



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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FRIDAY, 29TH JULY 1994

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Friday, 29th July, 1994.

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

PRAYERS

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

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. delegates, I must apologise for the delay in starting, but it was unforeseen. On my way, I got involved in some accident. The driver of a certain Tata lorry, along Kitante road, made a U-turn as we overtook him and he had not indicated at all. When he realised he had knocked us, he decided to drag us along and run away, but our car was still running, so we chased him and caught up with him at Nsambya Police Training school. Now, the matter is with police, but otherwise, no injuries. So, that is why we are starting late. I am sorry about that. Anyway I am insured. Thank you Members for your sympathy. Now, let us continue with the business before us.

MOTION

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

(General debate continued)

MS. JAMWA TEZIRA (WOMEN TORORO): I am Hon. Tezira Jamwa, CA Woman Delegate Tororo district. Mr. Chairman and your Deputy, I bring you greetings from Tororo and my people have indeed admired the way in which you have steered this august Assembly - with such a distinction, excellence and dedication.

Tororo is a border district found in the Eastern side of Uganda and it has two entry points at the border, that is, Malaba and Busia. It is estimated that these two borders handle cargo worth billions of shillings every month. Tororo used to be the third largest industrial town in Uganda, but it is no more, because of gross mismanagement and total neglect of industries leading to total decay. Tororo is very rich in minerals like, gold, asbestos, sulphur, limestone, cement and many more, but unfortunately, these

minerals have not been tapped fully by the Government. However, one distinctive feature that still remains in Tororo is Tororo Rock which is a symbol of love, unity, and cooperation for the people of Tororo. Tororo has a population of 555,574 people. Out of this figure, we have 250,225 children, and orphans are 190,897. The population and literacy by sex distribution (age 10 and over), out of 182,606 men, 116,979 are literate, that is 64 per cent as compared to total number of women of 190,661 out of this figure, only 79,527 are literate. Tororo is a peasantry district with 329,409 people living in rural areas in abject poverty, because of lack of any meaningful income generating activities. Tororo is bordered by Kenya to the East, Mbale to the North East, Pallisa, North West and Iganga district in the South. Tororo is a heterogenous district forming ethnic tribes that is, Adhola, Teso, Banyole and Samia. For your information, Mr. Chairman and Hon. delegates, all the tribes of Uganda as per schedule 2 of the Draft Constitution are found in Tororo and it is also the nerve centre for money changers especially at the border towns.

A Constitution is a fundamental and supreme law of a country and in which all other laws cling. A Constitution should also reflect the people's aspirations, in terms of historical setting and surrounding and its best principle is that the power of Government comes from the people. Any act that contravenes the Constitution is unlawful. Therefore, once the Constitution of a country is put in place, no one is allowed to take over the powers of Government without strictly following the Constitution. A person who overthrows or suspends a Constitution or tries to do so, commits an offence of treason and shall be punished according to law.

Mr. Chairman, the current debate taking place now could not be better for it is the 'quencher' of the thirst of political revitalization of the people of Uganda. When the general debate started on 23rd June, 1994 and the few days that followed, this august Assembly was hot. Delegates with diverse views attacked and counterattacked each other. Mr. Chairman, now, we delegates have realised that we did not come here to point an accusing finger at each other, nor did we come here to discuss non-issues. Mr. Chairman, we came here to tear the Draft Constitution to pieces, to panel beat here and there, and then come out with a truly democratic Constitution, that is pro-people and a Constitution that will guide the trend of events in

Uganda for generations to come. So, we should not be tempted to enact a Constitution that will only please the current leadership.

Mr. Chairman, the people of Tororo say that they want a Constitution that will bring about the spirit of unity; a Constitution whose objectives will be based on bringing about unity, democracy, stability and development. We must also remember that the Constitution we are going to come up with, must enjoy the deepest approval of the majority of the people of Uganda. We must make them feel they have participated in its making. In order to achieve the above objectives, we must forget mistakes committed by various past regimes of Uganda. We shall not go far if we keep on opening the old wounds. The people who elected us have high hopes in us and we must not let them down; we must not betray the confidence they put in us because of personal interests. We must deliver the goods because if we are not careful, the Constituent Assembly could be a dividing vehicle of the Constitution. Mr. Chairman, since this is a year of Constitution making, let it also be a year for our typical African values of solidarity, reconciliation and togetherness, without any fragmentation. These values are needed for the priorities of national building, economic development, with total elimination of ignorance, poverty, disease and exploitation. I am confident that at the end of the general debate, we shall have developed a spirit of total tolerance, patience, and peaceful coexistence with each other in order to successfully accomplish the noble task ahead of us.

Mr. Chairman, why have we had so much confusion in this country?

- i) We have had all these problems in this country because our leaders have failed to respect mutual agreement whether on paper or gentlemen's agreement.
- ii) It seems also that when people are outside power, that is when they see the injustice in the system of the day, but once they enter, they begin to call for law and order for those who oppose them or are of a different view.
- iii) Because of scarcity of resources, naturally, you find a clique ready to ally with those in power, because they are the ones who can give them something to eat and once they get that cake, they try as much as possible to keep others out instead of bringing them in.

Mr. Chairman, my electorate says, we should advocate for a political system which is such that if we have multi-parties, a provision should be included in the Constitution to say that, even the losing party should be entitled to a specific number of Ministries, like it is done in other countries. Proportional representation of positions would work here best. For example, if the President and the Prime Minister are from the winning Party, other ministries could be given to other parties like it has been done in South Africa. Politics of 'exclusivism' and intrigue should be avoided once the new Constitution has been put in place. The appointment should then reflect the individual merit of that candidate instead of leaving intellectuals to rot and appoint a useless man or woman because he or she is pro-you or your Government. It should be noted that lack of honesty, transparency, too much greed and irresponsible leadership has made this country suffer enough. Therefore, we must enact a Constitution that will wipe out the above injustices in this country for good. In order to come out with a truly peoples Constitution, whatever system that comes into power must be flexible and accountable to the people. There must be regular, free and fair elections whereby candidates are given freedom to associate with the electorate so that the people themselves can judge who is a better candidate like it was done in the CA elections.

Electoral commission. Mr. Chairman, my electorate says that there should be a permanent electoral commission with powers to handle any matters regarding the election without resorting to courts of law to dispose of cases of election malpractice. Since, the people in power have the authority to dominate mass media like Government Radio, TV, the Press, such institutions should be immediately handed over to the electoral commission so that the Government does not use it to propagate its views to the disadvantage of those who are not in Government circles. And once campaigns are declared open, the Government should put to a halt any on-going project and should not initiate new projects throughout the country. In the recently concluded CA elections, you saw what happened. Many big shots blinded the constituents with sweet words of promises and they hijacked the on-going projects, claiming that they had initiated them in the name of development. The people I represent say that in order to achieve national unity, we must come up with a Constitution that will avoid the policy of manipulation, individualism, and a policy of divide and rule; a sure, equitable distribution of the national cake and

development, respect and promote equality among the citizens of Uganda and ensure true participatory democracy for the people of Uganda.

Political system. The people I have consulted so far within my district say they have lived through the two political systems as stipulated in the Draft Constitution, that is the NRA Movement and the Multiparty Article 94 and 97. They say they have important values they cherish in both systems and they have "Serious" elements they fear in both. Therefore, they have diverse views on both systems. However, they say, whoever comes into power must realise that he or she has to serve the entire population of Uganda without distinction of 'my supporters' or 'my rivals'. They also say that the winner takes all syndrome must be avoided at all costs. The system that will come in power after the promulgation of the new Constitution must take into account the evaluation of personal qualities which is more democratic than sectarianism based on tribes, religion or political affiliation; because the future of democracy lies in active empowerment of all citizens including women, to participate at all levels of decision making. Therefore, they say that immediately after the promulgation of the new Constitution, we should have a transitional Government, led by a popularly elected President and a popularly elected Parliament, on a non-partisan basis. It will be up to this august Assembly to decide how long this Government should be in power - but my people propose three to five years and after this Government has been in power for two years, there should be an immediate lift of the ban or the suspension of political party activities. My people say that the transitional Government should encourage participatory form of democracy and should truly be broad-based by including, without discrimination, all political parties in its administration. The NRM and the political parties should learn to live together for the sake of national unity and democracy.

Defence of the Constitution. The people of Tororo say that the Constitution must be translated into ethnic languages of Uganda as per schedule 2 of the Draft Constitution. They also say that, political education should be included in the school syllabus at Primary school level so that our citizens grow to understand the importance of the Constitution and hence the need to protect it. They also say that the Constitution should not be too bulky, but should be simple, almost pocket size and easily accessible to the citizens of Uganda.

The Army. My electorate say that we should have an army reflecting parity of the ethnic representation and that people joining the Army should be recruited rigidly. They say when it comes to recruitment in the Army, the level of education must be considered first and this must be "O" level and that people should be properly selected and scrutinised by local authority, first, to make sure that juveniles do not join the Army. They believe that at "O" level, a person knows the importance of a Constitution and will be able to protect it. They also suggest that we should have a national Army comprising 10,000 men who are properly equipped and trained. They feel the smaller the Army, the easier to control and maintain; and that when it comes to recruitment, training and promotion, these should be entrusted to the Armed Forces Service Board. They also say the Army should be a professional job subject to Public Service Act. They complain that barracks should be isolated from the people, at least 20 kilometres away, for obvious reasons. While the women I have consulted appreciate the political education and military science courses, they also want the number of women recruited in the Army to be increased and that facilities at Army Colleges like dormitories and ladies rooms should be constructed to cater for their needs. They also say, their maternity leave should be fully paid.

Education. *'The State shall promote compulsory basic education'* that is what Article 27 Clause 1 says. My electorate says that the word 'free' should be added so that the Article reads: *'The state shall promote free, compulsory, basic education'*. They support the idea of free, compulsory education for all at Primary school level for both boys and girls and that if this idea is implemented by the year 2000, parents must be encouraged to educate their daughters and shun the idea of preferring the girls to remain illiterate; this would also deter parents from forcing their daughters into early marriages. They also insist that University education should remain free, without imposing cost sharing. They say if cost sharing is imposed on them, with their current hopeless situation of abject poverty, their sons and daughters will never get degrees. Still on education, my electorate expressed concern about their daughters who accidentally get pregnant while still pursuing their education and get expelled from school, leaving the boys, who are number one offenders to continue with their education, if they are students or are employed. They pray that under Article 27, a section should be included in the Constitution which can allow these

girls who are victims of circumstances to go back and resume their studies after maternity leave of at least one year. They also say that if this Section is put in place, the high rate of abortion, suicide and school drop-outs among school girls would greatly reduce. History has shown that some of such girls who persist and join private or day school illegally perform well and have proved to be responsible people in this country. Mr. Chairman, Swaziland has legalised the above situation and the information available is that, it is working very well. The worry that this would increase the rate of pregnancy or encourage prostitution holds no water since it has not been the case in Swaziland. The mothers also say that, sex education should be taught in schools from Primary 5 and that Family Life education should be intensified at all levels of education.

The National Council of State, Article 152. My electorate concur with the views already expressed by various delegates in this august Assembly. They also say a firm No. to the National Council of State. They say that if this institution is put in place, the President will wield excessive power that might lead to dictatorship and oppression. Secondly, they say, economically the National Council of State will not be viable because it will instead add more burden on the tax payer. So, Parliament as a supreme organ in decision making, should be strengthened and given full powers to settle any dispute that might arise between the Central Government and the Local Government.

Citizenship. Article 42, 1, says that: *A child of not more than 10 years of age found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth*. Mr. Chairman, my electorate totally rejects this, and they say that this particular article should not even appear in the Draft Constitution. They contend that if the Government of Uganda encourages this kind of hospitality, we shall run a risk of being called kidnappers. These children should be treated like refugees and returned to their country of origin after identification. Mr. Chairman, they fear that if we gave citizenship to say 1,000 such children aged 7, when they grow up, they can take up arms against Ugandans. My electorate supports the idea of having a National Identity Card and say that Passports should be accessible to all citizens of Uganda with Passport Offices decentralised to avoid the long distances to Kampala. They say that if these Passport Offices were decentralized, the current rampant corruption, constricting our Immigration system would be reduced.

The people of Tororo overwhelmingly support Swahili as a national language and English as an official language.

Method of voting. They say, it should remain a secret ballot and the President should be directly elected through universal adult suffrage and he should be a degree holder with exemplary behavior.

We also support freehold land tenure system and that civic education on national politics should be a continuous process. They prefer a unitary form of Government. They stress that the judiciary should be completely independent in order to improve on the quality of justice in this country. They also say that, Parliament should be given full powers to appoint the Chief Justice and his deputies under the recommendation of the Judicial Commission.

Fundamental human rights and freedoms. Chapter 5, Article 51, in brief says, *every person in Uganda shall enjoy the fundamental rights and freedoms of the individual as listed in 51, A to F*. My people have noted with concern that we have never learnt to respect human rights of this country, because our leaders since independence have been politically immature and economically bankrupt. The people are sick at heart because of the gross human rights violation, that has bogged this country down since independence and detests the continuing blood-letting that is still amidst us. So, they are clamoring for a Constitution that will honour and respect the fundamental human rights and freedoms of the people of Uganda.

Rights of women. The Constitution making process has stimulated mass legal education and sensitization increasing awareness of the needs of women. There has also been a concerted effort by institutions such as the Ministry of Women in Development, Youth and Culture to make women the focus of legal education projects and this has helped reduce their marginalisation in the process thus, women have become more aware of their own rights and more concerned to protect them and that is why there are women in this august Assembly. Through their participation in the process, women have become more adept politically. As consensus has emerged among women and women's groups on certain issues, there has been a gradual development of women into a lobby capable of effecting changes which benefit them. As the contribution of women to society is not fully recognised and their worth is often only measured in relation to men (as wives and

mothers), the value of such a pressure group is alleviating a condition of those women; such as divorced women, negatively affected by societal attitudes, cannot be disregarded.

The participation of women in the Constitution making process has had an impact on the form the Draft Constitution has taken; the task remaining is to enshrine such provision in the Constitution that is promulgated and further to empower women so that the provisions enacted can be translated into reality in their daily lives.

Mr. Chairman, women were given only one Article with four sections only. Article 61 (A), says, 'women shall be accorded full and equal dignity of the person with men'. The women I represent support it, but are saying, that this will be so when women have been fully emancipated politically, economically, socially and culturally from their miseries. However, they complain that their role has not been clearly stated in the Draft Constitution. Women want empowerment, equal opportunity, as far as employment and education is concerned and that they want to be included in the decision making positions both at local and at national levels. So, men should not get scared that in future they will be the ones clamoring for affirmative action. Men are still the heads of the family and they are our partners in development. So, we need a helping hand from you, gentlemen who are here, in our struggle in order to achieve our total emancipation. In order to achieve our goals, the new Constitution should put in place provisions to ensure that legal, administrative, educational means is guaranteed to eliminate all forms of discrimination against women and protect our special rights of interest. Women have made extremely important contributions in various undertakings including agricultural production, education and health care, and yet their energies and effort is not quantified. This is their quarrel.

At this juncture, Mr. Chairman, I want to pay tribute to the women who sacrificed their lives during the raging bush war because if they did not die for us we, the 39 who are here, we would not be here today and President Yoweri Kaguta Museveni would not have discovered our potential as women. The women of Tororo thank him for giving us a Ministry and we must recognize the contribution and the effort the Ministry has put in to uplift the standard of women in this country. The women of Tororo also thank the incumbent Minister of Women in Development,

Youth and Culture, Dr. Specioza Kazibwe and her Deputy Mrs. Loice Bwambale for encouraging women and directing their efforts towards the development of women in Uganda. Women of Tororo also thank Hon. Miria Matembe for championing the women emancipation and the struggle for total liberation of women in this country.

The new Constitution must protect children's rights against all sorts of human rights violation. The Draft Constitution contains provisions relating to orphans, Article 63, (7). Placing such provisions in the Constitution further strengthens the protection accorded to the orphans as the Constitution is the supreme law of the land. The people of Tororo say that the new Constitution should enact a law to cater for the orphans, single mothers, widows and divorced women by providing them with the basics like shelter, food, education, and medical services to make their lives comfortable.

The women of Tororo thank Mrs. Janet Museveni who through UWESO and other organisations has tried to alleviate the stress of the nation's growing number of orphans, of war and AIDS. In Uganda today, we have over 2 million orphans and Uganda is one of the few countries to have acknowledged the problem of AIDS from the outset and where the wife of the head of State has involved herself personally and publicly.

Mr. Chairman, I beg to stop here and Hon. delegates, thank you for listening to my contribution to the general debate.

THE CHAIRMAN: I thank Hon. Tezira Jamwa for her contribution to the general debate this morning as the opening Speaker. I would like now to give the Floor to Hon. Brig. Jim Muhwezi NRA.

BRIG. JIM MUHWEZI KATUGUGU (NRA DELEGATE): Thank you very much. Mr. Chairman, distinguished delegates, there are times in history when the business of one is the business of all and when life or death is a matter of choice and when no one alive can avoid making that choice. These times seldom occur in history - these times of inevitable decisions. We are here to decide whether we as Ugandans shall swim or sit together. We are a generation which has looked into hell; our collective responsibility here is to ensure that, that hell shall be no more.

Political systems Mr. Chairman, among the unresolved issues that have been on the Ugandan political scene, the longest has been which form of Government Uganda should fall under - unitary or federal. The attraction of federalism has deep roots in our peculiar colonial history. Colonial rule ensured that our diverse communities had minimal interaction between each other as a way of the emergence of nationalism; the largest unit - Buganda - was accorded the appearance of a federal. In actual fact, in all its colonial history, Uganda had been consolidated and developed as a unitary state by the British. In the 1960s amid claims for federalism, the then British Governor of Uganda, Sir. Andrew Cohen, reiterated publicly that Uganda had always been and still was a unitary state, despite devolution of authority to Local Government including Buganda. The matter came to the head during the Constitutional Conferences of 1961 and 1962, drawing up the self Government and independence Constitution. The kingdoms were then given what was described as semi-federal powers over their traditional matters but this Constitution did not last. The progressively devastating upheavals that passed this independence arrangement from 1966 caused so much havoc over a quarter of a Century that we must now look for a starting point. We find nothing inherently objectionable to federal or unitary form of Government. The question we must first ask in order to enable us choose wisely is this: At this stage of our evolution, given our recent past history and present challenges, which system is more conducive to optimal development, peace, and stability for Uganda? I have no hesitation to support the view that the best option for this country as of now, is a system of devolution of authority to Local Governments as proposed in the Draft Constitution. *(Applause)*

Mr. Chairman, I am strongly of the view that we set out to make a Constitution that seeks to answer all questions at the same time for all times. Constitutions evolve according to new circumstances, perceptions, challenges and values that a country goes through. There is no written Constitution in the world, even after the most enlightened and farsighted initial promulgation which does not undergo amendments in the course of time in light of the new circumstances or old ones seen in a new light. The tragic failure of the Uganda experience, was that the culture of amending the Constitution was replaced by its abrogation. There is therefore, no reason whatsoever, why a period of years when this country is fully on course and at peace within itself and

devolved powers to Local Governments have been more tested and are working well. The issue of more evolution of power of federalism cannot be reopened at such a later time. Federalism would be debated, and considered not as an abstract system, but in light of proven experience on how to handle devolved powers from the centre.

Mr. Chairman, allow me to observe that a few things in the whole Draft constitution spark as much interest, controversy and confusion on the question of what political system to adopt for the future. As a basic guide for us to determine which is the best political system to adopt, we must address some fundamental questions. For example: Which option tends more to conciliate and harmonize our peoples; which will have the tendencies to fragment them? Be it on the basis of tribe, region or religion, etcetera. What does empirical evidence in our past history teach us? The immediate choice before us, Mr. Chairman, is whether we adopt multiparties now with the advent of the new Constitution or whether we should continue with the Movement system for a further five years after which this issue is reviewed by appropriate reference to the electorate. I shall not labour to state the obvious that political parties have been instrumental in the destruction and chaos of this country since mid 1960s. There were no basic philosophical differences between the Manifestos of the major political parties in our history. They all professed to give our people a better life. The underpinning differentiation of these parties therefore, tended more towards divisive characteristics particularly tribes and religion. While Uganda desperately needed unity and harmony, the parties clearly undermined it as a way of amassing support. In my opinion therefore, and in light of that experience it would be a profound mistake to reinstate full blown multiparty system in the country before the healing process has been completed. It is for this reason, that the present Movement system should be given another span of life. We accept the proposal of the five years at the inception of the new Constitution.

It is extraordinary how political party agitators have tended to portray the NRM as a political party. Nothing could be more misleading, only yesterday, you heard Hon. Cecilia Ogwal proclaim that NRM for all intents and purposes, is a political party. Does NRM have an exclusive membership like the UPC? The truth of the matter is that the practical and verifiable function of the NRM over these years has been to bring together people of all political persua-

sions and those that are non-party aligned into one organisation in pursuit of a common based programme for the nation's good. The NRM does not exist apart from DP, UPC, CP, etcetera, because in fact it is drawn from each and all of them. Just look around and you will see this. The proof is also the membership of all Resistance Councils from RC I to RC V. The Hon. delegate from Lira Municipality has claimed that the RC System is expensive, that the RCs export money, etc. The RC system may not be perfect, but surely does Hon. Cecilia Ogwal wish us to believe that the pre-RC Chiefs were any better?

MRS. CECILIA OGWAL: Point of clarification. Mr. Chairman, the Hon. Member on the Floor on the last point he made that, NRM is to bring everybody together for common good. Mr. Chairman, I would like the Member on the Floor to clarify how many members of Democratic Party, how many members of Uganda Peoples Congress or CP are right now in the NRM Secretariat to help formulate political policies to guide this process? Thank you, Mr. Chairman.

THE CHAIRMAN: You cannot give information before he clarifies on the requested. Please, go ahead.

BRIG. MUHWEZI: Thank you Mr. Chairman. Well, belonging to a group does not mean that you must be in its Secretariat. *(Applause)*

CAPT. BABU: Point of information, Mr. Chairman. Thank you very much. The information I have to the Hon. Member on Floor is that in Kampala Central Division, we have 131 RCI, 20 RCII, 1 RC III, and an RC V; at each level, we have people from all walks of life. We have people from different parties, we have people with no parties and we have people who are beginning to have new ideas on parties and that is the RC System. Thank you.

THE CHAIRMAN: Yes, but the point raised was about the Secretariat.

MR. BIDANDI SSALI: I would like to associate my support to the view of Hon. Cecilia Ogwal in this respect, especially so, if it is as it is, the main area where the Movement is still closed. But I am encouraged by the fact that the Draft suggests that the new Parliament elected under the Movement politics, will open up the Movement including the Secretariat. In which case Mr. Chairman, the Movement will then be acceptable to Hon. Cecilia Ogwal and myself. Thank you very much.

MR. OBUA OTOA: Point of clarification. I am seeking further clarification from the Member on the Floor. He says, political parties are essentially the cause of all our problems and on the other hand, he says, that the Movement embraces all those political parties, who are the cause of problems. How can such a good thing like the NRM comprise of things which are essentially bad, namely: parties?

THE CHAIRMAN: Is that what you said Hon. Jim Muhwezi?

BRIG. MUHWEZI: Mr. Chairman, I am surprised if not disappointed. The Hon. Member seems to look at form more than substance. A Movement is not a conglomeration of things; it is ideas within that organisation. The objectives of the Movement are not the same as the objectives of the Parties.

MR. WACHA BEN: Point of clarification. I am seeking clarification from Hon. Jim Muhwezi. He says ideally the Manifestos of the different political parties have not been any different from each other, they all strive for better lives for the people in the country. In this respect therefore, he seems to be arguing that since these Manifestos are essentially not any different, therefore, the political parties did not have any reason for differences between them. I am asking Sir, in his opinion, what does the Ten Point programme of the NRM indicate and if it does not in some form formulate the political Manifesto of the NRM?

BRIG. MUHWEZI: The question is irrelevant, because I was saying that the political parties did not have any major difference. There is a major difference in the Movement in that all groups can be accommodated within the Movement, including UPC and DP and others and therefore, that is a major difference that the Movement is not exclusive. It is accommodative and all political shades can hide there as we forge for a united Uganda. *(Applause)*

MR. WAGIRA: Point of information. Thank you Mr. Chairman. Although I am not a spokesman of NRM, the information I wish to give in my opinion is that the closed nature of the NRM Secretariat cannot be attributed to one side; that of the NRM alone. It is possible that people could refrain to go to the NRM fearing what some people usually refer to as swallow-ability and here, I would like even to say although I would not like to cross through the Chair, would it be possible for Hon. Cecilia Ogwal to

accept somebody at the UPC Secretariat, if he is coming from the NRM Secretariat and secondly, the composition of the NRM Secretariat is not in itself indicative of the narrowness of the base. Broad based-ness begins at the implementation level the Secretariat as a policy formulator formulates its policies and passes them over to the implementation level which is Cabinet. So, in my view, I would think that if we are to find out how broad based the Movement is, it is to start from the point of implementation level. How many members of other parties are in Cabinet? How many members are in CA? or the NRC? I think those are the implementing organs. Thank you.

THE CHAIRMAN: I think we are turning this into a separate debate, I think let us allow the Member to continue.

BRIG. MUHWEZI: Thank you very much, Mr. Chairman.

THE CHAIRMAN: I think that ends these interventions. Otherwise, we shall be having another debate on the side of the general debate. Please go ahead.

BRIG. MUHWEZI: Mr. Chairman, there is no doubt in mind that the RC system is a more effective democracy because of its grass root character. Party or no Party, one is eligible for office and as such, some RC office bearers are actually drawn from the various political parties. It would certainly be an excusable abdication of responsibility on our part, having carried this programme of national healing and national recovery this far, to abandon it mid-stream by simply bowing to the demands of multiparties.

