



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

FRIDAY, 22ND JULY 1994

MOTION:-

Communication from the Chair [Pg 1100]
General Debate on the Draft Constitution of the Republic of Uganda [Pg 1103]

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Friday, 22nd July, 1994

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

P R A Y E R S

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

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. Delegates, I have a statement or an announcement to make. This is in respect of the decision taken by the Business Committee when it met on the 14th of July, 1994, to receive a Report from the Sub Committee they established and after discussing the Report of the Sub Committee, the Business Committee put a decision on our work programme and the decision goes as follows: On the basis of our decision to work 33 hours per week, the general debate would end on the 3rd of August, 1994. We have looked at the contributions so far made, and the Members who are yet to contribute if they so wish; so far 183 Members, as of yesterday, have contributed to the general Debate. We have 101 Members to contribute yet. We have tabulated it such that if we worked on the basis of 8 contributors on short days and 14 on the long ones, i.e. Fridays and Mondays, we will be able to conclude the contributions on time. Now, this means of course we cannot do so if we start at 9.15 a.m., we should start at 8.30 a.m. If we did that, we can achieve the number of 8 on the short days. That will take us to the third and it is proposed by the Business Committee that the House do adjourn on the 3rd for one week to give Members a chance to consult the Constituents and then the business would resume on the 11th of August, 1994, for the consideration Stage. If we did that, it is envisaged that the Consideration Stage would end on the 26th of October, 1994, allowing in between some three weeks of consultation. Now, why three weeks. Because apart from the need to consult, the Law also requires that should we reach a dead-lock on any matter, should the matter become contentious, then the Law requires that we vote and when we get a deadlock, then we go home for one week, consult, then come back and vote again. So, if you allow for three weeks, we will not finish on the 26th October, 1994, with the Consideration Stage - we would finish

on the 16th of November, 1994. Then the re-consideration Stage - this is provided for - in our Rules, the Business Committee reckons this would take about one week or five working days. That should take us to the 23rd of November, 1994. Then there is need to compile the Articles and print them again for another five working days. That would involve also distribution of the final Draft to the Members. Then the Law requires that after you have finished that stage which would be now around the 24th of November, 1994, you allow not less than 72 hours before the Draft is enacted by the Constituent Assembly and that would take us, if you allow two working days, we would find ourselves having to lay on the Table on the 1st December, 1994. We would therefore, as an Assembly, enact the Constitution upon this programme on the 7th December, 1994. Then we would allow two days for certification in accordance with our Rules and notification to the President as required by the Law. If we allow two days certification of enactment and signing, and notification if you give one week, we would have the notification done on the 16th of December, 1994, between 12th and 16th and therefore, the latest we could promulgate this Constitution under that arrangement is on the 19th December, 1994. That is how the Business Committee looks at it. In other words we would have the constitution promulgated in accordance with Law on the 19th of December, 1994, which is some days beyond the start of our business which was on the 12th of May, 1994. Therefore, we should have finished on the 12th of December, 1994, but I think we can bring forward a few of these things if we work a bit harder but also a question arises whether the enactment by the President and promulgation can be counted within our time of the life of the Assembly. So, if we finished within the week of 12th December, 1994, our work here in the Chamber, we shall be within time. The Law allows that in the event that the time has expired, the Assembly can still come back and meet for purposes of promulgation of the Constitution. That scenario is based on the assumption that we would not have a Referendum. In other words, we would go home to consult and come back to vote and agree. But in the event that there is a Referendum which is provided for under the Law, then of course the picture changes. And in this respect you can see all the other stages being followed but of course because of the need to conduct a Referendum, which would require something like three months or twelve weeks

because we have to update the registers, do civic education, display the registers - apart from obtaining funds to run the exercise, allowing also the observers to be available, local and otherwise, and then distribution of electoral materials, voting, counting and declaration of results. That the Business Committee reckons would take about twelve weeks and if that was to be the case, we will find that the Referendum, to the Business Committee, would end around 8th of February, 1995, and then we will have to go into the re-consideration Stage, which would take a number of days and therefore, may be we would finish on the 15th of February, 1995, and then going through the compilation of Articles, laying on the Table and then enactment. By the time we have gone through all this, this Document will be distributed to the Members, we will have run ourselves into March, of next year 1995, and therefore, we would find that the Constitution is promulgated on the 13th March, 1995. That is if there is the Referendum.

Now, of course other questions arise which would be attended to by those concerned, I am sure you know them, but otherwise that is the recommendations and decision of the Business Committee as to how we would look at our programme to run from now on. Given that the Business Committee is broad based and fully representative of all the various Constituencies in this House, I did not think that it was necessary really to spend time discussing it. It was discussed fully, it took a long time and as I said copies will be made available. But otherwise the most important dates are 3rd August, we would finish the general Debate and then go into consideration on 11th and then the others would follow. We would end the promulgation on the 19th December, 1994, or promulgation on the 13th of March, 1995, depending on whether or not we shall have a Referendum along the way. This is the statement I wanted to make. I do not think we should raise Debate on it.

DR. KANYEIHAMBA: I notice here that the Report which has been circulated is the one from the Sub Committee of the Business Committee. Of course you know Mr. Chairman, this Sub Committee of the Business Committee created by that Committee, it reports that and I recall that though the Report was submitted, we discussed at length and we modified it. But what has been circulated, is the original report of the Committee. I am suggesting procedure that, would it not be better for the Business committee to submit its own Report derived from the Sub Committee rather than give Members the original Report of the Sub Committee?

THE CHAIRMAN: I do agree that that was the Report to the Business Committee. Unfortunately it was distributed. But what I would like to be distributed is the decision of the Business Committee itself which contains what I have just summarised to the House right now. But I think I hand over to the Chairman, of the Sub Committee.

A HON. DELEGATE: Point of Clarification. I would like to clarify that this Document which was circulated was circulated for purposes of informing Members about the Statement we are going to make with your permission, Mr. Chairman, which is the next Item on the Agenda. It is not circulated as a Report of the Business Committee but it is for information because of the Statement we are going to make. Thank you Sir.

THE CHAIRMAN: But they will have this in your pigeon holes as soon as they are ready. I think they are already being printed and they have been distributed. The one which sets out the work programme as I have just summarised it.

MR. KAVUMA: I thank you very much Chairman. Mr. Chairman, the Statement and personal explanation I am going to make emanate from the paragraph of the *New Vision* Paper, Volume 9, No.168, dated 18th of July, 1994, which reads and I quote, "*The same source further says that Moses Ali's Committee then proceeded to connive the Assembly's Business Committee Chaired by Mr. Stephen Kavuma C.A.D Kyadondo South which then gave a go ahead*". Mr. Chairman, I will here with your permission, explain that the permission that is talked about when they say that they gave a go ahead, relates to an alleged increase in allowances to the C.A Delegates. Mr. Chairman, I want to categorically state that I am not and I have never been the Chairman of the Business Committee of this august Assembly. By Law, Sir, the Chairman, of the Business Committee of the Constituent Assembly is the substantive Chairman of the Assembly. The only office that I have held in the Business Committee of this Assembly above that of the ordinary Member is that of the Chairman of a subcommittee of the Business Committee which sub-committee was charged with the responsibility of the working out and making proposals for the Business Committee with regard to the long term work plan of the Constituent Assembly. Mr. Chairman, the said sub-committee did exactly that when it reported to the Business Committee on the 14th of this month when

it came up with four scenarios as clearly spelt in the Report circulated to the hon. Delegates for their information and easy reference. This is the Document which was in the pigeon holes of the hon. Delegates. Mr. Chairman, it is clear from the said Report of the Sub Committee - it is clear from the said Report or from the Sub Committee that it never concerned itself with the question of allowances or any matter connected therewith. This was never in our terms of reference and as will appear from our report, the Committee's concern was how best could we utilise the time available to us in order to come out with the Constitution within that time and it was on this that the Business Committee took its decision Mr. Chairman, which decision we have just announced to the hon. Members. Mr. Chairman, we deemed it necessary to make this statement and explanation because since the publication of the paragraph quoted from the *New Vision*, the matter has been greatly discussed by some hon. Members of the Constituent Assembly. Some hon. Members of the National Resistance Council and the general Public, and the Press with increasing concern. Thus, the matter become one of urgent public concern. It was also necessary, in our view, to put facts around this subject straight. Hence the statement we sought leave to make and which we have made by your permission, Mr. Chairman. I want to thank you, Mr. Chairman and hon. Delegates for having accepted to listen to this Statement. Thank you, Sir.

THE CHAIRMAN: Hon. Delegates, you may have noticed those of you who have been on the premises for the last 30 minutes or so, we have a problem. There is a problem of water. I do not know whether some Delegates have noticed that. So, we may extend our proceedings today.

MR. PINTO: Mr. Chairman, considering that this could be a management problem, constrained with lack of payment, since the Constituent Assembly pays or the Commission pays to the Nile Hotel Complex, one would suggest that possibly, arrangements could be made for the Commission - Constituent Commission - to make available advanced payment for water purposes so that this serious business continues.

THE CHAIRMAN: I am sure Members you know that the Treasury has not released money to the Commission since the beginning of the new Financial Year, and that is why Members have not received their allowances. We have been fighting with

them, but you see they also have a problem of cash situations. The money we had paid to Nile Hotel has been used up and has been accounted for.

MR. ETYANG: Mr. Chairman, I thank you for this information. Since obviously you are not part and parcel of the management of this institute I wonder how long we can be in this situation without water, or how soon the management can correct the water shortage situation. I wonder whether it is possible to obtain such explanation authoritatively from management. Secondly, Mr. Chairman, in light of what you have just communicated to the Assembly, about the programme, I would like to take this opportunity to request you to clarify the point that on the basis of the existing Law, is it now assumed that the Minister concerned has been consulted and has already extended the four months allocated to this Assembly to seven months automatically. I wanted to be clear about that. Thirdly in light of what appears to be very difficult with regard to finances of the time or something like that. I would like perhaps that the Colleagues could agree to the Provisions adopted in one of the Rules that we should be prepared to work even on Saturdays or Sundays. Thank you.

THE CHAIRMAN: There was an issue alleged about seven months. Well that one we have now two months and some weeks. We started on the 12th of May, 1994. Once we reach a point, we shall get the Minister to issue an instrument after consulting as required by the Law and we will ask for the entire remaining three months so that we run right through because according to this programme, there is no way we can finish in the next 1 1/2 months. So we are going to attend to that by me interacting with the Minister responsible so that you can carry out the necessary arrangements.

MR. AWORI: I was just wondering, Mr. Chairman, or I am seeking guidance or some technical assistance regarding KCC by Laws on health whether we are permitted to have more than 100 people in a place which does not have basic utilities

THE CHAIRMAN: It is on that basis that I am seeking this guidance.

A HON. DELEGATE: Mr. Chairman, I do not see why there should have been an interruption by the - disconnection of water to this complex. First of all, if it is non-payment, the Minister of Finance is the Share-holder of Water Development. Therefore, I

would have expected that since funds have not been released by Treasury, administratively before disconnection is carried out, the Minister responsible could have contacted and therefore, the Minister for Finance would have guaranteed the payment in future. So, I think it is an administrative arrangement and this House is being subjected to just red tape. Thank you.

THE CHAIRMAN: I know that he is a share holder of all of them but he is also trying to be a businessman.

MR. TIBAMANYA: Mr. Chairman, in the light of the no mercy volume of work we have for us, I would propose that Members restrain themselves and at least we put in half-day of work this morning.

A HON. DELEGATE: Thank you very much. I want to defer from the previous Speaker, I do not think anybody here has the capacity to fight against nature. I am suggesting that we break off but we pay this day on Saturday and Sunday. If we stay here we are going to break things and it will be too expensive to undo. We go, on Saturday we come and work, so that we do not lose time. Thank you, Sir.

THE CHAIRMAN: Now, I can see we are going to take a long time on this. The information I have received now, is that it is likely they will restore the water within one or two hours. *(Applause)*-So in that case I think we can continue. But if within that time they have not, then we shall revisit the subject.

MOTION

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

MR. OMUTE JULIUS (Kumi County): Thank you Mr. Chairman, permit me to thank you for availing me this opportunity to contribute on the General Debate on the principles of the Draft Constitution. Also allow me to extend to you and your Deputy my congratulations upon your elections to your respective offices. I also wish to congratulate all the hon. Delegates for their successful election to this Assembly. Mr. Chairman, since our Independence, 30 years ago, we have had a terrible political life in this country. I believe the 17 million Ugandans and others to be born, need a peaceful place to stay in.

People have been subjected to operation and unpredictable and violent changes of Governments, total destruction of their properties. There has been persistent violation of human rights and freedoms of people and sadistic violence meted out by the regimes upon our people in the name of defending democracy. Mr. Chairman, all the regimes which have come and gone have cheated our people. They have paid people with false promises and later when discovered turn to be violent to the population. The regimes have violated Constitutions in order to perpetuate themselves in power.

The 1962 Constitution, according to available historical facts was a result of wide consultations and discussions, both within the country and outside. The constitutional committee was set up in 1958, and produced the Report in December, 1959. The Report was followed by two other commissions leading to the elections in 1961. Some problems arose during this elections leading to the appointment of relations Commission which conducted inquiry into the structure of governance between the centre and the component parts of Uganda which was identified as the cause for the problems which became apparently at 1961 elections. Two sets of constitutional Conferences held in London resulting finally in a negotiated Independence Constitution of 1962 which left many unresolved political issues including the lost counties, the question of the head of State, the issue of national status and identity, but more critically, the question of power sharing and resource management. The more strict was the lost counties. The Constitution had made it clear that it will be settled by a Referendum.

In the Constitution it was foreseen that there will be a conflict between an Executive Prime Minister and the President. If the President refused to sign the instrument of the decision of the lost counties, the Prime Minister would sign. When the time came for the Referendum to be held Mutesa was the President. He found himself already confronted with a dilemma as a President and he could not sign as in accordance with the Constitution because he would have signed away his territory. In the end he did not sign and he violated the Constitution. This was the beginning of the problems and it escalated and in the later years, there was a battle at Mengo, an abrogation of the Constitution and abolition of kingdoms, all in quick succession. The 1967, Constitution has been violated four times; in 1971, 1979, 1985 and 1986. All the above have been the basis upon which we have been having constitutional crises. So, the crisis cannot only be activated by

political parties. I now plead that as a nation, we must turn to a new error and observe new principles in order to ensure that the democracy will stand, that we must make a constitution that is flexible and reflect the views of today. That we must have our nation at heart and develop a spirit of tolerance, of give and take and also accept that the position in anything we do in life or in the democracy or in Government is necessary. That regular elections be held in order to enable us change our Governments peacefully. That we should learn to respect our Constitution.

Mr. Chairman, after that short introduction, let me now turn to the Draft Constitution and give you the position of the people of Kumi. On land - Land is the most precious property that man can own. It is the life of the people. The people of Kumi say that land should be owned by individuals and not the State. And should he die it should be passed on to his descendants, without any interference. That the State may acquire and own land for development and public purposes but when such land is taken from them, the Government must compensate them to allow them settle elsewhere. That Amin's decree on land of 1975 be repealed that the role of the State is to guarantee the ownership by assurance of title deeds and that customary land title is the best and should be free hold.

Mr. Chairman, now let me move to the political system. The issue must be approached with sincerity and with a clear state of mind because to us the people of Kumi, it is the centre issue of this Constitution making process. The political system we should come out with should be a system that is appropriate and can stand the test of time. Should we divert from this, then we are making a constitution which will be labelled NRM Constitution. Unfortunately, Mr. Chairman, the Odoki Commission, did not come out clearly with what was the majority view of the people on this issue. Instead he gave us alternatives. We believe Odoki Commission should have recommended and adopted the system of the majority views and it could be our base of debate. I have listened with keen interest to submissions of hon. Delegates and others who believe that the cause of our instability in the country is the political parties and that they should wait and they suggest that the movement, for a time being, is a solution and must be extended. I have a different school of thought. Political Parties have been labelled as the major cause of upheavals in the past and have over time turned into state parties, where small groups of professional politicians whose primary interest is to secure positions and privileges for themselves, often

at the expense of the society at large. They have also tended to organise support, not on the basis of principled discussion of issues and policies but through an optimistic manipulation of the divisive issues like tribes and religions. Political parties have also been blamed for sectarian lines or organising people on their sectarian lines and campaigns are not to educate people but to disunite them. But their leadership is permanent and there is little that is democratic about the internal life of these parties.

To glance at the history between 1962 and 1986, the country experienced a variety of political arrangements, multi party to single and now to Movement. None of them has been effective to stop state violence. These political parties fall short on many accounts. Lack of element of self-criticism and it tends to be self-serving. According to people of Kumi, if parties are organised on tribal sectarian lines, so is the Movement which is even trying to paralyse the country. If parties have public relations exercise than a policy pledge so does NRM Ten Point Programme which is honored less in practice than in theory. If parties are not democratic and are not having an internal constitution, that allows the membership to hold the leadership accountable, neither does the NRM have. If parties have been corrupt, so has the NRM using state resources as cheap alternative to translate into popular support and popular contribution. The electorate of Kumi have not seen the difference. The NRM is also moving very fast to the road of Parties of monolithic leadership and also trying to submerge the opposition. Mr. Chairman, democracy is not talking about words. There are principles to be followed for democracy to be recognised. Changing the rules of the game is not democracy. Nearly everybody seems to be regarded as the champion of democracy and yet totally scared of the results. Multi Party Democracy is the only suitable system to serve the people. The above criticism on political parties and the experience Uganda has had to contend with must not stop us from going democratic. It is us to start a new way again.

Mr. Chairman, the proposal in Article 94 (1) of the Draft seeking the further extension of the movement system for five years is totally rejected by my electorate. They argue that the Movement has been in power for seven years, a period long enough to fulfill its agenda and the record to be assessed. For them, the extension means a continuous suppression of their rights and freedoms to associate and it is intended to deny them forever. Since the Movement acts like a Party, they should also seek the mandate

of the people. Article 94 (2) - a citizen is possibly recruited into the Movement, he is not allowed to resign from it nor is he or she to be expelled. Let he/she and her services can be dispensed with the leadership of the Movement as reflected in what is rampant and is taking place around us.

Article 96 - participation in public affairs is being described by the article only through a, yet to be a defined, Movement System which closes the avenue for political expression and participation in public affairs. The Constitution which is a supreme Law will offensively invite the growth of resolution to organise the overthrow of the Constitution. Mr. Chairman, the people of my constituency therefore, prefer to see the return to multiparty political activity and scrapping of the Articles 94,95,96 and 98. *(Applause)*. The people want to see that we have the Constitution that must guarantee the proper democracy.

Now, Mr. Chairman, I would like to move to separation of powers. On the question of the separation of powers between the Judiciary and Executive and Legislature, the people of Kumi say that to avoid and safeguard against tendencies in the Executive, the powers of the President should be reduced. It is also their view that the President should be directly elected by the electorate of the whole country so that he has the popular mandate. His term of office should be five years. They also propose that the age for one to stand should be scaled down to 35. The people of Kumi view it that the President should, while in office be immune from ordinary possessions. However, they are in agreement that it is a necessity to impinge the President when he fails to perform, disregard the Constitution or abuses office. Sir, the President in the Constitution is given the excessive power to appoint persons to public offices with or without consultation or advice. The people propose that the powers be exercised on advice of the legislature. The Legislature should be the sole and exclusive body to make laws in this country on any matter but subject to the Constitution. The people propose that the composition be elected representatives on the basis of the universal adult suffrage and by secret ballot. They further propose that the supremacy of Parliament must be safeguarded and regular elections be held after its term of five years, and it will be the only method by which Governments and Parliament can be changed. The Article 131 (2) (b) (c) and (d) be deleted. We believe that the directly elected representatives will not have left any interest group out since the Constitution allows anybody of the required age to stand other than to allow interested

groups to be represented in this Constitution will amount to discrimination. We further propose that Article 136 be deleted because a Member of Parliament to be recalled before he completes his term is very dangerous. This will bring chaos as various defeated groups can regroup in order to have the Member out and it will weaken our Parliament. When a representative is elected, he is given an assignment to accomplish. Should he not perform, then at the expiry of his term he will be voted out.

The Judiciary: Most of the Articles are acceptable to the people except that they are of the view that to avoid conflicts, the office of the Attorney General should essentially be made fully in the independence of the Executive and should be non-political. The AG can be made an ex-officio member of Cabinet and should not receive directions from any other offices.

They also propose that qualification for somebody heading the Judiciary should be provided for in the new Constitution and the same to the DPP.

The National Council of State - Chapter 9 of the Draft Constitution be rejected and be eliminated in its entirety for it was intended to serve as second chamber in our proposed constitutional arrangement. According to the Draft, the National Council of State is created to act as a Body to check the powers of the President, approve certified acts of the Executive such as appointments. In this capacity, it will act as a specific special Committee of Parliament. The latter can also be exercised by a Committee of Parliament itself since the proposed Council will not be a legislative body. To allocate this function to the National Council of State is in fact to confuse the idea of checks and balances. Its composition, Article 152 (1) of the Draft notwithstanding, a National Council of State is very likely to be dominated by the President considering the powers, and whether real or imaginary, by an African Presidency. Once this power of getting operation appointment is removed from the Legislature and given to the National Council of State, as it is slightly be dominated by the President, the balance of State power will be tilted in favour of the executive and imbalance which the draft seeks remedied. Our reason for scrapping the Chapter is that the expenses of maintaining it can not be added to the tax-payers. Mr. Chairman, it is our view that the problem of conflicts between the Executive and the Legislature has not been so serious as the report wants us to believe rather that the problem has been the executive wielding its appropriate power and thereby

submerging the legislature. The proper remedy therefore, is to strengthen the legislature to act as an effective check on the Executive. Once State Power is evenly distributed between the three traditional organs of Government, the Executive, Judiciary and the Legislature and each is able to perform its function independently, the people of Kumi believe that these organs will act as effective check and balance on each other. The National Council of State therefore, becomes unnecessary and irrelevant in the system of checks and balances.

Mr. Chairman, allow me now to move to the form of Government. We agree entirely with all the articles of Chapter two. The people of Kumi have asked me to put their views clearly as follows: That Uganda should remain a Republic under Unitary System of Government. They urge that it is good, simple and cheap to run. It is our view that under the System, social services could be improved throughout the country by the Central Government. But this would be impossible in the federal state because such services are the sole monopoly of each state and each one must book its own treasury for such improvement. It will also save manpower and money in that there will be no change in the set up today. For the federalism, Mr. Chairman, allow me to quote Sir Andrew Cohen and his Highness the *Kabaka* of Buganda in 1963, in their joint statement regarding reforms in Uganda at that time. "*Uganda had been developed as a Unitary State all along and we feel it should continue to be so to develop. But there is some wide spread fear that a Unitary State will not easily safeguard securely the position of our hereditary leaders*". We believe that Cohen and *Kabaka* saw for themselves that the unitary form of government was the best for Uganda. Secondly, Mr. Chairman, the fear of their leader is no more since this has been already given back to them. Since Government has embarked on the decentralisation of local Governments at the district level, we believe that this is more or less an equivalent of a federation and has struck a balance between unitary and federalism. This decentralisation should now be entrenched in the Constitution.

We the people of Kumi view the constitution of traditional rulers with suspicion although there is need to preserve culture. The people who cherish these leaders urge that they are a symbol of unity, motivator, conservator of culture and cultural assets. But Mr. Chairman, learning from what we have seen, it may be correct to say it is a symbol of unity but it can also be a symbol of disunity. It was decided in NRC that those who wish to have their traditional

leaders can do so. Why is it that Prince Barigye has not been crowned yet others have done so. I believe his coronation is overdue. For instance, if Ankole allowed the minority to have a say, let the minority have him if they wish to have him.

MR. KATUREBBE: Point of Information. I would like to inform the hon. Member holding the Floor that the Constitutional Commission Report which is one of our working Documents and part of our terms of reference clearly states on page 585, that when the Commission visited Ankole, the Districts of Bushenyi and Mbarara, and gathered different memoranda from various people and it was clear that the dominant view of the people in those districts did not have room for a traditional ruler. And it is even stated in that report that even the few who supported traditional rulers did so without as much sentiment and support as was the case in Buganda. I would like the hon. Member to go and read that. Thank you Mr. Chairman.

MAJOR GEN. TINYEFUNZA: May I inform the hon. Member, that much as he is quoting what is contained in the proposals from the districts in Uganda to the Constitutional Commission, it is not alone that actually the RC5 specifically stated that they did not want the Mugabe. But the Omukama of Toro was supported by Government and went ahead and was restored. Not only that Mr. Chairman, in the same Odoki summary of contents on the submission from districts, I will quote, I do not have the page here, but I will try to remember you can cross check. It is clearly stated that other than Buganda where there was the majority view, in all other kingdom areas Bunyoro, Toro, Busoga, there was no clear demand for the kingdom. But those kings have gone ahead and been reinstated. Why is it Ankole that the Government is remembering now. Thank you Mr. Chairman.

MISS. KABIRISI LUBERENGA: Thank you very much, Mr. Chairman. The Law which hon. Tinyefunza has just quoted, clearly states that those who want a king should be allowed to have him. Those who do not so wish, are not forced to have one. We the people of Bushenyi have clearly come out saying we do not want the King, and as far as I am aware, democracy goes by the majority. So, if we people of Bushenyi say that we do not want the king, those who so wish to have that king, who seem to be from other parts of this country, are well come to have Barigye. But we people from Bushenyi are saying we do not want a king. Thank you Mr. Chairman.

MR. OMUTE: Thank you for the information. But still the Law says for those who wish to have, can have. Even if it is two, Barigye should be allowed to be crowned.

Mr. Chairman, I move now to fundamental rights and freedoms. In all the constitutions we have ever had in Uganda including the Draft now before us, the question of Human Rights has been in all of these, however, it has never been respected. Human rights and fundamental freedoms are both universal. The people of Kumi want their basic human rights guaranteed and respected. It is their view that in writing the new Constitution, other rights which are a subject of the International conventions which can be observed should be incorporated in our Constitution since Uganda is a Party to some of the international conventions. Mr. Chairman, the people proposed that this should be observed. Protection of women against all forms of discrimination and against cultural practices that are offensive or harmful to women. That no detention without trial. Anybody arrested must be made to appear before the Courts of Law within 24 hours not 72 as proposed by the Draft and also should have a right to a fair trial. Rise to education - the Constitution should guarantee free education to all. The people of Kumi say the existing rights of free association and free expression be allowed fully and should not be wished away by the majority when some of these cannot clearly be ascertained.

Mr. Chairman, moving to defence, the army is an institution of Government which is of great importance. It is a delicate institution which has greatly created an impact on the psychology of our people. The military has been used to suppress the people in order to prop up and maintain in power governments which are undemocratic and non-performing. It has contributed to the violation of human rights through murder, destruction of property and break down of social economic order. The military has been used to liberate the country many times from the bad Governments. So, they say, despite all this, the institution is too important to be side-stepped in the transition to democracy. It is in this view that the people of Kumi propose that the army should be national, professional and non-sectarian and should also be productive so as to cut down the huge expenses involved.

