



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

FRIDAY, 24TH JUNE 1994

MOTION:-

Communication from the Chair

[Pg 311]

General Debate on the Draft Constitution of the Republic of Uganda

[Pg 312]

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Friday, 24th June, 1994

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

P R A Y E R S

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

The Assembly was called to order.

COMMUNICATON FROM THE CHAIR

MADAME CHAIRPERSON: Hon. delegates, as you may observe, there is no quorum. We are the same people who are calling on ourselves to be time conscious - at least the first Members who spoke pointed to the effect that we should be time conscious; but we are the same people who are not keeping time. So, I am suspending the Assembly for 15 minutes so that we can raise a quorum. I appeal to you please - at least you people who are in to make sure that you stay around. If you who are in go away and yet others are coming, we will never make it. It will be very absurd. So, we suspended for 15 minutes so that we can realise a quorum.

(The Assembly was suspended for 15 minutes)

THE DEPUTY CHAIRPERSON: Hon. Delegates, I am sorry we had to take off some minutes because we were not realising a quorum. As a teacher, time is one of the major elements for success and for the deliberation of business. So, I appeal to Members that we adhere to what we decided - that we should be time conscious. We know that, at least according to the Chairman who yesterday said that, we should be here by 9.30. We came in at around ten minutes to ten and there were very few people. So, we were forced to laggard around until we got enough people to transact business. Today, we are continuing with the general debate and in the afternoon the three committees, namely: The Privileges, Discipline and Welfare, The Legal and Drafting and The Rules and Orders Committees will hold their first meetings and will be electing their chairpersons and deputy chairpersons; and the Deputy Chairperson will be chairing these meetings and phase them out. So the timing will be as follows: we shall be starting at 2.30 p.m. to 3.30 p.m. with The Privileges Committee; then from 3.30 to 4.30 p.m. with The Legal Committee; and 4.30 to 5.30 p.m. The Rules

and Orders Committee. We have given enough time in between so that we are sure that each committee would have completed its deliberations before the other one starts and 5.30 is a good time for us to complete our business. So, the secretariat, later on, shall be informing the Members of the rooms where we shall be holding those meetings - I think they will tell us by the end of this morning where this business would be transacted. Then, I am informed we shall be in Committee Room B.

Another communication is that a paper was distributed naming the secretaries to the respective Standing Committees and I think those are aware that they should be around. I think the secretariat will make sure that they are around. *(Interruption)* let me put it another way - those committees have been assigned a secretary each and that secretary will definitely be there when you start transacting your business. I had presumed that you know because there is that list which has been circulated. If not, definitely, by the end of the day, you would receive that paper. I think that is all I have for Communication from the Chair.

MOTION

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

(Debate continuing)

A HON. DELEGATE: Although I fully support the freedom of the press, I feel fully stung to pains by the article which I have just read in today's paper where the *New Vision* is talking about claims for allowances. This continues to damage the name of this great Assembly. May I know whether the committee that we have set up, that is the Committee of Privileges, has already embarked on allowances or whether the secretariat has already started discussing with the Council about the allowances? Because when they talk of cars, allowances, e.t.c., this continues to destroy our name. So, I am seeking your guidance on this. I need this information, Madame Chairperson.

THE DEPUTY CHAIRPERSON: You see this is not the first time we have received contradictory information by the press. I don't know what the secretariat has said, but in my knowledge, the com-

mittees have not started their business and we are just going to elect their chairmen this afternoon. So, definitely, that rules out the fact that the Committees have discussed this issue. That means there remains only two avenues where this information may have emanated from. Either, it is speculative or it is from the secretariat. Which way, we shall investigate this and see what is appropriate, at least, with regard to such negative information in the Press. Otherwise, as we had already decided, the Press has a right to be here but also they have an obligation to report responsibly. That is the only thing we shall request them - to always report responsibly. Perhaps the secretariat has something to say whether they are the ones who gave in that. As far as we are concerned, we have not started discussing that business. So, I hold that information as speculative rather than factual.

MR. MACHO CHANGO: Madame Chairperson, I am not hon. I am a delegate. The press says that some CADS the reporter talked to - he does not say secretariat. So, there must be some people here who are talking about these things. Thank you.

THE DEPUTY CHAIRPERSON: So, if they are personalised issues, the press should have been kind enough to indicate that so and so said this, so that we are aware. That is what I called responsible reporting. Thank you. I think we can proceed with our business. Any other aspect to the contrary?

MR. AWORI: It is more procedural than substantive. Madame Chairperson, when we left a few minutes ago to wait for a quorum, you suspended the House. So, maybe the people in charge of the *Hansard* should record it as suspended not adjourned.

THE DEPUTY CHAIRPERSON: Thank you very much for that observation. I noted it later that actually it should have been a suspension rather than an adjournment. I acknowledge the observation. Thank you very much. We shall start from where we stopped yesterday and...

MR. B. MULONDO: I wanted to follow what you had said earlier about our responsibilities of trying to attend this Assembly on time and I wanted to appeal to the Delegates, with your permission, that we should be a little responsible and try to be here on time and stay, because the people are watching us. When we were campaigning for votes, we used to be

very punctual everywhere and people are expecting us to be punctual here and deliberate on the Constitution and get a Constitution ready for the changes which we all expect. I want to appeal to hon. Delegates that we should try to be responsible. By the time we left yesterday, the House was almost empty. I feel that this is not the sign of the responsibility we are expected to show the people that elected us to the august Assembly. Thank you very much.

THE DEPUTY CHAIRPERSON: Thank you.

MR. M. SHEMEZA E.: I believe we are wasting a lot of time and - *(Applause)* - I think we move to the business. Thank you Madame Chairperson.

THE DEPUTY CHAIRPERSON: Thank you very much. He has moved that we move on to business.

HON. DELEGATES: Seconded.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: Yesterday, one person, who had registered to speak did not present himself. Hon. Katureebe. I wonder if you are around to start off.

MR. KATUREEBE: Thank you, Madame Chairperson. Let me first of all congratulate you, not only upon your election but upon the firm and able manner that you, the Chairman and entire bureau have been able to conduct the proceedings of this Assembly to date. Let me also take this occasion to thank the hon. Delegates for having shown confidence in me by electing me on the Legal and Drafting Committee, and promise that I will do my best. Let me from the outset make one or two observations. We must each one of us presume that we are here as hon. Delegates acting in good faith on behalf of our constituencies for the good of this country. Each one of us is here representing a constituency. We, therefore, must not impute bad motives, hidden agendas to any Delegate here present. Every proposal that is before us is here in good faith and is subject to debate. It is, therefore, wrong for anyone of us to refer to any proposals that have come to us, either from the Constitution Commission or from any other body as representing hidden agendas. Usually, it is those that impute evil agendas to others that are themselves guilty. If we start doing that, we shall not get

anywhere. I am assuming that even the proposal that has come from the Buganda Lukiiko, which I am sure everybody here has a copy of, represents proposals whose makers have assumed that they may be rejected or accepted: and when we reject them or accept them, they must take it as having been done in good faith, and that goes for even the proposals in the Draft Constitution.

I now turn to the Draft Constitution. A Constitution is the supreme law of a country and any other law that is inconsistent with it, is null and void to the extent of that inconsistency. Therefore, it is necessary that the Constitution should be clear, should spell out principles and should avoid unnecessary details because that sets the trap for future parliaments in making laws. As you would find that almost every law would then be inconsistent with the Constitution and that would not be good for the peace and stability of a country. And this is one general observation I want to make on this Constitution. In my view, there are too many details; there has been an attempt to try to plug every hole in society. Society is not static. Society is dynamic and it is not possible to plug every hole when you are writing a Constitution.

I now want to move to a very important part of our Constitution making process and that is the issue of citizenship. This is very important because even under the Universal Declaration of human rights, every person is entitled - has a right - has a fundamental human right to a nationality and we know that in this country, often times, we have tried even to deprive people of their citizenship or nationality when we have disagreed with them politically. You do not agree with someone today, he becomes a 'Nyarwanda'. You do not agree with someone on another occasion, he becomes an 'Anyanya'. We know very well these things have been said in this country. We must put an end to this. We must clearly define who is a citizen of this country, who is entitled to citizenship in this country and we must stop this assumption that when I disagree with you tomorrow, then you may cease to be a citizen. One remembers very well the case of Prof. Mamdani in the 1980s; because he presented a paper on something some people in the government did not like and attempts were made to deprive him of his citizenship. This is unacceptable and it is our duty that this question - we talk it over, we discuss it and we think about it with all the seriousness it deserves. There is an issue which arose yesterday, which is in Article 42 - the issue of children. We should not brush it aside.

We know very well that every day there are children picked from the streets. You go to Nsambya Babies' Home, you go to Namirembe Babies' Home - there are children there who will never know who their fathers and mothers are. What responsibility do we have to those children? We are the ones who go and chase these little girls, make them pregnant and deny our responsibilities and those little girls in turn go and throw those babies in dust bins. Babies have been found in Makerere, Mulago and elsewhere. Therefore, we as Constitution makers, what are we going to do with those children whose parents are not known? It is in that context that, that provision must be debated. Not that anybody is going to go to some place and look for seven year children and bring them here to give them citizenship but we must decide. What are we going to do about those children?

I now turn to the issue of human rights. Human rights are not granted. The day you are born - in fact, I should say the day you are conceived, there are certain rights that you must have; they are inherent. Therefore, it is our duty to provide for them and make sure that the provisions we put in place are adequate to defend them at all times. However, we must also recognise that there are no absolute rights. You were born in a family and therefore, you owe certain obligations and duties to that family. You grow up in a society, you grow up in a country; there are certain obligations, either to members of the society, individually or collectively; or to the state. We must strike that balance. No one should assume that you have freedom, you have rights to do what you want irrespective of what it does to the other members of society you live with or to the state. Indeed, even when you study the Universal Declaration of Human Rights, it is implied there that you owe certain duties to society yourself. As it is often said that "your right to punch, stops where my nose begins". Whereas, you may have the right to exercise your hand and punch, but I have also a right not to be punched. This we must recognise and therefore, spell a clear balance as to how do we provide rights as between the individuals; as between parties; as between the individual and society or the state; but in any case, certain fundamental rights should never be interfered with, especially, the right to life except by due process of the Law.