The Army. Hon. Cecilia Ogwal again yesterday told us that people are tired of gun rule. But I would humbly ask, which is the gun rule? One where the gun was used to murder slaughter in cold blood or one where the gun has been de-mystified to become a tool of self defence and national integrity?

MRS. CECILIA OGWAL: Point of order, Mr. Chairman. I would implore the Member on the Floor to make his submission and not to persistently refer to my submission from Lira Municipality. Thank you Mr. Chairman. So, I would say he is out of order because he cannot be, Mr. Chairman...

THE CHAIRMAN: Hon. Cecilia Ogwal, you took the Floor to raise a point of order, but you chose to make a comment.

MRS. OGWAL: Yes, Mr. Chairman, the Member is completely out of order because, Mr. Chairman, I want your ruling whether he is really in order.

THE CHAIRMAN: That is fair enough. I do not think you can raise a point of order when there is a point of order on the Floor. So, the Chairman has to dispose of the point of order raised. Initially the Hon. Cecilia Ogwal was taking the Chair's responsibility by declaring the Member out of order. What you should have done is to ask me whether he is in order. Yesterday, you made comments which made certain presumptuous statements or propositions. Now, members in general debate, are entitled to make references. The only thing they should not do, is misquote you in those references. So, the point you should raise is whether or not they are in order to misquote you or to put words in your mouth, but if the references are correct, this is part of the general debate. That is why we call it a debate.

BRIG. MUHWEZI: Mr. Chairman, furthermore, given a scenario of Hon. Ogwal speaking in a UPC government which is not the case now, since she is only a delegate from Lira Municipality, one would have believed that she is a born-again politician. She does not only reverse roles of Government between tyranny and peace, but champions the rights of the citizens who for many years under the Governments of Mr. Obote and his henchmen and women were not able to walk with heads erect in God's free air, citizens who knew nothing beyond oppression. Mr. Chairman, I think we must say exactly what is honest for this in not the time when it is worth for anyone to quote political popularity. We have a historical duty to ensure peace and stability. This brings me to the matter of the Army in the Constitution.

I shall not dwell on the historical character of the past Army. As I said earlier, we all belong to a generation which has looked into hell and we know why. We on our part, look forward to enhancing the character of a worthy army, national in its anatomy, professional, disciplined and patriotic in its conduct. Its role should be to defend the national independence and territorial integrity and guarantee peace and stability for all peoples of Uganda. We advocate for a productive Army, that plays its full share in national development. Soldiers should be free to exercise

their voting rights and should be free to contest elections unconditionally.

Peace. Mr. Chairman Allow me to reflect on the matter of peace which some of us here have taken for granted. Uganda's history is not a silent one, certainly not in terms of wars and conflicts, but listening to some of the pronouncements in this House, one would think that Uganda's blood stains were a product of post 1986. In my experience, nothing is less realistic than cynicism and determined idealism. This is dangerous. I think we should tame our ambitions and desires with an attitude of rational assessment of facts and forces. We have relative peace now, but let us remember that a worthy and righteous peace is the fruit of effort, the currency with which you pay for peace is made of courage and a mind and heart attuned to sacrifice. Let it never be assumed that the dedication of those who have freedom is less than the determination of those who would destroy it. Peace is not passive but an active virtue, after all, even our Lord never said, blessed are the peaceful, but blessed are the peacemakers.

Mr. Chairman, an Hon. Member in this House told us that she is not here to represent the UPC Party, but represents her own constituency a Municipality. I cannot challenge her on this. In as much as she is not representing UPC, here, I shall safely assume that she is also fully aware that her constituency did not vote for her because of UPC. I will borrow a leaf from her book and state that I am also here as an Army Delegate, but I shall not sacrifice on the altar of expedience the admission that I am a Member of the NRM and a Senior functionary of the Intelligence Services which is what I wish to talk about just now.

Intelligence service is the Security Organ that is charged with the duty to detect, and stop anything that is intended to unconstitutionally and illegally disrupt the stability of this country. It is therefore, a very important organ that must be given due regard when we talk about guaranteeing peace and stability. Like other security forces, the Intelligence services have in the past been misused instead of being instruments of protection, they have been turned into instruments of oppression. The story of State inspired violence of the past is too familiar to be rekindled here. Suffice to say that the NRM has redeemed the image of the Intelligence services. The most important step was the enactment of the Security Organisation Act of 1987. This was the best way to assure the people of Uganda that these services

belong to the State and not to the Government. It was also a way of guaranteeing those who serve in these Services, security of tenure. The powers of these services have been clearly spelt out. In this way, the services can outlive regimes. We are therefore very happy to see that the Draft Constitution seeks to make it mandatory for Parliament to establish the intelligence services.

Land. Another issue that has caused much debate is the question of land. We all agree that land is a critical resource, but what is not clear, is a critical resource in whose hands. There is therefore, a need to have a land tenure system that ensures fair and equitable distribution. The land policy should ensure balanced development. We recognise the people problems of a uniform land tenure system for the whole country without disrupting lives of the people. In the long run, however, we consider that land should be granted in freehold in rural areas and in leasehold in urban areas. However, customary land owners would need to be educated over time on the need to get Land Titles. We should, therefore, put in place mechanisms for carefully monitoring and evaluation of land distribution with a view to ensure that the right of every citizen to own land is not compromised. Further more, there is need to guard against the tendency of subjecting land management policy to methods which result in land degradation.

Human Rights. The renewed human rights crusade and awareness has put the moral commitment back into the forefront of politics but while these rights are securely summed up in the Bill of rights, we must not miss the ideological angle of this matter. We have a population that is still illiterate, plagued by hunger and disease. So, with civil and political rights of citizens to take precedence over their economic, social and cultural rights - I think that the national development necessitates certain restrictions on the rights of the individual, where an individual is part of a whole. Therefore, I strongly disagree with those who argue that the rights of the citizens are not negotiable. Society must be ordered, short of this, anarchy reigns. Therefore, there are those rights that must be negotiated. These are always specified and defined and clearly the elaboration of these rights is a task before this Assembly.

Women. I shall not compete with my sister Delegate, Hon. Miriam Matembe who is an eloquent champion of the rights of women. She and her comrades have ably defended the position of women, both here

and beyond. I simply wish to reiterate that women are a political factor in a balanced humanity. We wish to lend *cur strength* to the cause of their emancipation and to assuming their rightful place as equal partners, which must translate into equal opportunities. *(Applause)* I wish, therefore, to assure the women Delegates here and beyond that their aspirations are our aspirations and we shall go together all the way.

Mr. Chairman, I am aware that we shall have an opportunity to deliberate in detail on the respective chapters and Articles of the Draft Constitution but I would not end without reflecting on the essence of democracy in the Constitution we hope to promulgate. Mr. Chairman, it has become fashionable here and elsewhere, *talking about democracy* but the more the rhetoric, the greater the blow to democracy. By the fate of history, we have seen democracy translate from as diverse a position as dictatorship of the masses to the preservation of an ailing status quo. Democracy can mean a belief in divide rights of 51 per cent of the voters to alter in any way at any moment, all laws and customs or it can mean the continuation in power in some locality of a privileged class. Therefore, for us it is not important defend to a particular form of government but rather the principles embodied in our Constitutional form. First, the civil liberties which as I have already said, are embodied in the Bill of Rights. Second, the political machinery which enables the mass of the people to decide through elected representatives on major issues about democracy interpreted by those who love to sing songs, have been at times a false shield to cover *sinister agendas*. The Constitution, let us admit, has also been used as false shield by others. It has been too often proclaimed, but divined by those who seek under its protection only to hold a personal and privileged position between the disgruntled and the complacent. A true democracy must steer a middle course. Agreement after all is nothing but a balance struck between opposing, compromise between divergent interests. When you assemble a number of men and women to take advantage of their joint wisdom, you inevitably assemble with those men and women, their prejudices, their passions, their error of opinion, their local interests and their selfish views to avail a natural human scenario - but then from such an Assembly, can one expect a perfect production? My answer is yes, because it is wealth of these divergence that in the end we ensure a truly national social contract.

Referendum. This brings me to yet another contentious issue - that of referendum. Where is the problem Mr. Chairman? If we are here as our people's representatives, what is wrong with resorting to the final arbiters on issues that deserve their arbitration. We cannot be part-time democracy, Mr. Chairman and I am afraid those who are opposed to the national referendum risk being part-time democrats. The ultimate point of reference is the people themselves, in this case the people of Uganda. *(Applause)* Someone has suggested that NRM must return to a negotiating table. There could be no better table than the present one. *(Applause)* Beyond this, Mr. Chairman, I can only concede one more table - the people of Uganda and for that round table, the negotiations, the NRM has always and will always be on standby. *(Applause)*

In conclusion, Mr. Chairman, history is made by people and ours, therefore, is a unique history that must continue to seek unique solutions to the challenges of the moment. Circumstances, no doubt, change but some values are unchanging. These are the values contained in the Chapter of National Objectives and Directive Principles of State Policy. We endorse them as stated. It is my sincere hope that at the end of our mandate here, this Assembly will embrace the historical honour of having championed the forces of peace and enlightened democracy. I thank you Mr. Chairman and the Hon. Delegates for listening to me. *(Applause)*

MR. NSUBUGA NSAMBU (Makindye West, Kampala): Hon. Chairman, my constituency covers 13 parishes Katwe I and 2, Kibuye 1 and 2, Nsambya Central, Nsambya East, Nsambya Police Barracks and Nsambya Railways Barracks, Buziga, Munyonyo, Makindye Barracks and Katwe Police Barracks, Luwafu, Konge, Lukuli, Salama, Kauso and Nanganda. All those are within the city of Kampala. People of Makindye West thank the NRA/NRM and NRC for having enabled different interests to be presented in this august Assembly.

However, as you now know that I represent several barracks, among which is the biggest Police Barracks at Nsambya, it is the general feeling of the people of Makindye that the Uganda Police force should have been represented. They are the custodians of Law and Order. *(Applause)* They handle the public and it is their duty to protect the Constitution. It follows, therefore, that they ought to have been represented. I have made efforts to get the error

adjusted but I did not succeed because by the time I started working on it, it was getting late but I am glad to note that the Ministers concerned have written to me, sincerely more or less apologizing and I would quote: 'You would appreciate that while it is within my powers to propose an Amendment such as this, it is until the NRC has passed it, that it can be effected. The procedure for making an Amendment to the Constitution Assembly NO. 6 of 1993, First Schedule of the Statute, Constituent Assembly which provides for the presentation of the specified bodies is needless to say a long one and by the time it is completed, it is possible that the Constitutional debate would have reached its final stages'. So, in that breathe, I would request all Members to consider the problems of the Police Force so that when it comes to the debating, we shall all consider it with sympathy, particularly their conditions of service, the poor conditions under which they are living; their houses are very poor, the unipots are torn up, the sanitary conditions are poor, the wage is low. We also need to consider the appointment of their leaders and promotions and also we need to consider their benefits when they retire. These are problems which I have talked about with police officers and they sincerely need to be represented and helped as far as their services are concerned, most especially when you hear every big man speaking, he will be attacking them for receiving bribes.

Through you, Mr. Chairman, the people of Makindye wish to extend their sincere thanks to the NRA/NRM for the successful job of bringing back peace to Uganda as a whole and Makindye West in Particular; for our area has had a very rough period since 1966 as the wrangles of 1966 started at the then Government Lodge at Makindye. People of Makindye West wish to thank NRA/NRM/NRC for having accepted particularly to lift the occupation of the then federal states by accepting the re-instatement of the kings to their respective thrones and other cultural leaders. This is a very important issue, remembering that for the last 28 years, they have been under occupation. But they say that the words 'pure cultural leader' is meaningless because a culture of a place is looked for it a given place. The culture of Buganda is different from that of Lango, the culture of Bunyoro is not the same as that of Kigezi, hence cultural leader in Buganda is administrative, political and judicial. If we restore a purely cultural leader in Buganda, that leader must have all these three ingredients. Which means the word cultural leader needs a further examination. I am asked to remind you that the

removal of a cultural leader in Buganda was unilateral and all political parties deny being party to his removal. Recently, Dr. Obote regretted that he was mistaken to have removed those leaders unilaterally. The people of Makindye say, they want the *Kabaka* reinstated as a titular head of Buganda region; that is a constitutional head. It must be clearly understood that as far as Buganda is concerned, it has never been part of Uganda until 1955, when it signed an agreement to remain an integral part of Uganda. The same spirit was included in the 1962 Constitution. The unilateral abolition of the 1962 Constitution ended that relation. Buganda is not bound by 1967 Constitution. It was not a party to that Constitution. It is a document which spells out how the occupation of the then federal government should be governed as occupied territories and had no say in its making, particularly Buganda. The abolition of the 1962 Constitution amounted to cutting the threads under which Buganda was attached to Uganda. At the moment Buganda has two alternatives, either to secede or to revive its portion of the 1962 Constitution. The second alternative is the practical one. The decentralisation is a requirement of the occupying forces. The arrangements are good on the face but they are not real. If they were real, they would be readily applicable to all the districts, the occupying government has created. Some are too small to manage the arrangement which is the same excuse given to federalism. The idea of forming cooperations of weak districts, goes to explain that there should not be fear of federalism because the same fear is found on either systems. *(Interruption)*

MR. MUSHHEMEZA: Point of Clarification. I would like the Hon. Delegate to clarify to me. He said that in Buganda decentralisation requirements are a creation of the occupying forces. So, I am not clear what are the occupying forces in Buganda. I would like to be clarified.

MR. NSUBUGA NSAMBU: What I am saying is that since 1966, Buganda has been occupied and whatever comes, comes by the government which is occupying it.

MR. KASAIJA TIGWEZIRE: Point of Clarification. Mr. Chairman, I would like the Member holding the Floor to clarify to me as to what he means when he talks of an occupying force and whether he is here deliberating under duress. Because his area is being occupied, therefore, it will mean that he is here deliberating under duress. I want him to clarify.

MR. NSUBUGA NSAMBU: I came here to beg for self internal government of Buganda.

THE CHAIRMAN: I think you continue. I do not think we should begin developing another side debate.

MR. CHEBET MAIKUT: Point of Order. Mr. Chairman, the Speaker holding the Floor has raised a very serious issue namely the question of saying - the government under which even we are deliberating this present Constitution is an occupation force, although he has stated it as retrospectively. So, is the Hon. Member holding the Floor in order to say that all the previous governments right from 1966 and more so, more seriously the present government is an occupation force in Buganda. Is he in order to raise such an issue?

THE CHAIRMAN: The Hon. Member is entitled to his interpretation of the legal arrangements as they exist.

MR. NSUBUGA NSAMBU: Much obliged, your honour.

MR. SSENDAWULA: Point of Clarification. I am seeking clarification from the Hon. Member holding Floor to improve my knowledge on history because he says that Buganda was not part of Uganda - it was only forced on Uganda with the 1955 Agreement. I would like him to clarify and improve my understanding of this position because we are looking at Uganda from the 1900 Agreements and so on with Buganda inclusive. So, I wish, if he can improve on the *(Interruption)*

MR. NSUBUGA NSAMBU: Before the *Kabaka* was exiled in 1953, there was no binding agreement until the agreement of 1955 when Buganda became an integral part of Uganda. Is that enough? *(Laughter)*

THE CHAIRMAN: Please go ahead and develop your arguments. Let us give the Member a chance to develop his points. I think we are beginning to interrupt him. Please go ahead.

MR. NSUBUGA NSAMBU: I am much obliged. As far as Buganda is concerned, the people of Makindye say that you either restore Buganda to its status quo or you decide to remain illegally occupying it. They demand that the occupation that is now

28 years old should be lifted but they are not prepared to surrender their sovereignty as a federal state. I take it that you all properly understood the Buganda's constitutional position at the Lancaster House in 1962. Any person who cannot understand Hon. Adoko Nekyon's illumination, well, it is just unfortunate - because at that stage, there was an intention to break off and for the purposes of avoiding the breaking off, they decided to let the other kingdoms go into federal so that Uganda remains the same unit and we still need to remain the same unit. So, it is in that spirit we say - if you give us our federal government, we shall be happy. *(Applause)* The people of Makindye West say that they must be granted their self government first before *(Interruption)*. They must be granted their self government first before they can enter into a new Constitution. *(Interjections)* At the moment, as an occupied territory, whatever is decided is without prejudice. They are still prisoners of the 1966 war and other successive wars which have refused to restore them to their original status as a self governing region.

BRIG. KYALIGONZA: Point of Order. Considering the seriousness of the proclamations of the Hon. Member representing Makindye West and considering the rights that he is supposed to enjoy in this House when he is deliberating and expounding on the points which he has been sent by his people from Makindye, Is the Hon. Member with his eloquent knowledge of Uganda's history, right from the time when the colonialists came here - we were under their protection, Buganda inclusive. When Captain Lugard occupied old Kampala Hill, the Bazungu were called by the *Kabaka* of Buganda to come and bring civilisation and thus Ugandans including the Nubi, including the Banyoro who were first of all approached to be used as a base for the Bazungu to occupy part of Uganda, they were refused by Kabalega, then later on moved on to Buganda. Is the Hon. Member, therefore, Mr. Chairman, in order, with his full eloquence of historical background him being a Lawyer, is he in order Mr. Chairman, to forget the historical facts of this country and mislead us?

THE CHAIRMAN: I have already ruled that the Member is entitled to his interpretation of the historical factors and laws. Let him continue developing his point. He has given his premise and he is arguing logically from there.

MR. NSUBUGA NSAMBU: The Bazungu came here on the invitation of Mutesa to teach Mutesa's people - that is what I know. *(Interruption)*

MR. MWESIGWA: Point of Clarification. The Hon. Member *(Interruption)* has told us that we must give us Buganda self governance now because the people who sent him will not tolerate the illegal occupation. Can he warn us on what the consequences are in case the self governance is not given?

THE CHAIRMAN: Let us listen to him before we come to the conclusion whether he is not going to give us the answers.

MR. NSUBUGA NSAMBU: Well, if the self government is not given, they shall remain occupied as they are occupied. *(Laughter)*. The people of Makindye West say that people of Makindye cannot accept proposed decentralisation for it appears, it has a hidden agenda:

- i) To make Buganda surrender its self government under a federal state.
- ii) To make the Baganda themselves rub themselves from the map of Uganda.
- iii) To make Buganda fragmented into small and weak districts which cannot stand on their own with a right to secede to neighbouring ethnic groupings. That can easily take place in Buganda, Bunyoro, Ankole and others.

MR. OBIGA: Point of Clarification. I would like the Hon. Member to clarify to me whether Makindye being so close and I suppose part of Kampala, is only occupied by Baganda because he says unless Baganda are given self rule, the people of Makindye will feel that they are occupied. Thank you.

MR. NSUBUGA NSAMBU: Well, I do not - because I told you I represent a good number of people. These are the ideas of the people of Makindye. Unless you doubt that, I live in Makindye but I am giving you what the people of Makindye say. You either accept it or you say you are not reporting their views.

LT. COL. SERWANGA LWANGA: Point of Order. Mr. Chairman, is it in order for the Hon. Members to continue interrupting the Hon. Member holding the Floor when he is sincerely contributing his views and the views of his people; yet under our Rules of Procedure, Rule Number 23 says that a Hon. Member should not be interrupted except on

Point of Order. Mr. Chairman, is it in order for the Members to continue interrupting the Member?

THE CHAIRMAN: They were allowed by the Chair, since they wanted to be clarified so that we all discuss in full knowledge of each other. Please continue.

iv) To end the allegiance to Mengo. Bulange was returned but the great 'Lukiiko' is not there in Law.
v) To completely obliterate the existence of the great 'Lukiiko', its power and influence among the people of Buganda. Those are the hidden agendas the people of Makindye think are contained in the so called decentralisation.

If the arrangement has no sinister motives or plans and it is claimed to be the highly decentralised, the people of Makindye see no reason why the Baganda should not retain their polished federal government and hurriedly be dragged into the so-called highly decentralised arrangement which stands on their doubtful ability which calls for creation of co-operation again. What has been repeatedly stated on the radio and TV by His Excellency, the President of Uganda that they will not accept to divide Uganda in small units is defeated by the new Statute on decentralisation which is based on yet smaller units than those which existed before 1966. The new districts are less equivalent in size to the then old county in Buddu in Buganda. Buganda is already a big ethnic group which has in the past run a federal government; the people of Makindye West do not see any earthly reason to why it should not be set free from the bonds of occupation to run its affairs. An occupation of 28 years is a very long period and sufficient punishment. The only obstacle which has prevented the grant of liberty to Buganda and others, the then federal states, is the greed for power and hidden agenda as outlined above. The Statute has already started working - thereby preempting the Draft Constitution: that means that we are here as rubber stamps because we are to accept the Statute whether we like it or not - it is already in operation. The people of Makindye West say that the Baganda as an occupied territory *(Interruption)* are not bound, whatever is being done is for the occupying governments as they have to obey it as such. *(Interruption)*

All along, Buganda and other kingdoms of Busoga have been self governing. The question of their governance was exhaustively discussed in the London Conference at a point that if the federal government was not granted to Buganda, the alternative

was to allow Buganda and other kingdoms to secede. The present situation in Buganda is purely occupational and the new Statute is occupational but not to the wishes of the people of the occupied Buganda. I am instructed to demand political emancipation of Buganda and if this august Assembly refuses to liberate Buganda and to reinstate it in its former position, it will amount to saying that the Act of war against the Baganda and Buganda is still continuing, despite all our sacrifices both in life and kind.
(*Interruption*)

DR. MUGYENYI: Point of Order. Is it in order Mr. Chairman, for the Hon. Delegate to speak on behalf of Buganda when we know he is representing Makindye? Do we have some Delegates representing Buganda?

THE CHAIRMAN: The way the message is written, I think it is that the people of Buganda are being incorporated in the message of Makindye. His message is that Buganda should be liberated. So he is entitled to read his message. Please go ahead.

MR. NSUBUGA NSAMBU: Mr. Chairman, a good number of learned and Hon. Members of this Assembly have advocated for a simple, straight forward, nutshell Constitution written in simple English which everybody can understand and read. I wish to de-associate myself from them. We need a well written and comprehensive Constitution containing everything and taking into account the diversity of our community. Short of that, we shall always seek Court interpretations of ambiguously stated words and clauses. The language to be used must be the language of the Constitution. That is Legal language; if I may put it simple. If it is a femur, let us write a femur but we should not write a thigh bone. The 1962 Constitution was not abrogated because the language was difficult or that it was too elaborate that Dr. Obote did not understand it but because he had a lot of envy. He spread a lot of envy against the hereditary rulers and more particularly Mutesa II and that envy has destroyed all our progress in the last twenty eight years. People of Makindye West need a Constitution which will embody all the provisions of the Buganda affairs. Agreements as contained in the 1962 Constitution. The people of Makindye West say that they will not accept anything which does not restore them to their status quo.
(*Interruption*)

THE CHAIRMAN: You are now running on your injury time.

MR. NSUBUGA NSAMBU: The people of Makindye say that the present invitation calling upon them to attend the discussion of a new Constitution is friendly but does not cure the old wounds unless and until the occupation is lifted. The Americans, the English, the French and the Russians occupied Germany since 1945, recently, they decided to give complete freedom to the Germans. They did not participate in the making of the new Constitution of German. Here the position is different. The occupying forces say: "Come and we shall discuss how we shall continue to occupy you and rule you". We are discussing the Draft Constitution, a new system of government has already been started and the form of government to be followed has been stated and implemented. This explains that there is an intention that Buganda and other federal states shall remain occupied territories but we need to have a Constitution which will stand the test of time. It is, therefore, important to let Buganda be politically free to manage its affairs. If not so, the people of Buganda should know their status in an independent Uganda. We must create a situation which will not force them to create or give sanctuary to other to fighting forces hoping that there will be another Moses to take them to the Promised World.

Our primary aim should be to create a friendly society. The same type of government spread to all other federal states. It was and still is occupational government. It ended the federal relations with the central government of Uganda. It was an imposed type of government after Mengo had been defeated in the war of 1966. The government came in without the consent of the people and it has remained without their consent. It is war punishment for the last 28 years. The people of Makindye West demand political emancipation and they would like to be reinstated to their former status of a federal government with the *Kabaka* as their titular head or constitutional head. They add that if the Hon. Members of the Assembly are sincere that they are under a duty to promulgate a Constitution which shall stand the test of time, it is important that surrendering internal self government to Buganda must not be handled casually but seriously for the people of Buganda and other parts of Uganda i.e., the federal states have served a long sentence of being occupied by fellow Ugandans. During that period, they have seen a steady deterioration of their region in all aspects of life. They want to man their affairs as were contained in the 1962 Constitution. Nobody can stand up and say there is something developmental which has

been done in Buganda at the moment for the last 28 years. The people of Makindye have asked me to tell this story (*Interruption*) to the Members. There was a landlord 'Buganda' who rented his furnished house to a tenant. After signing the Tenancy Agreement, the tenant tore out the Agreement, pulled out his gun and told the landlord to get out of his sight. Later the tenant left and his several children entered the house and stayed in the house. The last of his children called the landlord and said: 'My friend, all the property in the house is intact, I want you to come and see how we can share the articles'. That is exactly the state in which Buganda is now. The majority of our politicians are happy with it. The Army Officers say, we support the tenants: we cannot and we shall not return it to the landlord. If we seriously want to make a Constitution which will stand the test of time, we must ask ourselves why the Baganda have on occasions given sanctuary to rebels. To the minds of the people of Makindye, they have always expected not only a customary liberation, but also a political emancipation but not a dialogue where the Buganda occupants will ask them to discuss how they will continue to occupy them and rule them forever. There has been no progressive activities in Buganda for the last 28 years. The people of Makindye say that they want Buganda to man and manage its affairs in the united Buganda within Uganda as the 1962 Constitution provides. They want a federal government with *Kabaka* as their titular leader or constitutional king. It is only a federal government which can manage such responsibilities. Buildings which were built by the federal government of Buganda have for the last 28 years accommodated all the Magistrates Courts in Buganda, all the Courts of Appeal for Uganda, all the prisons in Buganda, all the Saza Chiefs in Buganda, all the Gombolola chiefs in Buganda. The then good feeder roads have all broken down.

