



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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WEDNESDAY, 27TH JULY 1994

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(The Assembly met at 8.30 a.m. in the International Conference Centre, Kampala)

P R A Y E R S

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

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE DEPUTY CHAIRMAN: I have one communication and that is, the technician of this Hall is requesting all Members to be a little bit more careful with the public address system gadgets, the microphones. We had to repair quite a number and if they are out of order, it will be the House to suffer because we shall be moving around looking for microphones. That is, they should always remain in an upright position especially when we are going out, to make sure that we do not leave them when they are loop-sided. That is the request from the technician. Thank you very much.

MOTION

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

MR. BENEDICT ETONU (Amuria County): My name is Benedict Etonu, I represent the people of Amuria County in Soroti District. Amuria County is situated directly north of Soroti Town. It borders Usuk county on the east, Kapelebyong county in the north, Moroto county in Lira District on the west, Kalaki county on the south west and Soroti county on the on the south. Secondly, Amuria county was the last county to be curved by the colonial administration in mother Teso then and people in the old counties were encouraged to move and settle in Amuria. You can therefore safely say that I represent the whole of Teso in this Assembly. That is why Amuria county is honoured to have other two Hon. Delegates in this august House namely; Hon. Grace Akello Presidential nominee and Hon. Lt. Col. JJ Odong, NRA Delegate. Madam Chairperson, may I extend my congratulations from Amuria to you and the Chairman and Hon. Delegates for their success in whatever way they found their way here. Hon.

Delegates, the confidence our people have placed in us to play an important role in setting the destiny of our country through the constitution making process can only be fulfilled if we sincerely agree to work together irrespective of our tribal, religious and political backgrounds. While we are aware that the constitution to be made is for us and our posterity, Mr. Chairman, as we engage in this important process of constitution making, it is crucial to critically review our immediate and distant past so as to identify leakages and causes of the various forms of instability that has been experienced by Ugandans. By so doing, we shall not have left any stone unturned in our quest for a stable nation backed by a strong constitution.

Madam Chairperson, as you know, Uganda is composed of peoples of Bantu, Nilotic, Nilo-Hamite and Sudanic origin. These people were brought together, not by their own choice but by colonial rule which curved out the then Uganda Protectorate. At independence in 1962, Uganda became an independent Republic with the kingdoms of Buganda, Bunyoro, Toro and Ankole retaining their special status while the rest of the country was treated in Unitary relationship with the colonial government or central government. As we know only too well, governance of nations may be established constitutionally, that is to say, by a generally agreed and accepted or adopted basic laws or by forceful overthrow of a ruling regime or by war and conquest. Ethnic application has recently become the strongest driving force in state formation, so strong indeed that entire former countries have disappeared as such from the world map and have been replaced by new ethnic groupings. Other countries such as Somalia and Rwanda have of recent become unstable. We know what is happening in those countries today. Therefore, we should avoid such ugly happenings to re-occur in our country. We should give Uganda a new start.

People of Amuria have asked me to tell the Hon. Delegates in this august House that they want a constitution which will unite Uganda in its diversity, that we should avoid to attempt to unite Ugandans without recognition of their diversity. They say, when you are making a constitution, the consent of the majority does not arise. It is the entities who matter and therefore, the Hon. Delegates should avoid ignoring and marginalising views advanced by minority groups. This, to them is one of the root causes of instability in Uganda today. For example,

the Baganda believe that their views were ignored in 1962 and started organising against Obote I government which resulted into the 1966 crisis. They continued to yearn for their Kabaka up to today. For this reason, it is important to listen to views of groups that are considered to be in minority instead of overshadowing such views. This will prevent repercussions of the type we have had in this country.

We have had in this august House statements made live that "the question of Buganda kingdom is not negotiable", "those who do not want kingdoms should leave the country". I am sure in Buganda, there must be similar statements being made, moreover in 1964, there was a resolution passed in the Lukiiko ordering the central government to leave the country. Also in this House, we have heard Hon. Delegates arguing about Ankole kingdom. There are those who do not want the Omugabe to be crowned while others want him crowned. Such views should be given ample debate and room given to accommodate them.

It is only history that we tend to forget that Uganda would not be in these problems we have undergone if as I said, we were very sincere. For instance, we should respect cultural values where these do not infringe on other rights. Madam Chairperson, we in Amuria vividly remember how paramilitary personnel have caused untold suffering which included torture and murder of people of Uganda and those of Amuria in particular. We saw people like the late captain Ousi, C.C. Ochen, Okurut and Miss Edisa Ruth Akurut Omurot who were put in boots of vehicles and driven away during Amin's era and never to be seen again. We have also seen people subjected to a unique tying called "three piece" instead of using hand cuffs. This is but to mention a few of such atrocities. We therefore recommend community level participation in the recruitment of the Members of the Armed Forces as paramount if we are to build an army, police or prisons and other paramilitary services that is credit worthy nationally and internationally. This is in addition to agreed appropriate educational levels necessary to develop a professional force. We however encourage that at the moment, the situation of discipline in the army has helped in creating some relative peace. A lot more needs to be done to create a better picture. The fact that the President can appoint and remove military and other officers at will is evidence that some sanity is returning although slowly. This discipline should be extended to the public offices. We

therefore recommend that there should be an Army Service Board to handle the appointment, dismissal and recruitment as provided in article 236 of the draft constitution. The undiscipline in public offices and the corruption so much talked about by the Press, concerned administrators, politicians, clerics cannot be ignored. Even the President talked about this issue. The scale of escalation would not be so high if there was in place a code of conduct backed by strong legal measures. We recommend that the Judiciary should be seen to be independent. The appointments of judges, magistrates of all grades should be made by Parliament on the advice of the Judicial Commission. The Judicial Commission itself should be appointed by Parliament.

There has been no effort to instil leadership ethics on persons entrusted with the reigns of power. This is complicated by the fact that there is no mechanism for ensuring a criteria for qualifying leaders followed. As a result, Uganda has had a variety of rulers rather than leaders and each with quite interesting arrays of qualifications but hardly able to express themselves and much less, the views of Ugandans in the national fora. We recommend appropriate educational levels and psychological fitness befitting the status of the office in question. This be strictly adhered to. Lack of proper communication has caused untold suffering in the economic, social and Political fora. Ugandans must also agree and stick to the agreement that public offices should be held for specific period of time, that is to say, five years with a maximum of two terms being the limit. Room must be given for leaders to be impeached, the chief executives inclusive. Another case we consider as having been responsible for instability in our country to identify is lack of respect and defence of fundamental human rights. The rights of individuals and groups to associate freely, respect for property and so on. This aspect has been greatly abused and misinterpreted to suit the perceived view of those wielding power at a particular time. It has also led to plunder and rape and total economic collapse. Like in Teso, cattle thieves and other armed criminals all in the name of defending their property. One might ask, when did cattle from one region of this country become more valuable than those from other areas and therefore necessitating permission to use guns to defend them? As a result, we in Amuria county and Teso have generally experienced a gradual decline of security of life and property since the several changes of government in recent years. A wealthy Teso with cattle sheep, goats and food has

since 1987 been reduced to a poverty stricken region; no cattle, no sheep, no goats and currently famine stricken and as the harvest season steps in, just recovering from the severest famine ever known since the second world war. A region where education, among other services, is collapsing rapidly with parents unable to pay school fees and where qualified teachers are seeking paying employment elsewhere because of poor pay. This is lack of ability to pay PTA where for instance, tuition and PTA fee is less than a third of that payable in Kampala schools. For instance, in Teso College, school fees payable is 50,000/- compared to over 150,000/- per term in Kampala schools.

Now, it has become clear to us in Amuria that the NRM government is reluctant to treat its citizens in Teso and neighboring districts equally with those of Karamoja, as regards to cattle rustling and possession of guns by the Karamojong but not by the others. It is the duty of government to defend the territorial integrity of its nation. It is therefore unjustified for government to claim that the Karamojong should have guns to defend themselves from the raids by the Kenyan Turkana. This situation of some being more equal than others is constitutionally indefensible. Madam Chairperson, the people of Amuria have asked me to state that this Assembly addresses the Karamojong issues more seriously with a view to having a permanent solution. The Karamojong issue has persisted in our country and it involves a large part of our nation. We are suggesting that the issue should be enshrined this time in the constitution. Maybe that is when there will be relief of this menace.

I have also been asked to inform this Assembly that Amuria people support the decentralisation programme but from past experience, the national resources distribution has not always been done equitably. Those ethnically close to the government of the day get more than the others. There is need to write in the constitution, a formula for the equitable distribution of the resources and decentralisation of powers.

Let me now give views about the draft constitution as recommended by Amuria people. Representation of people chapter 6, Amuria does not see anything wrong with political parties. They only know that leaders may have been the ones who mishandle the affairs of our country but not political parties per se. They would like to pose a question to the Hon.

Delegates for which they want me to take an answer to them. The question is, suppose one of the heads of our religious churches commits a criminal offence and he is caught, convicted and sentenced in a court of law, shall we stop being Christians or Moslems because of that individual? Madam Chairperson, protect me from this Moslem brigadier. I need very much protection from her because I fear for my life now.

BRIG. MOSES ALI: Point of information. I want to inform the speaker that in his main contribution, he referred to a priest and when he came to the details, he detailed of Christians and Moslems. So I think it is wrong. When you want to include Moslems, you should have mentioned sheikhs and priest so that we can come under that shade. But as he says, he has left out sheiks and then brought the moslems under all priests, which I think is wrong because we are not going to pray under the priests. Thank you.

MR. ETONU: Thank you very much Madam Chairperson. Unfortunately, we do not have moslems in Amuria. On NRM extension for another five years, Amuria people have directed me-

DR. KAKUNGULU: Point of clarification. Madam Chairperson, many a time, it has been said whenever a leader leaves power, we always say, the man has not been bad. Amin was not bad, Obote was not bad but the people surrounding him. What I am wondering about is that those people who surround the President, belong to which camp, is it not a particular political clique or party around him? Please give me clarification on this. Thank you Madam Chairpersons.

MR. ETONU: Madam Chairperson, actually the atrocities normally committed in the country from our experience are committed by for instances, armed forces, police but not the politicians. They are the ones who execute and maybe the youth wingers as somebody has said. But certainly, it is not politics or political parties as such, that is the argument Amuria people have. Madam Chairperson, on extension-

MR. KULE MURANGA: Point of clarification. I want the speaker holding the Floor to clarify what he has said in regard with the priest and the khadi. For example, if you have a family and you are the head of the family, if that family does wrong, who is to blame? So I want the speaker to clarify on this one

so that we know whom to blame as far as the parties are concerned because as per now, we know that even Obote is in the party of UPC. So if anything goes wrong, we have to blame the chairman or head of the party. Thank you Madam Chairperson.

MR. ETONU: Madam Chairperson, on NRM extension for another five years. Amuria people have directed me to negotiate with Hon. Delegates and keep them informed before a final decision is taken on the matter, otherwise they have not yet been convinced as to why the NRM extension is being sought. On land, they say if I allow their land to be taken, I should not go back to Amuria. They want their land to remain with them on freehold customary tenure system. They are very hard working people and they utilise all their land every year except in the recent years because their oxen were rustled. They request that the 1975 Amin's Land Decree be repealed.

On citizenship, they want our laws to become more tight like in other countries otherwise, they have not found anything wrong with the 1967 on citizenship. Madam Chairperson, on the interim period, Amuria people would like a government of national unity that will enable people of all political parties to be involved. This government should be headed by a President who has been directly elected after the new constitution. Madam Chairperson, I shall have time during consideration stage to give more details of our views. I thank you Madam Chairperson and Hon. Delegates for listening to me. I say all this for God and my county Amuria. *(Laughter)*.

MR. BAGEINE BAJURA (Ndorwa county East): Madam Chairperson, Ndorwa East is located south-east of Kabale District. It is bordered by Ndorwa west and Kabale Municipality to the west, Rukiga county to the north and the Republic of Rwanda to the south and south-west. Its population is approximately 80,000 people, a quarter of whom got displaced during the years 1991/1992 as a result of the Rwandese civil war. The population is basically Bakiga with a few Banyarwanda Ugandans.

Most of Uganda's 32 years of independence have been turbulent and sad. Before NRM took power in 1986, Uganda had come to symbolise third world afflictions and disaster in all forms ranging from widespread and serious human rights infringement and violations, tyranny, complete breakdown of government infrastructure and social services, civil

wars, tribalism and State collapse, rampant inflation, economic collapse leading to *magendo* or black marketeering, smuggling and massive corruption at all levels. By the time NRM took power, Kampala for example, was a fallen city with no electricity, water, roads, etc. Garbage heaps were ubiquitous forlorn, shops were mobile as no shopkeepers dared keep their little merchandize they had in shop buildings around towns because of insecurity. Apart from a few areas where there is insurgency, most of the country has experienced peace and development and it is only the blind who cannot see this after the NRM took power. The people of Ndorwa East are grateful to the NRM leadership, for their struggle which has enabled Uganda to rejoin the community of nations and regain its respect. We are also grateful to the NRM for having lived up to its promise to allow Ugandans to participate in the democratization process and determination of the governance through the writing of a home grown, new constitution which we, the Delegates, are here to do.

The people of Ndorwa East have discussed the draft constitution and have sent me to submit on their behalf, the following views on a number of issues: First, the form of government. Madam Chairperson, as one historian put it and I quote, "*Uganda is an arbitrarily delimited, culturally heterogeneous, historically a shallow collection of peoples with none of the attributes of a national State.*" Uganda is thus a country with deep rooted cultural and ethnic differences. These cultural and ethnic differences were politicised by political leaders, setting one ethnic group against another. The 1962 constitution which had tried, albeit unsatisfactorily, to address these differences was overthrown by the 1967 constitution which gave the centre highly concentrated powers which were unfortunately later abused.

