



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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MONDAY, 27TH JUNE 1994

MOTION:-

Communication from the Chair

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General Debate on the Draft Constitution of the Republic of Uganda

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Monday, 27th June, 1994

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

National Anthem

P R A Y E R S

*(The Chairman, Hon J. Wapakhabulo, in the
Chair)*

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. Delegates, there is no specific matter for Communication from the Chair, but I hope that with the acquisition of the chairs and tables now, I think every delegate, at least, is sitting at a table; now, what is left is installation of cables and this is being worked on; so hopefully we shall have solved all our problems this week so that we concentrate on the work that has brought us here. It is not easy for the Chair, because while you get used to Members sitting somewhere then you come to another morning and you find there has been a shift; but we hope this is the last shift for the time we shall be in this Chamber, so that the Chairman will be able to locate Members by permanent address and not shifting address as it has been over the last number of weeks. That is all I have to say.

MR. SSENDAULA (Bukoto South): Mr. Chairman, I wish to request that as we move with our debate, the person selected to speak should help and first raise his hand and stand up and then he will sit down finally and start addressing. The problem we have is that we do not know each other and the sitting is so flat that as microphones only provide the voice, I do not see who is speaking, and I cannot even if I aim and start looking into the crowd, I cannot easily identify that this person or this lady is the one who is addressing us. But it will help if you raise your hand, stand up and then people see you, and then you sit down, then I will know that the person who is addressing us is in that area and I will keep my eyes there.

THE CHAIRMAN: Thank you. I think that proposal is acceptable.

AN HON. DELEGATE: Mr. Chairman, I propose that now that we have the permanent seats now, that we improvise a kind of method. If you could have a viewing mirror, say on that side so that you can probably cast your eye on the mirror, then I think we shall be given equal opportunity to be able to be heard and seen. Thank you.

THE CHAIRMAN: While we do not promise that we shall have chameleon eyes, but our necks are still alright, we shall be turning round. Okay, the proposals have been noted, we would like to recommend that when we call upon a member, he puts up his hand to get the microphone, but at the same time if he could stand so that other members can see as hon. Ssendaula said. Because this Chamber was arranged in such a way that people on the front row would be the delegates, the ones behind them would be their assistants. It was never intended that those behind could be seen. So, it is flat, and it makes it difficult even for the Chair to see properly the person at the end there. I think one needs a small binoculars, but I do not think we shall have to do that. So, standing up and indicating who you are is going to be very, helpful to the others, then you go on to make your comments and contribution.

MOTION

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

(Debate continues.)

MS AKELLO (Presidential Nominee): I was prepared, Mr. Chairman, to speak as No.2, but not No.1. So, If I panic a little bit, hon. delegates will forgive me. Thank you for giving me an opportunity, Mr. Chairman, to make some general comments as a contribution to the current debate, and I thank my Colleagues the hon. Members of this august House in advance for giving me the attention and the opportunity to air these views. These views are given in the spirit of constructive criticism as a Ugandan woman who is very concerned about her country. I have no particular wish to hurt anybody, but I would like all of us as Ugandans to think through the processes that we have experienced in our country so that we can look for ways of making it a better place for our children and the children after them.

There are about four issues I would like to touch on in this debate; the first one and most pertinent for me is that of leadership. All of us are aware of a number of changes which have taken place in Uganda since the NRM came to power in 1986. Change has taken place in every government establishment and I will start with the most obvious example of all - the Army. The Army has undergone fundamental change, not just in form but in substance as well. Unlike previous Ugandan armies built up along conventional models inherited from colonial powers, the new Ugandan Army is more like a revolutionary Army. We have now got an Army born out of the people's struggle to overthrow perceived forces of oppression and regression. But getting rid of oppression and regression was not achieved overnight, it was a very difficult thing indeed, and one of the most difficult tasks at the beginning was to start the war. So, the form of the fighting Army had to be different; it had to assume the roles of a teacher, mobiliser of the civilian population, liberator, defender as well as prosecutor of war. These are demanding and taxing roles for a group of people who are ordinarily thought of as fighters; for that is the ultimate definition of a soldier.

Another fundamental change in the Army since 1986, Mr. Chairman, is its composition. The current Ugandan Army started as a force to resist oppression and regression; it started with a group which moved to attract others to join its course and the struggle. Over time, its number grew, but the difference with the conventional armies was this - the force was not really interested in expanding the numbers of military fighters; it was more interested in expanding the number of civilians - its main revolutionary base. While it is true that this Resistance Army confronted the Army of the oppressive forces, the main resistance against oppression was offered by the people, they sheltered, fed and informed the Army. These are key functions for any fighting force, and to a large extent then it can be said that it was the people who fought against the forces of oppression. The whole group had to be physically located at a specific geographical area in this country, and this was reflected in the composition of the Army. As the war against the identified target grew, so did its numbers but in substance and form. At the time the NRM took power in 1986 a new type of Army had emerged on the Ugandan scene; a people's Army recruited from sensitised and committed youth. This has continued to be the style of recruitment to the NRA throughout the country.

Let me draw your attention to two areas of Uganda which have recently added new numbers and commitment to the ranks of the Resistance Army - Teso and Karamoja. In Teso where the NRA waged a war against rebellion, recruitment to fighting forces was carried out simply by enlisting ex-rebels into the NRA; a policy of national reconciliation was pursued, especially, from 1990 onwards. Government amnesty and Presidential pardon provisions were followed to the spirit of their letter and the result was massive surrender of misled youths. The latter joined their brothers and sisters in the NRA and together led back their rebel brothers into the hold of government.

Another example is from Karamoja. Here the main threat to Uganda security is not rebellion, but cattle rustling and general disturbance of neighbouring districts. There is also considerable intra-Karamojong fighting among groups of this ethnically related entity. Here also the Army is playing a key sensitising and reconciling leadership role. From the former cattle rustling youth, a new Army of dedicated youth is emerging to fight cattle rustling and associated security problem in this part of the country. Now Mr. Chairman I am anxious that all of us should grasp this major change in the nature of our Army. But why am I focusing on the Army? This is for a number of reasons. First because the Ugandan Army has played a key leadership role. It waged a war and won, it then set up a government which pursued, not military but civilian interest. Its leadership having attained the objective of removing perceived oppressive regimes from power, set about establishing channels for national reconciliation. Mr. Chairman, we have in Uganda witnessed the reconciliation of former fighting forces, first by the incorporation of Okello and previous armies into the NRA, then by the incorporation of any rebel armies which had fought the NRA for power. We now have within the Resistance Army big shots from many former opposition camps. Then in the political arena itself, we have big names which had originally opposed the NRM but joined as a result of deliberate policies of reconciliation. Some are in the NRC and other are here with us in the CA, and yet others are serving in sensitive positions of government in various capacities. Thousands more are in our rural areas struggling with socio-economic reconstruction. The government which sprung from a people's fighting force is now poised to engage in the critical task of developing this country. Now, Mr. Chairman, I am not saying that this was not achieved with a lot of

sacrifice; human and material sacrifice went into establishing the direction that we are headed. The struggle against oppression was spearheaded by a people's Army, and the people paid for it. In Luwero they paid for it with their lives. In Kampala here, in Gulu and Kitgum, in Soroti they did. Some of this cost made headlines in the Papers, like the scars in Luwero, like the Mukura case, but others did not, they are just memories of beloved ones who will never be seen again.

We are headed a new direction; we need committed and serious minded leaders. Leaders who in the true biblical sense are prepared to lay down their lives for their flock; that is why it is pertinent for us to examine ourselves as leaders. In this new Uganda of revolutionary change, do we have the capacity to lead our people; do we have a vision that will carry their liberation forward or we are burnt-out stars who are only interested to gather a few more flashes of glory before we disappear from the sky? If we are burnt-out stars, do we have any human kindness left in us? Can we not leave room for others to provide a new error of leadership as demanded by the new Ugandan reality? Hon. Delegates, I am afraid that I for one I am deeply troubled by this question; the recent campaign which brought us here makes me deeply conscious of the critical importance of our role as leaders, and its effect on our people. Our people, Mr. Chairman, I fear are gullible, they are easily manipulated by some of us, so-called leaders who have no scruples. They can be easily bribed, they can be easily fed and made to feast on hatred and divisions in Ugandan society, and they are intimidated and despised. In short, Mr. Chairman, most of our people are only now beginning to develop any level of political consciousness. That is not surprising, even the type of political leadership we have had since independence, it paid very little attention to awakening the masses of this country to the real challenges of national unity. We have read one or the other of our historians commencing on this period. Our political leadership from independence was bent on power grabbing, using any means possible to remain in power, and to keep others out of it. The people were used as mere ammunition for their power wars, political alliances of convenience were formed between leadership of some powerful partisan interest to ensure high positions. Because these were marriages of convenience and unrecognised by accepted cultural norms, to extend the analogy, Mr. Chairman. These alliances ended in disagreements. For example, Mr. Chairman, the famous alliance

between the *Kabaka Yekka* and UPC aimed at destroying the likes of DP and non-loyalistic opinion in Buganda in the early 1960s caused a lot of suffering to Uganda. Apart from the attack and destruction of the Kabaka's palace and the latter's exile in 1966; the state of emergency that was clamped on Buganda soon after, nurtured a spirit of hatred and isolation in the region. This made Buganda feel that the rest of Uganda was antagonistic towards it since it was ruled by Obote, and added to its resentments of the leadership. Unfortunately, for us Obote happened to come from the North as did Idi Amin, both key figures in the *Kabaka Yekka* UPC alliance post independence governments. To most people in Buganda then, the problem ceased to be one of a failed alliance but one of the ethnic groups from the North oppressing one ethnic group from the South. As discerning Ugandans know it, our politics is still suffering from this jaundiced and narrow perception of political developments in this country. We should look into our history more closely and it will help to shape our views. The joyful things in Buganda which depicted the overthrow of Obote I, by Idi Amin are testimony to the deep antagonism which spread from a few loyalists at the start of rapture of unholy *Kabaka Yekka* - UPC alliance to most of Buganda community. Reconciliation between any Obote regime and Buganda could not be achieved as shown in Obote II. What is important, Sir, to remember is that at the time of the *Kabaka Yekka* - UPC alliance, the interest of the majority of Buganda and other Ugandans were pushed aside because of the stature of the political actors. Religion played its negative part and so did the issue of royal blood; and these combined with divide and rule policies of the departing but not departed colonial power, brewed for us the Buganda crisis of 1966.

While this unholy alliance was forged, the ordinary Ugandans tended to resist, but they found themselves losing their property and in some cases their lives. The story of political alliances by top guns in the '60s and their spectacular fall-out should make us keenly aware of the cost of using our people for personal political ends. It should also teach us not to see political developments in the country, in narrow and misconceived ethnic terms. Then our people in Buganda were used and abused to gain political ends for the big guns, and yet when the big guns fell out, they both fell back on the same people for sympathy and support. This, Mr. Chairman, is what is most disheartening for me in the 1990s. Some of us want to bring this back all over again. And here i am not

referring to the case of Buganda alone, but to Uganda as a whole. Some of us deliberately work on the people's lack of political consciousness to divide them, to manipulate them, to threaten them into voting us into power, and then to justify our being here, in the Constituent Assembly where we are now posing as the embodiment of people's concern and wishes for the future, which people when we have left at home images of hatred and division? And when we have come here under false promises which we cannot fulfil?

There is another angle to the leadership issue that I want to touch on, and this is the rights of the electorate. Mr. Chairman, our electorate is human and it is entitled to a number of rights, especially, the right to choose freely. These rights are fundamental to the democratic process. We in Uganda are said to be anxious to build democracy. Many of us pose as the representation of the true democratic spirit. Others pose as those aggrieved by having been denied the rights to democracy. Others pose as champions of democracy. Well, Mr. Chairman, these three different people went on the campaign trail in the last elections. I am sorry to say that the most undemocratic practices showed up in the arena. Bribery, intimidation, distortion, fabrications, all sorts of undemocratic means were used to bring some of us, I am not saying all of us, but some of us into this house. Free choice was left high and dry; democracy came to mean winning by all means, especially, foul. If we corrupt the electorate in order to get power, what hope is there for this country? What justification is there for wars of liberation that we have paid for with the blood of the sons of Uganda?

The proposed Electoral Commission in the Draft Constitution, if hon. Members will agree with me that it should be put in place, should address itself to the Leadership Code, especially, in relation to the political leadership. And the legislative body should draw up laws to deal with cases of corruption of the electorate. This has been done effectively in more developed democracies; there is no reason why you should not be able to do it here. If we do not institute some of these safeguards, Mr. Chairman, we will make a mockery of the whole idea of democracy. In addition civic education, introduced late to the electoral process for the C.A. election, is fundamental to the whole process. This is a job which needs to be done with commitment bearing in mind the future of this country. It requires dedicated and professional Ugandans, not political adherence of

one hue or the other; and I would say that for the Presidential and general election for 1995, civic education ought to have started already. The current Constituent Assembly Secretariat should take this as an urgent and critical matter, if it has not done so already; otherwise, we will have the same level of political consciousness among the electorate as for the C.A. election, and some of our politicians who are most adept at manipulating people will once again stir up hatred and division among the people. Mr. Chairman, for how long can we afford to base our political development on lies and fear? A democracy built on an intimidated and unknowledgeable electorate is as stable as the biblical house built on sand.

The next issue I want to touch on is that of human rights - especially, in relation to women. Here I will make some bold statements, Mr. Chairman. The laws of Uganda show that there is no discrimination in this country based on sex. But Mr. Chairman, the practice in Uganda shows the opposite! The situation of women in this country can be viewed from the social, economic and political angles. From the social angle, the national attitude towards women is discriminatory; concrete examples of this negative attitude are many. As there are said to be no natural deaths in Africa, Mr. Chairman, in many of our societies here when a husband dies, the first suspect to have killed him is often said to be the wife. Based on this negative attitude, the family acquired in the course of the marriage ended by death. In many of our societies the children born out of the willing union of two loving people are also removed from their one remaining parent. This is especially the case if the widow refuses to be inherited. The woman is dire stripped of everything that could console her in her bereavement, her integrity, her possessions and even the children who would remind her of her husband. The death of a husband is one example which brings out the negative attitude of society towards women; but there are other examples. Wife beating is still a common practice in many of our societies. It is condoned as a way of disciplining a woman. In some of our societies where cattle exchange takes place in marriage, the wife is viewed and valued in relation to the number of cattle which moved from the husband's kraal to her father's. Also wife beating is treated lightly, often euphemistically referred to as a massage; but how many times do husbands misbehave? In any Uganda marriage, it is in order for a husband to apply corporal punishment to his wife for misbehaving, yet often when husbands

misbehave grossly the wife has no recourse to such immediate redress or relief.

Girls or women who speak out on issues are visibly frowned upon by societies; they are said to be too clever by half. They are ridiculed as domineering their marriage, while children are nicknamed *tom-boys*. In many Ugandan societies, even today parents negatively discriminate against their female children when money is scarce. They send the boy to school and the girl is encouraged to stay at home to help mummy with domestic work and to wait for marriage, and yet judging by the calibre of women in this august House, Uganda would have lost if they had not gone to school. My sisters who stood for the C.A. elections know what we went through. We were told that as women we belong to bedrooms and specific sides of the bed at that. Politics was not our arena; the electorate was given lurid details of our supposed prostitute tendencies et cetera.

On the economic angle, women are heavily exploited. Ugandan society could be described as a peasant agricultural economy, and this agriculture is mainly of the small holder type. In the farming household - in a typical farming household, Mr. Chairman, women carry out the following activities: All fetching and carrying, some opening up of land, all planting all weeding, most harvesting, most storage, all processing, most repair and construction of houses and most caring and loving of the family - young and elderly.

In the same household Mr. Chairman, men carry out the following functions: Most of the opening up of land, most house construction and repair, some light weeding, some light harvesting, hardly any caring and loving of the family - young and elderly. Put in statistical terms, Ugandan women account for nearly 60 per cent of the total population. Agricultural production account for 80 percent of Uganda's GDP, Uganda women's contribution to the agricultural production must be near the 90 percent mark.

On the political front, the Ugandan woman is still very marginalised; the current Government must be given due credit for its efforts to push the woman question onto the national political platform, and for the first time in the history of Uganda, we have more than the token woman in positions of responsibility in this Government and country.

In most of endogenous histories, women leaders have hardly featured at all, except, perhaps, in Toro

and Bunyoro where women have occasionally taken lead. Buganda, the most well-known of Ugandan Kingdoms, does not boast of any ruling Queen unless I have not read my history correctly, and yet women by their social and economic role in society shaped and contributed to the political development of this country. Mr. Chairman, it is crucial that as we think through this new Constitution, we should never for one moment leave out this other critical part of our society. This is not just to please women activists such as Akello and her ilk but the social economic and political challenges ahead of Uganda demand that our women folk can rise up to them. If we have downtrodden, intimidated, ignorant and docile women who will care for the thousands of orphans left behind; who will support political mobilisation that is necessary to liberate our people for reconciliation and national unity? Men on their own cannot do it. We have seen situations where men have aggravated war and women have suffered as a result.

The next and last issue that I would like to touch on is the oneness of Uganda, Mr. Chairman. Allow me here to quote to this hon. House from a brilliant son of Africa, Frantz Fanon. I think as we are beginning a new generation in the political development in this country it is a very apt quotation indeed. Fanon wrote in his famous book, *'The Wretched of the Earth'* that: *'Every generation must out of relative obscurity discover its mission, fulfil it or betray it.'* This is the very first sentence in Fanon's chapter on National culture in which he explores the problems associated with emergence of nations. Ladies and Gentlemen, we are at the turning point of our history; from independence each corner of Uganda has given us a leader: the South, the North and the West.

From the South we had our self government under the wise leadership of the late Benedicto Kiwanuka, and immediately after independence, our first President was His Excellence the King Edward Mutesa the second who took the helm of power. After the overthrow of Idi Amin's regime in 1979 we had a succession of leaders from the South: Professor Yusuf Lule as President, Godfrey Binaisa Q.C. and Mzee Paul Muwanga as Chairman of the military commission. Mzee Paul Muwanga held the reigns of power yet again in 1985 when in July he became Prime Minister in the Okello regime. From the North we had our second President as well as Prime Minister in the person of Dr. Apollo Milton Obote, from 1962 to 1966 as our Prime Minister, and then

from 1966 to 1971 as President. He led the country in a latter capacity again from 1980 to June 1985. President Idi Amin who ruled Uganda from 1971 to 1979 was another leader from the North as was Mzee Tito Okello who led the country for six months between July 1985 and January 1986. Our current President is from the Western part of the country and he has now led us for nine years. Once again we have another distinguished son from the North as our Prime Minister.

What I have to say, may be as painful to all of us as it is true. I beg us to take it in the correct spirit of self criticism and not misunderstanding it as an allocation of blame. I am trying to say that for the past 20 years since independence Ugandans have seen some good and some bad leadership. Ugandans have shared in the social and economic effects of these leaders. Among the highlights are the following: During Obote I, between 1962 and 1966 there was relative political stability at home and favourable world prices for Uganda's agricultural products abroad. So, we enjoyed the short period of economic growth and peace, and a feeling of national confidence and pride began to emerge. This was shattered by the Buganda crisis of 1966 which was concentrated around Mengo, but later spread throughout Uganda in the form of a state of emergency. Our first President and *Kabaka* of Buganda fled a hunted man. This was a great embarrassment to us, especially, as our leaders sought refuge in the country which had been our colonial power; and even more embarrassing was the fact that he later died a poor man in exile.

