



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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THURSDAY, 30TH JUNE 1994

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Thursday, 30th June, 1994.

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

P R A Y E R S

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

(The Council was called to Order).

ADMINISTRATION OF OATH

Mr. Kagimu Kiwanuka Maurice Peter Ben

THE CHAIRMAN: Hon. Delegates, Hon. Kagimu Kiwanuka has taken his seat and no doubt I speak on your behalf when I congratulate him on his success at the polls and also wish him success in his service here on behalf of the people of Bukomansimbi. You are welcome and we are all happy that you have joined us and our strength has gone up to 284. Thank you, very much. *(Applause)*

COMMUNICATION FROM THE CHAIR.

THE CHAIRMAN: Hon. Delegates, I have one item namely that, the Business committee will convene for the first time this afternoon at 3.00 p.m. and the summons has been sent out. Therefore, this is to remind members of the Business Committee to be available at that time in Committee Room C, in this building. In order to facilitate the work of the Business Committee and since many Members from the districts would like to be there, and this being the important Committee in terms of planning our work, the Assembly will be adjourned at 1.00 O'clock to tomorrow 9.30 a.m. In the afternoon, I will be chairing the Committee and the Deputy Chairman, also a Member of that Committee and this being the first one, should attend. Members of the National Resistance Council, no doubt, would be happy to be present this afternoon in the National Resistance Council and then tomorrow, we shall proceed with the results from the Business Committee.

MOTION.

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

(The debate continuing.)

MR. AMANYA MUSHEGA (Igara County East): My name is Amanya Mushega. I represent Igara East in Bushenyi district. Igara was formerly a kingdom of its own and was incorporated into Ankole at the turn of the Century and I will be making some comments on that in the course of my deliberations and we may contend for the throne if it is re-awakened.

I congratulate hon. Kagimu for having re-won his constituency. This strengthens my belief in the struggle for democracy in Uganda. I recall that one hon. Member of this august Assembly namely hon. Robert Kitariko representing the Democratic Party, petitioned in 1981 saying that the election was irregular, up to now, judgement has not been given and that clearly shows the change in style between the 1980s and the 1990s and I Hope that we keep this on clear course. *(Applause)* It is my firm belief that one of the essentials of democracy is justice. If something is unjustly done, the one who is offended is saved and the one who offends is reprimanded.

I will start from a point which may not be so 'friendly' to the House, but I will make it, and then move on to the 'friendly' ones. Hon. Kabwegyere, representing part of Igara West, mentioned part of this, that we are really building up a consensus and that is what it should be. We start from different and divergent positions, but as we go along, we build common positions for the better of our country and our children.

If we are going to make a good constitution for Uganda, we must also set standards and examples we should fulfil. When we were electing the Chairman and Vice Chairman of this Constituent Assembly and after the overwhelming vote, as most of us stood up to give the Chairman and the Vice Chairman a standing ovation, I removed the rostrum for congratulation and taking the Oath of office. I was saddened to see some of our members sitting down

as if they had heard news of the death of their grand parents. They did not even stand up; they did not cheer. It was as if it was a very cold morning in their seats. But as we move along, I see all of them warming up and that is as it should be. But, of course, it would have been better had we cheered up right from the beginning. We must build from a negative way to the positive and, I am glad to see that, as we move along the atmosphere is becoming warmer. I feel one of my friends looking at me with interest, but I will not say names because - it is not good for this morning. The atmosphere is much better.

In democracy, you must accept that when more than one person stand for the same position, people have a choice, it is not that they hate the other person, but they may prefer the other. With the exception of hon. Nasasira and hon. Obua Otoa, all of us stood with some other citizens and I am sure when we go home, even with those whom we were preferred to, we must shake hands and discuss the matters of proper development of our country. I do not think we shall run away from them, simply because they got fewer votes than ourselves. Even those who were nominated, they are fully aware that on the list there were more than the names that were nominated; there was also competition in nomination. So, part of democracy is enabling our people to make a choice and when a choice has been made all of us pull together for the better of our country.

I will start with the national Council of State. The African societies had their own stability and instability in the past. But one of the important pillars in the various African societies was the treatment of the elders. In my vernacular, there is a saying which reprimands people from idleness. It is not allowed and idleness is condemned. While elders' decisions may not have been binding, they were extremely listened to. When the President was opening this Assembly he said that we tend to borrow everything, even, when it is nasty to us and reject everything that is African even when it is the most appropriate. My own view is that we must be a little bit eclectic to choose from the past and that is really is the role of the elders. My own view and the view of the people of Igara East, is that this National Council of State should be reformulated and we form it like a National Council of elders. (Applause) People who have made immense contribution to our society, people should serve the country well knowing that, after a given period, there is something to look forward to, to be

recognised, to know that you still exist and when you make a comment, it is taken into account. For example, hon. Mzee Adimola was a Permanent Secretary in the Ministry of Education where I work now, when I was a small secondary school student, and here we are, rubbing shoulders and probably we would have exchanged hotter words had we stood in the same constituency. A gentleman like Mzee Hon. Nekyon, he was a Minister when I was a small Primary school child, he still on the hustings, because there is no alternative. I am just giving those examples. But if there was a Council on which people who have given distinguished service in various fields are taken up: it may be in sports, it may be in religion, it may be in Civil Service, it may be in farming, it may be in fishing, it may be in teaching etc these people would be there. It is also encouraging and they would even behave better because they know that if you do not, you may not qualify for that august and respected Assembly. So, while his views may not be binding and may not be carrying the force of law, but they could carry the force of culture. For example, in most African societies, there is what they call ostracising. If the elders recommend you to do something and you do not, they just ignore you. When you go to your Uncle, he asks you if you have sorted out the matter with your father. You go to your aunt, the same. Eventually, you find that you have no choice, but to come and make amends.

So, instead of making politics and legality to interfere in the day to day running of society, we set up a chamber; something closer to the House of Lords, but better organised - having its roots in the African culture. Where our elders can sit and give counsel; discuss topical issues; and give their views which the Government of the day may take into account in the development of society. We are developing and we should borrow from the experience of our great grandfathers who used these elders to counsel and advise young people to do better. In my culture there is another saying, where young men took over power, and tried to execute old men. Eventually, one old man managed to escape and hide. When they were putting their Chief on the throne, they used a skin which was not yet dry and tied it around him. As it dried, it started breaking his bones, the elder came around and advised them that usually it is not done that way. So, if all the elders had been destroyed, even the young generation would have been in total chaos. So, that is the view I would be giving later on when we come to discuss the substantive sections; that we have something representing the Council of

elders borrowing from the experience of our ancestors on which we can build for a better Uganda and ensure that men and women who have made distinguished service to the country, continue to be recognised and contribute to the welfare of Uganda. I would be proposing that these should be fairly old; those who are not again going to rush back to compete for other offices in the Civil Service or Diplomatic office or a political office - men in their 60s and there about. Men who are certain that they have done their best, and they are now giving us the riches of their experience.

There are some people who believe that democracy and parties are synonymous; that once you have Parties in place, then you have arrived, like people who will be arriving in heaven. There is no more suffering. Everything is in place and, necessarily, in order. While we are in for democracy, it does not necessarily mean that one must be in for Parties immediately. To me, democracy means the sovereignty of the people. It means regular elections; people have an opportunity to reconfirm or change their leaders. There must be justice and there must be a minimum standard of living accompanied by high level of literacy.

