



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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MONDAY, 25TH JULY 1994

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Monday, 25th July, 1994

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

THE NATIONAL ANTHEM

P R A Y E R S

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

The Assembly was called to order

STATEMENTS AND PERSONAL EXPLANATIONS

LT. MAYOMBO NOBLE (NRA DELEGATE): Thank you, Madam Chairperson. I would like to disassociate myself from the Statement attributed to me in *The Monitor* Newspaper, No. 058 of July, 22nd to 26th 1994, in which it was stated that: 'Lt. Noble Mayombo NRA Delegate said that the NRM will not hand over power in January. What will happen the Government will go to the NRC to explain why it needs more time to remain in power'. I would like to inform this hon. Assembly and the country at large through you Madam Chairperson, that I never made such a statement and I cannot make such a statement. Why? Because I am not the official spokesman of the National Resistance Movement to Government.

Secondly, it is not the duty of the NRA to determine the life span of the NRM Government or any subsequent Government for that matter but the people of Uganda either directly or indirectly through their elected representatives.

Thirdly, I am reliably informed that there is a Law on Uganda's Statute books which clearly stipulates the life span of the NRM administration and that is Legal Notice No. 1 1986 as amended.

Fourthly, the Constituent Assembly Statute 1993, Section 8, Sub-section 2 and 3 thereof, provide the time frame within which the Constituent Assembly discusses and promulgates the constitution. I am bound and my Constituency is bound by that Law.

Lastly, Rule 32 of the rules of procedure of the CA creates a Business Committee whose functions are inter alia to prepare the work plan of the Assembly which, Madam Chairperson, it is ably doing. I am

not a Member of the Business Committee and neither am I its spokesman. But as a Delegate I am bound by its programme and work plan.

I was asked what would happen in the event of failure by the CA to finish in time. I stated in no uncertain terms that the only body legally competent to extend the life span of the Government is the Legislature and in this case the National Resistance Council. I continue to say that I am convinced that this Government is committed to handing over power in accordance with the established Law. Thank you very much for giving me this opportunity, Madam Chairperson and fellow Delegates.

MOTION

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

MRS SEMPA VICTORIA ESTHER (LUWERO - WOMEN): Thank you Madam Chairperson. I would like to join my friends in congratulating you and the Chairman upon your election and the ability you have shown since we started these discussions.

Madam Chairperson, the people of Luwero expect us to work together accept each other, tolerate each other, bear each others differences and finally come to a compromise and come out with an everlasting Document that will stand the time of time. We say we are tired of wars and feel sick about them. The views of the people of Luwero and my own too, as regards the Constitution making.

Republic - this republic as it appears in the Draft Constitution is resented by the people of Luwero. The reasons that when this word first appeared it was an oppressive term and aggressively used. For the reason that if it had been for good will, places like Kabaka anjagala road, Bulange and others, would not have been renamed republic and immediately too soon after the fall of Mengo. Instead they say, let it remain Uganda as it was before.

Fundamental Human Rights and Freedoms - The people of Luwero, Madam Chairperson, particularly women think their presence, politically, eco-

nomically and culturally should be felt more than it is now by giving them more chances to show and fully utilise their potential which has just been by the NRM Government for which they are very grateful. They still think that the prohibition of the discrimination of women on many grounds is more theoretical than practical. To this effect, I would like to quote the United States Department Report on Human Rights on Uganda 1993: *there are an increasing number of public education projects which exercise a woman's right to be free of sexual exploitation but to date they have little effect*. Another quotation: *A Ministry of Women, Youth and Cultural was established in 1988, but it receives the smallest budget of any Ministry*. In the same report it is given that women do most of the agricultural work but own only 7 per cent of the land. So all the above justify the fact that there is still a long way to go to accomplish the application of fundamental human rights and freedoms as regards to women. This is now a duty to this Assembly to see to the practicability of these principles attached to the rights of women by clearly articulating these principles and giving them a separate schedule in the Constitution. It is within this same light that people of Luwero and myself, too, strongly feel that husbands and all mature people should be required to write a will because it is very well known that woman may not own property or have custody of their own children under customary law. In addition, they say that women who do not bear children during their marriage and those who have children outside the home are the biggest victims. These women say that it is not their fault so that they should also share some of their father's or the husband's belongings.

Children and Youth - *Child abuse continues to be a problem in Uganda. Accusations of defilement and prosecutions under the law occur, but convictions and punishments are rare.* The above two quotations, Madam Chairperson, show that children are not better than women. For who does not know that cases of defilement are on the increase day after day. We read about them and hear about them and these occur increasingly younger ages.

However, it should be noted that it is not only men that do defile and rape, but also women do it, Madam Chairperson. It is now high time meaningful punishment were imposed on the offenders of such. It is as good as not punishing, if one was asked to pay a fine of say, Shs. 200/= or Shs. 1,000/= or a goat or a chicken. That cannot be equated to the punishment

and damage caused to the offended supposing life imprisonment or a relatively heavier punishment was imposed defilers would shy away from it. Many homes and individuals especially the working class defy children's rights and feelings by employing them as house girls or house boys. They unlawfully and unsympathetically work them almost to death. Many times have we hear of corporal punishments given commonly in some schools and some homes but not really condoned by Government.

The people of Luwero, Madam Chairperson, think that a 16 year old chap is too young to be called an adult as stipulated in Article 62, Sub section 5. They strongly recommend the age of 18 to be taken as the minimum measure for an adult. Youth should also be encouraged to be more active and participate in the national matters and let their presence be felt so as to be moulded into good leaders.

People with disabilities. These people are what they are through no fault of theirs. The widespread discrimination against them by the society should be stopped.

Passport Acquisition. Madam chairperson, whereas we all know that it is more of a right than a privilege for one to own a passport, it is a real war without a gun to acquire a passport here in Uganda. Apart from unnecessary delays, it is a bit expensive to get it. It should be easily accessible to everyone.

Pension and retirement benefits. Madam Chairperson, I shall start by quoting Article 31 page 10 of the Draft Constitution. *The State shall make laws providing to the provisions of adequate and regular payment of pensions and other benefits* Madam Chairperson, that provision sounds very sweet and nice but it is very, very ironical and abstract too. For as of now, no pensioner gets his or her money in time. Not only that but also meaningless remuneration for pension are given. The people of Luwero and myself think that the word 'adequate' is quite relative for what is adequate to one will not be adequate to another. We again suggest that let there be a fixed percentage of one's salary in retirement. The research carried out Madam Chairperson, shows that the majority has suggested 50 per cent while some suggested 45 per cent and the minority 40 per cent. Otherwise pension provision is still a mockery, indeed it is. We still think that the first part of the pension given should be 3/4 of the whole amount and not 1/4 as it is now and should not be delayed.

Education. The people of Luwero think that the Cost sharing idea for higher institutions of learning should be suspended. They say that if it is implemented it will scare parents and students as well. For if they have no hope of going any further with their studies. Madam Chairperson, because of lack of funds they become disgusted and discouraged. We also have a feeling that men are leaving the duty of educating the children to women only. They think that this should be shared responsibility since the children belong to both parents, father and mother. They say that the parents who do neglect the duty of looking after their children or offsprings should be strongly reprimanded.

Prisoners and conditions. The people of Luwero note with concern the poor unhealthy conditions of prisoners. They urge that one is taken to prison to correct one's mistakes not to be mistreated because prisoners too are human beings. They are liable to their due rights and, therefore, should be given good water to drink and wash, good food, do exercises and things of that nature because they are also human beings and if mistreated, they can become immune to offences.

Form of Government. The people of Luwero prefer and are strongly for the federal form of government to form local governments as it was before. They also think that more power should be given to the decentralised governments so that they become autonomous. They further go on to suggest that there should be a provision in the Constitution for those people of the same region to cooperate and organise themselves in the society and the report says: *'to adequately and effectively cater for one cultural diversity, districts which share common or similar identity in other values should be free under the new constitution to operate as political units in the entire cultural and human development, form associations or organisations to that effect'*

MR. AWORI AGGREY SIRYORI (Samia Bugwe North): Madam Chairperson, I come here to bring the views of the county of Samia Bugwe North. It has a multiethnic population of nearly 100,000 people and we are No.3 in contribution to the National Revenue. More than 1.5 billion shillings is collected at Busia by Custom's officials. Busia is the biggest urban in Samia-Bugwe North with a multiethnic population of 30,000 people, some of whom are Baganda and Karimojong.

MR. BASOGA: Point of Information. I would like to inform the hon. Speaker on the Floor, that Busia, which he attributes to be the biggest town in his Constituency, is not in his Constituency. His Constituency is in Iganga District. Busia is in Tororo District. Thank you very much.

MR. AWORI: Madam Chairperson, from time to time I will welcome information, but when it is totally inaccurate, I reject it. I do not take it as information because it is totally wrong. Busia town is in my Constituency, Samia Bugwe North. If he is talking about district we are in Tororo district not Iganga District. Madam Chairperson, I am familiar with hon. Basoga who is giving me the information. I would have welcomed his information, but given his recent public utterances, I am not so sure what information he is giving. It has to be equally incorrect and fallacious. I base this on the fact that the other day he drew the attention of the Chair to the allegation that I was exposing myself and that my private body was not covered which was not the case. Madam Chairperson, given that kind of history, I reject to accept the information from such a quarter. However, Madam Chairperson, I beg to proceed.

MR. KASAJJA: Point of Clarification. I want the hon. Member holding the Floor to clarify to me whether the amount of money he has just told us is produced directly by the people of Busia or it is just a collection from the taxes of those people who are entering or going out of this country. Thank you very much.

MR. AWORI: Madam Chairperson, as much as I appreciate the inquiry from the hon. Delegate, I said geopolitically the money is collected at Busia Customs Point in my constituency.

Madam Chairperson, let me get onto more serious business. I was given the mandate by my Constituency to come here and present their views on constitutional proposals which appear in the Draft Constitution that we have been given here to discuss. In the mandate I was told go to Kampala and discuss this in the spirit of give and take. They are our views but they might be parochial in nature. I was commanded to subjugate their parochial interest to national interest and unity. Madam Chairperson, the problem in Uganda for the past 31 to 32 years now has not been the multi-parties or political system. It is indeed a pity, Madam Chairperson, that a number of our hon. Delegates here have spent most of the time spewing out contempt and what I call fallacious

press against certain regimes and leaders. I was not sent here, Madam Chairperson, to praise Obote, Amin, Museveni or to praise Okello, nor have I come to waste public funds to condemn anybody. Madam Chairperson, we are very sure that the problems we have suffered were not created as the hon. Lt. Mayombo put it in the barracks. These are the problems: First, we have heard a history of lack of respect for constitutions by our leaders.

Second, we have had some vices which have eaten in the body-politic of our governments.

Madam Chairperson, as a student of politics and as a strategist in politics one has to look, if you want to know, into the following factors. Each regime that we have had since 1962 has had what I call a '*ethnocentric manifestation*'. Ethnocentric regime is essentially a Government of *kith and kin*. At the fulcrum of power Madam Chairperson, there is generally one language spoken. Generally, the British would have called it vernacular. Madam Chairperson, I have been close to the fulcrum of power in a number of these regimes. I have seen how things are cooked; conspiracies, plots etc and when it comes to the nitty-gritty of plotting we revert to vernacular. If it is not '*ningo*', you say, '*agandi*', '*oli otya*', '*ewe otye*', these are different languages implying that we have security in a particular ethnic grouping. But there is where we go wrong, Madam Chairperson. That is the curse of this nation. A government full of relatives and tribesmen and women.

Secondly, another factor which has disabled various regimes has been 'kleptocracy'. That is a regime full of thieves who take public money with impunity and you can not challenge them because they are covered by standing orders or by their political god fathers upstairs. And that again generally comes around under the cover of 'ethnocracy'. It is like you are authorised to steal for the tribe.

Madam Chairperson, those of us who have been in public life for the past 30 years will remember that the first regime constitutional regime to be overthrown, in 1971, came about as a result of a military 'kleptocrat' had been stealing money from Ministry of Defence. When he was required to answer or to account for certain amount of money by certain period he organised tribesmen to overthrow the government. When a head of state was out of the country, he had to make a quick move to save his life. It was essentially a matter of trying to cover up kleptocracy. This is on record, Madam Chairper-

son, in Parliamentary Hansard of 1970.

Madam Chairperson, I now go to another factor which has disabled our political regimes in the past. That is what they call sycophants. We have had regimes surrounded by sycophants who always tell Presidents and Ministers: "Things are under control" when things are sliding into political cess pools. Madam Chairperson, we have another factor again which has disabled a number of regimes where constitutions become totally impossible to apply and cure the situation and that is the '*politics of gunpowder*'. The '*politics of gunpowder*' generally pretend to lead to what I call 'gunpowder democracy'. Now, gunpowder Democracy, Madam Chairperson, brings about quasi-democracy. This could be a conspiracy, it could be a plan either in the barracks, bush, or in metropolis of a foreign power. Madam Chairperson, These are plots and I am not excepting myself, I have been a party to this 'gunpowder democracy' plots. The fulcrum of gunpowder democracy is essentially where those who have the capacity to mobilise able bodied people with guns. They then burst into the political scene. I want to be very clear about this point and I am not condemning everybody who has used a gun to usher in democracy. Madam Chairperson, I would like to quote the hon. Member, Delegate from NRA Lt. Mayombo, when he said that '*they did not shoot democracy into place but they shot into place democratic processes*'. Hon. Delegates, Madam Chairperson, we have been told many times by a number of Delegates here that without NRA we would not be sitting here. That is commendable and thank you but what about the cost? Madam Chairperson, without 'gunpowder plots', it is a fact, we would not be sitting here. With gunpowder, however, a lot of lives have also been lost. I have just heard hon. Delegates talk about the problems they went through in Luwero District. It was not a political contest but 'gunpowder contest'.

Madam Chairperson, let me hope and pray that the destiny of this country will never be settled in a battlefield. This is the right arena for determining the destiny of this country. (Applause) For me to come here and talk about the iniquities of NRA/NRM, UNLA, UPC is irrelevant. I am deliberately excluding DP because they have never run this country. For anybody to stand here and condemn multi parties when they are actually talking about UPC and including DP is fallacious. Such information should be rejected with the contempt it deserves.

Madam Chairperson, let me come to the points my people sent to say. I have just been outlining some of the facts and vices which I have underlined that cripple regime after regime.

MR. NASASIRA: Point of information. I would like to inform the hon. Delegate, Mr. Awori, that in multiparty politics, we have a party in power and the party or more parties in the opposition. And they are both responsible in their share of responsibilities for what goes on during that period of multiparty system. UPC has been in power but DP was also in opposition and the performance of UPC should also be seen in respect to the performance of DP as an opposition party.

MR. AWORI: Thank you hon. Delegate. Information is taken although it is dubious. Madam Chairperson, I was saying let me come to the views of the people of Samia Bugwe. The people of the Samia Bugwe North who I have been consulting every weekend since we completed our elections, say the following:

Recommendations: Articles 94, to 98 of the Draft Constitution should be regarded as transitional. What has been spelt out between 94 and 98 are almost interim arrangement prior to reaching a substantive government. They do not belong to a Permanent Constitution. Madam Chairperson, they also gave the mandate to make the following proposals.

Gender Parity. On gender Parity, the people of Samia Bugwe North - although not very well educated in the modern feminists vocabulary but they are very conscious of the rights of women in society - are saying that traditionally the women have certain responsibilities and certain rights which have been now diluted by the modern economic systems and foreign culture. There has been a cry on the Floor of this House, that men generally exploit women. Generally, the women of Samia Bugwe North in the past had more power than the men in terms of food production, the upbringing of children and they were the custodians of culture. I am talking about culture because, Madam Chairperson, there has been a problem of people talking about women when they become widows. Often our brothers-in-law move in to loot. In Samia Bugwe in most cases a home, a house, the physical structure which did not have mabati to take away with minimum furniture would remain. They do not take away a shamba from a

Musamia Mugwe woman. Nor could you move any property from her house. Madam Chairperson, after interaction with the women of Samia Bugwe, I told them about international measures which have been adopted to protect the rights of women. I introduced them to the "Convention on all forms of Discrimination Against Women". We are recommending that in the constitution we include a schedule of these Conventions which were adopted at the Women's Summits in Copenhagen, Nairobi and Mexico so that our women are protected almost universally. And that applies also to children and the disabled.

Madam Chairperson, on the Women representation or special representation in Parliament, the people of Samia Bugwe are saying that these seats should not be applicable beyond the next five years because it is basically what we call "an enabling measure".

MR. CHANGOMACHYO: I just want to inform you that my grandmother comes from Aggrey Awori's family. I also want to inform him that with encroachment of the capitalist mentality, there are now cases where relatives are beginning to exploit women. But before that the clan recognised whatever the husband leaves for the woman and children. But now the situation is changing because of the encroachment of the capitalistic economy and mentality. Thank you.

MR. AWORI: Thank you, grandson. Madam Chairperson, let me rush to a very important point. This is the crunch of our discussions here, Madam Chairperson. The point is what is going to happen to Uganda between 1995 and the year 2,000. Some people would prefer another five year extension for NRM Rule. Some people are saying, 'Oh no, over my dead body'. Madam Chairperson, after consultations with my people we have come to following of conclusions.

1) Madam Chairperson, my people are recommending that we have a government of national unity to care-take our affairs between 1995 and the year 2,000. That Government shall not be a government of NRM nor should it be the government of multi-parties. That Government should include all elements of national political rainbow or shades in this country. All political parties, movement or groups should take part in the next election to be represented in the government.

2) That we should hold elections between October, 1994, and January, 24th 1995. The work of this House or Assembly should be compressed. We should only deal with principle chapters of our

constitution and leave the rest to the interim Parliament that will come about as a result of October-December 1994 elections but before January, 1995. *(Interruption)* Madam Chairperson, since I have run out of time unless it is disguised, as point of information, I will accept it, especially since it's from my friend, the Hon. delegate from Nakawa Division, who succeeded me in the constituency.

MR. BIDANDISSALI: Thank you hon. Member holding the Floor. I can assure you I am holding the constituency very well.

I just wanted a clarification from the Member when he talked of election that should be held between October this year and January. I would like to know on what basis this election will be conducted since he said, it should not be on the movement nor parties. How will I qualify to stand for Parliament?

MR. AWORI: Madam Chairperson, I will clarify that point. How do we do it? I am saying we go about it the same way we went about the March elections. However we expand the Electoral Commission chaired by the Commissioner of elections, hon. Akabway. We give him three or four more people: one from UPC, one from DP, one from CP, and another one from UPM, if it still exists.

Madam Chairperson, I am only enlarging this Commission by adding the National Liberal Party too. Madam Chairperson, as I said I want to go quickly to finish this point of Transitional Government which is very crucial. If we do not clear this matter, Madam Chairperson, I can see this country being ungovernable. When I say ungovernable, I do not mean chaos, ungovernable in that a constitution which does not have national support. People will be subjected to the wish of the majority or minority and that is not fair, we cannot sit here and make a constitution which is going to discriminate against certain people. Madam Chairperson, it is common sense and well known that in this House we are already suffering from ideological polarization. And this is on geo-political divide-line. Madam Chairperson, the reason I am saying more people should be added to this Electoral Commission which is going to monitor and to organize our election, I want all of us to feel secure that somebody at least is sitting there on our behalf. This is to make sure that nobody bends the law in favour of any political system. Madam Chairperson, during that election which I am recommending right now and my people have liked it is that any candidate is free to declare

during campaigns that he represents a particular party. However, Madam Chairperson, many delegates have said on this Floor that we give political parties a chance to re-organize. I can speak for a particular party, we do not need that time. Give us one week, we shall be in place. Madam Chairperson, it is very unusual how somebody from a particular team can tell the rival team: 'Organize yourself before we play'. That should be left to the referee not to the captains of the teams which are going to play.

MISS WINNIE BYANYIMA: Thank you very much hon. Awori. I would like to seek clarification. How would we accommodate those parties which have not been formed to give a chance to our youngster who have not had the opportunity may be to form their own parties. Thank you.

MR. AWORI: Madam Chairperson, I said we shall use the same system as March elections. In other words, if we had the youth, the women and what not, they would be equally represented. Now, Madam Chairperson, for the women we repeat the same fashion. The only changes I am suggesting right now are that the Akabway commission be expanded to include special interests and those other groups which were not there before, especially political parties.

Now, Madam Chairperson, we need a Government once we have got a Parliament in place and I am suggesting that the interim government which is going to determine the future or political system shall consist of: The seats in the Cabinet shall be divided in accordance with the number of votes or seats you have won in that interim Parliament and that group of people or political party or movement which has the largest number of seats shall provide an executive Prime Minister not just a Head Prefect. An executive Prime Minister who the President shall respect. Some people are going to ask me? Where do you put the President? I am saying, Madam Chairperson, we do not have time nor the resources to elect another President. All of us here, with the exception of those that I do not know, have confidence in President Museveni. We give him five years non-renewable and that is final. *(Applause)* We give him five years to shepherd us through that period but the Prime Minister who shall emerge from the elections must come from that group of people who have the largest number of seats. I will give an example, should we decide that the Cabinet shall be 21 seats only and should DP win a 1/3 or 2/3 then

they should get the same proportion of seats in the cabinet. Should the Movement people or believers win a certain percentage they should be accorded that right. Madam Chairperson, I am saying this for the purpose of all of us having a hand on the steering wheel of the Government of National Unity based on proportional presentation in the Cabinet.

MR. NASASIRA: Point of clarification. I want a clarification from hon. Aggrey Awori. At the beginning he seemed to be worried about frustrating the minority in the constitution. What happens if the minority do not win any seat in Parliament? Do they perish or are their interests represented?

MR. AWORI: Madam Chairperson, I made it quite clear that we are going to use the same system used this year in March. Is the hon. delegate trying to imply that we have left out certain minorities? I am saying the women, the youth, the disabled will have the right they have now. The only condition I am changing is that we should add more people in the electoral commission, particularly special interests, the women, the youth, and what not. That election should be under universal suffrage, one man one vote, one woman one vote, one youth one vote.

MR. BAGEYA GEORGE: Point of clarification. I would wish to seek clarification from the hon. Speaker on the Floor as to what he intends to do with Members who are here who might be interested in standing for elections. I would also like to be clarified as to whether the Member holding the Floor is implying that he would like us to have a toothless bull dog when we have the Prime Minister holding the executive power?

MR. AWORI: I do not know whom you are referring to as 'a toothless bull dog'. Is it the President or the Prime Minister? Madam Chairperson, when I say an executive Prime Minister I mean somebody who pursues the policies of that particular composition of Cabinet. When we talk about the toothless President, in the Draft Constitution and in 1967 Constitution we made provision on what a President can do and what he cannot do.

MISS BYANYIMA KARAGWA: Thank you, Madam Chairperson. I just need some clarification. In my constituency, there are very many people who are between the age of 18 and 31 and 14 years ago these people did not participate in the 1980 elections, but are eligible voters now and do not object to

political parties. These people do not happen to be allied to any political party today, because they were not active by the time when parties were contesting for elections but they would like to participate today. They need time to organize themselves into new political parties, if we are to open up to parties. What arrangement would you have for them in your proposition, how would they be able to form a party and contest elections in one week as you said? Thank you.

MR. AWORI: Madam Chairperson, I wish to answer my hon. Colleague and lady delegate from Mbarara, that before any elections we review the voters-roll. And that is why I am talking about October 9th. We should be reviewing that voters-roll.

Secondly, we are not talking about multiparty elections but national elections, neither Multiparty oriented, nor movement oriented except that out of experience and the infrastructure in place, we are going to use the same kind of method as we did in March. So, Madam Chairperson, the youth who were not there in the early 60s would be very well accommodated in the new voters-roll. Madam Chairpersons if I had the time I would have accommodated more points of information and clarification, but since it is my brother, the hon. delegate from Nakawa, Madam Chairperson, with your permission, I concede the floor.

THE DEPUTY CHAIRMAN: There is also another hand on the other side.

MR. AWORI: That one is most welcome because he is my brother.

MR. BIDANDI SSALI: Thank you very much, Madam Chairperson and the Member holding the Floor. I have interrupted twice simply because I have been excited by your proposal. Certainly, I would go with you about expansion of the said Mr. Akabway Commission. The only thing I wanted clarification for is that, you said the majority of us have confidence in the President so you do not want the vote for the next five years. I just want to know whether this overwhelming confidence could not be extended to him to form a government of national unity after we have had national elections. Thank you. *(Applause)*

MR. AWORI: Madam Chairperson, I would like to use a parable which, I hope, may be understood

when I reply to my brother - the hon. delegate from Nakawa. 'I can trust you with my wife to take her to Mbarara, but I can not trust you to share the bed with hers'. In other words, I am trying to say, I trust the President to lead this nation but I reserve right that my people be consulted. Secondly, I cannot give him a full mandate as he is the Chairman of NRM. I have confidence in him as a President of this Republic but I cannot give him the role of the referee in a matter where he is a party. That is why I am saying that the matter of election should left first of all to an independent and National Electoral Commission where the President cannot even interfere. Like wise, I am saying that a baby which has been born out of this natural marriage should be left entirely at the disposal to manoeuvre.

Madam Chairperson, there are other things I would have liked to talk about. For instance, when we talk about the constitutional parity for monarchies...*(Interruption)*

MR. KUTESA: Thank you Madam Chairperson, and thank you hon. Awori for giving me the Floor. I would like to seek clarification from my friend hon. Aggrey Awori because I am having problems in following his suggestions. I understand it our purpose here to make a constitution. What he is saying is that we make part of the constitution and in between October and January we hold elections and then a government is formed - a Government of national unity and at that stage, the constitutional making process halts. What role is the new government of national unity going to play in constitutional making and what greater attribute would it have - what greater mandate it would have - in making a constitution than the Members Assembled here do have? I would like to get clarification on those few issues. Thank you.

MR. AWORI: Madam Chairperson, the hon. delegate missed my point when I was starting earlier on, I said, this CA given the constraints that we have now, that is the logistics and the time factor, we deal with only principal aspects of the constitution and the detailed aspects of the constitution should be left to the interim Parliament.

Madam Chairperson, two or three days ago the Chairman read to us the Business Committee proposals or recommendations. Among other things we were told that in the event of some difficulties leading to a referendum this work will be never be completed

before February. Madam Chairperson, my recommendation is that, given these constraints of time, resources or logistics, we do the basics of the constitution. I would have suggested that we only amend the 1967 constitution, but that will cause an uproar. We deal with the principal aspects but the rest of the work or the detailed work should be handled by the interim Parliament. Now, the hon. delegate is trying to say what is the difference between the current CA and the interim Parliament?