Regional resentment in Buganda built up; imprisonment, torture, rape, started and freedom of expression was eroded. But most of us perceive this as a basically Buganda problem - it had nothing to do with us. Buganda on her part cried alone and perceived us, especially, from the North as Obote's accomplices. The rapture had taken place. From 1971 when Amin took power, the resentment built up over five years was so great, that our President dared not to come back home from Singapore; his Ministers and top functionaries fled, they were hunted men. Many of our prominent Ugandans who were in the Obote regime had to take refuge. Top Ugandans suspected of disloyalty disappeared, and I do not need to remind you of the fact that our first Prime Minister was grabbed from his Chambers and killed in broad day light. Terror slowly but surely gripped and ruled the nation, and we bled and died in our thousands.

Meanwhile on the economic front falling world prices were commodities and internal mismanagement of the economy saw a rapid impoverishment of the country. This was compounded by the expulsion of the Indians who reigned in the commercial sector of the economy. We Ugandans suffered through this; the security services permeated every aspect of life. We came to know and fear the *Anyanyas*, and then started branding everyone from West Nile as an *Anyanya* and hating them in total. Meanwhile many prominent people from Acholi and Lango fled the country branded by Amin as pro-Obotes. Many more disappeared. Then Amin fled the country himself in 1979 forced out by a combined Ugandan and Tanzanian force. We jubilated but our joy did not give us the heart of reconciliation. Arua I understand was destroyed as a punishment for being Amin's home town; many people from West Nile were terrorised, especially, innocent ones. Amin's top echelon had, of course, followed the lead of their master and fled. Mr. Chairman, and hon. delegates, the suffering of this country had moved from South to North to North-West. Ugandans, especially those who have been in exile should have learnt a lesson and come home to bow to the wishes of the people. It was thought that between April 1979 and 1980, Uganda had stabilised enough to hold elections, but the election road opened up the same old tendencies that I pointed out earlier. Alliances holy and unholy emerged once again just as they had in the early '60s, but this time the actors were different; their main aim was the same - to get to power. New thoughts for alternative political restructuring emerged but were rejected as out of hand. Given the difference in the combined force which overthrew Amin, it was inevitable that a challenge would arise to the result of an election which had been conducted in prevailing circumstances. The guerrilla war in Luwero started soon after the Obote II regime took the reins of power. The new birth and new Uganda that many had dreamt of in exile was a still birth; the hopes of the liberated Ugandans at home were killed, and we Ugandans saw yet another war in our midst; this time it was Luwero and Kampala.

We know the agony, we lived through the hatred, we know the fear, but those who fought also knew the hopes for a better future, and Ugandans buried their sons throughout the country. From North to South and from East to West, no region remained unaffected by the war in Luwero, although it was concentrated mostly here. As the overthrow of Obote II by the Okello regime was to prove, the people of

Uganda were dissatisfied with the government. Many grew desperate as the Obote government plundered all chances of reconstructing the country. The point to remember is always this; its one question, whose side one fought on? But another how many of us died in the process, how many of us who were killed by others; why did we have to kill each other when Uganda is big enough to accommodate all of us? In the short-lived rule of Okello, death struck everywhere in Uganda, Kampala became a city of terror where people boarded up their houses at 3.00 p.m. and even then there was no guarantee of security.

I would have liked to read a little more, but I understand that I am short of time, so I will have to skip through some things. The defeated and retreating Army of the Okello regime went through Mbale burning and looting their way to Soroti, Lira and Gulu and Kitgum. Here some few elements in the Okello regime regrouped in the Northern part of the country and found themselves a charismatic woman in the form of Alice Lakwena - who said that woman cannot lead - they found themselves a charismatic woman in the form of Lakwena to lead them back to power in Kampala; and now a familiar Ugandan pattern of using our people to pursue narrow personal interests was demonstrated. Lakwena recruited many innocent Ugandan youth to her Army. Again religion played its part, so did ethnicity and the greed for powerful positions. She blasted a trail of death and destruction right from Acholi to Busoga; thousands of young people recruited into her adventure in Acholi, Lango, Teso and Bukedi were left to suicidal death.

In Teso, on the other hand, a combination of unchecked cattle rustling by Karamojong disgruntlement at their dismantling of the special force which had many Iteso in it, and perceived discrimination of Iteso by the new NRM administration gave room to the bitterness which saw the rise of rebellion in this hitherto peaceful region. Opportunistic elements in the previous regimes, especially, the ousted Obote II, regime saw this as a prime chance to get back to power; they set about to use the disgruntled Teso youth to get the NRM out of power and grab it for themselves. Again Ugandans were to pursue narrow interests aimed hoisting a few people to positions of national prominence.

Iteso, like other Ugandans before them, paid for it in many ways. Teso which used to be the food basket of Uganda is one of those parts our country where

people are dying of famine. That shows the cost of our leaders using our people for their narrow ends. The suffering of mothers, girls and children in Teso, not to mention the youth engaging in rebellion, was no difference from that of the same people in Luwero. The destruction of the social economic fabric of society was just as devastating. This then is the pain that should hit all of us, Mr. Chairman. Ugandans have suffered. If you, like me, will slowly and carefully go over our experiences with our leaders over the past years, you would agree that we have new opportunity, a new hope. The years past have been years of painful growth; we have reached where we are and we should never look back. I am sure you will all agree with me on one slogan, *never war again*.

My dear brother and sisters, what is our mission? After all these wars our people have sent us here on a mission; each of the articles in our Draft Constitution is underlaid by painful experiences of our people. Look at the preamble, it speaks better than any history volume of the people's sufferings, and it sums up our mission. Shall we fulfil it or shall we betray it? Mr. Chairman, I thank you.

THE CHAIRMAN: I thank the hon. Akello Grace for her contribution to the debate but before I give the Floor to the next delegate, I would like to make a small announcement but a significant one. This relates to the election of the leadership of the various committees which took place on Friday. The results have just been handed to me and I thought it would be good for us to know who our leaders in the committees are, as we continue with our business. The rules and orders committee in their first meeting elected hon. Omara Atubo as their Chairman, and if hon. Omara Atubo is here, he should stand up briefly so that he is seen. His deputy is hon. Brig. Jim Muhwezi, if he is around he should stand up to be seen. The Legal and Drafting Committee elected hon. George Kanyeihamba as Chairman, and hon. Ben Wacha as his deputy. The Privilege, Discipline and Welfare Committee elected hon. Moses Ali as Chairman, and for his Deputy hon. Hajati Mukwaya was elected. No doubt I speak on behalf of the delegates when I pass a word of congratulations to the Lady and Gentlemen who have been elected to lead these committees and I look forward as Chairman of the business committee to working with them for the advancement of our goals here. Thank you. That was the announcement, and I now give the Floor to hon. Akurc Peter, Member for Jie County.

MR. AKURE (Jie County): Mr. Chairman, before I proceed, I would like to make some comments on information from one of the hon. delegates here. The time when our children were here passing their resolution, a lot of thing which included monarchy were said. Mr. Chairman it was very unfortunate when the whole Learned Attorney General made an unfortunate statement to this august House, by saying if the monarchy will not be there people must leave this country. I am wondering where other Ugandans are going to go if the a man respected in a society, the custodian of law he makes such a statement. Mr. Chairman, I think leaders must refrain from making such statements before the public. About two days ago, Mr. Chairman, I had consultation with my small working committee in my Constituency, they were asking me about these question. Why did the Attorney General made such a statement? For them they were scared, recalled what happened sometime when some Ugandans were told to leave Kampala, in 1966 I am told by the elder Nekyon who is well versed with the politics of this country. Then it means therefore, the same thing might happen when we have these things in place. Mr. Chairman, let me proceed now.

MR. KARUANGA: Point of order. Mr. Chairman, in light of what hon. delegate Akure from Kotido has said, raising a very grave and serious matter, and in view of the fact that the spirits which have been permeating in the hall has been that of putting attention on reconciliation, consensus and a good working spirit. Is it in order that the delegate referred to in the names of hon. Abu Mayanja who is also currently a Deputy Prime Minister, Minister of Justice, for him to do so without withdrawing it publicly in this House for the whole country to know?

THE CHAIRMAN: But let me make one observation on the point of order raised before I make a decision. The hon. Abu Mayanja when he made that remark, as far as the Chair was concerned, made it as hon. Abu Mayanja, Member of Busujju and not as Third Deputy Prime Minister, not as Attorney General, not as Minister for Constitutional Affairs. In this House we have hon. delegates not withstanding their other attributes; and so we should not lay too much stress on the fact that he wears these other hats. If you want to pressure him you should do so free of his other attributes, but not relying on the fact that he is also the Attorney General. As I did indicate the other day, there will be no debate arising from the

Papers presented to us by the children; we are here to debate the Draft Constitution of Uganda. I give the Floor to hon. Peter Akure to proceed.

MR. AWORI: I am requesting that we invoke rule No.43 so that this matter is cleared.

THE CHAIRMAN: There is no matter to be cleared.

MR. AWORI: It is a very serious matter, Mr. Chairman.

THE CHAIRMAN: What makes it serious?

MR. AWORI: We have been requested by an hon. delegate that those of us who do not believe in the same philosophy as him must leave the area.

THE CHAIRMAN: As I indicated, hon. Mayanja made his statement as hon. Mayanja - a delegate; and you can pressure him as such in your speeches, but it is not a matter that we raise a debate on a remark made by one member.

MR. SSENDAWULA: I am seeking clarification over this matter. I was in the Chamber here when the remark was made. I am only wondering whether the Chair can clarify over this matter. Because I cannot recollect the Chair having given room or way to hon. Abu Mayanja to make any contribution. What happened was that Abu Mayanja was going out and he just made a remark voluntarily interjected. So, as a matter of record and procedure of debates, I think you can only take that statement as a fact if he has been given the Floor to address this House and starts addressing the people in a manner that is attributed to him and we take it in the order that we are taking it. Thank you.

DR. KABAYO: Mr. Chairman, in the spirit of tolerance, I request the Assembly not to go further on this point because there are many points which are going to be expressed. Some of them may be against other points of views, but the idea of tolerance requires that we accept each point made in the light it is made, but we do not go beyond that.

MR. ETYANG: Mr. Chairman, the House will recall a comment I made in the general debate to the effect that we allow each delegate to present the views of his Constituency or what he generally thinks about it, and this is where we are right now. Now,

I would like to plead with you, Mr. Chairman, and the House that if delegates be given as it has been 30 minutes or whatever time it is, to make his or her general remarks, whoever feels strongly about answering back to such a delegate should wait for his or her turn to do so. If we are going to introduce a procedure which invokes say article 43 to debate something, we will derail ourselves from the programme of this Assembly. Thank you.

THE CHAIRMAN: well, the point is that the Member occupying the Floor, in fact, provoked the situation, making a preliminary observation before he went to his message from his Constituency, that is what has led to this. But in my ruling, the position is that the remark was made by hon. Abu Mayanja as a representative here walking out, and I did call him to order to respect the Chair and many other remarks have been made here from time to time which the Chair sometimes ignores, because they do not carry any weight beyond what they are. We should not waste any time, hon. Peter Akure go ahead.

MR. AKURE: Thank you, Mr. Chairman. Mr. Chairman, I start with the issue of land. Sir, some of us have been denied the responsibility of having a land registered. We have been advocating for the land office in Karamoja; at one stage, Mr. Chairman, an officer was posted who should have assisted the whole of Karamoja region; there the fellow abandoned the place, having been given an office, and each time when we want to have this process done, we have got to hire people from Mbale to go to Karamoja and do the mapping and what have you; and yet in some ways, Mr. Chairman, to get a piece of plot is costly. I would like to dispute what a Colleague mentioned here sometime that the Karimajongs do not care about land. The land is very essential for each one of us; when you have a land you have a lot to do, and we feel, Mr. Chairman, either it is being deliberate that some parts in this country are not being catered for, and I believe we are all equal; whether you are here in Buganda, whether you are in Ankole, whether you are in Karamoja, whether you are in Bundibugyo we serve the same purpose. We feel that let services be regionalised so that every part of Uganda is being taken care of. You cannot develop when some of these things are not in place. Some developed areas, Mr. Chairman, now taking like the area of Kampala, there are big mansions here; these big mansion are being rented to diplomats, and people get their money through the

Let me move to point two -Fundamental human rights. Sir, I feel each one of us has a right to live in this country. We must be protected at all cost. Mr. Chairman, observing some incidences which happened some time you will find, Sir, that somebody is arrested, he is taken to prison, he stays there for over five years, he is not taken to court. Some people have died in prison, in Luzira just because the treat you as a political detainee, no matter whether I am a political detainee I have a right to live, and I must be given time to be taken to court and to present my problem. Mr. Chairman, you will find that we have, actually, done a lot of things which are bad. The governments of those days were bad. Why do you detain a person for five years, he is not being tried. Sir, I quote a case of one of my elders called Loteng which the paper named Gen. Loteng; the man was arrested at his home and brought to Luzira here. We tried to insist why was this man taken, who had accused him? There was no evidence to show. This man suffered until August 1985, that is when he was released. Now, Mr. Chairman, we fail to understand why Akure was taken in prison, and I have not been given a hearing in court - I do not know what kind of crime he had committed. Even if you murdered, if you are taken to a court of law, you will find that having that system in place, which you are not given time to say your views, given to court of law is a very embarrassing situation. Much as each one of us has to live, we must respect each other; we have talked here in this Assembly, Mr. Chairman, that we must learn how to forgive each other; we must reconciled; we must do a,b,c,d. I think if we are now making this law, I would like to urge my Colleagues that this fundamental right must be strengthened by really coming out with a clear policy here. Because if we just leave it at that stage things can still happen, because we may not know who is coming tomorrow to be the head of State. We may have another dictator; he may find a system of arresting his opponent. Is it our problem here when they say Nekyon once becomes so and so, they say let us get rid of him; this is the problem, but you cannot understand *-(Interjections)-* each one of us must be given time, must be respected and must actually exercise his right, because we have a right here to say whether you are negative or not; but the idea of bringing somebody who is negative nearer to you is good. That is the only way you can treat such a person, but when you want or you keep on isolating him or her, then you are creating a vacuum in between. You are not really making any way forward but instead you are creating a vacuum

which in other words you are going to become more of his enemy than before, and I think we must learn how to accommodate each other.

About this national council of state. Some Colleagues of mine have expressed that there is no need to have this existing within the Cabinet or the Parliament, but I think, Mr. Chairman, it is very important that this body must exist especially within the Parliament, and I think our ministers can take leave from that side; once you are a minister why do you want again to come down to these bodies, because you will be confusing that body; you are a minister. You bring your views there and then, you come and mix with this one. I see it is a bigger problem, Mr. Chairman. But I think Members of Parliament can be chosen and the procedure which the laws says I think is better; somebody is elected from there. From their district and then he comes to represent his people in the National Council of state. The issue is logistic. Okay, supposing if now, such a representative is appointed a minister, I think the best thing to do is to relinquish the office of being the National Councils of State to the Minister; then somebody else takes charge of that office.

Mr. Chairman, I feel that, that will be fair, because you are really representing your people directly rather than appointing people from outside the parliament. When you are appointing people from outside, you are a chairman, you are now creating another budget. Because they are not in the vote of Parliament. You are now trying to open another vote to cater for these people. So, therefore I recommend that, let the National Council of State be chosen among us Members of parliament. In the same way, as now we are, we have members of NEC who represent districts at that level of Cabinet, then we have NRC. And I think along those lines, those people who will be there, will be paid out of Parliamentary vote. Not necessarily creating another vote when you are electing people from outside which have not been catered for in the budget; it would become a bit expensive for government to run this function.

I am also happy that the Local government now, is strengthening the system of decentralisation. Sir, we feel that this exercise should take off immediately. Because some districts have been decentralised, others not. And the districts which are now being decentralised will develop faster before other districts. In the same way, Karamoja was left during the 'Bazungus' time. That is why now, you see no development in some part of this country.

If we decentralise the districts, at ago, Mr. Chairman, I believe the development will take shape immediately. I know there are a lot of statements made about Karamoja. That is one of the reasons that, they do not pay taxes. Mr. Chairman, I want to put this on record, that it is not the intention of the Karamojong not to pay taxes. It is the climatic condition which is causing this problem; which everybody is aware about. Therefore, the three million shillings paid by the Karamojong from Moroto district, it had some problem. One, the drought was there, and some of these tax payers moved to Kenya. And therefore, they did not pay taxes for two consecutive two years, they were in Kenya. And even recently, Mr. Chairman, you heard during CA election there was a small number, in some counties of Karamoja region; not because of the same problem. The Karamojong are not lazy. I want to say this. They have been digging, but it is the climatic condition which has made them not to get what they want. The Right hon. Minister can bear me witness in this. Because he was there for the last two weeks. He found people very busy digging. May be, what may be harmful again, is this army worms, Mr. Chairman. I must also say this because the army worms also destroyed the crops. And of course the government of Uganda will not get tired if the Karamojong have nothing to eat, the government should not be complaining to buy food for them. There is no way you can say, we are not buying you food because you are not digging. It is the condition that I was saying which is forcing us to have these problems. I wish the condition can change, Mr. Chairman, I think we may once a while stop begging; and of course this brings us the issue of Government neglecting Karamoja for such a long time.

The development in Karamoja cannot be compared even to a small suburb of Kampala, especially in Kireka where I am staying; the suburb of Kampala. But you find the place is developing very much. The small town is expanding. That is because, financially this area is developing. But the areas which are forgotten, since from the time of the 'Bazungus', and nobody from that time can see any changes taking place. But having given Karamoja time of development, at the time when we got our independence, I think we would all be matching with other districts, Mr. Chairman.

I would like to talk about Public Service. Sir, me I feel; everybody here is entitled for at least some place of work. Mr. Chairman, we see in some cases, there are some of the Karamojong who are just loitering at

home. Despite the fact that they are graduates, they are just there. Mr. Chairman, I would like just to give an example, we have senior officers in Karamoja, like Joshua Akol. I think at least some of you know Joshua Akol. This is a man who has been abandoned, he is the first graduate Karamojong; but this is a fellow who has just been left abandoned, nobody is taking care of him. *(Interruption)*

THE CHAIRMAN: Order.

MR. AKURE: Mr. Chairman, I have been harassed that I abandoned him. I have not abandoned him, I do not employ people; but the government employs people. This is a man who sometime contributed much to the development of this country. He was Chief traffic Manager something to do with Railway and harbours of East Africa. But you abandon such a man. You cannot even think where to put him. So, Mr. Chairman, I feel Public Service must see to all the regions within this country. There are no categorised people who are meant for some jobs, even in parastatals. I must say, when they started retrenching people, they started with Karamojong. And I have made this in Parliament by the way. They started retrenching Karamojong from parastatal, then left those whom they wanted. It is very unfair, Mr. Chairman, when you are carrying such exercise, it must affect everybody. As we talk now Mr. Chairman, you hardly get any of these people in some of these parastatals; or whatever job is. So, we find that, we are being cheated. Even inside government. I have never seen any Karamojong holding a big office here in Government, all of them are very small.

THE CHAIRMAN: Order, order, will you give him the chance to make his contribution.

