



THE REPUBLIC OF UGANDA

**PROCEEDINGS**  
**OF**  
**THE CONSTITUENT ASSEMBLY**

---

OFFICIAL REPORT

---

CONTENTS

TUESDAY, 28TH MARCH 1995

---

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 3596]

---

Tuesday, 28th March, 1995.

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

P R A Y E R S

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

*(The Assembly was called to order.)*

CHAPTER THIRTEEN - LOCAL GOVERNMENT

Article 201 - Local Government System

**THE CHAIRMAN:** Hon. Delegates, this morning we start on Chapter 13 and this will be in accordance with the past practice, following a committee report - one of the select committees, that is Committee Four, and so I straight away give the Floor to the Chairman of Committee Four to present their report.

**MR. KATENTA APUULI (C.P. Delegate):** Mr. Chairman, Madam Deputy Chairman, Hon. Delegates, I thank you for giving me the opportunity this morning to present Chapter 13, the report of Select Committee 4. Mr. Chairman, Select Committee Four carefully considered Chapter 13, Local Government. In its deliberations, the committee was guided by the principle of decentralisation on one part and the desire to empower people on the other. The committee endeavoured to address the desires of most C.A. Delegates from Buganda to enshrine in the Constitution a federal status for Buganda. Chapter 13 proved to be controversial; the debate at times became heated and emotions strained. I am happy, however, to report that no acrimony ensued and civil behaviour prevailed throughout the deliberations. In view of the so many conflicting interests, what Committee Four is presenting for the approval of the plenary is a hybrid between decentralisation and federal. The recommendations seek to entrench in the Constitution three major principles as follows:

(a) **Power to the people:** This is contained in the committee's recommendations to define clearly the powers of the Government of Uganda and the powers of local governments. Powers reserved for local governments are residue powers, that is, not specified in a list because the list would be long, will

change with time and varies from district to district. (b) **Local Government Financial autonomy:** Having imposed on local governments the responsibility to provide a host of social services, local governments must enjoy a measure of financial autonomy. In addition, local governments must be adequately financed. The sharing of the "national cake" must be fair, rational and transparent. The committee stopped short of recommending a specific formula for sharing national finances between the centre and the local governments. The committee recommends that the next Parliament should provide for such a formula after appropriate investigation. The committee further recommends that the Constitution should empower local governments to levy taxes. Since local governments are under elected representatives, they have a constitutional right to impose taxes. Local governments are in a much better position to know the incomes of their people and the different fields available on which tax should be imposed.

(c) **Power to make laws:** The Committee is of the view that the Constitution must empower local governments to make laws in the areas entirely under their jurisdiction, provided that those laws are in conformity with the Constitution and the laws of the Republic of Uganda. Such laws would be reviewed by the Attorney General for conformity.

Mr. Chairman, besides the Select Committee Four Report, I shall introduce a Minority Report in respect of the new clause, Article 203, Appendix (a). However, up to this moment, I have not yet received the circulated reformulated clause from Hon. Prof. Nsibambi. I was hoping that he would reformulate his originally circulated Minority Report. So, Appendix (a) is not available to you as of yet. Article 204 appendix (b) and Article 220 as Appendix (c), both Appendix (b) and Appendix (c) were circulated with my report, being minority reports from Hon. Dr. Okullu Epak.

I take this opportunity to thank Members of Select Committee Four, C.A. Delegates who helped our committee in its task, experts from the Ministry of Local Government, Kampala City Council who provided us alternative meeting places when we did not have a facility here at the conference centre, the Legal and Drafting Committee, the Technical Committee and the Clerk's office staff who, with their wise counsel and dedication and hard work, we are able to present this report.

Mr. Chairman, Chapter 13, Local Government: Objectives and structure of Local Government; Article 201, Local Government System, Clause (1) - *(Interruption)*.

**THE CHAIRMAN:** Hon. Katenta Apuuli, do you want to read through the whole thing or we should go article by article?

**MR. KATENTA APUULI:** I would prefer article by article, Mr. Chairman - Clause by clause.

**THE CHAIRMAN:** Okay, now what you have done is to make your introduction of the report, and we are grateful for the work your committee and yourself have done to have this very important chapter before us and now we proceed to consider the substance of the chapter in accordance with the recommendation from the committee and we shall call each article and then reintroduce it and then Members will react and then we make our decision known on each clause. If there is a recommendation to amend it and if there is not, then we take it as it stands in the Draft Constitution. So, now we start with Article 201, Clause (1).

**PROF. NSIBAMBI:** Point of clarification! Thank you, Mr. Chairman. As you can see, there is an amendment tabling a federal cause, and I am fully with it so it was not necessary to table a separate one. I am fully with the one tabled and I shall be articulating in favour of it.

**THE CHAIRMAN:** Which one are you talking about, Prof. Nsibambi?

**PROF. NSIBAMBI:** I am referring to the one proposed by Hon. Eresu Elyanu John of Kaberamaido.

**THE CHAIRMAN:** The Chair does not have an amendment moved, but what we do is, we have called the article, the Chairman of the committee will introduce it whether there were any proposed Amendments from the committee to the text, and then if there are any amendments that are acceptable, they can then be tabled and then we proceed from there. But I presume you were saying that you do not have to present your minority report and you are withdrawing your minority report. Is that what you are saying?

**PROF. NSIBAMBI:** What I am saying, Mr. Chairman, is that the Amendment which is on the

Floor takes care of my anxieties and cherished desires for a federal cause for the whole of Uganda, and I pray that before I die, we realise federalism - *(Laughter)*.

**THE CHAIRMAN:** But Hon. Nsibambi, you are debating a Motion which is not yet on the Floor! You are anticipating debate - *(Laughter)* That Motion is not yet on the Floor.

**MR. WACHA (Oyam County North):** Mr. Chairman, the Chairman of the Committee made what I feel is a very fundamental statement in the introduction of his report. This is on page (1) where he says that in view of so many conflicting interests, what committee Four is presenting for approval to the plenary is a hybrid between decentralisation and federal. I believe this is the principle on which this report is based. I am seeking clarification from the Chair whether it is not proper for us to discuss this principle first before we go into the details of the article.

**THE CHAIRMAN:** You see, our past practice has been that we do not debate the reports of the Chairmen of the committees, we deal with articles. Now, the Chairman says the articles will bring out a hybrid, let us see if they do. If they do not, of course, we can then amend them to bring out that hybrid if you want it. If you do not, then you do not have to amend them. So, what we do here now is that I give the Floor to the Chairman of the Select Committee Four to introduce Article 201 so that we can have the matter before us and can be debated in accordance with our past practice.

**MR. KATENTA APUULI:** Thank you, Mr. Chairman. Objectives - *(Interruption)*.

**THE CHAIRMAN:** No, no, we just go to Article 201.

**MR. KATENTA APUULI:** Article 201, Clause (1): The committee recommends that Clause (1) of Article 201 be amended to read: "*The system of Local Government in Uganda shall be based on the district as a unit under which there shall be such lower local governments and administrative units as Parliament may by law provide*". Rationale, the above provisions slightly differ from the original text in the Draft Constitution by adding the words "*lower local governments*". This slight Amendment is to address the current provision in the Local government Resistance Council Statute of 1993

which set up urban and sub-county as local governments. This change is reflected throughout the Chapter where the same reference is made. Mr. Chairman, I beg to move.

**THE CHAIRMAN:** Now, we have before us a formulation as appears in the report of the Committee and it is now before the House.

**MR. AWORI:** Point of clarification! Mr. Chairman, initially, I am seeking clarification from the Chairman of the Committee. This is a Constitution that we are making, it has to be very definitive leaving out ambiguities. That being the position, or the case, Mr. Chairman, we have from time to time used the word "district". I feel the word "district" has been inherited without adequate definition. This is a constitutional matter, Mr. Chairman, we need to know what is the definition of a district. It is being referred to here in generalities and by sheer assumption that we have been using this administrative local government unit. But, Mr. Chairman, a clear definition of a district is totally lacking. So we cannot use the word which is not clearly defined. Mr. Chairman -(*Interruption*).

**THE CHAIRMAN:** No, no, let him finish. If we interrupt each other, we will not have a proper discussion. Could you please finalise your request for clarification, and then we go to others?

**MR. AWORI:** I feel that, Mr. Chairman, if I may help the Chairman of the Committee, he should have defined a district as a cluster of administrative units, whether they are counties, sub-counties or whatever but to leave it in this generic format by sheer assumption, Mr. Chairman, for a Constitution, it is lacking in definitive terms. So, I wish to ask the Chairman of the Committee to define to us in very definite terms, what is a district.

**MR. KIRENGA:** Mr. Chairman, in the definition section, that is Article 286, a district is defined. In Article 286(1), a district means - this is on page 121 of the Draft Constitution. "*A district means a district referred to in article 202*". And then in Article 202, they say: "*Subject to the provisions of this Constitution, for the purposes of local government, Uganda shall be divided into the districts which existed immediately before the coming into force of this Constitution*". I do not know whether that one is going to be amended but by the word "district" they mean those districts

which are there today. That is the information I wanted to give.

**THE CHAIRMAN:** Okay, thank you. Now, do we pronounce ourselves on this one?

**MR. ERESUELYANU (Kaberamaido County):** Mr. Chairman, we have an Amendment to Article 201 which has been circulated to Members of this House, and I think Members have already read through. The amendment reads like this. Clause 1: "*There shall be a federal system of government in Uganda based on regions. (2) Each region shall consist of districts and such other lower governments and administrative units as may be formed from time to time.*" Clause 3, reads: "*Each of the existing districts of Uganda shall be recognised as a region by itself or it may voluntarily join other districts to form larger regional units. (4) For the purpose of this article those districts which are grouped under Chapter 2, Article 4, or the 5th schedule of this Constitution shall constitute larger regions by coming into force of this Constitution.*"

**THE CHAIRMAN:** Is that seconded?

**DELEGATES:** Yes!

**THE CHAIRMAN:** It is seconded by Hon. Kabugo and many others.

**REV. FR. BATANYENDE (Presidential nominee):** Thank you, Mr. Chairman. Apart from the inconsistencies and contradictions within the Amendment, I am moving a point of procedure. In our rules, rule No. 48 sub-rule 17, it is said that: "*No Amendment shall be made which is inconsistent with any article already agreed upon by the Assembly or any decision already come to by the Assembly...*" So, Mr. Chairman, in Chapter 2, on page 3, I am sure we have already passed, if I am not mistaken, that "*Uganda is a sovereign State and Republic*". Then Article 2. So, I think this Amendment, Mr. Chairman, is for consistent with this chapter and this article, which we have already passed. So, we should not discuss it here, Mr. Chairman.

**THE CHAIRMAN:** Yes, the point is this, Members will recollect that when we were doing the chapter under question, Chapter 2, Article 4, that question was raised by Prof. Nsibambi whether we would thereby be precluding ourselves from considering a federal system when we come to Chapter 13 and

I did point out and we were all here that in this particular case, should we change our mind when it comes to Chapter 13, then we would revisit that particular provision (*Applause*). So, it would be cheating if we now used the rules to preclude what was clearly stated right from the beginning - (*Applause*). So, the Motion has been seconded, let us discuss it and make our minds on it.

**MR. ERESU ELYANU:** Mr. Chairman, perhaps, before I go to the details of this Motion, I would like to request through you and the request is that Delegates here present represent various constituencies and we need to be honest to ourselves, and to our constituencies as well. Above all, Mr. Chairman, we also request ourselves - I request you to realise the fact that the writing of this Constitution should set permanent solutions to our problems. So may I, with all these two requests, proceed to explain the motive behind this Amendment.

In July when I made my contribution to the general debate, I said that the people of Kaberamaido said that if - Mr. Chairman, can you protect me, I am being heckled by Hon. Egungyu.

**THE CHAIRMAN:** Hon. Egungyu leave the gentleman alone - (*Laughter*).

**MR. ERESU ELYANU:** The people of Kaberamaido said that if Uganda was to go federal, it should not be granted only to one region alone, but to the rest of the country - (*Applause*) - and I said it very clearly on that day when I made my contribution.

Secondly, we need a society which is harmonising and peacefully coexisting. We have seen documents circulating around and we cannot underrate them because they are targeted at us to the extent that I believe we need to salvage these problems for a permanent term.

Thirdly Mr. Chairman, we should avoid a situation where at the end of the day, if we give decentralisation to the rest of this country, some people feel power is not given to them enough. I feel on a federal structure, we shall have power which is clearly defined and it is given to the regions and it will be up to each region to determine the destiny of its own people without necessarily claiming that they failed to go ahead because some power was reserved from them.

Mr. Chairman, I feel power sharing in this country has become a crucial matter, crucial to the extent that at a certain stage we have been thinking that this country is a one man show, it is not true. This country belongs to all of us and all of us are charged with the responsibility from wherever localities we come from, to develop those localities. If we consider decentralisation which has been proposed by the draft committee and in quotes the Statute of 1993 - "*The Decentralisation Statute*", these powers which are defined in the Decentralisation Statute can be revoked by the people who passed it. I feel this is not a sufficient position which can make regions develop by themselves, judging by the fact that the population of this country has increased and the centre cannot very easily and adequately handle the affairs of each locality of this country, this power should be devolved to the localities and it should be up to the different regions which can combine themselves, and when they combine themselves, they plan their resources together. I beg to move.

**MR. KATUREEBE (Bunyaruguru County):** Thank you, Mr. Chairman. First of all, I would have expected the mover of the Motion to try and clarify to us what this thing really means. The inconsistencies are so glaring that one can hardly make head or tail of it. You have Clause (1) which says that "*there shall be a system of government in Uganda based on regions.*" Then in the second clause, it says: "*Each region shall consist of districts.*" Then in the third clause it says: "*Each of the existing districts in Uganda is recognised as a region.*" Now, what does this really mean - (*Applause*)? And he prefaced his introduction by saying we must be honest to each other. I wish he had started by being honest to himself. What does this Amendment really mean? If you want to talk of states forming a federation, then call them states, do not hide under regions and districts and so on. If we continue deceiving ourselves and not being honest to ourselves and our people, then we get the problems that you have got. If any one wants to move an amendment for a federal system of government, then be honest and say so and define what is the criteria for the states that you want to federate, and define what are the rights of those states, and what are the rights of the citizens in the states, the service to the states, what are a federating and the service to the centre and how they are going to protect those rights. Without that type of amendment, we are discussing hot air, and we are deceiving ourselves

that we are discussing federalism. We must stop deceiving our people talking about federalism without explaining what the principle of federalism is all about. Mr. Chairman, until a clarification is given to me as to what this amendment is all about and what it means, I am totally opposed to it, it is deceiving ourselves and deceiving the people of this country. *(Applause)*.

**MR. NYAI (Ayivu County):** Thank you, Mr. Chairman. Mr. Chairman, it is a new style to ridicule what other people have tried to do, and it makes me very sad. I believe that as we go towards Easter, we should give our people of Uganda an Easter present, an Easter present of their wish, not a hoax as Hon. Amanywa Mushega would like us to give. Why I am saying this, Mr. Chairman, in a Motion which is so clear which says that regions can be districts or districts moving together in tandem and we deliberately refuse to understand this, then we are not being honest Mr. Chairman. I believe, Mr. Chairman, in our Constitution making exercise, there was maybe a deliberate attempt or by peradventure there was no serious search to educate the people of Uganda on the different systems of government as far as federalism is concerned. It looks like the people who wrote the Draft Constitution and the powers that empowered them had already made up their mind that what is good for Uganda is decentralisation. You will find a lot of literature on decentralisation and very little literature on federalism. Now, it is because of this lack, Mr. Chairman, that we can here agree on the principle and then ask those districts which want to come together into a federal region.

Now, what is the difference between decentralisation and federalism? Mr. Chairman, I believe that the world is moving into a state of less government. Less government in which way? We have had central control and for some of us who are from very marginalised districts, every time we ask for a road, we are asked, is it economically viable? Every time we ask for power, we are asked is it economically viable? Power goes to Kenya, power goes to Tanzania and to Rwanda, but we in Arua are supposed to be orphans. But when it comes to our money from Arua, it is most welcome, it is economically viable. Now, Mr. Chairman, we are saying this. In Lugbara custom, six seven or eight people can get together and dig in their fields in turns; today we go to Hon. Wapakhabulo's field, tomorrow we go to Prof. Nsibambi's field and so on for equitable development, and it is faster. But after we have dug in four people's fields, then those four

turn round and say, the rest of you can go away and dig alone, we are not being honest! Uganda has developed certain parts of this country jointly and very effectively, now you come to 1995 - from 1993 they start a movement to say that let there be decentralisation; Dick Nyai you in Arua go and develop yourselves. What about all the money I put into Jinja and into Kampala? I am now saying fine, let us cut our losses. From my Shs.38 billion from Tobacco, allow me to handle my resources and I will develop myself, I will pull myself up by my own boot straps.

There are certain things because of this central government, behaviour which make it unpopular. Monies are collected, they are used in certain exercises of pathetic nature. You get part of the National Resistance Army, about one third of it moving out, we are told that they stole themselves, they take our machinery from our tax payers' money to go and wage a war somewhere. I would be a very unwilling contributor to that war! So, I believe the time has now come, let each region manage its own affairs and we shall leave certain affairs to be managed at the national level, like foreign affairs, like the Army, but *(Interjection)*- Yes! We will federate, that is what federalism means. We must have states which federate together. Now, there will be other arguments that certain states will be bigger than others, but that is the nature of things in the world. We in this hall are not the same size, but it does not mean that we in this hall all do not think. So, whether Buganda will be bigger than Arua, is neither here nor there, because the state of California is about five times other states in America. It is now a question of controlling the natural resources of each region, that we want the regions to benefit rather than a few people at the centre deciding what is good for Uganda which normally translates into what is good for themselves. Mr. Chairman, this Motion is very clear, the people of Uganda wish to determine their own destinies and we should give them their federalism. I beg to support the Motion.

**MR. ELYAU (Kalaki County):** Thank you, Mr. Chairman. In the first place, I ask Mr. Chairman that the Amendment be corrected to read Elyanu and not Elyau - in the Amendment it is said Eresu Elyau, this is wrong, it must be Eresu Elyanu John.

Mr. Chairman, I am opposed to this Amendment for one reason that it is about a month ago I was complaining about Kaberamaido sub-district to be

put to the grade of a district. We need a district currently, even people from home where Elyanu comes from, they want a district called Kaberamaido. The district has been the only unit we can accept. Power shall be shared even downwards to the *Gombolola*. The region has been there since I was a young man, before even Elyanu was born. We had Eastern Region and we never developed. We had Eastern region and up to today we do not have a district, we do not have tarmac, what is the meaning of the region, I fail to see. There should have been a proper argument, not a region. If we need federalism, let us talk of federalism openly so that we think what Buganda may need, but we in Kaberamaido with Kalaki we are ourselves. As you know since Uganda became Uganda, we are republicans and we will never become federalist at all (*Applause*)! Mr. Chairman, I want to emphasise here that what the committee has come with is very clear because it says that the system of local governments in Uganda shall be based on districts as a unit under which - (*Interruption*).

**THE CHAIRMAN:** What I am trying to do is to discourage interruptions so that we can have more people making contributions.

**MR. ELYAU:** The committee has come with a clear report which can even please every Ugandan. For example, the people in Uganda are all people; people you can find in Kaberamaido or Kalaki are the same people you can find in Buganda. What they want is that let us make sure that this Constitution gives power to the people, power to elect, power to rule themselves, power to do accountability! Why should some people hijack the power in between before it reaches the people? When I say districts, it means people everywhere will find power but should we put it to a region, it means it is going to be another few holding power. If we are serious about power of the people, let us follow this system because - okay, we in Uganda we are doing experiments, there is no better way that we can say even if you go federal we shall succeed with the problems of our governance and Mr. Chairman, if I refer you back to 1966, those who have been living and knew how politics was can agree with me that it is because of the struggle between federalism and unitary system which brought trouble and blood was shed. And we should not deceive anybody in Uganda that when we go back to the same thing, we shall be cured, it is wrong! If our brothers and sisters in Buganda want federalism, let us listen to what

kind of federalism they want, but I should not pretend from Kalaki to say I can bring in a system of federalism which will suit anybody here. So, for those purposes, Mr. Chairman, I strongly say, let us take the committee's report.

**PROF. NSIBAMBI (Presidential Nominee):** Thank you, Mr. Chairman. I strongly support the Amendment on the Floor. The fundamental struggles which have gone on in this country and which are still persisting, revolve around the sharing of the "*national cake*" equitably between the different parts of Uganda. That is the critical factor which is a persistent problem. So, the question we must ask is what is the constitutional formula which we shall use to share this surplus. We want to suggest that we should use a federal constitutional formula. Now, I want to read to you a very important statement clarifying the problem I am trying to articulate. This statement was made by the *Omukama* of Toro in 1961 when he was bidding for federalism. He said: "*The exploitation of Toro land and draining of Toro wealth by the central government has produced a vicious circle in the Kingdom by usurping our natural resources, it has deprived my people of the opportunity to develop their own area, their living standards, their education and other public services.*"

I was on a commission of inquiry which probed the system of local government and we realised that there is a lot of wealth in this country which had been, of course, over centralised in 1967 and yet those resources were not being tapped and the "*national cake*" was becoming smaller and smaller, and as it shrunk, the struggle for the scarce resources became even more vicious. -(Interjections) I'm amenable to that one. I am willing to receive information.

**THE CHAIRMAN:** Hon. Delegates, I would rather we did not interrupt too much so that people can have a chance to contribute so that we can give you the Floor in your substantive requirement rather than through interruptions. Professor, please go ahead.

**PROF. NSIBAMBI:** Thank you, Mr. Chairman. So, we are saying that use the federal model, do not use the decentralisation model because if you use the decentralisation model, you are essentially using borrowed power. But if you use a federal model, you are getting your power directly from

the Constitution; you are getting your financial powers directly from the Constitution; you are getting your administrative powers from the Constitution, the legislative powers from the Constitution and therefore, you will have a capacity to plan in a predictable manner. But if you plan under an arrangement which we have - for example, read Article 47 concerning that instrument which decentralised, where the Minister can even revoke the powers conferred to the districts, you cannot plan in a predictable manner and we are putting it to you that it is essential to get these powers directly from the Constitution, and it should require special majorities to amend it. But let me quickly come to another advantage of the federal system, namely that you will have counter veiling centres of power.

Since 1967, power has been so over centralised that under Article 104 of the 1967 Constitution, even the President was allowed to hire and fire a clerk at a local level. And again, when we were probing the system of local government, we discovered that many people's careers were paralysed, they were never confirmed, this section was being used. We are saying that when you create these three tiers; the national, the regional and the district, you will have created viable sub-centres of power which are going to check the persistent excesses which have not only happened in this country but elsewhere in Africa. The matter we are discussing is not a Buganda issue, it is a national issue and a global issue, especially with regard to the continent of Africa. How shall we overcome the autocratic centres of power? We need to create strong units from districts, you create regional tiers so that you can, for example, take care of things which transcend districts, things like culture, you need also to consider repairing things like first class murrum roads. Most of the district budgets would be wiped out by that single function but if you have this regional tier, it would enable the districts to come together and perform more effectively. But if you only give power to the districts, the centre will descent on them with impunity and they will not be able to sustain themselves, and you will do havoc to the process of democratisation.

I come to another point why we require federalism in Uganda and in many other parts of Africa and other parts of the world. I have in a separate chapter analysed inhibitors and facilitators of empowering people and amongst inhibitors of empowering people, I have discerned that even some top civil

servants and top politicians do not want to empower people because when they over centralise power, they can steal the local resources with impunity. For example, the central administrators can make fictitious journeys to districts and supplement their poor wages.

This is what I have called "administrative tourism" for when they go to these districts, they do not actually supervise them but they behave like opportunistic tourists and then claim large sums of money. Such politicians and civil servants are likely to actually be inhibitors of empowering people. I am suggesting that when you adopt a federal system of government, you are going to create obstacles for them, but when you use a decentralised system, you will not have the capacity to deal with these inhibitors. But there are also facilitators for empowering people. For example, the State is in a crisis, it has not performed. So, globally now we are trying to give power to lower tiers such as a regional tier, and it is our duty to create constitutional arrangements to buttress the facilitators of empowering people.

