



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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THURSDAY, 28TH JULY 1994

MOTION -

General Debate on the *Draft Constitution of the Republic of Uganda* [Pg 1282]

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Thursday 28th July, 1994

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

P R A Y E R S

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

The Assembly was called to order

MOTION

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

MRS. DHUGIRA OPOTI(Okoro County):

Thank you, Mr. Chairman. I would like to join the rest of the Members of this House to congratulate you and your Deputy upon your election to chair this House. Mr. Chairman, I would also like to congratulate all the Members in this House in whatever way they got themselves here, and especially, I would like to congratulate my fellow women with whom we competed at the county level and made it into this House. *(Applause)* Mr. Chairman, I would like also to commend some youths who went out of their way and stood at county level and some competed in the women's race and made it into this House, especially, a few to mention, I would like to commend Hon. Charles Rwomushana, Hon. Ben Kiwanuka Kajimu, Hon. Julius Omute, Hon. Sam Kiwanuka, Hon. Lt. Mayombo, Hon. Kiyonga from Upe, Hon. Fiona Egonyu, Hon. Mushemeza Elijah, Hon. Janet Okorimoe and Hon. Musobya Lubega. As I said, these are just a few to mention, they are so many other Members who are youth and they are in this House, and on this note, Mr. Chairman, I would like to appeal to the youth representatives who are here, and who are trying to advocate for a district representation of Youth that it is completely unnecessary and uncalled for. We can make it into this House on our own without being pushed around.

Mr. Chairman, Okoro county is one of the counties of Nebbi district. It is situated and bordered to the West by Zaire, to the North by Arua district, and the county of Vura. To the East is Padyere county, which is represented in this House by Hon. Sam Ringwegi. It has a population of over 136,000 people, and has four (4) different ethnic groups, the

Luo, the Lugbara, the Madi, Okebu, and Lendu of Uganda. I say this because all these tribes I have mentioned have their bigger counterparts or ethnic groups in our neighbouring countries, especially, in Zaire. Mr. chairman, Okoro county is located in the highlands of West Nile, region. It is blessed with fertile soil and high rain fall, and as such, for the last 10-20 years, it has remained the food basket of West Nile and Northern Uganda as a whole. Mr. Chairman, I would like to bring the thanks and appreciation of the people Okoro county to the NRM Government for the peace and stability that has prevailed in West Nile and the country as a whole. I would like also to bring their appreciation for the compensation in form of death gratuity to the orphans of the sons of Nebbi district who lost their lives in the hands of the rebels in Gulu district.

Okoro county and Nebbi district and also the whole of West Nile has suffered the effects of the war in Northern Uganda of which they have never been a party, and they pray their brothers and sisters in Gulu and Kitgum do come back to their senses and stop the war and start the initiative of development other than a senseless warfare. *(Applause)* Mr. Chairman, I would like also to thank the NRM Government and my people would also wish to extend their appreciation for the government listening to the cries of their sisters and brothers in Jonam county who lost their boats in the hands of the NRM soldiers in 1990 and had some these boats were compensated to them early this year, we are very appreciative. *(Applause)*

Mr. Chairman, we the people of Okoro county Nebbi district and West Nile as a whole are peace lovers, and it is only peace which can guarantee us to have a meaningful constitution, and to live to see our grand children, all we need is peace in this country.

To turn to the constitution, I have this to say. The people of Okoro do recognize the fact that the sovereignty and the Supremacy of the constitution and sovereignty of the people of Uganda must be the key issue in this Assembly if we are to be assured of stability and development of this Nation. To ensure the strength and the survival of the constitution, a document as a book of law alone will not be enough but government, after the promulgation of this constitution, must go out of its way to educate the people in all possible fora to enable them understand the essence of what a constitution is, and to live with it

in their daily life, and to learn to uphold and defend it at all times. Mr. Chairman, this will ensure that in future, when anybody lifts a hand and succeeds to overthrow a constitutionally elected government, posterity must live to judge and punish the coup makers in the return to sanity.

Mr. Chairman, my people say Uganda should remain a Unitary State and a Republic. They object to the idea of a Federal system of government as they say it will promote disunity and underdevelopment. Mr. Chairman, my people accept and endorse the International boundary line located along their county and they wish to have government ensure that constitutionally, there must be a clear demarcation along these boundary lines to ensure that there are no unnecessary local border conflicts as time and again it has occurred in my county in the sub counties of Zeo, and in Erusi and Goli area in the county of Padyere. Mr. Chairman, I am saying this because the border lines in our district in general have no clear demarcations and time again, the locals on both sides of the border get into conflicts which in turn attract the two armed forces of both Zaire and Uganda, and there were times when the situation almost went out of hand.

Mr. Chairman, the people of Okoro county recommend English to remain our official language and Kiswahili as the National language for the reasons advanced by most of the Members of this House.

I will briefly comment on the National objectives. A number of arguments have been brought into this House some for and others against. Mr. Chairman, I am of the view and I have been asked to say that the question -some of the issues or opinions which have been put in the draft constitution have not really been smuggled in by the Members of the constitutional commission, but indeed, questions were asked and some of these are by far responses from the people. Mr. Chairman, my people feel that the only way government will be compelled to act on the various demands of the people constitutionally is only when this is left in place. Mr. Chairman, they have an example of Clause (20) which declares the role of the state in development. Mr. Chairman, everything aside, the constitution we are making must be the one which will influence political, social and economic development in Uganda. This absence of an elaborate deliberate policy in the past constitutions has led to the great imbalance and equality in development in this country. Mr. Chairman, this article particu-

larly is going to ensure that the people will demand what is due to them, especially, the basic infrastructures which are factors of development like roads and electricity. And, Mr. Chairman, those are the two aspects which have kept West Nile as a whole a backward region. We are not poor but we lack the basic infrastructures for development so much that we have to sell all our produce in raw form.

On citizenship. My people say there must be a clear definition of who a citizen of Uganda is. Mr. Chairman, the problem of Ugandans and citizenship arises from cultural to social and political. Mr. Chairman, my county as I said earlier, shares a common border with Zaire, and as a result, four of the main tribes or nationals which are in this county have their ethnic groups there also. Mr. Chairman, with the misfortune of having the Eastern part of Zaire lesser developed than the Ugandan side, our brothers in Zaire have had the opportunity of benefitting from Ugandan tax payers through education, health and even in essential commodities from Uganda market without paying tax on them. Mr. Chairman, my people recommend that the basic right to citizenship, as put in articles 40 and 41, should be endorsed. They go further to reject Clause 42 which says that a child under the age of 7 years who is found within Uganda should be assumed a Ugandan citizen. Mr. Chairman, my people say this is not going to be a good way of getting people to become citizens of Uganda. They say from their experience in 1964, there was a large influx of children from Zaire - the then Congo, who came to Uganda as a result of the war in Zaire. But after about 6 months to a year or two, these children were able to be identified by their relatives and they were able to trace their ways back to their homes. Mr. Chairman, assuming this law had already been put in place, it would have been wrong to have assumed that these children were Ugandans.

Mr. Chairman, the people of Okoro would also like everybody within Uganda now be registered and be given the National identity Card. Mr. Chairman, they also go further to say, a Ugandan, married to a foreigner, be it a man or a woman, who wishes to come and settle and become a citizen of Uganda must be allowed and given citizenship. Mr. Chairman, every citizen of Uganda who is going to be given this identity card, they say, must have a common signatory and must be given by a single authority to avoid the issues of anybody coming into Uganda and going to any area declaring himself and getting Ugandan

citizenship. It is common knowledge that of late people go to RCs, people go to parish chiefs and also to authorities to try and get themselves identified. They say all these elements have been in one way or another corrupt and as a result they have an example of the last election in which we got elected into this House whereby some people from Zaire got registered as voters because they thought it would be used as a travelling document inside Uganda.

Mr. Chairman, the people say, immediately after this constitution coming to force and in the body which is going to be formed that a National Citizenship Board must go out of its way to get all Ugandans registered. And they say that unlike the Immigration Control Board, this body must be decentralized to all the districts of Uganda.

My people do accept and endorse all the elements that are in the fundamental human rights. Mr. Chairman, they have a reservation on some of the elements as they say, they have been in the former constitutions, they are not new to them as they appear today; but they have never been properly enforced. Typically are those in article 53, the right to fair hearing. The people say they have been subjected to all forms of unfair hearing. They wish that the new constitution should make sure this law becomes implementable.

The protection of the family. Every family should be entitled to respect of its life, home and correspondence. The new constitution should embody civil liberty for all in the family that includes the freedom of the wife and the husband and the children with personal action and expression of opinion. All the lawful life to receive and to impart ideas and information without undue interference of the other forces. Mr. Chairman, I am mentioning this particularly because all are well aware that in our societies and more also in my own area the women do not have a say even if what she is going to say is right. By this constitution, she must be entitled to contribute in whatever aspect through ideas, into the family and not only by her labour force. Mr. Chairman, a wife should have a lawful right to divorce her husband if the latter's code of conduct is unacceptable by the society. Mr. Chairman, I wish for this to be really embodied into the constitution so that when we are talking of a man, a woman, and their children - the present sense of a family in our society is a man who is the head of the family and the woman and the children. Mr. Chairman, the woman and, especially

her girl children have been subjected to all forms of a sub human being. This is what is happening in all parts of Uganda and not only in my county.

The rights of the children: The children are also human beings, they should be entitled to their rights. The state should ensure that the children are protected and promoted in their development and growth. The state should ensure that all the children of Uganda go to school and the state should ensure that all the children of Uganda attain free and compulsory education.

I will turn to the woman. The rights of a woman in all aspects in our society has been limited. Not because we do wish, but the customary laws have it, and these customary laws in certain aspects have been endorsed by the laws of this land. Mr. Chairman, we have a series of laws as have been mentioned by some Members of this House. But these laws have never, in one way or another, helped to alleviate the problem of the woman. Mr. Chairman, what the women demand is a right to ownership of property such as land. I would like to commend the people of Bugisu in Mbale where I think you are very familiar, these are the only people who have recognized the girl child as part and parcel of the family and whenever a daughter is going to get married, one of the things that a father gives to his daughter is a piece of land. I would wish the whole of Uganda to adopt such a culture and begin giving land to their daughters. Mr. Chairman, the women demand the right of custody of their children and above all, Mr. Chairman, the women demand the right to cultural independence; other than the culture which has broken them down to men who are their fathers, their husbands, their brothers, and their in-laws.

On traditional rulers, my people do adore and respect the institution of traditional rulers. I happen to hail from one of the clans in which there is a traditional ruler in the name of Obimu V. Oymajobi II of Okoro. Mr. Chairman, we love him the way he is, respect him, and obey him in all aspects of culture. Mr. Chairman, we also have another chief of the Paidia called Okungo the II. Mr. Chairman, the presence of these traditional chiefs in our areas has enabled the prevalence of peace and tranquility in the county which I represent. Mr. Chairman, my people have this to say. The institution of traditional rulers must be kept out of the constitution, bearing in mind the background of the problem they experienced which

led to the subsequent 1966 crisis in which the Kingdoms of Buganda, Ankole, Bunyoro, and Toro lost their face. Mr. Chairman, my chiefdom or the chiefdom from which I come, has never lost its face because it has never featured in the Constitution of Uganda. Mr. Chairman, what the people of my county wish for their chief is that: During the colonial days, land was acquired from the people of Okoro to be given to the chiefs. And some of this land was put to good use. Such as the plantation forest which exists in Okoro county. They wish, with the commencement of this constitution, that chiefs do have a say and also a part in the income that comes out of this forest.

On local government, the people of Okoro do accept the principle of decentralization, and they wish the constitution to fully give power to the people other than giving it with one hand and taking it with another like the present local government act whereby the district councils cannot act unless the Minister accepts that they do so.

On the civil service, the Civil Service represents the expert elements and the machinery in government by better education and enlightened outlook and the Civil Servants take the lead in forging links of unity in our country by remaining politically impartial. Mr. Chairman, my people suggest that the new constitution should protect the tenure of Civil Service from undue political interference. This is to say that appointments and dismissals in this service should be completely out of politics. Mr. Chairman, the Civil Service should be a mixture of career and patronage system with no preconditions. It should therefore, be open to mature recruits from Universities, and other professional institutions.

Mr. Chairman, my people do recommend retirement age to be retained at 55 years because it is 55 years that a person reaches the peak of his ability to absorb and work effectively. Mr. Chairman, on this note, my people do condemn the principle of retrenchment as it has been implemented in the last one - two years. Mr. Chairman, on the laws and functions of the Civil Service, my people do say, it should be added that the public service should sign an agreement with the person they are going to employ to ensure that he takes a certain number of years in which to work and when this agreement is broken, one is entitled to be legally redressed.

On defence, and National security, my people rec-

ommend that the army should be composed of men and women who have at least attended "O" level standard of education. They should be certified Ugandans who have at least reached the age of 18. Their training should be geared towards the loyalty to Uganda. They are saying that the attachment of the army to government and the President must stop. They are saying the Obote's army, the Amin's army, the Museveni's army must come to an end. Mr. Chairman, dignity and the respect must be given to the army, by giving them adequate salary so that they respect and obey the people.

I turn to the political system. Mr. Chairman, the people of Okoro county have said, they have seen governments come and governments go since independence, to them the law standards of development of their area cannot be attributed to a particular government, which has not been addressed by any government. They have different memories of all the past governments. Mr. Chairman, in the 1960s, a period when multi-party politics was at its peak, the people of Okoro county only do remember the wide spread hatred and conflicts in families. They do remember the 1968 beatings of the DPs by the UPC youth wingers at a rally addressed by Hon. Oringi who was their representative then. They do remember the suspension of development projects which were allocated in their areas. And to this day, these areas have remained experimental sites for wheat, barley, tea and distinct dairy and merino sheep experiments. Mr. Chairman, lastly, they do remember the period between 1968 and 1971, to the killings of their sons by Amin, which killings resulted from accusations of one party to the other and the vice versa. Mr. Chairman, I am saying that both parties lost very respectful members of their society during that time. Amin's period is remembered for lack of essential commodities in their shops and also the rampant killings of their people. Mr. Chairman, the Obote II to the people of Okoro county, did not make a very big difference because the hatred among the people was rejuvenated.

Lastly, I have been instructed by the people of my county to come and say, they do support the extension of the five years of the NRM in the names of peace, stability, tranquility and development. *(Applause)* Mr. Chairman, they went further to say that the parties should be allowed to become active in the third year of this extension. And before they are allowed to go really full fledged, they must be subjected to a test by the people to see if really they

are worthy of the performance -they are worthy of upholding Uganda as a Nation.

On Presidency, they say they want a universally elected President, they do not want a President who is going to be elected by the party. Mr. Chairman, the people recommend that the election of the people to Parliament must also be by universal adult suffrage. They do object to the RC lining system of election. They do recommend that once a person has become a Member of Parliament, he should on appointment to a Cabinet position uphold his position as a Member of Parliament. Mr. Chairman, they do accept the Clause which talks of a recall of a non performing Member of Parliament. Mr. Chairman, they insist that the leaders of this country must, at all costs, be subjected to the leadership code of conduct that shall be put into place under this constitution.

My people do recommend that the land policy should revert to the free hold and customary land tenure. Thank you, Mr. Chairman, and thank you Members for listening to me.

MRS. ABU WINOTIYA DOMINICA: (Women Representative - Moyo): Thank you, Mr. Chairman. Moyo district is a small third world district in North Western Uganda. It is bordered by the Sudan in the North, Gulu district in the East and the South, and Arua district in the West. It has the worst roads south of the Sahara and the poorest people in Uganda.

Mr. Chairman, allow me to add my voice to those of the Hon. Members who have congratulated you and your Deputy on your well deserved elections to your respective positions. I wish on behalf of the people of Moyo, to thank both of you for the able manner in which you are steering the business of the Assembly. I also of course, wish to congratulate all Hon. Members for having made it to this Assembly. I have been asked by the people of Moyo to thank both the constitutional Commission and the electoral commission for their excellent performances.

Almost all the delegates who have spoken have stressed the importance and need for unity and tolerance of one another's views in order to come up with a good constitution which will enable power to change from hand to hand peacefully. Why then are we such bad listeners? The moment we hear views contrary to ours, we want to jump and scratch. But Mr. Chairman, given our history, who has not

suffered in one way or another? Problems come in different forms. Mr. Chairman, while I agree that the past has made the present, and what we are doing now will make the future, we should refer to the past only to remind us of where, we as a country, have gone wrong and see how best we can avoid or prevent the same mistakes from happening again. Let us not be like the three blind men who went to view an elephant. Their story we read of long ago. Mr. Chairman, You remember that story, Mr. Chairman, and Hon. Members. The one who touched the ear, said the elephant was like a leaf, the one who touched the tail said the elephant was like a stick, while the one who touched the side concluded that the elephant was like a wall. Our experiences of Uganda's history is exactly as valid as those of the three blind men. For example, Mr. Chairman, while my brother Hon. Charles Owor believes that in the early 80s, when Obote came to power, he declared a policy of reconciliation, it was that very policy of reconciliation which sent the people of West Nile in exile in totality. *(Applause)* People were -*(Interruption)*-

MR. CHARLES OWOR: Point of clarification. This is a point on which my name has been mentioned as having stated that Obote declared a policy of reconciliation and that, her interpretation is that, a policy of reconciliation was to the effect that people from West Nile were sent to exile. I would like the Hon. Member currently on the Floor to clarify whether it was out of that policy of reconciliation that the implementation made, sent into exile, the people from her district.