MR. AKURE: Mr. Chairman, I am not talking on political scene. I know on the political side, we have okay - Pulkol is there fine. Me I have no quarrel. But I am talking about Civil Service itself. I am not talking about political arena, I am talking of Public Service.

You hardly get any Karamojong here employed, much as they are graduates; they are just at home. Apart from one who is in Moyo, I think that is the only man. But in other places you find there are ten people, in other places where 20; but when you take a percentage, where does the job go? And also Mr. Chairman, the diplomatic mission abroad. I must

say it because, I am entitled to say my views. Even diplomatic mission abroad, you do not have any Karamojong, Mr. Chairman; if we are talking of this decentralisation of power. We are saying you have got to rationalise all these, it seems perhaps, they say they are not capable. I do not know. You see, Mr. Chairman, this is what brings at times somebody to think a lot. But why, why? Why not here? What about there? As if we are totally forgotten.

So, Mr. Chairman, I must really emphasize that, when now, after this law has been made, we must see now areas how the government should operate. We must not say, it is a birthday, you stay there. but the others should be there. Sir this is just a comment, I am not attacking anybody's character, but I just want to give my friends a proposal to my contribution. Sir, we find that we are totally left behind in all aspects of development, in terms of employment, in terms of developing, we are still backward. And that is why the Karamojong are always left behind. And by the way Sir, I know we Ugandans we can easily forget, we have criticised leaders who build this country from the time we got independence. Not realising, they were operating on such a situation that, perhaps they would have not allowed them to fulfil their obligations. We have criticised each other during the first regimes, this is what happened. But, I must also say something on these leaders, Mr. Chairman. Okay, people have talked about Amin, so much that, they felt it was Amin who was perhaps killing everybody. But, Mr. Chairman, Amin also I think made some contributions somewhere. Like, we had one district in the whole of Karamoja. It was Karamoja region that time - Moroto District. Now, I want to remember Amin by the way of giving us a district. Because during his time of leadership, he used administration set up by actually dividing the district and saying I think it is too big for one district commissioner to run this district from Namalu up to Kidepo. And I think these are some of the achievements, no matter whatever he was. But, something which he did we should not forget. we must say okay, he was a bad man, he did this, but then, on the other hand he did A, B, C, D. But me I see, we are criticizing people, and yet you do not criticize yourself. Further for you to begin with yourself. Begin to criticize yourself, say am I clean or not? Having criticized yourself, you can now go out to criticize each other. Of course we know what happened, we lost a lot of people. And I think either it was his intention to kill or it was the people whom he was working with. Because, Mr. Chairman, anything can happen now,

and some people can wake up and say, oh it is Museveni who has done this. But, the poor man may not be knowing even. He may not be knowing, but we condemn him because he is a leader. But I think what is very important is a leader to know what is taking place. He must know what is taking place, so that the mistake can be arrested before it becomes worse. People who spoil governments are the lieutenants. We intend to say, I think let us do this along this line. Yes, we are making a mistake all together. We are having problems left and right, not knowing which direction is good. Which is good for us and which is bad for us. I think, Mr. Chairman, we have missed most of these chances. In the way of reconciliation, Mr. Chairman, I must really pay tribute to the NRM Government for actually having invited some leaders, to come back. For instance Tito Okello. I wish the same spirit can continue, so that these other outstanding leaders of ours who are still in exile come back, that is how we can reconcile. And that is how Mr. Chairman, the problem can be sought much as you still have people outside; we still continue to have problems. Dialogue will be carried out with these people. They should learn how to come and discuss matters. Mr. Chairman, I want to urge government to take these deliberate steps, so that our brothers who are abroad - in exile come back home and stay. I see, Museveni is very comfortable, he has no problem. But why not come and we join together in building this country. Through you Sir, I would like to emphasize that, that step be taken.

I want to make a few remarks on electoral commission. I feel we should have a commission which is permanent. Of course this comes when they have got the work. If tomorrow you are heading a commission - today, another government comes and changes, gets its own people; I think it will be very, very costly. Why do we not, have a commission which can be permanent commission in this country. So that, we are not even using this one today, then tomorrow we are getting a new one. Here, you will never go forward, you are having a problem each time. Whoever comes to power, shifts the other commission, he puts his own people. But I think that will be very dangerous. You should have people of high calibre who can really run this commission, properly. Me, I agree with the proposal made here, that at least the commission should last for seven years then they can be renewed, depending on the capability of that commission. But if it is a matter of sweeping them left and right, here we are going to make a lot of mistakes. But me I pray that, we must

have permanent commission which does this business each time when necessary. But, Mr. Chairman, I have always seen one thing in leadership. What I have seen, Mr. Chairman, one is greed of power. Two, being selfish, three; being suspicious. We have actually, had this for quite a long time. Each one is suspicious of the other.

You see Adyebo is there, I think they may be talking about something. You see, Moses Ali with Babu, these people may talk about something. Why are we suspicious of each other, each time? Why? That is the question. Why are we suspicious? We have freedom of speech to talk, but when you see me with somebody, you will have some wrong impression about me. We must have freedom. If we still have this suspicion for each other, Mr. Chairman, I am sorry. We shall continue to suffer because of being suspicious. We must actually put things right. Everybody is given freedom of speech, he can talk whatever he wants, as long as he does not go beyond the rules provided there. But, not to suspect. Then Uganda will remain in trouble.

But of course, Mr. Chairman, greediness also, is another problem. Leaders tend to become too greedy, they want to hold power each time. They want to be known everywhere. Mr. Chairman, since now we are debating on the draft constitution, me, I would propose that the head of State be given two terms or three terms. If we see he has not committed crime, and he is a good leader. To me, I feel he could even be given three terms. Provided that the when the time comes, then he can now hand over power to the next government. Because we have this jealousy. Somebody is jealousy. When I am riding a bicycle, the other one says, he is riding a bicycle. Why should this one ride a bicycle? This is the problem here, in Uganda, Mr. Chairman. Why are you jealousy of somebody? If he is a capable leader, why do we not begin making sure that, we shall all be looking where he has gone wrong. Then at the end of the day, you tell him no, look here! You went wrong here - Mr. President, or Mr. Prime Minister. But can everybody become a leader at the same time? I do not think it is possible. We can only have one head of State during the term of office.

I would like to talk about defence. I am impressed with the recommendation here on the draft constitution that, when time comes for recruiting soldiers, it will be recruitment from every district, so that we have a balanced Army. I think that is a very good

move. Because if you are having, 1,000 from Karamoja, and having 100 in Sebei, the force is not balanced. It is not balanced at all. If it is 50 per district it may be little. I only wish to conclude it here.

At present we have seen a few Karamojong in the army, and I may thank the body concerned with the promotion in the army. Now, we are all coming nearer. I may throughout say, at least we have more than three majors now who are karamojong. Because this is now balancing the force, with one Lt. Col., one retired, remaining one. But I wish these are the moves which now brings everybody together.

When you are promoting people in service, you must give people promotion. And the conduct the NRM is playing is fine. People were complaining for compensation, I have not been compensated. I am proud to say that in NRA we have now real discipline. Because formerly, it was not possible for you to meet the soldier. But now, I can chat with a soldier. Even exchange bad words, tomorrow, you find you are friends. But previously, Mr. Chairman, if you call people for a meeting, when people complain how they are being harassed, how their property is being taken, then the poor man says look here, why do you have two radios instead of giving one radio to my soldier? Now, you find a leader can talk like that. And of course there was no control over the army that time. You find people are being punished, just like that. Mr. Chairman, I think the culture or our culture must be maintained. Each one of us has a culture. And we are to maintain that the culture be more modernised because in some areas, when they are doing their cultural activities, actually it brings unity. It brings people together. It unifies the culture from Western, from Northern, from Eastern. Now, you can get some impact for the people, bringing them together. I think we must do like this, this august House should only exercise on culture. So that our people have the same view, our people are being catered for, in terms of these other cultural activities. Mr. Chairman, I think the NRC must put a law in place. And, Mr. Chairman, it is even very surprising, that I do not think this law has been implemented. There is a lot of corruption taking place, the culprits are not brought to book. Sometime I was told, that somebody had a list of 100 corrupt fellows. From that time, I have been waiting to know what steps have been taken towards this. And who are these 100? Are they still there or they have left the civil service? Mr. Chairman, this is why, we cannot develop. Most of our money go on

corruption. Just because the government does not manage to pay the living wage. You see, you get ten thousand as a salary, and then there is free money there laying some where. People have started to take this advantage to ensure that they steal the money and we remain poor.

We have enough money, but the people who manage these offices have become a problem to us. Somebody was addressing people somewhere in Western Uganda, where the teachers were complaining of salaries. And the Prime Minister was saying, salaries must always be paid on the 28th of every month. Now, I do not really know when these problems can be implemented. How these people in Sebei instruction given. How can you stay for three years, Mr. Chairman? It is terrible. Three years without salary, it means you are creating more problems for a man who has not been paid. There are many public servants who have been dismissed from government service and I think the government should address this issue very seriously in order to minimize this corruption. I know corruption will not get finished quickly, but steps must be taken. Some people must be arrested, and say (a) look, you are arrested because of this and this. If we leave this thing like that, without implementing the necessary steps, Mr. Chairman, me I think the NRC have wasted a lot of time for no reason. Why do you pass a law and it will not be implemented? This is the issue of government now. Government must not only arrest, but get hold of the culprit.

On the RC system, the people of Kitgum say, the RC system has been good for them. Because they are able to identify the culprits. No matter whether they change, provide that they still have that system in place. It has become easy to identify a criminal among the side. You can get information very easily, than before. No matter what name, he can be got. Because this was brought about by UNLF, it was 'Nyumba Kumi'. It started in the same way, and then ended up that way. Now with the same system we are using, you can easily know how many people are missing in that village or in that parish. We must emphasise this system of RC, no matter whether you tell even a different name or you give a number, whatever number may be there. They have appreciated the idea of RC system.

Finally, I would like to urge my Colleagues that this is a system which is going to determine the way this country can be led. It is therefore, up to us to ensure

that we legislate over this draft constitution. So that, we give guidance to this nation. And simply we have carried a very good mandatè to come here. And I am proud to say that, I am here because, I really wanted to witness what is going to take place, after making this constitution. It is high time each one of us comes out openly. If you want to become a leader, let him use the right channels. Let him not run to the gun, because the gun has been our problem here. If you want to get power, he must use a gun to come to power. But I think, Mr. Chairman, let us use democratic system if we want to become leaders; we use democratic system which is reflected everywhere. I am sure we who are here, we are on record, even outside Uganda. And we really need to put this right. The question of somebody saying, why do we have the army here, that is wrong. The army must be a witness to this constitution. There must be witness to this constitution, so that they are part and parcel of this constitution we are making. What is wrong? If they over run the constitution which tells them look, you are there; but now, you have done vice-versa. We must have this in place. Mr. Chairman I thank you.

THE CHAIRMAN: I thank hon. Akure Peter for his contribution to the debate. And I proceed to give the Floor to hon. Nankabirwa Sentamu, Women Kiboga.

MISS. NANKABIRWA SENTAMU (Women Kiboga): Thank you very much, Mr. Chairman, for giving me this opportunity to bring some of the views from Kiboga District.

THE CHAIRMAN: Hon. Chango Macho did not see you, he would like you to stand again. And please speak up in the microphone please.

MISS. NANKABIRWA SENTAMU: Mr. Chairman, I would like to register absurdity about the misconceptions which some people have about the exercise of making a constitution. Hon. Members let us not get excited. Because we are making a constitution for the people of Uganda, we are delegating everybody in Uganda. It is very absurd that some people are misinformed about this constitution that someone has already made it and that most of us were elected for formality to come and may be endorse a constitution which is already made.

It is true, some people are saying that most of the women here, in this constitution belong to one man

- Museveni. It is quite absurd. They go on to say that the ten hon. Delegates who are representing the army, those are also in his pocket. It is true I hear these things. And I am at an advantage that I am new, people do not know me. So, whenever they are discussing these things, they discuss without knowing that a Delegate is around. And on top of that, they also add the ten nominees. I do not remember, Mr. Chairman, to hear any nominated delegate saying that he is representing His Excellency The President. Most of them when they are introducing themselves, they say that they are representing a nation. That means they are going to contribute to make a constitution for the nation. Not for only one man. The youth and the women movement has a cause. Here I beg to be informed. I do not know how many women delegates were there when they were making the 1962 constitution? I would like to be informed by any hon. Delegate here. How many women delegates were present when the 1962 constitution was made? I do not think there was any woman delegate there. And I also do not think there was a youth representative. And here you can judge how successful that constitution was and how effective it was.

MR. NGOBI: Point of information, Mr. Chairman, I would like to inform the hon. Member that although there were no women, that was the time, when the lack of women representatives in the constituency were founded; it only confirms, at that time there was absolute agreement between men and women - it is not as now.

MISS NANKABIRWA : Thank you very much, for your information. But I do not think it was by consensus of the people of Uganda i.e the whole nation. I have brought up this because, Mr. Chairman, I wanted the observers to be very observant as we go through this constitution. So, that they inform those who are misinformed. And at this juncture I pay tribute to the NRM administration because women were never mobilised to fight for injustice and the oppression they had until a few years back when NRM came into power. Women were excluded from political participation and administration of justice and total leadership role. But now I think you will agree with me that, at least we have exhibited our capability and competence.

The people of Kiboga identified fundamental rights and freedom as one of the most violent areas in the past Uganda. Although all the past three constitu-

tions, that is the 1962, 1966, 1967; embodied views of human rights and freedoms, civil and political rights, and fundamental freedoms like right to life, right to personal liberty, individual property, and freedom of association, freedom of assembly, and so on and so forth. There has been gross violation of this human rights under the British Government. And most leaders, really failed to respect and defend them. Therefore, on behalf of Kiboga District, Mr. Chairman, I call upon hon. delegates here, to come up with an effective institution to protect human rights. And I think one of which is to guide against discrimination, against marginalisation of the human rights of important groups like the women and the youth. There must be provision for respect of their full dignity, ability, and contribution to society.

Women are saying that, their roles in marriage, could not be taken for granted. They are concerned about religious bodies and cultural institutions which deny them equality with men. It is very common in Ugandan society for women to be denied rights to own property. For example, a daughter is excluded from becoming a heir to her father, even where there is no son in a family. And these families were very rare during those old days. Families without sons were very rare. Because as we may all be aware, fathers used to produce kids like fish. So, they could not miss a chance of getting sons. But these days where we are campaigning for family planning. You can find a family having only three kids or four without a son. So if you deny your daughters to become heirs of the fathers, It means your wealth will be taken by any boy or man who may be a distant relative, when your daughter is there yawning. So, I think it is really unfair, now that we are campaigning for family planning, we have to put this into consideration. Under the current law a widow is entitled to a small percentage of her husband's property and even that can be taken away by relatives of the deceased in the name of tradition or customs, which are considered to be above the law. In some tribes, the poor widow is regarded as property herself, able to be inherited as part of the estate. You can imagine! Now, the women of Kiboga cry for a reasonable percentage, while the men also suggest that a widower must also be considered in the new constitution. The man who has lost the wife, should also be considered in this constitution, so that he may also get a certain percentage of the deceased's property because may be he also contributed to the 'deceased's property. So, when we are talking about considering the widows, may be we put a stroke,

widow/widower. Those are the views from the people of Kiboga.

As far as the legislature is concerned, Clause 131 (2b) in the draft constitution, suggests 15 women representatives elected by a democratically elected national council of women and so forth. Here Mr. Chairman, Kiboga is of the view that, representation of women in Parliament should, for the time being, remain as part of the present affirmative action, whereby every district has one woman representative. And here I would like to underline the word for the time being, remain as part of that. Because a certain hon. delegate is already scared that, may be in a few years to come, women are going to dominate this country. That is why I am underlining this word, *should for the time being remain* as part of the present affirmative action. I think this one will be flexible. If we really show our competence in a few years to come, then maybe we will amend this constitution as far as the legislature is concerned.

As far as National Council of State is concerned, we really faced it rough during our campaigning explaining to the people of Kiboga, what this body is about: its composition, what it is, and all that. And the people were seeing this as an organ which conflicts with the other three: the executive, the legislature, and the judiciary. And so, they did not really support its formation. They rather said that, let us concretize the three which are there, instead of bringing in a new body.

And for the inspectorate of government, we had this to say. The discrimination in pay and terms of service, sexual harassment and arbitrary dismissals are among the injustices meted out to women at places of work. My dear, these are matters which fall under the jurisdiction of the inspectorate of government to deal with. Here they suggest that at least, let there be one woman in the inspectorate of government either as an inspector general or as one of the deputy inspectors general. There, there will be a real assurance that women problems are considered seriously. I beg hon. delegates to remain tolerant and accommodate me. Do not get bored of the word gender, but we have to say it.

The draft constitution, proposes the establishment of several bodies. There are a number of them. We have the National Citizenship and Immigration board, the Uganda Human Rights Commission, the Electoral Commission, Parliamentary Committee, Judi-

cial Service Commission, Board of Governors of the Bank of Uganda, the Uganda Audit Commission, Public Service Commission, Teaching Service Commission, Committees and Commissions of the District Councils, Councils and Boards of the Security Forces, Uganda Land Commission and District Land Committees, the Law Reform Committee.

Here, hon. Delegates, I beg you to support the women, as you have always been doing, that we at least include one woman on each of these Committees. Where there are three members, at least we put there one woman. Because if you want to develop, you have first of all to develop a woman. If you want it to be trained, you train a woman. If you want a nation to be happy and harmonious you make a woman happy. So, hon. Members, we have to put that in consideration. And most of the countries which are not developed, it is because they failed to tap this resource. It is there. The women. So that country cannot develop.

The youth is a group which is most constructive and at the same time, destructive. They can decide to do anything. So, these are the resources which need to be tapped.

As far as land is concerned, Mr. Chairman, the people of Kiboga consider land as a real asset, permanent asset, which need to be owned and must be owned. And in my area and I am sure in many areas, land is married to culture. Land and culture are inseparable. They have a close relationship, and therefore, its utilisation, must take into account the culture of that area. Therefore, the people of Kiboga wish to see a provision in the constitution giving the Local Government power and Authority to control and manage this asset - the land and environment. These local communities have the greatest concern for land management, for their own welfare. Since it is part and parcel of them, I think there will not be mismanagement of land. You can take the example of the government vehicles, houses and everything that belongs to the government; people tend to mismanage them because they do not feel that ownership feeling. But if you really feel that something is yours, you own it, you have to make sure that it is not destroyed. And if the local communities are given authority to manage land and environment, it will reduce land, forest and swamps degradation which I feel is a result of neglect and lack of concern by the Central Government.

As far as political parties are concerned, here some of us also faced it rough. And I am sure some of you hon. delegates during the campaigns, most of us failed to come to the assembly because we were related to political parties. It is as if it was an abuse. Once someone spotted out an aspiring candidate, that she belongs to a certain political party, the people of Kiboga really thought that that person will bring the chaos. You know, Kiboga is a district where this war started - the NRM/NRA war; and they are still nursing their wounds. So, they would not like to see such wars breaking out again. They relate wars, and mismanagement, and every bad chaos in the government to political parties. I am sure, me I know the merits and merits of the political parties; they are not right but they are mis-informed. Therefore, they say that, they need to be sensitized about the merits of political parties and so forth. Then after sensitization, you will re-introduce them; but we should not re-introduce them immediately before this constitution is made. Here they say that, let the Movement continue for five years, and these years will be the sensitization period, everybody must know the merits and demerits of political parties. And then re-introduction. These are the views from my people. Re-introduction must be there, through a referendum

They also want to say that, this peace and development in the country they see is that because political parties have not been functioning. So, they would not like to be perturbed.