I commend the speakers before me who have highlighted our differences because they are there and they are real. We should stop hiding our heads in the sand and pretending that these differences do not exist. Therefore, whatever constitution we write must take these differences into account. Madam Chairperson, we must emphasize equal treatment for all parts of Uganda within the constitution. Whatever form we adopt, it must be applicable to all, based on equity, parity of treatment for all units. Madam Chairperson, the people of Ndorwa east recommend a strongly decentralised form of government with powers and functions of the district administration entrenched in the constitution. We see the district as a viable, and, plausible, political.

economic and administrative unit through which sound and economic development of the rural poor can be achieved, hence real power for the people. We must reduce the size of the centre and encourage the districts to develop themselves. A reduced centre will attract less fighting for jobs by career politicians who should instead concentrate on leading and developing their districts which will be powerful under decentralisation and hence leads to fewer complaints against centre for having failed to develop certain areas of the country. Madam Chairperson, given the increased powers and responsibilities of the district chief executive and the reduced number of councilors, the people of Ndorwa east propose that the district chief executive be elected by universal adult suffrage in the district instead of being elected by members of the Council from among the number. This is necessary in order to instil a sense of accountability by the district chief executive to the population rather than to a handful of councilors. They also submit that the district chief executive should be called the chairman while the present chairman in the draft should be called speaker because that is what he is.

The political system: Uganda has experienced four types of political systems namely, multi-party, single party, military and the movement type of politics. The people of Ndorwa east support fully the proposal under article 99 that one party State should never be legislated for. They also pray and hope that military rule will never be resorted to again. Madam Chairperson, having experienced multi-party politics, particularly during Obote II regime, the people of Ndorwa east are not ready for multi-party politics now and therefore, support movement type of politics for the next five years. They also demand that a referendum be held after the five years to determine whether or not they should return to multi-party politics. The people of Ndorwa east consider the issue of political parties to be of such crucial importance that it should be left to the Constituent Assembly to determine at this level. It is their sovereign right to decide on how they are governed, which right is in consonance with democratic principles of majority rule which I believe most of us subscribe to since we were voted into this Assembly on this principle. The reasoning by the people of Ndorwa east is that multi-party politics in Uganda generally has been built on religious and ethnic considerations and numbers. In Kabale, the two political parties namely UPC and DP were polarized on religion, the former being protestant based while the latter was catholic based. Throughout Obote II, the two communities in Kabale

could not see eye to eye until the Movement took power. They have since lived and worked together in harmony and they want this unity to continue. Madam Chairperson, multi-party politics which is based on winner takes all, promotes sectarianism, leads to oppression of the opposition by the party in power, encourages intrigue and imbalanced development.

The executive: The people of Ndorwa east would like to have a President who is elected by universal adult suffrage every five years and who should serve for a term of two terms if elected. They also support the proposal that the Presidential candidates should designate his Vice President so that they are elected together rather than leaving the President alone, once elected, to name his Vice President who can change now and then as has been happening in some neighbouring countries. Madam Chairperson, the people of Ndorwa east agree that for a person to be elected a President, he should be a citizen of Uganda by birth, not less than 40 years but disagree with advanced level of education standard. They want the minimum education standard to a university degree. Madam Chairperson, the people of Ndorwa east accept that the President should have powers to appoint Ministers and other high ranking government officials but assert that these appointments should be subject to the approval by the legislature. They reject the national Council of State which they regard as an organ designed to undermine the sovereignty of Parliament and hence the people. They also insist that Members of the Cabinet should not be Members of the Legislature and that if a Member of the Legislature is appointed a Minister, he should resign his seat and another Member should be elected to replace him. This is in keeping with the principle of separation of powers.

The Legislature: Madam Chairperson, the people of Ndorwa east want Parliament to be elected every five years and nobody should have the power to prevent elections taking place when they are due. They also propose that constituencies should, as far as possible, be based on population as was done with the CA elections. They agree with the right of recall, but caution that this should be deliberated on carefully to avoid this right being abused by political opponents who will have lost to those elected to Parliament. The people of Ndorwa east support special representation of women in the National Assembly and recommend one women representative per district who should be directly elected.

Citizenship: Madam Chairperson, the people of Ndoorwa east have been concerned about the problem of refugees and other non-Ugandans who entered Uganda and ended up being treated better and regarded more of citizens than Ugandans. They are concerned that there has not been any mechanism to distinguish a citizen of Uganda. Anyone who enters and stays in Uganda becomes a Ugandan. There is therefore, urgent need to sort out those who are indigenous Ugandans and those who are not. This can best be done by the Bataka or RC councils who know the background of all these people staying in the villages. Once this has been done, national identity cards can then be issued to Ugandans. To reinforce this process, all births should be registered so that it becomes easy to identify Ugandans at the time of issuing national identity cards in future. Madam Chairperson the tracing of citizenship by birth to when the final adjustments of Uganda boundaries took place in 1926 as proposed in article 41(a). It is not enough that one's tribe or ethnic group is in Uganda. The lineage must be established. This way, foreigners who come into Uganda or who came into Uganda after that date will not qualify to be Ugandans by birth though those who qualify for registration can apply to be registered as Ugandans as provided for under article 43(d) and (c). The people of Ndoorwa east reject dual citizenship.

Land, Madam Chairperson, is a basic crucial and important resource around which all developments are centred. It is therefore important that a land tenure system which is the institutional framework through which access is gained to land should facilitate and promote agricultural development which is the main stay of our economy and protect land rights. Madam Chairperson, the people of Ndoorwa east want a constitution which will recognise the customary tenure system practiced there and elsewhere in the country and also both the mailo and freehold tenures as they existed before the 1975 Land Reform Decree. Consequently, the people of Ndoorwa east recommend the following measures to regularise land ownership:

1. The land Reform Decree of 1975 should be repealed as its effect was to encourage evictions of land occupants who were rendered tenants at will and also vested land in the State which was tantamount to acquisition without compensation rather typical of the Amin's regime.
2. A uniform freehold land tenure system should be adopted throughout the country including urban centres. The argument always advanced for lease-

hold tenure in urban centres based on development conditions in a lease as enabling the controlling authority to implement the rigorous planning, control and direction of development and re-development is ferocious since the town and county planning Act 1964, gives wide powers to controlling authorities to plan, control, direct on development within their jurisdiction, all types of land irrespective of the title held.

3. Customary tenants on the so called public land should be allowed to apply for and be granted freehold titles upon verification of their rights by the local leaders while existing leasehold titles should be automatically converted into freehold titles. In the meantime Madam Chairperson, the people who hold land on customary tenure system should be compensated whenever their land is taken for public use even before they have been granted titles.

4. All mailo land should be converted to freehold so that mailo tenants become freehold owners of the land they have occupied and developed for years. While mailo owners get freehold of the land not occupied by the tenants, the mailo owners should receive compensation for the reversionary interest in their land which are regarded to be very remote and therefore worth very little. The tenants who wish to obtain freehold titles should pay the compensation to be determined by technical experts and not to be paid by government. Madam Chairperson, I am saying mailo land tenants who wish to obtain freehold titles should pay the compensation to mailo owners rather than government being asked to do so. Public land is land not occupied by anyone and it should be managed by Uganda Land Commission, which should decentralise its offices to the districts and should be made available for any Ugandan to settle on as and when the need arises. I am saying, this Madam Chairperson because some parts of the country are congested with populations particularly in my constituency and since it is accepted that Ugandans can settle anywhere in the Republic, the land should be managed by the Uganda Land Commission rather than District Land Boards to enable people to migrate freely. There should however, Madam Chairperson, be a limit as to how much land can be allocated to any one individual.

The military: Madam Chairperson, the army in independent Uganda has been a very big factor in wielding state power either by civilian leadership or military alike. Milton Obote used the army to crash Buganda, the army under Amin and Lutwa Okello overthrew Obote I and II governments respectively

and tested power which they found sweet. Uganda Army has been characterised by high undiscipline, epitomized by robbery at road-blocks, gun point stealing, cold blooded murders and intra-army fighting and violence witnessed since 1971 when Amin soldiers massacred Langi and Acholi soldiers to 1985 when Acholi soldiers overthrew Obote II. Madam Chairperson, Uganda has had several armed forces since independence. Each of which has been called a national army. The brute fact is however true that these armies have been tribal or factional armies and consequently, personal armies which were recruited, trained and indeed operated along sectarian ideology. They were used as instruments of oppression and terror and had no respect for the rule of law. Until the advent of the NRM, the army was made up of mainly uneducated men and officers recruited on the ethno-functionalist doctrine advocated by some politicians in the 1960s which advocated that particular ethnic groups endowed physically and historically to perform specific functions, should be left to perform them. Madam Chairperson, if you did not measure six feet and above, you could not qualify to join Uganda Army. Madam Chairperson, to quote one Gasper Oda and I quote: *“There is one thing we should be taking into consideration that not all tribes, not only in this country but also throughout the world are born warriors or war-like people. Some tribes are war-like people and others are intellectuals and not prepared to face war-like people.”*

MR. AMBROSE ATWOKI: Point of clarification. I am seeking clarification from Hon. Bageine as to which tribe he refers to as being war-like and others are intellectuals in Uganda here? Thank you.

MR. BAGEINE BAJURA: Madam Chairperson, I was quoting one politician by the name of Gasper Oda and by inference, probably the tribe he was referring to can be understood. Madam Chairperson, I continue to quote another politician by the name of Felix Onama, the then Minister for Defence. He said, *“It is the manifest destiny of northern people to defend Uganda since thousands of northerners died in the two world wars to defend Uganda against Nazism and fascism and if the young generation or their children who have grown up in the north would like to follow the foot-steps of their fathers, nobody is going to stop me recruiting them into the army.”* *“In the colonial times,”* - I continue quoting, *“some sides believed that the life of a soldier was a very low job, unfit for people from*

certain tribes and that is why you find in the army northerners because people think there is no war and these young men wear very smart uniforms, they want their weaklings from certain tribes also to wear this uniform.” Madam Chairperson, These quotations are from the Hansard in 1963 and 1964. If anybody wants to check on that.

MR. SEBI DATA: point of clarification. Madam Chairperson, I would like to clarify a point to the Hon. Member on the Floor that the preponderance of the northern or call it Nilotic and Sudanic tribes in the Uganda Army started way back during the colonial period and this started after the 1900 Buganda Agreement. If I might refer to my submission on the 18th, I said, the 1900 Buganda Agreement concluded between Buganda and the British, it opened a new era. The British colonial government turned to the lesser tribes in the periphery for recruitment into the army - The Kings African Rifles. Hitherto, this profession had been the preserve of the Baganda and this encouraged the Baganda to prefer to look for alternative channels of dignity, income and achievements. The British then turned to the north allegedly because the Nilotics and Sudanic tribes provided - and I quote *“good raw material”* since they possessed good muscle or athletic qualities. What I am saying, the idea of the continuous recruitment into the army of the Nilotic and Sudanic tribes did not start with the independence politicians. It started way back in the colonial period. Thank you very much.

MR. BAGEINE: Madam Chairperson, I am aware of the history of militarism in Uganda which the colonialists had to use when suppressing certain areas like when they used Sudanese to suppress the Bunyoro-Kitara kingdom and I am also aware that there was policy of divide and rule by the colonialists but I am also saying that after independence, the leadership was inclined to justify keeping the army occupied by one ethnic group obviously to use it against the rest of the country. Madam Chairperson, the events of 1981/86 proved the sentiments I have quoted above wrong and groundless. It is therefore important and imperative that in future, we should have a national army recruited from among citizens of Uganda and I repeat, from among citizens of Uganda with good character endorsed by local leaders, educated and proportionately drawn from all the districts of Uganda based on population. This way, Madam Chairperson, I believe we will be able to avoid a repeat of the past mistakes.

In conclusion, I appeal to the Hon. Delegates in this House to approach this constitution making process with open minds. I believe we all want democracy, peace and security in our country. We must therefore be mature, tolerant and responsible Delegates who should be guided by the spirit of give and take, taking into account our diversity and the aspirations of our people and aim at making an acceptable workable and realistic constitution for ourselves and our posterity which will bring lasting peace to our country. Madam Chairperson, I thank you and I thank the Hon. Delegates for listening to me. For God and my country.

MR. DAN WANDERA OGALO (Bukooli South): I am Dan Wandera Ogalo representing Bukooli South. Madam Chairman, Bukooli south is bordered by the Republic of Kenya, the Republic of Tanzania, the District of Tororo and Bukooli north. It is a large constituency and forms part of Bukooli county which, Madam Chairperson, is heavily populated. Bukooli county of which Bukooli south is a part, is bigger in population than such districts as Moroto, Kotido, Kumi, Kapchorwa, Moyo, Bundibugyo, Hoima, Kibale and Kalangala. This, Madam Chairperson, is one county and it is bigger than all these districts. Madam Chairperson, thank you for this opportunity to enable me to discuss the principles of this draft constitution. There are so many of these principles that it is impossible for one, really, to discuss all of them and therefore, I would only choose out a few to discuss here today.

