by the ultimatum of seven days from the President. What kind of effort could we make if the President himself is not interested in negotiating with the rebels? So, this is my information to the hon. Member. When speaking, he should keep this in mind. Thank you, Madam.

MR. BIDANDI SSALI: Point of order. Is the hon. Member who has just given information in order to imply that because the President is not interested therefore he himself cannot be interested in this effort to try to stop the war in the North? Is he in order.

THE DEPUTY CHAIRMAN: He is, that is how he perceives it.

PROF. KABWEGYERE: Point of order. Is the hon. Tiberio in order to imply that this is the first time peace has been undertaken, when he himself with Leander Komakec went to these rebels and tried to talk to them and ended up, himself running away from them? Is he in order? (*Laughter*)

THE DEPUTY CHAIRMAN: He had forgotten. Hon. Lumala you can continue.

MR. TIBERIO: Mr. Chairman, I think if this Assembly is turned out to be just a play, we will be very very sorry, Mr. Chairman. I am giving this point of order as to the hon. Member Tarsis who has just given that me, and together with Leander, went to the bush and run away while in fact, our report is still lying in Entebbe there, with the President, and it has been discussed and even a peace accord was signed in Gulu and other things like that and if this hon. House is prepared to go on playing with the lives of the people in this manner, we are very sorry, then we are not making a Constitution for the people. Is it in order?

THE DEPUTY CHAIRMAN: Yes, he is in order because he may not have heard access to the report that is in Entebbe. I think we are disturbing Mr. Lumala too much, let him continue with his representation.

MR. LUMALA NKALUBO: Madam Chairperson, I would like to take this opportunity to thank the Press, particularly newspapers such as the Monitor, our friend Cheeye of the Confidential and New Vision, who have done a lot to expose corruption in various organisations particularly those controlled by the Government. When one goes down to Kalungu West, there are about four issues in which the people of Kalungu are interested. They are, Madam Chairman: The representation of the people, that is topic number one, the second is the powers given to the office of the President, the third is the independence of the judiciary and the fourth issue is the federal status for Buganda. I would like to

comment on the first issue, representation of the people. The people of Kalungu ask themselves this simple question, that in many African countries elections are always not peacefully concluded. Whenever there is an election whether in Ghana, or Nigeria or Cameroon, the losing party always accuses the winning party of rigging the elections and perhaps there is some truth, because even the CA, there has been cases in which rigging or not complying with the law have been brought to light. Of recent, there was a case of your Colleague Mr. Wapakhabulo in which case, ballot papers which would have been counted in his favour were deliberately not counted. The people are therefore, asking us, whether it will be possible at the end of this exercise to assure the electorate that the electoral law under which they will elect Parliament in future will be effective to prevent malpractice. They cite cases which took place recently in CA, where Presiding Officers accorded to themselves the power and perhaps the responsibility of ticking ballot papers on behalf of people who are illiterate and thereby falsifying the outcome of those elections. It is therefore, Madam Chairman, and you distinguished delegates to do our very best to ensure results are not fabricated to suit somebody who has got power.

The other issue is that, the people of Kalungu West are getting nervous, Madam Chairman, because they realise that there is a gap between those who are multi-party advocates and those who advocate for the NRM system of representation and they call upon all of us delegates here, to do our very best to bridge that gap because they believe that without bridging the gap, there cannot be peace, the gap is rather unfortunate, Madam Chairman, in the sense that the Basoga, Baganda and Western parts advocate for NRM system of representation whereas our friends in the North and North Eastern, advocate for multi-party. Therefore, it is a miserable division, which has got to be bridged as soon as possible.

HON. DELEGATE: Point of order. Thank you Mr. Chairman, is the presenter in order to allege that North Eastern is all multi-party when it is not true? Is he in order.

MR. LUMALA NKALUBO: I did not use the word all.

THE DEPUTY CHAIRMAN: Perhaps it was a slip of the tongue.

