



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 28TH JUNE 1994

MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 377]

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Tuesday 28th June, 1994.

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

P R A Y E R S

(The Deputy Chairperson (Mrs. Mwaka) in the Chair.)

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. Delegates I have no communication from the chair, so we proceed to the next item.

MOTION

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

MR. KULE MURANGA KIGHOMA (Busongora North): Thank you, Mr. Chairman. Mr. Chairman, I am very happy this morning to choose me to say something that the people of Busongora North sent me to represent them in this august House. First and foremost, I would like to congratulate the Hon. Chairman for that chair. Secondly, I would like to congratulate you, Mr. Chairman for one minute. You are a son of man from the opposite mountain to that square I come from. Mr. Chairman, I would like also to congratulate the vice-Chairman, or Chairperson for that matter because this is the lady who taught me, among other things Economic Geography of the mountains on which I live. And also I would like to congratulate all the delegates who have come here in all their capacities.

Now our people in Busongora North have so many points which they raised during that time I was touring to find out their views. However, I have this to say before I present some of them. Uganda should be united because we are members of one body such that if one member has a wound, then the whole body will suffer, and to this connection, I believe that we should not be happy when some members in different areas are suffering.

For example, I have been reading papers of so many dying in Gulu, people suffering in Teso, people

suffering in Karamoja and other and other places. While that is taking place in these areas, some people do not seem to be concerned. Mr. Chairman, as members of one body, I believe we should feel concerned so that what happens in Gulu or Kitgum today may happen in Kasese the next time. But if all of us are together and are concerned about these things, I believe we shall be a better Uganda. One writer called Chinua Achebe said *"When you see a frog jumping in broad day light, there must be something chasing its life."* So when you see people not satisfied in some places it means there must be something which is itching them as the case may be. Mr. Chairman, this is where I thank the NRM government for the work it has done in a way of solving problems through round table negotiations. I believe no body was born a rebel but people become rebels because of reasons, and I believe if everyone was given a chance to air out his or her views, may be the views would be genuine. This is not that I encourage this attitude of looking at things where we can arrange peace negotiations and then arrive at that general compromise which will bring peace. I would like Mr. Chairman, to associate this one with an example which is known by so many people in my area and even Uganda at large; the Rwenzururu Movement. When the 1962 constitution was being made of course every Ugandan expressed happiness that it would bring peace to everybody. But because some people were denied the rights to participate in the affairs of this country, what came out was something which was very nasty and which I think has brought a nasty history to our people in Busongora. Nasty as it is, this history has to be altered in order to avoid mistakes in the future. Mr. Chairman, I believe every Ugandan is part and parcel of the whole body of Uganda. Therefore, when there is a problem in any section or any part of Uganda, it should be addressed properly before people can make overwhelming statements and judgments instead of arguments which may not assist in this venture.

The Rwenzururu government began as the result of people being denied the chance to participate in the affairs of this nation, and people, when they hear of this word, I think they are not happy. But this came because of the people being denied to participate in the affairs of the nation. It was a mass movement of people who felt oppressed and had been denied the fundamental human rights to participate in the affairs of this country. The word itself, Mr. Chairman, has nothing wrong, it simply means an area covered by snow as simple as that. But of course, the

movement had its objectives so as to be allowed to participate in the affairs of their country Mr. Chairman, and later after 20 years, I think what came was to grant the two districts of Bundibugyo and Kasese. And if the movement was holding wrong objectives I do not think it would have been rewarded in such a way.

So this is why I am saying that it is better before we dissolve anything, before we decide on any matter, particularly which affects certain parts of Uganda, it is better to dissolve that problem when in the people question have been asked to contribute and give us their views. So, in this August House, Mr. Chairman, I believe every view or idea, expressed by a Member will be taken seriously, and will be given the consideration it deserves. Otherwise we may talk a lot and come up with a very good document which may not stand the test of time.

However, I would like to distinguish between "Rwenzururu movement" which ended in 1982, and the "Nalu". Nalu is quite different from Rwenzururu movement, Mr. Chairman. So people should not mistake Nalu (National Army for the Liberation of Uganda) a rebel group, with Rwenzururu movement which was fighting for the rights of people.

I would like to bring to you the message about land from the people of Busongora North. They are saying that in Busongora North or in Kasese in general, mile land should be abolished for one reason that those people who have the miles or mile land do not necessarily use the land but instead there are some people who are using the land and they are asked to pay a certain fee or whatever it is called when actually they have a right to stay on the land. Number two on the land, Mr. Chairman, they say that the government has taken a lot of land in form of land in form of government farms, for example there are five prisons farms as if the people of Kasese are the worst criminals. And some of this land is not used.

So there was a request that some of this land should be de-gazetted as the case may be and given to the people. Mr. Chairman, they also say that some areas which have been gazetted as Game Parks can remain but there are some areas which are peripheral to the parks, also these can be de-gazetted to cater for the increasing population which needs a lot of land for production. And then individuals who have vast areas of land, and are not using it, the govern-

ment should consider and revisit their land titles to see whether they are using it satisfactorily and if not, it should be given to the people who need it and can use it properly.

Mr. Chairman, they say that people should be given a right to have free - hold system as opposed to leasing in the villages because with free - hold, someone is assured of his land even after he has died. His children will come and occupy the land without counting the 49 years, and then it might be owned by somebody else. Mr. Chairman, they also prefer that the Uganda Land commission should have offices in every district such that whenever there is a case referring to land, it can be resolved within the District and maybe the proceedings can be transferred to Uganda Land Commission when everything is settled in the district.

Mr. Chairman, on Uganda being a sovereign State and a Republic, they concur with that one but not a federal State; because if we say that we should have a federal in the Rwenzoris, it means, we are opening the old wounds to go back to the problems which our people have been faced with for over 20 years. And they are not ready to do that. If there is any Federation then it should involve countries like Uganda, Kenya and Tanzania for a better market.

Then on chapter two where they talk of religion, they say that having no state religion is the best but they request this House to accept that every religion should have a chance to worship and the days of worship should be respected such that if we have a function which involves the whole nation like elections of RC's, of MPs and President, these should not fall on a day of prayers. According to them, the days of prayer begin from Friday, time of prayer for the Moslems, to Sunday. So all those three days are days of prayer for the people I represent.

On the side of women, they are saying that these are our mothers, and they should have their due respect and also when it comes to elections these people should have their chance of having one woman representative per district but not 15 as it is said by the draft constitution. *(Applause)*

And there are some people actually who are fearing that may be if we allow women to have a place in every district, may be they will take all the seats. With us we have no problem as long as the women are better and they can reason better then they can even become president of this nation. *(Applause)*. So we should not fear competition but we should allow them to have that right of having a representative in

every district and on top of that they can even come through direct fighting as it is called. They add that, when elections are organised, then we should have them concurrently. When we are electing the MPs for the constituencies, at the same time we should put there for the woman on the same ballot papers so that we do not have to repeat the whole thing because it is tedious.

When it comes to the districts which have been formed recently after 1973, they are saying that it is better whenever a district is formed, the boundaries should be clear from the very beginning. Because if no boundaries are gazetted, and are clear at the very beginning, problems will come up because the local administrators in many districts do not know where their area of jurisdiction stops for that matter, and this brings clashes between the two authorities, and an example of this I think hon. Members will allow me to use is, the Bundibugyo and Kabarole districts when they had that problem. But if these boundaries had been clearly demarcated from the very beginning before they announced these districts, they would not be having any more problems. They also sent me to say that the ethnic groups which appear in the draft that they were in Uganda by 1st February 1926, should also include Banyabindi, who are our people in Kasese and somewhere else, and then Basongora and then also the word Banyarwanda should not be used because it implies that these people are from another country. But we are comfortable with the word Batutsi, Bahutu and Batwa if at all they exist in Uganda.

So the ones that exist can adopt those ethnic names rather than using the whole name Banyarwanda which implies that either we are importing that country here or something of that nature. And also then we add Bafumbira because also they fall in that category I think, so that we are also separate. So I concur with hon. Hashaka from Kibale then on the form of government, Mr. Chairman.

MR. KARUHANGA: Point of clarification. I want the hon. Member speaking to help me to understand what he has said in respect of the tribes. He mentioned a tribe which is coming from that part of the world but I have never heard of it; either I did not hear him properly or he said there is a tribe called *Banyabindi*. I wanted clarification to know it.

THE CHAIRMAN: Okay that is fine. I think the member will clarify.

MR. KULE MURANGA KIGHOMA: Thank you very much. In Kasese district we have so many ethnic groups, those which are named on the draft, and also those which are not named there. So among those which are missing, we have people called Banyabindi then we have other people called Basongora, these are minorities but they also exist. So, they sent me to inform this august House Mr. chairman, that also they should appear on the draft, on the final one for that matter. And I was saying that they are not comfortable because anyway. I have so many in my area, there are so many people, we have Banyarwanda, we have Bafumbira, we have all tribes, more than 20 tribes of Uganda are found in that area. They are saying that they are not comfortable with the word Banyarwanda in our draft Constitution, they would prefer having ethnic names like Batutsi, Bahutu or Batwa, and Bafumbira as the case may be because the word Banyarwanda implies something else. Because in our western languages, the word '*Banya*' in our western languages means people of. We know that these are people of Rwandese origin but living in Uganda. When I know that in Rwanda, there are people with ethnic groups like the Bahutu and the Batutsi so they can use these, Mr. Chairman.

MR. NEKYON: Point of information. Mr. Chairman, I would like to inform the hon. Member on the Floor that whereas there are Banyarwanda who are Ugandans, because that area where they live Bafumbira, was partitioned from Rwanda proper and brought into Uganda, I want him to know that they are actually Banyarwanda who came here from the present Rwanda State as endangered labourers, brought to work in our sugar estates of Kakira and Lugazi, and they are also Banyarwanda proper who came from the Republic of Rwanda, who came to work in the coffee plantations of Buganda. Now when they came they were indentured as Banyarwanda not as Bahutu, Tutsi or Batwa. So how is he going to change the names to Hutu, Tutsi when these people were actually recorded on the border when they were being brought in lorries as Banyarwanda?

MR. KULE MURANGA KIGHOMA: Mr. Chairman, I think my time will be consumed but then allow me to continue. What I meant was that, there is no tribe called Banyarwanda, as there is no tribe called Uganda or Ugandans for that matter, otherwise, that is a nation, and I am saying the tribes we know of are either Bahutu, Batutsi or Batwa. So

people who came from Rwanda during the war are refugees and we have a camp for them in my place. So when things normalise they can go back as Rwandese nationals. So there is no question about this. However, we cannot forget the fact that during the colonial time, boundaries were drawn arbitrarily such that some people were pushed in Uganda and others in Rwanda and elsewhere just like Kenya and Uganda so we cannot deny some of these people their right to be Ugandans. Mr. Chairman, I think I can continue because time is on my neck.

On the form of government, Mr. Chairman, my people sent me to say that for us we are in love with the movement, and you cannot argue about that one, we have no sympathy for parties leave alone Federalism and as the case may be. But much as we want the movement to continue for may be a hundred years we are saying that checks and balances should be in place such that the Mass Media should be left free to comment on anything that is wrong, so as to correct the situation where it goes wrong, and then people should be given a chance to air out their views freely on any matter we believe is not correct, and people should be represented because we believe that in the movement, everybody is a hundred per cent represented. We are free to participate a hundred percent and people are elected on merit as individuals not as a party unlike when have political parties where people may get 40 per cent and other parties may get 60 percent but because the 40 belong to one party, and the 60 are shared may be between or among several parties, then the one who has 40 emerges the winner. So there is no justice in that one according to my people, and they believe justice should be in a movement where everybody is a hundred per cent represented.

On the National Council of State, we said this is a good idea and good machinery to check, the excessive powers of the President, but the President should not be the Chairman of this body, otherwise it will lose meaning.

On the public service which is article 192 to 193, and then the teaching service we said, these people have been promoting workers through interviews. We are saying that it is better before they promote anybody to go and see where he works and see whether he has improved, whether he deserves that promotion. For example, we have the teaching service which promotes say the Headmaster and what not, they only come for interviews and whoever can talk better

wins in the interview. But back to his working place or her working place, you find that everything is in a mess. So before they promote anybody, they should visit the place where the individual works, and then see whether he is capable or whether he is worthy of the promotion.

THE CHAIRMAN: There is information. Will you take it?

MR. MURANGA KULE KIGHOMA: Mr. Chairman, my time is going I think allow me to continue.

THE CHAIRMAN: He is not taking it.

MR. MURANGA KULE KIGHOMA: Mr. Chairman, this we believe will ensure that people are promoted on merit rather than just because someone knows how to talk better therefore, he deserves that post when he cannot manage.

On the issue of National Language, my people said Kiswahili should be the most acceptable form of language which is simple and involves everybody, and other languages which are regional like the Runyakitara or Luganda, Luo and others can be used in those regions. But Kiswahili should be used as a National language, and then the official language can remain English.

On the judiciary, there was a complaint that, in most cases the lawyers and the court of law, have remained the exercise of Law and sometimes justice is delayed because may be of corruption and people say it is better we put in place a rule or a provision that will cater for people's justice to be practised such that if someone has a case it should be dealt with within limited time but in some cases you find that a case can spend even five years under disguise that they are still investigating. And, Mr. Chairman, justice delayed is justice denied. So I believe in this constitution, such issues will be addressed properly.

THE CHAIRMAN: There is information on the Floor will you take it?

MR. MURANGA KULE KIGHOMA: Okay

MRS. MWONDA: Point of information. Thank you, Mr. Chairman. I would like to inform the hon. delegate that it is not the lawyers or the courts that investigate cases. Cases are investigated through

the investigation department in the Ministry of Internal Affairs.

MR. KULE MURANGA KIGHOMA: Okay, Mr. Chairman, thank you very much. I was referring to the whole system which deals with cases. So if the prosecutors and the lawyers are not exceptional then that is the system I am referring to, Mr. Chairman.

Then traditional leaders; we said that they are free to be where they can exist, and of course even my people my people may have one if they wish and they were arranging to negotiate and consult with the people.

Then on economic valuables, Mr. Chairman, the draft says that mineral and other things of national nature, should remain in the hands of the government but my people are saying that, Mr. Chairman, it is better if a mineral like copper exists in a certain place, those people residing in the area, Mr. chairman, should get a small percentage to compensate for the environmental damage that is caused by the mineral. Taking an example of Kilembe mines and Hima, pollution is rampant in those places and the people around are not compensated for that pollution. Mr. Chairman, time is getting me but I think let me touch the last few items as I wind up.

They are saying that citizenship should be identified through identity cards which are national, and these will help us to know who is a national and who is not.

Then to safeguard the Constitution they said that everybody should be equipped with the skills of demystification of the gun. Mr. Chairman, thank you very much for the time you have given me although other things have been left out, but I hope I will add them next time.

MRS. SENTONGO: (NOTU Representative) Thank you very much, Mr. Chairman. First and foremost I want to take this opportunity to make one correction that was depicted in the *New Vision* of last week, when my name was listed under the constituency of Kiboga, my constituency is NOTU, Workers Representative of Uganda. Thank you. Mr. Chairman this being my maiden Speech, I would like to take the opportunity on behalf of the workers of Uganda, and on my own behalf to congratulate all of you upon your successful elections to the Constituent Assembly. I would wish also to assure you of our

total support in the deliberations during the constitution making. The workers of Uganda greatly salute the NRM government for according them the opportunity to participate both in NRC, and Constitution making of this nation. This is the first government in the history of Uganda to think of one of the less privileged groups to at least participate in the matters pertaining in our own country. This is a clear indication that the NRM government is a government of the people. Therefore, workers pray that the involvement of workers, the youth, women, disabled and not forgetting the peasants, should be constitutionalized, and should be upheld by all governments to come after the making of this constitution. Uganda is a well known country as the Pearl of Africa, yet people have lived in misery for over twenty years now. Our economy has totally collapsed and the people's morals have drastically gone down and as a result people, appear to have lost hope in actual restoration of the country's leading position in Africa. The country's 1962 constitution was literary abrogated, and replaced by the 1966 constitution, and that replaced by the 1967 constitution. The National Organisation of Trade Unions of Uganda observe that there has not been respect for the strict observance of the provisions of the National Constitution. The end results have been human rights abuses leading to total destruction of lives and properties. NOTU therefore, recommends that the government's decision to restore the constitution be based on the country's wide views. It is our optimism, therefore, that the exercise of the rule of Law, human respect and respect of human rights will be restored. Our considered opinion is that this is in order to prevent an unnecessary and preventable problems arising thereafter. We commend with honesty, both the government and the constitution commissions efforts in creating awareness in the members of society before the collection of the views, and also wish that after the making of this constitution at least people would be given enough latitude to know more about the constitution to enable them if there is any opportunity to elect their people to represent their interest, they are aware of who is able to represent them effectively.

On behalf of the workers of Uganda, we have the honour to present the following proposals, and therefore, we say something regarding the citizenship. Citizenship shall be by descent. People whose parents belong to any of the indigenous tribes in Uganda should be considered a citizen. And by birth, all people born in Uganda, one whose parent

is a citizen of Uganda at the time of birth, should be considered a citizen.

Citizen by naturalization: All foreigners who acquire it in accordance with the law of the land, should also be considered citizens of Uganda. On identification of the citizenship, one should be issued with a National identity card unlike the present situation where one just buys any sort of identity card which are just there and any tycoon can just use it to pretend as if a nationalist of Uganda. We also ask the government to, at least, let all Ugandans be free to the right to acquire national passports without much ado as it is the case.

Regarding the National language the question of national language was merely politically coined and diverts peoples' mind from the real issues affecting us as Ugandans. The need to make a new constitution arises out of the weaknesses in the omissions of the 1962, 1966, 1967 constitution and their methodologies. There are unknown issues which have contributed to the miseries of Ugandans but language has not been one of them. And therefore, we propose that, the national language would mean most certainly, the development of one of the indigenous native languages but diversion has been already created to the extent of proposing foreign languages. Even if there was a need for a national language, in its true sense the word national will not cover any language like Kiswahili, English or any other spoken outside Uganda by Ugandan nationals (*Applause*)

Therefore, the development of one single language creates un called for confusion. It implies abandoning the majority of our national languages which most of us are proud of. We, therefore, do not recommend the idea of developing one single language, let the idea of developing one single language be dropped, and instead all our native languages be encouraged and taught in schools. Any popular language should develop naturally and be applied by citizens themselves without being imposed on by law. The country belongs to us all and our successors, we, therefore, have a duty to protect our native languages for both ourselves and our successors. So all Ugandans should be encouraged to develop their native languages, why should we drop them.

Something regarding fundamental human rights. We recommend that the Uganda Constitution must contain a declaration to the effect that no Ugandan should suffer any penalty or imprisonment without

the due process of law, and the principle of natural justice. Therefore, the natural justice must be applied to all Ugandans in its true sense. Every Ugandan's life must be valued and protected in respect of his or her tribe, religion, party affiliation, status or sex. Therefore, no Ugandans' life shall be expected to be taken away on the state of external aggression. Why should we keep killing ourselves over minor issues. And we recommend abolition of death sentences. Human rights as stipulated in the United Nations Charter, and the International Convention on Human Rights be embodied with some modifications in the constitution, and be strictly observed.

Trade Union rights, freedom of association, right to collective bargaining, right to representation, right to work and duty to work and the right to strike should be embedded in the constitution if we mean true democracy. Enjoyment of justice and favourable conditions of work which ensures in particular remuneration which provides all workers as a minimum with fair wages, and equal remuneration for equal work, value without distinction of any kind in particular women being guaranteed conditions of work and not inferior to those enjoyed by men with equal pay for equal work. There is a tendency of looking at a person and then award him according to his or her appearance that is quite unfair and here we do not say women should be favoured, look at her qualification, if she has the qualifications needed for the job, please offer it to her and I think women can perform on their efforts. A decent living for working women and men and their families should be also considered. Safe and healthy working conditions as stipulated in the rural Convention number 148, 155, 161 and 167 should be also observed. Reasonable leisure and reasonable limitations of working hours and public holidays with pay as well as remuneration for public holidays should not be forgotten. Leave with pay for Educational purposes should not be discouraged otherwise we will not have the manpower to look after the interests of the Ugandans.

Right to exist for trade unions and right to join trade unions of anybody's choice should be left to the people. The right of trade union organisation to establish national federate links and confederation and the right of the latter to join in the international trade union organisation should be also cared for.

The right to security, the right for every one to be free from hunger, why should I have more than I can

consume and when my brothers and sisters somewhere like in Teso are dying of hunger and they are eating lizards, that is quite unfair. The right of protection for children and young persons at work. Right for a mother to have special protection during and after birth. Employers, especially men are not sympathetic to women when they become pregnant. They start despising such women workers and tend even to punish them by dismissing them from employment as the result of a natural right to give birth forgetting that this woman is having double production to the nation. She is producing to the employer and at the same time she is producing to the generation of Uganda as a nation. This should cease. Working mothers should be accorded paid leave and time off to nurse and breast feed their children if we are to have healthy children for the next generation if we discourage such an act, then that is too absurd, and we should fight it here when we are making our constitution.