As far as the Presidency is concerned, a president must be elected by universal adult suffrage. And the presidential powers need surgery. There is over concentration of powers in the president. And the president should be removed by a referendum. This business of saying that, let him lead for only four years, and then we give other people chance to come and also share the big cake. No, this will not work - Uganda is not developed. The time you change the president, there you expect to take a few steps back in development. So, what we want is peace, stability, and development. Once we have that, after five years, when we carry out a referendum, if that president goes through, let him continue. What we want is peace, stability and development; not sharing of the cake. Everybody should be hard working to find something to do, not to aspire for presidency and come and share the cake. No! When these two big animals fight, it is the grass to suffer. So, let us not make the grass to suffer, we should get something to do, instead of coming to share the big cake.

As far as the leadership code of conduct is concerned, we should take morals of leaders into consideration. Mr. Chairman, there are leaders with rich morals. I am sorry if it sounds rather awkward, but we have to consider morals when we are tackling the leadership code of conduct.

We would like to see a national army that is highly disciplined, and I think with a highly disciplined army, the nation will be also disciplined.

With those few views, I would like to stop here for the time being. I am sure this is just the beginning, we have more time to discuss as we go chapter by chapter; but generally, those are some of the burning issues from Kiboga District. I thank you very much.

THE CHAIRMAN: I thank hon. Nankabirwa for her contribution. I give the Floor to hon. Kakungulu Shannon.

DR. KAKUNGULU (Presidential Nominee): Thank you Mr, Chairman, for permitting me to address this august Body of hon. delegates, which has a phenomenal task of scrutiny, debate and preparation of a final draft of the constitutional text, enactment and promulgation of a new constitution for this country. I am a monarchist by birth, and nationalist by devolution, and a republican by assimilation.

May I take this opportunity in retrospect to congratulate the people of Uganda for having successfully, participated in the CA elections, and to have sent the cream of society and entrusted it with such a noble and honourable duty. This country is at the cross roads now, and it is only our duty to see that we take a course that we consolidate the peace currently being generally enjoyed and its accompanying social and economic implications.

A constitution should provide for a sovereign government with clearly defined powers and responsibilities. And Mr. Chairman, sovereignty, must be invested in the people, themselves, and not in the offices that or the institutions that may be created. And therefore, a government should be popular, representative, and foremost, responsible. Because power corrupts and absolute power corrupts absolutely. Therefore, government should be controlled by a division of powers and the system of checks and balances leading to the principle of constitutionalism. Constitutions are distinguished from ordinary acts of legislation. There are charters of fundamen-

tal laws, drafted by ordinary assemblages and ratified by special conventions like this one. Chosen by the people, and that, they should not be allowed by legislative fiat but should be flexible to embrace change with modernisation.

I come to the accountability of leaders to the people. Mr. Chairman, this is a principle that should be firmly embodied in the constitution. And we should never grant an atom of power, that is not most clearly indispensably necessary for the safety and well being of society. Therefore, public offices, must be held in trust for the people. Leaders should declare their assets before assumption of power, and at the end of every year, should declare their acquisitions within that particular year, to the Auditor General and the Inspector General of Government. And such offices should be vested with powers to persecute. Otherwise, as it is now, it leaves a lot to be desires. It does not do for someone to be investigated, you get all the facts about his crime, but it just stops there. It has been a disappointment in the current kind of system where the IGG has no power to persecute.

Coming to balanced and equitable development, Mr. Chairman, although the state should endeavour to bring about balanced development to the different areas of the country, and between the rural and urban areas, the leadership from the diverse areas of Uganda must teach by example. They should try to develop themselves in their respective areas, so that we leave out this culture of thinking, that it is only government that is supposed to take development to their areas. It is indeed absurd for someone to come here, and complain that our area does not have this, does not have that, when that politician or leader has not even got a house to show in his area. Instead, they usually opt to buy property in Kampala. Then when they come to such fora, they make the biggest noise, that we do not have development in our area, whereas they should teach by example; by leading the people to construct they themselves the houses in their own respective areas first.

A one-sided affair castigating government for this kind of weakness in our areas, Provisions should be put in the constitution barring people without any tangible assets in ones area of representation, e.g. constituency to stand for Parliament or even hold a position of responsibility. He of course has nothing to show to the people he is representing that he has them at heart.

I come to the women's rights. The impact and contribution of women to nation-building since the NRM came to power, has been appreciated by most people as positive signs which must be supported by national policy and turned into permanent national values. Educate women and you have educated a nation. To elaborate on this, it is only the mothers who teach a child right from the point go; I am speaking as a professional doctor. From the moment go, they teach the child how to suckle, they are the ones who teach the child how to eat subsequently. They are the ones who teach the child how to wear, how to train its toilet habits, et cetera until you come to a stage where you can even be in this august Body. We must emphasize their importance as the mothers and educators of this nation. We must encourage self-reliance especially economic self-reliance of women and the nation shall be self-reliant given the fact that women are powerful agents of the development especially but not only in the agricultural sector. However, a point of caution. We should not take women's liberation to points of absurdity because in America or in the Western world these days, what we used to call a compliment to women that 'you are beautiful'. These days, a woman can turn round and say, 'I sue you for sexual harassment'. So we should not take these things to absurdity.

Recently, I was given a memorandum by Moslem women in Masaka. They had this to say, that the law on divorce is rather unbalanced. They say something should be put in the constitution or in the Penal Code whereby the granting of divorce to a woman should be equal to that of a man; not the mere absence of any other thing because the current law says that a man can divorce a woman just on proof of adultery. But they say it should also be for the woman that in case she determines that her husband has committed adultery, there should not be any other attachment to that - It should be enough.

On inheritance, they say the law should also change. They should have equal benefits to the estate as the men do.

I come to citizenship. Citizenship must be defined very clearly but with a word of caution. It must be in relationship to international law. To remind us that as much as we cherish our precious mother Uganda for our indigenous nationalities, we should be accommodative however strictly so to others who may wish to become citizens of this country. Many nations e.g. the United States of America and others, were developed by accommodating people from

other areas. We may be chasing away assets of brains that could probably build this country even better than ours but strict criteria must be put in place. Citizenship as stipulated in Chapter 4 of the draft constitution, the immigration and citizenship both must be strengthened to plug a lay loop holes that may be used by someone to get into this country in an illegal way. Someone should swear allegiance to Uganda and must deny allegiance to any other country. We must involve the resistance councillors in the verification of anyone applying to become a citizen. As to dual citizenship, that is out. I do not support it.

On political systems; here there is need for caution. I have sampled views from a wide area of this country and find that many a peasant is in support of the current movement system for the first five years after the enactment of the constitution. They have many reasons for this. But the main one is that they have been able to live in harmony with their neighbours, despite divergent political ideologies which was not the case before. They now have power to hire and fire their immediate village leaders through the resistance council system which I think I should advocate to be institutionalised. After the first five years, the people should decide which path to follow.

On the land tenure system, Mr. Chairman, I advocate for a free hold system in the rural areas and a leasehold one in the urban areas so as to encourage rapid and planned development in the cities and towns. This should be a uniform system in the country. However, the forum we have here is akin to a stock exchange of a market. We have come to sell the idea of ownership having titles to your land. We beg the people or the hon. Delegates who do not come from areas where this is in place to listen to how we are polishing our product to sell it to you. We want to sell it to you when it is polished. Please bear with and listen to us. We shall also listen to you. Those of us who know the benefits of land, they are numerous but especially as mortgage instruments in the banks. However, I am in agreement with a suggestion for a land taxation system on redundant land but redundant must be in inverted commas because some farmers practice what we call fallowing during farming. So the land may be under fallow for up to five years and you think that is useless land but he is using a method of farming.

When I look at Article number 276 in the draft constitution, I see something to do with the minerals.

A certain area in Uganda gave me this to say that much as the minerals belong to the government but at least, if they are found in one's land, at least a percentage of two to three percent should be given to that land owner, so that least he benefits from the excavations taking place on to his land.

I come to culture. Like I said, I am a monarchist by birth. I have some noble blood flowing in my veins. I cannot leave the responsibility I did not decide to go wasted but I am a nationalist by devolution. By this I mean, the appointment power would have sat here in person but it decided to devolve itself and give me the powers to speak on its behalf. We say devolution has started.

Traditional leaders, where they are wanted, should be left alone. However I feel bad when I see traditional leaders being put under the miscellaneous section. I would feel that there should be some constitutional provision to have them in a special Chapter. Their roles must be entrenched in the constitution but would advocate for a purely cultural role to prevent any tensions that are bound to crop up when they are given any executive or political role. Opportunists around certain traditional leaders are the ones making the most noise. Unfortunately, these other people who have been rejected by the masses and they say that the leader has got his things, the government has got its support.

Now where do we lie? So they are trying to advocate for something where they can fit so as to 'eat'. Unfortunately, the masses should be educated about the dangers with these kinds of people.

Talking about the self-sustenance of these traditional Leaders, many of them have substantial property. Such property should be placed in trust for the people such that money arising out of either rent or sale should be put on a Trust Fund which is supposed to make a budget for the running of these traditional leaders. So that a traditional leader does not become a burden to the people he leads and does not become a burden to the government.

Local governments: I am a nationalist by devolution. I have to explain this. I am a grandson of one of the foremost nationalists in this country. He traversed boundaries to explain the gospel of nationalism in this country - that is the late general Semei Kakungulu. We should not take certain things for granted. The other day, I was in Kamuli and I asked the people of Bugabula north that who planted those trees; the

mvule and do you know what they told me? *Gyamera gyene*, literally meaning they grew spontaneously. That is because of ignorance. It was my grandfather who had those trees to be planted. Now this brings me to the idea of peace in this country. If someone comes here at that material time, he will take it for granted that there has always been peace. Please, let us look back in the history of this country and stop taking things for granted.

MR. CHANGO MACHO: Point information. I want to inform Delegate Kakungulu that the *Mvule* trees which your grandfather planted were along the roads. You can take this. For example a road to Nabumali, the road from Kamonkoli to Budaka. But other *mvule* trees which are found in the countryside *gyamera gyene*.

DR. KAKUNGULU: Thank you Mr Chango Macho.

THE CHAIRMAN: Hon. Kakungulu, there was another piece of information.

DR. KAKUNGULU: No thank you.

THE CHAIRMAN: Okay. He is not taking it- (*Interjection*)- No, on a point of order, you have to give way.

MR. NGOBI: Point of order. Is the hon. Member in order to impute and actually state that the people in Kamuli are ignorant as far as *mvule* is concerned when that is not the case?

THE CHAIRMAN: I did not understand him saying that they are ignorant. He only said they did not know a bit of history concerning the planting of trees.

DR. KAKUNGULU: Thank you Mr. Chairman for saving my neck. Decentralisation as it is being implemented, I am fully in support of it. We just need to polish a bit of here and there

I come to the armed forces. Here is a point of contention but I would like to emphasize the role of patriotism. In my professional career, I have been given a chance to take part in the recruitment of soldiers to be. We used to declare whether someone is medically fit or not. It was a great disappointment that wherever we went for that team, the parents used to discourage their youths from joining the armed

forces saying that 'aha! no, you should not join such a force.' This one does not mean patriotism. It is high time we started taking service in the armed forces as a patriotic duty as a citizen of this country. I would advocate for compulsory military service in the army for people between the age of 18 to 45. I will qualify this: that age means service in the armed forces but anyone who is above 18 usually that is when they are of a school leaving age, should be able to serve in the armed forces for at least six to nine months. Now, the time he comes out, he can continue with his further studies or if he voluntarily prefers to stay in the forces, then he is free to continue so that we have what we would call a reserve force. Educational level is very important in the armed forces. We should at least have someone who has attained the level of P. 7 by which time he can distinguish between right and wrong and that the syllabus of the armed forces should include constitutionalism.

Representation: Legislators, I have to emphasize efficiency. There is no way you can be efficient when you sit on more than one legislative body. During the campaigns, certain people promised their electorate that they would be always sacrificing their other role and sitting down to give their views from their respective constituencies. But up to now, certain Members have never come since the swearing in ceremony. It is a disappointment to the constituents. So if we are to have an efficient, legislative body, I think someone just like in the United States Of America, if you are a Congressman, it is very difficult again to be on another legislative body. You become efficient and give your work for and on behalf of your constituents. There should also be a limited time of service, having someone to represent your people from time immemorial until you leave this planet - earth. I think it is unfair. Representatives to the Parliament should come in by direct elections only.

Protection of the constitution: This is where I expand on the principle of constitutionalism. Let us make it a part of our lives right from the time you start going to school that we know what the constitution means. This is through schools in their curriculum, villages having seminars and village meetings regarding the constitution, institutions of higher learning. There should even be courses on constitutional matters up to university level. The constitution should be written in such a language that everyone could be able to read and understand it and it should be translated into the various indigenous languages.

The executive or Presidency: The qualifications should include age of about 40 plus. He should have some formal education to a level of a graduate. By graduate I do not only mean university graduate, even other institutions of learning be it vocational or otherwise; that should have some qualification to talk about. He should be self-sustaining, he should have adequate resources in his own right; not to come to the State and start plundering the treasury; and he should have high social standing in society.

The mode of election should be by universal adult suffrage on individual merit. The National Council of State in principle proposes a bicameral system. I agree with it in principle but I differ with it in composition. The Chairman should be another person other than the President and such a person must be of high social standing and personal integrity. There are proposals from different parts of the country that even the membership should be at the RC 5 level, not members of Parliament since certain issues will be between failure to compromise between the executive and the legislature. So they should bring in someone who is independent. Or even prominent figures in society in the different regions could be able to sit on such a council.

In conclusion, I beg for peaceful coexistence in this country. The discussions within such fora should be with open minds. We must be accommodative and tolerant. We must be realistic, practical and down to earth and not rhetorical. Many of us come here to make rhetorical statements. They sound good in the Press but down to earth, they do not mean much. We should promote the culture of reconciliation and we should avoid confrontation. May the Lord guide us to peaceful and permanent conclusions. Thank you Mr. Chairman.

THE CHAIRMAN: I thank hon Dr. Shannon Kakungulu for his contribution to our debate today.

MR. CHEBET MAIKUT (Kween County, Kapchorwa District): Thank you very much Mr. Chairman. First of all, I would like to join the band wagon of the rest of my hon. Colleagues who have congratulated all the various senior officials who have assumed office in their respective seats. Mr. Chairman, I would also like to take this opportunity to thank all the hon. Delegates here for also giving me support in joining one of the committees on privileges, discipline and welfare. Normally I do not get tired in giving credit where it is due. I also like at this juncture to pay special tribute to the NRC

Members and the Army Council and indeed the NRM Government for giving the people of Uganda an opportunity in the first time in the history of our country in participating in the constitution-making exercise, and coming out with a constitution that is pro-people for the first time. Lastly Mr. Chairman as a kind of remark, I wish to take the opportunity to extend greetings from the people of Kween county in Kapchorwa District and I invite all of you, investors this time from within Uganda, to visit Kween county and invest there. The opportunities are enormous, the potential is good.

The draft constitution, as recognised by the people of Kween, should be able to bring about and guarantee the following on sustainable basis among others.

1. Fundamental human rights including the rights of the disadvantaged groups: the women, the children, the disabled and minority nationalities. It should also have the right to and easy access to basic human needs like food, shelter clothing and medical care. It should also have an equitable and positive development throughout the country in terms of social, economic and political areas. Such a constitution also should provide for easy and cheap access to justice with minimum delay without discrimination against sex, class and so forth.

Although democracy is often described as dictatorship of the majority over the minority, I therefore wish to emphasize that a good constitution is one which does not dictate against minority. But rather one which takes into account the rights, the views of the minority groups in society. It is always said by some philosophers that history and indeed experience is the best teacher. I will take the analogy of a child who does not believe that fire is hot until that child touches the fire; that is when the child will know it is hot and he will not touch that fire again. Therefore, in light of that, the people of Kween county strongly believe that the turmoil that this country has undergone since the inception of the superficial independence in 1962 is a clear signal that all of us notwithstanding the rich diversity in culture, should not succumb to our narrow minded interests but rather use the past experience to make a good constitution for this country. Posterity is there to judge us whether we shall be in the heaven or dustbins of history. Many of us whom God has kept alive do not need to visualise much but take recourse and remind ourselves of the numerous human skulls that were recently buried during the Heroes Day in Mukono. Must we allow such a

situation to resurface again in this country? Certainly not. The dignity of man must be defended at all costs against reactionary forces in society.

Now this leads me to the question of defence of the new constitution which we are making as provided for in Article 3 clause (1) to (5) in the draft. To me Mr. Chairman, I have always asked myself whether these provisions in Article 3 can be a magic answer to safe guard our constitution. How can a disorganised unarmed society face the might of gun power? Is it really possible? My biggest worry and fear Mr. Chairman lies with our learned friends and lords; some of them are here and I believe they are many. Now what guarantee do we have that one day a mad man or gun man will capture power and declare himself Head of State and therefore subsequently dismiss the legitimate government; dissolve Parliament and suspend the constitution or some provisions thereof and issues a proclamation in terms of Legal Notices or Decrees, all of which are beautiful drafted. I emphasise that very beautifully drafted by our learned lords. The people of Kween county therefore submit that the role played by Judiciary in giving legitimacy to an illegitimate regime must be critically examined in the provisions Of this new constitution. It is therefore the considered opinion of my people of Kween county that the Judicial Service Commission and senior Judicial officers including the Chief Justice, Judges of the High Court, Magistrates, et cetera, should not be appointed and dismissed by the executive as is the case now but by the Legislature and given its due independence. Since those people are appointed normally by the executive in our present constitution by the President, then naturally, these learned friends of ours are inclined to owe allegiance and patronage to those appointing them; the appointing authority and hence, therefore, their impartiality is greatly eroded.

Still on executive, the Kween people advocate for the formation of a Cabinet that is drawn entirely from outside the Legislature. I know this is a very bitter pill to some of our hon. Members of the Cabinet who are here and possibly to those who might be vying now to be appointed to such positions. The position taken by the people of Kween is that the Cabinet should entirely be drawn from outside the Legislature because by so doing, if that was done then we would be establishing proper checks and balances within the three arms of government: that is the executive, legislature and judiciary. And also we will be giving the Legislature power that is due to it

as an independent organ of the State. The people of Kween also advocate for the Presidency not to have power to dissolve Parliament unless passed by the majority of Members of Parliament.

On the impeachment of the Presidency, the people of Kween county reject the provisions of Article 101 clause 4 that the President shall not be liable to court proceedings while in Office and yet under Article 101 clause 5, it states that he or she will only be liable to court action whether it is criminal or civil after leaving office.

Mr. Chairman, this is an unfortunate provision because it can easily breed dictators in the position of leadership; because whoever is in the position of leadership, if he is the President and he knows he has committed a crime, then that President will be forced to cling to power at all costs using any means available. In other words, it is a disincentive for leaders to leave the office voluntarily.

On Uganda's sovereignty, Kween people support Uganda remaining unitary and being a Republic and they also strongly support the present policy of decentralisation but decentralization which must be complete in all aspects in terms of resources financial and powers that are inherent thereto.