MR. OWORI AGGREY: Point of clarification. I would like to give clarification to the hon. Member on the Floor, whether he has got an empirical study to back his statement on the polarisation of this country between North, South, East, between the two political systems that we are debating - conclusive and empirical study.

MR. LUMALA NKALUBO: I base my conclusion Madam Chairman, on the contributions made by the delegates from the North on one hand and delegates from the West. (*Applause*). If I may proceed. The people of Kalungu are a bit concerned about the proposed referendum which is mentioned in paragraph 88. The implementation of this Article that whenever there is to be a general election, a memorandum would have to be held first to enable people to decide under which type of representation, whether multi-party or NRM is likely to cause a bit of instability, because it would mean that from the word go, after the first election of a Government, then both sides will try; one would try to suffocate the other, particularly bearing in mind the provision of another Article, article either 96 or 86, which says that during the period of the existence of NRM Government, political parties will not be allowed to present any political platform. So, in their view, this Article, if it is implemented, will not allow other political views to be expressed, except those praising the NRM system of representation; and this, to the people of Kalungu is seen to be unfair. If we are to build a stable country, then all political views should be given an opportunity to be expressed openly and freely so that the people can choose. They therefore, have requested me to say, that we should not leave this Article to stand, to do so, would mean an abdication of our responsibility to devise a simple and workable Constitution.

The other topic, as I said, Madam Chairman, is the power vested in the office of the President. In Africa it is most unfortunate, that because there are not many chances of employment and Government is the biggest employer, Presidents through their control over jobs in Government and Parastatal and different organizations, have acquired tremendous powers which in effect make them not President, because the word President I think means first among equal. But absolute monarchs if you want and the people of Kalungu therefore, advocate, that in devising a Constitution, we should do our very best to reduce the chances of dishing out employment which are now vested in the office of the President. If you look

now in this Draft Constitution, it is the President who appoints the Civil Service Commission, therefore, controls through that, Civil Service appointments. It is the President who controls appointments in other organisations such as Teaching organisations, prisons, all parastatals including the Bank of Uganda and as you will find out, he also controls appointments in the Armed Forces.

It is rather funny that in many respects, African politicians tend to be on the radical side, but when it comes to vesting powers in the office of the President we do so abundantly and it is the request of the people of Kalungu that this conference do its best to redress this trend.

I now come to the independence of our Courts. When you talk to various organisations, Madam Chairman, they will assure you that the judicial Commission is an independent body. I am not subscribing to that view and I will give an example Madam Chairman. When ex-President Obote took power in 1980s, he appointed George Masika to the High office of being Chief Justice of Uganda and immediately ex-President Obote run away and NRM came to power, Masika, I am sure disappeared without a ceremony. - *(Interruption)*

MR. SSEKANDI: Point of information. The correct position is that George Masika was appointed Chief Justice before Obote took up the position of President in 1980. So, it was the Military Commission which appointed George Masika rather than Milton Obote.

MR. LUMALANKALUBO: Yes, Madam Chairman, I have taken note, but I would like my fellow delegates to bear this in mind, that by the time, I believe, the Military Commission came to appoint Masika, Prof. Yusufu Lule had originally appointed Justice Wambuzi as Uganda's Chief Justice. So, you can see that there is some sort of influence upon who occupies the Chair when a change of President takes place. That is the point I am trying to make and this is not surprising because members of the Judicial Commission are appointed by the President. The people of West Kalungu would like to make a rather radical departure in appointing Judges, they wonder whether Judges could not be able, whenever there is a vacancy on the bench, to gather together and constitute an electoral college and elect among themselves a person they consider suitable to occupy whatever post is on the bench. This arrangement is

followed in the Anglican Church of Uganda, in electing the Pope and in electing the Chief Kaddhi of Uganda. I do not see why it could not work in this case.

