



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 2ND AUGUST 1994

MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 1439]

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Tuesday, 2nd August 1994.

The Assembly met at 8.30 am at the International Conference Centre, Kampala.

P R A Y E R S

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

The Assembly was called to order.

COMMUNICATION FROM THE CHAIR

MOTION

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

THE CHAIRMAN: I do not have communication from the Chair. Proceed. And for today I have Hon. Clement Obonyo Jabwor, Labwor County.

MR. OBONYO JABWOR: (Labwor county): Thank you, Mr. Chairman. My names are Clement Jabwor, delegate, Labwor County, Kotido District. Mr. Chairman, please allow me to add my voice, and indeed the voices of the electorates of Labwor county, Kotido district to congratulate you and your Deputy for your election to the highest office in the Constituent Assembly. In the same breath, Mr. Chairman, I would also wish to congratulate the Hon. delegates who have made it to this Assembly. To all of you, I say well done.

Labwor county occupies the Southern part of Kotido district, the county is bordered to the North by Jie county of Kotido district, to the East lies Bokora county which is in Moroto district, to the South of the County lies Kapelebyong county in Soroti district whereas in the South West lies Otuke county of Lira district and lastly, Agago county of Kitgum district borders the county in the West. The county is inhabited according to the second schedule of the Draft Constitution, Sir, by Labwor and Nyakway. Mr. Chairman, there are no ethnic groups called Labwor or Nyakway. I repeat Sir, there are no ethnic groups called Labwor or Nyakway. These are the names of places and not the names of tribes who live in those areas. The people who occupy this area are commonly known as ethur and Sir. I have been mandated to seek Amendment to the Second Schedule to read 'Ethur' wherever the word 'Labwor' or 'Nyakway' appear respectively.

A lot has been said about past Constitutions, that is the 1962 Independence Constitution and the 1967 Republican Constitution. We have been told everywhere and indeed even on the Floor of this Assembly Sir, of how bad these two Constitutions were, we are also told that the 1962 Constitution was made in a foreign land by the colonialists and therefore ignored, the wishes of the majority of Ugandans and the same accusation is made against the 1967 Constitution in that it was made by a small interested group who were in power by then and that the people of Uganda were not consulted or involved in its making. We are therefore told that all the political and constitutional turmoil that has befallen Uganda was the direct result of these Constitutions. Allow me, Sir, to disagree with such views. Uganda's past problems have not been constitutional. The coups that have taken place in Uganda were not because of bad Constitutions, rather Sir, Uganda's woes have been political. What we have hence been experiencing is the result of people using extra constitutional means to achieve their political ambitions like, people going to the bush to wage a protracted war against an elected Government or staging a military coup against peoples Government, whereby it even necessitated the suspension or over throw or abrogation of the Constitution. Sir it is the greed for political power and quest to capture state power that have caused political instability in this country. Allow me however, Sir, to acknowledge one thing, that unlike past Constitutions, the present Draft Constitution provides for the prosecution of any person or persons who seek to suspend or to over throw the Constitution. Clause 1 of the Article 3 of the Draft Constitution states: "*It is prohibited for any person or groups of persons to take control of the Government of Uganda except in accordance with the provisions of this Constitution*". It further goes to state in Clause 2 of the same Article that: "*Any person who by himself or in concert with others by any violent or other unlawful means, suspends or overthrows or abrogates this Constitution or any part of it, ... such person commits the offence of treason and shall be punished according to law*". Here, Sir, we are trying to legislate against any future overthrow of a duly elected and constituted Government of Uganda. Allow me Sir, to propose that the Clauses of this Article 2 should be entrenched in the Constitution.

The sanctity of life, the right to private property, are highly regarded by the people of Labwor as being

paramount. Among other fundamental human rights, the rights to life is sacrosanct and must be jealously protected by the State. Sir, since the Liberation war of 1979 which saw guns getting into illegal hands in Karamoja and a further addition during the subsequent coups, the people of Labwor in particular, Karamoja and the neighbouring districts in general have been brutalised, dehumanised, and traumatised by criminal elements in the region using these guns. Sir, there is nothing cultural in cattle rustling, there is nothing cultural, Sir, in killing innocent and defenseless children, women, and the aged. There is nothing cultural Sir, in senseless destruction of properties, homes, and there is nothing cultural in the abduction of young people and women. These are criminals who must be condemned by everybody. *(Applause)* As I mentioned earlier Sir, introduction of fire arms in the livestock theft has transformed a once non-combative activity into a deadly one. The use of lethal weapons has necessitated adoption of war tactics in rustling instead of stealing it has now become a deadly well organised raiding involving hundreds of heavily armed warriors clad in military attires and executing military formations and tactics in their attacks. Sir, cattle rustling has assumed war both in look and action.

Mr. Chairman, you maybe wondering why I am dwelling at length on cattle rustling and security in Karamoja. The issue of security is a burning one among the electorates of Labwor and Sir, I am going to limit myself on the insecurity caused by illegal arms in Karamoja because that is what I have been sent to talk about in this august Assembly. Sir, every home and indeed every family has been affected by the insecurity caused by this illegal guns. The people of Labwor have sent me here to inform you and fellow delegates that, the sort of ordeals they have indeed gone through are bad and also to tell you what most peace loving people in Karamoja go through because of illegal guns. They want you to know all this so that when we eventually come out with a Constitution, that Constitution will safe guard and guarantee their freedom to life and property. They want the Constitution that will define illegal guns to mean the same thing whether that gun is found in a private farm of a retired Lieutenant Colonel in Mbarara or in a *Manyata* in Panyangara. Meanwhile, Mr. Chairman, the people of Labwor are very grateful for the effort the Government is taking in trying to protect them from various criminal activities of these thugs masquerading as cattle rustlers. They are particularly appreciative of the fact that the

Government has provided arms to the Local Administration Police for their protection. They say that the right to life is so sacrosanct that it has no political boundaries. I repeat Sir, they say that, the right to life is so sacrosanct that it has no political boundaries. There is a local saying that if you are in a fix and the devil provides a better solution than God, then you will be a fool to ignore the devil's. I am under instructions Sir, to cooperate fully with the Government in order to attain that noble goal of peace. They say, if the NRM Government can remove or control the use of these guns and bring about a sustainable peace and security within the five year extension, they have asked for, then, the electorate of Labwor are in agreement with that extension.

Sir, allow me to dwell a little on the insecurity caused by cattle rustlers. Sir, the constant cattle rustling within Karamoja and in the neighbouring districts, have created a state of constant war fare and massive loss of human life and livestock. Security forces' attitude towards cattle rustling is very worrying to some of us. Sir, this attitude of "I do not care" by the security Personnel is what Hon. delcgate Sam Lokeris from Dodoth was referring to as the inability by the Government to provide security to the Karamajong, hence the need for the Karamajong to carry guns. How then can you explain the Government's stated position that it has no quarrel with the Karamajong keeping their guns as long as they do not use these guns to cause insecurity in neighbouring districts? Sir, this has been a Government stated position as far as the ownership of guns in Karamoja is concerned. This sort of attitude has made some of us suspicious and to believe that there is an agenda for marginalising Karamoja in that, either the Karamajong should be completely left alone and excluded from the mainstream of national agenda, or they should be assisted to finish each other off. I repeat Sir, this sort of attitude the Security Personnel attitude of "I do not care", has made some of us suspicious and to believe that there is an agenda for marginalising Karamoja in that either the Karamajong should be completely left alone and excluded from the mainstream of national agenda or they should be assisted to finish each other off. Mr. Chairman, - *(Interruption)*-

MR. MAIKUT CHEBET: Point of information. The Hon. Speaker on the Floor has made it clear that the Karamajong have always been left on their own will and more so, the argument for the Karamajong to hold guns is that, the government does not give

them maximum security against their hostile neighbours like the Turkana, the Dinka from Sudan, and the Pokots. But of recent, we hear reports which are contrary that the Karamajong instead are co-operating with their neighbours in the neighbouring countries like the Turkana. Some of their clansmen are in Karamoja inside. The recent incident is the one which involved the Dodoth and Jie where Hon. Jabwor comes from because the information we got is that, the Jie co-operated with the Turkana from Kenya and some tribes from Sudan to clear the Dodoth sides in Karamoja. Can the Hon. Member clarify to us why he should continue to say that the Karamajong have been ignored, that the Security forces have ignored the Karamajong on their own, when actually they are the ones causing problems internally amongst themselves. Thank you.

MR. OBONYO JABWOR: Mr. Chairman, I thank the Hon. Member from Kween for his information, but precisely, this is what I am saying. I said here earlier that the Government stated position is to allow the Karamajong to own guns so long as they do not cause insecurity in the neighbouring districts. Sir, what I am saying here is that the Government is actually abdicating its responsibility for the protection of life and property to its citizens. So, the question of the Member saying that the Karamajong, or the Jie or the Dodoth are getting assistance from people outside Uganda is partly true. Sir, this has been a common problem even during the colonial days and that is why the Karamajong are saying that please give us protection and security from our external aggressors, then you can deal with the illegal guns we are owning. Mr. Chairman, Karamoja is bleeding to death from self inflicted wounds. The inter-ethnic raids within the region has and is actually depopulating the area. The other day, Sir, it was Matheniko fighting Bokora, yesterday it was the turn of Pian and Upe killing each other. Now, it is Jie and Dodoth. It is a massive orgy of self destruction in terms of loss of human lives and Sir, I would like to illustrate this point by giving you statistical comparison of the population of the two districts of Kotido and Moroto as by the census of 1980 and that of 1991. I start with Moroto going county by county. Matheniko county which includes the Municipality, in 1980, the people inhabiting the place were 36,820. In 1991, there was an increase to 59,149. Do you know that increase, Sir, was because of the Army, the NRA who were in the district? The same thing and the same explanation also applies to Chekwi or Kadamu county, where in 1980 the population was

22,994, by 1991 census, it had dropped to 40,642. This again is explained by the presence of NRA Battalions in Nakapiripiri and Namalu. When you consider Bokora in 1980, the population was 59,043, but by 1991, it had dropped to 37684. Pian in 1980 was 47,732, but in 1991, it had come down to 25,606 - *(Interruption)* Upe - Pokot in 1980 were only 22,052 people, by 1991 they were only 11,336 so that the total population of Moroto district which was 888,641, by 1991, it had fallen down to 174,417. These are the results of the illegal guns. I go to Kotido where I come from, - *(Interruption)*

THE CHAIRMAN: He would like to complete his figures first before you can inform him. I think he made that very clear, please go ahead.

MR. OBONYO JABWOR: I go to Kotido district. In fact, Sir, the story in Kotido is different from Moroto, but in 1980 the population of Dodoth was 87,501 by 1991, it went up to 91,236. Jie whose population in 1980 was 34,529, in 1991, it went up to 57,198 and Labwor whose population in 1980 was 39,415, went up to 47,572 in 1991. The total population of Kotido district, which by 1981 Census was 161,445, went up to 196,006 by 1991 census. As I said Sir, apart from Matheniko, which includes the Municipality and Chekwi County, which registered an increase in their population, the other counties in Moroto District namely, Bokora, Pian and Upe, recorded a big drop in their population. Upe suffered the biggest drop from 22,052 people in 1980 to 11,336 people in 1991, a drop of about 50 per cent. The whole population decline in Moroto district within the two periods was by 7 per cent, whereas Kotido registered an overall increase of 21 percent of the same period. This was due to relative peace which was in existence in Kotido at that time. But Sir, if there is a population Census now to take place, you will find that the number of people in Jie could have gone down due to the inter ethnic conflict taking place now between the Jie and the Dodoth.

MR. ETONU: Point of information. I would like to inform the Member holding the Floor that it is actually true that even in Teso by the 1969 Census, the Teso population was the second largest in Uganda. But since the Karamajong raids were intensified, we are now rated number five and this is because of the cattle rustling which we understand is authorised by the elders and the leaders of the two districts of Kotido and Moroto before the warriors go out for raiding.

MR. OBONYO: Mr. Chairman, I wish the Hon. Etonu could be honest with himself, he had forgotten also the factor contributed by the rebel activities in Soroti and Sir, I am not actually surprised, that the Hon. Etonu could come with such a statement, because Sir, in 1982, I was a victim in that I nearly lost my life in his constituency where the late Apaloris and some other people, including the DC of Kotido, a Munyoro called Biyombi, he was killed by the military. So, Sir, what we are trying to say is, let us come and work together because, it is no longer a Karamajong affair alone, it is a Uganda affair.

THE CHAIRMAN: Hon. Etonu what would you like to say, I do not think it should be allowed to degenerate into a dialogue between the two of you.

MR. ETONU: The incident of 1982 which is being referred to by Hon. Obonyo Jabwor, was a result of the raid which I said earlier is organised and approved by the clan leaders plus the leaders in the districts. Hon. Jabwor accompanied the raiders and we did not know about their moving to Teso at that time and when we discovered their presence, we rescued them.

MR. APUUN LONGOLI: Point of order. Is it in order, Mr. Chairman, for Hon. Etonu to misinform this House, when in other words the Member holding the Floor that is Hon. Jabwor Obonyo had gone there for a mission, that is for peace talks and they were received with violence and Etonu bears a witness to that incident.

THE CHAIRMAN: I think Hon. Etonu has to clarify this because it was a serious allegation. You suggested almost openly that the Hon. Jabwor was actually raiding. Would you like to substantiate that?

MR. ETONU: The authorities in Teso were not aware of any peace talks, neither did the Government then in Kampala know about this. This is on record and we were all here in Kampala. How could they have gone to a peace meeting when the Member of Parliament of that area, who happened to be myself was not aware and they were fought at Okobwoyi Parish of Kapelebyong County now. What were they doing there and they were accompanying the chief raider by then known by the name Apa Loris.

THE CHAIRMAN: No. let us hear from Hon. Jabwor. I think he can speak for himself better rather than intermediaries.

MR. OBONYO JABWOR: Thank you very much, Mr. Chairman. I am surprised by the statement by Hon. Etonu who was then the Minister in the Government in which I was a Member of Parliament. Sir, I do not understand when he says I was raiding. How can a whole Battalion Commander of UNLA in Moroto, the late Capt. Okwera be called a raider, how can the then Regional Police Commander, an Itesot from Serere be a raider, how can the district Commissioners of Kotido and Moroto, Mr. Sakwa of Moroto and the late Biyombi be called raiders? How can a whole Minister, Joshua Akol, actually accompany raiders? I think that goes beyond the imagination. This sort of hatred as manifested by the Honorable member would take us nowhere. Actually, we have come here to try to get understanding so that there is everlasting peace. Without peace, there will not be any development in Karamoja or the neighbouring districts and we are not going to get anywhere by calling names. Sir, let me briefly conclude my - *(Interruption)*

THE CHAIRMAN: I think the Hon. Member should continue because he has given information which maybe Hon. Etonu was not aware of since he was in Kampala as Minister.

MR. CHANGO MACHYO: Point of clarification. Mr. Chairman, could the Member on the Floor let us know if he takes into account when he is giving his figures is he taking into account the Karamajongs who have immigrated to Busia, to Mbale, to Busoga and other areas and those who have died in the raids?

THE CHAIRMAN: Go ahead.

MR. OBONYO JABWOR: Mr. Chairman, I have fully taken recognition of those Karamajongs who have moved to Busia where the Hon. Chango is a representative and also those who are in Malaba and in Busoga, but Sir, can we say that the exodus of people from Mawogola to wherever they have gone, can also cause such a reduction? I am talking of insecurity. People who have moved out of these areas because of insecurity, that is the essence of it Sir. Allow me to conclude my speech Sir.

Mr. Chairman, Karamoja needs to be saved from itself. It is no longer a question for the Karamajong alone. - *(Interruption)*

MR. OKENY TIBERIO ATWOMA: Point of clarification. I am seeking clarification from the speaker on the Floor, now that Labwor county

having supported the extension of five years more of NRM to continue, and by the figures that he has just related to us here, a dwindling of our population because they are allowed to have arms. Now that the Karamajongs are to keep the arms with them during the five years, will they not have dwindled to a greater degree, with these arms in the hands of the Karamajong, causing them insecurity? I would just like to be clarified on this.

MR. OBONYO JABWOR: Mr. Chairman, I wish my elder Hon. Atwoma followed my argument, I said the people of Labwor are in agreement for the extension if, during that period, the use of these illegal guns can be controlled, and the security can be restored. That is what I said Sir.