Electoral Commission. There shall be an impartial electoral commission appointed by the Parliament for men and women with proven repute. I do not want to say that women should always be given free offers, be favoured because they are women, we are capable. Somebody proving she is really capable please, offer, give her what she can do so that she can also contribute to the nation. And I believe according to my understanding that there is no man who is a millionaire without a woman behind him, that is out completely out. Why do you leave us behind when we contribute to you to make you a millionaire to become a President tomorrow, a minister and the like. We must be considerate to that. Voting shall be by secret ballot, one man one vote. Constituencies should be demarcated in relation to the population. Any Ugandan above the age of 18 shall be eligible to vote.

Legislature: The Constitution should provide for a National Assembly. Any Ugandan by birth or decent above the age of 25 shall be eligible for election as a member of the National Assembly, and should have at least attained O'level standard or an equivalent certificate of O' Level. Members of the National Assembly who have common need to cross to any other party in Parliament should resign their seats and seek fresh mandate from their electorate. It is very shameful if one is elected under a certain cover and then because he has gone to the House and found some interesting maybe remuneration, then he just crosses over without alerting the people who

elected him, it is very shameful and I think this has mostly been practised by men.

From the period of general elections, Parliament should not exceed five years. Parliament should be involved in declaration of war not only a few individuals to initiate a war and the entire nation suffers under the hands of a few individuals. The Parliament must at least have a hand in the declaration of any war that is to take place. Parliament should be involved. We should rectify the appointments of ministers that is the Parliament; the military personnel, the Chief Justice, IGG, and the Head of Police and prisons. The Parliament should rectify also foreign contracts by the government and what about the Executive. NOTU recommends that the President should appoint the cabinet but some get nominated by the Parliament. Any Ugandan to be appointed a minister must be a man of proven repute - I mean man and woman sorry. A man and a woman with proven repute and must be mature enough with sound mind.

A HON. DELEGATE: Point of order. Mr. Chairman, can I draw your attention to rule 24 sub section (c), which says no delegate shall bring into the Assembly anything not directly connected with the business of the Assembly. Hon. Zubairi from Arua has brought in a big stick, is he in order Mr. Chairman?

THE CHAIRMAN: Well may be the honourable can tell us why he needs a big stick.

MR. ATAMVAKU: Mr. Chairman, that is not a big stick, it is just something to support my right leg.

THE CHAIRMAN: So you need it as part of your-

MR. ATAMVAKU: It is an auxiliary leg. (*Laughter*)

THE CHAIRMAN: Okay, in that case it is acceptable. Hon. member holding the floor go ahead please.

MRS. SENTONGO: Thank you very much Mr. Chairman. The size of the Cabinet should commensurate with the country's economy and its needs. In any case the Parliament should determine the size of the Cabinet. The post of Prime Minister and the Deputy prime ministers should be abolished because our economy is not big enough to accommo-

date them all. Should there be a successful vote of no confidence in the President, the cabinet should automatically resign equally.

Civil Service. We recommend that civil servants should be engaged in active quality work but should not opt to be biased when they are handling public affairs. The appointment of civil servants should strictly be by the public service commission.

Now about the Judiciary: We recommend that the principle of free and independent judiciary should be strictly upheld. There should be also one High Court, and one Supreme Court to serve throughout the country. The Judges and the Magistrates should be appointed by the judicial commission. The Chief Justice of Uganda should be appointed by the President on the recommendation of the judicial service commission and approved in the Parliament. All Judges should serve up to the age of 60 and the Chief Justice up to the age of 65 but he can be removed before the age mentioned above if he or she loses reputation, proved by the judicial service commission, with the confirmation by the Parliament. All members of the bench shall be highly remunerated in order to maintain respect to the judiciary.

We also recommend that the office of the Inspector General of Government be established by Constitution. It is quite helpful because we have a role of corruption, especially we workers. We are feeling and we are travelling in disturbed waters with our employers. But without this IGG office it is going to be terrible, our economy will fall in the hands of these greedy employers hence making our nation what it is today.

Something about land. We say that the mile land system be maintained together with a freehold system. Leadership code: A leadership code of conduct should be put in place to get rid of corruption and other ills.

THE CHAIRMAN: Hon. Members just a moment, there is a point of clarification. I do not know whether it is order or clarification.

MR. CHANGO MACHO: Point of clarification. I want the hon. delegate to assure us whether it is the working class she is representing. Which she says that mile land should continue.

MRS SENTONGO: Yes, I assure you because in NOTU we have various

organs, we have representatives right from the grass root from all levels up to NOTU level. So these are their views. I am not speaking my own words.

LT COL. GUMA: Point of information. I would like to inform the hon. delegate that from her utterances, she does not qualify to be a worker at all; that if those ideas came from the workers of Uganda, it is so absurd that we do not have workers at all, because workers cannot support mile land.

MR. WACHA: Point of order, Mr. Chairman is it in order for the hon. Member to presume the views of another hon. Member who has been sent by other people?

THE CHAIRMAN: He is not in order I was waiting just to come in. As we agreed we should not interrupt each other unnecessarily and the delegate holding the Floor is conveying the views of her constituency, Please go ahead.

MR. NDEGE: Point of order, Mr. Chairman is it in order for hon. Guma to use very un-parliamentary language in the Assembly.

THE CHAIRMAN: Honourable, could you repeat your point please.

MR. NDEGE: Hon. Guma used very un-Parliamentary language, un-Assembly language, was he in order Mr. Chairman?

THE CHAIRMAN: Could you refer to the particular word used which was un-Parliamentary?

MR. NDEGE: Utterances. He said of the delegate as 'uttering' instead of-

THE CHAIRMAN: It is not in order, I think he should withdraw that one. Here we speak we do not utter.

MRS SENTONGO: Thank you very much Mr. Chairman. I want just to briefly say something about cultural institutions. The workers recommend that any part of the country or state should be free to maintain or develop or observe its cultural institutions and values so long as the chance does not impose any obligation on the nation, and to any other State within the country. It is further

strongly recommended that no attempts should be made to suppress any one's views in the constitution making process. So with those few remarks, I will always come back when there's need. I beg to stop here thank you very much, Mr. Chairman and the entire hon. delegates.

THE CHAIRMAN: I thank hon. Sentongo for her contribution, now I give the Floor to hon. Dr. Higiro Semajege. Member for Lwemiyaga county.

DR. HIGIRO SEMAJEGE: (Lwemiyaga County) Thank you Mr. Chairman. I am Dr. Higiro Semajege representing Rwemiyaga county in Masaka district and it borders with Mbarara, Mubende and Mpigi along river Katonga. Thank you very much those who have spoken earlier congratulating you on your appointment or election as chairman of this Assembly. Mr. Chairman, I am so pleased, that I am saying this after you have chaired us so well, so we all know that we did not make a mistake. We did the right thing and I am optimistic that you will continue doing the right thing right up to the time when we finalise this exercise.

We need to ask some questions which will guide us to be successful in this exercise. Why are we really here? Uganda has had constitutions, three, but each time one constitution is put aside as if it never existed, another one is written, we are now writing the fourth one. Why? Why did we not amend the first one? What was wrong? Is it because those who drafted them were not sufficiently nationalists? No. They were nationalists. What was missing there, how are we going to be different? Mr. Chairman, I do not propose to give answers but I think these questions should be in our minds all through when we are talking here because we are trying to do something that has not been done before. We are here to write a Constitution which will live for years after we are dead and if that is the case we must have our objectives clear. The objective number one is that we want a united Uganda as a nation. let us confess it Mr. Chairman, up to now we have got a flag, we have got political boundaries which were set by Europeans in 1894 but surely we can not say that we have yet evolved into a nation. True we are all like good bricks which if used properly and cemented can make first class house. Each nationality here represented or that one which is not represented is a very good material and if well guided it will build a house which will live and be proud. So let us make it clear that we are here to forge unity and we know that once

we have unity, there will be security and we shall then go on for economic development and we shall improve the standard of living of our people. Without this, we shall be wasting time. Our Constitution we shall write will also go the same way as the others.

The other principle is that we must begin to look at an individual. This Constitution should be human centred, it should be centred on an individual, that is, when you do something good you get the credit for the good you have done, you as a person. When you do evil, let that evil be with you. Let there not be a punishment of the people of West Nile because Amin came from there. Let there be no punishment of all the people of Lango just because probably Milton Obote made a mistake somewhere or because we do not like him for some reason. Let there be a reason only for a person who has made a mistake. let him be carried for that mistake as an individual.

Mr. Chairman, there is nothing so bad and so primitive as to think that when Dr. Higiro here abuses one of you here then all the people of Rwemiyaga are bad people. When I do it here, it is me, I have not consulted them and I am telling you, Mr. Chairman, I do not even think that Amin or Muwanga or whoever it is, whoever caused some problems actually had consulted the people in his constituency. No. The villagers in Apac and the villagers in Kisoro and the villagers in Rwemiyaga - let me tell you, these people have a lot of commonalities in them, there are no differences, it is we who use our privileges of having been to school and having travelled to Kampala and other places and when we have no other qualities to put forward, we put qualities of tribe, we put qualities of religion you have nothing to say about yourself and when you want to beat your opponent, you say, yes, the people of my ethnic group are more in number, therefore, let me use that ethnic group to say he is of that group, therefore, he is no good and eventually you cause these simple, good people to hate one another and eventually even to kill one another. We are the people who do it, not the villagers and yet we are representing them, they elected us here and they give us all the powers; they gave us all the mandate and if we can not do a good job for them then, Mr. Chairman, we shall have done a lot of crime. We should not do that.

There has been mistakes and possibly these other Constitutions can be scrutinised and we may pick one or two reasons why they failed. I will pick one. One of the reasons I think we have had these

problems is that we have tended to give a lot of powers to one individual. It is not the political parties as far as I am concerned that really spoiled Uganda, no. It is the leadership, it is somebody you give all the powers and no matter how good you might have been born - given the powers to appoint Army Commander, to appoint Ministers, to remove whoever you want, to put Ambassadors here, to detain indefinitely - there is a possibility that you will be spoilt no matter how good you are. So I believe that it is because of lack of checks and balances that we have had these problems.

Now, with this situation, Mr. Chairman, now that we have had this opportunity, let us make sure that the Constitution we are going to write has clear demarcations, the powers of the President should be known by all the people of Uganda. These limitations should be known. Let the Parliament be known that it can do A.B.C.D. but not why. Let the Judiciary not be interfered with. I have heard there has always been some temptations for big people to tell the Judges and Magistrates that please make sure that this man does not win and obviously since he is a human being, he is appointed, he has got to get his bread and butter, there are possibilities that he gets defeated. Let there be a Constitution which makes these institutions with clearly demarcated powers and let us be honest with it. Let us not cover up

Political system: Mr. Chairman, the people of Lwemiyaga are a hundred percent, if you wanted, even a thousand percent is there, support the extension of the Movement for the next five years. Their support, Mr. Chairman, is evidence or is a reward for what the Movement has done, what not many people expected to be done. They have brought in peace, security and we can see us here, people from different areas, different political orientations we are talking together, we have not fought, this turns out to be efficient guarantees that the Movement needs to consolidate this peace we have. We simply do not even need to put a question mark. I think all of us are in agreement that the system should continue so that we can consolidate our peace. But what probably needs to be looked into carefully is the internal structure of the Movement. The Movement has a Chairman, Vice Chairman, National Political Commissar and n Directors, all these people. Now Mr. Chairman, when you say we want to continue, do we want it to continue with the same structure or do we want to continue in a different form? I know the Commission gave some suggestions as to how it is

going to be opened up but you know we are going to make a decision now. Mr. Chairman, in fact, when I think about this part this is where I think that we should invite His Excellency the President to come and tell us how this circle will be opened up, how every Ugandan can aspire to be Chairman or Vice Chairman of the Movement. How this can be done so that we all feel confident that what we are doing is right. Because he is the one who can tell us confidently what he is intending to do because for sure I have every confidence that President Museveni wants peace, permanent peace in Uganda and I am sure he has got a way it is going to work but, Mr. Chairman, if you do not mind, we would like him to come and talk only about this subject matter and give us the confidence that what we are going to extend is the right thing to do.

There is a proposal in Articles 96, 97 and 98. In Article 96 it is proposed that political parties should not do much really but Article 97, if you read it properly it assumes that pluralism has been accepted because it is saying how political parties should behave and how they should come in and so on and so forth. It is a long provision. Then when you come to Article 98 there is a provision for a referendum periodically every five years. Is that not a contradiction? You know, Mr. Chairman, we have been brought here with a mandate, if we cannot make a decision here, we who are enlightened, we who have had a chance to mix here in this Hall and the corridors, if we fail to make a decision, how do you expect the villagers who do not even read papers even if you gave them they do not read them, they can not read, even the radio does not reach there and you think those are the people who will make the right decision. I would like Chairman, all of us here to know that we have the mandate to make a decision. Let us make a decision. Let us say, for good of Uganda we are going to have the Movement system for so many years and a decision be made. After that then the change will be in this like so that Uganda knows, from the time we write this Constitution, she knows where to go. Surely we shall have failed if we fail to make a decision now, we should go home saying "sorry, we have failed, you made a mistake to elect me I went there and simply talked nothing and I came back, I have done nothing, I should have asked you all the 17 million people to go to Kampala and make a decision." Mr. Chairman, let us make this decision ourselves, let us be honest, if we want the moment to continue for ten years, let us make it ten years, if we feel that is right but let us not camouflage and keep on our ties.

On decentralisation, the people of Lwemiyaga accept what is already going on but they should like to see that the centre of operation should be the counties. The counties should be given more powers to run their own affairs but on top of that, the people of Lwemiyaga together with the people of Mawogola and, mind you, Mr. Chairman, actually that area, the whole of Lwemiyaga and Mawogola is actually Mawogola and the other name is known as Bwera. This place is occupied by people with unique characteristics, with their own occupations and they have been marginalised for a very long time, Mr. Chairman, we would like this area during the decentralisation period, to be recognised as a district so that we can develop ourselves. We shall be a district which is within Buganda and I want to tell you this, we are very royalist, we are loyal to the Kabaka of Buganda. For us I have no question about it and we shall continue to be an integral part of Buganda but we would like to run our affairs.

On Land, the people of Lwemiyaga support freehold. Here there are some people who appear not to understand the meaning of mailo land, Mailo is freehold. Those who have been making a mistake please know it that when you Support free-hold actually you are supporting mailo land. The difference, if there is any, is very small.

On traditional leaders. These traditional leaders are valuable not only to the places where they come from but to the whole of Uganda. Those who witnessed the enthronement of the Omukama of Bunyoro saw sources of unity, they saw the Acholis - (*Interruption*).

THE CHAIRMAN: Just a moment. I can see a hand. You are rising on which point?

DR. HIGIRO SEMAJEJE: No, I have very little time. He can say it when it comes to his chance. These people are very useful to us all. You could see that that institution united people from Acholi, from Buganda, Ankole, Toro and you know, why do we not preserve our culture? You know it is known that the people of Acholi produced kings - yes, the King of Bunyoro, the Kyabazinga of Busoga and even the blood of the Kabaka, they have got some of that blood, why do we not emphasize that? - (*Interjection*). Yes, this is history, this is true. Why do we not emphasize these kinds of points which unite us but we go on saying a Munyoro cannot be with a Mugaranda. An Acholi can not be in Buganda and we

think this is important, that is what the colonialists told us to do and that is what we are emphasizing now. We should remove it now if we want to unite.

On citizenship. The people of Lwemiyaga agree with the draft provisions of Article 40; 41 and so on. What they would like to see is an improvement, strengthening of the Immigration Board. They would like the Immigration Board to have branches in each district. But I cannot leave this point, Mr. Chairman, without mentioning something or commenting on this issue of Banyarwanda. I am a Munyarwanda. (*Interjection*). Yes, Sir, very much and proud of it. I am a Munyarwanda, Mr. Chairman, but let me tell you, Mr. Chairman, none of us in this Hall can tell us that, when the boundaries of Africa were being decided that his uncle or is great grandfather was there. The decisions were made in 1884 in Berlin by white men but at that time, there were nationalities in Africa. At that stage when the borders were decided, parts of what was Rwanda then were included in Uganda and other parts like any borders. If you go to the east you will find that there is a dissection of a nationalities and in Rwanda therefore, in Uganda here, there are Banyarwanda who are by birth indigenous. There are some people who have been saying they want to call themselves another name, other names, yes, if they want they can do so, there is nothing wrong about it Mr. Chairman, they cannot change history. The people of Kisoro know that until 1926 they were under the Kingdom Rwanda, that is a historical fact and you cannot remove that but if they want to speak another language today they can go ahead, there is nothing wrong about it but history is there, Mr. Chairman.

THE CHAIRMAN: Hon. Member, I can see a hand on the Floor, on what point?

COL. PECOS KUTESA (Kabula county): Information.

THE CHAIRMAN: If he will take it.

DR. HIGIRO SEMAJEJE: Okay.

COL. PECOS KUTESA: I would like to inform the speaker sir, and clear this, the speaker, I think, he is not a Munyarwanda, he is a Mututsi in Uganda or he is a Muhutu in Uganda because Munyarwanda, as the previous speaker said, connotes that he is from Rwanda. He is a Ugandan who was found in here who belongs to any of the ethnic groups. Thank you, Sir.

DR. SEMAJEJE: Mr. Chairman, Sir, I am afraid - *(Interjection)* No. let me continue, Mr. Chairman. Mr. Chairman, I am afraid these terms have just come right now - *(Interjection)*.

MAJ. ONDOGA AMAZA: *(NRA Delegate)* Point of Clarification. Mr. chairman, I would like to clarify to the House that ethnicity is based on language and common culture. The Tutsi and Hutu have got the same language and the same culture. Therefore they are not different ethnic groups, they are social classes, Mr. Chairman.

DR. HIGIRO SEMAJEJE: Mr. Chairman, I am not going to entertain another information but allow me to talk on this point because many people in Uganda have got this misconception. Mr. Chairman the people who were originally on the map known as Banyarwanda are Banyarwanda and there should be no confusion, Mr. Chairman, I am surprised some people have travelled, they are making this confusion because in the United States there are Indians and they are called Indians yet there is India as a nation. In the United States they have got China towns because they are occupied by Chinese but these Chinese are Americans. You have Irish in some cases they live in concentrated areas and you know that Irish have produced Presidents - two Presidents President Kennedy was an Irish and after he was inaugurated he flew to Ireland to see where his old grand-fathers were. Reagan did the same. There is nothing wrong with that. So, Mr, Chairman I am a Ugandan Munyarwanda and I will never change that and there are many people like me. Those who are changing names are doing so because of the long time humiliation. The Banyarwanda have been marginalised, they have been refused schools because of their names, they have been refused jobs and now some person is trying to avoid this by changing name, but you can call yourself John Smith but you will not be an English man.

Let me talk about just two things. Mr. Chairman, there is a proposition that the Executive should be in for five years. Lwemiyaga people accept that but there is one thing that is missing and that is the date of elections. Mr. Chairman, this date should be included in the Constitution because we do not want one incumbent President to manipulate and every-day he says elections next week, elections next month. It is important that this date is known because once it is known a certain Mr. X, two years in advance, will start publicising himself in all

districts and he will not be called a treasonable one because the President in State House does not want that little fellow going round wanting to run for presidency. This type of thing, Mr. Chairman, is the one which will make sure that we shall always change governments by the ballot not by the gun and that date should be known, we should set up a date. Whether we say 1st of October, a Monday or whatever, you do it, let it be there. Let every Ugandan know that in two years time there will be elections of Parliament and the elections of the President. Let it not be a decision of one man.

On security. If we want to have security, I have already said it, we must have the President advice but if you look at Article 234 (3) the President is supposed to recruit, appoint, promote, discipline, remove, the armed forces. This is what eventually ends up with our men, our Armed Forces men being termed "Amin men", "Obote men", "Museveni men". These men are serving the nation and they should be independent, there should be a way in which to remove them - okay, they should be loyal, the President should have the powers, as the Commander in Chief but surely there should be a way which makes our Armed forces secure even when the President has resigned or when he has been defeated so they remain as our people. We educate them and eventually when one President is off, the whole lot is going on even killed. Mr. Chairman, this one, we need to look into carefully and we get it proper, this Article 234 and Article 236 because 215 is providing for the Armed Forces Council. We better look into it very carefully and improve on it that when we get out of here, we know that our Armed Forces will be the Armed forces of the nation not of an individual.

The last part which I want to mention is about The National Council of State. True, there is an effort to have the President advised but the way it is framed, the way it is proposed is completely out. We people in Lwemiyaga feel that will be a way of giving the man in the State House a weapon to manipulate and in fact if you make it such that the Parliament will have no use, the man will continue using it and the Parliament will have nothing to do. Instead, Mr. Chairman, we should strengthen the Parliament and we should give the Parliament certain powers that it can vet certain appointments so that all of us are involved. You know, Mr. Chairman, we have been talking about regional balance in appointing Ministers. True you cannot have all the Ministers as the districts will be but at least if these ministerial posts

were vetted by Parliament, since Parliament will be represented, people will not complain. The people who will be appointed will be those who are fit to represent us and we shall have no complaint.