The first principle I wish to discuss today is that of the provision of comprehensive high quality services evenly distributed throughout Uganda. This principle, no doubt, is what is behind our chapter three in the draft constitution. This chapter three has had a lot of people attacking it. For example, Hon. Njuba and Hon. Kirenga say this is like a party manifesto, it is not necessary, this one, why did we put it in our constitution, it does not make any sense. We have had Hon. Liiga and Hon. Sengoba saying these are policy matters. It is not necessary to bring them in the constitution. We have also had people like Hon. Masalu Musene saying they are not enforceable. I find that the people who have talked against this chapter are mainly lawyers and I think they are worried because they are looking at it from a legalistic point of view. How can we have this thing? People will take us to court and we shall not be able to do anything about it. There will be endless litigation. To one extent, I think the lawyers are justified because I have even heard Members in the

Assembly here saying it is a good one because it means women will go to court and get their rights, It means workers will get better pay, it means even a Member at one time failed that he was scared about it for the reason that if it was passed and there is a provision for compulsory education, she feared her constituents would be imprisoned if they did not educate their children. So to an extent, the lawyers' fears are really justified but on the other hand,

MRS. FAITH MWONDHA: Point of clarification. Madam Chairperson, with due respect to the hon. Delegate who is addressing the Assembly this morning, he has said that or expressed fears that some lawyers were saying that chapter three is not necessary to have been put in the constitution and at the same time, he says that maybe they were fearing that this will end up with endless litigation. At the same time, he has said that the provisions in chapter three are unenforceable. Then how can they end up in endless litigation if they are unenforceable? That is the clarification I want to get Madam Chairperson.

MR. WANDERA OGALO: I do not think the hon. Member understood what I was saying. I was just discussing the principle looking at it from either side, I am not just saying it is good we should take it. Among those who are saying it is good and those who are saying it is bad, I am trying to find a solution. It is in that light that I say that most of the Lawyers are saying it will not be enforceable and then others are saying it will lead to endless litigation if it is put there. It means those who are saying it will lead to endless litigation are the lawyers who are saying it should not be there for that purpose. And those who are saying it is not enforceable are another group of lawyers. All the lawyers are not saying one thing. They are having different reasons to bring against this chapter. I hope I have made myself clear.

Then you have other Members like Hon. Jack Sabiiti, Hon. Karusoke, they say it is not necessary, after all, these provisions are already embedded in the constitution, they are already there in other chapters. If you read chapter three, you read chapter five, they are almost the same. It is also true to an extent but there is a distinction here. The distinction is that although they are embedded in other Chapters like human rights, yet they do not have that requirement for the Government to deal with them, they are just under human rights but nobody says, for example Government shall try to do this, to get people to get better health services, clean water and so on. But

one thing which is most important which I have found from most people here is that, almost everybody has been crying, saying our place has been forgotten, we do not have water in our constituencies, we do not have roads, we have never seen a bus since 1984. All this because, they are saying, that Government has not provided services. Now, if Government has not provided services, I think this now is the opportunity to measure Government. If you look at Article 7 of the proposed Draft Constitution, that the President is supposed to come before the nation and Parliament once every year to say how far he has gone in implementing policies. I think that will be the place the Parliament and the nation will come out to say, "You have done nothing" if he comes and says, "fellow country men, I have built ten schools in the East, I have built one in the West", then this is the time tell him "no, there is something wrong". I think this would be a way of answering the problem which everybody is saying they have been forgotten. People are saying Pajeros are going to the West, Mercedes Benzes used to go to the North, this and that used to do like this. This is a yard stick. In my opinion this Chapter is a yard stick to measure whether Government is actually providing the services. One thing the Government has failed - if the President comes before the nation once every year and says I have not done anything on these objectives, then it will be possible for the population, for the people, the masses to look at this Government which is not delivering. Therefore, when elections come, you have somebody else. I think it is a Chapter which Hon. delegates, we should take. For those who may fear that well if - about that enforceability, we could take - we could include therein what is in Article 101, of the Constitution of the Republic of Namibia. This is to at least to allay the fears of the lawyers that you see, this cannot be enforceable, what will happen. This Article reads: "*The principles of state policy* - they also have this in their Constitution, but they provide, "*The principles of state policy contained in this Chapter* - (Interruption).

MR. SSEKANDI: Point of clarification. I seek clarification from Hon. delegate. He is defending the provisions in Chapter 3 and he has given us the example of Namibia. I want clarification, how enforceable is this provision in Namibia?

MR. WANDERA OGALO: Possibly before I clarify, if the Hon. delegate could have allowed me first quote you what it says, then possibly we can see how this article reads in Namibia's Constitution:

"*The principles of state policy contained in this chapter shall not, of and by themselves, be legally enforceable by any court, but shall nevertheless guide the Government in making and applying laws to give effect to the fundamental objectives of the said principles. Courts are entitled to have their regard of the said principles in interpreting any laws based on them*". You can see that what it means here, is that the court can be able to interpret the laws based on these principles. I think you are clarified now. Madam Chairperson, I would plead with the Hon. delegates here, let us look at this issue, let us not just throw it out, this Chapter, it is really important. The second principle I would wish to - (Interruption)

MR. JACKSABIITI: Point of clarification. Madam Chairperson. some of us who have talked about this Chapter had first tried to compare a number of other Chapters with this one. If you look at this Chapter, and say you look at Article 8, it talks about sovereignty, this is catered for in Chapter 1 (9) political objectives, Somehow it is touched on Chapter 1. If we look at Article 12, it is catered for in Chapter 4. If you look at culture, constitutionalism and accountability, some how it is catered for in Chapter 1. Now, Madam Chairperson, I will request the Honourable to clarify why we should duplicate, why we should have a Chapter which is already catered for in other parts of this Draft Constitution.

MR. WANDERA OGALA: Thank you, the clarification I want to make here and I think I made it very clear, I said Hon. Jack Sabiiti was one of those who said it was embedded. I said it to hear the point in it, but I said, in these other Chapters they lack the directness of the President coming before a National Assembly and the nation and saying we have done this, and we have not done this. So, Madam Chairperson, I will move on to the second principle I wish to discuss. This is on land. I find one of the principles being the need to balance development in the country and at the same time, protect the peasant from eviction. This is a good principle, but I think the Draft Constitution has failed to achieve this balance, it has failed to achieve this balance because it has tended to favour the side of development at the expense of the peasant. If you read the report, you find that there is a recommendation that we should have the processing of titles at sub-county levels, that is in the report, but when you come to the Draft itself, it marginalises this and establishes and goes ahead with the Uganda Land Commission as well as the

District Land Commission. Now, there is a problem here, the problem is that this maintains the status quo as we have it now. It means, the peasant trying to get a title has got to go through the same process as is happening now, and that is very expensive, the peasant really cannot afford it.

It is said in the Draft Constitution that Government shall assist somebody to get a title deed, now that is very good, but who is it really assisting, is it assisting the peasant at the moment if he maintains the status quo? In my opinion it is not, because it is too expensive, the peasant does not have this money to move from very far, come, go to Entebbe, Kampala, come back, bring surveyors, pay this and that. I think the Draft Constitution has tended to maintain the status quo at the expense of the peasant. I would like to give an example from my constituency. There are some big villages there, heavily populated, they are villages of Mulwanda, Bumeero, Bulundira, Lubango, Buchimo and Lugaga. These people moved into these villages, they purchased land from people who said they were landlords, they have been there for 10, 15 years. Now last year, somebody came up and said that actually all that land had been leased to some limited Company called Bumero Estates in 1982 and he wanted these peasants who had been there over 10 years to be evicted. This is where we have the problem with this kind of registration. It is possible to register only here in Kampala without somebody knowing. Now, this company which is owning thousands of acres of land in my constituency, does not have any development on this land, not even one hut or an acre of cassava and it wants all this land, to evict all these people. If we have to have development and protect at the same time the peasant as it is said in the draft Constitution, then there is need to have a change from this kind of land tenure system. It is a very dangerous one and you see in those villages I have mentioned, people are already fearing, people are already moving, because in my district there is a problem, the problem there is that, we have landlords who normally come and they say they have title deeds from Government, it is alright. Now, when they come to moving people out of these places, burning huts is the means of eviction, and charging the peasants for criminal trespassing in courts of law. A man who has been there for so long! So I think that in my view, this Draft Constitution should specifically provide for the sub-county as being a place where somebody can go, process and actually even get his title deed. It will be cheaper for him than having to come all this way to Kampala.

The next principle I wish to discuss is that of the executive and legislature, working together to solve the problems of the country where conflicts arise and that there should be a machinery to dissolve these differences. Madam Chairperson, this is reflected in the creation of the National Council of State. This National Council of State has also had a lot of problems here. The hon. Kanyeihamba and the Hon. Kawere have said no, no, you see what happens is one organ of Government goes in another sphere of influence which is not theirs and when there is that problem, it could be dissolved by a strong Parliamentary Committee. Hon. Njuba says no, what we need is a strong Constitutional court, it can solve this problem. Hon. Babu says no, ah, this thing will usurp powers of Parliament. Hon. Adimola says, ah, we cannot have this thing, it will supervise Parliament and Hon. Mateke says, it violates the doctrine of checks and balances. So, it has really had a lot of -
(*Interruption*)-

A HON. DELEGATE: Point of clarification. Madam Chairperson, I would like to get clarification from the Hon. Member holding the Floor whether he is presenting the views of his constituency or running a commentary on the speeches of other people.

MR. WANDERA OGALO: Madam Chairperson, I do not know whether that is a clarification, but if you read the Motion tabled today, it reads: the Assembly discusses the principles of the Draft Constitution. Now, in discussing these principles, we have to discuss the views advanced by other people because how will you discuss them if everybody comes and says, this is what my people say and you jam there? I think, Madam Chairperson, I hope my time will be compensated - Madam Chairperson I have an example to give about this matter. The problem can be seen of what happened in 1979, when Hon. Ssemogerere and late Kayira went to court and there had been a problem between the legislature and the executive. So these went to court, they took Edward Rugumayo, I think Omony Ojok and eight others, the argument was, the two organs had failed to work together. So, at that time, there was no other organ to go to apart from Court, to try and get a resolution on who had exceeded the powers of the other. Now, the matter went up before a very powerful panel of Judges composed of the present Chief Justice, the present Deputy Chief Justice, Justice Odoki and Justice Lubogo and Justice Asthana. Now, the issue which had to be resolved, Madam Chairperson, at that time, was whether the

President was right to appoint minister without approval of NCC, that was the Parliament. That was one of the issues. The court held that the late Lule did not have to consult Parliament in appointing Ministers, but here is the problem, the man was already thrown out, he was already in exile, they were saying he was right, but it was in October, the man is already in exile, but in my opinion, if there had been a body which they could go to instead of having to go to court, there is a possibility this could have been ironed out, but it could not be ironed out, we had to go to court, file papers, in the meantime, legislature is telling the President, get out. Look at what happened in the 1960s, there was provision in the Constitution of 1962, Parliament was authorised to remove the President and the Vice President, it was on the National Assembly and the Motion could be moved by the Prime Minister to remove the President and the Vice President, that is Mutesa and Nadiope. But what happened? Parliament did not do so, instead the Prime Minister by-passed Parliament and threw out these two. So, in my opinion, if there had been at that time, if there had been a body such as the National Council of State, to try to bring these organs together, it could possibly have solved this problem.

I seem to be running out of time, but before I leave this topic, I would wish to bring to the attention of Members here, that the Chairman of the Commission which prepared this report we are working with, Justice Odoki, was also in court, he was one of the Judges, Professor Sempabwa, who was a defendant in that case was also in this Commission, Jonathan Katera an eminent advocate, was also there. So, these people must have seen a problem. So let us not just look at this NCS and say it is hopeless, let us not throw it away, let us try to really - if necessary, gentlemen, we can reduce the powers or something, but let us leave it there.

I wish to come to the question of political systems. The principle behind this is that we should have a system which is democratic, creates national unity, protects human rights, facilitates economic development, and brings out peaceful co-existence and ensures accountability. That should be the principle behind what kind of system we should adopt. I have categorized several arguments against the Movement kind of system having to operate. Some Members have said and in this one I have in particular Hon. Oryem and Hon. Winifred Adio. They have said, the Movement is unacceptable in their places

and the reasons they advance is: Hon. Oryem says, you see, it is so terrible in my place, my sister was even killed, Government has the capacity to stop the war but has failed to stop it. So in the background of that one, we cannot have the Movement system. Hon. Adio on the other hand, says, we had Hutus and Tutsis, they came and looted our cows they took them in trailers, that is why we cannot have the Movement system. I would sympathise with the Members if this is what happened really, it really was bad. But on the other hand, are you therefore saying that because there is a war in one part of the country, therefore the Movement system cannot work? Are you therefore saying that it is only when you have a multi-party system, you therefore will not have war? I think you can have war in multi-party systems as well. We had one here in 1966, there was a war, there was multiparty, there was a war in 1980, there was multi-party. So, although these are things which are emotional, I would appeal to Members that, for the good of making a Constitution so that our children and children yet unborn, can have at least a better life than ours. Let us forget about this and forge a reconciliation. (*Applause*).

The second argument against the Movement has been that in a political system where you have multi-parties, you keep the Government on its toes and the opposition checking the government. This argument, its biggest proponent is Hon. Mwaka. But what does our history really show? Does it really show that these parties have kept Government on its toes? No, on the contrary, as soon as Government is there, they jump into the Government bed, they start sharing the double bed with the Government, double bed sheets, double blankets, and then it degenerates into a dictatorship. So, I do not think this would be a valid reason to say the Movement system cannot work.