Mr. Chairman, as I was saying, Karamoja needs to be saved from itself, it is no longer a question for the Karamajong alone. It is a Uganda problem which we must all find a solution to. Allow me Sir, at this stage to congratulate the Special Presidential Adviser or Assistant on Karamoja Affairs, and particularly also the Chairperson of Teso Presidential Commission for jointly organising the recent concluded Conference on peace and sustainable development in Karamoja and the neighbouring districts. For the first time Sir, leaders from all the neighbouring districts which have been affected by cattle rustling, together with their counterparts from Kotido and Moroto, sat together in a non belligerent atmosphere searching for an everlasting solution for peace and security in the region. The resolution passed at that Conference Sir, if implemented, by the Government will mark the beginning of peace and security in the region. Without peace and security Sir, there will not be any development or any progress within Karamoja region and the neighbouring districts, Sir. I thank you.

THE CHAIRMAN: Thank you Hon. Clement Jabwor for contributing to our debate this morning. Now, I give the Floor to Hon. Wamulongo Wahibi Bunya East.

MR. WAMULONGO WAHIBI ALUPAKUSADI: (Bunya East) Thank you Mr. Chairman. My name is Wamulongo Wahibi Alupakusadi and I represent Bunya East. Bunya East, Mr. Chairman, borders Bugweri county in the East, Bukoli South in the South East, Kenya in the South on L. Victoria, Bunya South in the South West, Bunya West in the West and Kigulu County

in the North. Bunya East and indeed the whole of Bunya county is the food basket for Iganga town, Jinja Municipality, and it helped a lot of the people of Pallisa district and Tororo in the just ending period of famine. Mr. Chairman, Bunya as a county, was one of the eleven kingdoms which amalgamated to form the present day Busoga territory and Bunya is where Bishop Hannington was killed in or about 1886 and the killing of Bishop Hannington, Mr. Chairman, was as a result of misunderstanding of two languages. It is said that there was a superstition that there were people who were going to attack Buganda from the East, and these people were Whites. So, when Bishop Hannington was sighted, he was detained by the then king of Bunya, King Luba, who sent a message to *Kabaka* Mwanga of Buganda to say probably this is one of the people who are going to attack Buganda. Fortunately, they found a message had been sent calling missionaries to come. So, *Kabaka* Mwanga sent a message to say in Luganda, "*Mumute*", which means, release him. But the Basoga did not understand the word, they thought he had said, "*mumutte*" which means, kill him and so, Bishop Hannington was killed. Mr. Chairman, we are here to make a covenant -
(*Interruption*)

MR. NGOBI: Point of information. Presidential Nominee but from Busoga. I would like to inform this Hon. House and the Hon. Member who is on the Floor that, what he is talking about is a joke which people make when they are together, especially in this period when we are all together. I would like to tell him and Hon. Members that there was no question of misunderstanding about the words "*mutte*" because a particular person in Buganda called Ballikuddembe who was in the services of the *Kabaka* was actually killed by the order of the *Kabaka* for his telling his *Kabaka* that he should not have ordered the killing of Bishop Hannington, that is the truth. Thank you very much.

MR. WAMULONGO WAHIBI: Thank you for that information. Mr. Chairman, we are here to make a good covenant for the governance of the people of Uganda and all the 17 million Ugandans are anxiously waiting to see what kind of document we come out with. In order to come out with a good Constitution, Mr. Chairman, we need to take stock of the past, not to open old wounds, but rather to relate the past to the present and enable us to come out with an everlasting Constitution acceptable to the people of Uganda. When the Constitution making process

begun way back in 1988, there were many allegations and fears that NRM had a hidden agenda in the Constitution making. Mr. Chairman, if we look at the composition of this Assembly and the views being expressed, all prove the contrary. It is therefore, the duty of this august Assembly to adopt a spirit of give and take, reconciliation, forgiveness, and let us totally bury our selfish and sectarian tendencies in favour of national interests.

Many arguments have been advanced that the 1962, 1966 and 1967 Constitutions were bad Constitutions and were therefore the cause of the suffering of the people of Uganda, but the people of Bunya East are of a different view. They say that however good a document may be, as long as it is not respected by the people who are supposed to implement its provisions, then that document will end up being branded a bad document. It is therefore, the character of the implementors who matter and we must therefore, in the making of a new constitution, make provisions which will bar people of bad moral character from entering into the leadership of this country. Mr. Chairman, it has often been said that politics is a dirty game, but the people of Bunya East say, politics has never been a dirty game, but rather in their view, it is the players of the game who soils and therefore makes it dirty when they apply all sorts of tricks to achieve political power. Mr. Chairman, the politics of Uganda has in the past and to a lesser degree, continues to be characterised by ills such as sectarianism, nepotism, favouritism, partiality, intrigue, hatred, marginalisation, etcetera, etcetera, which ills, have caused discontent and sub-divisions among the population and at most times, end up in chaos. This situation can best be illustrated Mr. chairman, by what happened in 1966 when the Buganda *Lukiiko* passed a resolution ordering the then Central Government to leave Buganda soil. The people of Bunya therefore say, it is the prime duty of this august Assembly of mapping out ways of purifying Ugandan politics, come out with a document which will create sieves to sift our future political leaders. Mr. Chairman, politics is defined as the science of management of society and therefore, any slight dirt in politics directly soils the people who are managed.

Many people in this country have, in the past, committed economic and political crimes against the people of Uganda and when discovered, they fled the country only to come back later posing as Liberators and therefore, entrenched themselves in the Central Political power. Obviously, such people would cause

resentment among the people who know their backgrounds well. Mr. Chairman, it is said, that history is the best teacher and the people of Bunya therefore say, while debating the Constitution, we should not lose sight of our history which we should relate to the present, and which therefore should help us to plan for a stable future so that when we quote some instances of the past, the intention here is not opening old wounds as I have said before, but rather should act as references for our future planning. The people of Bunya East have instructed me to tell this august House that while we are debating our supreme law of our mother land Uganda, we should bury all personal, ethnic, regional and any other considerations and take national interest first to enable us come out with a lasting Constitution. Now, Mr. Chairman, let me turn to the issues in the Draft Constitution.

One, The Public Service: Mr. Chairman, as we are all aware, in the 1960s, Uganda used to boast of the best Civil Service in the Eastern Region and even beyond but due to political instability and interferences by politicians, this has slowly but surely degenerated into a laughing stock to the extent that politicians have almost taken over most of the Civil Service institutions and are running them almost as private companies.

Long service and well trained Civil servants are dismissed summarily at the will of politicians of the day and Mr. Chairman, this at the moment, before we come out with a new Constitution, is being done under Section 104 of the 1967 Constitution which gives almost unlimited powers to the President to hire and fire and the politicians below the President tend to misuse this section, misinform the President and destabilise the Civil Service. The people of Bunya East therefore, recommend that in the new Constitution, a provision should be put to create or to strengthen the Public Service Commission and this should be free of interferences from Political leaders.

On land, Mr. Chairman, the people of Bunya East say, that land is the most precious asset and in fact, it is the life line of every Ugandan and therefore, its usage must be controlled by the people themselves. It is against this background that the people of Bunya totally reject the provision in Article 271 (1) which says that the use of land shall be regulated by the Uganda Land Commission. This has a tendency of denying the people their right to land. They therefore

recommend a uniform customary, free hold tenure system, but Mr. Chairman, they are saying, there is a problem about the milo land. While we are advocating for a free hold tenure system, there is a problem about milo land. We have land lords and we have customary tenants. Now, when we turn into free hold and we say that the customary tenants should be given land titles to own the land, Mr. Chairman, that leaves the gap to the land lords; there is a tendency of looking at the customary tenants with sympathy, disregarding the landlords who also have a right to, I think, compensation. So this Assembly should come out with clear guide lines as to what should be done to the land lords of milo land and the customary tenants.

On citizenship, Mr. Chairman. Citizenship offers identity to every person and I think this identity should be the pride of everybody. In Uganda, Mr. Chairman, giving of Passports appears to be a privilege to a few people because I know of some people who have applied for Passports but they have been denied. So, Mr. Chairman, it is the view of the Bunya people therefore, that issuance of Passports to the people of Uganda should be a Birth right and there should be no strings attached. Identification of Ugandan nationals is another area which the people of Bunya East would like this august Assembly to consider. That they have never seen any national Identity issued to any Ugandan. This perhaps explains why it is so easy for foreigners and more especially from our neighbouring countries to walk in and out of this country at will. On the same issue of citizenship, Mr. Chairman, the people of Bunya East totally reject the provisions of Article 42 (1), which says that a child of not more than seven years found in Uganda, whose parents are not known shall be presumed to be a Ugandan. Mr. Chairman, the people of Bunya East have sent me to come and say to this Assembly that if we look at what is happening around us, if we see what is happening in Rwanda, there is war and it is an ethnic war, if we look at Kenya, there are what we call ethnic clashes, if we look at Sudan, they have sectarian conflicts, if we go to Zaire, there is instability. Mr. Chairman, by coincidence or by accident, there could be some connivance of some parents, seeing that their ethnic group is being eliminated, of collecting children of not more than seven years and damping them in Uganda, knowing that at a later stage when they have grown up, they can still link up. Mr. Chairman, these children could form themselves into a formidable force and they can become an occupation force.

Ultimately, they could even drive the indigenous Ugandans out of this country. So, therefore, the people of Bunya East reject totally the provisions of Article 42 (1), and they recommend that it should be scrapped out of the Constitution.

I will now turn to the Army. The people of Bunya East thank the NRM Government for the vision they had of including 10 delegates from the NRA to this Constituent Assembly. The reason for this is that in the past, if we look at our history, the Army has been used to violate our Constitutions and if these delegates from the NRA are here, they will appreciate the importance of the Constitution and we shall definitely, at the end of this exercise, charge them with a responsibility of going to sensitise the whole armed forces about the importance of respecting the Constitution. The people of Bunya East also say that after the promulgation of the new Constitution, that in recruiting the Army, character of a person to be recruited should be one of those considerations. The Army should be national and proportionate because even if we have people in the Army who do not have national interests at heart, tomorrow, they will end up violating the Constitution and our efforts here will have been wasted.

Mr. Chairman, allow me to make a few comments on the Leadership Code. Many people have expressed fears about the Leadership Code in this Assembly but the people of Bunya East say that this provision should be included in the new Constitution. Their reason being, as mentioned before, that many people commit crimes. They go hide and then they come back and they assume power. Sometimes, they also commit crimes, remain in the country and find their way into leadership for a cover up because once you know you are wielding political power, then nobody should raise a finger. It is, therefore, essential that we include a Leadership Code in the Constitution to curtail people who mess up in their professions and find refuge in politics. Mr. Chairman, also we know that there are people in politics who are using politics to commit crimes or corruption. We know people, as I have said before, who dismiss people from the civil service and put their own people, who are their political supporters. This, Mr. Chairman, must be rejected. Mr. Chairman, let me turn to the National Council of state.

The people of Bunya East examined the Article about the National Council of State in the Draft Constitution. They appreciated the idea. Initially,

they say the idea was good but when they looked at the composition of the National Council of State, they found difficulties in seeing how the National Council of State will check the powers of the President because if you look at the Article - they say the President will appoint 10 people from the cabinet, then, the District Councils are required to elect people from within the Parliament. So, it appears that we have a situation here where we are creating a Parliament within a Parliament, and I do not know what magic these people will have or perhaps play like chameleons. So that when they are sitting in Parliament, they assume a different colour, then, when they leave Parliament and go to sit in the National Council of State, they should have a different colour. Because when they sit in Parliament, they are the same people who should be contributing in Parliament and I do not see how they are going to contribute different materials in a National Council of State. For that reason, Mr. Chairman, they recommend that, that provision should be struck out of the Constitution or else change the composition.

On turning to the traditional leaders, the people of Bunya East really have no problem with traditional leaders but again they say we should look at our history. We had traditional leaders who were allowed to play national politics and what happened was problems arising out of two interests; the national interest and the traditional interest. So, therefore, they recommend that if we have to have traditional leaders, let them be apolitical. Let them confine themselves to the roles of cultural leadership, traditional leadership and not play national politics.

On the political system, Mr. Chairman, the people of Bunya have sent me to say that peace had eluded them for a long time. They were not sleeping in their houses at times. They, therefore, say that during the NRM period, they have enjoyed unity. They have enjoyed some relative peace and they are able to work together for development. They, therefore, say that this Assembly should favour them with an extension of five years so that (*Applause*) they can continue with their development, with their peace and with their unity. However, they are saying that they equate themselves to a polygamous husband and a monogamous husband. Sometimes, polygamous husbands are at an advantage that when one wife offends him, he will run to the second wife but if you have only one wife, you have no where to run. So, they say, therefore, a definite programme should be put in place so that after five years, we should go

polygamous. (*Laughter*) You can have as many wives as you want. (*Interruption*)

MRS. ZZIWA: Point of Order. Is the hon. Member in order, Mr. Chairman, to continually compare social systems to political systems as if really these are comparable? Mr. Chairman, is he in order?

THE CHAIRMAN: I took him to be talking figuratively. He is just illustrating by figurative language. (*Applause*) He did not insult anybody. Go ahead.

MRS. MATEMBE: Point of Order. Mr. Chairman, I think we said it clearly here in this House that sexist language, sexist terminologies and all these kind of things are offensive to us. (*Interjections*) Mr. Chairman, may I be protected.

THE CHAIRMAN: Order!

MRS MATEMBE: I repeat my statement that for us here, the women Delegates who are rightly here, take such analogies as offensive. Now, is it in order Mr. Chairman for the Hon. Member to bring forward such kind of analogy and to be is allowed to proceed with it when we say it offends us? Is it in order?

THE CHAIRMAN: Maybe the Hon. Member could tell us what his religion is. (*Interruption*) You cannot raise a Point of Order before we rule on one Point of Order. Because you see also this community here, we have people whose religion actually does provide for polygamy. (*Applause*) Should we reject that here?

MR. WAMULONGO: Mr. Chairman, in Bunya East, we have a diversity of people. We have moslems, we have protestants, we have catholics, we have "Balaguzi", we have atheists and among them, there are those who are polygamous and there are those who are monogamous. Therefore, if I look at one system and I see it is good, Mr. Chairman, I think I am entitled to use it here figuratively.

THE CHAIRMAN: Please proceed.

MR. WAMULONGO: Thank you Mr. Chairman.

MR. APUUN: Point of Information. Mr. Chairman, I would like to inform the Hon. Member that in certain areas in India, a woman marries four men.

So, I do not see any reason why Hon. Matembe had been actually clamoring around to say she is offended.

THE CHAIRMAN: No that is not - *(interruption)*
Yes, Hon. Wahibi, you have heard her?

MR. WAMULONGO: Yes, Mr. Chairman. I think we are confusing two things here. She is talking of a language, she is talking of sex. But we are talking of a social set up. Mr. Chairman, on the question of Language, I have listened with interest to some presentations in this Assembly and I have heard some Hon. Delegates saying that the National Language will evolve itself. I have found difficulties in visualising how a language will evolve itself when Hon. Delegates know very well that if we talk of making Luganda a National Language, other Ugandans will say no. If we say we make Acholi our national Language, the Baganda will say no. So, when they say that a language will evolve itself, I fail to understand. We must have a start and it is us to have a start. We know that we have problems of communication in this country. I went to Acholi, from there, I went to Lira, from Lira, I went to Soroti. I had problems in communicating with those people. But if we had a national language, which starts right from primary one, I am sure that I would have been able to communicate with those people. It is, therefore, necessary that we have a National Language and it is this august House which should suggest which language becomes National. The people of Bunya are suggesting that Kiswahili becomes a national language, *(Applause)* for the reasons which have already been advanced in this House which I need not to repeat.

Lastly, Mr. Chairman, the people of Bunya East, and I am just repeating this for the sake of emphasis, have sent me to say that while we deliberate in this House, we should set aside selfish interests, regional interests and put forward national considerations so that when we finally come out with a Constitution, it should not be looked at as a sectarian Constitution to be rejected by some sections of Uganda. Thank you Sir.