Hon. Members have a second thought on the type of government which will develop your districts but not unitary government. The decentralised system introduced is but a borrowed power. Any time, any day, Hon. Minister of Local Government under section 13, can recall it, take the risk and you will be disappointed.

The people of Makindye, Mr. Chairman, through you wish to thank the NRA/NRM for having accepted to return certain properties to the offices of the hereditary leaders. They, however, say that they would like to see the Statute properly and effectively

implemented. They would like to see the definition of Bulange implemented the state accepting the Great *Lukiiko, Rukurato* to be reinstated as part of the administrative body of the federal states with all their powers as defined in the 1962 Constitution, they hate to see Bulange turned into a museum. They are not satisfied with the Status of the present *Lukiiko* which has no power. The word Bulange as understood in Buganda, covers all the infrastructures which were built by the federal government namely: all the *Gombolola* and *Saza* headquarters, prisons and barracks and other structures. As to the 350 square miles which were returned to the offices of the Buganda Land Board, the Revenue from that land is very small. The laws that govern other people's land are the same laws which govern that piece of land. The land does not pay '*Busulu*' and '*Envujjo*'. It is heavily occupied by customary tenants and squatters who do not understand the value of a lease. So, they cannot lease it. Hence the question of maintaining the *Kabaka* or any other ruler must be left to the people of the area concerned. You cannot create an office and deny it money. Despite the Statute, the *Kabaka* has no official residence. It is sad. However, they asked me to thank the ruling regime to have accepted to accommodate the then His Excellency the President of Uganda - Mr. Lutwa.

Land. The question of land is unsatisfactorily condition. The landlord is unhappy in that he no longer collects '*Busulu*' and '*Envujjo*'. The tenant also is unhappy as he can be evicted any time. The 1967 Decree contravened the 1967 Constitution in that it took away people's property without compensation. His Lordship, Odoki, recommended that the Decree be revoked and yet the Draft Constitution says a different thing. Hon. Njuba is justified in complaining that the Draft Constitution does not tally with recommendations/ideas given by the people. The people of Makindye say that Article 24, 271 and 276 must be deleted. The reasons will be given later in the discussions. The people of Makindye West recommend the restoration of the '*Busulu*' and '*Envujjo*' Law and other parts of Uganda where mailo land is not existing, should be given titles of mailo land or freehold land. Each districts, as they existed...(*interruption*) before 1966 should have a District Land Board. Land which reverted to Buganda Land Board by 1962 Constitution should be given to Buganda Land Board immediately.

The people of Makindye West say that the provisions of Article 3 are good but they do not protect the

Constitution. Each regime which comes in power by force, the first thing it does is to amend such a provision. See Legal Notice No. 1 of 1986, Decree No. 12 - Section 12, they say the protection must be more conventional than Legislative law. The convention required is the convention which can be built from the Assembly of respecting the views of the majority and the minorities. Should there be a district or a region which will leave this Assembly unsatisfied, then we shall go home well aware that we have failed to promulgate a Constitution which will stand the test of time. Those provisions will not work. *(Interruption)*

The people of Makindye fully understand the words Republic and Unitary as two words came with the fall of Mengo. The word Republic has been used as a psychologically moral torture for the people Buganda. They appeared as 'Republic Road' - meaning 'Kabaka Anjagala' Road. 'Republic House' meaning Bulange and in red letters to signify shedding of blood which has continued for the last 28 years among the Baganda and Bulange became headquarters of the Uganda Army to tease the Baganda. The words were intended to expose disrespect to a large section of Ugandans. The words were used to humiliate Baganda; the awards of brutality, inhumanity, torture, anarchy, deprivation of both culture and political freedom, dictatorship of the highest degree now lasting 28 years. The people of Makindye pray that this great Assembly accepts to use the word Sovereign State of Uganda for the Constitution of Uganda. But they hate these two words.

Swahili is not accepted. *(Laughter)* Chapter 3 should be struck out in total. What we are making is a Constitution of Uganda, we are not making a Memorandum and Articles of a Company that one day parliament will make ultra vires decisions.

Death penalty should be eroded away except for big cases but not defilement and rape. Political prisoners should not be hanged, detention without trial should be abolished, remand should not last more than 30 days. I beg to retire. *(Applause)*

MR. SSEKWEYAMA (Mawokota South): Thank you Mr. Chairman. Mawokota South is seen as the gateway to the South and South West Uganda and borders with Masaka in Lwera along Kampala-Masaka highway. Mr. Chairman, the people of Mawokota to a large extent do share the sentiments

that have just been expressed by Mr. Nsambu but do not regard Buganda as an occupied territory - that is the fundamental difference. As to the other sentiments, I will articulate them later.

Mr. Chairman, I request you to accept the fraternal greetings from the people of Mawokota to you Mr. Chairman and to your Deputy and through you, to the Hon. Delegates in this House and through them to all our brothers and sisters throughout Uganda. Mr. Chairman, the people of Mawokota South have only to remind us here as Delegates that if any of us had any feelings of remorse about the previous Constitutions and about the people who participated in making them and the conditions that surrounded them, then Mr. Chairman, we face a greater challenge to produce a superior covenant that will provide genuine independence and the true sovereignty of our people by guaranteeing them their God given and inherent rights without undue derogating them and unnecessarily curbing them on flimsy grounds. Mr. Chairman, even-change agents sometimes are frightened of changes; to bring them, therefore, requires a lot of moral courage, commitment and sincerity.

Mr. Chairman, NRM's most legitimate card was that of ushering in new and fundamental changes and this is moment to actualise them. Mr. Chairman, the people are behind us, at least in South Mawokota on this call. Mr. Chairman, the people of South Mawokota regard the whole Constitutional making process as a bold stride in the right direction. They are grateful to government, to the Constitutional Commission and to the CA Electoral Commission for starting us off on the road to greater horizons. Mr. Chairman, the people wish to seriously note the shortcomings in the process so far and in regard to the recent CA elections in particular. The CA elections were a great success on the whole in that it was prosecuted as a crash programme on considering that it was prosecuted as a crash programme within a very short time, with minimum civic education to the electorate and with novice organizers and characterised by deviating satanic designs like voters' and votes' buying. But Mr. Chairman, in spite of all this, the peasantry were able to produce the calibre of Delegates of the quality and integrity that are here before you. This, Hon. Chairman, justifies an analogy of a toddler which one of our number referred to us one day - he said 'It would be stupid love on the part of parents who would out of sheer love to wish over protect their child, not to let him

risk walking in the fear that by doing so, it may either soil itself or get hurt, that child will ever remain crippled.

Mr. Chairman, in Africa, Democratic Agendas and processes and thus people's democratic rights have for long been unduly postponed and suspended on a flimsy pretext that our electorates being so illiterate, and so poor do not know their rights and freedoms, that they would not give due expression to them, that they would not be able to discern issues properly, and choose from alternative candidates or sets of leadership, ideologies, policy and policy implementations and style. The leaders, therefore, preserved the right to know what suits the people better and remain in perpetual guardianship or custody of such people's rights and freedoms without ever allowing people, either to learn by experience or through programmes such as civic education. Mr. Chairman, on that score, that is why I said we are on the right footing because we have now started the trial and error learning but the people of Mawokota, Mr. Chairman, wish also to endorse the idea of establishing an independent National Civic Education Board; to be appointed by parliament and together with the relevant sub committees of parliament to draft a National Civic Education Programme with various curricula or syllabi particularly target to the following:

- i) Our national leaders who usually paternalistically claim to know better for the people when in fact sometimes they mislead people's wishes.
- ii) Our armed forces who have been for so long been manipulated to serve sectoral interests and normally they do not know how to behave in a pluralistic political situation.
- iii) Other organs of state like police, and civil service.
- iv) Schools and
- v) The entire masses.

National Dialogue and National reconciliation; avoidance of violence in future. Mr. Chairman, for quite some time, there have been voices in this country bearing a prophetic message that the origin of most of our problems were political in nature and that the problems themselves remain fundamentally political and could best be solved in a political way. These voices were in the past dismissed at various points as signs of political weaklings. Gun trotting at one time was considered as a sure short-cut to all solutions. Some even saw it as an end in itself. Now, Mr. Chairman, it is very significant to realise that we

have failed to shoot away our problems, so we are here now sitting as equals without conquerors or vanquished. Because during the period we allowed ourselves to wander away in the political desert, we by commission or omission deliberately or inadvertently hurt one another. We should all feel responsible for our past misdeeds. Mr. Chairman, mitigation in this respect can only be seen in terms of degree of extent or due to particular circumstances and conditions that dictated our behaviours of the political actors of the time. We are here, Mr. Chairman, to respect and to identify our wrongs for ourselves and for one another and to seek permanent solutions for our co-determinations and peaceful co-existence and thus putting in place a democratic frame-work where in future conflicts would be sorted out through civil rather than primitive means of violence.

Mr. Chairman, during the days we have been in this great Hall, and august Assembly, we have listened to acrimonies and counter recrimination by various injured Parties. We have just heard some by the previous Speaker. Political Parties have been made the sole or the principle culprits even though we know that other national institutions like the presidency, the military, police and so forth and so on have also participated in the commitments of the past havoc. And even then it is wrong to bundle together previous aggressors and victims because some political parties have not been the aggressors rather they have been the victims.

Mr. Chairman, there have been points made about people in various parties crossing. It depends on whether the crossing was on principle or not. By that time, I personally was a DP youth winger and I knew very many people who were Youth Wingers in UPC who crossed to other Parties like the Democratic Party, UPM and many are now important personalities in Government. So, crossing is not necessary bad. But if the person crossing is in a representative capacity then he should first vacate that office and people are given chance either to re-elect him back or replace him. Similarly, Mr. Chairman, there has been talk about alliances being formed. These have taken place in the past. There was the famous KY/UPC Alliance to keep Ben Kiwanuka out of power. Certain forces allied together in 1966 to abrogate the Independence Constitution to abolish kingdoms and later on to ban political appositions. Then other forces allied together to join to topple Amin and to topple Obote. And then we all remember the grand Moshi Alliances with its Moshi spirit which toppled

Amin in 1979. Subsequently, we know of Alliances that removed Yusufu Lule and Binaisa respectively. Alliances, therefore, are a natural phenomenon of politics and we should not condemn them on their face value. But Mr. Chairman, now the Alliances in this Assembly for the purpose of making this Constitution can only be encouraged only to the extent of allowing free interactions among Delegates to trade their ideas and positions and to remove prejudices previously held so that when we eventually reject or allow an idea, it is done on full understanding of all implications and ramifications surrounding a particular point. So, let us not be intimidated. Let people do freely mix and exchange ideas. Otherwise this may be an exercise in futility.

Mr. Chairman, let us avoid giving the impression of rigidity or infallibility of one group or a set of ideas. We are here to remove prejudices about each other and to listen to each other and get out a proper, balanced mixture for the future stability of this country. Mr. Chairman, another point that the people of Mawokota would like to point out is the fear of making this Constitution based on objectives that we talk about at cross purposes. For example, Mr. Chairman, we have the concept of Democracy, National Unity, People's Sovereignty and even in this Hall we have heard that their definitions, the way we perceive them, the way we conceptualize are different. I think this in the past is what brought us problems; because people have been defining democracy differently. We have not agreed to the attributes, to the recipe and to the ingredients that actually make up democracy. Or we shall leave this Hall thinking that we have agreed on National Unity, and Democracy where some people might think that these mean absence of political dissent and cultural pluralism and so forth. We shall then go back only to find that after all we did not reach a real understanding - our minds did not meet. Mr. Chairman, about the minds, I think the Lawyers who are here will bear with me that when you are making a covenant or an agreement, the minds must meet. Otherwise, you might be talking the same language but each one of you meaning differently. So, Mr. Chairman, I think that is the challenge that is facing us.

On the Army. Mr. Chairman, the people of Mawokota would like that we start with demilitarisation of politics. Since 1966, the military has remained the final arbiter in matters that are otherwise purely civil and political. The Army should accept, under the

new Constitution, to be under a civilian authority. They should see themselves as an organ of State like any other organs of States, like police, civil service and they should revert to their traditional role of defending territorial integrity of Uganda and allow the people to be the final determinant of their destiny, through the democratic processes and practices. Mr. Chairman, people want a truly national army, non-partisan and professional, ready to support any regime elected by the sovereign people of Uganda. An army detached from personal or sectoral agencies. While one is still in active service in the army, he should not be allowed to contest for elective offices. He should first resign and then come to the political arena. Mr. Chairman, this should apply to the Chief Executive of the State - of the Nation. Mr. Chairman, still on the Army, the people of Mawokota do subscribe the idea of balancing the composition into regions of districts. Mr. Chairman, ...*(interruption)*

DR. KIIZA-BESIGYE: Point of Clarification. I would like the Hon. Member on the Floor to clarify to me when he says that the Army should not be political and should be willing to serve any Government of the day. In the multiparty system would he like Members of the Army to belong to political parties and to vote for Government of their choice or he would not like them to participate in the elections and the voting?

MR. SSEKWEYAMA: Mr. Chairman, voting is their human right but as an organ of State I would rather that they do not overtly show their side and I think it would be good for themselves because they might otherwise be misunderstood and subsequently targeted by opponents. But since voting will be secret, Mr. Kiiza could give me a vote without me or anybody knowing and he would be safe in the Army.

Mr. Chairman, the people of Mawokota advocate an independent Armed Forces Board to get established, responsible to Parliament and would work at recruitment, training, maintaining and deployment standing orders. In training the Army be politicized into accepting to serve and pay allegiance to all democratically elected Government. The size of the Army must be of the nature that our economy can support and that can ensure conducive terms and conditions of service of the rank and file.

Mr. Chairman, form of Government. The people of my area demand full fledged local Government

autonomy based on regions with powers fully entrenched in the Constitution. For that one they urged that with the new sense of cultural revival, and people's new quest for new cultural identity, to the extent possible. The regional Government boundaries should follow the administrative units of the 1962 Constitution namely: Buganda, Ankole, Bunyoro, Busoga, Bukedi, Karamoja, Kigezi, Madi, Sebei, Teso, West Nile. As for Toro, Mr. Chairman, they concede that Toro, the present Kabarole district or Fort Portal district, may remain as a district while Bundibugyo and Kasese may negotiate their own region.

My people, Mr. Chairman, urge that such autonomous local government units should be large enough to ensure people's self determination, and provide greater and more meaningful participation, ensure economic viability for competitive development and provide effective checks and balances on the centre, while at the same time they provide effective homogeneity for people who share common cultural values and heritages.

MR. KASAIJA TIGWEZIRE: Point of Clarification. Mr. Chairman, I am seeking clarification from the Hon. Member holding the Floor. He tells the House that Toro should negotiate with other districts which were created. There are districts which were curved out of the former Toro, the Kasese and Bundibugyo and yet he goes further and say that districts which have got homogeneity in culture should be left alone. Now I am wondering where he puts some Members who have got homogeneity, who are sharing with Toro and who are in other districts which we have curved out of the districts. So, I want him to clarify how he is going to cater for those people under the same culture but by curving out of districts, they sent themselves in other districts and not the greater Toro.

MR. SSEKWEYAMA: Mr. Chairman, the people of Mawokota South based that from the sentiments they learnt about that immediately the restoration of the King of Toro was announced, that they did not want to belong to the Kingdom of Toro. I think they are entitled to their self-determination, Mr. Chairman.

Mr. Chairman, on the monarchy, the people of Mawokota South would like a titular head of Buganda, non-political, that is above partisan politics and they are prepared to maintain their King.

Mr. Chairman, on political system. The people of Mawokota, Mr. Chairman, do reject the proposal of a Referendum either at the start or periodically after five years. At the start, Mr. Chairman, the grounds are that it appears there is a consensus that political parties are not bad in themselves but that its players in the past may have been the ones that who tainted them bad structures. So, Mr. Chairman, they would rather that instead of suspending, banning these political parties like we have done in the case of elections, that started on a footing that we would transform them into truly democratic national institutions.

Mr. Chairman, on periodical referendums, the people of Mawokota see that as an in-built in element of instability. We have spent the last eight years arguing for or against the Movement, for and against political parties. If we do not resolve this in this House even in the next five years, we shall be bogged down by over de-campaigns of proponents of these two systems. So, it is rather we decide it now for the better Uganda.

Mr. Chairman, on the interim period, the people of Mawokota do acknowledge the need to have an interim period. But they closely tie it to the programme of implementation of the new Constitution. So, in other words, we have to work out ourselves the programme and we see how long it should take us in order to start the real democratic process or democratisation process. It may be one year or two years but in any case it should not exceed five years.

MR. WAGIRA: The clarification I would like to seek from the Hon. Member on the Floor is that about the Referendum. While he says, the Referendum should not be quite necessary, I would like the Member to clarify to me what recalls he gives to the Members or the public, the citizens of this country to resolve some contentious issues which may arise in the future. Say, for example there may be part of the country wants to forfeit, or may be the situation like the storming population which is growing up, may be a policy wants to be implemented to save the population growth, simply because we are writing the constitution which can stand the Test of Time - in the absence of the Referendum, I request the Member to clarify to me.

MR. SSEKWEYAMA: Mr. Chairman, in short, I would give in for the Referendum on anything - on any national issue that does not infringe upon basic

human rights. Otherwise, I do not think that the majority is entitled to ignore the minority fully. Mr. Chairman, a lot of people in my Constituency do sympathise with the movement system of Government.

MR. SAM KUTESA: I would like my Hon. Friend as a Delegate from Mawokota to clarify to me. He said that rather than have the referendum, we could now decide for good or for bad whether we could have a Movement or political system. Would he clarify to me whether, because of the current mood of the country, the people of Mawokota would feel internally satisfied if this Assembly here were to decide that we should adopt the Movement type of system for ever? Thank you.

MR. SSEKWEYAMA: Mr. Chairman, I did not hear the last bit. Well Mr. Chairman, as I said, for some of these issues there is an aspect of Human Rights. I think for the time they might accept and continue to agitate to change the system. But Mr. Chairman, their preference would be that the Movement and the Political Parties compete together periodically and people choose from one of them.

Mr. Chairman, on the political system. On the Movement System, many people in my Constituency do have a lot of sympathies with the NRM Administration, and in fact if they were to make a decision based on the present status, I think they might if the Movement competed with parties - the Movement might come out very well. But when it comes to entrenching the Movement system as distinct and different from the present administration, they would want to have more clarification, Mr. Chairman, because Col. Kiiza Besigye made an attempt to define the Movement. This morning Hon. Brig. Muhwezi has also had a go at it. But Mr. Chairman, what I understood in Lt. Col. Besigye's definition is that the State would be anonymous with the Movement and the Movement would be anonymous with the state vertically and horizontally. Mr. Chairman, the people of Mawokota South get perplexed there because one of the principle objectives of ourselves making a Constitution is to provide principles of separation of power and establishing proper checks and balances. So, Mr. Chairman, if the Movement would be one and the same as the State they fear that if the present leadership were to go away they do not know what the next set of leadership would be and how they would behave. Secondly, Mr. Chairman, on that one, they also do

not know, for example if there was going to be national elections, how or what would be the mechanism of the Movement choosing candidates - what would be what parties call Delegate Conferences? And would the Chairman of the Movement come to be its Chairman after he has been elected President or he can be chairman of the Movement even before he is elected president? Mr. Chairman, some people love the concept of Movement, but all the same it is not very clear to them and they have asked me to seek clarifications on this, and on a number of other points concerning the movement which time has not allowed me to touch today.

Mr. Chairman, on Human Rights, the people of Mawokota are asking for strict safeguards against violation and abuse of Human Rights. They support the idea of a Constitutional Court but making the process easier for every citizen to have access to it. They support the National Human Rights Commission, but they want it to be given full powers to monitor and investigate and if they find that a wrong has been committed, for example, illegal imprisonment to the citizen they should have the power to release him. Mr. Chairman, the people do ask for a total scrap of the Provisions regarding the detention without trial, and to further curb the powers of the President to declare wars and states of emergency. For reasons, because of time I shall not elaborate today.

Mr. Chairman, on the Press. We feel that the Press needs more protection in the constitution as it looks like successive political leaders do not yet understand the role of the free Press. This is so because it has been experienced that during bad times, those who take themselves to be on the oppressed side do take the Press as their comrades in arms. But when they succeed they adopt a suspicion and mistrust against the Press. Mr. Chairman, another thing is that when the Press prints something that is not palatable to the people members of state organs normally complain. But the State has not taken conscious steps to see that we develop a sound private independent press in this country. And there is a tendency Mr. Chairman, for the public owned Press to monopolise the media because they are better endowed financially and otherwise. The fear there is that if the situations were to change again for the worst, you would find that the independent press which is normally the defender of rights during crisis will have disappeared because it has not been supported sufficiently.

On National Council of State. Mr. Chairman. The people of Mawokota want it to be completely scrapped and where it reads, National Council of State, it should read Parliament.

Mr. Chairman, on citizenship. The people of Mawokota generally agree with the Provisions of the Draft Constitution. But we would like to add that there should be more strict legislation on immigration and control of influx of foreigners and the issuing of citizenship identity cards and to make the process of obtaining passports to the citizens of this country easier.

On Land, Mr. Chairman. The people of Mawokota are happy that so far there appears to be a consensus on what we call mailo-land or freehold. But Mr. Chairman, for the people of Buganda they recommend that there is a system akin to the former *Busulu* in *Envujjo* to safeguard the customary interests of tenants.

Mr. Chairman, electoral system. The people in South Mawokota prefer a proportional type of electoral system after which Government of National Unity can be formed.

On Code of Conduct. Mr. Chairman, the people of Mawokota acknowledge that our past havoc has been greatly contributed to by the behaviour and conduct of leaders in the country i.e. Government. Therefore, they want a Code of Conduct for leaders to be entrenched and to be followed very strictly. In fact Mr. Chairman, they regret that so far the Code of Conduct that was legislated in Parliament has been left to rot in the shelves.

Mr. Chairman, on the Executive. The people of Mawokota support the idea of the President choosing the Minister from Outside Parliament and if he or she ever chooses any Member of Parliament such Member must first resign his seat in Parliament. Mr. Chairman, because of time, I will not...*(interjection)*

Mr. Chairman, there are ideas on the transition. Mr. Chairman, the people of Mawokota would like this Assembly to give due importance on the Provisions concerning the transition after we have promulgated this Constitution because that is the period when this Constitution can abort or can be a success and therefore, Mr. Chairman, they would like us to seriously consider - if we opt for the alternative of an interim Government - its composition and here they

recommend that as many recognisable political forces in the country as possible should be included and must work together to see that every aspect of our Constitution is implemented in the spirit of the proceedings of this Assembly. Mr. Chairman, particular emphasis should be given to the ideas we shall have agreed on regarding the national Army, its composition and its role so that from the very beginning we know what the role of the Army is going to be vis-a-vis the civilian authority. And Mr. Chairman, also the legislative arrangement for that interim period. We are not very sure whether, if we establish an interim period, we shall elect an interim Parliament or we shall extend the present Parliament for purposes of legislating for implementation of this Constitution.

The people of Mawokota are opposed to the extension without fresh elections.

With those few remarks, Mr. Chairman, I beg that the views I have given are taken seriously and I thank you very much for listening to me.

MR. ETYANG ORONO PAUL (Tororo County): Thank you Mr. Chairman. May I first of all join my Colleagues who have congratulated you and your Deputy for the very manner you have conducted our business so far. For those who had any doubt about your integrity and ability, I think their fears have been falsified.

Mr. Chairman, I would also like to congratulate all my Colleagues for their elections, and for that matter, for the very fair and transparent elections that we all went through at the end of March, 1994, leading us to this House. I would like to congratulate those who have spoken before me for the manner in which they have been honest in expressing their genuine views and those of the people they represent. I think Mr. Chairman, this is very, very healthy for the first in the history of our country.

Mr. Chairman, we are gathered not only to consider, adopt and promulgate a new Constitution, but we are gathered to reconcile various corners of the country. The reconciliation in this context involves the forgiving though not necessarily forgetting the past, the evaluation of the present and the determination of what to do in the future. In determining what sort of Constitution we are going to have, Mr. Chairman, I would like to pick up the word of advice given to us by Prof. Kanyeihamba, that the Constitution we

should contemplate should be simple and understandable; that is to be understandable by ordinary citizens not merely a legal Document to be understood and interpreted only by the Lawyers and the Courts. In fact, Mr. Chairman, I must thank you very much for the timely distributions of the Rotary four-way test which I believe all my Colleagues have seen. Strictly speaking if you look at this four-way test for Rotary, and analyse it - I would like our Constitution to be something like that. All the wordy lengthy Constitutions which read like the Bible are always a prescription for different opinions and divergence in society. For our purposes, Mr. Chairman, I submit that the Constitution, such as we are considering, should mainly describe the area of our territory, the citizenship, the Human Rights and obligations of this citizen and the mode of governance. Those four almost as I see it, correspond to the four-way test of Rotary. And in discussing them, I would like to pledge that I will be fully accommodative of other views as I believe that many of my Colleagues have been accommodative and this is the right attitude. We have had a lot of divergent views, we have had some which are provocative, almost to the point of being uncomplimentary to the purposes and aims of our being here. But that is the Uganda of today as we are discovering every minute.