So, Mr. Chairman, I will conclude by once more repeating that we have a job to make a decision, let us not fear to say the truth, let us make it, let us not say we are just going back to a referendum, that is a camouflage because those people are not more enlightened than we are and, Mr. Chairman, I know that I do not have enough time to say more but what I have said I hope it is useful and I will have a chance to say more. Thank you very much.

MR. A.W. BKANYIKE (Buikwe County, West): Thank you, Mr. Chairman. Allow me also to congratulate you on the appointment to your high office as Chairman and also your Deputy. Mr. Chairman, you have heard people enquiring about the place called Buikwe West and I would like to explain. Buikwe Constituency West is in Mukono District and the full county is called Buikwe out of which it was carved into three constituencies and Buikwe County West takes into consideration Lugazi Town council, Kawolo and Najjembe sub county which is only 27 miles away from here.

I bring you greetings from the people of Buikwe County West and the people of Buikwe County West have asked me to make a number of presentations here on their behalf. First of all Mr. Chairman, the speaker and the people of Buikwe County West are undiluted monarchists and they are strong supporters of the NRM Movement. The people of Buikwe County West subscribe to the Buganda culture. I have got a reason for saying this because I will be talking a lot about the Buganda culture. The Buganda culture has got two pillars and they are as follows: The culture side is *Ohuggya* which goes on to the *Lunyiriri* which goes on to form the *Omutuba* and from *Omutuba* you go to *Ssiga* and from a *Ssiga* you go to *Kasolya* and up to the *Kabaka*. Then there is the administration side which starts with *Omutongole*, *Owomuluka*, *Oweggombolola*, *Owe Saza* and up to *Kattikiro* and up to the *Kabaka*. You can see, Mr. Chairman and all Delegates that this culture is very important to the people in this area as far as we are concerned. And outside it, the people of this area do not tick and, therefore, they are very difficult to mobilise.

Having said that, I would like to add that the people

of Buikwe West fully subscribe to a united Uganda. There is absolutely no question of having more or several countries in this unit. Uganda as it stands today is big enough to take all of us. What we have to do is to correct a number of mistakes that have been made ever since we became Independent. Ever since we became Independent, Mr. Chairman, we have not been very sincere to each other as Ugandans. Mr. Chairman, as we sit here in this august House, we should begin by being very sincere to each other. We are making a Constitution after having had three other Constitutions and those Constitutions were insincerely made. The first one of 1962 was bad because of the bad alliance between UPC and Kabaka Yekka. That alliance should not have been allowed take control of the course of events because it has caused us a lot of problems. Mr. Chairman, I blame everything that has been wrong in Uganda on the British. The British should actually pay us compensation. The British, Mr. Chairman, created the Lost Counties issue and went away before resolving it, they should have resolved it before departure. Mr. Chairman, the British supported the K. Y-UPC alliance, they knew it could not hold but they supported it. That was a big mistake. Mr. Chairman, the British cultivated and grew Amin and that was another big mistake by the British. So, Mr. Chairman, when I call upon the British to compensate us I think it is absolutely important that wherever they are, they must understand that our sufferings over the past so many years have been because of them. They had the capacity to correct the problems but they did not do so.

We must be very careful we are correcting things that went wrong. I was going on to say and I have already said that K. Y-UPC alliance was not good but I also wish to add that the Constitution of 1962 should have never permitted a regional tribal leader to become a national leader in the name of the Kabaka of Buganda becoming the President of Uganda. That was a very big mistake which we should never repeat. When we talk about traditional leaders we should have them no doubt, Mr. Chairman, but we should make sure that they remain within their boundaries. It offends other tribes when a tribal leader traverses over their areas as a head. So, Mr. Chairman, when a tribal leader stays in his area as I think, he should be permitted to do all what is possible and necessary to mobilise his people be it political, administrative, cultural or otherwise when he is in his area, Mr. Chairman.

These are facts that we have to admit and address

properly if we are going to have a stable Uganda. What has been a problem in Uganda has been that some tribes have not been in the main stream politics of this country, and indeed some of the people I represent, the baganda, have not been in the main stream of politics. This Constitution should bring them in the main stream of politics by their position being clearly understood. They are not demanding a position which is unfair, they are demanding a position which they feel is right and if you feel it is not right for them just discuss with them and tell them. These are the views of my people of Buikwe West.

The people of Buikwe county west feel that there was a Buganda in the 1962 constitution. There was a Buganda on the map of Uganda. That Constitution of 1962 was taken away and it went with Buganda and it was taken unfairly. The people I represent are requesting that those words "Buganda" in the Constitution and "Buganda" on the map of Uganda be restored because they did not offend anybody. They should be restored. Mr. Chairman, there was "Obwakabaka bwa Buganda" in the 1962 Constitution, this "Obwakabaka bwa Buganda" was removed single handedly by one man. This was very unfair and they are saying that they would like to see a Kabaka of Buganda and not a Kabaka of Mukono, Mubende, Lugazi and all other places. They would like an area to be demarcated, as it was before, to be called Buganda. What I am saying, Mr. Chairman, is aimed at solving the problems that have existed with us for a very long time and which problems have caused us other problems because we have not been able to talk to each other so freely. Now that we have an opportunity, let us address these issues here and sort them out so that when we go out, we can talk to each other because we must be sincere if we are trying to create a nation we are going to live in together. This is absolutely important as far as I am concerned. A good Constitution, Mr. Chairman, must take into account and consideration the people's aspirations and by people I mean all people who are going to be affected by that Constitution. If it does not, then a section of the people will remain aggrieved and unity will not be total. We the people of Buikwe County West subscribe to a United Uganda.

We would like to have peace in this country. We must have stability but what we are looking for in the final analysis is development so that our children who are in exile can feel free to come back here. We have a lot of people living out of this country just

because there has been no security in this country just because there has not been peace in this country. This Constitution we are now heading for must address all these issues if we are not to be telling lies to ourselves. As we sit here, all the problems that have existed must be resolved before we go away from here.

I have got other comments from the people of Buikwe County West and I would now like to comment as follow, (*Interruption*).

DR. KANYEIHAMBA: Point of clarification. I think there is one point which he made where we need clarification namely that a traditional leader should be allowed to have influence in his own area and should mobilise the people politically and administratively. It is the word "politically" that I need clarification on. Does it mean, for example, that he could mobilise people if we allow multi-parties to tell them that you may vote for one party or the other, that we do not want Movement politics and so forth. Can the speaker explain that please?

MR. KANYIKE: Mr. Chairman I will explain that. The position is that as far as the people I represent are concerned, they do not believe in multi-parties. I want to put that very clearly. Secondly, what I mean by political mobilisation, if there is production activity or activity calling for the immunization of children, a movement calling for people to register for a purpose, a traditional leader should be free to do that. I better clarify one other thing, Mr. Chairman, and that is, we have had development in Buganda here - (*Interruption*)

BRIG. MOSES ALI: I am sorry, Sir. I am not putting up my hand but I am trying to draw the attention of the Messenger since this is the only way of getting him see us, to pass the letters and I am also the Chairperson of the Welfare Committee. I am actually doing work at the same time. Thank you, Mr. Chairman.

MR. KANYIKE: Mr. chairman, the hon. Member is encroaching on my time. I was trying to clarify, Mr. Chairman, that in 1955 we had an agreement in Buganda which essentially took the Kabaka of Buganda out of politics but it still left him with some roles. I would like to clarify to the Member who requested for the clarification that that is the position that the people I represent would like to be maintained. (*Interjection*). Mr. Chairman I am running

out of time, I wish he could keep it until he starts speaking himself.

The Constitution we are trying to put in place should play the role of pleasing more people than it can annoy in this country and this is why, Mr. Chairman, we are saying that every individual who is here should table the aspirations of his constituency, to be very clearly scrutinized here so that what is possible and good for Uganda can be included in the Constitution.

The people of Buikwe County West have emphatically asked me to state that power belongs to the people and that the people of Uganda, including those in the traditionally ruled areas shall exercise their right through vote and there will be no other forms or methods of bringing governments into Power other than through the ballot paper. Mr. Chairman, we last voted government in 1962 and since that time we have had very bad governments if governments at all. After this Constitution, Mr. Chairman, we should have a government in place and that government should be voted in place with no nominations at all. Mr. Chairman, the people of Buikwe County West -*(Interruption)*-

LT. COL. GUMA: I am seeking clarification. He talked of electing without nomination. I would like to know how people can vote for anybody when there is no nomination.

MR. KANYIKE: Mr. Chairman, I think the Member was not with me. What I meant is that people should be nominated and be elected in the national election process but there should be no nomination by the Kabaka, by the Queen, by the Bishop or by anybody. Mr. Chairman, the people of Buikwe County West advocate for a strong central government with decentralized authority and responsibility. They underline Authority and Responsibility. They find that with the present decentralization, Mr. Chairman, a lot of responsibility has been passed on but very little authority Mr. Chairman. The people of a given region must have a say in how they are going to be governed and therefore in decisions of their governance - be that the government is based on the district, be that it is based on a region, there should be a two-third majority vote in a district or regional government if any change is going to take place in the governance of a certain area.

On the national objective and directive of state policy, the people of Buikwe County West would

like to have that Chapter scrapped all together because, Mr. Chairman, it contains materials that should not, strictly speaking, be in the Constitution.

On Citizenship, Mr. Chairman, the people of Buikwe County West would like to ask the Delegates assembled here to take a leaf from what is happening in this region where we are. This region has been progressive because we have allowed a lot of people to come and we have accommodated them, we have stayed together. Mr. Chairman, Uganda is a small country and the world is becoming smaller. We should have all people wishing to become citizens, we should have them to apply for citizenship, they be vetted and they should be allowed to become citizens here provided they are good people and they can help us to develop our country better.

On land, Mr. Chairman, the people of Buikwe County West advocate for the establishment of regional land boards to administer land in each region. They advocate for a uniform Land Tenure System based on free-hold ownership. They advocate for any Ugandan to have freedom to purchase land and have title to it anywhere in Uganda. We propose, Mr. Chairman, that *Bibanja* plot owners should be issued with titles by their land lords. Mr. Chairman, we also propose that the 1975, Land Decree should be scrapped immediately and that the former Crown Land previously held by the Colonial powers be reverted to the regional land board for administration.

Fundamental Human Rights, Mr. Chairman. The people of Buikwe County are in full agreement with the provisions in the Constitution regarding this. They however emphasize that the Public order and Security Act of 1967 must be scrapped. No Ugandan should be transported in a car boot after this Constitution. The President must not be empowered to detain anybody on a singular decision. All detention must be reported to Parliament and detainees brought to court within twenty-four hours of their arrests thereafter the matter left to an independent judiciary. Provision must be made in the constitution, Mr. Chairman, to impeach the President should the need arise. All Ugandans must be equal in this Constitution and before the law. Mr. Chairman, on the issue of discrimination under article 50 clause 4 of the same Chapter, we propose that on the list of the people not to be discriminated we include disabled people.

On the form of government, Mr. Chairman, the people of Buikwe County West propose that the RC system be maintained but most probably the name changed to Peoples Council, Mr. Chairman. And that here you have a Regional Government after we have agreed. We are going to bring a proposal that the level be extended to RC.6 and we are proposing, Mr. Chairman, that the present NRC, after this Constitution, be renamed either National Peoples Council or National Assembly. These are the proposals of the people of Buikwe County West.

The rights of women and development of the youth. The Uganda Constitution must recognise the rights of women to equal opportunity in all aspects. The Constitution must recognise the rights of widows to inherit property upon the death of their spouses. I am also under instruction, Mr. Chairman, that I should emphasize that the State has a responsibility to develop the youth. Government funded youth programmes must be provided for to be established and every youth attaining the age of 18 must undergo National Service for a period of between nine and twelve months. This is intended to inculcate a work culture development in our youth. This national service should, however, be paid for and the individuals concerned fitting be remunerated not to be free of charge.

On the National Council of State, the people of Buikwe county West see this as a Parliament into another Parliament and they propose that Parliament be strengthened to provide for a Committee of Parliament to deal with this particular job and whatever cannot be settled within those provisions, they think should go to the Judiciary. Therefore, Mr. Chairman, the people of Buikwe County West do not support the setting up of the National Council of State. Mr. Chairman, the people of Buikwe County West would like to see a simplified Constitution. Mr. Chairman, the people of Buikwe West are aware that the American Constitution is only Seven Chapters and, therefore they also propose that the Ugandan Constitution be composed of the following Chapters: (1) Definition of the State, its territories and boundaries. (2) The form of government and transfer of power. (3) Citizenship. (4) Provision for election and functions of the legislature. (5) the establishment of the Presidency and functions. (6) The administration of justice. (7) Bill of Rights. (8) Provision for Local Governments and (9) Amendments to the Constitution.

Once these Chapters have been addressed then what remains is for the people of Buikwe County West to see that what they aspire as being part of a solid Buganda, that Buganda name is restored in the Constitution and on the map of Uganda. Without this the people of this area will remain aggrieved, they must remain in the country but they will remain aggrieved and we may never have them properly utilised in the affairs of this country -(*Interruption*). Mr. Chairman, that was not a threat, what I wanted to tell the people is that the people in this particular region should this time, not be left behind, they should be opened up and participate fully in the affairs of this country.

I think I have covered the majority of the points of my people but I would like to emphasize that there is a certain aspect that has got to be addressed here while we are discussing. Mr. Chairman, we all need each other and this is a cardinal principle we must employ here. We must not ridicule any other individual's statement, or aspiration, we must take it very seriously and if we do not understand it, Mr. Chairman, let us get him to make the point very clear. I am saying this because of a certain word that has caused us a lot of problems ever since we came here. Mr. Chairman, this word is "Federal". Mr. Chairman, we may not understand this word "Federal" all of us but the people of Buikwe County West and the Baganda at that follow this word as an achievement in the 1962 Constitution, it was here and it was removed by somebody they think was not the correct person to rule this country. Now, Mr. Chairman, this word "Federal" is what the Baganda and the people of Buikwe County west want to bring back in the 1994 Constitution and if it is not clearly understood, I think we should have some people to look into it and explain to us as to why it was removed and why it cannot come back. This is part of *Ebyaffe* that got lost with the 1962 constitution and we want to bring it back and now other people are telling us that although it was good in 1962, it is not good today. With that, Mr. Chairman, I thank you.

MR. OLEGA (Aringa County): Mr. Chairman, this being my maiden speech I wish to take this opportunity to congratulate you and the delegates for having been elected to this august House. Mr. Chairman, I will not be doing any justice, if I proceed with my speech without thanking the NRM Government for having restored peace and stability after the long period of turmoil this country has gone through. I attach very great importance to the prevailing peace

because without it Uganda would not think of writing a new Constitution. Mr. Chairman, permit me to convey special tribute from Aringa to NRM Government for having stipulated a policy that has enabled Aringa to be recognised as a Constituency. To be realistic, since independence Aringa County has been a victim of gerrymandering. To emphasise for clarity, immediately after independence, it so happened that Aringa had a very strong and good candidate who was, unfortunately, belonging to the Democratic Party; then the remedy other parties had was to divide the county into two and therefore, a part of Aringa was forced to vote under Moyo District and the remaining under Arua. Imagine, the people of Aringa were shared as if they were goods! Mr. Chairman, the undemocratic decision the parties took to divide Aringa deprived the county from progressing at the same pace with the rest of areas. While I try to trace the root cause of under development in my constituency, I realise that because the people were divided to serve different constituencies, no one bothered honestly to present people's grievances to the relevant authorities. Because what used to happen was that an egocentric politician from anywhere could come and solicit votes from Aringa when they would go and concentrate development in their respective areas. I further discovered that Aringa had already become a subdistrict during colonial administration, that was around 1937; because when you look at the geographical position of Aringa County, it occupies a strategic area which is suitable to serve Ugandans between Arua District Headquarters and Moyo District. But because they have been neglected and marginalised by the past regimes, the county has been left on its own fate.

One regime which destroyed the civilisation of Aringa was dictator Idi Amin's regime. Mr. Chairman during that regime, instead of opening more schools for Aringa, Amin would dispatch lorries to go and recruit all the students in the secondary schools into the Army. One of the secondary schools affected was Goya Senior Secondary School, that regime did not want the Aringas to learn so that they could continue to be subjected to all sorts of exploitation and manipulation. People of Aringa could not mind if the people recruited were school drop-outs or those who have completed, because in my culture, one of the qualities of a man is to be ready to defend his life and property. Mr. Chairman someone may be wondering as to why I am criticising the regime now after it was overthrown. The answer to this is simple; the first answer is that I was too young to influence

peoples' opinions, and secondly, Idi Amin made sure that he promoted around him such people who could not be politicised to oppose his dictatorship; and those in the Army who attempted to oppose him were either assassinated and the lucky ones fired. I would like to concur with hon. Didi Agard for making it absolutely clear that Amin's soldiers in whose hands Ugandans suffered were mostly foreigners and those foreigners were his henchmen that those atrocities committed to the indigenous people angered many people in West Nile. So, when Ugandans mobilised themselves with the support of the Tanzanians to remove Amin, Amin's soldiers from West Nile were reluctant to fight; so that was why the war was just a walk-over. It is in this, hon. delegates, people of Aringa have asked me to formally inform you that they should not be associated in any way with all the crimes committed by Amin's regime. Mr. Chairman, the people of Aringa suffered more in the hands of UNLA simply because the politicians from Aringa District Headquarters who were the staunch men in the UNLA forces retreated to a certain part of the district where they alleged the Amin's men had retreated of course, in the northern part of Arua, this is my Constituency, that is Aringa County. The truth of the story was that the youth wingers were mobilised to hunt for the Aringa who came to Arua on shopping sprees. As a result, many people in my Constituency lost their lives in the process. When we realised that the death toll was rising, the Aringa resolved that they better die active in the battle field while defending their rights and property. The Aringas were not interested in waging war against the UNLA soldiers because many had accepted the change. However, the war had already started and you know the UPC to regime was rigid to talk peace with anyone who opposed their leadership, so fighting continued until in 1985 when the regime collapsed.

The people of Aringa were in a state of euphoria when they heard that the NRM had captured power in 1986. On behalf of the people of Aringa, I wish to express my sincere gratitude to the NRM Government for accepting to repatriate the people of West Nile to their mother land Uganda. I acknowledge the effort of the NRM Government in terms of services and rehabilitation to the people of West Nile, but I am sorry to inform the hon. Members that the services did not reach my Constituency. I would like to substantiate the grievances by the fact that even the rural loan schemes which was introduced by the NRM to enhance crop production was confined

wider area covering Entebbe, Mpigi, Bombo and Mukono but the then Parliament rejected it. So, this is a very realistic and humble submission which will help us to have a long-term planning objectives of our capital city.

Establishment of national development planning authority. In terms of social and economic development, it is my view that integration results from and presupposes that there is regional balance or fostering of equitable distribution of resources and development. Consequently, we should recognise the existence of regional peculiarities and disparities in Uganda and so establish regional specialisation and regionalisation as a development policy. Such a development strategy further reinforces the policy of administrative decentralisation. Although regional development planning concepts or models are basically not constitutional issues, the establishment of suitable institutions and structures to implement such policies in an independent and co-ordinated way, would appear to be long over due and has been called for in many fora and is a Constitutional matter. We should take this opportunity and with reference to Chapter 3 of the Draft Constitution on national objectives, directive principles of state policy to establish the principles and institution of a national development planning authority to be financed from the consolidated funds. Madam Chairperson, my view is that, except for this consideration, the rest of the present provisions of Chapter 3 are basically policy matters; and as such, should be discarded.

Land and the producers of national wealth. The provisions of Article 22 sub-article 6, Article 24, in Article 275 of this Draft Constitution on land is fairly outrageous to say the least. The largest producers of wealth in this country are rural peasants and the urban property owners. Furthermore, one of the most important basic need of the population is shelter, from which persons secure themselves a base for engaging or going out into productive activities. All these important matters depend on the basic resource - land. President Museveni in his opening address asked us what we are going to give to the producers of wealth in this country; he said at page 12, as follows. *"We must design a Constitution that puts in place a national freedom for the direct producers of wealth; the farmers, the industrial workers and industrialists."*

My submission is that the starting point is freedom to own land on which they depend for their produc-

tion, installation of production structures and shelter. We should give the right to own land to the people who already take that right for granted, know it best, need and use it most and the rest shall be ensured. In this regard, no attempt neither by implication or actualization should be made to nationalise or centrally manage and control land on the so called behalf of the people.

AHON. DELEGATE: Point of order. Thank you Madam Chairperson, is the speaker in order to disregard our rules? We said we shall speak for a maximum of 30 minutes, but now it is about 35.

THE DEPUTY CHAIRMAN: Actually I had given him just a few minutes, because he was interrupted by a point, but I had requested him to wind up. So, please can you wind up?

DR. OKULO-EPAK: On Citizenship, Madam Chairperson, - *(Interruption)*

THE DEPUTY CHAIRMAN: I thought you were winding up. You said land was the last item.

DR. OKULO-EPAK: Well, I will wind up with representation of special interest groups. Madam Chairperson, I wish to state that I support very much the principle and spirit of safeguarding and promoting the interest of special groups; including the disadvantaged groups; particularly in the context of social and economic undertaking; but I find it hard to extend such consideration to matters of selective, political representation and participation. I have genuine reservations and reasons for taking this position, namely: we should adhere to the principle of one man, or one woman vote and use of coordinated rather than multiple representation in any legislature.