As some of you were engaged in meeting the people and consultation, an illiterate and impoverished population, is a very terrible starting point because people will be discussing issues they do not understand. And a hungry person, given a bag of posho and a ballot box is likely to head for a bag of posho and ignore the ballot box. I was talking to one of my colleagues that in 1980, there was a campaign in Karamoja and there were two main parties in that areas, one had some White and Green another one had one had a bit of Red in it and one person campaigning was saying that, if you chose to vote for that red, you will voting for bloodshed; if you vote for white, that is peace and green, there will be plenty of rain. Obviously, to the literate population, that point will not make much sense. But to an illiterate population it wins a candidate quite a substantial amount of votes. Of course, it did not bring rain, neither did it stop the blood from flowing, it may have produced it, but it did not stop it. So, that is my worry about the population which is illiterate and a population which is in want. It is not likely to give the best roots for the nurturing and growth of a democratic system, for those who equate Parties and democracy, as if they were synonymous, I will just give a few examples. In South Africa, for the last half Century

or so, it has been having multiparities and it was regarded as bastion of democracy in Africa and the front against communism. The ANC was called a terrorist organisation. Now, if the ANC freedom fighters had not been very firm in their belief for a better democracy, and accepted advice from our brothers and sisters abroad, the situation in South Africa would not be any better. The parties were there, the regular elections were there, but the large section of the population was excluded. So, Parties did not stop apartheid, apartheid was stopped by some other democratic forms of balance of terror and now, South Africa, I am sure, all the distinguished and hon. delegates, will - *(Interruption)*

A HON. DELEGATE: Point of information, Mr. Chairman. I would like to inform him that in 1966 we had a Member of Parliament who died, his name was Chemonges, that time, there should have been an election following his death. We never had any by election until 1980. There were no election at all and yet those who were in leadership were purporting that there was democracy and yet there was no democracy at all. So, I wish to inform the Member that although there was a Government at that time, there were no by elections held despite the death of that gentleman. Thank you very much.

MR. KITARIKO: Point of information, Mr. Chairman. I want to inform my Friend hon. Amanyanya that if ANC had not been formed as a political Party, South Africa would not have been liberated.

MR. AMANYA MUSHEGA: I thank the hon. Kitariko and I take this opportunity to inform him that the ANC was an illegal party in South Africa until Mr. De Klerk released Mandela a few years back. I thank hon. Kitariko for his information and when we meet outside, we shall discuss history a bit more broadly so that we know who was legal and who was illegal in South Africa. But, in spite of the existence of parties in South Africa, there was no democracy in that country for the last two centuries. *(Applause)*. I am not philosophic against parties. It does not mean that because you have parties, therefore, you have democracy. There must be parties plus - *(Interruption)*

A HON. DELEGATE: Point of information, Mr. Chairman. Democracy and development are not mutually exclusive.

THE CHAIRMAN: I think we are reaching a stage where it is becoming an alternation. We should not indulge in arguments under the guise of information. You should not interrupt unnecessarily. Hon. Mushega, will you continue, please?

MR. AMANYA MUSHEGA: Thank you. My synthesis is democracy. The mere fact that you have parties in place is not sufficient for you to conclude, therefore, that democracy has arrived. It must be Parties plus. I will give another example. We all have read the famous document of the Constitution of the United States of America. America has been having democracy and parties for many Centuries, but our brothers and sisters have been in slavery while democracy was going on. The African - Americans were treated as chattels; they were not even regarded as human beings. Democracy and parties did not solve the problems of the slave in the United States. It was until people reorganised themselves in civil disobedience and demonstrations. In spite of the parties, they were able to put pressure for their human and their fundamental rights to be recognised. Therefore, we should not jump to these conclusions that simply because parties are in place, therefore democracy is in place. I will not talk about Uganda, because we are all familiar with Uganda, but I will mention when I come to the message the people of Igara East and Bushenyi generally have been telling us to bring to the Assembly. I say Bushenyi, generally, because we make regular consultations and we have been giving each other what we call in vernacular *Omuzizi*, in other words, helping one another to understand the population's views. So, we are familiar with the general terrain, although we are more in contact with details of the constituency. The form of democracy takes into account the specific conditions of the country. There is no standard form of democracy anywhere in the world. For example, in the United States the President is directly elected at fixed intervals with the then elected upper House and an elected Lower House. You go to our friends in Britain, the Head of State, is there by virtue of birth, yet in Britain there is democracy and in America there is democracy. The House of Lords is there by birth or favour and then The House of Commons is directly elected and we have never questioned the democratic principles of Britain. In Britain you may have three quarters of Parliament with one third of the electorate; you go to Italy and Germany, they have variations of proportional representation and yet we do not question that these

countries are not democratic. They have tailored democracy to suit the specific conditions of their country. Italy is now reviewing proportional representation, because they have found it not efficient in the current situation. I do not think there is anybody in Africa pressurising Italy to adopt a Movement system or to keep on to the proportional representation. When it does not work, they make adjustments so that the people can express their free will and be adequately represented.

Therefore, democracy to be rooted, has to be rooted in the population and cannot be imposed or copied like 'French-cut' or catch it like flue. There are some people who go for conferences in Europe or in Asia and they come back that they are now democratic. I do not think you can teach democracy like you teach history at the University. Democracy is a process; democracy is a culture. Democracy is a long-term practice and in my own opinion, I think, we are on the road to building the fundamentals of democracy in our country. If democracy is copied, transferred or imposed, especially from outside, it will not take root and it will not last. Nigeria is a fine example. When General Obasanjo was handing over, they went and copied more or less the American Constitution very religiously, even with the provision that when somebody overthrows the Government, he has committed treason and should be sentenced to death. We know what is happening, none has been tried, because the thing was not rooted into the people. So, to me, if you want to have a democratic process, regular and free elections at regular intervals is cardinal; tolerance and accepting of the outcome of the will of the people is crucial; a fair standard of living and a minimum rate of literacy are very crucial; and above all, justice in its broadest sense must prevail. Just as we witnessed the swearing in of hon. Kagimu this morning. Somebody who is aggrieved, went to Court, court ruled, the population was given another chance, and they declared their verdict. This is very critical, and everybody is happy, even those who supported hon. Kagimu or did not support, we were all happy and clapping, because democracy is taking root in our country. There, are also those who equate that once we make a Constitution, therefore the democratic process is complete.

The people of Igara East sent me to say that Parties, as they know them in Uganda, caused a lot of suffering in Bushenyi. Whenever there was an election under parties, there was immense hatred, especially, based on religion. Whenever elections were

finished, the population was subjected to immense hatred, whenever 'Nyamurunga' visited Bushenyi, the opposition was imprisoned and people run out of their houses. This is the experience. When there were elections, they believe and they sent me to say, that rigging was the order of the day. Some people would be stopped on the road block on the way to registration and the other candidate would be declared a winner unopposed.

In actual fact, they asked as to say, that they would like to tell the President - they think he is the one in charge - but I will substitute Chairman for President, because you are the one in charge here. That, they would want the single ballot box institutionalized, so that - (*Interruption*)

MR. KAWERE: Point of clarification, Mr. Chairman. Could the hon. Speaker clarify who Nyamurunga is? The Nyamurunga, who went to Bushenyi.

MR. AMANYA MUSHEGA: That is the message they gave me. When I go back, I will ask them to clarify what they meant by Nyamurunga and then I will come and clarify - (*Laughter*) - because I am now transmitting a message and in my culture, we say, the carrier of bad news is not the one you execute, you head for the one who sent the news. So, I will go back over the weekend, clarify the point and I will be given an opportunity to explain next week.

They say under the Movement system, they have been able to get together. This is the experience. They have been able to line up and elect the person they want while previously if you stood for the wrong Party, that was the end of your career. This is the experience and they are saying that they do not want to see Parties in the short-run. Give them a breather; let them go ahead working together. Let them continue with the Movement system and when they are tired with it, they will be able to send their message. That is the message of the people of Bushenyi.

They would like to have the single ballot box institutionalized in the open because the experience with multiple ballot boxes, hidden in the room somewhere, gave them a bitter experience.