Mr. Chairman, guided by my pledge to the Tororo County people, and in faithful reflection of their wishes, but cognizant of the prevailing popular views on Constitutional institutions in the country, I am delegated to make the following representations to this august Assembly as a contribution of Tororo County to what should constitute the basic Law. The people of Tororo concur with proposals made in Chapter 1 and 2 in the Odoki Commission to the effect that Sovereign power lies with the people; that the Constitution to emerge from the delegations of this Assembly, should be the supreme law of the land. To that end, therefore, no person or group of persons should ever be allowed to assume the reigns of Government except as will be provided in the Constitution.

The people of Tororo County definitely stress that Uganda should be one country at all costs. Given the diversity and multiplicity of ethnic groups constituting Uganda and believing that the leadership of Uganda should be on the basis of a democratically elected Government, Uganda should remain a unitary Republic with an effective Central Government but with meaningfully decentralised and developed

powers to Local Governments with a district as a unit of that local government. Kampala should continue as a National Capital and so is English as the official language. But Swahili, for the reasons that have been given, should be encouraged as a national language.

On citizenship, Mr. Chairman. The people of Tororo County are unanimous in the view that it should be on the basis of descent, birth and registration. On this basis the schedule of tribes living in Uganda should be by population census as determined from time to time. Mr. Chairman, this Debate has been treated to somewhat divisive postures as to whether particular tribes should be in or out of the schedule. Why I am purposely making this point on behalf of the people of Tororo is to propose that, if a particular population census reflects that a particular group of people claims to be of a particular tribe, we should not pretend that they are not there. Are there, for example, Banyarwanda in this country or not? If indeed on taking census, whatever number of people constitute a Parliamentary Electoral College on aggregate - in other words if they are many enough to constitute a Constituency, for example, we are elected here, on the basis of a constituency of 70,000 people for those who are directly elected. Then such people should appear in the list of tribes that are in Uganda. In other words I do not find any problem in accepting that, if Banyarwanda in this country are more than 70,000 for that matter they should appear in the list as indigenous Ugandans. Further more, a Muteso for example, should not determine which other tribe should be in Uganda. Ugandan tribes should strictly be on the basis of the population census that are taken from time to time.

Having said that, Mr. Chairman, the provisions of Draft Article 41 (a) and 42 (1) - need to be elucidated for clarity of doubt in future. Mr. Chairman, these Articles as presently drafted could be open to abuse or exploitation, given the geo-political position of Uganda. Article 41 (a), which I believe my Colleagues may have taken at face value and I have consulted a few Lawyers on this, if you read that Article very carefully, a Muteso in Kenya for example by virtue of that Article, regardless of whether or not he has any family connections in Uganda can come and claim to be a citizen of Uganda. That is what Article 41 (a) provides. So, the legal drafters need to look at it to reflect the true intention of either the original proposers or the mood of this Assembly.

Article 42(1), talks about the 7 year olds. It has been explained that we have an international obligation to the stateless children. It is not so much the obligation that worries me, Mr. Chairman, in the context of this Article 42 (1), but it is the practicability of administratively implementing its provision. We are providing or suggest to provide for a 7 year old child found without parents in Uganda on the day that we will promulgate the Constitution. Now, how exactly is it going to be determined that these 7 year olds are stateless on that day? I guess, Mr. Chairman, what is going to happen if that Article is retained in the adopted Draft, will be that the common way where an individual goes to a commissioner of Oaths and swear, for example, that I, Paul Etiang, was on the day of the promulgation of the Constitution 7 year old orphan found in Uganda. I think we need not really over dwell on this point. Many reasons have been given cautioning our decision on this matter.

Fundamental Human Rights and Freedoms. Mr. Chairman, I would like to discuss this together with the issue of Gender. Because as I said it is one and the same. Generally, the people of Tororo endorse the proposals in the Draft Constitution with regard Fundamental Human Rights and Freedoms. They would however, prefer Mr. Chairman, that one comprehensive state of rights and freedoms to apply to each and every citizens regardless of sex, age, and physical conditions. While admitting that our women-folk, the youth and disabled persons have been disadvantaged social groups, the people of Tororo County sincerely believe that it would be counter productive in the long run if special provisions for these groups are separately provided in addition to the basic Human Rights and Freedoms proposed for everybody. I think this is the point that the Hon. Member for Lira Municipality said yesterday. And I concur with her in the observation that it can be in the long time lead to a back-lash by the male adults in our society.

The people of Tororo strongly believe that the justified concern that have been advanced on behalf of these groups should be simply and decisively remedied by a very categorical entrenchment in our Constitution, that any existing Law or customary practice that discriminate in later or effect against female Ugandans, the youth or disabled are ultra vires to the Constitution. Mr. Chairman, such a Provision, cane then be followed up by specific parliamentary laws providing for the removal of any relevant laws in the Statute Books. If the Constitu-

tion simply puts it this way, the ordinary male who apparently is the unwilling practitioner of the discriminatory customs, will understand the law on the basis of age, sex, etc. Through its standing committees, the people of Tororo suggest that Parliament should be well organised through Committees. Parliament should over see the functions of the Executive, including to vet political and other sensitive appointments in the public, and the judicial services. The appointments are presently being made by the Chief Executive on the advice of other branches of the Executive which themselves are appointed by the President. It is however, recognised that given the experience we have had in the past, and social inequalities being experienced by such disadvantaged groups as the women and the disabled, the first Parliament to be formed after the next general elections should have reserved seats for the representatives of the women and the disabled only. The view of the people of Tororo is that in order to redress the immediate injustice that have become apparent in our society, only for the next Parliament due to be elected this year or early next that there should be special seat reserved for only the women and the disabled. The Youth have already a very, very commanding majority in the country. They can if they so wish take it over, if the ballot is the arbiter. I think our sons and daughters in the army will now be well blended in the main stream of politics by giving up the uniform and opting for the political line or other public service. Thereafter, the second and subsequent Parliament should be composed only of directly elected person.

As to the Executive arm of Government, the President should be popularly and directly elected. The President should, as of now appoint his ministerial team. But individuals then appointed to Cabinet force should be subject to close examination by an appropriate Committee of the Legislature before being confirmed in their appointments. If Ministers are also Members of Parliament, they should vacate their seats in the Legislature and be replaced through by-elections. I think this point has been repeatedly made and we add that view. While Ministers will be accountable to the President with regard to the conduct of their sectoral ministries, Parliament should reserve the right to summon them before its committees on specific issues of sectoral policies.

Regarding the Judiciary. The people of Tororo County feel that its independence should be enhanced and entrenched. Persons appointed to the

bench should not only be learned and versed in Law, but must be of high moral standing. To ensure a blend of these qualities in the candidates for the bench, Parliament again through an appropriate Committee, should like in the case of Ministers, examine presidential appointments before they are confirmed in office.

On the basis of the foregoing, the people of Tororo County are of the view that the proposed National Council of State is unnecessary and should not, therefore, be accepted by this Assembly.

With regard to the political system, which so far have provoked debate within this house and outside, the people of Tororo County have the following proposals to offer:

Mr. Chairman, given the analysis of the Odoki Report, which points out that all possible political regimes have been tried in our country. Namely: MultiParties, One Party; Military; anarchy; and presently Movement. Given that, we have almost exhausted all political regimes. The suggested two alternatives of Multiparty and Movement for the immediate future need not necessarily be mutually exclusive, rather the two could be interfaced.

Mr. Chairman, here I must point out that the view of the people of Tororo that with regard to what... (*interruption*). The people of Tororo feel that the Odoki Draft has confused the country with regard to the proposals that should follow the enactment of this Constitution by use of non-enculturate 'Movement type' as an alternative political system to multiparties. If only the Commission used another term, for example, broad-based Government, or something like that, we would have been saved from the talk about whether the next five years is going to be a transitional period or provisional government. So, the people of Tororo have the following proposals: That the next general elections should be held along the same lines as elections to this Assembly were conducted, namely on the non-Party basis. That a popularly and directly elected President will then be advised to form a Government of National Unity which is Broad based on regional, or district consideration. Such Government on the basis of the Parliamentary term of office for five years as suggested, and in accordance with the new constitution should be regarded as a fully pledged Government without it being referred as transitional or provisional.

Mr. Chairman, our problem in the country here is that almost every government has been provisional or claimed to be illegitimate by those outside the Government. We are now adopting a new constitution. By suggesting that anything beyond that may give doubt to its legitimacy after its adoption by referring to the next five years as a transitional period or government as provisional, we will actually be stating that the constitution when promulgated should be held in abeyance until after such a transitional period. We hold the view that, that should not be the case. Now after the next general elections, a directly elected President should constitute a government on a regional basis - that government takes office next year. At the beginning of the third year of that government under the new constitution, political parties should be allowed to fully open and freely organize themselves in accordance with the new constitution. This will give such parties some three years to prepare themselves as potential governments of the future for the next general elections due in 1999 or the year 2,000 depending on when the immediate next general elections will be held.

The proposal that a referendum be held at the end of every five years of the first government under this constitution, on whether the governance of this country should be on the basis of a broad based government or multiparties is regarded by the people of Tororo county as unnecessary. But that, the principle of providing for a Referendum in the new constitution could determine national issues which otherwise are beyond the ability of Parliament to decide should be accepted. (*Applause*). For example, Mr. Chairman, we cannot as human beings today be sure and categoric as to what will happen this time in five years time. It will therefore, be wrong for us to pass a particular act, how to determine the mood in 1999. But the issues that the people of Tororo have in mind which lead them to support the provision of a referendum in the new constitution would be, for example, the issue of dowry. Our women are very vocal that dowry be abolished. Now, I do not foresee any Parliament really coming to legislate here about dowry. So that is a national issue to be decided on a referendum. Another issue would be, say a proposal to federate with another country. No Government or even Parliament should have the right to commit Ugandans to a union or federation with another country, except with the expressed wish of the people. Yet, a third national issue that a referendum would decide is the changing of entrenched Clauses in the constitution. It is

possible to get a few groups of men and women in Parliament who would like to manipulate the constitution to their advantage if given that opportunity by the constitution.

With regard to defence and leadership ethics. Mr. Chairman, two of the most prominent factors that have contributed to political instability in the country have been the behaviour of ruling political leaders and the role of the army in the conduct of public affairs. The debate in the House so far has clearly shown that, there is a sharp difference of opinion as to whether political parties per se, or the political leaders of such parties were responsible for the turmoil that characterized the three decades of our independence. My view is that, since one cannot for practical purposes differentiate the conduct of the from its leaders, the party and its leaders are two sides of the same coin. In our exercise, therefore, it is quite understandable why parties as well as its leaders should jointly and severely take blame for the past political turmoil. The experience of the last 8 year under the NRM government, regardless of what criticism one may have, shows that a period of compromise tolerance and democratic participation in public governance has not only been inculcated among Ugandans but Ugandans have felt the effect of these three virtues. We have had relative peace, and freedom so much so that we can now sit here and freely state our genuine feelings without state rivals. *(Applause)* Mr. Chairman, I can say this because I have been in public service for 32 years, this is for the entire length of Uganda's independence. When the Lancaster House conference was taking place, I was a final year student at Makerere, when the 1967 pigeon hole constitution was adopted, I was a foreign Service Officer in Moscow, and now I have the opportunity of participating in this essentially and genuine people's constitution. *(Applause)* We have thus, as a country, Mr. Chairman, learnt that the fashion of having multiparties for the sake of it, has been an expensive practice and detrimental for our development and nation unity. We should therefore, take advantage of the relative peace that the present government has brought about in the country to fully reconcile with each other and lay a basis for sustainable, orderly and peaceful transfer of political power in future. This is the foundation of nationhood and development.

The role of the Army. Needless to say, Mr. Chairman, is that the army was invited by politicians to enter politics in the 1960s, and I am a witness to that

experience. Having been invited by the politicians into politics, the army has been a decisive factor in our political life since then. For the 32 years of our independence, we have had military or quasi military governments ruling this country longer than all elected governments put together; not to mention the sad fact that not a single President so far who has ruled us has been directly elected. The question now that pauses is whether that fact alone, the fact that of the army having dominated national politics over the independence period, should now compel us to include in our constitution permanent representation of the army in Parliament. I submit that, that should not be so. The way forward should be that the defence of the country including the defence of the constitution is every citizen's business. Every citizen should not always clamour for rights and not privileges but be prepared to work for and defend those rights. The army will be central in that national duty of defence. But, as it has been repeatedly stated, it must be a small professional and highly trained army, prepared to defend unto death the four corners of the country with a professional command structure of officers and men whose allegiance is to the country and not to an individual person, even where such an individual is a President, may during his or her term of office be the commander-in-chief. Outside the professional army, sustainable defence of this country lies in the training of the youth in the national service between the time they leave high school and either proceed for other tertiary education or join in the labour force. On the basis of this arrangement, and given correct patriotic and political education, the youth, there will be very little chance of anybody militarily or otherwise, to accede to the highest leadership of this country in other way except as provided by the constitution.

Federalism and Unitary. Let me now turn on that and say the following, Mr. Chairman. The experience of our independence clearly shows that we started off as both a unitary and Federal state, and we ended up badly in 1966. It is on that score alone therefore, that I advise that we should not retrace the same experience. We have to somehow agree on one or the other, not again on the mixture of the two. Either we go Federal, or we go Unitary. Now the view of the people of Tororo county is as I indicated at the beginning of my speech is that, we should have an effective central government but with highly decentralized and devolved powers to local governments. The issue is whether such local governments should have federal or unitary status. We have heard very

convincing arguments either way in this regard, I will not recite them. However, it appears to the people of Tororo that the majority of the people in the country including us in Tororo subscribe to the idea of a unitary type of government for the simple reason that, it is cheaper and more sustainable of the two. Further more, the leading advocates for Federalism mainly many of our brothers and sisters from Buganda appear to support it as the only guarantee of their identity which identity was discredited for most of the years of our independence: we have just heard that from our colleague from Makindye West. Mr. Chairman, if I was a Muganda, myself, who has had such humiliation I would react similarly. But I would like to invite Baganda fellow citizens to look at this issue from the following considerations.

- i) That our colonial masters brought us up deliberately divided because that was the key to colonialism. As a result mutual suspicion between Buganda on one side and the rest of Uganda on the other, was encouraged. This partly explains the 1962 constitution.
- ii) The experience of the last 30 years has shown us that regardless of the short comings at national building, we people of Uganda as a whole have as it were grown too much accustomed to each other to contemplate going separately. That is why we are here.
- iii) We are for the first time, Mr. Chairman, by ourselves for ourselves, under our own terms re-designing a basis for living in harmony in the future. We are doing this now by looking back that no past mistakes are repeated, especially acts which have the effect of dividing our people.
- iv) The international political and economic climate coupled with our geo-political locations as a country demand that we emphasise issues that unite us and de-emphasise those that divide us.
- v) That the rest of the country, in spite of past prejudicial politics, are supportive of the restoration of the Buganda monarchy in a reformed manner as provided in the amendment to the constitution last year.

These are the five considerations that I want to invite brothers and sisters supporting the federal form of government to consider in determining whether federal is necessarily the solution to their identity. On the basis of these considerations and others, and yet to be given, Baganda should not abdicate their leadership role in a united Uganda for an arduous challenging and seemingly splendid isolation under the lofty title of a federal state. *(Applause)* Mr. Chairman, I know

the question for federalism is synonymous with the question of monarchism. I would like to submit that the two are not necessarily the same. If identity is the issue, we encourage it. But if one is contingent on the other, it may be prejudicial to our wider unity. Having stated this, Mr. Chairman, it is my delegated duty to inform this House that Tororo county people have no objection to our fellow citizens wherever they are, who so wish to having their traditional rulers as cultural leaders. The re-institution of these leaders is a local and not a national issue. And as such beyond the constitution recognizing them, monarchism is not a constitution matter. *(Applause)* May be I will now accept the information.

THE CHAIRMAN: You have already over run your time by five minutes.

MR. ETYANG ORONO: If you do not mind, Mr. Chairman, if you note, like the Member for Lira Municipality I have been very patient and rare in interjecting other Speakers because I have been a champion of uninterrupted presentations; it is my only way of hearing the whole country. If only for another five minutes please, allow the people of Tororo to make the last point. Mr. Chairman...*(Interruption)*

THE CHAIRMAN: But there is a point of clarification.

MR. ETYANG ORONO: I can see my Colleague from Nakawa persistently raising his hand, I think it may be of some help on this point.

MR. BIDANDI SSALI: Point of clarification. Mr. Chairman, I would like to apologize to my Colleague for my insistence in giving this clarification, but I thought it was important. For his sake and for the sake of all other Members of this august Assembly; for Goodness' sake, let us not address people of Buganda as if they are unanimous in their position over federalism. Worse still let us not assume that the views expressed by the Hon. Member, and some of those from Makindye, are the views of the Baganda. Those are the views of some of his people who elected him from Makindye. Lastly, I have told Hon. Members here, before, and I am telling them that I am a very, very pure Muganda. I am not a federalist, and other *(Applause)* some of the representatives here from Buganda who are similarly Baganda are not in for Federalism. So let us not be addressed any more as if we are all having the same views over this issue. *(Applause)*. Thank you, Mr. Chairman.

MR. SSENDAULA: Point of information. Mr. Chairman, I would like to inform the Hon. Member holding the Floor along with all others, that when we were coming here we were elected in electoral areas. This Assembly is not like the one which took place in Lancaster House in 1962 where people went as blocs of this area or that area. So, when we are all addressing issues, let us address them as presented by each individual delegate in his own respect. Because there has been no position presented to anybody here that this is now the position of Buganda. The Buganda *Lukiiko* submitted its position and circulated this. Now when you have read it, the Buganda *Lukiiko* is not a Member of this august Assembly here. (*Applause*) Thank you very much.

MR. ETYANG ORONO: Thank you very much for that information. Mr. Chairman, let me first of all thank my two Colleagues for the information and clarification. I have my statement which is in witting and I will offer them to see exactly that I was very careful in choosing my words. I started off by saying that the views on Federalism are mainly emanating from Buganda. Can we deny that the majority of the representatives delegates from Buganda have taken this position; that the majority of those who have spoken so far have taken that position?

THE CHAIRMAN: But I do not think we should turn that into a debate whether or not they emanated from Buganda.

MR. ETYANG ORONO: It is the impression I have if it is not I stand to be corrected. Mr. Chairman, certain institutional and other proposals in the Odoki report make it read like a party manifesto (*Interjection*)

MR. BABU: Point of information. Mr. Chairman, I would like to thank the Hon. Member for allowing me to give this information. First, when we are talking about systems of government we should not restrict them to particular people. Systems of government are there, whether they are here in Uganda or in America, or in Britain. These are systems of government and therefore, they are not synonymous with the particular group of people. There are people here who want Federalism and some want decentralization, and others do want unitary. And I think we must respect every view of the different groups of people and we would like not to make labels that a particular area prefers this to another. There are some people here who prefer federal, there are some

people here who prefer decentralization, and they are some people here who prefer unitary. I would like therefore, to request Hon. Members to desist from forming blocs which are not there. Thank you very much.

MR. ETYANG ORONO: Mr. Chairman, I cannot over emphasize the fact that I have my statement in witting, I stand by it. The Hon. Member who has just spoken is literate enough and can come and see the context in which I made that point. I am not making blocs, I am on the contrary against blocs.

Now, as I said, if I am misunderstood here I stand to be corrected. Mr. Chairman, my next point will be on this institutional building. Certain institutional and other proposals in the Odoki report make it really like a party manifesto. The political, social, economic and environmental objectives, the leadership code, the office of the IGG which have already been put in place by separate legal provisions, need not to be separately and elaborately provided for in the constitution. In reaction to this proposal, I support the view that the proposed national objective could be subsumed in the preamble to the constitution. Some existing institutions could be lumped together, for example, Mr. Chairman, I have so far stated that we can copy from the Americans. We can also copy from the French. The French system has it that, the inspectorate of government also includes in it the audit. This time we have a code of conduct which is already a law that we could be put together under the supervision of the IGG. Now, need all these be provided in a whole chapter in the constitution? I submit not. Mr. Chairman, if these are deleted and re-arranged as I have indicated, in addition to deletion of the National Council of State and some others, it will make the draft constitution slimmer by at least four chapters.

Now, Mr. Chairman, in ending I just make an observation as a most informed person on the programme of the Minister for information. Yesterday, the House was informed by the Hon. Member from Lira Municipality, who started her statement by saying that she was speaking as a delegate from Lira and pleaded with us not to interfere with her presentation. I respected that please, otherwise I had all the temptation of giving her the information with regard to what she alleged as her unsuccessful attempts to have access to the Minister of information and I am saying this as a privileged and most informed person on the programmes of the Minister of information.

That the Minister of information was no where to be seen by the Hon. Member was untrue. Let me just make two points in this regard because that incident alluded by the member is very fresh in my mind. First of all, the Late Paul Muwanga was a very close friend of mine. A very, very close friend of mine, and I have some information, Mr. Chairman, a record of a meeting, I had with Late Paul Muwanga when he was Vice President in 1984. In a conversation I had with him in the State lodge, now presently occupied by President Museveni, at 7.00 O'clock in the morning, where he almost forecast his death. He told me that he had sacrificed so much for the UPC that, that sacrifice had not actually been appreciated by the leadership of the party and that to the extent that he was rethinking his position. I have it on record and if you want I can play it to whoever wants. Mr. Chairman, that is one. Two, unfortunately, the circumstances surrounding the funeral arrangements of late Paulo Muwanga last year were politicized. I think there was an attempt by government to assist but there was a deliberate attempt by the party concerned to exclude government from involvement. So, those of us who found ourselves at Namirembe Cathedral and the rest of it, were looked upon as if we were intruders; so were we treated and so we felt. So, Mr. Chairman, to say that on the basis of that connection, on the basis of what I know, that the Minister of information who happened to be was not to be seen when repeatedly sought, I think is almost a cover up of mistakes.

Could I take this opportunity of informing Colleagues that the ministry of information - again in I speak as most informed about what is going on in that Ministry right now - has put in place a special service for members of CA by providing radio messengerial services, for you and your constituencies. Delegates interested may contact a team of Ministry of Information official here in the Conference Centre if you want to pass messages to your constituencies as long as such messages are announcements about meetings or something like that, without charge. To avoid a situation such as I have been forced to comment on, delegates do not have to go to the Minister of Information to clear their announcements. May be this is partly what contributed to the confusion last year.

Lastly, Mr. Chairman, the people of Tororo county wish the Assembly success in laying a new stronger and respected legal foundation for the republic of Uganda, for our generation and those yet to be born. Thank you. *(Applause)*.

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

THE CHAIRMAN: Hon. Delegate, the debate is till continuing and I now give the Floor to Hon. Kirunda Kivejinja, Bugweri county.

MR. KIRUNDA KIVEJINJA (BUGWERI COUNTY): Mr. Chairman, allow me, first of all to bring my colleagues to know the position of the area I represent. Bugweri is one of the counties in Busoga. It is a little central, those who have always passed Tororo road, there is a place called Idudi... *(Interruption)*. Okay. I was just trying to bring you to the position of Bugweri, the area I represent that it is one of the counties in Busoga that stretches on the south, bordering with Bunya; to the west it borders with Kigulu and to the east with Bukooli and as you travel along Jinja-Tororo road there is a land-mark of a trading centre called Idudi, so when you reach there and ask for the historical Member, you are always at home. The population of that county is about 84,000 people, sometimes it is called the Butambala of Busoga although differing with Butambala through our own history. Unlike Butambala where the conquered muslims were interdicted and settled thus giving a muslim predominance in its population, in Bugweri a great number of them are moslems because one of their rulers had been converted to Islam before the British arrived.

Politically Bugweri county has got a history which is very well known. The ruling house in that area claims its origin from Bunyoro Kitara, which is very well documented. Starting with the first Prince who migrated from Bunyoro, the county has a continuous line of seventeen rulers for over 400 years before the British abolished the seventeenth one. Its contribution to the national scene is represented by the late Yekoniya Zirabamuzaale who was one of the three administrators that set up the colonial administration of Busoga and he was one of the first three Africans to represent the Africans in the LEGCO then, the others being Kawalya Kagwa and Nyangabyaki from Bunyoro. Zirabamuzaale was also one of the delegates on that who represented the Africans to the Select Committee of the House of Commons in London to argue the case of Africans in Uganda not joining the East African Federation which was settler dominated. Thee other contributors from that area on the political scene has been Shaban Nkutu who was a Minister in the Obote I government, Wanume Kibedi who is very well known, Luwuliza

Kirunda who is also very well known. Presently it is represented by Hon. Mwandha in the NRC and the people of Bugweri decided to send me here, Kirunda Kivejinja, one of the historical Members in the NRM struggle, the only one in Busoga area who went to the bush along with Museveni to bring about the peace we are enjoying now.