MRS. ABU WINOTIYA DOMINICA: Mr. Chairman, I think I made my point clear, the point I am making is that, our experience have been valid during different systems of government, while there were people who believed during Obote I that there was a policy of reconciliation in place, the policy for us was the contrary. Because it sent us into exile in totality. *(Applause)* People were looted, houses burnt and even other West Nilers who were living in other parts in the Northern region were forced to flee. These atrocities were committed by the state army without any mercy or control. I bring this out not because I want to open old wounds, but to prove, Mr. Chairman, that our experiences are indeed valid.

The spirit of the constitution is beautiful. It states that, we the people of Uganda are committed to build a better future by establishing a new social economic and political order through a popular and durable

national constitution based on the principle of unity, peace, equality, democracy, freedom, social justice and progress. Beautiful to listen to, Mr. Chairman. But we shall not achieve these objectives unless we really feel committed at heart. Mr. Chairman, how many times do we wish one another peace without really meaning it? Why is it Mr. Chairman, that the only times we wish any one peace genuinely is when we are giving him a send off from this world. Mr. Chairman, even it is surprising that some Ugandans even say that there is no need to thank the NRM government for the peace that now prevails in most parts of the country, they even have the audacity to ask questions like, can you eat peace? But, Mr. Chairman, does that therefore, mean that you can eat war or insurgency? *(Applause)* Mr. Chairman, as I speak, our brothers and sisters in Acholi and East Moyo are suffering from insurgency. Bitterness has been expressed in this House about the situation obtaining in the North. For example, Mr. Chairman, when I want to go home I have to pass Via Nebbi and Arua which makes the journey longer by nearly 200 Km because of insurgency. A lot of money is being spent in providing security along the road which money could be used to provide services and development. Experience has shown, Mr. Chairman, that the solution to rebellion can only be found within the affected community. The West Nile experience - *(Applause)*- of the early 80s has been a lesson to us. Some individuals who are dissatisfied or opposed to government in Kampala claim to be fighting for the people in inverted commas. They end up turning their anger and violence against the very people. Some of these people, out of terror, turn to support them. I would like to appeal to my brothers and sisters, the Acholis, to follow the example of their brothers the Langi. The people of Lango -*(Applause)* joined rebellion late but they abandoned it first. The benefits are there for every one to see.

THE CHAIRMAN: There is a point of order.

MRS. ABU WINOTIYA DOMINICA: Let me, Mr. Chairman allow me finish this point because it may not -let me develop the point I am making.

MR. OWOR CHARLES: Point of order. Mr. Chairman, I would like to find out whether it is in order for the Hon. speaker previously on the Floor before me, to state categorically that the Acholis have supported rebel activities in the North without substantiating. Who are these Acholis who have supported? Hon. chairman, I seek your protection

and I demand my rights to talk.

THE CHAIRMAN: Order, order.

MRS. ABU WINOTIYA DOMINICA: Mr. Chairman, allow me to finish the point I am developing-

THE CHAIRMAN: No, no, just a moment. He raised a point of order and you cannot proceed until we complete that point of order. Have you finished?

MR. OWOR: Yes, I was also seeking a protection from the rowdy Hon. Members who-

THE CHAIRMAN: But they were not rowdy, they were sort of- in fact you are causing rowdiness. Please let the Hon. Owor finish his point of order.

MR. OWOR: I have finished.

THE CHAIRMAN: The Hon. Member is indicating that if you gave her a chance may be to be able to clarify the point. Would you like to continue, then we determine whether we should rule otherwise or do you think you are able to give an answer?

MRS. ABU WINOTIYA DOMINICA: Mr. Chairman, I was saying, there was insurgency in Lango but the people of Lango rose up and abandoned it. And the results are obvious for people to see. Right now although we get -

THE CHAIRMAN: No, but the Hon. Member's point was this, that you were suggesting that people of Acholi have supported insurgency.

MRS. ABU WINOTIYA DOMINICA: No, that is not what I am saying, insurgency exists in Acholi district as I speak, whilst in Lango it has been done away with- that was the point I am making. I am not saying-*(Interruption)*

THE CHAIRMAN: No let her finish her sentence first.

MRS. ABU WINOTIYA DOMINICA: So, I was saying, Mr. chairman, that although we may get opposition emanating from Lango, it is basically verbal, and we hear Lira and Apac are dissolving. The result of their method of approach or opposing or criticizing government is therefore, obvious. What I am saying, Mr. Chairman, is that you can oppose

government without necessarily resorting to insurgency. *(Applause)*

THE CHAIRMAN: Hon. Owor Charles, are you satisfied with the situation?

MR. OWOR: Point of information. I am satisfied to the extent that I am also informing her that we are actually opposing the NRM government by coming here to point out some of the things we do not agree with. So we are not supporters of insurgency but we are speakers of the truth.

MR. BIDANDI SSALI: Point of clarification. The only clarification, if I was following the Member on the Floor clearly and the point over which the Hon. Member behind me Hon. Owor jumped on I think was the fact that the Hon. Lady stated that some leaders based in Kampala go back and fan the insurgency in the name of fighting for the people and she put the people in inverted commas.

THE CHAIRMAN: So, are you saying that she should clarify that. But I think the Hon. Member is satisfied.

MRS. ABU WINOTIYA DOMINICA: No that was not what I mean, Mr. Chairman. I said that these people who are perpetuating insurgency claim that they are fighting for the people in inverted commas. I did not say - I do not think I mentioned people from Kampala.

THE CHAIRMAN: Okay that is clarified.

MR. BASOGA NSAJU: Point of information. Mr. Chairman, I have some information here which I thought we could share with the Hon. Lady and the Hon. delegates. This information was contained in the *Monitor* of Friday 8th to July 12th, 1994, it is on the back page, page 20. In the article which says, "Minister in secret meets to oust Bigombe" and I want only to give you the last paragraphs. They say, that the letter has been dropped in the villages by the unpredictable Kony rebels who claim they have found political alliances with UPC, and DP functionaries in Kitgum and Gulu to mobilize civilians to their calls. Security sources say they intercepted a letter from rebel commander Alex Oti Lagone on June 3rd 1994 addressed to two CA delegates names withheld, which confirmed that some Acholi politicians have come up to give Kony political and moral support. The second last paragraph says, "some of

these were said to have advised Kony not to accede to government peace moves and hold on until Museveni is worn out with the Northern rebellion". Mr. Chairman, the last paragraph says, "they argued that Acholi must gain something politically from the Kony rebellion". Mr. Chairman, I thought we should share this information in light of what the Lady advanced. *(Applause)* Thank you.

MRS. ABU WINOTIYA DOMINICA: Mr. Chairman, although that may be useful information, I really did not know of it, and when I talked of the insurgency in Gulu I was really condemning Kony and his group. Now, Mr. Chairman-*(Interruption)*-

THE CHAIRMAN: No, no there is a point of order.

MR. WACHA BEN: Point of order. Mr. Chairman, it is in order for Hon. Nsaju to ask this House to draw conclusions from rumours?

THE CHAIRMAN: The Hon. Member was drawing the House's attention to some story in a newspaper but definitely no one would draw a common conclusion from that story. It is subject to various interpretations and I think we should not waste any more time with it.

MRS. ABU WINOTIYA DOMINICA: Thank you, Mr. Chairman. The situation in Gulu, Kitgum and East Moyo as I speak, Mr. chairman, is very bad and the Assembly has already been informed in details by Hon. Betty Okullu of Gulu in her contribution. I wish, Mr. Chairman, to appeal to the President, the NRA, the politicians, the elders, the civic leaders, our brothers and sisters who live in UK and U.S.A. and other countries and even us the neighbours, to join hands and do everything in our power to bring peace to that part of the country. It is a collective responsibility, Mr. Chairman. *(Applause)* Policy makers and implementers who, however, have taken advantage of the so called insurgency in the North to deny us services must know that they are perpetuating the misery of the people of that area.

Allow me, Mr. chairman, to turn to the draft constitution. We are in agreement with chapters 1-3 especially article 23 which states that, the state shall take necessary measures to bring about balanced development in the different areas of Uganda between the rural and urban areas. Two; the state shall

take special measures in favour of development of the least developed areas. Three: the state shall take affirmative action to enhance economic status of disadvantage groups including women, the Youth, orphans, and people with disability. The state shall ensure social justice for all groups and individuals in economic matters. We would like to see how these measures will be taken because, Mr. Chairman, we belong in these marginalized brackets. This article, therefore, affects us directly.

On citizenship, Mr. Chairman, while we in Moyo agree with the provision of this chapter, we feel that article 42, though good in principle, the wording does not convey the same meaning. *"A child of more than 7 years of age found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth"*. Our quarrel is this, why up to 7 years? Mr. Chairman, we have ever heard these abandoned children hence the mushrooming orphanages, babies homes, children's home e.t.c. Have these children even been declared stateless? We would like to state that these children be known as orphans or aliens until the age of 7 years after which they will be given citizenship if no one has claimed them. This should be possible since we now have in place organizations like the National Council of Children, UCOBAC, UNICEF and so forth and so forth plus our strong applications for citizenship by registration be accompanied by strong recommendations from local leaders before they can be granted. The Law governing citizenship should be well defined and taught to the people. the National Citizenship and immigration board should have branches in districts to process applications. During the recent elections, Mr. Chairman, many married women in Moyo who were not Ugandans by origin were disappointed when they were told a few days before elections that they were not Ugandans so could not vote and yet they were enumerated as Ugandans during 1991 census, they were even registered during the registration period. These are people who have married and grown old in Uganda. They assumed that because they were solidly married to Ugandans, they were Ugandans. Nobody had advised them about the importance of applying for Ugandan citizenship. Mr. Chairman, victimisation of border tribes who have their brothers and sisters in neighbouring countries must also stop terms like *"Munyarwanda"*, *"Mudokoli"*, e.t.c which can hurt

Human rights, Mr. Chairman. We in Moyo feel that

institutions of torture like NASA and others should not be allowed to exist again. Let the Special Branch of the police carry out investigations and if there is need for such a body, at least, let it be restricted to investigations after which the matter should be handled by the civil police. Detention without trial is totally unacceptable, to us in Moyo. Let investigations proceed arrests so that the culprits can be charged within 48 hours.

On women, Mr. Chairman, we know that the population of women in this country and the contribution they make to the development of their nation have been next to the development of the nation as has been ably explained by fellow Hon delegates. Permit me, Mr. Chairman, to repeat, if only for emphasis, that for historical, cultural, traditional and economic reasons, women have lagged behind their male counterparts. It is for these reasons that the NRM Government should be highly commended for all the affirmative action it has taken in favour of women to redress this gender imbalance. Women have not been only marginalised but they have also been cheated. Mr. Chairman, in all sectors of life both public and private. Take the civil service, for example, Mr. Chairman, women are cheated in matters of housing, leave, payment, transport, promotions etc. In marriages it is even worse, they are cheated on citizenship, on divorce, on intelligence, children and all that. They are the ones who do the work and they are the ones who end up with nothing. If we are to redress these ills, then women must be represented on all decision making bodies.

The Draft Constitution proposes to establish several constitutional bodies like commissions, Committees, Boards, Councils, Authorities etc. We recommend that one-third of these bodies being women notable among these are, the National Citizenship and Immigration board; the Uganda Human Rights Commission; the Electoral Commission, Parliamentary Committees, the Public Service Commission, Board of governors of the Bank of Uganda; the Public Service Commission, the Teaching Service Commission, the Uganda Audit Commission, committees and Commissions of District Councils, Councils and Boards of the Security Forces, the Uganda Land Commission, the Law Reform Commission to mention but a few. Women must be given one-third positions on these Boards. Most decisions made on these boards effect women directly. *(Interruption)*.

MR. BWANIKA BBALE: Clarification. Mr.

Chairman, thank you very much. I wonder whether the Hon. Member is consistent when he says the women should be given one-third. Is it not marginalising women further? Why do you not ask for 50 per cent so that you are not marginalised. What is wrong with asking for 50 percent, why are you not straight forward if you are fighting for your position?

MRS. DOMINICA ABU: Mr. Chairman, when you are running a marathon race you start low after all, Mr. Chairman, we do have a number of women with the required qualifications and experience to fill these posts. We recommend very strongly, Mr. Chairman, that the government, through the Ministry of women in development, embark on programmes to educate the population on the demerits, implications and consequences of bride price with the eventual aim of wiping it away. Most Ugandan women suffer being treated as property because of bride price. It is the cause of women not owning the children they bear. It is the cause of women belonging to their father when unmarried and to their husbands when married and never in their own right. It is the cause of viewing women merely as a production machine, a children production machine. It is a cause of misery for women in marriages especially if they have no children in the marriage or if there are only girls in the marriage. The tradition of inheriting widows is a result of bride price. A woman is considered bought and therefore she can be beaten and mistreated at will whereas no woman will abandon her home and children unless forced to do so. Men are known to abandon homes and children. This issue must be addressed, Mr. Chairman. I refer Hon. Delegates to the Children C.A. Mock Debate resolution in view of all that I have mentioned. Representation by the fifteen women in the next Parliament is totally unacceptable. Women must be represented at districts as it is the case now. Mr. Chairman, you do not open the eyes of a blind man, allow him to look around and admire the beauty around him for sometime and then say it is time you became blind again.

Representation of the people, Mr. Chairman. We disagree, Mr. Chairman, with Article 85 which says that the Chairman of the Electoral Commission should be a Justice of the Supreme Court. Many Hon. Members who have spoken, have highly commended the team led by Mr. Akabway and yet he is not a High Court Judge. This clearly proves, Mr. Chairman, that we have men and women of integrity

in all walks of life in Uganda, in this country. After all, we have had indications of judges who have been involved in fraud in their posts, hence no guarantee by the title.

We agree with the power to recall but we caution that it should not be allowed to be misused by political opponents. We also wish to reiterate that representation is the will of the people. No one should, therefore, be barred from offering his or her candidature on grounds of age, sex and might. People should be allowed to exercise their power freely and fairly to choose a person of their choice and while the people have made their choice, even those who believe that nothing is right unless they are involved, should be made to respect and rally behind the chosen.

Political system, Mr. Chairman. Political parties were introduced in Uganda at the time when we were advocating for power from the colonial government. As a result, instead of using the political parties to develop alternative ideologies and policies for the governance of a country, political parties in Uganda have been used for grabbing power while the bulk of the population, who do not even understand party manifestos have had to shift their loyalties from one power to another. Mr. Chairman, since 1986 we have seen that a government of inclusion is a better alternative. UPC once had the UPC-KY alliance which did not last. DP was silent, a state of emergency was declared in Buganda where it spread fear and discontent complicated by infighting within UPC led to Amin's coup in 1971. Amin's dictatorship bred terror in the nation and international isolation which led to the collapse of the economy bringing with it social and political instability. All these in an attempt to silence opposition and criticisms. UNLF Government seemed to create hope but it was crashed by partisan intrigues right from the Moshi spirit. This culminated in the success of a most capricious faction winning the 1980 Elections. Then came what we now refer to as Obote II which I have already mentioned had its own ills. Mr. Chairman, the people of Uganda, more or so of Mayo, live by experience and not by high sounding academic explanation. They are therefore saying, their experience is as follows. They have been allowed to return home from exile, it is most important. They can now co-exist side by side with the army in most areas at least. They do not have to queue for essential commodities, they do not have to travel to Kampala and spend days waiting to see the

Minister of Supplies to give them commodities. They can traverse the country without the ordeal of having to pass numerous road blocks. They can sit around a table to discuss divergent political views and ideas instead of the violent political confrontations they used to know. The contribution of their mothers, wives, sisters and daughters made to the development of the country is recognised and appreciated. Affirmative actions are in place to allow them to participate more fully and effectively in political matters. Because of these positive experiences and many others which time cannot allow me to enumerate, more of them feel that such a healthy, political climate should continue without interruption though not necessarily for five years. They have sent me to say the duration should be decided by this noble assembly. These are the reasons they give for supporting the extension.

1. To give time to allow the political wounds in their heart to heal.
2. To enable parties to stage a proper come back. The political parties should admit that they contributed, as an organisation, to the turmoil of this country although there are some individuals among them who could be positive to this country. They should, therefore, be given time to re-organise, dissolve, re-arrange and so forth during an interim period.
3. The people should be given an opportunity to understand the need for a multi-party type of government after the unity they have enjoyed. Mr. Chairman, to a person in Moyo, the name UPC and exile are synonymous but given time, he might understand that after all, there are good things which UPC did for them in Moyo. They should therefore be persuaded to accept it again.
4. The interim period of extension will also enable the people of Uganda to know more about, for example, Hon. Tiberiyo Okeny's National Liberation Party. Some may want to join it but as of now, they do not know much about it.
5. We have many youth who are aspiring to form new parties because they say UPC and DP belong to those of us who are elderly. Let us give these people time to form their new parties Mr. Chairman.

The people of Moyo have no objection to the extension of the Movement system as I said for a period to be decided by this House. It could be five years, it could be three years, it could be two years or it could be more, depending on the Assembly. Mr. Chairman, but they wish to observe the following:

- 1 During the interim period, NRM which is still

believed basically breathing because of the person of Yoweri Kaguta Museveni and a few officers of the NRA and NRM should re-organise themselves by discarding the dead woods especially at the secretariat just like a political party.