Now, the other point which I am requested to talk about is the federal status for Buganda. The difference between a Unitary Government and a federal Government - those differences were very ably articulated by Prof. Nsibambi and he is here and yesterday, we had Mr. Daniel Lubega giving, very brilliantly, the advantages of having a federal structure of Government. I would like now to concentrate on the historical fact which justifies Buganda to have a federal status. Madam Chairman, this is not the first time the people of Uganda are sitting to make a Constitution, the original Constitution under which the different tribes of Uganda agreed freely to come together, was made way back in the 60s. What we are here, in my view, to achieve is to iron out various difficulties in the Constitution we adopted freely so as to be able to move forward smoothly. But in doing so, Madam Chairman, we should not lose sight of what took place in the 1960s. I do remember vividly our President making a remark, apparently being disappointed by President Moi who had the tendency of closing the Kenyan border whenever he felt like doing so, that unless Africans learn to respect documents to which they attach their signatures freely, they will not be able to do good business. I think Madam Chairman, that that remark can equally apply to our political contracts. We are now engaged in an exercise of bargaining, at the end of which we shall make a contract, but bear in mind that our forefathers made that contract and accorded Buganda a federal status of Government. Who knows, if that federal status had not been granted, who knows whether Buganda would have opted to go it alone? You have got to look at some cases, in case of India, it was one political unit when the British were still in control, but when they came to make a Constitutional Conference, India was split into two parts - the Moslem part, became Pakistan and the mainly Hindu part, remained as India. What I am trying to emphasise is that, when the people of Kalungu and the people of Buganda say to fellow delegates, please restore this federal status, it should not be regarded as something without a precedent. I am not breaking off, there is no question of breaking off, Madam Chairman. It is up to this Assembly, therefore to bear historical facts into account and see how best to accommodate Buganda desires, they are in my view quite legitimate. The form of federal Government to

be accorded to Buganda will of course be presented to you, the Baganda are not asking for a blank cheque, it is you fellow delegates who will have to vet the various provisions of that federal structure of how it will work, and then make an accommodation, but if what is being said here is true, that all parts of Uganda have got to be catered for and have their ambitions and desires accommodated in the new Constitution in order to make that Constitution last, then it is, I think, the duty of everyone of us to look at the request made very seriously. I think it is the duty of everyone of us to look at the request made very seriously. *(Interruption)*

MR. BIDANDI-SSALI: Point of Information. Madame Chairperson, may I inform the hon. speaker on the Floor that I am a Muganda and that I hold a different view and a view which is held by some of the Baganda who elected me. Therefore, let him speak for the people of Kalungu and not Baganda because I hold a different view. Thank you Madame Chairperson. *(Applause)*

MR. LUMALA: I have taken note but I have also got to remind Delegates here that there is an official stand made by Buganda 'Lukiiko' which favours a federal structure of government. *(Interruption)*

MR. NEKYON: Point of Information. Madame Chairperson, I decide to give a piece of information because what the hon. Member is saying is crucial for the future of this country. While at London, the issue of giving federal relationship between the Kingdoms and territory of Busoga became a breaking point at the Conference. We had all the reasoning on their side and on the side of the districts which remained unitary in Uganda. The reason why the Kingdoms and territory of Busoga were given that relationship was as follows and I want to say it very slowly because I have heard so many statements showing that we are ignorant of what actually happened. When the British came here, they entered into agreements with very *-(Interruption)*

MR. ADYEBO: Point of Order. Madame Chairperson, with due respect to Distinguished and hon. Members of this august House, is it really in order for the hon. Nekyon to make a statement to the fact that Members of this august House are ignorant? Is it in order?

THE DEPUTY CHAIRMAN: He is out of order.