The third argument is that which is propounded by Prof. Nabudere, it has almost all followers of multi party politics accepting it. It goes this way, it says, well, you know this rights to associate is something inherent, it is inborn within you, it cannot be taken away from you, you cannot do anything about it, you must have it. Therefore, the only way to do that is to have multi-parties. Now, that argument by Prof. Nabudere must also be looked at from what the same Prof. Nabudere says and I think I buy this one on Prof. Nabudere. He says: "gentlemen and ladies, get away from these models you read from law books and books of political science, forget them". He

says, we should not go by models we read in law books and political science. Now, I remember reading in my first year these inherent rights we are born with. That they were actually brought here because we needed multi-party system which is based on the Westminster model of Government. Now, that model is actually imported here, it therefore means, and I agree with Prof. Nabudere, that we should not have these models coming here, we should have our own things. If he says we should not have these models which are brought here, I agree because we are copying them. If we do not want to copy them, we should not whole sale say that without multi party politics, you cannot have democracy. I will not buy that argument. I think even when somebody says, you see these rights are even in 1948, these UN declaration on human rights, before we even had independence, somebody is saying, they were there, so we should have them here. I would invite Hon. delegates to agree with Prof. Nabudere that we should not copy models we read that one which says, you see, parties are not bad, they are good. but it is the leaders who are bad, they are the ones who bring problems, otherwise, in themselves they are good. This one is by several Members: Hon. Onegi Obel, Hon. James Okanya, Hon. Okule Charles, they say, no, no, they are alright. But my question is, if tomorrow we said, let us have multi-parties immediately, what guarantee do you have that this time you will have good leaders? What guarantee? I think in my humble view, I would think that if Members agree that the parties are good, but the leadership is bad, then there is a necessity to have - *(Interruption)*

MR. LUBOWA: Point of information. Madam Chairman, I would like to inform the Hon. Member that the point he is advancing has almost been considered by Hon. Etonu this morning, that the parties on their own are not bad, but those people in the parties. I would like to equate the position of parties to that one of a certain vegetation called Lantana Camalla and in Lusoga called *Kapanga*. One would easily argue that *Kapanga* on its own is not bad, but because it harbours that deadly creature the tsetse fly, therefore we need to control that *kapanga* thing. For that matter, I feel even the Parties are a very good habitat for wrong elements, therefore they need to be controlled. *(Applause)*.

MR. WANDERA OGALO: Thank you for the information, it is good I accepted it.

THE DEPUTY CHAIRMAN: Hon. Member on the Floor, the second bell went.

MR. WANDERA OGALO: I am just winding up, Madam Chairperson and I will not take information now since I am winding up. I have so many arguments which I wanted to advance but I will only have to say on this one. This one is that, you know, political parties offer alternative programmes and that with the Movement system, you cannot have these alternative programmes. Madam Chairperson - *(Interruption)*

DR. MIYINGO KEZIMBIRA: Point of order. Madam Chairperson, I wanted to point out that the last speaker has lied to the House, Lantana Camalla is a poisonous plant which by itself kills animals and therefore does not have to harbour tsetse flies in order to be dangerous.

MR. WANDERA OGALO: So, Madam Chairman, as I was winding up on this issue, it is the issue of alternatives in order for parties to compete for power. But in my opinion, Madam Chairperson, there is really no need for this argument to be - it is not logical in my humble view, because you could actually have your alternatives even in the Movement system. Look at it from another point of view, what difference does either DP or UPC have to offer for our people? Our peoples' whole question is disease, ignorance, and poverty, that is the only thing. Whether you are in DP or UPC, this is what you have to do for our people. So, really there is no question of saying there is need for an alternative, I do not subscribe to that and I think, like Hon. Wanendeya, my neighbour and Hon. Atubo when they went, in 1989, to their people in a Movement system and said, vote for us, we want to go to Parliament and the people in Otuke, the Movement system there voted for Omara Atubo and Budadiri East voted for Wanendeya. It put them in the system, they could advance their alternative policies within the Movement. *(Applause)* So, Madam Chairperson, it will be okay, if we said, let us forget the models, let us give the Movement time to grow, let us see how it works. Thank you Madam Chairman, thank Hon. delegates.

THE DEPUTY CHAIRMAN: Thank you.

MRS. MUKIIBI BENIGNA (Women Representative - Kibaale): Thank you Madam Chairperson. I bring you warm greetings from Kibaale district. First of all, I would like to convey my congratulations to the Chairman and his Deputy for having been elected in those high offices. At the same

time, please allow me to congratulate all the Hon. Members who managed to win these elections which have been referred to as the most difficult and most expensive. In the same vein, I wish to congratulate in a special way, the women who stood on the open ticket. They are a sign of encouragement to the rest of the women. I cannot forget some two Hon. ladies who had earlier made it on the open ticket to the NRC in the names of Hon. Victoria Ssekitolesko and Hon. Rhoda Kalema and who are still with us in this Assembly. This is a sign that they have satisfied the constituencies and that is why they still send them here to the Constituent Assembly. Thank you very much and please continue. I cannot fail, Mr. Chairman, to appreciate the cordial manner in which we have conducted ourselves so far in this Assembly and pray that this spirit of brotherhood and sisterhood will continue up to the end so that at the end of the day, we all come out of this exercise victorious.

Kibaale district is found in the Mid-West of Uganda, it shares borders with the districts of Mubende, Kiboga, Hoima, Kabarole, and Bundibugyo. We also have a Lake shore in the name of L. Albert. It is a young district created in the spirit of bringing services nearer to the people. It is only three years old. Although young, Madam Chairperson, Kibaale district has a long history. We are the people who belong to the famous lost counties, we and these counties were namely Buyaga and Bungangizi. As we speak now, the county of Buyaga was split into two to give birth to the county of Buyanja. Therefore, Madam Chairperson, Kibaale district is made up of three counties: the county of Buyaga is represented in this House by Hon. Toterebuka Bamwenda and the county of Buyanja is represented in this House by Hon. Baguma Isoke, the county of Bungangaizi is represented by none other than Hon. Sebastian Ssekitolesko. So, we are a team of four. In 1900, Kibaale district was curved from Bunyoro Kingdom and given to the kingdom of Buganda together with other counties by the British where we remained until 1964 when, after a referendum, we opted to return to Bunyoro Kingdom. Little did we know at that time, that kingdoms would be abolished within two years. However, we remained under the administration of Hoima district until recently when we attained the status of a district. So, you can see that we have moved places, but now, we have found our level.

In the district of Kibaale are found people of different ethnic groups; the biggest include Banyoro, Bakiga, the Alur, Baganda, and Bakonjo. Despite these

differences, Madam Chairman, we live in harmony with each other which is an excellent example of unity in diversity. The melting pot is characterised by the people in that area speaking more than one local language, because when I speak Luganda in this House, people think that I am a Muganda, but the national language there is Lunyoro that is the national language of the district.

Having said that, Madam Chairman, personally I feel, this Assembly is a unique one in the history of our country and I am grateful to be part of it. It has brought together people from all walks of life, young and old, women, the representative of the workers, the youth, the disabled, and these people have come here on their own will, but with the mandate of the people.

THE DEPUTY CHAIRMAN: Hon. Member on the Floor, just hang on, can I ask Members on this side to dissolve their small sub-committees and listen? You can proceed honourable.

MRS. MUKIIBI: Thank you, Madam Chairperson. As I was saying, we are here with the mandate of the people but on our free will to lay a foundation for a nation Uganda and at this juncture, Madam Chairman, allow me to pay tribute to the NRM Government for creating an enabling political environment which we are enjoying now. I cannot resist to recall the kind of atmosphere where the 1967 constitution was written, but in this case, the armed men are seated with us, here. I have the privilege of being a neighbour to Brigadier Muhwezi, but in 1967 guns had surrounded the Parliament. So, we are thankful for this kind of atmosphere. Therefore, Madam Chairperson and Hon. Members, let us make the best of it and come out with a Constitution which takes into consideration peoples interest and aspirations, a Constitution which is workable, and a Constitution which will stand the test of time. In order to achieve that Madam Chairman, we must not fear to evaluate our past critically and learn from our past mistakes at the same time, we must have a clear vision of what we want the future to be. We in Kibaale district we would like a future of peace, stability, unity, development, and respect of individual human rights and freedoms.

Human rights and freedoms, Madam Chairperson: The concept of human rights and freedoms in our Constitution is not negotiable. Any Constitution all over the world is supposed to protect those rights so

that subsequent Governments do not violate them. In other words, the Constitutions protect the citizens against the violation of their rights, that is why we the people of Kibaale recommend that anybody who violates those rights should be punished severely. We also endorse the proposal of having a permanent human rights Commission whose service will be decentralised to districts. There is need, Madam Chairperson, to educate the population on these rights so that they can respect them and at the same time, look for redress when they are violated. It is obvious now most of the population is ignorant about their rights and they do not care whether they are respected or not. There is need to educate on that and this Commission should take up that job seriously starting immediately after the promulgation of this Constitution.

Women's rights, Madam Chairperson. We are grateful to the NRM Government for allowing the women of Uganda to participate fully in the economic development and in the political affairs of their country. Although this has been on the global menu, Uganda had not enjoyed this until the NRM Government came into power. During previous Governments, it was only the wives of Ministers who seemed to enjoy this right, but during this period, we have had a chance to participate fully in our affairs. Therefore, (*Interruption*)

MRS. RHODA KALEMA: Point of clarification. While I appreciate the contribution of the Hon. delegate on the Floor, I would like some clarification about how wives of Ministers were considered to enjoy political rights because they never participated as wives of Ministers and in fact, wives of Ministers never participated in politics. I would like some clarification.

MRS. MUKHIBI: Thank you, Madam Chairperson, what I meant is that, those who really were benefitting from these global emancipation of rights - you know, who were going for Conferences abroad, were those who were in that clique of governance. (*Applause*). What I am saying, the ordinary person, up to the grass root level, the woman, is now participating and this has been possible during this NRM Government and we are grateful.

Hon. Members at this juncture, when we are writing the Constitution, there is a wind of change in Africa and in the Developing world about the participation of women in the developmental affairs and this kind

of trend is likely to continue. Therefore, Madam Chairperson, we the women of Kibaale in particular, would like women's rights well articulated in the new Constitution without reservation. We are in total agreement of Article 61 of the Draft Constitution and in addition we would like to condemn the circumcision of women and also wife beating. We support the rights of the disabled, the children, the elderly and the widows as spelt out in the draft.

On orphans, Madam Chairperson, we observe that with concern, that the number of orphans is increasing day by day and this trend is likely to continue because of the AIDS scourge. We therefore call for the protection of the rights and welfare of orphans by the state. This Draft Constitution is not clear about it. As of now, activities to help the orphans are mainly done by non-governmental organizations and voluntary organisations and these organisations are selective in the places where they take their services which has caused some orphans in some parts of the country to be neglected. We would wish the Government to take up this law by having programmes for orphans throughout the country. This will help, mainly, in their attaining education and other welfare.

Equitable distribution of services: Kibaale has a long history of neglect and marginalisation hence we would like a Constitution which will ensure equitable distribution of social services in order to correct imbalances in development between districts and to promote national unity. If we had equitable distribution of services, people would be satisfied throughout the country. In fact this imbalance has caused groups of people to rise up against the Government of the day, in order to acquire so that they can bring development to their areas. That is why we want the Constitution to be clear on the distribution of services. In the same vein, Madam Chairperson, we the people of Kibaale had endorsed Chapter 3 in the Constitution because it clearly gives a work plan for the subsequent Government and it is a yard stick to measure their performance and we would wish that Chapter to be maintained. It can be modified but we want something similar to remain there, to remind Government that they have a programme for the nation and during their time, they work on that programme and the next Government will also continue from where they stopped. We call for affirmative policies for the districts which have suffered gross marginalisation since colonization. We the people of Kibaale have suffered

marginalisation since the 1900 Agreement and we would like to see a process of correcting this situation. The affirmative action we are calling for is in terms of education, health, communication, and power supply and water.

Local Governments: Madam Chairperson, we advocate for the principle of having strong Local Governments at the district level. We support the decentralisation as proposed in the Draft, but would like it to be strengthened with more authority and finances. The people should have powers to decide on their priorities at that level without seeking consent from the Minister for Local Government. Things like creation of new administration centres like the sub-counties. Now, you think of creating a new sub-county, you have to submit that to the Local Government to approve and this delays services at that level. In addition, we also call for finances as I mentioned so that we can carry out development activities without much delay and we can choose our own priorities where to put those finances according to our own needs. The national cake should be divided among the districts so that we leave a smaller cake at the centre to avoid scrambling for it at the centre. Having a big centre has caused highly trained personnel to refuse to go to work in rural areas because they want to be nearer to the cake. We feel that if we create strong Governments in the rural areas, this will attract trained personnel to working at district levels and this in the long-run will effect rural development and we must bear in mind that most of our population is rural and if we want development of this country, we must gear our efforts to rural development.

Decentralisation should be accompanied by the necessary tools and information. We need tools to construct roads, so this should go with the policy of decentralisation rather than keeping the road machines at the headquarters and when we have a road to construct in the rural areas, this equipment is transported all the way from Kampala to Kibale, by the time they reach there, there is no fuel for the work they have gone to do. We want the machines to be there at every district, to have a road construction unit and any other machine which is required for rural development. Information in this case, I had in mind, because in Kibaale as I said, information on land of the district, information on the environment, information on population, so that it is there and the people can plan with the information at hand.

We in Kibaale propose that the RC system should be

embodied in the Constitution as it has allowed the people to participate in their affairs both in politics and development. But we wish the name to be changed a little bit from Resistance to village, sub-county, county, district as the case maybe so that this is a permanent issue.

Presidential elections: Madam Chairman, we support that the President gets a national constituency and he is elected by all people. This will enable the president to identify with the people and to do his work without fear or favour. It will also enable most of the people to identify with the President. As of now, either the President is a Northerner or a Westerner or whatever, because that is his tribe or his political affiliation, but we want the President to be ours, to be a peoples President. A five year term of office for the President was endorsed with two terms not more. In addition we would like a President who is mature, well educated, at least at University level because we have seen what a graduate can do and we would wish all the Presidents to have that level so that they are confident, they do not fear and they can easily coordinate with other leaders and he should be of good moral character.