The second point is the issue of federal. The way it has been articulated is confusing. The only logical thing I see in the federal, the territory which makes

sense, is Buganda and a bit of Busoga, the rest is a collection of things - South Western Territory, North Eastern territory, this thing has no logical basis. Their view is that, we should keep a unitary State but develop more powers to the districts and the lower Councils in terms of responsibility; in terms of power and also in terms of resources. Previously, when we had the districts, they had a lot of areas they could draw resources from. In the 1960s and 1970s, all these resources were centralized. So, you give somebody power, but no resources, that will be meaningless.

The second point on which they are very strong is on the issue of Kings. The people of Igara East - in fact, when I was consulting the people, there were only three people in the whole Constituency who strongly supported the return of the kingdom and they all voted for me because the alternative was not easy to contemplate. Their view is that their experience of the kingdom in Ankole is not very nice. They are saying, those who want Kingdoms and enjoy them, should have them, but that you leave also the people of Ankole, the people of Igara also to be listened to. For those who may think we are philosophically against Kings - we are not. We respond to the will of the people. Recently, I was in Hoima to pay respect to the Omukama of Bunyoro Kitara, we paid respect to him because the population there wants him and they want to revere him. Where the people want a King; for us we say bravo! Where they say they do not want a king; we say that is your choice. So, that is another point on which they would like to be clearly understood.

Finally, we would like to appeal to the hon. Members of this honourable House, that our role, they asked me to say, is historical. They sent me here with a full trust and confidence that what we are going to build is not in selfish interests, but in the best interests of our country. The population wants a breather. If we want people to have peace, to relax, to recover from the wounds we should not take them back in the field of the still confused party activities. According to them, we should listen to their voice, then future generations should inherit a strong Constitution. A population which has common interest; a population whose wills are respected; a population which is also respected by our friends from abroad. That while our friends may want us to be friendly with them, as we do not interfere in their affairs, they should also give this Assembly an opportunity to ponder on the issues of Uganda without undue influence. We can listen

to others, and tell them what they have told us, but we should not go and borrow wholesale foreign ideas, impose them on our people and, yet, they are the ones who inherit and harvest chaos when things have gone wrong. They are the same people who settle in their fields, grow their coffee, look after their bananas, look after their cows, look for money to send their children to school, when there is stability. They want stability, they want democracy, they want regular elections. They say we should fix these elections, and not leave them at the will of the leaders, so that, you know on January next year there will be elections for the President, March this year; there will be elections for Parliament, June this year; there will be elections for District Assembly etc. They want to know so that they can plan in advance rather than be taken by surprise. They appreciate the long campaign because it gave them an opportunity to scrutinise the candidates and shift lies from truth and know who was who and that they believe that what they ended up with, was the best in the circumstances. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Thank you hon. Amanywa Mushega for your contribution to our debate.

MR. MOSES ALI (East Moyo): Thank you, Mr. Chairman. I am Hon. Brig. Moses Ali, Member for East Moyo, Chairperson of -*(Laughter)* - Mr. Chairman, I have very little time as we are only given 30 minutes and I am going to read my speech so that I can challenge possible misquotations by reference to it later on.

I must take this opportunity to thank the NRM Government for spearheading the endeavour of pulling Uganda away from our precarious political turmoil which had persisted from 1966. *(Applause)*. Furthermore, I have to thank the NRM Government for opening its doors by way of accepting other Ugandans who have contributed in various capacities to get rid of the ills of the country. Thirdly, the composition of this broad based Government, signifies this spirit. Indeed, people of all shades of political opinions are players in the NRM Government, owing to its good will. Otherwise, it could be running the affairs of the country single handedly.

The NRM Government has certain things in common with Governments which existed after abrogation of the 1962 Constitution. To remain in power, such Governments had to promulgate the 1966 and 1967 Constitution. In other words, from that time to

date, the 1967 had to be amended to give legal status for such a regime to suit this situation. Article 129 of the 1967 Constitution talks of secession of April 1966 Constitution. But it refers to Article 145 of the April 1966 Constitution; which talks of the life-span of that Constitution. In fact, in this Draft Constitution we are trying to promulgate now, Article 145 of 15th April 1966, reads as follows: "*This Constitution shall remain in force until such time as a Constituent Assembly established by Parliament to annex a Constitution in place of this Constitution*". The NRM Government has illustrated this willingness to involve all Ugandans in the process of making of the new Constitution by bringing into existence a Constituent Assembly which is referred to in 1966 Constitution as mentioned above. It is important that this exercise is given all the attention and sacrifice it deserves from Ugandans of all walks of life. The 1962 Constitution was a document which embodied the Constitutions of the kingdoms. In my view, this provision contributed to its collapse because there was a lot of ambiguity in the separation of powers. For further information, I refer hon. Colleagues to Article 67, section 2, sub-section A,B,C, of the 1962 Constitution. This is a clear indication that persons who enacted the 1962 Constitution were aware in advance that there would be conflicts and confrontations between the President and the Prime Minister in the working of these provisions. For example, Article 67, section 2 (B), of the 1962 Constitution states where the President is required by this Constitution to act in accordance with the advice of any person or authority. The question whether he has received or acted in accordance with such advice in any case, shall not be enquired into. Provided that, an Act done by the Prime Minister in pursuance of paragraph (A) of this provision shall be deemed to have been done by the President and to be his act.

Therefore, I would like to take this opportunity to advise you hon. delegates, to the effect that the task we are engaged in is very important and historical in the sense that, it is intended to find solutions to our problems once and for all. Indeed, we should avoid the mistakes of the past in that we should not behave like people who flew to London in 1962, to attend Constitutional Conference and ended by accepting things which they knew would eventually misfire or be difficult to translate into practice. Yet they accepted such provisions to be inserted in the 1962 Constitution. That was a historical mistake they made and they are initially responsible for the resultant turmoil that ensued.

I foresee some problems which are closely related to certain provisions of the Draft Constitution for some sections of the Ugandan society have publicly taken side in advance. In my opinion, these are acts of pre-empting the provisions of the Draft Constitution and prejudicing the Constituent Assembly. Article 17, sub-section 3, (F), of the CA (Constituent Assembly) Statute provides *'that every decision of the Assembly shall as far as possible, by consensus and the matter shall be regarded as contentious if the Motion is supported by the voters of the majority of the delegates voting, but does not obtain the support of two thirds of the delegates voting.'*

Besides Article 18 of the same Statute calls for a national referendum in case of any contentious matter if it is a matter of national character. In the circumstances, the NRM and the political parties should have waited to voice their positions at appropriate time. In any case, the Movement arrangement has not been blessed by the people and, as such, the CA Constituent Assembly should not be prejudiced. The only safe area left for the advocacy of the Movement arrangement is to refer the issue to referendum before the CA ends its deliberations. The NRM leaders have publicly taken side on the political Parties, similarly, the political parties' leaders have publicly declared their position on the Movement arrangement. One wonders as to whether this phenomenon is not a potential danger to the future of Uganda if it is not carefully handled by us. These two positions are parallel to each other, to the extent that they may lead to paralysation of the Constituent Assembly Members. In the end, one side will emerge as the winner and another one, will come out as the loser. The latter will choose to be on the opposite side which is likely to be the beginning of a problem. What is the role of the Constituent Assembly, if sides are taken before the end of the deliberations of this august body? I leave the answer to those who are in the play. However, these issues should have been tackled by the NRC, like the question of restoration of traditional rulers.

Thus, I suggest that Article 94, 95, 96, 98, of the Draft Constitution should be handled in accordance with Article 17, section 3, subsection (F) and Article 18, sub-section I to IV of the Constituent Assembly Statute. This move has to be made before the Constituent Assembly ends its work. Then it will become easy for the Constituent Assembly to include results of such an undertaking in the Constitution. In fact, the outcome of the referendum will be the legal

basis of including it. Otherwise, some sections of the Ugandan population will dub the new Constitution as an NRM document; because they will argue that it is intended specifically to legalise its Government, which of course, will not be the case.