Let me also make it clear that we should not confuse republicanism with federalism as one of my Colleagues has done here. America is a fully fledged federal system, but it is not a monarchical system. So, let us be very clear about it. Since my Colleagues will be also talking, let me finally introduce another notion. When K. C. Wheare was describing federalism, he described it in terms of coordinate units actually existing under the centre. So, he talked as if the sub-units would, actually, behave in a very independent manner. But in the 1990s, we are speaking of cooperative federalism. In other words, lower sub-units do not inhibit the centre, they facilitate it in matters of commerce, in matters of tracing the criminals. So now in this century, we speak of cooperative federalism, we do not create obstacles to the centre, but we facilitate the centre and I want to advocate the notion of cooperative federalism because this is what we need in this country. We need to breathe it, we need to internalize it, we need to concretise it, we need to make it a way of life, it has to be institutionalized. There is no other option because too much blood has been shed in this country and in other parts of Africa. We have no option but to empower people by creating constitutional arrangements which will make it possible for people to concretise power. We are tired of talking about it.

I would like to strongly support the system of federalism and we have to make it flexible so that we can have the regional tier, and also have districts, we can have also larger regional arrangements. This Motion was carefully formulated, and it caters for diversity. We are a country of diversity - regional diversity, religious diversity, and cultural diversity. How do you have unity you cannot over standardize? We need the federal system to ensure that we have unity in diversity. I would like to strongly support a federal system of government. *(Applause)*.

**MR. WANDERA OGALO (Bukhooli South):** Thank you very much, Mr. Chairman. I wish to strongly oppose this Motion. Mr. Chairman, I wish to begin where Hon. Katureebe left off. This Motion is so vague it has not been defined, no characteristics of this system have been set out such that I wish now to refer to the Odoki report.

Mr. Chairman, in considering what a federal system is, the Odoki Commission took some countries as examples. These were Argentina, Austria, Australia, Belgium, Brazil, Canada, India, Germany, Mexico, Nigeria and USA. After a study of these countries, Mr. Chairman, the Odoki Commission came up with the characteristics of the federal system. Since the movers have not thought it necessary to tell us what these characteristics are, I will refer to page 239 of the Odoki report which defines what the system may be. The first essential characteristic is that the federal states themselves would each have to have its own Constitution. Now, let us look at this scenario. It means that after we finish this Constitution, these regions which we propose to set up will have again to set up their own constitutions. Are we now going to have other Constituent Assemblies in all these regions, and at what cost? If now each region is going again to have to elect delegates, they come up and they make their Constitution, what are the programmes we have for the country? Are we going to be in time for the much publicised general elections?

Mr. Chairman, the second characteristic set down by the Odoki commission is that you will have to have a fully fledged government with its own leaders of government - Ministers, courts and state legislature. Now, all these regions, Mr. Chairman, do we really seriously think that the economy can support different governments in these regions to the extent of new courts? You have even to create

three different courts for appeals in these other regions. Then you have State legislature, Parliaments - I think this "national cake" we are talking about, we are not being serious. These institutions will eat up the whole "national cake", I do not think we can afford it.

The third characteristic laid down by the Odoki commission is that these countries where these systems operate have a bi-cameral parliament - two Houses. One elected on a population quota and the other one representing the federal states. Now, what was near that in our deliberations here, Mr. Chairman, I think was the National Council of State which was overwhelmingly rejected. I would invite Hon. Delegates to take into account that having rejected that characteristic, it would be difficult now to re-introduce it at this stage.

The fourth characteristic, Mr. Chairman, is that the federal state raises taxes both for its own use and for the centre. It may be misunderstood that the money may have to come for sometime from the centre to down, it will have to be all the responsibility of the federal state, and I think I see very many difficulties in this. I do not think we have the capability now to be able to take all these things into account and say the state shall collect taxes which shall service both the local level and the centre.

The fifth characteristic in all these countries, Mr. Chairman, was that the national capital is clearly defined in the national Constitution and is administered by the central government. So, federalist delegates should be prepared to hand over Kampala because it will have to be administered by the centre according to these characteristics laid down here - Mr. Chairman, I am being heckled by Hon. Wacha here, can I be protected?

**THE CHAIRMAN:** You are protected, proceed.

**MR. WANDERA OGALO:** Obligated, Mr. Chairman. The last characteristic I wish to mention here, Mr. Chairman, is that anything not provided in the Constitution, any power which is not provided in the Constitution we are making here would then have to be exercised by the federal state. Mr. Chairman, this is important here because anything not provided in this Constitution we are making here will of necessity be a power to the federal state or to the region. Are we clear with this thing we have been saying Parliament shall provide,

parliament shall provide, are we clear about the demarcation of these powers? Mr. Chairman, lastly, I wish to draw the attention of the Delegates to page 490 of the Odoki report, and I mention this because when we have been with the mover of this Motion, we have always been propagating the views of the people, and on that page it is said: "*The Commission sees little evidence of a major emphasis in the new policy of decentralisation beyond the district level.*" Mr. Chairman, the Commission did not find that there was need for any other mode of government beyond the district level. Now, if this was the view of the people, I would invite Hon. Delegates here to give effect to what the people say. Thank you, Mr. Chairman.

**MR. D. LUBEGA (Rubaga Division South):** Thank you very much, Mr. Chairman. Mr. Chairman, I support this Motion very strongly (*Applause*). In supporting the Motion, Mr. Chairman, I would like to make some clarifications arising out of the debates by some Members on the Floor this morning. I am glad that Prof. Nsibambi has cleared the question of federal vis-a-vis republic. These are not contradictory. Prof. Nsibambi's statement is enough to have clarified this, you can have a federal system and yet be a republic. I do not need to add much on that one.

Secondly, Hon. Wandera made a statement that the formulation here in this Motion is vague. What is vague about this Motion, is it not clear that the Motion seeks a federal system, is that not clear? Number two, if you look at Clause (2) of the proposed Amendment, it states that: "*each region shall consist of districts and such other lower government and administrative units as may be formed from time to time.*" Is it the English or - probably, we would wonder whether number (2) does not contradict number (3) when we have said that each region shall consist of districts for flexibility when we are enacting laws, for avoidance of doubt, and in a constitutional process like this one, to come up and refer to the levels of administrative units! In (3) this motion seeks to give a federal status to each district but if certain districts wish to get together for purposes of economics and probably for their historical aspects, these districts can come together. And that is what (3) is all about. What is vague about this one?

Number (4) states that for the purposes of this article, districts which are grouped under Chapter

2, Article 4(2) shall be federal regions. Is it not this plenary which passed that schedule where some districts agreed through this Assembly to group themselves together, and can you deny units which want to get together to unite? What is vague about this? If you do not like the essence of the formulation, at least you should not use the word vague because it is not vague at all, since I have illustrated that one. Number 2, Hon. Wandera also said, quoting from the Odoki Report, that if we adopted a federal arrangement, each constituent unit would have to make out a constitution of its own. Of course some countries have been cited, but why don't you also cite certain countries which did not have to formulate their own constituencies to form part of the overall constituency. For instance, the United States of America, did the different states have to do their different constitutions? I know it was done here in 1962, where in the Schedule, Bunyoro, Buganda and other areas had their own constitutions but this is not necessarily the case always. Because there are certain countries such as the United States for instance, where federating states do not have to come up with various constitutions. What is the fear for? Further more, he is fearing that these units should be raising taxes, if he has read the report of Committee 4, already power - legislative power and the power to levy taxes has already been conferred to these units which have been recommended by Committee 4. Could that be your fear? Do you want powers which are just on the surface, which can be withdrawn from you? I do not see the ground for the fear.

Now, I come to another point. When you read the plenary decisions of Committee 4 on Chapter 2, under Article 4, "*Clause 1 was amended by deleting "unitary"*". Now, if you delete the word "unitary", cancel it, then you leave vague formulations!. Why should you? The Odoki Report discussed both federal and unitary forms of government, now, some people just want to bring in certain vague formulations through using the word decentralization. This decentralization is just a mere process which can be adopted through the unitary system and the federal system. Why do we not be clear in this constitution and say our form of governance should be either federal or unitary. We have deleted unitary. Now, the mover is proposing a federo system of government. It makes the whole formulation much, much clear, instead of just using vague words, decentralization and so forth, hybrid between decentralization and federal as if

one was the opposite of the other! Unitary is the opposite of federo. If unitary has been dropped, then adopt federo, don't be vague. I would like to emphasize, Mr. Chairman, that this Motion is very flexible it gives room to a political unit which would wish to remain as a district and it also enables some districts to get together, but for avoidance of using so many terminologies - districts then regions, we adopt one word "Region" because region can also refer to districts. So, the mover chooses to use the terminology "region". To combine this is really a very sensible way of drawing up a proposal of this nature.

Now, we have already in our plenary given the power to the people, we say: "*power belongs to the people.*" Now, when Odoki was compiling views from the different people, Odoki came up with a lot of variations. A number of people opted for federalism. Why should you reject those in favour of something else? Others wanted probably to have a different system but at the same time, the inquiries show that all the people of Uganda want the powers which are placed on such levels to be entrenched in the constitution. So that, such powers cannot be withdrawn as the case is in the "Decentralization Statute". I think here we are agreed. We should not distribute powers to different levels and then the Central Government comes up and withdraws such powers. Otherwise, that would not be in the interest of the people for whom we have legislated that power belongs to the people. This system therefore, of federation - probably some may be wondering what federo is because questions have come, after all, what is federalism? I will attempt to define this for the benefit of avoidance of doubt. Federalism is formed through an agreement or a contract between political units that surrender some of their sovereignty, or powers, to central authority but it retains residuary powers of government - and I say of government. Now, a number of delegates here were sent here to ask for a federal form of government, and the people are saying, through that system, we are surrendering so much power and also ask specifically for the form of government it should be. And when you read the Odoki Statistics, that is quite a substantial part. If I had to talk only about RC I, you would find that the statistics reveal that more than 50 percent of RC I throughout the country - you can check in the figures - throughout the country, a substantial part opted for a federal form of government. I have an opportunity to illustrate that probably if I am to

consider the views of RC I. Further more, in certain areas, for instance in Buganda whereby over 90 percent of the people in the memoranda say that they wanted a federal arrangement. How can you shut up such a big question of the people?

This Motion seeks to be so flexible and democratic, to create a mirror in which every part of the country will have an opportunity to look at itself without being aggrieved. And when we accept this motion, we shall have really put this country on the safe side and we shall have done the work that the electorates sent us to do here. I thank you very much, Mr. Chairman. I beg to support the Motion.

**MR. TIBERIO OKENY (Chua County):** Mr. Chairman, thank you, very much. And I thank the whole House for their ovations. Mr. Chairman, I start from where the Honourable who has just left the Floor started. He was trying to mistake the meaning of federalism. On my own part, I would refer this House to the Biblical text in which our Lord Jesus Christ commanded us to "Love thy neighbour like thy self." So, the same with federo because it is your own power and as you are enjoying that power of yours, do not forget your neighbour, go and tell him that that is why we are making the constitution. Federal constitution is that when they will have given some powers to the centre than the centre taking all powers from them. Mr. Chairman, I have got before this House a position paper, and as other members were saying, where are the characteristics of what kind of federalism is this. Assuming this paper will detract people from attempting to mislead the House, the paper reads as following, Mr. Chairman. - Yes, it is a serious matter and we must delve into it's point of view. Mr. Chairman, that is why I am asking for your protection.

In the history of this country, Mr. Chairman, if there is anything to go by at all, it is the lessons we have learnt from our past bitter experiences, of the last three decades of our independence which should be sufficient experience for the purpose for us to see it fit to change our attitude towards ourselves. We have been under these unitary governments since independence, and we have seen how the powers that be in the centre are being abused and it is being abused even to today. Under the decades, it was the Central Government that dishes out everything without giving enough to some districts. Mr. Chairman, as this constitution making was in the

offing, our parliament rushed with this Statute 15 - declaring decentralization, even today, being advocated very loudly by government. But we in Acholi, Mr. Chairman, we have enjoyed, let us say, we have been longing for power, power for the Acholi. So, when I am talking here, I am talking with the confidence from the Acholi people, arising from old. Although, Mr. Chairman, we in Acholi generally, practice confederate nationhood, but this has been tampered with when the criminals colonialists came to our country. They later on usurped our powers and shattered it and replaced it, with their diabolic colonialism just to support their exploitation of Africa which they had partitioned at the Berlin Conference in 1884. Recognising the value of this, then independence.

Mr. Chairman, in the wake of independence, in the sixties, I was appointed the Chairman of the Acholi Constitutional Committee to try and gather all the views of the Acholi people then when the Wild committee was going around the country to collect views from districts. It was very clear, I still remember it up to now, and anybody doubting this is free to investigate that it was the recommendation by the Acholi people that the country should be run on a federal system of government in the '60s. And when the Acholi people say today, we want or talk of federalism, they are doing so not because of the Baganda, it is in their own rights, it is even the blood in the Acholi people that they have interest in themselves and which they would like to protect by providing for it in this constitution.

**THE CHAIRMAN:** I think we should not interrupt unnecessarily. I can see the hand of Hon. Lubowa Moses but I do not think you are from Acholi.

**MR. LUBOWA:** Point of order! Thank you, Mr. Chairman. Mr. Chairman, is it really in order for the Hon. Member from Chua County to give the impression that he represents Acholi, and yet we have heard a case this morning, of two Members from the Teso region, giving contradictory views. Is the Hon. Member in order?

**THE CHAIRMAN:** He is not the only Member from Acholi, there is Hon. Langoya there who is very quiet, and many other people from Acholi. So, my view would be that, I think they concur with him. *(Laughter)*

**MR. OKENY:** Thank you very much, Mr.

Chairman, for that ruling because Chua arises out of Acholi, so when you are talking of Chua, you cannot talk about it alone in isolation. So, Mr. Chairman, to avoid the repetition of the same mistake, let us all here accept the mistakes we have made in the past - in the 1962 Constitution and the 1967 constitution, and that is what has made it necessary for us to sit here, to try to make a new and better constitution with all these experiences, Mr. Chairman. Are we still not seeing our loopholes where our mistakes lie and how we should correct them? The Chua people have come out with a kind of characteristics of federalism they would advocate for as the form of government. They only advocate for federalism and the country should really go federal today. For the good of all of us here, I know many Members do not want say it now but experience tells us that we have failed in the unitary system of government and we shall probably continue to fail. The calls for federalism should be echoed. Federal Government, that is the central government, which can be regional or district can exist gradually. And where it is regional we mean to say that it is where two or more districts freely combine together. And district units, where the districts have chosen to remain alone.

We should now develop the Local Government arrangement nearer to the people. That is to say, it should comprise of counties we have today, the sub-counties, urban authority and parishes within the state. This will form the unit of Local Government. And Local councils which we should have, should be directly elected, one representative from each parish. Sub-counties should also have a council to be composed of representatives, one from each village in the sub counties. Parish councils will be composed of villagers because these are where a lot of people come together to look after their own affairs. That, in this set up, we should have an administrator for the county; we should have a Committee of Chairmen. Because we shall have Chairmen catering for different undertakings in the committees within their county like work or culture. These chairmen will be sitting together to form a nucleus of a committee to make a kind of policy for the county. Then they should have also an appointment board, an appointment committee. Judiciary; they should have the magistrate's court and arbitration committees. The urban authority shall constitute lower local council units under the state as prescribed by the state legislature.

Administration of the county: In all their set up, where there shall also exist three arms of governance with checks and balances, the relationship between upper and lower units shall strictly comply with, we feel, the provisions of the constitution. In the event of dispute, the judgement by the constitutional court shall be final.

The organs: The federal government, shall have the parliament. And here, the Acholi people have found that it is useful - that we should have an Upper House composed of directly elected representatives, two from each state. The Lower house is to be composed of representatives from counties as at present. The executive should be the presidency, cabinet and public service. Judiciary: Court of Appeal, Supreme Court, High Court. The State. State legislature which shall form State Assembly or by whatever names you will call it whether it is Lukiiko, whatsoever have you, composed of directly elected representatives, one from each sub county within the state. State Executive: They may call him Chief Secretary, the Governor and what have you. Then councils of secretaries: Because we shall have secretaries as ministers, the council of secretaries will do day to day administration and policies of the state. State Public Service: State judiciary shall be composed of magistrate courts. The separation of functions: The Acholi people do concur with separation of responsibility recently spelt out by UPC in their statement of 21st March 1994. This submission conformed with a NLP's memorandum then submitted to the Odoki Commission on March 25th, 1991, and documented by the Commission as UCC/1991/110257. It is therefore, Mr. Chairman, beyond reasonable doubt that the life philosophy and the moral obligation of the Acholi people have always been federalistic, and they are sticking to it up to now and we are here. This is the place where we have to come and re-echo about federalism.

Land: land is a life value of any nation and it belongs to the people as it has already been so resolved by this current Constituent Assembly and any royalties derived from there should be equally divided between the federal government and the state who will in turn share its portion with the county administrations at a reasonable rate to be stipulated by parliament.

In conclusion Mr. Chairman, I would like to sound this warning I am telling you now that let no

delegate be deceived to accept the ill-intentioned decentralisation maliciously put on the way of federalism as a way for peace for our existence in this country. Mr. Chairman, I support this Motion very strongly, and any sensible Ugandan today, whether in this House or outside this House, will see the need for Uganda going federal. You will see the need. I am telling you now, you may not be seeing it now, but they will see the need of going federal. Thank you, Mr. Chairman.

**MR. MUSOBYA (Kagoma County):** Thank you very much, Mr. Chairman. Mr. Chairman, allow me to note that it requires a lot of effort and courage in similar situations like this one given the pressure and heat of the past days about the issue we are debating now, for anyone or any given Hon. Delegate to air the views of his people without fear. Mr. Chairman, at this point, I would like to oppose this Motion for the good and to be fair enough to the views of my people of Kagoma.

Mr. Chairman, first of all, the issue of federalism, is an issue of the past, of which we the youth, who have been nurtured by this modern politics, hypothetically and vaguely understand. It would be proper as it was given by the Committee Four, to have what I may call a hybrid of half way what the elders understand, and what we the youth currently understand. Mr. Chairman, the majority of my people who elected me in Kagoma are youths and even the elders who have had a double experience of the federalism that was between 1962 and 1967, and who have had the experience of decentralization which was ushered in by the NRM between now and 1986, feel better, they enjoy the powers they have now and really compare the two experiences as the current experience being the best of decentralization. Mr. Chairman, judging from the contradictory experience from areas where federalism is being nurtured, if I may give an example of Buganda, one can hardly understand what really the Baganda and some areas like Teso - that is Kaberamaidó - are up to according to the experience we have just judged here of Hon. Elyau and Hon. Eresu. One says that it requires someone to be confused to accept such a similar experience. And further more, Mr. Chairman, judging from the recent report by the UPC, whom I feel, though I was still young but I could see, we could not have been debating this Motion *-(Interruption)-*

**THE CHAIRMAN:** Hon. Musobya, there is a point of order.

**MR. ERESU:** Point of order! Thank you, Mr. Chairman. Mr. Chairman, is it in order for the Hon. Member to say that we are confused?

**THE CHAIRMAN:** I think I am justified not to allow further disruptions. He did not say that Hon. Eresu and Hon. Elyau are confused. He said their positions are confused.

**MR. MUSOBYA:** Thank you, Mr. Chairman, for the wise ruling. I was trying to push my point forward of the issue about that hand out given to us by the UPC in support of federalism. History gives it that, it is UPC who destroyed the foundation of federalism in Uganda and how come that at the same time they are supporting it? And I am sure that UPC pulled out from the constitutional debate. Now, how comes that it steals itself through to put pressure on us so that we can accept what they are trying to do? I do not know politically the real term I can use but, is it black mailing or whatever? Any good politician can advise me on a good term. Because I do not believe that even the UPC by now, after swearing that they will not take part in the constitutional making, can pick courage to come and confuse us here, by telling us that they are marrying with those who are advocating for federalism! Even that makes the whole issue of federalism very vague.

Mr. Chairman, I want to hint on the fears of those who are really opposing decentralization. One of the revocation of power by the Centre given to the Local Government, Mr. Chairman, I want to ascertain here that we are here to correct what would be a mistake in that concept we shall vote on here. I feel that, after the powers have been ushered in the constitution, neither any given minister nor the parliament, apart from that only way we can provide in the constitution, that powers can be revoked. Mr. Chairman, the issue of financing the districts or the local governments. You see, the 1993, Local Government Statute does not provide very much for the Local government because as you stand now, districts are getting meagre income and the little that comes from the Centre cannot be enough. But that is our duty here Mr. Chairman, to correct that mistake. So, with those few remarks, Mr. Chairman, I beg to support the decentralization by opposing the current Motion. Mr. Chairman, I beg to oppose.

**PROF. SENTENZA KAJUBI (Kyadondo North):** Thank you, Mr. Chairman. Mr. Chairman, I beg to strongly support the Motion on the Floor. The reason why I am supporting this Motion is because I believe that a federal system of local government in Uganda will provide for a strong local governance system. A system which would allow the distribution of scarce resources within the region and therefore, enable the weaker and the poorer districts to take advantage of the fact that they are a part of a larger unit, able to benefit from economies of scale. When His Excellency, Mwalimu Nyerere talked to this August House, he warned us against dividing the country into small swallowable units and the federal system of government would avoid that by making it possible for small districts to come together and form a region which would then be a larger administrative unit. The purpose of this amendment is justly to provide for that, in order to make it possible to provide stronger local government units.

Mr. Chairman, allow me to quote from a speech which was given by His Excellency President Museveni in this hall in 1993.

It says as follows, and allow me to quote. *“Uganda gained independence, under a constitution that provided for comparatively strong local government systems. The constitution devolved significant powers to local authorities, had granted them adequate control of their staff under separate personnel systems and had created a meaningful financial resource arrangement that included provisions for substantial locally generated revenues block and equalization grants... The constitution had also provided for a centre - local political arrangement that promoted institutional conflict resolution through the court and not through violence.”* Mr. Chairman, at that time, the Local Governments were stronger because the Local Government units were much larger, they were not as small as some of the Local government units that have been proposed under the decentralization system which we have at the moment. Mr. Chairman, what happened during that period soon after independence? Allow me again to quote from His Excellency's speech. *“It was during the 1962 - 1966 period that serious efforts at local capacity building were made. Local Governments rendered services to the relative satisfaction of their constituents: feeder roads and community roads, were well maintained, primary schools including rural ones were able to provide competitive education which enabled many pupils from the*

*rural areas to go to good secondary schools. Local Governments offered scholarships, and ran praiseworthy rural health services. The spirit of Local ownership of the development process was pervasive and manifest.*" That is what existed when Uganda had strong local governments. Now, this spirit was killed in 1967 when the system of strong local government which existed then was removed and decentralization was instituted.

Mr. Chairman, that is the picture which existed. The amendment on the Floor is not seeking to divide up the country into independent states as some people have wrongly concluded, to provide for federation of Uganda whereby each local government would be a separate entity. It is seeking to provide for a federal system of local government - federal system of local government as has already been defined in that the powers and functions that are allocated to local governments are clearly defined and cannot be tampered with at the hands of the central government. Decentralization which the government wishes to push at the moment has the characteristics of cutting local government powers any time. And allow me to quote from Odoki, Page 240.9.33c "*The Powers of Local Government and Services they run may or may not be entrenched in the constitution, if they are not entrenched, they may be modified or abolished by simple majority in Parliament.*" In other words, under a unitary system of government, the powers that are granted to Local governments are not permanent. There is a ministry of central government in charge of the affairs of the Local Governments. Now, this ministry is the pivot around which local governments revolve. It is this ministry that gives and that takes away. And amendment of the constitution may or may not require a certain percentage of approval by local governments themselves. In other words, in the Constitution, most matters that affect local government are left mainly to Parliament. Under a federal system, decisions to alter the powers of local governments can be based on a two-thirds majority vote or on a national referendum and so on. So, Mr. Chairman, the federal system of government, the characteristics were read up to 4, it gives a firmer basis to local government on which it exists.