MR. NEKYON: Madame Chairperson, I said showing that we are ignorant about what happened. In common sense, anybody can be ignorant on any matter on which he has no knowledge. *(Interruption)* We gave the relationship or favoritism to Buganda, Bunyoro, Toro, Ankole and Busoga because when the British came here, they entered in agreements with many parts of Uganda. At the time these parts were independent states - completely independent of each other and the agreements constituted the new Constitutions for those countries. Buganda Agreement - 1900, became the Constitution of Buganda and in a similar manner, the various Agreements became the Constitutions of those various states. So, when we demanded for independence, when nationalists put pressure on the British Government for independence, these states on realising that independence was about to come, they came out and said - okay, now that you are about to withdraw, we want to make sure that you leave us, as independent states as you found us. We had no agreement with you that we will be combined with Lango, with Acholi, Karamoja, Bukedi or anybody. So, you leave us as independent states. This was their position which was quite sound because we could see the agreements and it was on that basis that Buganda decided to declare independence on the 31st of December, 1961 before we went to the London Conference. Buganda had already declared her independence. For us who wanted to have Uganda as a united state, we were prepared to pull Buganda, Bunyoro, Toro at a great risk and cost. We had to choose either to leave Buganda, Bunyoro, Ankole to go as independent states or to keep them in loose relationship. That is why we took the decision that we give them that loose relationship but let them remain within Uganda and it is this very method which Mandela has adapted in South Africa to keep Zululand within United South Africa. So, we do not have regret whatsoever. The decision we took, we think it was wise and we think that we can now move ahead as one nation because of that arrangement. Thank you. *(Applause)*

MISS KABIRISI: Point of Information. I would like the hon. Nkalubo Lumala to clarify to me something that is beginning to confuse me. I was of the impression that we are here to give our people's views and yet he has just told us that there is a position taken by the Buganda 'Lukiiko', which position is official and is being given by some Delegates and yet I was of the impression that the Kabaka under the current Statute is not supposed to

be a political head but merely cultural. So, which is which? Are we having the official 'Lukiiko' therefore, Buganda view or are we having people's views? To me, I think there is a difference. Thank you Madame Chairperson. *(Applause)*

THE DEPUTY CHAIRMAN: Let Mr. Lumala answer first.

MR. LUMALA: Madame Chairperson, if we are here to do business and not play around, we must be sincere to ourselves. The views of the people of Kalungu and the views of Buganda 'LUkiiko' are the same on that point of a federal status for Buganda and therefore, I do not see any conflict in what I have said, Madame Chairperson. *(Interruption)*

MR. MULINDWA: Point of Order. Is the Speaker in order to imply that the views of the people of Bukoto who are Baganda are the same views with the 'Lukiiko' of Buganda. Is he in order?

THE DEPUTY CHAIRMAN: Hon. Lumala is not in order. Concentrate on Kalungu.

MR. LUMALA: Madame Chairperson, if that will help us to move ahead, I accept your ruling.

MR. MUSHEMEZA: Thank you Madame Chairperson. Is hon. Nkalubo in order to accept the ruling of the Chair with conditions? Thank you Madame Chairperson.

THE DEPUTY CHAIRMAN: I had requested him to concentrate on Kalungu views.

MR. LUMALA: Let me now concentrate on Kalungu, Madame Chairperson.

PROF. SENTEZA K.: Point of Information. I would like to draw the attention of the Chair and through the Chair the attention of Members and the hon. Member on the Floor that there has been a document which has been circulated to all the Members entitled "The Position of the Lukiiko on the Uganda Constitution" and I think the Member is quoting from that document saying that the position of the people of Kalungu coincide with the views which have been expressed in that document - which every Member of this House has got. *(Applause)*

MR. KATENTA-APULI: Is the hon. Member holding the Floor, in order to be selective in where he

accepts his information from without knowing what the nature of the information is? Is he in order?

THE DEPUTY CHAIRMAN: Which Information, hon. Katenta Apuli?

MR. KATENTA APULI: Can I give the information, Madame Chairperson?

THE DEPUTY CHAIRMAN: I did not get you.

MR. KATENTA APULI: I asked for permission to give information and the Speaker holding the Floor rejected my information and at the same time accepted Prof. Senteza Kajubi's information.

THE DEPUTY CHAIRMAN: I see. It is his prerogative.