In the same manner, Articles 94 to 99, of the Draft Constitution should be handled at referendum level. There is no moral basis as to why the NRM should be included in the new Constitution. (*Applause*) It will be a fundamental law of the country and it is expected to remain in force for many years to serve citizens of all shades of political opinions. Therefore, the inclusion of NRM, without the consent of the population through referendum, in the new Constitution does not serve any useful purpose. Certainly, the inclusion of the NRM in the Constitution will make Uganda look like a one-party state.

On this note, I wish to draw the attention of the hon. delegates to Article 252 of the Draft Constitution. It is a common practice even before independence, in 1962, that the working of intelligence organisations have always been carried out in camera or in total secrecy. So, very few people within the Government know what these secret agents actually do because they are said to be protecting interests of State security. This blanket power in the name of State security has been grossly abused in most cases, deliberately or with punitive intentions. Many people have suffered irreparable damage in hands of these agents of State security: from Independence to date. Since they report people in their absence and there is no system in place to counter check the validity of the allegation, those privileged to receive such reports from the agents have no alternative, but accept wholesale the reports and consequently give orders for action either to arrest or detain indefinitely. Few victims of such actions have survived to narrate their own ordeal. This is done without recourse to the law to bring the violators of human rights to book. They spend tax payers' money without accountability. Allegations are framed in such way that there is no alternative except actions tailored to suit particular circumstances. The general service units: the State Research Bureau; the National Security Agency; Internal Security Organisation and External Security Organization; and the Directorate of Military Intelligence are the intelligence agencies I have in mind. Article 252 of the Draft Constitution reads: *Parliament may by law establish intelligence organisations and may prescribe their compositions, functions and procedures.* These same intelligence agencies were the

root causes of the fall of these post independence governments because they grew so powerful that their mentors feared them. In other words, those who created them, begun to fear them to the extent that they became untouchable and they could do anything at will. Therefore, gross abuse of human rights of many people was witnessed. Thus, I strongly propose that in the new Constitution, we should include provisions for counter intelligence organisations where Government would refer cases of individuals, or of individuals originating from intelligence organizations to such agencies for second opinion. The general public will also have a place to report to and give their side of the story to the counter intelligence agencies. I hope when we include such provisions in the new Constitution, many people will be saved before they are wrongly victimised. Worse still, even if, intelligence officers are found out that their reports led to the death of somebody else, they will not be punished; instead there are cover ups. To this end, I therefore propose that instead of leaving the victims to suffer for no fault of theirs with their defendants, they should be treated like those who in the Draft are referred to as the relevant provisions of this Constitution Article 3, section 6, 7, sub-section A and B. My electorate do not see the necessity and the justification for the existence of the National Council of State provided in Article 152 of the Draft Constitution. Thus, I would like to join them in saying that this organ is not necessary for - it is likely to cause confusion between the legislature and the executive. Therefore, all functions meant for the National Council of State can be undertaken by the National Legislature as it is the case in many countries. In addition, it will be too expensive to maintain such an organ by our tax payers' money for doing nothing. After all, the composition of the National Council of State is based on the same people who in various capacities and responsibilities and by virtue of their status in society, render advice to the President who is the Chairman of the organ. District representatives who will have little influence on the trend of events in the country will be used as rubber stamps. It is common knowledge that many different organisations in Government are created to be used to confuse people, so that, one does not know as to who takes decision on certain matters. Since Uganda is engaged in the Constitution making process, in which every citizen seems to have a hope for better future in regard to peace and stability to mention only very few, I call upon the NRM hierarchy to stick to some of its good policies contained in its Ten Point Programme, such as the NRM came to correct past mistakes.

At this juncture, I suggest the NRM hierarchy should tone down in over emphasizing mistakes of the past regimes. Instead, they should correct and desist from making similar mistakes at the same time. By over emphasizing the mistakes of the past regimes, the NRM hierarchy do not only remind people of those bad days, but they also give them the opportunity for the population to compare the past regimes with the present Government and the question as to whether the present regime is not a victim of the same mistakes it is trying to be critical of. I am aware that it is a common practice in this country that mistakes of a Government are talked of when that government is no longer in power, not when it is still in power or with a teeth to bite.

As concerns Article 138, section I and II of the Draft Constitution, the participation of the President should be excluded, if not, the provisions become ambiguous and a source of conflict. It renders the Parliament too subordinate to the Chief Executive. Article 138, section I and II of the Draft Constitution, stipulates that: 1) *A Member of Parliament shall be paid such emoluments and shall be provided with such facilities as the appropriate committee of Parliament may, with the approval of the President determine.* 2) *A Member of Parliament shall be paid such gratuity as may be determined by Parliament with the approval of the President.* This is, I think, an issue that should be left to Parliament. There is no blue print on or text book formula which can be handed over to us by the international community as a solution to problems pertaining to the task of making a new Constitution. Certainly, there are no easy answers. However, as long as there is preparedness, tolerance, mutual respect on our part to face the challenge squarely, we hope there is chance to succeed and make an everlasting Constitution. I say all this on behalf of the electorate of East Moyo Constituency. FOR GOD AND MY COUNTRY. Thank you very much.

THE CHAIRMAN: Thank you hon. Moses Ali for your contribution to the debate.

MR. OKULA CHARLES (Soroti County): I would like to describe Soroti in these words - Soroti County is land of cattle without cattle. Soroti County is a land where people are asked to eat mangoes and grass to survive famine. Soroti County, until recently - *(Interruption)*

MR. CHANGO MACHYO: Mr. Chairman, some of us do not seem to have the name of the hon. Delegate on our list.

MR. OKULA: I am No. 3 on the list. It was just put on this morning.

THE CHAIRMAN: I do not think we should be having to explain to the Assembly every time there is a change in listing. Hon. Ogwel Looete withdrew the name and requested to be given a chance in future and in his place gave the Floor to hon. Okula who indicated the willingness to speak today. So, please, go ahead. You have the Floor.

MR. OKULA: Thank you for protecting me, Mr. Chairman. I would like to describe Soroti as follows: Soroti County is a land of cattle without cattle. Soroti County is a land where people are asked to eat mangoes and grass to survive famine. Soroti county is a land until recently, where life was the cheapest commodity. In spite of all of this, the Constituents of Soroti County wish to send all of you warm greetings. They would like to congratulate all of you for being elected to occupy a central role in the history of our country.

The people of Soroti County are very happy with the spirit of togetherness we have had in this Assembly, so far. The people of Soroti County hope that this kind of spirit continues. Most of the hon. Members must have learnt what has been taking place in my county.

Madam Chairperson, who has been substituted for the Chairman, I demand that there is order in the House.

THE DEPUTY CHAIRMAN: You can proceed, please.

MR. OKULA: Most of the Members may be aware of the calamity which had befallen Soroti County of recent. The blood bath which we experienced in Soroti county compels us to ask hon. Delegates here to come up with a Constitution which is able to safeguard or guarantee peace, stability, unity, and prosperity. The people of Soroti have observed that the words like reconciliation, tolerance and consensus are used without any meaning.

The elections which we have just passed through - I have a personal experience of the elections which brought us here. Those of us who did not share the same opinion with the opponents of the movement type of government passed through a lot of harassment, intimidation and ridicules. I must tell you this.

If you want a person to join your camp, you do not do so by intimidation. You must show the good part of your camp. *(Applause)*. It took a whole Central Government Representative plus a DSO to intimidate the choice of the people up to the extent of standing in court to fabricate lies about a representative of the people. We shall see the outcome of the case.

The people of Soroti would not like to see a rotational Luwero. We hope it does not continue. They have also asked me to remind this House that Soroti County, too, has numerous human skulls, which they will need to bury when the time comes but they will do so without bitterness. We would also like to remind this country that we hope it will be the last time we have ceremonies to bury skulls.

The people of Soroti have sent me with a very open mind. They are willing to respect any consensus reached at by this House. However, the consensus must be reached without coercion, without intimidation. *(Applause)* Madam Chairperson... *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Member on the Floor, there is some information.