Mr. Chairman, in a Unitary system of government, as it has been pointed out in the Odoki document, the power is in the centre, and it is given out in small doses to the local governments. In the federal

system on the other hand, we do not talk of decentralization because the centre in itself is not the centre of power. The power, as the first sentence in our constitution says: "All power belongs to the people", and it is the people who should decide to delegate those powers to various levels of government including the centre. It is this power, which is derived from the people themselves. For example, as has been pointed out in certain parts of this country, in Buganda in particular, people at RC 1, and RC 2, said that they want a federal system of government. They want their region to be administered together as one unit but then the centre says no, we cannot have a region administered together, it must be chopped up into small districts and so forth. This is what smacks of the policy of divide and rule. It is easier to dominate and subjugate small districts from the centre than relatively larger and economically viable regions.

Mr. Chairman, the concept of "power belongs to the people" means that, people who wish that we should allow people who used to be grouped together to join Uganda without losing their identity, to do so. This is the aim of this amendment which is on the Floor. In other words, it makes it possible for those who feel that they want to join together to form a region, like Buganda, Busoga, Acholi, Lango; those who feel like doing so, can do so under this amendment. And those who want to remain by themselves because of their cultural peculiarities, they can remain by themselves. This amendment makes it possible for Kasese to remain by itself, Bundibugyo to be by itself and not as a part of the Toro Kingdom. On the other hand, it makes it possible for the 8 districts of Buganda to come together and form a unit to be known as Buganda or rather to maintain the Kingdom of Buganda which has been there from time immemorial, we do not form it by this constitution, it has been there. So, this amendment makes it possible for such a unit to exist by itself. Mr. Chairman, this Motion also shows us that we have come here to make a constitution not to make a law. A constitution - although we refer to the constitution as the supreme law of the land, a constitution is in reality an agreement. An agreement is based on the principle of give and take, it is not based on simple majority like a school debate.

Mr. Chairman, I want to put it very strongly that the people of Kyadondo North whom I represent and many others now who have come on the Floor,

would like a federal system of government. In other words, a strong system of local government which has powers entrenched in the constitution, which cannot be changed at the will of the Central government. That it is that system of local government which will make peace and stability in this country. Some people have said, how come I have heard you talk of UPC and so on. I have not seen a UPC resolution on this Floor. The resolution has been brought up by individuals. The people whom I represent myself do not believe so far in multi partyism but they believe in fundamental rights and freedom of speech. Now, this resolution here, people have said that UPC removed federal system, why is it that now some members of UPC are speaking for it? Now, I would like to ask one question - and Jesus asked the same question, "*Who has not done it, let him throw the first stone.*" Because in 1966 and 1967, when federalism was being removed, where were some of you? And on which side were you? I am sure, many of you were on the side which threw the first stone to remove kill. Now, that you are on the other side, you are blaming the others! Let me say, I will quote the Bible once again: "*When a sinful man changes from his wicked ways and decides to do the right things, he will save his soul from perishing.*" So, Mr. Chairman, with those few words, I beg to support this Motion very strongly. Thank you, Mr. Chairman.

**MR. AMANYA MUSHEGA (Igara East):** Thank you, Mr. Chairman. First of all, I would like to sympathize with my new friend Hon. Eresu for marketing federalism. Even if this Assembly passed this amendment-(*Interruption*)-

**THE CHAIRMAN:** Hon. Delegates, I have discouraged interruptions, let the Hon. Member continue.

**MR: AMANYA MUSHEGA:** Thank you very much, Mr. Chairman. When you pass this amendment - I do not know what those who support will say but let me give my own reasons. One, there are people talking of the national cake but I think the issue is not really sharing the cake but this is a responsibility. First of all, the constitution should provide the way of sharing responsibilities, then through responsibilities, we can share the resources. Because we cannot share resources that you have not provided for as a means of promotion. Others are arguing that, the districts have got very little

powers. But if you are really after sharing duties and responsibilities, and then resources, this Constituent Assembly has got the powers to grant to the districts duties, responsibilities and resources that every ministry - be it the ministry of Local Government - cannot take away. We entrench the appropriate arrangement in this constitution. The purpose of this constitution is to ensure that if we give powers to the people, then no single person can come back and take them away without going through the appropriate measures of amending the constitution. We can give powers to the district, and consider appropriate ways of reducing power at the centre and bringing services nearer to the people.

I support the views of my Colleague Hon. Katureebe about this motion. What criteria are we using for creating either a district or region? Are we going to use a tribe, are we going to use culture, are we going to use geographical features? This thing has got to be clear. And I want to say here that, if the federalists would articulate their programme covering the whole of Uganda, then probably their case would be easily followed. They could have privately asked Prof. Nsibambi, my good friend whom I appointed to represent me on the University Council, and my old friend Prof. Senteza Kajubi, to articulate a programme that covers the whole of Uganda. Today, it is their duty. If you go to a Motion that is vague, except for the articulated speech, it is meaningless really.

The argument that the federalists have not been given the opportunity to articulate their position is not correct. Obviously, those who articulate the federal system, it is their duty, and not the duty of those who support it, to do their job. I have not seen a single policeman inside this August Assembly refusing anybody from articulating his views. Prof. Nsibambi, in a very strong argument at one time, has tried to separate the issue of federalism from federation. Mr. Chairman, let me not raise the issues of other people because we are speaking as if we have come here only to sell the views of our people and not listening to the others so that we can make a compromise.

The delegates from Buganda consistently say that the people of Buganda support Buganda to be one unit, that they support federalism. I would like also to point out that some of us also represent constituencies which are opposed to federalism and which have agreed to decentralization. They have

tested federalism - the Chiefs of Ankole had, and they have tested decentralization. The Chief of Ankole who I represent resides in Igara East, a good portion of Banyakole also live in Kampala, Jinja, and Entebbe, including Gulu and Kitgum, which are parts of Acholi. And they are telling us that they are strongly for decentralization and against federalism - So, when our friends from Buganda are arguing for a case of Buganda, they should know also, that there are other parts of Uganda.

We recently passed an amendment here and I think it contains - in Article 203 a compromise position. That we give power to the districts and those districts which want to come together to solve their differences, the law will allow them to do so. I think this is an area of give and take and some of us have problems selling that compromise position but we have gone out of our way and we are prepared even to lose the next elections in order to sell what we had agreed upon. Some of us - *(Interruption)* There are other delegates in this August Assembly and a number of the Acholi people who are on the mandate of retaining decentralization and also other delegates who respect what Hon. Members say here in defence of federalism. But our view is that, the compromise should be of giving powers to the districts those powers that you would want to be given to the federal state. We can give the district as much powers as it wants. In its responsibilities and duties and in terms of resource sharing. So, if our duty is giving power to the population, obviously we cannot go beyond and above the district - the district is restrictive. To say that my child, I am giving you, but let it go further to your aunt, then your mother and your elder brother, by the time it reaches you, then it is contaminated. Why not give it directly? But to say that, you must take power from here via Gulu, via Kamukuzi then Bushenyi, then Igara East, from Kampala to Mengo then Mpigi and then Nsangi is not to be sincere in our deliberations.

So, my demand for the people I represent is that they want a decentralised system. And I stated that, when we were having our general debate, sit down and articulate in written form and we mark. One, what is the criteria for creating a federal state of Uganda? Secondly, what is the shade of these states on the map? What will it be when you talk of Arua, then another time West Nile? If it is going to be based on former districts of 1962, there will be the federal state of Aringa, the federal state of Terego, the federal state of Bunyaruguru, the federal state of Bakwa, the federal state of Bamba, then the criteria

is clear. Because you cannot make a constitution which will lead to permanent litigation, because we are so rude and inviolate as not to stand up and say what is the interest of the people of Uganda today.

Prof. Nsibambi who represents the government, represents the president, which means he was appointed with government approval, which means he is a delegate of the government of Uganda - *(Laughter)*.

**THE CHAIRMAN:** I think Hon. Nsibambi is entitled to a point of order in this case.

**PROF. NSIBAMBI:** Point of order! Thank you, Mr. Chairman. Is the Hon. Speaker in order to try to intimidate me from holding a position I hold professionally and dearly?

**THE CHAIRMAN:** Yes, he would be not in order to intimidate you.

**MR. AMANYA MUSHEGA:** Thank you Mr. Chairman, for your very wise ruling. What I was trying to say is that, the constituency which Hon. Nsibambi represents is not fond of intimidating its delegates. It gives him the free will to share in the making of a constitution that will be suitable for all Ugandans. But I know delegates have been reading in the press about some delegates who have been called traitors. And all sorts of names, even by people supporting "Federo". Obviously the people of Igara East have not intimidated me and I am sure the government of Uganda has not intimidated delegates to this Constituent Assembly and that is why we called in Prof. Nsibambi. And my challenge to him and those who support "Federo" - because there is a line, Mr. Chairman, when it comes to the Buganda region which I support. They might find it difficult but we are here to make a constitution that will work throughout Uganda and for all Ugandans. And if the federalists had come forward with a known criteria for the formation of the states or regions and also gone ahead to define it *(Interruption)* - I do not think we should begin these interruptions. We want to be given a chance to speak.

**THE CHAIRMAN:** Continue please

**MR. AMANYA MUSHEGA:** Thank you Sir. Prof. Kajubi is fond of quoting the Bible; but at one time Jesus said: "Forgive them for they know not what they are doing." - *(Laughter)*. "They have

*eyes but they do not see and they have ears but they do not hear."* That was the Lord speaking and not me. *-(Laughter)-* And he went on about the Pharisees and Sadducees who were fond of holding prayers at the corner streets inside whom hypocrisy prevailed. That was Jesus again warning the young generation to watch out. *(Interjection)*

**THE CHAIRMAN:** I do not think there is a point of order in quoting from the Bible. I think you go ahead.

**MR. AMANYA MUSHEGA:** In conclusion, Mr. Chairman, either we are passing powers to the district and we know that is where the constitutional powers are and then the districts are free to surrender some of the residual and smaller ones to the bigger unit or we are passing them to the region. But this proposal of having a region as a centre, then in another area the district as a centre, we better study the 1962 Constitution. Part of its failure was that it was not uniform in the distribution of powers and responsibilities and resources to the people of Uganda. Therein was the pregnancy that contributed to the crisis and we should not repeat that mistake. I support decentralisation because it is well articulated, it is uniform and it is understandable. I oppose the "Federo" amendment as it is now because it is hypocrisy in its last stage. I thank you Mr. Chairman *-(Applause)*.

**MRS. EGUNYU FIONA (Women Delegate - Kumi):** Thank you Mr. Chairman. Mr. Chairman, I rise to oppose this motion on the following grounds. Mr. Chairman, the amendment as it reads intends to create regional federal states and district federal states. If you look at clause three of that amendment, it says: "*A district can be recognised as a region and therefore, of itself form a federal state.*" The Assembly will recall that parts of this country expressed the desire to be recognised as autonomous districts and that many parts of this country want powers and services to devolve to the districts and not regions. In effect, what this means is that various districts will insist on their autonomy and that would mean recognising 25 or more federal states of this country. What are we talking about? This will create a myriad of political power centres with the inherent danger of conflict with the central government which will mean also that we will have Civil wars, instability - all factors that undermine development which the proposers of this motion say will result from the regionalisation of this

country or recognition of districts as regions. Furthermore, there is a danger that the federal states shall be based on tribal entities and we all recall the dangers of politics of tribalism in Uganda. Delegates will also recall that in history, at one point, we have been administered under regional tier. The regional tiers failed to promote development of their respective areas because the services were far removed from the people in as much as accountability was also far removed because as you go further from the regional centre, the people find it more difficult to hold the officials accountable to them. Hence, if we are discussing and talking about devolving powers to the people and taking services nearer to the people, the wise choice would be decentralisation at district level.

I am really disheartened when I read this amendment and more so when I see who are the movers of this amendment because statistics from the constitutional commission indicate clearly that three quarters of Uganda did not want a federal state and even today, as you go around, for example, in Kumi where I come from, even when they were staunchly multi-party, they said, if the choice is between the movement and federalism, please take the movement. That should actually show you how the entire countryside is opposed to this federal system we are trying to impose on them. Indeed the movers have argued that their intention is basically to ensure that we have economic development. It has been argued by Hon. Dick Nyai that whenever they have asked for a road or electric power supply, they are told that they are not economically viable yet they pay their taxes etcetera, etcetera. But then, that is not a reason to advocate for a federal system *per se* because this Assembly has already passed that two or more districts may come together for cultural and economic purposes and I would advise that, for example, given the problem that Dick Nyai is bringing up, it would mean that two or more districts may come together to run a grader, two or more district may come together to advocate and pull their resources together to generate electric power supply. So that argument is not actually very convincing.

I would like to end up by noting that this amendment, in all sincerity, given all the documents that have been circulated in this Assembly, is nothing but a political power alliance akin to the UPC/KY alliance and I have this to say to my dear Brothers in Buganda, you will recall that alliance which you

had and you will also recall that immediately you got into those positions of power, each of you started working to undermine the other and therefore destroyed the very foundation of the federalism you are talking about today and the kind of federalism you are talking about today may not also stand the test of time because if I as Egungu came up and said I support federalism, then I know that my people do not support federalism, then you have my people to fight while I am moving with you and that is not a good basis on which to found the constitution. Thank you very much.

**MR. MAYANJA NKANGI:** Thank you, Mr. Chairman. Mr. Chairman Sir, and Hon. Delegates, what are we disagreeing about? It seems to me that we all agreed that certain functions, that certain powers - defined functions, should be exercised by an administrative unit. I think we agreed on that whether you are federalist or decentralisationist. Now, if this is so, what are we really quarrelling for? It seems to me that what we are talking about now is really a repeat of our history. In 1959 to 1961, to 1962, this dilemma came up. What do we do with people? Some of them say we want to be governed from the centre like the district of Teso did in 1961. Some of the people said, no, we do not want to do that, we want to be given some powers to look after ourselves in some defined areas. So what was the answer? The answer was, it is alright, those who want to be governed from the centre will be so governed from the centre. So we got a semi-federal type of constitution. Now today, in this Assembly and possibly outside this Assembly, we seem to agree that it is important that people should have certain powers to exercise by themselves, then we come here and say no, I disagree with this, I disagree with the other. Mr. Chairman Sir, I see as the essence of federalism this and this only that when powers are devolved on an administrative unit, those powers should not be taken away capriciously by the central government. Once you have got that, whether at a regional point or a district, that essentially is to me, federalism. - *(Applause)*. And therefore, the first thing you have to do here, do we agree to entrench such powers as given to the districts in the Constitution? If we do, then I am essentially in conception, that is federalism. Now, I see people slithering the other way. There are some people who still want to stay in Kampala as Minister Mayanja Nkangi and tomorrow, capriciously change the powers of Kapchorwa. I think that is not good enough because federalism is

the politics of controlled power from interference and so if we decide to give powers to some districts, let these powers be entrenched in the Constitution.

Now, let us question this. Having done so, this motion defines a region as a district in some cases, does it matter? I do not think it should matter. What should matter is the essence of powers and functions given to that district, given to that region. As long as a unit does not rob the central government, does not rob Uganda of any powers, then there should be no problem. As far as I can see, we must sit here and define what is viable, what can keep Uganda as a viable State. I think we have done that. After having done that, then we go and chase what was going to happen in the kitchen. The President at one time said this, he said, there are things said in a University or a college and they are matters for the common room and matters for the cubicles or the bedrooms. We seem now to want to confuse the two. I think we should keep common room as common room and a bedroom as a bedroom. So, Mr. Chairman Sir, I am saying this that we should really, in a sense, wind up this debate because we agreed on the principle of devolution of powers. What we should now decide is what do we do about those areas which say we do not want to be united by somebody else. Then about those areas like Buganda for instance, they have got eight districts there. Maybe they say, we want to operate together in certain aspects. Example, the NRC passed the Statute on traditional leaders. Now there is their land given to the Trust. That land according to me, in law does not belong to the Kabaka of Buganda. That land belongs to the people of Buganda and therefore it is important for them together. I would rather have elected people to elect their people to decide on the use of the land. Now, when you say no, Mpigi is Mpigi, Masaka is Masaka, Kalangala is Kalangala, now that is terrible because, how can you divide a people from doing certain things which neither central government nor the district is going to cater for? So therefore, I go along with - may I call him my younger brother Hon. Amanya Mushega - he says, let us find a way of combining the two systems. We did this in 1962, why do we not do the same? It seems to me there are people who are so intransigent in their minds. What I want for myself, you will not have it. What I do not want you to have, you will not have it either. Now, Mr. Chairman Sir, are we not diverse as a society? Should the Baganda, for instance, go and say the Acholi have a Kabaka? On the other hand, should the Acholi say the

Baganda do not have a Kabaka? Why, and yet this is Uganda! We must find a constitution, Mr. Chairman Sir, that can be in such a way that what is essential should be kept to Uganda. I said in my original speech in August, let us find a viable State in Uganda of Uganda and then having done that, what is most essential to the centre should be devolved to the districts or regions and then I think there will be peace and harmony in the constitution, Mr. Chairman Sir, I beg to move the principle of this motion.

**MR. WASSWA-LULE:** Thank you very much, Mr. Chairman. I am very much strongly in support of this motion. I have seen very many motions about devolution of powers but this motion is different from all the other motions that have been moved and its unique feature is that it attempts to accommodate the different motions that are currently competing. It has gone a long way and I must go out of my way to commend the movers of this motion for having gone out of their way to find a solution that could break this impasse - a solution that accommodates. Another aspect of the amendment is uniformity in relation to the centre. We have talked of the 1962 constitution and there we had *federo*, *semi-federo* and other statuses within the same constitution. This amendment has gone out of its way to create uniformity in relation with the centre. These factors are important to be pointed out to see what the good aspects of this thing are. So it is *federo* for all of Uganda, not just for Buganda or Busoga and then some other relationship with others and Hon. Mayanja Nkangi has said, I think there is agreement. There seems to be a consensus that the powers should be entrenched into federalism. So basically, the debate is not whether it is federalism or decentralisation but where the powers go. That is the crux of the matter. But before I go into that, there is the interesting issue of statistics.

My Colleague from Rubaga South, Hon. Damiano Lubega cited statistics that indicated that the majority of RCIs in Uganda opted for a federal status. I would like this August House to take note of this statistics because I have got from the index of sources compiled by the Odoki Commission this statistics and they are very interesting. For the RCIs in the whole of Uganda, 1,060 opted for a unitary relationship with the centre. 2097 opted for a federal relationship with the centre. If you go to RC Two, 411 opted for a unitary relationship, 502 opted for a federal relationship. Then you move up

to RC 3 to RC 4 to RC 5. When you go to the individual submissions, 180 of the individual submissions opted for a unitary relationship. 714 opted for a federal relationship. We can go further to group submissions. 91 of the group submissions opted for a unitary relationship and 309 opted for a federal relationship. Let us take the totals and see what the nationwide picture is because this information, little publicised as it is, as I said is on page 354 of the index of sources of people's views. These figures are quite clear. If you add up the total figures for the whole of Uganda, you will find that of the submissions that opted for a unitary relationship with the centre, if you add up the total, 2002 submissions opted for a unitary relationship with the centre, 3773 opted for a federal relationship, 71 opted for another form of relationship. It is important also to point out that those submissions which did not opt for any particular form of government are overwhelming in number; they were 9847 but of those submissions that opted for a form of government, 65 per cent opted for a federal relationship. So this myth that it is a Luganda affair, it is a Lusoga affair, I think is something that we need to discuss because you hear it in the submissions. I think the Odoki Commission compilation is a reference point which all of us, whether or not we think the job was well done, but all of us can refer to. It is as we used to say during our campaign, this is *Wino*, ink. This is the data. You have got something now you can hold on to and say this is the fact. Not that Wasswa Lule went to Mbale and people told him that they support *federo*. I went there and they said they support *federo*. But that is Wasswa Lule reporting. This is Odoki, you believe Odoki, do not believe Wasswa Lule and you will be in the right direction.

Now after having left this overwhelming evidence of the Odoki Commission, I will go to some of the issues that have been raised. I listened to my Friend Bart Katureebe and he said, why regions? And he went further and he used the alleged deception. He said, I will handle this when we get there. When you talk about federalism, when you talk about the units, the units could be districts, the units could be territories, the units could be regions. They could be provinces, those terms are used. Now when we talk about federal constitution, we normally refer to the Swiss Constitution. I have a copy here and in this constitution, it talks about Cantons, it does not talk about States. If you go to the American Constitution, it talks about states. So whether we

call them bananas or states, it is not the important thing. The important thing is the concept. We can easily have our own local name for it so long as you understand - like we call *sazas sazazas* but you go to some other countries they call them counties. But even the federal units could be counties for themselves. So the nomenclature that is used is not material. It is the substance of the issue and it is that substance which we need to look at.

What do we get from this arrangement? As I said, it is uniform for all, it gives each different area the satisfaction of having come out with what they want. So there are no winners and losers. It allows also for self determination. This is a universally recognised international human right. It is a basic right, it is in the African Charter, Article 21, it is recognised in the International Covenant on Civil and Political Rights, it is recognized in the Universal Declaration of Human Rights, the right of self determination for a people to say they shall be governed in this way and this is what our relationship will be within the greater majority. That is an important right and Uganda is a signatory to the African Charter on Human Rights. It may not be a signatory on the International Covenant on Civil and Political Rights but it signed the African Charter on Human and Peoples Rights and I think it is important having passed even - we talk about consistency - having passed in the Bill of Rights an article, I believe it is Article 73 - that recognises the international covenant of human rights, that brings them into the Bill of Rights be they enumerated or not. But we are consistent in the application when it comes to other issues.

So in Article 4 Clause (3) of Chapter Two, there are those areas that indicated they wanted to come together. This amendment says, let them do so because they have indicated. We have not picked out one area or another. It is a question of saying those who have indicated that they want those units are there, they are enumerated. Before, they had no political substance of Acholi or Teso, it has no meaning until it is a political unit. At that time, I did not go out of my way to say let me oppose this motion. If the motion was not of substance, you lose nothing and you gain nothing. But today, I strongly support this amendment to give substance to what we passed in Chapter Two when we said of Buganda, of the other areas, now we should give them political substance rather than to write into a constitution something that is meaningless. Some people think that if you write in like that, you put

some areas on the map. Let me clarify it. When you open an atlas and you look at those borders, the lines that are drawn in those borders, they are all political administrative units. They are not just off and nobody who is going to draw an atlas will draw them on to the map. So I think this amendment gives us the opportunity to run away from what would have been a deception and today, we have the opportunity to give it substance. Areas that are small - because we have got small districts. I have now been given the opportunity to come and say that this administration you are going to give us will wear us down. It is like giving a new born baby a jerrican of water to carry because the revenues in that area are not substantive enough to sustain this administrative unit. So they get out of that quagmire and they go and do something else. Let us now go to this issue of decentralisation and *federo*. Some people have been here arguing that they support decentralisation but decentralisation as such is not a form of government. That is one thing. Even the decentralisation that they think exists in the report from Committee Four is not decentralisation. What we have from Committee Four is *federo* at district level. Nothing more, nothing less. *(Applause)* So those people who are strongly advocating for decentralisation, it is nice to point this out to see that that battle, the decentralisation battle is no longer there. What we have is *federo* at district level. What we are simply saying is that having agreed on the principle of *federo* as my Friend Hon. Mayanja Nkangi said, let us now agree where this power should go. There are those who want it at the district, let them have it at the district. That is what the amendment says and those who want it at a larger unit, let them have it in larger units. What better compromise can you get than a position like this? However far you go into trying to accommodate ideas, I think as I said, the Hon. movers of this amendment have found the greatest compromise in the short history of this Assembly in all your deliberations. You will never find a better compromise than this that keeps everybody happy in what they have.

