



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 26TH JULY 1994

MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 1218]

Price: Shs. 1830

Tuesday, 26th July, 1994

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

PRAYERS

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

The Assembly was called to order

MOTION

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

MR. KIGAYE-BILLYAWO ERIYA PAUL (Budaka County): Thank you very much, Mr. Chairman. Let me take this opportunity also to congratulate you and your Deputy for having been overwhelmingly elected to the highest offices of Chairman and Deputy Chairman respectively in the Constituent Assembly. I also congratulate my fellow hon. Delegates who succeeded in the March, C.A elections and are in this Assembly with me. I should also take this opportunity to congratulate those Delegates who are also nominated by His Excellency the President.

I thank the Commissioner, Mr. Akabway and his Staff who organised the successful elections that led to our being in this Assembly today. Mr. Chairman, I have also been requested by the people of Budaka to thank the Odoki Commission for having come up with a Constitutional Draft which is our sick baby we are to treat so that it can live longer. Mr. Chairman, our task is to scrutinise, debate and prepare the final Draft of the Constitution text and submit it to the Minister for enactment and final promulgation, within four or seven months.

The people of Budaka wish us to achieve this goal within that stipulated time and they further ask us to be flexible in our discussions, to adopt a real spirit of give and take and finally wish us to come out with a simple concise constitution for the Republic of Uganda which will stand the test of time.

The people of Budaka wish hon. Delegates who are here to take into account what we mean when we say, 'a test of Time'. Mr. Chairman, I have been asked

to pay tribute to the hundred Ugandans who took part in the 1962 Constitutional Debates in Lancaster House which resulted into our 1962 Constitution which ultimately resulted into an independent Uganda. The Independence which we got on the 9th October, 1962. Mr. Chairman, most people have said, that we were very poorly represented. But according to statistics, when you look at the population in 1962, which was 6,000,000, and were represented by 100 Delegates, compare it with the number of Delegates we have today in this Assembly which is 284, you will find that percentage-wise we were very well represented in that Lancaster House. So, for us we say bravo! to all those living Ugandans who took part and parcel in that Lancaster Debate which resulted into our independent Uganda. Notably, we would like to take note of *Mzee Adimola* and *Mzee Nekyon* who are with us here. And they ask you to respect their views in this Assembly.

We in Budaka experienced some famine this year. It was not because that the people of Budaka, the Bagwere are lazy, but it was because of the prolonged drought which was experienced during the period of 9 months. This was also coupled by the fact that during the year 1987, we experienced cattle rustling - most of our cattle were rustled by the *Karimajongs* and their allies. Mr. Chairman, when I say their allies, I mean that we were left with only ox-ploughs with no oxen to utilise to open the lands in that place. While rustling was going on, the N.R.A in Mbale were just spectating. They did not assist the people of Budaka to rescue their animals from the rustlers. Mr. Chairman, I have said that the people of Budaka are peasant farmers, we grow cotton as a cash crop, millet, sorghum, groundnuts as food crops. I would like to inform this august House that for the last three seasons, namely, 1989/90 up to date, some of our farmers' cotton that was delivered to the primary societies has not been paid for. Mr. Chairman, they take it as a sad affair when we hear statements made by some people highly placed in Government, when they say that this year we are expecting a booster cotton crop because of liberalisation. I was just in the village a few days ago. There are hardly any cotton seeds delivered to the farmers in Budaka. Whereas a Minister having come back from European Country tours comes around and says that there will be booster crop, that he has been informed by his monitoring team. I want to assert that a Minister like that one does not know what actually happens down in the field. So, when you

make such a statement you praise the Government but in actual fact the farmers are yearning for cotton seeds, for insecticides, for some implements. Above all the extension services which is rendered by the Department of Agriculture is no longer there. We do not see any Agriculture Staff advising farmers on the techniques of cotton production and production of other crops.

Mr. Chairman, as I said we experienced some famine; I would like to take this opportunity, I am told to thank Government for having come to our rescue in supplying us with some posho where by each family regardless of how many people were there in that family received a mugful of posho. I would like further to thank Government for having put in place a Commission of Inquiry to look into the famine situation at the time when harvest is in its full swing.

Lastly, I have been told to thank the Minister of Education for having promised the people of Budaka some building materials of iron sheets, cement and so on which has never been delivered at all.

Mr. Chairman, I have been told that during our debate here we should be very flexible *-(Interruption)*

MR. CHANGO MACHYO: How can the hon. Member thank the Minister of Education for having delivered nothing? I would like to know what he means.

THE CHAIRMAN: The hon. Member is right because he thanked him for the promise. The delivery can take place any time. Please proceed.

MR. KIGAYE-BILLYAWO: Thank you very much Mr. Chairman for that ruling. While we are here, we are trying to portray the situation down there, and I am saying that the promise still stands. The people are still expecting what the Minister of Education promised. Mr. Chairman, I would like now to turn specifically and put the views of the people of Budaka, on some Articles which are in the Draft Constitution.

The people of Budaka as far as Chapter I is concerned would like to see a united Uganda - a unitary Republic of Uganda. The people of Budaka have actually told me that as far as issues like Federal and the rest of it, these are vocabularies which do not appear in their minds. They believe that we should have a united democratic Uganda and Republic.

As far as language is concerned they have told me that we adopt English as an official language. Mr. Chairman, on the issue of the national language during the time when we were collecting people's views I was one of those people who collected the views of the people of Budaka. They were of the view of consensus at that time, that they would propose Luganda to be adopted as a national language. The reasons are: Luganda is very easy to learn, it has a lot of vocabulary, and it has got a lot of free teachers all over the world. Wherever you go, you can find someone who can teach you Luganda. Mr. Chairman, I was one time in Cairo and in Egypt; when I identified myself as being from Uganda, there came someone who said 'oli otya'. So that was the position then. But Mr. Chairman, I came back from consultation just yesterday. Now, the positions asserted by the people of Buganda where they say no change, not negotiable, abcd, have made them change their tactics. They believe that if Buganda wants to be a federal Buganda, be on its own, then Mr. Chairman, it is pointless to propose Luganda as a language which could harmonise all of us. Mr. Chairman, they now say that instead of that they are buying the idea of proposing Kiswahili as a national language *(Applause)*

Having said that on the issue of national Language, let me turn to the issue of citizenship. Mr. Chairman, the 1962 Constitution gave everybody the status of citizenship when we became independent on 9th October, 1962. Thereafter, procedures for becoming a citizen were put in place, and whoever was not a citizen at that time, had a right to apply to become a citizen of Uganda. Mr. Chairman, when we see in the Draft, a date of 1926 dragging us back whereas we became ourselves - thus independent Uganda, on the 9th, October 1962, we are very suspicious about this date. In fact when we were collecting views, when you look at the indices of sources of people's views, you do not find any question which is related to 1962. There was no view of that kind. So, Mr. Chairman, we are saying this was an innovation of the Odoki Commission.

MR. ZZIWA: Point of Clarification. I am seeking clarification from the hon. Delegate on the Floor when he says that the people of his Constituency at one time recommended that Luganda should be the national Language and because the Delegates or the people from Buganda are asking for the federal system of Government that that made them change their mind and propose Swahili and I would like to seek clarification from the hon. Delegate, what

would happen if the people of Buganda now want a united Uganda. Are they going to change their mind and have Luganda again as the national language?

MR. KIGAYE-BILLYAWO: When that arises, I will go and consult them. Thank you very much, Mr. Chairman, the people of Budaka view this date of 1st February 1926 as being the Odoki Commission Innovation. So we assert that the referral date for everybody to become Ugandan citizen should be the 9th October, 1962. Mr. Chairman, they propose that we should have a citizenship board which should register all Ugandans and ultimately should issue the national identity cards to every Ugandan. Mr. Chairman, in some countries citizenship is taken very seriously. But here we take it very lightly. If you take account of and scrutinise whoever is here, you may find that half of the people staying in Uganda are not citizens. Mr. Chairman, I was in Cairo, but every after five days I was being reminded that I am left with so many days to leave. You can see how serious it is in other countries. So, we propose that our laws to do with citizenship should in actual fact be seriously addressed.

On Article 42 (i), which says that a child of not more than 7 years should be presumed to be a citizen of Uganda. The people of Budaka say no to this. Mr. Chairman, you see we are neighbouring a lot of countries which are undergoing a lot of wars and so on. Some children less than seven years are being airlifted to this country, and they are landing here and there. We shall land into a situation where by we shall have a lot of people automatically becoming Ugandans at the age of 14 when they are grown up. We say let this child be it a boy or a girl grow up and decide to take up citizenship or when the child has known where it has come from, it decides to go back. Mr. Chairman, the situation you see here is that if this child is a boy, and a boy grows up, he will later on be followed by his mother, the father and his brothers from somewhere. So, let us be serious on this issue and say, No, let this child grow up and later on decide to be a citizenship. But not to give an automatic citizenship to the child.

Let me now turn to the issue of land in Chapter 17. We in Budaka, being peasants, land is so precious to us, that we believe that the moment a child is born, the only property you get in life is land. The only property you leave and pass on to your children and grandchildren is land. The wealth we get out of this country and the life you lead is out of land. So, Mr.

Chairman, Article 271 to us it seems to nationalise land, when we say that the land belongs to the people, we view it as aiming at nationalising land. We see it as actually being in conformity with the land decree of Idi Amin 1975. So, we say that let us have the land tenure system in this country which gives an individual ownership of land, which respects a person to be responsible to land because when you go further you are told that the land Commission will control the use of land. Here for us it means that the Land Commission might one time tell you that instead of growing cotton you grow coffee even when coffee is not a viable crop in that area.

We go further, Mr. Chairman, and see Article 277, which gives Parliament powers over land and we see the situation whereby 277(f) it is stated that Parliament may put tax on land. Mr. Chairman, some of these Articles for the people of Budaka they are not agreeable with them. We are already feeling the burden of a lot of taxes. Now if we leave this Article in the Draft Constitution, it says that Parliament may impose taxation on land. Mr. Chairman, as I have said our people are peasant farmers. They may end up by even saying, at one time if you want to bury your dead child, you may have to pay for the area where you would want to bury your child. So, we are saying that Article at an appropriate time Mr. Chairman, should not be there. We are already paying enough taxes for land. When we grow some cotton, we are always assessed taxes according to how many acres a peasant farmer has grown. When you rear cattle, goats on that land, when you take them to the market, there is some revenue in terms of taxes which Government receives. So, Mr. Chairman, we are proposing that some of these Articles on land should not be there. Mr. Chairman, they have asked me to propose freehold and customary land-tenure system whereby an individual should feel free to pass on his land when he dies to his children and grandchildren. We propose that there should be regional land-boards. When you look at the issue immigration Department, we have now Regional Passport Offices and it is very easy for Ugandans to get Passports these days - more cheaply than it used to be. So, if we can get Regional Land Boards, we feel that the farmers - the people can be in a position to get land titles more easily than if they were to travel to Kampala here for the purpose of getting land titles.

Let me turn to Local Government. We support the decentralisation system as opposed to federal system. We support the district as being a unit under

decentralisation. But Mr. Chairman, when you look at Article 207 Chapter 3, it provides that the district executive when you go further, it provides that there will be a district chairman who is the speaker of the Council. When you scrutinise more, you will find that in the districts there would be also a Central Government Representative. Unless, Mr. Chairman, we define the roles of these three Officers in the district we shall land into the problem where definitely there will be some conflict of interests because if you have a district Chief Executive who is a political Head, his role in the Council is not defined. Then you get the Chairman of the Council who is the Speaker of the Council. Mr. Chairman, you find problems in running of the affairs of the district. But being a Councillor in my district, I know what problems we are actually facing.

We say that power should be devolved from the Central down to the district. But there is a problem where by the district service committee is supposed to appoint, discipline and even fire all the district staff. But when you come to the statute which establishes Local Government, we are told that the district Executive Secretary and the Deputy shall be appointed and disciplined by the Public Service Commission. Now, here we have a District Executive Secretary who is the accounting Officer of the district and the district authorities have no powers over him. It goes further to provide for how we can possibly recommend for the removal of the District Executive Secretary and he says he can only be removed from the district after getting 2/3 majority votes against him. As I said, I am a Councillor; we are getting a lot problems with district executive secretaries. If this man is going to be controlled from the centre and he is the chief accounting officer, I see a lot of problems in the district. There is no power in actual fact. If you have all the political power and you cannot control somebody who controls the finances of your district, Mr. Chairman, we see this one as a danger. So, we recommend that the district executive secretary should actually be controlled by the District Authorities. Without this one then there is no devolution of power down in the district. Mr. Chairman, under decentralisation, areas have been provided for how they should control their finances and so on. When you look at the report, they say there would be a formula to be worked on, agreed between the Central Government and Local Government on how the Central resources would be shared by the districts. And they say, this should be worked out by the experts. We feel that this august House should

come out with a formula. How are we going to share the resources from the Central Government? Because without this one being clear, Mr. Chairman, we see some problems of how we can be assisted by the Central Government. So, we maintain that somehow we should work out the modalities of how we can possibly share the national cake.

Let me go to security and defence. Article 231, says that there shall be armed forces known as the Uganda Armed Forces. I have listened Mr. Chairman, with keen interest in this august Assembly since we started. Hon. Members have provided that there shall be a national army based on probational representation from the regions and so on. But for us in Budaka, we see this one as just pulling our legs. We have asserted here several times that N.R.A is the Army which brought in security and peace which we are enjoying. We are aware of its composition. We know very well that whoever might not have been a national like the Rwandese left. Now, when we say we are going to have a national army, how are we going to have it when we already have an army in this country? Who thinks that we shall dissolve this army and we begin recruiting a new one? We have young educated officers in the army. The other day we were told that even the Nyarwandas are here to stay, they are not going anywhere. So, when we are told of an Army like this one, for us we propose that let us just change the name from National Resistance Army to Uganda Army. Because they are not processing anything any more now. This is a simple thing. Let us not deceive ourselves in this august House that we shall again begin recruiting afresh when we have a Lt. Col. in the House preserved here, still very young; Maj. Kibirango here, still young and we are enjoying all the peace in this House as a result of that Army. Mr. Chairman, we are only saying that we call it Uganda Army.

On Article 234 which gives the President powers to appoint, discipline and so on, we are saying that these powers should be passed over to the Army Service Board under Article 236 just like we have the public service commission. The responsibilities which have been based in the President should actually be passed on to the Army Service Board.

On the issue of the National Council of State; I was talking to some elders and they were of the view that if we have the National Council of State we shall have diluted the powers of Parliament. Mr. Chairman, I was one of those who collected the views of

the people of Budaka which were later on passed on to memorandum. When you look at the questions which were put by the *wanainchi* in this country, there was no single question which related to the National Council of State. This is a concoction, this is something which has been brought in by the Odoki Commission only. They are also talking their opinion because they are Ugandans. But Mr. Chairman, we only see it as a transformation of - National Executive Council of N.R.M. into a Draft. When you look at the composition of NEC, it is exactly what is proposed here, Mr. Chairman. Every district represented by a Member on this NEC. So, we object to transforming NEC into a National Council of State. Mr. Chairman, we propose that all these Articles providing for National Council of State should be left out in the Draft Constitution, and when time comes, we shall propose that wherever the National Council of State appears, we shall propose to say 'with the approval of Parliament'. It is everywhere in the Draft. We do not want to see anything to do with the approval of National Council of State. But we shall say, with the approval of Parliament. Now to the responsibility of the Parliament, to put up a standing committees to do the work for itself, Mr. Chairman.