DR. MIYINGO-KEZIMBIRA: Point of order. Is the hon. delegate holding the Floor in order to suggest that this House which has got the mandate of the people suspends the job we have been sent here to do by the citizens of Uganda in order to accommodate his own arrangement? Secondly, is the hon. delegate in order to impute and imply that the electoral commission should be partisan - should include interests of parties when we know very well that this should be a national body to organize for elections? Is he in order? Madam Chairperson.

THE DEPUTY CHAIRMAN: He is in order as far as his constituency is concerned.

MR. AWORI: Thank you, Madam Chairperson. But I also wish to enlighten my hon. delegate that he misread my lines totally. When you say include more people on a particular body you are making it more national not partisan as it is now. It is essentially partisan now. That is a fact. The only thing about it is that we have honourable people leading it. Right now it is manifestly partisan.

Madam Chairperson, may I quickly wind up by saying that I am putting this proposal forward because we have come here as if it was a Stock Exchange. We must exchange ideas and encourage cross-pollination of ideas. If somebody came here with a set mind to make sure only his views are carried forward, then I would have said why didn't the Army Council just write the constitution for us, after all most of them are lawyers, and give it us without consultation. We came here to exchange views and to accommodate each other's views. So, if the hon. delegate who has just called me to order thinks that I do not have the right to make a proposal which can help us here, he is mistaken or may be he is in the wrong place. Madam Chairperson, we did not come here to make a constitution for NRM, we did not come here to impose any particular system on anybody at all, we came here to see what kind of

arrangement can be put in place to suit everybody. Madam Chairperson it is the time factor we have to take into consideration. We are looking at a constitution which applies to every corner of Uganda. No corner of Uganda should consider itself prosperous and peaceful, while other parts of Uganda are languishing in poverty and insecurity. A constitution that we are going to make has to take all into consideration.

Madam Chairperson, somebody called me to order or gave me information that I thought you said you have confidence in our President. I do have confidence in him but what if something calamitous happens, how am I sure that, that man tomorrow morning will be same? For instance, we have had a problem of Presidents using the army for all kinds of purposes, especially to suppress the opposition. In future, when I get another opportunity, I will ask this honourable House that we put in the Constitution that military personnel or the Armed Forces should never be used for any security purposes except in defence of a nation where there is an apparent external enemy. Madam Chairperson, we have seen the army being used as a police force in internal security. I hope, in future, when I get a chance we can debate this issue.

Madam Chairperson, we have had a problem which I did not touch but the people of Samia Bugwe had asked me to do. That is a question of constitutional parity for monarchies. We have been unfair to some monarchies and it looks like we are going to impose a national constitution on certain parts of this country against their will. Certain people here, Madam Chairperson, have said that they would like to keep their Kings as cultural heads. Madam Chairperson, as we know right now, one King cannot be crowned for whatever reasons. Madam Chairperson, why are we making a constitution that denies chapter V (Human Rights and Freedoms)? Why are we denying a constitutional right to certain people who were born Kings? Madam Chairperson, in this constitution we are trying to establish one thing, that once you are a cultural King you cannot run for any other office. I am saying such an Article should not be put in a national constitution. It should be left to the people who cherish that system to decide the political parameters for that king. Monarchies should be left out of the National Constitution.

Madam Chairperson, I would like to underline the fact that nobody in this country was born with what

we call a 'constitutional birth defect'. All of us are born equal before the law. So, why should one be disqualified to exercise his birth right by virtue of his so called cultural position in society?

Madam Chairperson, I would like to talk about other constitutional proposals but the crunch of our discussions here is the proposal of the five year extension for NRM rule. Madam Chairperson, I have put a proposal which should be considered because if we do not make arrangements proper arrangements now, for the following five year period, we might unfairly condemn multiparty politics for another period of five years. We might unfairly endorse a system which is not workable, a system which is pivoted on one person. We know the person who is holding together this country. We know the group which is holding together the (NRM) movement system. We know the person who is holding the government together. Madam Chairperson in the absence of that person or group, this arena can disappear and some of us forced to revert to what I called 'gunpowder political discussions or contests'. Thank you, Madam Chairperson.

MRS. ORYEMAKABO: (Women Representative- Kitgum): Thank you, Madam Chairperson. I am Alice Oryem Akabo, women delegate Kitgum district. Kitgum district is situated in the extreme North of Uganda. It is bordered by the Sudan in the North, Kotido district in the East, Lira district in the South and Gulu district in the West. It is the largest district in Uganda covering about 16,136 square kilometres. However, it is sparsely populated with a total population of 350,300 people according to the 1991 population census. The results of the Census indicate that there are more women than men, that is 182,000 are women and 168,300 are men. However, statistics show that there is a steady population growth that is 22 people per square kilometre in 1991 as compared to 19 people per square kilometre in 1980.

Madam Chairperson, since this is my maiden speech, allow me to congratulate you and your chairman upon your appointment and election respectively to the high office. Similarly, I would also like to congratulate fellow delegates to have been elected or nominated to this august House.

Madam Chairperson, Kitgum district has four counties and each forms a constituency represented as follows: Agago by hon. Alfonse Owiny-Dollo, Aruu

by hon. Leander Komakec, Chua by hon. Tiberio Okeny Atwoma, Lamwo by hon. Timoni Langoya. And myself as women delegate, we all support a multiparty political system of government. *(Applause)* Madam Chairperson, I would like to make clarification to this august House, that the view of the youth of Kitgum district is different and they would like to disassociate themselves from that presented by the hon. Atwoki youth representative of Northern region. The majority of the youth in Kitgum strongly support multiparty democracy. Madam Chairperson, since 1986, my people have not seen or experienced the... *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. on the Floor, clarification.

MRS. AKABO: Madam Chairperson, I am too young on the Floor to receive interruption. No, thank you.

THE DEPUTY CHAIRMAN: It is clarification.

MR. ATWOKI: Thank you very much, Madam Chairperson. I want to clarify to the hon. Member holding the Floor that when I presented my memorandum here I categorically stated very clearly that the youth of Northern region are divided on the issue of the political systems. There are others who support the movement systems and there are others who subscribe to the bill of multiparty. So, the fact that she is saying that the youth of Gulu and Kitgum express a different view does not disagree with what I stated that they are divided. *(Applause)*

MRS. ORYEM AKABO: Thank you for that information, but I see you have become wiser. *(Applause)* Madam Chairperson, since 1986, my people have not seen or experienced the daily sang peace ushered in by the government. Instead, their experience has been loss of their dear ones, properties in the process of exterminating the rebels, grief, etc. In 1978, for instance 15 people including my own sister were burnt alive near Pajimo barracks. The rebels have also done their part, not to mention the cattle rustling by the Karimojong but the government failed in its duty to protect the people of Kitgum and their properties, yet it has the capacity to do so. The military personnel on the other hand, do not seem to want this war to come to an end since they benefit from the fatal war and operation allowances. *(Applause)* It is against this background of bitterness, suffering and agony that 99 per cent... *(interruption)*

MR. MAYANJA ABU: Point of order, Madam Chairperson. Would it not be in order for the hon. lady to substantiate that serious allegation that the people of the NRA do not want the war in Kitgum to end because they benefit from it well knowing and all the people of Uganda know that the people of Kitgum took up arms to fight against government and what they are suffering from now are self-inflicted wounds?

THE DEPUTY CHAIRMAN: She is out of order. That was out of order.

MRS. ORYEM AKABO: Thank you Madam Chairperson. I want to know who is now out of order, whether it is the hon. Abu Mayanja who gave me point of order...

THE DEPUTY CHAIRMAN: No, it was you. *(Laughter)*

MR. AMAMA MBABAZI: Thank you, Madam Chairperson. I wish to repeat what hon. Abu Mayanja said that, that statement is a very grave allegation by the hon. Member against our National Army that because of the allowances they are getting, they have perpetuated this war in Kitgum. Can she substantiate that allegation? And if she cannot, withdraw it.

MRS. ORYEM AKABO: Thank you, Madam Chairperson. This is the view of my people, it is not my own view. *(Applause)* It is against this background of bitterness suffering and agony that 99... *(Interruption)*

MR. BIDANDI SSALI: Madam Chairperson, I apologise I have intervened so much this morning. But I would like to get a ruling from the Chair whether the hon. my Colleague Abu Mayanja was in order when he made what I considered an unfortunate statement to say that the people of Kitgum are suffering from self-inflicted wounds. Was he in order? And if you rule, Madam Chairman, that he was not, could he withdraw it? Thank you.

THE DEPUTY CHAIRMAN: That particular statement was out of order.

MR. ABU MAYANJA: Point of clarification. Is it the ruling that I should withdraw when the hon. Lady holding the Floor has said that the army in this country does not want the war in Kitgum to end because they are enjoying the benefits there from, and she has not been ordered to withdraw that statement.

THE DEPUTY CHAIRMAN: I had ruled her out of order. Order, order.

MRS. MATEMBE: Point of clarification. Thank you, Madam Chairperson. When you ruled the hon. delegate for Kitgum district out of order, she did not withdraw that statement, instead she said, it is the views of her people, therefore, the statement still stands. And (*Interjections*) we are here to get things very clear in our minds and that was a very serious allegation on the Floor and, in fact, hon. Abu Mayanja had requested as to whether the hon. Lady from Kitgum could substantiate and that one was just ignored there. When you ruled her out of order she turned it into her people's views and when you are ruling us out of order in our submissions, we are certainly representing our people, and yet the ruling of our being out of order has been sustained. Can't it be at large as a principle to the hon. delegate there that what her people sent her to say is out of order in this House just like ours have been out of order here, at times? I wish to be educated on that one and get a clear stand on that very serious allegation, Madam Chairperson.

THE DEPUTY CHAIRMAN: I had ruled that the original statement, what the NRM is getting, was out of order. Now the second one is 'self-inflicted' again that one was out of order. It is a prerogative of the Member who is requested to withdraw, to withdraw. I am not asking anybody to withdraw. I ruled that the first statement was out of order and then the small co-option there was out of order. I think we should really disrupt the Member on the Floor as little as possible.

A HON DELEGATE: Point of order. Thank you Madam Chairman. Is it in order for a serious allegation against the National Resistance Army to remain on record as a statement of fact, is it in order that, it is not withdrawn, if it is not substantiated? Thank you very much, Madam Chairperson.

THE DEPUTY CHAIRMAN: Okay, let the Member substantiate.

MR. BABU: Madam Chairperson, with a lot of respect, I would like to request you through Mr. Chairman, to both the delegates who have made these statements for the benefit and the respect of your Chair, and respect of this House that we find a solution to this. If it is appealing to them, I would like to appeal personally to the lady delegate to withdraw that statement and to ask hon. Mayanja Abu to withdraw his statement so that we can proceed.

THE DEPUTY CHAIRMAN: The two Hon. Members in question, can you withdraw your statements? Both have made sweeping statements and I am requesting them to withdraw their statements, and we proceed.

MR. ABU MAYANJA: Madam Chairperson, I withdraw the statement, that (*Applause*)

MRS. ORYEM AKABO: Thank you, Madam Chairperson. I withdraw that statement. (*Applause*)

THE DEPUTY CHAIRMAN: Now you can proceed.

MRS. ORYEM AKABO: It is against this background of bitterness, suffering and agony that 99 per cent of the people of Kitgum do not support the NRM Government.

Madam Chairman, the people of Kitgum have much expectation on the type of constitution we are about to make. They want a constitution which will provide peace in totality, human rights, equality, unity and that constitution should be simple, short and precise. Without much repetition such as in Articles 51 sub section (b) and 55 sub section (1) chapter (3) Article 10 sub section 8 and chapter 5 Article 59 sub section 2(a). Madam Chairperson, the people of Kitgum say that we must have respect for the constitution we are about to promulgate so that it can stand the test of time. Madam Chairperson, allow me to present the views of the people of Kitgum in regard to the Draft Constitution and constitutional making process as a whole.

Republic. Looking at chapter (2) of the Draft Constitution, Madam Chairperson, it is true that Article 4 sub section (1) stipulates that Uganda is a Republic, but I still need to be educated on the technicality of defining a Republic the Uganda way. I know that a country which is with a system of government in which supreme power is held by the people or their elected representatives or by an elected or nominated President, not by a monarchy is a republic. For us here we fail to meet this criteria in several ways. Our President is not an elected President, and there is no hope of an elected President in the near future. The Supreme power is not held by elected representatives of the people, the elected representative of the people through universal suffrage is not there except some of us here in the CA. (*Interjections*) Monarchs exist and they wield some power in the name of culture. (*Interjections*)

MR. KAGGWA SSOZI MEDI: Point of order. Thank you, Madam Chairperson. Is it in order for the hon. delegate to impute that we are wasting time when the very President she is saying is not going to not let us have any elections in future, is the same government and same President who has created facilities for us to come here and deliberate on a National Constitution. Is she in order to impute that there will not be elections at all and yet the draft she debating is very clear on this?

THE DEPUTY CHAIRMAN: She is out of order. *(Applause)*

MR. ZZIWA, G: Point of procedure. Madam Chairman. I just want for the matter of our future performance. I would like to know how we are going to proceed when a point is raised and you give your ruling that the point is out of order. If this point needs withdrawing, who is responsible to give out that instruction? Is it you or it the Member on the Floor? I just want a guidance for this one.

THE DEPUTY CHAIRMAN: The Members have a right to move a point. But I rule that a person is out of order when he is out of order.

MR. G. KAGGWA SSOZI: Can I say it is the responsibility of the delegates to point out whether the statement has to be withdrawn?

THE DEPUTY CHAIRMAN: I am the one to rule that one is out of order.

MRS. ORYEM AKABO: It is in light of these that one wonders how the 'Republic' is going to be applied to Uganda. Probably, there is another context in which the Republic is going to be applied.

Madam Chairman, the provision in article 5 sub section (1) which provides for the official language, as English should also add that the National language should be Swahili. Otherwise, why should the issue of a National language be dogged in the constitution? The people of Kitgum are of the view that Swahili is the only viable option because it is widely spoken in the whole of East African regions and it is easily learnt and it can also enhance multilateral cooperation with the East African countries since it is the most commonly used lingua-franca. This issue should not be left out in the final constitution, after all Swahili even promotes National unity which is much desired than any other

local language as no ethnic entity feels cheated or sidelined.

Citizenship. Madam Chairperson, on citizenship my people agreed that a citizen of Uganda should be a citizen by birth, naturalization, decent, besides those who are citizens by the time the new constitution takes effect. They resolved that birth certificates be issued at the time of birth and records kept properly as it used to be in the past. These birth certificates will then have to be produced before citizenship cards or National cards are issued out. They also agree that those who were born abroad and are of Ugandan parents should be citizens and that those whose fathers are Ugandans shall be citizens. Strict conditions should be attached to citizenship by registration, for instance, one should have lived for a minimum of 10 years consecutively in the country and not convicted of any offence and he can speak the National language fluently and of good character with fixed assets in the country. A foreign lady married to Ugandan man should apply for citizenship while the children of a Uganda woman married to a foreigner are not automatically Ugandans. In view of the fact that Uganda is a Commonwealth country, Madam Chairperson, my people opposed dual citizenship because of the accompanying possibilities of divided loyalties and allegiance, and the lack of a common culture by Uganda to keep all its dual citizens united for the common good of the country.

All those who forge citizenship must be taken to court of law and if convicted should be deported. All refugees should be kept in special settlement camps and not mixed freely with the local population. The people of Kitgum have resolved that Article 42 sub section (1) which stipulates that '*A child of not more than 7 years of age found in Uganda whose Parents are not known shall be presumed to be citizens of Uganda by birth*'. Madam Chairperson, this Article should be deleted because it is vague. In Uganda it is very hard to find a child less than 7 years whose parents are not known because of kinship ties and extended family culture that exists in our community. Even the street kids have relatives they know of.

Fundamental human rights and freedom. Madam Chairperson, in Uganda the Bill of Rights has been provided for in successive constitutions. The 1962 Constitution had it in Chapter 3, and was later carried forward to the 1967 Constitution although with minor alterations. The Bill of Rights is gener-

ally supposed to ensure safety of life and property, amongst others, and a fair trial if those rights are infringed. It is meant to strike a balance between the powers and the excesses of the state and the rights of individuals. Indeed, there has been violation of human rights like the Mukura train massacres, the Corner Kilak killings, denial of freedom of association, and restriction on political parties. e.g. Article 96. It is in light of the above that the constitution must seriously address the rights to life, personal freedom, privacy of home and equal protection of law amongst others and also look at the issue of freedom of conscience, expression, movement and assembly. Yet the provision in Article 59 sub section (3)9 of the Draft Constitution which says that *"The enjoyment of the rights under this article shall be subject to any laws made by Parliament in public interest to the extent acceptable in a free and democratic society."* seems to water down sub section (1) and (2) of Article 59. This provision should, therefore, be removed because any future government may use it to enact laws and decrees limiting people from enjoying particular freedoms like freedom of association, movement, assembly and expression in the name of public interest. Article 76 sub section (2) states that the chairman of Uganda Human Rights Commission is to be appointed by the President. From past experience, however, it is better that the chairman is elected by Members of Parliament by a 2/3 majority. This is because the state is normally the chief violator of human rights and also to enhance people's trust in the commission.

Judiciary. The Attorney General should also not be appointed or responsible to the President. This is to safeguard the judiciary from state interference, be it political or social. This ensures the independence of action of judiciary and will make it be able to check the excess power of the executive. There should also be a provision in preamble of the constitution allowing citizens to appeal to an International forum to lodge complaints in case of any violations of human rights. The failure by the government - by Uganda human Rights Commission to address this issue is because of political interference. In the Draft Constitution Madam Chairperson, certain provisions with regard to people who have been arrested, appears to violate instead of protecting the individual human rights. For example Article 53 sub section (3).

Inspectorate of Government. Madam Chairperson, the idea of a government inspectorate is very sweet to the ears but judging from the failures of the present

inspectorate of government and current government's failure to remove it in the public interest, the people of Kitgum, view with the reservations Article 257 sub section (3) and 258 in a Draft Constitution, which empowers the President to appoint and dismiss the IGG. The failure to remove the current IGG because of his inadequacy and failures is attributed to the powers vested in the President. If these powers were vested in Parliament, probably, the current IGG would have been replaced by now because he seems to be serving the interest of one man in the name of the public interest. It is in light of the above that my people suggest that Parliament be responsible for electing and removing the IGG on the basis of a simple majority...*(Interruption)*

LT. MAYOMBO: Point of order. Is the hon. Member holding the Floor in order to impute incompetence on the office of the IGG without substantiation, Madam Chairperson. Is she in order?

THE DEPUTY CHAIRMAN: She is in order. Continue.

MRS. ORYEMAKABO: After all, this is consistent with Article 261 in the Draft Constitution which says that the IGG shall only be responsible to Parliament. Therefore, Parliament should have the right to elect and sack him. On close scrutiny, Madam Chairperson, Article 265, sub section (1) of the Draft Constitution says that, the inspectorate of government shall submit a report to Parliament once every six months and, therefore, twice annually. My people suggest that these submissions should instead be done once in every two months, and therefore, six times annually. This will ensure that cases are quickly followed up and not left to die a natural death. This will also make Parliament have a close scrutiny since it will be having up to date material on the activities, and progress of the inspectorate. Article 265 sub section (3) which stipulates that the Speaker shall before Parliament a report of the inspectorate within 30 days should be reduced to a time interval of 14 days after the submission of the report. This is to keep the inspectorate on their tenterhooks and ensure that they follow up their duties seriously. It is in view of the above that Article 257 and 258 should be amended or reviewed completely otherwise, how will the inspectorate itself investigate alleged activities of a President? Madam Chairperson, in most countries, the IGG is called ombudsman, someone who receives complaints from the citizens against government activities. There-

fore, the people of Kitgum propose that he or she be called complaints commissioner in the office of the President. Madam Chairperson, currently the IGG is placed in a U 1 special salary scale in the recurrent estimates for the fiscal year 1994/95, therefore, the tax payers do not know the amount of money being paid monthly.

Political system. In 1986, when the NRM government came to power, it promised among other things to bring about fundamental changes. This included the institution of government by the people, that is an elected government through a multiparty system. This was to be witnessed after 4 years of the interim period. However, after the interim period there was an illegitimate extension of another 4 years which was unconstitutional, although the reasons given ranged from ensuring peace in the country, and more... *(Interruption)*

THE DEPUTY CHAIRMAN: Information.

MRS. ORYEM AKABO: I am not taking it, please. Madam Chairperson, looking at Article 96 and 98 (1), it appears that the movement system has already approved itself continuance for another term, even if the people wanted it or not. If this happens, Madam Chairperson, then I am afraid our constitution will not stand a test of time and I am even more frightened that we shall have wasted our time here. Looking at the differences and similarities that exist between a one party system and... *(Interruption)*

A HON. DELEGATE: I want to be clarified. Madam Chairperson.

THE DEPUTY CHAIRMAN: He wants to be clarified.

MRS. ORYEM AKABO: I said no. *(Laughter)* Madam Chairperson, there is hardly any differences apart from interplay of words by its demagogues describing the movement... *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Member on the Floor, I think you should allow the Member to ask you to clarify.

MRS. ORYEM AKABO: I hope the time taken will be noted and you will give me more time. Madam Chairperson.

BRIG. MATAYO KYALIGONZA: Point of clarification. Madam Chairperson. I thank you very much. I wish to seek some clarification from the hon. Member holding the Floor. I am slightly confused and I wish not to be confused further by the hon. Member holding the Floor regarding the situation of the multiparty system which the people she is representing are yearning and agitating for. Madam Chairperson, if you may recall, and everybody in the House may recollect very well that some multi-partyists were overthrown by Members of the Armed Forces from her district -the Kitgum Army. And the people who were multi-partyists then became victims. What is the position and what does she think her people who overthrew that political regime then, would feel if multiparty is revived?

MR. OWINY DOLLO: Point of order, Madam Chairman. Is it in order for hon. Brig. Matayo Kyaligonza to mislead this august Body and consequently the people of Uganda that there has ever existed this strange 'Kitgum Army' which has overthrown any government when we know that all the governments that have been overthrown in Uganda by the army have been overthrown by the National Army of the time and never a district army. Is he in order, therefore, to tell this malicious lies?

THE DEPUTY CHAIRMAN: He is in order. Can the hon. Member on the Floor clarify because it was a request for clarification.

MRS. AKABO ORYEM: Thank you, Madam Chairperson. That was not a request for a point of clarification but it was information.

MR. NEKYON: That ruling is rubbish!

CAPT. BABU: Order! Madam Chairman, is it in order for a distinguished hon. Member of this House, hon. Nekyon, to shout that your ruling is rubbish? Is it in order for that hon. Member to continue without withdrawing that statement?

THE DEPUTY CHAIRMAN: If that is how he sees it, I am rubbish. You can continue.

MR. BAGEYA: Order! I am frightened, Madam Chairperson, if any Member in this House can call the Chair rubbish and we continue as if nothing has happened. Is it really in order? I would prefer that the Member should withdraw it and we better get a clear ruling so that this House can properly be guided. Thank you.

THE DEPUTY CHAIRMAN: But I know I am not rubbish.

MR. BIDANDI SSALI: Point of order, Madam Chairperson. We are, I think going through a very serious stage of our discussions. I do appeal to the Chair to differentiate between the person who is the Chairperson and the Chairperson. Every order, Madam Chairperson, is addressed to the Chair and not to the person holding the Chair. Therefore, Madam Chairperson, on behalf of the Members in this Hall, I do appeal to the Chair to make a ruling on points that have been addressed to the Chair even if such a ruling required to refer to the person holding the Chair. It is unfortunate, it would be very unfortunate, Madam Chairperson, if you ruled or any person in that Chair ruled not according to the provisions of our rules but perhaps on personal sentiments. I am sorry to make it like that but I think for the proper progress of our debate it is necessary Madam Chairperson that you do rule and re-raise points of orders in accordance with the rules that we have set for ourselves. Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: Thank you very much. Let the Member complete her presentation.

A HON. DELEGATE: Order, Madam Chairperson, the hon. Matayo Kyaligonza raised a point of order saying that...*(Interruption)* I am raising a point of order, Madam Chairperson. There was a suggestion on the Floor that a district army overthrew a multiparty system. Madam Chairperson, I take this very seriously. I do know that there was a Uganda National Liberation Army that overthrew a multiparty system, not a district army. Madam Chairperson, really if we are trying to reconcile ourselves, is it in order for somehow to re-write our history and talk about a district army when it was a national army that overthrew a regime. Is he in order?

THE DEPUTY CHAIRMAN: That was out of order.

A HON DELEGATE: Point of order. Thank you very much, Madam Chairperson. I am reading the rule now: *‘It is out of order to use offensive or insulting language in this Assembly.’* Is it therefore in order, Madam Chairperson, to pass the use of the word ‘rubbish’ in relation to the decision taken by the Chair? Is it in order?

THE DEPUTY CHAIRMAN: There is a point of procedure.

MR. KISAMBA MUGERWA: Madam Chairperson, I raise on a point of procedure by way of clearing the way that is going to bog us down if we continue referring to issues which are not on record. I think if our *Hansard* is brought, there will no record of the word ‘rubbish’ from hon. Nekyon because he was whispering to his friend. If someone overheard, then it should really not bog us down.

THE DEPUTY CHAIRMAN: My ruling was that I know I am not rubbish.

MRS. ORYEM AKABO: Thank you, Madam Chairperson. I have had fifteen points of order and I hope I will be given time to compensate.

THE DEPUTY CHAIRMAN: But all the same summarise your presentation.

MRS. ORYEM AKABO: Looking at the differences and similarities that exist between a one party system and a Movement political system, Madam Chairman, there is hardly any difference apart from the interplay of words by its demagogues describing the Movement system as a unique initiative and appears better than the one party system yet they are the same.

In looking at the similarities between a one party system and the Movement system, we find that both have one candidate for the presidency and you can either vote him or not but he still remains the president. A one party system has a manifesto which can be likened to the ten Point Programme of the Movement system. Both have party leaders and have membership. A one party system like it was in Malawi, legitimized itself in the Constitution and likewise the Movement is attempting to do so in this Constitution as seen in Articles 96 and 98. In light of the above, Madam Chairperson, there is hardly any difference between a one party system and a Movement system or a no party system since they are both one party dictatorships. If there exist any difference it is very negligible considering the fact that it is too minute and cannot be magnified so as to appear convincingly big.