Election of the peoples representatives, Madam Chairperson, should be regular with a definite time table, predictable so that we know when we are going to elect our representatives and the President and this time table should be strictly adhered to. This practice of delaying elections should be discouraged. We should cultivate a culture of serving and serving for some time because I was supporting Chapter 3 because it gives Government a guideline so that they know the national programme cannot be finished in their term of office. But what we should ensure is the smooth handing over of power, so that there is continuity in the national programmes. In the principle of separation of powers, Madam Chairperson, we suggest that the President will be free to choose Cabinet Ministers from Parliament and outside Parliament, but as soon as a Parliamentarian is chosen, his seat in Parliament should fall vacant.

The Army: Madam Chairperson, we people in Kibaale feel that the Army has been one of the main actors in our politics and that its role has sometimes been abused or misused. We are therefore calling for a national Army, whose Members are recruited from all districts of Uganda on a proportional policy and these people who go to the Army, girls and boys, should have attained at least "O" level standard and

when they are in the Army, they should be trained in other skills so that they can be productive while in the Army and - (*Interruption*)

MR. KIGAYE-BILLYAWO: Point of clarification. The Hon. lady has proposed that we should have a national Army made out of equal proportional representation, we have an Army in place, what does she propose we do with the present NRA Army?

MRS. MUKIIBI: Thank you Madam Chairperson, what we can do to the National Resistance Army, is to scrutinise it, and see if these proposals apply - (*Applause*). While they are in the Army they - (*Interruption*)

LT. COL. SSERWANGA LWANGA: Point of information. Thank you Madam Chairman and I thank the lady holding the Floor to allow me to give this information concerning Army recruitment. This point has been belaboured. I would like to inform the Hon. Members through you Madam Chairperson that NRA has tried to recruit the Army on quotas, but some districts have not been fulfilling these quotas. In 1988, when we did a general recruitment, Mpigi was offered 350 recruits, it only managed to bring 50, Masaka was offered 400 recruits, it only managed to bring 60, Kitgum was offered 250, they brought all of them, Gulu was offered 300, they brought all of them, Arua was offered 250, they turned all of them. Mukono was offered 500, they brought only 100, Thank you, Madam Chairperson.

MRS. MUKIIBI: Thank you for that information, Hon. Member who has been on the Floor and please Members, note, and we start a massive education of our people so that they join the Army because I am not the only one who has proposed it, many of us would like such a situation in the army. So, it is up to us leaders to encourage the people to go into the Army. This Army as I have said, they should be trained in other skills in order to be productive and at the same time, these skills which they will have acquired will help them after they retire from the Army. The case of the Veterans is still fresh in our minds.

Now, I go to land. Madam Chairperson, land in Uganda is a precious commodity because the people depend on it for their livelihood. Land is life, wealth, and a measure of one's status in society. We the people of Kibaale advocate for the right of all citizens to own land and the system we would like is the free

hold system. But Madam Chairperson, allow me to express the plight of the people of Kibaale in this Assembly. As it has already been done by my other Colleagues, land in Kibaale district, after the 1900 Agreement was largely portioned to the rulers of the day and some large portions were reserved for resettlement. This was done without due consideration for the indigenous people of Kibaale district and as a result, most of the indigenous people in Kibaale district, live on other peoples land and they feel very insecure. We have had many groups of people coming to us asking about this situation and every time we have raised our proposals, but it is saddening that in all the reports which I have made on land reform, Kibaale is not reflected as having a unique land problem. So, the people of Kibaale district have sent me here especially to tell you Hon. Members that in Kibaale district, we are aggrieved because of our land situation, we are demoralised and we feel marginalised because we are the indigenous and have difficulty in acquiring land titles, because of the history which has been well articulated in this Assembly.

This history is well known and I am glad it has been well articulated by even people who are not Banyoro, but who are sympathetic with our cause and I would like to pay tribute to these people. So, we feel at this Assembly, we should start a process of correcting this error which has been hanging on our necks since colonial times. In order for the people of Kibaale to feel happy and settled down in the present Uganda we are trying to build, this issue of land ownership should be corrected and we are calling upon you Hon. Members to devise a way of correcting this situation. But I would like to assure you that the people of Kibaale are grieved to be squatting on their own land and I will stop at that as far as Kibaale is concerned. I said I would stop at that. I want you people to internalise our problems (*Interruption*). I want you Hon. members to think of our plight and devise a way of correcting this situation. We further advocate for the decentralisation of information and processing of land acquisition to the district level. In our case, in Kibaale District, we would like all the information concerning our land to be at the district level so that we know who owns land there, where we can trace him and which land is portioned for settlers and how this all came about and what the role the district can play. As of now, when there is a problem of resettling people, sometimes the process is done haphazardly. We only see lorries bringing settlers to Kibaale District. The District Council has requested

me that this kind of thing should be done in a more organised manner. The District Council should be informed and consulted before settlers are moved into the district. We are always getting a continuous flow of settlers, but this is very difficult because the district authorities are not in the know, they are not well consulted to participate in the process.

Defence of the Constitution: Madame Chairperson, I know I am running out of time but let me say something about what we can do to defend this Constitution. This was number one question during our campaigns. They were asking us - we are writing a new Constitution, how sure are we that this Constitution will hold? and this is what I have to say about the defence of the Constitution. Madame Chairperson, the defence of the Constitution is a continuous process and in my view, this process was started by collecting people's views on this Constitution. This exercise created awareness and participation by the people in the making of their Constitution. At this juncture, I would like to pay tribute to the Commission for having done this job very well. They combed the whole country and asked for people's opinion on this Constitution, and at the same time, they equipped us with the report and the Draft Constitution. I would like to thank them for the work well done. Next, in the process of defence of the Constitution is this work now we have here. We must make sure that we write a Constitution which is pro-people; which is not centred on our emotions, which is not centred on a personality but which is catering for the interest of the people of Uganda. Because if it is biased in one way or the other, when the situation changes, then the Constitution will follow with it. So, we should make sure that the Constitution is a balanced law, that it is catering for each and everybody and that it is not a personal Constitution. After we have done that, then the Constitution, we should believe in it. We should believe in the law we have made. We should put it into practice totally without discrimination and also the subsequent laws which have been made in this country - they should be implemented faithfully and then in that way create a culture of constitutionalism. Defence of the Constitution as I said is a continuous process. We should all behave according to the law in our lives. Starting with the family. In this Constitution, we shall put the rights of women, we shall put the rights of children, the rights of orphans, the rights of the old but we must be prepared to practice, to protect these rights and practicing the law at the lowest level which is the family. Another

thing we can do is to democratise the gun. I thank the effort which has been put by the NRM government to demystify the gun but there is - we should do more than offering short courses. What I have in mind is that we have cadres who go to train in military science for a whole year. They go and train as part of the education system. I would suggest that this is done at 'A' Level when people have had a good foundation in education and they are also continuing in their studies, maybe they are going to the university - at that particular time, they break for one year, go for intensive military training and then they come back and continue with studies, with their professionals and they graduate in their various professions and they return to the population. But these people will provide a reserved army, they will be there in population as normal people but having acquired that training. They will be used in case we get internal political aggression or external political aggression and as the president has often said, if we want peace, we must prepare for war and this is a way of equipping the population with military tactics so that in case they are called upon, they can always come up. At the same time, we must demystify the Constitution. The Constitution has been a secret document which is found in high offices only. We would like, after promulgating this Constitution - the Constitution should be taught to the people both in schools and outside school. In adult education programmes and in *mehakamchaka*. They should learn about the Constitution, the army should learn about the Constitution, the police should learn about the Constitution so that everybody is walking in the spirit of the Constitution. It should be like the bible. People should know the Constitution as they know the bible or the koran.

Now, in conclusion, Mr. Chairman, one is asking the question, after this Assembly what next? We the people in Kibaale recommend a movement type of government to continue for the next five years. *(Applause)* But the government we are advocating for the next five years should embrace all shades of political affiliations. We should discourage discrimination within the movement. It came out and it brought out a bad taste in the mouth during the elections. When some of us were labelled non NRM, others are NRM. The people in the village know that everybody is in the movement and this has brought confusion and we would like this to be corrected so that when we go into the movement, we are all there and during this period, we should carry out balanced, intensive civic education on Uganda in

particular and its peoples. So that we understand ourselves, we understand our differences, we understand our historical background, we understand why parties were started and we (*Interruption*) appreciate our differences and we identify our similarities. After that, we can build on our similarities but at the same time respect our differences. (*Interruption*) Also during this time, we should allow the political parties to re-organise themselves and new ones to come up and grow, in order to avoid the situation we had in 1980 where parties were formed in a hurry - when the situation arose. So, we should allow the new parties and the old ones to grow to understand themselves, to correct themselves and to start again. We should like to continue with the rehabilitation of the country and to correct the imbalances which were created either during the colonial or during the post-independence period so that at the end of five years, maybe, we can have a situation where the ground is relatively level. The situation maybe would be clear - which line we can follow next after five years (*Interruption*) Thank you Madame Chairperson for being patient with me and I thank the Hon. Members for listening to me and I pray that this spirit will continue and we come out with a Constitution which will serve the interest of our people and which will stand the test of time. Thank you very much. (*Applause*)

THE DEPUTY CHAIRMAN: Thank you very much. Before we proceed, I want to check whether Hon. Ssebalu is around. If he is not, Members will note that on the programme for today, we have Hon. Latigo. I want to appeal to Members who are speaking tomorrow - because it is not yet 12.00 to volunteer through the Clerk to see whether we can push them today - those who are ready. I am giving it as a proposal.

MR. SEBAANA KIZITO: Point of Order. I recall that it was decided here and unanimously too, that people who have to talk and miss their opportunity, they do miss the opportunity forever in this general debate. Therefore, I would request you, Madame Chairperson, to put this decision into effect. Thank you - beginning with today.

THE DEPUTY CHAIRMAN: I do not know but perhaps we can push that to the Committee concerned. I do not know whether it is privileges. I think that will be too hard on my part because we never knew the circumstances, why a Member may have failed - may have had an accident on the road.

MR. BAGEYA: Thank you Madame Chairman. Whereas we respect the Committee, we would like to retain the powers in this House. We give the powers to the Committee and therefore, if it is brought up on the Floor and we do not object, there is not reason why it should be referred to the Committee. Thank you.

MR. BABU: Madame Chairperson, thank you very much. My request to all Members is one - whilst I agree with that hard and first rule, I would like us to also review it a little bit and say - if one does not give a tangible explanation, because a lot of things do happen - somebody could have an accident, somebody could be sick and if you make him or her lose that slot, it might mean a lot for him from the people he represents here. I would like, therefore, to review that rule, Madame Chairperson, that if he gives a reasonable excuse, he might be given another, probably not the same day but another time. Thank you.

THE DEPUTY CHAIRMAN: Actually, let us waste very little time because I was just appealing to Members to register. Those who had registered for yesterday.

A HON. DELEGATE: Madame Chairperson, I was just saying exactly that. I said since, we have one person - let him talk and if you have another one - let them talk and then we continue and I think this can be administratively handled.

THE DEPUTY CHAIRMAN: Thank you very much. So, I assume that Members who will be willing to speak today, can forward their names - transfer from the earlier registration to the Clerk, it will be passed over to me.

MR. LATIGO (Omoro Conty, Gulu): Omoro County is the gateway to Gulu District. It borders Apac and Lira District to the South and Kitgum to the east. The area is very productive in all major crops and also is known for keeping cattle. In fact, in the past, a lot of Karamojongs and Rwandeese were attracted to this area and they were looking after these animals. Madame Chairperson, there are no more animals now but we still have these people. They are there staying happily (*Interruption*). Madame Chairperson, I said there are no animals now but these sisters and brothers are still staying in this area living peacefully.

Madame Chairperson, this being my maiden speech. I must take this opportunity to thank you very much and your Chairman, for the attainment of this Honourable seat. I must also thank the Hon. Delegates upon winning the confidence of the electorates and other appointing authorities which enable us to be in this House. Madame Chairperson, the task before us is great and for that matter, I wish to remind ourselves that we have been, in good faith, mandated by the 17,000,000 Ugandans to make a new Constitution for the Republic of Uganda. Madame Chairperson, this new Constitution must be able to guide and sustain our existence as Ugandans and enhance development to all born and unborn Ugandans. At the end of it all, Madame Chairperson, we shall stand praised for the good work or even cursed for the bad work done if any. So, Madame Chairperson, we must choose which course is better for us to take. Madame Chairperson, I must again thank the Chairman and you very much for the good work that you have done so far in this House. This spirit and the compromise that we have here, must be pursued in order to form a common goal for making a Constitution that will be acceptable and can create a mutual co-existence among the people of Uganda as one nation. Madame Chairperson, I am only a Delegate from one electoral area of Omoro - so allow me to present my views according to the peoples wishes. I pray to the Hon. Delegates here that they should be more disciplined when I am contributing as I have been to them.

I start with the preamble. Madame Chairperson, I must begin with the apparent mother of all the controversies contained in this Draft Constitution - that is the preamble. The preamble is an introduction, especially one to a Constitution or Statute which states its visions, purpose, facts and events. The preamble, therefore, should reflect our desires and aspirations and can only be strong when based on indisputable facts of history and embraces the spirit of a bright future. The people of Omoro have serious discontent with some of the statements on the preamble to the Draft Constitution as distortion and misleading materials. The first two have been singled out and run as follows *"recalling our history which has been characterised by political and Constitutional instability, recognising our struggle against the forces of tyranny and oppression..."* Madame Chairperson, looking at this statement only on the preamble - my people ask - which history of Uganda are we referring to? Which forces were tyrannising and oppressing the people of Uganda. Of

course, Madame Chairperson, there is no denying the fact that under all post independent governments in which we Ugandans have participated in different capacities, people have been killed and brutalised. All probably agree about Idi Amin but can we also agree on the tyranny and oppression under UPC and NRM government? We all know and assert the fact that there are some good work and bad ones done by all these governments. None then, can claim to be angels.