2. That the broad baseness should be made truly broad based by including people of various ethnic groups and different shades of political and cultural opinions.
 3. For Ugandans to improve on the achievement so far obtained in the last couple of years, the people of Uganda must have a right to elect upright individuals who must then accept to work together for the common good of the people.
 4. The tendency to pay deaf ears to persistent cries from marginalised parts of the country should stop. For example, when we in Moyo cry that we cannot go home because of bad roads, such cries should be heard.
 5. Some of the government programmes seem to fall victims to sectarian and haphazard implementations which has created disillusion in many parts of the country. This must be corrected. While the President knows this country to details of parishes and peculiar problems faced in different parts, most Ministers, PS's, directors etc show evidence of absolute ignorance. Visitors books in the districts bear evidence of how many and how often these people have visited some parts.
- Mr. Chairman, I hope that I shall be given more time to talk on this burning contentious issue at the consideration stage.

On Land, Mr. Chairman, we in Moyo recommend that land being the most important asset, especially to a peasant, should be administered freehold and customarily. They want the Land Commission to be decentralised so that people do not have to travel to Kampala for land titles. They recommend that Kampala and Entebbe be turned into capital territories.

The issue of federal/unitary, Mr. Chairman. If one reads the report of the Uganda Constitutional commission, the recommendation of the children CA Mock Debate that took place recently, the views being expressed in public media and the views of many Hon. Delegates who have contributed, more people in Uganda feel that Uganda should remain a Unitary state. A form of government that is fully democratic and all embracing in terms of participation, social, economic benefits with leaders who are patriotic and selfless. We in Moyo want a system

which will redress the current imbalance in the political social, economic factors so that we create a Uganda where there is no room for envy, there is no room for false blames, there is no room for a blend of laziness and no room for false claim of hard work, where locational advantages and disadvantages enjoyed by different parties are minimised. We should not conclude that regions or areas which are currently better off or worse off will continue to remain so for ever because who knows, those who are backward may still be having some potentials which have not yet been exploited. Buganda may find it easy to federate and so much the Ankole, Lango, Teso or may be Acholi, but what about us in West Nile, Mr. Chairman? We are a district of numerous tribes, speaking different languages, with diverse customs and cultures and traditions. Perhaps that explains, Mr. Chairman, why the West Nile region is the only region with an English name. The region's language is Kiswahili and English but that diversity has not stopped us, the people of West Nile, from coming together whenever an issue of a regional nature crops up. We have been able to come together to discuss freely and find solutions to our regional problems but when those issues were no more, we have gone our separate ways to our respective districts. Why can't the rest of Uganda emulate this good example from West Nile instead of forcing us into a system which is not workable for us anyway? We in Moyo do not want to be confused with decentralisation and federation at the same time. Let us take one at a time.

The issue of the traditional rulers we have no quarrel. Those who have the history of traditional rulers should be allowed to have them including the small minority in Ankole. Let us not make it a constitutional issue especially since Parliament has already granted it. Mr. Chairman, I feel that it is very unfair to submerge the minority be it on area, in language, in tradition etc. God made the small and the big, the rich and the poor for a purpose, Mr. Chairman. Traditional leaders should not attach their existence to federalism because they are not national in nature.

Decentralisation, Mr. Chairman. We welcome the present government decentralisation system although for us in Moyo, we are not ready but because Arua and Gulu, our neighbours, are decentralising, we have no option. Some of the functions of district leaders seem to be duplicated. We need clarification on the role of the CGR and the chairman RC5. The Secretary RC5 and the District Women Council.

We feel that some of them could be done away with. We agree on the executive that the President's powers should be reduced, there is no need to burden him with all the appointments especially when we have other bodies which can take care of those. Let us not erode his efficiency by overloading him with too many responsibilities. (*Interruption.*)

THE CHAIRMAN: Hon. Member, you should be winding up your comments, you have gone far beyond your time.

MRS. DOMINICA ABU: On the Army, Mr. Chairman, we want an army which is national in character. An Army which cannot be referred to as *Anyanya*, Mucholi, Munyarwanda or anything but Uganda Army which is national in character, well trained, highly disciplined and recruited from all the tribes of Uganda proportionally. The recommendation to join the Army should come from the local leaders. The Army should be as productive as possible to ease the burden of its maintenance and to curb indiscipline.

Much has been said about the other provisions. Since they do not appear to be very contentious I shall not bore you, Hon. Delegates, with repetition.

Finally, Mr. Chairman, let us come up with a Constitution that will be short and simple enough for the ordinary Ugandan to understand. The people of Uganda must be educated and sensitized about the constitution so that they can uphold it. Let the Constitution be a means of uniting the people rather than dividing them. This is an opportunity of a life time. Let us rise to the occasion and put in our utmost and make Uganda a truly great nation. I thank you, Mr. Chairman.

THE CHAIRMAN: Thank you Hon. Dominica Abu for contributing to the general debate this morning. I now give the floor to Hon. William Wanendeya of Budadiri East.

MR. WANENDEYA (Budadiri East): Thank you very much, Hon. Chairman. I border Kenya on the eastern part and usually termed the second tallest person in Uganda because Mt. Elgon is the second tallest in the country. I border Bulambuli county, I border Bunghoko county and finally I border Teso or Bukedea in the West.

Hon. Chairman and Members, please I thank you for

the opportunity given to me by the Badadiri in adding my voice to that of other Hon. Delegates who are here in this august Assembly to write a new Constitution for our country. Hon. Chairman, the opportunity is of great historical importance to Uganda. Hon. Chairman, the Badadiri think it is better late than never and, therefore, want me to congratulate you heartily with your Deputy upon your election to guide this historical Constituent Assembly. The Badadiri and you are aware, you are one of them, you are both especially wished good luck and the Badadiri say, "*Wisukhe*," meaning well done.

What I am going to say Hon. Delegates is the truth for the good of our country, mother Uganda. When we talk the truth, some people call us controversial but it is because we love our country and would like a good country for future generations. So those who talk otherwise may be the enemies of this country. Permit me Hon. Delegates to request you to pray the Almighty Creator to guide us so that we amicably agree on most issues. Our peoples eyes are on us, eagerly expecting us to produce a good constitution to last the test of the present and the future generations of a united and peaceful Uganda. Hon. Delegates, we should not disappoint Ugandans for if we were to do, history will never absolve us. Let us show Ugandans and the whole world that we are highly educated and foresighted. We must therefore pray genuinely to the Almighty God to guide us in our task.

Hon. Delegates, Ugandans who were at Lancaster House, and we have two of them here, should not be blamed solely as culprits for the 1962 Constitution. You and I know that foreigners were involved in the framing of that 1962 Constitution. The point to note in this connection is that the late Ben Kiwanuka who was one of the best sons of Uganda but he was deprived of being the first Prime Minister of an Independent Uganda. May his soul rest in eternal peace and thank heaven we have his offspring here amongst us. The foreign element involvement in the 1962 Constitution of our country must be condemned for some of the historical problems. Could we have been saved from some of these problems if Ben Kiwanuka was a protestant and, therefore, acceptable to our former rulers who insisted that the Prime Minister of an Independent Uganda should be a protestant? Doesn't the bulk of the Democratic Party also tell the same story when somebody was prevented from being Katikiro and instead the Democratic Party was created? Could Uganda have been

saved from the scheming of the colonial collaborators in their efforts to wield power under the guise of indirect representation of the people by diluting democracy? Some of these problems are known to a number of Ugandans but are we not again pretending that we do not know when we really know and therefore, we are signed to be dishonest with ourselves. Is it not Uganda and African's problems therefore of minority leadership scheming to rule the majority without their genuine best interest, taking their best interest into account, pretense to scheming and telling lies in our efforts to divide the cake between ourselves as elite minority in Uganda and Africa's number one problem?

I want Delegates to know clearly that the African has been ruled by a minority collaborators since the advent of slavery and was followed by colonialism. African collaborators were encouraged by economic benefits offered by Arabs and Europeans. Things like salt, clothing and the rest of it. Some of our people were enslaved by fellow Africans who collaborated with the minority element in what gave birth to slavery. Foreigners co-operated with Ugandan minorities to pave way for colonization of Uganda and Britain. Is it not this that gave birth to the mailo land tenure system as a reward to collaborate these minority chiefs? The ordinary person in Buganda became a tenant on his ancestor's land without being consulted and this is a fact. When we say we are sons of chiefs, we must know that it is because we helped some people. Isn't this what gave birth to the first riot in some parts of the country until the problem was solved in 1928 by payment of annual rent - *Envujjo*? Were the ordinary majority consulted to be tenants by agreeing to the establishment of mailo land system? They were not, that was a colonial problem with foreign investment. Are we sure that foreigners are not involved in our constitution making and if they are not, why can't they advise us as friends to be multi-party soonest as they have done in other parts of the world but why hang on Uganda only?

Permit me, Hon. Delegates, to narrate the history to you that the colonialists left Uganda when some of the nationalists had been exposed to democracy and knew how it was practiced in Europe, America and elsewhere in the world but did we not, as Ugandan nationals, allow democracy to be diluted by a minority in 1962? Did we not say that we are well educated but allowed the electoral college of 21 indirect seats for Members of National Assembly in 1962? Is it therefore surprising that those who were elected

became a minority in National Assembly, Parliament, and were therefore manoeuvred by the government of the day? Were peoples best interests for democracy catered for? Are those scheming not responsible for some of our miseries over thirty year? Who must be blamed? Ourselves but we prefer not to know history and instead blame other persons who perpetuated them. If President Museveni were to leave the scene, we would perhaps blame him for not giving us a federal status if we do not agree as Delegates while at the same time we say we are Ugandan nationalists -(Interruption)-I hope my time will be compensated for, Mr. Chairman, because I have signed myself to exactly about thirty minutes. Thank you.

MR MULONDO: Point of clarification. I wanted, Mr. Chairman, the Hon. Wanendeya to clarify to me whether he has any land in Buganda and if so, how did he get it?

THE CHAIRMAN: Hon. Wanendeya do you want to respond to that?

MR. WANENDEYA: Hon. Chairman, I would say that even if I have, what has this got to do with the scheming that were going on in those days? Are you not the same people perhaps scheming, some of those people here now trying to scheme? Mr. Chairman and Hon. Delegates, we people in Uganda are always praising leadership. When obote came we praised him, when he fell out and Amin came on the scene we said he was born in this Conference Centre, he is the son of the late Ssekabaka Chwa. When he left the scene some other people came and we are always praising and this is part of our blame in this country. So we must stop these kinds of praises. Are we therefore not just tribalists pursuing our tribal interest? The challenge is, are there any Uganda nationalists? Are you one of them? These questions are being posed by the people of Budadiri after careful, historical observations, that somebody should answer these questions. The historical perspective is that, prior to independence, the people of Budadiri East had been exposed to coffee politics and later on to party politics. The political parties articulated their objectives and people made their choice in 1962, the result was that Uganda became independent. People have seen good and bad governments over the last thirty-two years of our independence and are able to make yet their choices, thanks to NRM Government. The people of Budadiri East choice is clear and I am saying clearly that they are

nationalist who want good governance of our country through multi-parties and they should not be minced about that. I was overwhelmingly elected because they said we want you to go on record for multi-parties. Their reasoning goes as follows for multi-parties.

1. They supported NRM in the bush because Obote's government officials were not behaving well and there seemed to be no ways of changing this democratically. Some of their sons trained in Mt. Elgon forest joined the NRA and are still there in Mt. elgon. You know about it Hon. Chairman. The Okellos looted property because we supported Museveni and yet we have not been compensated for those properties which were taken by the people of Budadiri East.
2. NRM when in the bush said they would stay in the government for four years if they capture state power. Four years have come and gone. We were however persuaded to extend the period in NRC for another five years which we did nicely in what we thought was in the national interests. These are facts for the record.
3. During this period of NRM administration, now the people of Budadiri East have seen security having improved very well in most parts of the country except in the north. This is credit which must be given, and as a result, people can move easily, freely at night. We are grateful for this.
4. The problem the Badadiri see are that the NRM Ten Point Programme which has to be tackled and fulfilled, however, the ten Point Programme of which I have a copy here, except two have never been fulfilled.
5. Hon Chairman, the Badadiri say that the economy is not doing well at all in Budadiri. The Badadiri are poor, poorer than we have ever been under any government in Uganda and this is a fact. The government says it has rehabilitated roads and has borrowed over two billion dollars since it came to power. Let anybody go to Budadiri to see for himself or herself the development in Budadiri and how the economy is doing well. The Badadiri are hard working people, we grow the world famous Bugisu arabica coffee which has contributed nearly a billion dollars to the government revenue since Independence in 1962. To our misery, no government in Uganda has done anything much for us in Budadiri and the whole of bugisu or Mbale. The people of Budadiri East therefore say that we should support Museveni again with the hope that we will, in two years time, sign a contract to tarmac less than a hundred kilometers of roads in Bugisu. If the

economy is doing very well and we are collecting shs.30 billion every month. why haven't we been paid. we as Hon. Delegates. why have we not been paid our allowances for this month? I have documents to the effect that the economies of African countries is not improving. 6. Hon. Delegates want a good constitution. they should also know that the minority want to continue in power. What is purportedly the majority in this august House was boosted. The law was impregnated to indirectly delude democracy in the same manner as it was done with the 1962 Constitution. The question is, when was the Shs.5,000 note introduced? It was in February this year and we know the reasons why it was introduced. Let us get external auditors to check the government and the NRM Secretariat's Bank Account of February and March and let the report be made public if we are honest. is the challenge. We must wake up to reason issues because the whole world is for multi-party democracy. The glory is that this is Uganda and Africa must never be entertained in our deliberation because the minority want to control the majority. *(Interruption)*

MR. CHANGO MACHYO: Point of order. Mr. Chairman, is the Hon. Member right to waste our time by telling us what he should be saying in NRC? Is he in order?

THE CHAIRMAN: This is a general debate, the Hon. Member is in order to make his comments.

MR. WANENDEYA: Thank you very much, Mr. Chairman. You know why the people, like in the Bible, the three wise men who donated prizes to Christ came from the east and that is why you are the Chairman, thank you. The other reason, Mr. Chairman, is that the government changed the currency which contributed to widespread poverty in rural areas. This has resulted in misery. The people of Budadiri East say that we have peace but cannot eat it. We cannot send our children to school and we cannot afford payment of social services, that is one of the reason.

9. The ninth reason is that Programme No.3, consolidation of Unity and programme No.7, the elimination of corruption is more in our country than under any government since Uganda became independent. On Corruption, the talk, therefore, is that every Ugandan is a thief. On the contrary I am not and most Ugandans are not. If the government was tough with corruption it should know that he or she who has a right to hire has a right to fire or dismiss

that person. Some of us as Delegates should still support our President if he dispenses characters who are corrupt. Mr. Cheye has written about this, the Public Accounts Committee has said so but nobody does anything even to take those thieves to court or give us a report that this is what has happened as a result of what was published in the newspapers but nothing is ever said.

10. Mr. Chairman, the last point over here is that when you write letters to Government Ministers, nobody replies them when you say the problem. The only Minister ever to reply to my letter is the Hon. Paul Etyang and I thank him for that, may be because we are neighbours.

In view of corruption, the people of Budadiri ask these questions. How sure are we that we are again not giving a license to the minority who are eating and are blindfolding us while singing loud rhetoric that we are not yet ready for good governance through political parties because they have in the past messed Uganda? As far as they know the people of Budadiri, it is only UPC that has governed Uganda since Independence in 1962. The logical alternative therefore is to hand power to either DP or CP who have never ruled Uganda and let us see how they rule us. Hand power to those two parties. Isn't the reasoning of all political parties messing us, empty and falsely intended to hoodwink Ugandans? Let us be honest here. If Mukasa messes then Karuhanga has also messed. Is that logical, the people of Budadiri ask - *(Interruption)*

DR. KANYEIHAMBA: Point of order. Mr. Chairman, is it in order for Hon. Wanendeya to mislead this House that only one Minister from the east has ever answered his letters when as both Minister of Commerce and Attorney General, I had very lively correspondence and responded to his letters and I am only from the west? Is he in order, Mr. Chairman.

THE CHAIRMAN: I will take that as information to Hon. Wanendeya and he can still take it into account as he makes his contribution.

MR. WANENDEYA: Thank you, Mr. Chairman. As usual you have been wise and I thank Hon. Kanyeihamba. He replied to my letters and the point over here though is that he never took any action at all when he was Minister and this was in connection with the Forex Bureaus and also setting up a Duty Free Shop. When another person went into the

Ministry of Commerce, this was done and that was a result of my brains, Mr. Chairman, and Hon. Delegates.