Madam Chairperson, in Uganda today we are still being told of political maturity by people who are supposed to have grown up politically, yet there is

definitely no definite criteria for people considered politically mature for multiparty democracy. It is also true that practice makes perfect and people can only become politically mature if they are given the chance to practice democratic pluralism. Therefore, bearing in mind that it cannot be determined when Uganda will be politically mature for democratic pluralism, the people of Kitgum are of the view that the best political system for Uganda is of multiparty since it allows people to articulate their views and interests effectively. It also gives people a chance to choose in terms of the best policies to run a country due to the availability of alternatives. The Movement system on the other hand does not allow competition of ideas and for the top leadership and does not give room for opposition. During elections people vote personalities and not policies and that is why it has had problems in implementing its Ten Point Programme. It has also failed to uproot corruption and sectarianism instead it is being promoted like, for example, at its secretariat. Madam Chairperson, it is against this background that my people are of the view that Uganda should not be used as a nursery bed for experimenting adventurous systems of Movement type so called no-party democracy.

The people of Kitgum do not support the extension of the Movement for five more years. Madam Chairperson, generally the NRM has brought little economic development in Kitgum District. This is attributed to its one party nature since there is lack of effective proposition and criticism. Instead its representatives normally government sycophants are bent on pleasing the government that there is socio-economic growth yet we do not see any. This level of sycophancy in the Movement has made it fail in its economic policies in Kitgum district in particular.

Madam Chairman, the people of Kitgum support the restoration of traditional leaders. They say that those who want traditional leaders may have them so long as these leaders will not cause conflicts either amongst the people concerned or between the state.

THE DEPUTY CHAIRMAN: Can you please summarise?

MRS. AKABO ORYEM: Madam Chairperson, Uganda is a landlocked country and therefore its defence and national security to safeguard its territorial integrity and sovereignty is very important. It is in light of this that my people bearing in mind that

they border the Sudan, are of the opinion that a National Army should be set up with allegiance to the whole country and not specifically to an individual. Madam Chairperson, in order to ensure that there is no particular domination of the Army by any ethnic group there should be recruitment from every district. Each district should be given equal number of recruits. However careful and selective recruitment should be done in border areas for it is these areas where non-citizens outwit the authorities and manoeuvre their way into the army. The army should comprise of only citizens of Uganda. Madam Chairperson, it is true that the majority of soldiers may not be able to understand the Constitution. To avoid this to happen to our National Army, my people suggest that the minimum education standard of a recruit should be Ordinary Level. This will enable the Army, when taught the Constitution, to easily grasp it and therefore have the zeal to defend it. They should also be taught their role especially in defending territorial integrity and the state sovereignty. The size of the Army should be adequate and manageable depending on the general external and internal situation.

Land. Madam Chairperson, considering that the issue of land is a matter of life and death in some areas of the country like Kitgum, I hope care will be taken by fellow delegates in discussing this subject. Madam Chairperson, bearing in mind that customary land tenure is highly practiced and respected in my area, the people proposed that the state should not have a uniform system of land tenure. They therefore proposed that the customary land tenure should have a provision in the Constitution recognising it, otherwise they support the freehold system of land tenure in rural areas and leasehold in urban areas. They say that District Land Boards should control the land. Madam Chairman, the issue of land in my area is very sensitive because it is the only wealth left because it is a fixed natural resource which would have otherwise been rustled just as the animals were rustled by the Karimojong and the other parties. Madam Chairperson, Women and children. It is needless to say that in Uganda the most vulnerable group have been the women and children. Bearing in mind that the traditional and customary practices of various communities in the country, women have been subjected to systematic oppression and suppression almost to the point of marginalisation. The women folk were becoming extinct because they were being relegated to the status of children. However, it is time that women should come on equal

footing with men. Madam Chairperson, women have been denied the right to property both in marriage and outside marriage. When a woman is married her husband owns the property, when divorced it is still the husband with a right to property and custody of the children. If and when widowed, the property goes to the clan of the husband and some men even try to inherit women as if they are properties. It is time that a provision is made for the protection of women rights and interests. Madam Chairperson, looking at the educational level of women in the country, it is generally low this is because girls are often the first to be pulled out of schools. With such negative attitude, it becomes difficult to develop their potential fully. Girls should be treated equally with boys so that they realise their full potential in education. The right of inheritance of property by a widow should be highly considered. Often a woman together with a husband work hard to acquire property only to lose it in case her partner is deceased. This tradition...*(Interruption)*

THE DEPUTY CHAIRMAN: Madam Member on the Floor you ran out of your time long ago.

MRS. AKABO ORYEM: I am about to finish, Madam Chairperson. Just give me three minutes. This tradition and practices are together outdated and should be stopped. Madam Chairperson, children are the foundation of our future. However, children have been abused in many ways by their guardians, mistreated by their step parents, defiled and many of them have been abandoned by their parents. This is evident in the increase in number of street children today. The wars which have plunged the country have created many orphans who are not well catered for by the state. Orphans should not be deprived of property by the relatives of their deceased parents. In this respect, therefore, the protection of women and children's right should be of paramount importance to this Assembly. Women should be accorded equal treatment with men and that should mean equal opportunity in social, economic and political activities. I would like to commend the NRM Government for their policy of positive discrimination towards women which has led to increased involvement. The education of our girls have been boosted by offering them one point five points (1.5) for entry to the university. With this attempt to redress the gender imbalance women should not sit back. We should compete on equal footing with the men basing on merit. Given the opportunity, I am sure there are many women

capable of excelling where men have failed. Time has come for the women to compete favorably with men and drop this so-called special aid in the form of positive discrimination which makes women look inferior and in need of some push.

Madam Chairperson, the Draft Constitution also failed to address the issue of exploitation of young girls and boys below the age of 16 years brought from the rural areas to urban areas by middle class families in the name of 'baby sitters' and 'house girls'...*(Interruption)*

MRS. SEKITOLEKO: Thank you Madam Chairman and thank you Alice for giving way. Madam Chairman, the Delegates here are entitled to understand what others have said because when we go back our job is to tell others what was said. What I would like to ask the Delegate on the Floor to clarify, Madam is, she is of course very happy with the NRM that they have given us the positive discrimination which has brought us here.

Question one, during the multiparty time she was an adult. What did the women get? Question two, if we are advocating that women should not wait for this soft window, why did she wait for it before coming here? I think I would be happy to be clarified. It is good to appreciate and I am glad she appreciated the positiveness but I think let us not have double standard. I just want her to clarify what her view is especially in Kitgum who want multiparty, where will the women be? Thank you, Madam Chairman.

MRS AKABO ORYEM: Thank you, Madam Chairperson...*(Interruption)*

THE DEPUTY CHAIRMAN: Please wind up. You are grossly out of time. You will circulate your paper to the delegates to complete. Thank you very much. I am calling on another person to take the Floor.

MRS. AKABO ORYEM: Madam Chairperson, in conclusion...*(Interruption)*

THE DEPUTY CHAIRMAN: You will circulate your paper to the Members.

MRS. AKABO ORYEM: I have presented the views of the people of Kitgum who are willing to respect the views of people from other parts of Uganda and are ready to go on equal terms with their brothers and sisters from other districts. Thank you very much for listening to me

THE DEPUTY CHAIRMAN: Can I call upon hon. Kitariko Robert, Democratic Party.

MR. ROBERT KITARIKO (Democratic Party): Thank you, Madam Chairman. I represent the DP Constituency whose geographic expression is the entire Uganda.

Madam Chairman, let me add my voice to those which have sounded in this promising auditorium of freedom, and to contribute to this magnificent edifice which we are all painstakingly constructing the epochal mission of making a new constitution for Uganda.

Madam Chairperson, I believe man can tridimensionalize time into the past, present and future and is capable of forming a perspective judgement which an animal cannot. We should, therefore, avoid by omission or commission bequeathing a bad constitution to the future generations. We have no right to do that because a good constitution creates a policy enabling environment for nurturing unity, peace, stability, continuity and tranquillity which are a *sine quanon* condition for sustainable social and economic development. If our vision, Madam Chairman, and the commitment cannot ascend beyond rhetoric, we shall have failed, in my view, in this task and we shall be condemned by history. Hon. Tumukunde stated in this august Assembly that NRM has survived on the mistakes of others. It is true, democracy can always be perfected, the achievement of which is to aim and *raison d'être*.

Madam Chairman, we are in the process of discussing, approving and promulgating a new constitution for Uganda. We are indeed making history for I believe our names shall be written, I hope, in the annals of the history of this country and, perhaps, find their way into the Guinness Book of record. But we must remember all of us here present that history is judgement seat and when a high court history sits in judgement upon all of us as politicians, as CAs, whether we performed our duties well or not, the answer will come from four basic questions I will borrow from Kennedy:

1. Were they truly men and women of courage, with courage to stand against one's opponents and a courage to stand up when necessary, against one's associates, the courage to resist public pressure as well as public greed?
2. Were they truly men and women of good judgement with perspective judgement of the future as well as the past, of our own mistakes and mistakes

of others, with enough wisdom to know what we did not know and with enough candour to be admitted?

3. Were they truly men and women of dedication with the honour mortgaged no single individual or group and compromised of no private obligation or aim, devoted solely to the serving of the public good?
4. Were they truly men and women of integrity, men and women who never run out on either the principle they believe in or the men and women who believe in them. Men and women who neither financial gains nor political ambitions could never divert them from the fulfillment of their sacred trust?

In our case, the promulgation of a genuine, democratic, equitable and enduring constitution is not for ourselves but for the future generations. So, I hope courage, good judgement and dedication will characterize the discussions in this Assembly.

Therefore, I believe, the task before us, madam Chairman, is a challenge as well as an opportunity. How is one to view the battle of life? Is it confrontation; a conflict of wills in which annihilation of the enemy is the objective; a humiliation the trophy of war or is it a challenge to abandon our own trenches, to take the steps into no-man's land and meet the inhabitants of other trenches? Throughout history people have given different answers to these questions. Today we have a luxury of choice and I think it matters greatly how we use it. But it makes no difference to the oppressed whether ideology or go is the oppressor.

Madam Chairman, there are misconceptions of what a political party is and its role and functions. Let me from the outset, Madam Chairperson, give an all time definition which embraces all forms of political parties and Movements. 'A political party', according to Edmund Buck, that statesman philosopher, 'is a body of men and women, united for promoting by the joint endeavors the national interests upon some particular principles upon which they are agreed, it affords the natural means of organising public opinions for the new set of ideas, striving to win acceptance or for the defence of existing ideas whose permanent validity it wishes to uphold. By ensuring that a case for neither party is neglected, it serves an important function in educating the public opinion. In Parliament, it gives stability and cohesion to the majority upon whose support any responsible government must rely as well as to the minority whose responsible criticism is no less an essential part of the work of that institution. In the countryside it serves between elections to maintain

contact between public on the one hand and Parliament and Government on the other hand and at the election time to define and concentrate issues'. You will notice hon. Members it says a party can organise for a new set of ideas striving to win acceptance or for the defence of old ideas whose permanent validity it wishes to uphold. So, whether you are a new party, the Movement, this description covers you. The definition, madam Chairman, is all inclusive whatever name parties give themselves and I am saying that if the cap fits you should accept it and put it on.

Since I represent a political party, Madam Chairman, it is rather right and fitting that I catalogue our philosophical belief and our vision for Uganda. In October, 1994, the DP will be celebrating its 40th anniversary. It was founded, madam Chairman, against the backdrop of a discriminating society, a society suffering from religious, political, tribal and animosities and a patronizing colonial power. We have no apologies to offer to anyone for founding the party to fight for fundamental human rights which were bluntly being violated with impunity and we shall continue to fight for elimination of these evils of political, social and economic injustices. The aims and objectives of the party are crystal clear and they constitute a covenant the founding fathers ordained for us to fulfil.

- 1) To transform Uganda into a state in which people can live in harmony without fear, want or discrimination based on tribe, religion, race or sex.
- 2) To establish a democratically elected government under universal adult suffrage by ballot for the good of Uganda.
- 3) To maintain, strongly, the rule of law and justice based on the recognition of human rights and respect for every individual to own property.
- 4) To create facilities whereby every individual can attain the benefits of land, wealth, health, education and all social amenities.
- 5) To see to it that Uganda prospers and advances in all spheres and attains a dignified position in the world. The DP pledges to do its utmost to see to it that these aims and objectives are fulfilled and adhered to so that the people of Uganda may live in peace and tranquility.
- 6) From its inception, therefore, DP is committed to developing Uganda as a united and economic viable country in which, above all, freedom and equality are harmonized. This philosophy of 'fear and equal' is the party's inspiration for defending democracy, multiparty system, human rights, the rule of law and independence of the judiciary. We also believe in a

mixed economy in developing process, ideas and philosophy which are now vogue and accepted by our detractors both here and abroad. As a strategy for establishment of a truly democratic society, the DP places greater emphasis on building of independent institutions which are logically consistent with democracy as a political concept. Thus, as a general policy before and after independence DP relentlessly advocated for the necessary democratic reforms all in the political institutions in this country most notably the Constitution itself, central and local government structures, institutionalisation of political parties, the co-operative movement, the youth and women organisations, trade unions and other autonomous democratic institutions which could complement and compete with state activities in the democratisation of the political and development process.

Madam Chairman, this background will influence my attitude in the debate of the Draft Constitution. I shall confine myself to the principles and philosophical nuances which have influenced the recommendation in the final report of the Commission and the rendering of the articles in the Draft Constitution. I am edified that most of our contributions to the Commission have found expression in the Draft Constitution but I must express our disappointment that the vital subject in which we strongly believe in, the multiparty system, is shrouded in contradictions which must be addressed in depth, rationalised and entrenched in the constitution in order, I believe Madam Chairman, for nurturing peace, unity and sustainable development. We believe that this should be the political system for Uganda. I shall return to this matter later on in my address.

We no longer, Madam Chairman, speak of democracy in general in the party, we refer specifically to plural democracy. If the call for multiparty is being voiced in many quarters it is because a free competition among parties is a hall-mark of pluralistic democracy. Madam Chairman, one discredit system in Africa is a one party system. This draws its tenets from the belief that the African society was traditionally based on consensus and the most suitable political form, for it is the single ruling party.

One party politics seem to offer several advantages: First, it promises a way around lengthy discussions, dissention and commotions that seem to threaten national unity and social harmony, with a social tension thus reduced and peoples energies freed from

other things it was hoped that the pressing task of economic development could be pursued without hindrance or distraction. We in the Democratic Party reject this since we were founded. We are happy that the rest of Ugandans have joined us in total rejection of this antiquated archaic political system. We do not believe that national building and development should be used to flout fundamental human rights of the individual. Allow me, Madam Chairperson, to quote from the Communication from the Chair which was delivered by Dr. A. Milton Obote on 20th April, 1970 to the National Assembly as a rationale for introduction of a one party rule: *'I propose to you and the country, as a message of the 70s, that in our march through the decade into the sunlight of political and economic freedom, the beat of our drum not the trumpet and bugles of others be the peace maker. We must cultivate and develop greater courage and boldness than hitherto for consolidation of the gains of the last past decade and creation of new conditions for advancement of all. One constitutional aspect of the beat of Uganda drum is a decision to discard the Westminster inheritance of a divided House of Parliament. This, then, is the first meeting of the National Assembly in which the role of Members will be to deliberate upon matters for the good of Ugandans and never for advancement of the fortune of a political party. The country has come a long way since the British protection was established. All the component parts of the country are travelling together through the steep and difficult stages of the past and at the summit there lies complete independence, only a few months away. We are within sight of the top, but as with most mountain and climbs, the final cliffs are steepest and most buffling of all. At such a time, it is doubly necessary to test each hand-hold and foot-hold so that the whole party roped together may not fall back in ruins. It is not the moment that prudent mountaineers chose to unrope, dismiss their guides and after the mildest of disputes to take separate routes. We must go on, together. There is no time to hast at this stage and we cannot with honour on safety turn back. We must also keep in mind the splendour of the view that lies before us when the summit is reached - the prospect of a united Uganda at peace within ourselves busy and prosperous'*

You will recognise this quotation is talking about not 'unroping', moving together to the peak. We are being told even now that...*(Interruption)*

MR. ABU MAYANJA: Point of order, Madam Chairperson. Would the hon. Speaker on the Floor speak a little bit more slowly so that we can get his words?

MR. KITARIKO: The hon. Member who interjected was perhaps in Parliament then and he knows these words properly.

The same reasons, Madam Chairperson, are being advanced at this point in time to deny us our fundamental human rights because we are a pre-industrial society, we are not vertically or horizontally integrated and industrialised. We do not share that kind of view. Madam Chairman, the next discredited concept...*(Interruption)*

LT. COL. FRANK GUMA: Thank you very much, madam Chairman. The hon. Delegate holding the Floor has said that he represents the whole country on party basis and some of us are very much interested in understanding the DP policy but he is too fast, we cannot get him nicely. Can he, please, be a bit slow? Is he in order to deny fellow Delegates the chance to understand him?

THE DEPUTY CHAIRMAN: That was not a point of order but he has taken note.

MR. KITARIKO: But I will avail the manifesto of the party to Members in due time.

Madam Chairman, the post-independence period has brought disillusionment...*(Interruption)*

MR. OMARA ATUBO: Clarification. Madam Chairman, I would like my good friend, hon. Robert Kitariko, to clarify to me and this House on this issue of a one party state. If I heard him properly, he said that sometime in 1970 Obote addressed the Parliament and did make certain statements on the need for a one party in Uganda and that the Movement now is also trying to use some reasons like backwardness and so on to bring about a one party state. I would like in particular hon. Robert Kitariko to tell me whether in 1970, after Obote's address there was any move, legal or otherwise, by the government at that time to make Uganda a one party state. Thank you, Madam Chairperson.

MR. KITARIKO: Madam Chairman, the history of Uganda is within a living memory. In 1969 other parties were declared dangerous societies and actu-

ally banned. So, that should be known to my friend hon. Omara Atubo.

Madam Chairman, another discredit concept in Africa is that on human rights and freedoms, what they call the African concept of human rights. The African leaders on frequent and large scale violation of human rights have played a considerable part in discrediting the authoritarian regimes in Africa. Torture, arbitrary arrests, imprisonment, restriction of freedom of movement or association and severe repression of even mild dissent are embarrassing the prominent features of the political life in Africa. Madam Chairman, in 1992 I was arrested on trumped-up charges of treason and taken to Luzira. The trial judge who gave the ruling said that he could not escape the conclusion that these charges were politically motivated. I was surprised at the resurfacing in this august Assembly of apologists of this concept. They argue that African human rights are different, they claim that African freedoms should not be construed as elsewhere. Thus certain freedom of association held to be upheld in Western countries are tagged inappropriate to Africa. For instance, they argue that in Africa the multiparty system is out of place because the generation of the chief, the traditional values must be maintained. Likewise, as communal living is a norm in Africa, Africans should not demand guarantees of the western type of individual rights. In short, while the right for mutual and third generation economic, social and cultural rights are indigenous African, others lights including those characteristic of democratic systems are dubbed "Western Democracy" for the occasion or deemed to be inappropriate. In reality, madam Chairman, the appeal to an African conception of human rights which was foolishly endorsed by the African Charter of Human rights and peoples Right is an implicit form of RACISM and provides cover for atrocious and anti-democratic practices. Human rights do not stop at frontiers, they are invisible and inalienable. Are we sub-human? - if I may ask! We in the Democratic Party do not share this so called concept of African Human Rights and to put our freedom of association...*(Interruption)*

DR. KANYEIHAMBA: Clarification. I am following very closely the very interesting argument by hon. Kitariko and he has mentioned about human rights. I would like him to clarify because he represents DP here. In the 60s, Madam Chairperson, a host of many DP's who had been elected by the people in trust crossed over to UPC. Similarly, this

was done in the eighties after General elections of them crossed over and joined the ruling UPC in order to strengthen it as a one party state. Were they exercising their human rights or betraying the human rights of the people who had voted them in power. Could he explain?

MR. KITARIKO: Madam Chairman, the speaker should know that in Africa the people are not in control of themselves. Some are bribed and they cross; and some are threatened to be killed and they cross. I would like to finalise the argument on this matter by imploring the almighty God to grant time to those people who crossed to relive those moments in shame.*(Interruption)*

MR. CHEBET MAIKUT: Point of clarification. The clarification I would like to seek from the hon. Member on the Floor is the question of those who are entrusted with power and do not complain when they are in power. So, the question is, when some of the multiparty agitators were in power, even in this very government of the NRM - and I think hon. Kitariko, the hon. Member on the Floor, was one of them in the early part of the NRM administration - there was no such complaint or agitation of multiparty politics but now that some of the hon. Members are out of power there is this question of agitating and saying, 'No, the Movement is wrong', whereas, in the initial stages there was no such a complaint. So, could the hon. Member please clarify why, when people are in positions of power do not complain and when they are out of power they complain a lot.

MR. KITARIKO: Madam Chairman, I will respond to that question. I wish hon. Kategaya was here. We have been having dialogue with the Movement people about multiparty system. We have never stopped to claim for our rights. Secondly, the NRM Movement believes in open criticism as a method of work. So, what is wrong with criticising them even if I am not in the government?

MR. TUMWINE: Thank you very much, Madam Chairperson. I seek clarification from the hon. Member holding the Floor on the fact that he has been advancing an argument that all human rights are the same world over. That those who are propounding for the Movement are saying that the Africans, Ugandans in particular, are not yet ready for such a system of multiparty because they cannot easily grasp the whole concept. And in his now argument, answering hon. Kanyeihamba's question,

he has advanced that some people in the multiparty system especially DP were crossing because they were easily manipulated and some were easily bribed. Now, how does he reconcile that argument vis a viz his first assertion on the human rights all over?

MR. KITARIKO: Madam Chairman, all of us have those rights; others give them away freely, others are bribed, others threatened. Although I went to Luzira on trumped-up charges, I have not crossed to go to another party, I am still a DP. *(Interruption)*

MISS BYANYIMA: Information. Thank you Hon. Kitariko for accepting my information. My information was to correct the wrong impression that in the Democratic Party they were all bullied and bribed to cross over to the UPC. I would like to inform him and remind the Hon. Member holding the floor that Hon. Latim, Hon. Obonyo, Hon. Okello, and I am very proud to say hon. Byanyima, remained on the DP side through the terror of the UPC Government. I would also like to say for the Member holding the floor that the traffic was not only one way traffic, that in fact Hon. Nekyon crossed from the government side and sat on the opposition again in protest against the policies, repressions and dictatorship of the UPC Government. Thank you.

MR. KITARIKO: I thank you for that information. *(Interruption)* I think I will accept information from Nekyon who has been referred to by the previous speaker.

MR. NEKYON: Madam Chairperson, I would like to inform the Hon. Member on the Floor and all those who are interested that I crossed not during any government here. I left UPC and went to DP in 1979 when we returned from exile. We were just reviving the party, I did not cross when UPC was in power. There was a vacuum at that time and everybody was moving to any party he liked because we were just renewing and I moved with a lot of people like Kirya and Obwangor who were in UPC. And others left DP and went to UPC at that time because there was a vacuum. Thank you.

MR. KITAKA GAWERA: Information. Madam Chairman. I would like to inform, in no uncertain terms, the Hon. speaker on the Floor that I was forced to cross the Floor from DP to UPC because my constituents asked me to do so. As a matter of fact they approached me on a number of occasions until I eventually agreed. God Almighty is hearing me. I

was not bribed at all. I did it for the people and if it is not appreciated my reward in heaven is very big. Thank you.

MR. KITARIKO: Madam Chairperson, let me continue. It is also an obvious fact that...*(Interruption)*. No, let me first answer Hon. Kitaka Gawera. Hon. Kitaka Gawera cannot be telling the truth because his mother and brother were killed and he had to cross because he was threatened to be killed himself.

MR. KWERONDA RUHEMBA: Clarification, Madam Chairman. I want the Speaker on the Floor to clarify the following: In 1971 when Amin overthrew the government of Obote, I agree that was a one party state and DP is known and it is documented that it supported Amin. In 1985, when Lutwa overthrew Obote, the multiparty DP crossed almost entirely to Lutwa and they supported and Hon. Kitariko here, I remember, came to the Peace talks in Nairobi and he was on Lutwa's side. Was that in defence of multiparty or it was in defence of the military government?

MR. KITARIKO: Madam Chairman, that was in national interest. We are even in the NRM because of national interest. *(Interruption)* Madam Chairman, let me continue. These are just trivial points they have been raising.

REV. FR. GAITANO BATANYENDA: Point of Clarification. I would like to be clarified on two points by the Hon. Member on the Floor. One, in 1986 when NRM had taken power the Hon. Member on the Floor together with Hon. John Kawanga, together with William Nyakatura, came to Kabale at Rushoroza. The purpose of their coming was to ask us where we stood politically. So, they encouraged us wholeheartedly to support the Movement type of government. That was at Rushoroza Cathedral and when he was the Minister of Agriculture he came to Kabale stadium and encouraged the whole audience, the whole congregation that this is the chance that Uganda has now experienced political stability. Now, I am wondering where has he left us we the people whom he told to be in the Movement.

MR. KITARIKO: Madam Chairman, first of all, the Hon. speaker is wrong because I was not part of that party, it was Kawanga and somebody else and I had to come out there to see how the system of RCs was working in order for us to address them. Sec-

ondly, it is true NRM has brought some peace but peace should be the basis on which we can have multi-partyism.

Madam Chairman, the authors of the African Charter on Human Rights were more concerned about the number of countries to ratify it because as you know OAU is full of dictators, the murderers and thieves and if it was a bit democratic, they would have had difficulties in ratifying the Charter. So that was it. I understand, Madam Chairman, by democracy the fullness of participation of *wanainchi* in the democratisation of the political and development processes, a totality of commitment in which people are engaged in the betterment of their existence. In the DP we strongly believe in a man centred society; a man with free will to chose between good and bad; to join any political party of his choice or club or Movement and for that matter, the Movement can also become a political party with which we can associate freely. It has now dawned on African countries that development process must be human centred because there is no doubt that the human factor is the ultimate dialectic whereby people are necessarily and inevitably both the ultimate beneficiary and never inevitable mentors of processes of change. The imperatives for people to put themselves first for engineering for social, political and economic transformation and not adjustment, has come. It consists, Madam Chairman, in launching a new era for Africa on the basis of which African of our vision can emerge. In Africa in which democracy, accountability and development transformation become institutionalised in every country and deep rooted at the level of society and Africa where empowerment of the people and democratisation of development process is the order of the day, it is generally agreed, and rightly so, that such Africa will not emerge until all governments individually and collectively are used to face the people; until governments have broadened the political, economic and social base of power and have enlisted the peoples immense energy and talents. Africa needs fundamental change and transformation, not just adjustment. The change and transformation required are not narrow, 'economistic' or mechanical ones. There are broad and fundamental changes where there is development and economic justice for all not just growth; where there is democracy and accountability not despotism, authoritarianism or kleptocracy; and where the governed and their government are moving hand in hand in the promotion of common good; where it is the will of the people rather than the

wishes of one person or a group of persons however powerful that prevails.