I turn on the Executive. We agree to the President being appointed or elected every after five years; we also agree that the President should be 40 years of age, a Degree Holder, and we also propose that the Ministers should be appointed from Members of Parliament and outside the Parliament. That immediately an M.P. is elected as a Minister, should cease to be a Member of Parliament. And in that place we should have by-elections.

Let me turn to the most crucial issue of political system in this country. If I do not do this, I will be cheating the people of Budaka. Mr. Chairman, recently I was being asked a lot of questions: we hear you have given Museveni another five years, we hear you have given an extension to N.R.M. for another five years. Did we send you there to give an extension of five years? And I said no, it is in the Draft Constitution. We have to debate it. But then they asked: why five years? When N.R.M. came to power, they first of all asked for five years. Later on they extended their stay in the office for another four years and the reason was that they were to see a Constitution in place for the people of Uganda. That was a very convincing reason. They wanted to complete writing up the Constitution for the people

of Uganda, and they are here now finishing the last job that they wanted to do. *(Interruption)* I will welcome the clarification from the hon. Delegate.

MR. KABUGO: Mr. Chairman, I seek clarification from the hon. Member holding the Floor when he says that once a Member of Parliament is appointed a Minister, he ceases to be a representative of his Constituency, and what will happen in case he vacates that seat in the Constituency and he is dropped during the reshuffle when the President is making reshuffle?

MR. KIGAYE-BILLYAWO: Mr. Chairman, if a Member is dropped from Cabinet and he ceases to be an M.P., it is obvious he goes back home. Mr. Chairman, the people of Budaka, therefore, ask: why support the five years? Because here the N.R.M. is finishing its job. There is no programme any more to the N.R.M. So, they propose that political parties which have been locked up in a briefcase somewhere, should be opened for so that political activities can be allowed to take place in this country. Mr. Chairman, I would like to assure this Assembly that our people actually have not seen N.R.M. in its true sense. When they see hospitals which were built in 1968, when they see roads are not there, when actually they have never seen even a leader of N.R.M. in that area - they have never seen any activity there; Mr. Chairman, they begin to wonder what the N.R.M. looks like. So, Mr. Chairman, for us and for them, they have seen what has been put in place by political parties. I have told you that -

MR. CHANGO MACHYO: I would like to inform the Member that when N.P.C. hon. Kategaya, Bidandi Ssali and myself went to meet the elders of what would become Pallisa District, the people from Budaka were there.

MR. KIGAYE-BILLYAWO: Mr. Chairman, they were in a Kibbuku county, not in Budaka. That meeting took place at Bulangira Church of Uganda which is in Kibbuku and there has never been an activity by even Mr. Chango Machyo who is our neighbour there.

MRS. BAGARUKAYO: Point of Order. Is the hon. Member in order to tell us that Budaka County has never had any activity as far as N.R.M. is concerned, when in actual sense they have a representative in N.R.C who should have the platform to finish all these activities there. Above all we find that

there has been an R.C system in Budaka County. Is he in order Mr. Chairman?

THE CHAIRMAN: I think the hon. Member was referring to the senior functionaries of the Movement.

MR. KIGAYE-BILLYAWO: Thank you Mr. Chairman.

MR. ETYANG: I would like to offer further information about what he alleges to be the absence of the N.R.M. leadership in Budaka County. In 1989, President Museveni made a very expensive tour of the East and Mr. Chairman, you remember you were in that tour when the President left Mbale and stopped over in Budaka County Headquarters and spent the whole afternoon there before going to Pallisa. Only last year in July, 1993, after leaving Tororo district, the President also visited Pallisa District. Thank you.

MR. KIGAYE-BILLYAWO: Mr. Chairman, when H.E. visited Budaka, on 28th of August, 1989. I was his translator. And indeed this is what he said: 'In your Memorandum you have been very brief. You have only asked for the road to be tarmacked from Iganga - Tirinyi to Mbale. We are going to have it done immediately.' Now, Mr. Chairman, how many years ago?

Let me talk about this political system. Let me air the views of my people. Mr. Chairman, most people here have argued that political parties are based on sectarianism. They are based on religion, and tribe. But Mr. Chairman, you scrutinise the composition of the N.R.M. You look at the Secretariat of N.R.M. The Directors there. Why do we condemn other parties, that political parties are based on sectarianism of religion when you see what the Movement is? Is there any Mugwere there at the Secretariat? All the Directors, they are from one end. So, Mr. Chairman, I am told Chango Machyo is a mere Deputy who found himself there. I do not know through how. He is not a Director.

THE CHAIRMAN: You are not allowed to begin indulging in discourse with other Members. Please address your comments through the Chairman.

MR. KIGAYE BILLYAWO: Sorry Mr. Chairman. So when you look at the 1980 election results, there were 52 D.P. M.Ps including hon. Kutesa and

out of these 52, 26 were catholics, 22 were protestants and 4 were moslems. Now when you say these political parties are based on religion and tribalism, Mr. Chairman, it is not true. The true position is that the Managers of these Parties are the people who are bad just like if we were to talk of what has been happening in other regimes. And we just talk of what has gone on this regime, I have had enough experience myself. During Idi Amin, I was at Makindye Go-Downs, some time I was in Public Sefety Unit, Naguru. The other day I was there. Now recently I received the *kandoya*. So, you can imagine. Let us not condemn regimes. But let us, if you take stock of what has been happening in every regime, you may not see any difference. So, Mr. Chairman, the people of Budaka are multi-partisan and they request that parties should be allowed to operate. Mr. Chairman, they have put in place clearly that the extension of five years should not be a Constitution matter. When you look at these 96, 97, 98, 94 Articles, they say, Uganda will never be one State. Then you come down, they say the Movement should operate. That should be locked up. They say, there was the Referendum to find out whether people want parties or not. We have said that this Constitution should stand the Test of Time. Now, the Test of Time - does it mean five years! A test of Time should be seen as something forever and ever amen. So, let us not come here, Mr. Chairman, and say, five years; they propose that these issues of political system five years and so on should not be part and parcel of the Constitution. But Uganda should have a free democratic system of governance. When we looked at other Constitutions we don't see in Kenya where it says that KANU will rule for so many years. Look at the Constitution of America, it is not provided for any where. That after so many times we shall ask whether the Republicans should rule. So, they are sad that this question of legitimising a Movement into a Constitution, Mr. Chairman, should not be a question for us to address.

Many people have said that we should have a transitional government in place. But my people have requested me or instructed me to propose to you that let us have the parties operating - the N.R.M. or Movement is no different from any Party. I am going to invite some people to come with me to Budaka to explain to teach those people the difference between a Movement and a Party. May be when we come to Consideration Stage they may have some other views to me. But as far as they are concerned, Mr. Chairman, there is no difference.

Let me come to traditional rulers. We support Mr. Chairman, the restoration of traditional rulers in this country.

MR. BIDANDI SSALI: I would like to inform the hon. Member, holding the Floor, that I will go with him to Budaka to explain the difference between the Movement and the Party. Thank you very much.

MR. KIGAYE-BILLYAWO: You are welcome. Mr. Chairman, traditional rulers. The people of Budaka, Mr. Chairman, they say this: That what affects other parts of Uganda, affect the people of Budaka. When we have seen Kings coroneted and restored in other areas of Uganda, We feel offended when in actual we see that the king of Ankole is not restored. Mr. Chairman, Barigye was born a Prince. He was not born a Prince of Budaka- He was born a Prince of the King of Ankole. So, if we have put in place some laws establishing all sections of leaders let us not deny other areas to have their traditional leaders. We recommend that the King of Ankole in the name of Prince Barigye should be coroneted. Mr. Chairman, they have urged in this House *(interruption)*- Some people have urged that the minority in Ankole want a King restored. For us we are sitting because of the few people who went to the bush. We are enjoying the peace and security because of the few people who went to the bush - 27 of them. So, let those few in Ankole have their King so that there is no problem about that.

Mr. Chairman, in winding up the people of Budaka recommend free compulsory education because most of our people cannot afford fees. So if Cost sharing is left in place, then sons and daughters of the well to do people, will be the people to benefit from that education. Mr. Chairman, we think that this free compulsory Education can be afforded by this country. We had the Managing Director of U.C.B. earning Shs.350m/= a year. Now When the Makerere students demanded for an allowance Shs.178m/= they were beaten, and two of them died. But where we can have an individual Earning Shs.350m/= in a year, Mr. Chairman, I think this country can afford free compulsory primary education for the people from p.1 to p.7. It is also vivid in our minds that the same Managing Director constructed his own house at one billion. If we can have, Mr. Chairman, some officers earning so much we believe that free compulsory primary education can be afforded.

We feel that the office of IGG should be strengthened and it should have offices at district level. Mr.

Chairman, IGG is among other things is charged with the responsibility of wiping up corruption in this country. We propose that IGG should actually have powers to arrest and prosecute. If it has this power, Mr. Chairman, we will be in position to expose some corrupt officials in this country. Mr. Chairman you see we are running in. The other day we were told that a list of 100 corrupt officials were going to be announced. Mr. Chairman, we feel that when IGG is given powers, corruption will be fought and they will be in position to expose corrupt officials because it is difficult when you are in Government to expose your fellow corrupt officers. I thank you very much Colleagues and Mr. Chairman.

MR. KATENTA-APULI (Conservative Party): Thank you, Mr. Chairman. I bring you greetings and best wishes from Ugandans residents in the United States of America and Americans who are friends of Uganda.

Mr. Chairman, allow to join other hon. Delegates to congratulate you and your Deputy upon your elections to steer the deliberations of the most important Assembly of Ugandan since our country's Independence 32 years ago. In the same breath, I congratulate all of you hon. Delegates upon your elections or nomination. I wish to thank Mr. Stephen Akabway and all his staff for organising what is widely believed to be one of the most peaceful fair and free elections in Africa's recent time, and in continuing to provide logistical support to this Assembly.

My respect goes to Mr. Odoki and his fellow Commissioners for their wisdom, dedication, hard work which has produced the Draft Constitution and Report that we are using as our work Document. I thank the National Resistance Movement Government for their commitment to facilitate Ugandans to gather here as popularly elected Delegates to write a New Constitution for our country.

The purpose of our meeting is to agree and arrive at a national consensus on a broad spectrum of principles which affect us together as nationals of the same country. Much as we may desire to write a Constitution that will stand the Test of Time, only history can grant us that privilege. This objective cannot be achieved if you sit here and talk at cross purposes. Consensus will elude us if we make so many conflicting demands. Our work will be made much more complicated if we take hard positions. Let us

therefore, resolve here and now, that our primary objective is to agree to agree. Mr. Chairman, hon. Delegates, we are assembled here to perform a task that will chart what course our country will take as we enter the 21st Century. Ugandans are standing still holding their trust and confidence in you. It is my prayer to you therefore, that we do not let down the people of Uganda. In '30 years of Bananas', the actors are eloquent in depicting that Uganda lost 30 years. Uganda cannot afford to lose another 30 years. Uganda cannot afford to lose 30 months. Even 30 hours should be greatly missed because in economic terms they could be construed as a loss of 510 million man hours in a country of 17 million people.

Today Uganda stands at a cross road. The international community has their spot-lights pointed upon Uganda. Both inside and outside Uganda there are a lot of people who will wish us well. There are those who are doubting Thomases and as always we also have our prophets of doom. The rest of the world is watching with keen interest because the N.R.M. Government has sought to do things differently. They started with what was thought to be impossible in Africa, to bring the Army under effective control. When N.R.M. instituted Resistance Councils many a politician laughed and scorned. Today R.Cs are almost a political culture that you cannot erase without drawing the wrath of the population. *(Applause)* N.R.M. took over a country in economic ruin and has been able to reverse the Economic decline in a large section of the country with a new programme to affect the rest of the country which due to insecurity missed out in the original name 'Reconstruction Programme'. Now, N.R.M. is trying to bring about democracy in Uganda through an innovative and non-conventional way.

The question now being put is: will Uganda really make it? This question is a challenge to you as Delegates. This Question is a challenge to us as a Nation. It is our honour and duty as C.A. Delegates to formulate a Constitution which will enable Ugandans to make it, by that much talked about magic year - the year 2,025. Once we make it by that time, nothing thereafter can stop us. Fellow Delegates, I am now on my knees to beg you to put away all other considerations and help Ugandans to make it.

Hon. Delegates, there are many in Africa who have gone before us. Benin, Mali, Cameroon, Zambia, Nigeria Kenya, Burundi and Malawi. How are they

doing today? How are they doing economically? How are they doing in terms of political pluralism, in the observance of human rights? How did their elections go compared to ours which have just passed? Which of these examples should Uganda follow? Or should we do something different shouldn't we?

At this juncture, Mr. Chairman, allow me to thank the Conservative Party for nominating me as a delegate to the CA. *(Applause)* Noting that I did not seek this nomination, nor did I offer my candidature, I feel extremely humbled that the conservative party stretched its hand 8,000 miles and touched me. I shall ever always be grateful. CP is one of the four political parties which contested the 1980 general elections which was ill fated as you all well know. I am a founder Member of the Conservative Party which among other things differed from the other three political parties in 1980, by advocating for the restoration of traditional leaders, a return to the 1962 constitution, a free market economy and Federal system for Ugandans.

An impression has been created in this Assembly that after the 1980 rigged elections, UPM went to the bush. I joined NRA as a city operative in April, 1981, and went to the bush in August, 1982. At that time NRA was not the only fighting force as has been stated in this August Assembly. UFM was fighting in central Uganda under the leadership of the Late Andrew Kayira, hon Moses Ali had a fighting force in North West Uganda. Edward Rugumayo and others had a group up in the Rwenzori mountain led by Brig Shelf Ali now with NRA. Another impression I wish to correct is that NRM is in the habit of following people. For the last 11 years I have worked very well with NRM as a Member of the Conservative party and there has been no attempt from anywhere to ask me to deny my identity or try and swallow me. *(Applause)* In the same breath, I have not attempted by omission or commission to take advantage of my office in NRM to undermine the movement in order to advance the interests of the conservative party: why? Because NRM is a collection of Ugandans of good will, dedicated to achieve the development of Uganda and welfare of its people over and above any other consideration. Mr. Chairman, hon. delegates, I am happy to report that this collection of men and women of good will who have at one time or the other served Ugandans under the NRM, are at the same time heavy weight in various political parties. I have in mind hon. Paul Kawanga Ssemogerere, hon. Mayanja Nkangi, hon Bidandi

Ssali, Ssabalangira Mulondo, hon. Adoko Nekyon, hon. Moses Ali, hon. Omara Atubo, hon. Anthony Butele, hon. Robert Kitariko, hon. Richard Kaijuka, hon. Joseph Mulenga, hon. Abu Mayanja, His Excellency Dr. Samson Kisekka - the list is long and impressive. The point I am labouring to make is that I personally see no contradiction in being a political party heavy weight, true to the principles of your party and yet belong to a movement. (*Applause*) I will illustrate why the Conservative party should celebrate its relationship with NRM. NRM upheld the 1980 CP election principles e.g. by allowing the return of traditional rulers in areas which wished to have them, NRM is in the process of privatization, on the road to a free market economy; NRM has not restored the 1962 constitution but has clearly rejected the 1966 and 1967 constitutions and has facilitated the drawing up of a new constitution; NRM has not gone back to the 1962 Federal system but has allowed the devolution of powers from the central government to local government. What remains to be done is further negotiation of entrenching the devolved powers and ensuring non interference of central government Ministers in the affairs of local governments. By so doing, we shall achieve common grounds between those who advocate for a unitary system, and those who are for a Federal system. We need to bridge the gap. It is not only CP which should celebrate its relationship with NRM, it is possible to identify policies or ideas of DP, UPC, and UPM now disbanded which in parts or in whole have been implemented by the NRM government warranting a cause to celebrate. By negotiations therefore, everything is possible. It is my firm belief that, it is in the spirit of that, that we were able to draw in the best from each and every school of thought - party or social organisation. It is in this spirit that the draft constitution recommends the continuation of a movement type system of government for the next five years which recommendation CP wholly endorses. (*Applause*) Not a single political party has a monopoly of good ideas or good people; it is in this spirit that Uganda needs every one's good ideas that the next government should be a broad based government. If you really desire the very best for our country I urge hon. delegates to support this proposal. (*Applause*.) As a C.P. delegate am I not informed? I am informed, Mr. Chairman, unless it is a point of order.