Being not sure and to avoid a repeat of the past, the people of Kumi propose that a Parliamentary Committee be set up to inquire into the president's set up and membership of the NRA and to satisfy that the army is truly the national one which can serve in any

other regime elected by the people. The people also suggest that the army commander be elected by the military council and the army board to avoid much responsibility to the President. Lastly on the army, it should be detached from the political front.

Mr. Chairman, I would like to move to the defence of the Constitution. Do permit me to go back to Chapter I - that is the defence of the Constitution. Mr. Chairman, calling the people to defend the Constitution by any means possible, that anybody tampering with it should be resisted. I content that that very fact will put our Constitution at risk because that part will have provided excuse and explanation which a would be power usurper will use to exonerate himself and also one can use this Article for fulfilling his own ambitions pretending that he is struggling for the good of the people and he can use it as his defence, Mr. Chairman, when this person by election should well be stipulated and entrenched in the constitution.

Mr. Chairman, I will now move to citizenship. Permit me to say something about the topic of citizenship. Most people believe that a citizen is a person who belongs to a particular nationality known to them, and any other nationality is an alien. Because of this importance we attach to the topic, I would like to ask Mr. Chairman, to allow me briefly to give three distinct categories identifiable as far as citizenship is concerned and this will need to clear with some provisions covering citizenship in 1962 and 1967 constitution. These three categories are: automatic citizenship, at Independence in 1962 one became automatic citizen if he or she was a British protected person born in Uganda and one of whose parents were supposed to have been also born in Uganda. Those amongst them who may have acquired at birth some other citizenship by virtue of the laws of citizenship of their parents, they are required, if already 21 years of age and above, to renounce the other citizenship by 9th October 1964 or cease to be a Ugandan citizen. Minors in this category were required to renounce the other citizenship on becoming 21 years of age or cease to be a citizen of Uganda. In both cases Parliament had power to extend the days of renunciation of the other citizenship beyond 9th October, 1964 or 21 years of age. The off springs of those who became citizens at Independence also became citizens at birth. Dual Citizenship only obtained and was restricted to minors up to the age of 22. However, in a country where registration of birth is mentally or does not exist and where there is no compulsory registration of citizens, there are probably many people in Uganda who do not know

that their dual citizenship status have elapsed. Acquisition of dual citizenship status was on account of either father or mother being a citizen of Uganda or a citizen of another country, unless both parents are citizens of Uganda and neither of them is also a citizen of another country. The offsprings have dual citizenship and the other citizenship had to be renounced by 22 years of age if one had to remain a Uganda citizen. It will be observed that conditions for dual citizenship or its limitation to 21 years did not, under the 1962 constitution, favour an offspring of a male Ugandan citizen. Both were treated the same whether born in Uganda or abroad. The same is true of the 1967 constitution where the limitation is 22 years of age.

Registration: The accession of Ugandan citizenship through registration was designed and virtually enforced by the British government principally to enable Asians who were in Uganda to acquire Ugandan citizenship. A person is to be entitled to acquire citizenship through registration where it was agreed at the very inspection of the details which are readily available in historical records. But it is important to know that citizenship by registration was to cease by 9th October 1964 or some earlier days to be predetermined by Parliament. Stipulated conditions of renunciation of dual citizenship by a specified date did not cause considerable problems to both persons concerned and to Uganda, and the British governments. There was the case of a Muyindi known as George who wrote a critical article about the Uganda government. So when the Uganda government picked up this man, the British came up that he was a citizen of their country, when Uganda tried to find out exactly, the forms were just lying in the Embassy and the man had not renounced his previous citizenship. So the British government, which had imposed registration with its accompanying renunciation of status of citizenship of UK and colonies within three months of registration also turned out in 1968 to have not had a machinery in Uganda to handle a renunciation. This particular provision became a source of problem later between the Uganda and British authorities leading to Asian citizenship anxieties. Although the 1962 constitution had to create a future of citizenship by latest 9th October 1964, the 1967 constitution, during the drafting of the constitution permitted some of the women who were entitled to be registered by the 1962 constitution to be availed the opportunity to be registered as catered for Under article 44 of the 1967 constitution.

THE CHAIRMAN: The Member is about to wind up I think.

MR. OMUTE: However a matter also enabled article 41 (a)-*(Interruption)*-

MR. WANENDEYA: Point of information. Thank you very much. Mr. Chairman. May I inform the speaker on the Floor now that some of the Asians returning to repossess their properties still have dual citizenship and nobody has ever cross-checked to find out this part of it. So for the future security of our country's constitution, we must be aware of that. Thank you, Mr. Chairman.

MR. OMUTE: Thank you for the information, that is why the people of Kumi want the laws governing citizenship to be well defined. Article 41 (a) confers Ugandan citizenship to aliens and on the same terms as those of the former British protected persons who became citizens of Uganda automatically on 9th October, 1962 even without enforcing on them the requirement to renounce the citizenship of any other country or countries they may hold. Furthermore, this article makes the claim - attempts to claim the Ugandan citizenship by aliens superior to that of the owners of the country, since their parents are not required to have been born in Uganda. Additionally, Mr. Chairman, article 41 (a) does not describe the citizenship status of the parents or grand parents of the person of whom the Ugandan citizenship is to be confirmed. As it was the claim of the aliens to Uganda citizenship, article 41 (a) does not state all the provisions to come into effect at the commencement of the new constitution, instead it provides for any alien born in Uganda by 1926 to become a citizen of Uganda. Mr. Chairman, the people of Kumi reject article 41 (a) of shifting our bench mark date of citizenship to 1926 instead of 1962. It is also their view that the refugees should not be allowed to join armed forces, assume control of sensitive offices such as intelligence, Pass Port office and others. Article 42 (1) of granting child a child of not more than 7 years of age found in Uganda citizenship must be deleted.

Finally, Mr. Chairman, would like to touch chapter 20, Transitional provisions. We the people of Kumi propose that after the expiry of National Resistance Movement in January 26th, 1995, some similar arrangements such as Government of National Unity should be in place in the next two years or a Chief Justice takes over, if we allow the parties to reorganize on the basis of a new law to be

promulgated by the Assembly. And we would also like to see party activities resumed as we prepare for the general elections. With those few remarks, Mr. Chairman, I beg to end.

MR. O'LET CHARLES CHRISTOPHER (Erute County, South): Chairman, I thought I was not going to speak due to a just announced water problem, and I was already along with other people on this side negotiating with Ssabalangira Mulondo if we can go to Bulange, and he was favourably considering that. So we would have been in Bulange this morning, thank you. Mr. Chairman, Erute County South is in the periphery and suburb of Lira municipality, to the North and East and South. The area is a crescent, which in turn is bordered on the other side by Erute county North to the North, Moroto county to the East, Dokolo county to the South and bits of Kwana and Kole county of Apach district to the South East. Most of the residents in the area are peasant farmers with a handful in salaried employment and business people within Lira municipality. Until 1987, we still recall with fond memories, the wealth in form of cattle goats sheep, every homestead kept. That was the year the cattle rustlers, for the first time in history, went across the length and breadth of Lira and Apach districts only to be stopped by River Nile at Masindi Port. While government officials in Lira and Apach headquarters, some of whom are UPC there then, are now here with us, watched with amusement, the Karamajong collecting whatever animals they wanted and they killed children, raped women, looted property, and burnt houses and granaries. Some of them spoils were obviously shared by the government agents, who should have protected the residents of the Erute county South from these murders. The saying in Lango goes that, *"you cannot send a dog to chase a jackal away because they are both of the same kind, one in the homestead, one in the bush"*. In other words both sides know what the other is doing. Mr. Chairman, contrary to what hon. Sam Kutesa said in this House on the 6th July 1994, that the people of Lango are now better off than during the multi party days. I would confirm here that my people are poorer in the advent of the NRM rule. Their main banks have been robbed, they would sell one or two cows to cover school fees or at the time of illness or famine - which is quite topical - or any eventuality. Now they work hard only to live from hand to mouth. But as I said earlier the robbery was intentional to make us poor that if you are poor it is easy to be ruled. Because each time you want

anything, you go to kneel before the provider - the ruler and beg. But with these hard working people, animal husbandry is beginning afresh, a few cattle are being bred once more through personal initiative. The savings are once more trickling into some family banks. Government has been promising to restock us and nothing has happened as we see our neighbours being assisted in one way or another to restock their areas with cattle. Cattle is a useful animal in our place but apart from being used as a bank, as I said, they are used in turn to solve many cases in time of emergency. It is also used for marriage which is a social or cultural event which everyone depended on. Cattle is also used for its milk and beef products. So we have been made to remain poorer but we are determined to push on.

Mr. Chairman, our purpose of coming here is to produce a constitution, a durable constitution. It is therefore, incumbent on us to create a document which will build our nation and leave it to run posterity. Building a nation has many connotations, political governance, economic achievement, social advancement, human and democratic rights, as some of the structures for development. But the most important preconditions for development are peace and stability. Mr. Chairman, I have heard it propagated in the air, press, in fact every where day in day out, that with the present peace ushered in by NRM e.t.c. e.t.c., we will do this, and that and the other. I have two questions for the movement high priests to answer here. One: was it not the NRM rebels who cause insecurity in the first place to a constitutionally elected government of the day? It is only fair that they put out the fire, they lit themselves when they are still in the office. Secondly, why do they mislead Ugandans that peace and stability are being enjoyed by all the Ugandans? We are well aware of what is happening in other parts of the country, Uganda is not Kampala. Kampala is just a capital, and therefore, every bit of Uganda should be enjoying peace and stability. We are all aware that when your finger is painful, is hurt the whole body suffers.

DR. KIIZA BESIGYE: Point of information. I thank the hon. O'let for giving way. Mr. Chairman, I would like to inform the hon. speaker on the Floor that the NRA, NRM did not start insecurity against the constitutionally elected government by reminding him that, that government was established after the Chairman of the military commission had taken over the powers of the electoral commission then and announced elected representatives of his choice. The Parliament that was formed in 1980, was not formed

as a result of elections announced by the electoral commission. In other words there was a coup against the government by the chairman of the electoral commission. That is the reason why the NRA opposed that government. It was therefore, not an opposition against a constitutionally elected government. I thank you (*Applause*).

MR. BEN WACHA: Point of information. I want to inform hon. Charles O'let, that the leader of the now NRM did not reject the results of the 1980 elections because of an announcement by Paul Muwanga. The leader of the NRM now rejected the elections of the 1980 even before the results of the elections came, by speaking in his words that if UPC won the elections, UPM will go to the bush.

MR. O'LET: Thank you, Mr. Chairman, and thank you the two hon. delegates for your information, in any case the Common Wealth observers who were here certified that the elections then had been fair and fair. Just as some of us are complaining about the latest elections and yet it had been certified free and fair. And we have not gone to the bush. Mr. Chairman, the war allowances for the war rebel operations are alleged to be encouraging manipulation of the actual situation on the ground. This I was talking about peace and stability which is supposed to be enjoyed by all of us. If therefore about this constitution making process, government of the day should ensure that peace and stability prevail throughout the country. Mr. Chairman, I would like to mention a few conditions precedent to our coming here. The first one was the implementation of the statute number (6) 1993. The law which provided for the CA secretariat, electoral procedures and candidature. There were many flaws in the substance of the law and the provisions that several amendments continued to be made since assent by the President as if to suit ones whims. Some of our Colleagues here may soon change hats and return with fresh amendments.

Mr. Chairman there were missions and commissions that His Excellency the President complained of when he addressed us here on the 18th May 1994. The exclusion of RCs and the tampering partisan District Executive secretaries. I would like to add that the central government representatives were the worst offenders. What they did in support of their candidates, even where two or more candidates were movement supporters, they carried out with complete disregard for the law. I can only give an example in my own elections, the results of my

elections and for that matter all other results of Lira district did not please our CGR. In his address to Lira DRC on April 20th and to Lira municipal council and that is on 21st and to RC IV of Erute county on the 22nd, he reiterated that government did not like the way Lira district voted. For that reason, we did not understand but he had just, come to the district and he made it clear that he was sent to redress whatever had gone wrong in the district. But people voted there freely and fairly and the elections were proper. All RCs were therefore directed from those addresses that the women's elections which were due on the 25th should therefore, be according to government wishes. And what happened is there for everyone to see. Government functions were therefore despatched to the sub county headquarters with appropriate tools to ensure success with the movement candidates. Such is the "free and fair" elections we experienced.

Mr. Chairman, the third condition precedent I would like to talk about is the report of the constitutional commission popularly known as the Odoki report.

MRS. LAGADA: Point of order. Mr. Chairman, the hon. Member has just categorically stated that the election of women in Lira and I presume Apach for that matter...

MR. O'LET: Why?

MRS. LAGADA: Sorry then - in Lira was rigged, Mr. chairman, is it in order for the hon. Member to make that statement and not substantiate how that election was rigged, I would like him to prove that it was rigged, if he does not prove Mr. Chairman, is he in order to do so?

THE CHAIRMAN: Hon. O'let may be you could substantiate - did you categorically say they were rigged?

MR. O'LET: That is hon. Member's words.

THE CHAIRMAN: Could you perhaps state it clearly so that you are not misunderstood?

MR. O'LET: Well I said that all the RCs were therefore directed that women elections on April 25th would therefore, be according to government wishes. That is what I said. So I would only ask the hon. Member to listen attentively rather than to think at the back of her mind.

MRS. LAGADA: Mr. Chairman, the hon. Member has stated that the CGR directed that all the RCs vote for the woman representative of his choice, presumably hon. Betty Okwir since she is here. How come, Mr. Chairman, that the other four candidates got votes from different RCs he is saying were directed. Mr. Chairman, my argument is that it is not fair for the hon. Member to claim that the CGR directed whereas we know the elections were free since other people got votes amounting to over 500.

THE CHAIRMAN: No, you see the hon. member said that the CGR told the RCs that the elections be according to the wishes of government. Now wishes are wishes. He has not gone on to say that those wishes were translated into reality, but those were just wishes. Please continue.

MR. O'LET: Thank you Mr. Chairman. I would like to talk about the report of the constitutional Commission popularly known as the Odoki Report. In normal circumstances, government procedure calls for a white paper to be issued to accompany publication of a report. In Parliamentary terms a White Paper will set out government's thinking, acceptance, rejection in part or whole, as appropriate. In this case, no government White Paper was issued to accompany Odoki Report, and I submit that if a White Paper was issued the current disagreement between the commission members and hon. Njuba, the delegate Minister responsible for constitutional making process, would not have occurred or come to the open. We are left to speculate each version of the draft to take as a working document.

Mr. Chairman, fourth submission on conditions precedent touches on the Membership of this House. At least you were told in the statute that your position would be so demanding that your full time services will be required here. None of us knew this was more than a full time job and most of us are sacrificing. Statute number (6) should have provided that all government officials including ministers should on being elected proceed on leave to enable us to work here without interruption. Lack of quorums late coming, etc, etc arising from mainly absence of Ministers, Senior Army officers, civil servants etc etc and delegates of that category are of frequent occurrence. The culture in the NRM government of the day is that one person is appointed to several posts concurrently, and at the expense of performance efficiency. An example I am sorry to be giving of a delegate hon. Member who is not here, hon. Abu

Mayanja, who is an NRC Member, he is a delegate to the CA, he is a Deputy Prime Minister, he is a Minister for Justice, he is Attorney General, on some statutory boards perhaps, he has got a private company, and farm, how does he run all these? So I am inviting you, Mr. Chairman, to look around and count how many Ministers are here or for that matter, those in that category? So those are the flaws of the law that was enacted to suit the culture at that time.

Let me now turn to a few items in the draft constitutions. We will just go through them roughly because a lot of Colleagues have already mentioned quite a number and not only that, the time will come when we shall meet *-(Interruption)-*

MR. KIGAYE BILLYAWO: Mr. Chairman, the composition of this Assembly is such that we are 286, they are 183 CMs who are CA. without them being present here we can still realize a quorum. So, Mr. Chairman, let us not say that the question is because we have got CAs and Ministers, it is because we are not committed ourselves. So I urge those who are not CMs to turn up so that whenever we have a quorum here we can go ahead with our business without the Ministers. Thank you very much.

MR. O'LET: Thank Mr. Chairman, that is the only part of the programme anyway.

MR. MWAKA DAVID: Thank you, Mr. Chairman. We know very well that because of those in the NRC that we do not meet on Tuesday, Wednesday, Thursday afternoons that is after 2.30 p.m. So, to say that we will have a quorum, if we were allowed to continue without Members of the NRC, we would be sitting everyday from 8.30 to 6.30 with a break of only one hour. So let no one deceive us here.

MR. O'LET: Thank you, Mr. Chairman. Mr. Chairman few items in the draft constitution. The first one is the question of land. Land is where our people have livelihood from and this has been handed over to us from time immemorial by our ancestors, and we think it should not be something that any other person, whether within the clan or the government or whatever it is, should interfere with. The commission seems to have been determined to hand over our land to government. Despite the fact that the entire chapter 17 is devoted to land and environment, which also allows government to control and regulate ownership of land, they were also smuggling the same land issue in other chapters like in chapter (3)

article 22, 26, and 414 which also mention government controlling land or whatever is coming from land. My people have insisted that the ownership of land should remain on customary basis as they have been enjoying it before, but they would not mind registering them under free holding as long as management is brought down to the village councils through the district land board. What they are saying is, we do not want to come a long way to Kampala, spend months, weeks or months chasing titles.

Mr. Chairman, the next point is on the three arms of government. The first one is the executive. When we talk about the Presidency, we are not talking about incumbency because we shall be coloured, we will not know what a President will be in several years time. This should be true of what is happening now, and some of the people here have that weakness of glorifying him as if he is a messiah. Calling him *Mzee*, or under the wise leadership of... or *Mutukuvu* or father of the nation e.t.c. Other wise such leaders would consider themselves omnipotent. Under this present NRM administration, corruption, nepotism, non-transparency are being practiced with impunity. The defenders of the system are always hypocritic, they are invariably in defence, always end up quoting some *Kinyankole* saying, *Kiganda* saying, whatever saying there is; parables proverbs, normally exemplifying ones inward looking self. I am told that, and my friend hon. Karuhanga should know, I am told that a Muhima will enter a crowded bus from point A and on arrival at point B and alighting would without shame inform his family or another Muhima that he travelled alone (*Laughter*). That is, others in the bus were not human beings. He is the only '*Omwaana w' Omuntu*' - the child of the human being. Such is the culture and behaviour of the NRM we have been asked to adopt again for the next five years.

MAJ. TUMUKUNDE: Point of clarification. I am seeking clarification from the speaker whether actually he has had such deep researching to these very people. That he may speak so authoritatively on a subject I am not very sure he is so conversant with. Mr. Chairman, I also want to make sure that the hon. Member on the Floor is not working very hard to divide a certain group of people and if that is not so, then he could explain why it had to be such an important thing to raise his general remarks even before we sit, to discuss the serious issues of the constitution. Thank you Mr. Chairman.

MR. O'LET: Mr. Chairman this was just an

illustration to bring out the point I was trying to raise.

MR. KARUHANGA: Point of information. Mr. Chairman, I am just trying to inform the hon. Member so that he can be a little bit more enlightened about this saying of his. Mr. Chairman, there are always jokes all over the world, from one group of people to another group of people. When you go to Britain you find that they like to use Irish as examples for jokes, and story telling. When you go to between the French and the Germans, they always talk about the French, and tease them towards their mannerism towards women. When you go to the Italians they are always talking about other tribes, when you come locally here in Uganda, every tribe has a bias about this, that, or the other. But to come and say things in this House which are just used by street vendors where you have no evidence whatsoever, where you have never heard a statement like this being made, where you cannot even point out one person whoever said a thing like that, just because may be one tribe was always trying to antagonise another tribe, and using scandalous statements about whether the king used to say this when he never used to do that, about whether his tribe used to say that when it never used to say that, it is not right. And that my friends contribution is really generating a very - because from that example he runs to conclude that the NRM government, full of this type of people, disregards other people as not human beings. It is really not a very good way of reconciling and presenting his paper in my view, and I would like to ask him to go a little bit to rise a little bit beyond that level of thinking for a delegate. (*Applause*)

A HON. DELEGATE: Hon. Chairman, I would like to inform my Colleague who is sitting next to me, that the process of constitutional making at a negotiating table is towards physical co-existence, that we are here to write a covenant for our own faithful corrective co-existence. And that we are all aware that in the past there have been wounds and that, he would also be aware that there is this popular saying '*the only good Muganda is a dead Muganda*' considering that these have been seeds of poison that I would inform him and request him to refrain from further poisoning and dividing the people on ethnic basis. Thank you, Mr. Chairman. (*Applause*)

MR. CHANGOMACHYO: Does the hon. speaker therefore, say that people like myself who are in the Movement, are also Bahima?

THE CHAIRMAN: I do not think that he said that everybody in the movement is a Muhima.

MR. CHANGO MACHYO: Mr. Chairman, he said that is how the movement behaves, and I am in the movement. Am I therefore, behaving like a Muhima? *(Laughter)*

MR. O'LET: Mr. Chairman, I think I was using the joke to illustrate just as other people have been using several, although others have been offensive, to illustrate the exclusiveness which some of the people handling the affairs of State practice. Mr. Chairman, I would continue now from the question of the Presidency whom my people said should be directly elected through adult suffrage. His powers of hiring and firing senior government and judiciary officials which is currently in practice, should be moderated by Parliament. In other words, he should nominate, then Parliament should consider approvals or otherwise. The cabinet should be from outside Parliament because those in Parliament should be very busy, with their own constituencies or electoral areas. The declaration of emergency by the President also must be moderated by the Parliament. The director of public prosecution should not be under the direction of any individual, it should be independent.

I move on to the legislature. We suggested that a combination of population in an administrative area be used for demarcation of an electoral area. All Members of Parliament must be elected through adult suffrage of one person one vote. No interest groups should be allowed separately as suggested in article 131. Why I say this is because, recently, in this very House, we had found two people representing one electoral area. A county representative would get up and say the people are saying ABCDE, and the next one, a woman representative would say I represent all over the district and the people are saying this and that and the other. So this confusion should be eradicated so that there is only one representative per electoral area.

In the case of women, we would only talk of their being *-(Interruption)-*

MRS. MAVENJINA: Point of order. Mr. Chairman, is the speaker in order to make that frustrating statement, I know whom he is referring to, when actually a woman who is representing the district actually moves throughout the whole district and therefore, knows the district better, whereas somebody who is in a county will know the county better. Is he therefore, in order to make that frustrating

statement Mr. Chairman?

THE CHAIRMAN: My understanding of the Member was that, you can have a conflict in messages rather than a conflict of people. That Some one in a county saying the people of my county support multi party democracy and then, the woman speaking for the whole district says that people of such and such district do not support multi party democracy. I thought that is what he was trying to relate to.

MR. O'LET: Yes, Mr. Chairman, that is exactly what I was saying, and on top of that, the nature of election by *-(Interruption)*

MR. OBEL ONEGI: Mr. Chairman, there is a true confusion here by the lady who has just spoken to indicate a challenge to the hon. speaker on the Floor that she, being the district representative, knows better than even the people who voted Onegi Obel in Jonamu, by implication. I would actually like her to know that Onegi Obel was voted, got a vote of 11,904. The hon. lady got 14 votes from Jonam. Is she therefore in order, Mr. Chairman? That she is a better representative may not be true even with 14 times, Mr. Chairman.

THE CHAIRMAN: That is not a point of order it is an argument hers against yours, I think the hon. Member should continue.

MR. O'LET: The controversy in the representation is in the draft constitution as well as the statute. Any way, to answer the good lady, the election of ladies in any case was, according to statute, by a handful of people, it was not through adult suffrage. So they should not be able to wield a lot of power by talking for the whole district as such. Now, Mr. Chairman, the women should be mobilized from the grassroots in realization of their rights. The elite women who are not in touch with situations in villages are doing disservice to fellow women. The women in the village need to know how they can tear away from degrading cultures, how they can obtain basic education, how they can assert their human and property rights. And this is what the infamous ministry of Women in Development should deal with. However, women representation should be allowed in the transitional period only, which provision should not be included in the main body of the constitution. It should be in the transitional arrangement. Because in 200 years time, the quality will be not what it is today.

MRS. ZZIWA NANTONGO MARGARET: Point of order. Mr. Chairman, is the hon. Member in order to continuously insert very, very un-becoming words for the women, specifically terming the ministry infamous? Like wise saying that we were not popularly elected very well knowing that these constituencies are also not equal. One was elected by a total of 30,000 whereas others came here on just a total of 6,000 votes, Mr. Chairman, is the hon. Member in order?

THE CHAIRMAN: I was going to call upon hon. O'Let to omit the word 'infamous' in his reference to the ministry.

MR. O'LET: Okay, can I then say the famous ministry. *(Laughter)*

THE CHAIRMAN: No, even that is not fair. I think just call it a ministry. Either it is a ministry or it is not a ministry, whether famous or infamous.

MRS. ZZIWA NANTONGO: Can he withdraw, Mr. Chairman?

THE CHAIRMAN: Well he has withdrawn the word 'infamous'.

MR. O'LET: Okay, I withdraw both the famous and infamous. Thank you.

THE CHAIRMAN: Okay, go ahead.

MR. O'LET: All sessions of Parliament must be open and accessible to the public.

MRS. AKECH OKULLU: Mr. Chairman, much as we were elected by very few people, when we go home, we consult everybody in the district. we never deny anybody who comes to us for consultation. So I would like the hon. Member holding the Floor to note this very seriously. Thank you very much.

THE CHAIRMAN: Please, go on I think we are just generating -

MR. O'LET: I have already finished that point anyway. Parliaments must reign supreme, manipulation must not be tolerated.

Judiciary: The hire and fire of senior court judges should be subject to confirmation by the legislature, even if the appointment or nomination is made by the President. Others should be under

judicial service commissions. The executive should desist from influencing directly or indirectly, matters before the courts or decisions thereof. Equally the executive security personnel in particular should obey court decisions. Appropriate provisions should therefore, be inserted in the constitution.

Human and property rights: First it is essential to educate people and establish the culture of rights and the rule of law. The people should be made aware and appreciate basic human rights in all levels of our societies including education establishments. We support the provision in chapter (3) of the 1962 constitution except article (18) which allows capital punishment. Article 97 in the draft refers to freedom of association; formation of political parties being guaranteed etc but these are in direct conflict with article 98 that stipulates that no parties may campaign or sponsor candidates during the existence of the movement system. At the opportune time, I shall move an appropriate amendment accordingly. As to the rights of children, we should adopt appropriate international provisions as sponsored by UNICEF and other international bodies. I have already dealt with the rights of women elsewhere. Implementation of women's rights through establishment of Equal Opportunities Boards would go a long way in redressing the current discrimination against women in education, employment, and advancement. The rights of other disadvantaged groups should also be recognized such as the elderly, the refugees, and National Union of the Disabled Persons of Uganda. *(Applause)*

The Army should be subject to ordinary laws of the land and not to usurp powers of the police or courts of law particularly with reference to the holding of field court marshals. We have also witnessed Basiima house and Makindye interfere with the Police investigation of cases. We suggest abolition of the Internal Security Organisation (ISO). We have already got several branches of police which can do all the internal security investigations. The work being done by ISO is not different from what is being done by the Special Branch and it is only a duplication of work and, not only that, we have witnessed an occasion, at least, where the two heads were cracking their heads as to who was better educated or trained or experienced enough to set up security organisations during an international meeting which did take place here. So instead of that, we should have a Human Rights Bureau with full rights to investigate and oversee abuses of human rights. Finally on rights, my people advocate specific provision guaranteeing the freedom of expression of the

public media without restriction whatsoever and this should be inserted in the Constitution. If there is anything which needs to be done with the pressmen, they should establish their own body as other scribes have done world wide for the purpose of their own internal discipline so that if I am wronged I can report to the Press Council and they would discipline themselves accordingly. No government law should come their way to restrict their job.