Let us never equivocate about the meaning of democracy and development. Democracy and development are mutually inclusive, not mutually exclusive but mutually self enforcing in development processes. It should be realised that the basic development need is civic culture; a prerequisite for successful transition to democracy and the foundation in which democracy rests. (*Interruption*)

DR. MUGYENYI: Point of clarification, Madam Chairman. I am seeking clarification from Hon. Kitariko on one major point. The constituency I represent, was almost a hundred percent DP; from the 1960s up to 1986, the constituency I represent has always had a problem that they have always given votes, full scale, to Democratic Party, and after elections they have always been tortured by the winning party. In 1980 they were seriously tortured by UPC after winning, and Democratic Party did not come to rescue them or to defend their rights. So, I am wondering from Hon. Kitariko what assurances have they to take to my people so that when we bring back multiparty they can support them? What deal have they struck with UPC to make sure that (they have always said they cheat them) to make sure that this time they do not cheat them, and to make sure that when they vote for DP, they will not be tortured again. Thank you, Madam Chairman.

MR. KITARIKO: Madam Chairman, we seem to talk in circles. The Hon. Member speaking should know that to fight for your rights is a full time job and in Africa to defend one's rights is a full time job. I will come to it later. Civic education or civic culture requires both grass root education to increase understanding of citizens rights, responsibility and opportunity and a high level of political work, to stimulate political parties, Parliament and Executive to consult and enhance citizen's confidence in the democratic process. This mutual reinforcing effort to produce full time Parliamentary and participatory democracy, and citizens who will be capable to assimilate arguments and making political choice, committed to inherent legitimacy of society, their political leadership and institution, confident that their rights will be protected, to make economic sacrifice for their people.

Perhaps, more importantly and which I think the speaker who interjected should know, is to be toler-

ant and respective of other citizens whichever their ethnic background, gender and religious beliefs. Madam Chairman, in democracy tolerance will be the solution to our problems, and I hope we are to do this so that in future we do not have people being harassed, being...*(Interruption)*

MR. NDEGE: Point of clarification. I would like my dear delegate from DP to clarify or tell us if we go multiparty whether the rights of the people, in his opinion, will be better defended than they are being defended now?

MR. KITARIKO: Madam Chairman, everybody has a fundamental human right to form a political party. I also believe that really Members should address this matter seriously. If you want us to go to the bush we can also go there and come and remove the governments, but we do not believe in this! We believe in civilized manner, peaceful handing over and taking over of power, and I hope everybody will, this time know, that if he tries to overthrow the Constitution he will be dealt with as proposed in the Draft Constitution. There is now a complete evidence, Madam Chairman, that obstacles to development of democracy have been the following:*(Interruption)*

MR KWERONDA RUHEMBA: Point of order. Is Hon. Kitariko on the Floor in order to threaten to go to the bush, when we are here to reconcile the country?

THE DEPUTY CHAIRMAN: Hon. Kitariko, proceed, please.

MR. KITARIKO: Thank you, Madam Chairman. I agree we are here to agree how to live with each other peacefully, and that we shall not have the specter of the past where the gun is the only solution we use. So, it has become necessary for us to live peacefully together, and there should be no need for my constituents in Ibanda to be harassed or tortured because they belong to a political party.

There is, Madam, evidence that the obstacles to development of democracy have been the following:
1) The lack of democratic culture...*(Interruption)*

MR. RWOMUSHANA: Madam Chairman, I would like to seek clarification from Hon. Bob Kitariko, representing DP and, therefore, showing us the DP policies. DP, according to Hon. Kitariko,

does not embrace the idea of the Movement, an idea which is 'all-embracive'; where all political parties do participate and respect central objectives, notwithstanding their factional interests and manifestos, Madam Chairman. We note a contradiction in DP itself, that the President of the Party embraces the Movement idea by participating in it wholly and very effectively. How come that, therefore, there is a contradiction between the two big offices, the General Secretary of the party and the President of the party. Which one is the official stand of DP itself, if it is not opportunism? Thank you.

MR. KITARIKO: Madam Chairman, our position has never changed. We were told to come and join for this period of consolidation for four years, so that democracy can return, and we did. When they extended the Movement system for five years, the party did not accept that position, because we thought they were making a precedent which they can use in future to continue extending the period. The President of the party is there, he has officially been allowed by us to be there; but I do not believe that beyond this period, up to 25th January, 1995 he will still remain there if we are not going to have political parties. So, there is no contradiction.

I was saying, Madam Chairman, that the impediment to democracy have been lack of democratic culture, both to citizen and leadership...*(Interruption)*

MR. SABIITI: Hon. Kitariko, you have served in both the party system and the Movement, if you are elected, for example, the Chairman or the Political Commissar of the Movement, how would you feel in terms of serving the entire country vis-a-vis your being Secretary General of DP? Where would you feel more comfortable in terms of serving the people of this country?

MR. KITARIKO: Madam Chairman, I have served in many positions: Permanent Secretary, I was appointed Deputy Chairman, Public Service Review and Reorganization Commission, I served very well, and I am told the report is being implemented religiously by government - that is in national interest. I am always a nationalist and I will serve in the best interest of the country, not religion. *(Interruption)*

LT. COL. GUMA: Point of order, Madam Chairman. Is it in order for the hon. delegate to turn our submissions into candidates' meetings. Because apparently the scuds that are flying over are personal more or less. Thank you.

THE DEPUTY CHAIRMAN I think the Member has noted.

MR. KITARIKO: Madam Chairman, I was saying the second point which impedes democracy is illiteracy. The third point is monolithic political power exercised by single party governments. The fourth is a opposition lack of status. The fifth is tribal nature of social structures. The sixth is nonexistent of checks and balances. And the seventh is personalization of power by the Head of State; the lack of real decentralisation; government monopoly of the media and accountability of the Army to the political authorities; the small size of the national market; the shortage of resources and inadequate investment.

There are other external dangers to democracy: the size of foreign debt; external dangers presented by Western countries who support dictatorial regimes; the failure to organise regional economic areas; inadequacy of aid to help to consolidate democracy. Finally, it should be noted that the current emerging trend in Africa, which is essentially towards development of pluralistic democracy is irreversible; you can dance on pins but it is irreversible. It is indeed the engendered in current political and economic systems.

In order, therefore, to consolidate democracy, I believe, at the national level, the following must be met:

1) The existence and protection of the fundamental human rights and freedoms in their entirety. Breaching them must never be allowed, like detention without trial; and derogation from them should be justified and under supervision of court of law or Parliament.

2) The existence of several political parties, as I have already stated, political parties form constitutionally integral parts of a free and democratic system of government; the free and continuous participation in formation of political opinion amongst the population enables them to discharge public tasks, which are incumbent upon them to pursue, the Constitution imposes on them to undertake, fulfill to the best of their ability. They must be allowed to participate in formation of political will of the people in all freedoms of public life, in particular, by bringing their influence on shaping public opinion, aspiring and furthering political education, promoting and active participation by indigenous citizens in their political life; training talented people to assume public responsibility, participation in local and national elections;

nominating candidates; exercising and influencing political trends in Parliament and government; and ensuring a permanent continuous link between people and the institution. Political parties must be allowed to define their aims in form of manifestos, to enable the people to make their choices and elect representatives of their own choice. The arbiters between political parties and their manifestos should be the people and not government.

3) No state monopoly of the press media. The reasons are obvious, the press and mass media are the worst enemies of tyranny. Democratic societies without freedom of the press cannot develop democracy.

4) Transparency and accountability is a sinequanon condition for democratic society.

5) The holding of free and fair elections at regular intervals.

In Hon. Guma's words without exporting corruption, harassment by state organs. Madam, allow me to recreate a scenario of Kabale CA elections. We had the District Internal Security Officer who became a Campaign Manager for my colleague and he was harassing my supporters, even promised to shoot them if the main stream candidate lost. He carried guns to polling stations and threatened to turn Kabale into Luwero triangle. I was saying this, Madam Chairman...*(Interruption)*

MR. RUHAKANA RUGUNDA: Point of order, Madam Chairman. Is it in order for Hon. Bob Kitariko to misinform this august House that my Campaign Manager was a DISO when in fact my Campaign Manager was Mr. Kaaka Matama one of the business people in Kabale Municipality. Is he in order to tell lies to this House?

THE DEPUTY CHAIRMAN: He is out of order.

MR. KITARIKO: Madam Chairman, the way the system works in this country...*(Interruption)*

BRIG. MUHWEZI: Point of order, Madam Chairperson. Is it in order for the hon. Member holding the Floor to say that my officer in Kabale was a campaign manager of a candidate when he was not?

THE DEPUTY CHAIRMAN: He is out of order.

MR. KITARIKO: Madam Chairman, that reminds me that the office of Hon. Jim Muhwezi and

Otafiire must come under scrutiny and approval of Parliament because they have got guns; they have got money and they go terrorizing people in the villages with impunity. Madam Chairman, if you took this Assembly to Kabale they will tell you the truth. I am told that he has been transferred from Kabale to another place. And the DES who was also campaigning for an NRM candidate has stolen money but he has now confessed, he is a *mulokole*...*(Interruption)*

BRIG. MUHWEZI: Point of order, Madam Chairman. Is it in order for the Hon. Member to continue, when he has already been ruled out of order, to maintain his unfounded allegations. Because, Madam Chairperson, I think if the Hon. had these grievances he should have forwarded them through a petition and not to waste time here.

THE DEPUTY CHAIRMAN: I think you have taken note, Hon. Kitariko that you were ruled out of order.

MR. KITARIKO: No, Madam Chairman. I was talking about the offices of the Director General of ISO and ESO coming under scrutiny and being approved by Parliament, because of the powers they wield in this country. The next point was the existence of independent judiciary with secure tenure of office and adequate resources to dispense justice.

Separation of powers, Legislature, Executive and Judiciary. Madam Chairman, this concept is very important because when I was taken to Luzira on charges of treason, if the Executive had been also the judiciary, I would have hanged for free, but because they are separate, I was released as there was no case to answer. Secondly, there is much done about nothing when they referred to my previous petition which they say was never determined. It was not determined and I condemned it. And in a tribunal which was set up to investigate the Judge who heard the case, the man was dismissed and one of the causes for dismissal was not determining my case. I condemn them, whoever is in the power. I hope that mistake will not surface in this regime: for two wrongs do not make a right.

I believe the system tomorrow must focus on the following points in order to consolidate democracy. The important role played by a democratically elected Parliament is consolidation of democracy, owing the

great need of accountability on the part of the Executive. If, Madam Chairman, the sovereignty of the people is not safe in the hands of their elected representative, in whose hands is it? I believe, therefore, in my view the provision of the National Council of State should be scrapped. Let us get Parliamentary Committees to handle that job, and let us not introduce any other centre of power at the centre. Let us give a clout to parliamentary committees to do this job. Two, the need to instil sense of responsibility in community groups and individual citizens.

Chapter 1, I think, should be amended to add the words '*and autonomous institutions of wanainchi to compliment and compete with state activities*'. This is obvious because with privatisation the state will be left a lean role to play merely to give an environment for policy making process. Let us give more responsibility to Ugandans. Let the people do the job they can do, government should do as little as possible.

Third point, is the role played by the youth in spearheading the achievements and consultative democracy and the participation of women movements in mobilising masses for development. Madam, let me give about two points on this issue. If development is meant to improve the welfare of the people then you cannot allow to marginalise the majority of the people who should be involved in that process, and if the women and youth are the majority they must be empowered to participate effectively and efficiently in the democratic process.

The role played by press mass media to inform the people what is going on to fight corruption, to expose corrupt leaders and to educate people to defend their rights, they must be given a place and space in political system to do the job properly. As I have said, it is indeed said, that a free press is the worst enemy of tyranny. These dictators in Africa can be exposed, at least, by the press.

Participation of religious institutions. These have been good in social and economic development and they must be involved.

Free access for citizens to education and training. Madam Chairman, any nation which does not invest in education will be left behind. Nations lead others because they have got a stock of educated men and women who can do these jobs. Let me give you the

maxim of a certain scholar, he said: *'There is no wealth equal to knowledge, no poverty equal to ignorance and no sound report equal to wisdom'*. When Makerere Lecturers were fighting for a living wage, Prof. Kiwuwa told us that: *'if education is expensive, try ignorance - it is more expensive'*. So, I believe that in this process let us save all resources and ensure that the education receives a big chunk of our resources, in order for us to be able to compete with other countries in terms of manpower. Manpower building and manpower development is the issue now...*(Interruption)*

THE DEPUTY CHAIRMAN: Can you wind up?

MR. KITARIKO: Madam, I was interrupted but before I wind up you would want to hear me about the political system.

The role played by local authorities in consultative democracy. Let us really give true democracy to the people! We talk about the power being with the people, our people are sovereign - they never surrender their sovereignty, they merely delegate it. So, who is saying we should have power, they should decide themselves what power they should give us at the centre and what they should retain.

Madam Chairman, I want to talk about national independence and sovereignty. On October 9th to the last straw of the British national anthem, the Union Jack was lowered, and the new Uganda flag was hoisted amidst thunderous cheers. My friends like Chango Machyo, the nationalists and patriots said that, that act enabled to break the shackles of colonialism and imperialism and to take up rightful place among the country of free nationals. We became members of United Nations; we even acceded to International Conventions. The Prime Minister then assured us that from that point onwards, the decision affecting the issue of Uganda could not be taken to Washington, Whitehall, Bonn, Moscow, Paris or Rome but in Entebbe. In retrospect the message was not foolproof. Madam Chairman, after 30 years of post independence period, Africa is perceived economically to have languished or retrogressed. Their administrations which are self appointed and despotic, authoritarian and 'kleptocratic', commonly dependent for their survival on external support. The policy they have been following are seen openly to have economically been wrong headed, hence the need for structural adjustment programmes to cure the malaise. When, therefore, coordinators of

political power start dancing on the geographical map of the world, relationships between developed and developing country become dicy and asymmetrical.

Madam Chairman, in order to put the genesis of constitutional making process to proper perspective, a retrospective glance upon the past is imperative. We are making a new Constitution under the tutelage of NRM. What were the philosophical tenets of a Movement from which we can draw a inspiration on democracy and constitutional making process? These are found in their Blue print, the best document on policy entitled "Towards free and democratic Uganda" and they read: *'In the history of every nation there comes time when clamour for democracy rights is so great that there can be no peace and stability, unless there is democracy. Uganda is at such a point. At this point in time without democracy there can be no economic development and prosperity, for that reason the struggle for democracy is crucial. NRM believes it is inalienable right of all people to freely choose their government and a manner of that government; rigged or manipulated election are an insult to the people and a source of stability, conflict and upheavals. Constitutions imposed on the people by guise to will or force cannot be the basis of stable, peaceful governance of men.'* I hope as we make the Constitution we shall have to use those guidelines.

In this connection, Madam Chairman, a democratic institution should set up a standard maximum for a free society which will be familiar to all...*(Interruption)*

MR. NASASIRA: Point of clarification. I see Hon. Kitariko is about to wind up and I had resisted interrupting him. I just wanted a clarification on two things:

- 1) Whether he believes that democracy is there only when there is multiparty.
- 2) If he says that the human rights belong to the people, whether he will accept what the people decide on the way they want to be governed?

MR. KITARIKO: Madam Chairman, I did not come here to vote. If I had come to vote I would not have come. I came here to put our case to you people to see the logic in it and to accept that multiparty is a human right and it should be put in the Constitution: and democracy is better served in multiparty.

THE DEPUTY CHAIRMAN: You have run out of time, please.

MR. KITARIKO: No, Madam Chairman, hear me out on a political system, because that is why I am here. The major contradiction in the Draft Constitution, Madam Chairman, is the political system of the future. The thrust of the Movement has been to put thrust on the primacy of society than an individual and they have argued the top drum mending that is mobilisation structures for citizen participation whereby the individual is guided, is not manipulated or coerced into compliance with a position initiated by the ruling elite or vanguard party. Consequently, all the political groupings, associations would receive guidance under this monolithic model. On the other hand, philosophers who put emphasis on individual relative autonomy, integrity and free will argue strongly for inherent fundamental human rights and freedom and consequently for autonomous rather than mobilisation stratum and for pluralistic political system. The ideal under this model will be to have genuine and independent institutions, trade unions and political parties. In regard to the choice, Madam Chairman, of political system whether multiparty or monolithic the Constitutional Commission has not made a final determination; instead the final decision is postponed for five years. In a meantime a high breed tilted in favour of the monolithic model has been adopted, justification for the high breed not based on theory but on expressed feeling of relief from past bad governments and because people are participating. Therefore, it ought to be acknowledged, the ongoing debate of whether or not Uganda should have an operating multiparty system is only an aspect of more important matter on relinquishing power by victorious armed movements, by persons or leaders feared or respected.

The situation is comparable to guaranteeing independence to a colony, giving up one party system in favour of multiparty system with fear of losing power. It seems the major objection to multiparty system is purely based on factionalism. The classical argument against multiparty system has been that of dangerous factions and causing division among people. The Chief proponents of this theory are Joseph Stalin in "The rule by the people", and Julius Nyerere on the occasion of turning Tanzania into one party system, "The challenge of the people". But now it is empirical that Julius Nyerere has himself debunked that very theory he so strongly advocated. Monolithic political systems have col-

lapsed in one country after another, quite clearly from their own weight albeit with timely encouragement from international parties abroad. The disaster associated with the demise of this system is best explained in benevolence of the system by failure during the period of either benevolence or dictatorship to establish and develop a viable self sustaining economy. The time is right for Uganda to have a multiparty system since we have got more educated people in power who came to correct the errors of the past. The most disturbing feature, Madam Chairman, is the incomparability of two sets of recommendation affecting the type of the structure Uganda should have. On one hand, the Commission has come up strongly for fundamental human rights and freedoms, including freedom of conscience and of association namely: involving people's politics outside the Movement. But on the other hand, the commissioners are proposing a political system devoid of coherent philosophic analysis, and one which hangs in the air without theoretical roots. We remember the report of Buganda going indirect and others going direct, that caused us problems.

In conclusion, what the commission has proposed guarantees human rights thereby laying a foundation for pluralistic political system and a multiparty system, but nevertheless they move to a system whose roots are essence the same as those for monolithic system and consequently for a one party state which Ugandans have rejected. I have been asking my friends in NRM two questions which I have not got good answer for. I ask them:

- 1) What yardstick do you use to measure people's preparedness for a culture of constitutionalism and, therefore, ready to practice multipartyism.
- 2) In which sensible operating macroeconomic indicators should the economy be performing in order to declare that society is ready for multiparty system?

Hon. Kiyonga tried to give these parameters but he did not rise to the occasion, because the methods of contacting people are now seriously and exclusively with NRM. We are not allowed to go and talk to the sovereign from whom they think the power emanates. Hon. Mayombo said the other day, that to remove power from the people you need another Army. But who are the sovereign, who never surrender their sovereignty but merely delegate it? It seems the only power Mayombo was talking about is to say multiparty out, movement in. If that is what they are referring to, we need to have clear parameters...*(Interruption)*

MRS. V. SSEKITOLEKO: Point of order, Madam Chairperson. Is the speaker on the Floor in order to attribute, put words in the mouth of a delegate that he said that in order to change a government you need another Army. I was here, I recall what Hon. Mayombo said and he never said any such thing. What I remember he said was that the Army is fed up being called in whenever we politicians mess up things. Is that equal to saying that in order to change a government you need to change the Army. Is the Hon. Speaker, therefore, in order to attribute such terrible words onto another delegate?

THE DEPUTY CHAIRMAN: He is out of order.

MR. KITARIKO: Madam Chairman, that is not the delegate who said it. He said it clearly here that to remove the power from the people you need another Army. Check the record.

THE DEPUTY CHAIRMAN: Hon. Kitariko, your time is up. Thank you very much. Distribute your paper to the delegates. I adjourn the Assembly to a quarter passed two.

(The Assembly rose and adjourned until 2.15 p.m., same day)

THE DEPUTY CHAIRMAN: Hon. Delegates, before we resume our debate this afternoon, I want to make a small clarification. The Hon. Delegate who spoke last this morning, spoke for a whole hour and five minutes. At one O'clock, I had already given him fifteen minutes and I requested him to wind up. I again gave him another 15 minutes, up to a quarter past one. And it is actually that, this session proceeded up to half past one, when we are supposed to finish at one O'clock on Monday. Let us discipline ourselves. When the first bell goes, you stand warned. second. When the second bell goes, you stand warned. I can give you another 7 minutes and that is when I start warning. But let us be disciplined. When we say it is 30 minutes or 40 minutes, let it be that, so that we give a chance to other people to speak. Consequently, because people were refusing to get off the Floor, we had only four people this morning. So, I beg Members who are going to speak this afternoon to respect time. Thank you, very much.

MISS. NACHA LORIKA (Women Representative Moroto): Thank you, Madam Chairperson. Madam Chairperson, I wish in the first place to

congratulate you and the Chairman, upon your successful election to the high offices you presently hold in this House.

Madam Chairperson, and Hon. Members, the draft constitution before us, holds the future of this nation. Accordingly, in all our deliberations, it is absolutely necessary for us to be tolerant, patriotic and selfless. In other words, we should approach the entire exercise before us, as true nationalists, rather than anything else. Madam Chairperson, a constitution is the supreme law of the land, whose basic principle is that, the power of government comes from the people. It further emphasizes that, the same people are the guarantors of the constitution. If the power of government, therefore, comes from the people, then, why is it that the people cannot exercise control over the government in order to ensure that their rights, irrespective of their tribe, sex, their right to live, security and liberty as entrenched in the constitution are protected?

Madam Chairperson, today, the ordinary African citizen - the Ordinary Ugandan Citizen, still regards the constitution of his country or her country as something abstract which concerns only the President, Prime Minister and perhaps Parliament, which is a law making body. Consequently, most of them view the constitution as something which does not concern them. They, therefore, do not know that they must exercise control over the government in order to ensure that their rights are protected. Being simple and ignorant with governmental affairs, the ordinary citizen's primary concern, remain his or her basic needs of life, namely: food, shelter and clothing. Everything else, including the government according to him or her, can look after itself. Such are the hard realities, Madam Chairperson and Hon. Members, that this Assembly must bear in mind in its deliberations. There are of course other observations that fellow honourables are aware of.

Madam Chairperson and Hon. Members, having stated the above, I now wish to turn to some specific issues. It is vital for us to correct the following issues which in my view, have significantly been the cause of the suffering of our people. In whatever we do as Ugandans, belonging to one nation, we must uphold the principle of national unity in the constitution making exercise or process. It should, therefore, be our collective and principle objective to bring about lasting peace and stability to our people by coming up with a good constitution, that should be seen and

respected by the people, as truly their own. Such a constitution must protect the fundamental rights and freedoms of all the people. It must respect the good cultural values, but should condemn and do away with the bad ones. Hon. Members may wish to know, that, it is not only in Sebei where female circumcision is practiced, but even in Karamoja where five sub counties do practice female circumcision. So, these are some of the cultures which I am sure this constitution should condemn. We should endeavour to have a system of government that does not and will not perpetuate division among our people, but should rather forge unity.

According to the people I represent, a unitary system of government will be the best for Uganda. But it should avoid over centralization of powers as provided for in the 1967 Constitution. While my people support decentralization at district level; some propose the revival of the four major regions, to enable the creation and appointment of four Deputy Presidents directly in charge of the development of the four regions. This proposal would strengthen the Executive arm of government and this would help government in planning, coordinating and supervising its programmes in the region. The four Deputy Presidents should be drawn from the four regions, and should be appointed by his Excellency, the President on the recommendation of Parliament. This kind of arrangement ensures that no region is marginalised. So, Article 3 of Chapter 3 of the proposed Constitution, should be revised accordingly. The position of the Vice President must be abolished and be replaced with four Deputy Presidents.

MR. ATWOKI: Point of clarification. I have heard a very interesting suggestion from the Hon. Member on the Floor that the country should be divided into four regions. I wonder what kind of divisions or similarities could be bring these regions into existence. I am seeking clarification. Thank you.

MISS. NACHA: Thank you, Madam Chairperson. We are all aware that we have four regions. So, what I really mean is that at the moment we have a Prime Minister and three deputies, and as you are aware, two deputies come from central, the Prime Minister himself comes from the North and then the first Deputy comes from the West. We do not have any from the East. So, we can only... (*Interruption*). So, for purposes of sharing power, I think it would be good to have them appointed on regional basis.

The proposed four Deputy Presidents will, among other duties, be assigned supervisory roles in productive ministries, such as Agriculture and Environment, Trade and industry, Tourism and Energy, Land and mining. This is to ensure that resources are equally distributed because some ministers have turned ministries into their own personal businesses. So, if we can have the four deputy presidents, mainly playing supervisory roles in some of these productive ministries, this will help the government in checking on the excesses of some of these ministers. All matters concerning Administration and Finance should be handled by the office of His Excellency, the President in order to ensure that state funds are properly utilised and equitably distributed. I do not expect any elected President to engage himself in financial embezzlement - him being a national figure. So, Finance can always remain in the office of the President.

National Army. Experience in Uganda and other African countries has shown that it is dangerous and unfair to confine the army in the barracks, thus denying the soldiers direct participation in civilian governments. The net result of this has been coups and counter coups. Our constitution should, therefore, make a provision for the Army to participate in government affairs directly. We should have a small but effective manageable army, representative of all ethnic groups in the country. The minimum educational standard should be Ordinary level. This should apply to other security organs for example Prisons and Police.

Education. Madam Chairperson and Hon. Members, the people of Moroto district have suggested that, the government should introduce a system of education that is affordable. Special consideration should be given to areas which are disadvantaged by offering free education at Primary level. Thereafter, a bursary scheme should be worked out, based on the financial position of the parent with the help of the local authorities. Similar consideration could be extended to the children of disadvantaged parents in other areas.

The National Language. The people I represent recommend Swahili as the national language, and English as the official language. Swahili, as you all know, is widely spoken and generally easy to learn. The other advantage is that, all the neighbouring countries speak and understand it. Members may wish to know that in Karamoja virtually everybody

including warriors already know it.

On citizenship. Permit me, Madam Chairperson, to make some general remarks on this sensitive issue. The abuse of immigration laws in Uganda since 1962 has caused problems of identifying citizens from aliens. But the 1962 constitution had provided adequate safeguards against this anomaly by giving citizens by birth, registration and naturalization. All that was required and is still required now is strict adherence and implementation by the National Citizenship and Immigration Board as proposed under Article 44, Chapter 4 of the Draft Constitution.