Now the other misimpression that I would like to point out is the gentleman who talked about the federal forms of government as enumerated in the Odoki Report. He said each federal state must have its own constitution. Now, unfortunately, what Justice Odoki wrote in the report was that each federal state usually has its own constitution. I think it is important to portray information correctly

so that people can analyse it in its correct form and then they make the right decision. But to misrepresent what is really written down and not to quote it properly, I think is a big misnomer. The second point was, each federal state has a fully fledged government. So even these districts we have put in have fully fledged governments. There is nothing wrong with that but what we are saying is that if a larger unit wants now to be one unit rather than these small units, can you not imagine that this large unit is cheaper to run because it has one government covering several districts that want to come together rather than having one government in Kalangala which is very small? Why not join it with others and they have one government? So the economies of scale, the efficiency of the system are all built into this amendment. Each federal state raises taxes both for its own finances and for the services of the central government. There is nothing better than that. We have given the districts powers to collect taxes, in the committees reports, people are strongly supporting that, the concept has already been bought and that is the way you devolve powers. You give the real power because power is related to revenue, to the units down below and then they pass up whatever revenue they pass to the central government. So there is no conflict with or in principle what has been passed in Committee Four in this respect and what is being proposed in this amendment. Mr. Chairman, I thank you very much and I thank Hon. Co-Delegates for being patient with me. I strongly support this motion.

**CAPT. BABU:** Mr. Chairman, thank you very much. First and foremost, I would like to thank the speaker who has just been on the Floor. Being a member of committee number four and having appreciated the position of committee number four, I think that goes a long way to prove that this Assembly and the Members, not only are they mindful about sharing power in this country but they are willing to bend over for any particular group and give them a particular position they so desire. I think that is the most important point that I have come up with today. But before I start Mr. Chairman, I would like to ask permission to quote from the report of the Odoki which I have in front of me and I think we better clear a few things which we seem to be quoting. I would like to go to page 242 and Clause 942. 942 says: "*Decentralisation and Devolution, - especially where both are constitutionally entrenched, may serve the main purpose of a fully fledged federal arrangement. A*

*unitary system with a high degree of entrenchment powers for decentralised and devolved government may even be described as decentralised unitary system with marked federal characteristics as in case of Papua New Guinea. The decentralisation which existed in the unitary form with little constitutional protection in the British and Tanzanian forms of government may even tend in some respects to be more meaningful and more operational than a constitutionally entrenched federal arrangement used in the former Soviet Union and the Federal Republic of Nigeria. Beside decentralisation and devolution, the Commission did not find an apt term to designate a form of government which can be said to stand between a federal and a unitary arrangement."* I would like again Mr. Chairman, to quote page 252 clause 9.88 and this is the statistics and this is what Odoki said: "*From the statistics analysing the views received, it clearly appeared the first two lower levels of RCs and individuals who got memos preferred a federal form while the RC 3, RC 4, RC 5 preferred the unitary form. In analysing the individuals and group memos which prefers the federal form, the Commission discovered that the greater majority of these were from Buganda. From the report of the seminars at districts and sub-county level as well as other seminars, the issue of the form of government again proved controversial. The majority of such reports from Buganda preferred a federal system while those from Eastern, Northern, Western areas preferred the unitary form. The oral views received and recorded by the Commission again reveals a controversial nature of this issue of form of government."* The point I want to bring out Mr. Chairman, for a long time, people have been dividing us on two words, one is decentralisation and the other is federal. Let us clearly define these words. The people who wrote this document say, they had to look for a word to describe a devolution of power to accommodate both the majority and the minority. It is clearly here that the majority of Ugandans wanted a unitary system of government. Not only the majority, even the memorandum of DP asked for a unitary system of government and we must be very clear about this because a lot of people have been talking about the unitary system and hiding it behind.

The two forms of government are unitary and federal. Decentralization is a means and this means, to decentralise power either to a region or to the district. So the argument is the levels, the argument

is not the forms and from here Mr. Chairman, I would like to go and thank Committee Four and the Members of this House for having realised that the most important principle in this constitution we are making, is sharing of power and this power has been shared from 1986 and is being devolved in phases and I agree entirely. Those who describe the local government statute of last year of saying that there were certain clauses they did not are with, I agree, in this constitution exercise, we should introduce an elastic clause which makes sure that those powers which go to the districts or any level we have agreed, will not be removed by the centre - (Applause). I agree entirely, I have no problem with that.

Now Mr. Chairman, in this arrangement of sharing power, once we have agreed that these words we are fighting over do not mean anything, we all agree that we should share power, let us now share this power. Let us get away from arguments of words which have confused the whole of our country. Let us now say, we removed the word "unitary" from Chapter Two. The word "federal" was debated, it was defeated in Chapter Two. Even here, we can debate again the word "federal", if you like, as one word but I do not see why we should because we have all agreed that we should share power and therefore, the one who is bringing this word seems not to have realised the position of committee number four which says let us share the power. Not only share power, let us bend over to those who would like to take this power to another level and we have agreed. In fact, I think the problem now is, what more power do you want, on which level? And nobody seems to define the powers they want. They are only sticking to the words. In 1962, Mr. Chairman, we were given the words, in 1966 the words were taken. We are saying, we are not getting words this time. We are getting the actual power. Let us divide it. Mr. Chairman, what are we going to look at? We are going to share the power, we are going to look for financial autonomy, we are going to look at passing legislation, we are going to look at the cooperational council - if you want you can call it a Regional Council. I do not really mind the usage of terminologies. At the end of the day, Mr. Chairman, I want to know what is residue power and what is an elastic clause because even the Americans, after making their constitution, they had to amend their constitution to introduce a clause which leaves the power at the state level. It is in fact Amendment Number Ten. So that elastic

clause, we can introduce it here that the power which is at the district, the power which is at the region, the power which is at the centre will not be taken by anybody at all and I would like us to agree that committee number four did a good job because for them, not only did they take the power to the district, they also took the power to the region and when they reached the region, they even formed a charter which is the constitution people are talking about.

So really we are debating against each other for no reason at all. What I would like to see is putting slightly more power in this argument here. Where do we want the power to go? Because it looks like we have problems with these two words. In fact I would like to say, let us get rid of the word "unitary", let us get rid of the word "federal", let us distribute the power, then we will christen it afterwards because it looks like we are christening before we know what we are christening. So I move Mr. Chairman, that let us divide this power and I would like to say that this amendment which has been brought has already been dealt with and I thought that we are doing two jobs. Number two is already in the proposal of our committee number four. Number one, we have debated. In Chapter Two, we said okay, to get a compromise, "unitary" gets out and "federal" gets out so that no one particular group is going to say that they have taken us for a ride. So we have said, let Uganda be a Sovereign State and a Republic. That has been agreed upon. It has already been entrenched. So we have not brought "unitary" nor have we brought even this form which everybody is describing. Now they are talking about the districts and regions. That has already been put in our amendment here. The last one, Mr. Chairman, I think we are really - and it is very unfortunate - I think if we had gone to the main recommendation of the committee and then added in extra powers here and there, we might come out with what exactly we want. So Mr. Chairman, I would like to agree with Hon. Mayanja Nkangi and the others that actually we have been debating at cross purposes. We all agree, one, the power goes back to the people. Two, the levels, we have agreed they can go to the district, they can go to the region. Three, we have agreed that they will be financially supported by taxation. Four, we said they can pass certain legislation in conjunction with the Attorney General's Chambers and the central government and the constitution. Five, let us introduce an elastic clause which says that once these powers are there, nobody can remove them.

Lastly, Mr. Chairman, I think time has come for us not to be taken for a ride. We know what the people of this country want. The people in my area wanted power to be brought and taken to Mengo, 97 per cent. The power has been taken to Mengo. We have got a cooperation council, we have got schedule number six in the recommendation of committee number four. Now unless if somebody is going to remove it, then that is the time when I will come in and say, you do not remove it because I was sent to take power to such and such a level and I would like to request those who would like the level of the district to accommodate us because our people would like power at a different level and I think time has come because I am now answering Hon. Mushega, that some of us have been requested by our areas and to accommodate us, you might have to give us power at a certain level and if you look at that power which you have already given us in committee number four and probably a little bit more maybe if it does come, we will have solved the problems of this country once and for all and we should really be very careful that nobody is against any request that has been made.

Mr. Chairman, the other point that I want to make is, somebody was talking about two houses, that we should have an Upper House and a Lower House in every state and the centre. Mr. Chairman, this country cannot even afford one house at the moment and therefore in the future Mr. Chairman, as we go on, there are areas in this constitution which can even take this exercise a bit further. When the country is capable of having two Houses in a district and to have two Houses at the centre, if that is the system that one wants to entrench, it will come with time. The amendment section is there and they will be able to amend this constitution. I would like to end with the Chinese saying Mr. Chairman, those of us who would like to see the sharing of power and therefore a federal state, that when you are going a thousand miles, you must make the first step. Thank you very much, Mr. Chairman.

**MR. LEANDER KOMAKEC:** Thank you very much, Mr. Chairman. I would like to begin by thanking the last speaker Hon. Babu for the very clever way in which he has tried to analyse this problem we are facing. It is true that we have all agreed on the decentralisation of powers but there is a reason. The people of Uganda want power to be given to them and not concentrated at the centre mainly because of the experience they have had

with the exercise of power from the centre. The people of Uganda have suffered because there has been a lack of check on this power. The reason is this, entrenching powers to the district, with the little experience that we have had, the power that has already been given has not worked. Now we say, the people in the centre, particularly in Buganda have been given powers and the *Lukiiko*. That has been specific but the country cannot afford different categories of councils. In actual fact, the reason why Uganda has had problems is that the devolution of powers was distributed very unevenly. If the people of Buganda have been given powers at the regional level and with full *Lukiiko*, there is every reason that this should also be given to other parts of Uganda otherwise Uganda will be unbalanced in a form of power sharing. The exercise of powers that can be devolved to a very small district cannot be compared to that at the regional level.

So, with that qualification it is obvious that the powers that are given to Buganda cannot be exercised, say for example, by people in Acholi. We want bigger units and that is why we call for a regional set up. I think if decentralisation has been agreed, why do you oppose the name? Mr. Chairman, it is not true. We say that power has already been given and that what we have in fact is a federation at the district level, then why do we not call it by its name that a federative Uganda? What the motion is saying, which I support, that to federate at district level is inappropriate because federal powers cannot be exercised at that particular level. That is why we want to raise the structure in such a way that it has got a chance of being operational in the sense that they should be bigger and secondly, such a larger unit should be called by the right name. I am one of those who think that the word decentralisation which was introduced a few years ago and being popularised is a misnomer. If there is no system of government called decentralisation, why are people so attached to this particular word? We know unitary form of government, we know federal form of government, what is Uganda afraid of? If you are afraid of the word "federation" whereas you have already given the substance, why do you fear the shadow if the substance has already been provided? If we have given federation to the districts, giving it another name will not change anything. The reason why people are opposing the use of federation in Uganda at bigger units is because they know there is no federation. The NRM has delegated powers to the districts that cannot manage to run as

federal states. We want bigger units, not just in Buganda, we want bigger units in the Western part of Uganda, we want bigger units of government in the East and in the North. For that reason, this motion, by purporting to provide a federal structure at the region is a beauty because we are going to have a structure that will be able to carry out the responsibility that we are trying to give to the district through decentralisation. We know from experience of the last few years that decentralisation at this level is not working well because the units are too small. For this reason, I support this motion very strongly and I beg that since we have already devolved power to districts, why do you not give it to the region?

**MRS HOPE MWESIGYE:** Thank you, Mr. Chairman. Mr. Chairman, I think this motion seeks to define a basic unit or level where power should go to the people. Mr. Chairman, we have already passed a provision guaranteeing the sovereignty of the people and guaranteeing that Uganda will be governed and guided by democratic principles which empower and encourage people's effective participation. Therefore Mr. Chairman, I think that on this basis, we need to make the level as low as possible. It must be taken close to the people so that instead of having it at the regional level, we could in fact, if people could agree, have it at sub-county or even county level because people must participate. It is high time people effectively participated in making their own policies and taking decisions on whatever affects them. Mr. Chairman, we have already passed a provision to the effect that those districts which wish to cooperate can cooperate and the argument that they should entrench the terms of cooperation of these districts in the constitution, Mr. Chairman, according to me, is not tenable because the relationship under which this cooperation will be effected is in relation to culture promotion and to development and we know very well that all these things are not static; culture, development change with the change in time and therefore, we should not even think of entrenching these provisions that define their relationship of cooperation in the constitution.

Mr. Chairman, I would like to draw the attention of this House to index of sources of people's views on Page 354, Table One which talks about which form of government is best suited for Uganda. This table was used as a basis of argument by Hon. Lule who used some statistics here to the effect that the RC

Ones and Twos and Threes supported the federal type of government and that RC Five was the one that did not support the federal type of government. But he missed some analytical issues. He did not in fact interpret this data correctly because when we go further down in the table, you will find that the total of people under RC I that commented on this issue of federal and unitary were 33 per cent, those under RC 2 were 42.3 per cent, the RC 3 were 64.9 per cent and the RC 4s and 5s who in fact were supporting the unitary form of government were 92.3 per cent and 86.1 per cent respectively. So that you find that the people who did not comment under the RC One were 66.5 per cent and those who did not comment under RC 4 were 7.7 per cent. Mr. Chairman, when this comes to interpretation of data and generalisation, it means that in fact those people at RC 1 and RC 2 level who he claims were supporting the federal type of government, they did not participate in this, they did not answer at all so that it goes without saying that people who supported unitary - that is basically at RC 4 and RC 5 level - were more representative and the result therefore could be generalised to the rest of the population.

Mr. Chairman the argument also raised by Hon. Lule that there is need to give political substance to the regional tiers, to me it reveals some intrigue and hidden agenda because when they were actually promoting, or defending the amendment that there should be - that these should be allowed to cooperate, they themselves said they should be allowed to cooperate basically in matters of culture and development and in fact, it was on that basis that some of us who come from districts which are supporting decentralisation and are in fact questioning us that why did you even agree to this tier. That was on that basis that we had to compromise. It was purely on the basis of culture and development and not political. So Mr. Chairman, for those few reasons, I beg to oppose the motion. I thank you.

**MR. SSEMAALA SAKWA (Kyamuswa):** Thank you, Mr. Chairman. Mr. Chairman, Hon. Delegates, I would like to strongly support the motion as it is. Mr. Chairman Sir, we have gone through a lot of instabilities in Uganda and I understand that the cause of all those instabilities has been within ourselves being power hungry to get to the political power at the top. But through this kind of governance, you cannot - there will not be anymore overthrowing of government because you need to go through all

these regional governance. It will be difficult for someone to just wake up in the morning and overthrow the government. Secondly, Mr. Chairman Sir, I am afraid that we are trying to run out of responsibility. It is our responsibility to look into our welfare and development instead of waiting to blame one person for not developing districts. For example, Mr. Chairman, Kalangala District as you well know is a handicapped district and in the 1960s when we had this kind of federal government, we had all our infrastructures put in place and which were destroyed within this kind of government we have been going through, the unitary and whatever.

Mr. Chairman, decentralisation as people are saying, is a conditional diffusion of specific powers by central government to the local government subject to recall. We are saying that power belongs to the people and we should give all the powers to the people without recalling them back. Mr. Chairman, decentralisation does not go far to address the position of these disadvantaged districts like Kalangala district. The central government has all along failed to address all issues of some districts, especially my district Kalangala, where we have no schools, no transport and nothing at all. Mr. Chairman, if you can recall, when Idi Amin gave us our first shot at the district status, we were given a foundation. When UNLF came into power, it took everything away from us. When NRM gave us back the district, they never gave us anything to build the foundation. We therefore need a regional government as a fall back position, as another source for our development. Through good governance, the President of Uganda was able to reform the murderous and indisciplined corrupt military to what it is now and here we are some of us. We are saying that the movement should be given another extension because it is good. We are even thinking of reviving the multi-parties despite mistrust from some corners. We are even proposing to do many things in order to make everybody happy. My question is, what can we not study went wrong in the federal arrangement of the past? Reform the system and allow those who want to have it to have it. We are here to make a constitution that will make everybody happy as Hon. Elly Karuhanga said. Since we are willing to try multi-parties once again, we should also allow those who desire regional government.

Mr. Chairman, the people in Ssesse islands realise that the regional government as a solution to their

problem is good. Decentralisation will not solve our problem because we have no foundation on which to build. If regional governments are not agreed upon by this body, then we ask that about 30 billion shillings be put aside as a foundation on which decentralisation will spring. Mr. Chairman if all is not possible, we are asking for a provision to be made in this constitution that will allow certain areas who feel that their interests are not catered for to secede from Uganda. I submit to you that if Ssesse islands were independent as a state, we would have developed to the standards of other islands of the world in the past 30 years after independence. We are only seeking to promote our standard of living and political power, just for the sake of it. Mr. Chairman, Hon. Musobya, the Youth, as he said, said that the people he represents have tasted power, that they do not want to give it up. The power these people have tasted does not have any economical component, Mr. Chairman. We are reading in papers that the RCs fined someone a goat for raping somebody. Mr. Chairman, I do not think those are the powers to be exercised.

Mr. Chairman, to round up my support, I do strongly call upon the Hon. delegates that we should look into what the people want, we should not be here on our behalf, we are here on other peoples' behalf and we are here to deliver what the people sent us to do. So, Mr. Chairman, with those few remarks, I do strongly support the regional form of Government. Thank you Mr. Chairman.

**MR. BYARUGABA BAKUNDA (ISINGIRO SOUTH):** Thank you very much, Mr. Chairman. Mr. Chairman, I have listened with a lot of interest to my Colleagues, the Hon. delegates who have laboured so much to bring up this Amendment and I am going to oppose it, Mr. Chairman, in its own shallowness, I will not go beyond that. Mr. Chairman, I am a student of modern management. In modern management, Mr. Chairman, unlike mismanagement we have had in the past, it is supposed that a smaller unit, a smaller government, is much better for purposes of maximum accountability, effective representation, effective and popular participation and involvement of people in deciding their own destiny and of course, Mr. Chairman, the efficient delivery of services. Smaller governments, Mr. Chairman, are manageable. Experience has shown that bigger Governments like the ones we are trying to go away from, have been nothing but chaotic, to say the least. Mr.

Chairman, we have heard a lot of arguments from delegates. One Hon. Dick Nyai told us something regarding the Shs. 38 billion from Tobacco. I also used to think like he is thinking today before the President explained how the Shs. 38 billion actually is arrived at. You realise, Mr. Chairman, that most of this money is given by people who smoke that tobacco, not in its raw form, but in its improved form. From BAT, Mr. Chairman, the largest consumers of cigarettes are here in Kampala and in Mbarara district. Mr. Chairman, this tobacco, is also produced not only in Arua, but also in Rukungiri district - *(Interruption)*

**THE CHAIRMAN:** No, we have agreed that we should not over interrupt each other. Go on, so that we give others a chance.

**MR. BYARUGABA:** Mr. Chairman, the Shs. 38 billion has come to surface just recently. I do not know where the people of Arua and of Rukungiri have just started growing tobacco. We have had several administrations, we have had most of the time UPC in Government, we have also had Amin from that particular region, Hon. Nyai was talking about. I do not know what exactly that fellow did to promote whatever. Mr. Chairman, we are not going to rely on cigarettes alone and it is a fallacy, it is hoodwinking the people of Arua to tell them that they should rely on cigarettes alone or tobacco for that matter. The whole world today is against cigarette smoking. Sooner or later, there will be nobody smoking those cigarettes and I do not know what Hon. Dick Nyai intends to do to his federal State of Arua. Mr. Chairman - *(Interruption)*

**THE CHAIRMAN:** Order, order!

**MR. BYARUGABA** Mr. Chairman, Hon. Prof. Nsibambi took us in his academic field and told us about administrative tourism, which he said is most rampant in regional - at a district level and unitary Government. Mr. Chairman, this is why we are trying to avoid administrative tourism. I am an administrative Officer myself. At one time, Mr. Chairman, his argument was based on non-scientific arguments. For instance, it takes an administrative officer from Mengo to Lyantonde which is also in Buganda, a whole distance of about 140 miles, as opposed to 30 miles from Lyantonde to Rakai district Administration, which is only 30 miles away, Mr. Chairman. Now, which carries more administrative tourism? That regional tier or district

level arrangement? Mr. Chairman, I think we should look at all these arguments at a more scientific level. You will realise, Mr. Chairman, that at that level, this Administrative Officer who travels all the way from Mengo to Lyantonde which is 140 miles, will at least - the most minimum number of days he can claim as night allowances will be two days; one day to go, another one to come back and may be one half day. How much is that today? An administrative officer at a rank of a Principal Assistant Secretary is given Shs. 60,000/=. Two days, that means Shs. 120,000/= compared to that one from Rakai to Lyantonde who will get only half a day of Shs. 20,000/= for the fuel and of course the vehicle and depreciation and what have you. We should look at these things a little bit more scientifically, we should not be taken by emotions.

Mr. Chairman, it is also absurd for anyone of us to compare American federalism with what some of us are trying to look for and here, I mean the movers of this particular Amendment.

In America, Mr. Chairman, if you talked of federalism, where there is a King or a traditional leader, they would take you to the gallows. That is one thing they fought and defeated, first and foremost. In fact, that is what they were running away from when they went to America! Mr. Chairman, we should therefore not equate the federalism we are talking about here with that of America; that of America has got a lot of republicanism in it. The moment you try to compare the two and maybe equate the same, you might now and again start thinking of abolition of traditional leaders, which is not our intention, and Mr. Chairman, finally, I would like to remind my fellow delegates about a few things from our history. Why are these movers of this particular Amendment so damn scared of going nearer to the people? The people are at the grassroots! Which is the next nearest unit? It is a sub-county and which is the next nearest and a little bit viable? It is a district, Mr. Chairman, not a region. Why are you scared of going to the people? Why are you scared of the people knowing what you are doing? True, there is corruption and it might be there, but it is more seen at a lower level than at a regional level. It would be useless, Mr. Chairman, to devolve powers from Kampala here, President's Office or Ministry of Local Government in Uganda House to Mengo, it is very absurd. You will have done a disservice to somebody in Kyaddondo, somebody in Kyawanga

in Luwero, to somebody in Kizirankumbi in Hoima. It is absurd! Mr. Chairman, let us give the people a chance. After all, common sense, dictates that the nearer the bone - it is a common saying - the nearer the bone, the sweeter the meat. People want to be nearer to that power and that power is at district level. Do not deny these people a chance and to you delegates, my Friends from Buganda, I was brought up in Buganda, educated in Buganda, and I worked in Buganda, at the heart of Buganda region, Once beaten, twice shy. Once again, I am appealing to you to give people a chance. Giving, Hon. delegates, is a virtue. Unfortunately, this virtue was denied the UPC and given to the NRM. Let us utilise it, let us utilise these chances. "FOR GOD AND MY COUNTRY" and may we live to see the people emancipated. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** Hon. delegates, as you can see, it is 1.00 O'clock, but I can see a forest of hands, we shall continue in the afternoon. We adjourn for lunch. We stand adjourned until 2.30 p.m.

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

**THE CHAIRMAN:** We shall continue with the debate on the Motion on the Floor. Hon. Sebaana Kizito.

**MR. SEBAANA KIZITO (Makindye East):** Thank you very much, Mr. Chairman. I want to say at the outset that I strongly support this Motion. - *(Applause)* Mr. Chairman, I have heard Members on this Floor talk about - *(Interruption)* Mr. Chairman, I am being sabotaged. Some Members have argued on the Floor of this Assembly and declared themselves as opposed to this Motion but when they start talking, they are actually supporting the Motion. I have heard very few people who have advanced any plausible reason to oppose the Motion. The last Speaker before we went to lunch, Hon. Byarugaba declared that he is a student of Management and he said that in management - it creates smaller and smaller units in order to be efficient. I wish he learned more management on the side of business because the trend these days is for amalgamation - *(Applause)* - for creating bigger and bigger business units, not smaller. This same Hon. Member declared that he lived in Buganda, studied in Buganda, he worked in Buganda and as a result of that, he does not support what the Baganda want. *(Laughter)* What kind of gratitude is that? *(Applause)*

Mr. Chairman, in 1884, a group of Europeans sat in a place called Berlin and they partitioned Africa. They drew lines, not minding about the effects of those lines and they created countries. Some of them are Uganda and Kenya and Tanzania and others; just like some people sat somewhere and they drew lines creating districts. Some of these districts lines divide tribes. They divide various people who have lived together for a very long time. That is the reason why it is necessary to have a Motion similar to this one saying that those districts which have been so divided but they would want to be together, they should be together in a federal system. This Motion is all embracing. It embraces those who do not want to be together, are not forced to be together. Actually, what we are doing in this Motion is - we are creating a system. We are not saying that those districts which want to come together, they should do so now or never. We are creating a system which will enable districts to come together when they wish. If they are not ready now, they can do so at a later date when those of us who have seen the usefulness of unity have already come together and we are reaping the benefits of unity.