MR. OKULA: I would not like to take information.

THE DEPUTY CHAIRMAN: Are you are not taking it?

MR. OKULA: Not at all.

THE DEPUTY CHAIRMAN: Okay, proceed.

MR. OKULA: I would like to touch on the political system. The people of Soroti believe that the right to associate is inalienable. The people of Soroti are solidly multi party supporters *(Applause)* and they have sent me to say they have no regrets about it. They do not apologise for it. The people of Soroti believe that democracy is based on choice - a right to choose from a variety of opinions. *(Applause)* All shades of opinion must be allowed to exist, then you choose from there. I will give you a small story from an old woman in my village. The husband gave this old woman money to go and buy a dress for herself but the instruction was that: 'buy the dress from my friend Okello's shop. The old woman went to town and came back without a dress. The husband asked why she had not bought a dress. The old woman said

according to your instructions, I could not get the dress of my choice in Okello's shop. There was only one roll. Then he said - why did you not buy from that roll? The old woman said - I wanted a 'Busuti' but the roll was made out of *khaki*. We are not expected to think similarly. No. we have the right to think. God was not mad to make us look different.

We, in Soroti believe that parties have no problem. The problem is with the managers of the parties and we in Soroti believe that each and everybody who has walked into the movement was one time a member of a political party - (*Applause*)- and would I like to assert this - if these hon. Gentlemen and ladies mismanaged the affairs of the parties, how sure are we they are not going to export their mismanagement to the movement? Actually, it is our belief that the movement of 1986 is not the same one of today. Why? Because you have accommodated funny gentlemen and ladies there.

We in Soroti, believe that it is wrong to associate multi-party democracy with parties which have existed before. The young people in Uganda - those of us who have never participated in politics of this country, have a right to form new parties. Do not assume that multi-parties means: UPC, DP, UPM and CP - not at all. Therefore, the people of Soroti recommend that Article (94) in the Draft Constitution be deleted and a provision instead be given which provides for a transitional government. We in Soroti believe that the transition government does not have to go on five years - no. We recommend three years and we have even formulated a name for that political organisation which will run the government for three years of transition. We call it National Solidarity Alliance. We would like to move away from the word movement, (*Interjection*) Madam Chairman, protect me. I do not belong to the Lord's Army and I do not subscribe to it - No!

THE DEPUTY CHAIRMAN: You still have a right to proceed.

MR. OKULA: We in Soroti believe that if we are going to make a document to pass the test of time, we should not make this document based on the goodness of good will of one man. NRM is a-one-man-show. (*Applause*) We also have an observation which we made during the C.A. elections. We realised that insecurity or acts of violence were most prominent in areas which are strongly movement, not party areas.

The people of Soroti would like to call for an independent electoral Commission to run elections every five years. That means the people of Soroti recommend that anybody to be a president should be allowed only two terms of five years each. However, they would like this provision, to be included in the Constitution. The date must be fixed for an election every election year. For example, 25th of January of each electoral year, there must be a general election - as an example.

The people of Soroti say that they do not believe in foreigners owning land in rural areas. Not at all. They only believe that foreigners may be given land in urban areas with short term leases which can be renewable or cancelled. The people of Soroti would recommend that we continue with the customary land tenure system which gradually upgrades itself to freehold. They believe that Land Committees must be a creation of village level, not centralized in Kampala or Entebbe.

On federalism, they have a very simple message. They say - for them they are strongly republican; they are not shakable on that. Then, they recommend that if, at all, we must have traditional leaders, their role must be purely cultural. They must not conflict with the central government and they would wish not to reassemble the 1966 scenario. They only believe you can serve one master at a time.

On the defence of the Constitution, they say that the defence of the Constitution is the duty of every able-bodied Ugandan. They, therefore support military training at the age of 18. However, they would like to disassociate and disagree with the political component of *mchaka mchaka*. Because they believe it is a creation of one interested party. Therefore, they are able to carry out what we would like to call indoctrination. We would like that if there have to be a political component, it should be arrived at through a national consensus; not by one independent interested party. Also the people of Soroti recommend that the people of Uganda should be educated as to how to defend their Constitution other than militarily. They believe that civil disobedience is a very good weapon in the defence of a Constitution. People must know that they have no obligation to pay taxes to a government which is illegal. They have no obligation to work for a government that is illegal and we have gone further and stated this actually that there should be a provision in the Constitution saying any foreign government which indulges in giving loans to a government which we call illegal - (*Inter-ruption*)

THE DEPUTY CHAIRMAN: I can see hon. Matembe. What is the problem?

MRS. MATEMBE : Point of Clarification. I would like to seek clarification from the hon. Member holding the Floor. The hon. Member (*Interjection*) keeps referring to the movement being one man's parcel, the *mchaka mchaka* being one man's parcel; I would like to get Clarification. Is he telling us that if one thing is good or an idea is but because it was originated by that one man, we reject it? Because according to what I got, we do not like it because it was an idea of one man. Is he indicating that once the idea is of one man, one woman; even if it is good we reject it? And think of - which is not there anyway.

MR. OKULA: Madam Chairperson (*Interruption*)

THE DEPUTY CHAIRMAN: Can you respond to that clarification?

MR. OKULA: I will do so in passing. The hon. Lady is entitled to her view point. These are the views of the people of the people of Soroti. If she views it as a rejection of one man, she is entitled to it; but the people of Soroti would wish that we make a Constitution which is not based on the goodwill of one man. That is what I stated. This Constitution is expected to last for centuries. The one man may not last the centuries. The people of Soroti propose that - (*Interruption*)

MR. KARUHANGA: Point of Order, Madam Chairman. The sections which the gentleman speaking has referred to namely: Section 94 for deletion is now being attributed to one man but I thought this Draft came from the Constitutional Commission chaired by hon. Odoki and these documents came from the people of Uganda. Would the hon. Member tell us who that one man is? Because I would like to be informed. Is he in order to refer to one man without telling us who that person is? (*Applause*)

THE DEPUTY CHAIRMAN: Are you responding first? Or you are taking the information.

MR. OKULA: You are expected to make a ruling, Madam Chairperson.

THE DEPUTY CHAIRMAN: You can reject the information that is why I am asking. Is it now order or information?

MR. KARUHANGA: Madam Chairperson, it was a point of order and I wanted your ruling to know whether - (*Interruption*)

THE DEPUTY CHAIRMAN: Order, you can proceed.

MR. KARUHANGA: But we would like to get your ruling on whether the hon. Member speaking is in order to attribute this document to one man, without telling us who that one man is?

THE DEPUTY CHAIRMAN: I think, I will ask for his clarification because I am not sure of what the two of you are talking about. One, I think he was talking about the individual. We could ask him to name the individual but I wonder actually whether he was referring to the Constitution - although we are debating the Constitution, we are still debating generally. We have not pin-pointed on any particular item that we should take very seriously (*Applause*). But you can tell us who that one man is?

A HON. DELEGATE: Point of Order, Madam Chairman. Is it in order for the House to interrogate a Member who is bringing forward views from his Constituency? (*Applause*)

THE DEPUTY CHAIRMAN: I do not believe that, that was interrogation. (*Applause*) Members are entitled to Clarification, where they are not clear and I think that is done in good spirit. Hon. Delegate on the Floor, are you taking the Information? Wait, he has to agree to take the information.

MR. OKULA: Madam Chairperson, let me allow only one more, please.

MR. OWOR C: Point of Information, Madam Chairman. I would like to give information to the Speaker holding the Floor and the rest of the House, especially those who are questioning his views. When we talk of one man, it is euphemism to mean the view from one section of people who hold a certain point of view and these group of people are always headed by one man. So, the whole Constitution making process was brought about by a group of people and when he talks of one man, he does not mean one individual man; and if I remember him carefully, he said one point of view not one man.