The position of women. Madam Chairperson, as you all know, women are the first educators and socializing agents in every society. Accordingly, during our current deliberations, I wish to appeal that we address ourselves to their disadvantaged position in areas of education, employment, politics, property ownership and inheritance. There is also need for us to ensure that the property of the deceased is fully protected for the benefit of widows and orphans, and also other dependents.

The five year extension of the Movement System. Madam Chairperson, the five year extension of the Movement system of government is fully supported by the people of Moroto district. Provided that regular elections are held at all levels. This is to allow the on going development programme to be completed. However, others are of the view that, the system should be open to modifications according to circumstances.

Finally, Madam Chairperson, I now wish to talk about two touchy issues which the press has been voicing but the leaders have failed to tackle.

Corruption. From 1962, to date, this evil has divided the people of this nation and polarised us into the few rich and the majority poor. The former enriching themselves on stolen public funds with impunity. It will be difficult for this evil to get eradicated unless we as leaders become sincere and selfless. We cannot continue to exploit the ignorance of the ordinary citizens by taxing them so heavily in order for those in leadership positions to live luxurious lives. Therefore, Chapter 15, Article 259; about the Office of the Inspector General of Government, must be given extra powers in order to enable it handle corrupt officials effectively. The office of the IGG must employ auditors who are expatriates to assist in the detection of embezzled funds. This is to avoid

bribery. You know, Ugandans are found of bribes. So, I would recommend that we get auditors from outside, who are expatriates. A very good example of an expatriate who has done a good job, is the expatriate from Ghana who is working with Revenue Authority. The government must establish special courts to handle cases of corruption. Because our courts have also been corrupted. So, we should have special courts for these people. If anyone is found guilty, his or her property must be auctioned in order to recover public funds. The money for bailing the culprit, must be half of the stolen money. A reward must be given to any Ugandan who will assist in giving information connected to embezzlement to the Auditors.

Nepotism. Successive governments in Africa and in Uganda, in particular, as you all know, have refused to denounce nepotism. In every government that has come to power, leaders seem to enjoy being surrounded by relatives, friends and tribesmen. This has led to discontent, disunity, coups and counter coups. Our leaders must know that, once elected to such positions, they cease to belong to a tribe or religion. They automatically become national figures representing and serving the interests of all the people of the nation. This calls for neutrality. Madam Chairperson and fellow members these are some of the general remarks I thought of contributing during this general debate. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much.

MISS. KALIKWANI (Women Representative Kamuli): Madam Chairman, I thank you for this opportunity to address this august House. Kamuli people have sent me to greet you and hon. Delegates, and assure you of their prayers in this noble exercise. Madam Chairman, the importance of the task before us cannot be over emphasized. And it is for that reason that the Kamuli people have told me that the National Motto - Our National Motto 'For God and My Country' should not be paid lip service. When we pray, we say "Thy will be done on earth, as it is in heaven" and we acknowledge this in our daily opening prayer. But I was asked, to especially remind Hon. Delegates of the following Godly principles which we feel have been forgotten.

1) Forgiveness and reconciliation. That we should remember that forgiveness and reconciliation are preceded by repentance. And repentance shows or implies, that the wrongdoer acknowledges the wrong deed and asks for the forgiveness. Then the forgive-

ness is given. And then, after that, he should vow not to commit the misdeeds again.

2) Truth. That if we stick to the truth we shall be set free, and truth is liberating. Even in the Bible we are told that the moment we know it and abide by it we are set free. Because it is above intrigue, it is above manipulation and it stands the test of time. If we indulge in lies, we are wasting our time. If we base our argument on lies, we are wasting our time.

3) Then we should remember that we are one and we should love one another. Now, this principle, is the basis of man's service to God. Love is basic in serving God, they say. We cannot say we love God when we are going for each other's neck. Whoever says, he or she loves God, but hates his brother is a liar. We should be sincere and observe these rules.

Madam Chairman, and Hon. Delegates, Kamuli people are very grateful, not only for the peace ushered in by the NRM after decades of misery, dictatorship and chaos, but also for the sense of good governance and spirit of nationalism, patriotism instilled into Ugandans. This has been possible through the political education programmes for the bulk of the *Wanainchi* which Kamuli people have benefited from massively and through the good example of the correct leadership that we have had. We no longer understand politics as a dirty game, reserved for the dirty minded but a clean one for development. A progressive game, to which all have been invited to put their talents to good use for the benefit of Mother Uganda. That is why, Madam Chairman, there are a number of political virgins here, ready to combat all the negative forces that have pushed the country down the precipice. Retrieve it and put it on a steady path of progress once and for all, on all fronts - economic, social and of course political.

We are also grateful for the through work done by the Odoki Commission. In reviewing the draft constitution and ultimately promulgating it, we should therefore, aim at a constitution that will promote and ensure national unity, peoples sovereignty, democracy, stability, peace and development. This constitution Madam Chairman, and Hon. Delegates, should be able to stand the test of time, we want a lasting document. We do not want to come here again after two or three years or to look for other people to come and make another constitution. It is these principles that have determined the stand of my people on the issues I am about to share with you, in the order of the people's emphasis.

National Objective - this is chapter 3. To the people of Kamuli, this chapter contains the spirit or the heart (for those who may not believe in spirits) of the constitution. It helps any reader to understand and it guides anyone to what the constitution is all about. It can only be improved upon, not removed. So that wanainchi may have an easy reference to the contents of the constitution. Delegates should therefore, point out those aspects, they see included in this chapter which are not in the national interest or those which are not included yet and are in the national interest should be included. This chapter will help to whoever might aspire to lead this country to understand what the people's aspirations are, and it should be the basis for cultivating the constitutional culture much talked about.

Political system. Madam Chairman, my people believe the choice of political system will determine whether the objectives in Chapter 3 and indeed the entire constitution are attainable or not. The draft offers two alternatives. We have the political party system and Movement or No-party system. They have experienced both and can describe their experiences. Therefore, make their choice without being prompted by anybody. The history and performance of political parties have been expounded in this Assembly. Kamuli people want to emphasize to the Chairman and Hon. Delegates a few details that might have escaped some Members attention.

Political parties in Colonial Africa were initiated as a way of organising and gaining support for self-governance. In other words, it was a way of achieving mental emancipation from servile colonial mentality. They could serve as pressure groups to influence policy in the interest of the people, the masses or the disadvantaged or the minority group. They would criticize and or check excesses of a government in power. If a party had a well conceived ideology, it should mobilise the people to support this ideology, therefore, join the party and effect or effect its adoption.

In Uganda however, political parties have been shown to have fallen far short of these objectives, and to revert to them now, is a luxury. Kamuli people believe they can hang on for sometime. Political parties have proved incoherent and disorganized right from the grassroots and incapable of organised politics at a national level. They display a story of division and weakening both by own members and

other interested forces. This shows that, they must have been formed on the wrong premises in the first place. Madam Chairman, and Hon. Delegates, religion and ethnicity, let alone opportunism have been noted to have been prominent factors and intrigue and manipulation dominate the history of the parties right from 1952. The UNC, the PP, the DP, the UPU, and the UPC have been experiencing or indulging in splits within, if they have survived collapse. Now, this planted nothing but political confusion, and unfortunately, it was in the midst of such confusion and antagonism, within the party themselves and against each other that in February 1959, the Constitutional Committee was announced. From that time, bizarre manoeuvre continued, culminating into the UPC/KY alliance in 1961, which analysts have seen no national objectives in. Because they say the main objective was to put DP out of power; but each of these parties had their own different reasons for coming together. So, it was already doomed to collapse at one time or another. Shortly afterwards, a few incidence like the Buyaga and Bugangaizi counties's issue; some other decrees that came up; or the supposed amendments to the constitution made the marriage automatically fail. Now, since then the preoccupation for the UPC - because it was now the only party, was to keep itself in power and immediately it was put in place, anarchy was let loose upon the nation. The Army was used to unleash terror on people of the opposition; the constitution was disfigured in so many ways to suit individual interests; and judicial decisions were circumvented by the retro-active legislation until the judiciary was rendered completely redundant. Local government was paralysed and eventually, became inoperative. The electoral system was a mockery both at the local council and within the party and at whatever level you might think of. - Gradually, parliament became impotent, especially as Members of other parties crossed the Floor under the camouflage of national unity. This morning, Madam Chairman, we were told that, they were actually bribed. So, in other words, corruption had been institutionalised. Now, this is nothing to say about the quality of the debate to themselves in that parliament. The civil service was demoralized, all social organisations were in bad state, religion whatever, there was nothing you would talk of, even trade unions were not there. Now, the Gold/Ivory scandal involving the Deputy Army Commander, Amin and implicating Obote, and I understand Nekyon and Onama, just paved way for putting in place the desired agenda by the president then.

So, he suspended the constitution, abolished federalism and feudalism and appointed himself, the executive president. The military dictatorship of 1971 - 1979, was a child, born and nourished by the political party system of 1962 to the 1979. The change of guards in 1980, promised doom right from the start. The evils of 1962 to the 70s were repeated with more grandeur, they did not only rig elections results, but they failed to govern and refused to own up, even when the party had been deserted and only the riff-ruff of society had been resorted to for recruitment. The government used the excuse of the guerilla war to create concentration camps, where innocent un-armed civilians were subjected to all sorts of horrendous punishments. And actually gave license to all its agents to murder, loot, whatever, without any restraint in the name of suppressing the guerrillas whom they were sure never to set foot near. There was total collapse of the economy as the president preached 'the positive power of poverty'. 1985 brought in the climax of the nightmare. The economy was in total mess, and the army was in ethnic tatters. There was no government worth the name, but some Hon. Delegates here have confessed, they never experienced misrule or suffering before 1971 then 1985 up to now. Madam Chairman, this is when the perpetrators of the suffering in some other areas that we knew of before this time had been dislodged from their original areas of operation and started regrouping where they were welcomed and supported; to fight the government.

The movement arrangement at the time of swearing in, in 1986 promised a fundamental change. Madam Chairman, we have been witness, at least in Kamuli, to and participated where possible in a definite programme designed to redeem the country. Definite steps have been taken to rectify all the elements of misrule, depicted in the multiparty and military dictatorship periods. Sometimes, it has not been easy because of the negative forces at play aimed at derailing this programme and because of some genuine inevitable problems, but we can testify to the commitment to fulfil the promises made. The Movement has been fully broad based, having representation of parties, affirmative action for previously discriminated or disadvantaged groups like the women, youth, disabled and workers. People have not been sacked from their jobs for not being NRM. They continued and up to now, they are there. The four elections we have gone through 1987, 1989, 1992, and 1994, have allowed everyone to participate on individual will and merit. The respect for the

rule of law and the principle of non-interference in other departments, have been commendable. Individual freedoms and rights among other things have been assured. To deny that these, Madam Chairperson, these rights and freedoms are not absolute and to state that they are not controllable by the state or any organ is to preach lawlessness and anarchy. And for us in Kamuli, when we hear such, we get frightened.

Economically, efforts have been made to liberalize and spread out development. In the Army efforts have been made to nationalise and improve its quality and Kamuli people say they were so relaxed when they were told to send people to the Army. They sent in rejects, those people they cannot manage. And soon after, they came back, they are there with them again. In fact they thought the Army had rejected them because they were not from the 'right place', but now they know. So, they are waiting for the next time when they will be asked to fill their quota to with the right to the army.

The people living in exile and refugees have returned en mass or individually, sometimes on state expense. Above all, Madam Chairman, the participatory democracy through RCs which we think is the trade mark of the movement, has been particularly commended. It has attracted all serious well intentioned and clear-headed political analysts for study and constructive advice for improvement and announcements - not strangulation. It is these aspects, Madam Chairman, that we feel should be included in the constitution. Because the NRM itself has been said to be unconstitutional and illegal. But we feel what they have brought is so good, it should be legalised with immediate effect if possible. (*Applause*) We in Kamuli therefore, are ready to go along with this kind of arrangement until we are satisfied that we can safely revert to parties. What ever the case, the matter must be put to the people to decide in a referendum. (*Applause*)

The republic. We agree with the recommendation of the Commission that is 'the Odoki Commission' as contained in the analysis and recommendations, Article 9.94, and also chapter 13 of the Draft Constitution.

Local Government which talks of decentralisation. This arrangement has the potential of actualizing the concept of people's power and rescuing us from the state of underdevelopment that we have been sub-

jected to for long. Detailed recommendations for amendments, Madam Chairman, are reserved for the consideration stage. The people also have heard of the talk about federal government and advised me to keep a distance from that talk. They say cultural leaders, for those who want them, can be entertained but not at the expense of government or individuals who do not appreciate their value.

Gender. Efforts made by the NRM administration to promote gender equality by encouraging women participation are appreciated. The following observations however are made. It seems some of the women who were voted in 1989 have not done enough to supplement government efforts by encouraging other women to come in. Sometimes, they have tended to suffocate other potential women. This is so because they see that, there seems to be a group of women who are the main players whenever there is something for women and it seems there is no effort made to look for others or at least encourage them. Madam Chairman, during the CA elections, there was also talk of some actually going out to decampaign others whom (I do not know) they felt, if they come up, they would cause a big challenge to them. This they say, must stop. The women must come together and work for their cause as women and let them be felt properly. They also asked me to request Members to note that, the affirmative action which the government has provided for women has limitations. At some stage, women have to compete on level ground. We should make sure, as women, not to over-stretch or mis-stretch our demands to the extent of being ridiculous. (*Applause*) Remember, we have an assignment and this assignment is to neutralise, negative or destructive forces; both with a feminine and motherly touch to bring about clean leadership.

MR. OKWAKOL: Point of information. I am most grateful to the honourable Delegate for giving way. I would like to inform her, that the greatest enemies of the women cause are the women themselves. And the sooner the women realise this, the better for their cause. Instead of trying to castrate the men. (*Applause*)

MISS. KALIKWANI: Thank you Hon. Okwakol for that information. I am very sure we shall sort it out at an appropriate time. I was just trying to finish off and saying that, we have an assignment and this is to neutralise negative and destructive forces within our society. As mothers, we should push our demand

firmly but gently in a motherly way. When we push those demands, we should also bear in mind reason and understanding. We should avoid to appear 'grabbious' or seeking other worldly pleasures (*Applause*)

Our representation, Madam Chairman, stretches across the board, and we are not an interest group, considering our population and role in the society. We should therefore, enjoy the rights of full citizens. Here, I have in mind especially rights regarding our children and our husbands. There is no use for instance when you are talking about citizenship, and we say, the man's children can automatically be Ugandan, but the woman's cannot when you have stated elsewhere that all Ugandans are equal. Now, why do we say a female Ugandan is less of a Ugandan than a Male one - that is not allowed. And our husbands... (*Interruption*)

MR. BAGEYA: Point of information. We do not refuse to give these facilities. It is true that when children are born, they take the name of the father. I hope the Member holding the Floor is not imputing that we shall do the reverse, that when a foreign husband gets a local wife, then the reverse will be the case and that is all. Because normally we are named after our fathers, as children and the clan will never change. The only people that I know are the Kikuyu who take - the children take their mothers' names, and probably Malawians.

MISS. KALIKWANI: Madam Chairman, I am very aware of what the Hon. Member has been informing me and I agree with it. What I am trying to say is that it is a contradiction. Because whether it is cultural or whatever, my contention is that, each case should be taken on its own merit and the question of gender should not come in. If my children - have taken their fathers name but he has become irresponsible and abandoned me with those children. I do not see why you should deny my children the right to be Ugandan Citizens. Yes, and men are very good at that. (*Laughter*) And if a foreign man comes and gets so much impressed with Uganda and says he should entrench himself here by getting a wife, and it is an accepted way of entrenching oneself, I do not see why he should not Ugandan citizenship when he fulfills all the other requirements? So, just there because he is a man and not a woman, should not make a difference, this is my argument. So, I understand - I am being told - it is in the laws but the women have been talking, it is as if it is not there. So, I want to make everybody aware that, it is in the law

and my husband would be entitled to become a Ugandan, whether he is from Germany or wherever, if he wishes.

It is recommended, therefore, Madam Chairman, that the District representation of women be maintained. Not the 15 that is in the draft, but we should maintain the District representation. If we want representation as an interest group or as women councils then we can give the women councils some two representatives, but maintain the district representatives and probably elected by the RC 11 councils in the district.

Now, Leadership and the Leadership Code. Madam Chairman, judging from the contributions of Hon. delegates, it seems very clear that part of our major problem here in the country has been a problem of leadership - poor leadership or bad leadership - and this leadership stretches from the grassroots. When we talk of leadership, let us stop looking at the President and the Ministers. Before we come to the president and the ministers, there is a host of other leaders right from the village, and it is these lower leaders that influence what happens - that affect what happens. I do not want to go into details, but there has been in this House, on various occasions, where leaders have been told that, if they are so decided, then the people they lead, would then be led in the right direction. So, that if the leader is clear headed or knows what to do, then the people he leads are bound to follow that right path. The Leadership Code, therefore, is most welcome to ensure that leaders are truly answerable and accountable to the people who elect them.

The people also point out aspects of leadership that may be difficult to constitutionalise or legislate about. They, for example say, that it is good for a leader to be with the people, but not to be like them. For example, a leader should be better informed. Therefore, in a position to correct the wrong impressions or misconceptions of the people, the leader should be objective and above local situations. When he is like that, then he can look or he can be looked up to for solutions, to solve their local problems. But if the leader is also part of the people, and cannot look beyond the local situation, then we are in problems. (*Applause*) A leader should not allow the people to waddle in ignorance, and use them to present arguments to enlightened audiences. We have heard of the problem of parties. Now, my people told me to specifically point out that, part of

the major problem of parties has been leadership. If the leadership of these parties was clear and was bothered to enlighten their people and lead them correctly, we would have perhaps had better parties. But because the leadership was lacking so many qualities, then we had poor quality leadership. (*Interruption*)

MR. RIGWENGI: Point of clarification. I would like the Hon. Speaker on the Floor to clarify whether that leadership crisis in parties is true for all the parties Uganda has had including UPM?

MISS. KALIKWANI: Thank you very much. I am talking about Kamuli. Unfortunately, Kamuli never had a lot of chances to experience this UPM. (*Applause*) So, I am specifically, referring to UPC and DP.

Land. The importance of land to 'wamainchi' cannot be over emphasized. This is an issue, Madam Chairman, that has created problems including insecurity among people. So, they welcome the proposal in the Draft and hope an affordable and secure respected land tenure system would be agreed upon.

Defence of the constitution. They say that, the responsibility to defend the constitution is of all citizens. And they should use all means at their disposal to defend that constitution. Some of the ways they propose are these:

1) All institutions that have been misused by dictators to abuse the constitution should be taught to respect and uphold the constitution, so that they can resist these misuse in future. Everyone should be prepared, militarily or otherwise, to defend the constitution.

2) The contents of the constitution should be taught in political education or civic education programmes or classes to the general population and in schools to facilitate understanding, appreciation and respect of the constitution. It must, therefore, be written in understandable and simplified - not summarized - understandable and simplified language. Because when you start summarizing, you might end up in problems.

Now, provisions to amend the constitution. That is Article 288 and 289 must be carefully handled to avoid any manipulations by the leadership at the national or at other levels who might have an opportunity to be consulted whenever amendments are there. This is because our history, as you have heard

on political parties, has been so much influenced by undue tampering with the constitution in form of amendments.

Finally, Madam Chairman, and Hon. Delegates, I have been instructed to appeal to you all to ensure that the job is completed and everything that they know to be in the pipeline is done according to plan. The talk of Interim government of unity is a gamble they cannot buy, and they want elections organised as soon as possible after enactment of the constitution, on the movement arrangement. Thank you very much, Madam Chairman (*Applause*)

MRS. OKWIR (Women Representative Lira): Madam Chairperson, Lira is one of the districts in the centre of our country. It is actually one of the very few districts without any international borders. Therefore, it has no problem with citizenship problem. We have no brothers and sisters across international borders. Madam Chairperson, for the information of those who may not know us well, we border the Acholi or Kitgum and Gulu in the North; the Iteso of Soroti in the East; the Karimojong to the North-East; the districts of Luwero, Kamuli, Iganga, Jinja, across Lake Kyoga to the South; and Langi of Apac District to the West.

Madam Chairperson, the people I represent sent their heartfelt congratulations to all the delegates for making it to this august House as it was not easy for all of us who are seated here. They are also aware that, that experience which you had, should be utilised fully. It should not be in vain. It should be rewarded with the production that will guarantee national unity, peace and development. And above all, respect for fundamental human rights.

Madam Chairperson, allow me to recognize that since we started, you have with experience, confidence and competence you have conducted the affairs of this Assembly, and what you have done so far has given us the hope and we hope to reconcile and compromise over a wide range of issues. I wish to take this opportunity to thank more sincerely the electorate of Uganda for entrusting this process of constitution making in our hands. I give special thanks to the people of Lira for repeating their political wisdom in double electing me to both as NRC member and CA Delegate. And I would also like to say that, this recent election has actually been a testimony of the recognition that I have been a faithful servant to them far and represented them. I

have also noted that, there are 103 of us here, who have this double role, and so far, we have been doing well here. *(Applause)*

Madam Chairperson, at this juncture, permit me to briefly take a 'quick sip' at the unfortunate remarks of two of my Colleagues from Lira, Hon. Charles O'let and Hon. David Etuku Onyok, to the fact that some big people from Lira - Lango region including myself came to this House through wrong means. This was a remark by Hon. Charles O'let. Madam Chairperson, I protest to this most strongly. *(Applause)* In fact, when he said it, this confirmed to the House and to me, that he de-campaigned me at that time. And I would like to take this opportunity to inform the House that, in his constituency, with 3 sub counties; I lost in one and won in two. *(Applause)* And I would also like to inform the House that we were five women contestants and all of us were government officials. We had one District Inspector of Schools, one teacher in Lango College, another teacher in Comboni who is Chairman RC 5 and Secretary for women and then she is also Chairman for Women Council. And then, there was Information Officer. So, honestly, out of the 28 sub counties, I won in 19, I drew in one and lost in eight. *(Applause)* As far as I am concerned, if my loss was not a welcome to him, it was very unfortunate. But I made it and we are here together. So, Madam Chairperson, it was a very, very unfortunate comment and if the CGR addressed the DRC - and for your information, he is a member of the DRC. We were not elected by members of DRC. We were elected by Members of RC 2 and RC 3s. So it defeats logic. The CGR would be in a position to talk for all the five government officials, not necessarily me. So please, be careful next time.

MR. CHARLES O'LET: Point of order. Madam Chairperson. Is the hon. Member on the Floor in order to threaten a fellow Delegate in the House by saying that next time he will see? *(Laughter)* I am saying this given to what happened to Hon. Agyebo's cows. Thank you.

THE DEPUTY CHAIRPERSON: Hon. Okwir, you are in order. You can continue.

MRS. OKWIR: Thank you very much, Madam Chairperson, for that protection because I thought that observation was not correct because I said he should be careful. He actually misquoted me. Even in the other case, Madam Chairperson, I am a Minister in the area and when my Colleague said I

have never been to Moroto - Moroto is in the eastern part of Lira - that is the constituency I have visited most when the late Hon. Alipu was still alive. For those who do not know him, he was a Member of NRC now replaced by another one called Dr. Owiny. Now, I cannot understand what caused him to say that I went to his constituency only for goats when I have visited projects by EDF, schools and so on. He has just qualified recently and since he qualified actually last year he has not even resumed his office in Soroti because he was then elected a Candidate here and we are here. Now, since when did he himself go to his place and take analysis of the absence of the Senior Government Officials? In any case, it is the work of the NRC Member not a CA Delegate elected in March. So could he contact or consult the files in his area but I know I have been in his place several times but I have been in all the districts in the country except five. So even that one, I did not like it.

MR. MOSES ALI: Point of order, Madam Chairperson. Is it in order for the Hon. Member to use the Floor of this august House meant for the business of the constitution to sort out the differences?

THE DEPUTY CHAIRMAN: She is in order.

MRS. BETTY OKWIR: Thank you very much, Madam Chairperson. At that time when it was said here, nobody said anything. Now that I am replying, it is when I get all these comments. Please, let us restrain ourselves and appreciate some of the problems we are facing in our areas.

MR. ONYOK-ETUKU: Point of clarification. Madam Chairperson, permit me to clarify in my submission, I quoted three Ministers who have been in my constituency. Betty Okwir was one of them with a lot of projects she has seen take off. But I did not at any time say she has never been in my constituency. The Hansard can tell the truth about this. The presence of Loice Bwambale - she was there in the record as a Chairperson of Lint Marketing Board, that is when she planted a tree but not with the late Alipu. I think I was very clear about this. I did not misquote her in any way. Thank you very much.

MRS. BETTY OKWIR: Okay, thank you very much, Madam Chairperson. Maybe I refer the whole thing to our Chairman and CA Delegates Lango to sort out but otherwise I wanted it also to go on record that the statements have not been fair as far

as I was concerned. Madam Chairperson, maybe in winding up, I should say that "those who live in glass houses should never throw stones"

I wish to say that as a lady and I know that it is also good table manners that "a cook should be thanked for her service whatever you think about her food" and for that reason, I wish to thank the "Odoki Commission" and the Hon. Minister for Constitutional Affairs, Mr. Sam Njuba for the good work done and I would also like to give special thanks to the leadership of NRM especially His Excellency the President Y. K. Museveni for the selflessness he has shown in putting the destiny of this country in the hands of the people. Madam Chairperson, I wish to thank the NRC and NRA Councils in a very special way. This had better be reminded that according to Legal Notice 1 of 1986 which forms part of the constitution of this country, the NRC and Army Council had been entrusted with the making of the new constitution. So our being here in this home was an act of benevolence of their part for which this country must be very grateful. The passing of the Constituent Assembly Statute No. 6 of 1993, Madam Chairperson, heralded a new era of political maturity whereby all consuming ambition and greed of a few people must actually, this time, give way to the will of the majority of the people. That is why, Madam Chairperson, I denounce those who are beginning to think along the line that this House should constitute itself into interim legislative Assembly after the new constitution. *(Applause)* No way, Madam Chairperson. Unless we actually take the other alternative, and the other alternative, I am thinking about is a kind of give and take arrangement and that is to consider constituting both Houses: the NRC and this one into interim legislative Assembly after making the new constitution. We cannot think about ourselves only and leave those ones out. No way. In any case, Madam Chairperson, I also view this as not only an act of political cowardice but the betrayal of the highest order. Those of us in the NRC who sacrificed and disqualified ourselves so that this House may be born cannot be a party to this scheme which is a direct contradiction of a patriotic precedence we ourselves set. This Assembly has no mandate to represent the people and form the Legislative functions. We are Delegates sent by our people.