THE CHAIRMAN: He is not taking information.

MR. KATENTA APUULI: As a delegate of the conservative party, it is my duty to support a multi-party system and uphold the principles of political pluralism. The problem to the return to multi-party in Uganda or political pluralism, is not NRM; the problem is not the recommendations in the draft constitution; the problem is with the political parties themselves. (*Applause*) We are haunted by our past, we made terrible mistakes, we hurt the people of Uganda so bad we are our own enemy. (*Applause*) I invite you hon. Members - (*Interruption*)-

MR. RINGEGI: Point of clarification. Mr. Chairman, I would like the hon. Speaker on the Floor to clarify on this point about political parties. He has said and I think I am getting persuaded that the political parties have been very bad in their activities, and that they are actually responsible for not being allowed now to participate in the politics of Uganda. I imagine that the hon. Speaker is referring to the old political parties. Now I would like to be clarified by the hon. Speaker what would happen if the new political parties were to emerge?

MR. KATENTA APUULI: I request the last Speaker to have patience, we will come to that, just have patience. I invite you hon. Members to look at UPC, DP, CP, the Liberal party, and the caucus recently formed. Look at them, look at them objectively, come January 25th, 1995, the NRM term of office will come to an end, to which of these political parties shall we hand over power? Many Ugandans are asking this question, many are frightened and to others it is a nightmare. Many of us in the leadership of these parties have been given the opportunity to show our leadership qualities while serving the NRM government. People of Uganda want to know from hon. delegates if you were to objectively assess points on a scale of 0 to 10, where do you place each of us? Based on your assessment, would you on behalf of the people of Uganda comfortably hand over the destiny of the people of Uganda to a political party next January? The future of multi-party politics and political pluralism has been compromised by our present day political parties. Many people believe that we are extremely undemocratic, our various labels notwithstanding, we are internally disorganized, we are at each others' throats. If we cannot effectively run the affairs of our own smaller institutions, what justification do we give to the people of Uganda to run the affairs of their state? (*Applause*) with all sincerity the onus lies with us, the burden of proof is on our side. The draft constitution - (*Interruption*)-

DR. OKULLO EPAK: Point of clarification. The hon. delegate holding the Floor has been saying all along that 'we', 'we' indicating that he is perhaps speaking on behalf of other parties. I am seeking clarification from him as to in what manner and what mandate did he get for these from these parties to speak on their behalf when he has just declared that he is a delegate of the Conservative Party. Thank you, Mr. Chairman.

MR. KATENTA APUULI: Mr. Chairman, I would like to inform this House for the benefit of the delegates that I know about Ugandan political parties, I have interacted with many, I belonged to the UPC before. *(Applause)*

MR MWONDHA PATRICK: Point of clarification. The Member holding the Floor, a delegate of the Conservative Party, which party offered itself with its President in 1980, hon. Mayanja Nkangi offering himself as a Presidential candidate, would the Member now tell us that all that was joke. Conservative Party was not able, it is not able now, was it not able in 1980, to run the affairs of this country?

MR. KATENTA APUULI: If the gentleman and hon. delegate knows about how political parties run for office, some parties win, others lose; and for your information most of Ugandans believe that the 1980 general election were manipulated and rigged from start to finish. *(Applause)* Therefore that election provided no climate for any party big or small to run effectively on a fair basis.

MR. WACHA BEN: Point of order. Mr. Chairman, the hon. Member on the Floor is on record as having stated on the 17th day of December, 1980, that the elections were fair and he is on record as having written to then President Obote congratulating him. Is he now in order to turn round and make a fallacy to this House that the elections were not free and fair? *(Applause)*

THE CHAIRMAN: It would appear the hon. has changed his mind since then.

MR KATENTA APUULI: Mr. Chairman. *-(Interruption)*

THE CHAIRMAN: Hon. Member, I see another hand -

MR. KATENTA APUULI: Can I respond to that particular one, Mr. Chairman?

THE CHAIRMAN: No, no you do not have to respond to that one. Unless you are disputing the fact.

MR. SAKWA NANYWAKA: Point of clarification. Mr. Chairman, I would like to seek clarification or enlightenment from the Member on the Floor. He started enumerating the heavy weights in the various political parties who are now part of the movement; and praised the performance of the movement whose components are these very multi-party heavy weights. Then he turns round and wants us to evaluate these very multi-party individuals on their merit, and therefore, imply they cannot run the country on their own. I would like him to clarify on this magic which makes people perform well when they are in the movement but perform so poorly when they are individuals.

MR. KATENTA APUULI: The last speaker, the hon. delegate I think missed the whole point. Allow me Mr. Chairman, to continue *-(Interjections)-*

THE CHAIRMAN: I think we would be wasting a lot more time. I think Members let him finish.

MR. KATENTA APUULI: The draft constitution has proposed a movement type of government for the next five years. I invite you fellow delegates to look at the other side of the coin and call that proposal a blessing in disguise. If we are going to restore the tarnished image of our political parties, and ensure a secure future for political pluralism in Uganda, as the Americans would say, let us take another time out. Within the proposed draft constitution, let us negotiate for better terms. In this context I have the following to offer. Since the draft constitution provides for political parties, in chapter (6), let us negotiate and persuade our colleagues who are against multi-party pluralism to resolve the apparent contradiction between article 96 and section (2) of article 97. During that grace period of five years of a movement type of government, let us work hard to put our houses in order by holding democratic free and fair elections within our parties. Old parties should use the period to restructure and bring on board fresh blood and new ideas. *(Applause)* Take the opportunity to demonstrate to the people of Uganda that contrary to popular saying, UPC can be led by someone from outside Northern Uganda. That

DP can be led by someone who does not have to attend Mass at Lubaga, and that CP is not synonymous with KY. Those are labels that people put on us, it is our duty to shake them off. During this period, new parties could form and organize, let us use this period to develop and disseminate alternative programmes. The future of multiparty pluralism has been tied up with the proposed referendum to determine the political system. Please realize that this is a catch 22! As champions of democracy, we cannot be seen to oppose a referendum. *(Applause)* It will put us in bad light. On the other hand, if we push multi-party now, we could lose the issue in a referendum, not once but again and again.

Mr. Chairman, hon. delegates, allow me to offer the following suggestions: One; that after the initial five years of a movement type government, political parties be allowed by the new constitution to put up candidates; and Two; that the next government after the first one, be formed by all political parties and movement people on a proportional representation basis. That way we are able to ensure the possible come back of multi-party pluralism, and the movement will not be trying to indefinitely perpetuate itself, To me, that would be a fair deal.

It has been suggested in this august House that after the NRM term of office on January 25th 1995, a government of National Unity be formed. If we could clear from our minds the confusion between NRM and the movement type of government, we could be able to see that, what is proposed in the draft constitution is for the elected President to form a government of National unity. You could also call it broad based, or movement type. Because before you reject the proposed National Council of State, look at it as your power to veto Presidential appointment. And you can effectively use it to ensure a government of National Unity. It is the duty of this Council to elect Members to the National Council of State who will not allow themselves to be manipulated by the President. If you detect that a Member has been compromised, you have the right to recall that Member through the district council.

Let me address my in-laws, the Mamba clan, and through them all my sisters and others from Buganda. The Conservative party official position is clear; CP supports Buganda in its request for a Federal status in a unitary Uganda. As a friend of Buganda, I appeal to Buganda and to Buganda to seriously take into consideration the views of other Ugandans. Whereas

in 1962 we all stood together as a block to petition for Federal status, a number of Kingdoms/former Kingdoms no longer share similar sentiments on Federal status. I am not suggesting that Buganda should not negotiate for a Federal status. I pray to you that you negotiate for more of the essence and not the form. Do not stick to labels for the sake of labels. *(Applause)*. If a label creates friction with other people, do not ignore their feelings. Purely as an accident of history. Buganda has always led the other parts of Uganda in education, commerce, and general development. Some other parts of Uganda are jealous of Buganda and in a few extreme cases, they are bitter. When and until other parts of Uganda catch up with Buganda, this jealous is not likely to go away. My prayer to you is, do not seek a special position Vis-a-vis the rest of Uganda. Seeking a special position perpetuates the jealousy and bitterness against Buganda, and exposes you to possible danger. It pits you against other people. Buganda has made a lot of progress in the last 8 years working to improve on your gains in local government and other areas and consolidate those gains. Resist the temptations, of seeking labels which are not precise in their interpretation. Concentrate on your efforts on the essence. Resist the temptation to form unholy alliances. These alliances *-(Applause)* these alliances never worked for you before, these alliances will not work for you. Do not allow yourself to be used again. *(Applause)*

Mr. Chairman, I end my contribution to the general debate on this note. As your Ambassador to the United States resident in Washington DC, a major financial herb of the World, it is my duty to inform you hon. delegates and Uganda in general, that it is heavily in debts; it is dependent and we continue to be dependent on external financing for both development and recurrent budget. That puts our country in a very very vulnerable situation. While we are seeking the ideal and we demand to include in this constitution all sorts of services, please, ponder first and foremost what it will cost to put these services on the table. Some how our external financiers have come to believe in NRM government and are of the view that it is among one of the best in Africa. *(Applause)* It is also widely believed that His Excellency President Museveni has provided one of the most credible leaderships in all Africa. *(Applause)* Uganda has done well in attracting aid and loans in the last 8 years. Uganda is beginning to attract private sector capital development finance. Ugandans both inside and outside Uganda have

demonstrated their confidence in the NRM government. You have to stand on top of the original 7 hills of Kampala, and look around: about 14 other hills have been built up. For people to sink their money in brick and mortar, is to demonstrate that they have confidence in the leadership of President Museveni and the NRM government. As we deliberate this draft constitution, I appeal to you to realize that what Ugandans need most today is stability, and economic development. People do not eat patriotism. A government must enable its citizens to put food on the table. For Uganda to continue to attract capital development, finance especially, from the private sector, the new constitution must be an instrumental for continued stability and credible leadership. I pray to God to guide you as you undertake this noble task to uphold the basic interests of Ugandans above other sectarian considerations. I thank you Mr. Chairman, for God and my country. *(Applause)*

MR MAYANJA KAKYAMA ABU: (Busujju County): Thank you very much, Mr. Chairman, and hon. delegates. The county of Busujju is one of the oldest counties in Buganda Kingdom. It had a traditional role in that its chief *Kasujju* was the guardian of the Princes. When the Princes were guarded by *Kasujju*, this was one of the greatest political achievements of Buganda or the Buganda monarchy because it stopped Princes fighting for a succession. Other areas have suffered from wars of succession. In Buganda we solved the question of wars of succession upon the death of a *Kabaka* because all the Princes used to be kept in prison as it were by *Kasujju* and only the one who became *Kabaka* would be released and the others would be sent on their business after having taken some cows from the *Katikiro's* kraal and go and start life as commoners. Thank you very much, Mr. Chairman. And the county is Busujju not Busunju. Busunju is a small town on the Hoima road.

I would like to express my appreciation to you and your Deputy for the very able and satisfactory manner in which you have conducted the affairs and the debates of this august Assembly. *(Applause)* There were doubting thomases that the appointment or the election of a Minister of - and a very articulate Minister of the NRM Government - might not bring about the required results, but I said at that time that it was an excellent choice and now even here, there is total general consensus within the House that we did make a very excellent and very fortunate choice. We wish you to continue. Mr. Chairman. I would

like to congratulate my fellow delegates, especially, those who made it through the ballot box, but also those who made it through other ways, including my hon. and learned neighbour here, they are all welcome.

The purpose before us Ugandans gathered here, 280 odd Ugandans gathered here today in this Assembly, is to make a constitution that will enable a Ugandan nation to evolve. I was saying that its purpose or objective or task, is to make a constitution that will enable a Ugandan nation to evolve and flower out of the existing Ugandan state. We have a state but not a nation yet. A nation that will command the respect, love, commitment of all the people of Uganda, that will foster and create unity in our diversities, that will enable us to act together in all matters of Ugandawide concern while preserving our individual geniuses to act in our nationalities where it is most convenient or profitable to do so. Such a constitution will provide for a strong central government but also for strong government of unity below that central government - I will elaborate later.

Mr. Chairman, a constitution as a matter of style must be simple and readily understandable as enunciating the general principles of governance. Consequently, the people of Busujju find the present draft too complicated, too detailed, and in many parts, too mechanical to endure the test of time. In this connection, they consider that the chapter (3) on the National objective and directive principles of state policy seems to us misplaced or misconceived. Perhaps the more important of those principles and directives could be simplified, summarized and embedded at the beginning of the constitution as a preamble, or appended at the end of the constitution as a schedule. But if the constitution is to be the Supreme law, then it is difficult to see how you can have within that law something which you know cannot be implemented as of now. Some of those objectives have been overtaken by time, like the foreign policy of non alignment that used to make sense when you had a bi-polar world polarized between the East and the West with two super powers, the Soviet Union and United States. When there is now only the United States, it seems to be otiose to speak of a foreign policy of non alignment and go to the extent of embodying it within the constitution. Non aligned between what?

I would like to touch briefly on the issue of human rights. To the people of Busujju they have been well

articulated in the draft constitution, and those we agree with, I shall not bother discussing them because of time. But they feel that this writ of habeas corpus is so important and so integral to the whole concept of personal liberty that it should never in any circumstances be suspended. *(Applause)* Indeed when the country is in a state of war or public emergency, and there is an urge to Government to act arbitrary because they are prosecuting a war, that is the time when it is most necessary that people who are deprived of their personal liberty can be brought before a court of law to inquire into the legality of their deprivation of their liberty. Therefore, Mr. Chairman, article 53 Clause (7) - it is on page 20 - which reads: *'the right to an order of habeas corpus, that is, the right to an order requiring a person to be brought before a judge or court to investigate the lawfulness of retraining or detention of a person shall be inviolable, and shall not be suspended...'* Now that is okay, *'except in the case of a state of emergency as provided by this constitution'*. This we should not allow. Mr. Chairman, some delegates might wish to know, especially those who are young, that in 1968, I wrote an article in a newspaper - a magazine called *Transition*, I was charged for writing a seditious article. I was tried by the courts. I was defended by people, Lawyers here and from England. They had been briefed by Amnesty International. One of my defenders was a former solicitor general in the Labour Government, Sir Dingle Foot. I was acquitted. After I was acquitted, I was re-arrested under the state of emergency, and I was detained for two years, 14 months of which I spent in solitary confinement. I would be allowed out for one hour in the morning and half an hour in the afternoon. A total of one and half hours to see the sun and hear birds sing. I know something about detention without trial. I am a responsible member of government now although I am not here in my official capacity as Attorney General. I am here as a representative of the people of Busujju but I cannot see any good reasons why people should not be taken to the courts if they are detained. At any rate let them be brought to the courts and let the courts be satisfied that all the processes, all the preliminaries, all the requirements of law have been complied with.