You must forgive me for the slip of the tongue. I now want to move to the topic of representation of the people. What type of system or government this country should adopt. I am a stronger supporter and

believer of the movement system at this point in time. This country needs a breather. We have tried other experiments, we know what has happened. We need a breather, during which time of breathing then other systems can be studied, can be discussed, can be reorganised and then the people of this country should decide how they want to go. It is not out of sentiments, it is out of sheer pragmatism and perception of what has been happening in this country. Some of us at independence were very young children. Some hon. Members here at independence were participants in what was taking place and it is important that those who participated, those who had a chance in 1960, 1961, 1962 to shape the destiny of this country must take stock; How far did they go? And why did they stop where they stopped? Why are we still talking of making a constitution 34 years after independence. What went wrong? If they are not willing to learn from the mistakes that were made then, if they are not looking at the history - at the past mistakes, and try to learn from there, then we have a problem. We have a whole generation of this country, people in their twenties and thirties who have known nothing but chaos. We must think again and to think again means let us look out for a system that can give the basic things that a citizen wants - peace, stability and prosperity. This is the thing that the citizen needs most. This is what our constituencies are yearning for - a system that allows one to talk to his neighbour. A system that allows one to listen to his neighbour. A system that allows to recognise the good or the bad in someone else; not a system which forever perpetuates a division. You do not belong to my side, I do not take your view, even when it has sense. Yesterday, hon. Kisamba Mugerwa, talked of the days they spent in Parliament, five years, making contributions, some very brilliant contributions but never making an impact because they were in opposition. Is this what we want for this country? I believe time has come. We must clearly spell out that we are not supporting the movement system out of sheer sentiments or because of the regions where we come from. But as Ugandans interested to see peace and prosperity in this country as other systems get to be built, get to be reviewed, get to be studied so that, finally, when the people of this country are going to make a choice, there are viable alternatives to look at.

I now turn to the issue of Local Government. I am a strong supporter of decentralisation because now we are talking of decentralisation with a difference. We are not talking of the Central Government in

Kampala merely devolving power to an appointed official to the district level. Power is going to the elected representatives of the people at the local level; and what do we want in government? We want people to manage their affairs through duly elected representatives. That is the principle of government. So, who is now the head of the district? He is no longer to be someone appointed from Kampala or Entebbe. He is no longer going to be somebody appointed from *Lukiiko*, *Eishengero* or *Rukurato* or whatever. It is someone elected by the people we represent here. The Chairman, RC Vs, the councils at RC III - all are elected and this is the culture of elections, the culture of constitutionalism that we want to build in this country and this is now what is inherent in our programme of decentralisation. I want to support this very much. There has been talk of decentralisation on a basis of federalism. Hon. Delegates, we must look at these issues very deeply, what is involved in each system and at what cost to the people we represent. I was looking at the proposal, if I may refer to it, from the Buganda *Lukiiko* on Page six (6); they make very important observations in Paragraph (c) and (d) of Section 9 (31). The first one is that, '*each federal state has a fully fledged government often after the model of the central government with its own leader of the government, ministers, courts and state legislatures.*' Then, (d) - '*each federal state raises taxes both from its own finances and for the services of the central government.*' This is very important. Are we prepared to go and tell our people that they should pay extra taxes to support an extra tier of government so that we have extra ministers in Mbarara or Kamukuzi, extra ministers in Kampala - then the local government, the local councils and all those are supported by the people we represent, whom we say, are poor people? We must go and explain to our people the full implications of what system we are going to suggest; because ultimately, it is the people who pay and all the people want is good governance through their elected representatives and at the cheapest cost as possible to themselves. This must be explained. We must go out and explain these things and let the people say that they understand. We cannot merely suggest systems out of sheer sentiments so that we will become great as this happened in 1960, therefore, it is good. Let us go and explain to the people the full implications of each system. In my view, I will support the system of decentralisation that we are still implementing and trying to perfect. Tied up with the issue of decentralisation and what type of system, I want to talk about

traditional rulers. My own view is to support the present law as it stands that in those areas where there are traditional rulers and the people in those areas by consensus want to have those rulers, that is fine with me. But at the same time, let the wishes of those, in those areas that do not want those rulers be respected. I do not expect someone to say it is unfortunate, the people of Ankole do not want their Mugabe. If the people of Ankole do not want their Mugabe, they have taken care of the stock of their problems, their history, their aspirations and if they say we do not want this institution - it is not open and it should not be open to anybody else to say that it is unfortunate. Those who want to have them, have them.

I want to turn to the issue of land. Land is very crucial. That is the basis of development. That is where we live and I want to have in place a system of government that makes it possible for every citizen of this country to have access to land and having had that access, to be protected on the land that he occupies. I am totally opposed to a system where my father and his grandfather have always lived on some place and you refer to them as customary tenants without any rights to the land that they occupy. Even after one has built a permanent house, carried out development on that land you still tell him he is merely a customary tenant. Such a person may not go to a bank, he may not mortgage his property as he is on someone's land and under the Land Reform Decree of 1975, he may even be evicted. This we must stop and end it; and we must also recognise that land is an economic proposition. If I have land, I must be able to sell it irrespective of where I am. I get perplexed when I hear advice given by some people to others not to sell land. Land is an economic proposition. In my experience as a private practitioner, I have seen people sell land in order to go into other lines of business for their development. I know someone who built a hotel after selling some land here in Kampala. So, what do we mean when we say people should not sell land - that those who have it should perpetually have it and then those who do not have it, even when they have the money to acquire it, should not. How are we building this country? This is not acceptable. Land is an economic proposition, we should enable every citizen as much as possible to acquire land, be protected on that land, be given title for his land and be able to dispose of it when he feels it is necessary for him to do so. You may sell one piece of land in order to acquire a better one or to enter into a different line of business. I want to talk

on this question of gender issues. From the beginning, I want to say, I am a strong supporter of women's rights. For the simple reason that - and I am sure each one of us knows, we are born of women. Who would like his mother abused, down-graded simply because she is a woman? Some of us are blessed with daughters - I do not want anyone to come and abuse my daughter because she is my child. Therefore, put it at national level. These women are our mothers, they are our children, they are our wives. We must guarantee them equal rights, equal protection before the law. I must support that, but at the same time let us not take it to absurdities. Let us spell out principles in the Constitution that we are going to make, guarantee everybody - men, women, children - equal rights before the law. Spell out specific rights that are unique to women. I want to have women with the right to succession to property. I have seen in private practice, a person, a woman and her husband living peacefully. They acquire property together, you do not even know who bought what. The day the man dies, if he happens to die first, relatives come even as the body is still in the mortuary they start asking for his suits and things like that. I have seen this. We must specifically provide for that type of thing to protect our women, our daughters, our wives, our mothers but as I said, let us not take it to absurdity. For me, I want to be concerned with substance, not form. Whether the word brotherhood means men and women is not material to me. What is material to me is that a woman gets protection under the law. So, let us not take these things too far as somebody had already said but we must recognise that in our societies, there is still too much discrimination. There is too much of leaving out women from our development. In our main stream, there is too much abuse of women - sometimes by women themselves. I was saddened the other day to read in the papers, I am sure many of you read that a matron in a boarding school hit a child on the back and damaged its spinal code permanently. It was in the papers the day before yesterday. We must condemn abuse of children, irrespective whether it is done by women or men. I think I will leave that - I will have more to say about that when we discuss the actual provisions.

Madame chairperson, I want to talk about the National Council of State. In my view, the National Council of State as proposed would not serve any useful purpose. *(Applause)* Because if it is meant to give advice to the President, to the Executive - if it is proposed to sort out any problem between the

Executive and the Legislature, then you cannot have the number of those that you may want to sort out a problem. I think it is a little defective in my view - to have people who are not members of the Legislature in the debate, I hope - but in its present composition, it is not satisfactory to me.

Finally, I want to talk on the issue of the future cabinet. I know it is provided for in the Draft Constitution that members of government, members of the cabinet need not be members of the Legislature - it is provided for in some Article. But I would go further than that and go for that system of government where members of the cabinet are not also members of the Legislature because ultimately one of the two suffers either your constituency and your work in the Legislature suffers; or your work as a minister suffers and this is not good. I think the president should be allowed to appoint his ministers, they are answerable to him and they should come to Parliament when Parliament summons them on 'need to know' basis when an issue comes - they come and explain, they go back and the president takes over in running the country. When the president goes, they also go. I think this is something that we should debate. Other people have it in some other countries. I know our present system is derived from the Westminster type of system but since we are talking of reviewing the whole system within our context, I think we should be able to be guided by our experiences including recent past experiences as we have seen even in today's newspaper. So, this is, Madame Chairperson, all at the moment, I have to say and I want to thank you very much for giving me this opportunity for addressing the Assembly this morning. Thank you. (*Applause*)-

MR. NABURRI L: Thank you very much for giving me the opportunity to make my contribution on this general debate. I would also like to take this opportunity on behalf of the people of Chekwii to congratulate you upon your election to that high office. Madame Chairperson, for the last four weeks, I have always been in this House listening to the debate and contributions from the Members of this Assembly. Madame Chairperson, I would like to indicate here that I like listening and sometimes even talking. I have listened enough to the many Delegates who have contributed to various issues that have risen in our deliberations and I am personally, impressed by the calibre of the Delegates that are here, who have been elected by the people of Uganda to chart the future for this nation. Yesterday,

Rev. Father Gaitano Batanyende referred to people who have either been spectators or participants in the politics of this country. Over the last 32 years, since we have been independent, we have had many people here that - I must admit that I am one of those who have either been spectators or participants in the politics of this country since the time of independence. I know there are many good things we can talk about that have gone by over the last 32 years of our independence. There are also horrible things that have been recorded during that period. We are now gathered here, as hon. Delegates to chart the future for this country. I would like to say that we need to remind ourselves of the past if we have to correct what has gone wrong in order to chart a future that we can all enjoy. I would like here to say that the 1962 Constitution which this country inherited was prepared in the foreign land. Not many Ugandans had the opportunity, to travel to that distant land. I know that a few delegates were picked from various districts of Uganda and taken to London to debate that Constitution which was prepared by those who had ruled us here as our colonial masters. The Delegates that went there were few in my opinion. I am reliably informed that they were no more than 90. In fact for a region like Karamoja, we had only three representatives hand picked from Karamoja. There was no consultation. Now, in this House, as we embark on this task, Karamoja has 11 delegates and these delegates enjoy the support of the entire population of Karamoja. The document before us, is also as a result of consultation. The Constitution Commission, headed by Justice Odoki spent a lot of time consulting the people of Uganda on the provisions that the people of Uganda felt very strongly should be included in the Draft Constitution. The consultation was wide. I do not think there is any district here that can complain or any sub county or parish that can complain that the people were not consulted. The consultation was heavy and resulted in a document that is before us now. As if that was not enough during the Candidates' meetings, the candidates spent a lot of time consulting and that is where, again, I feel very strongly that the consultation was really heavy because the candidates had the opportunity to visit all the parishes and - the parish being the smallest administrative unit - that gives me the impression that the people of Uganda cannot complain - at least those who are not in this House - that they have been left out. I would like, therefore, to appeal here and especially to you Madame Chairperson and the secretariat that as we embark on this difficult task, we would like to continue moving