Now, having already brought you in cognisance with the history of this small county, I would like first of all to congratulate all of you for having been able to make it to this Assembly. This is a very important Assembly as you know the huddles through which you passed for those who have always struggled for Ugandans to be able to meet in an atmosphere of equality without fear, so that they could determine their fate. I think today we can call it a very historical achievement. I would like, especially, to congratulate my colleagues like the delegate from Padyere, like Cecilia Ogwal and all those who said that it was hell for them to come here because they faced what appeared to be state sponsored candidates and support. The mere fact that they were able to make it here and they are here deliberating with us, I think vindicates the system that the NRM has really achieved democracy for this country. I would also, particularly want to thank the only two Members who were returned unopposed - three Members, but I would single out two that although they came out unopposed it was just inevitable. My Friend, Obua Otoa, his return was because of a tremendous struggle of the earlier people who have made it possible and created a background for him to be returned unchallenged. When I come to my Friend from Kazo county, everybody and I think we do not need to hide it that a great number of our youngsters who followed Museveni into the bush and whom we left in the bush came from Kazo. So I would not consider it that people who have really such a big foundation of blood as a sacrifice for this country would really fail to identify their interest at once and therefore do not engage themselves into this question of mudslinging in order to get a candidate to this Assembly.

I also want to congratulate fellow Historical members, the historical Members of the National Resistance Movement. The tendency in the history of Uganda is always to demean the achievement of those who have made it possible for others to enjoy. We were even feeling it as people were saying that our role was historical and so we should go with history. So, by going to the population and the population returning us here was vindication that we

took a correct decision and, therefore, we should continue our historical mission to ensure that we lay a foundation for the future Uganda. I would also, in the same vein, congratulate the freedom fighters in the National Resistance Army who physically executed the war and made it possible to create this amicable conditions which has enabled us to come here. And, lastly but not least, I would like to congratulate the NRM leadership. Because if the NRM leadership was not clear to the people and persistent... (*Interruption*)

MAJ. GEN. TINYEFUNZA: Point of order. Mr. Chairman, is it in order for the Hon. Member holding the Floor to give wrong information to this august Assembly that the majority of the people who followed Museveni to the bush came from Kazo, when as a matter of fact only one person out of all those came from Kazo?

THE CHAIRMAN: Now, I think you will proceed given that information.

MR. KIRUNDA KIVEJINJA: Well I take the information but still, I maintain that he might have started with one but quite a great number of youngsters came from Kazo.

I would also like to congratulate the NRM leadership for having been persistent. You know things here always lose direction because of leadership. If Museveni was not persistent and could be diverted, we would not have been able to create the Movement and build it into this form in which it has come.

I would also like to pay tribute to the fallen known and unknown countrymen who have at different times deliberately laid their lives and sacrificed to sustain the struggle of resistance against foreign rule and any form of misrule. At this time I would like to draw the attention of Hon. Delegates to the three colleagues of ours who epitomise the sustained struggle of resistance of the people of Uganda. These are Hon. delegates Ssabalangira Mulondo, from the ruling house of the kingdom of Buganda. Hon. Henry Kajura and Hon. Dick Odur, the Hon. Delegate from Dokolo county Lira District. It should be recalled that the British after consolidating its powers in Buganda by installing a protestant clique headed by Apollo Kaggwa a colonial force headed by 8 Europeans, 400 Sudanese troops and 15,000 Baganda troop invaded Bunyoro Kitara. Kabalega, realising the size of the invading force denied them

the crown of the war by breaking up his defenses and engaged the foreign led army into a series of guerilla war of resistance for eight good years. In this celebrated war of resistance King Mwanga, in whose ruling house Hon. Mulondo belongs, despite their bitter differences joined hands with King Kabalega until they were captured on a misty morning of 9th April, 1998 in the house of a Lango chief in a place called Oyomi near Kangayi in Dokolo county. This is over a hundred years we expect the same spirit to prevail. Ugandans who were bitter were able to join hands. In this House we have representatives from those places in a free atmosphere without fear that we shall be ambushed so there is no reason, but a precedence to work for this country. In a vivid description of this incident, Kabalega who is reported to have fought this battle with an infection of his eye, bullets struck his right arm and his left thumb which forced him to drop his rifle only to be captured under the command of Lt. Col. Hiburt. I would also like the Assembly to recognise Dr. Kakungulu, the President's nominee, who has been availed to this historical Assembly to correct what had gone wrong knowing well enough that his grandfather was on the other side of the shooting of war on that fateful day in the house of a Lango chief almost a century ago... (*Interruption*).

MR. BAGUMA ISOKE: Point of order, Mr. chairman. Would it not be in order for the Hon. K.K. to use the microphone for us all to share the very good argument he is forwarding and use it continuously?

THE CHAIRMAN: I think you should not lean back too often because some Members are missing your historical points as you can see the Member is much fascinated.

DR. KAKUNGULU: I am Dr. Kakungulu, Presidential nominee and a grandson of the late Gen. Semei Kakungulu. I appreciate the historical facts but I hope they have come in good faith because my grandfather was the one in command of the army that captured Kabalega and *Kabaka* Mwanga but he was such a good man that *Kabaka* Mwanga asked him that 'instead of taking me alive to face the British, kill me' and he said that: 'I can never spill the blood of a king'. Thank you.

MR. KIRUNDA KIVEJINJA: Thank you very much for that information. It only compliments what I want to bring out as I move on. I would also this Assembly to recognise Kakungulu as I said - I am

recalling these incidents to bring to the attention of Hon. delegates that indeed as assembled here we are the descendants of a long chain of freedom fighters. We have also among us descendants of those who were or have been on the other side in confrontation with the forces of resistance and peace but we are now here in a reconciliatory conference to put in place confidence building measures in a form of a political frame work in otherwise a deeply divided country. The sole aim in this exercise is the removal of any form of totalitarianism and respect and observance of human rights. These should be the cornerstone of our life hereafter. We have all either seen suffering or suffered enough to know what it means. Unfortunately those who died are not here to narrate their feelings. We have, therefore, to justify our historical mission that has been entrusted to us by destiny with measures that will put an end to what appear hitherto to be unreconcilable positions.

Declaration of involvement. At this point, Mr. Chairman, I would like to beg the indulgence of the Assembly to declare my involvement in the political melodrama of our troubled country in the last thirty-six years since I was twenty three years. Delegates, I would like to share with you my personal graphic impression of the political events as they have presented themselves before my eyes. I have been at the centre of all the political formations either as a participant, an onlooker or one who has been affected from 1959 through the armed struggle to the present Constituent Assembly. I can therefore state with some degree of certainty the main causes of our political problems that have sprung from the conduct of government and public affairs. These have been:

- (1) intrigues;
- (2) individual advancement at any cost;
- (3) dishonesty and jealousy, betrayal and all the attendant evils. These have presented:

- (1) The crystallization of any form of a united leadership.
- (2) Realisation o United National Political parties or organisation.
- (3) They have prevented the transformation of the colonial state structures and institutions to truly national element for the promotion of the culture of a free and elect people with a common destiny regardless of one's social status, faith or place of birth. The total effect of this phenomena has been continuous monologue of self praise by those who have conquered the state at anytime as great sages, philosophers, economists, medicine-men, etc. The Ugandan public has cleverly observed this phenom-

ena on turn of each ruling giant. As a result the masses have been become skeptical while a den of beneficiaries or benefactors have flourished in myriad of ins and outs each crown crying foul or no foul depending on where one is.

In my contribution, therefore, I intend to avail to this august House some of my personal observation of the political events with the intention of pointing out where things went wrong, their effects on subsequent political events and the possible remedies put forward by the people of Bugweri to be considered for inclusion in the constitutional framework to save ourselves and our coming generations from passing through the same huddles.

Political parties. Some have contributed that parties per se are the causes of our problems and that they were founded on sectarian grounds. I think that has not been what I have seen. It is true, for example, that the Democratic Party was formed because catholics were excluded in the power sharing of 1892 after the battle of Mengo which crystallized every administrative and political positions in Buganda to be in the hands of the protestants. So, it was natural that when you are excluded and when you think the chances are coming you have to re-group and find out whether you can gain what you lost out by war. So the DP cannot be blamed for actually conglomerating as a catholic party because they were excluded as catholics. Their only problem was that they failed to recognise that there were many other people who are also excluded. If it had been formed and included the moslems who were first encircled and imprisoned in Butambala and also other protestants who were deprived, I am sure the DP would have emerged as a strong national party. When we see the UPC, because people imagine that the parties started with the UPC - Ugandans have always been resisting right from the time of Kabalega and at one time they had also floated a movement against colonialism in the form of Uganda National Congress. This was a national movement that incorporated practically everybody in

Uganda. There was Abanya from West Nile, the Oola from Acholi, there was Engur, Okwerede, etc. So, there was no question that parties had never been formed on a national basis. The UPC only emerged when this national party had completely crumpled. It was again the young fellows who thought out a method how to evolve a movement that will be able to get the Ugandans out of colonialism. There are witnesses in this meeting, we have Onegi Obel, he

was part of it, Ngobi was part of it, Nekyon was part of it, I was part of it, the late John Kakonge was part of it and definitely we were never motivated by protestantism. Now, what happened? We made the UPC movement with five objectives and the second objective was the preservation of the dignity and position of hereditary rulers because we conceived it as a Movement that will be able to incorporate all. People condemn the UPC/Kabaka Yekka alliance but that was a method of creating a broad base with which to use to wield the power from the British. The intentions were good and we were the formulators, when I say I was a formulator, I was a formulator. If you take out the objectives and the party cards of 1959, it is completely different from the present UPC. Even the emblem was changed, we had the African Torch now I understand they have the palm. Except the name, the contents were completely reversed. Now, in 1962 when we merged victorious we had Adoko Nekyon who is a Member of this Assembly. He was the Chairman of the Electoral Commission of the UPC and they decided that John Kakonge who was a founder member and the Secretary General should not have a constituency but should go campaigning all over the country as he would be given one of the nine Specially Elected Seats. Now, what happened... *(Interruption)*

MR. TIBERIO ATWOMA OKENY: Mr. Chairman, I am forced or compelled to give this order to the speaker now before the House because it has been a pain to me to see that the Democrats who are here, are being 'mudslinged' and they are just quiet about it. The point I would like to raise here is that this House is being deceived by the present speaker by saying that the Democratic Party did not receive any other denominations in their party, that is very wrong, Mr. Chairman. And is he in order to ignore the old chairman of the Democratic Party who is a protestant by the name of Boniface Byanyima who is still alive and the current Chairman of the DP and sitting next to him there is Abubaker Nekyon a moslem and so forth and so forth as you count. Should we be fed on lies, Mr. Chairman. Is he in order?

THE CHAIRMAN: I will regard that as information to the Member on the Floor and he will proceed with it in mind.

MR. KIRUNDA KIVEJINJA: Thank you very much, Mr. Chairman, and I hope I will be compensated. What I was developing... *(Interruption)*.

MRS. KALEMA: Point of order. Mr. Chairman, is the hon. Delegate on the Floor in order to address only those people on his right hand side instead of addressing the Chair, and the rest of us because he seems to have been doing that ever since he started.

THE CHAIRMAN: I am sure he has taken note.

MR. KIRUNDA KIVEJINJA: Mr. Chairman, thank you very much. Mr. Chairman, I was developing a point and trying to bring you where things went wrong so that you can be able to have a proper analysis and conclusion. I am telling you that when we went to the elections in 1962, an Electoral Commission was set up in the UPC headquarters headed by Adoko Nekyon and they decided that Kakonge, who was a secretary and founder Secretary General of the party, should not stand for an election. Instead he should go campaigning for the whole country and he will be able to get one of the nine seats. We accepted this and we went out to make sure that the party wins. Now, at the end of it, on the first day when the victorious UPC was going to sworn in, the leader was there before time on the 25th of April, 1962. Before any other business they were first of all to be sworn in and also nominate the nine Members. A computerized paper was passed to ensure that the Democratic Party does not get one of the nine seats and everybody was taken aback to find out that the name of Kakonge was not on that sheet! That was the beginning of problems. Here was a betrayal of a colleague on the first day of victory and, as a result of this Kakonge realised that, "This group I am moving with is wrong" and he went to exile as the first political exile to Tanzania to seek solitude because the people he had thought would build a nation had been found to be wrong fellows. He is the first political exile brought about by insincerity, by betrayal of a leader and top party collaborators. So, if people imagine that the things started in 1966, I want to bring them to order.

For us who had worked so hard to build the party and were working very hard to get this party in place both nationally and internationally it was a blow. I met Chango Machyo in 1961 in Moscow. We were with Onegi Obel...*(Interruption)* Mr. Chairman, I am informing you the Members I met. Onegi Obel was in Canada, and we linked with him. Our idea was to get Uganda together, there was no tribalism, there was no religion, there was nothing but it was murdered on the first day of the fateful day of our victory. So, this continued because we wanted the country to

get independence without a divided spirit. We counselled Kakonge to come back but despite that the machinations continued until in the famous 1964 Pece Stadium. The participants are here; Hon. Ngobi is here, they know exactly what was their involvement. So, I am telling you where things went wrong. Because we started a war without principles. The victims of 1966 having been used into unholy wars, it became very difficult when it was their turn to be locked up and up to now, since they been preserved all of them, (Kakonge went with the subsequent events) none has been able to stand up to tell this country what went wrong because saying so would perhaps make them irrelevant to subsequent political equations. So, there is nothing wrong with the parties, it is the leadership which caused all these parties not to function otherwise we want to believe and the new generation is being led to believe that Obote is the incarnate evil who played his dangerous ball with him but everybody was not evil. How could one person turn against all and yet he survives? They cannot tell us.

Now, I come to the second point where things went wrong. The effects of that act, we have had a stream of refugees originating with Kakonge. We have had the whole politics of people who are upstarts, who always just wait for you to go to the bush and then they come and look for whoever has got power and they begin to talk bad against the others. That has become a culture.

State management. As a result of this design of the original intentions, there has been a struggle to tribalise the state. When Obote managed to out manoeuvre everybody, having used all of them, because he was the victor of the whole gang, he went to tribalise the whole state. Now, you find people from Lango, people from Acholi, shouting that they are the greatest defenders of Obote. Hon. Cecilia Ogwal says she is a representative, a personal representative of Obote. That was not the case in our time...*(Interruption)*

THE CHAIRMAN: No, no, she did not say so. She said she represents the people of Lira Municipality.

MR. KIRUNDA KIVEJINJA: Okay, thank you very much. So, this tribalisation of the state has become part of our culture. Once a President comes from your area, not withstanding with whom he made that presidency, because of the line of commu-

nication that are more accessible to the President, you will find the other people with whom they were are only sidetracked and then a new breed of tribal princes surround the king. This has been the history. In Obote's time we had the same thing. In Amin's we had all the Nubi. You do not know where they are now...*(Interruption)*.

HON. MEMBERS: And now?

MR. KIRUNDA KIVEJINJA: Now, I do not know, you can also see. *(Laughter)*. Because everybody is able to see, I do not need to tell you what you see. I am telling you what you did not see and that is why I have been preserved for this day. The others you can make your own observations.

There has been also, as a result, the sharing of the national cake as a cry. My colleague, the Hon. Delegate from Padyere, was saying that NRM is like a polygamous man who spends time with others and then spends air with some. So, there has been a problem of sharing of power because those who are near power always, of course, benefit. They have crumbs to take around and, therefore, that is why there has been a death and life struggle for everybody to be in the government. So, this has led to the mismanagement of the state structures and, therefore, in light of those observations, we have seen the wisdom, this historical wisdom of the people of Bugweri? They say that the solution to all those problems, first of all, is that these political parties, their constitutions must be democratic and must be filed as legal documents in the courts because leaders tramped down their own party constitutions and regulations at will. In 1964 when we went to Gulu, there was a provision in the constitution that each branch should be able to take two people from each Gombolola, they nullified it on the eve of going there and they said that Busoga, because they wanted to use Busoga, Nadiope should be allowed to have two people per Muluka because they had already identified Busoga as an area they could easily use to achieve their ends. He brought more than two per muluka in complete violation of the party constitution. Even when the things became hot the conference documents were nullified and a cabinet Minister was put in a plane to go to Entebbe to bring other credentials to be granted to the dancers. Well, this Minister was Balaki Kirya if you want to know who he was. Now, this is the question of tramping down the in-house rules by a group entrusted to keep the national constitution. You meet with the people, you

agree on the set of rules to follow and because they cannot be challenged elsewhere they just sit around and they say you are expelled. We were expelled. The team that expelled us...*(Interruption)* nine of us were expelled in May 1965 and the team that expelled us - it was not Obote. It was a full executive with Nadiope, with Hon. Ngobi, with Nekyon, with everybody. They all agreed that we should be expelled outside the party constitution. So, you find that as result this party has only remained to be used by those who are in power. They are not challengeable. If a party member is expelled he has nowhere to appeal. You cannot have a gang of mafia and expect that they will be able to keep a national constitution. Their constitution must be first of all be democratic and must be subject to democratic rules.

Now, on avoiding of tribalisation of the state and the sharing of the national cake, the people of Bugweri say that we do support decentralisation and it must be incorporated in the constitution so that it does not depend on the whim of the centre and the principles of decentralisation should be clearly put in the constitution, that is:

- a) Equality of the partner decentralised units. Whether one district is big or the other, they have to have a share on this count.
- b) The other principle which must be followed is the principle of derivation. How much do you get from that unit which contributes to the national good. So, that one should be called another criteria.
- c) The other criterion should be the population and we can also increase another criteria of education etc. So, once we have these criteria incorporated into the constitution then there will be no question of a person from Padyere saying that we are not sharing on the cake. The cake will say if 70 percent of the income of Uganda must go to the units according to this formula, your share will be there. I would want also to ease the President because these leaders are good, I have worked with them. I have worked with Obote before he was President, I have worked with the present President before he was a President. So, I know that basically they were good, but those who want to take advantage normally turn the other things around but once this is done then they will be relieved or the burden of asking the President for roads when he goes to Padyere. But the President may need to think about other things. So, this money must be by constitution decentralized to the units.

Now, the second point is the management of the state structures and the failure to transform them into

national structures. This process of constitution making in other countries that have been able to have stability, like India. As soon as they had the independent constitution, two years after, they called a meeting of the nature to say now that. 'We are now left to ourselves, under a constitution under British duress, how do we go from here?' For us in Uganda we are doing this job which we should have done by 1964. We are doing it almost thirty years later.

So, to avoid all that we need - I will support and the people of Bugweri support and pray you that you need to have a look at this structure which the Constitutional Commission put here but with wrong contents in it and that is the National Council of State. The wisdom of the Bugweri people is as follows: that the constitution we are making now should be a peoples' constitution. In other words, whoever, wants to exercise political power should not wait in the corridors of power or wait for one who turns up with powers so as to wriggle it from there but must derive it directly from the population.

Now, how should this be done? According to the wisdom of the people of Bugweri, it should work out as follow: That they want power to be exercised in three centres. One, the presidency. Anybody who has got ideas or ambition and wants to rule this country is free to offer himself. He can chose his run mate and go back to the well to collect the water - that is the people - and unless he gets more than 51 per cent, his chances are out. So, with that one we shall have ensured that all Presidents will always be elected by the population. The second tally is this National Council of State. This time they believe and they want to ask you that this Council should be established, you can keep it in any urban area but it should also be directly elected by one Member from each district because this is a team which has got vested interest in keeping Uganda together. A Kotido man will be there or woman, a Karimojong will be there, a Padyere man will be there, a Nebbi man and even Iganga and all that, everybody will be there. One person directly elected. So, that will be an organ which will be able to make sure that Uganda is together. As you are now nobody wants to leave his seat because each one has got one specified. We have vested interest in this organisation because each one is here in his or her own right.

Now, the job of that National Council of State, apart from making sure that it is the one which keeps the state together. When the President, the one who has

got the ambition to rule this country, he must be able to chose his team and present it to that Council and this question of sharing of power or of saying we were left out, will not arise because the President is going to face a 39 member Council. If all his Ministers are from Nebbi, and the person in Karamoja is there and he does not talk, then there will be a problem. That is the only catchment area which will ensure that there is fairness and there will be no scramble. We can give it more power like those which had been given to the council. I would want to dispel the idea, that the National Legislature, can control the executive. I have been in all, we set up Select Committees in the NRC, I have got a report here but what is here is just a mere lamentations of St. Jeremiah, they cannot be able to control effectively especially the problems of power sharing, of making sure that the resources are well distributed. Even if you tell them the Legislature to approve who would be in what position it cannot be effective. First of all, here when I am talking I am talking as a Member of Bugweri so my primary interest, if the people of Bugweri had not elected me here I would not be here talking. So, in the legislature the particular interest of your constituency is supreme. There is no question that because you are there you will have, therefore, a bigger view to see Uganda, to see that everybody is fairly treated. So, that organisation can continue to keep the government on the toes but it cannot be able to address the problems of all of you which you are crying to ensure that all of you and everybody in Uganda should have a share of the national cake. That can only best be done by the Council of State directly elected.

Then the legislature is another force which the people of Bugweri are suggesting that it should also be strictly on population and their main work should be to make laws because we do not want the President to rule us by his dreams. He must rule us according to the laws made by a body which was elected to make laws and there should be no mix up. This arrangement will be able to accommodate everybody. Those who want to be in the Council of State, can go in the Council of State. Those who want to be Ministers can go and form groups with the ambitious President so that they can stand a chance of being nominated but that will not be the guarantee because they will have to satisfy the Council State. So, with this one there will be even distribution of resources, even distribution of jobs which many people here and there they will have no quarrel of everybody saying we are left out and this one is left out.

THE CHAIRMAN: Hon. Kirunda Kivejinja you should be winding up. You have gone beyond your time.

MR. KIRUNDA KIVEJINJA: Thank you, Sir. Now, along with this Council of State I would also want to associate this Council of State with the following state structures which have also been in the hands of the President and have been used as manipulating instruments. The Army, for example, the Public Service, the Judiciary, and the Monetary system.

In my view of the Army, we must address it squarely. While the Army Council Executive can make suggestions it is the Council of State that must approve and also confirm or appoint the Commander in Chief and because each district is there at that decision, there is no question that he has got a Commander in Chief who is his own - the Army Council and the Commanders. Even with the Public Service, this should be approved by the Council of State.

The Judiciary. The judges should not be appointed by the President but they must be suggested and then approved by the Council of State.

The Monetary system. Because here you find, as soon as you become President, you can afford to skip everything without much problems but here we want all these things to be tied to the Council of State and provided for constitutionally so that no particular time can the President have the right or the opportunity to strip the whole of the monetary system. He may find that during his term of office there are only two people, two directors to replace and he does that job and others continue. That is when we can be able to contain this situation.

Regarding the Army I want to dwell much on...*(Interruption)*

THE CHAIRMAN: Yes, Hon. Member, as I said you should be winding up because you have overshot your time. You should finish.

MR. KIRUNDA KIVEJINJA: Yes, in winding up I want to end up with the question of the army. We need to address it. The National Resistance Army came here historically, it has been here historically because it has been vindicated that it was not intended just to be used to grab power but just to enable Ugandans to create democratic structures

that will stand the test of time. It can be taken as nucleus but the ultimate Army which must be envisaged into this constitution must be where everybody has the responsibility to defend the country. So, in other words I would even go in for a territorial army whereby every area recruits a certain quota. They are trained, they go back to the population so that if at all anybody here wants to take power through a coup, he has to go round the whole country. And if the whole country agrees, then that coup will be in national interests. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Thank you Hon. Kirunda Kivejinja for contributing to our debate this afternoon. I now give the Floor to Hon. William Kaberuka, Ndorwa County West.

DR. KABERUKA (Ndorwa County West): Thank you, Mr. Chairman. My name is Dr. William Kaberuka, a Delegate from Ndorwa County West, Kabale District.

Mr. Chairman, those of you who are not aware of the location of Ndorwa county, it is found in Kabale district. It borders Rukiga county on the East, the Republic of Rwanda on the South and on its West. On the north there is Rubanda county and north-eastern Kabale Municipality.

Mr. Chairman, this being my first speech, allow me on behalf of the entire people of Ndorwa county west to congratulate you and your Deputy on your election to that high office. The people of Ndorwa have confidence in you and are in no doubt that under your able leadership this House will successfully complete its task within the set period.

Mr. Chairman, allow me also to take this opportunity to congratulate fellow Hon. Delegates on their successful election to this Assembly, the road to which success I know was not an easy one and so is the task ahead of us, Mr. Chairman.

Mr. Chairman, let me begin by reminding colleagues that we were sent here to debate, enact, promulgate a National Constitution that will not only bring good governance but also socioeconomic advancement to this country. Our diverse background should serve as a source of unity and not divisiveness. The constitution that we are debating is the National Constitution and not a sectoral constitution. Therefore this calls for tolerance and listening to one

another's views in order to reach a consensus which should be a guiding principle.

Mr. Chairman, I wish also to pay special tribute to Justice Odoki, and his Commission for having prepared a well researched draft that forms our working document and, lastly, to the NRM Government for giving the entire Ugandan community a chance to express their views and indeed participate in making their constitution. We have been given the chance, if we do not use it wisely it will be our own fault and our posterity will not forgive us.

Mr. Chairman, before I start my contribution, let me allude to the contribution that was made by Hon. Mzee Adimola because I think he made two vital points which this House should take seriously. The first point was his being enabled to write his final political chapter and the second one was that of Gulu being a gateway to the North and the Sudan and vice versa. In the first case, Mr. Chairman, Hon. Adimola pointed out that he had participated at Lancaster house when the 1962 Constitution was being debated and he was also in the House of Lords when the same was being promulgated. He then went to say that he was also present when the interim constitution of 1966 was being presented and also during the presentation of the 1967 pigeon hole constitution. He noted, and correctly so, that the 1962 constitution was unworkable because it left some contentious issues unresolved especially the one relating to the lost counties. Although it was clear for those who took part in the Lancaster house conference, that the issue of lost counties was contentious they nevertheless resolved it half way by suggesting that a referendum be taken before promulgation of that constitution; may be what happened in 1964 would never have happened.