MR. DICK NYAI: Point of order, Madam Chairperson. Is the hon. Delegate holding the Floor in order to impute that anywhere in the records of the Constituent Assembly, a Member stood on this

Floor and suggested that the CA will constitute itself into a Parliament for National Unity because I do not remember any such statement being made here? Is she in order, Madam Chairperson?

THE DEPUTY CHAIRMAN: We are doing ground work. Continue Hon. Betty Okwir. You are in order

MRS. BETTY OKWIR: Thank you very much, Madam Chairperson, for that protection. In fact for those who are doing some kind of ground work, that is what is in the air. Madam Chairperson, I repeat, this Assembly has no mandate to represent the people and perform Legislative functions. We are Delegates sent by our people to tell the House here what they think about the Draft Constitution.

MR. KOMAKEC: Point of clarification. Thank you, Madam Chairperson. The point of clarification I am seeking from the Hon. Delegate holding the Floor is if she could substantiate or give the source of her information that there is a rumour that Members of the Constituent Assembly want to constitute themselves into a Parliament.

MRS. BETTY OKWIR: Madam Chairperson, I am taking care of rumours in the corridors. So, for those who may imagine that we would constitute ourselves into Legislative Assembly, I think we should better think about going back for elections and throw the ball back to NRC. Madam Chairperson, I accept the Points of Order from now onwards only. I will not take Information and Clarification but Order points.

MR. BAGEYA: Point of order, Madam Chairperson. Is the Hon. Speaker on the Floor in order to bring to this House rumours and make them look like they are facts when the actual fact is that we are here as Hon. Delegates to make the constitution and not to debate rumours?

THE DEPUTY CHAIRMAN: You are out of order Hon. Okwir, if you are not working on facts but rumours.

MRS. BETTY OKWIR: Madam Chairperson, I withdraw what I have said but should it reappear in future, it will. I withdraw it for the time being, but should it reappear in future, then it will take a different course, Madam Chairperson.

THE DEPUTY CHAIRMAN: Let me make a clarification. Members should be sure of what we want. When you say Information, you are refused you say Clarification and then you say Order which means you are not sure of what you want to say. Once you hesitate, I make sure that you do not know what you want.

MRS. BETTY OKWIR: Thank you, Madam Chairperson. Now turning to the Draft Constitution and starting with the Chapter one. I have observed that the people's power is declared in the first Article and the Constitution in the second. I wish to propose that the declaration and introduction of the Constitution comes first. What appears in Article 2 should become 1 and vice versa. Madam Chairperson, I know that we have many lawyers here and they also know that it does not matter how well you defend the constitution but the law which cannot be implemented is no law at all and maybe that is why sometimes, we have problems. Madam Chairperson, it is also good that the good will of men that can protect and sustain the constitution should be upheld. Madam Chairperson, it is good that all of us are here trying to make a lasting constitution, a constitution that will stand the test of time. But Madam Chairperson, the solution to some of the problems that we have been having of overthrow of power have been a result of some kind of lawlessness and from what we have been reading from papers, we have heard some interventions of foreign countries. It is up to us to see to it that no such things should come and interfere with this particular one, should we make it to the end.

Madam Chairperson, Chapter 2 on title. It is written '*Draft Constitution of the Republic of Uganda*'. It is presupposing that whatever we are discussing, we must know that in the end, Uganda must be a Republic. Madam Chairperson, I wish to propose that the title should be '*Draft Constitution for Uganda*' only, not '*Draft Constitution of the Republic of Uganda*'.

Madam Chairperson, on Citizenship. Although it is not expressly provided in the draft, it is clear that citizenship is categorized in three - by birth, registration and adoption. By birth Madam Chairperson, we do not have any problem about that one as far as Lira is concerned. Every now and again somewhere, it ends with provided those parents and grand parents remained and became citizens of Uganda at independence or did not apply for any other citizenship subsequent to first February 1926, then Madam

Chairperson, what about children born by citizens of this country with foreigners? What do we have to say about that? Recently, our people in Lira were divided. They also said they only recognise children born of their sons with foreigners but they say children born of their daughters with foreigners should be given other citizenship. They should actually follow their fathers. But another group of my people in Lira say children, whether girls or boys when they give have children with foreigners, these children should be accepted as Ugandan children. There was controversy there as regards the offspring of the female citizens with foreigners or the offspring of a male citizen with a foreigner. Madam Chairperson, I propose that we take the customs of the people into account when we come to decide this issue. According to our custom in Lira, and I imagine in the whole Uganda, the offspring of the female outside marriage takes on matrimonial family lineage and the foreign father has no claim over the child... (*Interjections*). Yes, that daughter of yours if she gives birth and the child is fathered by a foreigner, that child is yours, at least, that child is a Ugandan by citizenship and for a male citizen, with matrimonial wedlock family lineage he has no claim to the offspring outside marriage.

Madam Chairperson, there is yet one other proposal I would like to make of the case. Madam Chairperson, when we consider our constitution, apart from making it long lasting, we should also think of technology. As far as I am concerned, today we have daughters who are having problems in conceiving. So they go as far as having the product of technological advancement where we have test tubes babies. We are going to have this child by a female Ugandan from a sperm contributed by an unknown father and vice-versa? Madam Chairperson, I propose that we accord recognition of our customs to this as well and put it under (D) to read, '*every person born outside marriage anywhere whose mother was since birth a citizen to be accorded citizenship of Uganda*'.

Madam Chairperson, on land. In our district, we are aware that land is one of the factors of production. Lira has not been in a position to develop its land economically. So they say they go in for freehold land or lease.

Human rights and for this, Madam Chairperson, allow me to speak only on women and children. For quite some time, it has not been very easy for the women, children and youths of our country to fair

well as far as development is concerned. Today, we are grateful to government for what it is doing to women and children of our country. Let all men know that the Biblical story of Adam and Eve is an affirmative rather than evocation of this phenomenon. Let them know that the event that changed the world, the whole human history happened because Adam did not involve Eve in all his adventures. If Adam had gone with Eve on that day, maybe Satan would not have managed to tempt Eve to flout God's divine warning - not to eat the fruit of life in case it were not for Eve. So, Madam Chairperson, the woman's initiative, the history of human civilization might have been different. Today we would not know how to differentiate bad from good. We know that in the world today, there are only two races. We have good people and we have bad people. So, any nation which attempt to segregate women is doomed and it should be in the history of human development that women have a lot of sleeping energy in them that actually needs to be utilised for the development of our country.

Madam Chairperson, allow me to thank the women's organisations all over the country for what they are doing. So, far they have made the women aware and the public as a whole aware of what stages are required in women in to development. I would like to call upon them to continue with the struggle. For a long time, women have been invisible and there has been biased language and commentary and lack of accessibility to all spheres and women have been crying for support. I would like to thank the men who are supporting the women in the struggle for development of our country. Please, do not leave us behind anymore. Madam Chairperson, women must be everywhere to focus, chart and influence social change. Women are the only people tolerant enough to bear all burdens. For example, you can look at women in polygamous families. If they can afford to share that man, then they can do everything possible to spearhead unity in diversity. *(Applause)* Madam Chairperson, I would like also to say that the women play a very important role in bringing peace and development in the country and at this juncture, allow me also to congratulate the women who are invisibly participating in curbing rebel activities in their areas by negotiating with their husbands, sons, fathers, uncles, cousins, and brothers to come out of the bush and join the people in developing their areas. I do congratulate the ex-rebels for the courage they picked and accepted the arrangement through their women folk. Madam Chairperson, the way I see it,

women are changing leadership as they lead and organise: they are changing organisation.

So, at this time in Uganda madam Chairperson, we the women of Uganda are prepared not to quit as we reach out to a social class to face this task of survival. We must survive together, we must do everything possible, nationally, politically, economically and culturally to create a new Uganda. Madam Chairperson, we need people like women to encourage trust, nonviolence, human dignity and a new partnership with a nature so that we can fully join the wonderful men and women in trying to build a new country - that includes women in the public spheres. What do I mean Madam Chairperson? All I am saying is that we must face what is wrong in the old and work in unity now especially against the rising hatred and 'divisionism' and lack of honesty and understanding of others. Madam Chairperson, still under that, you are aware that we have had a lot of wars and diseases which caused death to many Ugandans and now we have many widows and orphans. I wish to call upon Members here to support widows in all ways and by the way Madam Chairperson, there is no mention of widowers in this draft constitution. I would like the Delegates here, whenever the word widow appears here, let us put widow/widower somewhere. And I would like also to call upon the tribes who are still inheriting widows, to keep them as human beings and not as property and for the children, they should be protected and developed unconditionally. It is a pity that the number of orphans has increased but I would like to call upon families to adopt orphans and let us support NGOs which are helping them at the moment.

Madam Chairperson, let me say something briefly on security. The people of Uganda have suffered from all types of insecurity for a long time. I do not have to go into details about them. I wish to submit that in Lira today, the people still experience attacks from rebels in the North and cattle rustling from the East. The counties of Otuke and Moroto have suffered most. This is the result of illegal possession of guns by people concerned. Madam Chairperson, the people of Lira have proposed that illegal guns should be removed by all means possible. At the moment, the people are still displaced, the people who come from the two counties and the women in particular and the children are suffering a lot. The cattle rustlers said they keep the guns to protect themselves from foreign invasion. Madam Chair-

person, here, I wish to propose that government should do everything possible to place security at our borders to protect the Karimojong so that next time we see whether it is the people of Lira who are invading. They say they get troubles from the Turkana of Kenya and that is why they run to Lira. Let our borders be protected so that the Karimojong are safe in their place. From the recent seminar we had in Moroto, there were also other reasons. So, we need a collective effort to see to it that we have peace in that region otherwise, at the moment, many people are displaced in the district and they are very, very unhappy.

Madam Chairperson, I wish to say briefly something on political systems. At the moment, we have a form of government, a movement system in place. What I have to say about this is that the movement system is just trying to reinvent a wheel. The movement system is just like any other party styled differently. If that were true, as some people say, then to allow the movement system would mean or tantamount to allowing a one party system. Now Madam Chairperson, to me and my people in Lira do not accept the movement. In fact at the moment, they are divided. For a long time, as you have been following, there has been only UPC in existence in that area but you are also aware that for quite sometime, we have had NRM in government, we have RCs in place in Lira and in the whole country as well. Now, Madam Chairperson, the kind of organisation we have now is not an end. The movement exists in its own right. To me it is between multiparty collision and one party system. The only question that worries most people is that we can actually put it with a certain amount of justification that were put by Hon. Delegate for Padyere Hon. Sam Ringwegi that I am not aware yet whether there is any constitutional bar to anybody standing for the Presidency under the UPM. What happened in 1986 and 1989 was transitional. Madam Chairperson, the other thing about Movement is that it has no registered membership. You all know that all of us here are Members of the Movement for the time being. Why can we not all be patient? We are in the RC system, right from our RC 1, whether you voted or you did not vote. We are in that organisation until further notice, till we actually make this constitution and then we see what to do next. I therefore venture to propose that the Assembly recognises that.

MR. O'LET: Point of clarification. Will the Member on the Floor differentiate between the RC

system she is talking about and the Movement? She is talking about comparing it with the RC system and in the RC system, you have political RCs, RCs carrying out the administration and lately RCs also carrying out the judicial system. So, when she mentions that people are all RCs and Movement, which one is she really meaning? Can she clarify to that? Thank you.

MRS. BETTY OKWIR: Madam Chairperson, I do not understand him. I do not know whether he was born yesterday.

MR. SAM RINGWEGI: Point of clarification. Thank you Madam Chairperson. I have been trying to follow the arguments being advanced by the Hon. Speaker on the Floor and I would like her to clarify in a very simple way whether her argument is intended to mean that the people of Lira District would like the Movement to continue in office for the next five years or not. Thank you Madam Chairperson.

MRS. BETTY OKWIR: Madam Chairperson, I had not reached that one yet. I, therefore, wish to say that if we have something strange for us to think about, we should give it opportunity and in this case, we have the multiparties, we have the one party system and many others to come when we make this new constitution. Both the Movement and the parties or the multiparty system should be put to test by Ugandans in this Assembly and those who have sent us here. So, the issue should be: After our experience both under multiparty or one party system on the one hand and movement on the other, we should actually leave it to the rest of Ugandans. What do Ugandans want? If it is the Movement then this Assembly will approve it. Let us give it or go straight away for a general election for a new government with improved institutional arrangements of the movement system. If it is multiparty that people want, let us give the people some time to reorganise the parties. People need to reorient themselves to multiparty after they have already experienced the movement system. Now it is a long time since we have had the multiparty and we are forgetting some of the things. Why should we not be given time to reorient ourselves towards the multiparty? So, I should think we need, even if it is one month, Madam Chairperson, we still need that time for us to reorient ourselves towards multiparty. So, I do not see anything wrong with that kind of arrangement. For example, in the House here, we

have two vacancies created by UPC and UPM and I am aware that of all the old parties we have, only UPC has no party President. So we need even a day or two to actually have the party to think about that kind of line.

MR. BYAKIKA KASAJJA: Point of order, Madam Chairperson. Is Hon. Okwir in order to deceive this House that UPC has no leader when in fact we have a whole President of UPC as Milton Obote?

MRS. OKWIR: No, actually, Madam Chairperson, I meant to say he is not here now. We want him here now. So, Madam Chairperson, all I want to say is that for purpose of accountability only one system should be entrusted with the interim arrangement. We should not go in for either collision or this or that. So, whether it is only a day or two, I think it will, all the same, be of great assistance especially to young people to know more about multiparties and so on and so forth.

So, Madam Chairperson, with that brief submission I wish to thank the Hon. Members for listening to me attentively. *(Applause)*

MR. OJOK B'LEO (Kioga County): My names are Ojok B'Leo, Kioga county in Lira District. Kioga county is the most southern county in Lira District composed of all the tribes in Uganda. Basically, it is a fishing county and so we have almost all types of Ugandans. Thank you.

Thank you, Madam Chairperson, for giving me this opportunity to address this august and historical Assembly. But before I do that, let me first join all Ugandans and Hon. Delegates in congratulating you and Mr. Chairman not only upon your election but also upon the firm and able manner that both of you have been able to conduct the proceedings of this Assembly up to today. I also wish on behalf of the people of Kioga to thank all Hon. Delegates upon their various individual successes in the elections which have eventually brought all of us here. Madam Chairperson, I have also been listening very attentively and carefully to debates and contributions of the Hon. Delegates since this august Houses started its business. Allow me to indicate that I am personally impressed by the calibre of Hon. Delegates. I, therefore, have no doubts in my mind that the document that this Assembly shall finally produce shall be a document which shall be accepted by all the

people of Uganda. Madam Chairperson, it would be out of order if I completed my compliment without thanking the people of Kioga who have honoured me greatly and overwhelmingly voted for me to come and participate with fellow Delegates in this historical undertaking. The people of Kioga are looking forward to a fruitful and successful deliberation.

Madam Chairperson, the people of Kioga have sent me to put on record their mixed feelings on the intention, procedure and method of the NRM Government in opting to make a constitution at this material time. They further would like to put on record that the political atmosphere was not conducive enough to enable broad democratic debate on the constitutional making process. Many prominent sons and daughters who are out of this country in exile for various reasons were not able to give their views. Also many citizens in this country, especially in Teso and Acholi, were also not able to give their views since at the time there were rebels activities in those areas and hence people were not easily accessible. Madam Chairperson, they also want to note that in most areas where NRM had brought peace, only RCs who are considered appendages of NRM were contacted. Some of the people of Kioga also expressed reservations on the moral ability of the NRM to organise a constitutional making process when it, in the first place, violated the constitution. All these and many more were expressed.

MR. CHANGO MACHYO: Point of order, Madam Chairperson. Is the Member in order to allege that RCs in his area are appendages of NRM when they were in fact elected by the people? Is he in order?

THE DEPUTY CHAIRMAN: He is out of order.

MR. OJOK B'LEO: Madam Chairperson, I am made to understand that RC is an organ of the NRM and I am trying to make a clarification between NRM and other political parties. Madam Chairperson, the people of Kioga... *(Interruption)* I am not accepting information because I do not have the time.

The people of Kioga think that the political environment did not allow for the expression of views in opposition to those in government and therefore, they conclude that the constitution that shall eventually come out shall be that of NRM. Apathy exists with regard to the impact and effect of the new constitution, the social economic and political direc-

tion of the country. It is strongly doubted whether the new constitution will in fact be respected anymore than the earlier ones.

LT. COL. KIIZA-BESIGYE: Point of order, Madam Chairperson. Considering that the Hon. Member holding the Floor has just told us that he was overwhelmingly elected by the people of Kioga to represent their views to the body that is going to consider and ultimately promulgate the constitution, is he in order to proceed and say that the constitution that is going to come out is going to be an NRM constitution and a constitution in which his people had not sufficiently provided their views?

THE DEPUTY CHAIRMAN: He is out of order.

MR. OJOK B'LEO: I thank you, Madam Chairperson, for that ruling but as I said before, I am reporting the views of the people of Kioga and their mixed feelings on that constitution which this process is underway to promulgate. As I said before, the recognition of the above misgivings in their view makes it incumbent upon us who are assembled here and mandated by the people of Uganda to do our best to make good of the opportunity available to us. It is my belief that resorting to the use of clique tactics, threats, to some of us are here at the mercy or good will of others. An attempt to haul us or the entire country at ransom will not do this exercise any good. Madam Chairperson, it is with this in mind that I want to refer to statements made in this House by the Hon. Lt. Mayombo Noble, NRA Delegate, who spoke soon after Prof. Nabudere had posed an important question to Hon. Mugisha Muntu on the role and attitude of NRA in case of a different leadership and government other than that of the NRM. Hon. Mayombo is on record to have said that *'NRA went to war to fight and capture power in order that it shall keep it away or in order to exclude some unspecified people or bodies from power and it is committed not to allow such people or bodies into the realm of power'*.

LT. MAYOMBO: Thank you, Madam Chairperson. I would like to clarify. There are two Hon. Members, this morning and this afternoon, who have deliberately - because they were in this Assembly - misrepresented my statements. I, therefore, have the duty to clarify. The statements and the context in which they were made, Madam Chairperson, I stated in this Assembly that, *'We wear uniform to keep power away from those who think the people of*

Uganda are not important'. I am ready to repeat that in this Assembly and those are the views of my constituents: *'To keep power away from those who think power is an end in itself, to keep power away from those who think that power should be used to kill, to plunder and to loot the rights of the people of Uganda'*. This statement is what I said in this Assembly. I would also like to clarify what I said in this Assembly that the people of Uganda are supreme. We have pursued a people's protracted warfare and not a coup d'etat and not assassination because it was our duty to bring the people of Uganda at the centre stage of politics of this country. We brought resistance councils as an institution to put the people of Uganda in the centre of public affairs. I added that a referendum is a reinforcement of that view, that the people should have a right to choose. The people of Uganda should have a right to govern and to take part in the governance of their country. I said that the NRM will never be a party to a system that takes away the people's right to govern themselves and I repeat that the NRM will not be a party to a system that hijacks the rights of the people of Uganda to decide for themselves a system of governance they want. Thank you Madam Chairperson.

MR. OJOK B'LEO: Thank you, Madam Chairperson, for that clarification. I want to say that I do not believe that NRM has that responsibility and authority to keep some people away who may legally want power. This was a revelation that only served to dash off all the hopes in the process in which we are currently engaged. I began from that moment to wonder as to why we are here and to conclude that we are assumed by the NRM to be here to legitimize its seizure of power by the gun. If that is true, I wish to state that the NRM could have overestimated their chances for wholesale legitimization. An Hon. Delegate was alleged to have said later on the position stated by Hon. Noble Mayombo was legally supported by Nuerhumburg court judgement which disbanded the Nazi Party in Germany. I am not yet aware of the Nuerhumburg kind of court in Uganda's situation unless it was secretly held in the bush. But we shall appreciate that such judgement should be declared openly now if it indeed took place. Madam Chairperson, since the beginning of this exercise of the constitutional making started, high ranking Movement officials have gone on record to issue sectarian statements intended to either ridicule or demean certain interest groups of the population. For example, President Yoweri Museveni is on

record to have said using a Press interview that, 'I did not go to the bush to fight to bring back that rubbish' meaning political parties. Again he is on record to have said he has already surrounded the Langi and the Acholi in the famous Zulu style of war. Our mother Hon. Dr. Specioza Kazibwe cautioned all the youths of Uganda to stop behaving like the Northern politicians who have chosen to die. All these threats coming at the time of constitution making, at first sight, could have been brushed aside as words of war mongers. *(Applause)* But at second thought, they cannot be taken at face value. Madam Chairperson, we rather need to recognise the important role and responsibility of every citizen, leaders and security organs of this country to maintain dialogue rather than to choose to usher in solutions as the only viable and sustainable option. Therefore, we shall succeed in this exercise by maintaining unity of purpose and dedication to the service of our people and country rather than pursuing dogmatic lines of thought and sycophantic tendencies.

Madam Chairperson, there has been persistent attempt by the NRM to remain as the sole political organisation in the political arena of Uganda and the same attempt has been smuggled into the debate of this august Assembly. Unfortunately, the method they have chosen are very archaic and only a person with an average mind can fail to see. The use of selective intensive and continuous recitation of lies is one such method. The NRM believes that you persistently tell a lie, eventually it shall be the truth. For example, the lie that all our past and present ills were and are caused by Obote and multi-parties is most unfortunate. This lie has been told in all NRM seminars, rallies, homes and everywhere including here in this Assembly. When actually the truth is, you cannot blame Obote or multiparty on the Luwero war, Kona Kilak massacre, Bukula massacres, etcetera, etcetera.

MR. CHANGO MACHYO: Point of order, Madam Chairperson. As a matter of Procedure and Order, the gentleman made a very serious statement. He alleged it had been made by Hon. Specioza Kazibwe and she is here now; she was not here when he made it. Can he please repeat it, so that we know whether he is saying the truth or not?

THE DEPUTY CHAIRMAN: Hon. Member on the Floor proceed.

MR. OJOK B'LEO: As I was saying, you cannot blame Obote for the failure of NRM to democratically electing their leaders since 1981 up to date. You cannot blame Obote and Multiparty for the abject poverty now prevailing in the country; where parents cannot send their children to school; you cannot blame Obote and multiparty...*(Interruption)*

MR. KIRUNDA KIVEJINJA: Point of clarification. I would like to clarify that the NRM is not and did not come through democratic process. It was through a peoples war, which was made necessary so that it creates an atmosphere for the people of Uganda to create democratic structures. So, the question of NRM electing as you know it, is out of point.

MR. OJOK B'LEO: As I was saying, you cannot blame Obote and multiparty for the most selfish policy whereby those who are in Government earning well, living well, are supposed to co-own on the tax payers money; while the poor peasant farmers heavily taxed, living in abject poverty is being asked to cost-share. You cannot blame Obote and multiparty for having constructed most of the schools you see around and national Hospitals all over the country; you cannot blame him for the rampant sale of our national assets and money got from these sales is being used for globe-trotting by high Government officials, while hundreds of civilians starve to death are being asked to eat mangoes and grass. Madam Chairperson, as I said before, those lies can only be believed by a person whose appetite for personal gains supersedes his commitment to national goals.

Another lie that is being used in this Assembly is that, NRM has ushered in peace. Praises have been heaped on the NRA/NRM for having ushered in peace and maintaining the peace now prevailing in Uganda. This argument is advanced, Madam Chairperson, despite the obvious fact that there was, and still is, a large part of Uganda in agony of war, starvation, poverty, all brought about by the NRM. The NRM and especially its top leadership have declared openly in writing and all the time had their guerrilla strategy...*(Interruption)*.

DR. MUGYENYI: Point of clarification, Madam Chairperson. I would like the Hon. Speaker to clarify to me and to other Members how he can convince us that the war, the famine and so on, were brought by the NRM. Because for us, we read these things in the papers, that was one of the wars was led

by Lakwena and as far as I know, Lakwena is not one of the historical members of the NRM; the other war was led by Kony, who is still in the bush; the other war I understand was led Peter Otai. I do not know the historical members of the NRM could enlighten us, whether these people have been historical members of NRM? So, that the Member can continue to convince us that actually the NRM is the one which started these wars. I would like to be clarified Madam Chairperson, if we start a war and the war is fought and the results are out, what do you expect in a war? Once you start a war, you expect some people to die in the cross-fire, once there is a war, you expect famine, once famine comes, where do you put the blame? On the person who started the war? The people die and you blame the person who started the war and that is Lakwena, Peter Otai, Kony and those have never been NRM or NRA. Thank you Madam Chairperson.

MR. OJOK B'LEO: Thank you very much, Madam Chairperson, for that information. But I want to reinstate that, if NRA/NRM had not gone to the bush, those conflicts would not have continued. As I was saying, the NRA/NRM and especially its top leadership have declared openly, in writing and all the time, that their guerrilla strategy was to effectively de-stabilize the Government in power then and make it absolutely unpopular and this way, they succeeded. They now turn around to blame those who were in power for the large scale insecurity and instability in the then war ravaged areas of Luwero Triangle?

LT. COL. GUMA: Point of order. Is the Hon. delegate holding the Floor in order to tell lies by saying that all these problems would not have started if NRM had not gone to the bush. When in fact, the gist of the matter is, that some of us were arrested even before the elections by the UPC functionaries, that some of our friends were picked from barracks and killed before we went to the bush? Is he in order? Why do we want to write history for purposes of our own individuals? We cannot rewrite history and we must be serious. Thank you.

MR. OJOK B'LEO: Madam Chairperson, I thank you for giving me this time to continue. Recently NRA burnt tones and tones of food stuffs in Gulu, Soroti, Kumi; robbed several herds of cattle; and raped women, all in the name of denying the enemy access to food and ushering in peace and development. This has now caused abject poverty in the area,

hunger and starvation, and above all, animosity in the affected areas and Madam Chairman...*(Interruption)*

A HON. DELEGATE: Point of order. Thank you Madam Chairperson. Is the Hon. Member holding the Floor in order to deny us the constitutional views of the people of Kioga county and continue accusing NRM and the NRA and not telling us what the views of Kioga people are about the Constitution. Is he in order?

THE DEPUTY CHAIRMAN: He is in order. That is the background.

MR. OJOK B'LEO: As I was saying, before I was rudely interrupted, that this has now caused abject poverty in the area, hunger and starvation and above all, animosity in the affected area.