MR. BIDANDI SSALI (Nakawa Division, Kampala): I am representing a constituency in Kampala where more than half of the Delegates in this hall reside normally when they are on business. Mr. Chairman, Nakawa comprises of areas of Butabika, Luzira, Mutungo, Bugolobi, Kiswa, Nakawa, Naguru, Bukoto, Ntinda, Nkyanja,

Kiwatule, Banda and Mbuya which is the biggest in the city. Thank you very much. Greetings from the people of Nakawa and good luck in our deliberations.

Mr. Chairman, 30 minutes is a very short time to express their views on all the issues in the Draft Constitution. They have, therefore, requested me in my preliminary address to talk to your hearts on what they consider contentious issues and yet over which a consensus, in their view, is easily possible if we soften our hard attitudes and try to get rid of our prejudices, both historical and current. Mr. Chairman, we are here because we, the people of Uganda, have so far failed to live together in harmony for the last 30 years and yet fate has irrevocably bound us together to the extent that no part of Uganda can ever think of breaking away. It is, therefore, this formula we are here to look for. I know Mr. Chairman, that the future is always built on an objective study of the past but in so doing, in our case in Uganda, let us avoid apportioning blame with a "holier than thou" arrogance. Let us start from the Premise as Hon. Mrs Matembe explicitly put it that all of us have erred at one time or the other and more so, those of us who have been in the political arena for a while. The major duty required of us now, is to try and avoid the mistakes we or our compatriots have made, many of which have been the cause of the bloody experiences we are all lamenting. This is why Mr. Chairman, every effort must be made by every Delegate to avoid caucuses that are aiming at creating temporary alliances to achieve temporary goals that they intend to entrench in our permanent Constitution. *(Applause)*. Let us be reminded of the consequences of similar alliances of 1962 in Lancaster or even those in 1979 in this very room just before the demise of the UNLF. Hundreds of thousands of Ugandans have lost their lives as a consequence of those alliances.

I now turn to the issue of democracy, Mr. Chairman. Whether someone sees democracy in the context of political parties or in the context of people's participation in their governance, no such a democracy can ever take root and thrive in the absence of peace, security and stability. Democracy can never be built where suspicion and hatred within society are deeply embedded, as has developed amongst the communities of our country over these years. No democracy can be built by people who still have old scores to settle. Most likely, blood debts are expected to be paid in blood as soon as an opportunity arises. This is why, Mr. Chairman, in Uganda, democracy has eluded us for a long time.

The NRM politics: Mr. Chairman, this is one of the reasons why the overwhelming majority of the people of Nakawa feel greatly indebted to the NRM which has gone a long way in establishing an environment in which reconciliation, live and let live and which in the search for harmony has been the mainstay of Uganda politics since 1986, the politics that has brought all of us here to decide the fate of our country. People of various shades of opinion surfaced, many of whom would have never surfaced or resurfaced to the national political arena under any other political environment. The politics, Mr. Chairman, which continues to level and fertilise the ground for the sowing of the viable seeds of democracy. Mr. Chairman, the people of Nakawa believe that it is no mean achievement, that political leaders, civil servants and soldiers including high ranking officers who served under Obote I, under Amin, under UNLF, under Obote II, under Lutwa and indeed under Museveni, retrenched or not, have only managed to live peacefully in the midst of Ugandan society under the NRM politics of reconciliation and forgiveness without a finger being raised at any one of them. (Applause) Or even being harassed by ISO or any other arm of the security forces. The people of Nakawa feel that it is no mean achievement that some such leaders and soldiers who have played different roles in our political turmoil are seated in this very hall, together as saved Ugandans trying to chart a course for a peaceful future of Uganda. The personal experiences of these people is invaluable in this exercise, Mr. Chairman, and I am proud that many of them constitute part of the community I represent in Nakawa.

Mr. Chairman, it was on this promise of the need to create and consolidate harmony that the people of Nakawa overwhelmingly picked on me amongst the six others to come and articulate for them that appreciation and specifically support the extension of the movement politics for another five years. - (Applause)- They believe that the five years are specifically for the consolidation of peace and harmony, the only prerequisite for democracy whether based on party politics or people's participation. They, however, authorised me to negotiate with you a programme which will bring about a systematic reintroduction of political party activities provided for in the draft Constitution Articles 96 and 97. Mr. Chairman, Delegates have been debating as if there is a provision in the Draft which bans political parties. Mr. Chairman, there is no such provision, not even one which suspends them. Article 96 only

provides for a restriction on their participation in national elections during the five years. Otherwise, as I understand it, political parties, after the next parliament passes a law covering their conduct on the line suggested in Article 97, shall be free to organise, open branches, hold internal elections and I guess address public rallies. This means that by the time five years are over, the people of Uganda will have been sensitised with the advantages of parties so as to prefer them to the movement politics during the referendum and hopefully, by the end of the five years, more applaudable leaders within some parties will have emerged in whose hands the people of Uganda can trust their destiny.

The Buganda Question, Mr. Chairman. The Baganda have limped a long way since the sixties to meet and blend with the people of Uganda. The Baganda, as of now, have molded in the national political stream in which universal adult suffrage is a basis of political representation. It is the Baganda themselves who decided to remove their *Kabaka* from the political arena. "Once beaten, twice shy". No Muganda today is talking of secession. Even the Buganda *Lukiiko*, conservative as it may appear, has requested the Delegates from Buganda never to contemplate a walkout from this Assembly even if a federal status for Buganda, which they cherish heartily, has been rejected by the people of Uganda. (Applause) So, Mr. Chairman, no honourable Member in this Assembly should continue to stigmatize Baganda on the basis of what happened in 1962, 1966 or 67 or even not in the pretext of the undiplomatic passing remarks made by such members as Hon. Professor Nsibambi on the position of the *Kabaka* being non-negotiable or that of Hon. Lumala from Kalungu threatening instability if Buganda is not given a federal status or even that of the veteran Hon. Mayanja purporting to chase non-Baganda out of Buganda, a remark he vehemently denied. I submit, Mr. Chairman, that the rest of Uganda should likewise take more steps to extend a beckoning hand to the people of Buganda towards this national integration. Let the people of Uganda consciously endeavor to erase out of the minds of Baganda a feeling of a vanquished community or a villain tribe ever posed to cause instability in Uganda. Mr. Chairman, let the honourable Members seated in this room report to the rest of Uganda when they go back for consultation that the Baganda of today, including our *Kabaka*, mean well and have made (Applause) concerted efforts to integrate in Uganda but that ours is an aspiration to remain a cultural

entity within the boundaries of Buganda which we cherish and which entity has assimilated every other tribe of Uganda in our midst and lived in harmony.

It is on this ground, Mr. Chairman, that the people of Nakawa, with Baganda majority, agreed with me that I should bring to your serious attention the following:

1. That culture with all its embodiment, is a fundamental human right which should be entrenched in the Human Rights Chapter of our Constitution.
2. That the *Kabaka, Sabasajja, Namunswa, Magulu Nyondò* and who has up to over 30 titles is the apex of the Buganda culture and not merely a King of Buganda.
3. That they do not want to see a distinct Chapter or Schedule in the new Constitution purporting to guarantee the position of the *Kabaka* or for that matter *Omukama, Omugabe* or *Kyabazinga*. (*Applause*) They recall vividly that such a Schedule was there in the 1962 Constitution. In 1967, it was replaced; completely mutilated in 1993. Nothing can assure the people of Nakawa that in 10, 20 or so years, the same provision will not be torn out again, this time probably with the worst consequences according to the whims of the leader of the day.
4. The districts in Buganda, like those in the rest of Uganda should be the basic tier for the decentralisation of power and natural resources but that, let an enabling clause be provided which allows two or more districts sharing a catastrophe or wanting to share a common interest like culture or service to be free to co-operate as they deem necessary, provided such a co-operation does not undermine the integrity of another district or that of Uganda. (*Applause*)
5. That districts should be free to rename themselves if they wanted, given the historical origin of the current name.

I now turn Mr. Chairman, to the Northern question. Mr. Chairman, the people of Nakawa believe that this is another contentious issue which they asked me to address. I can do no better justice on this issue than to quote extensively the views expressed by a renown professor, Ginyera Pinchwa, a West Niler, always mistaken for a northerner himself. Mr. Chairman, I quote "*Northerners in contemplating their predicament and that of their region, sometimes tend to behave as if the people of Northern Uganda are at best innocent or at worst an unperceptive mass of people, objects that are being mishandled or are abused by other Ugandans from outside their region. Whatever grain of truth may be present in*

it, this kind of attitude is not likely to be of much help in the kind of context this book is advocating, a context in which both grievances and mistakes must be frankly recognised and talked about. It is at any rate, at odds with what other people, both here in Uganda and outside, think of the Northern contribution to the present political predicament of Uganda. In the light of the above, one line of action in the interest of peace and development from now on, is to sensitise the people of Northern Uganda to see that, even while they continue to look critically at what they think the rest of Uganda is doing to them, they too, would do with some introspection or some soul searching as to the role they have so far played in Uganda since independence; not just in the field of politics, but in the economy and in promoting their social lot generally. There can be no doubt that a fresh beginning based on such a serious soul searching, is required of these peoples, if their lot as objects of fear, contemplate that discrimination and deprivation is not to remain a permanent one. Such soul searching is even rendered more urgent by the war that has continued now for some five years, preventing not only development but also intensifying animosities among the Northern and Southern ethnic groups specifically. Must this war be allowed to continue after all the stagnation and retardation it has already imposed on the region and its people? Further, must it be allowed to continue considering how unfavorably the cards are stacked against the rebels? Finally, must the wanton inter-village and inter-family conflict it has brought about among the Northerners, especially those in Acholi-land where Pachwolo Okwol is still a living element of the culture but where it engenders so much atrocity among people? All these and more not articulated here are questions that Northerners must face squarely and answer frankly and bravely to themselves like the people of West Nile did some time ago, in order to ensure for themselves a reasonable place in Uganda's national politics now and in the future".

Mr. Chairman, Professor Pincwa also has something to say to the rest of us in Uganda. I am sorry, I quote him again. "*But in as far as Northern Ugandans by themselves are concerned, the considerations of this kind constitute only one side of the coin, the other side is the disposition of the rest of Ugandans towards them. In this regard, it might serve some useful purpose if these are educated about some of the drastic changes that have recently taken place in the political salient character*

of that region. Accordingly, while Obote and Amin were able to rely politically on the support of northern soldiers during the period they ruled, centrifugal forces were also at work amongst the same soldiers. Forces that were eventually to propel them to wreak as much havoc on their own people of the north as they did elsewhere. This is the context within which the military coup de tat of Idi Amin in 1971 and the consequence wanton massacre of Acholi and Langi must be understood. It is the same context in which the ravaging of Arua and Moyo Districts in 1980 by soldiers who belonged, predominantly, to the Acholi and Langi ethnic group must be understood. It is further the same context in which one must situate what the soldiers from Acholi ethnic group did in 1985 when they swooped down to punish their erstwhile allies, the Langi, following the overthrow of Obote, a Lango man. With all this background of violent internal conflicts, within even the north itself, it is difficult to think of the region as a single political entity that as of now, at least, is in a position to present any more serious problem of domination to the rest of Uganda. Not only, is the North no longer politically monolithic as we write, it is, in terms of its boundaries, a unit that is very permeable in the political, economic and social respect. That being the case, people who mean well, whether they be from East, Buganda or West, can penetrate it easily and do there such a good national work as sowing the seeds of political unity and harmony, of trade and economic co-operation while promoting thereby a speedy assimilation of the North into the rest of Uganda. We must not, however, forget that just as bona-fide people are free to penetrate the North, so are those who are not politically well meaning. As we have seen, the doings of these latter category of people feature very significantly among the causes of the rebellion in the North. They should however, be relatively easy to contain if they are agents of a government that is politically well-meaning. All in all, even from the rest of Uganda, a fresh beginning in relation with Northern Uganda is called for in the interest of peace and development for the country as a whole".

I have quoted the professor at length because I consider his positive advice as a very objective solvent which should help dissolve our hard attitudes and prejudices before we embark on the chapter by chapter considerations of the Draft Constitution.

I now turn to this monster called power. Mr. Chairman, many Honourable Delegates have as-

serted that one problem of Uganda is the problem of power, its misuse and sharing between the various groups or areas. In fact, Hon. Nekyon, Hon. Oduor and others have categorically stated that unless this has been solved, the instability in Uganda will always continue but this power referred to in this context, Mr. Chairman, is the power as Obote I and II used it, is the power as Amin and Lutwa used it and to some extent the power as Museveni has had it. That is why caucuses are being formed to build for the sharing of this power or preventing it from falling into one man's hand or one group again. That is why in such dangerous caucuses, a government of national unity, meaning power shared by the political elite, disguised as leaders of different political organisation is being suggested. Mr. Chairman, let me inform those colleagues and indeed all others holding this school of opinion that the NRM politics has ruptured the myth around this type of power and rendered it naked and plain at the point they continue to focus. Mr. Chairman, it is the policy of decentralisation that has and that will forever render impotent the type of power that many of us still yearn for or which others are afraid of. This is the power to appoint or dismiss people in whatever position of the state structure, the power to decide on what projects or services to provide, where, when, by whom and of what magnitude, the power to decide on all matters concerning governance of society including not only setting of levels of tax, but also collections and disbursement. The power over them, Mr. Chairman, the power that places the destiny of our respective areas in our own hands. Today, Mr. Chairman, I am reliably informed that no minister or permanent secretary, and indeed not even the Public Service Commission, can appoint or post any officer to any district except a District Executive Secretary and his deputy. Even so, if a particular district decided that such a DES is uncooperative or not working in the interest of their district, nobody, not even the President, should impose him on them. *(Applause)* In short Mr. Chairman, the dreaded power has been and must be distributed or shared, not between elitist groups at the centre calling themselves national leaders, partisan or movement, but amongst the people at different levels of democratically elected tiers. This is what must irrevocably be entrenched in our Constitution. *(Interruption)*

THE CHAIRMAN: Hon. Bidandi, I see two hands following your statement regarding the DES. I do not know whether it is information or clarification or order.

MR. AWORI: Point of Clarification. I am seeking clarification from the Hon. Delegate on two main issues. The first one of course, he has consistently decried the element of people getting together in a form of a caucus but that one I do not want to refer him to Chapter 5 Section 51 No. (b) which guarantees me the right to associate with such people that I wish to share views with; for the right of caucus, is already enshrined in the Constitution. However, the Clarification I am seeking... *(Interruption)*

THE CHAIRMAN: But this is a Draft Constitution. So, we cannot be making references to those provisions unless you are referring to another one. Anyway go ahead. It is alright.

MR. AWORI: Mr. Chairman, the point I am seeking Clarification from the Hon. Delegate is concerning the Northern factor. Consistently, people have referred to this matter, the insecurity in the Northern part of Uganda as if it was self-inflicted. Some people are even continuing to decry multipartism. It has failed because certain Northern factors have let down the Constitutional government. Mr. Chairman, the clarification I wish to determine from the Hon. Delegate is the factor of geo-political and external factors.

1. I recall some time back, the first military coup in this county - there was an extensive external factor in terms of personnel.
2. When we had another coup in 1985, there was another extensive external factor.
3. Most recently, 79 - it was not North, it was from the South. The external factor came from the South, but anyway let me summarise the clarification I am trying to get from the Hon. Delegate. Right now we have another insecurity situation in the North but essentially as I speak of now, there is a heavy dose of an external factor which is contingent on the geo-political position of the North particularly Kitgum. Why do we fail to address ourselves to this particular factor which is essentially the foreign policy of this country? We attract insecurity in the government.

THE CHAIRMAN: You are now beginning to make a speech. Would you seek clarification on the point and let the Member continue.

MR. AWORI: The Clarification I am seeking from the Hon. Delegate - are you totally ignoring this or are you trying to say the external factor here is so minor that we can afford to ignore it?