THE DEPUTY CHAIRMAN: I wish you could make points rather than reading, because people are becoming impatient, because we have run out of time. So, just make your point rather than just reading your text.

DR. OKULO-EPAK: Okay, Madam Chairperson, I will then wish to table my presentation since I did not complete it and then maybe the Secretariat will distribute it, but all the women have my support. I only want to encourage them to give us candidates for Presidential election and we will support them fully instead of them trying to support somebody

else. I thank you Madam chairperson, I thank distinguished delegates.

THE DEPUTY CHAIRMAN:: Okay, thank you very much. I think at this juncture, let us adjourn until tomorrow, at 9.30 a.m.

(The Assembly rose and adjourned until 9.30 a.m. Thursday, 29th June 1994.)

within a distance of 30 miles from Arua. In spite of all these, the people of Aringa have so far won the agricultural goal twice since the competitions were introduced by the department of agriculture in Arua. I want to inform the hon. Members that half of the cotton produced in West Nile is grown in my Constituency. The main problem facing the farmers is poor marketing of cotton and produce. With all these problems, the people of Aringa have strongly asked me, Mr. Chairman, to support article 203 so that another district is created in the Northern part of Arua with its headquarters in Aringa County. There is a belief that once the district is created, it will go a long way in alleviating the problems mentioned above.

I should not be accused of being sectarian because these are not my views but the views of the people of Aringa. Another fundamental point I would like to make is, actually, about the programmes meant for mobilisation and sensitisation in our districts. All these programmes have not, actually been effective because it is very far for an officer to travel from Arua to Aringa, it is 60 miles from there. So, in most cases all the programmes have either been postponed, because there is either no fuel or transport. This is still a failure to co-ordinate services to the people.

As regards the Constitution we are about to make, I am convinced that Ugandans were accorded sufficient time to air their views due to the methodology adopted by the Constitutional Commission. I hope it is manifest to all of us that in the past, Constitutional issues were not supposed to be discussed by peasants for the peasants were regarded as inferior group of people. I am glad to note that the Constitutional Commission levelled the ground for everybody to submit or contribute proposals to the Constitution draft. Mr. Chairman, while we were contemplating as to what type of Constitution Ugandan would have, we had to take the issue of national unity very seriously. It will be our pride if we came up with a Constitution that will unite Ugandans to live as brothers and sisters of one nation. Mr. Chairman, I wish to commend hon. Members who got concerned that Ugandans should desist forth with from calling their fellow countrymen funny names, like Anyanya, Banyarwanda, Badugudugu and so forth - Bunyoro, Badokoro, there are so many names; all these. In a situation where there is disagreements between them. Let us discourage this kind of attitude because one must properly identify a person before he gives him

a funny name. It is true that colonialists located international boundaries between the same tribes, and should not be taken for granted that the people along the borders are foreigners. Mr. Chairman, in order to minimise this suspicion, I want to caution the tribes along the borders, I inclusive, to watch out for the people with whom we share the same language and culture but who may not be Ugandan, because experience has shown to us that once these aliens get to power or a position of authority, they become dangerous to us; eventually, we begin pointing fingers at each other after the criminal has left to his own country. When I read Uganda's political history I realised that the colonialists focused more attention to the then organised societies and paid less attention to the less organised societies. This inferiority complex has since then persisted among our societies. Do we know that the colonialists had the interest in the organised societies? The reason is that the organised societies were capable of raiding other smaller ones for slave trade. As it is well known a position of a country depends on its character, its history, geographical positions, social structure, level of politics, economic development, and even racial and tribal compositions.

A Constitution will stand the test of time if it objectively promotes the interest of the community as a whole and other various interests. It therefore, means that sufficient powers given to those authority promote interests while at the same time devises must be created to ensure that there are limitations imposed on those powers so as to protect the state rights and freedoms. The Constitution must be flexible to allow for changing political, social and economic position of the country which may differ from generation to generation.

I beg to move to some chapters of the Draft Constitution. Chapter 2 Article 4, Clause 1: Mr. Chairman, I have been, actually, interested to endorse the article. Uganda should have one President, one capital and Ugandans should not, actually, forget that we are interdependent in various aspects of life. Therefore, it will not serve any purpose if we group ourselves according to regions, tribes and clans. The instructions further warned me not accept any form of government that may in future disrupt the unity of this country. The Aringas have expressed that since development in Uganda has been lopsided, the future governments should, at least, ensure that all the areas are equitably developed. The people of Aringa warmly welcome in addition a policy of

decentralisation. Many people in my constituency are aware that when too much power is left to the central government, things in the district will not move because some Permanent Secretaries do not understand the local problems confronting the people at the grassroots. Once some of these ministers are appointed, they tend to devote their efforts to work in their respective Constituencies. For example, I have a land dispute at Elanga with my neighbour, that is Madi; this dispute was legitimately resolved by the Arua District Resistance Council with the assistance of land surveys department and elders from both counties. When Arua District Resistance Council resolved that the land should return peacefully to Aringa administration, the hon. Minister in charge of Karamoja who hails from Madi County with a few elders in the Ministry of Local government came with a full statement that the Chairman Arua District Resistance Council and the Secretary General have annexed part of Madi Constituency to Aringa. The Minister of Local Government succumbed to the pressure put by the hon. Minister and acted immediately without consulting the District Resistance Council authorities as to how the decision had been reached. A letter was written to nullify the decision of the Council for a dispute which had dragged on for almost four years with heavy expenses incurred by the administration. Aringa sent a delegation in protest against the letter by the ministry and it has taken almost one year before a team has been sent to the site by the Minister of Local Government. The people of Aringa have no any other person to approach apart from the Minister of Local Government, because not all constituencies have ministers in the Cabinet. As a result in the C.A. elections a good number of my people never voted because they did not know where to go. I am, therefore, appealing to the Minister for Local Government to liaise with the Electoral Commission to rectify the situation before the forthcoming general elections, otherwise the Aringas have been tortured enough for a big part of the constituency annexed illegally when the maps from the Electoral Commission and the Minister for Local Government have been clearly demarcated. Above all, the decentralisation could have clear position of power, especially, between the DRC and Central Government to avoid disappointments in future.

Regarding article 6 of chapter 2, I would not have any problems with the article, but in my view there is need to insert a phrase as a devise to ensure that the denominations do not engage too much in wrangles

of leadership. Of late I have noted that there is a rampant confusion in almost all the denominations; that Clause should be put in place to protect any leader who might have been legitimately elected from the disgruntled who do not want to leave the seat. You know, it is difficult to separate men totally from evils.

MR. AWORI: For technical reasons, we are unable to follow the hon. delegate's speech; there is a terrible echo overhead, pushed back into the microphone and as a result he is totally inaudible.

MR. OLEGA: Thank you hon. delegate for reminding me. Mr. Chairman, Aringa is predominantly a Muslim county and since Friday is their day for prayers the urged me to solicit the support of the hon. delegates to exclude the day from working days and replace it with Saturday. On many occasions devoted Muslims feel uncomfortable when they are forced against their will to work on Fridays. To many Muslims, it appears as if the government has neglected them. I therefore propose that the Constitution we are going to enact should guarantee equal freedom of worship to all the denominations in Uganda. Mr Chairman, there is no way the government can disassociate itself from religious matters. We should be just about religion and the powers given to the Moslems to prevail over religious matters should not be usurped.

On the National Council of State, Mr. Chairman, my view, which is a view of the people of Aringa, is that there is no need to have the National Council of State because it is likely to act as an obstacle to the legislature. People of Aringa emphasise that Parliament should be left to operate freely without any interference from any quarters, and the Executive and the Cabinet should be answerable to Parliament in most cases.

As regards the political system the people of Aringa have hailed participatory democracy which empowers the people to play an active part in their own governance. Indeed through the RC system, Ugandans have been mobilised and sensitised on their responsibilities as citizens. My people have also commended the NRM Government for maintaining discipline in the forces. In light of these positive developments, the view of Aringa is that it will be appropriate to allow NRM Government to continue for another five years. As to the issue of the parties, the parties meanwhile can re-organise, but they are

opposed to the idea of presenting the question of parties to a referendum, because they believe that the society keeps on changing with time. Mr. Chairman, I also think that it will be very important to adopt a national policy in the new Constitution that can ameliorate the standard of living of our people. I know very well that since independence Ugandans have all along been fighting to get rid of either bad leaders or poverty. If this is what has been going on, how do you expect people to participate in national building when many have failed even to feed themselves. However, as a Ugandan who is conversant with the position of my economy, I know the Government does not have, the capacity to provide a decent standard of living for everyone at ago, but at least, the basic infrastructures like good roads, schools, power, access to loans and marketing could be made available to people and the rest will be done by them.

The rights of women: Mr. Chairman, the women in Uganda are still struggling to be fully emancipated. I am convinced that the women play a very active role in our society. I am glad to note that NRM Government has tried to magnify the problem of women. As we all know, in the past women affairs were not considered very important, because the first regimes underrated the potentiality in them. According to my experience, women used to be looked at as weak human beings who could only be assigned very minor duties at home and the rest of the work was undertaken by men. I do not see any problem if the women have emerged voluntarily to share the burden of caring for a family with men. To me that is a very good starting point in the history of Uganda. Nevertheless, I feel that the women still need a lot of help from the government in terms of support to keep them operational in the various activities. Therefore, I propose that women groups engage in income generating activities, be allowed to have access to loans to support their projects. The youth should also be considered for the same.

Defence: Mr. Chairman, I support article 231 Clause 2, because it says that members of the Ugandan Armed forces shall be citizens of Uganda of good character and should be recruited from every district of Uganda. Mr. Chairman, the only way the people can look at an Army as their own Army is to allow them participate in it without segregation. Promotions must be equitably given in order to avoid gossiping.

Lastly, Mr. Chairman, the people of Aringa are ready to co-operate with the rest of Ugandans, to defend the Constitution at any cost. I thank you hon. delegates for listening and I thank you, Mr. Chairman.

THE CHAIRMAN: I thank hon. Olega for contributing to this debate, and I now give the floor to our last contributor for the morning session, hon. Kabirisi Lubereenga, Women Bushenyi.

MISS. KABIRISI - LUBERENGA (Women Representative, Bushenyi): Thank you, Mr. Chairman. First and foremost, please allow me to take this opportunity on behalf of the people of Bushenyi District to thank the NRM Government for giving all the people of Uganda an opportunity to take part in this historical event of making a new people's Constitution, by asking all Ugandans who so wish to contribute their ideas and views which were then made into the Draft Constitution, and then for arranging free, fair and peaceful elections which enabled them to send the people of their own choice to debate this national Constitution.

Let me begin with the question of the sort of political system this country should adopt for the future. Mr. Chairman, the people of Bushenyi are of the view that the Movement system of governance should be allowed to continue for another ten years. However, they are willing to accept *(interjections)* - can I have order, Mr. Chairman.

THE CHAIRMAN: Order, order. Will you give her the chance to give her views?

MISS. KABIRISI- LUBERENGA: Mr. Chairman, I will repeat that the people of Bushenyi would like the movement system to continue for another ten years. However, they are willing to accept the proposed five years extension as long as it is clearly spelt out in the Constitution that they and other Ugandans will be consulted at the end of this period. They have good reasons for wishing to see the Movement continue, Mr. Chairman. Painful memories of horrors of *panda gari*, roadblocks, disappearances of beloved ones, queues for paraffin, sugar and salt etc; memories of brother not greeting brother, because they belong to different religion and therefore different political parties; memories of denying their identity including those of Catholics hiding their rosaries before going for treatment, because more often than not, the medical personnel would be

Protestant because the ruling party was predominantly Protestant. Mr. Chairman, my people are saying that all these memories are too fresh in their minds and they are, therefore, afraid that the immediate return of political parties might reopen old wounds and, therefore, cause chaos and instability. Mr. Chairman, the people of Bushenyi are, therefore, saying that they should be given time for the wounds to heal and that they should be given time to forgive, although they might never forget. We are saying Mr. Chairman, that we need time to consolidate our new found peace and unity which is still quite shaky.

Secondly, Mr. Chairman, the people of Bushenyi believe that the extra years will give Ugandans a chance to review and restructure the old parties, should they wish to do so, as well as form and study new parties so that when the time comes to make a choice, they will have no viable alternative to choose from. Mr. Chairman, the people are worried that if the parties are allowed to come back immediately we are likely to end up with old parties which were based on sectarian grounds like tribalism and religion taking power because they are the ones people know about. Mr. Chairman, a case in point is what happened to UPM in 1980 being new and little known. All UPM members who stood, except one, were rejected, and yet these same people are the distinguished, very able and highly respected leaders of our country today. Mr. Chairman, in Runyankole we have a saying '*kworumwaenjoka, otiina omwina*' which when literally translated says that once you are beaten by a snake, you become scared each time you see a hole. Mr. Chairman, we are, therefore, saying that the very thought of the return of multi-partism in the immediate future scares us. Let us not rush, Mr. Chairman, we are saying, let us not subject our precious new baby named peace, unity, stability and development, to a doctor named multiparty which doctor killed our first baby without making absolutely sure that the same doctor is now capable of safeguarding our new precious baby.

Now to the issue of presidency. The people of Bushenyi, Mr. Chairman, support the idea of having presidential election every five years, but they have reservations about the restriction of a President running only twice or a serving two terms only. Because, Mr. Chairman, the people are wondering why should they be denied the right to return a President for a third term if that President happens to be doing a very good job? They are, therefore saying,

Mr. Chairman, that if the minimum age to become a President is only 40 years old, why should a very good President be retired at the age of 50? So the people are saying, Mr. Chairman, that let us allow a President a third term if he is a good President; after all with our Freedom of speech and other safeguards that will be in place, like Presidential elections of every five years, there will be no possibility of a President clinging to power for ever. If the President is good he will be returned, if he is not he will be rejected. Secondly, Mr. Chairman, the people are saying that being forced to retire early will discourage some young dynamic Presidents from doing a good job; they will, therefore, like to be given the choice to vote a third time if the President is still good.

On the issue of federalism, Mr. Chairman, the people of Bushenyi are totally opposed to the idea of federalism for two reasons. First and foremost, Mr. Chairman, they are afraid that federalism will bring back tribal divisions. Mr. Chairman, I would like here to say that the people who are commenting in the background will have their own time, so could they please give me a chance to say what my people sent me here to say?

THE CHAIRMAN: No, go ahead, you are alright, you are protected.

MISS. KABIRISI LUBERENGA: Mr. Chairman, they are scared that these tribal divisions might lead to chaos and bloodshed. They are saying, Mr. Chairman, they would not like to see the tragedy happening in neighbouring Rwanda where, Rwandese of different tribes are trying to wipe each other out, just because of tribalism. Secondly, Mr. Chairman, the people of Bushenyi are saying that since some areas were developed and given infrastructure using tax payers money while others were left to lag behind because of badly intentioned colonial policies, they feel that it would not be fair to cheat our country and hand some people developed areas, while others are left to start from the scratch. Mr. Chairman, my people are, therefore, asking me that where we agree to divide Uganda into federal states, would those people who happen to be located in developed areas by accident of history be willing to move to underdeveloped areas and start from scratch?

On the issue of decentralisation, Mr. Chairman, the people of Bushenyi are of the view *-(Interruption)*.

MR. WANENDEYA: Is it in order, Mr. Chairman, for us as delegates, especially, now on the Floor to refuse information when we came here to consult so that we can get the best out of us for our people, Mr. Chairman. Is it in order for us, and especially, the delegate occupying the Floor to refuse information from an hon. delegate?

THE CHAIRMAN: Yes, she is in order because under our rules a person occupying the Floor making a contribution is entitled to refuse to be informed. They are not entitled to refuse to give way or the Floor if one rises like you did on a point of order, or in a case of elucidation. But on a point of information, as I said, the speaker is free to accept or refuse the information. Courtesy requires ordinarily that one would accept information unless it has become obvious that it is not necessary. But that freedom only lies with the person occupying the Floor. So, she is in order and she can continue.

MISS. KABIRISI-LUBERENGA: Thank you, Mr. Chairman. And, Mr. Chairman, may I say here that I am surprised that the hon. Member who happens to be an NRC Member does not seem to know the procedure and did not bother to read our rules.

THE CHAIRMAN: I do not think it was necessary to make that comment, you go on with your contribution.

MISS. KABIRISI-LUBERENGA: On decentralisation, Mr. Chairman *-(Interruption)*.

MR. WANENDEYA: Point of order. Mr. Chairman, we came here to consult widely and I know the rules, but Mr. Chairman, is it in order for an hon. person to castigate as though I do not know when I really know but I am trying to tell an hon. delegate that the best way of proceeding with the way to get our Constitution is to agree to accept information, Mr. Chairman. Is it therefore, in order for an hon. delegate to castigate me as though I am not really aware of the rules.

THE CHAIRMAN: I did, in fact, draw the attention of the hon. delegate occupying the Floor that it was not proper for her to make the remarks she did, and I think she did seem to see the point and she did not press it. But definitely she is not in order to impute ignorance on your part.

MISS. KABIRISI-LUBERENGA: Thank you, Mr. Chairman. Now, on the issue of decentralisation, Mr. Chairman, the people of Bushenyi are of the view that since decentralisation will give more powers to individual districts to manage their own affairs, it is a positive development and they, therefore, fully support it.

Now, Mr. Chairman, the rights of women and affirmative action. Mr. Chairman, Uganda is a signatory to UN convention on the elimination of all forms of discrimination against women in 1979 which prohibits discrimination against and also encourages affirmative action on behalf of women, and we women of Bushenyi are happy to note that Uganda did not sign this convention merely as public relations stands, but instead trying to follow its recommendation, and here, Mr. Chairman, I would like to have it on record that the women of Bushenyi are very grateful to the NRM Government for its being in the fore front on affirmative action, and for working tirelessly to uplift the status of women in this country and for giving us a chance to actively participate in politics among other things. Mr. Chairman, some people mistakenly take women's acceptance of affirmative action as a weakness. They think that by accepting affirmative action we are weakening our quality. Mr. Chairman, let me stress here that these people are wrong; they are wrong because much as we want equality, Mr. Chairman, we enlightened women realise that it will not come overnight and it will definitely not come without us being assisted to achieve it. We would like everybody to understand that it took centuries of oppressive customs and tradition to reduce the women of this country to the, position of child bearing, free labour e.t.c. and it will take quite some time to totally reverse this, and we firmly believe that, Mr. Chairman, in the current male dominated world, affirmative action is the only means that can be used to hasten the women's liberation.

On the issue of property sharing, one of the basic human rights is the right to own property. So when women ask for the ownership of property, we are not asking for a favour. We are merely demanding a basic right as human beings. Unfortunately, Mr. Chairman, because of backward customs and old traditions, bequeathing land and other property to a woman is seen as abnormal and, therefore, rarely done in many parts of Uganda, despite the fact that women usually contribute heavily to acquisition of this property, either financially or in kind by back-

breaking labour like cultivating the fields, tending animals as well as taking care of the whole family. The woman even feeds the man to give him energy he needs to go out and earn a living; is this not a big contribution to the acquisition of property, Mr. Chairman? So, Mr. Chairman, in our view the property we women are asking to be given is ours by right.

Still on the issue of property, Mr. Chairman, it saddens us to see husbands leaving our jointly acquired property to the male relatives instead of leaving it to us or our daughters in case of having no sons. But, even when we have sons, why should our property be left to sons and not daughters? Mr. Chairman, some people say that a married woman's place is at her husband's place, but we women are saying no to this. We want it understood that we are citizens of our parent's areas by birth and as such it is our right to inherit some of our parents' property.

Still on inheritance, Mr. Chairman, we women of Bushenyi strongly oppose the current law about sharing a deceased's property. Mr. Chairman, at the moment when a woman dies before her husband, the man takes all the property, while if a man dies first *-(Interjection.)*- I said at the moment when a woman dies before her husband the man takes all the property, while if a man dies first the unfortunate widow is supposed to get only 15 per cent of the family property. Worse still this widow might be chased away from this property and leave her marital home for greedy relatives and in-laws. So, Mr. Chairman, we women of Bushenyi will be happy to put in the Constitution a provision for the protection of widows by the state, and we would like to see our daughters being allowed to inherit land and other property. Being a woman, Mr. Chairman, is not a crime, we therefore, should not be punished because of an accident of birth.

Now, on divorce, Mr. Chairman, We women of Bushenyi would like to be treated equally to our husbands when it comes to divorce. We do not see any reason why a man can divorce his wife on the grounds of adultery alone while a woman needs other grounds on top of adultery. We can not see why the definition of adultery changes according to the sex of the offender; that is when a woman sleeps with a man that is not her husband irrespective of whether that man is married or single she has committed adultery, and yet when a man sleeps with a single woman it is not adultery. These are double standards and are

unacceptable to us women, Mr. Chairman. Adultery is adultery.