along the road with the people of Uganda. We do not want, now that we are here to feel that we can now do that job on our own. We must carry them along with us up to the end. By proposing that, I would like to put to you that the Delegates here need to be assisted if the people of Uganda have to continue with the spirit of being participants in the constitution making process. Therefore, I would like once again to say that the Delegates must be facilitated. The idea of consulting twice a month is a brilliant one but the implementation especially, on the part of the Delegates may prove difficult especially for the Delegates who come from areas that some Ugandans refer to as the third world of Uganda. In areas like Karamoja - where I come from - even public transport is a problem. In Karamoja we depend heavily on walking with your two feet. Sometimes you can get to a place like Moroto but from Moroto, God only knows how you can make it to the next station and given the two or three days in two weeks, I do not think, with the kind of transport that is available to the few, the majority may make it. So, this is one issue which must be addressed seriously, so that the Delegates can be facilitated. I do not mean to say that we should be given cars; but if government cannot afford to provide some mode of transport, at least, the resources can be availed. We can use 'boda-boda' where necessary or take special-hire taxis for those who can afford it; but we need to be facilitated. Madame Chairperson, I would like to say here that what is important is the spirit of understanding. I would like to say from the beginning that from the people of Chekwii whom I represent here, I have been given the mandate to come here and debate the Constitution with an open mind. I am here in the spirit of accommodation. I am here on instructions of the people of Chekwii to listen and be prepared to buy what I feel very strongly, in my opinion, is good for the people of Uganda now and for the generations to come. So, I want to assure my Colleagues that I have not come here with any fixed position. I am ready to listen and if I feel very strongly that this is what has emerged out as a consensus, I will definitely take it.

I would like to make one other remark before I touch the provisions of the Draft Constitution. Those of us who are here now, must really count ourselves as the most lucky few - as leaders of this nation. There are many things that have taken place in the world. I am one of those who has had the opportunity to travel. I have been to a few countries on this planet. I know what used to happen in many countries of the world.

I have been to the former Soviet Union. While there, I thought that the system that existed at that time in the Soviet Union was deeply rooted and there was no chance of any change for the people in that area but during our life time - at least for those who are here now - we know what has happened there. There has been a change and people now talk of democracy and you know what democracy has produced for the people in that part of the world. Madame Chairperson, I also lived in the former West Germany, and there I thought that, that wall would always remain there. Again the forces that were at work were the people of the two Germanys. That wall has now been brought down. So, here we should not think that things can always remain the same and remain forever. The people of a given country have the capacity to change a system, if it proves bad for the people of that country. We have just witnessed the events that have taken place in South Africa and this has happened during our lifetime. Those people had been under the most brutal and difficult rule for over 500 years but now the people of South Africa are a free people. And again we must congratulate ourselves as a human race, as the people of Africa; however, little we might have contributed towards the change of policy in Southern Africa. We are now here - the 283 of us - to write a Constitution for the people of Uganda. It is up to us now to find the way forward in which the people of Uganda can once again enjoy the freedom and prosperity that they have been deprived of for the last 32 years of independence. The Constitution before us should address issues that touch the people. The Constitution before us should be a constitution that gives the people the power to change government when the need arises.

I would now like briefly, to go to the provisions of the Draft Constitution. Prof. hon. Kanyeihamba yesterday talked a lot, being an expert, on Constitutional Law. We were told that we can get the experts, the draftsmen - in fact we have already a good team in that committee. There is no doubt in my mind that they will finally present us with a document that will appear before the Delegates here written in good English; but what is important, as Kanyeihamba said is not the English - what is most important is the issue of whether that Constitution will stand the test of time. We refer to the Constitution as the Supreme Law of the Land and this one before us - the Draft Constitution talks of requiring the people of Uganda to protect it. Again I would like to agree with those Delegates who aired the view yesterday that how do

you involve the 17,000,000 Ugandans in protecting this law - The supreme Law of the land? Supposing some madman comes up tomorrow and decides to overthrow the Constitution we have just enacted? How are we as peasants going to face somebody who has come with full force to overthrow that constitution? So, let us be serious and this is where I feel very strongly that the NRM government has done a lot. So, the most important thing is now to give those who are being trained through *mchaka mchaka* the tools that they may require - should the need arise to protect the Constitution. On the issue of the monarchies. I know that there is already a law in place that has restored monarchies but this is a matter that we should discuss here with open minds - in the spirit of give and take. I know and I am convinced that finally the consensus will emerge on the issue of monarchies and personally, I have discussed at length the issue of monarchies with the people of Chekwii and I have come here to listen to what others have to say. Well, Madame Chairperson, as far as I am concerned, I have discussed this with people of Chekwii and if we go by the existing law, that was passed by the NRC, we shall definitely have no quarrel with the monarchies.

I would like to go to Chapter (4) of the Constitution that talks about the citizenship. I am glad that hon. Bart Katureebe has clearly put out this point. I am only talking on Article 42 (i), that is of adopting a child of seven years. Madam Chairman, you know we have many people of different nationalities here. I think before we proceed with the issue of adopting, we must be very, very careful. We must make sure that we know the type of child we are adopting, and if possible try and spend a lot of effort to and establish first whether the child does not belong to any other person. One other issue I would like to point here is - regards Chapter 9. That is the Council of State. Madam Chairperson I have once again, discussed this issue with the people of Chekwii County. The idea is good in the way you have explained but the composition is dangerous. The mode of election is not acceptable to the people of Chekwii. The representatives of the district should be elected in the same way the Members of Parliament are elected. The one Member from every district should have a ballot box on the day of the general election so that there will be two types of candidates - those who are aspiring as Members of Parliament and then the Council of State. Those should be elected on the same day by the people of the district. But the issue of Ministers being Members of the Council of State should be definitely out.

Chapter 15 of the Constitution on the Inspectorate of Government is one matter that is very exciting. In the minds of the many people of Uganda especially those of Chekwii, I have also had the opportunity to discuss this with other Ugandans. They think the idea is very good and already the Inspector General of Government has done a lot for this country. Only that it has been confined to the centre. The Inspectorate of Government should spread it to the grass-roots so that, that department can assist us in distilling - refining the type of leadership that many of us would like to see in this country of Uganda. On the leadership - that is Chapter 16 - again the movement Government should be congratulated for having taken a law to the N.R.C. for enactment. We know that not much has been done in this issue but if that provision becomes a constitution matter, this is one area where people of Uganda can be assisted from corrupt officials. It can help us put in place the type of leaders that we need for this country.

Chapter 17 about land - Karamoja covers a large area of land - 24,000 square kilometres with the population of only 300,000 people. But the 300,000 people do not enjoy the right over the 24,000 kilometres of land in that region. I would not agree with those who think that the land commission should be the one to issue titles for land. I think this should be an automatic right of every citizen of this country. One should just walk to the offices of the Land Commission and say, I have land in Chekwii County of so many acres and the issue of the land title should not be elaborate and should not be negotiable. That person should be given that document immediately. Because land is the commodity that we continue to inherit even after life here. Because when you die you are given that small piece of land where you are buried; and it will remain yours until Jesus comes back. So, that is a clear indication that matters related to land should be handled seriously. So, I would therefore, want to conclude by appealing to hon. fellow Delegates that let us discuss issues that have brought us here with open minds and open hearts and the spirit of love. If we begin shouting and insulting each other, then we may lose track of what has brought us here. Because at the beginning of this Session, utterance came out which were beginning to worry some of us because one Delegate here once said, that in this House we have those who were elected by cattle-rustlers, which implied that - may be because we come from an area where cattle-rustling is pronounced - the delegates from Karamoja are here to rustle the Constitution. (*Laughter*) I know

that there are problems that face every region of this country; that face every district of this country; that face every town of this country and you cannot say, therefore, that in the great city of Kampala, you have hon. Babu elected by criminals of Kampala. Babu is here and those fellows have the right in the same way as the prisoners in South Africa - those who were given the right to participate in the election of their multi-racial of Government. I thank you, Madam Chairperson.

MR. KISAMBA MUGERWA: Point of Clarification Madame Chairman. I was seeking for clarification. Before us we have a list, with names, and I think that it should be followed according to the numerical order. Will you please clarify.

MADAME CHAIRPERSON : Thank you very much. I had a list - number 3 was supposed to be hon. Byakika Kasajja but he has declined to speak. Then hon. Sabiiti Jack - his name is crossed out. Otherwise if he is around he can explain if is he the one who suggested that his name be cancelled.

MR. JACK SABIITI: I registered to speak on the 30th of June, Thursday, next week. I do not see why my name appears here.

MR. SSEBANA KIZITO (Makindye East): I very happy that I am given this opportunity to talk to you and to the House Assembly about ideas which the people of Makindye East have concerning the Constitution which we are involved in its making. The people of Makindye East are a heterogenous society. They are from all over Uganda and for your information, Makindye East is composed of places like Kibuli, Tank Hill, Gaba. Where you find people from all over Uganda. Therefore, they have urged me to come here and discuss with my Colleagues from all over Uganda and make a Document which will enable them to live together peacefully. The people of Makindye East recognise the fact that Uganda is a Geographical unity but it is not yet a nation. We are a collection of various groups of people; and what we are involved in now, is the making of the Nation. In making the Nation we must recognise the fact that we are not the same people. People who have got different cultures, beliefs, aspirations, have got to be together in Uganda. That geographical unity of Uganda cannot be altered. It is we, the people who live in Uganda, who must love to be in position to build the country. They want me to stress to fellow Delegates that although unity is

required - it does not mean that there is no difference in culture, opinion and values. This ought to be there and ought to be recognised. When we are in the process of looking for votes, we had extensive consultations with these people. Even now I am lucky, Madam Chairperson, that I am one of the very few Delegates who live among the people they represent. Therefore, I am with them almost every day and therefore, I know what they feel. Even as we discuss now they hear. Many of them hear because they read Newspapers and listen to radios. Therefore, they are very anxious to see that we must have a form of Government - we must have unity together - which will be enough for everybody in Uganda because Uganda is a very large country. True there are some areas which are over populated but on the whole Uganda can accommodate everybody.