MR. NGOBI: Point of information. Mr. Chairman, I would like to be permitted to give information to the hon. Member.

MR. MAYANJA KAKYAMA: I will accept the information of one of my fellow detainees- *(Laughter)*

THE CHAIRMAN: Yes, go ahead; he has accepted.

MR. NGOBI: Yes, in fact, Mr. Chairman, that is the very point I wanted to inform the hon. Member that he forgot to mention other detainees. The hon. Member defended me in habeas corpus which we won and then we were detained there after without trial for five years. Thank you.

HON. DELEGATES: By who?

MR. NGOBI: By Obote of course. *(Laughter)*

MR. ABU MAYANJA KAKYAMA: I thank my Colleague, presidential nominee Mathias Ngobi. *(Interruption)*

THE CHAIRMAN: I see the hand of hon. Wacha. I do not know whether you would mind his information or point of clarification, I do not know. Could you indicate the point please.

MR. WACHA BEN: I wanted to give the information - *(Interruption)*

MR. ABU MAYANJA KAKYAMA: Of course, I hope I shall not be derailed. I am very well informed on these matters but out of courtesy, I will accept the information.

MR. WACHA BEN: Point of information. Thank you. I am happy that the hon. Member has raised this issue because the Law society has indicated a number of instances during the time of the NRM when people have been released by the High Court on habeas corpus but then they have been rearrested and taken back to jail. I hope the hon. Member who is holding the position in government will tackle this matter after.

MR. ABU MAYANJA KAKYAMA: Mr. Chairman, that information is not correct. To the best of my information, there is no person today detained anywhere in detention centers of the government of Uganda whose release has been ordered by the courts of this country. Mr. Chairman, it is a matter for satisfaction that during these years of NRM government-

THE CHAIRMAN: Hon. Mayanja Kakyama, there is another Member who anxiously wants either to interrupt you or to raise a point. Is it a point of order or a point of information?

MR. KOMAKEC: Point of clarification.

THE CHAIRMAN: That he wants to be clarified on the point you have just made.

MR. MAYANJA KAKYAMA: Let me finish this sentence, then I will give way. I was saying that it is a matter for great satisfaction that in the circumstances that brought in the NRM government, and a fact that soon after its inception, it was compelled to fight a war which was imposed on it, that nevertheless the rule of law has been allowed to reign supreme throughout the length and breadth of Uganda; that in spite of the existence of the public law and safety act, even though it is called detention act, nobody is detained without trial; and that people who have been arrested, when it has been found that they have been arrested unlawfully, they have been released and paid compensation. I think we need to be proud of this state of affairs under the NRM governments. *(Applause)*

MR. KOMAKEC: Point of clarification. Thank you, Mr. Chairman. The hon. Member on the Floor has just said something to the effect that under the present NRM government, nobody is under detention without trial or something to that effect. There was something in the Press that there is a certain gentle man by the name of Maj. Nsiiti or something like that; he was released on application of habeas corpus; he was released and I am told that during the NRM he was immediately re-arrested. Is he in prison or is he free? I want the hon. Member holding the Floor, who happens to be Minister of Justice and Attorney General to inform the House whether Maj. Nsiiti is now free and when he was released.

HON. DELEGATES: Mpiiso.

MR. KOMAKEC: Mpiiso.

THE CHAIRMAN: Now I think if the hon. Mayanja is going to react he will be doing so in his capacity as a highly knowledgeable person, but not as a Minister of Justice and Attorney General because we do not have them here. Here we have hon. delegates but if he so wishes to answer, he will do so in his capacity as a highly knowledgeable person.

MR. ABU MAYANJA KAKYAMA: Mr. Chairman, I do not propose to do so because it is not even within my jurisdiction as Attorney General to detain people. If I was in the NRC and anybody asked they

would give notice; but the information which I gave to this august House that, so far as I know and I am informed, officially, through the various organs of government- Ministry of Internal Affairs, Ministry of Defence, nobody who has been ordered to be released by the Courts of Uganda is under detention today, and I stand by that.

THE CHAIRMAN: But I think the hon. Member you should proceed to other point because you are now continuing to act as if you are a Minister.

MR. ABU MAYANJA KAKYAMA: Yes, Mr. Chairman, I am grateful and I have lot more to say.

THE CHAIRMAN: That is going to cause us problem.

MR. TIBERIO OKENY ATWOMA: Point of order, is the hon. Member now on the Floor in order to deceive this august House by stating that the present government has already paid all compensation for the wrong arrest or detention of the people. While in fact it has been put on the record of the 18 people from the North who have been detained for one and half years. Is he really much aware of the case? Is it in order for him to come here and say that we have been already paid compensation while the matter is still pending in the court, and always the government has asked us to settle it outside the court and his Ministry has never come forward with any proposals and is he in order now to be deceiving us here that compensations are being paid out?

THE CHAIRMAN: Hon. Member, I will refuse to rule on that point because if I did, I will be turning this House into a government and we are on a non government side. Here we are discussing the constitution. I have already asked the hon. Member on the Floor to be away from presenting his case in that manner for the best reasons, and I think we should let him continue.

MR. ABU MAYANJA KAKYAMA: I was only referring a little bit to my past experience and I regret that my gentlemanly disposition is to accept information and all that, has resulted into widening this issue. I have other matters to put forward. I shall not accept information.

Another point that I want to comment on human rights, especially in this era of gay rights is articles 60 and 61. These articles should be written properly

without ambiguity because 60 says: "Men and women of full age shall have the right to marry and to found a family and shall be entitled to equal rights in marriage..." If you read it, it may mean that men have rights to marry men and women have rights to marry women, and this is repeated in article 61. Now this is not purely speculative because it is happening in so called civilized World; and I think we should make it clear that the right to marry that we are talking about is the right between people of different or opposite sexes and not homosexual marriages.

I would like to talk briefly about representation of the people. The people of Busujju have two proposals they want to make in this respect. The first proposal is that Parliament should be bicameral constituting of the National Assembly and a Senate. The Senate should replace the proposed National Council of State for purposes of approving or confirming Presidential nominees to various key positions and should also have power to propose and delay the legislation for a given period of time. The Senate should consist of three (3) representatives of each district: one woman representative of the district. The woman representative should be moved from the National Assembly.

I have been asked about Federalism. I will talk about Federal states later. *(Interjections)* I am coming, do not anticipate.

THE CHAIRMAN: I think you should not allow yourself to be heckled. I think the Chair is definitely going to protect you.

MR. ABU MAYANJA KAKYAMA: I am grateful for your guidance, Mr. Chairman. And the representative of the NRA, the youth, the workers, and other special interest groups should be in the Senate.

So we should have two Houses: the National Assembly directly elected on universal adult suffrage by the people on a population quota, and a Senate which would represent the districts and also the special interests. Members of the Senate should serve for longer periods say for 6 years whereas Members of the National Assembly should serve for 4 years. In either case the people of Busujju believe that the political problems, the political turmoil we have gone through, could have been long rightened had the people of Uganda been consulted through elections. It is a fact that there were no elections at all from 1962

to 1980 when matters regally went completely out of hand. Therefore, they believe as it has been proposed before here and they would propose or endorse the proposal that the dates for holdings elections must be written down in the Constitution. We must say that elections to the National Assembly shall be held on every 18th day of March, every whatever the period, every fourth year and it is there; whether it is Sunday or whether it is raining, whatever may be happening; but if the country is still there, that is to say before God or Jesus has come again, the elections must take place. The elections of the President must be on a fixed day. The day he assumes office must be stated in the Constitution so that these things are known, it is not a matter of gauging the political convenience of the government in power, saying that we are now unpopular, we should wait and something like that and there should be no question of postponing, of increasing or enlarging, these dates should be there in the Constitution according to the people Busujju.

Now, the political system. the people of Busujju, like many people, support the continuation of the Movement for the next five years. However, they find the present draft article, I think 98, which envisages a kind of a see-saw because it tells us that at the end of five years we shall have a referendum to determine whether we shall have to continue with the Movement or go to multi-Party but it says in its wording that if the people of Uganda at the referendum were to opt for a multi-party system, then after five years there shall again be a referendum for them to decide. If they decide in favour of the Movement then we go back to the Movement so that the referendum is held every five years. Now, this is a prescription for instability and is unacceptable to the people of Busujju.

There are some people who say that after five years we should go directly for multi-party without the necessity of a referendum. There are others who say that after five years there should be a referendum. The people of Busujju are not very strong one way or the other on that matter, they will go with the majority of Ugandans.

On the position of the presidency, the President of Uganda should be directly elected by the people but not just by a 50 percent majority as it is written here; because you can have a 50 percent majority by for example taking all the seats in Buganda and all the seats in Busoga. That could be a 50 percent majority

numerically but such a candidate would not have been supported by the people of Bunyoro, Lango, Acholi, Kapchorwa, and so on. Such a person would clearly be nationally unacceptable as a President. Therefore, there must be a provision that the President will have, not only a 50 percent numerical majority but he must have either a 50 percent or even 75 percent majority: must win in the districts or in the constituencies of Uganda so that he is not narrow based but has got the support of the people throughout the country.

MR. OMARA ATUBO: Clarification. I wanted clarification on the issue of the Movement continuing for five years which your constituency have asked you to advocate in this House. All I want you to clarify is, did they tell you also what the fate of political parties would be during this period of five years? Thank you.

MR. MAYANJA A.K: Mr. Chairman, I had informed them and they are aware there has been discussions between the government and the political parties for a long time even before this debate but the political parties would not sponsor candidates for the next general elections to be held in January or February, 1995. That is what it means; it means that thereafter the people of Busujju are willing to accept multi-parties if the people of Uganda say so in a referendum or if the delegates here in the Assembly enact that there shall be multi-parties automatically at the end of the five year period.

The President should be at least forty years. If you are to prescribe an educational qualification, it would be one which gives us respect, in other words, it should be at least a university degree. He should be impeachable, that is to say while in office, if he commits certain political offenses, he should be impeachable but he should not be triable in the courts of law. Trying the President as some people have suggested is like doing what the mice once resolved upon. The mice found that the cat was not giving them peace and they decided to put a bell around the waist of the cat so that whenever it would come they would hear it and run away. Then the question arose as to who should put the bell around the waist of the cat and it could not be found. If the President is in Entebbe, you cannot remove him from there and take him to Buganda Road Courts to answer a traffic or any other offenses just like that and then he goes back to Entebbe. That is absolutely unrealistic and impossible, but the President should be impeachable

and he should also be triable after he has left office for offenses that he committed during his term of office as President.

The people of Busujju have got a serious disagreement with the Odoki proposals regarding the method of impeaching the President. Because the proposals put there two or even three bodies to determine. There are Members of Parliament who should initiate the move by a vote supported by one-third, then the matter goes to the speaker. Then the Speaker informs the Chief Justice who constitutes a panel of Justices of the Supreme Court. Then those people look into the matter and thereafter if they find that there is cause, that there are grounds for impeaching the President, he is declared impeached and he leaves office. Now, you will note, Mr. Chairman, that here you have got two bodies. The Judges can come to one decision and the Parliament can come to a different decision. This is very unfortunate and it could be dangerous. It is therefore in the opinion of the people of Busujju, desirable and important that the task of impeachment should be entrusted to one body. Since it is political, let it be Parliament. If a president has lost his confidence of a two-thirds majority of the legislature, let him go but he cannot stay because the three Judges think that he should not go.

MR. ERESU ELYANU: Mr. Chairman, clarification. The Member holding the Floor said that while holding office, the President should not be taken to any courts of law. I wonder whether by that, if it is adopted, given our circumstances of Uganda, that a President may win power and can even be given certain resources at his proposal, may even continue to stay in office. So by adopting such a recommendation, would it not be a disincentive for a President who so realises he has committed so many offenses against the people of Uganda to decline or to insist on maintaining himself in office given his resources for fear that if he gets out of office he will certainly be tried?

MR. A.K. MAYANJA: Mr. Chairman, I was merely talking about the proposal which came from many quarters that the President could, like you and me, go to a court of law and be tried. This for us lawyers is very unacceptable. The laws are administered in the name of the President, he is the one who enforces the judgements of the courts and all that kind of thing and you can not envisage a President who has been sent to jail, but he is still President, he commits an offence, he is adjudged, he is sentenced

to imprisonment for three months, he goes to Luzira for three months and then he comes back and goes to State house. This kind of state of affairs simply is unimaginable to the people of Busujju.

THE CHAIRMAN: Hon. Members, where we have reached the hon. Member should be on the final leg of his contribution so to interrupt him further I think would cause us further delays.

MR. BIDANDI SSALI: I do not know whether I am hiding behind procedure to make my point but in view of the fact that we are going to discuss Chapter of all these issues, would it not be a good procedure for the Members to avoid clarifications that attaches to the details or clarification as if we are now deciding on what to put in the constitution. I would, Mr. Chairman, imagine that we would take the general comments of the Member on the House and when we come to the details then we can seek the type of clarification as came from the previous Member who wanted that type of clarification. I have a feeling that his learned friend who is also seeking clarification could also border on the details and then we miss the other general comments, for example, on federal and so on and so forth.

THE CHAIRMAN: I think it is not proper to appear to criticise Members who are seeking clarification because once a Member on Floor takes a position like he is referring to various provisions, of necessity it provokes reactions to seek for other clarification but may be it is the style of presentation which is leading to that may be he could be more general at this stage and perhaps more specific when we come to the consideration stage.

MR. A.K. MAYANJA: Mr. Chairman, I think I want really to get on in light of what the hon. Delegate for Nakawa has just said.

The people of Busujju do not feel that it is a good thing for the number of Cabinet Ministers to be stated in the constitution so that whenever you want to change the Ministers from twenty-one to thirty or twenty-five you make a constitutional amendment.

Now, on the form of government, after careful consideration of our history, including the Odoki Report, people of Busujju propose a federal form of government based on the existing districts as the constituent units with the following provisions. One, that the eight districts of the former kingdom of

Buganda except Kampala are reconstituted into one district of Buganda. Two, that other formerly larger districts which have been sub-divided into two or more present day districts, for example, Lango, Acholi, Busoga, can resume their 1966 names and boundaries if they so wish and, three, that those districts that prefer to remain in unitary relationship with the Central government are free to do so. In other words, we propose a federal form of government at district level. The division of power shall be those powers which it is envisaged should go to districts and districts which want to be unitary as I have explained shall be unitary, those which want to have federal states shall have federal status.