But on governance Mr. Chairman, of this country, Kween people reckon that the present arrangement of administration which embodies all diverse ideologies has brought in some relative unity and stability in the country that had almost lost hope in achieving this indispensable facets of life.

My people therefore having seen no real significant positive developments under previous governments now recommend for a further extension of the NRM Administration to allow it to continue inculcating a culture of constitutionalism through continuous civic education and concurrent implementation of the new constitution that we are about to promulgate until such a time when time is ripe for the introduction of multi-partism. Mr. Chairman, our people were not eager to go by what people have decided as five year period extension. To them they say, it can even be more depending on the situation of our people.

I think it will suffice to point out that provisions should be laid down as a guide to formation and operations of political parties. In our view, that is Kween county, all parties which are often equated

with a multitude of problems. I do not wish to enumerate them at this juncture but Mr. Chairman, the people of Kween county recommend that all the old political parties should be written off and new ones formed with a national outlook. It is always argued in some quarters that the western model of democracy which entails multi-partism, for example the West Minister model of democracy, it is always argued that this is the best form of democracy. It is true in their own situations of industrial conditions under the super structure evolved over time. So I would like at this juncture to remind hon. Delegates of the wise man's saying that one man's meat is another man's poison. So Mr. Chairman, I wish to say that while the western model of democracy of multi-partism is best for them under their conditions, for us in Uganda, I feel that the best form of democracy should be one which evolves from the people themselves having gone through the experience that we have now gone through. One hon. Member said on Thursday last week that multi-partyism is a human right. Mr. Chairman, I do not subscribe to that kind of philosophy. Does it not presuppose that when one is born, he or she is already conscious of which party he or she wants to join? Or does it mean that there were multi-parties during the time of our forefathers? These are questions that the other scholars should educate me more.

I now turn to another issue on the district boundaries as contained in Article 203 clause 1 to clause 4. Mr. Chairman, I am not sectarian nor do I cherish such bad sectarian ideals. I will give an example. As I speak now, we have homes of relatives in Iganga, in Tororo and many of my relatives are in Mbale including those who are married there. *(Interjection)* Even in Kenya of course. However, the colonial boundaries defining districts in some cases leave a lot to be desired. There is therefore need to redress and rationalise this anomaly of boundaries between certain districts in Uganda. A case in mind is the clear boundary between Mbale and Kapchorwa District on its northern and north western frontier. Mr. Chairman, I have instructions from the people of Kween county to point out this anomaly but the issue of land within rivers Muyembe, Atari and greek river sometimes referred to as Kelim is disputable and that proper boundary be delineated. Of course we are aware that since the restoration of *ebyaffe*, the Kween people's demands should also be respected and solved amicably between our two sister peoples. I have no doubt Mr. Chairman, that given the high level of maturity in this august House and more so the leadership of both Kapchorwa and Mbale Districts,

I have every hope that this issue will come to a decisive conclusion and at an appropriate time, I will elucidate more on this particular issue.

MR. WANENDEYA: Point of information. Thank you very much Mr. Chairman. There is no dispute whatsoever we have heard of and if it were there, it would be best be solved in a court of law. This business of coming up to the Constituent Assembly when it is one Uganda which we are fighting for and we want to get our people, including people in Kapchorwa, we are all the same. So when we talk of boundaries, boundaries to be taken where? To Tanzania, to Kenya or where Mr. Chairman. I thank you.

THE CHAIRMAN: I think it went beyond being mere information. The hon. Member is entitled to make his comments.

MR. CHEBET MAIKUT: Thank you very much Mr. Chairman. and thank you very much hon. Member for giving me that information. But I was simply doing the task for which I was elected; that is namely to present the views of the people of Kween County.

On social services Mr. Chairman, it is the view of the people of Kween that these services including health services, infrastructure like the road network education clean and safe water should be easily accessible and affordable by all people whether urban or rural dwellers. In particular Mr. Chairman, Kween people are advocating for a right to bitumenize the road link at least up to the district headquarters of every district in Uganda.

My people also not only support universal and compulsory primary education but also advocate for mass literacy education in all areas of Uganda. This to my people will ensure that good safeguards are put in place for a good democratic process especially during electioneering. The recent CA elections is a clear testimony to this. You know how some of the people were being led into voting - the illiterate ones.

On land and environment Mr. Chairman as contained in Chapter 17 of the draft, we have the following to say: that (a), the constitution we are making should ensure realistic commitment especially financial resources on the part of government to make Uganda a much greener country than it is today. The notion of equating environment with

forest and forest in turn being considered synonymous with gazetted forest estates is a wrong concept which must be reversed. Deforestation which has taken its toll has not only occurred in gazetted forest reserves but also in areas outside it. It is therefore our considered opinion that the new constitution should put in place a realistic and rational provisions that will guarantee revegetation of all areas of Uganda and not only gazetted forest reserves. The problem in Uganda today is not only deforestation of government forest reserves but rather devegetation in the entire surface of the country in quest for many human needs. For example, the fuel wood. Therefore, the new constitution should emphasize easy access and affordable substitutes to the heavily used natural resource base.

When you talk of laws which must stop deforestation, to me and to the people of Kween county, if you do not put in place substitutes then you will not be doing any service to the country. Therefore we feel that the provision of hydro-power, solar energy, and the rest should be as cheaper as possible and spreads up to the rural areas if we are to save our environment.

Some junks of national parks, game reserves and controlled hunting areas especially in Karamoja region should be degazetted to allow settlement of Karamojong especially with neighbouring districts of Kapchorwa. This one to us Mr. Chairman will facilitate integration of our two peoples which is in consonance with the current efforts of pacification by the government because as we speak now, these people live very far. Even if they wish to inter-marry and live together, the present colonial arrangement which we have inherited does not provide for this integration of our two peoples.

On farmers, I wish to push very much and indeed it is the wish of the people of Kween county that the new constitution should guarantee the fundamental rights of the farmers especially the peasantry because they constitute a very large percentage of this country. Statistics from agriculture reveal that agricultural sector contributes well over 75 percent of our GDP and yet looking at our present constitution, there are no inherent provisions to guarantee their rights whether in form of giving them welfare or any other provisions. These are not catered for. Our people also argue that the customary land owners should have titles which are open. They should be given open land titles unlike the titles of the Land

Commission which have a definite or specific time span. The people of Kween county say that once they know that that is your customary land, what is the point of putting there a time period? It must be open. It is always yours; freehold in other words.

We also had a very long argument on the question of land consolidation. Now going through a number of various land tenure systems, the people of Kween county further argued that where it is possible, we should consolidate land so as to have it productive on sustainable basis even for many generations to come.

On citizenship, the people of Kween county submit that it should be a constitutional right for every citizen of this country to be given a passport. It should not be a privilege as is the case now.

On finances Mr. Chairman, as provided for in Chapter 11, the people of Kween county advocate for a taxation which will be tied to protection of life and property as well as delivery of services to the people. They also advocate for expenditure which must be connected with the welfare of both the executive and of course the welfare of the people in terms of social services. They also advocate for democratisation of collection at local levels because in the current draft constitution and even in the 1967 constitution, the power to tax is not covered nor provided for adequately; otherwise if we had it, we would not have had cases of riots which we heard of in Iganga and Mbarara and so forth. You heard of those riots because the method of taxing them is not clearly spelt out in the constitution. We also advocate for tax appeal tribunals at various levels to relieve grievances which is not provided for in the draft constitution because as we speak now, somebody can tax you highly whether graduated tax or income tax and you have no means to push for your case. So the poor fellow remains there.

On languages Mr. Chairman, the people of Kween argue for Kiswahili being the national language because of the wide application both in Africa and outside Africa. The Kween people also note with dismay the remarks made sometime back, I think early last year or so, His Excellency the Vice President Dr. Samson Kisekka that the national Language should be Luganda. But then if he was making the comment on behalf of government, then it was a very, very unfortunate statement if he was representing government.

On gender sensitivity, Mr. Chairman the present scenario of saying that the men have dominated over women should not be blamed on male counterparts. The people of Kween county say this is a legacy of the colonial administration. It is a product, it is not our own making; because through their educational system, there was preferential treatment in favour of men rather than the female in our society.

However, on culture, the Kween people believe in diverse culture of our peoples being maintained provided they do not antagonize national unity. For example, the question of circumcision. I know the women are going to make a lot of noise here. Female circumcision for that matter. It is a very complicated issue which normally attracts the attention of a number of Members of either this House or outside.

MR. ADOKO NEKYON: Point of information. Mr. Chairman, I would like to inform the hon. Member from Kween that the prevailing attitude of African people towards women do not arise from colonialism. For instance, the circumcision of women in Kween started a long, long time ago and I would like to inform him that I have got specific instructions from people of Maruzi to oppose circumcision of women.

MR. CHEBET MAIKUT: Thank you very much Mr Chairman. I think the hon Member was a little bit mistaken because I talked of gender sensitivity and immediately thereafter I went to the point of culture. Unless he was referring to culture, then I will wish to differ very, very much from the information he has given. Culture in its own right is a very complex issue. I cannot claim from Kapchorwa that I know much about the Buganda culture. I cannot. Neither can I claim that I know much about the culture of Maruzi people where the hon. Nekyon comes from. So I think the people of Kween County have a right to express their views in terms of culture and as far as female circumcision is concerned, the people of Kween county say this is an issue that should be left to the people of Kween county to resolve and Kapchorwa as such *(Interruption)*.

PROF. KABWEGYERE: Mr Chairman I want to inform the Hon Member on the Floor that there are certain elements of culture which after sometime become repugnant even to the very people. In Ankole, it was for a long time the practice of killing twins especially when they were a boy and a girl. I do not think the hon. Member on the Floor would

accept it is a good thing that we should now continue to kill twins just because they are a boy and girl. Thank you.

MR. CHEBET MAIKUT: If you listened to my speech hon. Member clearly, I did say that they accept that culture that does not antagonize national unity and possibly fundamental human rights of society and I think I can proceed from there.

THE CHAIRMAN: There is a point of information. If you want take it.

MR. CHEBET MAIKUT: No, I think you allow me to continue Mr. Chairman.

THE CHAIRMAN: Okay, go ahead if you do not want it.

MR. CHEBET MAIKUT: Mr. Chairman, I know the question of culture is indeed a very, very serious issue. It is provoking a lot of heat but I want to inform the hon. Member who has just left the Floor a few minutes ago that we have cultures where for example, a husband mates with his sister-in-law or aunt. So somebody cannot come from another area and say this is wrong. So I want again to emphasize that culture which violates the fundamental human rights and antagonises national unity, should be discarded away. But all other aspects of culture should be left to the people concerned to decide for themselves.

Now on internal security. The Kween people strongly advocate for a realistic deterrent provision in the new constitution to stop such menaces as cattle rustling which has resulted into untold suffering for the people of Kween county. Kween people therefore agitate for the revival of what used to be called in the colonial days blood compensation. I will give some few explanations of what all this is. This is where whenever and wherever a raid occurred in the neighbouring district to Karamoja or even killing of persons by wrong elements in karamoja, I am saying wrong elements because not all Karamojong are bad, Mr. Chairman. The administration in Karamoja by then or the administration in Karamoja now should be held responsible for such acts of her people in the neighbouring district. This is the position of the people of Kween county that whenever cattle or people are killed, the administration in Moroto District or Kotido District as the case may apply, should be held responsible in terms of compensation to the aggrieved fellows.

MR. APUUN: Point of information. Thank you Mr. Chairman. I would like to inform the hon. Delegate that in Karamoja, from the colonial time, there was what they call compensation; that is blood money and that blood money was the compensation for anybody who was either killed in Karamoja or on the side of Teso or Sebei. But that scheme was misappropriated by the chiefs in those districts and there was also wholesale punishment on the Karamojong people. That means the whole of Karamoja was to compensate for that individual. But what is happening now, is when a particular person kills a person, it is his clan to channel or to be punished but not the whole region. So compensation is being handled in that manner now.

MR. CHEBET MAIKUT: Mr. Chairman, the people of Kween county submit that the administration should be held responsible because people from neighbouring districts will not know the clans, the kraals of the people who are dealing with this menace of cattle rustling. So I think it is the administration that should know their people very well and hold them responsible.

I also wish to take the opportunity to report a very sad affair which happened three days ago in Kapchorwa District, in Kween county. I would like to report to the hon. Members here that two people were killed on the spot and three critically injured by Karamojong rustlers on Friday evening. They were on the mission of raiding Kween county in Kapchorwa District. So Mr Chairman, the people of my county are advocating that people who are affected by atrocities be adequately looked after by government. So Mr. Chairman, with those few remarks I wish to thank all the hon. Members for listening to me. I thank you very much Mr. Chairman.

THE CHAIRMAN: I thank hon. Chebet Maikut for his contribution to the debate. I now adjourn the Assembly for lunch to resume at 2.30 p.m. and wish to urge the Members to be on time so that we start promptly. Thank you.

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

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

THE DEPUTY CHAIRMAN: PROF. VICTORIA MWAKA: Hon. Delegates, we continue with our general debate and let me call upon hon. Obiga Kania Mario, Terego county.

MR. OBIGA KANIA MARIO (Terego County): Thank you Madam Chairman. Madame Chairman, I would like to congratulate you and the Chairman, upon your election in your positions. I would also like to congratulate the delegates individually and myself too for having won the recent elections. I want to thank the NRM Government and the commission for this Constituent Assembly for having organised very free and fair elections. In Terego county, these elections were so free that the people felt completely relieved of the possibility of changing leaders through other means than free elections and it is my hope that having started so well particularly on these elections, and so transparently, the NRM Government will build on that reputation and not do anything that will in any way imply that these deliberations in the Assembly are not free and fair.

My first submission on behalf of the people of Terego is that a free independent electoral commission be set up to run our elections from now on or immediately this new Constitution comes in place. Such a free electoral commission run on the basis of the freedom of the judiciary and true independence, would give a lot of confidence on what has already been achieved.

I would also like to strongly recommend on behalf of the people of Terego, that in future, even if there are individual consultations, the joint candidates meetings are a very good test of peoples capabilities; they offer an opportunity for our relatively poor relatives in the villages who may not have had the benefit of going high in the school to assess the capabilities of candidates. We in Terego are therefore recommend that in future, joint candidates meetings be instituted as part and parcel of the electoral process in Uganda.

This Constitution which we are deliberating on, should once passed be inculcated in the culture of our people across the country, such that the spirit of constitutionalism is entrenched in our population. So that they know their rights, they know when the law is against them, and when the law is for them, so that they will in future, be able to defend this very Constitution if they understand its nature and what a Constitution or constitutionalism is all about; so that again those who will be aspiring for power in future, will do so on the basis of honour and dignity based on the Constitution, not to go for power in order to grab wealth. Such wealth, the grabbers will not be proud of because it is wealth ill-gotten. I have seen very few people who when they get ill-gotten

wealth go out pointing that 'oh, this is my bungalow, this is my car' and so forth. All these will be hidden in fictitious names, simply because it is improperly obtained. But once in power for honour and dignity, based on the constitution, if you acquire wealth correctly, you will be in a position to enjoy it with pride.

We are recommending from Terego that this Constitution once completed, should be written in the simplest possible language.

The legal intricacies, the provisions of 'whereas', 'therefore', 'as far as' and so forth, which only tend to confuse our people should be avoided. Instead of saying 'whereas' just say something straight like 'because of this'; and secondly, this Constitution should also be made accessible to the people. I know many candidates by then, now delegates, when they were campaigning, obviously many of their constituents must have asked them, 'where is this document you are talking about?', and they would always show one copy and in most cases those who could even read did not have the chance to do so, because the copies were too limited. Of course, you will say, okay, the copies should be bought and so forth, but you know the purchasing power of our people. So, what I am saying in future, this Constitution should be written in a very simple language and should be made widely accessible to our people. The same Constitution and its provisions should be taught widely in our institutions of learning beginning from the Primary up to the University; so that a child grows up in the spirit of appreciating what our Constitution is all about.

I also endeavour to say on behalf of the people of Terego, that in the event that it may be necessary in future for people to resist acquisition of power other than by this Constitution, it should be necessary to initially start military training of our population on voluntary basis and thereafter make it compulsory for our people; so that if one gun man grabs power we all turn into gun men and defend that Constitution.

We are also recommending that in the event of anybody acquiring power by any means other than the Constitution and particularly with his surrogates, such people should be not only be punished, when the resistance to that power is successful, but even the ill-gotten wealth, should be deprived from them. This way, those who are inclined to grab power other than by Constitutional means in future, will probably think twice before they do so.

Terego is one of those counties where 8 percent of the population fled in exile from the years of 1980, up to about 1985. They left behind their property. The little they took, they suffered with it on the way and they lost plenty. They buried thousands and thousands of their people on the roads and in exile. These things are very fresh in their minds as they send me to debate this Constitution. During those times, there were parties, some were in power, others were in opposition, but the people had to flee. Some parties were busy writing Black books, but the Black books have never helped the people of Terego. Recalling all those happenings and if you go to Terego and you tell them about parties, immediately they only think of two parties - either DP or UPC. It is not their fault, that is how far exposed they had become over time, whether for the good or for the bad. These people would not necessarily be against parties but what they are saying is, these parties should be given time to re-organise themselves. Many people in Terego do not know how they would become local party leaders; some of them are very old and they even remember that at one time in 1958 they went to elect a Party leader. They have never heard of other elections thereafter. So, these people of Terego are saying, they love Parties, but democratic parties. Not parties in name only, but in practice. In other words, these people are for democracy, not only in the units of Government, but in the units of political institutions that aspire to run the Government of the day. They are therefore summarising by saying, five years should be good enough for these Parties to organise themselves and possibly those who want to start new ones, should start them. It is only then, that they could supply the demand for Parties, but in the meantime, they resolutely say, they want to enjoy their peace which has been brought by the NRM Government. (*Applause*). And when they talk of peace, they talk of real peace. I one time ventured to them and said, do you people not think you could bring your own peace, then they answered and said, do you think we brought war on ourselves? Meaning that whereas they have the desire for peace, it has been denied them for quite some time and being people who are prepared to say thank where it is due, they are thanking NRM for bringing them back from that exile, for giving them this peace which allows them to ride their bicycles at night and so forth. So, in other words, they really support the provisions that parties be considered after five years. Of course, they are not infringing on any human rights or freedom of association; they are only saying freedom of association must be relative and it must not be absolute at the disadvantage of anybody else.

When talking of human rights here, one other provision on which the people of Terego have a strong feeling, is the death sentence. The death sentence as held by many organisations and Governments in the world, normally fail to deter crime. I have generally read a lot of statistics which prove that it does not deter. But they detest the death sentence on humanitarian grounds. If you know that death sentence is a good practice, why do you do it at night? Why do you cover the head of the man or the woman when you are going to hang him? Why do you not look him into the eye and hang him? Why would you consider death a punishment, when after the end of your act, there is no reformed person, What you have is destruction. The people are saying, even if other countries practice it, death sentence is destructive, abominable to the conscious, and that is why human beings hide the names of the people involved, who are in charge of mercy, the hangman and all that. So, since we agree those are bad practices, they are saying that the death sentence should be done away with from our laws. These criminals or convicts should be better economically used, somewhere, may be on the basis of a life sentence and separated from society.