Mr. Chairman, another equally contentious issue that Hon. Adimola omitted may be if he had, had time he would have alluded to it was that of the position of Buganda in an independent Uganda which was also resolved half way by creating federal and quasi federal states in Uganda. To me, Mr. Chairman, this was a grave mistake because the colonial state knew very well that federalism could not work in Uganda which they had all along been ruling as a unitary entity. Moreover, having developed Uganda unevenly using common funds, what formula did these constitutional makers put in place for the equalisation of services which had been put in place in some area but lacking in others? In any case, Mr. Chair-

man, federal can only work and experience has shown that it can only work for those areas which are coming together for the first time and not those which have been together before in a unitary manner. Hon. Adimola went on to talk about - that was his second point - about Gulu as a gate way to the north and the Sudan and vice versa and wondered what Uganda would have been if the quest for the source of the Nile from the north had succeeded. Indeed it is only anybody's guess since the crop, and that was cotton, which the colonial state introduced in Uganda is found to grow well in Acholi. So, Mr. Chairman, I want us to take those two points because they would be able to guide us in our own parochial thinking that we can do it alone ourselves without others.

The lesson that one draws from the two points is that we should deal with all issues before us decisively and never provide half solutions to issue which we consider contentious in order to please certain groups or get the job done as quickly as possible. Because, by doing so we would not only have done injustice to our future children but also abuse the chance that the NRM government has given us so as to provide a lasting covenant for this country. We should do a good job only if we put our minds together forgetting our past, our interests - personal or sectarian and enact a constitution for Ugandans regardless of one's tribe, religion, and party affiliations. We cannot achieve this if we continue apportioning blames on this or that. Let us forget the past for the good of the future Uganda.

Mr. Chairman, turning to my own contribution, let me begin by giving this House some vital information which information should help this House to better understand some vital issues. This is because Delegates in the past have been debating on certain issues in abstract as it there are no documentary evidence relating to those issues. First, Mr. Chairman, I wish to point out that today's Uganda is not only a result of what took place at the famous Berlin Conference of 1884 but also a result of further administrative manipulation amongst the super powers which colonised Africa. Because of this Uganda's boundaries underwent major changes between 1900 and 1926 and of course the draft shows us that properly. In 1926 that is where the boundaries of today Uganda were finally fixed. It should be noted that during the 26 years in question Uganda lost chance of what was originally a British sphere of influence, then the British protectorate of Uganda. The major changes were as follows:

- 1) The 1900 Uganda included parts of Southern Sudan up to above 5 degrees North. Then it included parts of Eastern Kenya up to lake Turkana and Natron and parts of Zaire east of lake Albert. It excluded the whole of Kigezi, parts of Ntungamo and Kasese which were under Germany East Africa and Belgian Congo respectively.
- 2) In 1910, Mr. Chairman, Uganda's boundaries were changed to exclude parts of Kenya especially the parts south of Lake Turkana. They included Kigezi, and parts of Ntungamo and Kasese which were formally under Germany, East Africa and Belgian Congo.
- 3) In 1914 Uganda further lost parts of Sudan above four degrees North, and also part of Kenya which lies West of Turkana.
- 4) In 1926 Uganda's boundaries were finally fixed and in this exercise Uganda lost parts of Mutara to Rwanda, a portion west of Lake Albert and some parts of West Nile to Belgian Congo, now Zaire.

Mr. Chairman, if it had not been due to this final adjustment which put Mutara under Rwanda we would have had a much bigger portion of Banyarwanda in Uganda today. This formation, Mr. Chairman, is found in the 'Social Studies Atlas for Uganda' published by the National Curriculum Centre and Macmillan Publishers, the edition of 1988 page 22. From the above change, it is clear that many tribes which inhabit the border areas were being arbitrarily tossed here and there, not out of their wish but out of geographical necessity that suited the colonisers. Therefore, the people who inhabit the border areas should not be unduly inconvenienced. They are as Ugandans as any other people who inhabit the interior parts of Uganda.

The second point, Mr. Chairman, that I wish to bring to this House is the population movement that took place between 1900 and 1970. In order for the colonial administration to make the colony pave its way, there was need to evolve economic activities in the colonies. This, Mr. Chairman, necessitated, first of all, the development of an efficient transport system. In the case of Uganda which was land locked, the Uganda Railway was built using an already knowledgeable Indian labour force. Thus as the railway line reached Uganda the first influx of alien communities mainly Indians and Kenyans arrived in Uganda. In the 1920, especially, after the 1925 there was a further influx of aliens coming into Uganda to work in the expanding commodity producing sector of Ugandan economy. Here, Mr.

Chairman, we get people from Rwanda, Burundi, Belgian Congo and Kenya, most of these, however, were target workers. That is to say they would come and work for a given goal and once this goal was achieved then most of them would go back. In the late 1950s and early 1960s Uganda got an influx of refugees from Rwanda, Belgian Congo and Sudan. In the late 1960s, the UPC in its request to Ugandanise the Ugandan Labour Force sent away most of those labourers, especially, those who were doing non-skilled work. Mr. Chairman, I have given these historical facts so that in future when Hon. delegates talking about Uganda and who is a Ugandan should stop confusing issues. Having done this, let me turn to the message that people of Constituency gave me to deliver to this august Assembly as far as the Draft Constitution is concerned.

Mr. Chairman, the people of Ndorwa West are of the view that a good Constitution should be all-embracing in that it should cover all aspects of the society for which it is intended, and should be broad, concise and generally flexible. It should not be too detailed as this is likely to render it rigid. Details should be left for Statutes as and when they are deemed necessary. We, therefore, feel that the draft before us is too detailed in some parts and also tries to constitutionalise too many bodies, most of which could be left for Parliamentary statutes. People of Ndorwa West feel that we should have done this country a lot of good if we were, among other things, to give them a Constitution that would promote unity while recognising our cultural diversity. Two, ensure sovereignty of the people through their inalienable right to determine for themselves the type of government at regular intervals. Three, establish new social, economic and political order based on principles of unity, equality and progress, and lastly promote social economic development while guaranteeing equal opportunity to all parts and sections of the society.

Mr. Chairman, I am reminded that poverty and democracy can never be good bed mates. At this juncture, Mr. Chairman, I wish to point that democracy which we all cherish cannot thrive in a sea of poverty. Therefore, if we need a lasting democratic system we should make sure that we put in place a Constitution that will enable us build an economic base which will ensure that Ugandans benefit from the country's economic progress. Given the uneven development that has taken place in Uganda since the beginning of the colonial period it

would be unwise for this House to constitutionalise any system that will tend to perpetuate backwardness in the present backward areas of this country. We should continue to utilise our national savings and savings of other countries that we borrow to develop Uganda as a unitary entity until all parts are developed to the same level. It would be unfair for some areas having developed using common resources to turn around and tell those who are yet to benefit to go.

On specific issues, Mr. Chairman, people of Ndoorwa West have this to say. They say that Uganda should remain a unitary sovereign state and a republic; that any efforts by any section of the society to fragment the country further should be resisted. The Ndoorwa West people wish to point out that even the forces that 'balkanised' Africa a century ago are now grouping together as the only way of achieving sustainable economic and political power. But while remaining united, we recommend that everything be done to increase purchasing power of our people because an impoverished lot can never claim to be independent.

The saying goes that, "he who pays the piper calls the tune". The people of Ndoorwa West, Mr. Chairman, though Republicans they have no problem whatsoever with the restoration of cultural heads as long as they will not interfere with the unity of Uganda as a whole. The people of Ndoorwa West fully endorse the present exercise of devolving power to the district levels as a means of taking services nearer to the people.

On the national objectives: The people of Ndoorwa West are of the view that this is a good section for it clearly articulates the wishes of any good intentioned Ugandan. However, we feel that this section should not be put into the Constitution, as it would be a source of future discontent. This is because its aspirations can never be fully or partially guaranteed by the state. Should it be necessary to retain it in the final document, we suggest that it be trimmed down to a few general statements under the preamble.

Citizenship: The people of Ndoorwa West have no problem with a section on citizenship and on the second schedule, in as far as it expresses the historical facts. Mr. Chairman, since most of the people who have talked about the issue of citizenship talked about Banyarwanda, I also have something to say on this issue. I wish to associate with those Colleagues

who have tried to put records correct. Being a delegate from a border constituency and at the same time a student of contemporary history, here I will be speaking from a well informed angle. As some Hon. delegates have pointed out earlier on, it is true that there are Banyarwanda who are indigenous Ugandans and who occupy specific areas in Uganda. There also some Banyarwanda who came as labourers between 1930 and 1960s, and also some who came as refugees after 1959 civil war in Rwanda. As I pointed out earlier that Uganda's boundary kept changing between 1900 and 1926 when the present borders of today's Uganda were fixed. And I also mentioned that in 1910 Kigezi and parts of Ntungamo district were taken from the Germany East African influence of Rwanda-Burundi and added on to Uganda. This portion which was added on was mainly inhabited by amongst others the Banyarwanda, the Bakiga, Banyankole and Bahororo. This, therefore, should indicate that the Banyarwanda whose geographical area was incorporated into Uganda's are part of indigenous Ugandan tribes by history. Likewise, there are some communes in the Republic of Rwanda which are predominantly inhabited by Bakiga who are now Rwandese. I also wish to inform this august House that the first rebellion against foreign rule in Rwanda and later in Uganda was organised by Bakiga under the famous Nyabindi cult between 1900 and 1920. It should also be noted that in the first national population counts which took place in 1921 the Banyarwanda were the 14th largest single tribe out of 39 indigenous tribes then recorded. Note that this was before the influx of any indentured labourers or economic immigrants as some people refer to them, of between 1926 and 1960s, and that of the refugees of the early 1960s. In the first population census which was carried out in 1931, the report on indigenous tribes of Uganda shows that Banyarwanda numbered 76,846 out of 3,536,267 Uganda's native total population; of these 45,530 Banyarwanda were in Kigezi and distributed as follows: 34,954 were in Bufumbira, 6,999 were in Ndoorwa, 3,216 were in Rukiga, 256 were in Rujumbura and 206 were in Kinkizi. This information, Mr. Chairman, those who want to know where it is, it is contained in Uganda Census Report of 1931, pages 13, 17, and 21, and also that of 1948 page 567.

Mr. Chairman, the above are nothing but historical facts relating to Uganda as it was in 1920 and 1930. Mr. Chairman, it is, therefore, very sad to hear that 73 years later some people including Hon. delegates

here say there are no Banyarwanda in Uganda and especially in Bufumbira. So, where did all these people go, those who were enumerated in 1921 - where did they go? To my knowledge I have not had any disaster that could have wiped them out. To the contrary, Mr. Chairman, according to 1959 population census results, Banyarwanda were the 5th largest single tribe in Uganda. I, therefore, want to put it on record that I do not share the simplistic views of those who suggest that the Banyarwanda as an ethnic group should be forced to change their identity or be deleted from the second schedule for fear of being mistaken with those of the neighbouring Republic of Rwanda. Suppose this absurd suggestion is accepted what are we going to call Indians who are Ugandans, since we shall be fearing that since there is a country called India, that they will be confused with those who are in India. Doing any of the above, that is deleting or forcing one to change their identity is tantamount to denying these people their human rights. It is important to note that one is born into a tribe and does not choose to belong to it. A tribe is not like a name which one can change by swearing an affidavit in front of a Commissioner of Oaths.

The people of Ndoorwa are of the view that economic immigrants who have stayed for a long time in the country should get automatic citizenship once they apply for it. We also recommend that government should by all means possible provide its citizens with an identity card and also make vital registration compulsory so that from now on a Ugandan can easily be identified. If need be, government should borrow money in order to provide these vital services to its citizens. Lastly, on the issue of citizenship the people of Ndoorwa would like to see article 42.1 changed to read: *‘a child of less than five years or age’*. This is because a child of five years or above should be able to tell who its parents are.

On political systems: The people of Ndoorwa West. Mr. Chairman, shun politics of winner take all, because this denies the country the chance to be governed by the most able people in the country. This is because in party politics people vote for a party instead of individuals. It is for this reason that the people of Ndoorwa want the Movement type to continue for the next five years, after which they should be given a chance to choose in a referendum once for all whether this system should continue or not. Mr. Chairman, here I say once for all because the people of Ndoorwa West realise that institutionalising a referendum every five years as the Draft

seems to suggest, will create instability in the country and hence retard development. However, we also recognise the fact that freedom to associate and freedom to form political parties is guaranteed under the Constitution but so is the people's right to decide on how they should be governed. Therefore, in order to have both sides satisfied a referendum after the five years is necessary. We, therefore, suggest that during the first four years of the broad based government which will be formed after the coming into force of this Constitution, political activities be held in abeyance. However, in the fifth year political activities should be allowed to take place, for the purposes of sensitising people before the referendum is taken. The result of this referendum should provide the way forward. The people of Ndoorwa West would also like to see all the leadership posts in the Movement competed for in a properly organised manner.

On the Executive: The people of Ndoorwa West want to see a very strong Executive with sufficient powers to effect the urgently required social, economic transformation of the now backward Uganda. They want a President who is elected on the basis of one man one vote with a simple majority, because the suggested method will be very costly for the government. The President should choose his cabinet from among the elected Parliamentarians so that ministers are accountable to the people. They ask that if democracy demands that people be ruled by those whom they have given the mandate, then why impose on them an un-elected management group which owes allegiance elsewhere. We also propose that a number of ministers should not be numerically spelt out in the Constitution but left to be determined whenever necessary given the prevailing circumstances.

On the Legislature: This should be the supreme body and should consist of elected members who should include one woman per district. We feel that the National Council of State does not seem to fit in the democratic institutions of good governance, and hence should be deleted from the Constitution.

MR. KOMAKEC: Point of clarification. I want, through you, Mr. Chairman, to know whether the Hon. Member on the Floor could clarify what he means by Uganda being backward.

DR. KABERUKA: Mr. Chairman, a country or a region is backward if certain indicators which show

that the people are enjoying good living are very low, and we consider Uganda to be backward because the life expectancy is very low, it is below 60, it is about 49. If you go to the patient per doctor or the population per doctor is also very high, you have more people to each doctor than average; the per capita income is also very low. Those are some of the indicators of backwardness. Mr. Chairman, we suggest that a body to vet Presidential appointees or to carry out the duties of the National Council of State as suggested should be a Standing Committee of Parliament.

On land: The people of Ndoorwa would like to see only one system of land tenure, namely freehold. They also suggest that the District Land Board be formed to issue titles at the district level.

On the National Army: Mr. Chairman, the people of Ndoorwa do not subscribe to a proportional representative Army, for the simple reason that soldiering is a profession and hence should not be forced onto who are not willing to do it. We, however, subscribe to a well trained national reserve Army in all corners of the country, made up of all able-bodied Ugandans. This is necessary not only to defend the Constitution, but also to defend the country in case of external aggression.

On the fourth schedule, Mr. Chairman, we would like to see trunk roads, generation and supply of power added on to the list of those services reserved for central government. This is because, as of now, government has spent a lot of public funds developing those services in certain areas and we would like to see the same continue in other areas.

Lastly, Mr. Chairman, we recommend that all able-bodied Ugandans between the age of 18 and 50 undergo political training for a period of 12 months. This training should cover military science, political economy and also some elements of Uganda's history. This is because this has been evidenced here, because some Hon. delegates speak as if they are not aware of their history. We further recommend that Uganda's Constitution forms part of civic education in primary schools. This will ensure that every Ugandan, especially, those who would go through schools are aware of their rights and above all when called upon to defend the Constitution they know what they are doing and why they are doing so. Thank you, Mr. Chairman, and Hon. delegates.

THE CHAIRMAN: Thank you Dr. Kaberuka for your contribution to the debate this afternoon. I give the Floor to Hon. Dr. Wandira Kazibwe of Kigulu County South.

DR. KAZIBWE (Kigulu County South): Thank you very much, Mr. Chairman. Kigulu is in Iganga District on the highway from Kampala to the coast, Mombasa. Iganga Town is the centre of my constituency surrounded by Bulamogi Sub-county, Nakalama Sub-county and Nakigo Sub-county.

Mr. Chairman and Hon. Colleagues, I want to start by paying tribute to our forefathers and mothers for having gone through what has resulted in our being here. Because they have persevered and indeed we believe that because of that perseverance today we have a CA Assembly full of daughters and sons that will actually live up to their expectation. I want to secondly pay tribute to the NRM government, without it I would still be in Mulago Hospital treating wounds that have resulted from the problems of this country; nursing children with no future and consoling husbands who have mainly been the cause of our problems. Mr. Chairman, I want to pay tribute to Justice Odoki and his Commission. They persevered and went up and down this country collecting the views of all Ugandans; I think credit should be given where it is due. I also want to pay tribute to Mr. Akabway and his Commission for having gone through the pains that brought many of us here. I believe this exercise is an exercise that has been a mother of all battles and it will go down in the history of our country. I want to congratulate Hon. Colleagues for having persevered in being put on a scale that was to prove whether you are a competent Uganda, not whether you are fronted by a party where you collectively hide your inabilities and your ignorance. This was the time for Ugandans to elect you because you are capable. Ugandans are very smart, even where they were given tokens, they would vote the opposite if they believe one was not capable. Congratulations to all Ugandans on that front.

I want to congratulate you also, Mr. Chairman, for being brave. Why am I saying this? That you allowed yourself to be put to a second test, this shows that every Ugandan must never give up. If you try the first time and you do not get there, know that your services are needed. But we must remember that we are capable and it is upon us to lay the foundation in this august House to make sure that every Ugandan

will be capable of standing on their own true feet. I wish to also congratulate in absentia you Deputy for having come up to really be a Deputy to you as a woman and as a champion and speaker of the silent majority of women in this country. We are matching forward, we are here and we are here to speak.

Mr. Chairman, I will not dwell into the history of Constitution making in this country. Many people who have been witness to it have gone through it since we started the debate. Indeed my Colleague Hon. Kivedindha Kirunda has ably done it this afternoon. But I want to say that since history repeats itself, let the fact that we are sitting here to deliberate for the people in this country bear testimony, that the way we came in is the way we should always make sure that people come in to decide on the fate of this country. We should not think that because we are here, we are the best in the whole country. We are one of the best so we know that behind us there are more and more capable Ugandans. We also know that for the first time in this history of this country, Ugandans have learnt that, actually, the people in the villages are not ignorant. Over and over again politicians have always claimed, my people do not understand - Why do people claim this? Because they never bother to educate them. The exercise we went through indeed proved that it is not knowledge of English, it is not going to Makerere University that makes you knowledgeable, it is the fact that you were born to live and you know all the rules to survive. But now the challenge is on us to make sure that our populace is educated. Knowledge is a key to empowerment, and if the individual in Uganda is empowered through knowledge as an individual, then we shall never fear for the future of this country, because indeed Uganda will also be empowered as a nation.

This is the first time, Mr. Chairman, that all Ugandans were given an opportunity without fear or favour for them to say what they wanted to say and for the first time in this country we have an august House where people are being given a chance to speak out their minds. I would like to further appeal to my Colleagues that all those delegates that have not had a chance to speak be given a chance to speak. Psychologically if one is not allowed to speak their minds there is no way they will be healed, because a sick mind leads to a sick body. So, we should be tolerant of each other. It is only then when we shall know why the North and North East do not want Movement system and why the South want a Move-

ment system, that is when we shall strike a balance and prescribe the right medicine for the disease that is in our midst.

Mr. Chairman, I am not going to go through all that is contained in the Constitution, but as a delegate of Kigulu South and I thank those people, Mr. Chairman, for having seen it fit to elect a woman to represent them. Mr. Chairman, the people who live in Kigulu are very chauvinistic, not chauvinistic in that they wear trousers, but they want the right head to sit on the right pair of shoulders. That is the reason why I am here, and I would like all Ugandans to follow that example. To always elect a person with a right head sitting on the right shoulders and not to look below the shoulders, because we want a battle of the brains to chart a new future for this country.

Mr. Chairman, the people of Kigulu South, when they continue to hear what is going on here, wonder whether we shall come out with a Constitution that will be understood by themselves and all the people in the countryside. When we say that such a chapter should be there and this chapter should not be there, and call the Constitution a basic law, then I think we may be going wrong because laws are there to be broken, otherwise we would not be having lawyers and judges. We know that the first basic fundamental law is broken day and night, right and left; that is the ten commandments. If we take our Constitution as a law, then it will be very difficult for us to come up with a culture of constitutionalism. It will be difficult for us as women who are the custodians of culture, to teach our children that a Ugandan should behave like this, that a Ugandan should have aspirations that are positive. Mr. Chairman, we would not like to come up with a Constitution that will be broken for the sake of breaking it, because I know that there are people who naturally like breaking the law for the sake of it. Constitutionalism should be our way of life, and we must recognise that the sovereignty of the people that sent us here must also be held supreme. It is for this that the people of Kigulu South have asked me to appeal to Hon. delegates not to strike out chapter 3, in the Draft Constitution. Why are they saying this? Mr. Chairman, this chapter 3 is talking about the national objectives and directive principles of state policies. It is not because we have been having a Constitution that is too wordy; it is not because we have not been having the Judiciary; not because we have not been having the Police; not because we have not been having Presidents and Prime Ministers, and Cabinet

Ministers; it is not because we have not been having Parliaments that were elected by the people. If we are to come up with a Constitution understood by the people, we must write down in the Constitution those very aspects of people's lives that affect them daily. Mr. Chairman, my mother died at the age of 62, she never saw a Judge in her life, but she needed good health, she needed education for her children, she needed money to take her children to school, she needed to know that if she elected somebody that person will indeed be a representative of the aspirations of the people in the village. There is no way we can tell the people to abide by a Constitution which is talking about things that are in the remote, things that are, actually, affecting the wrong doers or those with aberrant minds.

Mr. Chairman, I have had Hon. Colleagues say here, especially, the lawyers say how we shall, actually, enforce chapter 3? A Constitution is not enforceable by the Judge; it is enforceable by the people; it is the people who will enforce this Constitution. It will be the basis for us working towards guaranteeing that this Constitution is not abrogated, because it will be appealing to everybody in everyday life, right from the bottom to the top.

Mr. Chairman and hon. Colleagues, there is no way we can talk about responsibilities and rights of citizens if we do not tell them that your right is related to what you aspire to be. We as Ugandans, the people of Kigulu South say we shall enforce that chapter in the Constitution every five years. How shall we do it? In this chapter we are telling you that we have given you the mandate to enforce whatever else we aspire to be. So, tell us your plans; we put you in government, we elect Parliament, a President. The President puts in place a cabinet and let this President tell us what plans he or she has for making sure that the objectives that we know are going to be implemented. Every year Mr. Chairman, we want the head of government to tell us how far he or she has gone in implementing this plan, and Mr. Chairman, everybody even in Budwege village where I was born will know if you said you are going to build five schools on that village and you do not build any, it means you have not performed. They will have nothing to do with your Chief Justice whom they see once in a while swearing in a Head of State. Mr. Chairman, the people will enforce this Constitution through the ballot every five years. So, I ask Colleagues to make sure that we keep it there... *(Interruption)*.

PROF. KANYEIHAMBA: I thank you, Mr. Chairman, and I thank my Hon. Colleague, Hon. Specioza Kazibwe for giving me Floor for a clarification. Mr. Chairman, I do take the very passionate appeal by the Hon. Member now holding the Floor, that chapter 3 should remain in the Constitution. I wanted a point of clarification, although she says that the interpretation of the Constitution, the responsibility of the people; nevertheless in the Draft Constitution we have Article 168 which specifically gives the responsibility of interpreting the Constitution to the High Court; precisely a bench of three shall be probably discussing that. However, lawyers do worry because if you put matters in the Constitution which you cannot litigate upon, there is a problem. Would, therefore, the Hon. Member clarify that, perhaps, we would have no objection if these guidelines were put in some sort of a preamble to the Constitution, which again would not create problems for the lawyers or indeed for section 168 as drafted. I thank you, Sir.

DR. KAZIBWE: Mr. Chairman, I thank the Hon. Colleague for asking me that. Luckily enough I am not a lawyer, and I think that is the real problem which we have - putting this nation on the gallows. Because we think that what I would like to eat should be interpreted by a Chief Justice. I said earlier, Mr. Chairman, that the Chief Justice will handle those people who are abrogating the Constitution in as far as delegating my powers. This is the only chapter which will give me the basis for recalling my Member of Parliament. It is simple, otherwise, if I wait for the Member of Parliament to murder before he is stricken off the list; if I wait for the Chief Justice, and I believe the Colleague being learned and having been Minister of Justice and Attorney General, he knows that if I have to wait to recall my Member of Parliament after the Chief Justice in the supreme court has deemed so, nobody will ever be recalled. But with this chapter, every five years you will reckon every time you come to work, because we shall have simple guidelines relating to everyday life. Mr. Chairman, I do not believe that every sentence in every chapter will need to be interpreted, but I am saying that this chapter is so important that it must be a chapter in its own self. Many a time, people do not read preambles. I wrote my dissertation, the preamble was thanking my husband who helped me to do so and so, who gave me a good atmosphere; but who is interested in the preamble if they get intestinal obstruction which was the subject matter of my dissertation. Mr. Chairman, I know in this country many people advocate... *(Interruption)*.

MR. ZZIWA: Mr. Chairman, I do not know whether this one will be clarified by you - being a lawyer. Mr. Chairman, it is a point which has come up quite often regarding putting Chapter 3 in the preamble or in an appendix and I wonder what the interpretation is? Is an appendix or is a preamble not part of a Constitution? I just want to get cleared on that one. Because I have read the Tanzanian Constitution and they say at one stage that Appendix was part of the Constitution, and I wonder what the Members are talking about when they say it should be either in the preamble or in the appendix; is it part of the Constitution?