The Draft Constitution, Chapter I: But before I go to that one, I want to make this one very clear because we have the general consensus, as I have been listening to in this House. That is land and environment. My people are very clear on this chapter, although they received the greatest attention and concern. In my area, people say land is a gift from God and nobody should take it or set conditions for its use. They further said, the land is the commodity that we continue to inherit even when we die. That is the piece where you are going to be buried. Therefore, they said there will be no tamper on the land whatsoever by anybody since we have now lost all our wealth - animals, what not and so forth. So, they went on to say - land belongs to the natives and Customary Law Tenure system must be recognised and also they like this Freehold system to be in force. For the management, they said District Land Board should be set to settle land issues and even make a provision for getting land titles. If need be, but they said anybody who wishes to get land or acquire land in the area, can do so through negotiations, but not through the government.

Two, about the citizenship. These are also very clear because as to what I got, there is consensus in this House. So, I want to make it clear before I go any further. They said in post independent Uganda, two groups of aliens, Sudanese and Rwandees participated in violence against Ugandans and were rewarded with citizenship and power by the government of the day. So, they said at this material time, there should not be and will not be acceptable that our Constitution must be porous and allow for such obnoxious mistakes to be repeated and there also be in place Alien Act to deal with these alien matters. Further, appropriate proposals shall be made in due course.

On the National Council of State, they said there is no need to have it as well as the National Objectives and other things of this nature - they said there is no need to have those chapters in our Constitution.

Now, I go to the Constitution, Madame Chairperson, and I want to dwell on it even longer. Madame Chairperson, a Constitution is the mother of all laws in a country and can also be said to be a collective wisdom of the people. So, we are collected here, we have their wisdom - of the people, which expresses the general will of the people or consensus of the populous. A Constitution must have a purpose. It can act as a compromise between conflictive demands and interests, accommodating these different views and demands. It must involve the spirit of give and take. Even minority views and ideas have to be listened to and given appropriate accommodation. Madame Chairperson, a Constitution can be short or long but all have their merit and demerits. Madame Chairperson, a Constitution can be a bad one, that is when its provisions are bad. It can also be nice if provisions are applied or observed. It must, therefore, be noted seriously, Madame Chairperson, that a bad law or a Constitution is always bad, whether applied properly or not. A good law may be wrongly applied and becomes a bad law. So, when you are making a law, we must be very careful. Madame Chairperson, this is true and clearly exhibited in the way the 1962 and 67 Constitutions were applied, despite having some very good acceptable provisions therein. It is very ridiculous to note that our leaders take oath to uphold and protect the Constitution but later violate it with impunity. Madame Chairperson, if you cannot respect a Constitution made by the people, then it is as useless as anything. So, there is no need to make one if it is not going to be respected. It should not be a built culture to make one Constitution at every change of government. America, for example, has lived with one Constitution with few Amendments for over 200 years. The people of Omoro have the fear that provisions of Article 3 and 4 of this chapter, clearly gives individuals unwanted legal encouragement, freedom, protection and authority to even go to the bush and kill in the name of defending the Constitution. They say, now Uganda, must avoid destruction of lives and properties in this way. According to the people, they say and this their recommendation on this Chapter, they say the Constitution of Uganda once made and accepted must be respected and observed by all. They say, the Constitution must be short, precise and comprehensible must, therefore, contain only Constitutional materials. We can put all in the constitution but it should contain only constitutional materials. Three, people must be given, right from schools, civic education so as to promote awareness and foster respect for the Constitution of

Uganda as the supreme Law of the land. This will stimulate them to take up to civil disobedience whenever their rights are violated. Four, the people said and believe very strongly, Madame Chairperson, that no Constitution relying on resistance for its defence shall survive, nor does it derive its defence on the strong words in it, or the fears it causes to the people but only its spirit.

I go to Chapter 6 - Representation of the people, Political system. This is perhaps the most contentious national issue in the Draft. I do understand that when NRM came into power in 1986, there was later a gentleman's agreement - with whom I do not know - that political parties be suspended for the interim period for four years, that NRM will be in power. The interim period elapsed in 1990 but was extended for 5 years which ends January next year. Now, the NRM is seeking, through a Constitution which is due, to extend the period for a further five years, making a total of NRM administration to 14 years, even exceeding the favoured 5 years term being proposed by most of the Members here. Even then, it is not automatic, Hon. Members, that the multiparty should resume; it is not automatic even after 14 years, it is not known whether parties will just be automatic. Madame Chairperson, this is too much. It is clear that the majority of Ugandans have the right to form their own organisations and even form governments but have no right to force the minority to be part of their own political organisation, (*Applause*) through which they can properly oppress them under the guise that this promotes unity. Mr. Chairman, our unity must not be forced but rather be based on mutual acceptance and enrichment of our diverse values. Madame Chairperson, those who support the extension of the movement, through this Constitutional making argue that - one the NRM has brought peace and development as never before in Uganda; Ugandans are united under no-party system of the movement; parties are divisive and their emergence will destroy the peace and the well-being of the country. These are the main arguments put, there are many others but these are the main ones. Mr. Chairman, even if these were true, these depend very much on which end you are in. This must be understood very clearly. The motto song that "the peace ushered in by the movement", to many suffering Ugandans in parts of Uganda and outside the country, is heard as a mourning or funeral rite song. In my area, for example, they complain that they have never suffered like this before in any of these situations. I know it is the war but this is what they

say. They said that even in the past, our fellow Karamojongs never even stepped foot in our district to take their animals but it happened this time. In a sober tone, it is said that even if the people dance to the tune of the NRM song it does not justify writing a Constitution supported by one Constitutional view of politics in the country to the extent of undermining fundamental basic human rights or its own provisions as referred to in Article 59(e). My people argue that Uganda has seen peace and rapid development before - many schools, hospitals, roads and so forth are living examples. There are of course, disruptions due to failure of governments to stick to the path of democratic governance and the short sighted activities of the centred military and political adventurers. It was not then, Madame Chairperson, multi-party politics that caused all these upheavals advanced loudly by some activists. It is not, therefore, the unfounded fear - I must repeat this one very clearly - it is not, therefore, the unfounded fear of the multi-party politics bringing chaos that will keep us united and stable, but our openness and fairness to one another, and the extent to which we rise to the political challenges set for us by the mercy of history.

Madame Chairperson, society is not static nor does it develop in a straight line, due to unavoidable obstacles that limit it. Accordingly, my people say that democracy in a country, like a child, must crawl, stand, walk and later mature. Any child learning to walk, it will fall, hurt itself, especially where dangerous objects abound. The duty of our political leaders and government is to assist the child, provide support for it to practice and clear the ground to all objects that will endanger it. Madame Chairperson, no true parent will leave the child after it is up while trying to walk and therefore, refuse to put it down until it is 5 or 10 years, or expect it to walk by then. *(Applause)* For that matter, I appeal to Hon. Delegates here that democracy must grow and develop in Uganda. The issue of political alternatives must not be addressed constitutionally - it is political. It must be taken politically, not constitutionally. We are not here brought to legalise one system. My people strongly suggest that this House must make one that allows those who want to form new political parties to do so *(Applause)*

Two, allow the old parties to reorganise themselves - allow them to put themselves also up. Number three, allow the movement, the NRM to reform, organise for that matter into a proper political party. *(Applause)* Because as any other thing, they have a lot - I have been a Chairman RC 5 in my area. There

is a lot also decaying in the RC system. *(interruption)* Madame Chairperson, after giving time for all these to put themselves right, then all these parties - the movement, the old parties, the new ones and so forth, let them go on stage and present themselves to the people of Uganda and among them, a government be chosen on the people's choice. *(Applause)* Meanwhile, an interim government must be set in place to effect all these changes and organise elections. This can take one or two years only.

I want to talk on Defence and national security. We all know that Uganda Armed Forces, have never fought any external aggressor, leave alone the Congo and the Kagera ordeal by Amin. Ugandans have seen our army using internal civil wars now and then killing ourselves. The winning side, especially, the leaders would boast loudly that they have won and they are now in power but after killing many of our people and one side who have killed more, then form a government. Who suffered? It is the civilian, it is the people. Mr. Chairman, we must strongly recall that since the 1960s, the culture of tribalising and personalizing the army and their use in the national politics has been the main enemy of democratic governance, political accountability and making us unstable. It has also been common to note that under various regimes, the security organs, including the army, were seen arresting, torturing, detaining and even executing civilians, despite their being only suspects. This has been happening in the past, since the 60s. It has been happening that to see the security, including the army just doing this kind of thing at will. Madame Chairperson, the NRA is also no exception to this. In this very House, there are living victims which include a former Minister of State for Defence under the National Resistance government. He is Hon. Omara Atubo, Mr. Okeny Atwoma, Lord Andrew Adimola and many others, including the Speaker, who were the victims of this dreadful act. For example, for me I would like to make it clear - we were arrested by the army, detained in a military barracks, tortured and mercilessly charged in court for treason after staying in confinement for over a month and we spent almost a year in Luzira on defective charge which was later withdrawn. Our fault was that - because we were having the guts to defend the rights of the people. Madame Chairperson, there are many others who also suffered at this same dreadful act. Not only under NRM but also in other governments but I am saying of this one and there are many who have suffered. And worse still, the victims are not even compensated. Madame

Chairperson, my people say - Uganda must have a small well trained and disciplined National Army to play the role of protecting the lives and property of the people of Uganda. That must be their role. But it will be very funny, even in my place - you see a soldier going to settle marriage problems when somebody is having their marriage broken, you go to settle it. This is very unique and it is very bad. We do not want to see them doing this. They should stick to national defence. Two, the Constitution must also prevent the torture and holding of civilians in military barracks or even their detention by military anywhere for more than 12 hours. Of course, they are security agents but they should not hold people. If this Act is violated, individuals must be dismissed and the victim compensated. I am saying this because this has been very common with the NRA, there are some soldiers who are very good - I worked with them for a long time. One of them is Col. Kuteesa, he was a very good person. *(Applause)* He is even here. He did a very good work but the moment he left the place, others came and started doing what they wanted. We are very sorry to say this but it is happening. So, we are not condemning anybody as an individual but we are saying there are some who are even rebellious against the NRM Code of Conduct may be. But it is happening and it is happening now. So, it is something that must be condemned. *(Interruption)*

MR. HASHAKA: Point of Clarification. I appreciate that the current speaker has given a credit where it is deserved that Col. Kuteesa was a good man in the Northern Region when he was a commander. I would like the current Speaker to clarify as to which side he would credit Kony with his rebels when mutilating people's mouths and putting padlocks on their mouths. Surely, which credit does he give on Kony vis-a-viz those who replaced Col. Kuteesa?

MR. LATIGO: Madame Chairperson, if I am to go deep into this one, it would take me a long time but I would say that always give credit where it is due. I gave an example of Kuteesa because he did a lot of good things in the north but when he left some people were posted and they did the opposite. On the side of Kony and others, I do not take Kony for Kony but I said the rebels. We have not also been seeing the rebels doing some good work. Even for me, I rejected some of their work, the rebels, not in particular Kony. The rebels - we rejected their way they are handling the situation. Myself, I refused some of the actions and I even told them that this is wrong, for

that even my brother was killed. So, one side - I say this is wrong, I got victimised. On the side of government when I told them that there was something wrong, I also got victimised. So, you can see for yourself, that all of them seem to be punishing us - we the civilians but not any other person. *(Applause)*

A HON. DELEGATE: Point of Clarification. Thank you Madame Chairperson. I just want to understand the Speaker on the Floor a little better when the Speaker says that there is some of the things that Kony does that he does not approve of. Could he tell us some of the things that Kony does that he approves of. Thank you.

MR. LATIGO: Madame Chairperson, I did not say in particular Kony - I said the rebels. I explained this one - would be very clear. Even the NRA were rebels when they were still fighting. Even up to now, some of them are rebels in the sense that they rebel against the Code of Conduct that NRM put in force. So, they are also rebels because they are doing a lot of bad things to the civilian. The rebels are fighting, even government troupes are fighting but the result is that most of us are dying for no cause. *(Applause)* So, that is the thing. I did not say Kony in particular, I said the rebels. It is difficult now to see which is which. Madame Chairperson, my people also suggest that the Constitution must have a provision that disentangles the army from sectarian involvement in politics - one man's stronghold, that is the President of the army, and also prevent the army from being manipulated by the politicians for their political gains. This is very clear. In the past, I have seen how the army was put on one side and people suffer. But this one, we want to see that our army is in the control of any person in power but in the control of the people.