THE DEPUTY CHAIRMAN: I am not going to allow any more interjection except for the one agreed

on. Then we are likely to resolve that problem. It may not arise any longer. So, this aspect of one man should be forgotten. Let us forget the past! Why are we resurrecting it? We are here to solve that problem of the one man. So, what is the problem? *(Applause)*. Can you proceed please.

MR. OKULA: In Soroti we also recommend that a provision be put in place that: any foreign government which collaborates with an illegal government in Uganda to an extent of giving loans, runs a risk of not having its debts honoured.

On the National Council of State, we in Soroti believe that a National Council of State would have been a good innovation except for its composition. We believe that a National Council of State is a creation which will bring another centre of power struggle. So, we would wish that Parliament is strengthened and the Committees can do the job of the National Council of State.

On human rights, we believe that the Laws of Uganda must treat all Ugandans equally. We do not subscribe to a situation where a small society is allowed to roam the countryside with dangerous weapons committing atrocities with impunity.

We have a little observation to make on citizenship. We believe that there would have been no reason to drag the year 1926 to the citizenship of this country. 1962 would suffice. *(Applause)*. We also believe that the foreigners, 'aliens' should have no right to belong to our army, police and civil service. Finally, we in Soroti strongly support any affirmative action taken to upgrade the rights of women. *(Applause)*

These are the views of the people of Soroti county. I have no more flavour to add. I thank all of you for listening. *(Applause)*

THE DEPUTY CHAIRMAN: Thank you very much hon. Okula.

DR. KINYATTA G. (Kinkizi County East): Kinkizi is a county on the West of Rukungiri District - Rukungiri West with about 161,000 people and therefore, it was divided into two constituencies during the last elections.

The people of Kinkizi would like to congratulate you upon your election as the Vice Chairperson of this

august Assembly; and also our Chairman. We are very proud of you and we know that you have the capacity to lead this august House to a successful deliberation and we come out with a Constitution which will be acceptable to all Ugandans.

Kinkizi borders Rubabo, Rubanda, Kabale, Rujumbura counties and Zaire. It is a very attractive county full of hills and mountains including the famous Mountain gorillas in Bwindi which some of you should be able to visit when you have time. This area is very difficult to develop because of lack of communication.

Uganda has spent a lot of resources, both material and financial in preparation for this Constitution. We must, no doubt thank the NRM government for having set up a Commission headed by Justice Odoki who for several years prepared the materials and background information for this Assembly. We must also thank the NRM government for having established a Commission for C.A. through which process we have been enabled to come to this Assembly. So, I would like to welcome you all - those who were directly elected by your people and also indirectly nominated to this Assembly. We should remember that it is very dangerous if we do not come out with a good Constitution for Uganda based on consensus and on the principles of give and take. It would also be very dangerous if in the future of this Constitution is suspended, amended or even hurriedly overthrown by a dictatorial regime: be it military or civilian, as it has been in the past, without consulting the people. This Constituent Assembly must put in a lot of safeguards against the future manipulators and also put in proper methods for future Amendments of this Constitution.

Our people in Kinkizi are recommending a military training for every able-bodied person in Uganda and then *mchaka mchaka* and this constitution should be taught in school right from Primary to Secondary Schools and at higher Institutions of learning and must be examined at all levels. This will help the future generations to know and even safeguard it in all aspects of life.

Once we are able to defend ourselves, and defend the Constitution, the dictator will not take up arms because everybody will know how to use the arms, unlike in the past.

The authority to make any changes in the Constitution must come from the people of Uganda who have

agreed to be governed by it and not any other person. So, therefore, this is why our people do not believe in the Constitution being Amended by the Legislature. If it is a big issue, the people must be consulted before any amendment is made. If it is a small issue, then the Legislature can handle the matter.

My people are saying that we should minimise dictatorial tendencies that have been exhibited by the leaders in the past. A person with past criminal records should be disqualified to stand as a president. The president should be answerable and accountable to the legislature. The people of Kinkizi are saying that there should be an executive president with a Vice President but this vice president should also be directly elected and he should be a running mate of the president during the elections so that he is also elected by the people.

We are saying that the people of Uganda should be given their citizenship as a right: by birth; by descent; or naturalization. The other methods which are mentioned in the Draft should be dropped. Citizens should have Identity cards and also aliens must have documents to state so. So, we are saying that to be a president of Uganda one should be a Ugandan by birth or by descent. A man who has been naturalised in Uganda should not be a president of this republic. The president should be directly elected on universal and adult suffrage for a term of five years and should serve only for not more than two terms. The people of Kinkizi are saying that the appointment of ministers should be from the directly elected Members of Parliament and not from those who have failed in the elections because it is very bad for a president or Head of State to appoint a Minister whose people have rejected and is imposed on them.

In the past it was observed that there was a discrimination on allowing people to become the citizens of Uganda and denying others. It is not rational to have accorded citizenship to descendants of immigrant from India for example, on the strength of colonial linkage without according the same to descendants of similar immigrants from neighbouring countries such Tanzania, Burundi, Rwanda, Sudan and Zaire. *It is irrational.* So, if we are going to allow some people to become citizens of Uganda, we should avoid discrimination or bias to certain countries and against others.

On traditional leaders and institutions, the people of Kinkizi are saying that these should be preserved but

divorced from the political framework of this country. For avoidance of doubt, there should be a Clause in the Constitution restricting them to their cultural role only and that is how the Kinkizi people are seeing this Article in the Draft. There should be cultural leaders, there should be cultural institutions but they should not be political leaders or political institutions or allowed political power.

We want this Constitution to provide for a uniform system of governance throughout the country. We do not want to have different systems in different districts. We would like to have a uniform system of government throughout Uganda comprising of a central government and a strong district administration which is autonomous and can make plans and make anything that it wants but with very little control from the central government. We are talking of decentralization of power of economic activity to the district; but if you decentralize those activities, without decentralizing the power base, you are doing nothing. So, we should have also the power base decentralised to allow the districts to perform and deliver to their people.

We are saying that all laws in the country should be made by the Legislature and all courts of law should also be established by the Legislature. We are saying that the Legislature should be composed of directly elected representatives of the people to include women, army and youth who should, also, be directly elected to specified quotas and be on the Legislature. There was a complaint during the election of women. This complaint was made mostly by men that they were not allowed to participate in the election of women, when women were allowed in the election of men. So, we are saying that when we are electing these women to be in the Legislature, men also should be allowed or everybody should be allowed in that Constituency to elect them.

The people of Kinkizi consider the resources of this Uganda very small. *(Interruption)*

THE DEPUTY CHAIRMAN: Information?

DR. KINYATTA: I would not like to have it until I am through.

THE DEPUTY CHAIRMAN: Are you are not having it?

DR. KINYATTA: No. The people of Kinkizi - *(Interruption)*

THE DEPUTY CHAIRMAN: There is a point of order.

DR. KAKUNGULU: Is it in order for the hon. Delegate to impute that there were no men to elect women representatives, when actually RC III Councils included men. Thank you.

DR. KINYATTA: Thank you very much. What I meant is that, women were not directly elected.

We are considering the resources of Uganda in comparison to the Members of Parliament here. We have around 270 Members of Parliament and about 284 C.A. Delegates. When we consider the financial capacity of the nation, we think that this number of 270 as composing of NRC is too big for the country. In order that these Members be properly remunerated and maybe to save some funds for other activities, we are proposing the reduction of Members of Parliament in future to come to a maximum of 200 until the population so allows it in the future. Each county should be represented by one Member of Parliament and I have information from the Ministry of Local government that there are 159 counties. Now, those should have or be represented by 159 Members - who would be the Members of Parliament. Then some counties which are too big to be one constituency could be divided into two or three depending on the number you have agreed upon. Our people are saying that each Member of Parliament should be able to represent not less than 100,000 - instead of 70,000 people as is the present case. Therefore, it was agreed upon that we are 17,000,000 people - (*Interruption*)

MR. KIRENGA: Point of Clarification, Madam Chairperson.