Districts which opt for federal relationship need not reproduce the whole structure of Central government, that is to say, they do not need to have parliament, ministries, supreme courts, high courts, etc., as appears to be a misconception in the Odoki Report. The essence of federalism to the people of Busujju does not lie in having parallel or identical organs of government at the Central level reproduced at state or federal level but rather in the following. One, a clear division of legislative powers between matters on which the Central Parliament alone can legislate exclusively and those on which federal legislatures, however called, can legislate and having this division entrenched in the constitution.

Two, a corresponding division of administrative or executive powers or functions between the centre and the districts which shall be entrenched in the same way.

Three, in the division of legislative and executive powers, the districts should be given clearly defined areas where they can levy taxes and raise revenue under their own steam so as to defray for the services and responsibilities vested in them.

Four, within the above broad division of legislative and executive powers, permitting the federal states or districts to frame their domestic constitution so long as they do not conflict with the Constitution of Uganda.

Finally, the districts or federal states themselves should be entrenched in the Constitution so that they cannot be abolished, altered or dismembered by the Central Parliament without their consent and without going through formalities of constitutional

ammendment. Mr. Chairman, in a nut-shell, this is the proposal of the people of Busujju on the form of government and since it is important, let me repeat it. It is not envisaged by them that areas outside Buganda should be compelled to amalgamate into regions. Two, it is not envisaged that there shall be a tier of government above the districts which could perhaps encroach upon the powers which are envisaged or which are proposed for the central government. They are content that the federation would be at district level. If we adopted an arrangement such as this, we should leave the doors open for districts which today opt for a unitary relationship to join the federal arrangement later. Mr. Chairman, there are so many reasons for this and I can only say that some of them, in fact, many of them have been well articulated in the Odoki report. For instance, Section 9.8 on page 250 of the Report. They have set out there the problems that emanates from excessive centralisation, its failure to promote national development, being responsible for declining development by stifling local initiative and ignoring local consensus and making the government remote from the people, obliging people everywhere to look to Kampala for almost every service and if I may pause here, only the other day in the NRC, an hon. Member, a representative for one of the districts was bitter. Even in this august House, hon. Delegates have spoken about marginalisation of some areas. There in the NRC they are saying that their areas are not getting money, they do not get projects, they do not get what, they do not get this. Now, for all these things to cure, let them talk about some people not getting jobs, some people not being put on boards, all these matters which will be with us can only be solved or a solution can only be attempted if you decentralise, if you have so many different centres of power. People are talking about corruption but if you concentrate all the power and you come to say as Odoki does that the powers to legislate for the peace, order and good government of Uganda shall lie in the National Assembly and in no other body, this is terrible. You are creating a situation whereby all the problems are concentrated in one organ and if that organ goes wrong then God help us because this is what has happened. We have powers, we had powers concentrated in one organ of government. That organ failed - I will not stop here - that organ failed and everything went hay wire, the roads failed, hospitals failed, prisons failed, police failed, army went wrong, everything - people became poor, people killed each other, *panda gari* or whatever, because, all the powers of governing this country had

been concentrated in the 1967 Constitution in the hands of one centre of power. (*Interruption*) - I will accept.

THE CHAIRMAN: Hon. Member have you finished?

MR. A.K. MAYANJA: No.

THE CHAIRMAN: Because you will not have the time we have been allowing for interruptions. Even allowing for points of order and clarification, you have done another seven minutes. So let him finish. I think we agree that we shall have clarifications during the consideration stage on matters of this nature.

MR. A.K. MAYANJA: Mr. Chairman, the people of Busujju feel that national unity, desirable as it is, should not be pursued by destroying already existing nationalities which have evolved over long periods of time. They do not believe that to build Uganda is like making an omelette where you break the eggs, that you cut up Buganda for instance into Mubende District, Kiboga District, Mukono District or what it is, no, no. Have Buganda. Buganda has a meaning, it is well-known, it is understood. There is a lot. There is a very interesting article in today's Monitor, I normally do not quote that newspaper but that article is okay. In other words, we are appealing to our brothers, to our fellow Ugandans, the zealots of nationalism of whom I am one not to attempt to build a Ugandan nation by destroying the Buganda nationality. Why? Because it is not a good thing to do so and because it did not work in the past. All these things, the 1967 constitution, the what not, all the Obote measures were intended to destroy the Buganda Kingdom and create and build on its ashes a nation of Uganda. Neither has happened. the Kingdom of Buganda still exists, the Uganda nation does not exist yet because the methods adopted were wrong. Obote tried, it didn't work and there is no reason to believe it will work now. The often repeated statement that Uganda is too small to afford a federal form of government is not true. For instance, Belgium with ten million people, Switzerland with I think less. The United States of America, in 1789 when the Constitution was ratified and 1787 when they made it, the population of the United States was less than four million and at that time the population of Virginia was more than - was greater than the population of the other twelve states put together. I thought it is not necessary when you have these

arrangements, where you have these clearly defined interests that need to be safeguarded, it is not necessary that the population should be equal. You have today the state of California. Compare the state of California which is equal in resources I am told to Brazil. Population, size, wealth or whatever, compare that with the state of Vermont or the state of Delaware Rhodes Island, Connecticut, New Jersey. So we need not be equal for federation. So therefore, Delegates should not be put off by Busujju's proposal of a district of Buganda. If accepted it would be bigger than other individual district but so what? Even if you do not amalgamate there is today one district which is the smallest district. Kalangala is not equal to Mubende (*Interruption.*)

THE CHAIRMAN: Hon. Member you should be winding up. If you are going to illustrate, I think, we would like to hear your argument on federal and you finish because really we have given you a lot of time.

MR. A.K. MAYANJA: Mr. Chairman, if I may summarise my argument are that the different areas constituting Uganda today, the state of Uganda today which we want to create to build into a nation have got various differences, they have things which they want to preserve. Certainly for the people of Busujju they have got things which they want to preserve for themselves, which they can only achieve if they are acting together as a Buganda unit, as a Buganda entity and that we should, therefore, appeal to our friends in other areas if you want a unitary set up, people of Busujju feel that all the misdevelopment that have taken place emanate from the unitary arrangement of 1967 but if you think that unitary has worked very well in your areas, you can have it. Let me have federal where I want it.

On traditional rulers, Busujju accept the Odoki proposition that Uganda should be a republic but traditional rulers can exist in the republic and they can exist whether it is federal or unitary. Busujju recall with profound gratitude that the people of Uganda a year ago unanimously decided on restoring traditional rulers for those areas whose people still want to have them. This statute is a starting point in discussing this matter. They propose that the relevant parts of that Statute, I think it is No. 7 of 1993 should be reproduced in the Constitution so that the areas that had kings and wish to have them can continue to have them.

Before I conclude, Mr. Chairman, I would like to say a little bit about land - (*Interruption.*)

THE CHAIRMAN: Hon. Member it is time. I have been reluctant to interrupt you but I think - (*Interruption.*)

MR. A.K. MAYANJA: Just one sentence. The people of Busujju want free-hold, individual ownership of land, not the proposal in Odoki whereby land is nationalised as they say it belongs to all the people. Land should belong to individual people but the state should have rights over minerals for development purposes.

Now, in conclusion, Mr. Chairman, the people of Buganda including of those of Busujju went through a traumatic experience where the engines of destruction were turned on them by their *Mukko*, Dr. Milton Obote in 1966. The *Lukiiko* resolution was not a justifiable cause for sending maximum force to crash the *Kabaka* in his palace. Since then they have been humiliated, suppressed, insulted, robbed of their wealth until the NRM Government came to their rescue. The Buganda people are not exclusivist, the tendency to depict them as tribalistic simply will not hold. Only in Buganda have people of other tribes been elected to the Legislative Council, to the Parliament and to this august House. People of other tribes have been elected in Buganda. We are looking forward to a situation when veteran nationalists like Abu Mayanja can stand, for instance, I used to have a lot of support in Lango. I would like to stand in Lango and be elected to this august House.

THE CHAIRMAN: hon. Member I think you have to end there.

MR. A.K. MAYANJA: I just have one paragraph. The Buganda love Uganda and have given a lot to it through their services and so on. Mr. Chairman, I am sorry I thought I would have time to compensate for all the interruptions but these are the humble proposals of the people of Busujju which I have the honour to present. Thank you very much.

THE CHAIRMAN: Thank you hon. Abu Mayanja for your contribution to our debate this morning. I now give the Floor to hon. Muruli Mukasa, Nakasongola county.

MR. MURULI MUKASA (Nakasongola County): Thank you very much, Mr. Chairman. Nakasongola county is a county which is also traditionally known as Buruli. Mr. Chairman, I bring congratulations to you and your Deputy and

the entire Members of the C.A. for having successfully come to where you are and also for undertaking this very important task of promulgating a new Constitution for this country.

Mr. Chairman, just a brief history of Buruli county will suffice to enlighten what this county is. This county, Mr. Chairman, became part of Buganda in 1900 after the defeat of King Kabalega of bunyoro Kitara. It was carved from the Kingdom of Bunyoro Kitara by the 1900 Agreement. Mr. Chairman, this is a very large county and ethnically it can be described as the Commonwealth of Uganda. First of all, a good number of the nationalities from the neighbouring countries are to be found in this county. We have Kenyans, Tanzanians, Banyarwanda, Barundi, and so on. Then a large section of the Uganda nationalities are also to be found in the county. We have, for instance, the Alurs, the Lugbaras, the Karimajong, the Kuku, the Madi, Acholi, Langi, the Bagwere, the Itesot, the Busoga, the Kumam, the Baganda, Banyoro, Batooro, Bagisu, Bakonjo, Banyankole, Bakiga, Bagungu and so on and so forth. In addition, of course, to the Baruli people. The Baruli people in Nakasongola county number about 68,000 and they form the largest single ethnic group in that county. It is sad, Mr. Chairman, to note that in the Second Schedule of indigenous communities which existed in this country as per 1st February 1926, the Baruli have not been mentioned.

The people of Nakasongola sincerely and earnestly wish to see a constitution that will guarantee the following things for ever. They wish to see a Constitution which will guarantee peace, stability, unity and development. They would also wish to see a constitution which will recognise the existence of the Baruli people as part and parcel of the community of Uganda. They want a constitution which will guarantee the fundamental freedoms and human rights of the people of Uganda. They want a constitution which will guarantee their ability to own, use and utilise land. They want a constitution which will guarantee that the people, not a clique, not a group but the people have power in their own hands. They have it. It is not in words. It is not just on paper but it is there. They have it. It is palpable. They hold it and use it to their benefit. They want a constitution which will also guarantee the status of districts existing in this country and that Buruli one time is also considered to be a district of this country. They want a constitution which could allow them to enjoy freely their culture, in other words, a constitution

which will create a peaceful and dynamic and developing country.

Chapter 2, Section 4 (1) answers the question of what Uganda is. It says it is one unitary sovereign state and a republic. The people of Buruli do not have any quarrel with this status of Uganda because they feel that Uganda really became a republic thirty-one years ago. It has been so for a long time, it can continue to be so as a republic. They also would like to see Uganda remain a united country. We are aware in Buruli that there are a number of people to whom the word "Republic" or "Unitary" evoke some bitter memories but I think there are very many words which evoke bitter memories in the minds of people in various areas of Uganda. I could name a few of them but really whether we have these bitter memories or not, now when we are creating a constitution, it is not a point of argument. What matters now is whether we can, in this constitution, have a country which will be together, and guarantee all those very nice things that we cherish.

Mr. Chairman, we can have dictatorship, economic mismanagement and misrule and all types of chaos both in the republic and in a federation or in monarchy. So all these mishaps that have happened are not the exclusive domain of one type of Government. For instance, in 1888 very many young Ugandans were burnt at the stake in Buganda here. Buganda at that time was a monarchy. They were burnt as the state in Buganda here. Buganda at that time was a monarchy. They were burnt because they believed in christianity. Between 1879 and 1801, France endured the reign of terror under the republican leaders but then before that there was also another reign of terror under the Bourbon kings. America as a federation has enjoyed peace, liberty and development for a very long time. So in other words there could be good and strong aspects in a republic. there could be good and strong aspects in a republic. There could be good and strong aspects in a monarchy or a federation. there could be bad aspects in a republic and so on. So we do not have really to be so emotionally tied up because of certain words.

We have been told in the Odoki Commission that we can have Kings even in a republic. In fact the Statute which restored the Kings did so in a Republican Constitution. So the fear that if we use the word 'Republic' we might be prejudicing the position of Kings is unfounded.

Article 279 guarantees the existence of the institution of traditional leaders among the people to whom it applies. The people of Buruli or Nakasongola county have no quarrel with this institution. They welcome it and they like it. They have, after all, a very long history of the institution of traditional leader stretching way back for a very long time. This means, therefore, that the people of Buruli have no quarrel with the institution of *Kabaka* as a traditional leader of Buganda and the Baganda people. They recognise the *Kabaka* as a traditional leader of Buganda and the Baganda people. They see a lot of good things in the *Kabaka* and they see his existence as a way of encouraging unity and peace in this part of the region. Now, his role is seen as that of a leader who in a way has no geographical boundaries: in other words his influence can extend even beyond the borders of Buganda. So to try and confine the *Kabaka* to the geographical boundaries of Buganda as existed in 1962 or in 1966 is really to miss the point and the significance of this institution of a traditional leader. The traditional leader is seen in this light in Buruli. We see him as a leader who is not going to take part in partisan politics. We see him as a leader who is not going to have executive power - only cultural. This is quite in order because, after all, there has been a lot of evolution in the powers of the *Kabaka* and in the institution of the *Kabakaship*. For example, in 1856 when Muteesa the First ascended the throne of the Kingdom of Buganda, he had real power, he was a real ruler and he was able to neutralise opposition to his rule without any problems. Now, in 1862 modern influences came in and these changes in a way undermined the absolute power of the *Kabaka* to the extent that in 1888 when King Mwanga wanted to enjoy the absolute powers which his father had enjoyed, he landed in trouble and ended up being deposed and taken to exile where he died. In 1965, Sir Edward Muteesa became the Constitutional Leader of Buganda. Again his powers were a little bit controlled by the constitution. Today we are moving a step forward; instead of having those other powers, we are now having cultural powers for the *Kabaka*; we feel that this is very good and should continue. Power, cultural or otherwise is still power and this power is actually good enough.

There is a feeling that we should have Buganda as one unit. This is a very good feeling. It is worthwhile. But I think it should not really be overplayed because already Buganda is one unit; the people who are there are largely one people; they have one culture; they

have one language and there is one uniting factor - that is the *Kabaka* who is in place. So Buganda as a unit is already there, it is not something which is desired - it is already there on the ground. May be I shall have occasion to expand on this point a little bit later in my contribution.

Let me now, Mr. Chairman, turn to the issue of the National Language. Mr. Chairman, in Buruli we feel that it is in order for English to remain the official language of Uganda and that the issue of National Language should be handled a little bit more soberly. There is however a need to clarify the popular conception of a National Language. Popularly it is believed that a national language should be one of the local languages in this country but I wish to differ a little and say it might not be necessary to have just one of the local languages made into a national language. Rather a language which is mutually agreed on by all the people in this country could become a National Language whether or not it is indigenous to this country. English is a foreign language here in Uganda yet we have agreed that it should remain the official language. Who knows if we do not take a decision it might later on become our national language. The question of a national language should be decided by that language's utility and its efficacy. It should also be decided by the fact that language has ability to link us to a greater regional or even international community. It should also be decided as in the case of this country whether that language is neutral or not. You know we are a heterogeneous society so we do not need to raise undue emotions. So a language which could be neutral could actually do the job. No matter whether it is indigenous, or not indigenous.