On Local Government and decentralisation, my people of Terego are very happy with the process of decentralisation. But they are saying one thing, every effort should be made to make sure that the decentralised units are viable. Take for example, a district for that matter. I will refer to the district level of Arua or even an area like West Nile. You decentralise all the districts in that region. Then you do not provide power to do some very small fabrication work, not because there is no power in Uganda, because I think there is plenty of it - plenty is being exported, plenty of power generating plants are being constructed even where it has already been constructed. In fact, as the Bible says, those who have, are even getting more. So, they are saying, in the shortest possible time, basic requirements such as power should be distributed as a matter of priority in order to make decentralisation meaningful; but otherwise, the principle is acceptable. With decentralisation, we also have other benefits, probably some of these people like in Terego who have never seen a Minister or talked to one for quite some time, might have the opportunity to do so and ask some questions on what they require. In fact, when I talk about the Ministers, they say, you mean the Ministers in Kampala; not Ministers whom they have seen or Ministers who are available in the rural areas. So, following that, these people in Terego say, Ministers

should visit their places, they should not remain Ministers only Kampala, they should know all the boundaries of Uganda, all the villages, all the counties, so that the people can ask them those questions. I hope I am not generalising too much, but I know there are some Ministers, even if they are one or two or three who have never been out of Kampala.

The Government structure at least up to Ministerial level should be decentralised in future, why not? I know some delegate will call costs and say it is too expensive, expensive to whom? The man from Arua is able to bear the transport up to Kampala, why not the man from Kampala to Arua, why not the man from Kampala to Karamoja, to visit the Ministry of Industry; why not the man from Kampala maybe to go to Teso to visit the Ministry of Agriculture? They are recommending that in future Ministries be decentralised and there is a second economic base for that. Madam Chairperson, let these Ministries provide a nucleus for economic development. I will explain. When a Head of Department from Arua visits Kampala, he spends money on food, he spends money on taxis, that is an income for Kampala. What we are saying is other Ugandans should also be able to visit other areas or these Heads of other Ministries and be able to spend money elsewhere, generating income evenly all over the country?

On the executive and the legislature particularly, the people of Terego have noted that a lot of blame has always been laid on the executive for the sins of Uganda, and in many cases, the executive is isolated as an individual. It is not looked at as a system, such that when he himself as an individual goes away, part of the system which should actually been blamed, is left in place. This therefore means that the principle of collective responsibility in the executive should be entrenched in this Constitution; so that not only the President, but even his Ministers should be accountable for the general running of a Government.

They agree to the process that the legislature should be elected by the people on the principles of one person, one vote. But they are making one very important recommendation, that the Cabinet should not be part of the legislature, but these Cabinets should be selected from the legislature and whoever is appointed should vacate his seat in Parliament. The reason is simple. The reason why a person should go through the legislature is to establish some political credibility, rather than remain personally the judgement of the individual President. Such that

for example, if somebody is elected a Member of Parliament, and he is appointed a minister, he will already have established some political credibility at his constituency level and then because he is required for a greater national service, he is appointed a Minister and thereafter, a bi-election is held in his area to fill the position. This will avoid a situation where the President may choose individuals on his own whims without a political base.

The people of Terego recommend that the National Council of State, is unnecessary infringement on the powers of the legislature. If the President requires the advice of the legislature on appointments on very important national positions, then Parliament should be empowered to have a select or standing committee which can advise him on the process of making such appointments and such appointments should ultimately be vetted by Parliament to ensure that they conform to national objectives and principles of national unity in the country.

The people of Terego have no problems with traditional leaders because by their essence, these are leaders of consensus; they are leaders who emerge out of the peoples' practice. Even if you wanted to legislate them out they would always remain underground performing their duties and as such these traditional leaders must remain exactly what the word says, 'Traditional leaders'. Any attempt to assign a role other than the cultural role they should play in the tradition, would in the view of the people of Terego, be not only dangerous to the leaders themselves, but to good order.

MRS. RHODA KALEMA: Point of information.

Thank you Madam Chairman. I would like to inform the hon. delegate holding the Floor that he has to be careful, about the word 'tradition', because it is an English word. If he says they should remain traditional, because that is what the word says, that does not help to legislate that they should remain traditional and remain there, because tradition is an English word. If we translate it into the different languages: Ankole, Toro, Buganda, Busoga, Bunyoro, it means differently to the people in those areas. So, we should be careful here when we are using the English word. Thank you.

MR. OBIGA KANIA: Madam Chairperson, you can hear, I do not need to comment on that information, because I have all along been speaking in English and I am told to be very careful, because that

is English, that means I have to be careful with all my words. My understanding here, Madam Chairperson, of the traditional leaders as we have said are people who are born to play cultural roles. That much I said what I am saying now is that assigning any role, particularly political roles to these people is going to be dangerous for them for the simple reason that, their cultural role and political role will conflict. You are going to subject them to the political scrutiny which you may necessarily want to avoid culturally and in the process, you cannot avoid the political conflicts. Even if you avoided it now, maybe of a personality at the top of a leadership, in future you may not have the same personality to guarantee that kind of thing. So, I am saying, these cultural leaders are very good, they have a lot of good cultural roles to play, let them continue to play them and this Assembly should not assign them any political roles. This is not to say that they are not important. Take for example, the religious organisations we have in the country. The Constitution does not have to say that there shall exist a religion called Catholic Church in Uganda, but it talks of freedom of worship and these people are everywhere in the villages and doing wonderful things and participating in development, but you have never assigned them a political role. That is the kind of organisation I am looking at as far as our cultural leaders are concerned.

I would also like to comment on the issue of citizenship. To the people of Terego, the major problem in our citizenship in Uganda has not been that we do not have laws, we do have rules and regulations, but these have not been adequately enforced, like it happens in other countries. I happened to live for about six years in exile in a country. I can assure you during those six years, the most torturing thing to me was that I was perpetually reminded that I was not a citizen of that country. This is because they were very strict with their citizenship rules and these are countries whose citizen regulations are similar to ours, but ours have not been adequately reinforced. So, they should be reinforced and on the basis of all factors considered, somebody who qualifies to be a citizen should not be denied his citizenship. There are people who have lived in this country for 50 and so many years. By some kind of imagination we may say they are not citizens, but except, they have not been licensed. By all other practices, they are citizens of this country. Is it humanly possible to deprive this man and say you came from this area about 50 years ago, when he does not even know his people, and you say tomorrow, get out and move?

And is it possible at the same time under the same grounds to stand and say, and condemn as we have done, that Idi Amin was wrong to chase the Asians from Uganda? My recommendation and the recommendation of the people of Terego is that the rules and regulations of citizenship once put in place, should be reinforced and those who qualify on all factors considered, should be given citizenship without delay. And in future, our citizenship rules should be firmly enforced.

On whether Uganda should be a Republic or federation, the people of Terego have been republicans by blood and these people have not changed. In fact to them, federalism would have been a very good proposition if it had in their opinion, some economic benefits, but it appears the economic benefits which could have been obtained at the production level, as far as federalism is concerned, has been taken over by the process of decentralisation which is very good. So, they do not see the need for a political federal process. The reason is simple, many countries in the world (*Interruption*)

THE VICE CHAIRMAN: Can you please wind up?

MR. OBIGA KANIA: For both economic and political reasons are uniting so that they become one unit; so the people are saying republicanism should be accepted and entrenched in our thinking. It is not as bad as we know. I know there are many people and some people have already said that when you mention the word 'republic', their blood freezes. Well there are many words when you mention them in Uganda, somebody's blood somewhere will freeze. But I think we have to learn to live with some of these. we cannot go to some extreme.

To conclude, Madam Chairperson, I want to say this. As far as the people of Terego are concerned, there are very few controversial issues in the Draft Constitution. There may be some people with controversial ideas and views. The people of Terego are saying, let us stem down our controversial ideas and we should be able to make a lasting Constitution. Thank you, Madam Chairperson.

MR. TIBAMANYA: (Kashari County):

Thank you very much. I will be resuming the seat shortly, but may be before that, I can inform the Members that Kashari county is that county which stretches from the South East of Mbarara

Municipality anti-clock wise to the North. It is inhabited by all sorts of tribes: Banyankole, Bakiga, Banyarwanda, Bahororo, Baganda, Bahweju, Bakooki, Banyoro and a cross section of Northern tribes and this is the home of the famous, long-horned Ankole cattle. In the NRC, it was formerly represented by Prince Barigye.

When I addressed this Assembly during the opening remarks, I did say that the people of Uganda have great expectations in us, because they have entrusted us with their future and that one of our descendants. I had no doubt then, and still have no doubt, that we shall rise to this challenge. For the 20 or more days we have been here, we cannot have failed to notice that there is good will in the House; good will to identify, to discuss and negotiate a compromise that will enable us as Ugandans to govern ourselves with everybody feeling safe and proud of being a Ugandan. There is good will in the House, Madam Chairperson, to formulate a Constitution that will last. This is important. As I have said, Ugandans have placed their destiny in our hands. If there cannot be good will in this House amongst us, the document we shall make will not be respected. We may also refer, if history can be of some help to us, to the Lancaster House Conference, where views were marginalised, because they belonged to a certain class of people and there was a lot of manipulation behind scenes with the result that the document which was produced, merely concealed some tension and cleavages based on ethnic, religion, or personal interest, other than nationalism.

If in this House we feel a sense of belonging to each other, I believe that that spirit will find its way in the document and will eventually find its way to the whole of Uganda. The seeds of a long lasting Constitution must be sown right in this House.

I am personally happy for instance for the composition of the committees. While on one hand you have hon. Karuhanga emerging with the majority, on the other one you have Moses Ali doing the same; and yet on another Omara Atubo and on the other one, hon. Kavuma. This shows that Members were conscious of the broad consensus we need to have and I urge Members to maintain that spirit. (*Applause*) and I urge Members to maintain that spirit to the very end when we shall have made 'our Constitution' and not 'their Constitution'.

That said, Mr. Chairman, I will now comment on

political systems. This to us in Kashari is very important. Systems are the ones that can guarantee democracy, can guarantee human rights, can guarantee peace and harmony in this nation. So Members will bear with me if I tend to dwell on this topic. It has been said that Constitutional history is a record of a series of oscillation. One time it is private rights, at another time, prevention of disorder, and so forth. In other words, in making a constitution, surely our history, all our experience must be our guide. Each country has a different culture and history, which obviously influences the formulation of a constitution and to borrow from the words of the President when he addressed us here, we must ensure that our political institutions spring from our social structure, and Uganda being a heterogeneous society, with our ethnic and cultural differences, with a history of colonialism, multi-parties and military dictatorship; it is my view that past Governments have paid little attention to our social structure which as the President said, is composed of 94 per cent of our population. If we are making a constitution for Uganda therefore, it must be mostly for the benefit of the majority of Ugandans - the 94 per cent. That commonality which exists throughout Uganda should be exploited to the maximum.

It has been said and I agree that both 1962 and 1967 Constitution did not make provisions for the involvement of the masses, the peasants, in decision-making and general management of their affairs.

At independence, skins changed from white to black, but as far as the 94 percent, and maybe they were higher at that time, of the people no changes ever took place. The same DCs, the Chiefs, the Batongoles and so forth. The masses only cast their vote only once in 1962, and were at the mercy of the then ruling Governor to avail them opportunity to exercise their rights to choose their Leaders and that opportunity unfortunately never came again.

We must therefore make Political systems that will ensure that the majority have a say in the management of their political wellbeing.

At this juncture, we must applaud the NRM Government for having come in and filled the gap. If I take the smallest unit under NRM, the RCI, under NRM it has for the first time been given political power. It elects its leaders periodically, to run its work together because they have an interest in the village; they want it peaceful and devoid of criminals. Because they have been given a position of power, the

RC I Executive uses it to speak and influence events in the Village and beyond. They use that power to achieve things, say by encouraging to live together and otherwise build a better village and their own well being. They feel they are managing and making decisions that affect them for the first time in the history of Uganda. It is my hope that a person who has grown in that organised village, will carry with him concern, the same virtues when he is elevated to RC II, III, or even at national level, because if you have no concern for your Village, why should you have it for a parastatal or for a district and so forth?

We in kashari believe that the RC System is of a particular advantage and we have listed seven of them and you will bear with us, while I pass through them very quickly.

(i) at village level people of different shades of opinion work together for the general good of the village. So, if a meeting is called, the people feel they must attend, otherwise their colleagues will put them on the carpet; so a sense of belonging to each other is therefore developed, a sense of importance for the village develops.

(ii) the village looks after its own security, the people do not have to wait for an Askari from the Gombolola Headquarters to arrest a criminal; he is arrested by the people because there is a form of Government in power in the village. so, at that very low level, a sense of patriotism is created.

(iii) People choose their own leaders on merit and if they misbehave, they are fired in the interest of the people; therefore, a sense of honesty and zeal to work for and in the interest of others is created.

(iv) Most wrong doers are punished whether in the hands of the people, where the law is in the hands of the Central Government agents. A sense of observance of human rights is therefore created.

(v) The rule of law is observed as each person strives to be a good neighbour and therefore a sense of cooperation, tolerance and good neighbourliness is created.

(vi) By including the Secretary for Women and the Youths, the interest groups are catered for that is the women and the youths are encouraged to come together and contribute to the welfare of the village, this talent has hitherto been unexploited.

(vii) lastly the election of office bearers are held periodically and this encourages great output for office bearers will be put to carpet when campaigning at the next elections. It also inculcates a culture of handing over power peacefully, which has been missing in Uganda, which culture should even now move to the top echelons. It is for these reasons that we in Kashari, support the Movement type of Government.

In the past, political parties divided us, we harassed each other, despised each other, wished each other all sorts of evil, we fixed ourselves into irreconcilable camps because of parties, creating permanent enmity and divisions among ourselves for nothing, when there is only one Kashari or one Uganda. The party activists did not care to create a political framework where we could work together. All they cared about was that they be at the helm of power, and would stay there at any cost, be it by intrigue, by rigging, and so forth. However, we, in Kashari, want the NRM period extended for other reasons which are not of a judicial nature. They ought to be an underlying factor of the document we are going to create other than forming part of a document. If we include them, we shall be denying chance to students of constitutionalism to dig under the documents and find out the objectives underlying the documents and as a lawyer, I would advocate for its removal because it is likely to cause endless litigation in courts.

For instance, article 26, which ought to be saying that Government will ensure that each one gets the highest education of learning, decent shelter and so forth. How many people will take Government to court because it has not provided decent shelter for the citizens? I would advocate for the removal of that Chapter and when the time comes, I will do so.

I shall briefly comment on the legislature. Given the history of gerrymandering of constituencies, we support Article 88 of the Draft Constitution. This is the Article which says that the county will be the basis the constituency. In the past, constituencies were demarcated in a way as to ensure the success of a particular party in a particular constituency. They did not take into account the accessibility, easy communication and so forth. For instance in Mbarara district, in 1980, while travelling from one part of his constituency to another, one candidate would pass through two other constituencies; the proposal that a county becomes a constituency is therefore supported and has several advantages.

(i) The county is already an administrative and political unit and is therefore easier for the MP elected to have people come together using their administrative structure already in place.

(ii) The county was created before any election, in fact, most of them were created by colonialists with the underlying factor of development. An MP who is to champion future development will therefore, find it easy to work with a county.

(iii) In the creation of a county, there was no gerrymandering as the same was created purely for different purposes. Indeed experience has shown since 1989, when county representation started that such representation is indeed very effective. We therefore support the view that no constituency should fall within more than one county, but that counties with big populations could have more than one MP. We also note that the CA Statute could have borrowed the number of 70,000 people per representative from the figures used in U.K, in the Lower House, the House of Commons, but to minimise the number of MPs and in order to cut down on expenses already on a poor economy, we would propose representation to be in excess of 70,000, the figures could be agreed upon later.

On the judiciary, Madam Chairperson, I do not support the composition of the Judicial Service Commission as stipulated in Article 173. As it stands, it is composed of the Chief Justice, the Principal Judge, The Attorney General, who are already largely Presidential appointees. The not less than six members, are so appointed by the President. In my opinion, that composition undermines the independence of the judiciary. The members so appointed could most likely compromise their positions in favour of the appointing authority. While the Chief Justice, the Chief Judge and the Attorney General would remain members, we would suggest that a Senior citizen, with a legal background, should be its Chairman.

While on this issue also, we do not think there is need to constitutionalise the office of the Commission for law reform as stipulated in Article 281. I do think an Act of Parliament can cater for that.

We also want to comment on Chapter 19, which deals with the Amendments of the Constitution. Madam Chairperson, we shall be here for six or so months, making Constitution, but our work could be

eroded by a future Parliament which will have power to amend the Constitution and this will be very unfortunate.

I therefore support the rigidity entrenched in the said Article 288. I also welcome a new factor in article 288, that of ratification of some Amendments by District Councils. This is important, because it will ensure the involvement of the people in the Amendment of the Constitution. It ensures that the Constitution remains Ugandan. Maybe here members could note that the ratification of the Constitution of the United States of America by individual states could have been one of the factors that has contributed to its long lasting effect.

I support the draft law on traditional rulers. As it is, the law is fine and I do support it. I also note with appreciation that where the qualification for election of a traditional ruler in the past, would be the prince who would defeat the other to at war, that has been removed by Article 279 (E). What is not clear however, is how the wishes of the people will be gauged as to the re-institution of the office and here the monarchists will bear with me, please do not stand up to what I am going to say. God forbid that those who have had their monarchies re-instituted, should in future want them abolished. But suppose it was the case - suppose we were to have a Muganda saying that we no longer want our monarchy. I am sorry hon. Nsibambi, but suppose that was to be the case, what machinery is in place to remove the King, to remove the system? That machinery is not there. And I think we should put in place. Much as we want our Kings in place, I think if society in future demands that they be abolished, there should be in place a law which will enable Ugandans to correct a broad consensus on the issue.

I will also talk briefly about citizenship. As I have said in Kashari, all tribes are represented there; so we have no problem and hon. Members who wish to come and invest in Kashari should be free, we have a lot of raw material for dairy products. Much of the milk, and the meat, and the bananas we eat here in Kampala, come from that constituency and we welcome people who want to come; if you can get land you come, we shall have no problem with you.

I think on citizen we want to be liberal. As one Member commented this morning, the United States of America became powerful because they were accommodating. They were allowing people from other areas to come and be citizens, and in this way,

we lag behind in technology and in science. People who would come and be useful to this country should easily acquire citizenship. I also note in the Draft Constitution that if a person has lived here for 20 or so years, then on application he automatically becomes a citizen. I think that is good law, because if we have kept quiet all the 20 years, why should we now at the end, say 'ah ah, now you go away.' I think we should be strict at the beginning and if the 20 years elapse, then, that person ought to be an automatic citizen of the Republic of Uganda.