THE CHAIRMAN: Hon. O'let you should be completing your contribution.

MR. O'LET: On citizenship, to revert to the 1962 provision, my instructions are that to cut off the year February 1926 should not be acceptable. On the question of Rwandese which every one is talking about here, we know that the controversy is only with the Rwandese who came here and went to the camps or they were taken to the camps and some of them left the camps illegally to settle elsewhere and their children left for the purpose of education or anything like that without being traced thereafter and these are the ones whose status is in doubt. But the only one which is bringing us problems are those who, fortunately, are now on their way out. But those who had been here during the demarcations of boundaries and those whom we know are Bafumbira are having no problem with the people here. It is only those who are basically refugees. We have already seen some of them, according to the pictures in the *New Vision*. Leaving Sembabule to go back. Hopefully Hon. David Tinnyefuza will now have no more case on the establishment of a new district or sub district in Sembabule. Those are the ones who are very loud, those who were refugees are the ones whose allegiance to the country is doubtful.

My people would not accept automatic citizenship of any unknown child found in the country. If, however, as explained by hon. Nabudere that this is a Clause in an international convention to which Uganda is already a signatory, then we have no powers to reject it. Still it should be left out in the constitution and included in an Act of Parliament if not already there.

THE CHAIRMAN: Hon. O'let, I think apart from the fact that you are going far beyond your time, you should be winding up finally now but I hear a point of order.

MAJ. GEN. TTNYEFUZA: Point of order. Thank you, Mr. Chairman. Mr. Chairman, is it in order for the hon. Member holding the Floor to submit that the

people of Sembabule are Banyarwanda and therefore the district which is required is a district of Banyarwanda when the sub district of Sembabule is inhabited, and clearly it is stated in the census statistics, by Banyankole and Baganda who are Ugandans. Is he in order, Mr. Chairman?

THE CHAIRMAN: Well, I think the Member is now informed. We shall take yours as information to him and let him now take that into account as he winds up his remarks.

MAJ GEN. TTNYEFUZA: Point of order. I take it that what hon. O'let has submitted will go on record that since Banyarwanda are going back to Rwanda therefore the district of Sembabule is no longer relevant. Since that is a misinformation and an incorrect information at that, I would beg the indulgence of the Chair that he makes the records straight and withdraws that statement. Thank you, Mr. Chairman.

THE CHAIRMAN: Okay, let me hear the import of your statement properly then we can make a ruling.

MR. O'LET: What I am saying, Mr. Chairman, is that one of the reasons which was being advanced for the establishment of a district in that particular area was the population of the place. So since the area will be reduced in population it may not be viable as it had been originally reasoned and that is what I was only meaning. It may still be viable as it has been originally but I am only saying that if that was one of the reasons, and it was in fact in the write-up of the submission. So, if I can now continue, Mr. Chairman, and wind up.

On the National Council of State, this was a misnomer, it was introduced through back door and in bad faith and, therefore, it should be scrapped - *(Interruption)*.

THE CHAIRMAN: Of course the hon. Member should be winding up. Every time you raise a point of order, he is entitled to an extension in time.

MR. O'LET: Political system as envisaged in Article 94, 95, 96 and 98 should be left out of the main constitution. This should form a separate consideration as a transitional period so that all Ugandans should know about it and they are interested in all shades of political opinions keen to partake in the governance.

Mr. Chairman, time has caught up with me and I am leaving out the question of decentralisation which is important to me, I am leaving out the question also of Movement being a political party with all the reasons that there is. So I will only go and conclude. Mr. Chairman, that the people of Erute County South have faith in all of us seated here and trust that the document we shall come up with at the end of the day will include a provision that no person shall be unfairly discriminated against, directly or indirectly on grounds of race, we have got other races who are Ugandan citizens, tribes, clans, gender, sex, ethnic social, colour, we have citizens who are of different colour from ours, sexual orientation. At the moment we are fine here but in future as we know there will be people of different sexual orientations. So they too should be protected (*Interruption*) - Yes, lesbians and homosexuals for that matter. Disability, age, religion, conscience, belief, culture, language etc, etc.

Lastly, Mr. Chairman, not to be outdone, I wish on behalf of the electorate in Erute County South, to send warm greetings and congratulations to you and your Deputy and all the hon. Delegates for the good deed we are gathered here to perform. I wish all of you success. For God And My Country

THE CHAIRMAN: Thank you hon. O'let for your contribution to the debate, I would like before I give the Floor to the next speaker to announce the good news that water has come back to this building. I now give the Floor to hon. Aston Kajara of Mwenge County South.

MR. KAJARA (Mwenge County, South): Thank you, Mr. Chairman. I am a delegate for Mwenge County South. Mwenge county is found in the heart of Kabarole District, for those who do not know it very well, start at the junction of Hoima road and Kampala road, start on Kampala-Fort portal road. We border with Kibaale county, with Mwenge County north, with Kyaka county and Burahya which is represented by hon. Kisembo Mireju. Mr. Chairman, first of all, I wish to congratulate you and your Deputy for having been elected to this august House deliberations, a task that you have so far done very well. Allow me to congratulate my fellow delegates to this Assembly for having been elected or nominated to this historic Assembly. In the same spirit, Mr. Chairman, I wish to congratulate and thank the NRM Government for enabling Ugandans and the people of Mwenge in particular to carry out their human and inalienable right to electing

delegates of their own choice to this Assembly. The Constituent Assembly Commission and the Odoki Constitutional Commission are equally hailed for organising the first ever free and fair elections and of gathering and collecting the peoples views in the Draft Constitution respectively.

Allow me, Mr. Chairman, to contribute to this historic debate by first mentioning that this has been a spectacular event in the history of Uganda, Africa and the world as a whole which has permitted Ugandan citizens of all walks of life to participate in the making of their own constitution. This, Mr. Chairman, is a great challenge to you and hon. delegates who have been delegated and entrusted with the responsibility and the formidable task of debating, enacting and promulgating a constitution that will pass the test of time. I am confident, Mr. Chairman, that the peoples' trust and expectations will not be in vain.

Mr. Chairman, you are aware that a constitution is the supreme law of the land and it is a set of principles and laws of a country and functions of various organs of government and the rights and duties of citizens. It is the basic law on which all the other laws are derived. It is not surprising, Mr. Chairman, therefore that during this debate, hon. Delegates have not only mentioned the cardinal principles that should be enshrined in the Constitution but have gone ahead to advise on the best systems that should be adopted by different organs of state and also mentioned the abuse of citizens rights and infringement on individual freedoms that have taken place in the past in complete inconsistency with the Constitutions of the time. It is therefore desirable that we put a good constitution in place that will be suitable for the social, economic aspirations of Ugandans and a constitution that will not split but build a better peaceful Uganda.

On National Unity, Mr. Chairman, this Assembly has been depicted by the press to be widely divided between multi party and the Movement type of government and between federal and unitary form of government. Mr. Chairman, I have carefully listened to delegates of this Assembly declare and swear that certain things are not negotiable, that this right or that, cannot be taken away. I have also heard hon. Delegates talk of the spirit of give and take, the spirit of compromise and the spirit of consensus. I have, however, Mr. Chairman, detected a lot of bitterness in some deliberations of this Assembly whereby Delegates have blamed one government or another for the calamities suffered by the people of Uganda to the extent of ruling out a possibility of the

meeting of the minds of all Ugandans. Permit me, Mr. Chairman, to say that this Assembly should be governed first and foremost by the spirit of national unity. Unity that should not be compromised by whatever means. I will, therefore urge hon. Delegates from whichever region, tribe, religion, sex or corner of Uganda not to allow those personal, regional, party or sentimental ambitions to diminish or to override national interests. The august Forum should be used to concretise peace and unity for the people of Uganda and not for sowing seeds of discord, seeds of disunity and, therefore, seeds that will result into tomorrow's blood. Hon. Delegates you will agree with me that every Ugandan, at one time or another, has suffered socially, economically or politically. I therefore, urge the delegates to review the past, mend fences and initiate a new beginning with the promulgation of the new Constitution.

Mr. Chairman, and fellow Delegates, Ugandans have seen their rights being trampled upon by the Government. They have seen their Constitutions being abrogated with impunity. We have seen peoples lives being deprived, let alone deprivation of property, dignity, homes and families. This history should be a very good lesson for the future and especially the hon. Delegates who are here to debate, legislate and promulgate a constitution to model a future Uganda. We should, while making this Constitution, consider ourselves first and foremost Ugandans leaving other considerations as secondary.

Mr. Chairman and fellow Delegates, you will appreciate that the purpose of involving the whole population in the constitution making process was not only to achieve and cement national unity but also to achieve a national consensus on the most suitable form of constitution that will be respected and upheld by all the people of Uganda bearing in mind the past and focusing on the future of our motherland. I was, therefore, Mr. Chairman, overwhelmed by certain statements such as that the people of Luwero would not have been killed if Museveni and his twenty seven young men had not gone to the bush as if to suggest that there was no reason at all why Museveni went to the bush. Such Delegates, Mr. Chairman, should be informed that even that opportunity to utter such an unfortunate statement is available because Museveni and other peace loving Ugandans sacrificed so much only to return this country to a democratic stride thus enabling this hon. Delegates debate and deliberate freely without fear or favour.

Mr. Chairman, and hon. Delegates, in the spirit of national unity, alliances and marriages of convenience such as those of UPC/KY of the 1960s plus the mushrooming caucuses for democracy should be avoided and should wait if they are to manipulate and divide our people along ethnic, partisan, parochial lines and if they are to divert the people of Uganda from a democratic path. I am sure that the majority of Ugandans, Mr. chairman, are watching and seeing and will live to judge advocates of divisionalism and intrigue championed through these marriages of convenience.

On fundamental human rights, Mr. Chairman, the people of Mwenge would like to live freely and happily in full enjoyment of their rights and freedoms. They would like to have enshrined in the constitution the fundamental freedoms namely, right to life, liberty, dignity, education, security and freedom of worship, expression, freedom of the press, of the assembly, association and movement. They would like to see protection of privacy of persons, homes and families and property. They would like to see a situation where discrimination of any sort against any person or groups of persons on account of sex, tribe, religion, social economic standing or political opinion to be outlawed. Mr. Chairman, we would like to see a constitution that compels any government of any time to uphold the rule of law, the independence of judiciary and uphold the doctrine of separation of power. Mr. Chairman, at this juncture I would like to mention that the detention without trial should be abolished and any person arrested or detained for any offence should be brought before a magistrate's court, or any court of law, within a maximum of 48 hours. Mr. Chairman, the 72 hours period provided for in the Draft Constitution is too long considering that a person is presumed innocent until proved otherwise.

Mr. Chairman, on land and environmental protection the people of Mwenge believe that land belongs to the people and being a factor of production, people should be enabled to acquire titles to land. It is the view of Banyamwenge that a free-hold system of land tenure should be enshrined in the Constitution itself. If you see, Mr. Chairman, the draft constitution does not mention that this or that system will apply, it only gives that power to Parliament to evolve a system. What we are saying is that the Constitution itself should mention so that future Parliaments do not depart from such decisions of the people. Mr. Chairman, the people from Mwenge consider themselves, and were indeed, producers of wealth and the paramount tool in the name of land

should be availed to them with full benefits and free of any inconveniences of having to pay *Busuulu* or renew leases. They would like to see their customary land tenure system of *Bibanja* holding recognised, legalised and for which they should be enabled to acquire titles at affordable rates. Hitherto, Mr. Chairman, the cost of getting land titles has been very exorbitant. The Banyamwenge think that the government can come in, liberalise the system of acquiring titles at district levels so that each and every person is enabled to have a land title and, therefore, would be able to give that land title as security for acquiring bank loans. Tenants squatting on mailo land would like to acquire free-holding titles to the land they occupy and the current owners thereof, should negotiate with the government for compensation because, Mr. Chairman, it is not their fault, it is the fault of the colonial era, the fault of the colonial period that allotted land to chiefs and kings without paying due attention to the people who live on the land. They however, advocate that, Mr. chairman, a free-hold system of land should apply in rural areas only while urban land should be managed on leasehold basis. They also advocate, Mr. chairman, that none citizens, especially entrepreneurs wishing to acquire land for development purposes should be granted land but on lease basis.

Mr. chairman, on environment, the people of Mwenge are very much endowed with natural forests cover, good soil and a beautiful landscape and therefore advocate for evolvement of a policy to protect and preserve this environment from abuse and degradation. However, Mr. chairman, to tell the people that do not cut forests or do not do this or that without offering an alternative source of energy would be a waste of time. The people of Mwenge, Mr. Chairman, urge the government to spread the use of electricity to rural areas especially Kyenjojo, Kyegegwa and Katooke and Kagadi. Mr. chairman, not only to spread that power there but they should lower the electricity charges. They should also develop a system of the use of solar and bio-gas system, at affordable rates, if possible, at communal basis where possible.

On political system, Mr. Chairman, we are aware that the universal charter on Human Rights guarantees fundamental rights and freedoms, the rights that I have already mentioned in my submission, Mr. chairman. There is a provision, Mr. Chairman, that these rights must be exercised subject to the respect for other peoples rights and freedoms and for public interest. To exercise such rights should not be prejudicial to the rights and

freedoms of others and public interests. Mr. chairman, democracy could be a system of government that involves the people in the decision making process and running and deciding on how they should be governed. It is a system where there is equitable distribution of resources among the people. The people of Mwenge asked me to convey to this august Assembly that they have seen all kinds of governments, ranging from the colonial period, the unitary type of government, the post independence and semi federal government, the multi party democracy including the rule and totalitarian military dictatorship of Iddi Amin. The people of Mwenge have also tested the rule or the reign under the current National Resistance Movement system of government of unity commonly know as broad based government. The people, Mr. Chairman, vividly remember when one of their sons in the name of Abwoli Malibo was murdered together with other patriotic Ugandans by firing squad in broad day light under the Amin regime on the allegations that the late was a guerilla even without having a fair trial in law courts. Their minds, Mr. Chairman, are still fresh when their first elected representatives crossed on the Floors, they were elected in DP and they were coerced to cross to UPC. We also remember a time when the late George Bamukuraki was gunned down because of political dissent in the Obote Two Government. The political persecutions, Mr. Chairman, the horrendous killings, the intimidation of political opponents and political discrimination of the people of Uganda during the multi party system era is still fresh in the minds of people. Mr. Chairman, while at Makerere university in 1980-81, I saw students, including myself, being politically harassed, intimidated and arrested. Many students took off to the bush, into exile and into hiding to save their lives from the fascist dictatorship unleashed on them. Many students, Mr. Chairman, escaped and never finished their examinations because of political persecution. Even in this House, Mr. chairman, we may have people who suffered those kinds of persecutions. (Interruption) Mr. Chairman, I will finish this point then I can get information. Hon. Tumukunde, Hon. Mugisha Muntu, Hon. Maj. Gen. Tinyefuza are a few and Hon. Basoga Nsaju who witnessed some of what happened at the University. Mr. Chairman, in the past we have seen an exodus of exiles leave Uganda only to return after the NRM government come to power and opened the gates wide. Mr. Chairman, hon. Delegate Aggrey Awori, hon. Delegate Dan Nabudere, Mr. Omwony Ojok, are some of these people who had ben excluded from the

Ugandan politics by the political systems of the day but have managed now to come back and are in this Assembly deliberating on a new constitution. We are aware, Mr. Chairman, of so many Members of Parliament who were coerced to cross to UPC or who had to go to prison on detention without trial. We are also aware of multi party partisans who pretended to open black books only to close them after they were involved in the government which contributed to immense violation of human rights. Mr. Chairman, we have also seen governments like this one of today which has incorporated rebel leaders into the system of governance of their people including some people who are in this House, Mr. Chairman.

Mr. Chairman, at this juncture the people of Mwenge would not like to see the poachers- turned-Game Warders try to enlist support or multi party politicians until and unless they are sure that these people have really repented and have now become pro-people. The people of Mwenge, therefore advocate for an extension of a broad based Movement kind of government for five years which would enable parties, individuals and everybody to reorganise, democratise themselves and transform themselves into new parties free of sectarian tendencies based on tribes, religion or kinsmen. The new party should evolve a new leadership and assume a national character but before allowing the multi parties to operate, the people of Uganda should be consulted. Again they should be consulted through a referendum to ask them whether they would like to divide themselves into parties or remain under one association freely chosen. Mr. Chairman, I would like at this juncture to advise that even during the five year term of the movement kind of government, the Banyanwenge would like to have the Movement reorganized (*Interruption*).

MR. AMBROSE ATWOKI: Mr. Chairman, I am seeking clarification as to the kind of broad based government Aston is trying to refer to. What form will it take? Thank you.

MR. KAJARA: Mr. Chairman, I have already mentioned that a broad based government would take the form of Movement whereby every Ugandan, every citizen of this country is allowed to participate as long as, Mr. Chairman, he or she is acceptable to the principles of democracy, the principles of accepting to live with each other, a principle that will not disunite Ugandans. Mr. Chairman. And as long as a person does not accept to keep himself out of the

systems, Mr. Chairman, in this government, there are people who have not subscribed or who are not with us in this Assembly because the UPC allowed themselves to be kept out of this Assembly.

THE CHAIRMAN: Hon. Member, there was information over there. You said you might take it.

MR. KAJARA: I cannot take hon. Babu's information.

THE CHAIRMAN: Are you being selective?

MR. KAJARA: Mr. Chairman, I have a right to chose who to give information to me.

MR. BABU: Mr. Chairman, the information I have for the hon. Member on the Floor, there has been a problem with this question, what is the formation of the government in a broad based government. I just want to give information, Mr. Chairman, that in Nebraska in the United States, they have a no party system with one House where everybody stands for elections and is elected. This is in the United States, it is one of the states of the United States, it was the number thirty-three state. The next one, Mr. Chairman, Channel Island in Great Britain, they do not have parties also but they have governments. So I just want to make sure that some people understand that in the modern day are especially with the democracy they are keen on quoting, they also appreciate that a no party democracy does exist.

MR. KAJARA: Thank you for the information hon. Babu. Mr. Chairman...

THE CHAIRMAN: Hon. Kajara, are you going to take any more information or you are not?

MR. KAJARA: Not for the time being until I have finished this, Mr. Chairman. Mr. Chairman on whether Uganda should adopt a federal or a unitary kind of government, we believe in this House, Mr. Chairman, that Delegates should respect and accommodate each others' views especially if they originate from their own constituencies. The quarrel I have, Mr. Chairman, is that these views must not be given in such an outrageous manner as to make them into ultimatum. Because Mr. Chairman, we are trying to make a constitution which will govern the whole of Uganda and not units of Uganda. Mr. Chairman, for some one to say that if we do not

accept this system or that there will be instability in Uganda is to question the ability of Ugandans to contain that kind of instability. Mr. Chairman, and fellow Delegates, Banyamwenge believe that the 1966 crisis stemmed from the fact that some parts of Uganda, and namely Buganda as a federal state, felt it was more important and that it could survive on its own. Buganda tried in effect to create a separate state and dictate terms on others to the extent of giving an ultimatum that if you do not accept this or that, leave our soil. Mr. Chairman, we would like to avoid that kind of confrontation. So whatever statements we make in this House should not reflect a fixed position which allows no discussion contrary to the spirit and aspirations of this Assembly and Ugandans. The people of Mwenge, therefore, Mr. Chairman, believe that federalism has outlived its usefulness in the Uganda of today, that federalism cannot work today, as most of the states are not viable to survive as such and that the system of federalism would promote tribal and regional groupings thus creating disunity and even unequitable development for the less endowed districts of Uganda. I would like to see, Mr. Chairman, a Uganda governed under a unitary kind of government with a highly decentralised base at district levels. Mr. Chairman, Buganda's central position requires that it be in total agreement with the new constitution to ensure peace and security.

On decentralisation and resource allocation, Mr. Chairman, the people of Mwenge would like to see functions, power and responsibilities transferred from the Central Government to the local government and from higher local government to the lowest RCs in order that government decisions are taken as close as possible to the people involved. Lower RCs, Mr. Chairman, are able to identify their local problems in their areas of jurisdiction and they are also able to know what kind of solutions can attend to those problems. They are able to initiate development programmes for infrastructure and to formulate policies and review development plans according to their needs. We therefore believe that through decentralisation, that the state shall take balanced development and equitable distribution of resources to rural areas in different parts of Uganda including Kotido where people have never seen a bus. Mr. Chairman Kabarole being one of the least developed districts, although we have vast resources - *(Interruption)*.

MR. SAM OGWEL LOOTE: Point of information. I would like to inform the Hon. Delegate that the people of Kotido have ever used the buses and I used

to travel from Moroto through Kotido to Gulu and to Arua by bus. This information of saying that we have not seen a bus I think it is a lie. May be children who were born last year are the ones who have not seen a bus.

MR. KAJARA: Mr. chairman, I would like to thank the hon. Member for the information and I would also like to say to this House that the hon. Delegates, the Women Representative for Kotido informed this House that the people of Kotido have never seen a bus. Mr. Chairman, Kabarole district being one of the least developed districts, despite their vast resources and a lot of economic contribution to the national economy - *(Interruption)*.

MRS. OKORIMOE: Thank you Mr. Chairman. Because he is referring to what I said some days back, I think, if the Members here can remember I said we the people in Kotido last saw a bus in 1984 during Obote Two and I said we have never see a bus during this regime of the NRM. That is what I said. Thank you very much, Mr. Chairman.

MR. KAJARA: Mr. chairman, if I can qualify my statement, the people of Kotido who have never seen a bus for the last ten years.

MR. OGWEL LOOTE: Point of order. Is it in order, Mr. Chairman, for the hon. Delegate to continue deceiving this House that the people of Kotido have never seen a bus and yet they are people who are aged?

THE CHAIRMAN: Well, you did not hear what hon. Member, the lady from Kotido said. His statement was following that and he corrected himself.

MR. KAJARA: Thank you, Mr. Chairman. Hon. Delegates, the people of Kabarole, Mr. chairman, would like to see the government take measures to address the social economic imbalance created by successive economic imbalance in development which has been the leading source of conflict among the tribes and regions of Uganda. Additionally, Mr. Chairman, the people of Mwenge would like to see boundaries of districts clearly gazetted to avoid future confusion between one district or another.

At this juncture, Mr. Chairman, I would like to comment or clarify sentiments raised by the hon. Delegate from Kasese District. It is true, Mr. chairman, that the former Toro district was carved from the now three districts of Bundibugyo, Kasese and Kabarole. It is also true that there may have been oppression by the king of Toro then to the people of Busongora or Bukonjo county. However, Mr.

Chairman, the Rwenzururu Movement, if it claims to be that it was a struggle for justice and democracy, they should not have turned their guns against the Batooro peasants, to eat their chickens and goats when in fact the oppressor, the king and the chiefs were available at the time. Mr. Chairman, those acts against the Batooro people can only, in all fairness, have been acts of banditry, undemocratic and should be condemned by all peace loving Ugandans.

On traditional rulers, Mr. Chairman, we recognise the rights of individuals or groups to enjoy their right to their culture, tradition and customs. The people of Mwenge therefore subscribe to the idea of protecting their culture and values including the institution of traditional rulers, for the communities who wish to have them. The functions of traditional rulers, however, Mr. Chairman, should remain cultural and developmental and should not be involved in partisan politics.

As to the Army representation, Mr. Chairman, for the army to appreciate the problems of a country, they need to be involved practically and Mr. Chairman, being citizens and part of the electorate, they should also be subject to election to Parliament and be involved in other national issues at all levels. With the involvement, the army will in future be unsuspecting of the politicians because they will be aware. We believe that the Army should be represented in the Assembly such as this and future legislature. This will assist to integrate the Army so as to demystify the politics of the gun just like the ordinary Ugandans have demystified the youth of the gun in *Muchaka muchaka* training. This Mr. Chairman, we believe will create lasting, peace and security for this country. As for the women and -
(Interruption)

MRS. BWAMBALE: Point of information. Mr. Chairman, I thank the hon. Member holding the Floor for allowing me to make some clarification. It is true that the present Kasese and Bundibugyo districts were carved out of the former Toro Kingdom and we have to be clear in this House, of the causes of the Rwenzururu movement. The Rwenzururu movement was a spirit and it is still there, it is a spirit for human dignity, democratic right, self governance, education and development and these are continuous processes and somebody to term it - a spirit which was evolved for a good cause - demeaning it to a coup is, very disheartening to the people of Kasese who are so development minded. However, this spirit now is a positive spirit towards all the people of Uganda and Kabarole in particular.

If we can negotiate and agree how we share in development, education and democracy, we shall have no problem. That is a clarification I wanted to give. Thank you.

MR. KAJARA: Thank you for your information. On the sharing formula Mr. Chairman, I think they will have to negotiate with the government because Kabarole has nothing to do with negotiating with Kasese on what to share because the resources come from the Central Government.

Mr. Chairman, we strongly support the policy of affirmative action and positive discrimination for disadvantaged groups including minorities and marginalised tribes in Uganda. The people of Mwenge would like to see a constitution which will involve, not only the women, but also the youth in running the affairs of this state. They advocate for the rights of women to inherit and own land and property and aware of the unquantified contribution to nation building and economy of the women. We wish to support the provisions in the Draft Constitution which are intended to address special needs, rights and welfare of women and those of the youth, the disabled, the aged and those of children. Mr. Chairman, in that line, the people of Kabarole would like to see the youth being included by being provided with compulsory free basic education. Mr. Chairman, the youth and women on the other hand should measure to the challenge by playing and asserting their role in the social economic development of the country.

On the protection of the Constitution, Mr. Chairman, Delegates are aware of how our last three constitutions came in force and how they were abrogated. We also appreciate that a constitution making process is an expensive affair. It is therefore necessary that a constitution needs to be protected by all citizens of this country. This entails that all Ugandans should be sensitized in the content, the importance and the application of the constitution in order to appreciate its value. It is advised, therefore, that the constitution should be translated in all local languages and taught, not only to law students but also to every Ugandan just like the National Anthem. It is also recommended by the people that every able bodied Ugandan should be taught how to handle the gun in defence of the national constitution.

Mr. Chairman, one of the major facts which has undermined constitutionalism in Uganda has been the manipulation of systems by politicians of the day, to bend the rules of the game in their favour so as to stay in power for longer periods resulting in

dictatorship. This can only be avoided if we have a reflection of politics, economic and military balance of power being subjected to regular free and fair elections. This will ensure that democracy is not only talked about but is practiced. It will bring a spirit of tolerance well knowing that once one has lost today, may be he will make it in another four years instead of taking to the bush.