So, Mr. Chairman, we would like to see these discrepancies in our laws removed. We want a Constitution that prohibits all laws, customs traditions and cultures that are against the interest of women and that undermine our status and dignity. So, in the event of separation or divorce, Mr. Chairman, we women of Bushenyi want the Constitution to clearly state that women should equitably share their property with their husbands, that is all the property that was jointly amassed during the marriage. The fact that many rural women do not go out to work for money does not mean that they do not contribute to acquisition of property, Mr. Chairman. The countless hours of digging, tending animals, cooking, cleaning, walking many miles in search of water and firewood, the nine months of pregnancy, the sleepless nights tending to the babies and the chicks, we demand that all this labour be valued by whatever means so that when it is time to share property, we women get our due share. Here Mr. Chairman, I would like to appeal to my fellow hon. delegates, please when you are debating this Constitution think of your daughters and your granddaughters, think of your mothers and think of generations of Ugandan women to come *-(Interruption)*.

MR. KAWERE: Point of information. The hon. delegate has laboured much on this issue about sharing property after the death of the husband; I beg to inform the hon. delegate that all the sharing of property is under the law of succession, it will not come in the Constitution. When it comes to divorce, all these adulteries you are mentioning, these are covered under the law of divorce and they will not come into the Constitution. Thank you Mr. Chairman.

MISS. KABIRISI-LUBERENGA: Thank you hon. Kawere for your information. Correct me if I am wrong, I thought it is the constitution which is going to guide us to make the laws of this country in future. Here Mr. Chairman, I would like to appeal to my fellow hon. delegates, please, think of your daughters and granddaughters, think of your mothers and think of generations of Ugandan women to come and let us make a Constitution that will free them from bondage and male domination.

On education, Mr. Chairman, the people of Bushenyi are aware that development and education go hand in hand and they are also aware that you cannot develop a nation without involving 51 per cent of its

people. We, therefore, will be happy to see basic education made compulsory. Apart from such a Constitution improving our literacy rate, which is very poor at present, Compulsory basic education coupled with the protection of children from economic exploitation and the prohibition of child labour will increase girls' chances of getting education. Here, Mr. Chairman, I would like to point out to hon. delegates that according to statistics available, for every literate man we have in this country, there are three illiterate women, and yet as the saying goes, educate a woman and you educate a nation, educate a man and you educate an individual. It is a fact that women are our children's first teachers. Mr. Chairman, they are the ones who take care of our homes and children. Now, with such high numbers of illiterate women most of whom know nothing about a balanced diet, is it any wonder, Mr. Chairman, that 53.1 percent of our children below five years of age are malnourished which weakens them, thus making them easily succumb to other diseases like malaria, diarrhoea, measles etc, and therefore, cause them to die before their sixth birth day. Hon. delegates can you not see that illiteracy of our women is killing our nation? Therefore, we are asking, please, give us a hand to educate our girls; and yet according to statistics Mr. Chairman, once a girl is given a chance to go on they do very well. Look at 'O' level results from girls' schools like Gayaza, Namagunga and others. So, we women of Bushenyi are saying, Mr Chairman, let us have compulsory basic education so that our girls are given a chance to get an education, and this coupled with giving us equal opportunities, we believe will help women to become truly equal to men Mr Chairman, on the issue of women representation to Parliament, we the people of Bushenyi are wondering how the formula of having 15 women for the whole country will work. As most women know, covering a single district is enough of a night mare, it is hard work for those of us who come from big districts. Mr. Chairman. So, if at the moment we have 39 districts, if we are given 15 seats in the Parliament that means that a single woman will be expected to cover two and half districts. I do not think this woman will be able to do an effective job, Mr. Chairman. We are, therefore, saying that let us keep the 39, that is one seat per district, Mr. Chairman. Secondly, we are wondering, Mr. Chairman, how the 15 women will be chosen without causing conflicts between the districts.

On the issue of citizenship, Mr. Chairman, we women would like our foreign husbands to be

given Ugandan citizenship automatically as it is done to our brothers' foreign wives; a foreigner is a foreigner irrespective of sex and we women of Bushenyi are, therefore, asking *-(Interruption)*.

MR. ETYANG: Point of information. Mr. Chairman, on the basis of experience, I would like to inform the speaker on the Floor that the foreign wives of husbands here do not acquire citizenship automatically; they have to apply and be so registered.

MISS. KABIRISI-LUBERENGA: Thank you hon. Member; I am aware that they have to apply but I am also aware that more often than not, the wives get the citizenship while our husbands do not. So, I am appealing that it be made quite clear that they will both be given the same right.

On the issue of capital punishment, Mr. Chairman, we would like -

MR. OGOLA: Point of information. Mr. Chairman, I would like to inform the hon. delegate speaking on the Floor that the law in this country does not permit dual citizenship; now if a woman citizen of this country marries a man from outside this country, that individual will have to apply for citizenship and that would mean his own preference. But we shall require that he denounces the other citizenship. Now, will the husband agree to denounce the other citizenship? So, it cannot be automatic in offering that kind of citizenship to the husband if that woman.

MISS. KABIRISI - LUBERENGA: Thank you hon delegate. I am aware that the laws of this country do not accept dual citizenship, but some of our husbands, if they are willing to denounce the other citizenship, should be welcome to take Ugandan citizenship, Mr. Chairman.

Now I would like to talk about capital punishment. We would like to see capital punishment retained in order to protect the innocent who are the majority. Since available data shows that often, offenders released commit the same serious crimes, after they have been in prison for many years; and here, Mr. Chairman, I would like to say that the crime of defilement should be included among those crimes punishable by death. Mr. Chairman, this is because defilement is equivalent to murder or at the very least robbery with violence. To illustrate my point, Mr. Chairman, I would like every parent here to imagine to find anyone having sex with his three

months old baby as we have known it happen according to press reports. Is this not the same as murder, especially, in the days of AIDs, Mr. Chairman? Even if it was not for AIDs, Mr. Chairman, is defilement, not the same as robbery with violence, since the senseless minors are violently robbed of their childhood and innocence and forcibly have their futures ruined? Mr. Chairman, for the protection of our innocent children, we would like to see these beasts who defile our children hanged for this horrible and increasingly rampant crime of defilement. And here, Mr. Chairman, I would like to say that I have used the word "beast" deliberately because I just cannot find any other word to adequately describe a being who can think, let alone have sex with a three months old baby. We need protection, Mr. Chairman, our children need to be given a chance to grow.

On the issue of the National Council of State, Mr. Chairman, let me briefly say that to me the composition of the National Council of State does not seem to make much sense, Mr. Chairman. If the National Council of State is supposed to resolve conflicts between the Executive and the legislature how can it then be composed of members from these very same bodies. How can members from two fighting parties successfully resolve differences between these very parties, Mr. Chairman?

On the question of traditional rulers, Mr. Chairman, those who want traditional rulers who are purely cultural heads and have absolutely no political powers should be allowed to have them and those who do not want them must never be forced to have them. Here, Mr. Chairman, I would like to have it on record that we people of Bushenyi do not want a king.

On the issue of the aged and orphans, Mr. Chairman, it will be a great relief to many of us to see the government make reasonable provisions for the welfare of the aged as well as taking care of orphans, especially, at a time like this when the AIDS scourge is robbing us of the productive age group leaving helpless old people to take care of equally helpless children.

The right of recall. Mr. Chairman, the idea of giving people the right to recall their MPs before the expiry of their term is a brilliant one. People are tired of MPs who promise a lot and deliver nothing; it is therefore, hoped that by giving the people a right to recall non-productive MPs these MPs will be kept on their toes,

delivering whatever they promised and if they do not the people will happily recall them and try somebody else. Mr. Chairman, the people feel it is very unfair for them to be made to wait five long years before they can recall a useless MP; those are not my words, Mr. Chairman, my people put it exactly like that, so do not let me bear any points of information or points of order. On the leaders accountability, Mr. Chairman, the people of Bushenyi are saying they would like to see their leaders accountable to them. They would, therefore be happy to see a Constitution which says that leaders should declare their property before they take offices, and they would like to see this checked on an annual basis in order to check the rampant corruption which is making ruling this country quite difficult.

Finally, Mr. Chairman, I would like to appeal to all my fellow delegates to approach the enormous task of Constitutional making with the seriousness it deserves. Let us all realise that the Constitution we are here to make is not for us alone, but rather it is for all Ugandans for generations to come. So, let us not be short-sighted, let us be flexible, tolerant, accommodative and open minded; let us be ready to give a little and take a little there so that in the end we shall come out with a Constitution that will stand the test of time. But, Mr. Chairman, no matter how brilliantly made our Constitution might be, it will not be much good if measures are not taken to safeguard it, and here Mr. Chairman, I would like to say that every leader should take it upon herself or himself to teach our people that it is their duty as citizens of this country to uphold and defend the constitution and I believe that politicisation, through political education and military, science courses will go a long way to make the people appreciate what we have and prepare them to defend it, should the need ever arise. These coupled with making the Constitution a part of our school syllabus will go a long way to bring up a new crop of Ugandans. Ugandans who will understand, live and cherish the said Constitution as well as being proud of their nationality. Then and only then will our new Constitution be upheld and used to safeguard the peace, unity and stability we are now enjoying so much. Thank you, Mr. Chairman (*Applause*).

THE CHAIRMAN: I would like to thank hon. Kabirisi Luberenga for her contribution to our debate. This brings us to the end of our morning session, and I adjourn the Assembly to 2.30 p.m. this afternoon. Thank you.

(The Assembly rose and adjourned until 2.30 p.m. the same day)

(The Vice Chairman, Prof Mwaka, in the Chair)

THE VICE CHAIRPERSON: It is a quarter past three, and I have been monitoring every five minutes but we are not enough. I think actually we should fight indiscipline among ourselves. Otherwise, if we are to complete this work *-(Interruption)-*

MR. KIRENGA: Point of information. I think, the problem is not really being careless, it is because we have a problem of NRC meetings at the same time as this Assembly. I think when we meet as a business committee, a solution must be found out, whereby we accommodate those Houses. Otherwise, we shall continue to have a problem if we meet simultaneously.

THE CHAIRPERSON: Okay, thank you very much for that observation, any other?

MR. BAGEYA: Thank you, very much, Madam Chairman, I think we seem to be continuing with a similar situation; surely because we have got people who have got permanent jobs. And I think there was a provision that, those who want to stand for CA should be able to resign and come and concentrate. According to my understanding this was a full time job. But it is unfortunate, we have some people holding other jobs, they have got to take care of those jobs, and other people who are in NRC have got to go and attend NRC. So, really, I think we should be more serious and decide whether what was put in the Statute is correct or not. Thank you, very much.

THE DEPUTY CHAIRPERSON: Okay, information.

MR. NEKYON: Point of information. Madam Chairperson, I would like to inform you and the House, that the committee of welfare, discipline and privilege has already written a thorough proposal, of how to separate the meetings of the Constituent Assembly, and that of NRC. And I think as soon as the business committee meets, this proposal will be laid before it. And if it is approved, then we may not have this problem. Thank you.

MRS. MATEMBE: I appreciate the information given by hon. Nekyon and I am very happy about it. But I had just raised my hand earlier before he talked.

He said that this lack of quorum should not completely be attributed to the two Houses, because Madam Chairperson, if you said you kept looking in here and we were not there; now we are here. Had you gone to the Parliament? What I would like to inform the hon. Members here is that, the Members of CA even without those who are CM/CA, make up a quorum. And also, the Members of CM there, without the CA who are here, they make a quorum. If I may say that, the very people concerned, clearly be concerned and committed to do the work. Because what I would not like - I am not being selfish - What I would not like to be seeing in papers, is that the CAs are not making a quorum because of the greed of people who contested for CA and CM and they are in both bodies. Because really, if all the CAs who are fresh and they are not in CMs sit here at the right time, they would make a quorum and the debate is continued. Thank you, Madam Chairperson.

THE DEPUTY CHAIRPERSON: Sorry to make people to speak on this issue, because I think it is very important.

MISS. BYANYIMA: Madam Chairperson, I did not intend to take the Floor; but I really want to differ with the last speaker. I do not think that, people who are CA delegates only, should show the responsibility of those who choose to sit in two Houses. My own electorate, the electorate in my constituency fore - saw this problem and it is for that reason that, they did not elect the sitting CMs. Thank you.

AN HON. DELEGATE: Thank you, Madam Chairperson. My observation is that, whereas; I think this issue can be overcome, if the same thing which you know, Chief Justice did with us at the beginning were followed. At that time, the Lord Chief Justice used to say, we start at 9.30 a.m. - we walk into the Chamber at 9.30 a.m. and the delegates were here by 9.30 a.m. I think our problem is that, when we do not see the Chair, and the Chair is monitoring from a distance, then it is very difficult for us all consult. Thank you very much, Madam Chairperson.

THE DEPUTY CHAIRPERSON: Okay, I note that. I did it the first time. I had to go away for another 30 minutes. We do not have any where, where you can enter, that to me I will come here and sit for an hour or the Chairman will come here and sit for a whole hour, waiting for hon. Delegates. I do not know which is the best, either for the Chair to

sit here waiting for the delegates or the delegates to discipline themselves and be on time. It is like if you have an exam. The invigilator does not wait for you, you can be chased out of the exam if you are late. So, I think really, that is pushing the problem where it should not be, with due respect. Anyway, I think you have had enough, otherwise that should be the last one please, so that we go on to business.

MR. OBEL ONEGI: Madam Chairperson, the issue here, is rather more serious than we said. And I fear that the information given by hon. Adoko Nekyon, on what they are doing, might in fact make the matters worse, if that side left. For instance, one day we do not sit, while NRC is sitting - alternating. And yet we are supposed to be here full time. But Madam Chairperson, what shocks me most is, what I read. And I think many hon. Members must agree the mistake, or if it is not that, we call it anything else, by the Minister of State for Constitutional Affairs, who said that if we are not through, with this document within the time period given, the job will be passed to the NRC. Now, I do not know under what law, that would be done. But he said it. Now, I am being told it is an empty threat. But let us be serious and perhaps do one thing. As suggested already, Out of 283, there is only about 100 NRC members here. If the 180 could be here or even if we continue and then let them go and account to their own electors why they went into two bodies, and therefore, absenting themselves as they must do in one or the other. Thank you, Madam Chairperson.

MR. ETYANG: Thank you, very much Madam Chairperson. I would like to submit that all of us here have full time jobs, whether on a private basis or public. We are here by virtue of the Statute that brought us here. We can therefore, keep on struggling and passing on excuses as to why there is no quorum. Some time back, I did make a submission publicly, and I also talked to the chairman, that we should be somewhat elastic in the interpretation of the relevant rule about the quorum. That the moment when we set off in the morning as a full House, that sitting for the purpose of the Statute discussed that day has a quorum. Now, if we on the other hand, are going to be very mathematically rigid that there shall be always 142 or whatever forms a quorum, peoples in the House here, it is Madam Chairperson, absolutely impracticable. Because by the same rule, if so rigidly interpreted, it is possible for a few of us here to proceed to the gallery or in the toilets, and cause a short of quorum here, in which case a Member will

be perfectly in order to raise it and then the House adjourns. Whether or not, you see the NRC is there. So, Madam Chairperson, subject to what the committee concerned has recommended, I submit that we should be generally understood. And lastly about the implementation of that rule regarding the quorum, particularly at this level of general debate, I support that somebody who has said that, in whole that we are all accountable to our various constituencies as to what we do here. Until we do that, Madam Chairperson, I cannot see us getting through our business at the end of the fourth month. Thank you.

THE DEPUTY CHAIRPERSON: Thank you, very much. I think we better get on to business. What is important is, we have aired our views on this problem. And I think when the business committee sits, it should be one of the important areas that it should address. Now, I am requesting hon. J.P. Kabayo from Kasanda South.

DR. KABAYO (Kassanda South): Thank you, Madam Chairperson. Madam Chairperson, hon. Delegates, I bring you warm greetings from the people of the electoral area Kassanda South. For those hon. Delegates who do not know where Kassanda South is, it comprises the counties of Kiganda and Nyanzi; in the county of Kassanda, Mubende District. It is located in the West of Mityana town on the North and West of Lake Wamala. It is the only place in the world, where you can drive from main land on to an island, and un-assisted by a bridge or any amphibious equipment. By this I mean you may have read in the New Vision about the drying of lake Wamala, and I actually drove my car to one of the islands.

Madam Chairperson, hon. Delegates, the people of Kasanda South, are with this Assembly and their prayers and wishes, and their hopes and their expectations. The successful formation of this Assembly is or was a fundamental achievement in the history of this country. It is a clear sign that Uganda has come of age in political terms, symbolising the new era of commitment to attain a national consensus, and showing a willingness to sit together and move forward, drawing all the events and lessons in our past, in order that, we can make and preserve peace between us and ensure that those who come after us experience and are guaranteed good living.

The people of Kasanda South, wish to congratulate every Ugandan for the successful formation of this Assembly; because as you may remember, at one time, there a few people, some of whom I have seen in this Assembly, who were actually campaigning against the constitutional process from being achieved. But I am happy that they changed their mind and they are all here and we are happy together as one family. Madam Chairperson, hon. Delegates, I am reminded of the biblical story of Moses, when he led the children of Israel from Egypt to the promised land. At first, they were very excited about leaving the life of bondage in Egypt, when they set off for their journey. But as they progressed through the difficulties of a long journey, through the desert, and they experienced problems, which were among themselves, it became necessary to search for and put certain measures in place to ensure order and peaceful co-existence. Moses made a trip to a conference centre located on top of Mount Sinai, where he assembled with the sacred order out of which meeting the now famous ten points constitution arose. As we sit in this Assembly, I measure the work expected out of us, against the work performed by Moses. And I feel that in spite of the obvious differences, our task is similar in importance and timing. Madam Chairperson, I hope and pray that there is a Moses in each one of us in this Assembly. I am grateful for this opportunity to express some general remarks, on the constitutional making process, and on a specific task of this assembly, in this assignment.

The Constitutional Commission, I believe did a good job - good recommendable job, and we in Kasanda South therefore, we believe that the draft constitution in its present form is sufficiently comprehensive to form good material for discussion by this assembly. I know that some people including hon. Delegates, have already expressed the view that the draft is detailed. But I feel that, for this very reason, it makes our task better. Because I believe it is better and easier for us to have cut down and add material. I believe however, that the Ministry in charge of Constitutional Affairs, and whoever else is concerned - was concerned would have done a better job on the civic education particularly as it concerns the teaching of the contents of the draft constitution. Madam Chairperson, hon. Delegates, at least by now, at least a cross section of the country of the population, should have received translated copies of the draft constitution; and could have had a chance to read and discuss the contents. I am aware of the existence of the financial consequent, but I feel that

the constitutional making process would have been more complete if this point had been catered for. Perhaps it is not yet too late for something to be done about this point. And I make this point purely in the context of making our final document acceptable.

I wish to comment about the assembly. I believe and I feel that the position of the assembly ensures a fair representation of ideas from all areas of the country, and particularly, the people of Kasanda South, welcome the inclusion of Women representatives. Because I note that, had there not to be a special arrangement to elect women at the district level, this assembly would have had fewer women to the detriment of the work of this assembly. I say it is a document on the work of this assembly, because I have really noted that the statistics of the contribution so far made on the draft constitution indicated that the men spent more than 50 per cent of their time on matters concerning political power, while the women spent most of the time addressing issues concerned purely with development. Madam Chairperson, I also welcome the inclusion of the special representation of the army. The army has been central in the machinery that has steered us successfully to this point in time, and I hope they will remain in charge of that responsibility also. They have also been influential in the past in the effecting of the events that have taken place including changing of our constitution and our governance.

I wish to comment on a few things about the spirit or philosophy of common attitude of frame of mind, that I believe we should have as we set forth to embark on this important job. They say that, those who do not know where they are going, are likely to end up in a different place. Uganda has arrived at the cross roads, and the important role of this assembly is to discuss and agree on which way to go forward. Henceforth, the major and significant foundation that we are standing on now, is our consensus or the National consensus and wish to go forward as one unity, whatever this assembly decides. Whoever this assembly decides to take us. The most important aspect of the constitution we are going to make is not only that it spells out the way or the way things will be done in principles, but it is an agreement of all citizens of a country. This is the first agreement between the people of Uganda ever since the creation of the state of Uganda. And this is history. Madam Chairperson, when presenting our ideas from our various areas in our discussions, we should come with open and tolerant mind, and without bias

whatsoever, allow only the merit of ideas to trial. But even if we should experience difficulties, in perceiving what we are in search of, or in deciding which course we should take or follow, we should at least be in position to agree on what we are running away from and what we are afraid of. I believe fear is going to be our courage; fear of going to the chaos of the past. We should also recognise, that we are making this constitution more as a representative of others, than on our own behalf. Further, the majority of the people we represent, are in the future. Many of them are not even born yet. The constitution is therefore, a demonstration of what our wish for the country will be. And it will be our will that the future generations. And we dare not therefore, condemn our children and our grand children, to chaos.