MR. LUMALA: Madame Chairperson, as I have said that the people of Kalungu request the Distinguished Delegates to address this issue very carefully because it is one issue on which Baganda feel very strongly, which may eventually bring a bit of instability in this country if it is not considered. Now, Madame Chairperson, I would like to move on - *(Interruption)*

MR. BASOGA: Point of Order. Is it in order for the hon. Speaker to threaten this hon. House so that as we deliberate on our responsibilities that brought us here, we do it in duress. Is he in order to say there will be trouble in this country if we do not consider one of the recommendations submitted to us by a 'Lukiiko'? Is he in order?

THE DEPUTY CHAIRMAN: He is out of order.

MR. BASOGA: Can he then withdraw that statement? Thank you very much.

MR. NGOBI: Point of Procedure. On a point of Procedure - is everyone here not entitled to express an opinion? Now, if someone says that this particular point, if not considered, might have consequences, is that out of order? I think people should be in order. *(Applause)* As a matter of Procedure, it would appear, Madame Chairperson, that every Delegate here should be allowed to express his opinion or her opinion frankly and openly. Thank you.

THE DEPUTY CHAIRMAN: As long as that opinion is not provocative.

MR. LUMALA: The other views of the people of Kalungu on the Draft Constitution are as follows: The people of Kalungu accepted the proposal that the President may choose his cabinet from within or outside Parliament but they would like Delegates here to consider barring any person who has stood for Parliament and failed to be considered for a ministerial appointment. The reason is simply this - a) It will save the president a lot of personal embarrassment if whichever minister fails goes to the president, prostrates himself on the floor and says "Dear Ssebo, give me a post, I am building a house - I have not yet finished it". Therefore, these people who are rejected by their constituencies as M.Ps if they stand - should not qualify to be considered. *(Interruption)*

PROF. SENTEZA K: Point of Information. I would like to inform the hon. Member on the Floor that when there is an election and the electorate has to choose from let us say six candidates and there is one position, the others who are not elected, are not rejected because they cannot elect six when there is only one. *(Applause)*

MR. LUMALA: The people of Kalungu also believe that there should be a time limit beyond which one person should not be allowed to hold a post of a Minister. What I am saying is this - that in Africa, many people make the rank of ministers at an early age and some tend to stay there. Now as long as there is a feeling that a president should not hold office beyond 10 years if that is considered to be a good thing to limit the time of somebody who holds the presidency to 10 years. They also consider that cabinet ministers should not hold portfolios beyond a period of 15 years. This would enable the young generation to be given a chance to be groomed for taking over the reigns of power.

Now, the other issue which is of so much interest to the people of West Kalungu is Land Tenure. They are of the view that the mailo system or the freehold system which was introduced in Buganda under which people have bought land from those who inherited it from their parents, that, that system should continue. After all, the system does not discriminate against people of other tribes. A Munyakole can buy land at Muyenga, a Mucholi can buy land in Mawokota as long as one is a Ugandan citizen, he can buy land and many of the Delegates here, I am sure have bought land in this Buganda region under mailo-land. There is no justification,

therefore, why that ownership should be taken away when at the same time the government of Uganda is compensating Asians for loss of property.

On the question of the army, the people of Kalungu are in agreement with the proposal made by the Late Yusuf Lule that recruitment into Uganda Armed Forces, should be on proportional representation of the tribes in Uganda and fortunately enough, Madame Chairperson, there is not a single tribe which commands more than 50 per cent of the people of Uganda. Therefore, each tribe will have to lean on other tribes to make up a national army and they want this proportional representation to be reflected in different battalions to ensure that all tribes are equally represented where it matters most. With regard to the power of recruitment, discipline and so on, they advocate an establishment of a Parliamentary Committee to take charge of these responsibilities rather than to leave them in the hands of the president, however good he may be and the reasons are obvious. Those are the views of my people of Kalungu. They wish you the best of luck. *(Applause)*

THE DEPUTY CHAIRMAN: Thank you very much hon. Lumala. I think we have come to the end of our agenda and I think we better adjourn until tomorrow.

(The Assembly rose at 1.50 p.m and adjourned until Friday, 22nd July, 1994 at 9.30 a.m.)