Here in Uganda, we are very much for unity. Our President has been in the forefront for unity of East Africa through the East African Community; for the unity of Eastern Africa through PTA, through COMESA and I have not heard any respectable leader, either here in Uganda or elsewhere in Africa preaching against unity. If we want to unite East Africa, if we want to unite Eastern Africa with South Africa and so on, why do we not want to unite those districts of Uganda which want unity? *(Applause)*

We recognise, Mr. Chairman, that there are those in this Assembly who do not want unity, so be it. We recognise that there are those in this Assembly who want unity of districts to form regions, so be it. In Luganda we say: "Ono alya, n'ono alya y'emmere egenda" - "You eat and I eat, that is the food which goes down! *(Laughter)* So, those people who are questioning the need for unity of districts in Uganda are the same people who are supporting the unity of East Africa. They are the ones who have not questioned, why should Eastern and South Africa unite? They are the ones who have not questioned why the OAU exists? Why do they question why districts which want to unite - why do you question that? Actually, some Members have argued that they are confused and I think they are

because this Motion is very clear and I want to thank the Mover, Hon. Eresu very much for his thoughtfulness because he has brought out a well articulated, very clear Motion which says that there shall be a Federal System of Government in Uganda. As a matter of fact, the people whom I represent - the people of Makindye East asked me to say this and I am saying it and Hon. Eresu has very ably helped me to say it and we say that if you want, you can say that a district is a region. A region can be a district and this region does not have to be the same size. Some regions can be bigger, others smaller. Just as an example was given this morning that there are among us in this House people who are smaller and others are bigger. We are sitting side by side, talking to each other with one voice or with dissenting voice but with the same rights. Therefore, Mr. Chairman, I want to plead with fellow Members that this Motion is making work of Ugandans a lot easier for us. It is creating the way for us to come together. You start with a unit, then a district and a region and a nation and then East Africa and Africa and so on. Therefore, Mr. Chairman, I fully support this Motion. Thank you.

**THE CHAIRMAN:** Hon. Ponsiano Mugenyi.

**DR. MUGYENYI (Isingiro North):** Thank you very much, Mr. Chairman. We came here to make a Constitution for the Republic of Uganda. We did not come here, Mr. Chairman, to chop this country into small pieces. *(Applause)* Mr. Chairman, in the introductory remarks, the Chairman of Committee Four made it absolutely clear that what we passed in the Committee is a hybrid between decentralisation and the federal system. We all came here with different packages, we came here with a spirit of give and take. Members who came here with the views of taking the power to the districts, which powers are delegated to the districts have had to move their positions, myself inclusive, to the mid-point position of having the powers at the districts but having clearly defined powers which cannot be withdrawn by the Minister responsible for Local Government at will as has been alleged by Members who support the federal system. I would, therefore, first and foremost call upon Members who have been on the side of the federal system to also move a step and accept this mid point position of a hybrid system.

Mr Chairman, I do agree with Hon. Mayanja Nkangi who said that we all in this room agree that

the powers must be given away from the centre. I have not heard any contributor who is saying that, no, let us keep the powers in Kampala. Everybody is saying let us push the powers to the units but the question is which unit? Mr. Chairman, Hon. Eresu in his Motion - he says in Clause 3 that each of the existing districts can be recognised as a region. Should we spend here time talking about whether Mbarara should be a region or a district? Mr. Chairman, I have got different Constitutions which have got the federal system of government. As far as the constitutions I have are concerned, there were states who sent delegates to conventions and those delegates accepted to form a union and delegate some of their powers from the federal states. I have the Constitution of United States of America where on the 25th of May 1787 in the Convention at the Independence Hall, delegates from all states - all the 13 states and at that time, only 12 states managed to attend - agreed to form a union. I have the Constitution of Australia where in 1895, a Conference of the Premiers of the 6 Australian colonies declared that the federation was needed. Mr. Chairman, they requested for a federal constitution. There is one of Switzerland which goes along the same lines. Can I challenge anybody - when was a convention in Uganda of delegates from the Federal States held and the Delegates agreed that they need to form a Federal Constitution for the federal states of Uganda? *(Applause)* Mr. Chairman, we are here as delegates who represent Constituents from the districts - *(Interjections)*-

**THE CHAIRMAN:** He did not intend that the question be answered right away. Continue.

**DR. MUGYENYI:** So, Mr. Chairman, I find it very difficult to envisage a situation where we are creating the Federal States of Uganda without the Federal States themselves existing, I find it very difficult. So, what we are saying, Mr. Chairman, is that the Motion on the Floor, I find it very difficult to support it. It is very vague, it is not clear and I want to seek the indulgence of the Members to defeat it thoroughly and this is the time to defeat it thoroughly, so that we do not have another time - *(Applause)*- to come back to this problem of the Federal System here. Mr. Chairman, we tried in Committee Four - I think there was no satisfaction among the Members. So, I call upon Members to defeat this Motion thoroughly well. I feel that this formation of regions is likely to increase bureaucratic

stages whereby you have the bureaucracy in Kampala, you have the bureaucracy at the region, you have the bureaucracy at the district, at the gombolola; when shall you reach the common man? And we said, the power belongs to the people! So, I do not agree with any formation of a regional tier or a federal system because it is going to increase the bureaucracy and at the end, it will take long for a common man in Uganda to get the services. I feel that the districts are very ample and nearer enough to the people and they are also far enough from the people which can be easily governed and services can easily reach the people.

Clause 2, Clause 3 and even 4 are already catered for. We have already, in Committee Four, in Article 203 said that the districts which may want to unite are free to do so. I find it funny for the Hon. Mover to come again in Clause 3 of his Motion and say he wants each district to voluntarily join with other districts. Mr. Chairman, that one is already catered for, I would appeal to him to wait when we come to Clause 3 of the report of Committee Four, all his problems will be catered for. So, Mr. Chairman, I end by appealing to Members to solve this problem once and for all. Let us not wait for tomorrow. When the abscess is ripe, you cut it - both blood and pus spill. The patient gets the pain but eventually he will be cured. Let us solve this problem once and for all.

**THE CHAIRMAN:** Hon. Delegates, before I call on the next Speaker, I would like to recognise the presence with us this afternoon of 55 Army Officers from our friendly country Ghana who are visiting Uganda - *(Applause)* They are led by Brigadier Ademafu who is also head of the Ghana's Staff College. *(Applause)* They are here to visit of course, their friendly counterpart of the National Resistance Army and to see what we are doing. I met them this Afternoon and gave them a brief on how we are proceeding but all the same, it is an honour to us that they have found time to join us in honour of our invitation I extended to them. As you know, Ghana finished writing their Constitution and we are now following in the footsteps, not only of the Constitution but also of the economic policies which seem to be working both there and here. You are most welcome to stay and listen to us as we continue. *(Applause)* I will give the Floor to Darlington Sakwa.

**MR. SAKWA (Bunghoko South):** Thank you very much, Mr. Chairman. Since morning, I have listened with a lot of interest to the many presentations from fellow delegates. I am now quite convinced that there is no serious disagreement between supporters of the Motion and those who are opposing. It is clear that both sides want power to be in the hands of the people rather than being concentrated at the centre. This, I think goes without any argument. You have heard people saying we decentralise - we give power to the people. We have heard people saying we federate so that people can take decisions on the best way to govern themselves. It is also clear, Mr. Chairman, that both sides recognise the sovereignty of the people with regard to power sharing. What is also true, Mr. Chairman, is that supporters of federalism are emphasising the fact that power comes from the grassroots, in the grassroots surrender power partially to the centre. On the other hand, supporters of decentralisation are arguing that power must go nearer to the people as far as possible. In other words, the decentralisation support is based on the centre giving away some power while the federalists are saying power should come from the people upwards. Mr. Chairman and fellow Delegates, there is no argument to this one because the federalists are saying we have the power, we shall give you some and we retain the rest. Decentralisation says the power is in Kampala, we shall give you some in the district. *(Applause)* That is very clear. Now, what is common - the only thing which is common, fellow Delegates, is that either way, somebody must surrender some power. If you accept to go federal, then the citizens surrender power to the centre. If you accept to go decentralisation, then the power from the centre is surrendered to the people. So, the argument really now is - where do we find a compromise. There are two sides. Some people want power to come from the top, others want it to come from the bottom. The spirit of these Amendments, in my opinion, is to achieve a compromise where the power is surrendered, whichever way they come, whether they come from bottom or from the top. My reading of this Amendment is that the spirit is, once this power is surrendered, it is surrendered permanently. If you surrender this power permanently you have no problem because you have agreed whether it is coming from Kampala to Mbale and you say that whatever I have given you is yours, I have no quarrel with it. If the people of Mbale decide to surrender some of their power to Kampala permanently, I do not have a quarrel with it.

We have heard very serious arguments that some people have tasted decentralisation and do not want to part with power. They do not want that power taken away from them. That argument we have heard on the Floor. We have also heard and this is also a reality that some people in Uganda have tasted decentralisation but they want to surrender some of that power to a regional authority. This is also true. I think both of them have a case and that is why we are here. If it was a question of each area deciding on what to do, we would not be here. We have come here to listen to both sides and then find a solution.

Mr. Chairman, Fellow Delegates, if you decided to give me a shirt and I decide to use this shirt myself, I commit no crime. If you also give me this shirt and I discover that my brother has got a bigger need for the shirt and I lend him the shirt, I commit no crime. So, my reason for supporting the spirit of this Amendment is this that we have agreed that people are going to surrender power from certain levels - be it from down upwards or from up downwards. Now, if we say, as we have been arguing, that the power belongs to the people, then the solution to this impasse, fellow delegates, is to say once I have given you your power, it is up to you. If you find that it is reasonable to retain this power because it is very sweet, please retain it at your district. Do not give me the power and follow me and say this is how you should use it. Give me the power and then leave me to use that power as long as I do not interfere with the well being of my other fellow Ugandans. In other words, if you gave the people of Mbale power, as people are arguing that decentralise to the district because people are tasting it and they do not want to leave it and the people of Mbale think that they should retain, please let them retain it but if the people of Mbale for some reason think they should surrender this power, let them be free to surrender the power and this will be a solution to this impasse because I do not see any problem with somebody who has been given his powers deciding that he does not need all of them and sends some of them to higher authority or to any arrangement he sees fit.

So, as Hon. Mayanja Nkangi said - probably, the real problem here is not federalism or decentralisation. The real problem is - have you given the people in this Constitution real power? If you have given them real power, you have no argument, these people should be free to use their power as long as it does not impinge on the rights

of those who have similar power and therefore, the issue of regional tiers will be solved through the absolute power given to the people. So, my proposal, fellow Delegates, is that whether we hate the word 'federalism' or hate decentralisation, let us solve the problem by giving power and let it be permanent and give these districts the power to decide either to retain all the power or surrender it to regional tiers and therefore, satisfy both - (Applause) the federalists and the people who do not want to surrender any power. I thank you, Mr. Chairman.

**THE CHAIRMAN:** Hon. Col. Kutesa.

**COL. KUTESA P. (Kabula County):** Thank you, Mr. Chairman. Hon. Delegates, if we remember well, during a recent two day seminar organised by the Think Tank and FAD Foundation, Hon. Lt. Col. Kiiza Besigye made a comment about people who are here constitution making while at the same time campaigning for the next elections forgetting that the Constitution we are trying to make is supposed to outlive all of us, it is not only for the next elections. Unfortunately, this Statute under which we came here did not see this danger. The result is that some delegates give the impression that they are more interested in the next elections than really putting in place a long lasting Constitution. It is easy to agitate peasants on some catch words like *federo*, like *federo eyanamala*, the real *federo* and the rest but it is a bit more difficult and it needs a lot of energy to go back and explain what it is in reality. It was easy during the campaign days to call upon the nostalgia of the good old days when things were cheap, when services were near to the people, when the police were efficient and promise that those good old days could only be brought back by *Federo*. Recently, when the Kabaka of Buganda was meeting some of us the C.A. Delegates from Buganda in his palace in Nkoni, he made a statement. He said it would not be wise for someone to go to negotiate and refuse to listen to the side of the man he is negotiating with. I also do not think that it would be a wise person who does this. Now, what is happening here is that people talked to the peasants who voted them in using some catch words and promising them many things. Now, after negotiation here and seeing what really is at stake, they do not have the energy and courage to go back and explain what has come out of the negotiations. (Applause) They do not have the courage, they do not have the energy or the will power. In my understanding, I think we are all

agreed here, fellow Delegates, that power belongs to the people. If this assumption is right, I think the next step would be to define the level of that power. Let us agree on what is nearer to the people. The region or the district?

The people of Kabula whom I represent do support decentralisation while at the same time, they are not opposed to a bigger regional Buganda cooperation, provided that cooperation is dictated by the districts, not the other way round. *(Applause)* We want to contribute for the greater Buganda's existence provided we are the ones who *dictate the terms*, the contribution to the regional centre and not taxes to be levied on us. We want the representative of Kabula, wherever the regional centre will be, to be a man from Kabula, elected by the people of Kabula not a man from Mukono to come and represent Kabula on the regional centre. Gentlemen, the people of Kabula are aware that federal arrangement prevailed in Uganda from 1900 up to 1966 when it was abolished. However, they express a fear that during those 66 years, the federal Buganda Government in terms of development - not tax collection; I repeat, in terms of development, not tax collection, tended to end in Mpigi on Masaka Road, Wobulenzi on Gulu Road, Mukono on Jinja Road. Areas like Kalangala, Kabula, Madu - in terms of development, they have nothing to show or if at all, there is any, not as much as what the people who were nearer to the centre had to show. *(Applause)*

In winding up, fellow Delegates, I would like to quote you the words of the late President Kennedy of America during the Cuba Missile Crisis. He is said to have said and I quote "*While we do not fear to negotiate, let us not negotiate out of fear*" Whatever it is, I think the federalists have got to meet but what I want to say is that we do not fear to talk about this Constitution fearing to lose elections nor should we fear to negotiate because we are intimidated by say, what is written in the papers. Please, let us come here, make this Constitution knowing that this Constitution will be there long, long after we have lived and gone. Thank you very much, Mr. Chairman and fellow Delegates. *(Applause)*

**MR. MWONDHA (Bukooli North):** Thank you, Mr. Chairman. Mr. Chairman, allow me first of all to congratulate fellow delegates on their anniversary of their election, today being the 28th of March.

*(Applause)* Being one year today since we were mandated by the people of Uganda to come and give them the document that will guide them in the years to come, I want us to approach this matter of *federo* with all the seriousness it requires. Mr. Chairman, the highest spectre of local government is the federal arrangement. All the others that may be concocted fall short of that spectre. It is the federal arrangement which entails self control self discipline, self governance and self determination. Short of those, we will be preparing a half cooked meal for our people.

Mr. Chairman, Members will recall that delegations to the London Conference were mainly constituted on the basis of nationalities such that Buganda did have a delegation, Busoga had a delegation, Acholi had a delegation and so forth. *(Interjection)* Ankole too - I have been reminded but I am not going to list them all. It is on that basis that the 1962 Constitution was worked out. In fact, we can call the 1962 Constitution an agreement among nations to federate together. For my friend Ponsiano Mugenyi to say that this does not exist, then he is forgetting our history. I remember the talk those days was, and at least I remember the two personalities - when Henry Muloki was asked what he had come with from London, he put up a brief case and said *federo* was in here. When Michael Kintu was asked what he had come back with from London he said "*Ebya Buganda byona twabifunye*". *(Interruption)*

**THE CHAIRMAN:** Order! Order! Could you give the Hon. Member a chance to develop his argument.

**MR. MWONDHA:** It looked as if the Constitutional arrangement then created in Uganda two groups of people; those that had got theirs and those who had not got anything. It is this disparity of those that had got theirs and those that did not get anything that formed the background to the 1966 crisis. It is this disparity that I want now to implore the Constituent Assembly to redress. The 1966 crisis itself resulted in the 1967 Constitution. I am sure that Members are now aware as we were ably told by none other than Hon. Apollo Nsibambi in the Sheraton that since 1967 to date, the Baganda have never recognised the 1967 Constitution. That they have fought it with all their might up to this day. I do not want a scenario again to be in this country whereby one group of people will walk out of this hall swearing to fight the new Constitution.

It is that scenario that this Motion is trying to cure. Mr. Chairman, some people have said that the Motion is vague, is not clear, to indicate that they do not understand it but just after saying that, they proceed to debate and oppose it. How can you oppose something you do not understand? The fact that they have proceeded to oppose it, means that they actually understand it and therefore, they are opposing it because they do not like it but I want to assure you that the only cure to the problems of Uganda will be if this Motion is carried in this House. First of all, the Motion recognises that there are districts in Uganda and the Motion makes the districts presently we know in Uganda as the base line. According to this Motion, if it is carried today and all the 39 districts we have decide to stay on their own, they will automatically become the 39 regions of Uganda. That is what this Motion is saying. It recognises those districts and that out of those 39 districts, one, two, three or four or whatever number, may decide to stay on their own. What is wrong with that? The flexibility in this Motion is so large that it can accommodate - I am sure it can accommodate Hon. Amanywa Mushega and accommodate Hon. Apollo Nsibambi - if I can use the two honourables to point out the extremes. It also recognises that there are districts in Uganda who have already expressed by the passage - when we passed Chapter 2, Article 4, Clause 2 in the 5th Schedule, when we said - Masaka of Buganda, Mpigi of Buganda and so on that by so doing, there were districts already ready to come together. When we said Jinja of Busoga, Iganga of Busoga and Kamuli of Busoga, it meant that there were districts already identifying themselves with a region called Busoga and this Motion is now giving an outright expression to that wish and giving it a political weight.

I said at the beginning that we better approach this matter with all the seriousness it requires. It is no use for us to pretend that we shall give this discussion of *federo* a hide and seek treatment, a back street treatment, that we shall go from place to place. Let us resolve it in this Constituent Assembly. Let us not wait for the Rwakituras of this world, for the Akokoros of this world or any other place, to solve this matter. Let us solve it in this Constituent Assembly and Members should not hope that playing hide and seek here will solve our problems. The future of this country hangs very much on how we treat this Motion. I thank you.

**MRS. SEBAGEREKA (Women Delegate - Mukono):** Mr. Chairman, fellow Delegates, I would like to oppose this Motion on principle - (*Applause*) - but I would like to thank the Mover of this Motion because he has given us food for thought and we have been able to brainstorm. Before I go any further, Mr. Chairman, I would like to mention the three forms of federation I see on the Floor of this House. Mr. Chairman and Delegates, you agree with me that there is a federation of diehard criminals, demobilised soldiers who raid police stations and commit crimes in the name of *federo*.

Mr. Chairman, fellow delegates, there is another form of *federo* or federation which multi-partyists who, at this 11th hour in the Ugandan history, are advocating for - (*Applause*). The very people who saw it out in 1966. (*Applause*) Mr. Chairman, fellow Delegates, there is the UPC stand that has been circulated in our pigeon holes which was given by the Secretary General of UPC who is here, not in her right as a UPC Delegate but as a delegate of Lira Municipality. Mr. Chairman, fellow delegates, there is another federation which is known as *federo*, that is the federal I support. My people want that kind of federal. A federal of cooperation, a federal of development, a federal that is not imposed by anything but by the wishes of the people. (*Applause*) The people of Mukono District, Mr. Chairman, would like to have a federal that gives them power, that gives them cooperation, that gives them economic welfare. The people who abhor the exploitation and corruption of the power that is centralised, a federal of development they want. They realise they cannot rewind the clock back to the 1962 Constitution but they would like their aspirations to be included in this Constitution. Mr. Chairman, fellow delegates, I had prepared many of the points which have been taken, so I will not labour on the points that have been talked about. - (*Interjections*) - I am still talking, I do not want hands up. (*Laughter*)

**THE CHAIRMAN:** Hon. Sebagereka, it is the Chairman who decides whether the hands should be up or not.

**MRS. SEBAGEREKA:** Apologies, Mr. Chairman. I would like to warn delegates that we are here to make a Constitution for the generations to come. We should not look at ourselves here as presidents-to-be, as members of parliament-to-be,

as looking for votes. We should avoid playing with words. Words have made us rebuke each other's well intentions. Mr. Chairman, there is a need for one language, there is a need for one Uganda, there is a need for one religion, there is a need for a greater unity, a need for togetherness. So, I do not see why if people want to have their - want to federate, I do not see why it should be denied them but that federation should be a real true federation, not an emotional, imposed federation. I would like to end by advising all of us to be aware of unholy alliances that brought us in the last confusion. *(Applause)* Mr. Chairman, I oppose this Amendment but I am a federalist. I thank you.

**MR. NEKYON (Maruzi County):** Mr. Chairman, thank you for giving me the opportunity to take part in this very crucial debate because I feel that what we are debating today is the very continuation of the existence of the state of Uganda. I have heard Members of this Assembly talking about the issue as if it is a light matter. This issue has been with us since the creation of Uganda and is bound to remain with us for a long time to come unless we are prepared to face it squarely today. As I speak today, Uganda is more divided than it was one year ago when we were elected. This is the truth. Why do we have to debate this Amendment today? We had to debate it because we hear the people in the villages gave conflicting views on the relationship between the government units and the central government. I must say that we are paying too much attention to the views that we are collecting because from the beginning of our debate, I did point out that there was irregularity in the manner the views were collected. RC I were asked to contribute their views and they contributed substantially. After that RC II again was asked to contribute their views; then RC III, then RC IV, then RC V and I have put a question which has never been answered. On whose behalf did RC II, RC III, RC IV, RC V give their views after RC I had given their views on behalf of the entire population of Uganda? *(Applause)* Therefore I am going to rely entirely on logic in this matter. I am going to rely entirely on logic and I will speak without fear or favour.

I have heard members saying UPC did this - why are they now doing this? Others said DP Manifesto said this - why are the DP saying this now? Others are saying our constituency recommended this but why are we changing now? Mr. Chairman, the very

concept of having this Constitutional Conference is that we should come and negotiate and we can only negotiate by listening, by presenting our views and then by persuading and being persuaded. If we are not prepared to persuade and to be persuaded, then we are wasting public funds. *(Applause)* But if you agree that you can be persuaded, then you must know you must be ready to change your mind according to logic. The moment we decide that everybody here must stick to his original idea up to the end of the Constitution, then we are not negotiating, we are just wasting time. We are here to listen to each other and to accept what is logical and to throw out what is not logical.

Sir, I have had the opportunity of participating in this for a long time and I will begin by clearing certain misunderstandings. One Member said there are characteristics of federal systems which we cannot afford. He quoted from the report of the Constitutional Commission. He said if you must set a federal system, you must have regional constitutions. Even in 1962, we had regional constitutions. Buganda had a Constitution, Busoga had a Constitution, Bunyoro had a Constitution. The districts had their Constitution which was written by Parliament on a standard basis, it was called The District Administration Act. So, Constitutions can always be there. Even now we have already written in the Committees Constitution for the districts; District Administration - the Chairman is going to be so and so, we have already written the Constitution. So, that is out of the way. Then he said, regional Parliaments must be there. Yes, but that is not necessarily the case. If you want to use only names like Parliament, then it is okay but that is just - you can have districts as we have now but they are also Parliament because they are Legislatures. Actually, the right word is legislatures, not Parliament because we already had legislatures in the regions.

Then he talked about bi-cameral Parliaments but it is not necessarily the case because Tanzania which is a federal country does not have two Houses of Parliament. That depends on the Agreement which we will reach here. If we want two Houses of Parliament, fair enough, we will have two Houses of Parliament. But he says how can we manage the two Houses of Parliament? You can manage with the same amount of money by reducing the number of the Members of the Upper House from the total number of the House today. In other words, when

you combine the districts to form states, the counties will also be reduced, the *gombololas* will also be reduced and then the number of people going to the common parliament will be less. So, you can add to that the number for the Upper House. It will not waste any money but that also is subject to agreement here.

Then somebody said the federal unit must always raise money. I am hearing that for the first time. In the 1962 Constitution, we had an arrangement where funds were raised by both the central government and the local governments and in many countries, you have funds being raised by both sides. So, you note a standard arrangement for a federal system. Then he talked about national capital as a big issue. By 1962, we had agreed that Kampala would be an autonomous area and would be run as a state. You can also create Kampala as another state as we have a state of Washington. So, that one cannot be a subject of bitter debate.