I will also comment briefly on the defence of the Constitution. As one Member did say this morning, we have laboured so much and we continue to labour to make a Constitution. But one man at his whim could one day get up and abrogate our Constitution and what do we do if that situation arises? I propose that all able bodied persons should offer military service to this nation between the ages of 18 and 25; and also able-bodied persons should willingly - this one I can say willingly - join these *mchaka mchaka* courses because in those courses the gun is demystified and you are taught more about this country. You may disagree with what they tell you but the whole of human nature is about *mchaka mchaka*, if it has now reached to the villages - we think if Ugandans join those courses, it will be one way of protecting our Institution when gunmen in future, come and want to abrogate our Constitution. Madame Chairperson, those are the few remarks but I reserve, of course, the right to comment on any other articles when the time comes. Thank you very much. *(Applause)*

MR. HASHAKA: (Kibale County) Thank you Madame Chairperson. Hon. Delegates, I am Hashaka Jackson from Kibale County in Kabarole District not in Hoima. Once again I want to elaborate this because this Kibale is not known. The only Kibale known is the district but this is a county; because if you looked at your papers you will always find a lady from Kibale but this is the Kibale where there is a granary of food; Kamwenge being known far best. As hon. Tibamanya has said, this is a county which houses very many people from different districts of this country. We even have Nandis and Kikuyus from Kenya. So, it is a cosmopolitan county of the Kabarole District. Kibale people sent me to join sentiments with the rest of the representatives from this country to thank the NRM government for having enabled all Ugandans to participate in the Constitutional making through their democratically

elected representatives and as the previous speaker said that the 1962 Constitutional representatives were chosen without the consent of people and were overwhelmed by the selfish leaders in the Lancaster House, Hon. Prof. George Kanyeihamba said, I quote *-all the previous constitutions were not terribly bad but they lacked protection.*

The Kibale people have acknowledged the way all the groups have been allowed to participate by all the representatives throughout the country: the army, women, youth, the political leaders of political parties and other groups except they castigate the failure of UPC giants and the UPM giants failing to send their representatives to this House. As hon. Atwoma expressed his people's feelings, we hope that there will be no mad people and soldiers, like hon. Pecos Kutesa said that would abrogate this constitution.

However, the Kibale people feel that in order to achieve this, minority views should be respected. The debate should not be carried by the majority but by consensus. We should remember that even those ideas of the few that will be ignored, their views will continue to grow and with time they may explode. Needless to mention, the 27 people who disagreed with the election in 1980 and their rights were ignored and now are the leaders of this country.

People of Kibale join with the rest of the country - men and women to confirm that this country should remain republic. For those five years with a democratically elected president and Members of Parliament. Here I want to say that *-(Interjections)-* people of Kibale confirm that the movement type of government should continue for another five years and if the parties want to resurrect, they could but after teaching the public the objectives - the best part and worst part of their parties.

The official language should be English and the national language should be swahili as it is easily understood by the elite and non-elite society in this country. They only regret that this language of swahili is commonly used by thugs and con men and unfortunately it loses its credibility.

Leadership - every citizen of Uganda should be entitled to contest as a leader of this country irrespective of the tribe he belongs to. Ministerial appointments and heads of various institutions should be balanced not to appear as if they come from the same district or tribe of a head of a state. People of Kibale believe that all tribes of Uganda now have had

enough educated people. Therefore, it should not look as if it is a certain tribe or a number of tribesmen and women, that are fit for various posts. The country's wealth should be distributed so that ministers in particular should not look at improving infrastructure from their districts or regions but should be done equally to all other districts or regions of this country.

People of Kibale feel that the issue of recalling their representative if she or he fails to fulfil requirements as will be laid down should be embedded in this Constitution. This will keep people's representatives on tip-toe and avoid coming to Kampala to sleep, acquire wealth and forget the development of their area.

Citizenship - Madame Chairperson, this is a very important item in this Constitution. As I said, we have even people from outside this country in Kibale. They have no objection with the conditions made for a citizen by birth as mentioned in the Draft constitution, Chapter 4, Section 41, subsection a - c. In section 42, we join some sentiments like hon. Bart Katureebe. Hon. Delegates we are all parents, and those who are not at least, were born and they may become parents. We have had several wars in this country that have left children fatherless and motherless. Children have been picked during such wars on roadside, in pit latrines and in homes that have been destroyed by AIDS. Children of one day and those of few months have been kept in various nursing homes of volunteers. Some kind Ugandans have always picked these children for adoption. Now, the new parents have never had or will never see any of these child's parents. Should that child grow without a belonging? I would wish to request hon. Delegates to support people of Kibale so that these children are registered as citizens of this country. Further more, none citizen husbands who have married a lady with respect to ladies and gentlemen - Non citizen husbands who have married a citizen should not be allowed to register as a citizen. He should go away with his wife and children. When time comes, even children should belong to the citizenship of their father. However, if a Ugandan citizen marries a non Ugandan lady, she could be allowed a citizen. Hon. Delegates, I want here to be understood by hon. Delegate Ladies that in African Culture, children belong to the fathers clans and a lady leaves the home of a father and goes to the home of the husband and if it happens otherwise, it is regarded as a taboo. I would like to disassociate

myself from hon. Tibamanya's idea that citizenship should be got here easily in Uganda. Hon. Obiga of Terego said that he spent six years outside this country and he was always hurt by not being called a citizen or registering as a citizen, even if he wanted. Hon. Delegates, I would like to mention that there are some fellows who have come to this country under cover of investing in this country. Some of them have never had relationship with those who fell victims when Idi Amin on 2nd October, 1972 in Tororo came up with a bomb shell that he had been instructed through a dream to send away Asians. They are claiming to be grandchildren of the citizens and are applying for citizenship. Delegates, people of Kibale feel that even those who could have bought their way and given citizenship be counselled and be given temporary stay permits which could be renewed if he is a useful person on this land. People of Kibale feel sorry if they have stepped on toes of those interested parties but this country should belong to those it was partitioned for. I want to join in the words of Dr. Musekura, Bufumbira North that there are no Banyarwanda in Uganda.

A HON. DELEGATE: Point of Order. Madame Chairperson, is it in order for the hon. Member to chase women out of Uganda, chase people whose citizenship is already established? Is it in order for him to deny us our right to be citizens? Thank you.

THE VICE CHAIRPERSON: This is a general debate and the hon. Member is expressing his views. You will have time at a later date, either to refute him or to join his band-wagon. *(Applause)*

MR. HASHAKA: Thank you very much Madame Chairperson. Citizenship can be revisited. I have said women who are non Ugandans and married. There is a question mark. I want to join in the words of Hon. Dr. Musekura, Bufumbira North that there are no Banyarwanda of Uganda. We have Bufumbira of Bufumbira origin in Uganda, then Batutsi and Bahutu and Batwa in Uganda. If these later categories, who are Batutsi and Bahutu and Batwa in Uganda belonged to Rwanda but they have lived in Uganda for many years, they feel they should have a belonging. This august House should include on their lists of tribes of Uganda - Batutsi, Bahutu and Batwa but not Banyarwanda.

Hon. Delegates, passports to citizens of this country should be a right. There should be no negotiation for a passport if you are a citizen of Uganda. Our

pockets have been syphoned to get this document whereas it is a right for a citizen of Uganda.

Hon. Delegates, Kibale feels that it against human rights that we are fighting for in Uganda to refuse the rights of those that would like to have their kingdoms. However, Kibale have the following strong observations. One, among other things commonly known as 'ebyaffe' or 'ebyaitu', the land that is already occupied by the people should not be levied. Instead the occupants should put local marks dividing the land with the neighbourhood, should be confirmed and the land thus belongs to the occupant with his descendants. The government should find a way to compensate the kingdoms - a person who is living on this land as a temporary occupant will never have freedom to fully profitably utilise this land.

Kings are free to be adored by their own people interested without involving the rest of other tribes living in their territory. Kings should never be involved in any politics of leadership of this country unless they have given up their kingdoms and live private lives like anybody else. The kingdoms should look after themselves financially. The Kibale people strongly object for the government to spend public funds on the welfare of the Kingdoms and their king as it is now - by funding tours abroad, offering pajeros at the expense of the rest of the citizens of this country. The luxury life should be contributed to by the interested people of the respective kingdoms, friends, etc.

Lastly, on this issue, Madame Chairperson and hon. Delegates, I am appealing to those who came to this august House with a predetermined mind of saying that monarchism is not negotiable. I quote New Vision of 24th June, 1994. Prof. Nsimbambi said 'I am sorry this might not the time to say it but the issue of monarchy is not negotiable.' These people should refrain, lobby, sell out their ideas. Otherwise, the retreating on the frontline might meet stiff humps.

Land is a very important issue in this Constitution. Some people have lived as slaves in their own country. People of Kibale have the following to contribute on this sensitive issue of Land Tenure systems. One, there should be a uniform freehold land tenure system throughout the country including urban areas. Two, in urban areas, controlling authorities should grant freehold titles to citizens. A property developer should be issued with licence to develop land. After completion of the development,

the insurance of a permit of occupation by a controlling authority, the developer should be issued a freehold title. Three, the Local Government Decree NO.3 of 1979 be amended to provide for site value rating of urban land in order to discourage people from keeping land undeveloped. Sub county lands adjudication committees be established by the minister responsible for land to represent the present district land committees who are very corrupt. Mailo land should be abolished. It is a national interest to free the two parties; the owner of mailo-land and the *kibanja* holder, from the impasse that has lasted for decades. Therefore, the government should create necessary policy framework of negotiating with a mailo-land owner for compensation. No freehold or *kibanja* owner should be evicted by the government without compensation for both improvements on and the value of the land itself. Only citizens of Uganda should be allowed to hold rural land in freehold. However, non citizens may gain access to agricultural land through leasing arrangements on short term but renewable. Non citizens should not be granted free-hold even in urban areas in exception of circumstances on approval of the National Land Control Board. Permits on short term periods, but renewable, could be issued. These non-governmental organisations - foreigners or foreign should not be allowed to acquire freehold land. However, renewed leasehold titles could be permitted but in short periods but the NGOs deemed to be Ugandan should enjoy the fruits and be allowed to have a freehold land title.

On Judiciary, hon. Delegates, people of Kibale feel that the Magistrate courts have continued to syphon the citizens of this Country by bending the rift of their wish, and therefore, people recommend that there should be at least five representatives from the area to act as a jury in any magistrate's court; so that the cases are judged according to the concession of the jury and the magistrate advising on the technical side. This might minimise corruption and reduce the many chicken, goats and cows that have always blanketed the judgement.

Hon. Delegates, you will agree with me that children in Uganda deserve protection and future. There are categories of children that have continually suffered at the hands of some fathers and mothers. Some children have suffered in the hands of step-mothers who get married and find children either left by a mother who could not bear the cruelty of the husband or the other way round. The so-called stepmothers

have burnt hands, lips of such children. People of Kibale wish to say that with such act of brutality, culprits should be given maximum sentences. Likewise, their husbands in some cultures, who have continually become very brutal to their own children - such brutal human beings should be given deterrent punishments.

Mothers of this country should be given maximum respect. I am elated and I continue to thank the NRM government that allowed women to come and defend their rights and their rights to be embedded in the constitution. Hon. Delegates, people of Kibale feel that mothers up to now are being pounced on brutally by drunkard and unruly husbands. Women have continually been abused and harassed in front of their children. As hon. Grace Akello put it - women stay home doing most of the donkey work and yet it is not appreciated. People of Kibale feel that where cultures are supposed to be respected, it should be embedded in this Constitution to free women from all such punishments and if any woman is mishandled, heavy punishment should be imposed. The chains of slavery at last, on women, should be eased. Hon. Delegates, women have been disregarded in terms of inheritance of property of their husbands when wills are not made. We strongly recommend that the property of a deceased husband should be managed by the widows and their children without the interference of the crude relatives of the deceased.

we have suffered of being arrested even to the extent of being pulled out of beds in a shameful manner, and with humiliation of the family. I wish to propose that better methods of arrest and treatment should be introduced. Civilians and soldiers have continually suffered in military barracks prisons, well, the NRM government has tried to reduce this but it should be on record that future governments should respect human rights; whether soldier, prisoner or not, he or she should be taken to police and brought to the court of law within 24 hours.

With due respect to Delegates from Karamoja region, many people have lost their lives painfully, in the hands of Karamoja warriors. People have lost property which is extremely against human rights. People of Kibale join people of this country to feel that this Constitution should have a stipulated punishment for any ruler or tribesmen attacking other tribesmen and women and we are requesting hon. Delegates and any elite Karamojong to educate our brothers and sisters of Karamoja that they stop barbaric acts and learn to live with other neighbours and even learn to live and emigrate peacefully to

other parts of Uganda and associate with the indigineous people of the place.

Lastly, hon. Delegates, people of Kibale feel that big tribes should respect the small tribes; not like those days when our grandfathers from Bufumbira would come to open *shambas* of coffee in Buganda and would be given food on banana leaves. Hon. Delegates, I wish you good deliberations, for the betterment of this Constitution. Thank you very much.

LT. COL. GUMA (Bukanga County) Madame Chairperson, I think most of you fellow Delegates do not know Bukanga. Bukanga borders with Ruhama, borders with Kashiari, with Insingiro, with Rakai, with Bukoba Vjigini, with Karagwe and it is an area that has almost all tribes in East Africa. So, the people of Bukanga are for movement system because they have always lived in a movement. On the issue of the movement they agree with Article (1) and Article (8) that since they are the ones to decide how they should be governed; that nobody in Kampala or from anywhere should come here and decide how they should be governed without going back.

On the issue (*Interruption*) of unity, the people of Bukanga feel strongly that we people who are here are the ones who are divided and from my little travelling, I think they are right. The moment you move from a town, you do not see a tribe. I have been to the East, North, Northwest, wherever I go, I am called a child but move into an urban area, then you meet tribalism. Why? Because we are a non producing class and yet we want to live by conspicuous consumption. Hon. Delegates, if we carried out a census here, to find out as leaders of people who are really directly as leaders involved in increasing production, we may get less than 5 per cent. So, the peasants, the people of Bukanga strongly believe that unless we solve the problem of scarcity, that unless we involve in production, our problems will continue.

On national unity they say every president should come back. They request that the Constituent Assembly should make it possible that all our presidents come back; because they say the ministers who worked with them are here and at the same time they were the advisers and they say in future we should not blame, for instance Afande Museveni; because for instance, if they are talking these things of Museveni but they are here; they gave you a ministry. You are a cabinet minister instead of advising, you go there to sing what he wants to (*Interjections*)

Yes, they say we told this gentleman; but you never said it. You never resigned. When you disagree as a cabinet minister, please pack your bags and go. In so far as you stay, you should carry a collective responsibility.

On the issue of democracy generally, they believe the problem is still us - the elite. Because if you see like my elites - you have the Banyombo, the Bahaya, the Bakiga, the Bafumbira, the Baganda, the Bakochi: they have never had any problem. I have been with them for 42 years. They solve their problems nicely. They do everything nicely but if the elite go there, they are the ones who try to cultivate the differences.

On the question of taxation, they believe peasants are taxed too much because they grow coffee - they are taxed, then they pay graduated tax. Then, they do not see any benefits accruing to them. They pay the money both directly and indirectly through their produce but there is nothing that goes back. Two, they say they contribute about 75 per cent. But why can't the government give them at least 10 per cent to be re-invested in agriculture? So, they are saying those who produce should be the ones to receive. You know some of us were born in peasantry societies. If you did not work you would not eat. Even today it is like that. You either promise that you are going to eat, after that you are going to work - if you have not yet worked.

On the issue of the women, and here I do not talk about the perming ladies, the wet-look; no, I am talking of these mothers of ours who have to produce 16, 13 children - because we must make a distinction between women. You know our fathers do not have tennis courts, they do not T.V, they do not have anything. So, their only source of recreation is just one thing - *(Interjections)* You know the same. So, a mother walks 16 kilometres to look for water, she comes back, she has to look after the children, she does everything after midnight, she does not have an oven and your father has to come at around 3.00 because the men have two recreations. In our area it is *tonto, waragi* and sex; and when I was talking to one woman - I said, 'if you are tired can you not refuse?' She said 'it is my duty, he is my husband.' So, it is these women we should protect. Not the perm, wet-look type. If someone has money to spend 1,000/= on a head; I definitely do not think she needs - because she even knows the law, she knows everything. We must make a distinction. That is why I differ entirely on the issue of when we are

taxing about our people. I do not think every human being is a people, no. A people is someone who believes in living with other people, who believes in negotiation, who believes in accommodation, who believes that you can make a wrong and you can be forgiven, who believes that we must live together. That is the person I could say is a people and a person who believes that to live, you must work.

On the issue of education, we find in our area that this is inter-related. For instance, right now, we have over 152 graduates. Some have spent 5 years without a job and now the peasants are saying, 'I sold everything, I sent this gentleman to school, he went - now he has come back, he does not even have a shoe.' So, on the issue of education, the Constitution should provide that it is the duty of the government to look for employment for our trained manpower or to give them means of supporting themselves through small ventures. They say this money can be available - *(Interjection)* Someone is saying '*herazitatoka wapi?*' Because we are talking of a middle class society that has not evolved naturally. The middle class society we have here, is a result of looting, of greed, of corruption. It has not evolved from the peasantry and unfortunately, we have no country as the European countries had. For them they had to loot other nations of gold, of ivory, for five hundred years. We do not have anywhere to go and loot for the next 500 years. Either we work or we perish.

On national security, they say everybody has a duty to defend himself, his nation, his Constitution. If you are able bodied, they say you should have the benefit and the privilege to be given the means and knowledge of defending your country.

On the army, they want a national army but on this one they said the soldiers have suffered so much. When a government changes, they say so and so is so and so's soldier - they say this army is Amin's army, then Obote's army and in the process so many soldiers and their families have suffered so much. All of you here now are coming from villages. You have LDUs - who gives them orders? Is it not the RC? The politicians? *(Interjections)* Then why should someone who works on orders be victimised for the stupidity of other people? Because if you make a wrong decision, you should not run away. Stay there and face the music, because the politicians have the Bills. If you get a vehicle and cross over to another country, the soldier has nowhere to go, not even with his immediate family. So, the Constitution should

try to protect the average soldier because he does not make the decisions. Like these boys who were sent by Amin to go into Tanzania - they did not know anything but how much have they suffered! Some of them are still in prison today. So, the people of Bukanga request that for purposes of reconciliation, the soldier must be protected.

On the issue of land, if you are a peasant and when you are denied land, it means that you have been sentenced to death. They say each Ugandan has a right to have land. On the issue of mailo land. They say that people having that land should stay there. The government for purposes of stability because the landlords are very strong, should compensate the landlords. That is what we think. Mine is open to discussion - it is not non-negotiable.

On the national language, our people believe that Swahili should be our national language because it will unite us with our brothers in East Africa and it is a much more developed language. On the official language, they agreed on English.

On the Leadership code, here the things are very many. I think you will meet them when we are discussing but here they are very strict. They want that even when you are appointed a minister you should be screened to see whether you should be a minister. Someone who is going to be the president should be entirely screened because people are tired. The judiciary should be independent. *(Interjections)*

On the issue of the leadership Code, here there are so many things but the most important thing is that we should create how a leader should behave, how he should govern, how he should do what - and they told me flat out that we should not conveniently avoid this issue like the NRC successfully did. They have been postponing it. They say we should finish it.

On the question of salaries, they said the state encourages corruption - that if you pay someone 10,000/= or 25,000/=, it means he is going to live for one week and the next three weeks, he is supposed to die if he must be a very good man. Then on 30th he just resurrects and I think there is only one person who has resurrected since the beginning of time - that is Jesus and that is also open to question. So, they are not talking about salaries alone. They are talking about pension because if someone has no security for tomorrow, he will try to make sure he creates that security from somewhere. I have some old men in my

village, who if they came here to pick their pension would have to borrow money. It does not make sense. So, when you say that people were given pension, are we sincere to ourselves?