MR. BIDANDI SSALI: Mr. Chairman, I am prepared to go into debate on another occasion with my brother there over this particular issue but the points I have raised are not exclusively the ones alone. There are some other matters which can be taken in the scenario. I said at the beginning that I was addressing the hearts of Delegates, I am not advancing argument for or apportioning blame and if my brother listened very well, I am talking to his heart to analyse the situation and not necessarily to say who is right and who is wrong. Even as he talks of the North now, I am very much aware that there is a hell of difference from the point of view of stability and security between Lango and Acholi and even between Kitgum and Gulu, let alone West Nile generally speaking. But as I said I am prepared to discuss with him and indeed with this House when we come to the appropriate time. But give me a few minutes Mr. Chairman, to complete my submission. I was saying that this type of power sharing and its demystification must be entrenched in the Constitution and then the hullabaloo about power and so on will be reduced. The result has been that as of now, the powers and responsibilities of a District Chairman is much more than of any minister in respect of that district and I would like to advise those who are nurturing the ambition to access to power in 1995 in their respective constituencies, to do so, focusing at the Office of the District Chairman. That is where real power will be. *(Applause)*

Defence. The NRM government has not even spared the army by leaving it as an exclusive prerogative of the central government. The gun has been accessed to the people, not for terrorism against others, but for the people's own protection. In the majority of the areas of Uganda today, which are relatively peaceful and calm, over eighty per cent of the credit must be given to the Local Defence personnel which has been systematically chosen and armed by the people themselves for their own protection and that of their property. It is this local defence, when the need arises, that can be organised as a people's reserve force to be on call by the Central Government. The role, therefore, the Uganda National Army has played in matters affecting internal security, which role has been responsible for the death of close to a million since 1966, has been decentralised and placed in the hands of the people themselves. As a consequence, Mr. Chairman, the NRM politics has laid the basis for a formula to demystify the omnipotence of the dreaded army and confine it to its traditional role - the role of protecting and defending the nation

against external threat. Therefore, this should necessitate a much reduced professional army force, where tribal balancing, as many have demanded, should not be a major concern as if soldiers in the past have not killed their tribesmen. Mr. Chairman, the police and prisons forces at the centre will also be automatically reduced having been merged with the local police and prisons and therefore, decentralised. For, why should a policeman, supposed to maintain peace and order, be deployed in a society with whom he cannot communicate except centrally as an agent of the state to terrorise society. A small central police force, however, will remain at the centre to be used to maintain peace and order that transcends districts especially in the field of crime. At the end of it all, Mr. Chairman, the power that will be left at the centre will cover such areas as will be concerned with laying down of national policies and guidelines, the protection of the borders of Uganda, foreign affairs, passports, currency, generation and distribution of national resources in accordance with an agreed formula that must be entrenched in the Constitution. Certainly, like in many other decentralised countries such as Germany and Scandinavian countries, such a formula which must ensure equitable sharing of national resources, must take into account imbalances in the natural endowment of districts and other factors, if we have to ensure a reasonable balanced development and therefore, stability of the country.

Lastly, Mr. Chairman, let me touch on this issue of opening up the movement. Mr. Chairman, the movement is wide open right from the village to the NRC or Parliament. It is only the apex, the Presidency, and an appendix, the Secretariat, which I am sure most people demanding the door to be opened, are concerned with. Yet Mr. Chairman, the Draft Constitution has provided for a free entry to the presidency of Uganda by any Ugandan who wants to aspire for it. You can provide for him to also be the Chairman of the movement or let the NRC or Parliament elect their Chairman, who will be the Chairman of the movement just like the District Chairman is now the boss of the movement in that particular district. The problem in this room, Mr. Chairman, which we must tackle both individually in our hearts and collectively, is the problem of hard positions cemented by hatred, prejudice and arrogance. The moment one mentions UPC or Obote, somebody immediately tenses up, as if ready to burst. Mention *Omugabe*, *Kabaka* or for that matter suggest Luganda as a national language, somebody

is already up in arms yelling monarchists, tribalist and worse still to others, mention Museveni and praise him for his contribution to this country, somebody will feel like bundling such a speaker and sending him to Butabika. Mr. Chairman, many Delegates have kicked dust and in the process disturbed the calm waters of this Assembly on which we are charged with the launching of a new, compromised formula for our future. Many have done it on the basis of their own experiences or interpretation of the events that have taken place at a particular period and time. Yet many of us have applauded heartily. Mr. Chairman, let us avoid this irresponsible approach to a genuine search for a solution to our problems.

I have been a witness, many times a participant and on a number of occasions, a victim of our political evolution and upheavals since 1950s. I have also made an effort to be present in this hall everyday since the C.A. started and listened to most Delegates who have spoken but I have deliberately avoided apportioning blame in my speech, in spite of the fact that I am one of the most qualified in this august Assembly to do it even with documentary evidence which many may long have forgotten. I know Mr. Chairman, that in this same room, some other Delegates can similarly apportion blame to me for the role I have played at one time or the other. But all this to what availed for the purpose we are here for.

The people of Nakawa Mr. Chairman, have given me full authority to discuss with all Hon. Members in this Assembly every other aspect of the Draft Constitution including land, citizenship, human rights and the National Council of State which they detest. I intend to air their views on all these when we come to deal with each one of them while discussing chapter by chapter. They have every confidence that this House will strike unanimity on them in the interest of harmony for the future of our country. Mr. Chairman, I thank you. (Applause)

MR. TIGWEZIRE (Bunyangabu County, Kabarole) Bunyangabu County is to Uganda as California is to America. I hope some of you have already got the message. I am here representing the home of the epicentre. I am representing a devastated people because of the recent earthquake. So, that is why I call this the California of Uganda. Mr. Chairman, I bring you greetings from the people of Bunyangabu. They are the Batoro, Bakonjo, Bakiga, Banyarwanda and a few other ethnicity. Mr. Chair-

man, Hon. Delegates allow me to add my voice to my Colleagues to congratulate you and your deputy for having ascended to that high office of the chair. The people of Bunyangabu are assuring you of their total support while steering the affairs of this august Assembly. The people of Bunyangabu do also congratulate every Member of this Assembly for having emerged successful from the rigorous elections and even the nominations. They have been following the deliberations of the Assembly through the press and through me and that they feel encouraged that the spirit so far exhibited by Hon. Members, if allowed to continue, will eventually lead us to success in our endeavour to give Ugandans a genuine and lasting Constitution.

The people of Bunyangabu do also wish to salute the National Resistance Movement Government and its gallant sons and daughters in NRA for ushering in the necessary peace which has enabled all Ugandans to elect Members of their choice to come to this Assembly and deliberate without any undue influence. This will no doubt go down in the history of Uganda for Ugandans having availed themselves for the first time, the golden chance to come together, and within Uganda, to work out a National Constitution that will determine their future governance. Mr. Chairman, I hope no person is about to burst if I say the people of Bunyangabu have also sent me to congratulate His Excellency, the President, Yoweri Kaguta Museveni, that he should be accorded particular respect for being the first leader to allow Ugandans to chart out their own destiny. Mr. Chairman, Hon. Delegates, Uganda has gone through a lot of Constitutional crises but most tragic is the fact that Ugandans have never at any one time been given the chance to formulate the supreme Law of the Land. It is the duty of every Member here present, not to allow such a golden chance to slip out of the hands of the countrymen.

Mr. Chairman, Hon. Delegates, Bunyangabu Constituency has just experienced as I have just told you the most devastating earthquake in 30 years. As I speak, there are many families still sheltered under polythene sheets and the area is still experiencing strong after shocks. Social services have been badly affected. Hospitals and schools have either had to close or to shift temporary shelter elsewhere. My people are, however, very grateful to the government for their assistance so far rendered and they are also grateful to the non-governmental organisations which responded to the situation. However, Mr. Chairman and Hon. Delegates it is not true to say that when we

were hit by the earthquake, the following day lorries loaded with assistance to the victims were seen heading for the West as some people would want this august House to believe. It took days, indeed even weeks before government responded and even when it did, the amount of relief and the criteria of distribution left a lot to be desired. It is at this juncture, Mr. Chairman, that my people pose to ask themselves whether some months now after the earthquake disaster, government still talks of emergency relief supplies. The fact remains that this country lacks an early warning system and such strong policies to deal with natural calamities. Government should therefore, stop dishing pittance to the people affected and avail the people with such items as cement and other building materials at subsidized rates. The people are ready to rehabilitate and also rebuild their homes. Mr. Chairman, the people of Bunyangabu want a permanent natural disaster monitoring secretariat to assist government in monitoring, planning and averting a disaster and even advising government on relief and rehabilitation matters.

Mr. Chairman, permit me to say something about the press. The people of Bunyangabu have also sent me to ask this august Assembly to leave the press free to report whatever they feel they should report, (*Applause*) and that the freedom of the press should be clearly enshrined and protected in the new Constitution. They observe that, in the fast changing society, where leaders have to deal with increasingly complex matters, there is greater need for increasing amounts of information. Free flow of information helps leaders to operate efficiently, on one hand and on the other hand to carry out the recommendations of the polity. A free press leads to a decline in coercion, sharing of ideas, making and widening of accountability of leaders to the led. True, there may be instances where the pressmen have abused the freedom but free exchange of information and knowledge in Uganda would help to evolve a better democracy for our people. They argue that in Uganda, where we have not moved in the field of democracy and where we are still striving for peace, a free press can only be the best source for creating conditions of true and lasting reconciliation. (*Interruption*)

MR. WANENDEYA: Point of Clarification. Mr. Chairman, I would like the Hon. Speaker on the Floor to clarify the matter where our pressmen or newspaper reporters would be given money to write about other people, without giving an opportunity to

the person being accused or being written about. How would he go about curbing that kind of freedom of the press but not for the individual and this happens to be the case with some of the Ugandan newspaper men, editors and the rest of it all. How would we go about this so that it is not freedom of the press for scribes but for every human being as a way of ensuring proper democracy? I thank you.

MR. TIGWEZIRE: Thank you. Mr. Chairman, some people tend to confuse freedom of the press and the freedom to use what I would call the state press. You are free to articulate your problems through any mouth piece, be it of a political party, be it of any paper but if you have not been given a chance to use the state radio, that does not mean there is no freedom of the press.

I do also represent people who were chased out of Mpokya Game corridor. They are very grateful to government for resettling some of their relatives in Kibaale District. My Colleague, Hon. Baguma Isoke, I hope he is aware that he has solved part of our problem but that we are not sending him a problem. So, he will contain that situation. They are very grateful to government for resettling these sons and daughters of Uganda. However, Mr. Chairman, they have also sent me to tell this august Assembly that as ordinary citizens of Uganda, they fail to understand the dignity accorded to the animals and the trees in the area, other than the people themselves. An ordinary Ugandan will not understand government policy unless you explain to him, these people were not explained to, government hurriedly moved in and evicted these people. It is true government should protect the Flora and Fauna in this country but not in preference to human beings. The story of Rwanda is there for everybody to learn, where some people in Rwanda refused their own people in preference to National parks. People feel that government used excessive force while evicting them and any attempt to treat human beings as animals to them is deplorable. They should have been allowed to replant the trees which were destroyed and in turn the trees would chase them but not hurry to chase these people out of the area by destroying their property. Indeed, I want to remind the Hon. Members here that the majority of these people who were chased out of the game corridor, were people who had been settled there by the past government, by the Obote II government when they wanted votes from them. It is really absurd and you can see the problems of a multi party system. When they want votes, they can even tell us the people to go

and settle illegally in an area because they just want votes from them. In the end now, people are regretting. Mr. Chairman, hon. Delegates, I now want briefly to observe the following: Why does Uganda need a new Constitution and *-(Interruption)-*

MR. KITARIKO: Point of Information. There is a contrast between what he is talking about and the apportioning of part of Lake Mburo Game Reserve to forced human beings. I believe there is contradiction in policy. The Game Reserve in Toro is the same as the National Park in Mburo but in Mburo, some people have been settled there, it has been divided, whereas in Toro, they brutally removed these people as if they were not human.

MR. TIGWEZIRE: I thank you for the information. I hope it has served to reinforce my point. Mr. Chairman, why does Uganda need a new Constitution? And what sort of Constitution do Ugandans need? Mr. Chairman, Hon. Delegates, many Ugandans are waiting for the new Constitution with great hope, that it will usher in a new political era in Uganda. Indeed, Uganda needs a new Constitution which will be an embodiment of the hopes and aspirations of all Ugandans and not those of the colonialists or a few people in leadership as was the case with the past Constitutions. No wonder, these past Constitutions could not stand the dictates of time for they were not truly people's own Constitutions. The Constitution the people of Bunyangabu need is the Constitution that aims at securing the good for all Ugandans. It must ensure that among other things, the citizens body in Uganda ultimately is the sovereign power. Power must only be exercised on behalf, and in the best interest of all the people of Uganda.

The people of Uganda also want a Constitution which is less bulky, easy for everyone to read and interpret. We do not want a Constitution for lawyers. We want a simple Constitution which is also workable. Bearing in mind the diverse social economic and political stratifications in Uganda and bearing in mind our poor political history in Uganda, the people of Bunyangabu want to humbly appeal to all Hon. Delegates to deliberate with the spirit of tolerance, good faith, open mind and be ready to listen and try to be accommodative of each other's views. The people of Uganda want a Constitution which will be the pride of all Ugandans. A Constitution which will result in victory for all Ugandans without any vanquished groups. We want, at the end of the process,

to come out of this place as victors, all of us without any group going as the vanquished. Therefore, the success of the Constitution-making process should ultimately be the success of all the people of Uganda. However, Mr. Chairman, if there are special interests which we can accommodate in the new Constitution and we shall not harm the common good, then in the spirit of accommodating each other's views, such interests can be acceptable. Mr. Chairman, I have in mind such interests like the monarchists. Those people who cherish them should be given their rights to have them, provided they do not fringe on the rights of those who do not cherish them. Mr. Chairman, Hon. Delegates, my people do appeal to the august Assembly not to misunderstand non-concurrence of views as being rigid. We came here from various shades of opinion and the best way to arrive at a consensus is through persuasion and conviction. If you want me to believe in what your view is, please persuade me or convince me rationally instead of coercing me. We have to be mature and sincere to both ourselves and the people who elected us. If it means going back to explain to our people that for reason X, Y, Z, such a view cannot win the support of the rest of the country, then we go back. Mr. Chairman, Why do we fear to go back and tell our people what the emerging views are here in the House?

I come now to the rule of the bulk of the citizenry. The new Constitution must ensure that the polity through participatory democracy governs the affairs of this country. The people of Bunyangabu are therefore, appreciative of the NRM for the introduction of the RC structure which has permeated all levels of governance. The people of Bunyangabu, Mr. Chairman, also want a modern Constitution. Hon. Delegates, with due respect to the traditions and cultures of Uganda, the people of Bunyangabu want a Constitution that will preserve such aspects of culture that will not subject them to conservative, derogatory and archaic livelihood. We want a Constitution, which will do away with such dehumanising and dangerous activities like mutilating a woman's private parts, like the re-institution of undemocratic political kings. I hereby want to stress this - the re-institution of undemocratic political kings and the subjugation of the women. The discrimination against the disabled, etc. In short, we want a Constitution that will uphold the dignity of every Ugandan, irrespective of his sex, tribe, disability, religion, association, etc.

Mr. Chairman, Hon. Delegates, I now turn to the Draft Constitution.

I have already highlighted the sovereignty of the people and the supremacy of the Constitution. However, Mr. Chairman, Hon. Delegates, permit me to observe that although the past Constitutions were not made by the people themselves and although they did not largely reflect the aspirations of all Ugandans, their failure to protect the people of Uganda was lack of the political will by the past leaders to respect these Constitutions. This was compounded by the low levels of understanding of the Constitutions by the majority of the Ugandans. It is my strong belief, therefore, that if we are going to build a strong Constitutional culture, we should begin, by teaching, in the simplest language possible, all Ugandans about all aspects of our Constitution. People, Mr. Chairman, cannot defend what they do not understand. The people of Bunyangabu do therefore, recommend that every able bodied Ugandan should attend "*muchaka muchaka*" courses. These should be courses organised at sub-county levels for non-school going people. In schools, all students should also attend political education and military science courses after Senior Four. The curriculum of these courses should, however, be drawn and approved by Parliament but should include among other things, knowledge of the various political systems, their merits and demerits. We have been with problems of some people accusing the political school that it only lays emphasis on the demerits of political parties but we can agree also to teach the merits of the political parties with greater emphasis. If we are teaching, we should lay greater emphasis on the past and the present Uganda. The issue of building a strong Constitutional culture must be given greater emphasis along with building a strong national ethos.