Then we came to the question of residual powers. Somebody said where would the residual powers lie? He said with a federal system, residual powers must lie with the districts or with the regions. Yes, that is exactly where the residual powers should lie because we have agreed that power belongs to the people. It must, therefore, flow from there upwards. Somebody then said you cannot have a federal system without having the state. This has already been clearly illustrated by another Speaker. We had the states, and it is those states which decide to form Uganda by the 1962 agreement Constitution. It is that Constitution which we are now trying to remove and replace with the new one. So, when you renew that Constitution, you set those states free to be with you or not to be with you because you have removed the bond or tie which was in the 1962 Constitution as amended in 1967. So, the states still exist. That is why I say we must debate this matter with care. Somebody said let us finish this matter today once and for all, let us defeat this thing and that is the end of it. That will not be the end, that will be the beginning of it. *(Applause)*

Sir, I come to the substance of my debate. Decentralisation versus federalism. I ask who actually recommended decentralisation to the Commission, they say, many people recommended decentralisation but that is a lie because only during the last recess - I had to go around my constituency explaining the meaning of decentralisation to the

people. If the people recommended decentralisation, how come we are still explaining to them its meaning? For *federo*, it is stated clearly that the majority of the people of Buganda asked for a federal system. So that one came from at least a section of the people of Uganda. The other one came out of the blue. Sir, I must say many people here have said decentralisation and federalism are the same. We have got a stone game in Lango where someone holds a stone and plays with it in both hands, then he puts his hands in front and says, where is the stone and then you touch one of the hands, the stone is here - if you are right, then you take over the game. Now if you say, federal and decentralisation are the same, now we are saying okay if they are the same - you give us federal system and then you are saying no! *-(Applause)-* Some people do not agree that decentralisation and federal system are the opposite of each other and Hon. Sakwa tried to explain this very thoroughly. Decentralisation means power flows from the centre to the grassroots. That is the meaning of decentralisation. Decentralisation - removing away from the centre. Federal system means power flows from the villages to the centre. The difference is like the difference between air and water. Air flows from the ground upwards, water flows from upward to the ground. *(Laughter)* So, the issue here, therefore, is who gives power and who receives power? To me, power belongs to the people and it must be the people giving power to the government. The government needs the people but the people do not need the government. People existed long before government came. Later on, they formed the government for common good but a man can live without a government. A government cannot live without the people. So, the issue to me is division of power. We must agree on how to divide power between the regional governments, the local units and the central government and once you have divided power, then you are to divide the resources in such a way that everybody feels satisfied, contented and happy.

So, the issue to me, is that we must now remove this idea of having power in the centre because we have had enough of it. What we see today is all the power in the centre. One man sees all the visitors, one man issues even proforma invoices, one man travels all over the world looking for investment and so on and so forth. This is a source of dictatorship and we are here to avoid more dictatorships.

When I was in Tanzania, I used to rear chickens and I observed that if you kept all of them in one small area, they started attacking each other. The dangers of putting all the powers in the centre can further be illustrated by the example of a man who has four wives living with all of them in one uniport. *(Laughter)*

This is not how things are arranged. Nobody should say because my district will now stand alone, the resources which are now here will be still used for all of us, for the good of the whole nation. The only difference will be in the re-arrangement of the sources of revenue for everybody to be fair and nobody will oppose this because those who are rich today will become poor tomorrow. In Nigeria they had the same problem. People thought Eastern Region was poor and so on but then oil was struck in that poor region and it became the richest. Tomorrow Karamoja will become the richest region in Uganda because all the minerals are there. So, I would rather support them to stand as a federal State. But above all, this idea is not compulsory. Those who want will become federalists, those who do not want will remain with the relationship in the Centre. This is the agreement we had in London. Nobody is going to be compelled and I say, if you are going to your people and they say; "no we do not want to mix with anybody, we want to be on our own", then you must be on your own. But let nobody bring the notion. In London, those who asked for federal system, got federal system, those of us in the district who did not ask for federal system got what we wanted. Do not say that those from Lango, Bugisu, did not get anything. No, we got what we wanted. It was a unitary relationship with the Centre. So, the difference was in the asking.

I propose that when we distribute the power, we do it like this: The lowest unit will keep Primary Schools, Health centres and dispensaries, Water, Land, Community roads, etcetera. The middle tier or region will keep secondary education, hospitals, major feeder roads, Agriculture and Animal Industry, Culture, Community Development, etcetera. Then the Centre will keep Foreign Affairs, Defence, Research and Tertiary Education, Immigration, Inter-State Communications, Foreign Trade, Banking and Judiciary, etcetera. But since this is the thing which already has been practiced for a long time, I do not see why people are so worried about it. Originally, I was supporting a

unitary system from the fifties when we formed the first political party, but later on I changed my mind because Buganda declared her own independence and we had to choose between having the rest of Uganda as an independent State and Buganda as an ordinary independent State. I thought in my mind and decided that I would go for a federal system in order to help a unified Uganda and I still do that today without fear whatsoever. Now the population is about three times what we had in 1962.

Other views were raised by Hon. Amanyu Mushega. He came very close to supporting the Motion. He agreed to the enshrining of the division of the powers between the Central Government and various local units in the constitution. I want him also to agree to the enshrining of the division of resources in the Constitution. Once you have done that, then you agree all people voluntarily joining together to form federal states *(Applause)* Once you have done that, then I am very pleased because you will have moved a long way from your rigged position to see logic. Then he made a mistake by saying that we have a problem in Uganda because of the mixed system. The mixed system did not bring trouble in Uganda, the trouble that rose in 1966/67 did not come from the mixed system or from the structure. It came because we had the lost counties issues. Whether we were a unitary state or a federal state, the question of loss of counties was bound to bring conflicts. So, that must be kept completely away. In fact in our Committee One, we were still facing this issue of lost counties land although we are now under a unitary system.

Then I come to Hon. Egonyu, who spoke very well about nothing *(Laughter)* Mrs. Egonyu said that if you have a federal system, you will have wars. Is that logical? Just now we have had wars in Luwero, Acholi, Teso but this was not in a federal state. Acholi was not a federal state; Buganda was not a federal state at the time the wars were fought. So, wars come from endemic discontent to which no solution is sought. Once people feel that discontent is not being addressed, then the country - if the structure of the country or state contributes to wars, then as I have said, concentration of power is more likely to cause war than decentralisation of power. I have illustrated this with chickens in a small house and four women in a "mama ingia pole."

She said, we must avoid heading tribal states because federal system means heading tribal states. What

she is calling "tribal states" were the original states. I take her area Teso - Teso is not a tribe, it consists of many tribes. So you cannot have a tribal state in Teso. In fact it is nonsensical to refer to Kumi as a district because we are trying to avoid tribalism. Kumi consists of one unit called *Dingoratok*. But Teso would consist of *Dingoratok*, *Bakenyi* and *Kumamu*. So, once you have an area where many tribes can live together, then you are making progress instead of going the other way round.

Somebody again said, this Motion is an alliance. We have lost a lot of our energy and strength by concentrating on who brings the Motion. Are we here to find out what is right and wrong or who is right and who is wrong? I would prefer that we concentrate on finding what is right for Uganda and what is wrong for Uganda instead of looking for personalities. If the Motion is good, I support it irrespective of who moves it. But I am not going to say because UPC has distributed its papers therefore the Motion cannot be supported. This is the policy of the divide and rule and it must be eliminated now.

Mrs. Ssebagereka came out with a strange system of Government. She produced three types of federations. But I will not discuss it because it will be a waste of time. Hon. Babu was fantastic today. Of the last six months he had not seen sense with what we were saying but today he has seen it. I congratulate Hon. Babu for seeing the light for the first time. But he added and said that the 1962 Constitution gave Buganda nothing but words and the words were taken away in 1967. Mr. Chairman, as Hon. Mwendha said, the 1962 Constitution gave out powers to the Regions. As Mwendha said, Busoga came back very happy, Buganda came back very happy according to Kintu that they got all "Ebyaffe". If Hon. Babu says that Buganda got only words from 1962, then why is it that Buganda is being so bitter about the removal of the words? If I give you words and I take it away, why do you become so bitter. It is only when you remove something substantial from somebody that he becomes bitter. That is the only mistake he made. Otherwise he was excellent (*Laughter*)

Finally, we are here to heal all wounds. I am here on behalf of Maruzi to heal all wounds. I might have made some mistakes during my long political career and I would have been foolish if I did not make any mistakes because even on your own farm, if you are cultivating if you reach the end of

the garden you go back you will find you have left some grass behind you. You cannot move without making mistakes because you are a human being. But we are not here to open old scars into fresh wounds. Therefore, I support the Motion for the unity of this country. (*Applause*) Thank you, Mr. Chairman.

**MR. OBIGAKANIA MARIO:** Mr. Chairman, in 1990 June, the District Resistance Council of Arua appointed eminent councillors to summarise the views of the people of Arua on this matter of federalism or unitary Government. In Articles 1.2 of that Committee's Report, they said: "*Uganda must remain a Republic and must be ruled under a unitary administrative structure.*" In Article 1.4 of their proposal they said: "*The Central Government must decentralise finances to districts and the Central Treasury regularly replaces the district coffers giving more to the most needy.*" In Article 2.16 of their recommendation they said: "*The administration of districts should be through the institutions of the Resistance Councils and Committees under decentralisation.*" One of the prominent councillors who were appointed by then a councillor but now honourable is Hon. Dick Nyai. Mr. Chairman, when our people in Arua opted as it was recommended, they were not practising political acrobatics. They were not practising any hatred against any region but they were reacting to exactly what they had lived through over so many years. As far as our consultations have been going on, that position has never changed. I can assure you in the spirit of one Uganda, the people of Arua District will not practice political acrobatics.

There is the tobacco thing being dangled in eyes that if we federated we would have 38 billion worthy of shillings to smoke. But in economics, there is something called value added. My county Terego, the biggest producer of tobacco country wide in Uganda, I am sure will not be able to get all that value because the rest of the value is added elsewhere from Uganda.

Finally, on the reaction of some of the points which had already been made, it has also been alluded that the people of West Nile are the orphans. I would like to take this opportunity here to disassociate the people of Terego that now the people of Terego do not feel as orphans at all. They feel as part and parcel of the Ugandan system. They were orphans in 1981 to 1985 when they were lamenting in Sudan.

Mr. Chairman, I have looked at the wordings on this proposed Amendment very carefully and as Hon. Ssebagereka has said, in my possession, I do also have a document entitled "*Uganda Peoples Congress Statement: Structure, Powers and responsibilities*". It says: "*Uganda should be governed as a federation of states.*" This means that Uganda will have as many federal states as shall be determined by the demands of the various areas of the country according to the administrative, cultural, economic and geographical and political considerations of the people. When I look at the proposed Article 201, sub-sections 1 and 2, I do not see a difference in those positions. They are exactly identical. Of course as the former Speaker had said, the source is not really important. But I will be foolish not to reflect on what the source always causes me to suffer. In 1962, similar provisions were made to some institutions but the results were the same. It is wisdom to use such knowledge in hind sight and that is why I think it is important that we see well beyond the source and intentions of this kind of statement and the source. More important, why have those regions lost names? According to this Amendment, districts will become regions, regions will become counties, and counties will become federal states. That is precisely what the proposed Article No. 3 and 4 are saying. In Terego we can tomorrow say, Terego is a federal region, and for that matter His Excellency Obiga Kania will become the President - (*Laughter*) I would like us to be serious and in this constitution put exactly one meaning of a word at a time. I am not a Lawyer but Lawyers will tell us that in future they will need to interpret these words. Now, if districts are going to become regions and regions are going to become districts, are we not putting our eminent judges in difficulties and future interpretations? There is further reasons why those states are actually not normal. It is precisely because there is no common factor on which at the moment we can build a federal structure in Uganda, and the movers of the motion know that once they moved it with specific factors to determine the federal states, this Motion would have failed. But since we have discovered that reason, why do we not fail it as well? There is a compromise position, I said that at the beginning when the people of Arua District said they were not for the federal system of Government, they were not against any people. I can assure you today they are not against anybody. But more so, they are resolved by the fact that today as we have passed in Chapter 2 of this Constitution, states that regions or

districts of whatever nature will be absolutely free to associate. In my opinion, what this Amendment is now trying to ask us in this Assembly is that we should go and do the work for those who want to associate. But I think that is work which is more suitable for them because as this document says, they know the administrative reasons, cultures, economic factors and geographical considerations on which they would like to associate. So, in the view of the people of Terego, we would appeal to the constituent Assembly that compromise is absolutely adequate only if the guards from any area that would like to cooperate as such can very willingly decide to go and do the homework to convince the people.

Finally, there has been an attempt to compare federalism and decentralisation for practical purposes, I will take it like that but I have seen the results of decentralisation. I have seen the people who have the power, I have seen developments - big developments which have been taking place. For example, recently I was in Caesar, and I am inviting all the Delegates through Hon. Ntagboba, to go there and see the great gigantic development steps these people are taking through decentralisation and also in Terego, I have seen it. Every sub-county is busy developing itself. That to me shows some degree of power in the hands of these people. If there is a feeling that these powers are not enough, why do we not here and now say, we entrenched the power more firmly into the Constitution and give it to the people? I thank you Mr. Chairman.

**MR. ATAMVAKU ZUBAIRI:** Mr. Chairman, thank you. Mr. Chairman, when crucial issues - issues that determine the final destiny of this country are being discussed, I appreciate we do it in a sober mood and more so, we be honest to ourselves even if we are dishonest to others. The first promise is that there are two forces: the force of reason and the force of fashion. Fashion currently demands that I go for decentralisation but because reason is superior to fashion it has compelled me to support this Motion. Therefore, I oppose decentralisation and support federalism as contained in this Motion.

Mr. Chairman, I do not intend to hurt anybody. I do not intend to hurt any authority. I do not intend to contradict anybody, but I say, I am compelled by reasons. Mr. Chairman, federalism in its formulation is but the compromise of the logical conclusion of self determination. Mr. Chairman, it has been a

common chorus here that power belongs to people. In short we must uphold self determination and federalism is a logical conclusion of self determination. Mr. Chairman let me explain myself in historical terms. If I do it conceptually, the vocabulary may be too distant. But historically speaking I will say that when the British occupied this mass of land, the geopolitical entity that has come to be known as Uganda, they found various nationalities living independently but interacting either in wars or in trade. Mr. Chairman, while the logic of colonial rule demanded that divide and rule, the logic of colonial economic exploitation also demanded that partly unite and employ. So, when the British was to leave and indeed they left, the logic now was that the colonial logic was to unite them and then depart. But a philosophical question arose in respect, primarily to Buganda and then other kingdom areas, they argued. "You white men came here, found us as autonomous or independent people, you forced us to come into this thing called Uganda, you are now leaving, so what is the legitimate basis by which we should remain in this artificial Uganda?" In other words, should we have gone into independence as one Uganda as we did or should we have gone separately? Logic of self determination demanded that Buganda had the right to be a separate independent state, but foresight and reason dictated that Buganda had to be part of Uganda and therefore, negotiations had to take place. That is how UPC, KY Alliance came to be. It was an alliance of a clear vision; a clear sight and no selfishness (*Applause*).

Mr. Chairman, I would like to make a small observation here. If that Alliance ended up on a rocky shore, it is not that the alliance was not well sorted out but it is because of some mischief mongers who created obstacles on their path towards realising one nation and some of them are here; they are the same people who cause a lot of mischief; they are the very people who were expelled from UPC and are the people who are now behind the so-called decentralisation and they are not ashamed to heckle me.

Mr. Chairman, I will continue to say that federalism was therefore a compromise. There was so much campaign for self determination in Buganda, Bunyoro, Busoga, Toro to mention but a few. Everywhere and everybody *-(Laughter)* So, Mr. Chairman, this sub-nationalism had to be compromised in terms of federalism. But later,

sense of history propelled us into a unitary system of Government. Mr. Chairman, it was on that basis that some time back, Arua recommended a unitary Government. But politics is not static. Politics is dynamic. Why do we say that because Arua recommended unitary Government, we therefore, must of necessity be unitary from now and in future yet while we were discussing the policies of electing the President, we fundamentally departed from the popular aspirations enshrined in the Odoki Report? We threw away the idea of the running-mate, why did we do so? It is was because at that time they stated that if we held the position of a running-mate, certain persons who are fond of telling lies by promising Vice Presidency to every common nobody will spilt the political organization from top to bottom. So, they demanded to ignore the Odoki Report. Now my question is, if in discussing presidency and vice-presidency we were so protestant as to commit the sin of social disengagement from the Odoki Report, today, why are we so catholic - in small "c" - to uphold a decentralisation which has never been demanded anywhere in the Constituency Memorandum?

Mr. Chairman, I submit this is all because interested persons imagine that this Constitution is to protect certain interests. I would have upheld a unitary system of Government if the state were responsible. In the past, the State was responsible. After independence the state increased education opportunities; the state expanded health facilities; the State increased roads, rail lines. Mr. Chairman, I justify that the State is now nothing but destroying what was only achieved. It has mortgaged the whole country to international finance capital without the approval of the sovereign people of Uganda. Mr. Chairman, what has the state done more than that? Mr. Chairman, truth is too bitter to swallow that is why today we from Arua Municipality, we say that such a state is not responsible enough to look after our affairs. We rather say, since you are a necessary evil, we cannot do away with you at the moment after all the bourgeois state of Marx did not wither away. What we can say is, we give you some few responsibilities and the rest we keep to ourselves.

To have these responsibilities, we primarily must own our resources. This is where Hon. Amanywa Mushega made a classical error of logical absurdity. He said you must first be given responsibility in duties and then the resources will be allocated to

you. That is a very strange position. First and foremost, I want Hon. Amanywa Mushega to know that man owns his resources and by virtue of ownership of his resources, responsibilities are imposed upon him. Therefore, I cannot as an individual be responsible for the defence of this country. That is the true position over responsibility and resources. Mr. Chairman, therefore, the basis upon which Hon. Amanywa Mushega opposed this amendment was false, not only logically but also naturally. Mr. Chairman, moreover, the circumstances of this debate is unjust. I say unjust because whereas in this August House we are all free to debate - remember the Constitution is being made not only here but also outside this Building. Even outside, and everywhere you find cadres moving about talking about a preparatory document of the so-called decentralisation but proponents of federalism are subjected to Police brutality. Where is the freedom? Hon. Amanywa Mushega has no shame to tell us that we are intellectually lazy. No, you are intellectually cowards.

Mr. Chairman, therefore, the issue must be made clear. We should own our resources. When we say we should own our resources, we are not saying that we must only depend on tobacco. We are not saying that we should always smoke. Tobacco from Arua constitutes 90 per cent of Uganda's Tobacco as high quality Tobacco. I am opposed to smoking. I therefore conclude by saying that, I partly agree with Hon. Sakwa that federalism means power flows from the grassroots to the centre, but I partly disagree with him when he says that decentralisation means that power flows from the centre to the grassroots. That is only partially true and partially wrong. Uganda is a unique case. In Uganda, decentralisation means power flows from the barrel of the gun which was somewhere in Luwero but now transferred to Rwakitura. So, in light of this, Mr. Chairman, I want to say that the policy of decentralisation is selfish. Mr. Chairman, let me therefore say that federalism is, in the words of Prof. Nsibambi, a home grown solution, but decentralisation is a consent manufactured in Washington. It is not proper that we must uphold it just because today the Ugandan state is a prefect of American Imperialism. We shall therefore, not accept extension of that relationship by accepting decentralisation and rejecting federalism. Thank you, Mr. Chairman.

**PROF. KABWEGYERE:** Mr. Chairman, thank you. Mr. Chairman, I belong to Committee 4. This is the first time that a Motion has been brought talking about the federal system for the whole of Uganda, so we must evaluate its currency and its importance. Secondly, Mr. Chairman, I want Members of this House to turn to Page 7, Article 203. Here, Mr. Chairman, the Committee was presented with the proposal of Motions on *federo* and I want define the word 'federal' and 'federalism' as separate concepts. We came up with this compromise where it says as follows, Mr. Chairman: "*Two or more districts shall be free to cooperate in the areas of culture and development as set out in the 6th Schedule to this Constitution and may for this purpose, form and support councils, trust funds or secretariats subject to the following: (a) Such a cooperation shall conform to the democratic principles enshrined in this constitution. (b) the council's trust funds or secretariat so formed shall not have power to levy taxes and (c) such cooperation shall be embodied in a charter signed by the a consenting parties and posted with the Parliament.*"

**THE CHAIRMAN:** But Professor, you are taking us into debate on matters we have not come to yet.

**PROF. KABWEGYERE:** But Mr. Chairman, it is helping me in making a point about this Motion just as we have referred to other documents.

We came to that consensus because we wanted to accommodate those who were interested in the third tier. The third tier was important but how to arrive at it was discussed and that is the way we arrived at that compromise. Mr. Chairman, this Motion as now presented is talking about the whole country and I do not know how many Members here came in on the ticket of negotiating a federal status for their areas and for the whole of Uganda. It looks to me immediately it calls even for us to go back and consult whether this should be a matter for consideration by this House or not. But be it as it may be, I want to look at the proposal but be it for whatever motive or whatever reason, let us look at it: "*There shall be a federal system of Government in Uganda based on regions.*" Now I am not a Lawyer but I am going on, and I want the Hon. Movers later on to clarify to me as we go to number two now: "*Each region shall consist of districts and other such lower government and administrative units as may be formed from time to time*". Now we are talking therefore, of smaller units within the

districts. But the regions shall consist primarily of districts. Now you come to three - "*each of the existing districts of Uganda shall be recognised as a region by itself*." Now I want to be told that this is clear in the English Language and clear in the construction and legal language. Because Mr. Chairman, on the one hand, the unit must be a region composed of districts and then at another point, the district can be a region. To me I get confused, I do not think I am prone to confusion. There must be something in the construction here that leads me to that confusion.

Mr. Chairman, let us look at the purpose of Government, be it regional or local or central. The purpose of Government is to direct the affairs of society so that the resources available to that given area are put to proper use for the benefit of society. That is the objective. In our past, of course we have had Governments which can be praised by some and which have failed on that dimension. But Mr. Chairman, I want to be convinced and in our Committee 4, we had people talking at length and we were not convinced. Perhaps today we should be convinced that if you have a regional tier, whether it is by districts or by a district alone as a regional tier in this sense, that you are better off than when power is decentralised in the form that it is now proposed even in the very Chapter we are discussing because we have had enough time Mr. Chairman, to look through it. Where it is pointed out that the smallest unit of local government is a sub-county and that you are even talking of direct election to that unit and that it has powers to make laws; the district council is empowered and so on and so forth. Now, anybody who is talking of empowering the people and thinks that you will empower them by increasing the distance from them to where decisions are being made, must really take time to convince me especially in the era of popular democracy. Mr. Chairman I want to be convinced that those who are talking of federalism are not confusing the two ideas which have conflicted in our minds here very often and even today.

Mr. Chairman, the word "*federo*" is different from the federal system as proposed in this Motion. Mr. Chairman, *federo* is like *Mailo* - *mailo* is specific and has a historical origin and location in time and space. *Mailo* was finally understood when we said it is the same thing as free-hold. Now with *federo* those who think that those who have been arguing about *federo* especially in terms of *Ebyaffe* are

saying the same thing now must have to consult their own archives. *Federo* in the manner that has been presented and was presented to Committee Four had a specific meaning and specific cultural connotation in reference to Buganda as a region. There is no one in Committee Four who is here who can remember anybody from Busoga talking for federal in the same sense or from Acholi or Lango. Let us be clear that either there is an immediate infusion of a new idea that Uganda now certainly becomes federal or we are confusing the two. I think we in Committee Four understood the idea of *Federo* and tried to handle it and did our best to compromise. So, anybody who is talking of compromise or no compromise must consult the Minutes of Committee Four.