In some areas in my Constituency, I have noticed that many of these who have come from different parts of Uganda have lived here without any problem at all; and this is what we want. So, the first thing that the people of Makindye would like to see is that freedom of ownership - individual ownership of everything is very important to them - it is dear to them. A man should work, earn his money, get it and spend it the way he wants. The same goes to other property like land. People of Makindye believe that people must have the right to own land in their own names as long as you own it legally. Therefore, we think - the people have sent me to say - that I talk to my Colleagues and tell them that the issue of individual ownership of land must be enshrined in the Constitution. People are free to come and buy land here or if they want to buy it anywhere else wherever those people will required it. Here in Makindye it is evident that many people from all over Uganda come and buy land and own it. Which means that individual ownership of land as a principle is well appreciated all over Uganda. It so happens that it is only in very few places where this system applies. But the people of Makindye feel that if in other parts of Uganda it is found that this system is required it can be extended there. People who want to have individual land ownership should have it whether in Buganda, Acholi, Busoga and so on.

The other thing which the people of Makindye would like to see is that we should as Ugandans remember our history. We know that there are countries in this particular Africa which were known by other names such as Gold Coast which became Ghana because they went back to their history; Malawi which was

Nyasaland and so on and so forth. So, right now we have got districts known by names of their towns - Luwero, Mukono and so on, but people of Makindye feel that we should go back to what we used to be. Instead of saying Apac we say Lango. Instead of saying Kitgum we say Acholi. Instead of saying Mukono we say Buganda, why not? Therefore, this is an important thing - it will not be the first time. We do not know where this idea of calling districts by names of towns or even villages - I do not even know how it originated.

MR. KOMAKECH: Point of Information, Madam Chairman. I would like to inform my Colleague who is just next to me that actually this thing came during Amin's days. Thank you.

MR. SEEBAANA KIZITO: It would appear that the information has not been very correct. Someone who has got correct information should give it to me.

MR. AMANYA MUSHEGA: Thank you, Madam Chairperson. The change from West Ankole or East Ankole to Bushenyi and Mbarara was introduced during the U.N.L.F. period, and the man who was in charge is actually here with us hon. Bidandi Ssali, who was then and still is Minister for Local Government. Thank you.

MR. SEEBAANA KIZITO: I wish to thank you for the information, be that as it may, whatever the origin - the people of Makindye East feel that we should go back to our original names. Similarly, people of Makindye feel that the system of Local Government which is now embedded in our midst, that is the system of R.C should be enshrined in the Constitution. It has been observed and happily so that the people of Uganda have clearly understood this system. It is not as new as people think but it has been modified and has been popularised. People think that they are getting involved in the governance of their society that they are getting involved in making decisions which concern them. Therefore, they would like this kind of thing to continue. Although the people of Makindye East feel that we should continue with the system, they say, we should change the name. The name Resistance Council was relevant sometime ago but it may no longer be relevant. Therefore, this Assembly can come up with another name which describes the same thing but using different terms. The R.C system which we have at the moment where we have: village R.C.I; Parish R.C.II; sub-county R.C.III; and county

R.C.IV. is very good and should continue like that. The people of Makindye feel that what is best known to them is the biggest unit of Local Government - this is the county - saza. Therefore, they think that, although, the Odoki Report recommends that the unit of administration of Local Government should be at the district - whose names as I have just indicated are doubtful and strange to them. Therefore, they would like to go back to a system which they are used to - the system of counties or Masaza. As you know a district is a new word to them. I do not know whether any local language has succeeded in translating the word 'district' in the local language. But the word county is well known and as a matter of fact being a Member of N.R.C, I know very well that most Members - except me from the urban areas - are rural representatives, they represent counties. Therefore, a county is an important thing as the biggest unit of administration. They think that a district, although it has been working, it is less known to the people whom it serves than the saza. The people of Makindye feel that in local administration - in Local Government, we must also have elections. Even people at all levels of R.C. should be elected directly not indirectly. Therefore, people should be able to serve their nation at all levels when they have a clear mandate of the people. The people of Makindye recognise the fact that in the current R.C. system, there are a lot of people who are serving under it without any payment what-so-ever. They would like to thank Ugandans who have been serving in these positions for their devotion to the service of their country. Their opinion is that when the constitution comes to be promulgated, and when we start legal administration under the new Constitution, these people at various levels should be paid something because there is a lot of work that is being done. The people of Makindye feel that the issue of traditional leaders - cultural leaders in their areas, their positions should be entrenched in the Constitution. One way or another they must be mentioned that they are important parts of our constitution in Uganda. Therefore, although we at the moment here in this Rule understand the importance but we must write it down for posterity because this Constitution we are making will not be here for only a few years. It is going to be here for several years and even centuries. Therefore, we must write whatever we agree upon - we must write it in the constitution as clearly as possible so that the people who come will know how to behave because a Constitution is a covenant between the governors and the governed. **And therefore, we must serve the covenant which is**

well written, after all, all of us here who are engaged in this job of making the Constitution are literate. The people of Makindye East feel that Ugandans must be proud of the fact that they are Ugandans. As such we must be on the look out regarding people who enter this country. We are not happy - the people of Makindye are not happy. The current practice of the immigration department where by people come from nowhere and they start working in Uganda and they can even vote if they so want. Now, this kind of thing should not be allowed to continue. Ugandans must be Ugandans and agents who want to come here should come here on conditions set out by Ugandans themselves, and we must be in a position to enforce these regulations. This brings me to an issue of citizenship which is recommended in the Odoki Report. This issue of citizenship must be looked at very, very carefully because we want Ugandans to be known that they are Ugandans, and therefore, it is not acceptable with the people of Makindye to say that a young boy/girl who is found loitering around in Uganda as long as he/she says that I have no parents or I do not know where my parents are, shall be accepted as a Ugandan. We cannot do that. The People of Makindye cannot accept that. But we must spell out clearly that the people who are born in Uganda, there is no doubt that they are Ugandans. I mean those whose parents or grand parents are Ugandans. There you are entitled to being a Ugandan, whether they are born in Uganda here or they are born in other parts of the world. But the people who want to acquire the citizenship of Uganda should have definite procedures to follow and there must be the immigration board which studies these applications. We must be very, very careful because we may think that Uganda is still big but nobody has told us that we are going to fill Uganda within this generation. We must leave space for other people who are coming after us. We are not the last generation in Uganda. Therefore, we should not think that Uganda is such a big country that we can allow anybody to come in to settle wherever he wants. No.

There is another issue about which the people of Makindye East have expressed opinion. That is the issue of National Council of State. This National Council of State is a new creation by this Draft Constitution. It is a good innovation in the sense that it is supposed to be a go-between between the Cabinet, the Parliament and the President. However, the composition of this National Council of State lives a lot be desired. What I mean now, is the

National Council of State. If the aim or one of the duties of this Council of State is to be a go-between between the President and Parliament, therefore, I see no reason how the President can be the Chairman of such a Body. I see no reason why Members of Cabinet should sit on it. This is a good Body according to the people of Makindye East. But the composition of its membership must change. In Uganda we have got some people who have got experience in politics - we have got elders who can be utilised - who would not want to be involved in active politics but who are still capable of rendering service to the nation and these people can very well be appointed or elected or whatever you want to call it. Therefore, it is the suggestion of the people of Makindye East that when we come to think about the composition of membership of the national council of state, we must think about retired politicians or civil servants - people who are normally known as elders. There are a lot of elders whose talents we did not utilise. People of Makindye East feel that this kind of people should serve in this Body without being paid. If people are able to serve their nation they should do so without thinking about what they are going to get. People in positions of leadership should be such that they are able to stand on their own without being fed by the people they are serving. That is why I was very perturbed by the charges which are persisting in our local newspapers to the effect that Members of this Assembly are thinking so much about the allowances which are going to be paid to them. As a matter of fact for all I know is that people who are here are people who have got their own means of livelihood and whether they get paid here or not, they can still serve the nation because they came to serve and I am sure they want to serve.

I very much regret that time is running out. The people of Makindye East have asked me to emphasize the fact that the freedoms which are emphasized on this Draft Constitution must be confirmed in the new Constitution. They have no quarrel, whatsoever, with the equality of women with men - they have no quarrel, whatsoever, with the rights of children except that we must find solutions to the problems which are building up - children who are on the streets. We must find parents of children who are left on the streets because many of these have, at least, a mother or a father. Of course some of them are orphans but it may not be the majority. If you look at them or talk to them, some of them may be in position to tell you where they were and why they

took to the street. Therefore, it is the duty of all of us in positions of leadership to find a solution to these problems which are growing.

Another problem which is growing, is the problem of drugs. Uganda is now being singled out as a country which is known for drug trafficking. This is going to cause us a lot of problems. As a matter of fact those of us who travel have found it already. We have found that when you go to an Airport say, Heathrow and Gatwick, the way they look at your Passport is not the way they look at the Passport of other people. These Airports are in U.K. We want to be able to travel with our heads up. But if there is a problem of drug trafficking here, and it is not checked we may find that a man/woman holding a Ugandan Passport may find it very, very difficult to enter a foreign country without being thoroughly searched. Some of us when we go to these places we are in a hurry we want to arrive and come back, therefore, we have no time for this kind of thing. Therefore, in the Constitution which we are making we must find a way of discouraging this growing menace of drug trafficking. It is unfortunate that it is growing and some of our young kids here in Uganda itself, are enjoying - would I call it enjoying well they are victims of these drugs.

I thank you very much for paying such a wonderful attention to what I have said, and I wish to thank also the people of this House - my fellow Constituent Assembly Members. Thank you very much.

MR. BATEGANYA MUKUVE DICK (Bukooli Central): Thank you very much, for giving me this opportunity to express the message from Bukooli Central. This being my maiden speech, allow me to use it to congratulate you and your Colleague on being appointed to those big Chairs. Allow me also to use this opportunity to congratulate my dear Colleagues here for having successfully gone through the difficult and expensive elections. Congratulations, dear Colleagues!

Today I would wish to tell you some of the things which the people of Bukooli Central would wish to be in our Constitution. But before I do that let me tell you what they think the Constitution is. To us in Bukooli Central, we think a Constitution is a contract between the rulers and the ruled, setting out the procedures that govern the mode of distribution of the national cake - to us it is eating. We have to set the Rules for eating. Who eats what, when and

where. I would like to equate it to the national cake to a constant because it is fixed in size.

MR. HASHAKA: Point of procedure, Madam Chairperson. I am getting worried about the way the House is being left with few people. The way people are sneaking out even without your permission. I am getting worried that by the time we finish...

A HON. DELEGATE: Point of Order, Madam Chairperson. Under our Rules of procedure a person is not supposed to be interrupted on issues like point of clarification and so on. A person can only be interrupted on a point of order, and a point elucidation. So, is it in order for the speaker to interrupt a person on an issue which is not provided for in the Rules of procedure!

THE CHAIRPERSON: That is why we had asked him, in the first instance, what the interjection was on. But your point is noted and I appeal to Members to stay around until we finish the morning Session. Otherwise we may be forced to adjourn prematurely. Thank you very much. Please continue.