Before we come to what is going to be a national language, it is necessary, therefore, that all the languages we have in this country should be developed, preserved, protected and enjoyed. Whether these languages are spoken by a minority group or not is immaterial; they should all be given equal treatment, developed, enjoyed, preserved because we feel, languages, scientifically speaking, are equal in as far as they carry out the job of communication in any given society. The people of Buruli do not have any prescription about the issue of national language but these are the ideas they gave forward in the hope that they would assist the rest of the country to choose the national language when the time comes for it.

Let me talk about national objectives, as they are

outlined in Chapter 3. We feel that these are very good objectives which should be part and parcel of our constitution. They are not therefore redundant. They are not superfluous and nor do they in any way make the constitution unduly long. We feel they are very good and should be maintained. We should not leave them to the political parties which will be formed later on in this country. We have had these political parties before; they may chose to include them, they may chose not to include them but I think they are good and are worth having. I think it is better that they should be in our constitution. We should not forget that we are a nation of diverse peoples and cultures and we are trying to forge ourselves into one nation. We are trying to create a unit called Uganda. Now, this unit called Uganda is to be based on very strong unshakeable principles. It is these principles which are found in Chapter 3. When we lose sight of them we are likely to lose a very strong foundation. When we have them all the time in our presence we are sure of a very firm foundation. So we feel these principles must be upheld and they should form part and parcel of the constitution. Other countries have principles on which they have built their country. They have principles of freedom, liberty and so on. For instance, in the United States there is a principle of capitalism. These are strong foundations. why don't we also have similar principles on which we can build our country and forge one unit called Uganda?

Mr. Chairman, allow me to turn to the issue of citizenship. Citizenship is treated in Chapter 4 of the Draft Constitution. We feel in Buruli that this Chapter leaves out a lot to be desired. Not only does it omit some legitimate Ugandan communities but it also makes it too easy for non-Ugandans to become citizens. So there is a need to amend various articles, particularly 41 (a), (c) and 43.2 (a) 44 (3) in order to satisfy the people of Buruli about the issue of citizenship. Some legitimate communities have been left out. I do not know why the Odoki Commission looked particularly at 1st February 1926 but we are told that is when the boundaries of Uganda were finally tidied up. Unfortunately this list of communities was made arbitrarily by our British protectors so there is need, therefore, now to make this Schedule anew in light of the current situation in Uganda. Today the Baruli in Buruli county who number 68,000 have been left out. They are not in this Schedule. They are not Baganda; there is a difference between Baruli and Baganda. The Baruli are Baruli, they are not Buganda. We feel they should also be

part and parcel of this Schedule. These people have been in this area for a very long time. It is surprising to note that the Nubians who made a marked presence in Uganda in 1894 during the British colonial wars, some of the wars they fought were fought in the present day Buruli, have been mentioned in the schedule of the communities of Uganda. Those people where the wars were fought have not been mentioned in that Schedule. So we feel that all those other communities which do not appear in this Schedule, whether that community consists of only two people, a family, so long as they are indigenous Uganda, they must be included in the Schedule. There are people like the Bagungu, people like the Bafumbira, people like the Babwisi, Basongora and so on, all these people should form the indigenous community of Uganda. (*Interruption.*)

MR. KAIJA: Information. Thank you very much, Mr. Chairman. I would like to inform the hon. Member holding the Floor that the 50,000 Baruli living in Bulyanda are not the only Baruli in Uganda. We have a lot in Masindi; we have a lot in Kyoga and many other areas. Thank you.

MR. MUKASA MURULI: Thank you very much for that piece of information. Mr. Chairman (*Interruption*).

MR. WANENDEYA: Thank you very much, Mr. Chairman, and my Friend, Mr. Muruli for agreeing to take my information. Mr. Chairman, the communities in a country, the Federal Republic of Germany were quite a number, but to writing different dialects of their language, they have in the final analysis formed the Federal Republic of Germany. Mr. Chairman, this also applies to language. In a country like Britain you have the Welsh who do not speak a similar language to English, but because they agreed to come together in a federation of the United Kingdom, or whatever you might call it, but it is a United Kingdom which is a kind of federation; they do not have in their Constitutions different communities as we are trying to do in Uganda. I should, therefore, appeal to hon. Members here that if we are Uganda nationalists, we should try to be as such, and these communities at the end of the schedule may not be necessary. I thank you, Mr. Chairman.

MR. MUKASA MURULI: Thank you very much for that piece of information. I think it is wonderful that today we are no longer going to have the Bagisu, we are no longer going to have the Baganda, the

Banyoro, the Bakiga because we are forming a Constitution, so from now onwards we are all Ugandans, Lugisu is no more, Luganda is no more and so on and so on; even the circumcision is no more because we are forming a Constitution of Uganda.

I feel that one of the duties of the national citizenship Immigration Board should be also to ensure that people who have opted to become Ugandan citizens are totally assimilated in the societies of Uganda of their choice. I feel that in allowing other people to come from elsewhere, we should be strictly concerned about assimilating them so that they with time become wholly Ugandans; they no longer have ties of the countries they have come from.

I would like to leave that issue aside and go on to talk about political parties. Mr. Chairman and hon. delegates, the Draft Constitution in very many articles guarantees the existence and performance of political parties in this country. For instance: article 59 (e) 97 and 99 says in no uncertain terms that political parties will be formed and will be enjoyed by all those people who want them. Therefore, according to this Draft, the restoration of political party activities in Uganda is not the question, the question is when they will be restored. The people of Buruuli sent me here to declare without mincing words that multiparty politics should not begin in Uganda for the next five years, after the promulgation of this Constitution. They have every reason to say this. They have every reason to wish that the movement type of politics should continue for the next five years. In fact, in one room just behind the *lukiiiko* hall in their county, there are 1,000 human skeletons put in black polythene bags. These are a few of the thousands of people who died in the plains of Buruuli between 1981 and 1986 during the inter-party war. These were men and women like you and me, they were alive, buoyant, happy; but their life was cut short because of multiparty politics. Whenever we sit in that council chamber we obviously get the creeps. So, we have not forgotten this kind of thing. It is only in 1986 when we had a respite, and it is not long ago, this year is only 1994 - just eight years. So, we think that we should have a respite *(Interjections.)* - Mr. Chairman, I thought that it was agreed upon as a matter of procedure, that clarifications will be put aside so that we can go ahead.

THE CHAIRMAN: Hon. Member, you have used all your 30 minutes.

MR MUKASA MURULI: Mr. Chairman, just to conclude. I would like to talk about Local Government briefly, and maybe, something about land.

Mr. Chairman, we feel we are happy with the devolution and decentralisation of power to districts. This is a very, very good thing. We would like even the powers which have been given to the districts to be increased more and this principle to be more entrenched. We would not like a system which will take power away from the people and put it somewhere in one central place or one big district, maybe, headquartered in Mengo; I was told that it is unacceptable. The people now have tested power for the first time; they have it in their own hands; they have a Budget to make and so on. They are not willing to see this power taken away and put somewhere else. So, they would rather have this power where they are at district level, at subcounty level, ideally even at village level. This is what they told me; but they are aware that some districts might want to cooperate for a common interest. That one is quite okay, it is even specified in the Statute which was passed in 1993. If districts in Buganda - and hopefully we feel Buruuli is also going to be a district in Buganda - then it is okay. They will cooperate, they can even form a committee to cooperate on a matter of common interest. In the interest of Buganda, this committee will be enough, it can cater for the *Kabaka*, it can cater for matters of common interest, for culture, for everything, and it can even advise the *Kabaka* on how he can go about his traditional roles. So, we want power with us down with the people. We do not want power to go somewhere to a clique.

Land: Land is a big problem in our place. In 1900, a large chunk of land in Buruuli was given away to these people who are there. What was left, Mr. Chairman, became Crown land and later on public land. In 1940, a large section of that land was turned into a forest; then in 1960 a large chunk of it was given to a ranching scheme. In the 1970s, over 15 square miles were also turned into barracks land. So, what happens now? Most of the people in Buruuli are really squatters, they are landless. We feel that something ought to be done, because land is very important, land we know is wealth, land is life, land is power, land is freedom. So far as matters stand, we do not have those things in Buruuli. We would like something to be done. It is government which put into effect this system, beginning from 1900; we feel it should be government to put right, and in doing so we feel government should be guided by the principle of

'he who tills the land owns the land'. So, we who are tilling the land and we are on it must own it. We realise that some people are going to be affected by this principle, but I think government has power to rectify that. We would propose that government should take it upon itself to establish a fund where some of these people who are going to lose can be compensated, because it is government which put it in place. Let it pay or bear the burden of rectifying that. They can be compensated. They go away or they remain with what people are not tilling and we live together. We also have life, we have freedom, we have wealth. We would hate to have a situation where some people are perpetual slaves on the land of their birth, for ever and ever, while others are masters and lords. We do not want to have that. Since we have now come to a time to put this right, and we are doing it very peacefully without any tears, without anything, we had better do it now. If it is not done now then maybe the fears that we are trying to avoid might come sometime later. Mr. Chairman, after that we can now talk of freehold system of land ownership when that has been done.

Mr. Chairman, the people of Buruuli strongly support the emancipation of women to their fullest potential; they uphold the rights of children, widows, the aged, widowers, and they are calling for the helping of the disabled.

Finally, Mr. Chairman, Uganda will not adopt any state religion. That is very good indeed. The people of Buruuli are happy; but they asked me to mention one thing and to request the hon. Members to look into the question of dressing meat for public consumption. Meat dressed by certain people of a religious denomination for public consumption - in other words to slaughter the cows and so on is done by the Muslims. They said that this practice should be democratised so that all other members of the various denominations can also take part in dressing meat for public consumption. Thank you very much, Mr. Chairman, I have finished.

THE CHAIRMAN: Thank you hon. Mukasa Muruli for contributing to the debate. He has already finished so there are no points of information or order arising. I give the Floor to hon. William Senteza Kajubi.

PROF. KAJUBISENTEZA (Kyadondo North): Mr. Chairman, Kyadondo North consists of three sub counties of Gombe, Nabweru and Busukuma. It

is in the *Ssaza* of Kyaddondo which is the central *Ssaza* of Buganda. In this area you find institutes such as Kawanda, Namulonge Research Institutes and Nakyensasa Government farm, which shows you that it has a very mixed population in the sense that we have got predominantly rural areas and then we have got these active research centres. It is also part of the Luwero triangle in which the scars of 1980 to 1985 war are still visible.

Shakespeare's Hamlet faced a dilemma of whether it was nobler to suffer slings and arrows of outrageous fortune or to take up arms against the sea of troubles and by opposing them; to be or not to be that was the question. The people of Kyaddondo North have asked me to pay tribute where tribute is due and to do otherwise where it is necessary. I would, therefore, like to begin by paying special tribute to the 27 gallant Ugandans who, when the results of 1980 general elections were rigged and the judiciary could provide no redress, decided to take up arms against the sea of troubles and by opposing or resisting them brought an end to those troubles (*Applause*). It was that decision of those gallant men and also the decision of the people in my constituency to cooperate with them, that has made it possible for us to meet here today to make a new Constitution for our country. What Winston Churchill said of the British airforce during the second world war, perhaps could be said of those people. "Never was so much owed by so many to so few", but, Mr. Chairman, in the words of my school, King's College Buddo, '*Gakyali mabaga*' 'so little done so much to do'. It is sad and painful to imagine that there is still trouble in some parts of our country where war is still going on; and unless these troubles come to an end, the blood of the people which was shed in Luwero triangle may not be vindicated and troubles may continue. Unless we all sit here in the spirit of give and take and draw up a Constitution which is likely to put an end to these troubles, I think the blood of the people in my constituency will have been shed for nothing.

I would like to pay tribute to Justice Odoki and members of the constitutional Commission for a job well done. The documents which they have put in our hands: the report, the Draft Constitution itself and the Index of sources of peoples Views are very important documents. These documents are not only useful for the process of Constitution making but they ought to be a very useful source of information on the history of our country. The fact that we shall criticise some portions of these documents does not

necessarily mean that the Commission did not do a good job. It is because everyone who commits himself on paper is bound to be torn to pieces. I would like to join those who have paid tribute to the Electoral Commission for a job well done. In my own constituency the election was very justly done; I should tell you that there were six candidates in my area, one of whom was no less other than the Director of Political Education and Culture in the NRM Secretariat. The fact that he is not here and I am here shows that the elections were very fair (*Applause*). I would like to thank the NRM for that spirit of give and take.

I would like to pay tribute to His Excellency the President and NRC for enacting the Constitution Amendment Statute 1993 which made it possible for traditional rulers to be reinstated. The enactment of that Statute has initiated the process of putting an end to the unfortunate policy of unfriendly encirclement of Buganda and humiliation of all those areas which believe in the institution of traditional leadership. We would like to thank NRC for initiating that process of ending that humiliation.

I would like to congratulate you and your Deputy on the excellent and most efficient manner in which you are guiding our deliberations. If the hon. members of this Assembly apply the same principles and wise judgement to the discussion of the contentious issues which may come before us as they did in electing both of you, I am quite certain all of us will leave this Assembly victorious.

Mr. Chairman, it has been said that the evil that men do lives after them, but the good is often buried or interred with their bones. Hon. Sakwa reminded us that we are in the habit, as Ugandans, of forgetting the good done by past leaders, and we praise leaders only when they are still in power, and when they go down we begin to criticise them. I would like to point out that I have lived here since Uganda got independence. I have not gone to exile, and I have lived through all the regimes. During the period of Idi Amin, many atrocities were committed; but on the other hand people very often did not realise some of the good things he did. For example, he built Uganda House in New York on a very valuable plot of land which was being used as a parking lot. He completed Uganda House in Kampala here, he initiated Uganda Airlines, he bought the Presidential jet which is so useful today. So, Mr. Chairman, some of those things have been very useful, and I think they should

be recorded so that not everything is bleak as his period has been portrayed.

We have gathered here not to praise, let alone bury the NRM and each other, but we have come here to make a Constitution for our country. His Excellency the President when he addressed us here reminded us that Constitution making in a developing country like Uganda is about nation making, while in developed countries constitutions are made in order to run countries. But what is nation making? A nation has been described as a group of people who have traditionally lived together, they share customs, they have lived on an identifiable piece of land and are under the same government, preferably a government of themselves and speak a language, preferably a language of their own. Now, when you take that definition to be correct, then Uganda in a true sense is not yet a nation, but has many nationalities. The colonialists taught us to refer to ourselves as tribes, a word which they do not apply to themselves; they do not talk of the Welsh or the Scott as tribes, but they refer to them as nationalities. On the other hand they taught us that the 48 ethnic groups which we are shown in the second schedule of our Constitution, should be referred to as tribes. So, the purpose of this C.A is to transform different nationalities into one nation. The Odoki report says on page 213, that in Europe the creation of states followed the development of nations. In other words, nations were formed first and states were formed later. But in post colonial Africa, states were formed first and nations have to be developed. So, this is the task on which we are engaged today. Nation making is like putting up a building; columns have to be raised and beams to be put across them in order to make a building, erect and strong. So, it is with a nation; we have to build a nation from the strength and particular attributes of various cultures and put them together to build a nation and also at the same time build a national culture, out of the different ethnic cultures. In order to do this we must have empathy and respect for each others' cultures, if we are to build a nation state together. Each ethnic culture should be called upon and be allowed to contribute its best trait to macro national culture. Some of the statements which have been uttered in this Assembly do not contribute to that spirit. For example, some Members have stated here that those who enjoy the taste of Kings can have them if they so wish, as though monarchists were cannibals and Kings were a dish on their menu. Traditional rulers are bound to disappear, it is as sure as night follows day. 'Why

do you talk to those Northerners', 'why did you chose to join DP the Catholics' and so on. In corridors, these questions are very often put to me, and I say that such statements and attitudes cannot help us to build a new nation (*Applause*).