Mr. Chairman, I have a feeling therefore, that we are historically being diverted from the course of democracy as may be the case again as was the case in 1961/62. Mr. Chairman, democracy was killed in the Labour room by an alliance between UPC and KY when they opted for indirect elections in Buganda; that was killing the child as it was being born. Today, when we are all talking about democracy and giving power to the people and calling upon them to share equally throughout the whole of Uganda, some are beginning to say, a region may be smaller; there will be a region of Arua town; there could be a region of Caesar and so on and so forth. Mr. Chairman, let us not divert from the people's demand for democracy. Mr. Chairman, in Committee Four we are saying, let the power go to the people and let them freely, as in Article 2 or 3 as districts, as councils, choose to become bigger units and those bigger units are in consonance with the current trend of democracy. Mr. Chairman, if we divert from that, we will be diverting from a historical imperative and the consequences will be greater than those of us who are supposed to compromise.

Mr. Chairman, let me end by saying that we are building the Constitution and that Constitution must not have favourites, must not have areas which are special and others which are not. In my language people say, when you are told that the skin of a jackal cannot be used to carry a baby then you say that I used it to carry my child who died, then you will have failed to understand the meaning of the message! Mr. Chairman, there are people who say we should go back to 1962 Constitution that the regions were here and so on and we have the

wisdom of Hon. Nekyon. We can congratulate ourselves in having done very well but if we did very well, why are we here trying to build the Constitution? Why are we here trying to solve problems that have troubled us? Mr. Chairman, we are talking of the future and this future is in our hands today, let us not again misdirect the forces of democracy to disaster. I thank you, Sir.

**MR. BYAKIKA KASAJJA:** Mr. Chairman, decentralisation is described in the Oxford Advanced Learners Dictionary as transfer of power or authority from central government to regional government. It is not by itself a system of Government. In the context in which it is being used today, one would tend to assert that this is another system of Government which can be paralleled to federalism or regionalism. This is where we seem to be going wrong. In the matter of decentralisation as it is being done, central government is simply trying to get rid of its task to districts in a rather unceremonious way. Yet the powers so given are only being shared and can be vetoed. In a federal system of government, Mr. Chairman, there is a clear cut line of powers that are wholly a responsibility of the federal state and only certain residual powers left to the central government. These enhanced and absolute powers enable the regional or federal state to plan for its development instead of having to wait for a grant from the central government. A regional Government Mr. Chairman, should have powers of taxation and utilisation and exploitation of its own resources.

Mr. Chairman, it perplexed me when the Chairman of Select Committee Four in his report said that they were recommending that the formula for sharing out the "national cake" should be left to Parliament. Mr. Chairman, if we cannot resolve this formulation in this very constitution we are making, we are not making anything. A region will be big enough to exploit the resources of the area and even to have a more economic approach to the provision of services such as roads, health centres and the like. Mr. Chairman, a small district like Pallisa cannot afford to maintain a road construction unit but if there are two or three districts together, they can pull their resources together and manage to maintain their services. Decentralisation at district level will be a mere rubber stamping to the district which cannot even make a culvert as the little money allocated to them cannot even pay their salaries and wages.

When Hon. Bidandi Ssali was in Tororo on Saturday, one of the questions put to him was that they wanted 50 culverts to bridge out our roads, and I think he can bear me witness because he wondered how a whole district could just requisition for 50 culverts which could be very easily made in the yard of the district. They had engineers there, the skilled men there but because they have no resources, they have no money, they could not make these culverts.

Mr. Chairman, a regional government will have their powers and these powers will be completely defined and will be absolute and irreversible. They tend to be able to plan for the development of their areas. An example has been given of 3 billion shillings being collected in Malaba and Busia every month, yet, Mr. Chairman, those of you who go through Malaba will know that it is one of the biggest slums we have in Uganda. You can hardly drive around that place unless you have been there several times before. And this is at the very gateway of the country. You will be surprised that most of the cargo comes through Malaba for Uganda, and yet a place like Entebbe Air Port has had International contracts just to pave out the Air Port because that is the entry of VIPs. A place like Malaba which brings in all our freight cargo has been neglected to the extent that it is very difficult for anybody to motor through there. Mr. Chairman, even if only 5 per cent of this revenue which goes through Malaba was collected into the coffers of Tororo district, we could plan for Malaba to be modernized into a city - which can be an attraction to the tourists because they are coming after Indian Ocean, these tourists are coming through Malaba to Uganda.

Mr. Chairman, it is only through regional governance that this country will develop. I therefore tend to support the Motion as it stands and I am in for region and federal government. I thank you.

**THE CHAIRMAN:** Hon. delegates some of you are wondering whether we are finishing this debate, I intend to finish this debate today so that tomorrow we continue with other sections.

**MR. BIDANDI SSALI:** Mr. Chairman, most of the points have been given and I do not intend to over emphasise them, but I wanted first of all to make a small comment in view of some sweeping statements made by one political elder, and another one by my fellow youth winger of the times, which

are intended to influence the debate that is on this evening. Mr. Chairman, Hon. Nekyon, stated correctly that we came here to negotiate, listen to each other and compromise. That is a very, very important statement and I think no Member in this hall can say he is wrong. And I think if all of us appreciate what is involved, what is contained in that statement, then I think we will reach a compromise on this matter even much quicker. But I just wanted to inform Hon. Nekyon that the same statement was made by one of the leaders in the London Conference when there was a problem, when there appeared to be a stalemate that was threatening to break up that Conference. He said: "*Ladies and Gentlemen, we came here to negotiate, listen to each other and try to compromise.*" The difference between then and now is that I think here we are talking of genuine negotiation, genuine listening to each other, and genuine compromise. What happened was, what was contained in that statement then was trickery - how do we lay our cards with these people so that we get through? So what appeared to be a compromise as a result of negotiation was actually trickery at that time. And the fruits of that seed is what Uganda has reaped for a long time since 1966.

Mr. Chairman, I do not normally want to attack old leaders or whatever the case may be, but I think it is important that some illustrations are made. The Hon. Member has also put a question and everybody applauded, he says if Buganda was only interested in *Federo*, why did they remain so bitter when *Federo* was withdrawn - when the word *Federo* was removed? Now -

**THE CHAIRMAN:** Hon. Nekyon was quoting Hon. Babu that Hon. Babu had said that the 1962 Constitution gave only words, and his question was, why did the removal of mere words create so much bitterness?

**MR. BIDANDI SSALI:** Right. Thank you, Mr. Chairman, your memory is much better. So by implication, he intends to say that 1966/67 only removed the word "*Federo*" - yes that is what I do get in this, and I wanted to inform the Honourable for the benefit of the Members that, the Baganda did not become bitter just for the sake of removing the word "*Federo*", they became bitter, one: because only then - in 1966 and 1967 - did they discover the trickery and two: because the trickery even went further to the very root of the Baganda - that is the

abolition of the Kingship. If they had only removed *Federo*, that type of governance and left Baganda with their culture, with their entity, the bitterness would not have extended to that extent.

Mr. Chairman, talking about that trickery, it is a well known statement - my elder knows it, that inspite of our - and I am informing my youth Colleague of the day - in spite of our having cautioned against the alliance that it was unholy, not that it was bad, political alliance is always fine, but we cautioned that it was unholy. In light of that, the alliance went ahead but we kept on discovering what was contained. Even at the time when the then Kabaka of Buganda was elected President of Uganda, and he went to sign the Presidency, the leader of the 30 who negotiated with Buganda for this alliance made this statement. "*The moment I saw Kabaka sign as President, then I knew he was finished.*" Now that that is a known statement, nobody can deny it but you can look at it this way. We fought tooth and nail to say please, keep Kabaka out of politics! As youth and also as politicians who suspected that there would be a problem when we mixed tradition, *Kabakaship* and politics, the same leader prevailed upon the National Council of UPC and directed that he had directed with the executive that Mutesa then should be the President of Uganda, it was about 3. a.m. at night in the Parliament building. Then in the spirit of compromise, we in Buganda, the people of Buganda celebrated and so on and so forth, as we called him names and so on in good spirit of harmony. Then two, three weeks later when he was signing as President, then what we feared came out. "*The moment I saw him sign, I knew he was finished.*" Now when some of us look at this negotiation, this compromise here today, we see some remnants of that day, a content that is not genuine. Okay, my elder said, since then he has changed - definitely because 30 years is a long time ago, 25 years is a long time ago but that does not remove the fact that once beaten, twice shy and more so, when this very amendment is the product of the same group of people (*Applause*)- here in this very hall.

So. Mr. Chairman, I had not intended to oppose this particular Motion from that point of view, but I think it is important that we do appreciate - and here I am also appealing to my fellow people from Buganda here that, we have been taken for a ride for a long time - (*Applause*)- Politics started here in Buganda with some people in Teso and so on, we

have produced leaders, one of them was the founder member, founder President of one of the biggest parties in the country, but since 1961 or 62, he died without casting a vote because the negotiation and compromise dictated that the people of Buganda would not participate in the direct election over which he walked out of the London Conference, not because he himself would not vote but because he knew and he saw it was a seed that was likely to cause problems in Uganda, and the reason was very simple on the part of the UPC then, that the moment they had an alliance with the people of Buganda, naturally all the 20 whatever number that came from Buganda would be to UPC. It is a normal political calculating in politics so they were looking for power. Now let us, I think learn from our mistakes. Let us learn from our past experience. One Hon. Member has said, some of us are debating because one; the gallery is full, the press has got very sharp pens, and towards the end of this year they are going back for election. Others are saying but we are working on a document that is beyond even our grand children. Therefore, what happens to you in the elections should really not arise.

So Mr. Chairman, I thought I would comment on some of these aspects which people just take, as my elders said, lightly. But how lightly; is there anybody who takes anything lighter than what he tries to say. He says, it was states that came together in 1962 and these states are there. Now each of us is leader in his own right and the majority of us are politicians. One of the states at that time was Kigezi, one of them was Toro. Now in your heart of hearts, do you bring the state called Toro back to negotiate as a state?

**HON. DELEGATES:** No.

**MR. BIDANDI SSALI:** Do you bring back a state called Kigezi, I could even go to Hon. Amanyanya's place here, do you go back to Ankole and say, it is a state?

**HON. DELEGATES:** No.

**MR. BIDANDI SSALI:** A state which can get together and negotiate? Hon. Kizito says yes, and that is where we differ, you are entitled to your view. But in my view, even talking of districts of Ankole was not accepted here, I do not know how much it will be acceptable for the districts of Ankole to come together and be a state to be able to

negotiate. In short, Mr. Chairman, on this point, we are saying, there was a political environment in 1962 which was emerging from the colonial period. The political dictates then were different. Today they are still different, the realities have got to be accepted. In your Motion here, you are saying, Kapchorwa will be a state, will be a region, because I know Kapchorwa will not say, I am going here or there or there. For you, you have accommodated Kapchorwa, but how practical are you when you say you have accommodated Kapchorwa as a federal region, Buganda as a federal region, Busoga as a federal region and somewhere you say, but some of these are very small, they are unviable. So they become viable when you name them, you christen them regions, and unviable when you christen them Kalangala. *(Laughter)* And then this issue, Mr. Chairman, somebody giving reason saying Kalangala under *Federo* they did not get anything, but the same gap lies. Under Unitary they have not got anything. Now what does that mean? Under *Federo* - nothing, you agree; under Unitary - nothing, you agree, so what does Kalangala do, go back to one of them? I would imagine that if I were Kalangala I would try the remaining option, that is remain by myself, get my entitlement from the national coffers, raise my own means and see whether I cannot be able to manage my humble services in my humble region. *(Applause)*

So, Mr. Chairman, even this question of viability, let us not hide behind this question of viability; districts are not viable, somebody has even quoted that Kalangala cannot manage a grader. Viability in this setup means, local community, your local community handles the affairs that you are able to handle. Kalangala, if you can handle your grader well and good, if you can handle a grader alone, you can join with Masaka or whatever the case and you handle your graders together but you can handle your primary schools and your health centres and the maintenance of those roads. We do not need to send your money for the primary schools to Masaka, then Masaka sends it to you. This money for primary schools will be sent to you directly, and you are the final person to decide. Now this in essence - the question is not how big a machinery you are able to run, how big the roads you are able to construct, that is not the essence of this decentralization. It is management of your own affairs and participation in taking decisions on how best to provide those services. That is why, Mr. Chairman, in the committee, the committee gave

allowance to those districts which would not be able to handle say, Senior Secondary schools, big Hospitals, common culture, common language and so on; the latitude for them to come together at various levels. In fact, a district can even take a resolution to say that we in Kotido, because of this and this and that, we would like central government to be handling this particular responsibility until all that latitude is open.

Mr. Chairman, Hon. Byakika - yes I was in Tororo you know it very well, and you know the answer I gave when they were saying they want 50 culverts. And I said, up to the beginning of this year, we have sent about 280 millions shillings for maintenance of rural roads, where did you put the money? Councillors, you remember they were saying all kinds of things, do you remember? And then they were saying you have not even paid the RCs and so on. I told them that we are up to date until about end of December, and they said, "What! You have been sending us money?" So the problem at the moment is not that these have no money, the problem is yours in the district. You have left the leadership of the district in the hands of those who cannot lead, you are not prepared to lead them, you are here in Kampala - leaders of Tororo! *(Applause)*

Mr. Chairman, this issue - an Hon. Member here says, I do not support decentralization, I support *Federo*. At this level of ours in this Assembly, and an Hon. Member makes that statement also for the person in the gallery to believe that you can opt for one, it is either *Federo* or decentralization. That is what I have been fighting in my own constituency, my *Sengas*, my grannies, to explain the difference that actually it is not that this is like this and the other one is different and my grand mother at least has understood it - *(Applause)* - because I have explained but a Member to be stating here that he supports *Federo* but not decentralization, and my elder explained it very well. Hon. Nekyon he said, decentralization means moving power from the centre downwards. Now that is a system as Hon. Lubega says, it is a process. So you cannot say, I oppose the process of decentralization, but I support *Federo*. What are you talking about?

Mr, Chairman the question of Federalism and decentralization must not be taken out of context. First of all, there is book explanation or book definition, everywhere when you read political science, a federation is formed by a number of units

coming together to agree to form a whole. They retain some of the powers and responsibilities and finances, they send some of the powers and finances at the higher level. That is the book one. Now the reality of Uganda today is that, by the time this government came into being in 1986, all the power that mattered: defence and all else, all provision of every service, even the appointment of a *Muluka* chief was at the centre. Now as a policy, the movement government said, no no! We better decentralize. This was independent of the constitutional exercise. Even as we started this exercise here, still much of the power was and still is at the centre. This is where we are starting, how do we handle this power which is here, we found it here, it is still there, much of it is still there. How do we distribute it, we in this hall? So either way, we are talking of bringing the power from where it has been for years and bringing it to where we have to agree.

Mr. Chairman, let me quote a little thing here because one Hon. Member said, where did the constitutional Commission get this - *(Interjection)* - Now, Mr. Chairman, if you looked at page 494, System of Local Government, this is one aspect, otherwise there are so many others I could quote: "As discussed in Chapter 9 (Form of government), most parts of Uganda with exception of Buganda are generally in favour of a Unitary rather than a federal system of government" - note this - "but one which is highly decentralized." I am reading the report because the Hon. Members say where did it come from. This thing called decentralization, where did it come from, it was not even in the report. I am reading the report. *(Applause)* And further down, Mr. Chairman, under Recommendation it says: "The following principles should be followed in decentralizing power to local government: (a) A system should be put in place to ensure that the transfer of power, functions and responsibilities from the central to local governments is done in a smooth and coordinated manner. (b) The aim should be to decentralize to all levels of local government.

Mr. Chairman, I am reading the report where one Hon. Member said it was not even mentioned anywhere. So. Mr. Chairman, when I was a Member of committee Four and fortunately I also originate from Buganda, we started off with a number of positions, definitely for people in Buganda were saying for us we want *Federo*. There is no question about it, we want a Federal

relationship, and everybody here, Members of the committee or not, were involved. This much I know because I was a culprit as being one of those who destroyed Buganda. I said look, even in the constitution there is no such a thing called Buganda and this question which is being quoted of Buganda, of Busoga and so on, was part of the negotiation, was part of the compromise, was part of a wish, a need for harmony to originate - to come from this hall. But knowing very well that the whole of committee Four would come and convince the hall here based on the need for compromise, based on the need for negotiation, based on the need for harmony, genuine; not trickery, then when we came to the local government, some people like my elder there Hon. Kizito was saying, who can oppose, even the President is going around saying let us form PTA, let us form East African Community and so on. Now who is saying that he is against districts coming together? Not definitely Committee Four.

Committee Four on the contrary has provided for that. In Chapter 2 it said: "*Uganda will be composed of the existing districts*", and we stated them and so on. When we come to local government, the Committee was saying, since we have said that Uganda will be composed of these districts, the logical place where this power which is now here at the top, here at the centre should go down to the district, and my Colleagues in Buganda are saying no, they are not opposed to decentralization because decentralization means getting from the centre. They are not opposed to that, they are only saying that from the centre in case of Buganda we want this power at the heads of Buganda, at Mengo, - one central place. Because in our history, we have been doing this together, we have done this and that, the reasons you have heard. And it became a problem, a point of negotiation. In the end we said that okay, let us have a common denominator throughout Uganda so that everybody knows it is a common denominator. But let us put this provision, and it was basically because of our request, our power to negotiate with the rest of Uganda and the good will of the rest of Uganda to appreciate the value of negotiation and compromise. (*Applause*) So they said okay, you are free to cooperate. They were even saying but only in this area, not in that area. We even said, please, do not limit us and we came up with a schedule: our culture, education, health; and we have even prepared to say this and that, and the rest of the people of Uganda were willing, as indeed they are, I think.

Now the problem is, Mr. Chairman, and I have told my fellow Members here, if I could divert a little bit and let you know that what is contained in the committee report is a final synthesis of contacts right left and centre including some of the people now who are dissociating themselves from the committee position to create that harmony, I could even go further and quote who were involved in *Lukiiko* who are now saying this and that and this at this time. Now the problem here is, Mr. Chairman, we fear leadership, we have feared leadership. Some of us came from the constituencies with a pledge, "you vote me, I am going to remove Museveni in three months", "elect me, I am going to make sure that there is nothing but parties" which was okay. Politics - yes. Now, when you come here and spend a whole year here, alright and you still go back to Nakawa and tell those people," I am still fighting to remove Museveni, you do not worry, I am going to make sure that parties will be and no more movement". After one year there is a problem, Mr. Chairman. Because what you are actually saying is that - even if finally in June, July or August, Museveni is still is there, the parties have been accommodated in another way other than what you thought you would tell the people at the next election that "you see this paper, I fought until I was defeated but I fought, I did not betray you, alright. I told you I was going to fight for it, I have fought for it up to the last minute but I was defeated. So please, you trust me I am going to always be -" (*Laughter*)-

Mr. Chairman, my view, especially, at this crucial moment of our political development, our people need leadership guidance, they need leadership, they need guidance. You go back and say, "Ladies and Gentlemen, I thought it would be very easy, I believed it, we have tried it but we have failed. But now as compromise we have made sure that Museveni stands only one term and no more, as a compromise". That is as an example if you had to divert and take that line. As a point of negotiation, a point of compromise. Now this man in the village there will appreciate if you told him that "I am going to fight tooth and nail for *Federo*" and you come here and you find after one year that you have really failed to sell the *Kimemete Federo*, and you go back and explain. Because Hon. Chairman, when we first came here, our fear number one was that the people of Uganda would sit in this Constituent Assembly and say, no *Kabakas* any more, that was one of our fears, and some people in fact in their early presentation came up to say, but why did

Museveni hurry to pluck out the *Kabakaship* and reinstated it when he knew that the constitution exercise was going to start? Now this one has safely been enshrined in the constitution and better still, in a part that I hope later on we shall say, nobody, not even Parliament can amend it except by addition. That is the Human Rights Chapter. Now, we come and say we in Buganda we were worried that Buganda had been erased from the map and so on and so forth. Then I explained to my people that even this, we have now gone and convinced our people and they have accepted. Now they know that these districts actually belong to Buganda. And, therefore, Buganda is on the map of Uganda. Now I am explaining to my constituents, what else? Our *Federo*, we have tried our *Federo*, we have failed but we have again, as a compromise because you can no longer reinstate the states of yesterday and you can quote the ones I have quoted, Toro, Kigezi and even West Nile. Those ones, you cannot just say, all the states of 1962 come back and we form a federation. These are the realities. So, explain it to the people and say, but we have achieved this. So far in the Committee, we have said okay, the power goes to decentralization, no longer the dictatorial central government but that the districts have now been given leeway to come together and form the units. So in our case in Buganda we are going to have our *Lukiiko*, we are going to have our government in Mengo that is deciding on what should be done at Mengo, and we are even trying to convince the Assembly as we convinced the Committee, to allow us make a charter which charter now we should try to make sure becomes a legal situation.

So, Mr. Chairman, all what I am saying is that, we better lead the people, and wherever you are, I am not talking about the people of Buganda alone here.

Recently I was in Teso, the people on the ground are talking a different language. I am very surprised some people here are talking of *Federo* when they are here, yet when they are in their districts, they are talking of decentralization - I mean it is wrong. So, I am winding up by saying, Mr. Chairman, that the so called compromise, so called having learnt something, having changed here is the same compromise, same negotiation that happened in 1962, and I am one of those in a better position - I saw it then, I see it today, and I am calling upon my people my, Colleagues in Buganda not to fall prey but that let us draft something, let us go with

something that will ensure the permanency of our area, of the tradition that we cherish, and that is contained in the recommendations that are in the Committee Four report. Thank you very much, Mr. Chairman. (*Applause*)

**DR. KAWANGA SEMOGERERE:** Mr. Chairman, thank you very much. I would like to thank you, Mr. Chairman, for the way you have conducted this debate. As this debate is on an issue which is one of the issues which have caused problems not only in Uganda but much of Africa since our Independence, it is an issue connected with power in a political system. So simply, it is a question of two parties - of two people getting together in an alliance and so on, but there is a question of an ideology which developed after Independence whereby one African country after another contended power at the centre. Leaders thought maliciously but they developed an ideology where they believed that once power was at the centre there would be more equitable distribution of resources, there would be more justice, there would be more development and so forth. The experience in Africa has shown that this was a mistake in practice, and many of the conflicts that we have in Africa are likely to be explained in terms of the power concentrated at the centre. We have some examples; take the case of Ethiopia, way back in 1962 they agreed to have some kind of Federalism between Abisinia - it was then called Eritrea. Soon after that, the Federalism was ignored and anarchy prevailed. Within about 10 years, Eritreans went to the bush and fought for over 20 years. And this time not for Federalism, not even for Confederal states but for independence. We have a war going on in the North of this country, in the Sudan. It should well be that part of the Sudanese people opted for a political system whereby power was not at the centre but distributed at different centres within the same system perhaps there will not be an ongoing war now. And we have our own experience when all elements of Federalism were removed soon after our independence in the coup of 1967. Whole categories of people were wiped out and this paved the way to excesses with distribution of power and inequitable distribution of resources. And I believe that this paved the way also for Idi Amin to come on the stage, and he found those powers there and used them as he pleased. We are all sorry for what happened, and this must be one reason for this exercise that we are undertaking now, the crucial review exercise.

There are problems that we have had which can simply be overcome by mere Parliamentary legislation or ordinary legislation and a quality of leadership and so on, but there are problems that we can only best overcome by a constitutional formula, and this is one of them. We have to address the very question of power at the centre. It has been addressed by various speakers, and for that reason, I think we should all welcome this Motion which has given us the opportunity to stress the importance of entrenching power outside the centre. It is a protective mechanism, it also encourages the units to fend for themselves, to undertake development on their own initiative, and protect themselves against power at the centre. Many constitutions which have been written after the experience of authoritarianism even in Europe, in Latin America, in Asia, one characteristic of these constitutions has been to ensure that the centre does not monopolize power, and I believe that the most important explanation for the German constitution after the war was based on a federal structure.