Mr. Chairman, the people of Mwenge support the institution of the IGG which should be strengthened to combat fraud, corruption and abuse of office and human rights. And, Mr. Chairman, we request that the institution of IGG should be given powers to prosecute offenders. We also support the human rights commission to be established on a permanent basis to curb and attend to cases of abuse of human rights in the past and in the future. We also, Mr. Chairman, advise on the creation of a National Disaster Policy Commission to address and handle national disasters such as earthquake in Kabarole district, AIDS scourge and hunger in the Eastern parts of the country. National disasters should not only be supported by supplies but also services and these services and supplies should be given to the people in time when they most need them.

Mr. Chairman, we recommend that Swahili be the national Language. This will not only promote co-operation and unity among the people of different ethnic backgrounds in Uganda but will also facilitate communication outside Uganda.

Mr. Chairman, on citizenship, it is a very important aspect of this constitution in that every person has a right to citizenship. People should not be denied or deprived of their citizenship and nationality because of political disagreement. The issue or statements, Mr. Chairman, like "Nyarwanda", like "Anyanya" just because people in Government do not like you should be put to an end. Citizenship must be clearly defined, who is entitled and who is not. For example, Mr. Chairman, the issue of children should not be brushed aside. Mr. Chairman, there are children in this country, for example, in Kabarole district we have Sanyu Babies Home, here in Kampala and other parts of the country there are babies homes where children found dropped on the streets or dust bins are gathered and brought up by volunteers. If Mr. Chairman, we are brushed aside, the issue that such children should not be accorded nationalism, I do not see where such children will be. Some of them or most of them belong to Ugandans who got them unfortunately either they were raped or they got them through practices that were not allowed in schools, so we have to get this Hon.

Assembly to address the issue and prepare a good ground for such people. Citizenship Mr. Chairman, is also very important in as far as enjoyment of national rights such as employment, passport and land are concerned. Our Armed Forces, for example, Mr. Chairman, our politics and security organs should not be infiltrated by non-citizens as these can be a danger to national security. Mr. chairman, in that spirit, our people recommend that dual citizenship should not be allowed at all.

On the Code of conduct, Mr. Chairman, - *(Interruption)*- Mr. Chairman, if I may wind up, our people recommend that there should be a Code of conduct which will compel public officers and politicians to be accountable to the people. There should be a new era of political ethics. Mr. Chairman, I have heard in this House people talk of a transitional government. My people believe that Uganda has been in transition for quite a long time. Under the Amin period, he said he was in transition. Under UNLF, was a transitional government. Now NRM is a transitional government. Even after the promulgation of the constitution, I do not think, Mr. Chairman, it will be fair to say we want a transitional government when you have a basis on which you can elect a true, democratically elected government, representative of the people, be it multi party government but it will have been agreed upon by the people so that, Uganda can start on a clean page.

Mr. Chairman, on the legislature, the people of Mwenge advocate for a right of recall of an MP by the people who sent him in case he does not perform to the expected levels. And Mr. chairman, Ministers who join the Executive should give way to other representatives of the people. Mr. chairman, the people of Mwenge have seen Article 133 (1) where they say the MP should be twenty five years and above. Mr. Chairman, this, in my opinion, would keep out the youth who are ready to join Parliament even at the age of twenty or twenty four or twenty one or even eighteen since they are already adult Ugandans. So that system, Mr. Chairman, is not recommended by the people of Kabarole and Mwenge.

Mr. chairman, I wish to thank you for allowing me to speak and fellow Delegates for listening to me. Thank you very much.

THE CHAIRMAN: Thank you hon. Kajara for your contribution to our debate today. I now give the Floor to hon. Dr. Kamanda Bataringaya, Bwamba county.

DR. KAMANDA BATARINGAYA (Bwamba County): Thank you very much, Mr. Chairman. I am representing Bwamba county. Bwamba county is in Bundibugyo District. It borders with Ntoroko county in the North, East with Kabarole District. West and South with Zaire. It is mainly inhabited by Ambas, the Bakonjo, Avonoma, Batwa and we have also the Babwizi though they are not mentioned in this Draft Constitution. Apart from these tribes which dominate the county, we have also other tribes from other parts of Uganda and Africa. These include the Banyankole, Batooro, Alurs, Acholi, Lendus, Lugbara, Kakwa, Nubians, Kenyans, Somalis, just to mention a few.

Mr. Chairman, allow me to join my colleagues who have already congratulated you. I wish to extend my sincere congratulations to you and your Deputy for having been elected to that office. You are the first person actually in the history of Uganda to have chaired an Assembly of democratically elected representatives of the people from all parts of Uganda including the marginalised groups like women, youth, disabled, workers, to discuss and enact a new constitution of Uganda on our motherland unlike the 1962 Constitution which was debated, enacted and promulgated in London and it was chaired by the Colonial masters by then and not even a Ugandan, and the proceedings of that debate were not being followed by the Ugandans as is the case today as you can see in the gallery there, people up there in the gallery are following the proceedings. This is a very historical event.

Allow me also to thank my fellow Delegates who have been elected to this august House including myself to make a new Constitution of the people of Uganda after consulting them and getting their views. Last but not least, I would like to extend my sincere thanks to the NRM Government for its commitment and determination to create an atmosphere of security and freedom necessary for the fruitful discussion and debate of all aspects of the new Constitution.

Mr. Chairman, before I proceed, I want to make a clarification. An hon. Member who has been on the Floor, hon. Kajara, who also happens to be my O.B. mentioned that the Bakonjo turned their guns to the Batooro and then the Rwenzururu movement started. Mr. Chairman, I want to make this point clear to the House. It is not true the way hon. Kajara put it. It is not the reasons he gave that caused the Rwenzururu Movement. You see by then Toro Kingdom, formerly Toro district, there are three or

four major and predominant tribes in the former Toro now. Those are Bamba, Batooro, Bakonjo, Batuku - yes, and Basongora. So, while sitting in the Toro Council, when the Toro Council refused to recognise the existence of Bamba and Bakonjo, the councilors who were by then representing the Bamba, that is Kawamara, Mukirani and Mupalya had to walk out in protest. And when they walked out in protest, because they were being oppressed and marginalised by the Batoro, so Toro government had to call in the Army. By then there were no guns and where could Bakonjos have got the guns now to fight the Batoro, as the member was saying the Bakonjos turned their guns to the Batoro. So, the Rwenzururu struggle started, if he can remember very well in 1964 in Bunyangabu. The first people to be killed were the Bakonjo, they were killed by the Batoro, and then the struggle started. So, ever since these groups, the Bamba and the Bakonjo were recognised and were given their districts, I think, now people in those areas now are living in harmony. We got Bundibugyo District, the Batoro got Kabarole District and Bakonjo got Kasese District from the former one, and now we are living peacefully and we are in harmony. The Rwenzururu you hear of now, that is not the Rwenzururu of the past; that is if it is existing that is not the one we should associate with the former Rwenzururu, because the former one was fighting for equality, the people of Bundibugyo got a separate district, those of Kasese and Kabarole, also got separate districts and we are at this material time, actually, living in harmony. We do not have any quarrel with any one, especially, we people now of Bundibugyo. You have never heard any Rwenzururu element in Bundibugyo District. *-(Interruption)*

MR. TIGWEZIRE: Point of order. Is it in order, Mr. Chairman, for the hon. Member holding the Floor to misinform this House that Kasese District was given to the Bakonjo only, and that Bundibugyo District was given to the Bamba only, whereas we know very well that these districts belong to very many ethnic tribes. There are Basongora in Kasese District, there are Batuku in Bundibugyo District. So, is he in order to misinform this House that the districts were given to certain ethnic tribal groupings?

THE CHAIRMAN: Is that what hon. Member you said, could you clarify that point so that we -

DR. KAMANDA BATARINGAYA: Thank you, Mr. Chairman. I think the hon. Member never got

me clearly, I said when they divided the district, they gave to the major tribes, now on the other side of Bundibugyo District is the Bamba, and on the other side of Kasese it is the Bakonjo, and we have other tribes, I have already mentioned them and we are living in harmony.

AN HON. MEMBER: Mr. Chairman, the hon. speaker on the Floor has indicated that the Rwenzururu Movement was started because the people of Bwamba and Bukonjo were trying to fight against the Batoro because they were marginalising them. I would like to ask him that even after they were given that district or those districts, why is the Rwenzururu Movement still in place?

DR. KAMANDA BATARINGAYA: I have already clarified that to the House, those who had ears - I told you the Rwenzururu which is there now is not the other Rwenzururu *(Interruption)*.

THE CHAIRMAN: No, the hon. Members have got ears so you do not have to make it appear as if some do not.

DR. KAMANDA BATARINGAYA: So, Mr. Chairman, allow me to proceed. Mr. Chairman, as we are aware that most governments, which have been in power for many years, have denied the Ugandans the opportunity and freedom to democratically determine the future system of governance. But this arrangement which started in 1988 under the NRM has become a reality, and that is why we are here. Mr. Chairman, making a new Constitution is an important water shade in the history of Uganda. It indicates the desire of our people to a fundamental change of a system of governance. We have to identify in this august House the root causes of our problems, learn from our past mistakes and provide solutions for a better governance and future development. Mr. Chairman, from our past history, the 1962 Constitution had been worked out just to balance conflicting interests of the political elite of the day, which included the Kingdoms, territories like Busoga, districts like Acholi and our colonial masters. However, this balance did not take care of the interests of the minority tribes, namely the Bamba, Bakonjo, Basamya, Batwa and others I will not mention. Again it never took care of the marginalised groups like the women, youth, disabled, workers, orphans and widows. In the same Constitution, there is no schedule indicating Uganda's ethnic composition as at 1st February 1926.

We, therefore, do not know which ethnic groups existed in Uganda during the transfer of power from our colonial masters, and which ethnic groups were involved in the transfer of power and this brings us, actually, to the question when we talk of Banyarwanda not to be included in the list. Because if these things were already indicated in that constitution, these other minority groups which are excluded, we would not be having the question of saying Banyarwandas are not Ugandans, because we would have known which ethnic groups existed by that time. Mr. Chairman, the 1966 Constitution - I mean the 1967 Constitution came into existence as a result of confrontation between the *Kabaka* of Buganda by then and Dr. Apollo Milton Obote. Following this confrontation, the 1962 Constitution was abolished. Then we see the 1966 and 1967 Constitutions being made by a few individuals and supported by the cabinet ministers by then, and as it is indicated in the 9th schedule, article 132 (3) and part one and two, Declaration by the government on the 22nd February, 1966 - that is the 1966 Constitution. Here we see that power, having been centralised to serve the interest of the ruling people. We see the National Assembly which existed by then resolving itself into a Constituent Assembly in the name of all the people of Uganda to enact the Constitution of 1966 without consulting and getting the people's views to debate and determine their own governance and constitutional arrangements, and the marginalised groups were not taken care of in the Constitution, again of that 1966. Then following those events we see that, actually, Obote ruled with the support of the Army. After Obote, Idi Amin came and took over power, he also used the Army as an instrument of government; he was overthrown. In 1980 Dr. Obote comes back to power and the same history of the 1960s repeats itself and he is overthrown by Tito Okello in 1985. Tito Okello also uses the Army as an instrument of governance. So, we see that each government which came to power suspended provisions of the Constitution which did not favour its operation and substituted them with the proclamation decrees and legal notices without consulting the people. This was a sign of dictatorship. Tyranny in Uganda is politics.

Mr. Chairman, from that simple, historical analysis of Uganda and our history which we have learnt, I wish to point out that Uganda's political development has been characterised by weak political and viable systems, lack of culture and constitutionalism, religious conflicts in the sectarian and closed communities, economic turmoil and degeneration, coup d'état, civil wars and other forms of

conflict, failure of government to equitably distribute resources to all parts of Uganda, persistent old negative politicians and leaders who cannot respond to changes. For example, previous life President Idi Amin, personality cut within the party system, for example, Dr. Apollo Milton Obote has been the leader of UPC since 1960, this does not create room for the new blood in the politics and leadership.

Mr. Chairman, in order not to repeat our past history, all the delegates in this august House should have a spirit of tolerance, compromise, and give and take. We should unite in the struggle against the systems that value Ugandans, regardless of nationality, religion, sex, or political affiliations and make a popular and a lasting Constitution based on national consensus that will stand the test of time.

Mr. Chairman, allow me to give the views of the people of Bwamba County on the new Constitution. On the Republic, Mr. Chairman, the people of Bwamba County support the idea of Uganda being a Republic and a unitary government and propose under article 4.2 a third schedule that enumerates the districts which existed before the coming into force of the new Constitution. They support Swahili and English as national and official languages respectively.

On federalism, Mr. Chairman, people of Bwamba County are opposed to federalism, they feel that Uganda is too small to be divided into small tribes or tribal settings or groups. If this is done, it will lead us back to the root causes of our political instability. They feel that decentralisation which is a system of local government already in place in most districts is the best system recommended by people of Bwamba County.

On Human Rights, people of Bwamba County recommend that human rights and freedoms of all people, communities, minorities, marginalised groups - those are women, youth, children, disabled, orphans, the sick should be protected and promoted. Freedom of the press and association should be actively promoted.

On economic development, people of Bwamba County want a Constitution which will ensure equal opportunities in development of all individuals and communities in Uganda. They, therefore, request the government to come in power after the promulgation of this new Constitution to ensure that there is equitable distribution of the resources in all parts of Uganda.

On political system, people of Bwamba County want a truly democratic system where leadership positions are accessible to all Ugandans and

political offices are elective at specified intervals. This type of democratic system has been achieved through the RC system. People of Bwamba County have a fear in political parties currently existing, because of their struggle for leadership within themselves. Because they have been following on the Radio and the press where they hear DP, Kaggwa trying to take power; then in CP, Lukyamuzi threatening - there they wonder, and it is even continuing. So, they wonder how these parties which have weak leadership, and they are struggling for leadership within their executives, how they can be entrusted to lead this country before restructuring their parties and streamlining the leadership (*Interruption*).

MR. KITARIKO: Point of information. Mr. Chairman, our party is democratic, anybody can compete for power in the process. We cannot stop them.

MR. SAKWA: Point of clarification. Mr. Chairman, I would like the hon. speaker on the Floor to clarify on the apparent contradiction when he says UPC has had one President for so many years, and at the same time he is unhappy with the struggle to change leaders in CP and DP. Can he clarify to me why he favours a change in UPC but not one in DP or CP?

DR. KAMANDA BATARINGAYA: I think, Mr. Chairman, what I said is that people of Bwamba County gave an example of those two, even the rest they say that those parties up to now - even if I never mentioned UPC, whether UPC they still have the struggle for leadership, they should first clean their houses before they come to take over power where they are going to lead Ugandans. I, think, Mr. Chairman, you allow me to continue. Secondly, the people of Bwamba County have fear of political instability which has been caused by these political parties and this has severely marred Uganda's history since independence and caused untold sufferings to the people of Uganda. The example in question, we had in Bwamba County a very staunch supporter of UPC, he was actually a Secretary of the Executive and he was a Sub-county chief, but this person was picked in 1982 by the Army men that they had been sent from Fort Portal and just murdered Karuguto in broad light. So, that one up to now it has never gone out of the minds of Bundibugyo and Bwamba in particular. This was a person who was a staunch UPC on the executive, but he was picked by the security men within the government of UPC and

murdered at Karuguto. So, up to now when you tell them that let us go to parties, that thing has not gone out of their minds, and that is why they are saying that, therefore, people of Bwamba County support the Movement system of government and they say that it should extend for ten years and thereafter a referendum for the people to decide be held, and they think that during this time the political parties will have to undergo reorganisation.

On accountability, people of Bwamba note with concern that there is increasing and rampant corruption which has impoverished Ugandans. They, therefore, support the inclusion of the Inspectorate of Government and leadership code of conduct in the Draft Constitution for accountability and transparency of the leadership in Uganda.

On traditional rulers, people of Bwamba County have no objection with traditional rulers in the areas where they so wish to have them, but they would resist a traditional ruler who may want to impose his rule on them by extending his Kingdom to their area.

On land, people of Bwamba County support freehold of land with establishment of District Land Committees in all districts as stated in chapter 17 article 274.

On sovereignty of the people, people of Bwamba County advocate that all powers of the state and its leaders must come from the people and not vice versa. They, therefore, request that they must always be consulted by the leaders and representatives before amendments on the Constitution and decisions on contentious matters are taken.

The Executive: People of Bwamba County recommend that one to be a President must be a Ugandan by descent, aged 40 years and above but should not exceed 70, because they take the fact of dimensia, the brain begins to degenerate. A person of high integrity, a holder of a University Degree having enough experience in Uganda and international politics; having a sound financial stand both in fixed assets and liquidity and they say that the President should be directly elected by the universal adult suffrage. He should serve for not more than two terms of five years each, and he shall control the Army and declare a war or state of emergency with the approval of Parliament. And among other duties, the President should appoint ministers, ambassadors, directors without the approval of Parliament but Judges, State Attorneys, Auditor General, with the approval of Parliament.

Cabinet: People of Bwamba County, say that the appointment of ministers should be done by the

President and members should be drawn from Parliament and outside Parliament, and they should come from all the 39 districts of Uganda. That is to say each district should have a minister or a deputy minister. This will avoid, as we heard in this House, black Benzes which were going somewhere or now Pajeros going to one direction.

On legislature, People of Bwamba County recommend that a member of Parliament should be a Ugandan, S.4 and above, of good conduct and good past performance, honest and high integrity, sound financially, having a house and other assets in the electoral areas he wishes to stand. And they also recommend that the Members of Parliament should have two terms of five years each and thereafter retire from politics. They also support the right to recall their Members of Parliament, if they cross from one party to another, in order to seek fresh mandate. They also want to recall the Member of Parliament if they are not satisfied with his performance.

On the National Council of State, they disagree with the National Council of state, they say instead if in Parliament there could be a stronger body formed from the Parliamentarians which should be composed of one member from each district and then four members women, that means one woman per region, and two youth and then disabled and the workers representatives, and among themselves they should choose who should be the Chairman and not the President. So, this body, they expect it would do some good work.

On Defence and National Security, People of Bwamba County say that the Army should be national, it should not be dominated by tribes or factions and should be politicised. They also propose that the name Uganda Armed Forces as proposed in chapter 14 article 231 of the Draft Constitution be adopted. They also support the representation of the Army in Parliament as this will enable them to know the country's problems and they strongly oppose the Obote, Amin, Muwanga and Museveni's army syndrome. Because we had Obote and when he went away they said that was Obote's Army; comes Amin they said that is Idi Amin's Army; comes Lutwa they said that is Lutwa's Army; now Museveni, they say that is Museveni's Army. That syndrome has actually - people of Bwamba County are worried because whenever governments come to power, they have never heard a Civil service being called that is Museveni's Civil Service, that is Obote's Civil Service - as civil servants, but whenever a leader comes to power the Army is labelled to

be Museveni's, to be Idi Amin's Army; they say that the Constitution should put into place safeguards to prevent this syndrome.

On environment, the people of Bwamba are aware that all citizens of Uganda have a right to enjoy clean environment. However, preservation of the environment should not be done at the expense of the *wanainchi*. For example, *wanainchi* should not be sent away from land they are using in order to turn it into a forest. Secondly, the government should provide electricity to all areas of the country so that the *wanainchi* reduce the cutting down of trees and the use of charcoal.

On women, People of Bwamba County would like to thank the NRM government and NRC in particular, who have honoured the women by declaring 8th March Women's International Day as one of the official public holidays in Uganda. They, therefore, want women to have equal rights with men in the new Constitution and they want each district to have a woman representative in Parliament. On the youth, the youth is one of the marginalised groups in this country, yet they form over 60 per cent of the population of Uganda. They are poorly represented and people of Bwamba County, therefore, recommend that each district should have one youth district representative elected to Parliament.

On Electoral Commission, People of Bwamba County would like to have a permanent electoral commission which is non-partisan and free from interference of the government machinery. They want a county to be retained as a Constituency electoral area. Voting should be done by a secret ballot, using a single ballot box on one man one vote basis.

On social services, people of Bwamba County recommend free universal primary education and they say that government and foreign scholarships should be given according to districts, they also say that terms and conditions of service of teachers should be improved if we have to have basic education. On health, the government should ensure the right to health care for the population on equal footing. Here what they are saying on equal footing, they take an example of someone, a Ugandan just because he is not in a good position, he has a disease, he dies here locally, the medical care he gets is not as that one maybe in a high position. That one in high position sometimes even if he is having only headache is flown away from this country to Britain or to Germany for just mere headache. So, they say that one is being unfair, and take example in question also another one. I happen to have operated a woman

from Bukuya in Mubende District, the siamese twins, I operated a woman and I sent the siamese to Mulago and those siamese stayed there in Mulago and because of logistics, they could not be sent to South Africa or U.K. where they were to have undergone the operation. Now, if it was, maybe, a big shot, I think, very fast they should have been flown out of this country. Now the siamese, because they happen to come from just a mere peasant, they were not taken. So that is what they are trying to emphasize here. We should have equal footing of health care - all Ugandans must have that right. The provision of medical services also close to the people must be paramount with provision of hospital equipment, drugs and transport, and because here they say there are some hospitals without ambulances and others have them, the question arises why?

On employment, the people of Bwamba have this to say that public offices should be open to all Ugandans on the basis of merit, no discrimination in employment and eliminations on grounds of sex and disability. Job opportunity should first be given to Ugandans. Non-Ugandans should seek worker's permits before employment. Provision of a living wage to boost the already lost morale of the workers.

On citizenship, they support chapter 4. Mr. Chairman, I have a small remark, you see as we have always - we know, at least, that politics is a discussion of ideas, but here in Uganda it is called a dirty game. I do not know what it really means. However, it appears that those who call themselves professional politicians have turned politics to be a profession where people do not retire until death. Yet we have real professions like Doctors, like myself, Engineers, Veterinary Doctors, trained accountants and teachers retiring. The law of economics of diminishing returns is applicable to any factor of production, so long as it is in fixed vis-a-vis valuable ones. Do these politicians want to tell us that this law does not apply to them? These old politicians who have lived or who have existed since the colonial times, they have participated in the abolition of *Ebyaffe* in 1966 and they are the same people who struggled to have the *Ebyaffe* back in 1993. The same politicians, we have heard, they are the same people who closed the Embassy of South Africa and after 30 years, they are happy to see themselves opening the same Embassy. Then we are told that the same politicians went to London, Lancaster House to enact the 1962 Constitution after 30 years again we are seeing them debating the new Constitution of Uganda. Now, these old leaders of ours are not consistent. So long as we continue to have these old

politicians heading political parties and aspiring for leadership of Uganda, we shall always be in a vicious circle with no tangible results. So, in the view of the above, I would like to request this august House to fix or to have a political age for retirement from politics, because some politicians seem to have qualified in confusing this country - yes, and they have belonged to as many parties as there are in this country, and they have served in all regimes, and they are not ashamed of this. So, the final request is if these hon. veteran politicians, those who existed since the colonial times, we are requesting them to form an association known as Veteran Politicians Association. Now this association -

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

DR. KAMANDA BATARINGAYA: I am winding up, Sir. This association would work as a consultative body for the young and incoming politicians, and this body, Mr. Chairman, would also accommodate respectable former Presidents of Uganda namely, Dr. Apollo Milton Obote, Idi Amin, Binaisa, Tito Okello and others to come as need arises. So, with these few words, I would like to thank you and my fellow delegates for having listened to me. Thank you very much, Mr. Chairman.

THE CHAIRMAN: I thank hon. Dr. Kamanda Batarigaya for his contribution to our debate today. I now give the Floor to hon. Sam Ringwegi of Padyere County.

MR. RINGWEGI (Padyere County): Mr. Chairman, Padyere stands for central. Mr. Chairman, I have the honour, through you, to request fellow delegates to interest themselves in finding out the geographical bearing of Padyere County vis-a-vis their own constituencies. Suffice it to say, however, Mr. Chairman, that I bring warm and fraternal greetings from the peace loving people of Padyere County to you the Chair and all the distinguished delegates in this august Assembly. Mr. Chairman, my people have also asked me to use this opportunity to thank firstly, the NRM government for availing the people of Uganda yet another chance to reshape their destiny as a nation. Secondly, I was asked to thank the CA Commission headed by Mr. Steven Akabway for the fairly free, but not so fair election, it conducted in March this year. Mr. Chairman, my people have, however, asked me to condemn, in the strongest terms possible, the Odoki Commission for

giving the people of Uganda what my people call a raw deal. Mr. Chairman, my people have a reason for calling the Odoki Commission - the working document that the Assembly now has, a raw deal for the following reasons: They equate the Odoki Commission to a bad cook, a cook who only looked at a grain of rice and because it looks white, and he thinks the whiteness is the cleanliness, instead of sorting out the chaff and probably cleaning it before boiling it to serve the diners, the rice is only collected from the bag, boiled and then served with all the rubbish, the stones and what have you. This, my people think has made the work of the Assembly a colossal task and we have got to put all our efforts and energies to try and even correct what the Odoki Commission has given us as a working document. Mr. Chairman, I would also like to thank President Yoweri Museveni, for showing at least, one thing in his life that he is very responsive to people's outcry. We all know that by Legal Notice No. 1, hon. Members here gathered will not have had the opportunity to discuss or to debate this Draft Constitution. It should have been the responsibility of the Army Council chaired by Yoweri Museveni himself and also the NRC, probably chaired by himself, and then some other bodies, to have enacted this Constitution. But because there were public outcries and President Museveni fortunately responded to that public outcry, my people have asked me to thank him, especially, for that. Mr. Chairman, I would like to inform all hon. Members here present, that I am going to be available at your invitation for lunch where I will take all the information and possibly, I will even have the opportunity to clarify a few points. Mr. Chairman, I will, however, be ready to be ordered at your instance.

MRS. MATEMBE: Point of order. Mr. Chairman, the condemned Commission made a recommendation on the basis of the people's view that a new body be elected to discuss this condemned Draft Constitution, in the words of the speaker holding the Floor, and through the NRC, a Law was passed which put into effect the people's views, and through that Act of Parliament the Members are here. Is he in order, therefore, to mislead this House by saying that it was His Excellency the President who decided that a new body be elected to discuss this Constitution?

THE CHAIRMAN: Yes, the Member said, His Excellency the President but he did not say that the President was not assisted.

MR. RINGWEGI: Thank you, Mr. Chairman. In

literature I should have exclaimed you as "Oh Daniel come to judge!" Mr. Chairman, permit me to continue with my contribution, and I have already told this august Assembly that I was asked as a delegate of the people of Padyere to specially thank the President, there could have been many others whom they have forgotten to ask me to thank.

Mr. Chairman, allow me at this stage to try and give the interpretation of our history as perceived by the people of Padyere. We have heard so much about the political turmoil, the economic mismanagement, and all the bad things that have happened to our country; all the social ills that have afflicted this country, and my people have told me to say, in their own perspective, they interpret all these things because of the following: One, there has been so much betrayal on the part of the leaders, both past and present, I will give instances of those later as I progress. There has been manifested, political and wild ambitions on the parts of leaders both past and present, and my people have also perceived the political ills of this country in terms of the treacherous nature of some of our political leaders, both past and present.