I would like the hon. Member on the Floor to clarify to me what he has in mind regarding those counties which have got fewer data than the 100,000 he is suggesting. Thank you.

DR. KINYATTA: Madam Chairperson, the Member did not listen to me properly. I said we have 159 counties and each automatically gets a representative. So, whether a county has 30 or 40,000 people, it will automatically get a representative. So, can I continue Madam?

By so doing, and including the women, the youth as stipulated in this Draft - women 15, Army - 10, youth 4, and workers 2 - we would come to 190 Members

of Parliament and in that way, we should have a maximum of 200 Members of Parliament. So, our sealing and our submission is 200 Members of Parliament in the future.

We are recommending that the Constitution must fix a date, month, and the year for the election to be conducted in the future in order to allow the planners and financial mobilisers to look for money for these elections. We do not want in future government to say: 'there is no money, we cannot hold the elections this year because we did not know when they would take place'. Let our people understand that there is going to be an election on such a day and in such a month. So that our people plan ahead of time and know what is ahead.

Furthermore, the issue of the next general election. In order to catch up with time, for NRM to hand over to an elected government by 26 January, 1995, the present C.A electoral Commission should constitute the electoral Commission as an interim measure for updating the register and demarcating the constituents and all other necessary actions while the Constitution is being promulgated. According to the draft, when the Constitution is promulgated, we give sixty days to the Head of State to effect the Constitution. So, if we are to be in time for the elections, we must start now.

Our people are saying that we need a uniform Land Tenure System in the country. The land should be owned by individuals on freehold type of ownership. Customary land - freehold is what our people are recommending.

Now, on the federal versus unitary. You know very well that Kigezi is 'republican' although some previous regimes forced us to have the so called '*Rutakirwangabo*'. So, let those people who want the kings have them. Let them be cultural kings or leaders but let those people who have chosen to have them, mobilise resources on voluntary basis from those who have chosen them and let them support them if they want, but not those who do not want them. In other words, if you have chosen to have a king, look after him but do not impose taxes on those who do not want him.

Uganda should remain a united country and it should be one. We believe in the district units which have been put in place and decentralization of economic and political power to the district. So, there is no need for federalism in Uganda.

On women, the present Constitution does not provide protection against discrimination on grounds of sex. Some of the adverse cultures are disadvantageous and even harmful to women. The people of Kinkizi East request this new Constitution to make sure that these are prescribed and they are put in place to correct these anomalies. The new Constitution should include the women's rights which have been proclaimed in the International Conventions to which Uganda is a party.

On the youth, philosophers thinkers and intellectuals have reflected on the future of mankind and have been convinced that the faith of the world depends on education, awareness and the participation of the youth. Tomorrow's world belongs to the young people and it will be what they want that can be done and not what we want now. So, when we are making this Constitution, we must remember that we are making it for the youth, not for ourselves. In order to empower the youth to be in charge of their destiny and channel their beautiful energies for the sustainable development, it is imperative to involve them in participatory democracy, decision making process and including them and define their role in the Constitution.

The last point which is most important for our people - *(Interruption)*

MR. WAGIRA: Point of Clarification, Madam Chairman. I am sorry to raise this Point of Clarification slightly after the point he had just finished. That is about taxes vis-a-viz the monarchy. Here I would like to be clarified by the hon. Member holding the Floor. He says that if somebody does not want the king, he should not, therefore, be compelled to pay tax for the upkeep of that king. Does this refer even to the person who is in a Kingdom area? Thank you.

DR. KINYATTA: It should have been for everybody but I am talking of the district which have categorically said they do not want the kings and especially those where kings do not exist but also the point in question is that the resources should not come from the national purse as they had been claiming in the past. They should come from those who have made that choice. That is what I meant. *(Interjection)*

I am finishing; one minute only. I am talking about the movement system of government. Our people of Kinkizi say I should tell you because of the past bitter

history, which has culminated into death of many of our people which has culminated into cutting down of plantations, burning houses of our people and so on. The old parties have not been in good picture of these people and they want the extension of the movement system of government for another 10 years with periodical elections after every five years.

Old parties are still operating with the old leadership. Some of which have been there 30 years and they do not want to change. These old ideas which are based on religion and tribe should not come back and resurface. We want people to forget them, so that, when the general elections come, we shall start on clean blanket. And everybody, whether you are catholic or protestant, muslim - or anybody, whether you are of any tribe in Uganda, you can join any and start afresh when the bitter history has been forgotten. Thank you very much, Madam Chairperson.

MR. JACK SABIITI (Rukiga County): Thank you, Madam Chairperson. I was again stung by yesterday's *New Vision* newspaper where non-Baganda were referred to as aliens. I want to tell you here that a Mukiga from Rukiga county staying in Kampala or any part of Buganda should not be called an alien. So, I want this to be put on record that real Ugandans cannot be aliens in their own country.

Echoing the words of one scholar by the name George Bidault who said: '*the good and bad fortune of a nation depends on three factors: its Constitution, the way the Constitution is made to work and the respect it inspires*'; there is no doubt, that we have a big challenge. A challenge to make a good Constitution, a workable Constitution and a Constitution which will be respected and honoured by all the people of this country.

If the fortunes of this country are directly correlated or dependant on a good, workable Constitution, I appeal to all hon. Delegates to transcend: group, regional or personal interests and focus our attention on the vital duty given to us by the people to make a good and workable Constitution. We need a simple Constitution. I do not have to labour on this because it was well articulated by hon. Kanyeihamba. I wish to add, however, that we should not do the work of Parliament by trying to make laws and everything. Our duty is to put in the Constitution guidelines that will nurture a relevant political culture which will work as an insulator to conflict so that we all live together in harmony.

I feel that the following chapters should not be included in this Constitution. These are Chapter 3, 9, 15, and 16. Chapter 3 is totally misplaced. This is a chapter that touches on national objectives and principals of state policy. Most of what is contained in this chapter has already been taken care of in chapter 5 under human rights and part of the details of this chapter are of policy nature and therefore, it should not find way in the National Constitution.

Chapter 9 which provides for a new structure called National Council of State will, in my own opinion, create more problems, cause more conflict between Parliament and the Executive. Instead of empowering and upgrading the authority and the sovereignty of Parliament, this structure will erode its sovereignty. I, therefore, appeal to hon. Delegates not to include this chapter in the constitution. Let us not try to start other structures which are likely to cause more confusion in this country.

Chapter 15, which creates the institution of Inspector General of Government, is a very good innovation but I think it is equally misplaced in this Constitution. I believe that if we give enough power to the judiciary and transfer this institution to judiciary, it can operate within the Judiciary Institution as a Department.

Another chapter which I think should not be in this Constitution is Chapter 16 which talks about Leadership Code. Again this is a good innovation and it is called for. We really need it but it can be shifted to other institutions of government. It can be incorporated, for example, in Civil Service Act. It can be incorporated in Army's Act. It can be incorporated in other Acts of Parliament of government institutions. These institution can implement the Leadership code.

I have no quarrel with Chapter one and Chapter two.

I have been requested by the people of Rukiga County to inform the Assembly that the question of republicanism is not unnegotiable. We in Rukiga fully believe that every tribe, ethnic group and clan has a right to practice its culture. No one should stop a Muganda from, for example, enjoying his kingship; nobody should stop a Mukiga from dancing the way he likes; or a Mugisu from the way he marries; or a Mufumbira from the way he eats or sits. These are cultural things and therefore, should not be violated. So, too, all other communities in this

country should not be disturbed by the states to prevent them from them from enjoying their rich culture. However, the Bakiga say when we mix culture with political power, when one tribe tries to claim political power over other areas, a Mukiga will say 'Ingaha' - that is, No, to such programmes. This will create unnecessary problems. Let us, therefore, accept the cultures, the kings but, please, let them confine themselves to the cultural role.