MAJ. TUMUKUNDE: Point of order. Is it in order, Madam Chairman, for the delegate holding the Floor to continue misguiding this House deliberately and intentionally just because he wants to propel and bring out the powers and abilities of the Party he wants to subscribe for, implying that actually NRM is the source of all our problems we have here, when in this House, he got information that war was not started by NRM in the North. It is very clear that the late Eric Odwal, was not NRM and has never been, Odong Latek was not. I do not think Lakwena is, nor is Kony, and may be other related forces. Madam Chairman, is it in order that because we want to justify our own positions we must use others as scape goats?

THE DEPUTY CHAIRMAN: He is out of order.

MR. OJOK B'LEO: Thank you, Madam Chairperson, for that ruling. But as I started my statement, I said that there has been consistent lies and I am just trying to demystify the lies by giving them the other side of the story.

Now, the second method which is being used, is that of manoeuvring citizens into believing that NRM is the only political organisation that can rule this country peacefully...*(Interruption)*

LT COL. KIIZA-BESIGYE: Point of order. Madam Chairperson, I would not like to interrupt the Speaker many times, but I am feeling rather disturbed by the way we are advancing. May be, we will be guided by your Chair and the Privileges

Committee on how we are going to advance in this House. I appreciate the privilege that Members may make any statement of their choice and will be protected, but I think it is not fair to make serious allegations in the House against a person or against an institution without substantiating and without withdrawing such statements. In the morning, we had such a situation whereby somebody said that the NRA is definitely interested in the war continuing, because they are beneficiaries of that war. We had some other person making similar inflammatory statements. The Member holding the Floor, Madam Chairperson has just said that the NRA has been plundering, has been murdering, raping, and all sorts of crimes that he has listed. Unless he substantiates, would he be in order to continue and leave such inflammatory and serious allegations on record of this Assembly, Madam Chairman?

THE DEPUTY CHAIRMAN: Are you clarifying? Otherwise, you would be out of order.

MR. OJOK B'LEO: Thank you Madam Chairperson. Most of these allegations are not originating from me for the first time. People who have suffered in those areas...*(Interruption)*

MR. WAGIRA: Point of Procedure. The Point of Procedure I rise on, Madam Chairman is: We promised to debate this Constitution in a spirit of tolerance, sincerity and openness. In addition to what the Hon. Kiiza Besigye has said, as a point of Procedure, I would wish to appeal to Members that when somebody is stating some facts, however intolerable they may be to us, it is even better for us to learn what the feelings of some of us are; and what the feelings back home are, so that we can ably find a solution. Thank you.

DR. MIYINGO KEZIMBIRA: Point of order, Madam Chairperson. I think we have a problem here, is that, we are debating in a way that people are just reading statements written without being able to change. If you say, the way you are doing it is not correct, one just continues to read from where he stopped and continues to give the same information which you have ruled out of order. I am just requesting, Madam Chairperson, that probably our debating should change a little bit and we should be a little more advanced and reason things out but not stick to written statements. So that, if you are directed by the Chair that you are out of order, you change accordingly without losing track. Thank you very much.

MR. MWAKA DAVID: Point of clarification. I am now at a loss because of one thing. When we started the general debate here, people were free to say whatever they wanted to as they were instructed by the electorate and now we begin to have some kind of disturbances, some kind of flux, because of what some people are saying in this House. Now, there are people who are heaping praises even composing songs of praises for the NRM Government; let other people who do not see that peace and stability ushered in by NRM also say what they want to say. *(Applause)*. There are people in this House who would say one thing and the next time, they will say another. This morning, the Right Hon. Abu Mayanja made a statement which he was forced to withdraw. Of course, everybody here knows there are people who will make one statement now and then will change it the next time. It was not long ago that the Right Hon. Abu Mayanja, Minister of Justice and Attorney General denied that some people were buried alive in a Place in Gulu district called Buchoro; but when confronted with facts by Amnesty International, he admitted that some people were actually buried alive in that area. Madam Chairperson, let us agree here, that whoever is given the Floor to speak should be free to say what he has prepared since he is reporting what his people want to say here. Let him not be interrupted just for the sake of it. Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you. For any point of order or information, let us remind ourselves of Rule 19, and I want to read it to everybody:

“(1) Except during the debate on the general merit and principles of the Draft Constitution, every Member shall restrict his or her observations to the Articles under discussion.

(2) It is out of order to use offensive or insulting language in the Assembly.

(3) It is out of order to use in the Assembly the derogatory language about a foreign country or a foreign Government or any Head of State.

(4) No delegate shall impute any improper motive to any other delegate”.

So, please Members do not disguise clarification and information, as points of order. I think now we are going to start being very strict. Unless one uses derogatory language on another, Head of state. And in 19(1), we shall come to that when we are in Consideration and Re-Consideration stage. So, when you bring a point of order and I see that it is not a point of order, I will just brush it aside and we proceed. Let us restrict ourselves to what is in our Rules of Procedure, unless otherwise decided.

MR. RUZINDANA: Point of Procedure. Thank you Madam Chairman. In addition to what you have said, Madam Chairman, Rule 47. (1), provides the content of our general debate and it reads as follows: “*The debate of the Draft Constitution shall commence with the general debate on the merit and principles of the provisions contained in the Draft Constitution.*” “Merit and principles”. Madam Chairman, in addition to how you have said that we should debate. I think, Madam Chairman, we should bear these Rules in mind. We are in the general debate; we are not supposed to be talking about everything under the sky. We are supposed to be talking about the “merits and principles” behind the provisions of the Draft Constitution. Madam Chairman, I think if we restrict ourselves to what this Rule says and how we should be debating, we shall not have problems in this Assembly. Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: I think, Hon. Delegates, let us fix our discussions to the relevant parts, otherwise we are wasting so much time digressing on what is actually not part of the Constitutional-making process.

A HON. DELEGATE: Point of clarification. Madam Chairperson, I still would like to seek clarification in light of what has been said about representing views of the people. I appreciate the Members’ anxiety to present the views of their people. But in all fairness, there must be a limit to which those views can be expressed in as far they harm somebody or some institution. I do not know what the Hon. Member, for example, on the Floor, would say if I came here and said that he is known to be a rapist, to be a robber, to have plundered, and that those are the views of my people. Would he really continue to say that, that is alright because I am simply saying the views of my people? There must be a limit to which one can make statement injuring other parties whether in the name of your people or any other cover. So, I think there are statements, that once you say, you must substantiate and if you do not, you ought to be forced to withdraw like the Hon. Mayanja was forced to withdraw this morning. I thank you.

MR. OBUA OTOA: Point of clarification. Madam Chairperson, I think we are suffering from double standard here. When the Movement protagonists attack political parties in the strongest terms, nobody raises a finger; the moment a multipartyist is repre-

senting the views of his people, it excites the Movement people out of their skins. I think we must maintain the same standard... *(Interruption)*

MR. AMANYA MUSHEGA: Point of order. We have been listening to many views, some of which border on the absurd, but that is in the name of the people we represent. Is it in order, Madam Chairperson, to derail the Hon. Member for Kioga County and have our own debate and deny some of us who are so much anxious to listen to any view including - because in my vernacular they say that, “*the evil spirit which speaks does not kill*”. So, is it in order not to allow people to let their evil spirits out, so that we can know each others views and find a way of writing a good Constitution for the people of Uganda? Because some of us wanted to take notes, we don’t know what to note down and some people have said their own views and the Hon. Member for Kioga who was overwhelmingly elected - I do not know to represent what, I am yet have to hear - yet, everything is out of order. Is it in order not to allow him to conclude his remarks however obnoxious they may sound to some of us?

THE DEPUTY CHAIRMAN: Thank you very much, Hon. Amanyam Mushega. I think after the clarification on Rule 19 and 47, the Hon. Member can proceed, but we must observe those two rules.

A HON. DELEGATE: Point of information. Madam Chairperson, in view of the comments which are provoking and quite a bit of uneasiness in this House about wars, and other things in this House. I thought it fit to inform this House on the Preamble of this Constitution as one of the basic principles to be debated. If Members can look at the Preamble of this Constitution that reads: “*We the people of Uganda recall in our history which has been characterised by political and Constitutional instability, recognising our struggles against the forces of tyranny and oppression...*” So, Madam Chairperson, I think when we talk about wars in Luwero, in West Nile and Lango, Acholi and Teso, I do believe that honest presentation of those situations are very important if we are to accept the preamble as one of the basic principles to be included in this Constitution. Of course, I do not accept a situation where somebody uses insulting, and rather obtuse and all other types of language, but I do believe, Madam Chairperson, that it is relevant to this House to discuss this background of political and constitutional instability forces of tyranny and oppression. Thank you.

THE DEPUTY CHAIRMAN: Hon. delegates, let us be tolerant and leave the Member to complete his statement.

MR. OJOK B'LEO: Thank you very much, Madam Chairperson. I do not know whether my time which has been consumed in counter debate will be compensated. I was on the second method and I was saying, that the citizens are being manoeuvred into believing that NRM is the only political organization that can rule this country peacefully because it involves everybody. This lie is being 'orchestrated' by the NRM stalwarts in order to monopolize state power and constantly lock out those other organised groups or persons who may come up with alternative policies. All people in Uganda have been compelled into joining NRM through RCs and have been asked to participate on the programmes of RCs. In effect, people are not members of RCs out of shared convictions but out of administrative compulsion. For how else do you expect the people to participate in political affairs of their country when you have declared all the other avenues non-operational and illegal? And here, Madam Chairman, lays the irony of the much talked about NRM kind of politics of the right to associate. They equate the right to associate with the right to participate, the NRM is prepared to champion the cause of right to the extent it does not undermine its hold on power. To refine and defend this position, small laws have been enacted to consider opposition or challenge to power of NRM to be synonymous with subversion. Madam Chairperson, if there is one lesson we must draw from the history of our civil wars in Uganda, it is that the legal framework must allow for a right to oppose Government policies. I want to submit here on behalf of the people of Kioga that there is no shortcut to building a consensus and to be a source of strength, consensus must be political not administrative; voluntarily not decreed.

The people of Kioga therefore, reject any attempt for whatever reasons, to propagate any form of NRM system whether old type or new type. This Constitution must provide for a legal framework, definition of rights, that will allow a diversity of organisation, political and non-political. Madam Chairperson, the people of Kioga are saying, a ban on multiparty politics should be lifted to allow them belong where they want to belong.

Ideas have been floated in this House and indeed in the Draft Constitution, to the effect that after the

expiry date of the current experimental administration, on January 25th 1995, there shall be a new NRM arrangement, which shall accommodate every person in Uganda and that every person shall be eligible to vie for any post in that movement. Madam Chairperson, my fear and the fear of the people of Kioga is that the proposed Movement is not going to be any different from the single party or the no-party arrangement which is based on denying the right of opposition. In effect, it shall be tantamount to the introduction of the single party state through window two. If this is allowed, Madam Chairperson, it will bring to a conclusion the worst tendencies in Uganda's politics.

We are aware of the fact that since NRM came to power, it has shown consistent preference for interpreting rights as belonging to individuals while looking with suspicion to any organised group's rights. To illustrate my point, I would like to call to mind the rough treatment meted by Government activists and policemen on the Assistant Secretary General of UPC... *(Interruption)*

MR. MULINDWA BIRIMUMAASO: Point of order. Madam Chairman, I want to draw your attention to Rule No.24 (C). *'No delegate shall bring into the Assembly anything not directly connected with the business of the Assembly except with the consent of the Chairman'*. Is the Hon. Member holding the Floor in order to have come with a tape recorder, without your consent?

THE DEPUTY CHAIRMAN: Does the Hon. Member have a Tape recorder? Can it be taken out? Please.

MR. OJOK B'LEO: I am taping myself.

THE DEPUTY CHAIRMAN: No way. Can you hand it over to the Martial? He will give it to you when we finish. Then we shall refer the matter to the Rules and Orders Committee.

MR. WANJUZI: Point of clarification. Having a tape recorder is not against the law as far as the rules of procedure are concerned. Can you clarify on this?

THE DEPUTY CHAIRMAN: I said I am referring the matter to the Rules and Orders Committee, but meanwhile we interpret the Rule 24 as that part as not being allowed before consulting the Chair.

MR. OJOK B'LEO: Madam Chairman, I have been very much disturbed and I am getting worried as to what is happening. (*Interruption*)

MR. BYAKIKA: Point of order. Madam Chairperson, in view of Rule 24 (A), which says that, "All delegates shall dress in a dignified manner", is Hon. Kabwegyere in order to come into this House dressed casually?

THE DEPUTY CHAIRMAN: I do not see anything wrong with his dress. (*Applause*) Let us not disrupt speakers for trivial comments. Hon. Ojok, please, proceed and do not be interrupted because you have your paper you are reading, I do not see the purpose of recording it, when actually you are reading it.

MR. OJOK B'LEO: As I was saying, we are aware, Madam Chairperson, of the fact that since NRC came to power, it has shown consistent preference for interpreting rights as belonging to individuals, while looking with suspicion to any organised group's rights. To illustrate my point, I would like to recall to mind, the rough treatment meted by the Government activists and policeman on the Assistant Secretary General of the UPC, the Hon. Mrs. Cecilia Ogwal, when she attempted to mobilise our party 'faithfuls' to redress or be ready to participate in the CA elections. The state harassed her fully including threats with arrest and imprisonment, yet our meetings were not subversive.

Madam Chairperson, we also remember the violent and forceful dispersal of people who had come to attend an otherwise peaceful DP mobilisers group rally at the City Square. Policemen were given orders by the State to shoot to kill. The President himself threatened that those who want to see blood should dare go to the City Square. We also recall with shock the forceful dispersal of the peaceful demonstrators of the Makerere students, which resulted into the death of two students. The list is long. Madam Chairman and because of this, the people of Kioga are now suspicious of the intention of trying to turn the NRM into a national, political organisation using the Constitutional making process. Where NRM has been receptive to a national group rights is in the case of women, youth, workers and the disabled. And the manner of implementation has eroded the autonomy of the group concerned; thereby undermining the significance of its rights and made it appear to owe its existence its the mercy and benevolence of the state.

To illustrate my point, Madam Chairperson, Hon. Mrs. Miria Matembe, a vowed advocate for women emancipation is reported to have cried before the President in Mbarara in the following words: "Stop breaking our hearts with your threats of quitting politics, you have saved us from the mouth of the lion, now what shall we do, where shall we go, if you left us now?" To all the delegates, there can be no woman emancipation unless Mr. Museveni and NRM are there. Madam Chairperson, this explains the degree of women dependency upon the state. The people of Kioga support the affirmative discrimination, a deliberate government policy to uplift the disadvantaged groups, but rejects the manipulation of the state to use these groups for vote brooking. All this, is meant to show that NRM is not - Madam Chairperson, while there is nothing wrong with a political organization cutting the cloth to suit its own size, this bit of pragmatism as ironically revealed in limited capacity of the NRM to build consistently on reforms of its own. The same NRM that boasts of having established a participatory democracy system, so to speak, is the same NRM that has put the most extremely imitations with respect to all other group forms of organisations, especially those that seem to have any challenge to its hold on power. The question that this Honourable Assembly must ask and address urgently and sincerely is: Should the reform that was shot in place by NRM be tailor made compromise, to ensure the NRM's hold on power itself or should it be expanded to address the question of power itself? I want on behalf of the people of Kioga to submit that the best gift NRM can give to the people of Uganda is to allow free emergency of autonomous organisations both within civil society and outside. This in my view, is the main Constitutional reform necessary to lay the ground work for a healthy democratic life. If this position is accepted, then there is no need for a referendum after every five years to see whether people want to continue with NRM or any other party; we shall have for ever solved the problem of a referendum which is a sure way of de-stabilizing the country at every five year interval.

The people of Kioga Madam Chairperson, are proposing for that matter, a Government of national unity during the transitional period; a Government that shall truly involve all shades of political ideologies.

Let me now turn to some specifics in the Draft Constitution. The people of Kioga have sent me to

come and try to persuade this august Assembly to have Chapters 3, on national objectives; 9, on Council of State; 15 on Inspectorate of Government; and 16 on Leadership Code of Conduct, to be discarded. They think the issues involved and covered in those Chapters can effectively be treated in the various Government policy papers or relevant Government departments.

Land. The people of Kioga believe that land is the most precious property that man can own. It was given to them by God not Government. Government, therefore, has no business to meddle into its administration on behalf of the people. A person should be able to own his or her customary land absolutely and to pass it on to his descendants without hinderance. It is that way, that private development shall be encouraged, lease tenure should remain in respect of titles in urban areas. There must also be massive national education on environmental protection.

Citizenship, Chapter 4. The people of Kioga agree in totality with the definition of citizenship as contained in the 1962 Constitution and reject any attempts to modify that definition to include those who were not citizens then. They also reject in totality provisions of Article 42 of the Draft Constitution, because it is vague and un-cultural in the Ugandan context.

Human rights, Chapter 5. The people of Kioga believe that human rights and fundamental freedoms are universal. They want to see those rights and freedoms respected fully without qualification of any kind. They, therefore, support all those articles contained in this Chapter.

Representation of the people. People to represent other people must all at all times be elected. The President should not be given powers to appoint anybody to an electoral post or Assembly as it is now seen. Experience has shown that such people do not represent the rights and aspirations of the people, but one man who appoints them. The President should be elected by every person in Uganda through adult suffrage. Nobody should be allowed to lead this country for whatever reason or for whatever good motive unless she or he is elected by the people. The people also want the right to recall their representatives for non-performance in Parliament when the case arises. Presidents should be re-elected only for a period of two-five year consecutive period.

Madam Chairperson, I want to thank you and Hon. delegates for listening to me. I thank you.

MRS. MWESIGYE RUHINDI HOPE (Women Representative Kabale): Thank you, Madam Chairperson. My name is Hope Ruhindi Mwesigye. I am a woman delegate representing Kabale district. Madam Chairman, Hon. delegates to this Constituent Assembly, I would like to join my Colleagues to congratulate you and the Chairman for the respected Chairs both of you occupy. I would also like to use this chance to congratulate all the delegates to this Assembly, whatever routes they took: "the end justifies the means". More specially, I would like to congratulate the women who contested with the men at county level. We are indeed proud of you! For the women delegates at the district level, I know beyond doubt that it was not as easy as some people may want to believe. Reports during and after election reveal that our election was marred by gender influences, male chauvinism, and was highly influenced by the preceding election at county level as one RC official commented: *"The women's election was even more complicated than that of the men. In future, both elections should take place on the same day"*.

Kabale district is found in South Western Uganda. It borders with Rwanda to the west. This should, however, in no way be used to compromise my Ugandan nationality and that of the people I represent. The people I represent are overwhelmingly Bakiga in numbers and they are very industrious people and their main source of livelihood is peasant farming. A rural rapid appraisal by Mwesigye, Etal (1992), in Bukinda Sub county, revealed that women work 12 hours and men 8 hours on daily average in the fields. Despite the limitation of land shortage they face, they have never had "Operation and hunger". Thanks to their hard work. As a woman delegate representing Kabale district, I have obviously found my way to this august House through affirmative action or what is commonly known as positive discrimination. The people of Kabale salute the NRM Government for its recognition of women's contribution and their silent potential by letting the hitherto silent voices of women be heard. The people of Kabale are open hearted and minded people to the extent that our openness is usually misinterpreted as rudeness. When they say yes, the mean yes and when they say no, that is it. *(Applause)* They sent me to represent them purely in the spirit of openness without any hidden agenda. To them, this

is fundamental to achieving a consensus and a lasting Constitution for our mother Uganda.

Madam Chairperson, we are here to forge the future of Uganda, therefore, Uganda as a State must first and foremost self identify and understand itself. It must reflect upon its history the present and project its future. To me, the Constitution making process is the biggest planning exercise for Uganda.

Consequently, we must think and plan strategically. We must answer as a condition precedent to the making of a good Constitution, questions like: What is Uganda like to date? Why is it what it is? What can be done to improve the status quo? How can it be done? What resources are available? What do we need? Who can do what? For whom should it be done and within what time frame? These questions must be answered as we tackle individual Chapters of the Draft. If we answer these questions well, we shall not only come out with a document in the name of a Constitution, but a set of principles and aspirations truly from the bottom of our hearts that will lead us to a desired Uganda by all of us. To the people of Kabale, myself inclusive, this is a true meaning of a Constitution and constitutionalism.

Madam Chairman, it is very important that Ugandans and Hon. delegates of this Assembly in particular have a clear vision of a desired Uganda. This vision will keep reminding us to reflect on whether or not the mission stated within the Constitution is being achieved.

At this point, I would like to highlight that Chapter 3 of the Draft Constitution is a fundamental Chapter. It clearly states the purpose or mission of the Republic of Uganda in as far as it articulates National Objectives and Principles of State Policy. I am aware and you will all agree with me, that the vision of all Ugandans is to have a healthy, literate population; to have peace; unity; stability; stable families; freedom from hunger; good living standards; security; good governance; good foreign relations; and so on.

Madam Chairman, strategic planners will agree with me that without a clear vision and mission planning becomes disastrous, self reflection becomes obsolete, evaluation impossible and the end result is total derailment. It is my impression that the absence of a clear vision and mission for Uganda for so long explains the problems we have faced to date. In light of this, Madam Chairman, the question of non-enforcement of Chapter 3 which has been high-

lighted by some of the delegates does not apply since the mission is merely to guide the state; and I should mention that the state comprises of Government and civil society; both these elements of the state have obligations to fulfil the mission and realise Uganda's vision.

Historical perspective. On the analysis of Uganda society, it emerges that since independence a few elites and the military have monopolised power and excluded the masses from the enjoyment of the fruits of independence. This has resulted in a symmetrical relationship between the few elites and the masses; the rich and the poor; employers and workers; rulers and subjects; adults and minors; City dwellers and the rural people; the powerful and the voiceless; and most significantly men and women. To address this asymmetry, there must be a deliberate move to restore peoples sovereignty. People must be the centre piece of every situation and must have a voice. In order to achieve this, there is need for solidarity to put our past and present differences aside and start on a fresh note. It has emerged from this House that the litmus paper for eating and corresponding suffering is the region the President comes from. It therefore follows that Northern Uganda has eaten longest and thus suffered least; Central region has eaten through the late Kiwanuka, Lule, Muwanga and Binaisa; the West through President Museveni is eating and the East has eaten through proximity and association and more directly the East is warming the two warm Chairs of the Assembly by birth and marriage and the East has had the Commissioner for the Constituent Assembly and Justice Odoki was from the East and to me, the whole exercise of Constitution making has been monopolised by the East and as such, it compensates for lack of Presidency. Since therefore, we have all eaten, let us forget the eating business, let us start afresh with the main agenda of equality, equity, peace, stability and development.

Areas of general emphasis.

1) We must ensure that the Constitution becomes supreme over all the laws and cultural practices to the extent that in all applications and interpretations whatever is in conflict with the Constitution, the later must prevail.

2) The Constitution must ensure that all types of discrimination, legal, overt and covert must end and the protection against such evils is guaranteed and implemented in all aspects. In this regard the emphasis must be put on eliminating discrimination

based on sex. We must note that whereas legal discrimination can easily be outlawed by the distinguished delegates through the type of Constitution we promulgate, covert discrimination demands that a lot more work be done. The reason being that this type of discrimination is mainly associated with practice, culture, attitude and is highly ingrained in society and thus difficult to change. On this basis, as we debate the Draft Constitution, we must vigorously address the issue of its implementation and protection. We must not sit here using our valuable time and Government's meagre resources to legislate in vain.

3) We must look at the flexibility of the Constitution in order to make it able to respond to the needs of a dynamic Ugandan society. Due attention must be given to the children, the youths, workers, rural people, slum dwellers, sick people, disabled, refugees, women and the Army. I mention the Army in this list because we are all aware that a successful revolution establishes a legally recognised new order and therefore, their participation in all aspects of life can work to enhance the protection of the Constitution and hence promote the stability of our country.

4) We must critically look at the gender implications within the draft. In this respect the Constitution must eliminate the male dominated appearance of the Draft. It must speak to all in a nonsexist language. For instance, look at the Articles concerning the Presidency, the Vice Presidency, the DPP, all the Chairs of the Commission to be established, they all refer to he, his, and to us that is a language of exclusion. Hon. delegates, we must adopt the use of words like, she or he, to put it more conventionally, to use "S/HE" and we must adopt the use of words like Chairperson. This language has been duly recognised by the convention on the Elimination of all types of discrimination against women and its rules and regulations which Uganda ratified in July 1985, without any reservation. This Convention is the basis of all women's rights and forms part of the laws of Uganda save for its inability to be implemented which this august House must address.

Madam Chairman, the majority of Hon. delegates so far contributed to the debate agree that there is need for reaching a consensus in order to make a good Constitution. I entirely join them. However it is my strong belief that consensus cannot be reached unless we, in this Assembly, evolve a shared language and understanding of the key concepts which are fairly recent on the political scene. I will start with gender.

The concept of gender, perhaps, is the most problematic concept for whose cause that I am here today. Twenty years of feminist scholarship and women in development research have eventuated the consensus that gender is a fundamental organising principle in human societies and in cultural production. It is widely accepted that gender, like class and ethnicity, is a source of inequality; that gender asymmetry is a universal fact of life, is now a common place. In many societies around the world, women are discriminated against by law, and custom rendering them among the vulnerable and disadvantaged social groups. Madam Chairperson, Sociologist Jannet Chaffet (1984), notes that: '*sex stratification exists in degrees, with one variable and one constant component*'. She notes further that, '*what varies is the extent of female disadvantage while the constant is that females have never been more advantaged than males in any given society*'. Papanek 89 notes: '*Gender differences based on social construction of biological sex distinctions are one of the great fault line of society. Those are the marks of difference among categories of persons that govern the allocation of power, of authority and resources*'.

Unfortunately, Madam Chairperson, gender has become a generic word for women. The effect of this misinterpretation is that it shifts people's minds from the relationship between men and women to the biological differences between sexes; thus, missing the real issue. On the other hand, gender is a cultural construct of sex roles, a definition of masculine and feminine and of the prerogatives of male and female. It is culturally and historically bound and it is the function of power relations and a social organization of inequality. '*It is, therefore, simply, a system of unequal relationship between sexes*'. It is important to note that gender distinctions are not facts of nature. They are reproduced institutionally and one of the most important institutions is the family; a principle site of gender reproduction. Some of the distinctions of gender inequality include lack of economic power for women; marriage with its unequal relationship including wife purchase, parenthood and unequal rights. Sexuality tainted with control and power; sexual division of labour; preferential access to political power; cultural images and the portrayal of women. These distinctions and systems of social stratification are maintained through a combination of force and coercion; concession and legitimation. Concession and legitimation are achieved largely, through socialization, ideological

manipulation or welfare activities. Madam Chairperson, stratification systems are subject to “challenges” and “changes” as gender systems are. These may be affected by changes in production, distribution, consciousness and political forces.