Aren't we, therefore, being blindfolded for five years and then a referendum would be held to decide on the matter as to whether or not we should have political parties? Doesn't the reason now not to have political parties until after five years a marginalisation of the majority Uganda intelligence by the minority in just the same way as when the British used tactics in collaborating with the minority to rule the majority? Colonialists used similar reasoning in wanting to delay the independence of African countries until the late Kwame Nkrumah said and I quote "*People still prefer to rule themselves badly rather than have a benevolent dictator.*" Therefore, free the people of Uganda, let them have the choice of parties of their choice. Not only that, Hon. Delegates, but again it would be diluting democracy in the same manner as in 1962. Hon. Delegates should, when deciding the issue of extension, remember the contribution made by Hon. Lt. Mayombo in this august House. Hon. Mayombo said that when NRM took power, they executed the wrong characters of soldiers by firing squad. As a result, unlike in the days of Obote, NRM/NRA soldiers and I thank them, they know that they have to behave properly and therefore they know what the price is if they do not behave properly - firing squad, unlike in the Obote days. In brief what I am saying is that soldiers know that the price of misbehaving, if found guilty is summary execution by a firing squad. This has assisted in bringing about law and order in most parts of the country in fulfillment of Point No. 2 of NRM Programme for taking power in 1986.

Permit me Hon. Chairman and Delegates to mention that I was never Amin's admirer but here again I give credit where it is due. One of Amin's crude programmes when he captured state power summary execution of thieves or *kondos*. As a result, shops belonging to expelled Asians in 1972 remained locked without being looted until they were allocated to indigenous Ugandans. Ugandans have the experience, so you tell them and the point here is that it did not take five years for the whole population of Uganda to know what would happen if anybody dared to break shop premises in order to loot goods. It did not take a year for Ugandans to know that if one looted shop premises by breaking the price was well known. Why should somebody therefore think that Ugandans would take five years plus nine years to organise political parties? This is the question we are

posing. Doesn't that tantamount to underrating the intelligence of Ugandans, knowing democracy and, therefore, it will take five years to grasp political issues? Who is kidding who that Ugandans cannot organise present and new political parties until after five years? Somebody equates democracy to per capita income. Are the Arab Emirates including the Kingdom of Saudi Arabia, have any better democracy? If that question can be answered and yet they have a higher per capita income, that is the challenge to anybody here who says so. In fact indeed if that is the reason then we should ask Britain to come back here and rule us because we are not yet ready for independence if it is going to take us five years to decide on multi parties. The view would sound like John Locke's Imperialist philosophy regarded the mind as a blank photographic plate which registers information as they come to mind. More recent empiricism however abandoned that photo copy theory and replaced it with pragmatism. Modern science as we know it today deals with rational philosophy. That is why the world has advanced. According to this philosophy, the place of man in this world deals with knowledge found in concept, principle and laws but in low sensation like imperism which tends to want to extend five years when Ugandans would know politically. That is philosophy and I have got a book here on living Issues in Philosophy for anybody to read if you want to know. The challenge for empiricism philosophy therefore is that I be given a chance now and I shall within six months organise UPC, DP, CP with all due respect, even NRM, to make it democratic. During the period, I shall traverse the country until we get political parties organised from grass-roots until they have a national convention. A civic board should be set up to tell Ugandans what is their place and their responsibility to government. Prior to anything we should appoint somebody to be a political supervisor and a law be put in place to punish heavily those who do not do the right thing by destroying each other parties symbols. The people of Budadiri East, therefore, request Hon. Delegates to be convinced to the above views. The Badadiri are pro-NRM and participated in this struggle. This should be known to NRM hierarchy and this is why Hon. Wamusi is in the NRC as a historical member. I am also pro-NRM but the Badadiri support the five year extension and I supported UPM purely because, the Secretary General is here, we used to sing "clean leadership" but it seems as though clean leadership has been replaced by corruption and this we must know. If anybody disagrees with this view,

who has resigned in disagreement of clean leadership? Let us not hoodwink Ugandans over this point.
(*Interruption*)

THE CHAIRMAN: Hon. Wanendeya there has been offers of information. It started with Hon. Dr. Kiiza Besigye.

MR. WANENDEYA: If this information is not going to be given to me time wise, Mr. Chairman, I am very well informed. Hon. Bidandi Ssali was the Secretary General and he announced it there. So is he going to deny that these are facts?

THE CHAIRMAN: The Hon. Member is not taking any information. He is not taking any clarification. Let him finish with his comments. Hon. Member you continue if you are not taking any of those.

MR. WANENDEYA: No, because the Hon. Bidandi Ssali knows that he announced it if we are to be honest and we used to be singing. I was in UPM because I disagreed with Obote and therefore, there we used to sing clean leadership but we were disagreeing on principles. Mr. Chairman and Delegates. The Badadiri therefore, propose a government of national unity for two years to be formed with the participation of persons selected by political parties with Yoweri Kaguta Museveni as President.

MR. ALEX BYARUGABA: Mr. Chairman, is the Hon. Member on the Floor in order to deceive this House that he joined UPM just because he was singing clean leadership, unity and peace when we all know that Hon. Wanendeya tried in one year, just in a space of one year he tried UPC they chased him, he tried D.P. they threw him aside eventually he ended up in UPM just because he had no any other party. Is he in order to lie to this House. Even his own wife deserted him and she remained in UPC. Is he in order, Mr. Chairman, to come and deceive us about those slogans?

THE CHAIRMAN: I did not remember Hon. Wanendeya denying that he never was a member of D.P. or UPC at any one time. He only said he was also a member of UPM. Hon. Member just continue.

MR. WANENDEYA: Mr. Chairman, you can see these collaborators who want the extension so as to hoodwink us and, therefore, they chose what I would call - you know what it is - a point which is not worth

a respectful gentlemen and Gentle Hon. Delegates.

A Select Committee, I am saying of Delegates should, therefore, be elected to work out modalities of having a government of national unity. The Select Committee should propose modalities for parties to be organised and new ones formed. In making the proposal, the Badadiri will take into account Hon. Aggrey Awori's proposal of again the government of national unity. The people of Budadiri are of the view that the majority of ordinary Ugandans are very good to each other and hardly have problems at places of work but it is we as leaders who would confuse our people from Kotido, because their interests are the same as those in Kisoro and indeed throughout the whole country but because we want to eat and we want Pajeros and we want whatever it is, that is one of the problems which we must sort out in this august Assembly.

The people in Budadiri would want Delegates to make specific proposals when it comes to going Chapter by Chapter and Article by Article in the Draft Constitution but the Badadiri present the following comments. Article 4 in connection with the federal, Uganda should remain intact as a Republic but if my Friend, Ssabalangira Mulondo wants federal, he can convince us to set up a Select Committee to see how we can study those proposals for a federation. The people of Budadiri would rather have no objection to that. The Parliament of Uganda, instead of being call Parliament, it should be called Uganda Lukiiko. Mr. Chairman and Delegates in Chapter 6, Article 94, 95, 96 and 98 on political system, those should be removed because, Mr. Chairman and Delegates, most of the people the world over, believe in peaceful change of governments by people organising themselves into political parties of their choice. Indeed I was overwhelmingly elected because I said we must perpetuate multi-parties. In Chapter 7, a number of people have commented the Chief Justice should be elected by the Judicial Service Committee.

On the Legislature, the Badadiri believe that Article 131 should be deleted to avoid diluting democracy as it was done in 1962. In Chapter 9, the National Council of State, Articles 151(i) (a) to (d) should be deleted the reason being that it does not provide for good checks and balances of governance. Mr. Chairman, when it comes to Chapter 10, there are a number of other things here. Mr. Chairman, under the National Council of State and I will bring them

under relative proposals when we come to stages. In Chapter 10, Articles 154 should provide for the Chief Justice to be nominated by an Independent Service Commission composed of retired judges but ratified by Parliament. Chapter 11, the Government shall not change currency value without the approval of Parliament. Indeed this is the reason why the majority of the Ugandans in the villages are very poor because currency was arbitrarily changed and they lost 30 per cent and this has never been accounted for.

Mr. Chairman, when it comes to finance, again our currency should be called *‘‘Tokez’’* because the shilling does not have any meaning in Ugandan languages. So we should call our currency *‘‘Tokez.’’* (Interjection) *Tokez* because most people in Uganda eat *matooke*, they like *matooke*. Mr. Chairman, Parliament shall by resolution determine rates payable for the flow of river Nile to neighbouring states. The reason over here is that we do not get free petroleum product from outside the country.

Mr. Chairman, in Chapter 13. Local government Even if it has been decentralised, 50 percent minimum of collection by the Central Government should go to Local governments so that they become viable and, therefore, promote development tax at local levels.

Protection of all forms of Human rights and freedoms. When it comes to human rights, the Badadiri believe that the protection of all sorts of human rights and freedoms, should be protected. Nobody, has a right to curb those rights. The press is free but must be balanced in their reporting by publishing true views to stories involving individuals. If the press infringes those provisions, the punishment by court must be stringent to the culprits, Mr. Chairman, and Hon. delegates.

On the question of national language, Swahili is obvious to unite the peoples of East and Central Africa and it should be promoted in our schools. Mr. Chairman, when it comes to land and environment, the people of Budadiri support it but the boundaries must be very well known and all who were in forests should be compensated rather than just chasing them out. When it comes to article 14 in connection with providing facilities and opportunities for women, the State must recognise the important role played by women in nation building, but which has been marginalised in past regimes. If women prefer to call

themselves Chairpersons instead of Chairman, they should be free and can even call themselves *‘‘wos’’* meaning instead of calling themselves women they should call themselves *‘‘wos’’*, so that the word *‘‘men’’* is eliminated from them. Article 34(2) under culture, the people of Budadiri have requested you Hon. Members to say that you should take it as an obligation to clean posho off your things, the girls think it is a good habit which is practiced by men who know these things - I mean you better clean yourselves by circumcision. This is practiced in Kapchorwa, in Kasese.

Finally, Hon. delegate, our country has been involved in turmoil because most Ugandan leadership, minority elite tell Lies. If we, therefore, want peace in our country we must tell the truth and this is what the Bible says in John, chapter 8, verses 31 to 32 and I quote: *‘‘Jesus then said to the Jews who had believed in him, if you continue in my words, you are truly my disciples, and you will know the truth and the truth shall make you free.’’* and, therefore, it will make Uganda free if we can tell the truth. Does the above quotation not sound as if Christ is talking to Ugandans who are well educated but prefer to be conservative while, smiling, especially these days with increased sectarianism by using money to bribe our way to power. I have said the above *‘‘Iwe liswa ni linambo lyeffe’’* meaning, *‘‘for the land and our country in Bugisu and for God and our country Uganda’’*. I thank you, Mr. Chairman, and I thank Hon. delegates.

THE CHAIRMAN: Thank you Hon. Wanendeya for contributing to the general debate this morning. I now give the Floor to Hon. John Nasasira of Kazo County.

MR. NASASIRA (Kazo County): Thank you very much, Mr. Chairman. I am from Kazo County in Mbarara District. Mr. Chairman, I bring congratulations and greetings to you, to your Deputy and fellow delegates from the people of Kazo County who unanimously agreed to send me here as their delegate. Mr. Chairman, the people of Kazo hope that this time, and I repeat, this time, this Constitution will guarantee peace and freedom for all Ugandans at all time, guarantee equal opportunities for all, guarantee human rights and freedoms, guarantee that the power belongs to them and guarantee good governance and to ensure political stability so as to enable Uganda, steadily leave the least developed country's club. This is our fourth attempt, Mr.

Chairman, to make a Constitution, and including the self-government Constitution conference at Lancaster House in 1951, 1962 independence Constitution Conference at Malborough House, the 1967 Constitution and this one. This is the 5th time Ugandans have assembled to try and charge out the destiny of their country. First, as I said earlier, it was at Lancaster house, secondly Malborough House, and third was in Moshi in 1979, and then fourth was in Nairobi in 1985. What is unique about this Assembly is that for the first time, we are meeting in our own country, under a Ugandan Chairmanship and in an atmosphere of allowing delegates to speak freely without fear or favour.

Mr. Chairman, through you, I have to say this to my fellow delegates: welcome home. Arriving home, however, means reaching the end of the road. You cannot, therefore, afford to miss this opportunity because there might not be such an opportunity for a long time to come.

Mr. Chairman, each Constitution is regarded as a set of principles and laws of a country which spells out the powers and functions of various organs of government to rights and duties of citizens, for relationship between the citizens and organs of government. We then have to ask ourselves whether in the past Constitutions these powers were not properly spelt out, or whether they were abused by the people entrusted with them; whether the rights of the people were not clearly defined or whether their rights were trampled on; whether the relationship between the citizens and organs of government was good or hostile and if hostile who was responsible? Mr. Chairman, the people of Kazo are aware that this Assembly is composed of people with divergent political views, angry people who are about to reach their life expectancy age and yet during their prime period, have not enjoyed real peace and fruits of our independence. People who have lost their relatives during our numerous internal conflicts; people who have lost property; people who, as a group, have been denied their rights since they were born; people who have lost power and those who have it, and people who are planning for the next general elections that is expected in less than a year to come.

The people of Kazo appeal to this Assembly that we should forgive those responsible for the misdeeds of the past and shelve our ambition for the future for the time being, so that we can make a Constitution that will stand the test of time. It is in this respect that the

Kazo people propose political amnesty for all past political leaders, and I repeat, for all past political leaders. Mr. Chairman, it is my strong belief that the future is inseparable from the present, and in turn the present cannot be dissociated from the past. I do not want to dwell on the past any further for the moment. But I would like to look at the present and try to visualize the future. Mr. Chairman, presently Uganda is one of the ten least developed countries. The income per capita is less than 200 dollars; infant mortality rate is at 120 per 1,000; one physician is estimated to be look after 20,000 people, and we estimate that we have got two telephones to be shared by 1,000 people; 57 per cent of our population have no access to water; 50 per cent of our people are illiterate. Today Uganda is poorer than it was 32 years ago when we got independence. This has been mainly due to the bad politics this country has experienced. Mr. Chairman, unless we consider our future politics more prudently, times ahead are not going to be any easier. We have the AIDS scourge that is threatening the social and economic fabric of our society; there are conflicts in the regions surrounding us. The opportunistic benefits of the cold war are over; the conditionalities of the IMF and World Bank are not any softer, and the debt burden any smaller; the option to invest has increased since the end of the cold war. It is now clear than even before that nobody owes us a living. Mr. Chairman, in my own opinion the main actors at the centre of our Constitutional crisis have been: one, political parties; two, greedy and opportunistic elites; three, the status of Buganda and four, foreign interests. Some of these groups have always had a tendency of arriving at self-serving solutions as opposed to nation serving. Every time the result has been a costly crisis to this country. We definitely have to avoid these tendencies if we genuinely want to avert future crisis. Unholy alliances and all forms of political treachery will not solve this long accumulated problems. These long accumulated problems of the people of Uganda.

With this background, I will now make brief comments on some important sections of the Draft Constitution, and hope to contribute in detail when we go to consideration stage. Let me start with the state. Mr. Chairman, the people of Kazo are in agreement that Uganda is a Unitary Sovereign State and a Republic, and it will remain so. They also agree that English is the only language taught in our schools and the most spoken language internationally and should be the official language.

I want to touch on the National Objectives. Mr.

Chairman, every nation that seriously wants to change from the colonial social, economic system has to have National Objectives. If you want to teach our Constitution in schools, an idea I support strongly, then our children should grow up knowing our national objectives, as is mentioned in Clause 7(1) of the Draft Constitution. Our Parliament and Executive, among other organs of government, should be guided by our national objectives. Mr. Chairman, as a Swahili says "*tuwezi kutembeya bila mupango*" - "you cannot go without any plan". You cannot continue going without any plan. I, therefore, appeal to Hon. delegates that we may change the clauses of this chapter as we find it necessary but in principle, this chapter should remain. Mr. Chairman, we support the chapter on Fundamental Human Rights and Freedoms, but we note that while it might be easy for Ugandans to respect them, the upholding and promotion of these rights by the Executive, Parliament and the Judiciary and agents of government will require a politically stable and economically sound state.

Let me now touch on the political system. Mr. Chairman, I now want to make my observation of the political system Uganda should have after this Constitution has been enacted. First and foremost, the people of Kazo County unanimously reject the resumption of political party activities for the next five years and possibly more. This Kazo stand was fully reported by the New Vision and Topic reporters when they covered my victory celebrations in January 1994. Mr. Chairman, we in Kazo do reject the full resumption of political party activities without a very good reason, and I will elaborate. Mr. Chairman, as we all know Uganda was under a multi party government from 1962 to 1969, became a defacto one party state from 1959 to '70. It was under a military dictatorship from 1971 to 1979, and it returned back to a multi party system from '80 to '85 and was again under military junta for another six months and has been under a Movement system from 1986 to date. Mr. Chairman, it is, therefore, important to analyze what efforts each system we have had since independence has put in place to develop constitutionalism, to develop democracy and even to develop a pluralistic society. Mr. Chairman, I do not want to dwell on the military juntas since I do not think that it was their mission to develop constitutionalism, I can, therefore, only compare the multi party system and the Movement system. I will start with a multi party system since it had the first and even second opportunity to lead

this country for a total period of 12 years. I will try to relate the performance of the Members of Parliament of different parties, party leaders and parties as a whole.