MR. BATEGANYA MUKUVE: Thank you very much. As I was saying, to us in Bukooli Central the Constitution is a set of Rules which tell us who eats what, when and where. We recognised that to arrive at these Rules, there must be give and take from either side of the contract. In some countries where I have been to, eating or the national cake is divided between the masses - that is the ruled and the rulers. When the rulers eat too much, definitely the masses get little and the reverse. We are saying this time those of us from Bukooli Central, that this time let the masses eat a big share of the national cake. What we have seen in the past, and up to date, and we say it is a major cause of turmoil, is that everybody has been trying to eat too much and at the same time there is no elder in the sitting arrangement. If it was a dining table, everybody wants to be at the head of the table and that one has caused us untold suffering.

In Bukooli Central we are saying that to have a good Constitution - our Constitution should contain some of the following: That Uganda should develop as a unitary state towards the nation of Uganda. Those who travel, I am sure if you are say in company of two or three other Ugandans, you sometimes get ashamed when you are all three blacks, so you walk and somebody asks what you are, the immediate

response is I am a Musoga or I am an Acholi. We would like to see a situation where Uganda is developed into a nation. People can be identified as Ugandans not as Basoga, Bacholi something like that; and we feel that Uganda should develop as a unitary state towards the nation of Uganda. And to achieve this, we suggest that we adopt some of the following in our Constitution. One; that we adopt some uniform national language which in our case we recommend Swahili because it has a wider vocabulary than any Ugandan language. It will enable regional integration with our two sister nations in the East African Community. I greatly recommend it. It is greatly advanced in its use. It is also widely spoken in the COMESA region and therefore will promote African Corporation and no single Uganda ethnic group has a claim to it for parochial or hegemonic intentions. Uganda, we suggest, should also establish a common identification method, be it called an identity card or passport. But this document should be easy to get. It should not be as cumbersome and as expensive as the documents we know today. And we are also saying that in order to promote national consciousness and commitment, Bukooli Central, does not support dual nationality. We propose that a Ugandan should be a Ugandan. On the question of citizenship we are saying that it is important to define exactly this time who a Ugandan is because we have ended up with people of doubtful character and nationality taking larger shares of our national cake than us. So we are saying that this time, while section 41, and Schedule 2 define 48 ethnic groups, as being the true Ugandans and whose descendants shall be also taken as Ugandans by birth, we found a problem with one tribe in schedule 2 - that the tribe or the ethnic group called Banyarwanda. We found the problem in this way. We have people divided by carders that were created by colonialists - say Samias you find some in Uganda and some in Kenya. But the Samias in Uganda are not called Kenyans. You find these Alurs some in Uganda and some in Zaire. But the Alurs in Uganda are not called Zairians. So, we were saying that at least we should find some way of calling the Banyarwanda referred to in schedule 2 - we cannot call them Banyarwanda - How shall we tell the difference between the Ugandan banyarwanda and the Banyarwanda from Zaire or somewhere else? So, for that purpose - please, help me to accept to change that one. Thank you very much. Another point we would like to have included in our Constitution refers to section 43(II)(a). In that provision, the Draft says that if a person has been

married for 3 years to a Ugandan and can prove that they have been married for that period, he/she can apply to be a citizen of Uganda. Dear Colleagues, I would like to request you that this one is not in our interests. First of all, considering the level of poverty we are at, and the morals today, there are people in other countries where land is a serious problem.

I will give you an example of Bahran - it is an island in the Red Sea. It is the size of Sigulu Islands, if you stand in the middle you can see all its boundaries. But these people have all the money due to oil and their number in terms of people is high. They would like to expand and go anywhere else. If we have a provision like this one in our Laws, and after a short time this loophole is discovered, many people will marry our ladies and men for that matter and use that one as a stepping stone to apply for citizenship. And I can assure you that, after three years and given the poverty you have, if a person is bombarded with a million dollars in order to grant citizenship very few will resist that temptation. So, I would like to suggest that Marriage should not be a basis for granting citizenship to anybody.

We in Bukooli Central also say, that the rights of the individual have not been well attended to in previous constitutions. We have seen in many instances the individual's rights abused. We are saying that this time in this Constitution the individual's rights should be catered for and to attain that one we are saying that there should be no detention without trial. Two - that a Ugandan should be considered innocent till proved otherwise, and for this reason, therefore, a suspect should be produced before a Magistrate or Judge not later than 24 hours after committing the offence. And if you cannot be produced before the Magistrate or Judge, you should be released. You go back and enjoy your liberty. However, we are saying that as a deterrent, the death penalty should remain in our Rules. The people of Bukooli Central also have sent me to ask you to grant that universal and compulsory education be instituted in our Constitution. But they are suggesting one thing, that they do not want it to be free. They want to finance it themselves and by doing this they are only asking the Government to ensure and put in place the necessary infrastructure, so that they can take their kids for basic education which they will finance themselves. They are saying that they will want to finance it themselves because they would like to avoid a case where fees are declared free and because of the mode of living in Bukooli Central - because Central is

basically a peasants' area and we are also polygamous people with large numbers of children and wives. It will not be possible say, to contain the rate of production if things are free and compulsory on the part of Government. But if we are the ones financing the compulsory education, that element of cost will act as a deterrent to reducing large numbers of children and marrying of indefinite women.

In addition to that we have noted that the troubles we have had in Uganda here, have basically stemmed from the fact that the principle of separation of power in our country has been abused by the executive. The executive in Uganda has tended to take on the role of the legislature as well as the judiciary. It is common here for the statutes to originate from the executive for the make-up legislature of the day to rubber-stamp them. It is also common for every, head of state to come with his own Chief Justice to swear him in. In such cases therefore, Justice is denied to the populace by Government or Executive with impunity because the people's custodian of Justice who is the Chief Justice is a pawn of the Head of State of the day. To curb abuse to that extent, by the executive, we in Bukooli Central, wish to inject the following ideas in our Constitution. One: That government should be clearly divided and separated into the Executive, Legislature and Judiciary. We are therefore, saying that the National Council of State should be scraped from our laws. We are also saying that all other arms of Government should be answerable to the Legislature as the supreme organ. Because we feel that we, as peasants, the only way we can exercise our power is through electing our representatives to Parliament. And if this man is not given chance to play his role, in that big House we are left without power. So, we were saying that the Legislature should be the supreme body that both the Executive and the Judiciary should account to. This time we are saying that the Executive should have a limited term of office of five years. If the Head of State has performed very well we can give him another period of 5 years and by no means should he increase his time by what form or trick. We are saying that we want a position of President to be demystified. We want the position separated from the individual and the institution. This individual should be considered separately from the institution. We recognise that all humans make mistakes, and definitely as a human being a president also makes mistakes. To ensure that people do not suffer unduly because somebody is fidgeting to cover up his mistakes, by either murdering our people who would

reveal them or locking them up, we are saying that the procedures as outlined in Article 110, should be cut short. We should be able to impeach somebody as soon as he makes a clear mistake and he is put aside and somebody else continues in that office and the nation gets along doing its business. We should not be slowed down because an individual is trying to cover up and there are so many Articles that bog us down and, fail us to try to impeach a president. So on this point the people of Bukooli Central are saying that we want the procedure for impeaching to be as brief as possible to enable us to try somebody, if he makes a glaring mistake that is costly to the Ugandans. We are also saying that a good Head of State is like a good Head of the family. A good head of the family participates fully in all the activities that help to maintain the welfare of the home. But we are saying in Article 101 - the situation where the President is being elevated to the position of God - we are seeing that the man will not be liable to paying taxes; will not be able to face any court proceedings during his term of office. We are saying that this is wrong. As a good head of the family, Uganda, he should also participate in our joys and our sorrows, such that if the Head of State is going to lead us, where we really want to go, he should know our problems fully. So we are saying that a good Head of State should be a man/woman of considerable property which he owns in Uganda and we can prove that it was through, honestly, hard work. We are also saying that he should have a clean personal record. We have tended to see people who have had riotous pasts. Those histories keep on recurring. History as you know is stubborn - it keeps on repeating itself. We have seen people who led riots in schools, people who led all sorts of riotous things in work places, again Propelling themselves into the positions of power. When they get there they never forget their past. They use the same tactics they used to lead riots and such things to lead the whole nation into doom. We are saying that we want this time a leader with a clean personal record. We want also to go to your school and see, did he fight his colleagues, etc., such that if we are convinced that you have a clean record, then we should elect you and propel you into the position of power.

We are also saying that, we want a good President who will appreciate the goodness in paying taxes so that he also participates with us in paying taxes and when we are talking of taxes he should know as a Chief Executive of the country, that if his money is involved in the common pool, he will try to handle it

with care. But in a situation where Article 101 puts him above such inconveniences as paying taxes is wrong. He should pay taxes from his personal income that he gets as a President. Because he is also a Ugandan like everybody else and being a Head of family does not make him a unique person.

We want also to suggest on land. We are saying that the current proposal on the Draft Constitution - 271 which says, all land belongs to people but its use shall be regulated by Government. No. We are saying that, that is wrong. The people of Bukooli Central have sent me to ask you to agree that all land this time should be for the people and its use shall be determined by them. I do not see why we should come all the way to Kampala to seek Land Titles I or whatever. We are saying that land should be ours as we inherited it from our grandfathers or fathers or whatever, or if we bought it, it should be ours and we are saying that the method we advocate - the land system we are advocating for is that of free hold. We should use our current land holding as we wish instead of being squatters as the Law says. We are against the fact that Uganda Land Commission will regulate its use. It is tantamount to denying us the use of our land. Supposing I want to dig a deep hole in my land for whatever reason, why should I have to come to Kampala to ask for permission. Or as one Mukooli told me that, if we allow such a Law to continue we shall be forced to bury our people standing up right because may be the Uganda Land Commission does not allow people to be buried horizontally. So, we are saying that the use of land should be left to the owners to determine. We are also saying that on the use of land, foreigners who come in our country for whatever reasons should not be allowed to buy land. We do not care whether he has been here for 20 or 30 or so many years, he should not be given a chance to buy land. And I think this is important. As I told you Bukooli Central is a purely peasant society. We would derive our livelihood from the land. Now if you give a chance to foreigners to own land we are afraid they will buy all the land available to us. For instance, in my particular sub-county somebody by the name of Kafiire went and displaced a very large number of people and yet he has not put that land under any useful purpose. So we are saying that foreigners, under whatever guise, should not be given a chance to buy land in this country. I wish also to say that we accept devolution of power, it should be done not only spoken about. We should put in our rules a provision where government jobs are given on a

proportional basis; development is caused by people it does not grow on trees or happen by accident. I have had a chance to go to Bushenyi but as you pass on the road they show you that, that is so and so's house, that is so and so's house because all these people have had good jobs or have had a chance to have jobs in this country. But if you come to Bukooli central, I cannot show anything of that nature because nobody from that place has had a good job, we are saying that, at least, let us have a provision in our constitution where jobs - and lucrative jobs at that should be given on a proportional basis. *-(Applause)* In the whole of Bukooli we have never - since Uganda existed - we have never had a Cabinet minister at least I would like to see in my life-time a Cabinet Minister come from Bukooli. On the issue of appointments, I would also like to suggest - the current constitution tells us that the President will be the one appointing people to jobs, this and that, I have found a problem with that. When they are appointing you they say the President of Uganda appoints you to such and such a job as a sweeper here, e.t.c., we are saying that, this is not good, we should change the framing to something like this that the people of Uganda have appointed you - Bateganya to be a sweeper of Conference Centre because the people are the ones you live with, you will do this job with caution. But when it is the President appointing you, and the man is somewhere in Kampala or in Entebbe and you are down in Bukooli, you will not take your job seriously because the man is not here to supervise you. But you will think twice if the people as the appointing authority are close to you, you will be very careful in the way you handle this job because you are living with them.