On this basis, therefore, it is obvious that gender runs through all aspects of life and therefore, through all the Draft Articles of the Constitution which should be critically analysed in light of gender implications involved. Madam Chairperson, I would now turn to equality. The concept or principle of equality which features very highly in the Draft Constitution and which is equally problematic as gender are closely related. The principle of equality emphasizes that human beings are entitled to be treated alike. This is reaffirmed by Chapter 5 on the Draft Constitution on the fundamental human rights. This principle, when applied to men and women, it becomes even more problematic. In such situations, tension develops between tradition and modernity and straight away people think of traditional sex roles, and biological differences between sexes. It is also problematic in the religious sector especially with conservative and fundamentalist religious traditions. Madam Chair, equality on the one hand, refers to legal capacity. For instance, the requirement for a wife to get spousal consent in order to get access to family planning facilities, or to have her child endorsed in her passport is to deny her legal capacity as an adult of sound mind capable of making an independent decision. If I could illustrate this with my latest encounter. My husband and I took our passports for renewal about two months ago and I had my children endorsed in my old passport that had expired, same as he did - on return of the two passports, his had the children automatically endorsed and mine did not have the children. It came with a note that they need the consent of my husband. Madam Chairperson, the thing I asked myself first, was whether or not that man had hired me to produce children on his behalf or whether it was by mutual consent? Madam Chairperson, this issue also raises the question: What rights do mothers have over their children, especially in light of the fact that until now, the doctors and the scientists will agree with me that there is no conclusive scientific proof of paternity. All of us here depend on our mothers' mercy and good will to know our fathers and likewise those of those of you who claim to be fathers here, obviously depend highly on the good will and integrity of your wives. *(Applause)* Therefore, Madam Chairperson, the child who is carried by a woman for nine months,

who the woman knows 100 per cent that this is her child - how then, should someone claim that child? I leave that to the House that as we investigate, especially, the citizenship of the children, we address the principles of equality and equal opportunity of women and men - I want you people to handle this without prejudice. If I would draw the attention of the House, for instance to the Guardianship Act. It categorically states that in case of death of a guardian or a father who is actually the legal guardian of the child, that the male relative of that deceased man should be the legal guardian; surely, disregarding the mother of that child who is still living and to us when we talk of equality and non-discrimination, we precisely mean that.

Similarly, denial that a child does not get automatic nationality of its mother simply because the mother happens to be married to a non-Ugandan is to deny that woman legal capacity as a national and to limit women freedom of choice of the spouse. Worse still, it has been argued from the floor that if a woman marries a foreigner, then that man should not be entitled to automatic citizenship of Uganda. If I would draw the House's attention to the basis of that provision that was in the 1967 Constitution, there was a presumption that foreign men would bring insecurity to Uganda. Of course, at that point women were never exposed. But in light of the point that now women can join the army, can be in secret services and even perform far better than men who bring insecurity - to where? I want this House to address that issue without bias, without the patriarchal arrangement in the background of their minds but by simply looking at this person as an adult who has legal capacity - the same capacity as the man would have.

On the other hand, equality means equal rights, opportunities to men and women in socioeconomic and political spheres which are a central feature of democratic and participatory patterns of development. Inequality is demonstrated further by women's lack of access to and participation in decision making, limited education, lack of strategic information, employment, resources, power control and so on. It is interesting to note that it is not only urban women, the elite, as prejudice may have it, that demand for equal opportunities. It is not worthy that, ACFODE study (1993) noted a higher demand for rural women - 83 per cent of rural women as against 80 per cent of urban women highlighting the need for women's equal participation with men and the rea-

sons they advanced are even more interesting. They say, we must work for our freedom and development. Obviously, you can see that these women's reasons are not in line with so many reasons that have emerged from this Floor namely: 'the eating reason'. To promote equality between sexes, this Constitution must ensure that structures and processes are truly democratic and participatory in the sense echoed by the African Charter For Popular Participation, Development and Transformation of Arusha, 1990.

Affirmative action. Another problematic principle is the principle of affirmative action. Madam Chair, I would like to allay the fears of some Delegates who think that affirmative action will over-turn tables and make women take over men's seats. Affirmative action is by its very nature a temporary measure. It is not a fashion. It is an essential tool for removing the existing imbalance. It is a necessary step to ensure that the disadvantaged, are there, where decisions are made; since they are the ones who know their needs and can articulate their needs and urgently respond to them. It can be used in the respect of men and women and between the advantaged and the disadvantaged even of the same sex. Hon. Miria Matembe articulated very eloquently the status of the Ugandan women. I will not venture to repeat that. The asymmetrical gender relationships have also been highlighted herein above and the obstacles at women's access to decision making are also well documented in the Lagos Plan of Action and the convention - on the elimination of all types of discrimination against women I had referred to earlier. Since the vision of Uganda is to have an equitable society, the application of affirmative action should be done by using the social gender analysis approach which caters for class and gender at the same time. Let us gradually move away from the Women in Development which only looks at women and is class blind. It assumes that women are a homogeneous category and also keeps a blind eye on the poor men who may be less advantaged than some urban based women. The latter approach runs the risk of giving more to those who already have and neglecting those who do not have like the...*(Interruption)*

MR. BAGUMA ISOKE: Point of Clarification. The point I am seeking clarification on from the Delegate from Kabale is that was she elected to champion only the women cause, gender issues only? Is that the only issue in the Draft Constitution she was sent here to advocate?

MRS. MWESIGYE: Thank you Madam Chairperson. I earlier mentioned that I am here on affirmative action and the principle of affirmative action is to increase the numbers of those who are disadvantaged and precisely to articulate the needs of those who are disadvantaged whose voices have never been heard. Much as I would articulate on these other *(Applause)* Chapters as time comes. I really feel more obliged and thank you very much for that.

Madame Chairperson, before I was interrupted, I was mentioning that the risk of using the women in development approach is that it gives more to those who already have - like the biblical parable of the talent, if you could recall. For instance, I want to illustrate this with the 1.5 controversial points given to female students joining Makerere. The principle was good, in my opinion, but because it only targeted at women as a homogeneous group, it ended up benefitting girls from Namagunga, girls in Gayaza, Nabisunsa and did not benefit girls from our third world schools. *(Applause)* I am saying that when we use the social/gender analysis, that caters for this class and gender, it would benefit the disadvantaged men and women. In fact, my constituents including the men asked me to say - Hon. Baguma maybe could note this - "including the men". They say that affirmative action like this at Makerere would have given rural boys one point and rural girls 1.5 and not to the girls of Namagunga, Gayaza. *(Applause)* Since rural people face more barriers. Madam Chair and Hon. Delegates, I would like to request that as we debate we must move away from mere rhetoric to concrete action for the realisation of visible, satisfactory and measurable results. This can be obtained, of course, when the disadvantaged take positions and can have a hand in decision making.

The agitators of equality, I must warn here, must safeguard against mere numbers. Although we need the critical mass to make a social transformation, we need qualitative mass at the same time. At this juncture, I should tell the gentlemen who have been saying that for the women issue, any woman can go. No, we need a woman who can cause social transformation and social change. I would also like to caution here about the 'queen bee syndrome'. Hon. Kalikwani mentioned something in passing, especially for the interest groups. There is a tendency, when one arrives there, they will start thinking that he arrived or she arrived there on purely merit. We should be able to uplift our brothers and sisters that

are following us. (*Applause*) I like to suggest that the affirmative action within this Constitution on gender basis should clearly state that on all the statutory bodies, each sex shall not be represented by less than 30 per cent. This will cater for what the Hon. gentlemen have been fearing that women are going to overtake everything. If we set a minimum of 30 per cent, it will cater for the men, and it will also cater for the women.

I would now like to talk little briefly about the culture. The culture is essential for identity and I note that it has positive and negative attributes; and I note also that culture is dynamic and it grows mainly when it comes in contact with modernity where the following things happen:

- 1) It critically discovers its own values and practices that should remain intact.
- 2) It discovers the values and practices which need modification.
- 3) It discovers the values and practices which need new substitutes and it discovers those which should be fully abandoned without any substitute.

Hon. Delegates, you will agree with me that customary laws form part of our laws by authority of the Judicature Act. And as a Legal Aid practitioner, I have witnessed culture and customary laws oppressing people especially the women and the children. I would like to request you that as you go to consult with your electorate, you should also examine these cultures, subject them to test and if possible, modify those that enhance development and can be retained. In so doing, we shall eliminate this discrimination and injustice caused by culture.

Code of Conduct. Madam Chairperson, high ethical standards in any society is no mean achievement, since society is judged by the way the people conduct themselves. Good conduct is the basis for a stable family, community and nation. Debate from this Floor has been emphasising corruption, misuse of office and has actually ignored the moral bit of it. As a person who has been in a Legal Aid office, I have noted with concern, the high level of wife battering, of defilement of daughters, of strangers, of rape and of sexual harassment at work place. There are a lot of researches supporting this but I will not go in detail. The studies done in 1991, in 1993 (Mwesigye Etal) which included the biggest institutions of this country, reveal that there is high prevalence of sexual harassment. It is my view that we must as prerequisite also to good conduct, have very high morals and

integrity and I would request the Hon. Delegates to vigorously address that issue.

On the point of governance. I wanted to mention one thing about democracy and to me, democracy is like how John Clark (1990) defined it which is actually very broad - including things like nondiscrimination, accountability, participatory approaches and so on and so forth. So, the main element of democracy to me is popular participation which involves the masses or the so-called bottom up approach like it is demonstrated by the Resistance Councils and Committees. In democracy also, there is access to strategic information: Who make decisions and who controls what?

I would like to talk about the political parties of Uganda. To me and my people, we view them as having been hierarchical in nature - that is with the top-bottom trickle down approach, elitist, male dominated and have not allowed the participation of women and the masses; after all, they were all started by men. Therefore, in sum, they have not been democratic. They also started on wrong premises namely: religion, tribal, region and, therefore, there is no way one can organise such disorganized things. If I could quote Francesca Isaka - she is a Minister of Local Government of Ghana, right now attending a seminar in Entebbe on African women and Governance. This morning she observed that women in Ghana and everywhere else do not like political parties because they are formalistic, they start on wrong notes, they are hierarchical and therefore, they do not allow participation. In fact, she also added that in Ghana, they like the systems that are equivalent to our RC - grass root systems. And if I could articulate on this, as a development worker who has been going to the villages - the RC system has significantly stimulated women's attempts in various areas to broaden their political status. Those women say that although it may not look quantitatively significant that they have participated in the RCs, in qualitative terms, it is very positive. Because the facilitate women to talk, since women talk in small groups and they can be able to articulate their things in small groups, at lower level with the use of their local languages and it has resulted in new women's names constantly appearing at the national scene. Like, of course, many of you did not know any of us before this exercise of the constitution making.

We must realise also that political empowerment is wider than the general definition of politics. We

would like to see politicisation of civil society to influence political direction. To us, the real meaning of popular participation is real participation and that is democracy and it is in that line that the people of Kabale are saying that the movement government should continue and allow periodic referendum so that they are able to fully judge the level of political development of our society. I thank you Madam Chairperson. I thank you Hon. Delegates for attentively listening to me. *(Applause)*

THE DEPUTY CHAIRMAN: Hon. Delegates, I want to propose that as we started at 9.30 today, instead of 8.30 we lost a whole hour in the morning. I pray that we accommodate only one person.

MRS. SSEMAKULA (Women Representative, Mubende): Thank you very much Madam Chair. Mubende District is one of the oldest districts in Uganda and it is a mother of Kiboga District. It borders with Kiboga in the North, Mpigi District in the East, Kibaale District in the North West, Kabarole District in the West and Masaka District in the South. Madam Chair, Mubende District consists of four counties namely: Buwekula, Kasanda, Mityana and Busujju county - with 20 sub-counties, including two town councils.

Madam Chair, allow me on behalf of the people of Mubende District to join the rest who spoke before me to congratulate you, together with the Chairman for having been elected to those high offices to lead and guide this august Assembly. Madam Chair, I also wish to congratulate all the Hon. Delegates who successfully went through the toughest elections ever held since we attained our independence. Madam Chair and Hon. Delegates, the people of Mubende are very grateful to the NRM government for having created conditions that are conducive for us as Ugandans to come here for the first time to sit and try to lay a foundation for the management of our society today, tomorrow and many years to come.

The people of Mubende District in general and women in particular are very grateful to the Hon. Members of the NRC especially the women for their successful lobbying which brought us the 39 district women delegates to this august House. If these Hon. Women had not struggled hard for us, Madam Chairperson, we could be having only 12 women in this House. Madam Chairperson, the people of Mubende salute the NRM government for the achievements made so far since it came to power:

after so many years of political turmoil in Uganda since independence, 1962. Our district, before the NRM came to power, was among the least developed because of being neglected by the past regimes. So, the people of Mubende are very grateful to the NRM government for having tarmacked their Mityana-Mubende Road which has really boosted development in the district. They pray that this road gets completed up to Fort Portal. These people are badly off. Madam Chair, the people of Mubende are also quite appreciative to the NRM government for creating a democratic type of governance that is the RC system. This system is very accommodative and the people of Mubende would like to propose that the OAU should adapt this type of governance for its member states because it gives a chance to all citizens of the country to forge unity, participate fully in the governance of their country based on merit from bottom to top. Madam Chairperson, having said that, it is my honour and privilege to address this august House on the general Draft Constitution proposals.

Madam Chair, I need not to emphasise the importance of the Constitution as a supreme law of this land. Each and every Article in it is of paramount importance. So, Hon. Delegates, it is our solemn duty to ensure that we weigh and draft each Article with utmost care if the Constitution we will adapt is to stand the test of time. Bearing in mind the magnitude of the task at hand, I give my proposals and those of the majority of the people of Mubende. I am sure they are our collective views as I have consulted widely with the people I represent before I came to this august House and I am still consulting to date.

Madam Chair and Hon. Delegates, most of the people of Mubende district support Chapter I of the Draft Constitution on the sovereignty of the people and the supremacy of the Constitution and hold the following views on other Constitutional provisions:

Land: Madam Chair, land everywhere on earth is the mother of everybody and everything. As everything stands on and originates from it, it is accordingly important that every citizen in this country has access to land and his or her ownership of it, should not be unduly fettered. In order to ensure security of tenure and quick development on the land, the People of Mubende propose that the following should be recognised and strengthened by the new Constitution. The Mailo Land, Freehold Titles and Custom-

ary occupation. To ensure that each holder feels secure, all interest in land should be registrable through an efficient and decentralised land office. Mailo land ownership and freehold should take precedence over customary tenure provided every customary occupant is entitled to adequate notice (say 6 months) and fair compensation of his/her development on the land before he/she is evicted. Madam Chairperson, the people of Mubende wish to see that the Land Reform Decree of 1975 is repealed.

Citizenship. Madam Chair and Hon. Delegates, the people of Mubende are rejecting dual citizenship because dual citizens are seen as compromised citizens who live by convenience, able to move where peace and better opportunities are found and ready to run back where they were, once stability and development are guaranteed. Such persons, would often lack the spirit of patriotism and national building. They are advocating for the National Citizenship Card which should be instituted and issued under law to every Ugandan as a formal proof of identity. They are saying this national identity card would effectively control illegal immigrants into the country. The women of Mubende, are in total support of Article 43 2(a) which provides that a non-Ugandan married to a Ugandan man or woman, may apply to be registered as a citizen of Uganda, provided that such a person shall be required to produce proof of a legal and subsisting marriage of at least 3 years standing. They say this provision removes inequality in treatment under the current law whereby it is easier for a non-Ugandan woman married to a Ugandan man to become citizens than a non-Ugandan man married to a Ugandan woman.

The people of Mubende strongly recommend that, people who acquire citizenship by registration should not be elected in leadership positions such as President, Members of parliament, etc.

Fundamental Human Rights and Freedoms. Madam Chair and Hon. Delegates, the people of Mubende are of the strong view that there are fundamental human rights which are not negotiable. The people of my constituency and I, have noted with concern that in the past 30 years or so, these rights have been taken as favours to be dished out or withheld at the whims of the Executive Arm of Government. To ensure these evil practices wiped out once and for all, we insist that a Bill of Fundamental Human Rights and Freedoms be enshrined in the Constitution and no Amendment to it should be valid, unless it is

supported by two thirds majority in both the first, the second and third reading in Parliament. Madam Chair and Hon. delegates, I will not bother to elaborate on each of these rights and freedoms as time does not allow but the people of Mubende are of the strong view that the Constitution should make it absolutely clear that where the President or Minister declares a state of emergency, it must be rectified by Parliament within two weeks of its declaration; or where it is impossible to convene Parliament by cabinet and all Members of Parliament who can conveniently move to attend the meeting within 48 hours, no rectification should be valid unless it is supported by a two thirds majority of those present and voting.

Madam Chair and Hon. Delegates, the people of Mubende, especially the women have had the opportunity of carefully perusing Article 61 of the Draft Constitution. They agree with its principles in general - like all laws, it will only be effective if the majority of its ideas are put into action. Everybody, who is conversant with our African Society in general and our Ugandan society in particular, is aware that 'Herculean' efforts but not words of good intentions will redress the imbalance between the sexes. To touch upon the tip of the Iceberg, Madam Chair and hon. Delegates, - let us critically look at the following: A girl or woman on attaining maturity is expected to leave her home of birth for marriage. In some cultures, only token bride price is paid. But some others exorbitant bride price sometimes running to hundreds of thousands of shillings plus many heads of cattle are paid. This means that, however, badly treated in her new home, this woman will not divorce or separate from her husband for fear that her father or brother, who in most cases are poor and have disposed of the bride price, will not be able to refund the bride price. In marriage, Madam Chair, the woman contributes her full part towards generation of the family wealth, either by doing full time house work or going out to work for wages or salary but in divorce, she is lucky if she is allowed to take her clothes or personal effects. Even where the written law provides for alimony, it is so ridiculously low that it is not worth the protracted litigation that she goes through in order to get it.

As long as marriage subsists, the woman will be guilty of adultery when she sleeps with any man other than her husband but her husband will be guilty of the crime if he sleeps with a married woman. Otherwise, he will be free to taste all the unmarried

girls and women with impunity; even where he is charged of adultery, mild penalty is provided for the offending husband and the husband's co-accused (adulterous woman), gets off with only a caution on the first conviction and a 600/= fine on a second or subsequent conviction. Imagine! On her husband's death, the widow or the widows are theoretically entitled to 15 per cent of the husband's property if he died intestate (leaving no will). The bulk of the property - 75 per cent goes to the children even where they are fully grown. In the first place, Madam Chair and Hon. Delegates, the 15 per cent is too small especially bearing in mind that many men leave behind more than one widow. To make matters worse, this 15 per cent is largely ornamental as I for one has never seen any rural or even an average urban woman get this inheritance.

The people of Mubende, especially the women agree with the provisions made for the protection of children in the Draft Constitution. Their rights are entwined with those of the women as of the two parents, it is universally acknowledged that the mother is closest to the child. As if to put this point beyond dispute, the child remains closest to the mother even when grown up. Madam Chair and hon. Delegates, we the people of Mubende accordingly propose to suggest the formation of a body or bodies that will work hand in hand for the promotion and protection of the interests of these two disadvantaged groups.

Madam Chair, I implore this august House to keep one fundamental truth in mind which will lend weight and credence to our deliberations. Both past and current legislation in this country is couched in an idealistic and highly legalistic language. In many of these laws, the nobility of purpose aimed at is beyond reproach but what has always been in short supply is the machinery to bring those lost ideals from the sky to the ground. A good example is the 1962 Constitution. It never failed as it has been said by many intellectuals in our midst because it had inherent weaknesses but because those with the best intentions to uphold it, lacked the means to defend it.

To avoid Constitutional and subsequent legislation for the protection of women and children remaining mere paper tigers, the people of Mubende propose the following: There should be a set up, in this Constitution, a permanent Commission for the protection of women and children's rights to make sure it is not largely a Kampala affair like many of our

current bodies. It should have district women ground enforcement officers whose duty will be to monitor compliance with legislation for the protection of women and children. The Commission's expenses will be charged on the consolidated fund. The District Information Officers, would have power to attend meetings like last funeral rites, divorce cases, in all courts including RC, rape and defilement cases with the right to intervene where they feel infringed. These District Officers should hold regular meetings at the national level where they would meet with each other and other members of the Commission at the headquarters and women parliamentary groups. In such meetings, legislation and new measures would be suggested and women parliamentary group will be charged with the responsibility of steering the necessary legislation through parliament and other relevant bodies, e.g. ministries.

Madam Chair, to ensure that the work of this important Commission is not tampered with, the women of Mubende are opposed to the Draft Constitution proposal that in future parliament, only 15 women should represent the entire women population in Uganda. That Article underrates the gravity of the women problems and their large percentage in the population to the national development. The women of Mubende are of the unshakable view that, each district should remain represented by one woman. This should not in any way, jeopardize other women's rights to stand as candidates on their own merit and the President's prerogative to nominate any woman to parliament.

The Executive. Madam Chairperson, the people of Mubende are saying that there should be an Executive Arm of government made up of the President and the Cabinet. These should not be Members of Parliament as belonging to two strong bodies at the same time creates conflicts of interest and inefficiency. A President should be elected by universal adult suffrage for two-five year terms with no room for extension whatsoever. All his cabinet appointments should be confirmed by Parliament.

Judiciary. Madam Chairperson, in the past the role of the third arm of government has been thwarted by the Executive Arm of Government and to a lesser extent to the Legislature Arm. It is the strong view of the people of Mubende that to avoid dictatorship, there must be proper checks and balances. No judicial officer should be a political appointee. It is also their strong recommendation that there should

be an independent Judicial Service Commission whose members should hold a five year term renewable once. They should be more than five but less than nine appointed by the president with the approval of parliament. This body Madam Chair, should appoint all judicial officers on the recommendations of the Law Council. The chief justice and the judges of the supreme court and the high court must be approved by Parliament before assumption of office. They should enjoy Security of tenure but be subject to a mandatory retirement age and removal from office for gross misconduct or inability to perform the functions of office due to deformity of body or mind. The Supreme Court should have powers to review Acts of Parliament and Executive Orders to ensure they conform to the Constitution and the Supreme Court ruling should be binding on all concerned. It is the strong view of the people of Mubende, Madam Chair, that nobody in Uganda should be immune to court process, except in exceptional circumstances tabled before and approved by two thirds majority in Parliament.

Finance. Madam Chair, the people of Mubende are saying that all public funds must be collected and expended along lines authorized by Parliament. There must be strict annual accountability with all deviators prosecuted in Law courts with no recourse to shielding behind political or any other patronage. The office of the Auditor General must be strengthened with branches at every district level. The decision of the Auditor General to prosecute all financial offenders should be final with the Director of Public Prosecutions assisting in prosecuting the culprits but not over-ruling the Auditor General in his decision to prosecute financial offenders.

Public Service. Madam Chair, the people of Mubende are recommending that there should be a Public Service Commission of not less than 5 but not more 9. This should be appointed by the President with the approval of Parliament. Their decision on any appointment should be final except that all appointments at the rank of a Permanent Secretary must be approved by Parliament.

Defence and National Security. Madam Chair and Hon. Delegates, in the past, the defence and security of this country has been entrusted to small groups of security officers who wielded near absolute powers. As the saying goes - this absolute power tended to corrupt them absolutely, sometimes to the extent of wielding unquestioned powers of life and death.

Therefore, Madam Chair, it is the strong view of the people of Mubende that such monopoly of power, even in the hands of an angel, will soon or later be abused. So, the people of Mubende accordingly support the view that the National Security should be the responsibility of all citizens of this country. All able bodied citizens of this country between the ages of 18 and 40 should undergo at least a six month's compulsory security training and be duty bound to serve at least one and half years in the security forces whenever they are called upon. In case of needs, such as family problems, this two year training and serving period could be split into 4 or 6 equal phases. The basic tool of defence - the rifle - should be more widely distributed throughout the country with a well guarded and strict controlled armoury at every sub - county Gombolola Headquarters.

Inspectorate of Government. Madam Chair, the creation of an Inspectorate of Government was a positive setup whose effectiveness has been hindered by the limits on its power by the statute or practice. The people of Mubende are proposing that this office should be given powers to investigate, direct arrests and prosecute. Alternatively, it should forward periodic reports to Parliament so that Parliament can direct that anybody disobeying the Inspector General of Government's recommendations should be disciplined as required by the Law or Code of Conduct on insubordination.

Leadership Code. Madam Chair, Mubende people recommend that there should be a Leadership Code enforced by an independent body. This body should be appointed by the President subject to approval by Parliament. Every body in public office from the President downwards should be called upon by this body to answer questions and declare his/her assets. On issues of public importance such as public funds; its records should be open to inspection by the public.

Transition Period. Madam Chairperson and Hon. Delegates, Ugandans have suffered a lot during the first political and military regimes and the wounds have not yet healed. Therefore, the people of Mubende are strongly supporters of the fact that the movement system should remain the only Legal Political Organisation in Uganda for a period of five years or more and after which the next form of political organisations will be determined in a national referendum in which all citizens of Uganda over the age of 18 shall be free to take part.

Traditional Leaders. Madam Chair. Mubende people are very grateful to the NRM government for the restoration of their *Kabaka*. They say they want apolitical *Kabaka*, for purely cultural and development purposes. They are also suggesting that the traditional leaders should have a chapter of its own instead of having it in general and miscellaneous Chapter in the new Constitution. *(Applause)*

Form of Government. Madam Chair and Hon. Delegates, here I carry two different views. Some of the people are advocating for a federal system of government while others are advocating for a unitary state with a strong decentralised Local government and having the district or 'saza' as the units with devolution of powers to lower levels of local government.

Madam Chair, Amendment of the Constitution. As the Constitution is the Supreme Law of the country, it should not be easily amended. No Amendment should be valid unless it is supported by two thirds majority in Parliament.

Madam Chair and Hon. Delegates, I think I have endeavoured to address at length the general principles of our Constitution. I hope the views from Mubende will find favour with you for the sake of "God and Our Country". Thank you very much Madam Chair. Thank you very much Hon. Delegates. *(Applause)*

THE DEPUTY CHAIRMAN: Thank you very much hon. Ssemakula. At this juncture let us adjourn until tomorrow at 8.30 a.m.

(The Assembly rose at 6.45 p.m. and adjourned until Tuesday, 26th July, 1994 at 8.30 a.m.)