At independence in 1962, UPC had won 37 seats, DP 22 and Kabaka Yekka had 21 seats and formed an alliance with UPC, but by July 1965 Kabaka Yekka Members of Parliament had crossed to UPC. DP was remaining with five members of parliament in opposition, and the opposition leader, together with others, had joined UPC. This opposition leader was subsequently made a Minister of Internal Affairs, and one of his duties was to announce the extension of state of emergency in Buganda and a delay of holding general elections. When the leader of the UPC government and President of this country and Commander in Chief of the army was finally overthrown in 1971, one of the reasons given for his overthrow was failure by his government to organise any general election for eight years. Mr. Chairman, during the second multi party era, opposition DP Members of Parliament again crossed to the ruling UPC party soon after election in 1980, six crossed in 1981 and two crossed in 1982, four others crossed the Uganda border into exile. For the second time, the UPC President, the President of Uganda and Commander in Chief was overthrown by his Army Commander. A few days later his Vice-President and the Vice-President of the party took an oath before the very Army Commander who had overthrown his government and the constitution of Uganda, and swore to bear true allegiance. Mr. Chairman, it is, therefore, my belief from these historical events that by 1985, 23 years after independence, the political parties led by the Uganda Peoples Congress had killed democracy, multi partism and pluralism in its infancy and we need the immediate start of the production process again.

It is the NRM/NRA which started this production process in 1986, and in the areas it occupied while in the bush earlier. Today, people of Uganda have powers to change their leaders at all local levels, they have done this three times in the last eight years without fear and harassment, where winners and losers have continued to live together in peace after each election. The people of Uganda have elected their representatives to the National Assembly in 1989, both the winners and losers stayed in this country and continued to live in peace and freedom. Recently C.A. election were successfully held. This deepening of democratisation coupled with the peace

and tangible developments realised so far have comparatively left the people of Kazo with no choice except to demand that this process is not interrupted for the time being. Mr. Chairman, I am one of those who was very young. *-(Interruption)*

MR. AWORI: Point of clarification. Mr. Chairman, I am seeking clarification from the Hon. delegate on the Floor. In his preamble, he told us about the general degeneration of the people's welfare in this country, particularly in the last few years. At the same time, he is implying that his people, despite degeneration in their standard of living, seem to be preferring the system which will continue to make their welfare even worse. In terms of political system, Mr. Chairman, I do understand that since independence, after the military intervention in 1971, according to statistics available, the general standard of living of Ugandans improved from the independence period up to the time of the military intervention which was under multi partism. Now, the Hon. delegate is telling me or telling us that there has been degeneration of our standards of living in the last nine years. I am seeking clarification, is he equating the standards of living with political system, and if so how does he reconcile the fact that there has been degeneration of standard of living when Movement has been in power?

MR. NASASIRA: I thank Hon. delegate Awori for raising that clarification. Let me tell Hon. delegate Awori that if you find a patient in comma and you resuscitate him and give him a drip, if you find that patient has left a drip but is not yet able to walk back home and start work, there has not been any positive change in his health and let me go further that there are no economic records between the period 1980 and 1985, there were no Public Accounts report that was given by Parliament, as far as I am concerned there was negative growth in GDP during the multiparty system, and that, as far as I am concerned it is a responsibility of government in power to make sure that soldiers do not capture power. *-(Interruption)*.

LT. COL. GUMA: Point of information. Thank you very much, Mr. Chairman. I would like to give additional information to what Hon. Nasasira has already given. The people of Mbarara generally have never benefited from any government - I am talking about the peasants, and now they need their peace to be left undisturbed -

THE CHAIRMAN: Please, that is not informa-

tion, you are beginning to advance an argument. Hon. Nasasira could you continue please.

MR. NASASIRA: Mr. Chairman, as one of those who was very young at independence, I have watched these parties totally derailing the democratisation process. I have no wish to join these unreformed organisations. I however, believe that when this country is democratically secured and people have been given their full power, and that over 100 infants in every 1,000 have been given their rights to live, the per capita income has gone over the poverty lines and all of us have equal opportunities in the safe Uganda, then we can afford multi partism. I agree that full political party activities will have to come, but they must come at the right time. I, therefore, demand my rights to give me time to organise my own political party when this time comes. Mr. Chairman, this Assembly is not an NRM delegates conference, we are here despite our divergent views, to make Uganda's Constitution. We can even equally have people of divergent views in one Parliament to make laws for this country, we can together form an Executive to manage the affairs of this country. What is important, however, therefore, is to agree on a political programme of democratisation. What is even more important for this country is to equitably share Executive power. We should equitably share the Executive power to bake the national cake and not to fight for the crumbs on the table.

We in Kazo do not agree with those who propose a system of proportional representation based on multiparty system. While this system may balance the Executive and the legislature, it lacks accountability at the Constituency level. We, therefore, find this system elitist, serving only the interested minority at the top while it is not accountable to the majority in the rural areas. Mr. Chairman, we further reject the calls of remnants of the old political order, who evoke the universality argument based on the political theory that democracy is the same everywhere. Same in substance, yes, but in form no. Mr. Chairman, a political system is so important a subject in this country that we should have its own chapter, clearly defining how the movement system can work as multiparty system develops and when time comes, matures.

We want a President elected by universal adult suffrage. A President should have adequate powers to be able to manage the affairs of the state. A President, however, should appoint his minister

from outside the elected Members of Parliament, if Parliament wishes to be independent and supreme. The ministers on appointment can be Members of Parliament with no voting powers. The appointment of ministers from Parliament has at times compromised the independence of the legislature. If Members of Parliament want to be independent and approve Presidential appointments, they cannot be the candidates of the same job at the same time. Mr Chairman, the office of a Member of Parliament should, however, be institutionalised and facilitated. A Member of Parliament who is not adequately facilitated for his job of mobilising the population has ended up as a victim of patronage and eventually failed to serve the interest of his electorate.

Kazo people support the devolution of powers from the central government to the local government. We reject the establishment of an equivalent of another district at a regional level to create a federal state. Mr. Chairman, I said earlier that the status of Buganda has always been an issue in our Constitutional process. We in Kazo who border with Masaka in the North, and Masaka being a district in Buganda, share interest with our Baganda brothers. We know that the Baganda have been most tolerant and accommodative as a tribe. But at the same time, we are aware that the formation of the state of Uganda started way back in 1893 with the first treaty between the Crown Government of Great Britain and a King of Buganda. More treaties were then signed in Ankole, Toro, Bunyoro, the North and the East up to 1914. Buganda will find it difficult to balance itself as a state of Buganda made up of the district of Uganda. In similar situation, the Kabaka of Buganda, whom we also cherish as neighbours as a cultural and traditional leader, will not find it easy to remain apolitical and at the same time become a titular head of a federal state. We, therefore, appeal to our neighbours in Buganda, have a chapter in the Constitution clearly defining the role of traditional cultural leaders to have Buganda as a regional name, but to remain in a Unitary form of government with a strong decentralised government at district level. However, in order for the Kabaka to play his cultural and developmental roles, he should have a regional consultative forum as the Baganda so wish. On the other hand, the Baganda, if they so wish can turn into one district with one district council and woman representative if that time that one is allowed in Parliament. Mr. Chairman, I have read the Buganda Lukiiko document and the main reason of wanting a federal state is not to make the Kabaka political but

is to build a strong Buganda that can make sure that there is development in all areas of Buganda. I am sure it can be done under a district arrangement. Mr. Chairman, I would wish in future to see a Muganda Presidential candidate from the district of Kiboga competing with a Presidential candidate from the district of Iganga to become a Head of State of Uganda, and not a Muganda Presidential candidate from the state of Buganda competing with a Presidential candidate from the district of Iganga to become a Head of State of Uganda.

The people of Kazo support affirmative action for the historically disadvantaged groups. We do not want a situation where women in future will claim reparation from men. However, this affirmative action should bring these groups to a level where we all have, eventually, equal opportunities and this should then stop. This Constitution, therefore, has got to take this into account.

Mr. Chairman, let me touch on the Army of our country *-(Interruption)*

MR. BIDANDI SSALI: Point of clarification. Mr. Chairman, in the alluded district of Buganda, will it also mean that in case we get one woman representative from every district, Buganda will send one?

HON. MEMBERS: Yes, yes.

THE CHAIRMAN: Hon. Members why do you not leave that to Hon. Nasasira to answer?

MR. NASASIRA: Thank you very much, Mr. Chairman. That is exactly what I said *-(Interruption)*.

MR. ETYANG: Point of clarification. Mr. Chairman, does the speaker on the Floor, by suggesting a possible super district for Buganda, for example, does he suggest that any other group or region of the country can opt to create a district rather leave the decision of district making to the government of the day?

THE CHAIRMAN: Hon. Nasasira, is that what you mean?

MR. NASASIRA: I have not heard any other part of Uganda asking for federal state except Buganda. I have read the Buganda document carefully, unfor-

tunately, I have left it at home because I have been reading it all the time, and on one of the pages, they say the people of Buganda do not care what Ugandans call them whether it is a district, a region or a province. However, towards the end that is when they say they would wish to be called a federal state. So, I am trying to make it a constitutional matter. Mr. Chairman, let me touch on the Army of our country.

The people of Kazo salute the work done by the NRA. So far, they know that NRA has been fighting for freedom, unity and justice in the country. There may have been incidents of indiscipline in some parts of the country, but that has not been institutionalised indiscipline in the Army. This is, therefore, not an Army that will then turn round and overthrow the Constitution that recognises the above three virtues, that is freedom, unity and justice. Let me through you, Mr. Chairman, remind Hon. delegates that the treaties that made Uganda a state were signed by Capt. Lugard, a Maj. Canigham, a Maj. Owen and a Maj. Mackdonald. Let me further remind Hon. delegates that since the end of the second world war, Mr. Clinton is the first President of the United States who is not a former Army officer. Mr. Chairman, let us, therefore, cure ourselves of this Army phobia syndrome. Let the Army officers play their positive role in the politics of Uganda as we develop democracy and create conditions for the development of this country.

Let me now touch on the issue of traditional rulers. Our role here as delegates of the Assembly is to make a Constitution that lays out the principles and laws of how the institution of traditional rulers should exist, that is our role. That is our only duty, the recognition of a traditional ruler should be left to those who believe in similar culture, customs, traditions, wishes and aspirations. A traditional ruler has been seen as a regional or tribal ruler, the case of the *Omugabe* should be left to the Banyankole to handle.

Mr. Chairman, I want to briefly touch on land. The people of Kazo believe that land should centrally be controlled by the state *-(Interruption)*.

MR. SEMAJEJE HIGIRO: Point of clarification. Mr. Chairman, the Hon. Nasasira says that the question of Omugabe should be left to Banyankole only, but Mr. Chairman, would he tell us, if there is trouble in Ankole can we not all suffer even if we are not in Ankole? I think there is a lot of national issues here, it cannot just be said it is a local matter. Mr. Chairman, would he explain?

MR. NASASIRA: Mr. Chairman, let me clarify. I

do not want to be misunderstood. The question of Mugabe should be left to those who believe in the culture, customs, traditions, wishes and aspiration of Bugabe. Have I made my point clear now, Mr. Chairman, for Hon. Ssemajege? These are traditional rulers, these are not regional leaders. We are still thinking from the past -

THE CHAIRMAN: No, I think the point being sought to be clarified is you said that the question of the Omugabe should be left to Banyankole, and you did not clarify what aspects of the question of Omugabe. I think what Dr. Higirow is saying is that supposing there was a conflict in Ankole arising from the exercise of those rights by those who want, should the government of Uganda leave it to Banyankole? I think that is what he wants to find out.

MR. NASASIRA: Mr. Chairman, unless in this Constitution we are going to decide where traditional rulers should be in this country, I do not consider it a constitutional issue here.

MR. SSENDAULA: Point of clarification. Mr. Chairman, I would like to know from the Hon. Member holding the Floor whether there is no contradiction. One, we are having a problem because the Draft we have talks about traditional rulers, but if they were to be looked at as traditional leaders, should we not allow a choice of people who would want a traditional leader within Ankole even if they are in the minority, to have that traditional leader, not as a traditional ruler but as a traditional leader.

MR. NASASIRA: Mr. Chairman, I have got no problem for people of the same customs, culture, traditions, from any part of Uganda getting together and having a traditional leader. I have said it before that the problem has been compounded by relating traditional rulers to a region. Because we still think about the Kings of the past. I have got relatives and a head of a clan, and they are spread all over Uganda, and nobody knows about it, and I am not claiming any governments permission to have that.

THE CHAIRMAN: Hon. Member, your time has more or less run out. I think you should summarise the points you want to make to the debate. I think the question of traditional rulers and traditional leaders has been fully covered in various issues, you should proceed. Please, go on.

MR. NASASIRA: Mr. Chairman, I was making a

point on land: Mr. Chairman, the people of Kazo believe that the land should be freehold for rural land and lease for municipalities and urban centres. We can only have freehold in urban centres if we have got real stringent laws of developing that land. A case in point is the city of Kampala where you find in areas where land has been milo, the planning has been completely a disaster. Mr. Chairman, while the land remains controlled centrally by the state, there should be district land boards that can expeditiously handle land issues at district levels. However, we feel that it is a duty of the government to control the land, to survey land all over the country, so that the only work the owner of that land has is just processing the title. The duty of survey of land should be a government duty, not at the expense of the land owner, if the government is going to continue controlling the land centrally.

Finally, Mr. Chairman, I believe that we still need each other to work and to make this country workable and only the alternative is a non-partisan democracy that we can formulate for the next five years. It is the only road to stability of this country. If that road has got pot-holes, let us fill them, if some of the drains are blocked, let us clean them. Mr. Chairman, hon. delegates, I thank you for listening to me.

THE CHAIRMAN: Thank you Hon. Nasasira for contributing to the general debate this morning. Hon. Paul Kawanga Ssemogerere, who should have taken the Floor is not here, he is out with the visiting President of Rwanda. I, therefore, give the Floor to Hon. Cecilia Ogwal Atim of Lira Municipality (Applause).

MRS. ATIM OGWAL (Lira Municipality): Mr. Chairman, before I make substantive contribution to this debate, I would like to clarify that I am representing Lira Municipality and not Uganda People's Congress. I am saying this, Mr. Chairman, because so many questions have been raised in this House as to why Uganda People's Congress is not represented here, and I am here to answer those questions. Secondly, Mr. Chairman, today is my time to speak. I have been listening to the various speakers in this House, I have valued the virtue of listening and I have not interrupted any speaker by raising points of order or points of information. Therefore, I am imploring my Colleagues to listen to me, because I listened to them even where I was personally provoked, and I would like you, therefore, to kindly listen to me and

if you have a query to raise on my presentation, Mr. Chairman, I would like to request the delegates to meet me outside the Assembly, because what we are talking about is very important, thank you, Mr. Chairman.

THE CHAIRMAN: It would appear the Members have taken the point.

MRS. ATIM OGWAL: Mr. Chairman, allow me to congratulate you and your deputy together with all Hon. delegates upon your election to this august Assembly. This is an historic occasion of great significance *(Interruption)*.

MR. SABIITI: Mr. Chairman, is it in order for the Hon. delegate to ask this Assembly not to raise points of orders when it was part and parcel in working out rules and procedures of this Assembly.

MRS. ATIM OGWAL: That is not what I said, I said you should listen to me and not unnecessarily interrupt my presentation -

THE CHAIRMAN: Yes, let me rule on that point. The rules of procedure provide that we should not unduly interrupt each other, and Members should only interrupt when it is absolutely necessary that a matter which has been said is obviously out of order. But clarification and information are at the discretion of the Member holding the Floor. Please proceed.

MRS. ATIM OGWAL: Thank you, Mr. Chairman. The people of Uganda have delegated and trusted us to fulfil a duty of importance for the future of Uganda. Mr. Chairman, despite harassment, threats and intimidations, I was overwhelmingly elected by 90 per cent of the electorate voting for me, leaving ten per cent to be shared between five men *(Applause)*. The people of Lira Municipality are also grateful to the youth of Northern Region for the special recognition they gave us by picking the delegate of Northern region from there, and also to thank the President for picking one of his nominees from there. Mr. Chairman, Lira Municipality has a population comprising of almost all tribes of Uganda and of nationals of neighbouring countries of Rwanda, Zaire, Kenya, Sudan, Somalia and Tanzania. This is mainly because Lira has become the main commercial centre for produce in the Northern Region. Many traders and industrialists have established buying and distribution depots in Lira town. Mr.

Chairman, Ugandans are anxiously waiting and watching and following the events in the C.A. in anticipation that a Constitution shall emerge that will bring about peaceful change of government. A give and take attitude by all of us will, therefore, be commended by the electorate. Posterity shall never forgive us should we fail in this endeavor. Allow me, Mr. Chairman, to make general observations.

I have listened to the contributions, Mr. Chairman, that have been made so far in this Assembly. I am impressed by the number of history experts we are endowed with. It is, however, clear that there is a diverse range of perspective on our history such that it may not be possible to reconcile the historical perspectives of the various contributors. The people of Lira Municipality have, therefore, advised us that it will not be useful for me to dwell on history. I have been advised rather to focus on the future and promulgate a Constitution that will create an atmosphere of accommodation, transparency, efficiency and justice. This is a Constitution that will provide for efficient management of a truly democratic society. The people of Lira Municipality are aware that this is not the first time that a Constitution has been made for Uganda. We recollect the periods of 1968 and 1958-1962 and 1966-1967. We know that the current Constitution has been amended at various times such that it is no longer correct to call it the 1967 Constitution, but rather the 1986 Constitution.