The people of Bunyangabu want Uganda to remain a Unitary Sovereign State. They also wish that district boundaries should be clearly defined as is the case with the territorial boundaries so as to avoid ambiguities which we are experiencing with our sister districts of Kasese and Bundibugyo. Mr. Chairman, allow me to dwell a bit on this. I am of the view that whenever we want to create a district, we should not create tribal districts as it has been the case in the past because some people are led to believe that wherever there is a need to create a district, we are creating a tribal district. Yet, there is no single Hon. Member here who has stood to tell us

that his district is only inhabited by one single ethnic group. Kampala should remain the capital of Uganda and swahili should be adopted as the National Language for the time being because it does not promote any tribal sentiments and rather, it promotes national and regional integration. But that indigenous languages should be taught and promoted so as to allow a national language to evolve with time.

National Objectives and Directives - Principles of State Policy: The people of Bunyangabu want to retain the entire Chapter as provided for in the Draft Constitution but in order to avoid the numerous litigations that may arise out of it, a provision should be added that this chapter will only serve as a guideline for all future governments when rendering services to all Ugandans and that it will equally help the people to judge the performance of the government of the day. This should not create any legal grounds for litigations.

Citizenship: All citizens should be registered and issued with national identity cards. Equally, Mr. Chairman, all refugees and aliens should be given I.Ds to show their status. The problem we have in Bunyangabu is that because of the proximity to a refugee settlement scheme, some refugees have run out of this scheme and they are now settled almost as citizens of this country. People of Bunyangabu argue that the more aliens over stay in this country, the more it becomes easy for them to acquire passports, hence automatic citizenship of this country. The Bunyangabu people insist on citizenship to be traced through parents and grandparents up to February, 1926. Local RCs can help in registration of all citizens. We strongly endorse Article 43 which qualifies the so called "bayaye" or street kids to be citizens of Uganda. We strongly reject dual citizenship but Hon. Delegates, we should consider such industrialists who bring here their money and want to stay here as citizens of this country. If, by coming to invest here, they are going to save the lives of many Ugandans, why can you not give such a person dual citizenship if he is going to save the lives of 10,000 Ugandans by investing here.

Fundamental Rights and Freedoms: These rights, Mr. Chairman, are God given and we therefore recommend that Chapter 5 should be adopted in entirety. Uganda should also have a permanent Human Rights Commission. The detention act should be completely scrapped.

The presentation of the people: The people of Bunyangabu want elections to be held regularly so as to subject leaders to strict accountability to the policy. This also allows the policy to replace non-performing leader, hence consolidating their sovereignty. This is a cardinal point in the democratic governance. The people of Bunyangabu further suggest that an election date should be declared, say every 25th January - every five years, and that no leader should create unnecessary excuses to extend the election date. The date should be known as the national election date.

Affirmative action: The people of Bunyangabu salute the NRM Government for allowing women to fully participate in the social, political and economic affairs of this country. They do observe that the women of Uganda have been greatly side-lined by the men yet the greater part of peasant agriculture largely is a result of women. Women till the land, care for the young ones, collect firewood, water, cook for the family and later on attend to their husbands, leaving them with very little time for rest. To make matters worse after all that contribution, they are discriminated against in marriage law, in property inheritance laws, etcetera. It is therefore, high time the women of Uganda took up their right position as mothers of this nation. The people of Bunyangabu do, therefore, salute women organisations which are spearheading the cause of our mothers and wish them every success in this endeavor.

Political System: The people of Bunyangabu endorse the Movement type of Government for another five years after which period, they should be consulted to determine as to whether to go multi-party or continue with the Movement. In the meantime however, political parties should be given time in the last two years of the extension to show the people the alternative agenda they have so that people can be able, if they are going to reject them totally.

MR. KITARIKO: Mr. Chairman, on the question of timing, I would like Members of this Assembly to address themselves deeply to the structures of organisation required for the Parties. What is the time to be, two years? What is the basis of these two years here? Thank you.

MR. TIGWEZIRE: The problem with my people, Mr. Chairman, they seem not to understand these multi-parties because they are the same players of yesterday's bad regime. So, perhaps if we can give

them some time, to come and show us an alternative, so as to enable us either to reject them totally or to put them on the hip of history. So, it is up to the Hon. Delegates here to agree to give them time to expose themselves.

The Presidency: The people of Bunyangabu want the President to have a minimum age of 40 years, to be a University Degree holder, a man of high moral integrity and he should have declared all his assets. The President should be directly elected through universal adult suffrage and should serve two terms of each of five years.

The Cabinet: The President should be allowed to appoint from and outside Parliament. However, on appointment as a Member of Cabinet, a Member from Parliament should have his seat declared vacant. Members of Parliament who are also Cabinet Ministers tend to compromise the views of their constituency in favour of comfortable presidential appointment. They normally fear to fall out with their appointing authorities. The people of Bunyangabu are happy with the Draft Constitution for according women a special position but will be happier if every district is also allowed to elect one representative to the Assembly. They feel that 15 seats for all districts will practically be unsatisfactory and undemocratic for all the districts of Uganda.

The right to recall: The people of Bunyangabu do endorse the right of recall but want a provision added that such a person subjected to such a right shall be given time to explain himself through the commission to his electorate. That is giving reasons as to why he should remain a Member if he so wishes. This is supposed to enable us to avoid malice and manipulation of the electorate by unscrupulous politicians.

National Council of State: The people of Bunyangabu want the National Council of State to be substituted with the national Elders Council. To be comprised of two elders elected by each district plus all traditional cultural leaders. The Council should have a permanent secretariat both at national and district levels, and its role should be purely advisory. The people of Bunyangabu also do endorse the idea of decentralisation, Mr. Chairman. It increases the accountability at lower levels. It also facilitates public participation in problems that are central to the people concerned. It creates the sense of civic responsibility. R.Cs are the clear manifestation of

participatory democracy and this will carry democratic values and principles to all levels of governance in Uganda. I talked briefly about the districts. People of Bunyangabu still stress that the district boundaries must be clearly defined, for goodness sake, in this Constitution to avoid future ambiguity and false claims of territories. I understand our neighbours in Bundibugyo and perhaps Kasese district are claiming territories. But we have been at peace with these people Mr. Chairman. So, I do not understand whether they are claiming tribal territories or territories which can give them services because my understanding of the creation of these two districts was to take services nearer to the people but not to create tribal districts.

The Army, Mr. Chairman: The people of Bunyangabu want a highly educated and motivated Army which is productive. An Army which is recruited on quota basis from all the districts. That is to say, every district should be given its quota. If you do not fulfill your quota then please, do not complain.

The Inspectorate of Government: These people should be allowed to investigate and also be given powers to prosecute Mr. Chairman, hon. Delegates.

Land: The people of Bunyangabu want a uniform land tenure system which allows easy acquisition of leases by nationals for the sake of speedy development and true ownership. We detest squatter conditions on mother Uganda. A conditions created by the colonialists and aggravated by absentee landlords. This Colonial legacy should not be allowed to continue. We therefore, advocate for the free-hold land tenure system, but we want the abolition of *Milo* land which were given to collaborators who have chosen to turn fellow Ugandans into squatters. Why should an English man come here to give you what belongs to you?

MR. MULONDO: Point of information. Mr. Chairman, I happen to know quite a lot about *Milo* and, and at times I get disappointed with the people who just quote *Milo* land for the sake of it. *Milo* land is only in Buganda. *Milo* land started in Buganda and the word "*Milo*" if you have a title in *Milo* land, you would see it is not written in an English way of writing the *mi*lo. The system is freehold. So, if you oppose *Mailo* land, you are opposing freehold land. It would be very unwise to support freehold and then oppose *mailo* because the system is the same. The

word "mailo" came about when land was originally surveyed in Buganda and because it was granted in square miles, people were telling these Bazungu who were doing the survey here, that I want to go and survey my *mailo*, and the Bazungu put it down as such. The word "mailo" was created because of the grant in mile, and it has nothing to do with an English version or whatever other language. Eventually, the distribution of land spread to other areas. A few chiefs in Toro, Ankole, received grants. These grants were freehold grants. But because quite a lot of other names in Buganda had the access to other areas, they also took for granted that this freehold land is *mailo* land and a few titles were written with the word "Mailo". That is the history of the word "Mailo". Thank you Mr. Chairman.

MR. TIGWEZIRE: Mr. Chairman, I can see the issue is now becoming a hot issue but if you can allow me define -

THE CHAIRMAN: No, we cannot allow this to generate into a side debate, on what *mailo* means and what it stands for. I think you better continue and wind up.

MR. TIGWEZIRE: The Problem with my people is how these *mailos* were acquired - through collaboration with the colonialists. So, the Colonialists came here to suppress the people and then the kings collaborated with them. Then I think we should condemn such acts.

On the Environment Mr. Chairman, Government should endeavor to protect the environment but where industrial development affects the areas surrounding, Government should introduce the provision of clean water, afforestation, soil management, and some bit of compensation to the people around such areas because of the pollutants

On the second schedule Mr. Chairman, Uganda's ethnic composition as at 1st February, 1926. The people of Bunyangabu want to observe that some of the ethnic groups have been left out yet they are distinct social groupings which people, if left out of the schedule, can be easily marginalised the so-called dominant groups. These include the Banyabindi and the Basongora of the Kasese district and perhaps others elsewhere in other districts. We pray that these cousins of ours be included in the composition.

On the monarchy, Mr. Chairman, the people of Bunyangabo have no quarrel with the restoration of these institutions to those who cherish them, and they are indeed people who are ready to contribute to the up-keep of the Omukama without any compulsion. The people do observe that the abolition of the king was as a result of the power struggles between the centre and these monarchies and would therefore, wish to see their king remain apolitical. However, he can be a very good source of social and economic mobilisation, on top of being the custodian of people's culture and a symbol of unity. They are, therefore, looking forward to a gradual democratising and modernising monarchy. That is why we feel that the king should be allowed to sit on the elders council so as to be able to advise his people and Government on matters related to development.

Crossing of the Floor: Briefly, Mr. Chairman, this should be condemned as an act which is highly immoral.

In conclusion, Mr. Chairman, and Hon. Delegates, I want to appeal to the august Assembly not to let this country down at the time when it has reached a turning point. I do salute Hon. Cecilia for her appeal to the House to look at what Uganda of tomorrow should be, but I want to also remind Members that when you cite examples from the past, it is only to remind ourselves of what this country has gone through so that whatever we do, we avoid a repeat of the obnoxious scenarios of past regimes. Today after several years of democratic Germany, the Germans still remind their off-springs of the Nazi days, not to teach them to be Nazis but to avoid a repeat. The preamble of the Draft Constitution, Mr. Chairman, is self-explanatory in this regard. With those few remarks, Mr. Chairman and Hon. Delegates, I wish ourselves fruitful deliberations and I say all these for God and my Country.

DR. MAGEZI (Jinja Municipality): Thank you, Mr. Chairman, for giving me this opportunity to contribute on this important Motion. Allow me first to congratulate you, Mr. Chairman, on your election to the high office of Chairman of the Constituent Assembly. And thank you very much for the work done so far. To fellow Delegates, allow me to congratulate you on your election or appointment to this august House.

We thank the National Resistance Movement for creating the enabling atmosphere that has so far

enabled us to gather here and debate the Draft Constitution. I would like to congratulate the Members who have contributed on this debate before. I think we have been able to listen to each other. Differences are inevitable in such a forum. But we must rise above sectarian and tribal sentiments in our search for democracy.

We have heard Party Advocates. We have listened to Movement advocates; can we consider the Movement as the means to an end and not an end in itself in the politics of Uganda? Uganda peoples Congress has ruled this country. It made many mistakes; it also made some good contribution to our country. Idi Amin did some bad things and also did some good things to our country. The National Resistance Movement has done some very good things and some bad things. We believe in the principle that if the mistake is identified, let us correct it and move on. Hence we say that although we have been active participants before, I personally have been an active participant in the N.R.M. administration as a Council Member and also as a C.A. Delegate. Jinja Municipality has strong supporters of both systems, that is, the multi-parties and the Movement. So, we shall soon draw the conclusions and reach a consensus collectively which we shall be able to defend collectively.

On the issue of citizenship nationalism and tribalism. Jinja believes that the position of 1962 is acceptable. They confirm that that is the day Uganda was born, and therefore the definition of the citizen as on that day is quite acceptable.

On nationalism and tribalism, Mr. Chairman, can we promote nationalism and at the same time promote tribal cultural revival? Is this possible? I will highlight that problem with this extract. Tribalism was the old face of Africa and the modernisers, succeeding the departed colonialists, refused to accept it. 30 years later, the independence movement has come of age and African leaders have been forced to come to terms with reality. Rwanda is only the final turn of the screw that started with Katanga and Biafra. 100 years of colonialism could not blot out 800 natural tribal groupings. Rwanda is African tribalism in its extreme form. But everywhere on the continent it lives and breathes in every day life. Its tribalism that blows apart what holds ordinary societies together. It is also the gun-powder that is in a bullet. Tribalism operates like the old school types helping each other along. Bearing the badness of

harvests, dissolving disputes, whether marital or material in the traditional fashion and not least, fashioning distinctive art and music. It is only when conflict erupts that this stops. For all that, tribalism should never have taken on its petty connotations. Its virtues outweigh its disabilities. The only thing seriously wrong was the colonial attempt faced by the early generation of African nationalists, to ignore it or at least to downplay it in the creation of the nation states. In Uganda, the Pearl of Africa, The British merged in the country a mixture of Nilotic and the Bantu people, despite their centuries old differences in posterity. Once the British left, it was not long before the country started to fall apart. Idi Amin's regime was a product of tribal enmity, but not the cause. This is not to argue that Africa should preferably be broken up into 800 parts; each boundary drawn around the individual tribe, however, inconsequential. Besides traditional leaders are a necessary model of virtue. Who after all would want to be ruled these days by a paramount chief who repeatedly wears the necklace of human testicles passed on by his ancestors. His type runs from Zambia to Angola to Zaire. Even such a dictator in neighbouring Zaire is careful where he treads when *mwatayanvu* is exerting his traditional powers. Neither would he miraculously disappear from Africa if tribal rule was reintroduced.

In Somalia Mr. Chairman, the scene of Africa's worst modern disasters, there are no ethnic divisions, no religious divisions, come to that. But armed with weapons left over from the country's war patrons - Soviet Union and America; Clan leader has fought clan leader in unmitigated personal quest for power. Still some re-drawing of the map of Africa is inevitable, Mr. Chairman. Is it possible for the Hutus and Tutsis to live cheek by cheek again even though they speak the same language? The latest is their fourth encounter since independence. Each one more murderous than the last. Hutus also passed on to Zaire and tribes closely related to the Tutsis inhabit our country Uganda. May be Rwanda as such, a totally artificial creation of the Belgians should be negotiated away. Ethiopia shows that it is possible to have an army and the voice of the people. After the overthrow of Mengistu, the Eritria of the North worked towards transition. There was a referendum, there was a pause for reflection and then both sides agreed on a reasonable timetable for separation. On the other hand, Mwalimu Julius Nyerere's relatively one man's rule in Tanzania shows that it is possible to bind various tribes together into one nation if the

leadership is impartial and inspired. Tanzania has never even experienced a Saturday night tribal punch up. Therefore, Mr. Chairman, to tribe or not to tribe is the question. After Rwanda, Africa has to start answering.

On Chapter 3 of the Draft Constitution, the people of Jinja East agree that we should define our national objectives. Whereas we have to define our national objectives, we should find out how can we attain them. It is a pity Mr. Chairman, that whenever there is a change of Government in Uganda, many projects that were started by the former Governments are abandoned and new ones started, and to the great detriment of this country. These projects are funded by loans which are being paid for no goods delivered. But we believe, in Jinja, that Chapter 3 will be able to consolidate the development of the pillars of state which can guarantee peaceful transition from one Government to another.

On the issue of land, the people of Jinja accept and recognise the proposal in the Draft Constitution as an acceptable boundary. But they would like to raise the issue of the squatters and the landless people of Uganda. The country is increasing its population growth while the land is not growing and we have squatters who are landless people. It is a matter that must be tackled in this Constitution.

The people of Jinja, Mr. Chairman, are looking forward to an environment management law of this country. They hope that the environment will continue to feature very greatly in the Constitution so that this land which we have borrowed from the future generation, can be protected.