This Motion, in my view is surely intended to provide an enabling clause to open up that whole subject of local government. The previous speaker, my colleague the minister of local government Hon. Bidandi Ssali has made references to certain gains made under decentralization. Sure it has been a progressive step in the right direction, but he has also confessed, and this has been explained by previous speakers before him, decentralization is not a system of government, it is merely a process and the question is, how far does this process go in taking power away from the centre? Is it intended to delegate that power for sometime when it can be called or it is intended to have power surrendered forever to a given unit? I think that has been the gist of the debate most of the time. Many of us who have been carrying out consultation with our people, this has been the central issue in which they are interested. Often I have used a simple way to explain to my own constituents the difference and let them choose, the difference between what we now have on the Statute Book, what we now have as Hon. Bidandi Ssali knows, is power which is delegated which can be called back by the Minister of local government. So I have given the example of somebody giving you a piece of land and he says you may settle there, you may engage in agriculture, in industry business and so on and he stops there. Another one will say yes, you take that piece of land and I also give you a title, I transfer that portion of land to you. There

is a very big difference. In the latter, you really have that power given to you and use it as you may and the question ultimately is we should trust the other. The one where the man at the centre trusts people at the local level that they can also put to good use their own resources, they tax meaningfully, they can engage in development for their own area meaningfully, they can exercise certain local powers meaningfully or does he not trust them and he always wants to stay with the power to remove whatever he delegated and he counts on them trusting him at the centre all the time? And our own experience particularly in Uganda since decentralization took place and we had a Unitary state, is very clear that a lot of harm has been done from the centre. So question number one and a fundamental one is whether in this constituent assembly, in all our wisdom, when we look at what has been going on in this country and the rest of Africa, do we think it right and in the best interest of the future generations to have a constitution where the power is permanently at the centre which can only be delegated for sometime?

I am aware certainly of some steps which have been taken, some involving the Buganda group but I welcome this Motion in the sense that it opens up the whole issue so that when we address powers outside the centre, we are not addressing that question simply in the interest of Buganda, that is being addressed in the interest of the whole country and it is open for everybody to make comments.

The second question which is related to this Motion is that of having a regional setup, a regional structure. In Buganda, the people have been negotiating, some from the *Lukiiko*, some from the CA and so on this matter, but I think it is good to examine this question outside Buganda and people outside Buganda are the best people to decide and I am happy that this Motion is not a Buganda Motion. Then there are some people who are saying they attack the multi-parties, they attack UPC and so on. When you look at the sponsorship of this Motion, it is broad based. Were it to be proposed by UPC as such, one should not condemn it or pass it just because it has been proposed by UPC, it must pass or fail on its own merit. - *(Applause)* And the principle behind this Motion is very clear from what has been said already.

There is need to make a distinction on this term decentralization. I hope I can make a short quotation.

I am quoting from "A Dictionary of Political Thought": "*Decentralization has often been put forward as a remedy against the concentration of power and as a means of ensuring that the needs and expectations of the common citizen are respected. It is not clear that it needs to have either effect since sovereignty required that the original concentration of power be conserved. Even if mediated by new local institutions. Decentralization seems to occupy a mid-way point between mere deconcentration, the delegation of power to local officers, and federation, the division of internal sovereignty*". This is from Lodge's. Now we shall have to meet this subsequently in this debate in subsequent chapters and that is why this Motion is so important that it has come at the beginning because serving as a guide when we proceed to scrutinize what Committee 4 recommended, we shall at the end of the day come face to face with that reality. Do we want in this assembly for the centre to relinquish power in a permanent way and share sovereignty with the people in groups, in organizations, in districts, at regional and district levels of their own choice or don't we? That question is going to come.

Mr Chairman, there has been opposition to this Motion really for no good reason - for wrong reasons. For example on this Floor, there has been a confusion of monarchism and Federalism; some have said in America, when you talk of Monarchy where they have a federation, nobody is going to listen to you. That kind of interpretation shows that the two are mutually exclusive. You cannot have a Monarchy when you have got a Federation. In the case of Belgium, you have a Monarchy in Belgium, and you have a kind of Confederation in Belgium, so it is possible. Then some have opposed it on the question of size, they have been opposing it on the question of size, somebody has brought a case of Sebei, of Kapchorwa suggesting that it is too tiny for this kind of arrangement. But the Motion is intended to keep the door open for the people to choose. On the question of size I recall, Mr. Chairman, way back in 1962 when Sebei which has been part and parcel of Bugisu was then proposed to be a district, there were many critics who thought Sebei was too tiny and could not stand on its own, was not viable. But Sebei has stood viable ever since. Even now, some of the so-called small districts or small areas which in the minds of some cannot stand on their own may prove to stand on their own. Somewhere I was given statistics and I

think it was Hon. Nekyon on the number of people in Uganda at the time of our Independence compared to the number now that the number actually got much bigger. So even what you may call small districts like Kalangala and so on, who knows, in five years time, they have their own way to attract investments development and so on, be that they are going to attract more people there, some will come there as migrant labourers and even the health service will improve and we are going to get a bigger population there if people can shift. We know this used to happen in all other countries. Population in any state is not static, you will find an area which has been heavily populated at one time becoming depopulated at another time. So that cannot be a good reason to oppose power being taken away from the centre to the lower levels.

On the question of this regional setup, what is going on? I have tried to listen to arguments against it but I have not heard a sound argument. People talk about the history of Uganda, they talk about tricks at the London Conference, they talk about what happened subsequently, but what is the explanation? We all know what took place in Uganda after Independence and what took place in much of Africa after Independence. Whether those states were Federal or not - some were Unitary and they have remained Unitary ever since - but they have had coups after coups. So what is it that one raises against having a structure at the regional level, what is it? If the people in that area so wish. Hon. Eggunyu protested that when they had a Federation at the regional level, the services were not delivered in the Eastern Region and so on. But that was directly from Entebbe, it was a colonial setup, that was the colonial model that you were told about because I can see at your age you were not around at that time. So what was then the situation was that of a Unitary state, the Colonial model was Unitary. The power was with the Governor and District Commissioners as appointed by him. So that is what you heard at the time. I do not think you are going to tell the people of Kumi, of Teso that they exercised power during the colonial period and had power to collect taxes, they had power to disperse money as they pleased, and were never able to put that money to good use, to build schools, to construct roads, to build hospitals, and things like that. The experience you have had so far is that, when power is given, many people are proved to be irresponsible indeed the Hon. Minister of Local Government has just told us the experience he had in the East.

Let us take the fact that when power is given, it can be used improperly. Now if they are using power improperly when simply delegated, what if government actually surrendered, then the devil will come and they are going to squander the money. Certainly those who can get together and form something bigger, that will be in interest of the whole country. So, Mr. Chairman, I would also like to correct the impression given or information given by Hon. Babu. Babu appears to be an expert on the democratic party these days. Hon. Babu, I do not know why he decided to speak for the Democratic Party submissions, was he strengthening his arguments to fall against *Federo*? I have got a memorandum, the Democratic Party submitted to the Odoki commission, and this was a memorandum reached upon after very extensive discussions of our leaders who are across the country. It was not possible of course to do it as widely in the sense of going everywhere and having rallies and so on for reasons that are best known to everybody. But, never-the-less, we had our leaders from all over the country and we brain stormed, we had a committee working on this idea for a long time, a committee reporting back and eventually discussing and agreeing on the final text. When you read what our submissions were, you will not find one word of unitary in this document. There is nowhere we talk about unitary government. On the contrary, what we submitted - and you can find it on page 52 - I will summarise it and also you go to the Annex on Functions and Powers of Local Government. The thrust of our recommendation was for powers to be entrenched at the local level, to have Local Government to entrench powers under the Constitution. In fact, we went further than what has been compromised upon so far in wanting these governments to be more or less of the same function as the Central Government itself. Now, the question of having these powers at that time and say that let us have this at the district level was because at that time that was the situation but as we have been told, nothing is static. Since that time, a case has been made very effectively that besides the districts, you can have powers at the regional level but the principle remains the same, to have powers placed somewhere and always entrenched there and we have all the time been talking about this improved position of also allowing, where it is possible, to have something bigger than districts as we are now. This improved the position but I do not see any contradiction in this regard and, certainly, there is no question of D.P. having submitted a

recommendation for a unitary state of government. If you read the substance it is for a federal government.

Mr. Chairman, I would like to conclude now by making an observation that this debate in my judgement has been helpful to point to the strong need in the interest of the future to have powers entrenched in the constitution outside the Central Government. That is the fundamental one. This debate has also shown that there are many of us who think it right to have powers entrenched at something bigger, if the people so chose, than the existing districts, not something forced on them. It is an open door and if we are really looking for a Constitution where everybody feels comfortable, he can exercise powers to protect himself, to engage in development at his initiative and so on, I do not see any principle on which one can oppose power at the regional level. I thank you.

**THE CHAIRMAN:** Thank you. I will take two speakers and then we vote. I will take Prof. Kanyeihamba and Hon. Sabalangira Mulondo.

**PROF. KANYEIHAMBA (Rubanda County East):** I thank you, Mr. Chairman. For me it is with sadness that I participate in this debate and even greater sadness that I have to oppose this motion. Mr. Chairman, the issues which were very controversial when we started these debates were identified and federal was one of them and ever since then, as Hon. Bidandi Ssali said, there have been meetings for negotiations, some informal others formal, for this matter to be resolved by consensus and the reason I am sad is that I thought that a consensus had been reached.

Let me say, first of all, that this amendment, unlike the past on this subject were not brought before either the Legal and Drafting Committee or the Technical Committee. We have just seen them today whereas before, all such amendments particularly those involving controversial issues like this one did come for advise. I am even more surprised because some of the Hon. members who appear on this motion including Hon. Adoko Nekyon have always insisted that no amendment or proposal should be discussed before they go to our appropriate committees. (*Interruption*)

**THE CHAIRMAN:** Hon. Kanyeihamba, you are now flogging a dead horse. We have discussed the

Motion, so you should go on and give your reasons rather than -

**PROF. KANYEIHAMBA:** Mr. Chairman, I thank you for putting me back on the rails. I want to say, Mr. Chairman, that this kind of federal structure is a new proposal which does not solve our problems because to talk about a federal structure without actually identifying the powers and the functions of government which are intended to be exercised or performed by each of these organs then really you are talking about a blank cheque and, therefore, it is not very possible for us to reach any reasonable conclusion on this matter unless we know what powers are to be exercised by the districts, by the regions or as said here by larger regional units. So in a way, this debate is welcome because really it is going to test our sincerity in having proposed that the Constitution we are making is for the good governance and development of Uganda as a whole. It is going to test the courage of Delegates for that purpose. I was a bit concerned about some of the supporting Delegates of this Motion and they reminded me that some of them had been part of a system where the top leadership in that system some years ago were of the view that when people are in position, they have the ability to withhold or grant you power, you must lick their boots but once you have acquired that power, then you must demand that those whose boots you lick must lick yours.

I think that it is very important to know how this Motion has evolved. Mr. Chairman, the kind of federal structure that is being talked about is a structure which has been alluded to by my learned friend and Distinguished Delegate, Damiano Lubega. He said that in a federal which is presented here, units agree to surrender some of their powers to the centre while retaining other powers. This is the kind of federal structure, Mr. Chairman, that I described at the beginning when we were in general debate. One of the documents was issued where Members congratulated the author having very carefully analysed this position but it seems that many of us have forgotten that analysis. Mr. Chairman, this kind of federal, I wanted to remind Members who read the newspapers, is not the kind of structure that is favoured by the *Lukiiko*. On page 40 of the *New Vision* today, the *Lukiiko* has proposed its own version of what federation they want and in fact, in my opinion, they did much better in their argument than the Movers of this Motion because

there they are suggesting what powers should be exercised at the centre and what powers should be exercised by the federal units they are proposing. Nevertheless, theirs is limited to the Buganda Region, it does not encompass anybody else. I am making this point very consciously knowing that among the arguments made were that if we accept this structure which are being proposed, then you might avoid conflicts in Uganda. Nothing could be further from the truth because this does not answer anything else.

Mr. Chairman, when we agreed to start negotiating on the federal structure, we used methods which have already been described but ultimately, we came to a consensus which was - and this is what some people have referred to on Page 7 of this Report. It was agreed by consensus, not necessarily in the committee itself but by a larger body of Delegates who came to contribute, first on the proposed amendment and ultimately in the debate in the committee and, Mr. Chairman, with your permission, I want to read this: *"Two or more districts shall be free to cooperate in the areas of culture and development as set out in the Sixth Schedule to this Constitution and may for this purpose form support councils, trust funds or secretariat, subject to a number of conditions."* If we look at the Schedule, the areas of cooperation among these districts are to include culture, cultural and traditional land, promotion of local languages, crafts and antiquities, education, inter and intra-district roads, health, inter and intra district development projects and such other matters as cooperating districts my resolve to be handled in common. The important point, Mr. Chairman, here is that this compromise had been reached with the Delegates who today seem to have abandoned this compromise. That one is of course their right and privilege to do so. Nevertheless, some of us are concerned that these compromised proposals which had been agreed between all sides should be so suddenly abandoned and we are getting a new proposal which really has no background to its reasoning.

Mr. Chairman, having said that, there was a shift in the alliances and we were led to understand that the relevant CADs had made another negotiating position which brought in leaders from the government. This position was also closely negotiated and the results were announced at different fora and we came to understand that that

position was the position taken by the Delegates representing districts who wished to have a federation of this country. Then there was a lag in the matter because we thought that the ultimate position had come although many of us were concerned that any negotiations which had to be incorporated in this Constitution should be done here in this CA by the Delegates rather than outside it. However, before that position was brought to our attention, suddenly those who claim to speak for the Buganda region said they did not accept this position, that they were abandoning it. Another proposal was brought under that position that we should deem certain districts to have agreed to that arrangement. While we were contemplating on that one, some of us who come from say Rubanda East - incidentally, as a representative of Rubanda East, I was deemed not to accept that arrangement - suddenly this was withdrawn. There was talk that there had been an arrangement between the multi-partyists and what I call the federalist who maintain their original position from some of the Buganda constituencies. Then the UPC circulated a document talking about its own arrangements on this matter and as some one has said, this Motion we are debating seems to have been a result of those negotiations with UPC and certainly, it was inspired by their own memoranda and the subject. But I was very surprised to see that in the explanation of why they support this motion, they say they have had a change of heart. A change of heart within the last two or three weeks when this policy of unitarism and decentralisation had been with them for over thirty years and one wonders why this change of heart has come about and when I talked to one of my friends whom I know that for years has been anti-federalism, he gave me the reason which I would like to share with you. He said that you see, you people have rejected us - meaning NRM - you have rejected multi-partyism, you have refused us to operate in this country, therefore - and then he paused and he reminded me of a viper about to swallow an edible rat and he said - therefore we must embrace our new friends. That embrace we must be very careful about; that embrace could be that of a poisonous viper because, as I have said, if you know that these are the people who can give you power either through votes or otherwise, then you must embrace them. We have had a scenario in the past, once they have given that power to you then you must insist that they lick your boots. That is why I started with that quotation.

Mr. Chairman, let us not kid ourselves. For me I welcome this Motion because it has allowed us to sharpen and define the issues which are involved. Therefore we have also exposed the various scenarios that are here. We have seen that really the people who have supported this Motion, many of them were doing so logically as I have said but their hearts were not in it. I could listen to the argument, they never had their heart in their arguments, only the logic. In politics, Mr. Chairman, it is not logic that matters but what is politically feasible that we must accommodate. People are not going to be impressed by us accepting what I regard as a fraudulent Motion because really it gives nothing, it is air!

Somebody mentioned in their remarks and I accept that if you say in this Motion that you are taking power to the people and then the people will surrender it to some federal structure, that what goes up is air, I think that was a very important contribution. What goes up is air. I see in this Motion nothing more than hot air which will not get us very far. I want to appeal to our people and I want to appeal to the Delegates that for the first time in our debate, we must use our judgement as individual Delegates and not be guided by sentiments. It is very important for each of us to ask, am I doing this for Uganda or am I doing it for myself or for my Movement or for my Party because as someone has emphasised, Mr. Chairman, we are making this Constitution for the future generation and for the guidance of our people not for our own aggrandizement. I want to warn that if we make a mistake on this Motion then it may derail us very fundamentally from the mission that we undertook to do on behalf of our people.

Mr. Chairman, I hope I am wrong but I saw in some of the arguments that many people did not believe that this Motion would pass and would become part of the law but were seeing it as one that could divide this Assembly and derail us completely and I find that very ominous. We must avoid that. I hope that we shall by consensus reject this Motion but if we do not, then let us be counted on the side where Ugandan people will know where we are.

Mr. Chairman, as I said, I was sad to participate in this debate because this is a matter on which I thought we had had a consensus but it seems we had not but we should not be surprised. Therefore, Mr. Chairman, I know that time is passing I beg to oppose very vigorously this Motion because it will derail us from the mission that we have. I thank you.

**MR. BESWERI MULONDO (Mityana County South):** Thank you very much, Mr. Chairman. I must say right from the beginning that I have a problem. I have a problem, Mr. Chairman. we have a saying in Luganda that: "*Semusota guli mu ntamu*" - when you want to beat it, you will break the pot and when you leave it in the pot then you still will not eat the food. So Mr. Chairman I have a problem because everybody knows that the people who sent me here asked for a federal system of government for Uganda. Some people say here for Buganda but I have some information here, Mr. Chairman.

Since we started debating this motion, many people from my area have been advocating for a federal system of government and I joined them because this is what my people back home told me to uphold, to ask for. Mr. Chairman, when we started here we had a plan for a federal system for the whole of Uganda and quite a number of our fellow Delegates said that if you want a federal system, you talk for Buganda, you have no right to talk for the rest of Uganda. We moved from that position and we talked for Buganda and now people said you are isolating Buganda, trying to put it in a special position. So after failing to get the real thing, we started to look around, Mr. Chairman, as you can appreciate, for support. For support, for negotiation, for advice and we have done this here, outside, to government, almost everybody who was prepared to talk to us and this is not a secret. You know about this. We have spoken to the politicians, we have spoken to - the Baganda have even a saying that: "*Wokubira omulalu mu kyama nga ayogera obulungi gw'olaba*" this translates that "you go on talking - (Interruption)

**THE CHAIRMAN:** Order, order. Hon. Member for Kalaki will you please -

**MR. MULONDO:** Mr. Chairman, personally I wanted to give you this background so that when you come to decide, you know exactly what you are doing. I have personally participated in most of these negotiations. We have seen the highest people in the land, we have seen the lowest people, we have even talked to mad people because there was no way we had to come up - (Laughter) - Now, Mr. Chairman, my problem, my real problem is here. Can I stand here and say I do not support *federo*? I mean one must look at this as the mission which brought me here, but now if I am going to say

I support *federo* what - because, Mr. Chairman - (Interruption)

**AN HON. DELEGATE:** Oppose it! (Laughter).

**THE CHAIRMAN:** Order, order!

**MR. MULONDO:** Mr. Chairman, I am a Member of Committee Four and in the absence of the real thing as I said earlier, we had to accommodate views from people and try to reach a compromise because - and I want to ask the House that we must be mature people and people who are prepared to work for the benefit of this country (Applause). We all have a problem and I want to appeal to you, we should all leave this place a happy people because if we do not, then all the time that has been put into the formation of the constitution, all the resources, shall go down the drain as waste.

Now, Mr. Chairman, I have looked at this amendment and I have asked myself, now what do I do? I really support *federo* but then - (Laughter). I have struggled with this subject ever since we started and even before elections and I honestly feel *federo* is the best for us all and it is the best but looking at the *Hansard* and looking at the contributions of many of the people here; and I thought I was the mature person who should come and try to guide you people because even when I look at myself, there are only about two people who compete with me here in the House and they have had their time. I have never been a politician until I was forced to be because of the problems of Uganda and I was a victim of these problems and I think I cannot go a second round. (Applause).

So as I said that I was looking at the *Hansard* and at our contributions, especially the strongest brainstorming at the beginning of this conference, and also I looked at the contributions of some people who came to Committee Four where I belong, I started wondering why, what has really prompted all this change of heart at this late hour? (Laughter). But then we have the pot there and the snake is in the pot, so you better be careful with how you look at the things. This is a pot of clay and you have the stick there and you must kill that snake but you should not break the pot because you still want to eat so I think you better understand.

Now, here we are and I braved my ways. For your information, I wanted to examine the details because

I am a *pro-federo* and whoever talks about it should have my support but then I have to look at the reality of the thing. Mr. Chairman, we must be honest because while we are here, we also have constituencies back home. I have been watching and hearing about a lot of people from the radio and TV and at times reading about them from the papers but I have not seen many, apart from those who share my views, I have not seen many who come out in the open and support *federo*, I have not. When they go back home in their rallies, I have not heard them talk of federal. Now, when we are here and we have reached a position which, in my opinion, is almost giving Buganda, which is my main constituency, a sort of *federo*, although it is not the real thing, I now start to think that probably it is the English which might be disturbing us. What do we want? Do we simply want the word "federal" or do we meaningfully want the real substance? *(Applause)*.

So Mr. Chairman, I said I have a problem and I hope every one of you will appreciate my problem because for me I want to deliver the substance to my people. There are a few things which I have personally been thinking about alone and sympathising with the rest of the many people. When someone occupies your house for say a period of thirty years like when we lost our *federo* and after thirty years he says, now look here, you can have your house back; but then looking at it you find the windows are broken, the bed is not where you left it and so on, some doors have been replaced by what I do not know. For me, I would have taken that house as it is and then put it the way I want it and I beg you Hon. Members that when we move, what my Chairman of Committee Four is going to move here, please bear with us. *(Applause)*. Because if you do not, then you will not be mature people who think for the good of others. I want to say that in view of what I have said, if the Movers were very near me, I would have appealed to them, for the benefit of all of us and for the peace that we all have and which we should not disturb, withdraw this one - *(Applause and Laughter)*.

**THE CHAIRMAN:** Order, order!

**MR. MULONDO:** And where need be, Mr. Chairman, try to avoid these confusing words "Federal" and "Decentralisation". Let us create what we understand, what we want and in my opinion, we want meaningfully shared out power.

Let us look at these structures and where we feel the powers have not been well devolved, we devolve them properly and appropriately. *(Applause)*.

So, Mr. Chairman, I have since morning been listening to the contributions of my fellow Delegates and both those who are supporting this Motion and those opposing it have all not supported or opposed the most crucial issue of power distribution. I do not want to call it decentralisation because it also disturbs me - either devolution or giving powers to the people. We all want to achieve this but we have appended it to traditional words here and there and they are English words which are giving us all these problems. Let us create meaningful structures. I want therefore to go along with what my friend, Hon. Babu said this morning, let us create structures and if we need the names after that, then we can say I think this structure is a region; I think this structure can be called federal; I think you can call it this or that and there we shall avoid disagreement. Mr. Chairman, with that I beg to say that the federal issue or word should not derail us from what we want to achieve qualitatively in the way of developing meaningful lower political and economic structures. Thank you very much, Mr. Chairman. *(Applause)*.

**MR. ERESU (Kaberamaido County):** Mr. Chairman, since the Constituent Assembly sat, this has been perhaps the most frank, open and sincere deliberation we have ever had. I am glad for one thing that issues which affect us and have affected us over the period have been discussed with sincerity and in my opinion, I believe if we maintain this honesty and this sincerity, we shall achieve a lot for the stability of this country. I say I move this Motion because over the years this has been a nagging question and it is important that we discussed it openly and frankly and in this frankness in discussion and with this openness, I believe we shall arrive at a sincere conclusion and I also plead to fellow Delegates here present that whatever decisions we shall arrive at, we should abide by it and we should also rally ourselves behind that decision. With these few words, Mr. Chairman, I beg you to put the question. *(Applause)*.

**THE CHAIRMAN:** Order, order! Hon. Delegates, the Motion has not been withdrawn. The Motion is on the Floor and I will now put the question on the motion moved by Hon. Eresu John from Kaberamaido as set out in his Motion sheet.

*(Question put and negatived)*

*(The Chairman's ruling was challenged)*

**THE CHAIRMAN:** Hon. Delegates, resume your seats, you do not constitute the required number of 51. *(Interruption)*. Order, order! Now, I will put the question on Clause (1) of Article 201 as recommended by the committee.

*(Question put and agreed to)*

**THE CHAIRMAN:** Now Hon. Delegates, with that very important debate, I would like to close today's proceedings, we resume tomorrow at 9.00 O'clock. The House is hereby adjourned. Thank you.

*(The Assembly adjourned until Wednesday, the 29th of March 1995 at 9.00 a.m)*