While noting, therefore, the need for a new Constitution, the people I represent wish to bring the attention of this Assembly to certain fundamental matters. One, that the relationship between the citizens of Uganda and government of Uganda is in a state of disarray. People are Unhappy, they are embroiled in poverty, the security of life and property in certain areas is uncertain, hence need for a new contract between the citizens and the state of Uganda. Because of the above, people of Lira are yearning for a new peaceful, democratic and prosperous relationship between them and the state. Two, the people of Lira want an end to gun-rule in Uganda and put in place a system that gives the people the power to chose and change its leaders and democratically mandate the government (*Applause*). The people of Lira want a clear well defined structure of the state. Four, the people of Lira want an end to the current deception that they are involved in a broad-based government whereas they are systematically marginalised and excluded. People would

like full participation in the politics of the country with opportunity to chose between various policy options. The people of Lira Municipality would like me to draw the attention of this Assembly to the fact that some qualified Ugandans or groups of Ugandans have been denied their legitimate right to participate in this Constitutional making process, right from the information gathering stage up to the present moment. It is the duty of this Assembly to assure these Ugandans that the whole exercise was not intended to be a farce and that nobody intends to play foul to Ugandans by dressing dictatorship in the garment of democracy in order to qualify for foreign loans. Mr. Chairman, I say this with a lot of concern, because of the suspicion surrounding the Constitution making process already. Just before the C.A. elections in March this year, a letter was sent to the people of Lango and Acholi making false allegation against them and inciting tribal conflicts. Soon after the elections, the President publicly declared war against the people of Lango and Acholi for not electing the Movement candidates. He vowed to crush them in the Zulu Horn style. The people of Lira are, therefore, living in a state of anxiety and fear expecting the worst to befall them. Besides the above, Mr. Chairman, although the C.A. Statute debars participation of political parties in the C.A. elections, the people of Lira Municipality were shocked to hear the President claiming victory for movement over the party. The people of Lira still wish to know under which law the President fielded his candidates, and from which Treasury he financed the monitoring exercise he claim to have set up throughout the country. Mr. Chairman, despite all these, the people of Lira Municipality advise us to make the best out of a bad situation.

The people of Lira Municipality in this respect agree with the proposal made by the delegate from Mukono North, Mr. Pius Kawere, that the Constitution we are making should not come into force unless and until it has been duly signed by all of us as the true and genuine record of what has been compromised upon and agreed upon by this Assembly. Our task here, therefore, is most honourable and must be accomplished with honesty and dignity. Mr. Chairman, let me turn now to specific provisions of the Draft.

The rule of law: On the matters pertaining to the rule of law, the people of Lira Municipality have the following recommendations:

1. The constitution to be supreme. They reject the

creation of the National Council of State which they suspect shall water down the supremacy of Parliament.

2. Nobody in Uganda should be above the law, and this shall include the Head Of State, and all who serve under him.

3. No person should be arrested except in accordance with the provision of the law. For example, military personnel should not arrest and detain civilians in military barracks, as has been happening today.

4. Only courts of law established under this constitution should have the right to adjudicate in any matter of conflict between the citizens themselves, and the state.

The state structure and local government: Mr. Chairman, we consider the issue of state structure very important in the process of decentralization and devolution of powers. The people of Lira Municipality would like this Assembly to define the state structure in simple and understandable terms. It is the hope of the people of Lira Municipality that, humility and God's providence will guide us to reconcile the various conflicting interests and come up with a provision which accommodates and harmonises. I have observed from the current debate, Mr. Chairman, that we are destined to have problems of accommodating the main aspirations of the people from different regions as well as reconciling the preempted actions of the NRM Administration in restoration of monarchies and introducing the new local government law. The present local government structure will have to be seriously reformed for it to be sustainable and fit in with the current and future evolving political system in Uganda. At the moment, they are tailor-made to suit the political ideology of the present monolithic NRM Administration. Furthermore, at the sub national levels, the RC structures violate, totally, the principle of separation of powers between the executive, the judiciary and legislature. Besides the RC operation involves complex, wasteful and duplication of services. The prolific RC network cannot be motivated by financial remuneration, and as a result, they resort to coercive means to extort money or material reward from the people. They also, in the recent past and possibly in future, continue to be used as instruments of forcing the people to toe the political line of the NRM, of which there are important ideological organs and agents.

The people of Lira Municipality want the CA to pay

attention and make provisions regarding the following:

1. Sufficient sharing of powers, resources and resource management between the centre and the periphery.

2. Clarifying the optimum size and number of sub national administrative units that maximizes on utilization of resources and people's access to services.

3. Clarifying on the relationship between over all district administration, and the autonomy of related urban authorities.

MR. RWOMUSHANA: Point of order. Mr. Chairman, I would like to raise a point of order. Is it in order for the Hon. Delegate to misinform this House that there is no separation of powers in the RCs when it is clear that RCs provide justice and the chiefs provide administration, a real indication of separation of powers between judiciary and administration. Thank you.

THE CHAIRMAN: That is her understanding of the matter. Can you clarify?

MRS. ATIM OGWAL: He did not ask for clarification.

THE CHAIRMAN: It is fine. That is her understanding of the matter. Then all he is saying, there was obviously divisions of powers between judiciary and administration, so chiefs administer and the RC *(interruption)*

MRS. ATIM OGWAL: Mr. Chairman, I do not want unnecessarily to dwell on this matter, but it is very clear. That the RC system is meddling in the administrative affairs in this country. And that is very clear - I mean we do not need to shy away from this fact. I will be able to make my contribution when we are debating on specific subjects.

THE CHAIRMAN: Okay, in that case proceed.

MRS. ATIM OGWAL: They are particularly concerned about the unique size and status of the Capital City - Kampala.

4. Ensuring that there are not too many tears of Local Government in order to avoid getting too many nodes of authority between the centre and the grassroots.

5. They would be happy with a three tier system at national, district and sub county or gombolola, including urban authorities only. They advise that,

the pre-emptive aspect of the new local government law should not prejudice our ability to explore a more viable form of sub national government system, choosing between federal, that is entrenchment of decentralised powers and rights or total unitary arrangement. They believe that, all entrenchment of decentralised powers and rights strike the best balance. The present formulation of the local government chapter will have to be overhauled to take care of this principle

Citizenship: The people of Lira Municipality view with concern the lax manner in which aliens in this country have been handled. Uganda is the only country I know in the African region where non citizens, as long as they are black Africans, have participated in the politics of the land, have been employed in security and civil offices, have been given passports freely, have obtained trading licenses, and even owned land. We hope that the new constitution provides for more stringent measures to stop this. It is in respect of the above that the people view the proposals in respect of citizenship in the draft constitution with suspicion and disapproval. Mr. Chairman, article 41 (a), creates a new category for automatic citizenship in Uganda. We view this with a lot of concern. The people of Lira's position is that, no person, being a member of the indigenous communities listed in the second schedule, who on the 8th October 1962 qualified to be a citizen of Uganda by birth, failed to be included or was excluded by the 1962 constitution from being a citizen of Uganda as from 9th October 1962. Furthermore, the borders of Uganda as last drawn or adjusted in 1926 remained the same on the 8th October 1962, and all the communities enclosed therein also remained the same. We therefore, do not see any reason for introduction of this new category of citizens in our constitution.

On land, Mr. Chairman, the people reject the proposal in the draft that land shall be equitably distributed by the government. This implies nationalisation of the land. They propose customary land tenure and free hold system.

Right and Freedoms of the citizens: A constitution as we know it, is a contract between the citizen on one hand and the state on the other. The question of rights and freedoms of the individual, is not negotiable. The state is only required to guarantee those rights in the constitution. But not to give or retain as and when it so wishes. The basic freedoms of con-

science, expression, association, free movement and free assembly must be enshrined in our new constitution as required by the UN and OAU charter on Human Rights. The argument therefore, that the rights of the individual, if so freely given, may jeopardize the rights of the community, is nothing but falsehood intended to create a loophole in our new constitution for repression and oppression. Mr. Chairman, the freedom of expression also includes the freedom of the press. How can we claim in Uganda that we have a free press when our national radio and television are monopolised and controlled by the executive arms of the Government. Mr. Chairman, when I wanted to put up radio announcements last year, to inform the members about the funeral rights of the Late Paulo Muwanga, I was referred to the Ministry of Information and the Minister perpetually made himself unavailable. In light of the above, we would like to propose that, an independent self accounting corporation be created to manage our radio and television. We would further propose that, during this constitutional making process, the parties be given time to articulate their views on radio and television, so that people are exposed to alternative views on matters of governance. The people of Lira Municipality further recommend, the abolition of capital punishments.

Political parties: Mr. Chairman, I have listened to a lot of talk about political parties, some of them very callous and provocative, and most directed on personality. Nobody has come out with a clear definition of political party as a democratic institution in this process. In our view, Mr. Chairman, a political party is a social and private institution formed by the citizens of this country, on the basis of free will by members with common objectives, aspiration, and interest, and for purposes of protecting and promoting their common desires on national basis. In our contemporary world of politics and community governance, political parties have developed into a unique culture for the protection and promotion of individual rights, and freedoms. Democratic values and proper governance. A political party offers a rallying point to its members, without which an individual becomes vulnerable to state manipulation. We saw this, Mr. Chairman, during the recent CA elections, when the law governing the elections were changed to suit particular state interest. We saw this recently in the CA elections.

A political party is thus part and parcel of all civil societies, and the strength of civil societies is derived from its social institutions, particularly, political

parties. Just as the draft provides for cultural institutions to operate freely within the framework of the law, Political parties should also be given freedom to operate within the framework of the law. The problem we have here, Mr. Chairman, which is creating confusion in understanding the concept or multi partism in the process of democratization, is that, NRM as a political party has made itself an organ of state, and uses that position to exploit the state resources for the entrenchment of itself.

The people of Lira Municipality are not happy with the manner in which NRM is confusing the world that it is not a political party when, in reality, it bears all the characteristics of a political party and functions as such. Mr. Chairman, it is only through the parties that the government can be kept on its toes and be changed peacefully. Short of that, any government in power can only be changed through violence. Political parties are therefore, essential and an integral part of democratic process in any society. I have no doubt that the constituent Assembly, charged with this enormous task in our history, shall not fail to recognize the rights of free association, movement and assembly in the new constitution. Again the argument that the restoration of party politics in the African region has caused violence is but a fuss. Violence in Kenya, Rwanda, Burundi, are clear examples of ethnic conflicts, not conflicts between parties. The anti democratic forces, and advocates of monolithic systems are fanning ethnic hatred, and ethnic violence in the region, to justify their perpetual stay in power, and to discredit the process of democratic change in the region.

The people of Lira assert that their right to form and participate in political parties of their choice, should not and cannot be under a discretion of an executive authority. It is because of this, that they advocate for the immediate lifting of the ban on political party activities. And, strengthening of the inter party dialogue so as to create a new spirit of partnership in the process of democratization. In this regard, the people of Lira Municipality urge the NRM Government to go back in the legislating table with political parties. The people reject the entrenchment of a political party or political organisation of any description in our constitution. They further reject the extension of the five years which the government is requesting in the draft, for that will bring the NRM rule to 15 years.

Culture and cultural institutions: Mr. Chairman,

allow me to comment briefly on the subject of culture and cultural institutions under article 34. We believe that this section should include languages, cultural leaders, and customary law and norms, or what is called traditional law.

THE CHAIRMAN: Hon. Member there is a point of order.

MRS. ATIM OGWAL: Provided it does not take my time, Mr. Chairman.

THE CHAIRMAN: It will be compensated under the rules.

MR. BIDANDI SSALI: Point of order. I very much apologise to the Hon. Member holding the Floor for having interjected her. But, as a Member of government, I am concerned because of the record when she was making some points but the one I was mostly concerned about is to find out, Mr. Chairman, whether the Hon. Member is in order to say, that the Government, of which I am a member, is trying to ask for an extension of the government period to five years. Is the Hon. Member in order to state that, it is the government through the draft which is asking for that extension?

THE CHAIRMAN: It becomes a very difficult point to rule on because you are not here as a minister (*Laughter*). You are here as Hon. Bidandi Ssali Member for Nakawa Division. However, you could have informed the Hon. Member, that the government has not asked. But that will also be a case of difficulty. You would have then to take a position of someone who is highly informed, because you are not here as a minister; so it becomes a difficult point to rule on. I think the Hon. Member will continue. *-(interruption)*

MRS. ATIM OGWAL: Mr. Chairman, I am surprised that that question has come from Hon. Bidandi Ssali, because he is a member of government, and a member of government of this House informed us that there are "satanic verses" in the draft, and I am not so sure whether that is not one of them, but that is not the subject of discussion.

THE CHAIRMAN: I think the other member did not say that he was speaking as a minister, he was speaking as Kyadondo East delegate, if you are referring to Hon. Njuba.

MRS. ATIM OGWAL: On the issue of language,

Mr. Chairman, the people of Lira Municipality are aware of the important role the languages play in promoting greater understanding and unity, both locally and internationally, and are recommending the following: 1. They agree with the provision for the draft constitution as regards languages. In future, they would however like to see practical steps taken to promote the various local languages in Uganda. The promotion of specific foreign languages, for international interaction must also be addressed. And promotion of swahili in the African region should be given due urgency in view of the new mood of regional cooperation.

Cultural leaders: We believe that the people of Uganda should be free to pay due respect to their cultural leaders as they so wish. We propose that, the state should never attempt to interfere with the management of cultural institutions.

Affirmative action: Mr. Chairman, the people of Lira Municipality would like to congratulate the women of Uganda both here and outside, for positively responding to the global mood of lifting the status of all the women, and recognizing that they are equal partners in all the fields of human endeavors. *(Applause)*. We urge that the rights and freedoms of the women be entrenched in the new constitution for implementation by any government in power. So, that it ceases to appear like handouts based on the good will of those in power. In order for these rights and freedoms to be respected by all the people of Uganda, it is important that the women change their negative combatant approach which have been noted *(Applause)*. This is an important point. Mr. Chairman, otherwise, men will also adopt a defensive mechanism against us. We hope the new constitution will assist in addressing the wide gap between the men and women in position of responsibility and also the wide gap between the rural women and the women in high positions. While advocating for the bridging of the gap between the man and woman, the women should guard against the institutional provisions which could be used against women emancipation and equality. The women of Lira Municipality would like to see the following affirmative actions in the new constitution.

1. Education of women at all levels, and in all fields, to facilitate the ability to compete in their own right for employment in all sectors without favour or discrimination.
2. Promotion and supporting of women's voluntary organizations at all levels: at national level, at district

level, and sub county level. We want to emphasize sub county level for purposes of sensitizing rural women.

3. Legal safeguards of women's rights, in family, national and property matters must be addressed.

Security: The people of Lira Municipality, Mr. Chairman, propose that internal security should be the responsibility of the police, the army should only be used for external defence except during a state of emergency. The people of Lira have suffered at the hands of various gun men pretending to be providing security for the people, when all they have done is to sustain oppression against the citizens of Uganda. We urge delegates in this Assembly never to support a situation where the army, whether national or otherwise, is used to suppress the people at any level. We propose that each district could have a properly trained district police force, and that there should be a district police commission established by the district council to be in charge of the internal security in each district. Mr. Chairman, no district should ever be allowed to train an army under any guide. For example, the local defence force, the arrow and spear force and so on. We propose that every police force in every district, be trained to respect the civil and human rights in every place in Uganda.

Defence and foreign policies: The people of Lira Municipality would like to propose to this Assembly that there be a clear demarcation between internal security and national defence. We propose further Mr. Chairman, that Parliament spends less than 20 per cent of internal budget on defence, a situation where over 50 per cent of the budget goes for defence, is an acceptable to us. We propose, Mr. Chairman, that Uganda should have a small, properly trained and well equipped defence force which should be stationed to guard the borders of Uganda. We propose, Mr. Chairman, the military barracks be removed from areas of heavy population especially the urban areas, and be appropriately built close to the borders of Uganda and such other strategic areas which are not heavily populated. We propose, Mr. Chairman, that the training of soldiers of Uganda defence force be such that, they will not owe allegiance to any particular individual, or political organisation. We propose, Mr. Chairman, that officers and men of Uganda defence force, be required to swear allegiance to the constitution of Uganda, by law established. Mr. Chairman, a national defence commission should be appointed by the President on approval of Parliament. Members

of the national defence commission should be appointed for a specific term of office. Mr. Chairman, my people are conscious that insecurity has attracted external forces to interfere either by design or otherwise, in our national affairs. We are also conscious that granting of refugee status to militant political exiles from neighbouring countries, done on humanitarian considerations, could draw us into conflicts with our neighbours.

MRS. MARGARET ZZIWA: Point of order. I feel great that my sister Cecilia really touching very, very touchy issues, Mr. Chairman, but I feel perturbed, Mr. Chairman, and I do not know whether she is in order, Mr. Chairman, if she starts making statements like, the insecurity in some areas are caused by external conflicts, Mr. Chairman, and bearing in mind that there is always a Kiganda saying that "Kyenkola bannange" that is - "something I do to my friend I would not like them to do it to me" Is the Hon. Member in order to come out boldly and say that, internal security causes external conflicts, Mr. Chairman, without substantiating, Mr. Chairman?

THE CHAIRMAN: Hon. Member, substantiate your provision. The Member may have not understood you properly, so may be you should-

MRS. ATIM OGWAL: Mr. Chairman, I would have substantiated all these matters, but because of time, I do not see how I can do that to all these issues I have raised and be able to finish all that I want to say in this Assembly. In any case, we are leaders in this nation. I do not consider anything touchy, it is important and this is the time for us to discuss what has always been covered as touchy. And in view of these factors and the history of our region, provisions should be made in the constitution to ensure that the state shall, in the exercise of conducting internal or external relations, one, respect uphold and honour the territorial integrity of all our neighbouring countries and their institutions. Two, restrain from using Uganda as a base for combat action against neighbouring states. Three, project the image of Uganda in the international arena with dignity, and in accordance with the principle of the Organisation of African Unity, the Common Wealth of Nations, and the United Nations.