On the leadership code, Mr. Chairman, the people of Jinja expect the leadership to lead by example. It is in that spirit that they are so unhappy with what happened in this place some time ago, when it was reported that Members of the Constituent Assembly have claimed for extra allowances. They expect that if we are preaching to people to tighten their belts, we should be the first ones to tighten ours, and we hope that this matter should be given a second look.

The people of Jinja would wish to see a Legislative which watches over the Executive, to be able to ensure that the Executive is operating within the law established. However, the biggest problems which the people think must be tackled in this Draft Constitution is the question of reduction of poverty.

They feel that with the present poverty in the country, even the democratic process we are talking about is going to be eroded. The evils that are rampant in this country are attributed to the present position pertaining in the rural Uganda and they look forward to the establishment of some viable rural based project which can assist to create useful employment for the people in Uganda.

The people of Jinja believe that differences will inevitably occur. But we should draw a line whereby we guarantee peace and security to all Ugandans. They therefore, call on all Ugandans to maintain peace in whatever they do and in whatever they plan to develop in this country. Without peace and security, it is impossible to have any meaningful development in our country. Mr. Chairman, we believe in Jinja that like you and all other Ugandans, we have the same rights and the same obligations. All Ugandans have a place in Uganda. Many have proved their work, many others still have to prove their own work. The people cannot be fooled. They can distinguish between vanity and truth. They can tell what is vague from what is real. They know the difference between the shortcut and democratic channels. To win the people's trust you must convince them rather than terrorise them. Hon. Delegates we have now embarked on the irreversible process of democratising the political life of Uganda. The success of this new experiment requires the participation of all. Let us develop a keen sense of nationalism at all levels. Let us translate into reality our ideal of unity and solidarity. Let us pursue our task of building a greater and modern Uganda. Our democracy is not a matter of chance. It is not the work of a handful of agitators. Democracy has no other origin but the Ugandan people themselves. Its success will be ensured with Ugandans and by Ugandans. It will not be achieved without Ugandans participation, without their consent or against their will. Of course their eyes are on us here in the C.A. But since we are free to make our choices and have our aspirations, we can only be accountable for ourselves. We all do it by ourselves, to chart the best course for Uganda. We must not look elsewhere for support to manoeuvre out of destabilisation. Today politics is first and foremost to serve one's country - to serve one's country well is to seek the well being of one's people. To seek the well being of the people is to refuse to jeopardise the future and the future of the people lies with its use. No democracy in any part of the world would condone exploitation of the interest of the children, the women, the people and

any other innocent persons for political ends. Let no one flout the rules of democracy. Indeed democracy has its rules, its effects, its ethics. Let us observe them. Power is not private property. It belongs to the people who are sovereign. The people must at all times have a say in all powers exercised on their behalf. The people grant all with their confidence according to well established norms. In democracy these norms include the calling of free elections, and how people are to be governed, and if we claim that we echo the will of the people, if we are sure that we are speaking on behalf of the people then why Mr. Chairman, should we be afraid to submit ourselves to them? Let us have the patriotic feeling of submitting ourselves to the people, to seek the rights to represent them and to act on their behalf. To achieve this we do not need blood shed. We can achieve this through dialogue and consultation. On several occasions our people have proved the ability to judge for themselves. Let us trust them. For our part in Jinja, we have in many actions demonstrated unwavering determination to give the widest latitude to the democratic process. Today no Ugandan can claim to be excluded from the country's political life. This must be a credit to the National Resistance Movement. Many persons who were in exile have returned. They are welcome to this site of Nation Building. We are all sons and daughters of this country Uganda. We love it and we must serve it to the best of our ability. We shall die but Uganda will remain. Politically we are laying a foundation for true democracy. It is the outcome of the plan which has been followed together patiently and systematically for several years. Democracy in Uganda will be a process. Today we are trying to make the Draft Constitution. Tomorrow we have the transitional period. Such transition calls for adaptation. We are all agreed on making the changes necessary for the exercise of democracy. We have to define the legal sectoral framework or the exercise of our democracy. The conditions for participation for political life must be equitable for all. We have to create conditions for real democratic participation throughout Uganda. That is participation which is the will of all the people and not to impose it upon them.

Intakes for democracy are also evolved in the participation of every citizen, every Ugandan. Every one of us can contribute new ideas to all areas of national life through dialogue and consultation. We must desist from walk-outs from this august Assembly. Let us agree to a dialogue in diversity. Some areas of Uganda are more developed than others. But all of

them have their place in the united Uganda. Uganda has more than 48 ethnic groups. Some have a larger population than others. But all of them deserve the same attention. Uganda has 17 million inhabitants. All of them have the same rights. And everyone has a say in the conduct of the affairs of the Ugandan nation. If one does not make a lot of noise, it does not mean that one has nothing to say. Silence and moderation are not signs of weakness. Both are not a sign of illiteracy. We must take into account all inclinations and all opinions. Democracy is also an attitude of mind. It requires civic and political education of all, and the Press has an important role to play in this aspect. It must enlighten the public. Distinguished Delegates, I thank you very much for listening to me. For God and My Country.

MR. MULENGA JOSEPH (Democratic Party): Mr. Chairman and Hon. Delegates, permit me to briefly introduce my Constituency for the benefit of those who do not know it, but more likely, to those who have been misinformed about it. The Democratic Party was formed on 6th October, 1954, when its first Executive Committee was announced. It has been in existence since then, that its operation of life has been intermittent owing to state inspired political instability that has beleaguered our country over the last three decades. After its first 15 years, of existence and active participation, in the pre and post independence political activities of the country, the Party, along with five other little known organisations were banned on 20th December 1969, by Statutory Instrument No.233 of 1969, being declared a society dangerous to peace and order in Uganda. Ironically, the man who signed the Statutory Instrument on behalf of the UPC Government was B.K. Bataringaya who had been Secretary General and Leader of the Party in the Parliament before he crossed four years earlier to the Government benches and to the UPC. There he earned himself the appointment as the Minister for Internal Affairs, in which capacity he signed the Statutory Instrument.

Less than two years later, following the overthrow of the UPC Government, the Amin Military regime banned the Party again along with others including the UPC this time and its former ally, the KY by decree No.14/71, under the pretext of suspending political activities for a period of two years only. On 15th March, 1973, the date the Decree was supposed to expire and the suspension also was supposed to expire, another Decree number 6 of 1973, was issued making the suspension indefinite.

The Party was not reactivated until May 1980, following the collapse of the UNLF experiment. The Party effectively participated in the 1980 general elections, and it is widely believed to have won the elections. As it is well known however, election results were rigged and UPC took over power of Government. In spite of that, the Democratic Party in the hope of giving Democracy a chance albeit on a false start decided to participate in the new Parliament and continued to operate under extremely difficult, if not impossible, conditions which were ably described by Hon. Sam Kutesa and others on this Floor earlier in the Debate.

When the NRM/A took over power in the 1986, another ban was damped on the Party and other political Parties, again under the label of temporary suspension of political activities for an interim period of four years only. This time the ban was not by law but was an administrative measure, nonetheless it proved to be far from temporary and was enforced as if it had legal force. Six years later, when a group called "DP Mobilizers" arranged to have a Public Rally at the City Square, the Police, on instructions of Government, came out in full force to prevent the Rally taking place. Thanks to the timely retreat of the group that we did not have a Uganda version of the Ternerman Square of Beijing. All the same, *(interruption)*-

LT. MAYOMBO: Mr. Chairman, when Hon. Mulenga was presenting on the Floor, he condemned Hon. Basil for having signed the instrument which instrument banned the D.P. in 1969. I would like to be clarified whether the instrument suspended the activities.

MR. MULENGA: Mr. Chairman, for a start, I did not condemn, Bataringaya, I simply stated the fact that he signed that Statutory Instrument is on record. All the same the ban continues and for purposes of the recent CA elections, it was given the force of law. Mr. Chairman, and Hon. Delegates, let me also take this opportunity to disabuse the minds of Hon. Delegates who have been misled about the character of my Constituency. Over the last eight years, political parties have been labelled Sectarian by nature, in the case of the D.P. its detractors have always called it a catholic Party and at times a Baganda Party. The factors which its detractors have invariably used to obscure the true character of the party are that it was founded by catholics, that its presidents have been catholic Baganda so far, and

that from early, it drew enthusiastic support from catholics generally. The truth however, is that the Democratic Party is and has all along been a national and a nationalist political party. What Hon. Maj. Tumukunde asserted, apparently in sympathy, that the party was founded to fight injustice perpetuated against catholics and as such was from inception till now sectarian, is a distortion of reality perpetuated by patronising but subtle adversaries. The party's stand then, as now, is for justice for all and is against all forms of discrimination. It is for that reason that the so-called Bakopi in Buganda were among its early supporters. But apart from championing justice for all, there was another important factor that influenced the formation of the party which is little talked about. The party was formed as an alternative to the only other viable political party of the time, the Uganda National Congress (UNC) which had failed to attract some of the politically alert elite of the time.

Rightly or wrongly, UNC was believed to have strong communist links and leanings. This made some very apprehensive of the possibility of independence government, which they were yearning for, falling into the hands of a communist party. One of the founders of the Democratic Party, Sebastian Kibuka, published a pamphlet in Luganda entitled "*Taasa Ensiyo Nawookerawa Communism*" meaning, "Save your country from the spectre of Communism." In it, he asserted inter alia that when communists win power, they do not allow the ideas of others to co-exist, they simply kill. The fear of communism taking root in Africa at the time was real and the resistance against it was intense. In short, the party was not exclusively founded for catholics nor does it promote only catholic interest. Let me illustrate my point with a few facts and figures. As early as January 1959, there was hotly contested election in the Baganda *Lukiiko* for Katikiro. The DP sponsored, as its candidate, not a catholic but Yusuf Kironde Lule, a non-catholic against Michael Kintu. In 1961, DP won the first general elections and formed the first African Government in this country. Out of the 9 ministerial portfolios, 5 were held by catholics and 4 by non-catholics and of the 5 Parliamentary secretaries -as Deputy Ministers were called, 2 were catholic and 3 were non-catholic. By any standards these figures contrast very favourably as against those recently published by the Monitor newspaper on the composition of the NRM Government.

Lastly, I should mention the returns of the 1980 General elections. Rigging notwithstanding, the 52 MPs officially returned on the DP ticket were 50 per cent catholic and 50 per cent non-catholic i.e 26 catholic, 22 Protestant and 4 Moslem. Even if one was to insist that the DP membership is predominantly or even entirely catholic, the fact that that membership can elect 50 per cent of its leadership out of non-catholics goes a long way to show that the party is not as sectarian as it is constantly labelled.

DR. KANYEIHAMBA: Mr. Chairman, I appreciate the points made by the Hon. Member that the DP was founded as the national party and that is what it is. May I ask for clarification therefore, whether as recently as the last C.A. elections, some of the D.P. leaders who were saying, if you are a catholic you must vote for the catholic candidate, that even one of the leaders preached in church in Kabale to that effect which was reported in the New Vision. Does he, as a leader, condemn leaders of that kind who think that catholics should vote catholic candidates?

MR. MULENGA: Mr. Chairman, I am not answerable for all catholics. But Hon. Kanyeihamba was recently elected in a predominantly catholic area when he is not a catholic himself.

MR. MULONGO: Mr. Chairman, I just wanted the speaker holding the Floor to clarify two events: One - soon after the death of Ben Kiwanuka, there were attempts to have the current Professor Kajubi but because of some cliques, that was not possible. If he could explain such circumstances. Two - after deporting Professor Lule, and when the arrangements were made to make him come back, there was also some attempts to block that and actually that did not succeed simply because these people were not catholics. So, can he clarify on those two issues.

PROF. KAJUBI SENTEZA: Mr. Chairman, I heard my name being mentioned that there were attempts made by the President of the Democratic Party. I had never any intention at all of standing for president of the Democratic Party. Is the Hon. Member in order to drag my name into this controversy?

THE CHAIRMAN: I think the member was not fully informed. Now that you have informed him, he will take that into account.

MR. MULENGA Mr. Chairman, in addition to that, when the former President General of the Party, the Late Chief Justice Benedict Kiwanuka died in 1972, the Party was not active. I have already indicated that the party had been banned two years earlier. The possibility of electing a president then does not arise.

Mr. Chairman, with regard to the 1980 general election or election of our leader, there was much talk about the late Yusufu Lule being prevented by Hon. Ssemogerere, but that was a creation of the detractors that I continue to talk about. Yusufu Lule was prevented from coming to attend the Conference by Paul Mwangana then the Chief Executive. Ssemogerere had no power to prevent a Ugandan coming to the country, he was not in Government.

Mr. Chairman, in my presentation on the Draft Constitution, I shall endeavor to articulate the DP philosophy and principles on which its recommendations for the future constitution are based. Suffice here to say that its philosophy is man-centred, here man means man and woman or if you prefer, human being centred. This emanates from the conviction that the *raison d'etre* of the nation state, the whole purpose for the existence of a nation state, is to protect the rights and freedoms of the individuals comprising it and to improve and advance their individual way of life. We reject the concept that the individual is like a mere spoke in the state wheel which when it ceases to be useful, is dispensable.

In the context of the National Constitution which basically is an instrument that provides for the exercise of state power, the promise of the Democratic Party is as follows: The sovereign power of state is vested in the people of the state as a whole. It is from time to time delegated to a few, called to Government, to be exercised for the good and benefit of each.

Mr. Chairman, Hon. Delegates, permit me now to state in a nutshell my understanding of what our mission is in this constituent Assembly. In my understanding, which I have reason to believe I share with you and you with me, the mission as I understand it has two components. The first component, which we have nearly accomplished, is for each one of us to articulate to the best of his or her ability, the aspiration of the Ugandans we respectively represent and their suggestions on how these aspirations may best be attained through a new National Consti-

tution. I can confidently state without fear of any contradiction, that the primary or basic aspirations of all the people we represent are identical. They all want to be free not oppressed, they all want to live in peace and security not in war or insecurity. They all want to live in harmony not in constant conflict. They all want to better, improve and advance their way of living not to stagnate or degenerate into backwardness, poverty and squalor. And I believe they all want to be, and be proud of being Ugandans. It is in respect of the mode through which these aspirations can be attained that divergent ideas and proposals emerge and bring about the second component of our task, namely, to discuss and negotiate those divergent proposals and where necessary, strike out compromises with a view to achieving consensus on what is to be compromised in the new constitution.

It is my submission that in order to achieve this there are three basic issues or questions that must be addressed:

1. What is a national constitution or what ought it to be?
2. What cardinal principles should the future constitution of Uganda be based on?
3. Of the various options possible in respect of each constitutional subject, which should be adopted in order to ensure adherence to those cardinal principles?

What is a National Constitution? The first fundamental characteristic which must be highlighted and emphasised about a constitution is that it is a contract by which a people agree to bind themselves together to constitute themselves into a nation state and by which they provide the way they will relate to one another generally and the way they will govern themselves in particular. In this regard, I would stress that it is or ought to be an agreement of the people among themselves and not one between the governed and the governors as suggested by Hon. Atim Ogwaro. Of course, we are aware that some National Constitutions are made by rulers without the participation of the governed, where by the rulers bind themselves to govern in accordance with its supervision and command the governed to abide by. Of course I need not to belabor the point that this is not the type of constitution we are here to make. Our past constitutions, including the current one, are principally criticized for the lack of this essential element of agreement. This time round, the country has gone to great pains, both in terms of time and financial expenses, to ensure that what comes out of

this process is a constitution that can be properly called a National contract. People's views were gathered from all corners of the country to provide raw materials which were converted into a draft constitution to be a working document. A constituent Assembly comprising delegates selected by people was set up to deliberate and discuss that draft and come up with an agreement based on the wishes and ideas of the people, irrespective, if need be, of those of the rulers. It is therefore, imperative that in our forth coming deliberations, we keep in the fore front the fact that we are here to make an agreement not to count how many of us adhere to what ideology or belong to what faction of our society. We have been sent here to agree for and on behalf of our people, we were not sent here to score factional victory, the victory of our people which they want is the production of the contract to which they feel party.

The second characteristic of a national constitution is that being, the basis or foundation of the nation, the basic law on which all other national laws will be based and from which they will deliver legitimacy, it must be designed as a permanent, not transient arrangement. In this regard, with due respect, I find difficulty in accepting the advise given to us by His Excellency the President in his address at the inauguration of this Assembly, that we should draw a distinction between a nation building constitution and a development constitution, and that therefore, we should refrain from borrowing ideas from or emulating constitutions of developed countries. When over 200 years ago, the United States of America drew their constitution, there can be no doubt that they too were engaged in nation building. They did not first make a constitution for nation building and later another one for development. Apart from relatively very few amendments over the 200 years, it is the same constitution that has weathered the centuries. I also doubt whether at the time their constitution was made, they were any more developed than we are now. That however, is a moot point.