The Bible says in Amos Chapter 3, verse 3, '*can two walk together except they be agreed?*' Can we all walk together to form a nation except if we do agree? We must be prepared to talk to each other politely and emphatically if we are to build a nation together. As one American educator, John Dewey, said, 'democracy begins in conversation.' If we are to build a nation together, we must be prepared to talk to everyone who is in this hall and also who is outside this hall who matters in order to help us to build the spirit of nation building.

I should like, therefore, to put forward some of the following principles which I think will guide us in order to build a new Uganda. Hon. delegates should take note of the desire of some of the people of Uganda to preserve their ethnic institutions, customs, status and dignity of their leaders, both traditional and national. In the Constitution we are making, the people of Kyaddondo North are telling me to appeal to you, that the a Constitution should be looked at not merely as the basic law of the land, but as an agreement, a covenant that is intended to bring all individuals and groups of people in Uganda together. A law has the implication of force. You can force people together by law, as indeed you have done in the past; the colonialists kept us together by force, but a Constitution which we are making should be in the spirit of a voluntary association whereby we respect each other in the spirit of give and take. Hon. Members are being called upon also to imagine that what you desire for yourself you should desire for other people. In other words, whatever you put in this Constitution, when you are in Government now should be what you would like to see even when you are not in government. The time might come when we might be out; I am going to give an example. Somewhere in 1964 the UPC government tried to institute a preventive detention law; hon. Grace Ibingira was, I think, the Attorney General and Minister of Justice. I told him at a rally in Naguru, that, "if you institute this law, I put it to you that you will be detained under it before I will be". And indeed in 1966 he was detained for five years. So, if it had occurred to him that he might be affected, possibly he would not have enacted it. So, in Plato's 'Republic', one of the characters was

asked to describe what justice is and he said that justice is that which is of advantage to the stronger. In many African countries justice has been interpreted as that which is of advantage to the stronger. Hon. delegates, I would like to appeal to you to avoid that interpretation of justice.

Mr. Chairman, may I now address myself to some aspects of the Constitution.

Chapter 1, the Constitution: The people of Kyaddondo appreciate what is put in this chapter as the Constitution of our country. It has in it provisions that anyone who breaks this Constitution even through use of force, when we become independent again he should be brought to book as having committed treason. But as I have said before, they appeal to us to look at the Constitution as an agreement. Why do they say this? Because here in Buganda the word '*endagaano y'olwenda*' is very important. *Endagaano y'olwenda* is the spirit of having made the agreement between two parties which agreed, Buganda and Her Majesty's government. So, *endagaano* should imply that all people who come to it are part of it. So, they appeal to you that we should not leave this hall with some people thinking that they are not part the agreement.

Chapter 2, the Republic: The people of Kyaddondo North know the meaning of the word 'Republic'. It is the state headed by an elected leader or in which the supreme power is in the hands of the people. But since in the past in Uganda, the meaning of this word has been corrupted not to mean what it should be, but to mean the humiliation of Buganda and also a humiliation of all those people who believe in traditional institutions of leadership, we would appeal to this august Assembly not to perpetuate those emolive feelings in our new Constitution. We, therefore, propose that the title of the Chapter should be 'Uganda and its Constituent Parts'. Clause 4, should read: '*Uganda is one indivisible and indissoluble sovereign state to be known as the sovereign state of Uganda*'. Clause 4.2 to read: '*Uganda shall consist of regions, districts and counties*' Why do we say this? We say regions because we know that in this august Assembly there are hon. delegates representing regions. They cannot represent a political unit which does not exist; the youth, for example, are representing regions. We have in our government a Minister of State for Northern Region; you cannot have a minister responsible for a region which does not exist. So, we would like regions which

defacto do exist, to be recognised in the Constitution. I have mentioned counties, counties are important because so far our Members of Parliament, are based on counties and it would be very useful if they had councils with which to interact, apart from just being elected there.

The people of Kyaddondo North state that the chapters of National objectives can be left out from the body of the Constitution as these objectives can be put in a schedule to remind us; but they should not be part of the main body of the Constitution.

The National Council of State they think is a body which is likely very much to dilute or take away the powers of Parliament. If it has to exist and if the economy would permit, we would not mind if we accepted a federal type of Constitution to have an upper House or to have a chamber like hon. Amanywa Mushega did propose of elders, but on the other hand the shortage of finances to do that, make us feel that we could leave it out with profits.

The Executive: The people of Kyaddondo North support a President elected directly by all the people of Uganda for a period of two terms in five years and not renewable after that, but they plead to this august House to make the process of electing the President as simple as possible; because in the Draft there are provisions which say that he has to get, at least, a thousand supporters in in each of two thirds of the districts and he has to obtain at least 51 percent in the election. If we make this process complicated we give room for the Army to take over. When people come to elect a President and he does not get more than 50 percent or so and then you have another election, if this goes on for three, four, five, six months, you are likely to have created a vacuum which will be trouble for our country. So, we plead with you to make this process as simple as possible. The people of Kyaddondo North agree that the President can appoint his ministers either from the House or from outside but those who are appointed ministers should not be part of the House in order to have the complete separation of powers between the legislature, the executive and the judiciary.

Chapter 18, traditional leaders: In view of the importance that we attach to the role of culture in the national development, the people of Kyaddondo North feel that the traditional rulers should not be relegated to chapter 18, a chapter which is on general and miscellaneous provisions; that there should be a

chapter in the body of the Constitution which deals with these leaders. We, therefore, propose that they should have a chapter of their own. The traditional leaders should be maintained by or from the funds of the Local Government where there is a traditional leader. A traditional leader should not take part in partisan politics. We, therefore, suggest that article 279.2(c) of the Draft Constitution should be deleted and be replaced with article 115.2(a) of the 1967 Constitution as amended by Statute No.7 of 1993 which reads as follows: '*a traditional ruler shall not take part in partisan politics, stand for election to a political office of at least favour or campaign for a candidate running for a political office.*' In the case of Buganda, the people of Kyaddondo North would like the *Kabaka* to be a Constitutional Monarchy and a titular head of Buganda.

Chapter 4, clause 4.2 which refers to citizenship of children who are below the age of seven found in Uganda whose parents are unknown, the people of Kyaddondo North support the provision in the Draft Constitution that they should be awarded citizenship, but state that every effort before that is done should be made to ascertain the parents of the child. They do this because they think that to know one's parent is a human right which a child should not be denied by just hurrying to accept Ugandan citizenship; that we should only do it where parents cannot be established after efforts have been made to do so.

Chapter 13, Local Government: Kyaddondo North is not seeking a special position for Buganda when it comes to the form of Government. Kyaddondo North would like to see a form of government which will promote development as the key guiding principle in this country. The key motivating factor in any group of people is to see that the results of their labour result into advantages for them. That is to say people when they pay their taxes would like to see that these taxes used to promote development in their own areas. Therefore, the further their money goes away, the more difficult it is for them to see the value of their labour. So, we appreciate the efforts which are being made to decentralise, to take the services as near as possible to the people. But where decentralisation has been enacted, we would like to see that the people are given powers to raise taxes locally, to make certain laws locally for the benefit of their own areas. The problem in the past as you have seen has been that the central government has been the source of power; the party which has won the election gains access to the means of existence and it dishes it out

to the political functionaries, and so that those who are left out have always yearned to capture central power so as to gain access to the means of livelihood; and this has been the main source of problems. The people who have been at the centre have also tried to tribalise these resources by getting as many as possible of their own kind to gain access to the central resources, and this has been the problem in the past, whether under military power or under unitary government system. I have said I have been here since we got independent. I have seen times when people from the North were more numerous in government. I have seen periods where Nubians were more numerous. I have seen a time where certain people are regarded as the most educated and, therefore, justified to be in most jobs. I have gone through all those areas and I have seen them. I have also seen times when Baganda were most numerous, and that was particularly during the colonial days, because formal education when it started here the British put many Baganda into the civil service. I have seen all those things, but in order to avoid that it would mean taking government as near as possible to the people. So, this is why the people of Kyaddondo North would like to suggest a system of government which would guarantee that, and normally a federal system of government is the best way of guaranteeing that the people in Karamoja can take advantage of the minerals there, tobacco in West Nile and so on, rather than people coming here and complaining that Pajeros are going in one direction and Mercedes Benzes went in the other; this could be avoided if we had a decentralised system of government where people who want local powers can have them. The people of Kyaddondo North therefore support the proposal made by hon. Abu Baker Mayanja that we should have a federal system of government, federal states in those areas where people want them, and then leave the situation loose so that those who want the system can join later as they become able.

The same is true of decentralisation. Not all districts have been decentralised, but as districts become able they can then join the federal system.

On the question of land, the people of Kyaddondo North feel that land should be controlled locally by local government in accordance with the customs and traditions of those areas, so that in Buganda or in Kyaddondo North we would like to return to the system of mailo land or freehold land system which existed before the Land Reform Decree of 1975.

The interim period: The interim period, the people of Kyaddondo North agree that we should have an

interim period of five years in which we have an opportunity to reconstruct and rebuild our nation. They propose that the programme of this interim period should be subject to negotiation among all the parties that are involved in this Assembly. That we draw up a particular programme which is agreed, but the people of Kyaddondo North are not putting forward any specific programme so far, but they urge that this Assembly should agree to appoint a select committee to look into this matter. Ugandans we want to build this nation together, we are genuine that no group should like to take advantage of another group, what programme should we put in place during the five years so as to ensure that Uganda is built on firm foundation?

The people of Kyaddondo North, however, say that the five years should be a period of intensive civic education, because when people are ignorant and expect to be free, they expect something which has never been and will never be; only the informed, only the educated can be free; an ignorant person cannot be free. Therefore, the people of Kyaddondo North suggest that there should be a national commission for civic education, if funds could permit us to do intensive civic education. The NRM can continue with civic education of *chakamchaka* but on the other hand we should have a neutral body like the Electoral Commission which is neutral to do civic education, in addition to all the other bodies. I also envisage that during that period also the political parties should be allowed to give civic education. Mr. Chairman, we are suggesting this committee in order to avoid this Assembly being turned into a delegates meeting of either the political parties or of the NRM, because I have heard so many suggestions that we should reform, we should reorganise the NRM, but I do not think that this body - this august Assembly should turn itself into a delegates meeting, either for the NRM or for the political parties.

On the question of the national language: The people of Kyaddondo North feel that English should be the official language, but that the national language should be allowed to evolve (*Applause*)- and until that time has come, we should not make any attempt to legislate any language as a national language. In any case, they would like to ask hon. delegates to answer a question which has perplexed them, the people of Kyaddondo North are not very much learned, they have asked, what is the difference between the official and the national language? What is the official language of United Kingdom, what is

the national language also of the United Kingdom? If you have an official language why must you go out of your way to have a national language which has not evolved? So, Mr. Chairman, that is one of the questions which the people of Kyaddondo North would like to be answered.

Mr. Chairman, it has been said that the tragedy in this world is not to have one's dreams unfulfilled; the tragedy in this world is never to have dreamt at all. People who move the world are those who have had some dreams, for example, Martin Luther King dreamt of a country which would be based on racial equality, where there would be no discrimination on the grounds of national origins or colour. I would like to appeal to members of this august House to have dreams, to dream of a Uganda whereby we all treat each other on the basis of equality, on the basis of our character, on the basis of what we are, rather than on the basis of where we come from (*Applause*).

The people of Buganda have been very welcoming, they have treated people on the basis of what they are; this part of the country is very accommodative; people have come and settled here, Buganda has not been taken as a biological concept but as a cultural concept whereby being a Muganda does not mean having the blood of Kintu and Nambi in your veins, but of being appreciative of Buganda culture and being prepared to respect each other in mutual harmony. The people of Kyaddondo North have asked me to bring this message to you, that those of us or those of you who have enjoyed hospitality of Buganda should not behave like the HIV virus or the AIDS virus which kills its host and, therefore, dies with it. (*Applause*). (*Laughter*).

THE CHAIRMAN: Hon. Senteza, I take it that that was your last remark, your time ran out many, many minutes ago.

MR. KAJUBI SENTEZA: Mr. Chairman, as I conclude, Sir, I would like to end with that dream, that we should have a dream whereby we all live together in mutual harmony, we respect each other and above all we respect each others' cultures and be prepared to learn from each other's culture and build a nation. I will end with an example. Mr. Chairman, I have always been impressed when His Excellency the President speaks or when hon. Amanywa Mushega speaks or when all Banyankole speak. Whenever they speak in English they always interject with some Kinyankole proverbs, and these proverbs are often

very, very profound. For example, last Friday, the guest of honour gave an example when I was giving a lecture at Nsambya. Hon. Otafiire, gave an example that a person who is just coming from the grave should not complain that there is not enough sunshine for he would be asked how much sunshine there was where he had been. (*Laughter*). So, Mr. Chairman, there are proverbs of this kind in all our cultures; the purpose of nation building is to bring such wisdom, such philosophy, on the national table so that we can share it with each other and build a national culture, but not to try and kill each others' cultures. No, nation can be built on a cultural vacuum. I thank you, Ladies and Gentlemen; For God and my country.

THE CHAIRMAN: Thank you, hon. Senteza Kajubi, for your contribution to our general debate. I now give the Floor to hon. Vincent Kimera of Bukoto East.

MR. V. KIMERA (Bukoto East): Mr. Chairman, hon. delegates, Bukoto East is made up of three counties: that is, Bukakata, Buwunga and Mukungwe.

Mr. Chairman, accept our warm congratulations to you and your Deputy on your election to this august House. Mr. Chairman, when we had the election here, the people I represent here were listening and waiting to see what takes place after the elections, but as a messenger of that constituency and after seeing the performance of your Chair, I am sent here to say the following: Bravo! continue! They do not regret hon. delegates having trusted your capability to that Chair. Let me take the same opportunity, Mr. Chairman, to congratulate on behalf of the people I represent, my fellow delegates on their election as true delegates of the people of their constituencies. Mr. Chairman, life is God's greatest gift to man; I for one, and I believe the same for you, are glad and truly blessed to note the revival and condition in our midst the rise of a new era with unlimited opportunity for human happiness and prosperity. Our common concern, Mr. Chairman, we as people of Bukoto East and fellow delegates is how many as we are 17 million as claimed yet, can live in unity under a group based on a charter called a Constitution. Mr. Chairman, constitution making is nothing new, it has been with us from the days of the hunters, how to plan a successful hunting party and how to share out the kill to the satisfaction of each member of the group should be our major concern. I must confess that in

the task which has been assigned us, we have been given guidelines by the Constitutional Commission. I may not always agree with their views and recommendations on certain topics, but I cannot, Mr. Chairman, ignore the obvious commitment to do a good job. We must in no way be turned away from our purpose, intolerance and arrogance should be none of our concern, mainly because, since our independence there is no part or group of people in Uganda that have not suffered due to bad leadership. I would like now to highlight the following points in the draft constitution as recommended by the people of Bukoto East.