Finance. On matters of finance and economy generally, the people of Lira Municipality would like to have constitutional provisions which may protect the citizens of this country from economic manipulation

by those in power. We recall vividly the disastrous Currency Reform of 1987 which impoverished Ugandans by wiping out virtually all their savings. We are also fully aware of the misery caused by the precarious policy on cost sharing and retrenchment, as a result of structural adjustment programmes, which are never fully discussed by the legislature. Thus, saying, that the economy is growing at a high rate is a gimmick intended to fool the people of Uganda for the ordinary man is not feeling that growth. Mr. Chairman, this Assembly must put in place a constitutional instrument, which will ensure that, never again, shall any government of Uganda play with economic affair of this nation. In order to do so, the constitution should provide the following:

1. All public expenditure be as a result of well conceived publicly debated policies approved by Parliament.
2. All spending of public funds shall be subjected to Parliamentary approval except for expenditure of statutory obligation and payment of public debts.
3. Uganda shall not incur external debts outside the financial act.
4. Money borrowed shall be only for programmes covered within the budget
5. No public debts will be incurred without express approval of Parliament.
6. An independent Audit Commission be established, this is important, and appointments to this body will be made by the President subject to Parliamentary approval.

I would like to conclude, Mr. Chairman, by saying, that the people of Lira Municipality, wish us well in this exercise. They are confident that when we walk out of this Assembly, we would have fully agreed on a new constitution for Uganda. A constitution which will truly cater for every Ugandan, and protect his or her fundamental rights and freedoms. A constitution which every one present in Uganda today, born and unborn, will be proud of as a charter of freedom. I say all these for God and my country (*Applause*).

THE CHAIRMAN: Thank you Hon. Cecilia Ogwal for your contribution to the debate, today. Hon. Members, the Chair has a small difficulty, but a significant one. Hon. Mayanja Nkangi should have taken the Floor, but he has been held up because of some urgent and unforeseen state matters. Hon. Kahinda Otafiire who was our 8th speaker on the list, is associated right now with a visit of the President of Rwanda and therefore he is not here. I am open to volunteers.

MR. KANDOLE:(Kyaka County): Mr. Chair-

man, I would like to volunteer since I was scheduled to talk tomorrow morning. Mr. Chairman, Kyaka County, has the following boundaries - *(interruption)*

THE CHAIRMAN: Go ahead.

MR. KANDOLE: Kyaka County borders with Buwekula in Mubende District in the South East; it borders with Lwemiyaga in Masaka district in the South; it borders with Kazo in Mbarara District in the South West; it borders with Kibale county in Kabarole District in the West; it borders with Mwenge County in Kabarole District in North West; and borders with Buyanja County in Kibale District in the North East.

Mr. Chairman, Kyaka has a population of 63,000, and the people are mainly engaged in two activities: that is cattle keeping and crop production. Mr. Chairman, I have observed that many Members who have contributed so far, have spent most of the time lamenting about the past time, lamenting about the past and current situation, complaining about the North and North East, and South and West polarization without proposing measures to correct such a situation. Many of them, Mr. Chairman, have given the impression that Uganda's problem started with the removal of the Kabaka, the abrogation of the 1962 constitution, the coming into power of Dr. Obote, Tito Okello, Idi Amin, the rigging of 1980 elections, the going to the bush of 27 young men who according to some Hon. Delegates were just disgruntled elements who had lost the elections in 1980. Examples of atrocities, Mr. Chairman, committed in the past and present, which have been given, depend on who has been talking and from what region that delegate came. Those from the South and the West have emphasized the atrocities committed in Luwero, while those from the North and North East talk of the Mukura, the Corner Clerk incidence, the Karamojong cattle raiders, and so on and so on. In my opinion, Mr. Chairman, this is just treating symptoms and unless we tackle the real issues, causes of these symptoms, our coming together to make a new constitution, will be a waste of time and peasant's money. Actually, instead of solving the problem, we could end up compounding it.

As Ugandans, we have come together in this manner for the first time in Uganda's history where all interests are represented, to look at our past and present mistakes and work out a permanent solution. We now have with us, Mr. Chairman, veteran

politicians, academicians, movement people, freedom fighters, businessmen and women, the religious, special interest groups, civil servants, Trader Unionists, teachers, and peasants, mention it. Failure to come out with a permanent solution to Uganda's problem as will be reflected in the new constitution, would be most unfortunate for us and we have nobody else to blame, but ourselves. And even, Mr. Chairman, the future generation would never forgive us, for misusing this rare opportunity. So, all our efforts should be geared at building and arriving at the consensus which calls for sincerity, flexibility, objectivity, sobriety, and selfless approach, which presupposes a spirit of give and take. This will naturally mean swallowing some of our pride, and burying our prejudices about one another. My approach, therefore, Mr. Chairman, to the debate will be: one, to look at the fundamental problems and causes of our past and present political distortion, two: what the people of Kyaka say about the draft constitution and its provisions, with a view of correcting such a distortion, and Mr. Chairman, I would like to end with an appeal.

The fundamental problems of Uganda, Mr. Chairman. One is the arbitrary boundaries cutting across nationalities and tribes. All of us find ourselves, where we are in Uganda or our respective districts, not because of our own making, and liking, but because of accidents committed in Berlin in 1984, and subsequent years. Two, the unfortunate categorization of North and South as labour and security force reserve, while others were developed into administrators and semi capitalists. Three, involving Ugandans into the FRANSA and ANGLESA conflicts, which culminated in the Catholic, Protestants wars and conflicts between the two, later on the Christian Moslem conflict. There is also the false assumption by some leaders Mr. Chairman, that members of some religious sects are more oriented to leadership than others. Four, the concentration of power and major source of services at the centre. This naturally drives everybody to the centre, to be able to reach the little that there is at the centre at the expense of development in home areas, thus intensifying the disparity, between urban and rural areas. Five, the general poverty and ignorance of the majority of our people created by four economic policies, where the majority of Ugandans are condemned to substance economy and poor education policies which create job seekers instead of job creators. This was compounded Mr. Chairman, by failure to pay a reasonable wage to public workers,

and failure to democratize education.

Naturally, politics remains the only viable and paying occupation, and so highly contested. This gave birth to the following evils. One, that politics is seen as a means to earn a living instead of providing a service to the public and the nation. Two, that the reward of supporters by those in power, which brings sycophants who, instead of guiding the leaders, alienate them from the rest of the population, and real eating. Three, the more that such leaders are alienated from real eating, which affects the people, the more entrenched they get in power until they end up like, for instance, the Life Presidents of their parties, Life Presidents of nations, and even sometimes, life parliamentarians. In order to consolidate this kind of power, Mr. Chairman, one needs the support of the security forces, and when security forces realise that they are being used to keep their bosses in power, they become too demanding, and when the demands are not met, they go on rampage, and since there is no machinery to discipline them, they commit atrocities with impunity. Number six, lack of correct information about each other, or deliberating information about each other is yet another problem. People in the South for instance, Mr. Chairman, are erroneously made to understand that people from the North are anti people, anti development, unfriendly, power hungry. While those in the North know the people from the South as arrogant, untrustworthy, self seekers, and even have gone to the extent of thinking that some of them are too weak to handle any military situation. And Mr. Chairman, worse still after 1986, Westerners, very often referred to as Banyarwanda, have been the seen as bent on wiping out the Northerners. These are some kind of distortions.

So, Mr. Chairman, before I personally travelled to some areas of the North, I was one of those people who believed that the North was extensively developed at the expense of other regions, since the people from that region were in power for over 20 years. I am sure many people from the North believe that the same thing is happening in the West, since it is the Westerners now in power. What fellow delegates should do, Mr. Chairman, is to visit different areas of the country, and see how false this is. *(Applause)* One thing that is common to all peasants, for which ever part of the country they come from is that they suffer from poverty, ignorance, disease. It is just a few at the top if any, who benefit from leadership, hailing from their areas of origin. Seven, Mr.

Chairman, there is discrimination against women promoted by African cultures and emphasized by some religious practices. Eight, is the poor policy on land, where some land in some parts of Uganda was taken over by the British as crown land, and the rest given to a few people like chiefs as mailo land, as a reward for those who promoted the colonial interest. This created a situation where some people found themselves with many large pieces of land, while others were rendered landless, and perpetuate squatters in their own country. Poor land policy has enabled some people in the same parts of the country to acquire land titles, that is enabling them to create capacity, to develop their land further, while in some areas, remain communally owned, which made it impossible for acquisition of land titles and so deprived the people, who occupied such a piece of land, the opportunity to get bank loans, and therefore, develop further. This means, some regions were facilitated to develop faster than others, by a deliberate policy of government. Nine, Mr. Chairman, is the lack of a clear policy on environment, where some areas are over populated and over grazed, while others are just open bushes and grassland, scarcely populated. Lack of proper guidelines on environment, has led to the misuse of wet lands and the drying up of rivers under the guise of development thus interfering with the ecosystem, and therefore, seriously affecting our seasons. Ten, is the praising and promoting everything foreign or white as civilized and sacred while despising anything African as backward and satanic. There are many others of course, Mr. Chairman, but because of time, I would rather proceed with the solution.

In view of the above exposition, the people of Kyaka County have the following observations and proposals to make on each of the following items in the draft constitution. First of all, Mr. Chairman, the draft constitution itself. The people of Kyaka are grateful to Justice Odoki and Members of his commission, for the job well done. They are able to happily learn from the report and index of resources, of the people's views, that almost all the Ugandans were reached through seminars, and that views were collected at all levels, almost from every corner of the country. They are satisfied that, the Odoki commission draft proposals should be the basic and working documents for discussing and writing a new constitution. It is gratifying that, a number of members of the commission made it to this august House, so that they can, among other things, help to clarify some of the allegations of government inter-

ference and manipulation.

A HON. DELEGATE: Point of order.

MR. KANDOLE: Mr. Chairman, I would continue to say, the problem between Hon. delegate Njuba, and Justice Odoki, look more personal, and tantamount to responding to certain interests or pressures, if not looking for cheap popularity on the side of Hon. Njuba. The people of Kyaka fail to understand why Hon. Njuba *-(Interruption)*

MR. WANENDEYA: Point of order. Mr. chairman, my point of order to the Member holding the Floor, is whether the Hon. Member is in order to use, what I would call a language that is not good - by running down Hon. Njuba the way he is doing it when he was contributing as a member for Kyadondo which he is representing as a delegate in this august House. Is he in order, Mr. Chairman?

THE CHAIRMAN: Hon. Kandole, our rules of procedure, in view of the order just raised; rule 19(4) reads "*no delegate shall impute any improper motive to any other delegate*". Hon. Njuba is a delegate of this House, he made his contribution, as he understood it, on behalf of his constituency - Kyadondo East, and when you say that he did so to seek cheap popularity, you will be contravening with the provisions of our rule. I think you should withdraw that part of your contribution, and then proceed.

MR. KANDOLE: Mr. Chairman, I withdraw it because I was not given opportunity to explain.

THE CHAIRMAN: No, just proceed without having to touch it any further.

MR. KANDOLE: Mr. Chairman, *-(Interruption)-*

THE CHAIRMAN: I can see another hand on the Floor, just a moment.

CAPT. BABU: Point of information. Mr. Chairman, I am sorry, I am turning my back, but, the microphone does not get to my position. The information I want to give the Hon. Member on the Floor and to all the Members, Mr. Chairman, is that, people have quoted Hon. Njuba disagreeing with the constitutional commission. In my opinion, this is healthy. It shows that, there was no cohesion of the commission to do what the minister wanted. And in

my opinion this gives the independence of that commission and therefore, a legitimacy of the draft constitution. Thank you, very much Mr. Chairman.

MR WANENDEYA: Point of order. A point of order on what the Hon. Member now has given to the House, that it is a sign of legitimacy of the constitutional commission. The point I was trying to raise here, Mr. Chairman, is that the question between the Hon. Member Njuba and the Commission has not been clarified before this House, whether he was telling us facts or not. And, Mr. Chairman, not to divert further, I would probably mention my communication between you and me, over this matter. Thank you.

THE CHAIRMAN: Well, I think that was more of the comment really.

MR. KANDOLE: Thank you, Mr. Chairman, however, since we are all here to improve on what was not adequately handled by the commission, remove what may have been smuggled in, insert what may have been omitted, then there is no cause for the alarm.

More so that the electorate who sent us here are some of the people who made these proposals, and are always available for consultation.

On sovereignty of the people, the people of Kyaka are aware of the fact that power has always been invested in the privileged few politicians and bureaucrats, strongly support the sovereignty of the people as expressed through their local councils. They strongly recommend that the RC system, through which the peasant power is exercised, be enshrined in the new constitution. Those who have problems with the term "Resistance" like Hon. Delegate Okeny should be informed that, well intentioned Ugandans want to continue revisiting all forms of ignorance, poverty, disease, dictatorship, discrimination and so on and so on.

On the Republic of Uganda, Official and National Language, the people of Kyaka want to have a Uganda that is one Unitary Sovereign State and Republic. They support English to remain as the official language. Mr. chairman, some of the people of Kyaka believe that if it were not for our own prejudices and arrogance of some of the Baganda people, Luganda could easily have qualified to be a national language *(Laughter)*. Some think that, Swahili might have worked as a compromise.

MR. WANENDEYA: Point of order. Is the Hon.

Member on the Floor in order to use a language when he should know that, some of the people, our people in Buganda, they came from Masaba, there you know. They are very good, they have been accommodating and assimilating people into their societies and I can tell you that, one of the *Katikiros* of Buganda, one came from Busoga, another one came from Ankole. So, is the member in order to run down some of the Delegates from Buganda in the way he is trying to do, when dishing things even on rule 19. Thank you, Mr. Chairman.

THE CHAIRMAN: I did not understand the Member to be running down any delegate, nor did I understand him to be saying that, the Baganda are not accommodative. I understood him to be saying that, there are some Baganda who are arrogant. And he did not name any particular person. Of course I do not think he meant any delegate. May be he should clarify that.

MR. KANDOLE: Mr. Chairman, if I may continue. Some of the people of Kyaka say *-(interruption)-*

THE CHAIRMAN: No, there is a fear that, may be in your statement there are some arrogant Baganda since you have meant the Baganda in here, could you indicate whether really you also meant some Baganda who are in here. And if you did, that would be improper, but if you did not, then you could continue.

MR. KANDOLE: I think Mr. Chairman, this should have been a credit to Baganda because their language is accepted by the people of Kyaka, if only there were not some of them who have been arrogant.

THE CHAIRMAN: Not being Members of the Constituent Assembly.

MR. KANDOLE: Mr. Chairman, it has been said very often even in this House, statements like 'not negotiable', statements like 'some people should leave this place'. Even earlier on in our history, making a statement of asking government to leave the Buganda soil *(Applause)*.

MR. MULONDO: Point of clarification. Thank you, Mr. Chairman, I would like to have some clarification from the Hon. Member - there is the word 'arrogant' which he is using. I want some clarification, whether in his opinion, he is under this impression, if he is, I am one of those people who is

really offended of being a Muganda. And I would wish him to withdraw that word.

THE CHAIRMAN: The word he has used is 'arrogance', on the part of some Baganda, and I have tried to guide him, and I think he will remember to indicate that. Whether he is referring to Delegates. And in that case, it will be improper because of rule 19. But if he just talking of arrogance generally, it is possible there are some arrogant Baganda, but I am saying you have not found one here yet. *(Applause)*. If you indicate that, because that is crucial.

MR. KANDOLE: Mr. Chairman, on the question of swahili *-(interruption)-*

THE CHAIRMAN: Hon. Kandole, there are some Members who feel offended, by the general statement that "Baganda are arrogant." And I took the view that you are not referring to the Members of the Constituent Assembly. And I took the view that, if you were,

it would be improper. And if you were meaning Members, you should withdraw it, for it will not be a good term to be used in relation to some Members who are Hon. Members of this House.

MR. KANDOLE: Mr. Chairman, since the spirit here is reconciliation, and if the word offended some people - some Members of this House, I withdraw it, Mr. Chairman.

MR. OMARA ATUBO: Point of clarification. Mr. Chairman, I note that the issue of a national language is an important one, and therefore, it is important that, Members should be as clear as possible about it, so that we reach some level of concession. Now, Hon. Kandole is saying that the people of Kyaka are well disposed towards Luganda, and I think most of them understand and speak it, but they have a problem that, this thing of arrogance. Now, Mr. Chairman, I would like Hon. Kandole to clarify to me first of all, one there is fear that if Luganda becomes a national language, the people of Kyaka, by virtue of speaking it will become arrogant. Secondly, Mr. Chairman, I would also like Hon. Kandole to clarify whether it is true that actually the Baganda are not arrogant because of the language they speak, then the people of Kyaka could also accept it. Thank you, Mr. Chairman.