In the view of the Democratic Party, what is important and indeed imperative is that, we should make a constitution that will facilitate both nation building and development. By the same token, it is my submission that the recommendation of the Odoki commission contained in article 98 of the draft constitution that every five years, the people should determine by referendum what political system to use for the next five years, undermines the characteristic of permanency essential in a national constitution. (*Applause*) I shall have more to say about that

article during considerations. Suffice here to add that if the proposal is adopted, it should be a sure recipe for political instability and would cause an undue expense if every five years we are to have both a referendum and a general elections.

I have already alluded to one of the cardinal principles on which we ought to base our future constitution namely that our future constitution ought to be human centered as distinct from state centred. In this regard, the democratic party appreciates the effort made by the Odoki commission in drafting the Bill of Rights in chapter (5) of the draft, to minimize derogation Clauses in respect of some rights and freedoms. However, the draft can be improved more to avoid ambiguities and sweeping derogations. For example, the expression "acceptable in a free and democratic society" used in Articles 52, 55, 57, 58 (12) and 59 Qualifying the right to life, protection from slavery and forced labour, the right to privacy, the right of an accused person not to incriminate himself and freedom of conscience expression and movement, respectively is bound to lead to difficulties of interpretation, which one may ask, which free and democratic society will be used as the yard stick?

The other principles on which our future constitutions must be based should be sovereignty of the people, supremacy of the constitution, democratic governance, subject of course, to agreement on the contents of or components of democracy, which expression has been subject to contradictory definition. The National Unity, the very essence of a constitution, for we do not constitute a nation in order to spend the rest of our lives fighting for what has been called "eating" and killing each other. However, here again there is need to agree on what we understand by unity. Some people equate unity with uniform or uniformity. My understanding of unity however, is that it is a relationship derived from natural respect and acceptance of the principle of co-existence, irrespective of individual differences or diversity.

The other basic principles which, however, are interrelated to the foregoing are national integrity, the rule of law, separation of powers and division of powers. Chairman, some of these principles are ably defined in chapter (3), however, there is need to reflect on that chapter. Already, there are suggestions by eminent jurists and political thinkers made on this Floor and outside that the chapter should be scrapped on the ground that it is not enforceable and

that it is too woolly or ambitious. My submission is that it ought to be retained. *(Applause)* I suspect that the abolitionists have not fully appreciated the meaning and import of the opening words of article (7). Surely there is need to have, in the national constitution, basic principles and guidelines to be abided by the governors leaving the details of strategic policy to the government. This way we may minimize the temptation of adventure and destructive experimentation. I dare say, Chairman, that if we have properly drawn economic objectives and the culture of constitutionalism had set in during the 60s and the 70s, the policies of Move to the Left, Nakivubo Pronouncements and Amin's Economic War might have become as unconstitutional. However I do believe that there is need to restructure the chapter so as first to separate fundamental principles on which the constitution is to be based from objectives in a sense of basic policy. There is also need to make the chapter concise or less wieldy. In this regard, I propose, at the appropriate time, to move that articles defining and concerned with sovereignty of the people's democracy, national unity should be transferred to chapter one. There is also need to redraft some of the articles or Clauses for example, I see no reason why in Clause (2) of article 10, political diversity is not recognized, and respected.

Now on the options. In the limited time, I cannot touch all options we have to consider, I will therefore, select a few which appear more contested than others. Secondly I wish to submit that in discussing the options, we ought to test them against the principles we shall choose to be the basis of our future constitution.

Political system: The debate rages on as to whether we should adopt multi party democracy, or movement democracy. A lot has been said Mr. Chairman, on this Floor reminding us of the tragedies multi party system has caused to this nation in the past on the one hand, and the evils that have been perpetuated by the government in the last 8 years on the other hand. While I respectively acknowledge that the historical discourses have been useful to bring our deliberation to perspective, I must confess that I found some of the contributions unbecoming exaggerations, while others lacked expected depth. Let me give a couple of examples. To my mind, to assert that the NRM government had done nothing useful for this country in the last 8 years, and has only brought misery to some parts of this country, and poverty to the majority of our people, is not objective,

to say the least. Two it has had major failures but one does not have to be a movement advocate or a boot licker of the NRM to acknowledge that the NRM government has made reasonable, if not substantial, achievements. Equally I do not think that contributors who close their eyes and deafen their ears when one talks about the failures of the government and short comings of the movement system are being objective. The other category can best be illustrated by contributions to the following effect: *“Political parties slit women’s wombs in Luwero to get Museveni out. They killed Kisubi students and people who had gone to dance at Susana Night Club. Obote said a good Muganda is a dead one. Therefore, political parties must wait.”* In the same contribution, I cannot refrain from quoting those who said *“Swahili should not be a national language because it is associated with dubious characters”*. I think these are not serious arguments, they lack depth. I shall leave you to clarify or classify the argument that *“since 1966, Buganda has been under occupation forces”*.

However I was not sent here to engage so much in recommendations. And since a lot of it has been done by others, I need not to unduly engage in topication. I was sent here to state that the Democratic Party is rationally convened, that multi party democracy is the better system to ensure sustained democratic governance and the attainment of the aspirations of our people. My major mission, therefore, is to persuade Hon. delegates to opt for multi party democracy as a political system for the future. The party has, in the past, suffered under the system perhaps more than other political groupings. I was witness to that, particularly in the 1980s, along with Hon. Sam Kutesa, though he was in Parliament and I was not. But that is not sufficient Grounds for denouncing the system altogether as some Hon. delegates appear to be trying to do. Or to postpone its adoption indefinitely while building another opposed system that we are bound to regret in the future as other delegates are advocating. We should rather look, and I am confident that we are capable of critically looking, at the causes of the failures of the system in the past and seeking to rectify them. The view of the democratic party is that the major cause of past mistakes was that those in charge of the affairs of state during the 60s and the last half of the 60s, when the multi party system was in place, were not committed to multi party democracy but worked unceasingly to undermine the system and install the one party system. Thus it is that by the end of the 60s,

we had moved to de facto if not de jure one-party state. And by 1985, we were headed for the same position because it was widely believed that the general elections that were due that year, would be determined at a primary election of the party in power. It is, I think unfortunate that apparently, UPC is not represented in this forum. If it was, I would have demanded that they admit in this national forum that it undermined and generally messed up the multi party system in its zeal to be *“everywhere”* and *“everybody”* *-(Applause)-* as its favoured chant used to go.

Mr. Chairman, fellow delegates, I contend that such admission with apology is necessary if we are to learn from past mistakes and above all, if we are to be credible to one another. It is gratifying to note that today, the UPC is on the same side with the Democratic Party in advocating for multi party democracy. We in the Democratic Party however, would like to make it clear that we are not advocating a return to the 1980 where participation in elections was close to signing a death warrant, where election results could be rigged with impunity, and above all, where being in government or belonging to the party in power was a license to harass and deprive those in opposition. We are advocating for a truly multi-party democracy where the various political parties co-exist peacefully, respect the will and choice of the electorate and consider one another as alternate sources of political leadership of the country. Time does not permit me to go into details of all the advantages of multi party democracy as contrasted with the movement or other monolithic systems.

I will touch two aspects. Given that democratic governance is to be one of the basic principles on which our future constitution is to be based, we must recall that a major characteristic of democracy is the right of the people to choose their government. Choice is between alternatives, you do not choose when you pick one item available. In multi party democracy the people are given alternatives to choose from. In the monolithic system, they have to pick the only one available. As a call to this, consider a scenario where or whence the people are dissatisfied with an existing regime.

THE CHAIRMAN: Hon. Mulenga you have talked beyond injury time I can see Ssabalangira.

MR. MULONDO: Mr. Chairman, because this is very crucial I was here and I have been here all along

and I have seen the politics of this country in my constituency Mityana, people were selected for us to choose from by the headquarters of the parties concerned, and there were no choices. People were sent there, either a representative of UPC, you have to elect that one, or representative from DP. So I think the Hon. Member here should clarify how and where is the choice because choices are made by people in the centre of power of the political parties. *(Applause)*

MR. MULENGA: Mr. Chairman, I do not know where Hon. Sabalangira what party he belonged to, the party I am talking for provides that the people will choose their candidate. I am educating you about multi party.

LT. COL. KIIZA BESIGYE: Supplementary information. Mr. Chairman, I did not belong to any party but I was a keen observer in 1980 and in my village, there were two candidates who contested in primaries for DP, and one was clearly chosen by the people. But the name that came from the headquarters for the people to elect on was a different one. This was in Rukungiri district where ultimately Hon. Kasula was the nominated candidate of DP and the one who had been preferred by the people was not given an opportunity to be elected. Would he clarify on that considering what he just replied to Hon. Sabalangira?

MR. MULENGA: Mr. Chairman, I am not conversant what happened in that case, there must have been reason why the party - I am talking about the provisions of the constitution of the party. However, I think, it is gratifying to know that the late Hon. Kasula was a very effective MP for Rukungiri. Mr. Chairman, in multi party democracy, they have the option to choose another party with better policies and this will urge the in comers to do better. As I was saying before interruption, consider a scenario when the people are dissatisfied with an existing regime. Where the party in power has not delivered or performed. In multi party democracy, the people have the opportunity to choose another party which has better policies, and this will urge the in comers to endeavour to do better. In the monolithic system, however, there is no such a choice. The most that the electorate can do is to change individuals, which change has very little of any impact. The area where multi party democracy stands out better, is in regard to accountability. I need not to dwell on this as I believe that the last years

have eloquently demonstrated the point. Despite the institutional frame work we have in place, such as the PAC and IGG, corruption continues to be rampant and unabated.

Mr. Chairman, before leaving this topic I would like to comment on the often repeated proposal that the movement system should be extended for another five years. This proposal however, is not explained on the basis of the content of this five years. Nearly five years ago, when the NRM government proposed extension of its interim administration, there was effort to enumerate work that had to be done. I recall the programme chart that was drawn and presented by learned and Hon. friend Prof. George Kanyeihamba, then Minister of Justice and Attorney General, on the building of pillars of democracy. What has happened? If these pillars have been built, what is the need for another five years? If they have not been built, what is their guarantee that they will be built in the next five years? The Democratic Party would not be averse to a transitional period during which there is an agreed guided programme towards achievement of what we aim at, i.e multi party democracy. We have all to identify and agree on the mischief which we ought to eliminate and then embark on the task. In this regard, we ought to decide that the ban on political parties ought to be lifted immediately so that genuine work *(Applause)*- can start, to build political parties as also pillars of democracy. In my view, failure to do so will be postponing a problem that may cause an explosion in the future. At an appropriate moment I intend to discuss with Hon. delegates proposals for measures and also proposals for setting up a government of national unity for the transitional period.

Mr. Chairman, let me wind up on National Council of State. The Democratic Party does not find the proposed new institution to be called National Council of State, to be conducive to democratic and good governance. It gravely infringes the principles of separation of powers and is bound to undermine authority of Parliament which must, next to the constitution, be supreme. Of the two roles envisaged for it, there is nothing peculiar to the proposed body that makes it more suited or qualified to carry out the functions. The fears that there may be conflicts between the legislature and the executive may be real particularly if the recommendations that the Government Ministers be not Members of Parliament is adopted. But such a conflict, Mr. Chairman, can be resolved and ought to be resolved by the organs of

state as they are. If need be, we have the third organ, namely the Judiciary which is there for purposes of resolving disputes.

Mr. Chairman, I have not been able to touch other options that we ought to look at, I hope to do so in the course of the consideration stage. I thank you, Mr. Chairman, I thank Hon. delegates for listening to me.

MRS. SEKITOLEKO VICTORIA (Butembe County): Thank you, Mr. Chairman, permit me to start by giving information at this moment in time because I did not want to interrupt the previous speaker. Mr. Chairman, during the 1980 elections, I was at headquarters of the Democratic Party and the names of all the candidates had to be selected, cleared and sent to all constituencies from the headquarters, *(Applause)*

MR. MULENGA: Point of information. Mr. Chairman, I remember meeting Hon. Victoria Sekitoleko at the DP headquarters. I am aware that she was not on any organ of the party. This information Mr. Chairman, is dubious, I would rather advise her to look at the constitution of the past.

MRS. SEKITOLEKO: Mr. Chairman I was secretary for women's wing because there were no women in DP. *(Applause)* But, Chairman, I have researched my paper so let me go to my contribution from Butembe. I am not here for DP.

First of all Butembe county is East of Jinja town council, it borders Kagoma Luwuka, Kigulu county, river Nile and lake Victoria. This is where you find Kakira Sugar Works, Bugembe Stadium, Christ Church Bugembe/ Banwoze and Muslim Supreme Council. Schools like Mwiri, Wanyange Girls, Butiki. Wairaka, Kakira, Busede, Bugembe, Musima all senior secondary schools plus a T.T.C are in my constituency, and I am very grateful to them for having honoured me to be their delegate.

Mr. Chairman and Hon. delegates, I shall go straight to the point since the time I have is very limited. But, Chairman, the time we are given here is limited and quite a number of us have got plenty to say. Right from the beginning I would like to say this, it is not the amount of time we have to talk, or the great number of things we say here which is important. It is the things we hear, go back and discuss with our constituency with the view to making sure that they

are kept up to date and they are following what is going on, and the commitment we have to do and carry out all the outcomes of these deliberations that is most important. Mr. Chairman, level of participation normally equals level of commitment. I hope that since we are all here and participating, we are all committed to whatever would democratically come out of this Assembly finally.

Democracy: The strength of democracy is presumed to be the ability to incorporate vital changes without - and I emphasize without lasting injustices or violence. The right of the agreed to be heard is one of the fundamental components in creating a consensual decision for a change. This is why, Mr. Chairman, even if I have been a subject of bushing by the Press, I am a strong supporter of a free Press. Mr. Chairman, *(Applause)*- Mr. Chairman, the people of Butembe are generally immigrants because sometime ago, there was an epidemic of Tsetse flies which ended in the late 40s and early 50s and that is when most of the constituency I represent was settled. It was settled by all tribes from Uganda and of course from Asia. Most of these people were in research for development. Most of the constituents are workers. Half my constituency is made up of middle class people, they are literate and they know what is going on and they know what they want. The people of Butembe gave me very clear instructions about my coming here. In summary Sir, they said all they want is a constitution which fits all of them and in which all of them fit. Therefore, on democracy they go on to say that this constitution should come out with the system which is democratic in most spheres of life, meaning that the infrastructure for democracy should be laid down clearly. Democracy is a culture which one learns by participation in governance of one's own society at whatever level. And secondly, it is where one learns to respect the views of the majority. This is why they emphasize the great necessity for regular elections during which all citizens of whatever distinction are enabled to participate. Consequently, Mr. Chairman, the people of Butembe reject, and I repeat reject, all institutions which work against democracy.

Butembe is in Jinja which used to be part of what was Busoga when it was Busoga. Busoga was first put together soon after the 1900 agreement, we had our first President, we used to call him President in 1919 and around 1938-39, we had our first Kyabazinga. So far, two Kyabazingas have died, the incumbent is the third. Mr. Chairman, my father was born in 1917

and hence by the time the first Kyabazinga was put in place, he was an adult. The same is true for the population I represent, there is also the multi-tribal nature of my constituency and I would like the Hon. delegates to please use this background to understand why the people of Butembe completely reject a traditional leader. It is not part of their culture, and so they have no aspiration for it. Now when I asked them what they say about other areas having their traditional leaders, they said, even this to them is unacceptable. I pleaded with them to understand other people's views and respect their wishes. These people whom I told you are workers said that, that business of saying that, let those who want them have them, is not completely honest. They compared this constitution and Uganda to a house with the eastern, western, northern, and southern wing. They are saying that once there is trouble in some of the wings, once there is smoke in one of the wings, this smoke which is always accompanied by fire will spread to other wings. They say most of the fires which have destroyed Uganda have always started in the Southern wing spread to the Western wing and caught up with all of us. The two problems which beleaguered the 1962 constitution were in Buganda and Bunyoro, that is the very powerful political *Kabaka* and the lost counties. I explained to them that, what the Baganda want is only a constitutional titular *Kabaka*. So they asked me, what is the meaning of constitutional and what is the meaning of titular and I defined; constitutional means congenital in-born, inherent, intrinsic, chartered, statutory. I am just going to stick to the last two. If something is constitutional, it means it is chartered, or it is statutory. Now I went on to define titular, and titular means only honorary, in name only, nominal, theoretical, so-called, token, and the last word which I normally do not discuss with my constituency, puppet. All those are the meanings of the word titular. So they asked how can you have both? Even putting both in the same sentence is impossible, you cannot have somebody who is chartered, statutory and at the same time tell us that he is only honorary, he is there only in name that he is nominal and he is theoretical. That you cannot have both, you either have him honorary, or you have him statutory or chartered.