One: Chapter 2 of the draft constitution talks of a republic. Mr. Chairman, it is commonly accepted that, having regard to our historical background, the best form to suit our condition is a republican charter. It is a matter of common acceptance, that Uganda shall remain a republic that was fully claimed at independence in 1962. However, Mr. Chairman, the 1962 constitution while emphasizing republicanism did not fail to take into account the fact that before, institutions had been established in several parts of the country; that is to say, former kingdoms. These were preserved as units within the republican setup to the satisfaction of every body concerned. Trouble however, started, Mr. Chairman, when an ambitious group decided to use all power to abolish kingdoms. Here, Mr. Chairman, I would like on behalf of the people I represent to express our gratitude to His Excellency the President and his government for establishing an atmosphere, where the citizens of this country are enabled to claim their rights and express their wishes and grievances. It is in this atmosphere that the Baganda express their wish to see the return of their *Kabaka*. We also thank all non Baganda in this country who gave and are still giving their support and cooperation to this call. Now, Mr. Chairman, the burning question of the hour is that, having accepted the republican base, we should still look back to kingdoms. We have already noted that the two systems can live side by side to the mature advantage of the people. There is a strong case for restoring the old kingdoms within the agreed borders as long as the people concerned are agreeable. As for the Baganda, Mr. Chairman, we need our kingdom to be recognised, because it is both a symbol and a source of unity. The kingdom has a history which serves as a guide to the subject, and it is a source of knowledge of culture where we have an element that is to be upheld. However, Mr. Chairman, the *Kabaka* should not participate in partisan

politics. Because it divides his people and entangles him in historical wrangles. However, Mhe can be a ceremonial head of Buganda. Mr. Chairman, the people I represent want their king; they say that they can maintain their king. They do not want any part of Uganda or any group that does not believe in what we believe in, to give us money; we say we can maintain our king.

We also suggest that article 279 Clause 2 subsection (e) of the draft constitution should be amended. But in such a way to ensure that legitimate customs which people hold here are preserved. Our goal Mr. Chairman, will be won if we accept this in good faith and accord it all the good will and the support it deserves.

The language. My fellow delegates, I have listened to the contributions made in the House, by most of the Delegates from other corners of Uganda. But the people of Bukoto East sent me to say this, as far as the language is concerned. They say that, we should be proud of our local languages. An Acholi is proud of his language. A munyakole is proud of his language, and Iteso and so forth; all love their languages. We therefore, suggest that, the national language involves from our own local languages, and those languages should be taught in schools. We however, recommend English to remain the official language of Uganda.

Mr. Chairman, we come to the national objectives and direct principles of state policy. We agree with the commission's recommendation on this chapter 3, article 8 clause 1; which states I quote 'all authority in state emanates from the people of Uganda, and the people shall be governed only through their will and consent' Should this, Mr. Chairman, be seen in peoples mind, we will have gone a long way to avoiding people imposing themselves in leadership. Therefore, we suggest Mr. Chairman, that copies of the constitution of Uganda be made available to bookshops at low prices or to be given even free, and they should be translated in all local languages so that everybody can understand what a constitution is all about. We also suggest that, the constitution be taught in schools, right from Primary level.

Mr. Chairman, article 27 clause 1 and 2, which states I quote: 'the state shall promote compulsory basic education...' and shall 'afford every citizen equal opportunity to attain the highest educational standard possible'. Mr. Chairman, as you recall,

this has been over due. The people of Bukoto East suggest that, Government should reintroduce school bursaries, to enable bright children especially from poor families to attain higher education. And they do not support the cost sharing at any level of education. They recommend that, the government should educate all its citizens.

About the teachers condition of service, they recommend that, it should be also improved. And also, they come to article 33 of this chapter of national disasters. Mr. Chairman, a right measure should be instituted. The recent example in Kabarole district, and the famine in Kumi and other districts be taken as a reminder. Therefore, the people I represent, suggest that, a commission be set up with a representation from every district to be called 'Commission on Disaster'. And disaster funds, Mr. Chairman, be set up in each district, to be contributed by the government, so that we do not wait for aid to be flown in from outside.

Mr. Chairman, we also recommend balanced development in all parts of Uganda. In this case, industries be set up in all districts of Uganda. We are sure, Mr. Chairman, that each district has got some valuable materials, but at the moment we see these valuable materials being imported or transported from valuable corners to areas which are already developed. So, the people I represent are suggesting the following: that processing plants be set up in those particular areas where the materials are found. For example Mr. Chairman, and my fellow Delegates, one of the counties I represent namely: Bukakata, is full of fish. This fish is collected from there to Kampala or to Jinja - you name it. If the fish processing plant was built there, it should have brought some developments in the area, and in Masaka at large.

Citizenship. We accept the recommendation by the commission in Paragraph 6 clause 41 of the report, I quote *'definition and the law dealing with citizenship should be so clear, that the ordinary people can understand them well and be able to identify who is or is not a citizen.'* We therefore, recommend that this august Assembly should have to formulate a proper definition and laws to provide for it.

We however disagree with the recommendation made by the commission in article 42 clause I of the draft constitution to the effect I quote *'a child of not more than seven years of age found in Uganda whose parents are not known will be presumed to be*

a citizen of Uganda by birth.' The people I represent, Mr. Chairman, say this is rubbish they will not be party to. We suggest that investigation be carried out properly to prove that the child has no parents, otherwise we will end up granting citizenship to child criminals from other countries especially the border areas.

We also reject dual citizenship because, it causes problems of double royalty. One tells you, he is royal to Kenya, or he belongs to Uganda; but you cannot serve two masters at the same time. So, we recommend that he should be certain and decide where he wants to belong.

Fundamental Human Rights and Freedoms. Mr. Chairman, Chapter 5 of the draft constitution. Here, Mr. chairman, the people I represent sent me here as a messenger to say the following. That they would like to see a constitution that will respect and protect the rights and the freedom of the people of this country. Neglecting this aspect, Mr. Chairman, was the root cause of the troubles we have gone through over 30 years. We trust that this is a central priority we should never lose sight of and never allow to leap from our programme of national building. Talking of the people, includes ordinary beings like you and me, the men and women on the highway and those attachments e.g. cultural, religious, property and so forth. That binds them to us in our community.

In the 1967 constitution, Mr. Chairman, chapter 8 article 2, clause (b) as amended by Statute number 7 of 1993...

MR TOTEREBUKA: Point of order. Is it in order, Mr. Chairman, for hon. Owiny Dollo to be totally asleep?

THE CHAIRMAN: No, just wait, he was rising a point of order. Of course if he was sleeping, he would be out of order; but are you sure that he is not thinking with his eyes closed?

MR. KIMERA VINCENT: I am going to proceed, Mr. Chairman. Although somebody is not sleeping; he is mistaken to be sleeping. Mr. Chairman, I had come to the 1967 constitution chapter 8, article 2 clause (b) as amended by the Statute number 7 of 1993 which states I quote *'the culture and cultural institutions of the community to which he belongs or community of his choice'*. We recommend that this article be clearly emphasized in the new constitution. Mr. Chairman.

Executive. Mr. Chairman, it is a proven fact that, the constitution crisis in 1950s and 60s arose out of misconception that, the president must not be subjected to the will of the common man. Voices have been heard, Mr. Chairman, that as recommended by the commission in this chapter, the president has been accorded executive powers, that may be readily abused. He is the head of Government, Parliament, Chief of the Armed Forces, appoints the chief justice, as a personal nominee, and the Chairman of the National Council of state. We therefore, recommend, Mr. Chairman, that the powers of the president be reduced. He or any aspirant to that office, we recommend should be a man of principles, a man of integrity and should be a civilian. He should serve for not more than two terms, each of five years, and should obtain absolute majority of the people's votes. The president should be subjected to the law should he commit an offence against the state. All the Members of parliament should be elected. The presidential nominees should be elected by Parliament. Provisions should be made for government to appoint ministers from people outside Parliament. This will ensure that, the Members get more time for their constituencies. Mr. Chairman -(Interruption)

A HON. DELEGATE: Point of clarification. The hon. speaker currently holding the Floor, started attributing of *Ebyaffe* coming back, of whatever is good today to remain. Now, he is saying and denying them the most vital role. Now he is saying they should not have a chance to play a role in the leadership of this country. And we know very well, that in some countries like in America, in fact it will be very, very difficult for him to be their commanding chief, unless you ever served in the Marine Airforce or other related armed forces. Can he clarify, why does he want us to be ... Thank you.

MR. KIMERA VINCENT: I thank the hon. who has just left the Floor. But Mr. Chairman and my fellow delegates, I am here as a messenger of the people I represent. So, when we come to discuss chapter by chapter, you can rise that point. Thank you very much.

COL. KAHINDA OTAFIRE: Point of clarification. I seek clarification from the speaker. Historically, we have had problems with presidents from both the military and civilians. Now, what guarantees has this speaker have for us, that when we have civilians only, we shall not have problems.

MR. KIMERA VINCENT: I thank the hon. Delegate who has just put that question to me, but when I come to the end, he will get to know what I mean for the military people. Thank you.

Mr. Chairman, I was saying before I was interrupted, that we have seen angels turning into demons due to corruption of power. As a solution we recommend that the powers of the president should be limited so that we do not have the same problems as we have had in the past.

I go to the existing institutions such as IGG which deals with corruption. The people of Bukoto East would like to say, good job done by the president as son of Uganda who is heading that institution. But they are adding a dose to that institution. That institution should be given more infrastructure to perform its duties more efficiently and the appointment to this post should be done by Parliament. Why they say this for instance, we have heard or we have read even in the papers; so and so is wrong, but he has not been put in the court of law to defend himself or even to bring back the money that he has taken from the national coffers. So, that is why we are asking that, this one should be a one man's show to appoint the IGG, let it be the Parliament also to come in and guide. So, that in case something is not fulfilled, Parliament only can rise the thing, and say incidentally, we put you there, what have you done?

Mr. Chairman, we come to the National Council of State. The proposed National Council of State, should be scrapped, because it cannot perform its role when it is not elected by independent people.

Defence. Here I am asking everybody concerned to listen carefully. Defence and national security. Mr. Chairman, we agree with the recommendation in the draft constitution article 231 clause I to 4. However, we suggest that all Ugandans who have attained the age of 18 be given some military training. The armed forces should stay in barracks and the carrying of arms outside barracks be limited Mr. Chairman. The recent Naguru incident be a reminder. This will also help reduce the growing incidence of armed robbery, and the untold suffering of the innocent civilians. They also recommend Mr. Chairman, that government should educate the armed forces on constitutional matters, so as to avoid more abrogation of the constitution. The army should also be out of politics.

I turn to land and environment. Mr. Chairman, land in Uganda is the most precious property that one can own in his life time. He should be able to own it absolutely and pass it on to his descendants without any hinderance. We therefore, recommend that, the Land Reform Decree of 1975 which abolished the mailo and free hold system be refilled. And we strongly support private ownership of land under the administration of a District Land Committee. We also suggest that, land wanted by Government in any part of the country be paid for.

Environment. Looking at the way our brothers and sisters are dying of hunger, in different parts of the country, due to lack of rain, we suggest that there be a provision in the draft constitution for the protection of the environment. And in this case, we recommend that every citizen of Uganda be supplied with power be it electric or thermo; Instead of exporting power to other country. Let us satisfy our home consumption first, then we can ferry the surplus. Because to us it does not make sense, to export power and be proud of exportation, when even the money you get, they do not use it to extend power to your people of that particular country.

We recommend therefore, Mr. Chairman, that charity begins at home, home should be satisfied first, then we go out.

Now, we come to finance, Mr. Chairman. Mr. Chairman, a lot of money is being borrowed by government. We have heard in the past, and much of it ends up in corrupt officials pockets. And so in most cases does not serve the purpose for which the money is being borrowed for. In the end, it is a local peasant to suffer heavy taxation in order to pay off the debts they have no knowledge of. We therefore, recommend, that before borrowing any money, it should be discussed in Parliament, how much money and why that money is being borrowed? The people should be enlightened on the same by the elected members of Parliament so that Ugandans can follow very well the external debts. How they can come about, how they came about, how the money was used, and how the debts can be overcome. Because, Mr. Chairman, the common peasants today, when he gets that tomorrow is a budget day, he starts sweating because he is getting taxes which he does not know why he has been told to pay more or he has been told to pay less. So, to clear everybody's mind, we suggest that before any money is borrowed, let it be discussed and all the MPs concerned educate the people in those particular areas they represent.

We also suggest that, a Ugandan of over 70 years and above should be stopped from paying graduated tax.

Now, I come to the climax of the matter. Parties verses Movement. Mr. Chairman, the people of Bukoto East, support the extension of the movement for the period of five years. However, during the extension period, they want to see a government of national unity, a government that will cater for each and every part of the country. Because my fellow delegates, we have heard that, everybody here who has contributed so far, our dividing fact is the way how the national cake is shared. I am sure, if everybody, every part of Uganda is part and parcel of this government, it will not blame everybody. Because he will be there to put the needs of his area. If he is sleeping and the people are sharing, that will be his *shauri*.

Finally, Mr. Chairman, I would like to conclude on this note by saying, that this is a rare task which demands every individuals cooperation, in discussing, deciding and enacting a constitution on behalf of the people of Uganda. Our decisions must meet Uganda's highest aspiration and expectations, such as common survival, universal safety, and the adoption of a democracy that, will truly be tied to human dignity and freedom forever. Hon. Delegates, finding the right turn point for seeing, seeking, discussing, deciding and guiding the political and legal purpose of our aspiration is an important mission. Therefore, by sticking to the turn point, taken and using it correctly, and properly, we hope we shall be able to avoid first mistakes and damage to ourselves and the future generations. Therefore, the people of Bukoto say this last. We pray that God gives us courage to face the challenges and wisdom in solving our problems. We also pray that God may give us perseverance in pursuit of justice, truth and charity among our people. Long live the people of Uganda, without the people there is no authority, without the people there is no past, no future. Thank you, Mr. Chairman and my fellow delegates. (*Applause*).

THE CHAIRMAN: Thank you hon, Vincent Kimera for concluding our contribution to the general debate today.

MR. OWINY DOLLO: Mr. Chairman, fun was made of me, when the hon. Member for Bukoto was submitting. It is not my habit to interrupt speakers on matters of joking. And Mr. Chairman, I am

seeking a ruling on this point of order. Whether it is in order for the hon. Toterebuka, to have assumed I was sleeping because my hand was in the mouth. When I had just been discussing with hon. Otafire about Kony and they have disagreed seriously. And he can testify to that. Whether a Member in this House can just make fun, simply for the sake of making fun, Mr. Chairman, thank you.

THE CHAIRMAN: I think the Chairman, made the ruling. That the hon. Member would have been out of order if you were sleeping. But he could not satisfy the Chair that, he was sure you were sleeping. And therefore, the matter does not really arise. Hon. Members, I adjourn the Constituent Assembly to 8.30 a.m. tomorrow morning. Thank you.

(The Assembly rose at 5.30 p.m. and adjourned until 8.30 a.m. on Wednesday 27th July, 1994.