MR. KANDOLE: Mr. Chairman, since I had

withdrawn the word 'arrogance'. I do not have to waste time on that one. Mr. chairman, on Swahili, the people of Kyaka believe that swahili would have worked as a compromise, but does not have a known culture among the indigenous Ugandans, and according to them, it is normally associated with crime and thuggery. And in that circumstance, therefore, the majority of the Bakyaka, agree with the draft constitution proposal, that the national language be left to grow naturally, by adopting the proposals, made in the Education White Paper, where after Primary four and Higher levels of education, a regional language, on top of swahili and English will be taught. Mr. Chairman, on National Objectives - *(Interruption)*

MR. ADOKO NEKYON: Point of clarification. Mr. Chairman, I would like to get elucidation from the Hon. Member holding the Floor. He said Swahili would have been good to us were it not for the fact that they associated it with thuggery and theft. Could he explain to me whether he actually believes that everybody who speaks Swahili is a thug or that once you speak Swahili, you become a thug because you know that we have got very famous people in East Africa, Nyerere, Jomo Kenyatta, Oginga Odinga, all these speak Swahili and because we also know that in every language group there are thugs and thieves. How does he connect Swahili in particular with thuggery?

MR. KANDOLE: Mr. Chairman, if Hon. Delegate may bother to remember, I was advancing reasons why the people of Kyaka were not accepting Luganda, not accepting Swahili because they think that has been associated with thuggery. It does not mean that whoever talks that language is a thug and finally, the people of Kyaka come out with what the draft constitution proposes, that we let the language develop naturally.

Now on the National Objectives Mr. Chairman and I would like to request that I am no longer accepting information and clarifications because I am running out of time and I still have a big material to cover. On the national objectives Mr. Chairman, the people of Kyaka are happy that national objectives are properly spelt out in the draft constitution. If the national objectives do not have to be part of the main body of the constitution as pointed out by some earlier speakers, then the objectives should appear as an appendix or form part of the Preamble to guide the leaders on how to plan for the country and that the

objectives would be a set standard for what the population should expect from their leaders.

On the question of citizenship, Mr. Chairman, the question of citizenship in Uganda is a very touchy one. First of all because of arbitrary demarcation of our boundaries which divided families and tribes into different nationalities, secondly because of the poor controls and application of immigration laws which have enabled many unqualified people to flood in this nation. Thirdly because of the influx of refugees since the 1960s, some of whom left their camps long ago and settled among the population where men have even intermarried and fourthly, is the lack of births and death records neglected over a very long period of time. In view of all this, it becomes very difficult now to know who is a Ugandan and who is not. The people of Kyaka therefore propose that if we are to solve the problem of citizenship once and for all, we may have to start all over - again probably start with October, 1962 and trace all Ugandans from then and reactivate birth and death registers, issue all Ugandans with identity cards and put in place proper controls at Immigration Departments. Since the refugees problem seems to be with us for a long time, the refugee movements outside refugee settlements should be strictly controlled. The proposal of taking over children of not more than seven years as Ugandan citizens is understandable. However, there should be sufficient measures in place to minimise abuse of this provision.

On the question of human rights and freedoms, human rights and freedoms is a must for all Ugandans. However, Mr. Chairman, it should be known that it is not enough to have good provisions on this chapter in order to ensure human rights and freedoms of people. All past constitutions have had very good provisions concerning these rights and freedoms but people continued to be tortured and die when those who committed such atrocities were left with impunity. In order to make sure that human rights and freedoms are a reality, we Ugandans ought to change our attitudes towards each other and if we have to do this successfully, we must be ready to swallow our pride and overcome prejudices about one another, to respect our different cultural, religious and ethnic backgrounds. We need to regard each other as Ugandans and forget whatever names and labels that we have nicknamed each other. It follows therefore, that when we respect each other for what we are, then the rights of the disadvantaged groups like women, youth, children, widows, orphans and people with

disabilities would be guaranteed.

As far as the representation of disadvantaged groups in Parliament is concerned, the people of Kyaka believe that since women are still disadvantaged by cultures and traditions, they need to continue being helped until they have built sufficient capacity to stand on their own. So the people of Kyaka support the proposal that each district be represented by one woman. However, the men of Kyaka would like to advise the women that the issue of affirmative action should not be taken too far and too fast. According to them, this should be a gradual but sure process lest it back-fires and throws the women back where they were before the coming into power of the NRM. They should be careful on what to choose and what to leave out of the foreign cultures and practices. The question of youth representation should be handled slightly differently.

MRS. SEBAGEREKA: Point of order, Mr. Chairman, is the Hon. Member holding the Floor in order to try and intimidate the women of Uganda who are trying to bring gradual equality in place for posterity, not for just today? Is he in order to intimidate us by saying that we should not demand our rights? Is he in order Mr. Chairman?

THE CHAIRMAN: I did not hear the hon. Member as saying that women should not advocate for their rights. I thought he was advising and indeed agreeing with the previous speaker.

MRS. SEBAGEREKA: He was kind of warning us Mr. Chairman, to be careful.

THE CHAIRMAN: He was more or less reiterating the statement made by Hon. Cecilia Ogwal to her fellow women, that they should push their case but with prudence, I think that is how I understood him.

MRS. SEBAGEREKA: Yes, but is he in order to say that we should not? Is he in order to say that we should not come too fast? What measure is too fast?

THE CHAIRMAN: He is in order to advise as he sees it.

MR. KANDOLE: Thank you very much Mr. Chairman. I was saying that the question of youth representation should be handled slightly differently. In the first place, the youth are a majority, that is about 60 per cent of the population and so if properly

mobilised, can propel themselves into Parliament without special consideration. Secondly, the youth are still leaders in the making. So regional representation would still be sufficient to represent the youth interests in Parliament. The constitution should adequately address the issue of people with disability to instil a spirit of self-reliance to them as individuals and communities to live as happily as possible in an environment which is hostile to them.

The people of Kyaka do support the establishment of a permanent Human Rights Commission. Mr. Chairman, on the representation of the people, the people of Kyaka recommend the county as the most appropriate and ideal constituency for the following reasons. One, the county promotes representation of interests as opposed to just numbers. Areas like Karamoja, Kaiangala, Bundibugyo, Kyaka and so on which are sparsely populated but with unique and peculiar characteristics and problems would be disadvantaged and therefore are not properly represented if annexed to other people with different interests. Counties as constituencies are straight forward and therefore minimise manipulations as experienced in the recent elections vis-a-viz the earlier elections held in this country. Since Parliamentarians are instrumental in spearheading development in their respective constituencies, the county would be most convenient in planning for development. Big counties however, with high populations could continue to be sub-divided into other constituencies. The people of Kyaka strongly recommend that the electorate should reserve the right and that the laws should make it possible for them to recall their representatives whenever they feel it is necessary. The laws to recall the representatives should however, provide sufficient safeguards against malice.

On the political system Mr. Chairman, the people of Kyaka want to remind Ugandans that one, it is not in Uganda's interests to import foreign systems wholesale because these systems like multi-parties, have been developed over a very long period of time under very different social, economic and cultural circumstances. Two, that political parties and democracy are not synonymous although political parties or pluralism is a form of democracy. Three, freedom of association as a human right does not solely refer to belonging to or forming political parties. When one looks at the article 27 of the 1962 Constitution and article 18 of the 1967 Constitution, except for subsection (g), where mention is made on their regula-

tions and managements, there is no mention whatsoever of political parties in relation to freedom of association. Interestingly, political organisations in relation to freedom of association is mentioned only in the draft constitution article 59(e). In other words, the constitutions of 1962 and 1967 recognised that one could freely associate without necessarily belonging to a political party. Freedom of association can be enjoyed through trade unions, Clubs like Rotary clubs; associations like Kyaka development association and so on. Fellow Delegates will remember that during one time in our history, one President had banned all these type of associations and therefore, interfering with people's rights to associate. Four, that Ugandans are not naturally multi-partyists as claimed by some Hon. Delegates. The truth Mr. Chairman, is that Uganda, like it is in most African cultures, exercises extended family practices which are essentially accommodative. Multi-party systems would only be natural according to our culture if that argument was to hold any water, if each tribe was to form its own political party which the people of Kyaka do not want to see happening in this country. Five, statements made to the effect that political parties are not bad except their leaders, go a long way to prove that political parties are not yet ready for serious business. Since the very leaders who have mismanaged these parties, according to the arguments given, hang on to the leadership and worse still, are taken to be god-fathers by those parties and their supporters.

Arising from the above and guided by the words of wisdom by the President when he inaugurated the CA, that while developed countries write their constitutions to run their nations, we in developing countries and Uganda in particular write constitutions to create a nation. The people of Kyaka want to state that it is high time that developing countries in general and Uganda in particular, developed a political system that addresses the unique problems of under-development and satisfy the diversified social economic values of her people. The people of Kyaka are convinced that the Movement type of government is the most ideal for the Ugandan situation as demonstrated by a number of successes scored by NRM as a type of the movement that people have in mind. I will not go in the details because I see my time is gone. But we would like to say that putting all these arguments and examples into consideration, the people of Kyaka do not even understand as why the draft constitution talks of an extension of NRM for only five years. Unless it is a

question of either succumbing to external pressure, as it has been claimed that our external donors and World Bank would like to see us go multi-party, or it is a question of compromising with multi-partyists for the sake of arriving at a consensus. The people of Kyaka have ample opportunity to compare multi-party with the movement. They are of the view that political parties that we have today do not only need to be re-organised but make a fresh start altogether. The movement type of government has proved that it works and so should be given sufficient time to grow. The five years referred to in the draft constitution should just be a minimum. However, the movement type of government should also be more democratic, more accommodative, more accountable to the population and more broad-based.

What I have noticed from some Delegates' contributions is that they are bitter about the Movement because they feel they have been left out of the system as indicated in the example of Hon. Rwingwegi who gave the example of the husband with many wives, who supplies air to some of the wives that he loves least thus reminding them of their old boy friends. Should the CA fail Mr. Chairman, to arrive at a consensus on the form of government, the people of Kyaka propose a referendum as the last resort if it is the people themselves who are affected by whatever decision is taken, and in the spirit of real democracy which implies the people taking decisions on issues that affect them.

I will straight away go to accountability. In order to ensure proper accountability and enable the Inspector General of Government to play a positive role in fighting corruption as provided in Chapter 15 article 259(b) of the draft constitution, and to ensure effective implementation of the leadership code of conduct provided in Chapter 16, a provision should be made under chapter 12 on the Public Service to ensure the living wage for all public workers. I know there is effort by government to provide a living wage by 1996 but this should not be left at the whims and good will of the current leaders. A living wage should be a constitutional right. Hon. Delegates will agree with me that corruption has become a thorn in Uganda's economy. Although I do not believe that there is more corruption today than there has been in Uganda before, I strongly believe that the issue of corruption should be handled once and for all in this constitution by addressing ourselves to the fundamental causes of corruption. And Mr. Chairman, I believe that some of the fundamental causes of this

corruption are, one, surviving on a salary in Public Service today is absolutely impossible. Two, some top government officials and other bosses at all levels have no moral authority to fight corruption because they themselves are deeply entrenched in the same and it is the junior cadres who process their fake payments thus often learning from their bad examples. I have always wondered Mr. Chairman, if we as Constituent Assembly Delegates, including sometimes our Parliament, if we have the moral authority to effectively fight corruption well knowing that what we get in a day as allowance is equivalent to six-months' salary of a university graduate entrant in civil service. Mr. Chairman, another one is that with the introduction of the economic war in the 1970s, people's attitudes towards corruption changed so much so that instead of condemning corruption, it instead got glorified. If one in position of responsibility does not grab to enrich oneself, he is considered foolish and whoever enriches oneself overnight using that position is considered smart. Take the example of the Tanzanian liberators in 1979, who would not accept a ten-shilling note when they came in, but some of them ended grabbing almost everything that they came by by the time they left. Take another example of the NRM and NRA originals during the interim government in 1985 and immediately after taking government in 1986, who would not even accept a meal prepared for them, let alone taking a cent from anybody. I wonder if many of these are still the same! So what has changed these seemingly angels at one time to being almost devils the other time? Surely, is it not society in which they find themselves living in solicitude if they continued to live according to defined morals and integrity? And Mr. Chairman, it should also be understood that there are those who are corrupt through and through, no matter how one gives them. Such people will always steal and embezzle more and more so if the war against corruption is to succeed in this country, we must be able to, one, provide a living wage to public servants, most of whom in spite of the odds against them, have continued to serve this nation diligently. Two, leaders must be exemplary themselves. Three, government should facilitate the rehabilitation of people's morals and four, the law should be tough on those who are out right thieves so that they are not just transferred, dismissed, but have their property also sold to recover what they have stolen or embezzled (*Applause*).

Mr. Chairman, something short on decentralization.

The people of Kyaka believe that there is very little to benefit from federalism. The system of federalism only favours the strong and chokes the weak. Federalism is also likely to open up old conflicts which existed among members of one region or district, who have since then liberated themselves by forming new districts. The people of Kyaka are convinced that the issue of federalism is adequately being addressed by the decentralisation policy which plays a double role of helping to create a State that is Unitary and at the same time consolidating more powers at the district and lower levels where the people really belong. This however, should be gradual, a gradual process to enable weak and poor districts to catch up.

Mr. Chairman, I will quickly say something on land policy.

THE CHAIRMAN: Hon. Member, you should be winding up. You have taken your compensation and now gone beyond.

MR. KANDOLE: Mr. Chairman, I thought that spirit of voluntarism - (*Laughter*) -

THE CHAIRMAN: Okay, cover your points and we go on.

MR. KANDOLE: Thank you very much Mr. Chairman. On the land policy Mr. Chairman, the people of Kyaka support the policy on land that will enable all Ugandans to acquire permanent pieces of land and at the same time, enable them to acquire land titles to participate or facilitate their capacity to develop the land. Government should also undertake the survey of all pieces of land of those who are not able to meet the exorbitant costs involved in acquiring land titles so that the individuals benefitting from this scheme pay premium to government like it is done in urban authorities and Municipalities. The people of Kyaka are not happy. I am sorry to say Mr. Chairman, about the numerous refugee settlements in the area namely Kazinga, Ruhangire and Kyaka II. Kazinga and Kyaka I was established in 1962 to cater for refugees of Rwandese origin who were displaced in Rwanda during the Hutu-Tutsi tribal clashes in 1959. Ruhangire was established in 1973 to cater for refugees from Zaire. Kyaka II was created in 1983 to cater for refugees of Rwandese origin who were expelled by politicians of the day from Mbarara. We thought this was a temporary measure but unfortunately, in 1994, we got more

refugees of Zaire origin and there is a strong rumour that refugees from Sudan are also likely to be brought to Kyaka II. It should be noted Mr. Chairman that one, Kazinga and Ruhangire are over 50 square miles while Kyaka II is 220 square miles, totalling up to 274 square miles, which is the biggest settlement in the whole country. Two, when the settlements, especially Kyaka II were created, they displaced some nationals who occupied them before the coming of the refugees- 32 families who owned cattle moved to Katonga game reserve and now they are kept wandering because they are not allowed to settle in the reserve. There are 700 families which also remained in the settlement living under duress, especially with the arrival of Zaire refugees who, I am sorry to say, are very unruly. My appeal to government to consider the plight of the displaced nationals has not borne any fruits. Number three, most of the refugees of Rwandese origin have returned home. In view of the above three reasons, the people of Kyaka appeal to the CA Delegates that by constitution, one county should not have more than one refugee settlement, and in case of one settlement, it should not be more than a 100 square miles if the nationals of that country are to benefit from the land available to them.

Something very short on traditional rulers. The people of Kyaka benefitted very little, if any, from the Toro kingdom. Many of them even believe that the kingdom is responsible for their underdevelopment, since the smallest chief like a muluka chief would be imported from elsewhere to come and serve in Kyaka. However, all this notwithstanding, the people of Kyaka have no objection to amendments to the constitution of 1967 which restored the institutions of the traditional rulers for those who wish to have them. They accordingly support the recommendation made in the draft constitution concerning the traditional rulers. Mr. Chairman, now my appeal at the last phase and conclusion, whatever emerges as the national consensus or system to be adopted in the new constitution, the government of the day should ensure the following: one, equitable distribution of essential services throughout the country. Two, to ensure proportionate share of the national wealth. Three, equal opportunity for the few available jobs especially at top government and management level. Four, at all times, the government of national unity accommodating all partisan, religious and ethnic interests in its leadership should be adopted. And five, the system should ensure transparency and accountability starting with its own

leaders. If this is done, it will eliminate all struggles for power as a means to propel oneself to the eating or perpetuate oneself in order to remain at the high table. If the above appeals are religiously followed we can be sure of a permanent peace and healthy nation.

Finally Mr. Chairman I would like to emphasize and appeal made earlier on by some Hon. Delegates, that fellow Delegates should strongly resist the temptations of turning ourselves into a transitional Parliament because this will reflect very badly on our integrity and sincerity as a House assigned a specific job for a specific time limit. Thank you very much Mr. Chairman, for giving me this opportunity, and thank you so much Hon. Delegates for listening to me. For God and my country,

THE CHAIRMAN: Hon. Delegates, with that contribution from Hon. Kandole, which was a volunteering spirit, we come to the end of our proceedings for today and I adjourn the Constituent Assembly to tomorrow at 8.30 in the morning. We stand adjourned. Thank you.

(The Assembly rose at 1.30 p.m. and adjourned until Friday 29th July, 1994 at 8.30 a.m.)