We are also saying that - I do not see in this era when communication is so easy, we have fax, telex, this and that, we are saying, and I wish to convince you fellow delegates to accept that we put ministries' headquarters up country let us have a ministry of finance in Bukooli central or if it cannot be in Bukooli at least give us the Bank of Uganda we shall keep care take of it. And this one I am saying we should put it in our constitution that government ministries should be diversified, I have lived in countries where this has been done. I was in Saudi Arabia I can assure you the ministry of finance is in Gedda, the ministry of Foreign Affairs is in Riyadh, the ministry of oil is in another part of the country. The whole country is functioning very well. I do not see why we, who think we should develop our country, cannot take these services to the people. If the ministry of finance is

in Bukooli central, I can assure you the people of Bukooli central will develop. If the ministry of labour is in Arua, I can assure you the people of Arua will develop, things like that. Madam Chairman, I just beg to say this one before I wind up because I might not get a chance to say so. In my constituency I have a population of Moslems which numbers - I mean it is close to 50 per cent or slightly less, they sent me to say this, they have asked me to ask you fellow delegates to accept that a provision be put somewhere in our constitution that all meats that are served or sold in public place are always considered *halal* - *halal* means treated according to the moslem manner. You will wonder why I am saying this or why I have decided to bring you this message; somewhere in the Bible there is a saying that *'the fear of the Lord is the beginning of wisdom'*. and even in the Koran they say, and I will read for you and also translate, they say that: *'Fathakuruni athakirakun'* meaning that *'If you remember me (that is the Lord - if you remember Allah) he will also remember you'* So why don't we accommodate these moslems on such a minor technicality in this constitution.

I had a lot to say but because of time, I hope I will get another chance to say more. Thank you very much for listening to me without dozing. Thank you very much.

MR. DIDIAGARD (Moyo West County): Thank you. I would like to start by saying how welcome it is to be in this very friendly atmosphere. The area of very respectable elders, Statesmen, politicians and so on as provided for - I hope this will spun us and we shall come up with an appropriate document. I would like to state that the earlier constitutions had problems because in 1960-61, first of all there was limited consultations and we know it for the fact that the democratic party walked out plus other Members of the alliance. After the 1966 crisis it is very difficult to say that the constitution that came there after had any wider consultations. It is therefore good that we have before us a document that has had more than four years our work put in by our able commissioners which I think we should comment on. Briefly, we all know that Obote I regime could best be described as a period of learning which had a lot of mistakes therefore. The Amin era can best be described as a 'farce'. Lule's we could say, really, was hijacked by opportunistic interests or divisive forces. Now Binasisa's regime we can best call it 'at least'. Whereas the military commission was the 'stop-gate to I-do-not-know-where'. And of course

we all know that the Tito one was really a 'circus management'.

Under the N.R.M. I am sure mistakes are still persistent but we are sure that there has been clear control and direction which has resulted in all of us being here. So I think in appreciation, not condoning the mistakes, we should say we have an opportunity for the first time to shape Uganda's history. It is on that basis that I want all of us to be selflessly sincere and accommodating because where there is no good will, it will be very difficult for us to proceed together. So far, so good but I know when the real issues come the Swahili have a saying *'Mambo baddo'*, let us be ready for this and collectively work to resolve them.

Yesterday, we said, let us write a constitution that nobody will over-throw - you know it is very light to say this as you know the story of the rats and a cat. The rats decided to remove this menace, they said let us put a bell around the neck of the cat and they found it very difficult to get somebody to put that bell. I say this because I remember in 1974, I was one of those who came from exile and tried to participate in the in the overthrow of Idd Amin - although we come from the same region; I landed in Bombo court martial. So it did not work in 1970. Later on - I was one the founder members of U.F.M. - when I visited Sudan I was put in jail because of political intrigues. So you see how difficult it is. Now that we have this chance even if we have to point fingers at each other, let us make sure that in the end we have given Ugandans a document that they want or for which we can be proud. I will call a spade a spade and say these are the dos and don'ts.

First of all, if we should elect a President I think that is the fundamental departure to the whole constitution - many other provisions we shall be borrowing Clauses from the whole constitution - But this is a fundamental departure; and having done that, I think we should also make sure that such an office does not become dictatorial.

When the constitutional commission started you know this was when the cold war was still there, and I studied a lot of constitutions in many Eastern Countries and they had this Politic Bureau. So this idea of national council, I think, caught up with some of these people but because this is really against principle of separation of power, I think it is the first warning sign that we should see and try to avoid. I

think it is unnecessary that the people's representatives should have direct communication with the President also elected by the people. I hope when it comes to that Members will agree with me. Some people have suggested the possibility of an upper House and I hope Members should agree that one of the problems of Africa has been over centralisation of power, and if the purpose is to correct past mistakes, we should avoid creating too many central institutions. Decentralization should be real in terms of decision making and in a liberalized manner. So that some of these cases - like my friend from Bukooli was saying - will not even arise. Where you have a strong private sector, the government is not there to allocate jobs. I know I will come to that one later on.

Now, it also noted the duty of the constitution to state how parties should be organised or to provide for a referendum. I will tell a story: "the rats and cats, as you know they were playmates in the bush, so one day the cat sent a puppy to go and tell the rats to come and play, and said: 'do not worry, you will not be eaten'. And the rat said: 'How does eating come in, if we are together?'" You see, you must avoid what is called a hidden agenda if you are providing for a constitutional framework. It is as simple as that. But anything which can be misconstrued as tantamount to hidden agenda should be avoided as much as possible. Now, to my friends the Federalists; during the campaigns I told my people in Moyo - I said these things are actually good because culture rivalry is very healthy. I do remember in my place we used to have a snake called *Oguno* we used to feed it with *Kwete* because we believed it had some supernatural powers. Unfortunately when we went to exile this snake ran to Sudan. Some people are saying that, that is why there are problems in Sudan because this king of ours is causing a crisis there. But they did agree therefore, that cultural rivalry has nothing to do with living in unity. What I think we should avoid is to smuggle in institutional building which later on could lead to a clash in political authorities. You cannot be talking about decentralising the marketing or exporting of coffee and at the same time trying to smuggle in institutions which will make it impossible for a central system to work. So I think let us identify clearly what those areas of organisation are and where it is necessary for us to build around the institutions to strengthen them without necessarily destroying our diversity. Now, I also believe that we should make a constitution which is simple by its appearance, like I said, if it is necessary to regulate affairs of parties this can be

done by legislation. That is the role of the legislature. At this stage I want to give an example and experience from other counties in constitutional making.

In South Africa, all the political forces came and agreed to go to a Constituent Assembly and also become a transitional Council. So this gave them the opportunity to do both the work of the constitutional makers and also the necessary legislation necessary for transition to implement the constitution. In our case, unfortunately, this was not done. I would not like this House to get locked antagonism between the C.A. and the N.R.C; I was the one who suggested that there should be one - Mr. Nekyon is bringing me another argument here. But anyway what it means, therefore, is let us not assume that everything is for us to decide in this House. We are caught in a situation, where certain decisions will require more legislation, whereas purely provided for in making a constitution. I believe that when the commissioners went all over the country and Ugandans told them they wanted this type of government, they wanted that type of government. Now even if that recommendation was ultra violet our powers as constitutional makers - since a constitution cannot be out of a vacuum, a constitution that we will write must be able to be implemented. If some of these fears represent the realities of today, then we should be forced to consider them, and maybe make recommendations. Because it is no pretending that other countries experience have - for example: the case of Angola and Mozambique, with constitutions or agreements which were made in Europe - the essential element the one of power sharing. I am going to come to what I called the institutional provisions but for the time being, what I want to say is, you need a transition because it is in this transition that you implement the constitution. For example in our case we still know that there is a lot of rehabilitation, a lot of recovery, a lot of institutional building, that has not been done. Let us not confuse the programme of the interim government of the N.R.M. and its agenda programme with necessary institutional building that any constitution will require. It is here that I want to suggest to all of us and I want to call a spade a spade. Let no one party allocate itself the absolute capacity to say, it alone can build required institutions like a National army, a National Civil Service, a liberalized economy and why winner-take-all any way? So, when I now talk of a transition; for which I think as Ugandans we must address ourselves to, we are talking about the need to say that we have produced this document it to

work. If it is necessary to draw up this agenda during this agenda - but before I come to this I am saying: since there is already a provision that we shall give life span to a government of five years, we can agree that the first five years are recommend and must be used to implement the constitution. Then we can lay out what I call the agenda or limited programme; I do not accept that you can have a government without a programme, and you cannot have an inclusive system where there is no discussion about the programme, I want to beg all of you to agree that, that is definitely better than claiming that any one party can go along... We have had this experience and out of our experience, let us save posterity from some of the mistakes which we can correct. we can start - you see you cannot wishfully want a government, you cannot use witch craft or prayer about a government, you need policies and programmes - solid programmes. Let me give the example of liberalisation; it is now a world phenomenon, it is a world phenomenon that the market forces must take over to command the economy. It was noble in the Third World, for African countries to take over anything which was making money. Now this also gives a chance to political parties to revisit their agenda programmes. I know for a fact that right now the difference between the alternative methods of how to manage society as exists in the ideology, the programme of the political parties must be very narrow. So, it is also a time if we insist as we must; because if you accept it, as the fundamental belief in human rights it is going to be embodied in our principles. But at the same time we should give these parties open their chance to revisit and maybe to write their political programmes. Now once we know that the period of five years is a period of the government, no body can say, that somebody is taking us for a ride. There was a story of a King who told somebody to teach his dog how to talk, that if you succeed he would make you his Prime Minister, about four-five people failed and he killed them. Then one fellow came and asked to be given me eight years. So a friend asked him and said: "what miracles are you going to make in eight years?". He said: "look here in eight years either the King will be dead, or the dog will be dead, or I will be able to run away". So, we do not want a hidden agenda for this kind of purpose. But since the constitution requires that government must be elected regularly, then that five years cannot be taken as a hidden agenda. In any case, if we accept for a transition, in that transition, all the forces whether political or tribal, should be working together.