On the environment they are saying the state has been putting the cart before the horse; in the sense that they tell people not to cut trees and they do not have any other fuel to keep them cooking. I think hon. Delegates, you remember the other day. I think it was last year but one or last year when someone gave an order that no more charcoal, what happened here? It was almost a riot and here you have electricity - at least partly. I know most of us cannot afford cookers but at least some people have electricity. But in the villages those things are not there. People are saying provide facilities before you to tell them to do something. At the same time I want to tell you hon. Delegates that a peasant does not like lectures. He has never done anything by lectures. All these things you put on the radio, all those things you do - a peasant wants a practical example and that is why I support hon. Kakungulu when he told people who were quarrelling to go back home. You owe it to your people to go back home. If you are talking about environment, give them an example, they will follow. Tell them, they will say 'you see, he has come for one day, he is going back.' The colonialists were more organised. In 1960s when I was young, every home had a granary - it was a must and then there were barley gardens, beans, sorghum, everything; and on Sunday, after church service, people would pass there to see how it is done and go home. Now, Afande Adyebo gets an helicopter and goes there and tells them to grow food when he has not grown food, he is wasting his time *(Interjections)* Our area, is an area like Karamoja. It is very arid and they say since Karamoja is very clearly marked as an area that really needs assistance in terms of water - that our areas like Ruhama, Nyabushozi, Rakai, Bukanga should all be included as special cases so that whatever government comes may take the necessary and due consideration. Give us water and the sky will be the limit.

On Orphans and the disabled, our people think it wise that the question of the orphans should be put in the Constitution. For instance now as I speak, we have about 5,000 orphans. This is a problem - we believe this number is going to increase and I believe today there may be an additional three. So, what do we do? These are children who have not chosen to be orphans and some of them are very young. Some of

them are already involved in child slave labour as we speak. So, we believe that it should be within the Constitution for the protection of these small gentlemen and ladies.

On the question of the disabled I think it has been well-handled in the Draft but on the issue of the orphans, the people of Bukanga do not like orphanages. They are of the view that the Government should build schools; pay teachers, buy scholastic materials so that the children come from relatives to go to School so that they grow up in a family. They even point out that the government does not have the resources to maintain orphanages. Already it has failed as we speak.

Religion - the people of Bukanga say you have a right to worship whatever God. You have the right in so far as that religion does not impute on anybody's rights.

On the traditional leaders, the people of Bukanga say in so far as you will not come to look for taxes from them, you can go and have your Traditional Leaders if it concerns you. So on the issue of traditional leaders, government has no right to give them gifts because those gifts are from the taxpayers' money. If they want their king to move in a jet, they have the right to buy it, nobody is going to stop them. *(Interjection)* The whole thing is that if you want to be a king, you know how a king is supposed to live, first look for the money before you declare yourself a king. I do not think my father is under any obligation to pay money to you by virtue of your birth. Just a biological accident that you pay money for it.

I will go back to corruption because I passed over it. You see when you talk of corruption, hon. Delegates if we do not start with ourselves, forget it and now we have exported corruption during campaigns; because you were buying votes - you have exported it there. I believe that corruption must be solved from the top. Like Tribalism, corruption must be solved from the top because it has not come from the bottom, it has come from the top. And very nicely with very good vigour we went and exported to the village; because you are not sure of yourself, you have never been there, so you have to buy them. Of course, when you talk of corruption, I think you heard this gentleman in the White House, he had to pay the money and he had to go. So, if there is anybody who is in Government who has had the helicopter for cam-

paigns, definitely that was abuse of office because that was his private affair.

Hon. Delegates, we must have courage to discipline ourselves. We must have the courage because it does not make sense to me if I hear that Afande Museveni, the president has made a mistake and I take myself to be a staunch member of the movement and I fail to go and tell him; and instead I go singing his name. I am definitely being bad to him. I am sentencing my kids to exile and maybe myself to death. So, this idea of singing, we must stop it. Where there is wrong we must say, where there is credit, it must be there. For instance, how many allowances are some of us getting? I understand it is even in the law - you are supposed to get one salary, one allowance from one Office. If you are working in the government, how many salaries are we getting? Like ministers -

THE VICE CHAIRPERSON: Hon. Guma, can you please wind up.

LT. COL. GUMA: Of course, Thanks very much Madame Chairperson.

THE VICE CHAIRPERSON: Thank you very much Lt. Col Frank Guma for having kept us awake by your stimulating address. I think we can accommodate one more person. For one reason, when we started in the morning nobody raised a point of order, because we started 30 minutes late. We started at 10.00 instead of 9.30. This afternoon we started at 3.00 instead of 2.30. So, it is good manners to compensate this august House its time lost by accommodating one person.

MR. BABU: Point of order. Madame Chairperson, I respect your ruling, but when people start making sweeping statements we must be able to stop them. There are some few things which are being said by some of our friends who are generally making very good contributions but some of these statements might not be true and if they are not true, they will be misleading this august body. I would like to request very strongly that when people make their statements, they better have facts and they better be able to substantiate them because at the end of the day, when they make these sweeping statements, some people who are in the audience, upstairs who write for different tabloids will go and publish these and some of these things are held by our citizens as being true. I would like to request very strongly - I will give you an example - some people have been talking even

in the corridor, even within these chambers about cars for example and today the cars are being held against us as a group of Constituent Assembly Delegates. That hon. Members are fighting to get cars; and when somebody says that we are corrupt, and we were brought in here by bribes (*Interruption*)

MR. NDEGE: Point of Order. Madame Chairperson, is the hon. Member in order to make a speech on a completely different point when you have already ruled that you are having one more person to speak and that is all.

THE VICE CHAIRPERSON. Okay, Hon. that is the position. I will also take another position, that is, if there was a sweeping statement, you should have raised a point of order at that material time. I have been very observant this afternoon. I did not see your hand up raising a Point of Order. But at least you have had a chance to say the little you have said. People have taken note.

DR. NYEKO (Presidential Nominee): Madame Chairperson, I am not being given preferential treatment as some people may think. I have replaced hon. Onegi Obel in the Programme. Although I was nominated, I would like to inform you that I come from the North (*Interjection*). I come from Kilak County in Gulu District. I would like to congratulate hon. Delegates for their successful elections and also thank the nominated Members to this august House. I am deeply happy with the calibre of the Delegates in this hall.

Contributions from previous Speakers have clearly proved that this country does not lack man-power. The presence of leading constitutional experts like Prof. Kanyeihamba and many will definitely make our work very easy. I wish to request and remind Members that what we are discussing is a Draft Constitution. When we disagree with some aspects of the Draft Constitution, we must do so without emotion, without thinking that there is a hidden agenda in some of those points. The purpose of you offering yourselves to be elected is precisely to discuss the Draft Constitution. The spirit in which we discussed the Draft Rules of procedure was very cordial and I suggest that when we are discussing this Draft Constitution we should stick to that kind of cordial spirit. Otherwise, Madame Chairperson, if the N.R.M had a hidden agenda in drafting this Constitution, I would imagine that it had the capacity to enact this Constitution without calling us to discuss it.

MRS. MIRIA MATEMBE: Thank you, hon. Delegate for allowing the information. The information I would like to give to the hon. Delegate is that it is not N.R.M. which drafted this Constitution. It was the Uganda Constitutional Commission that drafted the Constitution and presented it to the Government and the Government presented it to us here. So, that should be a very clear correction.

DR NYEKO: Thank you very much. Madam Chairperson. I thought I said we should caution ourselves against some people who may think that the N.R.M. had a hidden agenda because the Draft Constitution had been written after several consultations with the people in all parts of the country. So, what I am saying is we have all come here to discuss the Draft Constitution. We should not think that the N.R.M. has a hidden agenda. I also said that if the N.R.M. had any hidden agenda, they had the capacity to promulgate this Draft Constitution the way it is without even bringing us in. Hon. Delegates, we should not abuse this opportunity which the N.R.M. has given us.

I am happy this Constitution is being written by ordinary Ugandans. Most of them are not politicians. This is important. In this country politicians think responsibilities of this kind should be left to them without consulting or involving the public. It will not surprise me if we meet a lot of resistance from such people.

In my submission today I will discuss general issues of the Draft Constitution. I will not go into any specific sections of the Draft.

I will talk about citizenship. Madame Chairperson, many Speakers have talked about citizenship, and if I repeat, it should only confirm the importance and concern Ugandans have on this subject. If we look at Chapter 4, section 42, this is the section which I get concerned with. The rest of the sections are quite in order. Section 42 (i) and (ii) talked about children under seven years found in Uganda without known parents and then children under 17 years of age adopted by Ugandans get Citizenship. Section 42 and chapter 22 are not in the interest of this country. I agree that this country has a lot of problems with orphans, abandoned children but that is not enough reason for us to put this section in the Constitution that abandoned children should automatically be citizens. Supposing we make this known if the neighbouring countries or foreigners know that if

you bring a child under seven years living in Uganda, this person will be grabbed and made a citizen. And also we have a lot of our relatives in neighboring countries. Now if you are going to say a child of not more than 16 years of age, neither of whose parents is a citizen of Uganda, who is adopted by a citizen, shall by virtue of that adoption be a citizen. I think this will not be in the interest of the Ugandans. Supposing me as a Ugandan has a relative who is a citizen of say, Sudan, and if they bring a child under this age to me, and if I want this child to be a Ugandan, automatically this Constitution will get this child citizenship. So, what I am saying is, -
(interruption)

PROF. NABUDERE: Point of Information. This issue is being commented on by a number of hon. Delegates. In fact this provision regarding a child found in Uganda under the age of seven is nearly stopping our obligations under international Law. Uganda which is a Member of the International Community is under obligation not to make any person stateless. So, someone is found in our country whose parents are not known, it is our obligation under International Law to grant that person citizenship. We have no choice about it. I would like also to add that it is in confirmity with our traditions as Ugandians. In my own community, if my wife goes around with another man and bears a child, that child is my child. So, I am saying that we should not be taking much time debating this issue because this is really implementing International obligation.

DR NYEKO: Thank you for that information. If this section was written because of the International requirements then I probably will not have much objection. But that was my view. Just yesterday I was confronted by a child of five to six years of age of Asian origin, on Luwum Street near Barclays Bank. This young lady was begging and the father, another Asian was seated on the verandah of the Barclays Bank. Now if we are to take children who are abandoned, supposing this father leaves the country and leaves this young girl behind, are we going to adopt such children and make them citizens?

Now, let me talk briefly about Passports. If you go to the General Post Office, you find a number of people lining to get Passports. Then you start wondering what is wrong with this country. We are aware that Passports are not given free and we are also aware that Government needs money to run services. If a citizen wants a Passport and he has

filled the forms. What reason do you want? In most cases they say you have to give reasons why you are travelling out. But the fact is that the Ugandan has enough reasons to make him get the Passport. In any case this Passport is not being given free.

Secondly, I would also suggest that the Government should introduce an official Identity Card. The type of identity cards which we have at the we just buy from Owino Market, then you put there whether you are self employed or you are a businessman. This is a very easy avenue for foreigners to become Ugandans. Because all you need is to go to the market and buy an open identity card and put your photograph and you stand there self-employed. When you move into a residence area and you register with the R.Cs, after three or four years these R.Cs. will be able now to support your application for a Passport. So, I suggest we should have an official identity card for all Ugandans.

Then for those who need passports, they must be given passports without too much requirements as to whether somebody is travelling abroad or somebody is going out for further study. I think it should be an automatic requirement in the fact that somebody is a Ugandan.

I would also like to touch briefly on the army. To my knowledge I realise that past Governments have been actually overthrowing themselves by recruiting more and more people in the Army. In most situations, they thought that the more people they had the better. But they failed to realise that by having more people in the Army, the facilities, the housing and allowances would not be able to cater for the requirements of this large Army. And then there have been a tendency of tribal promotion. You promote an officer of lower rank because he is from your tribe. You put him on top of a senior person. This kind of thing brings problems within the system, and it results into indiscipline which leads into removal of such Government. So, I suggest with this Constitution we should make sure that the number of people in the Army are reduced to enable us afford catering for their accommodation, uniform and all other requirements.

To my knowledge, Madam Chairperson, Uganda Army has not fought any major territorial war. But they have fought several wars among themselves in the last 30 years. So we do not need a large Army. We should pick a few people in the Army and then

have a large reserve force. This is in agreement with what other previous speakers had said earlier that we should train as many people in this country as possible who can use the gun and then disperse them to other duties. Now, when the need for external war comes, we all put on uniform, are given guns and then we fight to protect our country. So, I strongly suggest that the training should be towards reducing the number of people in the Army. These are professional people and then we keep a reserve.

I would also like to say something about the administrative set up of the Army. The possession of guns. Just this morning we have read in the Newspapers that a soldier killed up to 24 or more people in Naguru. I happen to stay in Naguru, the area where these people were killed and you can see this soldier is a small person in the Army and he is allowed to keep a gun with several ammunitions up to the extent of shooting 24 people, leave alone those he missed. And he also had a pistol. So, for administrative purposes, I would suggest that the Army Administrators should not arm uniforms. It should not be part of the uniform. Give them boots, clothes, caps to put on their heads. I would request that these people should not be allowed to keep guns with them. Most of these people are small people. Some of them do not know English. Some of them cannot speak in any other language except their native language. So, to give responsibility of carrying guns at any time to this kind of person is very dangerous and the danger we have just seen this morning is an obvious one. I suggest that the people who can carry guns and pistols should be officers of professional level. But these other non-professionals if they are given guns in the morning for some specific duties they should return the guns to the person that is responsible for the night.

I would also want to talk about posting in the Army. As I said earlier on most of these army men - the small ones - the non-professional ones are not very educated, and if you are going to post an army private, from Kisoro to Kitgum, this person's salary is very small. He has no saving to enable him travel from Kitgum to Kisoro. This person does not know the local language, say, Acholi. The person probably cannot speak English. The only language he speaks is his native language and swahili. Now at the moment, Kiswahili is not widely spoken in the rural areas. This posting has problems. A person of that nature is unable to communicate is unable to communicate with the women and he is unable to bring

his wife to stay with him because in most cases they are transferred very frequently. So, he does not have enough money to go into some parts where he can get some service at reduced price. So, he ends up having problems of *-(interruption)-*

A HON. DELEGATE: Point of Information. Madam Chairperson, I start by appreciating what he is trying to say but I think we cannot start posting Soldiers according to what they understand. We cannot first line up soldiers and ask them whether they know Lugonjo and send those who know it to Bukonjo, and ask those who know Acholi to go to Acholi.

DR NYEKO: Thank you very much, for that information. What I was saying is that these people earn very low income. They are paid very small salary. If you are going to put them very far away, their salary is not enough to complete the month; they do not know the language for day to day communication and as I said, it can turn into cases of army men raping women. Because they do not know the local language of that area. They cannot negotiate, they do not have the money to go in places where you do not need negotiation. *(interruption)* I do not accept any other information. So, this is my view. They should be treated like people working in Local Government. They should be restricted to their districts. If you have a barracks in Kitgum, why do you not try to restrict the Acholis to working in that barracks? But of course at the officer's level you can post these people anywhere. So, let it be like in public service where certain lower levels of work is left for the local people. And then at a higher level, you can post an officer to any part of the country. This is what I am trying to suggest. But of course it is subject to be taken by the officers responsible. I suggest the minimum qualification should also be raised to O'level. This is because we already have a lot of educated people at O'level who have no jobs. It will be unfair to recruit people who are not educated leaving those people who are educated.

Now I talk briefly about land. Madam Chairperson, the land issue has already been tackled by many speakers. What I would like to suggest is that no individual should be allowed to take land beyond what he can develop. If you go in the countryside you find miles and miles of land lying idle. The owner would be somewhere in Kampala, and this man can use this land for his future generation. Now, if he has money and is unable to develop the land, how does

he expect his grandchildren whom he has not even seen to develop this land? I would suggest that the maximum amount of land given should be one square mile. But, if anybody wants more than one square mile, he should submit a feasibility study to show us how he intends to use this land within the next five or ten years. This is important because we should not allow those who have the money now to take the land from those who may have the money in the next two or three years. As my Colleague said, that is speculation we should not accept.

About the system of Government, first of all I am not personally worried what system this country will adopt, whether it is going to be Multi-party or no party. What I am saying is whatever system of Government the constitution is going to adopt it should be a broad Government. In that ministerial positions should be open to capable individuals, even those in opposition to be part of the Government. This broad Cabinet will be able to give advice to the President and life in the parties system where the winner takes it all, where you find the President is surrounded by people who are prepared to say 'yes, sir, yes sir' without giving unbiased opinion. So, a broad based Government should be the kind of thing I recommend particularly at ministerial level, and then ministerial positions should also be given to people who are outside the political system depending on their capability and of course their status in the society. The Cabinet if it is to advise the Government, then it becomes important if you have this and buy us advice from people who are not even politicians. I recommend that the present Political parties should be abolished or whatever the case may be. This I say because the present political parties have outlived their usefulness because they have become so religious that in my opinion U.P.C. should change its name to Uganda Protestant Congress (*Laughter*) while D.P. should take up the abbreviation D.P.C so that they become Democratic Party of Catholic. I do not have much complaint with C.P. because this is a conservative Party where nobody gets in or gets out.

MR. OKWAKOL: Point of Order. Madam Chairperson, is it in order for the Presidential Nominee to misrepresent this general Assembly by saying that the Parties U.P.C and D.P are based on religion, and further more that if they were not abolished they would become Uganda Protestant Congress and the other a Catholic Movement. Is it in order when he knows that the position as it is that the present political parties are Multi-religious?

THE DEPUTY CHAIR PERSON: Thank you very much. I think the hon. Speaker has noted that. And I think that was his opinion.

DR. NYEKO: Thank you, Madam Chairperson. As I said, that was my view and to my knowledge if you look at the secretariat say, of D.P you may find it difficult to find a Protestant. What I am saying is this is on the majority. I am talking of the majority status. So, I suggest that if the time comes for parties, we do agree that we go multi-party, we should formulate multi-party. This is my view; and I would like to inform the hon. Delegate that what I am saying is my own view. I have not consulted with any of my nominating authority and I have not consulted the people of where I come from. So, do not misinterpret this to be the President's idea.

THE DEPUTY CHAIRPERSON: Okay, can you wind up please.

DR. NYEKO: Madam Chairperson, the best opposition tends to from people who are out of Government. When they are in Government, they do not have the eyes to see what wrong they are doing. So, that is why I was of the opinion that the Cabinet should be broad based, so that we have considered advice from those non-partisan who could also be in the Cabinet. For instance, recently, a few people implicated that the first Army was a Kitgum Army. Although these people were in power, they were unable to tell us that their Army was the Kitgum Army. Now when they came out of power, they were trying to oppose the present Army, saying that it was made up of foreigners and probably from one part of the country. I come from Gulu and I am an Acholi. I felt bad about this kind of statement because when the Kitgum army kept them in power, fighting the N.R.A in Luwero Triangle, they were very happy with the Kitgum Army. Then later on after the UNLA overthrew them, they turned round and said that Army was a Kitgum Army. I think I am not very happy with this kind of Statement. I probably will not be able to go further than this. I would like to thank you for giving me this opportunity to say a few words.

THE CHAIR PERSON: Hon. Delegates I think we have transacted some good business today. I think we better call it a day until tomorrow 9.30 a.m. So, we adjourn.

The Assembly rose and adjourned until Tuesday, the 28th of June 1994 at 9.30 a.m.