Madame Chairperson, allow me to say one thing here on the Executive. There are a number of issues in this Chapter of the Executive that need to be put right so as not to contradict some fundamental provisions in the Constitution. While it is important to protect the president from undue legal embarrassment, it is also equally important that adequate provisions are put in place to ensure that the President is not above the law and that the Constitution does not contradict itself. Article 108 provides that the President shall hold office for five years but should - in our case we think it should even be shorter. It should even be four years instead of five years and

should only have two terms. Madame Chairperson, the Omoro people have this reason for making it be four years. One, in our post independence history, we have seen government by their fourth year in office exhausted, devoid of new ideas, weak, strongly defensive in action and also need renewal. In their fourth year, most governments become very weak and even defensive, even cruel, even aggressive. Adopting this shorter period, will ensure that incoming governments will not spend time and resources on non important national matters or spend much time condemning previous governments but then build on what they have found in place. Most of our governments waste time on condemning others - saying you have done nothing but at the same time you see them doing also nothing. So, four years should not give them time to be condemning other previous governments. Two, the shorter four years period will force government not to forget the promises and so work harder to produce convincing results before the next elections and where we are faced with a bad government, it is the early removal of that, that will reduce its damages it will cause. Even opponents will be tolerant enough to wait for four years without causing much problem. Number three, they also think we should not forget that our democracy is still young and frequent, regular elections are the only way to ensure that our democracy is growing. It will support the electorates and development in the rural area as witnessed in the C.A. elections. You might have seen the C.A. elections, within that period, rural people got a lot of things, even schools, even what and they benefitted. So, we want them to be regular so that you support your electorate. *(Interjection)*

Okay, Madam Chairperson, let me wind up by saying that, we are very grateful to the NRM to allow us to be here. *(Applause)* And also very grateful in the way the Members are talking but one thing must be clear that democracy must be based on choice but should not be based on force so we must make people have choice among all these people - whether political parties, UPC, DP, UPM and so forth and this is what I stand for that people should have a choice but if there is not choice, we will regret. So, thank you very much Madame Chairperson. *(Applause)*

LT. COL. KIIZA-BESIGYE (NRA Delegate): Madame Chairperson, we the NRA Delegates were given easily the briefest message to deliver to the C.A. compared with the other Delegates. The message is that the NRA shall respect and go by what the

majority of the Ugandans decide. *(Applause)* I, therefore, would like to start my contribution to the general debate by assuring the Hon. C.A. Delegates and the country at large, that we came to the C.A. with the most open and flexible mind. I will try to exercise my mandate by mainly listening keenly to what the representatives of the people are saying and by offering any information and opinion which I consider relevant and or necessary in the process of generating consensus. Madame Chairperson, I must say that from the long hours of listening to the debate, so far, I am comforted by the consensus which has already clearly emerged. *(Applause)*- It is already very, clear that all the Hon. Delegates want a Constitution molded on the principles of unity, peace, democracy, equality, freedom, social justice and progress. To me, this is a very significant step and when we come to the details of the Constitution, it should be easy to reach consensus if we keep the basic principles in mind. Madame Chairperson, let me by way of reminding the delegates, touch on the history of the Ugandan State. Before the Colonial era, Uganda had a wide range of political formations and types of political communities. Some of these states, had elaborate centralized structures of authority while others were in actual fact, stateless societies. Each of these states or communities had its own culture and Constitution. We should not think here that a Constitution is only that one which is written. You can have a Constitution even if it is not written and our communities and states before colonialism, had their cultures and Constitutions which were very effectively followed. With the advent of colonialism, all the states and communities which existed in the present day Uganda were conquered and the now super state formed to encompass the various communities. The various states and community never repealed their Constitutions in order to embrace the national order, instead they simply went underground. This may partly be blamed on the colonial state which operated through indirect rule and the relatively short period of the domination. Since the departure of the colonial powers, there has been a clear struggle by the various communities to re-assert themselves, either, independently or over others in varying degrees of seriousness and or success. This is because our people were still nationals of their various states and communities guided by their various customs and Constitutions. Since we are now, inescapably, part of a ruthless and intricate world economy, it would be suicidal to return to our real states and communities. The pragmatic step to take therefore, is to deliberately and no doubt pain-

fully, ease the grip on our real nationalities and build and embrace a now artificial one that of Uganda. This time, if we do it willfully and deliberately, we should succeed. Madame Chairperson, with the above short historical perspective in mind, I wish to touch on some aspects of the Constitution - starting with the culture which I have just been referring to.

Uganda is a country of as many and as differing cultures as its constituent communities or states at the time of colonial invasion. The communities which had formed states, had been able to develop, largely through prolonged coercion, unified cultures of their states. This was, of course, with varying degrees of success. In some states, we had, and still have, more than one clearly distinct and vibrant culture. A good case in point is in the Ankole Kingdom where we have two broad cultural groups mainly based on the form of production: cultivators on the one hand and pastoralist and herdsmen on the other. It is, therefore, no wonder that the return of a King of Ankole - purely as a cultural leader is meeting with considerable resistance. In fact, now I understand two cultural institutions have been set up. One headed by Prince or "King" Barigye and the other headed by one Kesi Nyakimwe, representing the two cultural positions. My view is that the two ought to have no conflict at all especially in terms of the existing law - they should both exist and be encouraged to harness the cultural resource of the cultures they represent. *(Applause)*

MR. O'LET : Point of Clarification. Could the Speaker clarify which of the two sides his constituency supports, since he came here and he said that his constituency will support, in the case of this Constitution making, any side which the people are supporting. So, which side does his constituent support.

LT. COL. KIIZA-BESIGYE: Madame Chairperson, if the Speaker had heard me well, I said that this is an area in which I consider there is not conflict at all because there are two cultures and these cultures can have heads and people who subscribe to any of those cultures should and ought to be encouraged to subscribe to them and the heads of those cultures. *(Applause)* I do not consider it contentious at all, in my own view. In the part of Uganda where I come from, that is Rukungiri District, we had a situation which was very similar to that of Ankole. *(Interruption)*

MR. MWESIGWA: I wish to state that I am a member actually a founder member of Banyakole

Cultural Foundation. As far as I am concerned this is not a conflict institution against Nkore Cultural Trust and it is not an institution representing one ethnic grouping of Ankole. I do not know whether the Speaker on the Floor wants to say that it represents which ethnic grouping - but all I want to say is that Banyankole Cultural Foundation which was formed after Nkore Cultural Trust represents all the Banyakole who want a democratic culture. Among its memberships are included the two ethnic groupings both Bairu and Bahima; so it is not true to state that each of the two represents a different ethnic grouping. Thank you very much.

LT. COL. KIIZA-BESIGYE: Madame Chairperson, I did not use the word ethnic at all. *(Applause)* But I have used cultural. I believe that since it is a cultural institution, it must have some cultural values it is advancing. All I am saying is that all those people in Ankole who subscribe to the cultural values advanced by your organisation should be free and encouraged to do so. Those who identify with the cultural values that are with the organisation that was formed and patronized by Barigye should be encouraged to do so. *(Applause)*. The two are not in conflict and if there is any other tendency apart from those two and they have a leadership, they should also be encouraged to go ahead and form their own organisation and *(Applause)* champion it because this is simply a cultural arrangement. Culture is about values. I was just going to say Madame Chairperson, that in the part of Uganda where I come from - Rukungiri District, we had a situation which was very similar to that of Ankole, but thanks to our wise leader the respected late Karegyesa who through coercion, our cultures were integrated and today we have a common culture and can even have a common cultural leader. This is in the part where I come from. Because as I have said, the tendencies are really based on the form of production. We had pastoralist and herdsmen also, we had cultivators, but because of the famine which had threatened our people, the leader I have just talked about insisted that everybody must dig. And those who were afraid of digging migrated. Some are in Buganda, some are in some other places. Everybody who remained dug and as a result of that, the cultivators acquired animals and everybody now has the same culture and we have no conflicts at all.

Madam Chairperson and Hon. Delegates, I therefore consider that it is right for us to recognise and respect our diverse cultures even if they are cherished

by very small communities and minorities. All cultural groupings which have or seek to have traditional cultural leaders should be given freedom and encouraged to do so.

BRIG. MOSES ALI: Point of Clarification. Can the Speaker clarify that those who are now not accepting the kingdom in Ankole are now doing so because somebody has done it for them. Should Obote come and abolish the kingdoms- what frame did they have to remove this situation. Secondly, could he advise, perhaps in the easier way, how to finish up this mess among the two cultures by intermarriage perhaps we get somebody from the side of the King and should marry the Queen there so that in 30 years this difference should not be there.

LT.COL.KIIZA BESIGYE: Madam Chairman, by way of clarification I would like to observe that the institutions that were restituted are fundamentally different from the institutions that were abolished. This ought to be clear. The institutions which were abolished were institutions which had political authority where they were even appointing chiefs and doing all sorts of other activities apart from culture. The institutions which were restituted and which I am talking about are institutions which are purely cultural. Therefore, there is significant difference.

The question of how now they can resolve the conflicts, is, I think, through education. I think both of the communities ought to be educated that there is no objective ground for conflicts. And I think this message should be sold as far and wide as possible in that area and other areas of Uganda. That the cultural institution will not in any way affect any person who does not subscribe to it. It is like the churches really the way I look at it. We have the Archbishop of Uganda who is of the protestant faith - he is the Archbishop of Uganda but he is not the Archbishop of all Ugandans. We have the chief Kadhi of Uganda, but he is not a leader of all Ugandans. Those people who believe and subscribe in what he represents, he is their leader and they respect him and they should be encouraged to go ahead with him. This should not however, interfere with political or administrative arrangements of the country. It may be worth highlighting that culture has no territorial boundaries. If we are talking about culture, there is no way one can at the same time talk about territorial boundaries. If I am a cultural leader, everybody who subscribes to my culture should be free wherever he is in Uganda or even abroad, to

subscribe to me and my institution. It is also logical that cultural institutions be primarily maintained by those who cherish them and whom they serve. However, because of the importance of culture in development, I think that it is wise for the Central Government and the Local Government to vote Funds for the encouragement of culture generally and support of all cultural institutions specifically.

MR. OKWAKOL: Point of Clarification. I am getting a little bit confused Madam Chairperson. What Hon. Kiiza-Besigye actually is stating is literally that those who want cultural leaders can have them and he has stated it most eloquently. So, I wonder where is the problem. There are people in Ankole who wish to have this culture and the Hon. is saying, those who wish to have it can have it. Why do not those people who wish to have a culture under the leadership of Prince Barigye have it.

LT.COL. KIIZA-BESIGYE: Madam Chairperson, I thank the Member for clarification. The point *-(interruption)-*

MISS. KABIRISI LUBERENGA: Madam Chairperson, on this business of cultural leaders, at the moment the Law is very clear. Now, we are aware that those who want a King can have him or her, and I was of the view that we are in this House to debate what should be put in our Constitution and regarding that, is it in order for people who do not come from Ankole to keep standing up and telling the people of Ankole what we should or should not do as far as crowning Prince Barigye is concerned. This is a local issue. The law is there. It is the people of Ankole to decide whether we want to crown our King or not, irrespective of interference from other people who do not come from Ankole. Is it in order therefore, for those people to keep telling us what to do as far as our culture is concerned.

THE DEPUTY CHAIRMAN: They are in order. This is a general Debate.

LT.COL. SERWANGA-LWANGA: Madam Chairperson, under our Rules of procedure Rule No.23 about interrupting, no Delegate should interrupt another Delegate except by raising a point of Order. Madam Chairperson, do you not think the Hon. Member should be allowed to continue without this interruption so that we respect our Rules.

MADAM CHAIRMAN: Thank you very much Hon. Member. Hon. Besigye continue.

LT.COL. KIIZA-BESIGYE: Thank you Madam Chairperson. May be for purposes of emphasis. let me repeat my last point. I have just remarked that I think the cultural institutions should be primarily maintained by those who cherish them and whom they serve. But that however, because of the importance of culture in development. I think that it is wise for the Central Government and the Local Governments to vote Funds for the encouragement of culture generally and for the support of all cultural institutions specifically. The undeveloped African cultures have significantly contributed to the current level of deafricanisation, no wonder Africa and Uganda in particular has been rapidly incorporated in the Eurocentric world culture, that is in terms of language, the arts, political ideologists etcetera.

Let me touch on language as part of this culture. Madam Chairperson, it has been argued that we should not adopt a national language now because we are not yet ready to adopt any of our indigenous languages as a national language. Incidentally, even none of our indigenous languages is ready for us to adopt. The main point I wish to emphasize here again, Madam Chairperson, is that we are different nationalities and so if we have to adopt one of our indigenous Ugandan languages, it will be foreign to all the other nationalities. The point of the language being indigenous therefore, is not very crucial now, desirable as it may appear. As I said in my opening remarks, our task now is to deliberately and painfully, develop a new State of Uganda. Delay in taking a decision on this matter will lead us to rapidly and more firmly become incorporated into the European culture since English will be the defacto national language. I wish at this stage to intimately associate my self with the views of Hon. Janet Okorimoe and many others Hon. Delegates who have recommended Kiswahili to be our national language. *(Applause)*

Political Systems. Madam Chairperson, this is another area where we have largely achieved consensus. All of us seem to be saying that we want a political system which will entrench democratic principles, which will empower and encourage the active and free participation of all citizens at all levels in their own governance. An appropriate system should, no doubt, take into consideration the objective conditions of our society. According to the UNDP Human Development Report of 1994, Uganda is ranked 154th out of 173 Nations. This is according to the Human Development index. To

some of you who are not familiar with that parameter, it is a new and, I think, more comprehensive way of looking at development in countries, compared to the GNP per capita. What has been previously emphasized is the GNP but GNP only shows the amount of production and not how that production is translated into development in the country. Human development Index shows the GNP impact on Human Development. According to 1992, figures, life expectancy in Uganda is 42.6 years. In short most of us have expired. Only ahead of Sierra-Leon which has 42.6 years. In other words, we have the second lowest life expectancy in the world. Adult literacy is 50.5 per cent only better than 32 other countries of the world. Mean years of schooling is 1.1, the average years of schooling is 1.1 years in Uganda. Population with access to safe water is 15 per cent, only better than Central African Republic which has 12 per cent. Daily News Papers availability is 0.2 copies per 100 people. On TV coverage, it is one set per 100 people. Gross National Product per capita is U.S dollars 170 only better than the United Republic of Tanzania with 120, Ethiopia with 120 and Mozambique with 80. We are the 4th last according to that parameter.