At this point I would like to point out that may be the description of our national flag and even the verses of our national anthem should be included in the constitution. We in Kasanda South, are in agreement with the democratic principles and political objectives expressed in chapter 3 of the draft constitution. And we believe that, democracy is not only possible in Uganda, but it is absolutely necessary. Ordinary men and women, in my area have found more courage on the intellectual capacity to govern themselves with reason and justice. Sincerely speaking, democracy is not a way of governing; it is a way of determining who will govern and to what end. During the first couple of years, the National Resistance Movement, had established a political system which has quickly created a society capable of governing itself, in a manner that has encouraged participation, transparency and accountability. And has even justified in recent times, increased levels of decentralization, and devolution of government power and functioning. However, we believe in Kasanda South, that for the system of decentralization to work, there must be an attempt to develop infrastructure in all areas of the country uniformly. The example of the NURP - The Northern Uganda Reconstruction Programme, could be repeated in other areas; because I believe that, Mubende district which is recognised as the second Karamoja of this country, if it was given the bare infrastructure of roads and water systems and so on, would attract more, and the country would regard it as an investment. The same applies a to other areas such as Karamoja. I am sure if these infrastructures were there, more people would be there and it will be a developed area.

The people of Kasanda South, have a lot of faith and confidence in the NRM style of Government and they are very nervous and distrustful of the multi-party system of government. They support the proposal in the draft constitution for an initial five year extension of the NRM Administration; after which, there should be a National Referendum to decide the political system to be adopted. Rather than discuss the choice between Multi Partism and the movement type of politics. Many people in Kasanda South, argue that they would spend the time more usefully if they instead discuss the NRM system further, with a purpose of improving it and perfecting it. Many feel that preoccupation with political parties is a diversion since in the Ugandans' experience the NRM system has seen to work and it is serious that we should even be looking for other systems. The people of Kasanda South feel proud of the NRM system because it is 100 per cent Ugandan, and it has risen from their recent experience.

On the issue of National Unity, Madam Chairperson, I believe that we have no other choice. This country would not be a good place for us to live in, unless we make it a good place for us all to live in. Many more things unite us and divide us. Apart from the boundaries that group us together, and the common history that we share, there is a future which we are supposed to face together. And the many problems and enemies which will confront us, as one and not distinguish one from the other. Madam chairperson, there are many problems that face Uganda in her present position in the world, and I would like to mention a few of them. One of them is the new forms of Imperialism which will put so much pressure on us that, we will even have no time or resources to spend in our traditional squabbles, and in fighting. That is if we are still alive. Today, if you suffer from sleeping sickness, you may die, because the company which used to manufacture the drugs has stopped. Either out of considerations of economic viability or out of geopolitical prudence. Tropical diseases are increasing, our people are dying from malaria and a host of other diseases are increasing, including those that are no longer heard of in other parts of the world. Diseases that affect our crops and our animals are also increasing and all this is happening against an atmosphere of deliberate and un fair pricing of drugs, specific chemicals and pesticides in other forms of technology which we need to cope with our situation.

In the 60s, you may remember, the war against malaria was nearly done; and WHO allowed certain pesticides against the control of mosquitoes. But now, because of the pressure on the environment, whether that is genuine or not, DDT which was such a successful chemical, has been banned and mosquitoes you know, and malaria are back whereas the cost of the drugs that treat it increase even more. Even if we were not necessarily subject or target of biological warfare, and even if we were not subject of environmental warfare, it is quite obvious that the pressures and all the odds against us are quite formidable. I am told that in politics, those who share enemies almost always form the basis of friendship against these odds, if for no other reasons, we have to demonstrate unity. If we cannot unite as Ugandans, I do not even know what chance Africa has.

On human rights, we recognise that, human rights is another cornerstone in this institution. It is the issue of the fundamental right and freedom of the individual. Rights are things to be given and not taken. Half of the problems in this world, emanate from people trying to encroach on other peoples rights and the other half of the problems arise because people are trying to get their rights back. Madam Chairperson, the people of Kasanda South, congratulate the constitutional commission for remembering to include an important provision on the environment. Many of the constitutions that I have had a chance to read have excluded it. The most alarming of all mans' assault upon the environment is the contamination of the air, the earth, rivers and sea. Unfortunately, the most important pathological effects of pollution are delayed and indirect. Science today, has been able to understand the phenomenon of the environment and how mankind is capable of destroying it. In Uganda today, the lawyers may advise me, but there is absence of the necessary legislation regarding disposal of chemicals for example. There is only a law of nuisance. But basically, the environment is unaddressed. We congratulate therefore, the inclusion of this clause, because I think it will bring pressure on the legislators to make sufficient laws to cover this provision. Madam Chairperson, we in Kasanda South, would like to put the words, accountability, transparency, professionalism to be very evident in all our plans for this country and whatever we deliberate in the constitution that we write.

The issue of citizenship has also been discussed in Kasanda South. And this means that the position in

the draft constitution is acceptable to us.

On land, we believe that the mailo land system, should be looked at more closely and probably adopted by the whole country. We believe that every piece of land should be owned by someone, and that every Ugandan should have an opportunity to own land. We believe that the emphasis on land distributions should be on land use and plans for it. We believe, Madam Chairperson that, there ought to be another look at the land, now that, it has been owned as forest reserve and game reserve. Because in many cases, you find these were gazetted when Uganda was three million people or less in population, and this situation has now changed. Some of this land ought to be used for development. Madam Chairperson, hon. Delegates, on land, the Kasanda South want to find a way of ensuring that the squatters get the land which they are squatting and we find a method of compensating the owner. Because in the current situation, the land owners, do not have the land, and the squatters cannot develop the land sufficiently because they are not sure of ownership.

On women, Madam Chairperson, hon. delegates, I believe that the war on women liberation should be fought not by women, but by men. Because it is actually men who should be liberated for their mentality towards women. I believe that, sometimes, in the liberation struggles. I believe our sisters have intended to become sectarian because they do not regard us as a part of the struggle, when in fact the war for the liberation of women is actually liberation of mankind. We are together and they ought not to feel that we are absent from their struggle. It makes sense, Madam Chairperson, hon. Delegates, that women should be assigned the same rights as men but we should not forget, of course, the biological requirements for division of labour. Throughout the animal kingdom, we are aware of course of the various situations which arise because of the requirements for up bringing the young, and I know of examples in the animal kingdom where the male become pregnant and the roles are reversed. But the issue here is about rights, individual human rights, which we share and are equal to each other, including even the rights to the citizenship of our spouses.

On children, I believe I am not clear of what the comments were about the children who are supposed to learn in this country from somewhere and who are not supposed to be given citizenship or

looked after. But there is a problem of children. Our population is probably 60 per cent which is less than 18 years; and may be about 40 per cent are less than 10 years old I forgot the statistical figure But it requires that our entire policy and entire thinking and entire mentality with regard to children be appropriately directed as we discuss the constitution. Because, a lot of things have happened in our communities; we have so many orphans, there has been turmoil, there has been confusion in our neighbouring countries, and most of this country itself had problems, and that left a lot of children un cared for, and the responsibility over us as Ugandans is that we should look at that issue of children, particularly those that have no apparent guardian.

The issue of language was discussed extensively in our area. We think that Ugandans should have a chance of speaking each others language. I do not see anything wrong with the Northern for example teaching Luganda, and us learning Luo, and after some time will involve the culture of multi-lingualism where we understand each other, and each others culture. There should be an encouragement, because in the West for example, four languages can be spoken and can understand each other, and you can find may be two others in the North and East and have our schools being taught these select languages, so that Uganda can understand each other and be at one, and have an access to each other and each others culture. So., Madam Chairperson, we believe that, out of these languages, we evolve one national language.

We in Kasanda South agree with the proposal to have an opportunity to elect the president but we feel that our president ought to be between ages of 40 and 65 and have a term, a maximum of two terms each of five years. We accept the proposition of one man one vote for the president.

On monarchy, Madam Chairperson, Kasanda South is in the heart of Buganda, and we are in favour of the return of cultural leaders and we have the honour to announce that actually I am one of the Kabakas "Mukungu". So we are in this support of monarchy, as the return of cultural things. But we hope in this issue, Madam Chairperson, hon. Delegates, that the law in this country should apply uniformly throughout the country and may be our brothers in Ankole can also be addressed on this issue.

We do not believe that the law should apply to one part of society and not another one. In the context of

equality and in context of equal application of the laws, Madam Chairperson, hon. Delegates, we have thought about the Cabinet and we agree with the provisions in the constitution, we should allow our President to find his own Cabinet and not to put too many restrictions on it. And in fact, we are saying that, Cabinet Members should not be Members of Parliament.

The National Council of State was also discussed in our area and we feel that although it is a new idea, if aspects of its composition were addressed, it will be a safe guard against what could happen for example if the Parliament was passing laws in favour of Parliamentarians or if there were problems that developed and prevented government from working, if parliament was not co-operative. We thought that, there ought to be a body which exists between the two, and we think that the composition should be different. Our submissions on this and the composition will come when we come to discuss the details.

The transitional provisions in the draft constitution; we believe, the first section should not be part of the constitution, because if the constitution is to be forever, specific reference of the immediate transitional arrangement should not be reflected. May be, there ought to be another arrangement where this is recorded and made law, that should be separate from the constitution. I hope that our deliberations in this assembly will be successful and that will be guided by the provisions in chapter 3, which addresses the objectives of this nation of unity and of requirements amongst ourselves. I thank you, for listening.

THE DEPUTY CHAIRPERSON: Thank you very much, for your presentation and of being time conscious.

MR. BYARUGABA BAKUNDA: (Isingiro South) Madam Chairperson, Hon. Delegates I bring you warm greetings from the people of Isingiro South. This is an area in the extreme South of Mbarara District, and forms the boundary between Uganda and Tanzania, that is river Kagera, an area with a bad political history; hon. Delegates, tell you. It is an area, Madam Chairperson, that was greatly devastated by the 1979 war, and unfortunately, and like other areas which were given a helping hand for rehabilitation by government, Isingiro South has patiently waited for any sort of assistance but in vain, Madam Chairperson. Even recently, when the waters of river Kagera were filled with dead bodies

from Rwanda, contaminating the only source of water for about 90,000 people, government never heard our cries for emergency water supply.

Despite all the neglect, the people of Isingiro South, happily join the rest of Ugandans, in trying to chart out a new constitution for our country. They are yearning for a constitution Madam Chairperson, that will see a shift in allocation of National Resources from the non productive sector, to the real producers of wealth and these are the peasants. As long as the gap between the peasants and the middle class remains wide, as it so happens to be today, democracy in Uganda will be nothing. Madam Chairperson, the people of Isingiro South, would like to have a constitution, that will put in place a welfare state. Thousands and thousands of our youth, are seen in streets loitering, they are unemployed, and underutilised and hence frustrated. They eventually, turn into desperate criminals, while on the other hand Madam Chairperson, some few lucky ones are over employed. Hon. Delegates, I do not know whether this one is of any interest to tell you. But for record purposes, the highest ranking officer employed by government from Isingiro South is an Assistant District Executive Secretary, and that person is me *-(Applause)*. The people of Isingiro South are therefore great traditional allies of the people from Karamoja, from Bukooli Central and most of others in this category. This state of affairs 'MUST' come to a halt. Including the Basiki, I have been reminded.

My constituency therefore, would like to share with you the following: What is a constitution? In a humble understanding of the people, a constitution is the basic law of any given state. It is a skeleton of the legal system and addresses to the best organs of state. Generally, a constitution is a document or series of documents in which the main body of rules and principles governing the organisation, structure and functions of government of a given state. A constitution essentially prescribes the structure, functions or generally the behaviour of central and local government. Constitutions, Madam Chairperson, exist because in any organised society, there must be a government and the affairs of the people must be managed by a group of people on their behalf. But those who manage them must do so in accordance with the rules laid down, which must be understood and respected both by the people and the government. Those are the governors. Madam Chairperson, constitutions differ from state to state, depending on their political outlook. Some countries are

therefore, oligarchical, others are democratic, while others are autocratic or military.

The people of Isingiro South, Madam Chairperson fully support the movement system to continue for the next five years before we venture into any other system. They detest multi parties and have reasons to support their stand and these include one; the elite factor Madam Chairperson. This is meant by the impact of a few, but growing numbers of educated Ugandans, who having been exposed, and having learnt the working of the colonial system, decided to add their voice and energy in mobilising people, towards political participation. These were the first people to grasp the ways and means of the colonial rule and agitated for reform within the administrative set up. Included here, we can remember people like Mulira the late, Musaaazi, Obote, Turabamuzale, the late Paulo Muwanga, late Yusuf Lule, and many others. Their role, Madam Chairperson, and political contribution however, had shortcomings, which later affected the country's constitutional development. This included, one; whereas they brought to the fore, the issues of self governance and problems of colonialism, thereby promoting nationalism, the same was obtained as sales and counter sales which became the source of coup de tats, insurgencies, etc. B; fractional views, quarrels and witchcraft, characterised the group, and as a result, Madam Chairperson, they failed to form a more genuine and cohesive political order. They failed completely to uproot the foreign elements in our constitutional set up. More of their interest rested in the safe guarding of positions in the post-colonial Uganda than sacrificing for the general good will. Madam Chairperson, people formed and joined parties without principles, without putting into account the impact on the country's political destiny. This long age functionalism among the elite is still surfacing in political parties and has always bred political instability due to diversity of opinions. In such a situation Madam Chairperson, a political system that can accommodate all the diverse political opinions, is most desirable.

The religious factor. In Uganda Madam Chairperson, religion was sold under varying ideologies and under varying protection of the European state. Each religious brand was shadowed for a certain imperial power, with time, the diverse religious functions in the country became politically set and started under mining the political powers of the traditional leaders hence competition. The decisive settlement of these religious - political competitions,

and wars in 1892 by Lugard, had far reaching impact on our constitutional development set up. And what did this mean? It meant this. It remained and established a practice that in future, the problem of political forces had to be settled by a force of arms. Control and capture of state power became intertwined with the politically dominant religion.

These theories crippled Uganda's nationalism. It ruled out sharing of powers between local political groups, thereby creating dissatisfaction which brings political instability and constitutional attention.

Cultural factor: Madam Chairperson. Uganda prior to independence, was a combination of numerous ethnic subsystems. These sub systems had little if any, social and cultural relationships with each other. In order to engineer a single political entity from these diverse collections, the colonialists employed shrewd political manoeuvring. It was attained by bargains and counter bargains.

Satisfaction and disappointment. Traditions of certain ethnic groups were negated and new structures imposed on them. For instance the Baganda emissaries to the Eastern region and even Kigezi. This has always been a source of dissatisfaction and eventual agitations for the status quo (*Ebyaffe*). The 1966 crisis, came from this factor and this is not resolutely dealt with now, future eruptions might be expected.

The agreement factor: Madam Chairperson, forging of complex entities from the diverse collections was attained through the instrument of agreements. These agreements were signed between Imperial leaders or agents with traditional leaders, with generally no element of equality in bargaining power. They were signed on "Hobsons bargain" that is - the interest of the Imperialists were paramount. These agreements have been a source of political unrest and social complexity in the country, due to injustices that were embedded therein. Laws and rules, to certain extent, came from this factor.

In view of the above, it is my considered view and that of my constituency, that, what we need now is a political system that can accommodate all the above indicated diverse interest of people, to address the ills, wrongs and absurdities resultant from these colonial errors, and take into account all the political, social and cultural opinion of the diverse political groupings in this country. The question to determine

therefore, is what is this system? Is it through political pluralism or the Movement system? The question is hard to dissolve. But here are some of the advantages we have identified, as contained in the movement system, and we enumerated them, as disadvantages of multi parties in Uganda, given our constitutional history. One of the disadvantages is, the purpose, organisation and progress of political parties in independent Uganda, have all been in accordance with the entrenchment and the achievement of the objectives of the colonial society. Laws governing political parties, formation and activities in place like their political manifesto or policies, were designed in accordance with colonial policy. Whereby capture and control of state power are intertwined with a politically dominant party. This theory fails to accommodate the diverse political opinions of all political groupings in the country. This very often than not breeds political instability and all its associated absurdities. Two, political parties have always been pre-occupied with the only object of enriching their stalwart members to the prejudice of the entire electorate, and in the long run prove to be in any political institutions, devoid of capability to forestall political anarchy, characteristic of developing countries with low levels of political and economic development. Multi party democracy, is always an illusion. Democracy which is proclaimed during campaigns is always sub-merged by the regimes' dictatorial policies, and the hard won national sovereignty is over ridden by decisions within party leadership. This in the long run attracts opposition, attempting to defend the constitution, hence political anarchy characteristic of Uganda.

The dominant or ruling party alienates itself from others which it considers to have been defeated and then taken as enemies. This denies the government of the capable and knowledgeable politicians from the ruling parties and hence the common saying, that the winner takes it all, the zero-sum kind of politics. I recall with bitterness, when I, together with about 50 employees of information were dismissed after the 1980 elections just because, we had been seen somewhere, putting on party colours of a certain given party which lost unfortunately. Elimination of opposition rather than tolerating it becomes the order of the day. The dominant ruling party cannot tolerate the views and opinions of the other party however constructive and instrumental they may appear to be. The strategy is to stamp out political opposition, which in the long run also leads to the disappearance of political pluralism in the country

and perpetuates political errors in the country. Post 1962 Uganda witnessed the above, when the UPC together with the ranks of the democratic parties through political and as well as economic manipulation by the controlling party, put the opposition into oblivion you all remember what happened.

Let us now look at the positive advantages of the Movement system. One; Power sharing procedures instead of elimination of opposition is possible. There is no concept of intertwinement of control of state power with the dominant party. Different political views and opinions characteristic of the state like Uganda are accommodated and actually stressed. These curbs would be amounting to opposition and political unrest. This is perhaps more suiting in Uganda, considering political, cultural and ethnic disciplines. Two; the ruling Movement draws authority and legitimacy from people of all political views and opinions and not party supporters only. This serves to legitimize the system and give it mandate. The CA elections is a case in point. Considering the low levels of political culture in Uganda, Madam Chairperson, characterised by religious, political and party activity, a Movement system ready to accommodate is most suitable. Broad democratic unity arrived at by consensus of all the various Political parties in the country, is also possible in the Movement system.

Now, I tackle the traditional cultural rulers as the case may be. Some call them cultural rulers Others call them cultural leaders or kings. Madam Chairperson, people of Isingiro South, have no big quarrel with traditional rulers in those areas where they are much cherished. However they have this argument that the idea of traditional rulers in Uganda was deliberately and officially abolished by the Uganda Parliament in the 1967 Republican Constitution when Uganda was declared a classic military government. The restitution of traditional rulers and kingship began with the advent and capture of power by the National Resistance Movement Government and concretised in the traditional rulers restitution of assets and property Statute 1993, and the subsequent constitutional amendment 1993. These two statutes have therefore, the effect of bringing back the traditional rulers and kingship in Uganda. The afore-mentioned statute restoring kingship, delimits in exercise of Power to performance of cultural, customary and traditional functions only it suffices, Madam Chairperson, to point out that the idea of restoration of kingship was received by people of different areas with mixed feelings. In Buganda for

instance it was hailed by all, and so was the case in Bunyoro and Toro. In Ankole however, the situation is not that good. The group of people calling themselves Ankole Cultural Trust, sometime back this year purported to have crowned Prince Barigye as King of ancient Ankole. This act was received with disrespect and many Banyankole protested the idea where the majority who failed to be satisfied, formed the Banyankole Cultural Foundation. An organisation of the Banyankole who are in favour of a Republican Democratic and law encompassing culture and are opposed to monarchism and monarchical culture. That is where I also fall.

Visiting Ankole therefore, one is able to find there two cultural organisations with interest and objectives which are opposed to each other.

MRS. MATEMBE: Point of clarification. If I heard the delegate correctly, I heard he mentioned the word, overwhelming majority. May I get it from him as to how the overwhelming majority against the traditional leaders in Mbarara was determined. Because as far as I know now, as a representatives of the whole district, I am not yet aware of a process where there was determination of that question to decide that an overwhelming majority opposed the issue.

MR. BYARUGABA: Madam Chairperson, I am presenting the views of the people of Isingiro South. There is the Ankole Cultural Foundation which is opposed to monarchism and then the Ankole Cultural Trust which is in favour of monarchism. This latter group is in favour of the rights of the minority over riding those of the majority, and were behind the restoration and coronation of the king. It is a point to note, that this latter group is predominately made up of people who had all along been the beneficiaries of the kingship in Ankole. In short, a modern Ankole is composed of people with diverse origins, cultures, political opinions and views, and therefore what is necessary is not a traditional king of the past but an all encompassing culture opposed to monarchism. Suffice to note also, the requisite, an all encompassing culture, can in the present historical conjuncture only be developed and reserved in an organised, open and democratic manner, where democratic discussion and resolution of issues affecting the only culture of the people of Ankole is possible. There are a number of reasons and factors, which do not favour the restoration of traditional rulers in Ankole and these are very much known. I will not go into those

details. However, in the circumstance, it is the general view and wish of the people of Isingiro South, that what is needed in Ankole is not a traditional ruler who is believed to be characterised by the above handicaps, but a forum where the Banyankole issue affecting their unity, culture and social values and development can be democratically discussed by all the Banyankole and the deliberations made thereby.

Citizenship. We people of Isingiro South agree with article 40 as contained in the draft. Citizenship by birth. Article 4.1 is okay except that the period since 1926 is a little bit far. It should be since 1940 to accommodate people who came here long ago as labourers and settled here in Buganda and some parts of Ankole and had no where to go back to.