I hope you realise the importance of this transition. Because during that period, we shall have respected ourselves and the experience of others in the world should show how ideal it is. Any government should be either in alliance, or it is a collision. But I want to suggest to you without referring to any political party here that we have allowed greater forces to dominate our political system. So, therefore, not to make it alliances of parties, let us have this period during which - like we are sitting here - it is obvious that the goodwill we have is going to propel us forward, and we are going to succeed. If we are given five years as a government, how much more will Uganda succeed, Ladies and gentlemen? I need protection, Madam Chairman. Mr. Nekyon who is the Member of disciplinary committee is harassing me. *(Laughter)*

MADAM CHAIRMAN: Now proceed.

MR. DIDI A: I believe that most of us have read the constitution and I insist that our starting point should be characterised by honesty to our selves and to the country on the responsibility that has been given to us.

If I may touch briefly on the issue of land; we can work out a compromise. With regard to the customary land holding system, the district land committees have powers to even give titles of a limited acreage. I still see the need for a central planning arrangement so as to avoid land grabbing. Because if you allowed me in my own district - I probably carry a lot of weight - I could just dictate that from here to that river that land is mine. So if it is in the same district from where I am to get a title, I will satisfy myself. Somebody was telling us yesterday that when land was allocated here, Buganda's population was limited and small. So it must, therefore, be useful for me who wants to go commercial to relate central government planning. After all, if I am going to commercial farming it should be of interest to national planning, to know that what I am growing will be part of the national capacity, either for export or for food reserve. So, I believe that there should be a role for the Uganda land Commission with regard to land under the government hold - the reserves, the game parks e.t.c., this land which has been gazetted; and plus any one who wants that kind of commercial farming. I hope that compromise should be possible. On the question of citizenship, my people suggest that first of all, any non-citizen should be registered and the local population should accept to recom-

mend them. I will tell you why their fears are genuine; during Obote 1, and during Amin Ugandans know of somebody called Marela this Marela is of a Sudanese tribe that does not even share the same language with Madi - the people of Moyo (the people of Moyo are called Madi). Yet, many people who knew Malera, probably, knew him as a Madi. It probably explains why many of you think of us as murderers or killers. So my people said that, the local population who know the fellows staying with them should recommend them. When it comes to these straight bullets of hon. Katureebe, we do not have such problems up country there of say children being born and abandoned. But with the seven year old, I want to sound a warning because at that stage we should be able to determine where somebody comes from. And I would, therefore, advise that this should not be used by people to use Uganda as a garbage ground - dumping ground. The other thing which I want to say is, Madi is a tribe like the Banyarwanda; we have a border with Sudan and the Madi the other side, but nobody calls me a Sudanese. Okay, they have called me that - I have been called so.

I can use somebody else for example: Paul Etyang. He has not been called a Kenyan despite the fact that his Teso tribe extends there, but the people of northern frontier districts in Kenya are called Somalis and whenever they fight in the district they say: "you 'shifter'". Now 'shifter' is to connect that you are a Somali. So, with regard to our young brothers who come from Ntungamo, particularly Ntungamo, Kabale and Kisoro districts. If there is a country bearing the name of your tribe... although Ugandans must learn to be really kind, if that tribe was called Teso, then it will be easy to connect when you say Etyang, you Muteso meaning you foreigner. That brings us to another question with some of these border situations, I was told, for example - I have no proof, that Bazirio Okello was born in Sudan. But because the whole area is Acholi and the whole people are won by intermarriages and so on, it is so difficult to decide your citizenship because what was important at that time was tribal loyalty. The nations came to provide things like national defence and things like education and health which the individual gives full support. So, now, when you find here a Madi or an Alur or a Lugbara you cannot say this is a Zairian and so on. I am not yet so sure how we are, going resolve this especially against the fact that we are trying to create a bigger market. Hopefully, the problem of Africa is going to be solved by the integration of our market that is the only time when

we shall know that market forces are superior. Even when we are going to write our citizenship requirement I hope members should realise that we are in a dynamic world. The tendency is to reach out for greater integration as they doing in the European union. So when we are writing a constitution, I think we should be dynamic and keep this in mind. Let us make a constitution which, even if it will not earn us a resting place in Kololo Airstrip, will at least, allow prosperity when they look at our graves, like there is a grave in Bangladesh of an unknown soldier and on the tomb stone was described these words; "Well done you good and faithful servant". I thank you.

MR. MUSUMBA ISAAC ISANGA (Buzaaya County): Thank you very much, Madam Chairperson, and all the Members of this august Assembly. Allow me, this being my maiden speech in characteristic style, to congratulate you and to congratulate the Chairman who is not here up on assumption of office. But more important, however, allow me to congratulate the Members of this Assembly for having elected the two of you. I say this because when your names were floated for election of Chair and Deputy chairman respectively, I asked some people that: 'look I do not know any of these people, I have not worked with them I do not know them, - how am I going to elect them? Or from amongst them the two people?' And I was told; 'look: for the chair - Wapakhabulo is the best and for the Vice you are the best'. I have lived to believe that, that testimony was most accurate. I thank you all.

Let me salute the government of the N.R.M. because it has developed a system where people have now the freedom and the ability to choose whoever they want and to be able to throw out those they do not want. This is a very important aspect of democracy. Take for instance, somebody like me, a peasant from Buzaaya where would I have got the platform to be listened to by you Chairperson, hon. Prime Minister, Ministers, and all the others, - as who? But because the N.R.M. put in place a system where some people can be voted in and others voted out, here I am, and I am very grateful. *(Applause)* I speak as someone from a very, very low developed area, acceptedly, Kamuli district which is a very poor district. This is contained in the official publications of the Ministry of Finance and Economic Planning. This is also in one of the speeches made by His Excellency, the President, when he visited Kamuli with his guest His Excellency Jerry Rawlings from Ghana. He said; 'my brother I have brought you here so that you may

witness one of the poorest districts in Uganda'. I happen to come from there, and that being the area where my constituency is, the main message that I am supposed to look for or to put before the constitution relates to development.

There are several areas in the constitution to which particular concern will be paid. But for us in Kamuli, for me in Buzaaya, the Bazaaya are really concerned about how everything is arranged to the extent that they are able to develop economically. In this respect, therefore, their concern has been on matters that range from executive through to the legislative arm, because all these play a part in the general development of an area. I have been charged with certain points upon which, if given the opportunity, be put across this House for consideration.

But by way of preliminary introduction, there is one matter which, though seemingly trivial, they feel should be listened to by this House. And at an appropriate time, may be, discussed, debated, or even passed. That is the Motto on the coat of Arms; this is not a small matter because the Motto on the Coat of Arms is reflective of the thinking and aspirations of the people of this country. It reads "For God and my country". they wish at an appropriate time to suggest or to propose that maybe this House may wish to reflect the nature of our aspirations with respect to unity, and togetherness, and say change it to 'For God and our country'. They believe that the term *my country* is so individualistic and not unitary in its message. And they may wish to consider replacing it with the term *our country* so that wherever you are, when you talk about Uganda, and when you talk about the constitution you will be saying this 'For God and our country'.

The other thing that these people are interested in, is the matter relating to land. A lot has been said about land and they are saying in this constitution - which they believe that is an opportunity given to them by the N.R.M. government to bake their own constitution at home, i.e. when you have the opportunity to bake your own cake, it is up to you - you can make it bitter or sweet - you have the right. So, they are looking at this constitution as one baked by Ugandans here in Uganda for the first time ever, and they are saying on the issue of land that they would want a common sense approach - a simple common sense approach. The sophistication of the land commission, leases, mailos and all other things that go with land today should be simplified to say if you have

land - they do not understand why some is customary and some is not customary. So they are saying that if you have land, your Kibanja, and you have been on this Kibanja and it is not in dispute, then it is yours. If you have your neighbour on the left who is willing to attest on some official form that this Kibanja is yours, and your immediate neighbour on the right is also willing to put his signature and may be we can include the RC I and RC II to testify that in fact this man is a resident here, this is his kibanja and they have no complaint, that should be enough to certify that in fact you own that land and you can take this certificate, as simple as it maybe, to the Rural Farmers Scheme or to whoever in UCB and be able to get Shs. 200,000 and start work. That is to get "Entandikwa" in the usual fashion, and be able to invest so that you can run out of poverty. Otherwise right now it is impossible for these people to move. They have no money, so they cannot get land titles, and they cannot get money because they do not have security. so how will they ever get their 'Ntandikwa'.

They also have a point relating to Article 47 sub article 2 of the draft constitution. Now this one says it is the duty of all able bodied citizens to undergo military training for the defence of this constitution and protection of territorial integrity of Uganda whenever called upon to do so. In their view they think that this is pushing it too far, if the provision is adopted as it is proposed here; To begin with they appreciate, that there is a need to protect the constitution but in their view this is like 'Kasanvu' - a military 'Kasanvu' for which they are not willing to go along with. They are saying they would prefer governments to be able to provide facilities for military training as and when people need it, not to force those people who happen to be able bodied to go and get military training. Their belief is that, you need not to be militarily trained to be able fight for a constitution. This matter was referred to yesterday by hon. Wagira when he said we should not fear *Mchaka mchaka*. For them their view is that government should put in place machinery to educate them on civil disobedience for instance. Civil disobedience has nothing to do with military training. Even shopkeepers - shop keepers perse - if they locked up all their shops or if food suppliers did not supply their food for just two days that will bring a government that is illegally in power to its knees. This has been done by Musaaazi, if you people read the history of our struggle for Independence. So, these are the methods the people in Buzaaya would prefer. Government should go on sensitising people

about the importance of a constitution, about how we can fight an un constitutional government in power without necessarily further blood letting. But that notwithstanding, however, they appreciate a two pronged approach. They appreciate that if there are people who would want willingly to go and train militarily, to be on the ready, those should be facilitated. Those who do not want must not be forced by the constitution to do so. They are saying that - if you look at Japan for instance, after the Second World War, Japan was fed up with war, owing to the bombings in Hiroshima and Nagasaki, so in their constitution it is stated that they would not get involved in military adventurism abroad. Now if we say that any one who by force of arms or by an unconstitutional methods overthrows a government - over throws the constitution and assumes power, then by necessary implication, if we say that person must be opposed by force of arms, necessarily, at all times - then it means that we are trying to get rid of a bloody government by blood. In the view of the Bazaaya this does not make sense we may find ourselves in a situation that some of our neighbours like Rwanda have found themselves in. So, the people of Buzaaya - Buzaaya is somewhere in Kamuli - do not agree with this particular provision.