Mr. Chairman, allow me at this stage to only mention in passing some of these tendencies. Mr. Chairman, when Adoko Nekyon wrote in his book the 1966 crisis, and - I beg to withdraw; my apology to hon. Adoko Nekyon, I meant Akena Adoko. When Akena Adoko wrote in his book, the 1966 crisis and alleged that Dr. Milton Obote had said that when in 1963 *Kabaka* accepted the post of the President of Uganda, then he knew he had got him. My people view that as an act of betrayal on the part of Dr. Obote. What did he understand, what did he mean, or what did he want the people of Uganda to understand that he had got Mutesa; what hidden agenda had he? That to us was treacherous and no leader who has ever done it, if he did it should be excused for that. Now, when we talk of treachery, we all remember what happened when late Paul Muwanga, may his soul rest in peace, was Chairman of the Military Commission, he hijacked the power of the electoral commission to announce the results of the election. Maybe, if he did not do that Yoweri Museveni with his group of young men would not have got credibility to run to the bush. But Muwanga gave them the necessary machinery, he gave them the necessary excuse and that to the people of Padyere was an act of betrayal by a leader in government. That is not all, again on late, Paul Muwanga, when he was acting as Vice President and Minister of Defence, he initiated negotiations with people who

were then called bandits in the bush. I remember very vividly that there was a publication in the newspaper that the government was then trying to negotiate with the bandits - the then bandits who are now in government, to try and see whether there was a possible solution to our problems of the war. What followed was another act of betrayal when the leader of the negotiating team was killed at the hands of government forces. That again to the people of Padyere is an act of betrayal. Now, when we talk about ambition, we come to the leader who has shown his widest ambition on the political scene of Uganda. The people of Padyere have often heard, at political rallies, either read in the newspapers or heard on radio, President Museveni telling the nation that he started nursing his political ambition when he was still in Ntare together with some of his colleagues. He was still a very young man, that ambition was correct because I do not think the people of Padyere will condemn him. But then this ambition became wild and it showed its ugly head when President Museveni refused to respect the verdict of the people when hon. Sam Kutesa, now turned his high priest, defeated him in the 1980 elections. The people of Padyere have asked me to say that the people of Uganda should all listen, they would have expected His Excellency the President, showing all those signs of political maturity, to have resorted to a Constitutional means to resolve that dispute. He should have gone to the courts of law, there was nothing in place to suggest that the courts of law would not have resolved the problem. We have been told here time and again, we have been reminded here time and again about the petition of hon. Robert Kitariko which could not be determined at a fast pace, but that is not to suggest that we would have known right from the onset that the petition of hon. Yoweri Museveni would not have been determined in time. So, the people of Padyere have asked me to say that that kind of ambition should not be encouraged.

MR. KUTESA: Point of order. Mr. Chairman, is my hon. Friend Sam Ringwegi in order to confuse this House by stating that Yoweri Museveni did not resort to court machinery when, in fact, he did file a petition against me and against the Commissioner for elections in 1980, unfortunately, that petition expired through non-prosecution. But, in fact, he resorted to lawful means. Mr. Chairman, is he also in order to impute that one is not entitled to run away when his house is bombed, which Mr. Museveni's house was bombed before he went to the bush. Is it in order to say that you are not entitled to run away and hide from people who bombed your houses?

THE CHAIRMAN: Hon. Kutesa, I have been here but I have not heard hon. Ringwegi talking about bombing houses. But with regard to the question of the petition, it is possible that he was not fully informed. So, I do not think it is a question of being in order or not in order. I think you have now informed him about this petition and he will proceed with that in mind.

MR. RINGWEGI: Thank you, Mr. Chairman. I am so informed that there was a petition, but my learned Friend and hon. delegate to this Assembly knows that if a petition abets for want of prosecution, then you are only yourself the petitioner to blame. Mr. Chairman, I would like to proceed. Mr. Chairman, these various acts of betrayal and uncontrolled ambition is still not lost, we are still seeing most of it again and again. It is now manifesting itself not only in the person of the President but also to other proponents of the Movement who in 1986 came and asked the people of Uganda that they should be given only four years to try and restore democracy. This was in full knowledge that they had attained power through unconstitutional means. The people of Padyere and the rest of Ugandans said four years, you have it. After four years, what did we see again? The people of Padyere were not consulted, their representative in the NRC was bundled along with others in a closed door session and they rewarded themselves five more years saying, apart from the ten point programme they had some other programmes like the strengthening of the Judiciary, putting the infrastructure in place, putting the or strengthening the Police Force, and the people of Uganda should therefore give them five more years. The people of Uganda being so peace loving and having just emerged from war, and having a lot of faith in the NRM leadership said, even five years you have it. Now, the people of Padyere are saying what is this political manoeuvre that even after electing CA delegates to go and debate the Constitution, these delegates are going to be asked to extend five more years, what is the five more years for? Is this not just a way of trying to say that other people are backward and they will not understand what people really want? People just want to stay in power and they talk of the magical year, five. This magical year five, will solve all the political problems, parties will magically transform themselves and become acceptable to the people, Movement will all of a sudden realise that parties are so good. So, what is so magical about these five years? (*Applause*).

Mr. Chairman, however, my people have

only asked me to come and negotiate, and also tell the hon. delegates assembled here that our mandate is limited, our mandate here is to try and make a framework for Constitutional governance. We are not supposed to provide the duties. Here they mean, we should provide institutions of governance and other institutions of the state, but we should not, for heavens sake, say that the next government shall be the Movement government, and this is the import of article 94, 95. The qualification clause says, the kind of Movement which is going to be in government is the movement which was immediately in existence. I have heard here with a lot of interest, people arguing that the Movement that is envisaged is going to be a new Movement. I have actually read the qualifications page, which says that the Movement prior - immediately in existence, is the kind of Movement that the Constitution still envisages. The Movement which is in existence is the NRM, so we are not going to have any other Movement. But my people have thought, possibly we have only had two types of movements, UPM which is a Movement but it was a political party, and NRM which is no longer a political party but a Movement. They have also been quick to realise the common denominator in both the UPM and the NRM and the common denominator in each of them is the letter 'M' which unfortunately or fortunately they equate to the name Museveni. Now, they are saying President Museveni is a very enlightened leader and he cannot alone try to prolong the life of his government in power, there must be some people who may have joined him, who would want to continue "eateology" at the high table and, therefore, be given more time to consolidate their appetite and try to make it so full so that by the time they reach the high table, the people of Uganda may have starved to death. Already we are beginning to witness and hear cases of starvation. Mr. Chairman, however, this should not be a point for us here delegates to despair upon.

I would like, before touching any of the articles in the Draft, to say also something about the political system. The political system, I think, is so pivotal to our discussion in this Assembly. All other articles in this Draft appear to be matters which delegates here will have consensus on very easily. I am very much encouraged when I had the opportunity of listening to some mature contributions from people like hon. Ruzindana and hon. Capt. Babu who have said that the emergence of political parties or their existence is a fait accompli but people are only saying we need some period to reorganise. But my people have said, if really our friends in the

Movement know that parties are good and they must also be institutions that should be used to ensure that democracy grows in this country, then why should we ask them to stay in limbo? Are we being sincere for this request of five years? They have, for instance, been asking, is it possible for somebody who is going for a contest like a boxing contest to suggest to his opponent that, my friend before you come into this ring, go and put on your gloves, come and box me on the nose and then you will floor me and I will leave the room you. This is what NRM is trying to ask; saying that parties are not organised, they must go and put on their gloves, they must put on their uniform and then come and box them on the noses and then they leave way for them. Are we being sincere? (*Applause*) I think for me I would want to encourage our friends in the NRM, and my people in Padyere have asked me to come and encourage you, more particularly, regarding the results of the CA election. They say, perhaps, the fear of winning elections is what has always been making NRM fear political parties, but now that you have seen very clearly that political party stalwarts can be defeated, people like hon. Tiberondwa, who ever thought that he could be defeated in Bushenyi, he has now been defeated. We have seen hon. delegate for Rwampara defeating hon. Butagira. All these indicate that people can change their hearts and look for what is good. The people in the Western Region have now changed their hearts and they have seen who can deliver their goods and they have elected those people. Now, if you want to be in the Movement you turn yourself into a party, you will still be elected because you are able to deliver the goods, but allow other people also to compete (*Applause*).

Mr. Chairman, the people of Padyere have also said this that the NRM is practicing very contradictory statements and also practices. NRM has shown how progressive it can be by liberalising trade, a thing which is so good because they know that monopoly is not a good thing. If NRM, a very progressive regime can liberalise trade because they know monopoly is bad, why can they not also liberalise politics, why can they not? (*Applause*). To them it appears like giving with a right hand and taking with a left hand. These are some serious contradictions that my people would want us to discuss with you fellow delegates in this Assembly. Another point, Mr. Chairman, that I would like to give by way of advice to the previous speaker hon. Batarungaya is this issue about the old party stalwart. It has been often aired in this august Assembly that we do not need these old politicians. I want to tell only

one story, there was a time when the youth of a certain country were so obsessed with seizing power and crowning their own King a youth, because they said this old man messed them too much. So, what they suggested was that every youth should kill his parents, the father or the mother so that they remain alone because they were tired of these old men. But one of them said look, father this is the plan that my friends have hatched, let me take you to an island. He went and hid his father there. Now when the youth were left alone after they had killed all the old women and men, they were beginning to enjoy power, then one day as the King was relaxing under a mango tree a snake just rolled, came and curled itself around his neck. The King did not know what to do next, all the youth came and found their King in dilemma, they did not know what to do, how to kill this snake because the snake was now facing their King in the face. All these youth did not know what to do. If they hit the snake, they would hit the King and he would die. So, this boy who had hidden his father in the island went to the father and explained, he told him that we have a dilemma, the father said, okay, all I need is my safety, if you can guarantee my safety then I will give you the secret. The boy said, look in this situation we have no option but to agree. Then the father said go back, go to a river or a well, collect some frogs and let those frogs jump near the snake and you will see. They did exactly that and when the snake saw the frog it just uncoiled from the King's neck and rushed for the frogs and then the youth knew that even these old men are still needed in certain instances (*Applause*). Mr. Chairman - (*Interruption*).

DR. KAMANDA BATARINGAYA: Point of clarification. Mr. Chairman, I want to clarify what I said, according to the story, I never said we should kill our respected or respectable elders, as he is suggesting. I said they should be there to form an association, an advisory association. But they should not take this - they should not continue to aspire to be leaders of political parties and to lead this country, when we have young blood. If people like Cecillia Ogwal could be given a chance to lead UPC, Kitariko DP, what is wrong with that - Katenta Apuuli CP.

THE CHAIRMAN: Okay, I think hon. Ringwegi, you should proceed with that information

MR. RINGWEGI: Thank you, Mr. Chairman. I am glad that the point has been clarified.

MR. NEKYON: Point of clarification, Mr. Chairman. I would like to clarify to the hon. Member on the Floor that, this issue has been raised more than four times on the Floor. It seems to me, that the idea is not against all men in politics, it is selective. Why do I say that? The doctor who has just clarified the matter said that, the proposal is two terms for Members to represent others in Parliament and then he says, he wants extension of NRM for another ten years. NRM has been in power for 9 years, but he wants to give them 10 more years, making it 19 years. But if he gave the other Members all two terms of five years each, they would end at ten years instead of 19 years and the same people who are advocating this line know that, we have got a Vice President of Uganda, who is 82 or 83 years old. And we are following him. But because he is NRM, he is okay, he is not old. Further, these same people know, that when the great Mandela came here, we were all very happy, we want him to take over South Africa, but he is now 76 years old, he is older than Nekyon who is only 62 years by 13 years. That India, which is the biggest democracy in the world with 850 million people is led by a man who is 76 years old, older than Nekyon by 13 years. But these people are anxious to stop certain politicians in Uganda for reaching an age in politics. Therefore, I say, if you are really democratic then you leave for the people to decide who will represent them (*Applause*). Those people are intelligent enough to choose the right politicians, whether they are old or young, they will win them. And they will only elect those people whom they know are capable of representing their interests and to Lead them. They will use you out of politics whether you are 15 years, or 30 years or 80 years, they know (*Applause*).

THE CHAIRMAN: Hon. Ringwegi, will you take information from hon. Bidandi?

MR. RIGWEGI: I will do that, with pleasure.

MR. BIDANDI SSALI : Point of information. I only wanted to give information to the hon. Member holding the Floor, so that he could take it back to the people of Padyere for a little bit of thought. Mr. Chairman, when the NRC was debating, originally, the bringing into being of this body, there were two schools of opinion. One, was that, CA should be elected on the basis of parties for the very strong view. Another school of opinion was, you know, it should be based on the Movement. It so happened that the view of electing this body on the basis of the

movement, had the upper hand and indeed that is what happened. Now, as a result of that election, we have in this House, people who believe in parties, others who are colourless, and others who are movement. In other words, we were not talking about leaders in the Movement, we were talking about the movement politics. The politics that brought about this House, this House which contains people who believe in the Movement, and people who do not believe in the movement. So, I just wanted to inform my good friend here, not as an argument, but as something to think about by the people of Padyere that perhaps they should not focus on the leaders of the movement as of now but think in terms of the politics of the movement, which allows everybody, regardless of their political belief. Thank you, Mr. Chairman.

AHON. DELEGATE: Point of information. Thank you Mr. Chairman, and the Member holding the Floor. My information is on the issue of trying to tolerate political mistakes, or political successes around age. I think this is erroneous and not correct. The problems of Uganda, Mr. Chairman, were caused by leaders whom we know who were at that time very young men. Obote was merely 30 years Ibingira was 29 years, Kakonge was 33 years. In any case, Mr. Chairman Kony was 27 years, Lakwena was 26 years. Age is irrelevant. Thank You, Mr. Chairman.

MR. RINGWEGI: Thank you, Mr. Chairman, and I would like to thank all the hon. Members who gave me the information. Mr. Chairman, I would like to continue and say this. My people have also asked me to come forward and put this scenario to a consideration by this Assembly. They are saying, they are not against the movement per se, but they are saying, are our people really sincere in Uganda? They wanted me to put this scenario before the Assembly, that supposing the Movement tomorrow is adopted as a system to run for the next five years and presumably, there will be many presidential candidates. And in the election, hon. Paul Kawanga Ssemwogerere happens to emerge a president, elected by the people to head the new movement, then hon. Ssemwogerere goes ahead to appoint hon. Robert Kitariko, as his National Political Commissar, then from there because movement operates on a broad based principle, hon. Agyebo is brought back, hon. Cecilia Ogwal is appointed prime Minister. Then from there, the new government decides to also put in place their own machinery, of trying to get, who

should be put where in the Civil Service, the Para-Statal so that we have people like Enos Tumusiime of Railways, dropped, because hon. Ruhakana Rugunda, my neighbour, is no longer minister. So, the scenario is such that, the new government of movement, headed by president Kawanga Ssemwogerere will have to look for new broad based people. Will this idea of the movement still be good to the proponents now? People who are saying movement for five years, will this idea still sell to them? MR. Chairman, my people are waiting for that answer, and they say the answer should be given more sincerely. They know that there is no barometer for measuring sincerity, at least in Uganda. But if people are sincere and there is a possibility that I can also become a minister for defence or minister for internal affairs in the broad based government, so that the people of Padyere, who have always taken themselves to be so marginalised, can also participate in the broad based government headed by Paulo Kawanga Ssemwogerere or any other person. That they may be persuaded, to think otherwise. And since, Mr. Chairman, we shall have time to consult, I believe I will also tell them that I had your idea muted in the Assembly, and the response I got from the, Members was that they would be interested in seeing somebody else, heading the movement. I will bring the answer at any appropriate time.

COL. OTAFIIRE: Point of information. I thought we are here to discuss a constitution, bearing in mind very clearly, that this constitution gives the people of Uganda sovereignty of political decision. The sovereignty we are talking about, if it is a sincere choice of the people of Uganda, conscious of what they are doing, he is exactly, very welcome (*Laughter*).

MR. RINGWEGI: Mr. Chairman, I would like to thank Col. Otafire for that information. But I would like to add that the fear my people have been expressing is that this scenario, even if it looks very good, it may not be possible in reality for the following reasons. The movement is in place and it is in government, and judging from what happened in the recent CA elections, we were all supposed to have stood under the movement but then the truth is that, the movement sponsored some candidates. Now, if the movement is going to also sponsor candidates, it is likely to take an upper hand. so that hon. Kawanga Ssemwogere may not find it easy to defeat His Excellency the President Yoweri Museveni. That is why that scenario that I said the people had asked me to come and tackle here may not be

possible. Anyway Mr, Chairman, allow me to say one point - (*Interruption*)

THE CHAIRMAN: There is a point of order which will extend your time anyway.

MR. KIRUNDA KIVEJINJA: Point of order. Is the Hon. Member in order to impute that Members who came here came through rigging including himself? Because he was not sponsored by the Movement.

THE CHAIRMAN: Would you speak through the micro phone please?

MR. KIRUNDA KIVEJINJA: Is the hon Member in order to impute that, Hon. CA Delegates who were elected to this Houses were all sponsored by the Movement including himself?

THE CHAIRMAN: No, I do not think you heard him properly. You just continue.

MR. RINGWEGI: Thank you, Mr. Chairman, I would like to wind up by saying these things. That the reason why my people in Padyere are not very supportive of the movement right now, is because of this: The movement, true indeed, has managed to restore peace in a large part of the country, Padyere inclusive. They say, they can sleep. But sometimes their sleep is interrupted because of hunger, and also by these hard feelings inflicted upon them, because they cannot send their children to school. They condemn the NRM for its economic policy. Its fiscal policy, they say, they have never been robbed like the NRM did, when it introduced the monetary policy, whereby even the blind, even the beggars were taxed 30 per cent in 1987 (*Applause*). Mr. Chairman, the NRM, should know that, that taxation which is so compulsory, which even touched on savings, have impoverished the people to the level that they are finding it very difficult to get out. Even the good roads that are being made, they have not been able to compensate for that robbery. These are some of the things that NRM has not been able to address, and my people are finding it very hard to forgive it. But this does not mean they are not prepared to see the good time. They are prepared to see the good aspect of it, if they can be seen. In fact my people, Mr, Chairman, equate NRM to a polygamous husband. They say that, NRM has so many wives and it intends to concentrate only on those wives whom he really favours. By the time he reaches them, he only supplies air (*Laughter*).

THE CHAIRMAN: Order.

MR. RINGWEGI: Mr. Chairman, so my people are saying, they will not continue with their husband because of the large chest or the long leg and beautiful face you know. They want something tangible to consummate the marriage, and that is why, my people should not be blamed because they are reminded about their old boys. Those boy friends who could give them some services, and these old boy friends, Mr. Chairman are the political parties. They are saying, this husband is just giving us air. may be if this boy friend comes back, I shall have another bridge as they now have, we shall have another hospital as we used to have. These are the problems my people are facing. But they have said we should negotiate very sincerely.

Fellow Delegates and Mr. Chairman, I would like to request one thing, that the spirit Hon. Members have shown in this House is so encouraging I know that all is not lost. But I do not intend to turn this Assembly into a religious crusade, I only wish to end that, let us all try and submit ourselves to the authority of God for his guidance so that, the truth and the desires of the people of Uganda can be realised meaningfully throughout this effort. I would like to thank all fellow, delegates, for giving me their attentive ears. Thank you, Mr. Chairman, For God and my Country.

THE CHAIRMAN: Thank you hon. Ringwegi for, your contribution to our debate and you are our last speaker for the morning session. I will adjourn the Constituent Assembly for lunch, and we resume at 2.30 p.m. Thank you, we stand adjourned.

(The Assembly adjourned for Lunch and resumed at 2.30p.m.)

THE CHAIRMAN: Hon. Delegates, we are continuing with the debate.

MR. TUMWINE KATAHWA: (Youth, Western Region): Thank you, very much, Mr. Chairman. Mr. Chairman, hon. Delegates, my region stretches right from Kisoro up to Hoima and Masindi in North Western Uganda. It is made up of 12 districts. But to me, I take it as a region which was gazetted for convenience of elections. But in the interest of representation here, I represent the youth of Uganda. Mr. Chairman, hon. Delegates, the youth of Uganda, is the group which I took as being most delicate, active, adoptive intellectually very

clear, exciting, dynamic, ambitious, imaginative, creative and constructive. But sometimes can become very destructive in terms of confusion. Mr. Chairman, this is a group which has always been referred to by those in leadership and sometimes in state power as the leaders of tomorrow. But to me and to us in that group, we consider ourselves as the leaders of today. This is why, Mr. Chairman, I take this opportunity to thank the NRM government and those Members of the present NRC, who thought is imperative to have this group specially represented in this august Assembly for it was very wise of this government and its parliament to realise that this constitution we are trying to discuss and promulgate as Hon. Members have accepted, has to live and has to be put to the test of time, most especially by this generation.

Mr. Chairman, the youth of Western region and in Uganda in general have asked me to ask the delegates assembled here, whether we know who and what we are. We are the people of Uganda. What are we ideologically? What are we in the terms of culture, socially and economically? Are we independent as a sovereign state? Because we are more than 30 years independent but it is at this juncture that we are trying to forge, and see if we can make a state. If I could borrow the words of His Excellency in the opening speech here, he said that we are trying to forge or we are in a state of nation building. Therefore, I imagine, and we believe, we the youth, that we have to think more wisely on this state and seek or see if we are to yearn for the past. Which past, according to us, is not there. What do we want to become if we realise or we know what we are? If there is a need for a change, Changing from what conditions? If we are to change, in whose interests are we to change? Because according to us the youth, our past has not been the best. As I pointed out, I represent the youth, those who are in school, who have left school, the educated and non educated, the urban and rural, the agriculturalists and those who are intending to become industrialist.

If, Mr. Chairman, I could request Hon. Members, the gallery there is full of excited youth of all those hopes of life, who have entrusted much in us, and hope that we are going to come out with a document that will live to their expectations. The document we are going to come out with here, is not going to address the issues of economic liberation, the issues of freedoms, the issues of those who are suffering, who are being exploited in form of house girls, ex-traders, messengers in our offices, then this constitution, according to the rules, will not be of use to them.

Mr. Chairman, Hon. delegates, I have listened with interest to most delegates, and the most common expression is that we have come here to make a document that could stand the test of time. I must say that we the youth, have much at stake if the document does not measure to that task. We have more years to live here in Uganda, than any of the hon. Delegates here. Save for the natural calamities that are befalling us. Mr. Chairman, in old democratic civilised societies, constitutions are the anchors of people's rights. A constitution, is a mediator, that compromises between demands from various sections, groups, status, sex and age of the population. A constitution attempts to accommodate as many views of different delegates, desires, expectations and demands as possible. Our country Uganda has been shaped out of a collective of tribes, clans, communities and nationalities with varying history, traditions, customs and institutions. Therefore, a constitution should allay fears on the possibility of violation of fundamental human rights of these varying, categories of people. The rich should be protected against their property they poorly created. Minorities should be protected against oppression. The religious should be protected against discriminations and most of all, the constitution should enable every part of this country and every person living in it to be given an opportunity to participate in decision making matters affecting his or her being.

Mr. Chairman, allow me to point out some views or points. I wish the Hon. Delegates here to ponder on as we progress in this exercise of constitution making. Our post independent state inherited from the colonial masters, is hardly routed among the people. I have heard from various delegates. Mr. Chairman, who argue that this state of Uganda was simply imposed on us by the colonial masters. The view could be true. But what annoys me, Mr. Chairman, or what detests the interest of the youth, is that it is the very people who are trying to say that we should keep apart. It has continued to be an external structure artificially and forcefully superimposed upon the people. If we could look at our civil structure, in the civil service, in all arms of the state, it is an imported structure. It has not come as a surprise therefore, that the independent, or the state of Uganda up to today has not changed much of our society, politically, economically, and socially. Secondly, ethnicity has been a major factor and a basis of sectarian, and functional orientation in public life. To this, a perennial threat of the disintegration of the weak, incompetent and un imaginative leadership,

has reacted simplistically with oppressive strategies and tactics. Mr. Chairman, Hon. Delegates, religion, also a foreign culture to me, has also led to division along clearly marked lines. This certainly can be seen adding to the insecurity of leadership. The infusion of the ethnic and religious identities into the public life of Uganda, has often led to the politics of ascription which are themselves unstable. Mr. Chairman, and Hon. delegates, differences in levels of development, economic activities, modernization and receptivity of change and innovation, has been a problem to our state Uganda.

These different levels of development are explainable historically. For example, while the British encouraged other Ugandan Nationalities to adopt modern ways of life, they deliberately left other areas in raw reform. These differences co-exist with differences in vision and world views. These two, have often spoilt the leaders we have had since independence. They, have not come out to explain scientifically, the causes of these imbalances in development we have had in Uganda.

Mr. Chairman, the massive poverty which these majority of Ugandans have lived in, has encouraged the system of cheap patronage, opportunism and political exploitation of the bankrupt leaders. The repressive structures have not lacked philosophers or supporters. I would say in fact Hon. Kuteesa called them Priests, who have come into work for their chiefs again. Since independence, Mr. Chairman, Uganda has had leaders, I must say, *who* have been incapable, incompetent and have clearly failed to measure to the expectation of the use of Uganda. They have lacked vision, have had inferiority complex, and have been susceptible to flattery and sycophants. Some leaders have viewed and conducted themselves as private citizens. They have craved for the company of inferior and mediocre minds. This has led to political myopia, narrow mindedness and lack of imagination and creativity and have always thought that they would always live according to the theories and ideologies that have been imported to our culture here. The leadership has failed on the whole to live up to the challenge of the statesmanship, its the hope of the youth I represent and my wish too that, this representation we have here does not suffer from the same problem, the problem of lack of statesmanship.

Mr. Chairman, foreign interests have not left Uganda alone.

The neo-colonial economic structures that were left behind by the time of independence, have been a major spring board for the entrenchment of other

foreign interests. Some foreign interests have been instrumental in servicing and generally cropping up authoritarian regimes. This is a very clear point, because we have to know very well that, most of the leaders we have had in Uganda have been generated by these foreign interests. Mr. Chairman Uganda is still underdeveloped politically. We just started the road on political development. The level of political consciousness has generally been very low. This lack of political consciousness generates naivety among our population to the interest of retrogressive forces. This is why, I shall come to support the idea of political education being put in our new constitution. It has promoted political inertia and the messiah syndrome. People intend to mistake political form and technicalities for substance, Mr. Chairman. Political ignorance conduces people to cooperate with their oppressors, only to realise it when it is too late for them to withdraw. A major component of this political underdevelopment, is a large margin of ignorance, regarding the rule of law, the basic human rights, and the relative and willingness of the population to enforce itself to fight for their own right.