Adopted children. Madam Chairperson, children who are illegally adopted by Ugandan citizens after failing to establish their natural parents, should be naturalised as citizens; however, children found loitering in a country, should only become citizens after failing to identify their paternity.

Citizenship by registration: Madam Chairperson, any person, none of whose parents were Ugandan, who has been living in Uganda since independence, but not a refugee should be naturalised as a Ugandan citizen.

Land: Madam Chairperson, you all know that land is a most valuable asset God has given to man as a natural resource hence the need to ensure its preservation, utilisation and distribution is of paramount importance for any given country. In particular to a country like Uganda, which entirely depends on agriculture and therefore, I propose the following. That all land in Uganda should belong to Uganda citizens and its use and control, should be invested in the Uganda Land Commission which should have their office decentralised up to district level. Their duties should be one: to allocate land which is unoccupied or owned by any body, to regulate land use in Uganda in accordance with the law and ensure promotion of economic development.

Land holding of tenure: The people of Isingiro South propose that there should be two land holding systems that is one: customary land holding and lease hold. Customary land holding. The government should respect the customary holding system and efforts should be made to regulate Pilot projects to facilitate the registration of customary land to become lease hold in order to guarantee security of tenure to customary holders. This should be done at

minimal expense on the part of the applicant or holder. No customary tenant should be dispossessed of their holding, without giving them adequate compensation. This should also cover urban areas where controlling authorities have statutory leases.

The President: The people of Isingiro believe that we should have an executive president who should however be answerable to Parliament. He should have a minimum qualification of at least a University degree from a recognised university. The president should therefore, be head of state, and commander in chief of Uganda armed forces, and should therefore, not be subject to court proceedings during his term of office, but should be liable to court proceedings after his term of office. The President should however have some limited power to act singly in case of emergency, provided the president's acts, sooner or later are ratified by Parliament. The president also should have no powers of detaining persons without trial simply because no genuine reason for such. This power of detaining without trial has more often than not been used to persecute political opponents and this has adversely affected peoples democracy and has in turn bred nothing but dictatorship which has been the cause of our political turmoil.

Impeachment of the President: Madam Chairperson, Parliament should be in a position to impeach the President who works out of the orbit of constitution and who exceeds his powers. The Parliament should be in a position to similarly impeach a President who becomes incompetent in his duties.

The National Council of State: It is our considered view after a close look at the contents of the National Council of State that there is some sort of duplication with the functions of Parliament. However, if there is to be a National Council of State at all, then its major objectives should purposely be to establish and advance the principle of separation of powers. In this regard, I have in mind an ombudsman. This would therefore require that its composition excludes the executive and Parliament to avoid the possibility of choosing the powers instead of separating them. It should therefore mean and imply that the President would not be the chairman. The Cabinet and Vice President should automatically therefore not be included since they form the backbone of the executive. The Speaker and Deputy Speaker of Parliament should not be members too because they are Members of Parliament.

Legislature. I would therefore propose that the Council if necessary, should be composed of all district RC 5 chairmen headed by an independent chairman elected with the authority and the President could only become an ex-officio Member but not chairman. Its primary function should be to ensure that the executive arm of government does not exceed its powers.

Recall of a member of Parliament: The electorate should have a right to recall a member of Parliament who has failed to effectively represent them. A Member of Parliament shall be deemed incompetent when he continuously fails to attend Parliamentary sessions without valid and genuine grounds. This also should affect Members who attend but fail or neglect to contribute to Parliamentary debates and proceedings. The electorate should also preserve the right to recall a representative who fails or refuses to represent the views of the electorate but instead presents personal views or views contrary to those of the electorate. Any Member of Parliament, Madam Chairperson, who wishes to cross the Floor should first resign and seek fresh mandate. We strongly support a provision which empowers the President to nominate members to the House as specially elected. You will realise, Chairperson, that if such a provision was not in place, this House would have missed valuable contributions of such a delegate as hon. Prof. Nsibambi, hon. Sam Engola, hon. Dr. Kakungulu, hon. Reverend Gaitano and others whom you all know.

On the army Madam Chairperson, we strongly feel that it should be a representative army; that is from all tribes of Uganda. Recruitment should be on the recommendation of local RCs, Citizenship and discipline should be paramount while recruitment is going on. It should not be too small and not too big. It should be well trained, disciplined, motivated and should be quite productive. "O" Level should be the minimum entry point. All able bodied Ugandans above the age of 18 should be given military training for at least two months. This will go a long way in demystifying the use of a gun which until recently was only meant for a few. You all are aware of what criterion was followed in recruiting those to handle guns. For instance, one had to be male, very, very strong, very cruel with a tough looking face, very harsh and as a must, very athletic. This criterion naturally denied the naturally small, shorter and humble looking Ugandans a chance to join the armed forces.

Finally, because of time, I only hope I will be given another chance when we go on to another stage, the consideration stage. I wish to appeal to my fellow hon. Delegates to take into account the needs and requirements of, disabled people. Uganda's population is 17 million and out of the 17 million people, one 1.6 million people are disabled. How on earth can we leave such a group of people on their own without assistance? How on earth can we leave out such a group of people out of parliament? In fact I suggest, Madam Chairperson that the, ratio of 100,000 people be used for representation of these people. That will mean having at least 16 representatives in Parliament. For sure, that will go a long way in ensuring that the needs of the disabled are put in place. Let us all fill our minds with peace, let us have love, let us have courage and hope for our life is what our thoughts make it. Let us never try to get even with our enemies because if we do, we will hurt ourselves far more than we hurt them. Let us never waste a minute thinking about people we do not like, Let us always try to count our blessings and not our troubles. Let us forget our own happiness by trying to create a little happiness for others, the future generation. After all, when you are good to others, you are also best to yourself. Hon. Delegates let us not imitate others, let us find ourselves and be ourselves for as you all know, while envy is ignorance, imitation is just but suicide. Law forms the basis of justice. To get justice; there must be good law and to have good law, there must be a good constitution. Let us all aim at achieving this in the next three months. I thank you.

MR. ATARE AJAI (Kilak County): Thank you very much Madam Chairperson. Before I start my address, I would like to correct one spelling mistake. Kilak is spelt not t but k. Madam Chairperson, we are again faced with a very important task to handle that is drawing up a new constitution for Uganda. Before doing so, the hon. Delegate must reflect what Ugandans underwent since independence up to the present moment. We should then identify the root causes of this problem. After identifying the root causes of this problem, we must get remedies to some of them. Madam Chairperson, there is no need to discuss this issue when one comes with a fixed mind. We must be flexible, be ready to accommodate the views of other persons and be able to listen attentively to what one says.

The first objective which we have got to handle Madam Chairperson, is the national unity of Uganda.

Without this national unity, we are wasting our time. Uganda must be a united State, walk together in harmony and we can achieve this objective if first we avoid divisions on regional and tribal feelings. We should not take religion to be a dividing force between the Ugandans or tribes. Personal and local sentiments should not override our national interests. Further, madam Chairperson, there should be an equitable distribution of wealth among all the districts and the people of Uganda. That objective can be achieved. And then lastly Madam Chairperson, we should avoid as much as possible acts, omissions or utterances which amount to threat to some sections of the community of Uganda. Madam Chairperson, you have seen the reaction of the hon. Delegates on the remark made by the hon. Delegate Abu Mayanja. This sort of remark must be avoided. We have also witnessed the acts that took place in the north and north east of Uganda. The wealth of the country has been driven away. This sort of act will not unite us at all and if any, it will separate us.

I come to what the people of Kilak regard as the major root causes of the sufferings of the people of Uganda since independence. Since our independence Madam Chairperson, the power of the State has been given all in the hands of the Presidents. This gradual change started in the year 1986 up to this year. The President has taken it upon himself to treat the State affairs as his personal belongings. The President has got the support of the armed forces, the backing of the armed forces. They were treating the armed forces as their personal belonging. If you said anything against the President at that material time, the armed forces would take care of you in the way they feel best. So people were living under this atmosphere, you see, the army as your enemy. The person you are talking to, you have got to know what type of person is this one. We had intelligence surrounding all of us since independence, so people lost this freedom of expression, this freedom of exercising constructive criticism because of fear of the armed forces. The gradual force of the armed forces to erode the freedom started in 1966, then the peak came up in 1971 when Amin took over the State. We were treated just like any property. The State was run at the mercy of the armed forces.

The same thing, Madam Chairperson, applies up to this time when the NRM came to power in 1986. This history is repeating itself and up to now, it is repeating itself. We say in 1966, Obote abolished opposition parties, abolished kingdoms, did this, and

then Amin came with the same history. Here as we are addressing the House now, political activities have been suspended. Political rallies have been stopped and also the same history is repeating itself (*Applause*). Now the best course of action to restrict this tendency of the Head of State or the President relying on the army is to make sure that the army, our national army which we are going to talk about will be quite independent of the President.

Powers of the President must therefore be strictly controlled. First any appointments, diplomatic, judiciary or whatever by the President of the country must be confirmed and ratified by Parliament which is the supreme Body of the State. Secondly Madam Chairperson, we say the concentration of the power in the hands of one person was the source and major cause of our problems. As we are debating this new constitution now, we find the President has collected all the State power into his hands. For example, He is the Head of State, Head of government, the chairman of NRC, the chairman of NEC, the chairman of the Military High Command, the Chairman of Military Council and the Minister of Defence and Commander-in-Chief. Now we have power concentrating in the hands of one person like this. If we condemn first of all the other persons that this is wrong because they have concentrated the powers in their hands, that one is wrong. Why do we shut our eyes and not point out clearly. Why do we condone this when we are condemning the others? In our contribution to this debate, it is important that we have got to look at both sides of the coin. We cannot just go on blaming one when we leave the other out. (*Applause*).

Political system: With due respect Madam Chairperson, I have heard a number of hon. Delegates talk of political system, that it is bad. I fail to get any convincing reasons as to why they say political system is bad. I have already pointed out that we had three types of government. A political government under Obote, a military government under Amin and Gen. Tito Okello, a quasi-military government which is the present one. They all made the same mistakes. Now nobody came out specifically to say, why party politics is bad. After all, who is party and where is party? If the leader of a party makes a mistake, we should not condemn that because some person has made a mistake and therefore the whole system is bad. This is a very wrong conclusion. (*Applause*) Absolutely wrong conclusion. I am from Gulu, If I have done anything wrong here and

anybody jumps up and says everyone from Gulu is bad, I think nobody will accept that sort of conclusion. We have got to pin-point exactly why we refuse politics and yet the mistakes they made are equally the same in force now.

As far as the History of Uganda is concerned, and up to the present time, I do strongly support multi-party system for the following reasons: First, it has given us freedom to express ourselves, to choose a policy without any force. Now you say Movement must continue for five years, with due respect, how many people are supporting Movement? Is this not amounting to violation of human rights? We are making a constitution to avoid the violation of rights and on the other hand, we want to promote it. I do not know how this can be reconciled. People should be free to exercise their freedoms and rights as long as it is being done within the ambit of the law of the country. *(Applause)*.

Election to Parliament: I have a strong view Madam Chairperson that general elections must be one person one vote. In this constitution, there should be no provision for nominating or catering for a certain group of persons. This is absolutely wrong. Ladies are crying we want equality, if they want equality, if there is a provision in the constitution that everybody must be elected directly without any other way of coming through to the House and then I think they should be proud that their equality has been realised; because they go to compete with men in the campaign but if the ladies go and say no, we must got our own way of finding ourselves in Parliament, then their equality will remain a theory to them and they are not going to blame men for that.

I have a small comment on the Judiciary system. I have looked at the composition of the Judicial Commission. I definitely do not agree with this Commission. It comprises of 1. The Chief Justice who is the chairman, 2. The principal Judge, Attorney General and other members to be nominated by the Chief Justice. I do not agree with this composition for one major reason. The Chief Justice and the Principal Judge are the administrators of the staff whom they want to either promote or demote. Judicial Service Commission therefore must be independent like the Public Service Commission so that we have a lot of practical lawyers who have got experience, who can do this work independently, not relying on the merits or the wits of the chief Justice or the Principal Judge. So, in the constitution that is coming, we have got to put up an independent judicial commission com-

posed of none of the three above; the chief justice, the principal judge and the Attorney General. This must be out. Secondly, we have developed a system, a quasi-tribunal, RC system of court. I come from Kilak county, I know the sort of courts these are and sometimes they even try capital offenses. This system must be quashed off completely. These RC system of courts must be scrapped off completely so that Ugandans feel that we are receiving justice in a proper way but this justice is given into the wrong hands, probably to intimidate those who might disagree with the RC policy but not to bring justice to the people.

I do not have such to say on the National Council of state, With due respect Madam Chairperson, this is an animal or a body which is being put into our democratic system to satisfy the needs of a particular person; that is bringing tendency of dictatorship. As a matter of saying you are trying to take away this from me but I have got my way of going through it to achieve my objectives. There is no need to have the National Council of State at all because, there will be Parliamentary standing committees which will handle all these sorts of things. If you look at the composition of the National Council of State, it is above Parliament because when the Parliament passes a law, here it says no. Once they say yes, the law must go and yet we regard Parliament as the supreme organ of the State. National Council of State must go.

I do not have much about land but what I said is that the draft constitution on land must be scrapped off. Land must be controlled by the natives where that land is situated. They have got to form a land board, they have got to do this. Land must be controlled by the people. Now we do not know who are the people. It has not been defined. So to me, land must be controlled by the natives of the area where the land is situated.

A HON. DELEGATE: Point of order. Madam Chairperson, the word 'native' was used by our colonial powers in a derogatory sense to refer to us. Is it in order then Madam Chairperson, for the present speaker to continue to insult us by using the word 'native' in reference to land?

THE DEPUTY CHAIRPERSON: Okay, I note your interjection but I think there is no difference. Whether you call a woman a lady, that is a matter of interpretation.

MR. ATARE AJAI: Madam Chairperson, in conclusion, this is the brief summary of the views of the people of Kilak. They want the powers of the President to be strictly controlled and Parliament must have a say in whatever appointment he makes. The people of Kilak support multi-party system to give them their rights to choose which government should govern them and lastly, the people of Kilak express strong views to any utterances which are made particularly by people in authority. I read an article Madam Chairperson in one of the newspapers which is attributed to a Minister as having said, if you are hungry, eat grass or mangoes. If this is said by the hon. Minister, then this is the most unfortunate statement ever made. So these sort of utterances must be avoided. And then we have also heard from the hon. Atwoma Tiberio Okeny who quoted certain utterances. Those sort of utterances must be avoided if we are going to live in peace and unity. Thank you. *(Applause)*.

MR BANTARIZA FRANCIS: (Buhweju County): Madam Chairperson, I would like to start by congratulating you to that office and also I would like to congratulate my fellow Delegates who have made it to this august House. People of Buhweju who sent me here would like to make the following observations. They do appreciate the job done by Justice Odoki and his Commissioners in visiting all the Ugandans and getting the views of the people as it is shown in the index book that we were given when we arrived here. Most areas were visited, the RC 1, 2, 3 and 5 and some memoranda were compiled and this is why we have this draft constitution which was a good job done. I would also like to thank Mr. Akabwai and his team for organising these elections that brought us in this august House. But however, I would like to give a complaint about the civic education which was not properly done before the elections.

Now, turning to the area that I come from, Buhweju, if anyone wants to invest and knows the skill of mining, gold is in plenty. The county of Buhweju has a very long history. It had a kingdom of its own and we had our own king but answerable to Bunyoro kingdom. We have our own royal drums and at this moment, they are still being kept in the museum. But the colonial power fought us and we were defeated and we were annexed to Ankole. So I would still at this juncture tell you that we should be included on the second schedule of the list they made in 1926. Now, giving you a bit of history, Buhweju fought

several wars and we found injustice and that injustice was that the time when the king of Bunyoro died, our king was to be a victim because they used to remove his head as we were told and that the king of Bunyoro could not be buried alone. They would first put our King's head in the grave and then the body of the Bunyoro King is put in. That is history and it remained like that for a time. But thanks to our hero who was called Muguta Gweishe Butaaho Shungera nigacweka who changed the system and from there, when he fought those Banyoro before the burial of their king, towards the end, the Banyoro had to accept defeat because he told them that the axe which they used to use to chop off heads should be used on trees but not on human heads. So we have a very long history. We used to have our own army and our hero Muramira, dug a tunnel where during wars, we would really put everything there not to be destroyed by wars. Now, you can see that we were really very organised as Banyabuhweju. At this juncture, the people of Buhweju, since we were annexed to Ankole, unless we have our own kingdom, we prefer not to have kings.

Now let me turn to the constitution. We support the unitary system of government and we prefer a Republic. The language we support should be English because when we say Swahili, when few of our people can speak it, it will be very difficult to be taught, but other languages should be taught but at the moment, English is recommended. We support that the people should be consulted how they will be governed and the composition of Government should be broad based. The people of Buhweju at the moment would prefer, and I stand to be protected because people had warned me; people of Buhweju want or support the NRM Government and at the mean time, they want the political parties to be at least on leave for another five years. *(Applause)*. We support the protection of human rights, the suspects if arrested, they should be tried - I mean they should be taken to court within 24 hours other than 72 hours. We believe that family is the basic unit of the society and they are entitled to protection. We expect and we accept that government should have in place compulsory education only to primary education and the people prefer that government should undertake that PTA expenses. They should pay for the PTA and the parents pay the ordinary school fees. And then university and higher institutions of learning, government should maintain the way they have been doing it because people of Buhweju cannot afford to pay school fees for the university students at 0.6/-.

That is very expensive for an ordinary person to look after those kids in the university.

People in Buhweju say that detention without trial should be abolished. Death penalties should remain because here they say that if that article is removed, people are going to start killing one another and then they will get away with it.

They recommend the president's term of five years and he should be elected by the people as they did to CADs and the period should not exceed ten years. People of Buhweju recommend the administration of estates that a woman should take over the estates when the husband dies. And the children should be given equal opportunity to sharing the property of their father without discrimination of sex. People of Buhweju recommend that the electorate should retain the power to recall the MPs of the area if he has failed to perform well and also, when the parties have resumed, if an MP crosses the Floor to another party, he should seek fresh mandate. Defence: They say we should have a national army subordinate to the civilian authority established under this new constitution. The RCs should have a say in recruitment and recommending the people. Of course we do not want people of bad character to enter the army. People of Buhweju thought of the safeguards about the constitution when it is in place because the question was, how will you protect this constitution you are going to make? Because people have made constitutions and they have been overthrown. Here the safeguards are that every able person should not despise *muchaka-muchaka* as people have said. People should be trained; let it be one week, let it be one month but they should train in military science. If somebody comes and gets a microphone in Radio Uganda and he announces a take-over, we people in Buhweju, we shall have those staves or guns, wait for the man and we shall protest and no food will be coming to the city and this man will fail and also resign. We shall fight until the legitimate government is back in its place and that is one of the safeguards. We are really firm that nobody will tamper with this constitution because this is the first constitution of its kind in the history of Uganda. In 1962 in Lancaster house, there were a few selected. Many people went to London but here the surroundings cannot make somebody to go around Kampala because we have come and entered here and we started the discussion.

The 1967 Constitution was done by one man or two men. You know how it went but this one, you can see how it started with Justice Odoki with his Commis-

sioners. Now you are here debating it, People have been consulted and this will be the people's constitution and we know very well people will have to like it and protect it.

Regarding land in Chapter 17 page 114, it says, all land belongs to the people. Here people were very happy, it belongs to people but there is a problem in Buhweju where colonial government left this problem there after making the Agreement of 1901, they gave their chiefs land and that is the mailo land that we speak about. I do not know if in other areas it was done the same because these people came and surveyed land without the consent of the people and now these people are called squatters. They are there, they are paying rent to the land and we feel that it is high time this problem was resolved. We are entering into a new era and that the people should be given land without compensation (*Applause*). The farmers do not want to pay a penny because the *bibanja* that were taken, where they did the surveys, it is their land but they were looking for fertile lands where there was even banana plantations, So they are not prepared to pay any compensation. It is entirely a government problem and the government should liaise with the land-lords and compensate them and let these people take over their land with titles. People of Buhweju would prefer a uniform sort of land tenure; that is freehold and if one cannot afford to travel all the way to the district headquarters to have his land surveyed, the system of customary land tenure should be respected and if an RC can give a letter that the farmer has his *kibanja*, that letter should be taken as a title, as somebody who is a citizen and who lives in that land. He should be given money for development. Regarding citizenship, every Ugandan is entitled to a passport and it is his right and he should be given the passport without any delays or proof or *kitambulisho* because if you are born in an area, the RCs know you, you should get a passport. But there is a problem of people hon. members have mentioned foreigners. People talking about people from the south the Nyarwanda and somebody has mentioned about Anyanya or Dokolo and so on. Well it is absurd for somebody to call you Nyarwanda when you know very well you are not a Nyarwanda. If I am a mufumbira, call me Mufumbira, if I am a Munyabuhweju, call me Munyabuhweju, if I am a Munyankole say the same other than saying we do not know the difference. Do not judge me by the face because hon. Olega mentioned it and it is not only on your side but even down here, people are being labelled Nyarwanda and this and the other. If

we are really forging unity, we should really mean what we say. If you do not know the tribe of hon. Nekyon, do not say because he is black and you say *nyamahanga*. Call him by his names.