Their views on parties - parties or no parties? - it is a very lively debate, I must say, and very controversial in certain areas. In their view, they propose a very simple approach to this matter. The people of Buzaaya think and this is from their experience because - after the overthrow of the U.P.C. government there was a lot of chaos in Buzaaya. Some people cut down other people's plantations, coffee trees, people's houses were demolished, and up to now some people have not been able to return to the area. This is because they belonged to one party or the other and so, his government is gone this is the time to get rid of him, as well. And in other places people were actually killed by their very neighbours. Now to avoid this kind of thing, their view is that they would not want to have multi-party elections in December this year. Their view is that the present NRM arrangement continues by whatever name, that it may be called, for another five years but within which period the Movement government will be preparing the people for a Multi-party government. This is because up to now they do not know where the problem came from, why is it that when U.P.C government goes out of power my neighbour comes and cuts down my coffee trees, demolishes my house, because I belonged to that party. I may not

have been a market master or a chief of any nature, but the mere fact that I belong to that party, my neighbours come and knock my house down. They keep wondering, is this a result of the weakness in the party constitutions or the party structure, or is the problem with the people? Do we as Ugandans have a problem - a conceptual problem of failure to appreciate differences, or is the problem with the government in power. If you have a U.P.C government and you are not happy with it; or it has done something that you do not agree with; Do you think by getting rid of your neighbour, you are cleansing the village, as it were? And in their view, the Bazaaya think, it is a result of all these factors taken together. The focus of the people need to be adjusted, because if you read today's newspaper, yesterday in NRC, someone was complaining, of witch hunting in certain areas: because X was supporting Y, and Y did not go through. Now the supporters of people who went through are witch hunting. There is that kind of thinking. In some other areas, I know people failed to appreciate that the people who stood were simply alternatives and not rivals. People took the view that if I stand against hon. Musobyra here in a given constituency we are rivals, enemies, foes and adversaries - not simply alternatives. It was not considered that if you do not take Musobyra then you take Isanga Musumba; or if you do not take Isanga Musumba then you take Musobyra. So, the focus of the people has to be revisited. People must be properly guided to know that politics or standing or competing for one position is not an act of war. It is something that is healthy, it is something that must be encouraged, it is something that must go on. It is for the good of us all. So there is a need to redirect the people's thinking, to sensitise them, to politicise them, call it whatever you want to call it but people must be properly oriented.

The second is, the parties and their constitutions. I could go into this for long time but I intend to write a paper on the structure of these political parties to indicate their weakness. At least in their constitutions. In my view and in the view of the Bazaaya, whom I represent here, there is need to guide the formation of political parties in a certain manner so as not to hinge themselves or their formation on particular sectarian set ups.

The third thing is governments themselves; one must know that when a government is in place or it belongs to a certain party, that is not the end. There must be reasons for change and the leaders of those parties

themselves must be in a position to accept that change must come and change should come. So, given those parameters, the people of Buzaaya think that for the moment, parties may wait for five years in which time government shall be charged with the obligation of addressing all these weaknesses. If after five years they are not ready then, a referendum may be held. But as proposed in this constitution, they do not agree to regular referendums, that is, every five years' referendum. This one would have a cost; it would put an exceptional burden on government; and it may have a tendency of corrupting the masses. So, on the maximum ten years may be imposed by the constitution. After that people should have been prepared for multi-parties.

There is one other matter I have to rush to. It relates to what we address ourselves, that is, what do we focus on while writing this constitution? In my view, we should be looking at the causes of our problems so as to immunise against them as opposed to merely trying to cure the present illness. For instance, if we are talking of powers of the President, I will quote the former caretaker Prime Minister Moeen Qureshi of Pakistan government, he said on the 27th of October, 1993, - this is in the *Pakistan Times* he said "We need to establish very severe limitations on exercise of power and on the abuse of power, because then grabbing power for the sake of grabbing power, will be less attractive. It is important to remove the discretionary element in the exercise of power so as to make the abuse of power less attractive to those who wish to gain it for those ends. My belief is that if a government is prepared to stand up and be counted for its principles, yes, a few vested interest may not like it, but the majority of the people will applaud it in the long run. If the new elected government wishes to remain there for a long period of time, it should be looking at what is in the longer term interest of the people rather than in the interest of the few vested people"

It is my humble suggestion that this Assembly takes wisdom from those words while writing this constitution.

I will rush to article 116 which says; the President may appoint ministers from within or without Parliament. Now the view of the Bazaaya is that, if appointments of the minister must come from Parliament, they should all come from Parliament, then they will be replaced. Why? Take the example of an interview that was given by hon. and very distin-

guished Personality, who is a delegate here, the I.G.G. hon. Ruzindana in the *Monitor* of Tuesday 12th to April 15th of 1994, he was quoted in an interview with the *monitor* reporter to say "I have learnt that the campaigning process is a humbling exercise. Now I appreciate why governments can be overthrown and the people who are overthrown cannot understand it. Now I understand the actual levels of poverty, when you traverse a large area and have to see for yourself, that is when you see the actual problems of the people."

It is very important, in the views of the Bazaaya at least, that anybody who wants to become minister must go to the people, must live with the people the way many of us did here. Then you will be able to appreciate the problems the people have, and when you sit in your air conditioned office somewhere in Kampala, you will be able to accurately plan for these people knowing very well what they are. We have an example, Madam Chairperson, I have no intention of hurting anybody but it is possible - hypothetical now - it is possible to have a minister of planning who has been in (I use this figuratively) in air conditioned places for a big chunk of his life. Since he left school in early fifties he has just been Prime Minister, or Minister of this or that, and he has not even gone down to the people. He may not know what the people are like, and this is the Minister of Finance, of Planning. How will you know that these people need *Entandikwa*? Before anyone aspires to be a minister, let him not come from air conditioned offices in Sweden and be appointed minister. No, he should come here; stand before the people in Buzaaya; and see how miserable these people are. Then he will be in a position to appreciate their problems.

There is another point that I feel it is my duty to make mention of, that is the appointment of Ministers. This point was made by hon. Elyau yesterday. He said 'we must have a time table for changing power'. When appointing ministers I would want to know, this is a rather controversial point, but would it not be better if we could have a system where people at least retire. Now, you have somebody who feels like writing in his CV - profession: minister. He has been minister for all his life, and today, he wants to be minister again. Should not we have a limit on the number of times someone can be MP? So that after three terms you become a senior, you become a consultant -(*Applause*), or grow cabbages if you have nothing to do, why must you be recycled all the time? You leave no room to create capacity, you leave no room for other people to come on the scene,

you become identified with certain positions which you cannot shift, and it becomes very difficult to have new ideas into government. This is a matter, I have a feeling that it will attract very little support in this House, but it is my duty, it is my humble obligation to put it on record. If need be, let us create a senior Chamber, so that after some time, for example, hon. Kintu Musoke, you retire and go up there, we can come and consult you. Because now it is very difficult for me to run against hon. Kintu Musoke and win. One: he is better placed financially. Two: he has built himself a personality-cult, he has got around him a ring of people and it is very difficult for me, a new fellow, to come into. I hope I have a few minutes...

THE CHAIRPERSON: Information, are you taking it?

MR. MUSUMBA I. I: On the National Council of State, now this is supposed to be a body calculated to create checks and balances -

THE CHAIRPERSON: Some information on the Floor. Are you taking it?

MR. MUSUMBA I. I: No, thank you Madam chairperson. I have very little time, let me make my presentation on behalf of the Bazaaya. And they are saying the National Council of State is a new body which is created to provide checks and balances between the executive and the legislature. But then let us look at the words of Prof. Goran Heiden - some of you know him he used to lecture in Tanzania, he is now with the department of Political Science in Florida. He made a presentation and this particular quotation is from the paper he presented at a Conference on 'Developing Uganda' which was held in Dan Mark, Lang Bay in June 2nd to 5th 1994, he said "The problem in Africa has not been the executive - legislative deadlock but the opposite. The tendency of the executive President to rail-road proposals passed by the legislators" and that is the problem that we should be addressing. That is what we should seek to cure and clearly the composition of the National Council of State in the draft does not seem to give the right medicament for curing that defect. In this connection allow me to salute Prof. Nabudere for his article on the National Council of State written for C.A. delegates.

It would be unfortunate if I finish without mentioning something on gender. This is the year 2000, Hon

Ladies and Gentlemen, in the year 2000 we are here discussing whether men should be equal to women? Whether women should be likened to chattel? I think this is a testimony that if we are not careful we are bound to stay backward. The issue should be: what can we do to enhance the dignity of women? We should be apologetic to the women by now that for so long this has happened. We should not be discussing whether they should be equal to men in the year 2000. I think that is quite out of date now. We should be looking at what we can do to enhance their dignity, their production as they are a major work force both very skilled, semi-skilled and unskilled.

Finally, on the issue of citizenship I have only one humble contribution to make coming from Buzaaya, that once we have worked out, thrashed out our differences of different views on citizenship, it is advisable that we should get or should be issued with National Identity Cards - Citizenship Identity Cards. This will enhance our sense of belonging, our pride and it will make it very difficult for 'flukers' to come and take benefit of the sweat that is coming out of us to build this dear country.

Having listened to some of the contributions made by the Distinguished Members I intend to carry out further consultations with the people of Buzaaya and later in the debate, may be, I will be able to make further contribution. Thank you very much, Hon Delegates. Thank you very Much, Madam Chairperson.

MADAM CHAIRPERSON: Thank you very much, Hon. Musumba from Buzaaya, I think at this juncture we should think of taking leave for today. I need to make one clarification and that is on the Business Committee. I am sorry I did not point it out at the beginning that the Business Committee is not meeting this afternoon because the Chairpersons of the other Committees are ex-officio Members to the Business Committee. So that is why you gave provision for those Committees to elect their Chairmen first, then next week, the Business Committee will start business when those Members have been appointed. So this afternoon it is the appointment of the Chairpersons of the other three Committees as I announced earlier giving the time span for each Committee in Committee Room B in the Conference Centre. Otherwise, with that, let us adjourn until Monday next week. Please, 9.30 a.m. strictly. Let us discipline ourselves. Thank you very much.

(The Assembly rose at 1.15 p.m and adjourned until Monday the 27th June 1994 at 9.30 a.m)