It is this political under development, Mr. Chairman, that accounts for the lack of nationalistic, political organisation to roll back the repression and to translate the lessons of history into practical politics here now. Most of the so called political parties, that have existed in Uganda, Mr. Chairman, have a concept, sectarian and indeed, foreign interests, while others have shaped up defensive mechanisms to such a backward primordial sectarian and foreign oriented initiatives. The way we have practiced our politics Mr. Chairman, should be addressed. Politicians of the past, intended to use, or still up to now want to use violence, dirty tricks, bribes, allegations, tactical ambushes in the times of registration or nominations for elections, intimidation, to mention but a few. Other than what I would call peaceful honest and straight forwardness means of achieving political objectives. I could give an example here, I was quite a young man, in the 1980s when one Ugandan political party leader boasted that he had more commanders than his opponent. When another party also boasted of having 99 tricks, through which it could get state power. The action of such politics and other means were practiced, both in the 1960s, 1971 to 1979; in the 1980s, 1981 to 1986, and even today. The insecurity, mistrust, frustrations and reactions have led to generate disregard of the rule of law and democracy in our societies.

Mr. Chairman, I would like briefly to talk on some articles within the draft. The constituency I

represent here, Mr. Chairman looks at land and environment as a crucial matter. It says that much concern about the chapter should be put. The environment crisis, deforestation, desertification, depression, and industrial pollution, is an issue to be addressed seriously.

The environment determines the state of life. And without it, there is no life. There is a problem with our environment today. Environment and development, Mr. Chairman are inseparable. The environment is where we live, and development is what we do on attempting to improve on our, environment. So, there is a lot for us to think about our environment if we have to change in terms of our economic independence. Therefore as a youth, I feel Mr. Chairman, that what has been covered in the draft is not enough about the environment. It is therefore, at this juncture that I will call upon Hon. Delegates that when we come to the point of environment in the draft, we give it a serious attention.

Mr. Chairman, on land, land is a very important issue.

The youth of Uganda have always been told to go back to land. Land is a factor of production. It is sometimes used as a means of acquiring wealth and also a store of wealth. But the biggest number of our rural youth, have no land. It is very important that we look at the causes of the agreement we have had which we inherited from colonial system and look at how it apportions land we have in Uganda. In the region where I come from, land is owned by those who own mailo land, those who have what we call leases are the parents of these youth. However, the majority of the people who till this land - and I have also been informed that in Buganda it is the same situation, do not own it. It is therefore important that, if we have to institute change and get out a constitution in Uganda that is going to bring change in our economy, we have to give land to those who till it. It is at this juncture that absentee landlords, the absentee ranch owners as for the region of Mbarara, should give land to the people who use it, and this is why I call upon the Hon. delegates that they will support me here and we either have the government to compensate people (*Applause*) or to let people who own land and give the youth and the people of Uganda free access to land.

I however, have heard with interest from other people from the other regions of Uganda, who want to argue that land should be left to the local people in terms of its management and allocation. But the view seeks, to keep land confined to the people of the same region. But as a nationalists, and if you are

thinking of forging a united Uganda, we should give free internal migration to people who want to swift from areas which are thickly populated and move to areas which are not populated because a population, to me, is also a factor of economic development. We need man power there, let people come and acquire land, and we shall live freely.

Mr. Chairman, it would not be good to go without mentioning women. Like the youth, women in Uganda have continued to suffer acts of personal injustice and remain without effective forum, to express their concerns. The role played by this group in our economy cannot be over emphasized here. The low percentage of the females in institutions of higher learning, formal Employment, and leadership are directly related to the existence of lack of equal opportunities and equal distribution of our resources right from families, up to the national level. Mr. Chairman, Hon. delegates, there cannot be meaningful development if our constitution does not address the very real differences that persist in our societies now. It is my hope therefore, that these contradictory imbalances will be addressed to by this august House.

Mr. Chairman, to be an elder, you were once a child, a youth, matured and became what you are, if you are an elder. As a youth representative, I did not feel well when I heard the response of some of our Hon. delegates here when the children presented their memorandum here. I was however encouraged by the enthusiasm shown by the majority of the Hon. Members present. As a youth, there are certain things which I cherish in life, and those which I find no value in. Likewise, the children do not behave in the same way, our elders today behave. But there are certain things also which our elders cherished when they were young. As elders, who have gone through these stages, it is our belief that you are in a better position to guide us, even if need be, convince us on to accepting, loving certain values, attitudes, norms that are of no use to our society. It is no wonder, that in some areas, which presently cherish traditional leaders, the youth have not taken it up seriously. But if we are to be guided, or we are to be interested into these forms under ultimatums and intimidations, then this stubborn teenager age of the youth would turn itself into nothing. And in the eyes of society therefore, it shall not be the youth to blame but the elders. It is at this juncture, Chairman, that I pray this assembly to give a serious attention to the memorandum that was presented here by the youth. It is in this memorandum that we shall find what the youth and the children of Uganda today cherish. If this consti-

tution is going to be put to the test of time for generations yet to come, then there is no way we can avoid or throw away the resolution that we have presented here by the children of Uganda.

Mr. Chairman, I will talk briefly about representation. The representation in form of the legislature, in the form of the local councils whatever level. It is important that while we are saying that the president should be given two terms of office, that we should also think of the MPs or peoples representatives. Why should they also not take two terms representing their areas in the national parliament? Why could we have traditional representatives of some areas? It is out of these, what I would call permanent representatives, that we shall create leadership vacuum in our areas. Mr. Chairman, also on the representation, the youth in Uganda and in the region I represent particularly, are suggesting that we should bring down the years, the youth is allowed to vote at the age of 18 years for an MP and even the president. But he is not allowed he himself to be a president or an MP at that age. If a youth is wise enough to cast a vote to decide on who should be the President, of Uganda, why can he not be a president at that age? I am not saying that the president of Uganda should be at age of 18 years, but it should be brought down. Mind you, hon, Members, our life expectancy is around the age 40 years or 45 years; 55 if you are lucky. It is by chance that some people here are above that age. Therefore, the youth of Uganda also want to be not only MPs at this age 18 years, but presidents around the age of 30 years.

Mr. Chairman, it would not be good if I left without talking about the transitional government. The youth of Uganda support the transitional provision as in the draft constitution, Mr. Chairman. I have listened with interest to the alternative arrangement proposed by the Hon. Delegates. I have also read between lines, the circulated proposal, by Hon. Nabudere and those that he represents. And I have these to contribute, Mr, Chairman. As I have already pointed out in my submission, we should learn to be sincerely trustworthy, as leaders of the people. That we should be peoples representatives, not peoples con men. Who among us here, Mr. Chairman, campaigned or was elected to come and turn oneself into a parliament? Who campaigned to come and turn one's self into a government of National Unity as being proposed? Like Hon. Babu put it, at the beginning of this week, I am not party to that, Mr. Chairman. As a youth of Uganda today I have more at stake, more questions to answer in future than most of you who are retiring from political life. This

move reminds me, Mr. Chairman, of the days of the UNLF. It gives me an impression Mr. Chairman, that some politicians here, believe in the "arrivalist" theory, they think that after having been elected into CA, that is the end of everything. It reminds me, Mr. Chairman, of the "Twarire" syndrome.

Mr. Chairman, why the hurry? Why do we think that Uganda is ending today or tomorrow? As the MOTTO of our popular university says, we should build for the future. The habit of handing over power hurriedly should stop. This has caused instability, trouble and wars, and has led to the shedding of blood of very many youth of Uganda. Some people want to take Ugandans as specimens in a laboratory. Where one sleeps, one night to wake up in the morning, and thinks that he can take society into a laboratory to administer an experiment. But mind you, Hon. Members, the results out of a laboratory are not always positive. They can be bad, they can be good. Let this House, Mr. Chairman, not be taken up by the transitional arrangements that are being proposed. The youth are begging for the seriousness on this matter. They do not want their future to be in balance of self seekers to whom leadership is not taken seriously. The youth are tired of idiocracy of some Ugandans who get state power and fail to get what to do with it. It has been exemplified by some past leaders we have had in Uganda before. We only want a leadership which can steer Ugandans to prosperity, which can spare Ugandans but not a leadership which yearns for getting the control of state power, and I would say, falling into things. We have already seen here that, some people are yearning for their old good days where they used to see themselves in Nile mansions, where they used to see themselves in some banks, but what came out of it, it was only confusion, bloodshed, loss of lives and retardation in development of our country.

Mr. Chairman, as a student of politics -
(Interruption)-

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

MR. TUMWINE: Let me wind up, Mr. Chairman. As a student of politics, I have this conclusion to make. People join leadership positions or politics for various reasons. There is one group, Mr. Chairman, which joins to serve, the other one joins to acquire wealth, the last group, according to me, joins to preserve the wealth that was once acquired. In my view, and the majority of us, the youth of Uganda,

Mr. Chairman, we have nothing to preserve nor to acquire, and therefore, we are thinking in lines of joining leadership for the purpose of serving so as to create a bigger wealth for us all to share equally. It is in that view, Mr. Chairman, that I must propose here, that the people of Uganda are not interested in who or how we go about, whether we go multi party, movement or as some people are proposing, federal or unitary. That the interest of the people of Uganda, and the youth in particular is how we create a bigger wealth, a bigger resource for us all to join and share equally. With that Mr. Chairman, I thank you I thank you Hon. Delegates.

THE CHAIRMAN: Thank, you hon. Katyahwa Tumwine for your contribution to the debate.

MR. KASUJJA AZIZI: (presidential- Nominee): Thank you very much Mr. Chairman. I am born in Masaka and working in Kampala. Mr. Chairman, I would like to join the rest of the Members in congratulating you and your deputy. Sometimes, I think I should also be congratulated for having made a wise choice. I congratulate all of you who survived the electoral battles and found your self here in this assembly. Mr. Chairman, this is for me personally, a memorable day, this is the first occasion in my life, to address this nation of Uganda, the entire people of Uganda are assembled here now, through elected representatives. I shall always feel a big sense of personal gratitude and heartfelt thanks to the president of Uganda His Excellency the famous Gen. Yoweri Kaguta Museveni, for the trust and confidence reposed in me which has made it possible for me, not only in the preparation of this document, the draft constitution, but also in its adoption, enactment and promulgation. The Baganda have a saying, "Ndi wa mukisa nga alibwa engo. Ova munda nodda munda". For those who are yet to learn Luganda, the saying means that, I am lucky like one who is eaten by a Leopard from the womb of my mother to the womb of the Leopard, I am from a womb to another womb. So, I am lucky in a sense, I participated in the preparation of the document, and I am also participating in its adoption enacting and promulgation.

Mr. Chairman, and Hon. Members, the events of history have brought us together once again, to chart a new constitution for our country. We are here because of our brothers and sisters who challenged the system then and they successfully accomplished their task. These are the people who watched the then government's power to torture with their patience to

suffer. I refer to the soldiers of NRA and NRM who fought for this tranquility we have. Those who are among us and still kicking, we salute them and for those who have passed away characteristically - I am often referred to as Hajji, indeed I am a Hajji. I say may the almighty Allah be pleased with them and rest their souls in eternal peace Amen. The peace which some of us are enjoying - I use the word some of us as a result of their sacrifice - it is because of them, we are here today discussing freely - the problems of this country. This democratic right has been around for some time and I am a victim of many governments but I do not want to narrate my experiences but this freedom, I have not witnessed it before. In view of that, I propose that a national monument for all the fallen fighters for peace and tranquility be erected in their honour. The present national cemetery which is at Kololo does not depict what I want to see, moreover, it is discriminatory. I want posterity to know that there were gallant men and women who laid their lives for the good governance of this country. Who will know after 50 years Lt. Mayombo here or Col. Serwanga or Kateregga here, that they went into the bush and fought when they are buried in their respective rural areas where some of us will never have the opportunity to go and see? So I want it to be a land mark in this country that at a particular time in Uganda, there were people who laid their lives

MR. GEORGE ZZIWA: Point of clarification. Mr. Chairman, I want to be clarified what this hon. Member on the Floor meant by the burial grounds of Kololo being discriminatory.

MR. KASUJJA: Thank you very much Mr. Chairman. That is very easy. Since Kampala was taken over by NRA/NRM, there have been thousands of soldiers dying but I have seen two graves there. That is what I mean. They discriminate against Mukasa or Okello, Tumwesigye who died for this land. He is not to be seen anywhere. That is what I mean.

THE CHAIRMAN: Okay proceed. I think he is satisfied.

MR. KASUJJA: Mr. Chairman Sir, and hon. Members I have said we are here to write a constitution for ourselves and for posterity. The word constitution is discussed differently in many, ordinary political affairs but I think the best definition one can get for a constitution is given by a philosopher C.F. Strong. He says the constitution therefore,

is a collection of principles according to which powers of the government, the rights of the governed and the relationship between the two are regulated. I find this to be the most fitting definition of a constitution. And I am aware there are rules and regulations, customs, usages, understandings which are not reduced into writing but which are not less effective in some countries in ordering or regulating the activities of the government or the relationship between the two. But the best for our purpose here is that which is written down and reduced to that extent. There are four methods of establishing a constitution.

1. By gradual evolution. I think that can be found in UK - the British Constitution.

2. By grant as we are told by "Lord Andrew" - Hon. Adimola who was in London when the House of Lords was debating our Independence constitution in 1962. It was granted to us by the British Government according to "Lord Andrew" who is around here. 3. By revolution. I think one can say to a certain extent that the 1966 constitution was by revolution of some kind.

4. By deliberate action. The 1967 constitution was discussed in Parliament at that time and the one we are trying to make now is the other method. So we have gone through all these methods except one. Maybe our future generations will say this has evolved and then quote it but otherwise a convention to be quoted by us now is nothing but coups.

A good constitution also has got some characteristics which we must observe.

(a) It should be definite and no question as to what the constitution is and what it means should arise. The constitution should be definite.

(b) It should be comprehensive; a constitution should map out the fundamental organizations or organs of government or organs of the State properly.

(c) It should be brief, not so elaborate as to bring confusion but for Uganda, with its complex societies, we need to accommodate the aspirations of all to necessitate a sizeable document.

(d) It must correspond to actual conditions obtainable within the State at the time of establishing it. We cannot write when we are outside our own society. We must reflect what is going on and what is around us.

(e) It should be flexible to permit changes if necessary and not to create violent revolutions. At the same time, its modification or amendment should not be so easy as to sacrifice stability.

Mr. Chairman, when I look at the present draft before us here, it is an embodiment of all those

types of characteristics. Mr. Chairman, I want to take this opportunity here to thank you very much for clearing the air as a result of what hon. Njuba said about the constitution. However, that could have sufficed but I am sure the Hon. Members have also read Statute number five of 1988 which created the Uganda Constitutional Commission. If not, I would request them to read at the back of the report which was given to you; the big volume. It included these. It was unfortunate that the Hon. Member who had presided over the preparation of this draft came out like that. But I am sure he had reasons best known to himself. This is the right document which we submitted on 31st December 1992. It contained the names of the Commissioners and their signatures were there. Conveniently, I do not know why this draft which was distributed to Hon. members does not contain names of the Commissioners. They were removed, so members were deprived of knowing who the Commissioners were but those who know, we were men and women of high integrity. And I still uphold, we were given by that Act, power to propose how we can achieve and accomplish our task. Somebody to say we smuggled in an institution, that was trying to undervalue our integrity and strongly I think, you never read all the views of the people. Mr. Chairman, the cardinal duty of the constitutional commission was to make a draft constitution for the Constituent Assembly to adopt, enact and promulgate. So this document is a draft. It is a material for you to refer to, a working paper. This big report was our working paper; so big and we reduced it to a small thing like this. You, may also reduce it still further but the people's views must be respected.

Mr. Chairman, we used three or four methods trying to arrive at this document. We used oral and written memoranda, commissioners observation, analysis of the society, culture, common history, problems and aspirations of the people through a mandatory review of the past constitutions with all amendments and all legal documents and reports since the advent of colonialism in Uganda. And for comparative study, some constitutional arrangements of some countries of the world. So we used all these methods in order to get a draft. The spirit of this draft, if not the letter of the law, is to democratize the national institutions of power through direct participation by the people for the better governance and development of Uganda. This is the spirit. If the letter of the law is different but the spirit has been for the better governance of this country, which I think even the letter is up to that, we were inspired as Commissioners by the desire of the people of Uganda

as a whole, for unity, peace, security and development. Wherever I went, I have covered a very big area and so have my Colleagues like Mrs. Matembe, Kaggwa and Serwanga and others. So I do not represent the State House as it is alleged. I represent the whole views of the people of Uganda because I am armed with them. I have been there, I spent a whole month in Nebbi, I have traversed, I went to Lira but my area was attacked. I went down in Apac many times, the whole of Masindi, Hoima, Mubende, Kibale, Fort-Portal Bundibugyo and I can see a few people who were there. Hon. Karusoke was there in Bundibugyo but very few here I have met and I do not know why. They never participated in sub counties discussions or districts but anyway they are here. But that is the politics of this country. From Kampala, they are elected and then they come back (*Laughter*). Mr. Chairman and Hon. Members, some Members have eloquently championed here what I can call popular local discontent without trying to give reasons or solutions to the issues at hand and one wonders when you hear what transpires here. I ask a question -

MR. JACK SABIITI: Point of order, I have listened to my friend Hon. Kasujja's explanation of how they worked out the draft constitution. Mr. Chairman, this issue has been raised before in this House. We had requested the Commission that the Commission comes and explains. We were ruled out of order. Is it in order Mr. Chairman, for one Member again to come back with the same issue to explain?

THE CHAIRMAN: He is in order. He is giving his experiences in his other capacity when he was commissioner.

MR. KASUJJA: Thank you very much Mr. Chairman. Exactly it is not surprising for Mr. SABIITI to say so.

THE CHAIRMAN: I do not think it is necessary for you to comment on that.

MR. KASUJJA: Mr. Chairman, the commissioners drew a line and I am appealing to all Members to draw a line from the past. The past is a better guide for the future, I am aware, but let us Gentlemen, Ladies or Hon. Members, let us try to chart a new force for our future.

Now I would like to turn to few of these articles. I want to request Mr. Chairman and others,

to be excused, having participated in preparations of this draft constitution here. to say something on the remarks made by some Hon. members. We feel we would like to say something about them. So I will try to throw light somehow. Chapter two - Unitary Republic. I think that has been well covered by everybody but I am a Muganda and I am a Ugandan. The Baganda ask for federalism, the rest of Ugandans have asked for Unitary system. So as intelligent people, we had to build a house in between to accommodate both views thus decentralisation. The decentralisation in the draft is not what Hon. Bidandi is implementing. The chapter on Local government in the draft deals with decentralisation. We have tried to show what the central government should do and the rest is to the local units. The local unit in our constitution draft here is the district. I was in Bundibugyo and when we talked of federalism unitary system, they would have liked federalism but they did not want to join Kabarole District for the reasons well known to them. If you want, you join us with Mubende but then when you go to Bundibugyo, you pass through Kabarole. So it is a problem. So a district is as important as a kingdom in our case here. So we came out with that.

Swahili, Hon. Members, do not waste your breath on that issue. Leave it to emerge by itself and do not waste money unnecessarily. Let the programme which has been proposed by Ministry of Education take its course but do not talk about a national language. It does not exist. Even here normally people think people of the north know Swahili. They do not know. From Apac, I was coming down to River Nile to cross on the ferry, I wanted to buy maize from a plot I saw on the road. I stopped and I went. I wanted to buy maize. The little Swahili I know, a Luganda Swahili, maybe it was not understandable by the langi Swahili but we did not understand each other, they did not know Swahili. I went and touched the cob and then we settled and I bought maize. So it has a long way to go. I prefer Hon. Members not to interrupt so much. So Swahili should be left where it is. Chapter four: Mr. Chairman, I want Hon. Members to be humane. I know you are human but be humane, I am after chapter four, citizenship. Article 42 Clause 1 of the draft refers to a kid who cannot explain himself or herself about the whereabouts of his or her parents. Section two covers those over and above seven. They can speak, they can know where they came from but those from, as we said here, from the VIP areas, from the streets, the dust bins of the City Council, cannot know. We must be humane and give

these people citizenship. There do not waste time, we must have citizens. We are not full, the country is not full, we still have space. I do not know, with the system we have recommended, nobody will throw a child from across the border without being noticed by Ugandans.

Chapter 5, fundamental human rights. I think here, I can only add to what Lt. Mayombo said. The interest of the minority as opposed to the interest of the majority.

A HON. DELEGATE: Point of order. Mr. Chairman, is it right for the Hon. Member now, the ex-commissioner to refer to this House that do not waste your time. Are we here to waste time or to constitute a constitution for Uganda? Is he in order Mr. Chairman?

THE CHAIRMAN: The Member is not in order. He should use more Parliamentary language.

MR. KASUJJA: Thank, you very much Mr. Chairman.

THE CHAIRMAN: No, I think the Member raised a point of order and it attracted the sense of the Chair and so you should withdraw the words, "do not waste your time".

MR. KASUJJA: I withdraw. Chapter six Mr. Chairman is the issue which is very hot, the movement versus parties. I have mentioned the areas I have covered and I have read the memorandum of all areas. If we are democratic enough, I think we should accept what people have asked us, what they want to see. People want the movement to continue. This is clearly stated. So Mr. Chairman, article 94, that chapter of that section on political systems, allows the parties to exist.

MR. DICK NYAI: Point of order. Mr. Chairman, the distinguished Delegate holding the Floor, having suffered working through the Libyan Arab Bank through Amin and Obote Two and now enjoying Presidential prerogatives, is he in order to suggest to us that all the people in Uganda support what he is proposing whereas I am quite sure he has enough wide knowledge of the English language to be able to say some people and not all the people? Is he in order Mr. Chairman?

THE CHAIRMAN: I think he was proceeding to substantiate his point but I could not understand what the banks had to do with this. *-(Laughter)*.

MR. KASUJJA: Mr. Chairman, thank you very much. I think he does not know me. He knows me partly. Mr. Chairman, I was on the political system. The views I have read, the views I have got - I have got a watch with me Mr. Chairman and I am taking stock of the time.

THE CHAIRMAN: On the point of order, yes.

MR. BEN WACHA: Point of clarification. I heard hon. Kasujja stating that he spent some time in Apac and therefore, I got very interested in his analysis of the suggestions of the people there. He has now come and stated to the House, and I am assuming based on the Preamble that he made, that a lot of people, or if not all the people want movement to continue. Sir, I was elected from Apac with 320,000 votes to come here and press very, very strongly for multi party system of government. The clarification I want Sir, is as to whether the type of information he got could have possibly come from the people I am supposed to represent.

MR. KASUJJA: MR. Chairman, I am also only surprised that many people change their views very quickly. And these people Mr. Chairman, according to my assessment of the views of the people of Uganda, I went to Apac with the RC system, gave me his views, they were 50-50 for the movement and for the parties. So I had even RC 2s and RC 3s views from there. That is what I have assessed myself Mr. Chairman. So Mr. Chairman, what I am saying - *(Interruptions)*

THE CHAIRMAN: No, I think let him continue. He has said he got information from the RCs on a 50, 50 basis.

MR. KASUJJA: Mr. Chairman, the movement we are talking about here in the draft constitution is a movement for everybody and as a system - *(Interruption)*.

MR. WANENDEYA: Point of order. Mr. Chairman, is it in order, for the hon. Member who is also my friend, hon. Kasujja, to state that people want the movement? Does he have statistics throughout Uganda and therefore, is he in order without clarifying to this House as to whether he has those figures Mr. Chairman?

THE CHAIRMAN: So you are seeking clarification rather than a point of order?

MR. KASUJJA: Mr. Chairman, from the information, the data available to me is that they are in the majority.

THE CHAIRMAN: According to the information available to him. No, I think some of these points of order are just disguised information. I think we shall take clarification to be more serious.

MR. ADOKO NEKYON: Point of clarification. Mr. chairman, I want Hon. Kasujja who says he has traversed the country to correct the views, to explain to the House the following as a Commissioner. They asked RC 1 to write a memorandum and they wrote on the entire population of Uganda and then they asked RC 2 who are the executives of RC 1 to write another memorandum and then asked RC 3 to write a memorandum, then asked RC 4 to write a memorandum and RC 5. On whose behalf did the RC 2, RC 3, RC 4, RC 5 write memoranda since RC 1 had already written memoranda for the entire population?

MR. KASUJJA: Thank you Mr. Chairman, I can best answer or clarify this one by saying the Hon. Nekyon is coming from Apac and there is a Lady Beatrice coming from Apac. I do not know what that means. Are they representing the people of Apac or not? *(Applause)*. Mr. Chairman, I was talking about the Movement. The Movement we have tried to recommend in the draft constitution which is being asked by the people is a system which comes from the bottom; RC 1, RC 2, RC 3. there is a system of the Movement; that is the type of movement people want. Open up, it is opened up.

The President of this country, according to the draft constitution, must be elected by universal adult suffrage. That is opening up and all the posts if they are there, to be created by the National Parliament which is a representative Body of all the Ugandan people, who have chosen the system of a movement to control the movements. It will not be one man's movement as it is maybe today. It is you people who constitute the Parliament and you have been fighting your Parliament must be supreme. That is the supremacy. It is given to Parliament, to organise the movement in the best way possible they want. What is more democratic? Here, let me say one thing. I respect UPC, UPM for their consistency. They have refused to send members here but individually, they have given us views and they have participated in this exercise and they are here. *(Applause)*. One wonders what sort of people should

represent UPC apart from Hon. Ogwal and Hon. Ben Wacha? I think these are the brains of UPC and they are here. What is more democratic in this country than that when Hon. Kitariko is here and Hon. Mulenga, Hon. Apuli, Hon. Mayanja Nkangi? That is democratic. So - and Sabalangira is here.

MR. CHARLES OLET: Point of order. Mr. Chairman, is it in order for the Member on the Floor to assume that Ben Wacha who was duly elected as a county representative or Delegate to be representing UPC? Is it in order?

THE CHAIRMAN: The hon. Member if he said so, he is not in order. Because people here stood on personal merit. But he says he did not say so. Maybe he will tell us exactly what he meant.

MR. KASUJJA: Mr. Chairman, I did not say so. Can I continue. I only said people are here, those individuals are the same people who run the parties and they are here.

THE CHAIRMAN: Okay, that is different.

MR. KASUJJA: On referenda, Mr. Chairman, people want that power given to them. They want to retain it, they want to be consulted. I want to conclude this one by a quotation from the Greek philosopher Pericles. He said, "The people who eat the broth are the best judges of its quality". The people who are governed are the final judges of the government. If few of us are originators, we are all sound judges of the policy. So our people are sound judges of whatever we want to do for them in this country. So a referendum is a 100 percent perfect to me.

Mr. Chairman, on the executive, I do not know. We need power, we want a powerful President. So in winding up, I want him to have power to be able to manage this country properly, not to be a laughing stock. If we wanted a Parliamentary system, then we shall have a President without power but I prefer Presidential Executive to that type of government where the President has no power.