Unrevealed by these figures are the wounds, old and fresh which have been inflicted on our society through armed conflicts and misrule, the fragile unity of the ethnic groups that were formed into the State of Uganda. This, Madam Chairperson, is the society for which we should formulate an appropriate political systems. I seem to defect that a wrong impression is being created in the Assembly that there are those who want multi-parties and there are those who do not want Parties. I suspect that this is due to misemphasis of minor variation. Madam Chairperson we all believe in political pluralism and freedom of association, including forming and belonging to political parties. As Hon. Babu and many Hon. Delegates observed, this is a matter of cause and so I think we should not dwell on it. Even the Draft Constitution guarantees our rights to form political parties through Article 97. Political parties are fully recognised even today and this is why we have some Hon. Delegates representing various political parties.

Political parties are associations of citizens formed for two main reasons mainly: one - to influence the formation of political will of the people. Two, to participate in representing the people in State governance. Consensus seems to be already emerging

that it would be irresponsible to give political leadership or political power to the political parties in 1995 come January. Members have advanced different reasons for taking this position. Some say parties should reorganise themselves, others say we need a cooling-off period, others say we should allow time for promotion of unity, stability and development etcetera. So, the only debate seems to be on when political parties should participate in representing people in state governance. At this stage let me clearly state that there is nothing in the international bill of rights or in the African Charter of Human and People's Rights or in common sense, that requires us, as a country, to have representation of the people in state governance through political parties. Because there has been some confusion created by these political parties that if representation in state governance is not through political parties, this is against these conventions for Human Rights. This is a total misrepresentation. As we consider when political parties should participate in representing the people in state governance therefore, we should feel totally unencumbered by our obligation to service the Human Rights. The biggest danger facing our country today, is the threat of foreign domination and control, thus re-colonisation. This threat becomes more and more profound as our people and the country become poorer, as shown in the illustration I gave using Human Development Index.

MR. MWAKA: Point of Clarification. In 1971 October, Field Marshal Idi Amin decided that, and fellow citizens, in January who hold seats have been applaud in Uganda completely and also. In making this order, I am making it clear that this is to allow time to clear up the Constitution left by the Obote regime. I promise to hand over power back to the politicians and go back to the barracks. What is the difference hon. Delegate.

LT.COL.KIIZA-BESIGYE: We know that essential sources of funding for political parties include one: state reimbursement for campaign costs, two - government grants for equalisation of opportunity, this is in some countries, three: contributions or donations, four - members subscription. Madam Chairperson, with the national poverty, I have described, parties cannot hope for much support from sources one, two, and four. That is grants from the Government and from Members subscription. Party Legislation in all countries I have had access to specifically outlaw obtaining donations from the

following sources: One - political foundations; Two - charitable or church organisations; three - outside the sphere of the validity of the Law in question, that is, outside the territorial jurisdiction. Political Parties in most countries are required by Law to give public account of the origins and use of funds received as well as all party assets. This Account is usually published by the Parliament after being satisfied by Auditors approved by Parliament. The main import of such legislation is to protect political parties and subsequently, the country from undue influence and manipulation. We all know that whoever pays the piper calls the tune. Unfortunately in Uganda, donations from outside are a life-line for political parties in as far as funds are concerned.

MR. KITARIKO: Madam Chairperson, we have urged this Government to come up with a Code of Conduct - we do not know what he is saying, we have not heard a good response.

LT.COL.KIIZA-BESIGYE: I think the response should come through this Constitution, Madam Chairperson. Since I believe the Hon. Delegates and more so, those who already belong and cherish their political parties would not like to surrender them to foreign control, you will agree with me that we advance in measured steps. Let us be objective and responsible.

The Draft Constitution recommends that for the time being, representation of the people in state governance be done through the Movement. I recognise the call by Delegates for some clarification of what the Movement is. This may be born out of the fact that there is no legal document that clearly presents the Movement anatomy and dynamics. If we are to maintain the Movement or create any system in this Constitution, I think it is only reasonable that we define clearly what it is we are maintaining or creating. The NRM is legally created and structured according to the Legal Notice No.1 of 1986, as amended by the various amendments and the National Resistance Councils and Committee Statute of 1987, which has now been replaced of course by the local governments statute of 1993. The essence of the system is to empower the population through non-partisan grassroots councils and committees. This system became popular in the population because it is simple, fair and efficacious. It created palpable democracy. Three elections of Resistance Councils have been held since 1986. Some Members were saying there have been no elections but

certainly all of you will know that the elections of the Councils have been going on. And I am not aware of any election petitions.

MR. KOMAKEC: One of the points which the Speaker on the Floor mentioned was that there appear to be a general agreement emerging in this Assembly about the desirability of making the Constitution according to democracy. Now, I want the hon. Member to clarify one thing that would he advocate for the idea where democracy stipulates or announce for the free association of the citizens in forming political parties. If these were so, would he then say that the postponement or preventing Ugandans to freely associate in political parties until after five years a violation of their right?

LT.COL.KIIZA-BESIGYE: I would like for the purposes of clarification, Madam Chairperson and Hon. Delegates, to categorically state that my view is that freedom of association including the formation of political parties should be guaranteed. Those who want to form political parties immediately after the promulgation of this Constitution, should be free to form them and service them. What I would also like to see happening after the promulgation of this constitution, should be free to form them and service them. What I would also like to see happening after the promulgation of the Constitution, is for the political parties to call their conferences and elect their leaders. Some of the leadership of these political parties are now posturing as if they would have liked to be democratic and to have had elections had it not been for the interference of the NRM. I think they should hold Delegates Conference and be booted or supported. The only point, Madam Chairperson, which I have said, where we should be careful is on the question of using political parties for representation of the people in national governance. That is the only point I am discussing now. I have just said that elections have been held since 1986 in the Resistance Councils, that is non-partisan democracy, to get representation. We have not had any petitions, unlike what is going on. Even now there are people whose hearts are not settled because of petitions. But whenever people are not satisfied with their representatives, they have promptly gone and thrown them out and put one they like. From the RCs of the Local Governments, the structure builds to the National Resistance Council which is the supreme organ, which some people have referred to as RC 6. The NRC is the supreme organ of the Movement as it is. Therefore, the National Resistance Council

serves both as the Legislature and Political Organ to give political direction to the Government.

MR. RWOMUSHANA: Madam Chairperson with due respect, I have closely followed the argument that there is fear for the establishment of political parties deep to fear of re-colonization emanating from the funding which he says, that who would make the money will control the said political parties. But when developing another argument, he asserts that he does not mind if political parties were allowed to call their conferences and then elect their own leaders.

LT.COL.KIIZA-BESIGYE: Madam Chairperson, I am not seeking to completely avoid possibility of foreign influence through funding. I am only saying that we should be careful. We should therefore, use political parties in measured steps. Let us give them freedom and I said that political parties have two main functions: One - is to influence the formation of political will and we should give them the full freedom to participate in that sphere. The second function is to represent the people in their governance. And I have said that we should withhold that activity until we are sure that once they do so, they will not use it to advance interests which are not national. Therefore, the National Resistance Council serves both as a legislature and political organ to give political direction to Government. What is not spelt out in the existing laws, which may be accounting for some anxiety, is the manner of filling the executive posts on the top. That is the Chairman, Vice-Chairman, the National Political Commissar and the Secretariat, the Administrative Secretary, the Director of Legal Services. These are the ones which are provided for in the Statutes I have mentioned.

The Draft Constitution, in Article 95, proposes that we leave it to the next Parliament to clarify. My opinion is that it is better to clarify the whole Movement Structure, and the Roles of the various organs since in any case Legal Notice No. 1 of 1986 as amended, shall disappear on the promulgation of the new Constitution. I will contribute further on this point at the Consideration Stage. I think representation of the people through the Resistance Council Structures, and the name can be changed if it is considered inappropriate, is visibly democratic, promotes an environment of harmonious co-existence, and quite importantly, it is affordable by our national economy.

Madam Chairperson, what is the opportune time to have political parties participating in representing the people in National Governance? In my view, the single most determinant factor is the state of the economy. When our national economy, public and private sector can afford to meaningfully support political party activity, sustained economic development, is going to produce real economically based contradictions around which genuine national parties will concretise. It is worth noting that today if you read the party manifestoes of the four political parties which participated in 1980 elections with the exception may be of the Conservative Party, there is no substantive difference. So, I think that as the economy advances, we are going to have contradictions which will concretise the political party formation. If you hide the Party colours on the covers of the manifestoes, the Party Members or even leaders will not be able to identify which manifesto is theirs. In the meantime, we should develop and apply appropriate legislation - this was the point which was being raised by Hon. Kitariko. In the meantime we should develop and apply appropriate legislation to help regulate and guide the development of political parties.

In conclusion Madam Chairperson, the political system I call for is the immediate revitalisation of political parties and to encourage them develop but representation of the people in national governance should be on a non-partisan basis until an appropriate environment is obtained. To this end I subscribe to the idea of periodic review of the situation. As I have already said, I consider the state of the economy as the single most determinant factor in choosing the appropriate political system. As long as Uganda is among the low human development nations - and the low human development nations are classified as those having less than 0.500 of the Index or GNP of less than 1,000 dollars. The Movement type of system should remain the best. *-(interruption)-*

MR. WANENDEYA: Is it in order for the Hon. Member on the Floor to use the same reasoning used by the British, by saying we are not yet ready for the Independence. And therefore, using the economy as one of the points whereas as far as I am aware, some of these rampant poverty in the countryside was because of taking the money from the people in the countryside. Is it therefore, in order for the Hon. Member to use that same reasoning used by the British in saying that we are not yet ready for Independence.

THE DEPUTY CHAIRMAN: He is in order.

LT. COL. KIIZA-BESIGYE: I thank you Madam Chairperson, and may be I shall ask Hon. Delegates that we record that Hon. Wanendeya has excelled in the CA in not following the Debate.

MR. KITARIKO: Thank you, Madam Chairperson. I am trying to inform the Hon. Member on the Floor that from the Human Development Index he quoted, some countries which have the highest do not have even this political system.

LT. COL. KIIZA-BESIGYE: My last point or sentence is that since it may not be practicable, or allow the necessary flexibility to adopt such positions within the Constitution, the positions of saying, when we come to this Human Development Index or when we come this GNP, we should have this system. A periodic Referendum may be the answer. But this is a subject on which I am willing to listen to other views. Madam Chairperson, let me touch on one last point. I withdraw the statement I made on Wanendeya.

MR. MASALU MUSENE: I am referring to Rule 19, sub-Rule 4, which says that no Delegate shall impute any improper motive to any other Delegates. So, the point of Order I was raising was whether it was in order for the Hon. Kiiza-Besigye to refer to Wanendeya as not following. But since he has withdrawn it, I leave it.

LT. COL. KIIZA-BESIGYE: Madam Chairperson, I would like to summarise with two points on the Executive. One - is on the election of the presidency which is in Article 106. Considering the poverty of our people, which I have just talked about, it will be very difficult for an aspiring candidate, other than the incumbent to meet the conditions set for nomination, and proceed to launch a national campaign. You will realise that if you are aspiring to be a President, you will be required to go through 2/3 of the district in the country, get 1000 signatures from every district. It is not possible for an ordinary person - poor person like ourselves because there is no rich person here who can afford to do that on his own cost. Most of the Hon. Delegates in this Assembly are still nursing their financial injuries after campaigning only in one county. Who can afford a national campaign? Madam Chairperson I propose that we find a method of short listing the candidates to say, a minimum of three who would then be equally facilitated by the

state, in order to carry out national campaign. A practical way would be to constitute possibly a national congress as an organ that can nominate Presidential candidates. Such a congress can for example be formed by district councilors and the national Resistance Council Members and possibly Members who are in this House for the purposes of the next elections. And all aspiring candidates would then be voted on by such a congress and then the top three, or whatever number, become nominated as presidential candidates. Then the state would fully fund their campaign. The second point I have on the executive concerns the appointment of Ministers, which is in Article 116 part one of the Draft which states that the "Ministers shall be appointed by the President with the approval of the National Council of State from among the Members of Parliament or persons qualified to be elected as Members of Parliament." First of all Madam Chairperson, my experience in Parliament leads me to the conclusion that if we want a truly independent and strong legislature, we should insulate it from the undue influences of the Executive. When Members of the legislature are struggling to catch the eye or ear of the appointing authority before the next Cabinet reshuffle, and Newspapers are always anticipating one to take place every other week, Independence of their judgement is significantly interfered with. In addition effectiveness of Constituency representation, significantly suffers. Some of the Ministries are very busy bodies. You find like the Minister of Finance will never, in the course of time he is a Minister, go back to his or her Constituency when he is doing important national duties. A minister of Foreign Affairs, sometimes he is indeed referred to as foreign. Therefore, you find Constituencies actually suffering because of lack of effective representation. I therefore, strongly suggest that the President appoints Ministers outside the Parliament so that they sit in the House as ex-officio Members. If for some reason of remaining hopeful however, the Hon. Delegates do not favour this position, because it may also be possible that Members would also like to remain hopeful Hon. Delegates, then I would in the alternative suggest that once an MP accepts to join the Executive, then his or her seat should fall vacant and a bye-election called. In balance I consider the proposed National Council of State disadvantageous therefore, presidential appointments requiring approval should best be referred to Parliament or its Committee. In conclusion Madam Chairperson, I am personally encouraged by the consensus emerging so far, some isolated inflammatory statements

notwithstanding. I pray that Hon. Delegates cast their eyes beyond the temporary difficulty the country may be facing today, and focus on what is rational, practical, durable and above all what will ensure the progress and prosperity of our people in the posterity. Thank you Hon. Delegates and Madam Chairperson.

THE DEPUTY CHAIRMAN: We adjourn until tomorrow at 9.30 a.m.

(The Assembly rose at 1.07 p.m and adjourned until 9.30 p.m. Thursday, the 28th of July 1994.)