Social services. People of Buhweju want good roads, good health centres and good schools as I have mentioned. This area was neglected for a very long time. I think we are the only place and even I got a chance of inviting you for the Youth Day which is first July, 1994. If you have never seen a road end, come and you will find it in this gombolola called Bihanga. So we say we should have equal opportunities. Somebody here was mentioning that he was from Busoga and he visited Bushenyi, he saw some houses which are being built by government. We have all same problems. I come from Bushenyi, houses are built by individuals with hard work. Now these roads are for government. We have not even had roads but people start saying oh, you have this, you have this. Try to visit and see how people are hard working, but they have the same problems like you. I want really to offer myself whenever I am going for a weekend, to take few of you and you will find that we are struggling like many of you and you should not start generalising. You see one house on the road and you say houses in Bushenyi are beautiful, they are what, I want to invite my fellow member who is near me, next time I want to take you and show you how these people are in debts.

People of Buhweju support the IGG's office and that should be strengthened and maintained. People of Buhweju support the leadership code. They say it was a good idea. It was mentioned in NRC but just died a natural death. They do not know why. All leaders who want to take leadership of this country should really declare their property and let people know how they are fairing and people of Buhweju would like this to be put or included in the constitution. Madam Chairperson, I would like to stop here and I would like to thank everybody who has paid attention to me and I hope I will be given a chance of talking when we start discussing Chapters. Thank you very much.

DR. OKULO-EPAKA (Oyam County, South): Thank you madam Chairperson. I am going to articulate the views of the 100 per cent people of Oyam County south whom I represent here fairly frankly but in the spirit of give and take. These positions are quite negotiable. Madam Chairperson, permit me to start my contribution by making a few

complimentary remarks, Madam Chairperson and the Chairman, I have confidence in your high offices in your wisdom and ability to provide good management of the affairs of this Assembly. Madam Chairperson, I must recognise and thank all those people who directly and indirectly have contributed towards the plan and processes which has led to the occasion of this Assembly itself. The whole phenomenon can be regarded as a great opportunity which we can now only mess up or utilise most beneficial.

A good number of us Delegates in this Assembly and those of us who lost the elections went through acrimonious experiences and it is my prayer that we all have a good and speedy recovery. Madam Chairperson, many persons have provided their own evaluations of these elections and sometimes in comparison to previous elections, My scientific view is that all our elections were typically different in circumstances and conditions and it will be terribly difficult and wrong to try to compare then in scores as to which one was better than the other one. However, some of us were shocked Madam Chairperson, when we thought that what we had gone in for was an election, only to be reminded afterwards that it was a war in which there were territories and people to be conquered. It is this Don Quixotic mentality which is perhaps worse than any efforts at trying to make a good constitution and it will be highly regrettable if that procedure is to be repeated for future elections.

In considering the electoral commission therefore, we should look very seriously to the provisions which makes it hard and impossible for someone else to claim that elections were actually what they were not.

Last but not least, I cannot forget the tax-payers of Uganda and the electorate who though without prior consultation and consent have to bear the cost, play the major role and indeed now entertain greater expectations regarding the entire constitution-making process. They deserve our appreciation and commitment not to let them down.

I wish to address my contribution on this general debate to two important aspects and I am prompted to do so because of what has been advanced as the reasons for indulging in the making of a new constitution for Uganda and most importantly, because of the first two paragraphs of the draft constitution which forms our working document. The aspect

concerns the method and processes adopted for the making of this new constitution and their implications and potential value and comments on the draft constitution itself.

Historical context: I must confess I was no keen student of history and I find it unprogressive to live or lead in the past but I find it inevitable to use history on this occasion. History contains inappropriate proportions both the positive and negative records of our development and experiences. Unfortunately however, our leaders and for reasons best known to themselves, have tended to recall and use widely only the negative records of our experiences. This is not only frightening but those who do their best to do good things for the sake of the country get disappointed and discouraged. Those who got such messages without the basis of evaluation and without questioning get misled. Indeed a great deal of mistrust, prejudices and hatred are generated in the population too. In my opinion, the first and second preamble paragraphs of the draft constitution is a victim or reflection of such selective misuse or even distortion of our historical experiences. And so we should pay attention to and correct this aspect when we come to debate the preamble. Madam Chairperson, perhaps it is not also surprising that this should be the case because I am reminded of two truisms; one by William Shakespeare which said that the bad things that we do live after us while the good ones are buried with us. The second one was by my history teacher who said that in history, atrocities are remembered more than good deeds. We have important international and Ugandan instances of atrocities. I wish to recall these but with the Sole objective of reminding us that we ought to take advantage of this occasion to correct or forgive the past so that Uganda may start on a fresh page.

Internationally, we remember the following atrocities: the black hall of Calcutta in India as perceived by the British historians and yet glorified by the Indian historians. Hitler's concentration camps and Jewish holocausts in Germany; Stalin's and Lenin's forced labour camps in the former Soviet Union; the Sharpsville massacre in South Africa; President Bokassa's slaughter of school children in the Central African Republic; the latest in Tianmen Square in China and I believe we should soon include the situation in Rwanda. Uganda's home atrocities for which our leaders bear the blame are generally regarded to be the following: if you disagree, this is just my own evaluation, *Kabaka Mwangwa's* burning

alive of religious fanatics which has now been transformed into martyrdom; Kibuye round-about events; the murder, abuse and the mocking of the dead body of Hassan who was a police officer; the Nakasero State Research dungeon and the murder of Arch-bishop Jonan Luwum; the Luwero triangle killings; the abuse, mocking and mass burial of the bodies of many unarmed youngsters who were misled by Lakwena in Lira and Soroti airfields; the Mukura train massacres; the massacres of Corner Kilak and the killing by police of two Makerere students. I have regrettably to recall these atrocities and to submit that except in the Kibuye round-about event, all these atrocities were not precipitated by constitutional crisis. These mishaps can be attributed to any of these weaknesses. First, lack of sanity and patience to achieve our ambitions and excessive greed for power. Rapid desire by our leaders to cling to power caused by fear of the repercussions of losing power and pressures from hungers-on or sycophants. Absolute contempt and disregard for human value and the degree of inhuman behaviour in us. Such methods as the *kandoya*, or torture chambers which are used to handle our imagined enemies demonstrate these traits in us. Wanton disregard of law and order which makes us to choose violent instead of peaceful means to resolve our differences. I find absolutely no justification particularly as a pacifist for anyone to choose and initiate loss of human lives, misery and creation of large scale widows, orphans and street children. In this, it will now be a matter of great challenge to the advocates and champions of national violence to handle the provisions of Article 3 of the Draft Constitution before us; and finally, the effects of indoctrination on revolutionary, radical and extremist ways of doing things. These ways are now obsolete and vestiges of them are fast retreating. So we deceive ourselves to try to cling to them.

Having identified these problems and their potential causes, the question arises as to how we can address them in the provisions of the Constitution or whether they are matters that can be addressed constitutionally. My submission is that some of them are basically not while others are indeed constitutional issues, but they have to be addressed and safeguarded against: so that our efforts at constitution as well as legislative orders will be meaningful and possible to attain.

Consequently, Madam Chairman, I strongly suggest that this Assembly additionally dedicates itself to the

resolution of the non constitutional issues that have afflicted and continue to afflict this country. For this purpose, part of our exercise and duty here, could be of the nature of a peace and reconciliation conference culminating into the making of a resolution dealing with such matters and staging our new constitution on a fresh beginning for Uganda on a clean platform on which to launch our new constitution.

Reconciliation is not an easy matter and we cannot preach about it as if we are in the church. Yesterday, Lt. Col. Guma did make an effort as to mention names of our previous leaders who in his view deserve a reconciliation. My submission is that reconciliation at our level can become a matter of vision. We have specific people to whom we must make concerted appeal to reconcile. These are: Museveni, Mutebi, Obote, Amin, Tito Okello and Binaisa. *(Applause)*

If these people can reconcile, then we are making progress. If they cannot, we are going nowhere.

The making of this new Constitution, Madam Chairperson, comes after 33 years of our independence from colonial rule and to replace altogether the third of the Constitution we have had since that time. It could therefore be construed to be a measure of the state of our political instability and if so, there is a great opportunity to redress it finally. In this context, I wish to examine the need and the method chosen to embark on this exercise as well as their implications, value and impact and to provide an overview comment on the Draft Constitution before us.

The need and method. Madam Chairperson, I have found it hard to accept the justification given in the method chosen to embark on making of the new Constitution for Uganda particularly at the time when our priorities seemed to lie in the need for rapid social, and economic recoveries. We shall go down in history as the only country that took the longest-time and chose the most expensive or least cost effective method of making a Constitution. I made similar observations in my memorandum to the Constitutional Commission which is recorded in the Commission's report called 'Index of sources of peoples views' and I wish them to go on record here. We chose to use the most extensive and intensive and some false methods of consultation for data collection and representation on the constitution-making process. Some of these approaches would appear to have unique merit of involving educating, and creating awareness in our people on matters and impor-

ance of a Constitution; but we have in the process also raised the peoples' expectations too much and yet this exercise may not achieve immediate results and impact in terms of their expectations. This is the time when the social, economic and development conditions in this country are very hard indeed, but we have given the impression, and the population imagine that a new Constitution will soon provide the remedy.

We have excluded from the process some of the personalities, political organisations as well as a significant number of our people whose role in the past, present and future governance and the development of this country cannot be ignored and so the question remains hanging as to what is their attitude towards this entire exercise. The identification and recognition of this omission plus some misgivings about the objective of making this new Constitution are sufficient to aid us to seek a solution or indeed to sound a warning on potential risk in our apparently reviewed effort.

Momentous jubilations over success and short-sightedness will not serve the desirable long term considerations and to the repetitions of avoidable mistakes. The recognition of the above misgivings in my view, makes it incumbent upon us, who are now assembled here and mandated by the people of Uganda to do our best to make good of the opportunity available to us. It is my conviction that resorting to use clique tactics, threats that some of us are here on the mercy or good will of others, and attempts to hold us or the entire country at ransom, will not do this exercise any good. We would rather need to recognise the important role and responsibility of every citizen, leaders, and security organs of this country to maintain rather than to choose to usher in peace. That is the only viable and sustainable option. Therefore, we shall succeed in this exercise by maintaining unity of purpose and dedication to the service of our people and country rather than pursuing dogmatic lines of thought and sycophantic tendencies.

The Draft Constitution. The best I can say about the Draft Constitution which is before us, is that it provides us with a reasonably good working material. I had the privilege of going through this Draft Constitution from preamble to the end, and my electorate asked me to come and express their concern on Sections concerning the Preamble, the Constitution, the Republic, citizenship, representation of

the people, systems of Government, Local Governments and land. It is also my view that the Commission had enough skills, resources and time to make use of the Constitutional experiences of other countries and local positions, that were submitted to it; or that it obtained from the field. However, I hasten to add, that peculiar cultures and needs and experience in constitutionalism and governance of other countries should not be taken for granted to preoccupy us in this exercise. Similarly, we should be wary of attaching too much significance on what to be a minority or pressure group tactics dominating the inputs of the consultation exercise of the Commission. I believe we are now a body of wide scale representative needs, experiences, opinions, interests, skills and leadership; which should be regarded as better than what the Commissioner had or made use of. We should therefore, be, able to scrutinise and modify the Draft Constitution and promulgate a new Constitution without recourse to other options such as Recourse to a referendum. There is a real chance and possibility that we shall in due course align ourselves into potential negotiating groups and thereby reduce our initial apparent differences into unanimity rather than consensus.

Let me now make comments on the principles and guidelines of our tasks regarding some specific items of the Draft Constitution and with reference to President Museveni's address when he opened this Assembly on the 18th May 1994.

1. Permanence of the Constitution. I start with this important matter of the permanence of the Constitution we are about to make. Madam Chairperson, this matter can only be ensured if we develop experience as well as a culture of respect and adherence to Constitutional order, the rule of law and divergent political ideologies. This will be facilitated and secured by ensuring that we provide for realistic, pragmatic, principles on every critical issue and subject of the Constitution instead of attempting to be too prescriptive. We avoid including obsolete ideologies, rhetoric, matters of manifestos, policies, legislation and adventurous experiments in it. Specifically, the present experimentation with the vague movement concept in the Resistance Councils structure do not in my view qualify to be incorporated into the Constitution because they are not sustainable. We provide for sufficient safeguards against violations and irresponsible amendments. We provide adequate safeguards for the sovereignty of the people, of fundamental Human rights and for their

freedoms of association. In this regard, I support restoration and practice of pluralism or multi-party democracy. We cannot afford to postpone this freedom of association as well as the right of the people to choose and change their leaders regularly and peacefully. The problem with the Movement is simply this: how do you reconcile with the issues of the fundamental human rights, in particular freedom of association? How do you reconcile it with the rights to change Government regularly and peacefully? How do you reconcile it with the need to provide a choice or alternative policy? These are matters which the Movement system, good, excellent, peace-promoting in some parts of Uganda as it may appear to be, cannot answer.

The nearest understanding or interpretation of what the Movement really is all about, which I came to is that it is a one-man creation and sustenance. This morning hon. Higiro confirmed it. Hon. Higiro in explaining the Movement system could not articulate on what it is about and instead said, President Museveni should be invited to come here and explain it to us in order to convince us. If those who are supporters of the Movement, who are their adherents cannot on their own articulate what it is all about, then I think my conclusion that it is a one-man creation and a one-man sustenance remains. I beg us to accept this truth in order to save ourselves unnecessary adventures in a situation - (*Interruption*).

MR. KIRUNDA KIVEJINJA: Point of information. I am one of the founder members of the National Resistance Movement and I would like to inform the hon. Member that the ideas of the National Resistance Movement, which propelled many of us to take arms, were not and have not been developed by Museveni as an individual; I have my input and I am not part of Museveni.

DR. OKULO-EPAK: I think the hon. Member should have reserved those comments to when he makes his contribution, Madam Chairperson, but I thank him for giving his opinion.

The relationship between the Constitution and governance and development. Madam Chairperson, we have had it repeatedly for the last eight years that bad leadership, backwardness, and the lack of popular participation have been the main cause of our problems, particularly regarding matters of Constitutional order, governance and development. I consider this to be partly true and I would consider

lack of peace and stability as being equally or more important than these. These cannot be maintained unless we guarantee freedom to our people, respect of human lives and values, security of lives, property and employment, regular and peaceful transfer of power, the integrity of our leaders and the like and the establishment as well as practice of the orderly and permanent political organisation and administrative structure. We shall have to watch for detailed provisions for these in this exercise.

The integration of administrative, social and economic systems. Madam Chairperson, this Constitution should help us to integrate the administrative social and economic system and in this regard, I am going to talk about decentralisation, the capital of Uganda and national development planning. Admittedly, the whole world and we in Uganda, exist as identifiable entities by various definitions, but ultimately, our survival depends on unity, interdependence, coexistence, alliances, and integration of administrative, social and economic systems, starting from the local up to the national, regional, global and other levels including horizontally across sectors and institutions.

In this regard and his opening address, President Museveni emphasised the question of size and scale which I quote from page 5 as follows.

'Therefore, I repeat, the scale of organisation was too small to withstand the greed of other more organised society. African political units were in small, swallowable units.'

He also emphasised the need for integration at the national, regional, and global -levels in order to attain a more viable regime for social and economic undertaking and stated conclusively, and with emphasis on the Uganda level on page 5 as follows.

'We should identify the commonalities that need to be shared and leave the regularities to each area. It should be unity and diversity but with a clear vision regarding the role of integration and modernisation.'

Unfortunately, Madam Chairperson in administrative and spatial terms, we have been dividing Uganda into smaller and smaller sub-national units, particularly districts since 1972 and I am surprised that many of us are still asking for the same. This is like copying the colonial strategy of divide and rule. We have even changed names of

these units in order to erase reference to the ethnic identity of our people who live in these districts. Such units are less likely to be viable nor indicative of the cultural identity of the people and such; unsustainable in the context of decentralisation of administration. *(Applause)* Let me hasten to add that the notion of administrative integration should not on the other extreme end, be misinterpreted to mean centralisation. I would much prefer and make provision in this constitution for a comprehensive decentralisation from the top to the bottom of Local Governments for Uganda.

A comprehensive decentralisation approach in my view, would aim at establishing development oriented egalitarian, and flexible structures of Local Government. It would take into account the following dimensions or principles.

(a) Devolution of powers from the centre along the various tiers of Local Authorities.

(b) Administrative re-organisation of the present spatial framework of the administrative units in a flexible manner which allows for Primary and local initiative to opt for constituting of four or less tiers and regional or district units, based on homogeneous or accommodative ethnic groups as well as economic viability. Transfer to Local authorities of the management of most the present de-concentrated sectoral departments and the delegation of development responsibility to deliver certain services from central Ministries to local authorities and to specialised agencies, but accompanied by commensurate re-allocation and control of the necessary resources.

(c) Privatisation as well as distribution of business-oriented functions and basic means of production such as land.

The Capital of Uganda. It is important for us to use this opportunity to have a long-term and professional view of the status size and growth of Kampala as the capital of Uganda. This is even more important as we think of creating reasonably more autonomous surrounding local authorities through decentralisation. In this regard, the capital of Uganda, should be an autonomous sub-region called metropolitan region of Kampala to be constituted of the present Kampala city, Busiro county and Entebbe Municipality, but without interfering with the existing individual property ownerships. Delegates may wish to know that the Kampala Metropolitan regional study of 1966 and 1969 had proposed a much

wider area covering Entebbe, Mpigi, Bombo and Mukono but the then Parliament rejected it. So, this is a very realistic and humble submission which will help us to have a long-term planning objectives of our capital city.

Establishment of national development planning authority. In terms of social and economic development, it is my view that integration results from and presupposes that there is regional balance or fostering of equitable distribution of resources and development. Consequently, we should recognise the existence of regional peculiarities and disparities in Uganda and so establish regional specialisation and regionalisation as a development policy. Such a development strategy further reinforces the policy of administrative decentralisation. Although regional development planning concepts or models are basically not constitutional issues, the establishment of suitable institutions and structures to implement such policies in an independent and co-ordinated way, would appear to be long over due and has been called for in many fora and is a Constitutional matter. We should take this opportunity and with reference to Chapter 3 of the Draft Constitution on national objectives, directive principles of state policy to establish the principles and institution of a national development planning authority to be financed from the consolidated funds. Madam Chairperson, my view is that, except for this consideration, the rest of the present provisions of Chapter 3 are basically policy matters; and as such, should be discarded.

Land and the producers of national wealth. The provisions of Article 22 sub-article 6, Article 24, in Article 275 of this Draft Constitution on land is fairly outrageous to say the least. The largest producers of wealth in this country are rural peasants and the urban property owners. Furthermore, one of the most important basic need of the population is shelter, from which persons secure themselves a base for engaging or going out into productive activities. All these important matters depend on the basic resource - land. President Museveni in his opening address asked us what we are going to give to the producers of wealth in this country; he said at page 12, as follows. *"We must design a Constitution that puts in place a national freedom for the direct producers of wealth; the farmers, the industrial workers and industrialists."*

My submission is that the starting point is freedom to own land on which they depend for their produc-

tion, installation of production structures and shelter. We should give the right to own land to the people who already take that right for granted, know it best, need and use it most and the rest shall be ensured. In this regard, no attempt neither by implication or actualization should be made to nationalise or centrally manage and control land on the so called behalf of the people.

AHON. DELEGATE: Point of order. Thank you Madam Chairperson, is the speaker in order to disregard our rules? We said we shall speak for a maximum of 30 minutes, but now it is about 35.

THE DEPUTY CHAIRMAN: Actually I had given him just a few minutes, because he was interrupted by a point, but I had requested him to wind up. So, please can you wind up?

DR. OKULO-EPAK: On Citizenship, Madam Chairperson, - *(Interruption)*

THE DEPUTY CHAIRMAN: I thought you were winding up. You said land was the last item.

DR. OKULO-EPAK: Well, I will wind up with representation of special interest groups. Madam Chairperson, I wish to state that I support very much the principle and spirit of safeguarding and promoting the interest of special groups; including the disadvantaged groups; particularly in the context of social and economic undertaking; but I find it hard to extend such consideration to matters of selective, political representation and participation. I have genuine reservations and reasons for taking this position, namely: we should adhere to the principle of one man, or one woman vote and use of coordinated rather than multiple representation in any legislature.

THE DEPUTY CHAIRMAN: I wish you could make points rather than reading, because people are becoming impatient, because we have run out of time. So, just make your point rather than just reading your text.

DR. OKULO-EPAK: Okay, Madam Chairperson, I will then wish to table my presentation since I did not complete it and then maybe the Secretariat will distribute it, but all the women have my support. I only want to encourage them to give us candidates for Presidential election and we will support them fully instead of them trying to support somebody

else. I thank you Madam chairperson, I thank distinguished delegates.

THE DEPUTY CHAIRMAN:: Okay, thank you very much. I think at this juncture, let us adjourn until tomorrow, at 9.30 a.m.

(The Assembly rose and adjourned until 9.30 a.m. Thursday, 29th June 1994.)