As time is running out, I want to talk about the National Council of State. Mr. Chairman, many people have not understood what the National Council of State means perhaps. The way I look at it is the way I have envisaged that thing to be. It is partly a standing committee of the Parliament. I think NEC has done some good work and we have democratised the NEC by saying that the district elects a repre-

sentative from those members of Parliament to represent it. As a standing committee of the Parliament, one of the basic roles is to approve the Presidential appointments or actions and this is very important gentlemen. Hon. Members, when you say Parliament shall approve, it does not mean the whole body will sit and approve. There are always committees. What we are trying to say, let a committee be truly representative, every district of this country be represented. I have listened attentively here, people from Karamoja, they do not have even an ambassador, they do not have a P.S., just because they are not at the centre of decision making but they are Members in NRC. So this, I want hon. Members to look at it in that angle first. Whatever is going to be shared as a national cake they will be able to have a representative. That is one. Two, it is a link between the districts and the centre and more so since the executive power has been decentralised. The executive can discuss national matters with a committee of Parliament in another atmosphere. Here is a Minister but he is here in his capacity as a representative and not a minister and we have accepted that. Why do we not accept him in the other forum? Time is against me, I am jumping - the Ministers are there in the National Council of State only as government representatives when they are considering other issues. Because from the Floor here, it appears people prefer a presidential type of government where Ministers are not Members of Parliament and that calls for this National Council of State. They may have a President who is directly elected, he has got a national mandate and you also have a mandate of the people but he has also. If we have a disagreement, let us have an area where we can sit and talk as nationalists. If parties come, which I think they are going to after some time, DP may be in Parliament and UPC is in power. So they can definitely sit down and resolve matters before going to a referendum which is very expensive.

On land, Mr. Chairman, it is difficult to convince these Ugandans who have been brought in different systems. The best system I would like to see myself would be everybody to own his or her plot of land. That would be ideal but because we do not have the money to compensate, then we better retain the system until we make money and compensate those people who own land on which others are. That is the best system the way I look at it. This customary tenure, I am a banker, I will never have your *kibanja* without a title and give you money. So you may sell it at night and I will not know. I want to have a plot with a title and then I will give you money to develop it. That is on land. Thank you very much Mr. Chairman.

MRS. MIRIA MATEMBE (Women-Mbarara): I thank you Mr. Chairman and hon. Delegates. I am Miria Matembe, Women Delegate, Mbarara District. I am currently married to Mr. Matembe for 19 years now. I have four sons. Mr. Chairman, I have deemed it necessary to introduce myself in that way because I would like to allay the fears of many people, some of whom may include hon. Delegates in this Assembly who regard me as a rebel, who has failed to make her own home and is now busy overturning society by breaking other people's marriages or homes, a terrible woman who hates men and wants to castrate them all. I want to assure you hon. Delegates that what some people think about me is completely erroneous and far from the reality. The reality is that I am a good, hearted person. (*Applause*). Mr. Chairman and Hon. Delegates, I am neither misguided nor a missile as "Economy" put it the other day. But I am a woman with a cause. Mr. Chairman, I am struggling for the liberation of more than a half of human kind in this country and beyond. It is my total commitment to this cause that has, at times, led people to misunderstand me. I am happy that today, I have a chance to share this cause with you and I believe that by the end of my presentation, I shall win the rest of the hon. Delegates who still have some misgivings on the gender question.

Dear Delegates, I personally believe in a stable home because stable homes are a foundation of stable societies and consequently lead to stable nation. I am however, Mr. Chairman, not oblivious to the fact that not all people marry, both men and women. Some do not have a chance to do so and others do not like to marry anyway. It is a question of choice. But it is my conviction and belief that marital status of a person should never affect her standing in society as it seemed to be the case during our campaigns.

Mr. Chairman and Hon. Delegates, I certainly feel honoured and privileged to belong to this august Body of distinguished Delegates who have been entrusted with a very honourable responsibility of making a new national constitution for Uganda. If you may permit me, Mr. Chairman, to say this, the fact that we are now making a new national constitution, whose purpose it is to constitute a new Uganda necessarily meaning that there has been a problem in the constitution or the making of the past and present Uganda. Therefore, a need has arisen that Uganda be constituted afresh. The precise basis of my pride and honour therefore, is that I have been considered by the people of Mbarara, who voted me

here, to be one of the competent people to constitute or rebuild a new Uganda. Dear Delegates, I look forward with desire and hope to that day when my name will go down in history books as one of the founding mothers of a prosperous Uganda to come, a day when my children will proudly say, yes our mother was one of those great heroes who made the foundation on which we stand. I have no doubts in my mind Mr. Chairman, that all of you Hon. Colleagues here share a similar view. But the type of Uganda we shall finally make will determine the type of history we shall belong to. Certainly Amin made history and so did Hitler, but what sort of history did they make? I leave that for you. The question therefore, to decide here is, what sort of Uganda are we desirous of making? Is it the one that we shall finally make?

Mr. Chairman and Hon. Delegates, the background against which this constitution is being made is highlighted very well in the Preamble to the Uganda Constitutional Commission Statute No 5 of 1988 which *my* Hon. Colleague, the former Commissioner has just explained to this House and therefore I will not go in detail. It will suffice to say that the commission, having studied the Preamble carefully, drew the following objectives to be achieved by the new constitution; to involve all the people of Uganda in the making of the new constitution. The commission tried to achieve that objective, to remove political and constitutional instability by guaranteeing, one, the sovereignty of the people who have hitherto been helpless victims of misuse, abuse, neglect, oppression and also to guarantee democratic governance. The new constitution therefore must come out with a democratic form of governing which will give power to the people. Power here I mean in terms of authority and in terms of resources. The majority of the people in this country have been lacking power in terms of authority, they are always silenced and they have been lacking power in terms of resources. They can only get that power when they can only talk freely and also share resources equitably. These have so far been preserved for the privileged few. Ugandans are yearning for a day when government shall change from hand to hand peacefully without use of the gun. Peace has eluded the people of Uganda for too long and they certainly look to the new constitution for its guarantee. Mr. Chairman, the new constitution must establish unity for the people of Uganda and it must act as a vanguard for development. Poor and illiterate people are very vulnerable because they are powerless and cannot therefore be said to enjoy democracy.

People are looking to the new constitution for a change of the status quo to the better of their lives. We, therefore, Mr. Chairman, and Hon. Delegates, owe our people, through the new constitution, a united, peaceful and democratic Uganda which will put us on the road to development and tranquility. This is a fact we must realise, failure of which, we shall not earn the history that we are aspiring for because we shall have shattered the hopes, aspirations and expectations of the people. Mr. Chairman and Hon. Delegates, for the sake of living to these expectations, I appeal to my Colleagues in this Assembly that for the purpose of generating a consensus which we so badly need, let us learn to bend a little bit backward within reasonable limits in pursuing some of our strong views and interests in order to accommodate each other for the sake of Uganda. Dear Delegates, I can assure you of my intentions to compromise, within reasonable limits, my views on gender issues so as to accommodate other divergent interests. In fact Mr. Chairman, I have already done it because in our committee of Legal and Drafting, when we were choosing leadership, I said certainly gender will come in and I was being supported by almost all the people and then somebody said that what about regional balance? So I immediately dropped the gender question for regional balance. Therefore, I appeal to my Colleagues to do the same.

Mr. Chairman and Hon. Delegates, I personally came here with a genuine belief that all of us Ugandans have suffered. Uganda has suffered and Ugandans have suffered. We as individuals and all the people we represent have in one way or another suffered. Permit me Mr. Chairman, to compare Uganda with a person. A person has many parts of her or his body and each particular time, any part of her body, be it a finger, a heart, stomach or head is in pain, that person is suffering. It is a question of degrees Mr. Chairman. It is my contention that Ugandans have suffered all throughout up to the present time. Mr. Chairman, as a person who has lived here through thick and thin, I have seen this suffering move from one region to another, from one tribe to another and with your permission, I would just like to give - just briefly to say I - will just confine myself to the time after independence. By the way, when we received independence, I was certainly still young, but troubles started around 1964 with a mutiny in the army. It is my belief that if Obote had behaved like Nyerere did towards the army mutiny, maybe our history would be different. But he rewarded these fellows with promotions and in-

crease in salaries and later on - I think for his own reasons because he had an enemy somewhere, he wanted to remove. And shortly in 1966, the same army helped him certainly to remove that political enemy, the *Kabaka* of Buganda and of course I cannot forget the Kisubi incident of the children. Of course in 1966 Mr. Chairman, the long and gloriously cherished kingdom of Buganda was violated, abused and humiliated and then the real trouble started. That time mainly for Baganda. They really suffered and those who did not belong here, some of us were saying ee!! let them see it because they caused it all and all that, of course with the abrogation of the constitution, the suffering continued to intensify. You remember the death of Brig. Okoya, you remember this thing. And then Mr. Chairman, from 1971 and certainly Amin comes in with jubilation. I can assure you from mainly the Baganda because certainly he had removed their political enemy Obote. But shortly after that, the honeymoon was really short although he brought the *enjole*. Later on, the suffering started and this time, it really hit Ankole with attempt of invasion of 1972. I can assure you, after that invasion, all the leading Banyankole disappeared, all the *saza* chiefs disappeared and those who remained like Hon. Kaijuka went into exile. So the suffering shifted without end and of course I am not forgetting the suffering in the north because the Acholi, the Langi certainly faced it and their suffering intensified at the time when they were actually facing, almost liable to extinction after the death of the Arch Bishop Luwuum. I can assure you those people suffered and the whole parts of Uganda were sympathising with them. Some of those guys were hidden by my real father under a pot that we used to make *kalo*. I want to tell people that they should know that we have suffered and then when Amin of course left, came, the UNLF and we rejoiced and all that. And then in 1980, when the elections took place and then the Muryankole Museveni became a guerilla, the Banyankole, we saw it and the Baganda in Luwero certainly saw it and in the meantime, other people were saying "*aha! leka bakalabe!*" if I can use that word. So Mr. Chairman, we have suffered. Now comes the NRM government here. People are still suffering. For me, as long as the woman is being raped by Kony, as long as their mouths are being cut, those people are suffering. So I am telling this experience because it is my conviction and it is clear in my mind that we have all come here to find a way of putting an end to the suffering of Uganda and the suffering of its people and not to just compare the suffering and shift

it from one region to another as it is implied at times in the speeches of some Hon. Delegates with due respect. Because I can assure you, there is no single person who can tell us those who suffered more than the others because we are all interested parties. We are all parties in this thing. But, by the way, Kabale which had been shielded somehow, with RPF breaking, those people really suffered. I can assure you we have suffered and let us now know that and decide to find a way of ending this suffering.

You see the reason why I revealed this experience is that I really listened to some Hon. Members. I will not name them but they will know themselves. Some of them said Mr. Chairman, our people have always lived in peace until 1986. They have never been dehumanised. Where? Which region is that? In Lira, in 1985, I was here and when the Acholi brothers turned guns and fists and tore their brothers the Langi. They suffered. Did they not? Can anybody disown that? I give the benefit of doubt. At first I doubted the sense of honesty and conviction to those Members but then I give them the benefit of doubt because at times, they have run away for their lives for which I do not blame them. So they have not been able to keep a continuous account of what is going on. But now I am telling them that I have been here, I have had my own suffering. Yes if you asked me, it is too much because it even started in 1964 when my brother, late Captain Levis Mugarura and Grace Ibingira were put under a state of emergency completely and this very brother was only killed immediately after the return of Oyite Ojok because he found him alive. These are just personal things but things happened. Let us forget that nonsense my dear Brothers. I want to tell you this, brothers. I know why I am using the word - (*Interruption*)

THE CHAIRMAN: I see some sisters as well, do you not want to address them?

MRS. MATEMBE: Protect me, Mr. Chairman, this word is calculated; it is calculated because my dear brothers have been leading us, the so-called great planners, decision makers, great people, have been leading us and they have caused our death. Honestly, let this past experience, my dear brothers and sisters, let the past experiences only be remembered to the extent of helping us to correct and remove the causes and the mistakes which led us to suffering and let them not be a continuous reminder of bitter feelings of hatred and urge to revenge against one another. My dear brothers again, I implore you in the name of motherhood, let us stop

suffering, let us stop suffering, let us stop killing of our children, for whereas you gentlemen, you can still father children in your old age, if you can permit me Mr. Chairman, to use the example of my Colleague Hon. Adimola, at that age, he can still father a child. But I do not think that his dear wife if she is still alive, can mother a child. We do not want our children to die, because our time is limited for bearing children and Mr. Chairman and Hon. delegates, in the like manner, whereas it is *easy* for you to replace wives - very easily after all, it is portrayed in all these proverbs that women, like in Buganda, that they are like bananas, you just cut one, you make *Luwombo*, tomorrow you get another. It is not easy for us to replace husbands, Mr. Chairman. Please save our children, save our husbands, save Uganda.

Mr. Chairman, now, I would like with your permission to proceed to the topic nearest to my heart, the gender question. Mr. Chairman, the Army is talking, the youth have talked, the workers have talked, all these people called interest groups, have got one common denominator, they have for a long time been manipulated, exploited, and neglected, in the end they serve the interest of other people. Of course women have danced in politics, they have cooked for politicians, and they have sang and in the end the young girls from schools used to end up in political beds (*Interjections*) So, I certainly identify myself with the cause of those people and I sincerely support them. Mr. Chairman, whenever an occasion warrants, I never hesitate to articulate on the woman question. I therefore, would like to use this occasion to precisely to do that in a hope of laying a clear foundation for better understanding for women struggles in the discussion of the Draft Constitution. It is my conviction that amicable discussion and support of the provisions relating to human rights of women in the Draft Constitution, will only be possible when it is very clear in the minds of the delegates what exactly women want. Our Colleagues the men, need to be put at rest and to be assured that women are not struggling to overturn society by taking up the places of their counterparts the men. But they are struggling to set up their rightful positions in society by existing side by side with men, for peace, equality, and development of mother Uganda. (*Applause*). Mr. Chairman and Hon. delegates, equality for women is not for nothing, it is for the benefit of children, it is for the benefit of families, it is for the benefit of husbands, it is for the benefit of Uganda, it is a serious matter. It is very important and crucial for the development of Uganda and even for democracy and stability in this country. Mr. Chairman, it

is believed by the advocates of women's emancipation, that the level of women emancipation is a natural measure of emancipation of the whole society and if I may borrow the words of Lenin, *"there is no freedom and nor can there be, so long as women are handicapped by men's privileges"*. Let me also add Mr. Chairman what Michael Gorbachev said, *"the status of women is a barometer of the level of democracy of any state, an indicator of how much respect is given to human rights"*. It is indeed in this regard, Mr. Chairman, that women all over the world are rightly demanding that their rights be recognised, their voices be taken into account, when priority state decisions are being formulated and adopted. Women want to see and feel that the society values their labour and abilities and also need their practical magnanimity and wisdom. Women of Uganda have an ardent desire to live as full human beings in their own rights, entitled to enjoy all rights and privileges that accrue to all human beings. They would like to liberate themselves from exploitation, oppression, discrimination and all the ills, which for a long time have undermined their status and denied them the opportunity to realise their full potential, wisdom and talents.

There has been and continues to be, Mr. Chairman, unjustified imbalance between men and women, in terms of contribution and benefit and undesirable misconception about the worth and real being of women, despite their productive and reproductive roles, both of which, Mr. Chairman, has sustained this country. Women of Uganda continue to be subjected to legacies that have precluded society from seeing and internalising the proper image of women. Such legacies as: women are weak and vulnerable, women are a source of evil and conflict, women are part of man's property, women are dependant, women are internally disorganised, women are silly, women are gossipers, and many other such legacies, Mr. Chairman, such attitudes of society are even reflected in proverbs. A proverb in Ankole, one says that women are like cow dung which can be cleared from the kraal, only to be replaced next night. I have talked of the Baganda proverb which says that women are like banana leaves. If you want, there is a Kinyankore proverb, that if you want to undermine a woman, you certainly begin with your mother. Surely, your mother. You must undermine your mother if you start undermining women, that person who brought you into this world! And Mr. Chairman, phrases like, "what do you expect from a woman?" "Do you not know that she is a woman?" "You know what women are".

are common phrases to our ears and they certainly portray a negative image of women.

Such legacies and proverbs, certainly undermine women and derail their confidence. However, Mr. Chairman, practice and experience has proved all these legacies wrong and has established beyond question that women are producers of wealth, home makers and managers, health promoters and providers and community organisers. As producers, Mr. Chairman, women of Uganda contribute to the national production and welfare as well as generating income for their house hold. In agriculture, Mr. Chairman, which forms the backbone of our economy, women are responsible for 60 per cent of planting, 70 per cent weeding, 60 per cent of harvesting and 90 per cent of processing and preparation. Women contribute between 70 and 80 per cent of farm labour, Mr. Chairman. Although 30 per cent or more sell food crops in the market, only a quarter of those make decisions on how to spend the money, it is a shame. As home managers, women normally bear the bulk of responsibility for managing and for budgeting for house hold consumption, especially with regard to the basic needs. They ensure that the house hold manages to meet basic needs during food shortages and famine. They do this through food production and processing, searching for fuel and collecting water. Mr. Chairman, and dear delegates, there is over 95 per cent of the energy consumed in the country is in form of fuel wood, and women are responsible for 70 per cent of domestic energy consumption. As mothers, Mr. Chairman, women are primarily responsible for the welfare of the children and they also care for the parents, the in-laws, the elderly, and the sick members of the society. The nature and quality of human resource depends on women as mothers, who rear, educate and mould the children during their tender age. Women's role as health providers and promoters is seen as a natural extension of motherhood. Mr. Chairman, it is the women who diagnose sickness in the family and decide who should be treated at the home and who should be taken for treatment and where. Those silly people Mr. Chairman.

Mr. Chairman, 70 per cent of health care is provided in homes and it is under taken by women. If asked how many of the dear delegates here were born in a Hospital in the presence of a medical personnel, very few, if any, would answer in the affirmative and likewise, if I asked any of the dear delegates, how many of them were immunised against the six killer diseases, it would be the same. I can assure you. But, we have all been alive throughout

the natural wisdom of our mothers, at times acquired through what is known as gossip, they shared knowledge and experience on how to rear and bring us up, without doctors. It is evident therefore, that women are natural medical people yet a little attention is paid to the questions as to how and when these women get the knowledge and the ability to treat sick people and even cure them. Women spend all their time caring for others and rarely pose to care for themselves, but who cares for them? Is it a wonder therefore, that most women are at a risk of chronic ill health. Mr. Chairman, the working day for a woman in Uganda ranges between 12 and 18 hours, with an average working day for rural women of 15 hours, even when these poor women retire to bed, rarely do they sleep, because the breast feeding babies and husbands, who also breast feed in their own way, are there waiting for the attention. (*Laughter*). Yes, Mr. Chairman, as for - (*Interruption*)

THE CHAIRMAN: Order, give the hon. Member the chance to continue with her contribution.

MRS. MATEMBE: MR. Chairman, of course now I want to look at what these people receive in turn of all that. You look at it, two thirds of the illiterate people in Uganda are women. Only one per cent of women, by the way, they are 50 per cent, own property, only 10 per cent earn an income of their own and with NRM coming to power, women have ventured into these political decision-making positions with miserable statistics. Ministers 14 per cent, Permanent Secretaries 20 per cent, Judges 17 per cent, Chief Magistrates, 23 per cent, they are all miserable - they are there. It is therefore, very clear from these statistics that women have neither been properly facilitated to adequately play their role, nor have they been appropriately remunerated for taking these roles on. They have instead been continuously renegaded to an inferior status and denied equal rights and opportunities. Many are subjected to a whole range of physical, mental and sexual abuse, violence at homes, in work places and on the streets. Mr. Chairman I can only describe this situation in the list as total economic exploitation where the exploited provides the labour and the exploiter controls the means of production and the income that accrues from there. At worst, it can be described as broad day robbery and I am saying this state of affairs are totally unacceptable to the women of Uganda and in particular those of Mbarara who sent me here. Of course they applauded the NRM Government for opening the gates of prison for them, but

they say of what use is it if you open the gates of a prison to a prisoner and that prisoner remains chained? Because they are saying, the hands are tied together by ignorance, their legs are tied together by customs and culture, their lips are sealed by poverty, their neck is strangled by religious misinterpretation, and their waist is tied by discriminatory and inadequate laws. These chains, must be cut, Mr. Chairman, if Ugandan women are to be freed so as to effectively participate in the affairs of their motherland for peace, equality and development. The gap must be bridged, otherwise, we are not serious to use a simpler word.

Mr. Chairman in conclusion, while I ask you to kindly continue, dear delegates lend me your ears, I invite you at the same time to cast your minds back to your constituencies for a while: look at those old women, our mothers who continue to till that land, which does not belong to them, with that breaking instrument called a hoe, only to be chased away by their sons, their own sons, the so-called heirs of their fathers estates: those women are crying to you. The hon. delegates of Lira, Pallisa and from other areas. Think about those widows who continue to be inherited by force as part of their husbands estates, irrespective of whether the inheritor or inherited has HIV Virus, they are crying to you, dear delegates, look at those pregnant women as they groan while delivering their babies by the road side, at the well, in the forest, those mothers are crying to you. The people of Mbarara, Kabale and neighbouring districts, think about those young girls, aged 14 and 16 or even less, forced into early marriages, in exchange for bride price. Dear Hon. delegates of Kapchorwa, look at those girls, who continue to be brutalised by having their sensitive, sexual organs mutilated in the name of a culture, whose sole purpose is to gratify the sexual selfishness of men. All of you dear delegates, cast your minds to those small girls, between the age of one and 12 or even below - I mean of some months, who have continued to be defiled by men fit to father them, destroying their future and shuttering their psychology for ever. All these girls and women are crying to us and they are eagerly waiting for our responsible, considerate, action. Dear delegates, those women crying to us, are either your mothers, your sisters, Mistress, or wives and now I take this privilege Mr. Chairman and Hon. delegates, to implore you to hear their cries and come to their rescue, deliver them from all these miseries and ills of society by making a Constitution which will act as an instrument of justice, Mr. Chairman. A constitution that will act as a knife to cut down their bondage of

slavery by denouncing and banishing all the outmoded customs which have outlived their usefulness, yet continue to hinder women from advancement and deny them from human dignity and respect.

Mr. Chairman and Hon. delegates, let the new Constitution be a sword that will cut those chains of ignorance which tie women's hands, let the Constitution be an instrument to unseal their lips from poverty by not only creating *wealth*, but also extending it to those poor women. Let the new Uganda Mr. Chairman and dear delegates, give a hope and future to the mothers of this Land by liberating them from all the discrimination and inadequacies of the legal system so that they can also live as full human beings in their own rights. If I may quote what Gorbachev said, "*What women are capable of giving to society and what they can give society, in turn depends on the ability of society to give those women equal opportunities, real rights and the real protection that they deserve*". Mr. Chairman, please, give that to the women of this land and finally, I say this, the spirit of the law, Mr. Chairman, and dear delegates, is more important than the fact of the law. We may use a golden pen and write this constitution in a golden book, but as long as this Constitution is not written in our hearts and reflected through our actions and conduct, this whole, costly and honourable exercise, will be futile. I thank you, Mr. Chairman and hon. delegates for your kind attention, I say all this, for God and my motherland Uganda.

THE CHAIRMAN: Thank you hon. Matembe for your very effective contribution to the debate. I now give the Floor to hon. Dr. David Matovu, Entebbe Municipality.

DR. MATOVU (Entebbe Municipality): Thank you very much, Mr. Chairman, and Hon. delegates. It is a bit of a problem to speak after such a powerful speaker like Mrs. Matembe, but I will probably try and say something because I have to. I was sent to do exactly that. My names are David Matovu. I represent the Entebbe Municipality, that place where the President lives, if I may add. Thank you very much. Mr. Chairman and Hon. delegates, greetings from Entebbe Municipality. Mr. Chairman, we Ugandans are being given, by the Almighty God, yet another opportunity to have a go at building a nation. The 1962 Constitution was the first attempt, the 1967 Constitution had an awful shot at uniting Ugandans into a nation, UNLA or the Military Commission also had a clumsy go at building a

united nation - the united Uganda. Mr. Chairman, judging from the composition of this Assembly and the contributions so far, many Members seem to agree that the present or current exercise offers the best opportunity for us to make a Constitution which should stand the test of time. There was a high degree of consultation from a wide spectrum of population done by the Commission, something that is commendable. People would present their views freely, there were those who took a chance early and presented their views as indicated in the Index Book, these included societies, individuals and not only RCs as some people seem to be telling us. There were those who picked up interest after slowly realising that the invitation to participate was genuine, that was the second group and yet others, having overcome the period of "wait and see", sprung into the CA arena just before registration in order to fight within the system.

Mr. Chairman, like good Christians, the Entebbe people believe that even those who joined the labour force in the garden at the last hour, the wages are the same for everybody. All of us seated here, will go down in the annuals of Uganda for having participated in the third or fourth attempt at Constitution making for Uganda. Mr. Chairman, this is an honour if we do a good job or a disgrace if we fail again at building a nation of Uganda. The challenge before us is to do whatever is within our capabilities to make a durable, just, and by consensus, an acceptable Constitution and by so doing, live up to the expectations of the rest of the Ugandans outside this hall.

Mr. Chairman, it is true that the colonialists bundled a number of tribes together to form Uganda, but we have had over 30 years to build a nation, a modern state, be it in diversity or otherwise and we have messed up most of the opportunities. I wonder if we are justified in continuing to blame the colonialists for most of the unfortunate occurrences in our country. Mr. Chairman, let us get on with the job before us, take the bull by the horns. The job before us is enormous, colossal, but not impossible. The past seven or so years, have offered what I would regard as the nearest to what we should aim at, as depicted in the NRC, the districts and down to the village councils, broad based, Movement type of spirit of reconciliation, accommodation and tolerance. Mr. Chairman, the Banyoro and Baganda can now sit down together and discuss with the rest of Ugandans a new Constitution let alone, attend each others Coronation. (*Applause*) That is the new Uganda, Entebbe people are waiting for after we have promulgated a new Constitution.

Mr. Chairman, on the state: A State has three main components. The first one is the Government, the community is the second one as a whole and thirdly, the individual. The basic unit therefore should be the family. The welfare of the individual personal family must be the bottom line of our civic affairs.

On human rights, Mr. Chairman and Hon. delegates, when one talks of human rights, the first idea that goes to most peoples minds, is political rights, freedom of association, why not? For many people that is just about the only conception of human rights they understand, they know, anything outside that sphere is irrelevant or of little importance to them. Mr. Chairman, there are however, other faces to the concept of human rights. Let us look at the old, the senior citizens. Do they enjoy or have a right to decent living after they have served their country in whatever capacity or after serving their community, or do we individually or collectively as a State, deny the old their basic human rights and banish them to the status of village monsters to scare the crying babies? Mr. Chairman, we often hear things like, if you do not stop crying, I will call Mzee so and so, to eat you up, that is the kind of human rights most of us are giving to the old people. Of late Mr. Chairman, many grand parents have and still are re-running the family films by looking after their grand children, the orphans of their dead children, the victims of AIDS and nobody looks after them. Mr. Chairman, the politicians have the Kitarikos, and Obua Otoas and so on, the women have the Matembes and Wandira Kazibwes, the youth have the Atwokis, the disabled have the Mazimas, the Army has the Mayombos, the children have the Pulkols, they fight for them and the old??" Apart from the late Cardinal Nsubuga's Project of Bakateyamba at Nalukolongo and the Bishop Nkoyoyo of Mukono, for his retired clergy, there are few or hardly any other project for the old known to me.