THE CHAIRMAN: Well, the Chairman, normally should not get mixed up with the debate and taking sides. But if it is a question of clarification, maybe, I could, although of course it would have been better if we had Counsel to the Constituent Assembly, that position was not created. Yes, in normal drafting of legal documents schedules to those documents take strength from substantive section and, therefore, form part of whatever document it is, unless specifically accepted. And if this normally happens, for instance, you may require that, that particular Provision like a schedule may be removed or amended by another competent body like a minister in case of a Statute. When we make a legal document we have what they call the long title. I do not think the preamble really does form part of justiciable provisions of that document, but the long title which summarizes the main body does become part of that piece of legislation and it is approved specifically as a substantive provision, if you do recollect how we read Bills in Parliament for those of you who are Members. But, generally, in terms of Constitutional drafting, many Constitutions have what they call justifiable and non justifiable provisions. So, Chapter 3 would be one of those which would be referred to as non-justifiable. So that the lawyers know that it is there purely for purposes of creating guidelines of national policy and national principles, but when it comes to interpreting the Constitution they are not specifically interpreted, but may be relied upon when the question arises as to the intentions which was made in particular provisions that are justifiable. 'Justifiable' means - for those of you who are not lawyers - you can take out an action to enforce the particular provision, but if it is purely stating a principle like Chapter 3 then they will be calling it non-justifiable. But many Constitutions have those provisions, I think this is where the Odoki Commission was taking inspiration from to include

Chapter 3 as non-justifiable provision, but nevertheless considered important enough to be made part of the Constitution as guiding principles for national policy and as national directives. I think I was not asked to generate debate, so I do not think I should. I think the Hon. Member should continue please.

DR. KAZIBWE: Mr. Chairman, I want also, with your permission, further to clarify that Appendix is either a Greek or Latin word. It is something that is there but you do not have to really bother. Medically, if I opened your abdomen and I found your appendix, I would cut it out, because it may be more of a problem to you than an asset. But in our context as Ugandans we know the reason why we are writing this Constitution, and if we are still eating grass like the cows our appendix would be very useful and would regurgitate, but now that we are looking more of a meat eating animal, the appendix has become more of a vestigial organ. Mr. Chairman, we have a leadership that tends to make us regurgitate even though we do not want to regurgitate. I pray that this chapter remains part of the Constitution.

Mr. Chairman, I would like to now go to the issue of representation. Before some of us really joined the mainstream politics - really mainstream politics, because when we are youth wingers we were appendages, we were a youth wing or a women's wing; we were made to believe that politics is a profession. I have learnt, through experience now, that if we make politics a profession then we are in trouble. Mr. Chairman, if we get people who think they are veteran politicians, that is the best recipe for having dictatorship. The people of Kigulu South say that if we are having a President and giving that President two terms, then if you want to go and represent my aspiration as a Mukigulu from Kigulu South, be prepared to serve for not more than two terms at a time. This will create a culture of people not thinking that politics is for eating so that every Ugandan goes through the education system, because this is part of our aspiration, knowing that they must work, they must sweat, the whole body and brain, not only eat by using the oratory skills.

Mr. Chairman, the people of Kigulu South want a Parliamentary system where the Executive of government is given checks and balances by Parliament, including the President. Mr. Chairman, we also want the President to be given enough powers and, therefore, this National Council of State whatever prompted this chapter to be put there should be

embodied into the powers of Parliament so that this Parliament has enough teeth to bite a dictatorial President. But the President also works knowing that he or she does not have a separate hammer from that of Parliament which will bang his or her head if anything goes wrong.

Mr. Chairman, we are aspiring to have a professional Army. The people of Kigulu South say that the basic role of the Army is to protect every Ugandan in terms of aggressin from outside. This business of getting an Army proportionately from different regions does not really answer the call of us having a professional Army. Because if Kenya came to attack Uganda, and a Lugbara came to protect somebody from Busia, I do not think this Samia will say, "You are a Lugbara, please do not bother about me, please get some Army man from Busia he is the one who best knows how I bleed if a Kenyan bullet shoots me". Mr. Chairman, I do not think anybody is disputing the fact that the teaching profession contains all tribes, but nobody has even asked for the disaggregation of which tribe is in teaching and which is not. Nobody, has ever said, Mrs. Kazibwe you are a Musoga married to a Muganda, my hernia is a Luo hernia, so get a Luo Doctor to cut it out. Mr. Chairman, let us make a Constitution that will also make us aspire towards what we want to get but in the meantime whoever is in government must make sure that having an Army that is not regional will impinge on the peace of this country. Then there is a provision which I believe Hon. Members have seen which will make that person, the President, make sure that the Army that is recruited answers to this need.

Mr. Chairman, I wish to go to the system of government. The people of Kigulu South want a federal republic. With the federal unit being a district (*Applause*). Mr. Chairman, the people have seen and tested power coupled with responsibility and accountability, and they have seen that this is a good thing. This is a time for us to know that when the colonialists first came here, they actually arrested the normal progression of whatever power was expanding to include other areas irrespective of ethnicity. Maybe, by now the county chiefs in Busoga would have, actually, expanded to include Tororo and even up to Karamoja. So, if you, actually, make people federate according to cultural similarities, then we have a problem, Mr. Chairman. It is like putting a snake in a skin and expecting it to grow. It means we have not forgotten 1962; that time this snake needed

a surgical knife to incise it to enable it to grow. Let us have natural systems of doing things so that we are giving birth to Uganda again now, let us allow to federate in time as it was. Iganga District being a cotton grower, may want to federate with Kasese District; Kampala City is federating with the city of Minneapolis - America! Why should we really put ourselves in tight jackets? Mr. Chairman, within the federal republic with our federal unit being a district, the Bakigulu are saying that the centre once it gives power to the district let the district know that power and let the centre not have the power to give and take away with one hand so that everybody plans and knows what is expected of them, evaluation will then become easy.

Mr. Chairman, notwithstanding that the Bakigulu respect culture, they say that if any group of people want to have a cultural head, there is no problem. But this culture which, in fact, impinges on some of the articles in the Draft Constitution. We shall make sure that whoever wants it is the one who gets it. If I do not want it I do not see why you should give it to me, because these cultural or traditional leaders that we have are inherently undemocratic, not only that but they are segregative, in that it will be thousands of years before we see cultural leadership opening up to women and we are here to give equal opportunities to everybody. I would also want to be a queen of Buganda, after all, I am their wife.

Mr. Chairman, I want now to go on the form of government. Mr. Chairman, there are a lot of confusion...(*Interruption*).

MR. BABU: Mr. Chairman, thank you very much, and I would like to thank the Hon. Member. I did not want to disturb her, because she is doing so well. I just wanted to bring one point up that in Buganda whenever we have a King being put on a throne he does it with a sister and that sister has the same power as a King and she is called Nalinnya to show you how much we respect women. Thank you very, much.

DR. KAZIBWE: Mr. Chairman, thank you for that clarification but the name *Nalinnya* means, 'I am always hoping that I will get there', that is the problem.

Mr. Chairman, I want to go on the form of government: There has been a lot of confusion in the House and I believe even outside, about the form of government - what is called the Movement system in the

Draft Constitution, and the pluralistic system or the multiparties. Mr. Chairman, I beg to be given a bit of time to expound on this in my usual way. I know that a party is uni-ideological, let us take the Conservative Party, it is for capitalists, the Labour Party is for labourers; these are the parties in Britain. People who, actually, look at the welfare of the labour, the people labouring, it is purist and I want to challenge a Colleague who was saying that the Movement is monolithic to go back to the dictionary and recheck on that definition. We have another system of governance called the Front or a federation of units or organisations that have different ideologies but come together to form government, and this government is formed around a programme that is limited. We had an example here of the Uganda National Liberation Front with many organisations whose limited programme was to oust Idi Amin Dada and his dictatorship. Mr. Chairman, all Ugandans know the history of that kind of organisation. These organisations have different ideologies, they have different programmes. Mr. Chairman, the we have coalition or alliances, and these ones really are also different organisation with different ideologies, but because of the inherent nature of pluralism or multipartyism none of them comes up with a majority vote. So, they come together and attempt to form a government not of their own choice but dictated by what has happened after the election. we very well know what is happening to these coalition governments in Japan, in Italy and in India and many other places, that one can mention. Mr. Chairman, I want to submit here that the Movement or broad based system of governance does not depend or does not thrive on people in groups having group ideologies (eat there to end there), people who have been put in a straight jacket by collective ideas irrespective of whether those ideas have become outmoded or not. Mr. Chairman, in 1980 I was a very active member of a party, the Democratic Party, but there we even had a limited programme: that was to make sure that Obote does not come on the Presidency. That is why I moved up and down in this country, because we knew through its monolithic ideas and what the UPC was doing then we were likely to end up in a dictatorship which indeed happened.

Mr. Chairman, the Movement or broad based system of government will bring up a UPC who has been entrapped by the collective ideologies, good or bad - of his or her party. It will take out somebody like Hon. Paul Etiang. He is not in government because he was sent there by the DP. Then it will take out

somebody like Hon. Baguma Isoke, who was a very active youth winger in the DP, and say, 'Baguma Isoke, come out with your ideas we are ensnaring you'. You get these ideas to come together (*Applause*) you actually come up with a system that is multi-ideological. I think, Mr. Chairman, this is the right strategy for this country. This system comes out with a maximum form of unity for our people, irrespective of colour, irrespective of shape, irrespective of ethnicity, irrespective of whether you are a man or woman. And, I want to submit, it is through this system that we have seen the light at the end of the tunnel, where women have come up to show everybody that they are as capable as men, and not only wings - sometimes broken wings at that. Mr. Chairman, this system makes sure that, there is no imprisonment of any person by the organisation. This constitution says, each one of us has a right to contribute freely to the development of this country. It is one of the objectives. We should all get equal opportunities. But if I have to say something, and I use the mouthpiece of the party, even if I disagree with it, there is no way it can change. Parties freeze peoples minds, and they tie down the choice of the electorate. But I am not oblivious of the fact, Mr. Chairman, that you cannot teach an old dog new tricks.

Mr. Chairman, that is why I have been a spokesperson of the women and youth in this country who are not yet trapped by the ideologies of these multiparties. That the only chance for us to have a Uganda in the future, having peoples ideas develop independent of ropes round them; is by having a system that identifies you, and you get thrown on board because you are capable of doing that. That is what we need at this time, when we are rebuilding the country.

Mr. Chairman, the people of Kigulu South say, democracy has three cardinal pillars. That is the political supremacy of the people, the liberty of the individual and equality of the people before the law. Then both systems, Mr. Chairman, must be entrenched in the constitution. So that, Ugandans at any one time given the immediate history, and truck record of the leadership, will have opportunity through referenda to decide on whether they want a pluralistic system to be in operation for a broad based or movement type.

MR. O'LET: Point of information. In 1962, the Busoga district at that time, turned out nine people in Parliament. In 1962, all of the nine were UPC. In

1980, eleven of them were DP. Would the Member on the Floor not think that, this is mainly political prosecution on its own from one party to another going with a wind of the time?

THE CHAIRMAN: No, I will not allow any further details on such. I think you better continue with your speech and you finish.

DR. KAZIBWE: Mr. Chairman, I think the Hon. Member is very well aware of the fact of time, and I believe exposition has been given by Members to why that happened. Those members, were the very members who were UPC, then they became DP or the majority of them. The people at the grassroots, never elected those individuals on merit. They were looking at the party. These people did not have individual ideas on how they wanted society managed, they were going with the ideas of UPC and DP. And I would like to submit to the Member, Mr. Chairman, that in fact that is why, some of us who have had time to think about multi parties or multi-partyism wonder whether DP and UPC, have any different ideas from each other. Mr. Chairman, we must know that...*(Interruption)*

THE CHAIRMAN: Hon. Member, you have provoked information from the Floor.

DR. KAZIBWE: I will take it. He was one of the senior members when I was women's wing in 1980; let me hear what he has to say, Mr. Chairman.

MR. KITARIKO: Point of information. That is not correct, Mr. Chairman, because I resigned as Permanent Secretary in 1979 to join the party; so there must have been other people...*(Interruption)*

DR. KAZIBWE: You were an elder.

MR. KITARIKO: The fact is that, people with brains did not change, like Professor Kyesimira.

DR. KAZIBWE: Mr. Chairman, and I want to tell him that, I come from where Prof. Kyesimira came from, and that also proves that, where you have a cock or a hen that lays good eggs, you can always have another one coming up. Mr. Chairman, if I may be allowed to... *(Interruption)*

THE CHAIRMAN: No. But you cannot be discriminatory. I think UPC also should have a chance.*(Laughter)*

MR. AWORI: Point of clarification. I am seeking clarification from the Hon. Delegate. I can understand from her preamble, that she has absolute contempt for any kind of organisation based on political ideology. But at the same time, the Hon. Delegate is telling us or recommending a broad based movement - multi ideological. I thought she had contempt for any organisation based on ideology or similar political truth. And two, I would like to get thorough or clear clarification on how you get this broad based movement which is basically monolithic adhered to broad base?

DR. KAZIBWE: Mr. Chairman, I glad the Hon. Member has asked for clarification. Because it was him, who was actually saying, the movement is monolithic. When I was explaining the difference between parties and the movement, I said this basic difference between them is that, UPC as an organisation has different people with different ideas entrapped within the UPC and they have a spokesperson. Whereas in the Movement of broad based type of organisation, Aggrey Awori, you will come out and you are confronted by my ideas openly. But we work towards a programme, that will make sure that, we as individuals are giving the best of ourselves for this country. That is the basic difference. Whereas in a front or a coalition, you will come and take the UPC position, you will not take the Aggrey Awori position with the brains that God gave you as Aggrey Awori. But you will have the defect of say, of Cecilia Ogwai's brain, you will have Obote's alcoholic brain, all put together and they will hammer yours.

Mr. Chairman, I want to talk briefly about the issue of language. Mr. Chairman, language is the human being's mode of expression. It uses a system of internalised rules to support the whole spectrum of our mental capacity. In language...*(Interruption)*

MR. OBUA OTOA: Point of order. Is the Hon. Lady in order to use insulting Language like alcoholic brain to a person who is not in a position to answer?

THE CHAIRMAN: I think she should withdraw the words 'alcoholic brain'.

MRS. DR. KAZIBWE: I withdraw the words, Mr. Chairman.

MR. AWORI: Point of order. Is the Hon. Member on the Floor in order to imply that I do not have my own mind and I have been so brain washed by the party - particularly Obote's party line? I do still have my own mind - it is still functioning.

THE CHAIRMAN: I understood her to have said, that as a party member you follow your party ideology but at the same time, you have your own brain as Aggrey Awori. I think she said that. *(Applause)*.

DR. KAZIBWE: Mr. Chairman, and it is that brain of Aggrey Awori, not the amalgamation of all the brains to make 'ekitobero' which is actually sometimes stale. Mr. Chairman...*(Interruption)*

THE CHAIRMAN: I think that should be withdrawn, if it is in reference to Hon. Awori. The Chair is calling upon you to withdraw the reference to 'stale brain'.

DR. KAZIBWE: MR. Chairman, I did not say Aggrey Awori's brain is stale. I said, we need his brain as it is a very good one the way it is here. That is how we want elections and representation to be in the broad base. What we have to come up with is the system of having proper representation of the right brains, right from the top to the bottom.

Mr. Chairman, on the issue of language. I want to ask the Hon. Delegates to look at the way the constitution is drafted, so that...*(Interruption)*

MR. NYAI: Point of order. Mr. Chairman, is that Hon. Member holding the Floor in order to deliberately deceive this Assembly into believing that the Movement has no system of thinking. Whereas we have Members represented here - Delegates who are representing the highest organ of the movement, the NRA Delegates, who were voted in...*(Interruption)*

THE CHAIRMAN: Order, order. Let him finish.

MR. NYAI: Protection, Mr. Chairman. The NRA which is the highest organ of the Movement sent Delegates here, and it was published in the News Papers that those Delegates were selected on their political acumen to the extent that the Chief of Staff of NRA failed to qualify. Is it in order for the Member to deceive this Assembly?

THE CHAIRMAN: I would like to hear from the Member whether that is what she really meant.

DR. KAZIBWE: Mr. Chairman, the NRA, as far as my definition goes, is not the think tank of the NRM. *(Applause)*. The think tank of the NRM are all the brains of Ugandans who are for the development of this country. And I believe that every member of the NRA or every army person has a constitutional right to aspire to be anybody in this country. Political acumen, can mean political acumen as far as defining what multi partyism is. You would not call me a member of the NRA; I know how to shoot but I have never put on the uniform.

THE CHAIRMAN: No, I think we are now beginning to develop a side debate gain.

DR. KAZIBWE: Thank you very much, Mr. Chairman, for the protection. Mr. Chairman, I was on the issue of language. Where I want to submit that feminine entity in our language requires the existence of new cultural values and the re-establishment or even invention of currently non existing images, symbols and linguistic values. Mr. Chairman, the contempt that people, including women themselves, have for the low status of themselves will not disappear as long as it exists in the vocabulary. This constitution is for posterity, Mr. Chairman, and Hon. Delegates. We must make a decision now. Women must or shall not be treated as generic men where 'he' means 'she'. I do not think anybody would like that to happen. Because if 'he' means 'she'; then 'she' means 'he', and of course that is not true. The women want to be treated as human beings with their own specific identity which is too often ridiculed by the vocabulary used. Mr. Chairman, the supremacy of the masculine over the feminine, despite the fact that it gives rise to uncertainty as to the identity of the person being referred to in effect cancelling women out by virtue of including them. Because when you say 'he' means 'she', it means in your mind. You are acknowledging the non existence of women; you are cancelling them out. This constitutes both a cultural and social hinderance to achieving effective equality. Language plays a dominant role in forming the social and cultural identity of human beings. We must employ non sexist language to combat sexism and sexist stereotypes in attitudes, behaviour and in whatever we do.

Mr. Chairman, I want to submit to colleagues here, that our local languages are the most non sexist languages. If you want to talk about a woman, she is defined as a woman. If you are talking about a man, he is defined as a man. But because we have

adopted a new language which came in with its stereo types, its chauvinism, you find except in one area (Buganda) where a woman is called a 'he' if she is a 'Mubenja' the 'Nalinya'. The one who is aspiring all the time. In other words, she is also cancelled out by making her hope and hope forever that she will get there.

Mr. Chairman, the people of Kigulu South submit that, if both men and women are not to lose their identities we must make sure that all the languages - the dialects in this country are preserved. A national language will emerge. But Mr. Chairman, they are not oblivious of the fact that Uganda is not living in isolation of other parts of the continent. We also need to have the identity of ourselves as Africans, and they submit that the Swahili should be taught in schools and encouraged. But the basic principle should be that, if you know that you are a Ugandan, you must have roots and your cultural values are all embodied in the language that actually embodies the culture that you come from.

Mr. Chairman, because we copy so much, many of us are worried that we are going to be over taken by events where we copy things without going down to the roots of what they are. Our children are now using computers without even learning the basis of how a computer works. Where the computers are made in Japan, the children still use the abacus to learn the basic principle of how the computer works. This, I do not know whether it is not going to be neo-colonialism where the African mind will end up being no bigger than that of an ape.

Mr. Chairman, the people of Kigulu South finally say, that they agree with many of my colleagues submissions on issues of citizenship, Presidency and all that. That is legal in the document. But they say that, if a Ugandan is to have identity and pride, they want to cling unto what is really their own and that is the land. They want a free hold system of tenure. And this will entrench a spirit of ownership which I believe and they also believe will fuel entrepreneurship. Because when you have what is your own, you can plan what to do with it. The management of this land, should be decentralised to make sure that the people actually have easy access to getting proof of ownership in line with the modern methods of storing facts.

Mr. Chairman, I wish to thank the Hon. Colleagues for the patience in lightening to me. But I want to say,

that the struggle continues for every Ugandan to get equal opportunity and access to everything that is there for us in this country. The struggle continues: For God and my Country. *(Applause)*

THE CHAIRMAN: Thank you, Hon. Kazibwe for your contribution to our debate this afternoon.

MR. NGOBI:(Presidential Nominee): Mr. Chairman, and Hon. Delegates, allow me to join those who have spoken before me in congratulating you, for the able manner in which you are conducting and guiding the discussions and debates of this historic Assembly. It is not easy for one to do what you are doing. But as far as I know, it seems you are doing it wonderfully. I would also like to congratulate Members, Hon. Delegates for making it to this Hon. Assembly. I know that they had to work very hard to win their way to this Assembly. I also would like to record my appreciation to the Commissioner and his team of the Constituent Assembly for the wonderful work which they did in organising and effecting the election of these Hon. Delegates. Most importantly, Mr. Chairman, I would like to give, not the usual three cheers, but ten cheers to His Excellency, the President of Uganda, to the NRM/NRA for adhering to their Ten Point Plan announced in 1986 which has created conditions that have enabled us to come here and do this historic work. No wonder therefore, that many Hon. Members have stated clearly and loudly that the Movement should carry on for the next five years or more. I do not differ, Mr. Chairman.

On a personal note, I would like to put on record my deep appreciation to His excellency, the President and his Cabinet for nominating me out of many Ugandans to participate in this gigantic task of laying the bed-rock of our laws. It is proper that I should add that this nomination is free from any encumbrances: there are no conditions. I got no briefing whatsoever either privately or indirectly from the nominating authority. So, what I am going to say is mine, derived from the great school of life, and I take responsibility for the views that I will express.

Mr. Chairman, our task of course has been stated, and repeated by many Hon. Delegates that is to scrutinize, debate and finally re-draft and enact the constitution. But, before I go to the specific paragraphs or chapters, I would like to state just two general points. I have, Mr. Chairman, so far been

greatly impressed by the zeal and apparent commitment exhibited and expressed by many Hon. Delegates who have so far contributed. However, I would like to add this:

1) The zeal and commitment must be backed by a strong spirit of tolerance and compromise. This will enable us to come out with a constitution that will be a basis for peace, unity, security, democracy, and a constitution that will promote economic development.

2) We must take note of and accept the mistakes we made in the past and endeavour to avoid making similar mistakes. Forgetting our history or ignoring our past is like someone trying to move in darkness without knowing where to go. Let us, therefore, take this chance of reconciliation to lay a sound featuring for ourselves and posterity. So, what I would say, Mr. Chairman, is when I criticise anybody, or group of bodies, it is because I would like to emphasize the mistakes that we should try to avoid in order to avoid going back or to appear to be moving backwards. But perhaps before I do that, I just would like to clear one point which has been mentioned by Dr. Kaberuka. Because he said that in 1962, we failed to settle two questions. One was that of a referendum and another one was that of accepting a federal state.

I would like, Mr. Chairman, to say that at the time of independence when we had the colonial masters leaving us, we wanted to be independent. We had to try and find a constitution that would enable us to achieve that end and also live peacefully together. It is not correct to say that we did not find a solution for the lost counties. It was at the Conference when it was agreed that a referendum would be carried out. The two years were allowed to prepare for this referendum, that is why it could not have been done at the time of independence in 1962. The problem came when time for the referendum. Those interested parties did not play the part that they were expected to play. This also is the same as far as the federal status of Buganda and other areas of Uganda were concerned. It was a way of agreeing to work together. And of course there were provisions where the 1962 Constitution could be amended in case of problems. But as I will explain later, this way was not followed. That is why we ended into the problem we had.

With that I hope that my Hon. Friend will agree that we did not just leave Lancaster House without a solution. I would like, because it is so late, to go straight on to the points in the draft constitution. And

I would like to start with what I think is the most fundamental, although it is not the first chapter. And that is the fundamental human rights and freedoms. Chapter 5. I think this is the most important aspect of our constitution because it is the basis for freedom; it is the basis for our association; it is the basis for development.

Talking about unity or building a nation when one is killed or is in prison, you will agree, Mr. Chairman, that becomes irrelevant when one is dead. That is why I consider this to be the most important one. What I would like to bring up is that, we must now, in case we have not done it before, develop within ourselves a higher value of respect for life. Let us realise that each person, no matter where in any corner of Uganda, is the unity or the brick that makes up the house in which you live - that is to say, Uganda. So, anything that touches such a person must be our individual and collective concern. Let us, therefore, make it our individual and our collective responsibility as I have said, to feel concerned when anyone of us is killed, tortured, mutilated, imprisoned or harassed in anyway for political reasons. I am saying this because I know that very often, we do not think about these victims, especially, when we are not involved at the time. It is only when we become victims that we begin to realise that this is a very serious matter.

I know that we are short of time, but allow me just a few seconds to tell you that, one day I was sitting in UK when I was in exile. One person who had escaped from Makindye Prison came and we met at the University of London. And he was telling me, 'Mzee Ngobi, I am telling you, you have never known Uganda. Uganda is now very, very bad; it has never been this bad'. So, I looked at him and said, 'Look! I am not being unsympathetic but let me tell you. When we were having it bad and rough, you did not know that Uganda was very bad. Now you are the victim, so you know'. So, this is why I am saying that, let us now develop within ourselves concern for the lives of other people even if it is not ourselves. When an innocent child has her or his nose cut off or lips removed because somebody wants to make a political point, we must all be concerned (*Applause*)

I would like to inform Hon. Members of a natural law which exists for people who make or commit these political or evil acts. The natural law is this: '*That evil deeds carry within themselves seeds of their own destruction*'. This is as true as the day follows the night. And this is why we saw in our short

history that in 1971, 1979, 1985, and 1986, we saw the perpetrators of these evil acts and their sycophants running for their lives. The evil seeds had germinated and grown. So, in order to avoid this, Mr. Chairman, let us tackle political problems constitutionally and not rely on force of arms. Let us develop, within ourselves, a culture of constitutionalism. Even if we loose through this, let us accept defeat.