So the people of Butembe said if what the people who want traditional leaders want is honorary, then where is the problem? Let those who want to honour them do so. But they should not define geographical areas for the influence. I asked them why? They said,

considering the immigration which has taken place in Uganda, where you find one area like Busoga, only has 50% of its population Abasoga, and when you come to Buganda where we have got 4.5 million people, 2 million are non Baganda. They are worried that if you have a chartered traditional leader or institution for that matter, and also define a geographical area for them, they may have first call on the taxes. I told you my people are workers, they pay a lot of taxes, and they are very interested in where their tax money goes. They should be maintained by tax payers, these people think. So they say we should be consistent and not pretend that there is no problem for us to have traditional leaders. If King Jobi II of Nebbi-Okoro, in 1990 I think we had our food day in Nebbi, and king Jobi II for the first time attended the public function. I have never seen what I saw in Nebbi. First of all, I saw the biggest crowd I have never seen in the whole of my life. I saw this king who came with a group of about 120 people seated in a shade, there was no fence no nothing. But nobody could even walk very near without a police man, nothing. So we asked what is all this? They said, "oh, that is the king of Nebbi and we all honour him". So, later when I spoke to the DA, he told me, if you want any mobilization here just tell him, you sit back, he talks to these people and they will all turn up. Fortunately they are all here, you have heard from Hon. Opoti, what she said is what I saw.

MRS. MAVENJINA: Point of information. I would like to thank Hon. Sekitoleko for giving me room to give her information. Actually king Jobi is not the king of Nebbi district, he is a traditional leader for Okoro county and in Okoro county we have two traditional leaders. There is Luobi-Jobi II and Luotomowa who are all traditional leaders of one county, he is not the king of Nebbi district. Thank you.

MRS. V. SEKITOLEKO: Thank you my sister, you got the information. Now on that issue, therefore the people of Butembe wish to say that considering our poverty, traditional leaders should only be honorary and not statutory. And they should not be maintained or overtly, or covertly, by tax payers. By that they mean, they should not be maintained indiscreetly under hand dealings with government. That tax payer's money should go for improving on our poverty. *(Applause)* Having said that, they do not mind where or whether you put them in the constitution.

Federal and Unitary: Mr. Chairman, the people of Butembe say, having tested power of self governance, they are not interested in anything that takes away their freedom. To them, decentralization is enough. After this, freedom of association should be the rule of the day. They argue that these days, there is no part in Uganda where all people speak the same language, and share the same culture as was rightly put by Hon. Mururi Mukasa when he was arguing for the Lururi to be in the constitution. Whereas Lururi which is spoken in Buruli is in Luwero which is in Buganda where they speak Luganda. While considering the 1.1 million non Basoga I told you about, who are in Jinja, Kamuli and Iganga, sharing the same culture and aspirations does not hold water. And if I can share my personal experience with delegates Sir, I have 3 pieces of land in Buganda but none of my neighbours is a Muganda. In one area the Commissioner for the Constituent Assembly, Mr. Akabway is my neighbour, in another area Maj. Gen. Mondo is my neighbour, and in another area Hon. Wahibi Wamulongo who spoke this morning is my neighbour, none of those is a Muganda, let alone myself not being a Muganda. So in conclusion on this issue of Federal and Unitary, the people of Butembe say for them federal is out.

THE CHAIRMAN: Hon. Member, some one is seeking clarification, a Member is seeking clarification.

MRS. V. SEKITOLEKO: Mr. Chairman, I am saying what the people of Butembe say, and I have been clarified by them, let me continue please.

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THE CHAIRMAN: The Member does not seem to be taking points of clarification or information at this juncture. I think, out of respect, she is going to let you be clarified.

MRS. SEKITOLEKO: Okay, go ahead.

MRS. RHODA KALEMA: Point of clarification. I am grateful to the Hon. delegate for allowing to clarify to me. The Hon. delegate has told us about her neighbours - certain neighbours, and all these neighbours she has mentioned seem to be living in Kampala because she has got three plots of land and these she told us about are her neighbours. I would like to know, because Kampala definitely is very cosmopolitan you all know. I wanted to know whether her pieces of land are in the rural areas or in Kampala because it makes a lot of difference.

MRS. V. SEKITOLEKO: Mr. Chairman, the first piece of land where I have got Hon. Wamulongo as a neighbour is in Busunju, the second piece where Maj. Gen. Mondo is my neighbour is in Kamuli that is beyond Kireka, and the third I thought everybody knew where Mr. Akabway stays, he stays in Bweyogerere (*Applause*)

Now, Mr. Chairman, on the issue of land. Mr. Chairman, the issue of land is basic to all of us, the people of Butembe support a free hold ownership, it would be good if government could immediately document who owns what land in Uganda. But since this cannot be done, they are happy to continue with the system obtaining now, that is in Butembe. They completely reject this system of land ownership in the rural areas. On other areas where there were people taking over and occupying other people's land, the people of Butembe were very, very categorical. They say that for example, the milo land owners in Kibale district and other possible areas which they may not know about, they say this should not be - this should be sorted out bravely by this constitution and that we should not be vague, we should make sure that, she who tills the land, owns the land (*Applause*) The people of Butembe say that tax payer's money is to be used to ensure that this is carried out. They are ready to pay.

Citizenship: Mr. Chairman, I now wish to touch the issue of citizenship and specifically that of children and I wish to say that for as long as - (*Interruption*) - Mr. Chairman, on the issue of children I wish to say that what the people of Butembe say is that for as long as men continue impregnating women, especially, out of wed lock in this poverty stricken country of ours, we are going to have many children of unknown parentage. For people representing rural areas, it is easy to identify relatives but with urban areas, it is very difficult. Secondly with this AIDS scourge, together with very good transport, where if anybody wanted to impregnate two or three women a day he can do it and get away, It becomes very difficult to define who fathered who. Therefore, Mr. Chairman, we are likely to have many orphans and many children of unknown parents. So what do we do with them? It is up to the government of the day, to ensure that known strangers do not just enter our country, but otherwise, the people of Butembe agreed that those children, irrespective of what age, should be allowed to be Ugandans. Maybe I should define this a little bit. If you have a child- if you have a woman like I have a peri-urban areas in constitu-

ency, there are quite a number of women who come. they are of unknown citizenship. they get children and as you know we are along the high way, and we do not know the father. Now the moment the mother dies, the question of whether a child is a Ugandan or not, may not arise even until may be he needs a passport as an adult. So, we may have to sort out his citizenship at that level. That is why the people of Butembe agree that these children should be presumed to be Ugandans.

I now wish to talk about women. Mr. Chairman, I wish to say that I have already told my people of Butembe that other Members who have spoken before me, people like Hon. Miria Matembe, people like Hon. Cecilia Ogwaro, and many others have already laid a background to my speech. So I will only go straight to the point. Mr. Chairman, for as long as all stories about hunting, are told by the hunter, such stories will always glorify the hunter, this is because the hunter never lives to tell the story. Therefore, for as long as the past of the country is influenced by men only this past will always be referred to as his story. Now, I am happy all of us women are here to tell her story. It is in place that I call upon the good will of all of you Hon. Members to support all those phrases in this draft which cover Fundamental Human Rights and Freedoms of democracy and equality. While to all my Colleagues the Hon. Women delegates, irrespective of how you arrived here, this is what I have to say. Please, remember that you are here as part of a chain, you are the top part of a chain joining all Ugandan women. It is up to you to strengthen the chain link, and I implore you to this by using every possible opportunity to bring up other women as high as possible. This is so that we take our advantage of numbers everywhere without necessarily being sectarian. (Applause) For the information of Members, I am stepping in the foot steps of a lady called Mrs. Mbalure, the only woman who dared stand against men in the 1960s, she was from my constituency. I would like to implore Hon. delegates Sir, to support our affirmative action towards women so that hopefully, we can correct the imbalances of the past. For as long as movement type of election continue, the people of Butembe wish to suggest that every district be represented by one woman, and when multi-parties come in into play, the People of Butembe suggest that a minimum of 30 per cent of all seats in Parliament be reserved for women, and these women should be directly elected not nominated by political parties. (Applause) Mr. Chairman, I want to make a

comment on an idea which was advanced by one delegate who suggested that the 8 districts in Buganda should merge to form one district called Buganda. They fear for this and of course, lack of support emanate from the women residing in these districts. This would mean, therefore, that only one woman would represent the population which amounts to 4.5 residing in those districts.

Political parties: Mr. Chairman, on political parties the people of Butembe have this to say, they say that if the definition of democracy is representative government, meaning popular self government, I have been wondering why some people have been talking as if democracy and multi party are synonymous. If I can define the word multi party, it means more than one alliance, more than one group, more than one gang or more than one association or body for that matter. This multi party, that is what it means but it does not mean democracy. Secondly, some people have argued here that multi party per se is not bad, it is the people in those associations or alliances. Having defined multi party, where do you draw the line between the people and the party, because honestly a party is a group of people. Now you say that that group of people is not bad it is the people themselves, where is the line? (Applause) What makes the people of Butembe sad is that, while these multi parties which are known to them made mistakes, these multi-partists, the groups, the persons in these parties have not repented. Mr. Chairman, in 1964 I was a youth who was very, very apolitical, but I followed the politics of the day. I remember the UPC annual delegate's meeting which took place in Gulu, Peche ground, during this meeting is when the UPC ground was leveled. Those of you who wish to remember may remember that His Excellency Kadhumbula Nadiope, *Kyabazinga* of Busoga then, was Vice President and Minister of defence. This meant that we, the people of Busoga, were really the insiders of UPC. Now come 1980, practically the whole of Busoga was in DP. Come 1986, the whole of Busoga is in a movement with few exceptions. Now the people of Butembe say that having been on the front seat of all these organizations, they have tested all of them first hand, they say that the movement is not perfect but it is better than all of them. So can they have another five years? (Applause) They also go on to reserve the right to tell us what to do after five years.

National Council of state: Mr. Chairman, like a few other Members, I would like to request, to implore

this House not to throw out the National Council of state just like that. *(Applause)* What I would like to say Sir, is that the people of Butembe say that the National Council of State, as put in the Draft Constitution looks like any other committee of Parliament in which case there should be no need to actually put it in a constitution. Therefore, the People of Butembe have been thinking and have come up with this suggestion, that may be we could have what they have chosen to call another House, they leave it to you to give it a name. And they say that may be, if we could put up a House where all former heads of state automatically qualified to go, all Prime Ministers qualified to go, all former Army commanders, former judges, and may be some professional and business men and women. Mr. Chairman this proposal of the National Council of State, from the people of Butembe is apparently supposed to take care of what happens to somebody who is used to flying his own jet arriving and he is really received in style, he goes everywhere and everybody demands to listen or talk to him, then suddenly he stops being President and you imagine that he will just go into oblivion. They think that the reason we are having this insecurity is because these people have not been accommodated in our society. Secondly they say, therefore, we may as well put them somewhere, where they are partly in the lime light, where they will have access to radios and whatever, and where we shall also have access to them. The question is, is it better to accommodate these people and stop your wars or is it better to spend more money killing each other? It is worth the cost as far as they are concerned, they say it is worthy the cost. The question is, what would their job be? They say they should do all those things mentioned in the Draft Constitution in Article 1 (53). They could also discuss basic changes in government policies like cost sharing, and they could also mobilize for example, now that we have got plenty of morale, we could mobilize them to go and mobilize the whole country and that way, one: keep them busy and two: keep their names heard over the radio.

Mr. Chairman, these former leaders may not be angles but the people of Butembe say at one time, they were the leaders. The people of Butembe say that since this is a broad based government, this may be the best time for us to put this institution in place, and they end up by saying in Lusoga, "*Ekibi kyo kisinga ekyamwino*". "Your bad thing is better than somebody else's". "*kyozaala nekikyo*". "The one you give birth to is what is yours", and so on and

so forth. So they beg you to please, consider setting up an institution to take care of our former leaders so that people may retire in style. National objectives: Mr. Chairman, chapter (3) which is about *(Interruption)*-

THE CHAIRMAN: Hon. Member for Bugweri and Hon. Member for DP please, will you wait for the adjournment so that you can consult outside. Please, go on.

MRS. SEKITOLEKO: Thank you, Mr. Chairman. Mr. Chairman, on chapter (3) which is about National Objectives, I wish to agree with the Hon. Wandera Ogalo from Bukooli, I only wish to add that, a constitution is the social contract not wholly a legal document. Therefore, to my friends who are worried about enforcing it, we should put the necessary enabling phrases in the same constitution to take care of the social part. But we should not throw out all social parts just because they cannot be enforced. *(Applause)* I therefore, wish to implore my fellow delegates to include these National Objectives, not necessarily in a chapter of their own, but then they should not completely disappear in other chapters. As for the size of the resulting document, the people of Butembe say we should not omit anything important because of size or height. That they expect a constitutional commission later to come out with shorter versions, translations of the constitution. So, if anybody does not want a thick document, we can always come out with a shorter version.

Appointment: I have heard many delegates say that, quite a number of appointments and promotions be carried out by Parliament. I have a problem with this, and I would rather support a system where professionals are given the job of appointments and promotion. For example, a National Public Service Commission for Civil Servants and an Army Service Commission for the army. I honestly would hesitate, I would even panic if at this moment in time, I was requested to reshuffle the army as a Member of Parliament. I do not know how they are performing, I do not know their qualifications, now being a Member of Parliament does not honestly qualify me for the job. *(Applause)*. And when it comes to Presidential appointments, the people of Butembe say, the National Council which I have talked about above should be consulted so that equitable sharing of the National cake is ensured. Because when I was listening to Hon. Mayanja Nkangi, talking about alternative programme, honestly in a poverty stricken

country like Uganda, what alternative programme do you have other than saying that you elect me so that Busoga can eat. You elect me so that Jinja can eat. So, instead of going into those problems, the people of Butembe think that if the "National Cake" could be shared in a better style, may be we could have peace. Mr. Chairman, why am I emphasizing the sharing of the cake? This is because in my constituency, I honestly represent minorities. This is where you find all tribes and because we are all there, all of us are there in minority. In the constituency, less than half are Busoga then all the rest belong to all the tribes in Uganda. Mr. Chairman, having made the constitution, how does one change it? The people of Butembe say that when it comes to changing any part of the constitution, this body should not make it too difficult to change whereas that at the same time, we should not make it to easy to change. But it is most important to them that we do not have a static constitution.

Mr. Chairman, lastly, I told you, these people are workers so this is what they told me in conclusion, what happened in the past, this business of talking about what UPC did how DP elected and who killed who is in the past. So to them, that is a paid cheque, you can never change the value of a paid cheque. What you got is what you got, what we have now, the power we have now to make this constitution is cash. And the constitution we are making is a promissory note. The value which we shall put on to this promissory note, the value which we will write into it now, but the profit which will be harvested later will depend on exactly what value we put to it. Delegates it is up to us to fix the value to such a level that it will always be precious because we are making this constitution for posterity. I wish to end, Mr. Chairman, by inviting anybody who may want to discuss anything in my paper to a cup of tea, and I will pick up the Bill. Thank you very much. *(Applause)*.

THE CHAIRMAN: Thank you very much, Hon. Sekitoleko, for your contribution to our debate and for closing our debate for today. Hon. Delegates, now I adjourn the Constituent Assembly to 8.30 a.m. tomorrow. We stand adjourned. Thank you.

The Assembly rose at 1.56 p.m and adjourned until 8.30 p.m on Wednesday, the 3rd of August 1994