Mr. Chairman, on a lighter note, more than half of us here are heading fast for the membership in the old peoples club. So, we could as well think about ourselves now and give up Article 17 of the national objectives as written in the Draft Constitution. Mr. Chairman, let us look at the women. While the women are doing well at the political front, are their human rights culturally observed or recognised? Not even some sections of the law, when it comes to property on the death of the husband. Biologically, a boy has 50 per cent of his father in him and a girl has also 50 per cent of her father in herself,

why then, generally, do boys get the pair of shoes first, get the bigger piece of meat, or school fees first, in case of financial crisis in the family, how about spausal abuse? How many women are scared out of their skin to report a husband who has mishandled her simply because tradition or culture dictates so? Thus Article 60 sub-section 4 and Article 64, sub-section 2 of Chapter 5 are strongly supported.

Mr. Chairman and Hon. delegates, let us look at the children. These are again the human rights we are talking outside the political human rights. How many children do enjoy basic rights from their parents, from other relatives and from the community as a whole. Child abuse is as regular as newspapers themselves. Mr. Chairman, every child is entitled to be fed by the parents or step-parents, etcetera. But how many are starved because of the drinking or the bad habits of the parents and when they help themselves to the soap, their hands and lips are burnt. That is very regular in the papers. How many children are denied the protection of their parents, day and night? We often hear of children burning to ashes in houses because the parents were away. Mr. Chairman, Entebbe people, our bottom line on this topic is that, although there are laws regarding human rights on the Statute Books, the state and population should look further than political human rights only. Secondly, the laws many of which are absolute, must lie reviewed or changed to suit the modern state based in the Constitution which should visibly be seen to have precedence above culture on the question of human rights and thirdly, there should not be any group in Uganda that claims to be more Ugandan than others, that should have more rights than others. For instance that the state must pay for everything at their place of schooling at the expense of other levels of training, who are also entitled to a reasonable share of the educational cake. Let us cost share at the Tertiary institutions, like we are doing at Primary and Secondary levels so that we can have a free Primary education for everybody to at least learn how to read and write.

Mr. Chairman, on the form of Government, as mentioned earlier, we presently have the best opportunity ever to start a new leaf in Uganda's history to work out a new Constitution, without any carrots being dangled about, without hurry and without helicopters hovering above the hall. The delegates, Mr. Chairman, are really freely emptying their hearts without fear of being arrested or disappearing mysteriously, purportedly in the public interest, that is the atmosphere, that is why I said that we have the best opportunity now.

Mr. Chairman, ethnically, Entebbe is Uganda on a small scale, even Baluli are represented. While at first, some people were for a classical Federal form of Government, others were for a classical Unitary system with a lot of power at the centre. Now, Mr. Chairman, both groups agree on the principle of decentralization. It is the question of the degree of decentralisation. A possible compromise therefore, would be, to decentralise at the district level, but those districts who so wish or have strong ties to form an association or bigger units on the basis of culture, or economically, should be given the opportunity to do so. Mr. Chairman, I say this, for instance that, while Uganda has strong feelings for COMESA, we are equally hopeful for the revival of the East African Community. We therefore, strongly advocate the inclusion of recommendation 94 (G) on page 254 of the big report as presented by the Commission into the final document of the Constitution. In that compromise all spheres and suspicions of some areas dominating others, or one area being favoured by the Government of the day, should be avoided. The ground would have been levelled for every district to manage its own affairs, or join the neighbouring districts for bigger advantages, but this should be out of their own volition, nobody should force any district to join another one.

On political systems, Mr. Chairman, Uganda as a sovereign state is only 31, going to 32 years old, we have seen almost all political systems in the world. There has been in some areas, kings, traditional rulers, although other areas were not organised along those lines. Where these institutions have done well, they are still cherished, others were and still are controversial. Mr. Chairman, there was also a period of multi party politics cum alliances, which ended in the strong partner swallowing the smaller head first, and went on to trample the weaker opposition, thus giving way to one-party system, which was decorated with Common Mans Charters, the Move to the Left, and so on. This was then followed by the dictatorial period, when Uganda was governed more according to dreams than to Constitution. This according to some illusions, culminated into the conquer of the British Empire, that is what they thought. There then followed the period of the various spirits, which first converged in Moshi and came to Uganda as the Moshi Spirit. This was followed by the Umbrella period which was punctured at the first unfolding. This led to the seemingly collective Presidency in the form of the Military Commission. This was everything from the Returning officer, a bad one at that, to President. The

military Commission paved the way to the pseudo-multiparty politics, until big brother flexed his muscles the second time, much to the annoyance of the gentlemen in uniform. It was during the pseudo-multiparty period that the National Resistance Movement system started. The Movement aimed, and still aims, at embracing all shades of political opinions and according to the people of Entebbe, it has to a great degree, succeeded.

Mr. Chairman, as I have just described above, we have seen it all and the time is now to decide which system is most suitable for Uganda, thus to the majority of the people of Entebbe, Articles 94 and 95 are acceptable. But Article 96, could be modified to be specific to the effect that, should the period of the Movement be five years, Movement type of Government, during the last two to three years, the political parties could be allowed more freedom to operate. At the end of it all, the people would decide directly having been given an opportunity to compare the two systems at close range and comparisons still fresh in their minds. Mr. Chairman, when we say the Movement System during the five years, we do not necessarily mean the present NRM, neither the present compositions of the NRC and Government, but a completely new Movement leadership elected by the people. The present leadership can of course stand.

On monarchies Mr. Chairman and Hon. Members, factually all Entebbe Baganda love the *Kabakaship* and the *Kabaka*, at the same time, the majority of non-Baganda also have no objection to the institution of traditional leaders by any name, preferably untranslated, where they are accepted. There is also a consensus on the question of the traditional leaders being outside the direct political scene. This way, they argued, would be one of the ways of protecting the *Kabaka*, the Bakamas and so on, against any potential or real political form of humiliation they suffered in the past, whether at the hands of the colonial power or of the politicians. This kind of arrangement has room for both in the decentralised and in the unitary form of Government, for instance in Nigeria and in Ghana respectively. So, Entebbe people say, that whichever political system will be adopted, preferably the Movement system, it should entrench the institutions of traditional leaders where they are accepted in the new Constitution, since rightly or wrongly, depending on which side one is, the political problems of Uganda have been partly attributed to the differences between the traditional rulers and the politicians. We suggest that the issue be given a separate Chapter in the Consti-

tution where the roles of the traditional rulers are carefully described in detail to avoid any doubts.

On land, Mr. Chairman, free hold land system or milo land as it is known in Buganda is advocated for the whole country. The big chance of land given to the Chiefs free at the turn of the Century cannot be said to belong to the Chiefs only now. As a matter of fact, most of this land now belongs to people who are not even descendants of those Chiefs. Moreover many people who were even born outside the system are in it now. Wherever it is practiced, they can buy and sell land freely, they own Titles, and they can testify to the benefits of the system. However, just as tenants in a house which is wholly owned by somebody else have rights and protection from the law as regards eviction and compensation for any renovation, so should also tenants on a piece of land owned or held under free hold system, be also protected, this is very important indeed.

On defence, Mr. Chairman, we believe that the Army and the Police should have their own Councils to directly cater for their welfare and recruitment. We have all seen the advantages of having a disciplined, well politicised and sensible Army Council.

On presidency, Mr. Chairman, the President must be directly elected by the people. The arrangement in the draft is acceptable especially when it comes to impeachment. The person must first be voted out of office, then prosecuted, or else the President might spend more time in Court than attending to other state matters. The other day, Mr. Chairman, if I may illustrate what I am saying, Mr. Museveni was blamed for hail storm, in Entebbe. We have seen people camping outside State House, demanding compensation from the President for the cows eaten during the liberation war. Mr. Chairman, so you can see, when it becomes so easy to take the President to Court. Otherwise, a two term maximum five years each, is advocated for a President who is of course going to the polls after the first term.

Mr. Chairman, on citizenship, there should be a set of criteria to be followed before a foreigner can be considered for Ugandan citizenship, a minimum of 10 years is suggested. Good conduct and capacity to adopt to the local cultures as judged by the Village Council should be one of the things to be considered. In case of marriage, the conditions must apply equally to both male and female. Mr. Chairman, we should also bear in mind that many people originally Ugandans, have, may or will apply for other citizenship outside Uganda, should we be unnecessarily rigid, this could affect us or our

children in times of trouble.

Finally, Mr. Chairman, the defence of the Constitution. Mr. Chairman, we think that there are three main ways of defending the Constitution. This is the question that we were often asked at candidates meetings and we think that firstly, we have to write the Constitution in the hearts of Ugandans, in other words, we must have a high degree of patriotism, that is the love for Uganda. This is one way of defending the Constitution. Secondly, we must have a political system that will give no chance or excuse to anybody to tamper or fool around with the Constitution and thirdly, and finally, as a last resort really, the people of Uganda should be able to take up arms if necessary to defend the Constitution against anybody who might try to abrogate it. Those are simply the views of the people of Entebbe. I thank you, Mr. Chairman. I thank you all Hon. delegates.

THE CHAIRMAN: Thank you hon. Matovu for your contribution to the debate. *Now*, I call upon hon. Samuel Ejoku, Ngora county.

MR. EJOKU SAMUEL (Ngora County): Thank you very much, Mr. Chairman. My names are Samuel Ejoku, CA Delegate for Ngora County, that is in Kumi district. Mr. Chairman, permit me, as this is my maiden speech to join the rest of the delegates in congratulating you and your Deputy for having been elected to your respective offices. I should also like to congratulate the rest of the delegates for having been elected and all those others who found themselves here in this august House. My thanks also go to the overall electorate in the country which was able to make their decision and also to participate in the election which took place, because without it, we would not be here. I would like to extend my thanks to the NRM Government for having allowed the democratic process to be facilitated and enabling the elections to be conducted in a fair and free manner as was witnessed by international organisations. (*Applause*) I should like also to take this opportunity to thank the Commissioner for the Constituent Assembly for the very elaborate procedures which were exercised in conducting the elections. I am sure that those of you who went through all this very tight procedures, starting from consultations, and also taking leave and then going to the process of nomination which required you to get clearance of graduated tax, income tax, from Revenue Office and then, the actual campaigns. So, it is a task which you have gone through and this is a filtering process which I would like to thank the

Electoral Commission for having organised it so well.

I would like first of all to make the Hon. delegates aware of where this place called Ngora is because sometime later, some of you may wish to visit the place. Ngora is in Kumi district as I have said and it is in mother Teso. This is the area where insurgency has been for the past so many years, since the NRM came to power. Ngora County is bounded in the West, by Serere county, and bounded by a river called Agu river and in the North, by Soroti county bounded by a river called Awoja river, in the North East, we have Usuk County, bounded by Lake Bisinia originally called Lake Salisbury and in the East, by Kumi county, which is a neighbour. To the South, we have Pallisa county, which is bounded by Lake Nyagu. In Ngora county, we have four sub-counties, namely: Nukura, which most of you should know, Kapiri, Kobwir and Ngora. The total area of the county is about 700 square kilometres and generally it is 1,000 metres above sea level. The population is about 100,000 people. In connection with the population, I have to mention something which is a bit misleading. I should like, Mr. Chairman, to draw the attention of the House, to the fact that, the population and Housing Census which was conducted in January 11th 1991, found the place in a state of insurgency and at that time, many people had fled their homes. As you will remember, Hon. Omeda mentioned while thanking those people who offered sanctuary to the members of Teso community who had to flee for their lives. So, you will notice that as the census was taken in 1991, many people were not there in their homes and the other fact is that, in some areas there was a lot of insecurity and the Census officials could not go to that place. Therefore, the number of people actually reflected in the 1991 Census is rather misleading and it is in this view, that the people of Ngora are encouraging the Government now that security is returning to the areas, to organise a Census afresh because this is necessary in order for the planning purposes and also as soon decentralisation is started, and the population is going to be considered, it is important that the actual population of the area is known. This may not only affect Ngora county, but it may affect the other counties as well. In certain areas, the NRA themselves had to be sent to conduct the census. So, to save the impression which may be created by some people, it may be necessary to do that.

The word Ngora itself is a bit - a funny word. It is derived in a funny way because Ngora in Iteso, the place got its name because the place was not easy

to control in the olden days. It was originally consisting of bushes, forests, rocks and wild animals, and as such it derived its name. Not only that, if you remove the last letter "A" and place it in front of the word, you get the word called "Angor", that one in Iteso means, women and people of Ngora are actually gender sensitized already, because this is exemplified in the fact that Ngora has had women leaders in the past. For example, yesterday, when hon. Rhoda Kalema was talking, she mentioned one name of a lady who has struggled for women's rights for 40 years, this is Mrs. Irene Emoru, she comes from Ngora and not only that, in Kumi district we are also privileged to elect a District Representative and she comes also from Ngora, she is Hon. Fiona Eguny. So, on that fact, you can rely on Ngora for the gender issues - to support the gender issues. (*Applause*).

Before the insurgency in Teso generally and Ngora in particular, we had very many tribes living in the area, we had the Baganda, Banyoro and Basoga. These people came there along with Kakungulu in the year 1901 and they wanted to establish the administration - in fact the administration of the Teso area was run on the Buganda style. Also we had Banyankole, who were responsible for looking mainly after cows, we generally used that name Banyankole to include even the Banyarwanda. So, we also had Nubians who came along to assist the Asians in cotton Gins and in trade. Then we had the Arabs who were involved in poaching and trading in ivory and they eventually settled there also. We had Bakenyi which is a tribe which is involved in fishing. Most of these people ran away during the insurgency, but a few of them have started coming back and we encourage the rest to do the same, the place is now secure. I should like at this point, to say something in connection with what happened in short, because we have historical events which have occurred and we cannot forget the past. The insurgency which occurred in Teso was regrettable, it was very unfortunate that the people of Teso were plunged into a war which they did not expect, the insurgency in Teso started due to cattle rustling and the cattle rustling intensified and when the NRM Government came into power, on the 26th January 1986, there was no security at all in the area. So, as a result of that, some of the young people, young men, took up arms to wage a war against the cattle rustlers, the NRA at the time was busy in other parts of the country. It is not my intention to go through all the suffering that people of Ngora and Teso as such have gone through, because now we have opened a new Chapter.

Mr. Chairman, I wish to inform the House here that, there are no more rebel activities in Ngora county. (*Applause*) The rebel activity came to an end a few months ago following the death of one of the remnant rebel leaders called Abwongoto. This man was a primary teacher who gave up his profession to go to the bush. After his death, all his followers surrendered, it is now possible to safely travel throughout Ngora county even at night. I am assuring the Hon. delegates, because I personally go home for consultation over the weekend and I sometimes reach home even at mid-night.

We people of Ngora are thankful to the NRA, NRM, RCs, elders, religious leaders and all others who gave in their effort to restore peace the area. However, we have something that happened that we need to mention. For example, many of us know and are aware of what happened in Mukura - the Mukura incident which took place in 1989. The President himself has visited the area to see. People of Ngora through this House wish to send their thanks and appreciation to the NRM Government for the compensation recently given to the families of the deceased persons. We however request that the remains of the deceased be given a proper burial because the exposed skeletons is an embarrassment not only to ourselves, but to our Government. People of Ngora have also requested through this august House, to request the Government in a similar gesture to compensate families of those RCs who perished in one way or another during the period of insurgency. Those people were carrying out their normal duties on behalf of the NRM, and thirdly, we have also been made to understand and was mentioned by the last speaker, that Government is preparing to pay back those people who gave their livestock to the NRA as they were engaged during the operations. We appeal that, this be speeded up.

I should now like to go on to the introduction on the Constitution making process. We in Uganda have always been having visitors to this country and when they visit us, they always end up by saying that we Ugandans are very friendly people and only recently we had an American visitor who came and said, he will never stop mentioning this fact, that we Ugandans are very friendly people. But interestingly enough, although we are people of different ethnic origins, we have not been friendly to ourselves. We have a saying that, "Charity begins at home". I think this should serve to us as a lesson. We also have had a number of visitors who have been flying across our country and others who have been travelling through the country and they have been remarking as

to how beautiful our country Uganda is. Again, this is an example to us, because this country Uganda, through no mistake of ours, but through the 19th Century creation of European colonisation, managed to bring all of us together as different ethnic groups and therefore, we have been through God's blessings, given to stay in this country and it is in this connection that I appeal to the Hon. delegates, in this august House, not to forget to use and consult the religious leaders when we are trying to promulgate this Constitution, because they have played an important role in developing the destiny of this nation. You remember at one time, one leader was heard to tell the nation that some religious leaders were preaching with a Bible on one hand and a gun at the other hand. It is, therefore essential that we consult religious leaders and also it is fitting that the Assembly always opens everyday with an opening prayer and it is an important message to all of us.

We have had problems with previous Constitutions - not with the Constitutions but maybe with the leaders because we have, since attainment of political independence from Britain, we have for the fifth time had to suspend certain sections of the constitution. For example, the first one occurred when there was a civilian constitutional coup in 1971 and then the third was when we had foreign invasion backed by Uganda insurgency in 1979. Then we had a military coup - classical type, in 1985 and then we had guerrilla forces of NRM/NRA to defeat UNLF in 1986. We are now making yet another constitution. Uganda has undergone major political changes than any other country in East Africa. The upheavals which have accompanied these changes should have taught us a lesson. These have led to spiralling instability, violence and social forms of human rights violations, disruption of economic institutions, administrative and welfare services which have led to drastic decline in living condition of the majority of the population. We are being told that we are now the fourth from the bottom - I wonder if that one is correct. Originally, we were 13th. Yet we have not been able to learn lessons. We have also a saying that history is the best teacher or we learn from history, but we have got to be very careful because history repeats itself. We notice from the government that the mistakes some government made are being repeated by others. There have been factors or combinations of factors of which we have got to be careful - which have been responsible to promote political instability and disorderly government. These include, among others, economic rewards offered to followers and clients, ethnic and other types of

loyalties, ideological or programmatic and thirdly, external support based on ideology and economic strategic factors. So, as we try to make a new Constitution, I think, we have to consider these factors very seriously.

I now come to the actual Constitution and ideas sent from the people of Ngora. Mr. Chairman, the people of Ngora have recommended that we have a written Constitution which is precise clear and simple. Some countries do not have written constitutions like Britain. Others have large volumes but we suggested a precise, clear and simple Constitution. Secondly, a Constitution which is elastic and accommodates the views of the minority groups as well.

Coming to the various chapters: Chapter (1) on the Constitution safeguards and defence. Hon. Delegates you should agree with me, we have been sent here by the people and therefore, first and foremost, the Members of this august House should be the ones responsible for the Constitution and therefore, they should take first initiative to see that the Constitution is preserved and protected even if necessary, by sacrificing our lives. Secondly, we wish that the Constitution when promulgated, be translated into all languages and copies of the Constitution supplied to all educational institutions and be taught in schools and even be examined. Thirdly, we encourage military science courses to be continued to be held - military courses for all able bodied persons. Fourthly, people should be politicised and be able to participate in civil disobedience when necessary.

On Chapter (2) - The Republic, people of Ngora have recommend a Unitary state and a Republic. They have recommended that let the official language be English. They have also recommended that other languages should continue to be taught in schools but they recommended that let Kiswahili be developed as a national language.

I move on then to Chapter (4) on citizenship. The people of Ngora have noticed and observed that the chapter has been left too open and easy for outsiders to acquire citizenship. They however, saw nothing wrong with the 1967 Constitution on the same issues except that the gender issue is not sensitised. However, in this chapter under Article (42) - there is a section which deals with children below 7 years and they were wondering why 7 years of age was selected. Then the other one was the one of the adoption. They were wondering because someone could easily adopt as many children as one would wish and were recommending that the number of children to be adopted by any one family should be restricted to at least two.

Chapter 5, Fundamental Human Rights and Freedom: The people of Ngora were in agreement with most of these and they strongly recommended that the sections which Uganda Government has signed under International Conventions would be reproduced and maybe for the information of those who are not aware about them, be attached as an addendum. What would appear in the Constitution would be only those sections which are relevant to Uganda in Particular. This would save the Constitution from being very voluminous. People of Ngora strongly recommend that the Constitution guarantees equal rights and opportunities to the disadvantaged groups. That is women, children and disabled and they outlaw discriminatory laws and customs. The people of Ngora were wondering about a certain section which reads that "*Every Ugandan shall have the right to move freely throughout Uganda and to reside and settle in any part of Uganda*". Well, after much thought about it, because we in Ngora are still sensitive about cattle raiders, we said that this is a very good Article, it should remain as it is but refer this issue of cattle rustling to this august House. However, as we speak now, we have the Conference going on regarding the issue of Karamoja and we hope something will finally be resolved.

Then, representation of the, people. The people of Ngora recommended a democratic system. They saw nothing wrong with the NRM government which has been in power for 8 years and the experience that the RC system has given them, has taught them many mistakes which were committed previously and they are able now to point out such mistakes, but they believe that there is nothing wrong with multi party politics (*Applause*). These ones implicated and also mentioned in Article (97) - that is subject to provision of this Constitution the right to form parties is guaranteed. They recommended that as soon it is practicably possible, new parties as well should be given equal opportunities to form and compete alongside old parties. This is mainly so, because a majority of our youth have not known what political parties mean and in addition, it will enable those who were previously sidelined and some who acted just as observers to participate. The people of Ngora came to this decision after noting certain definitions because in the definition between what multi party politics mean and what the political movement means as defined. A political Movement maybe defined as mass organisation formed around certain specific programmes with limited objectives. Conditions for membership are not as strict as political parties. A movement attempts to embrace

diverse social political groups such as peasants, workers, capitalists religious organizations, etc., who share common objectives on certain issues. By its very nature, a political movement is not normally a permanent organization. It should normally cease to exist once its objectives have been achieved. However a political movement can, over time, transform itself into a political institution or party such as FRELIMO has done in Mozambique. In such a case, it may or may not change its original name but it has to change its organisation structure and method of operation to become more like a political party. So, in view of that, the people of Ngora recommended that the NRM probably think very much into transforming itself into a political party. *(Applause)*

Chapter (7) - The Executive: The people of Ngora recommended that for a president, we should have a genuine Uganda Citizen by birth. He should serve for a 5 year term and eligible to serve another term of five years if re-elected. He should be elected under universal adult suffrage. The age should be 40 and above. He should have sound university degree and no less than 5 years of wide experience in administrative work.

Cabinet: People of Ngora recommended that in view of the small country of Uganda, they recommended that our cabinet should have no more than 20 cabinet posts as ministers and members drawn as ministers from the Parliament should quit their seats in Parliament. People of Ngora on Chapter (9) - National Council of State, recommended that this chapter should be scrapped.

Defence, Chapter (14): People of Ngora noted that previous armies tended to be treated as personal armies and they recommended that for someone to be a member of the army - Uganda National Army, must be a citizen of Uganda and people to join the army should be recruited from all districts of Uganda and they should be represented. The entry age should be 18 years and above. Although, they recommended that the minimum qualification should be S. 4, they also believe that some of the P. 7 leavers who have skills such as carpentry, tailoring etc would be useful to be recruited in the army so long as they have good manners. They recommended the size of the army to be trimmed to 6 battalions. The commanders should be selected on merit.

Land and Environment: In Ngora and Teso at large, the people have been involving themselves in the use of land under customary Land Tenure and in this way, they have recommended that let this process continue. They have been utilising their land as they best think. They rent and lend pieces of land for

temporary purposes, they pledge crops on their land but they do not pledge land itself. They can sell land subject to approval of the clan. They can inherit land according to customary laws and they can even dispose trees growing on land. They can prohibit grazing near their homesteads. The clans had powers and rights over land, to settle land disputes and exercise rights or option to buy land offered for sale and prohibit land to an undesirable person. So, that is how it has been going and they recommend it to continue but they encouraged individual persons to join the freehold system of Land Tenure. Mr. Chairman, and hon. Delegates, this is as much as I would have presented to you. Thank you very much. *(Applause)*

THE CHAIRMAN: Thank you hon. Ejoku for your contribution to the debate today. Hon. Members we still have 15 minutes or so. I think we can have one Speaker. *(Interjections)* The Chairman has not seen that. *(Interjection)*

MR. HASHAKA: I observe that we are only 69 in this House, Mr. Chairman, this time and I feel the quorum is not enough Mr. Chairman and therefore, I move a Motion that the Constituent Assembly be adjourned thank you.

THE CHAIRMAN: Well, the Motion you have moved can allow people to debate. If you move a Motion of adjournment, in fact you are inviting debate. You stop the other debate and start another one on general matters but I *(Interruption)*

LT. MAYOMBO: Well, it is true that we need to hurry and finish the work at our hands. Mr. Chairman, I implore you that we do justice by giving - we cannot do justice to Luwero women representative if only she is listened to by 69 Members. So, I request that we adjourn Mr. Chairman.

THE CHAIRMAN: Yes, I am now allowing some comments on the basis of the Motion moved.

DR. MAGEZI: Point of Order. Mr. Chairman, is it in order for this august house to continue to debate a Motion when we do not have a quorum?

THE CHAIRMAN: You see, the mover did not move that the Chairman, do notice that there is no quorum. What he did was he moved a Motion of adjournment and in any situation of this nature, once you move a Motion of Adjournment, you allow

something like 30 minutes of debate on matters of a general nature. *(Laughter)* So, I do not find the Point of Order here. But let me hear the last speaker and then I think we -

MR. AWORI: I would like to seek your guidance on Rule Number 9.

THE CHAIRMAN: The Rule Number 9 (2) says that "*Any Delegate may at any time during the proceedings take objection that there are fewer Delegates present at the sitting than those necessary to constitute the quorum required under sub-rule 1 of this rule*"

The sub-rule (1) says half. So, whenever objection is taken and the Chairman upholds, then the Chairman, shall suspend the Assembly for 15 minutes. *(Laughter)* during which bells shall be rang, where on resumption there is still no quorum, the Chairman shall suspend or adjourn the sitting of the Assembly but you see the point I made was the Hon. who pointed out that there was no quorum, did not take objection to the fact. In fact he proceeded to move a Motion of adjournment and the normal procedure is that once you move a Motion of adjournment, you are in fact inviting some general debate on matters of a general nature but since I see there is no quorum and some Members *(Interruption)*

A HON. DELEGATE: Thank you very much Mr. Chairman. There is a Motion on the Floor being debated. Mr. Chairman, I propose that the question be put.

THE CHAIRMAN: Well, the Motion was seconded - he moved it, it was seconded by hon. Mayombo and now there is also another rule which does not necessarily need us to go through all this - it talks of adjournment Rule (10): "*The Chairman may at anytime, suspend or adjourn any sitting of the Assembly*" and since I see that I am not being supported to continue *(Laughter)* I think we shall resort to Rule Number (10) *(Applause)* so, we stand adjourned until Monday at 8.30 a.m. Thank you very much.

(The Assembly rose and adjourned until Monday, 25th July 1994 at 8.30 a.m)

FOR REFERENCE ONLY