If one is in power, and he has used constitutional methods, if he does not win, he should accept and resign. Let us not say that if constitutionally I loose, therefore, I must revert to force of arms. Mr. Chairman, mention has been made about the crisis in 1966. But I can tell you authoritatively, Mr. Chairman, that if this method of constitutionalism had been adopted, we would have avoided this. Allow me to quote just a few lines on page 51 of the report. This is paragraph 2.42 on page 51. *The events of 1966 leading to the introduction of the 1967 constitution are significant for the fortunes of constitutionalism because initially Obote used unconstitutional means to abolish the 1962 constitution. This created the dangerous president from which Uganda has yet to recover. In the process, a significant portion of the citizens in Buganda had been further alienated. In the background to all these revolutionary and constitutional changes was the army - the real power behind these changes. Obote had used physical means to solve a problem that was basically political and constitutional, and to impose his preferred constitutional arrangements as a result. Obote was faced with problems of regularising his power throughout the period of his rule.* This is why I say, that if we stick to solving political problems constitutionally, may be we will have less difficulties. I am, therefore, appealing to Hon. Members that as we sit here, let use this wonderful opportunity that we have been given. We should use it to come out with a constitution that will guarantee our future and the future of generations to come.

In conclusion on this matter, I must emphasise that it must be amended in order to eliminate any possibility of detention without trial. This constitution must not allow governments to declare a state of emergency in order to detain fellow nationals. Emergencies are declared to deal with earthquakes, with famine, with epidemic diseases or external wars, but not as a cover to detain fellow citizens without trial. Mr. Chairman, and Hon. Delegates, I am speaking from a personal dramatic

experience of arrest and detention without trial for five years! So, please pay attention to what I am suggesting.

I would also like to agree with the Articles which deal with the protection of women, children, the disabled and of course the family. But I would like to add this. As we sit here, the men especially and the women, we must also educate our people at large. The parents have a duty to change their way so that when they are handling, dealing with their children they should not discriminate against girls. They must educate them, give them similar opportunities. That is why we see Hon. Ladies who are here. There is one who has just finished speaking, Doctor Kazibwe. She was speaking very ably, with a lot of intelligence, lot of ability, because she got the education. If she had been refused this education by her parents, may be we would not have had her here. So, therefore, a lot also would be achieved in addition to protecting the rights of women. The parents must do their best. They must not discriminate against the daughters in preference to boys. This is not the time for anything personal, but perhaps I will be in place to say that, in my own case, all my daughters and sons have had the same opportunities and they are all graduates. *(Applause)* So, therefore, it helps if we also do something to assist the children.

I now move to the form of governments, whether federal or unitary. I am aware of the classical definition of the term federal and unitary. But it is the content of the services that this constitution will give to local governance that will matter. No matter whether we call it federal or unitary. And the basic principles are to take services to the people as directly as possible for all people to make political decisions and to manage these services themselves. In 1962, we decided on a federal system. On a system that included partly federal status, and partly unitary status. But it is correct, Mr. Chairman, that we have had problems both in the federal areas and in the unitary areas. One thing I think we must not do, let us not use this constitution to force the breaking up of communities. If we do not want a federal, we do not want a regional government. Something must be put in place that will not force communities that have common culture to be torn apart. *(Applause)* I, therefore, suggest this compromise, Mr. Chairman: 1) Let us agree on a district as a unit of local Government to which services could be developed.

2) Let us provide for a schedule in the constitution

showing the services that must be given to the district and services that may be added later.

3) Let us provide for the possibility of two or more districts to voluntarily come together if they so wish, in order to provide a joint service to their people. This coming together can be ended any time, if the partners choose. But let us not prevent them or make a law that stops them from coming together. The services so transferred to the district should be controlled and managed by the districts. The central government should only come in to monitor but not to direct.

I move quickly to citizenship. This very important matter has not received...*(Interruption)*

MR. NSUBUGA NSAMBU: Point of clarification. Mr. Chairman, I want the Hon. Member on the Floor to tell us if these districts can unite, and later on if they find that the marriage cannot continue they could be allowed to divorce?

MR. NGOBI: That is exactly what I said.

THE CHAIRMAN: I think I heard him say that.

MR. NGOBI: Thank you very much. That is exactly what I said and what I have in mind here is the basic interest of the individual. If we have services to the people, we have got to develop them. We have got to pay attention to their interests, if not, obviously, they will break - we should not force them. I have a neighbour here who has suggested that they divorce, but I do not know whether that is the right terminology.

Now, I move to the point of citizenship. I was just saying, Mr. Chairman, that this very important matter has not received enough attention in the past. Up to now, there are no concrete records of who is or is not a citizen of Uganda. The next government must therefore, undertake this task, as a matter of priority. It is true that records of births or deaths are non existence in most parts of Uganda. How are you going to continue to rely on the RCs to say that we hereby certify that Mathias Ngobi was born in such a village. We must be civilized, we must start a civilized way of recording our citizens. But in principle, I do not have much quarrel with this chapter. There is only perhaps section 46 (1), which prohibits dual citizenship. I understand the fears of Hon. Members and concern over this matter. However, there are countries that have allowed dual

citizenship, and have benefited in developing their economy. My suggestion is that we should provide for some special categories as exceptions to this rule: (a) Children of Ugandans living over seas should be allowed to have dual citizenship. Yes, this is proper. Uganda is already benefitting economically from such people and from the earnings from the countries where they are living, and we know that they still have interest for Uganda. So, why refuse them this. (b) Spouses of Ugandans living here or overseas should also be allowed to have dual citizenship. (c) Special entrepreneurs who have heavily invested here and we know that they mainly live in this country should also be exempted. These are the three categories that I am pleading for the consideration of Hon. Members when they come to consider this tricky question of dual citizenship.

I now go, as I say I am treating subjects as I see them in my own importance. Because I now go to chapter three. The national objectives and directive principles of state policy. Some Hon. Members have expressed the view that this chapter is redundant and should be kept out. My view, and here I concur with Hon. Dr. Kazibwe that, it should be retained in order to give guidance to the contents of subsequent chapters. These are objectives that people need to know. It is like commandments of God - 'Thou shall not kill'. You may then have a chapter on this commandment and this is exactly what we are saying. So, it will not contradict anything.

I now go to the Movement or Multipartyism. Mr. Chairman, and Hon. Delegates, let us look at this matter very carefully. At first from 1961 to 1971, we had multipartyism. During this period, performance in the exercise of good governance was poor and shameful. 'Kabaka Yekka' KY, was brutally crushed, the UPC and some DP Parliamentary representative crossed over into UPC making themselves impotent to deal with any dictatorial action or anything that intended to destroy democracy, unity, peace and security in Uganda. At the time Amin took over, UPC had more than 1,000 political detainees whom Amin released. This was not a sign of a good governance. Then came December 1980, when UPC took power by rigging elections and harassing other people who had not supported them, forcing them to cross over to UPC and detaining those who refused. Mr. Chairman, I have evidence of this. Some people have been stating that some people crossed over and so on. But I do know that there are many cases where Members were forced to cross over, otherwise, they got detained.

There were also, most unfortunate cases and I would like perhaps, but the Hon. Member is not here, Hon. Mrs. Mwendha, where her father Mr. Kalikwani, died in detention simply because he was a DP. He committed no crime, but he refused to cross to UPC after 1980 elections.

Now, this of course did not go well for us. So, I am saying, Mr. Chairman, and I would like to be excused, Hon. Delegates, these remarks were for those who were members at that time. I am excluding the young generation, who now may want to be UPC or DP. What I want them to know is to desist from repeating the same mistakes. What a wonderful thing it is for us to see, for example, as on the occasion of opening this august Assembly, that the President walked in this Hall with an ex-president, Tito Okello. We all clapped as you remember. I would like all the members for the reconstituted parties to know that as far as their manifesto is concerned, they should not be tempted to hate or refuse or otherwise refuse to socialise with their fellows or brothers. I know several cases where we are now great friends with members of UPC whereas at that time they could not talk to me. In February of 1982, a contingent of armed men came to my house at 9.00 p.m. and attacked my house and shot my wife who miraculously survived the wounds, asking her for Ngobi. Unfortunately, I was in Nairobi. It was unfortunate for them, Mr. Chairman and it was fortunate for me. Now I eat with the same people and invite them to my house. There is no problem. And I think this culture of cooperation, of living together is extremely important. There is also another small point which I have got to mention as far as multi-partyism is concerned and that is the foreign element. Much as these foreign people would like to be our friends to assist us to develop, they also would like to have points of contact which can be used to promote their interests. So, when you have different parties, please, watch out otherwise you may be used to divide your own people so that they can get what they want.

Mr. Chairman, with these few facts in mind, my conscience is clear that let us continue to have a Movement type of government for the next five years... (*Applause*)... on the condition that the Movement opens up. That it undertakes to encourage the reconstitution of political parties so that the general election after the next five years maybe can be carried on party basis, if the referendum says so. I think the choice will be very clear. If we happen to

go on a multiparty basis thereafter, I would like to advocate for a system of proportional representation although it is held by some people that it lacks accountability at the constituency level. But I think the question of winner takes all is a big problem and we should try to avoid it.

I would like to touch briefly on land. This is of course a very important point and many people are waiting for this Constituent Assembly to hear what we shall come out with. But it is agreed that customary land tenure should be respected, that we must agree to granting freehold titles to the people. What I would like to tell the august Assembly, Mr. Chairman, is that as far as land is concerned the principle should be that, government protects land as it protects the individual but that it does not own it. Let government not own land. If it has to have land, it should have it the usual way by paying compensation to the owner of the land for any utility that they want. But saying that this land is public land and therefore it is owned by government, this thing should be a matter of the past. The other point here of course has been stated, the authority to control this land should be decentralised.

A HON. DELEGATE: Point of clarification. Thank you very much Mr. Chairman. I want clarification when my neighbour Hon. Mzee Ngobi says that the control of land should be decentralised at the district. Does it mean that the land at each district will be controlled by that district without any say from the central government? And if so, does Hon. Ngobi think that we do not have a danger where we find we are infringing on the freedom of movement, where we say that any Ugandan is free to move and settle in any part of Uganda in that when I come to Mbarara to apply for land from Masaka or Nebbi, I might be seen as an outsider encroaching on the clan's land?

MR. NGOBI: Thank you very much. I would like to thank my Friend that, that is exactly what I mean. When you go to settle, you follow a certain procedure. You do not just go and say now, I have been sent by Entebbe, this is my land. You go to the district, you go to the owner of the land. If he allows to sell a piece of land to you, it is okay. And then you go to the district to get your land title. So, there will be no problem. Thank you.

Mr. Chairman, I am sorry I have no time for other matters but knowing that we still have the stage of consideration, I certainly will try and make my

suggestions and comments because there are other matters, like traditional leaders in which I have been personally involved as far as Busoga is concerned and Buganda. That, probably, I would have liked to dwell on but I do appreciate that I have kept you and the Hon. Delegates for too long. So, now where is my concluding paragraph? (*Laughter*). Oh, here it is.

So, I hope in conclusion, that we shall have a constitution that will aim at the proper formation of a human person who is cultured, who is peace loving and well disposed towards his fellow men and women with a view to benefiting the human race and in particular Ugandans. For God and my country. Thank you. (*Applause*).

THE CHAIRMAN: Thank you Hon. Mathias Ngobi for contributing to our debate. Yes, when we come to the consideration stage according to our rules, depending on whether the article is being debated with amendments, Members will have a chance of about 15 minutes to make contributions on each one of them. That is according to our rules.

MR. KINTU MUSOKE (Kalungu East): Mr. Chairman and distinguished Delegates my name is Kintu Musoke, Delegate from Kalungu East in Kalungu county, Masaka District. Kalungu east was the front line ground for the famous Katonga battle during the liberation war. It borders with Gomba in Mpigi District and then Bukomansimbi in Masaka District.

Mr. Chairman, permit me on behalf of the people of Kalungu East to bring you warm greetings and congratulations, not only for having been elevated to the high and onerous office but also for having so ably proved yourself equal to the task, to the satisfaction of most of us. Personally, I now address you from the position of having been for the last 30 years or so, a very close observer and many times, an active participant in the course of events that have for better or worse made our dear country what it is today. From that point, I am able to assert that never before under our own steam and volition have we ever had an opportunity like this where we all with our varying shades of opinion, origins and orientations sit down under this roof to determine our destiny.

That being the case, I would like to begin by appealing to fellow Delegates that whatever be our unhappy memories, we should take every care not waste this golden opportunity by indulging ourselves

into endless acrimony, insinuations, innuendoes and malignance of one another. For needless to say, we as a people have gone through bitter days of untold suffering for which we always find it easy to look for scapegoats elsewhere while we exonerate ourselves. Lamentations, however grave and loud or apportioning of blame will not solve any problem. Let us instead humble ourselves, confess our sins and forgive one another's commissions and omissions in appreciation of the priceless contribution of those of our compatriots who made supreme sacrifices and created the enabling environment of peace and stability that has aptly culminated into the inception, constitution on convening of this august Assembly which to me is tantamount to a national unity conference.

Given our country's turbulent and unstable history and the destructiveness associated with it, the overriding objective of our being here should be to create a firm foundation for peace and stability. This is what the people of Kalungu East delegated me to do and do it with you together. Mr. Chairman, lest we forget, we are here to finalise the initiative of the Uganda Constitutional Commission, to put into place a constitution that will guarantee national independence and territorial integrity and sovereignty of Uganda; establish a free and democratic system of government that will generate the fundamental rights and freedoms of people of Uganda; create viable political institutions that will ensure maximum consensus and orderly succession of government.

A HON. DELEGATE: Mr. Chairman, I request the speaker to speak louder so that we can follow him.

MR. KINTU MUSOKE: I think there is something wrong with the amplifying system. As I was saying, we are here to write a constitution which will, among others, create a viable political institution that will ensure maximum consensus and an orderly succession of government. That constitution should recognise and demarcate divisions of responsibility among the State organs of the Executive, Legislative and Judiciary and create viable checks and balances between them. It will have to endeavour to develop a system of government that ensures people's participation in the governance of their country. It will endeavour to develop a democratic free and fair electoral system that will ensure people's representation in the legislature and other levels. It will

establish and uphold the principle of public accountability by the public officers and guarantee the independence of the judiciary.

These, Mr. Chairman, are noble and critical objectives which if properly and finally resolved and implemented, will cement the proverbial fundamental change for us and the generations to come. Mr. Chairman, in order to achieve the above, the people of Kalungu East expressly delegated me to say the following: Mr Chairman, as you can, I am trying to curtail my submission because I am sure as I feel, everybody is tired.

I will go straight into the different aspects of the draft, Mr. Chairman. A lot has been said about the directive principle of State policy. The National Objectives and Directive Principles of State policy is to me, as proposed in the draft, a very welcome and modern innovation in our constitutional process; they provide the national goals, the ideals and targets which the nation must strive to achieve. In the absence of such State Objectives, political leaders operate in a vacuum which very often gets filled by personal agendas. The differing civil interpretations of these directive principles of State policy could lead to a healthy divergence of political opinion in the country which could lead to the emergence of truly nationalistic movements and parties to take the place of our old parties which were born of the sectarian dictates of our colonial masters. I, therefore, strongly propose that Chapter Three of the draft should stand as part of the new constitutions. I intend, during consideration stage, to propose how it could be modified, refined and re-juxtaposed.

Mr. Chairman, the people of Kalungu East asked me to ensure that under the new constitution the President of Uganda from now on, be directly elected by universal adult suffrage to ensure that anyone holding that position is accountable to the whole nation. He should act in accordance with the laws and within the framework of the constitution and he should be liable to impeachment and removal by the Legislature on specified grounds. The President's tenure of office should be constitutionally limited to not more than two terms of five years.

In the same vein, the people of Kalungu East would like to have a directly elected Parliament as a supreme Legislative body and also as guarantor of the people's rights and ensuring that all executive decisions are in the people's interests. In order to

ensure that representatives of the people are accountable to them, the electors should be given the power to recall their elected representatives if they fail to perform satisfactorily. In order to put an end to political prostitution which is the source of instability and dictatorship, elected representatives who wish to cross the Floor should seek a fresh mandate from the people.

While agreeing with the proposed strength of the judiciary as reflected in the draft constitution, the people of Kalungu East would like to see the continuation of the RC courts by whatever name because they have proved popular, expeditious and efficient.

On human rights. In order to achieve the maximum observance of human rights, the new constitution must strengthen the institution for enforcement of these rights and to establish new institutions with real power to defend them. To this extent, the existing Uganda Human Rights Commission must continue in force and be strengthened and facilitated to achieve its purpose. These facilities should include among others, the provision of free legal aid and service to people whose human rights may have been violated.

On the gender issue Mr. Chairman. In conformity with the United Nations Convention on the matter and in full acknowledgement of the contribution of women to nation building, as well as to our liberation struggles, the people of Kalungu East support the total abolition of any form of discrimination against women in the new constitution. They also support all the positive and affirmative actions already in place which offer special concessions and advantages to women. This should continue for as long as there are reasons to believe that the imbalance between men and women still exists.

Mr. Chairman, the people of Kalungu East having tested on the initial fruits of decentralisation in terms of direct monetary allocation to the two sub-counties that form the constituency, now overwhelmingly insist on a highly decentralised system of local government which they wish to see doubly entrenched to make future decentralisation very difficult if not impossible.

Mr. Chairman, before coming to power of the NRM interim administration, Uganda had experienced two systems of government. Between 1962 and 1971 and between 1980 and 1985, we had a system of multi-parties and in both cases, the system devel-

oped into diabolical dictatorship. Then between 1971 and 1978 and 1980, we had Amin, Muwanga and Okello military rules which were by all description dictatorships of sorts. The people of Kalungu East know what happened to them and the entire country under the said systems. They compare them with what they are experiencing under the NRM system and they have made their value judgement. Consequently, during the CA elections, I campaigned on a no-party system while my three opponents made no secret of their party allegiance. Because of the clear hostility to parties from the people, one of my opponents mid-stream, changed tactics and supported the movement system. All the same, I was elected with an absolute majority. So, Mr. Chairman, on behalf of the people of Kalungu East, I fully support the continuation of the movement system at the commencement of the new constitution for five years and at the end of which, there should be a referendum to decide if people want to resume multi-parties or not. And should the matter prove contentious in this Assembly and the CA fails to decide on it the matter should be sent back to the people for final verdict before the commencement of the new constitution.

Mr. Chairman, on the issue of traditional rulers. I am mandated by the people of Kalungu East to ensure that the position of the restored *Kabaka* of Buganda is entrenched in the new constitution. I am also mandated to ensure that the *Kabaka* is kept out of tension of politics as a best way of preserving his position and avoiding the repetition of the traumatic experience of 1966. In the same vein, I am mandated to assert that the institution of traditional rulers is an aspect of human rights to culture and therefore, traditional rulers should be allowed to exist where the members of a region, ethnic groups or districts concerned express, preferably by consensus, the desire to have them.

On land. As for land ownership and utilisation, we in Kalungu East enjoy both freehold and public land systems. Whereas a number of people have freehold land titles, the majority are tenants on privately or publicly owned land. The preponderant view of the people of Kalungu East is that Amin's Land Decree of 1975 should be abolished so that we return to the 1900 position of freehold titles. But more profoundly, the majority of the people I represent being tenants request or requested me to struggle hard to ensure that the constitution allows them to be entitled to their plots by way of lease, so that one can utilise

the same for self development instead of being at the mercy of the land lord. On the national scale, it is proposed that as far as possible, a uniform land tenure system should be evolved so that any Ugandan can acquire land anywhere in Uganda anytime. This will enhance mobility, all round development and national integration. However, if this cannot be achieved, then each local authority should be left to manage its land according to the prevailing system in that area. This issue should be handled carefully because, as it is now, it is claimed by the people of Buganda that while fellow Ugandans can come to this area, acquire land for development, the Baganda cannot easily have access to land in other parts of Uganda.

MR. SAM RINGWEGI: Point of information. Mr. Chairman, I would like to inform Hon. Kintu Musoke that the statement he has just made is not true because right now in my constituency, we have quite a number of Baganda who have acquired land very, very easily and they have settled there. I think most of the reasons why the Baganda have now been finding it impossible to settle elsewhere is because they never knew that *matooke* existed in those parts of the area. Now that they have found that there is plenty of *matooke* in my area, they have been able to acquire land and we have welcomed them. That is the information I wanted to give.

MR. MATHIAS NGOBI: Point of information. I am grateful to the Hon. Member and I would like to inform him that maybe in other areas Baganda may find it difficult. But as far as Busoga is concerned, they do not only find it easy to get land, they also find it easy to get wives. *(Laughter)*.

A HON. DELEGATE: Point of information. Thank you Mr. Chairman. I want to inform the Hon. Member on the Floor that even in Soroti, we have very many Baganda and we have one in this House who has land there. He grew up there, he was educated there and during the insurgence, he came back here but he still has his land there. Thank you.

MR. KINTU MUSOKE: Mr. Chairman, I thank the Hon. Delegates for the information.

MR. NASASIRA: Point of information. Thank you very much Mr. Chairman. The examples that have just been given - of different tribes having land in different areas, Mr. Chairman, - it is because land was controlled from the centre.

MR. KINTU MUSOKE: Thank you very much for that information. Mr. Chairman, for the sake of Members, I chose my words very carefully. I said that as it is now, it is claimed by some people in Buganda - I was not making an assertion, I was informing Members that it is claimed by some people in Buganda that while fellow Ugandans can come to this area, acquire land for developments they, the Baganda do not. It is a claim and it is yet to be substantiated. Thank you Mr. Chairman.

THE CHAIRMAN: But in view of the information which has come on the Floor, do you want to persist in reporting that claim?

MR. KINTU MUSOKE: That is why I thanked the Members for the information.

THE CHAIRMAN: Okay, thank you.

MR. KINTU MUSOKE: Mr. Chairman, my personal view on the proposed National Council of State is that if left as it is, it can easily prove obnoxious; standing between the executive and the legislature without knowing which side it belongs. It appears it was supposed to replace and play the role of the present NEC of the NRC. As I speak now, Mr. Chairman, NEC has sort of outlived its usefulness because it rarely meets. Maybe it served its interim purpose without being wound up. I, therefore, propose that the concept of the Council of State be changed to an advisory council to be composed of retired statesmen and public servants elected directly from the districts where the chief executive can go for advice and where controversial bills can be sent for scrutiny and moderation. In time of political crisis, it can serve as a cooling chamber of the crisis.

Mr. Chairman, as I said at the beginning, that I deliberately curtailed my contribution because I did not want to keep Members long. I now come to the issue of citizenship. Mr. Chairman, in the constituency where I come from, there are many people who came long ago and have been talked about in this House, namely the Banyarwanda who settled in Masaka. These people came as immigrant labourers from about 1924 onwards. In this area, they were received well because they were running away from the Belgian misrule. They worked on the plantations of people who had coffee at that time and they later decided to settle. My own grandfather who employed some of them, when it came to dividing up his land, he divided it up equally amongst his children

and his immigrant labourers. So, these people have been with us for so many years. They could have attained citizenship immediately after independence because they were given two years to apply. But what happened! Mr. Chairman, when we were being asked for example, to go and register for elections, Government was reminding us all the time to go and register saying it is time for you to do this, it is time for you to that. Even when Amin was expelling the Asians, he used to remind them, now there are so many days, so many minutes, so many hours and so on, left. But when registration was put into the law at the time of independence that these people should apply, nobody ever reminded them. So, ever since we became independent, they have never known their status. They were able to clarify to the citizenship then, it is now 30 years since. Some have died, leaving children, widows and we still keep them as if they do not belong to this country. So, they sent me to charge this august Assembly that when we are making the new constitution, that since they could have qualified 30 years ago, now they are over-qualified to be citizens of this country. We should make it easy for them to become citizens of this country without much ado.

Mr. Chairman, our citizenship law is very weak. It allows anybody to come in and stay here and it is very difficult for us to identify who is a citizen and who is not. So, I think in this constitution, we should make it obligatory for people to carry citizenship cards so that they can be identified. This will make it easy for us to know who is a citizen of Uganda and who is not.

The people of Kalungu East definitely say they do not want to have double citizenship because they think this devalues our citizenship.

As regards the federal or unitary system, the people of Kalungu East, because they are more concerned about the substance rather than the form - these words do not bother them. What is important is the power content of a system and therefore, if they give them what they want, they do not care what you call it provided the content is the same. So, they are very much committed to this idea of decentralisation to the district so that in the end districts which want to come together and cooperate can be allowed to do so on their own free will. But this question of bothering with federal or not federal, unitary or not unitary is to them not the issue and should not be considered as a constitutional matter.

Mr. Chairman, I would like to go to my final point. I want to thank my fellow Delegates who contributed before me, for having helped me to clear my mind on a number of issues. Listening to them has enabled me to modify my own views and by virtue of that, to moderate those of my constituents. I wish you good deliberations. I am getting confident that at the end of the day, we shall together accomplish this noble task for our own benefit and for the benefit of generations to come. For God and my country. *(Applause)*.

THE CHAIRMAN: Thank you Hon. Kintu Musoke for your contribution and also for being our last speaker for today. As we adjourn for the weekend, the Chairman wishes Hon. Members a happy weekend and in order to facilitate that, the Chairman has been informed by Hon. Moses Ali that there are some administrative arrangements in Room 331 which you can resort to starting today and continuing through tomorrow. So, Members are advised to check in Room 331 in respect to that administrative arrangement. With this, I adjourn until Monday, 8.30 a.m. Thank you very much.

(The Assembly rose at 6.46 p.m. and adjourned until Monday, 1st August, 1994 at 8.30 a.m.)