If the whole concept of federalism is to shift power from the centre to our poor masses in rural areas - the best alternative is decentralisation. Let us not play at the ignorance of the masses by telling them that federalism will do everything for them when in the actual fact some of our elite just want to use it for other purposes. The concept of decentralisation is relevant to the current Uganda and we in Rukiga fully support the concept of decentralisation. I, therefore, appeal to all delegates in this august House to fully look into this issue with sincerity bearing in mind that we are heading for a proper integration of Uganda into one nation with power decentralised to the people in the rural areas. In so doing, we shall have empowered the masses to be responsible for decision making in their respective areas and to be involved in the development of their areas as they feel fit.

Although every chapter in this Draft Constitution deserves our in-depth analysis, it is my considered opinion as a student of public administration that, Chapter 6, 7, 8, 10, 12, and 14 deserve more attention and analysis. They deal with: allocation of power; delivery of services; development; and allocation of scarce resources. You may talk of a good land system for Uganda; we may be obsessed with the issue of kingship; human rights; let alone gender issues. We may be emotional about kings and queens for regions or districts, but be reminded, fellow delegates, that the central issue to the problem we have lived is one major variable and that is governance. How are we to be governed? Unless we sort out that problem, whether we talk of economic cultures and whatever, we shall not have done a good job for our people. Without relevant, good structures of government - structures that will serve society. Without providing specific safeguards into these structures to make sure that the governed have the overall power to govern themselves, we shall have betrayed our country. We may talk of market forces, as His Excellency talked about recently, but given our experience, I advise that we take interest in the

role of the Executive, the role of Judiciary and the role of the Legislature. It is through these three structures that the past presidents manipulated our people and actually caused chaos to this country. All the presidents have wanted to monopolise these three institutions. Maybe, it is here that I should use the words of one Rudyard Kipling in his book called 'Father's Chair' while advising his son he said: *'When your time comes my son, sit on my chair, remember your father's habits and rules, sit on all four legs, fair and square, and never be tempted by a one legged stool!* The advice he was giving his son is that he should be in control of everything and he should not leave some things to be done by others. In other words, the presidents we have so far had have tended to do everything. They want to be the Executive. They want to be the Legislature. They want to be the Judiciary. When the three powers are cumulated in the same hands for the government seeking to act despotically, which all our governments in Uganda have been, can pass such laws as it chooses, administer them without regard to the rights of the individual and judge corruptly any position to them. Munte Esquiem, one of the philosophers advises that: *'In order to preserve political liberty, the Constitution should ensure that Legislature, Executive and Judiciary are independent of each other.'*

We must come out with a Constitution that will clearly define the role and functions of these three organs of government. I suggest, therefore, that parliament must be given enough powers as a Legislative body. Its sovereignty should not be questioned by the Executive. It should not be tampered with by the President or the Executive. Parliament should not be hammered by the Executive. Parliament should not be used. This is a body that is for the people. Let the Executive perform its function. The Judiciary must have power to do its work. It must be well remunerated. It must be compensated. The Executive have denied the Judiciary all that it requires and yet we go on complaining of lack of Justice. The Executive has not done its best to facilitate how this important organ of government should function. We must limit the powers of the Executive, although the President must be given enough powers to make him function but we must not continue giving him much overload that he cannot even move. It is the Executive that have caused chaos in this country and the power of the Executive over finance, over military, over police, over appointment must be curtailed. These are the

powers that made our Presidents and ministers mad. As a student of Public Administration, I distinctly see these weaknesses and let no president tell you a lie that he will not be tempted by these powers. Unless we have a new a messiah, or a new Allah, history teaches us that 'once beaten, twice shy'. We should reduce the powers of the President and the Executive.

Another area which I think deserves our in-depth analysis is the system of government. When we are looking at the type or system of government this country should have, let us cast our two eyes behind where we have come from and target at what we want. The Bakiga in Rukiga County and the majority of Ugandans, sincerely, want peace - permanent peace; perfect peace. Not peace that is built on ice which will melt when the climate changes. All governments and Presidents we have had in the past have continued to tell us that we should not disturb the peace of our people. When the nationalists tried to fight for independence in colonial period, the colonial government told the people that the politicians were disturbing the peace; but this did not stop the Colonial System from disintegrating. When Obote government was faced with resistance from the Resistance Movement and other fighting forces, his government also appealed to Ugandans not to disturb peace but this did not stop his government from falling. We are again hearing the same words. What does peace mean? Who does not want peace? Be assured that permanent peace will reign in this country when we leaders become sincere to ourselves and mould a system of governance that will bring about that peace we are talking about:

a) The governance should bring about social satisfaction for all people of this country. I want to repeat, social satisfaction. The majority and the minority must be satisfied. They must feel they are part and parcel of the system. If the people are not satisfied they will fight the system they do not want. That will not bring peace.

b) There must be a system which will includes all. A system which will involve all those who want to participate. A system which is not dominated by one person, one president or one tribe. We want a system which is involving - and that is when we can fully talk of a movement for all. The people of Rukiga believe in a system that accommodates all. I suggest that we put our house in order and this is the time to do it.

We have already analysed 1962 Constitution, 1967 Constitution, and the Decrees and Legal Notices

issued by the NRM. My observations after all this is that we have a typically western political system which has no respect for our values. The people of Rukiga are proposing that we have a movement system of government. They, however, say that NRM must open up. The movement should not belong to individuals. The movement should not belong to a few people who claim that they fought more than others. If you open the doors and say this is a system of government, it should be a system of government for all the people of this country. Few people should not be nearer to the core of the movement and others on the periphery. Let everybody be part and parcel of the system. The Bakiga in Rukiga are tired of parties and if I had stood on parties, I would not have made it to this place. They sincerely want a movement system of government. But if you cannot open up, if the NRM cannot open up, then there will be no need to stop people from joining their parties or forming others. We should have a movement that will accommodate everybody. I will give an example as I summarise. When we went for elections, certain offices in Kabale District started categorising who was a movement candidate and who was not. They went as far as campaigning for certain individuals and while de-campaigning others as non-movement people. They were dividing the people of Rukiga into movement and non-movement.

The D.A.'s and D.E.O's offices should not be used to derail the system of the movement. They should be warned and they should know their role. If they are not well politicised, they should be further politicised or chased out of these offices so that we have a good system of government.

As, I conclude, the request from the Bakiga of Rukiga is that let us humble down. Let us not be emotional *-(Interjection)* Madam Chairperson, I have a few minutes. Wounds have not yet healed from the past and when we are discussing here, I can see we have men and women of high calibre. So, please, those who are still irked by the past, those who were wronged, we are here to start a new chapter and this new chapter - is to mould a political system, to get a good political system which is going to serve this country. I am sure we are going to have a good Constitution for this country. Thank you very much.

MR. MBURA-MUHINDO (Busongora County): Busongora is in Kasese District. Of course, Kasese District has two counties - Bukonzo and Busongora.

I take part where we have Kilembe Mines and Kasese as far as the C.A. is concerned.

This is a historical debate in our life time and that of our country Uganda in an effort to build our tattered beloved country afresh. Let me congratulate all of us including the chair and the people of Uganda who have done us this rare honor to come and deliberate on their behalf and, indeed, I feel privileged to be part and parcel of this Constitution making exercise. A task which is indeed challenging but given the good will from the country and from you hon. Delegates, I only pray that it will be brought to its successful conclusion in favour of the people and the masses of Uganda who form the core concern of this Constitution.

It is not a secret to say that the achievements of this NRM Administration will be in the final audit of this Constitution exercise whose success will be for the benefit of Uganda. I believe that NRM is the captain of a ship - when the ship sinks, the crew has to suffer the consequences. So, it is all our concern to ensure producing a document in favour of and acceptable to the majority of Ugandans. There have been many hot lectures, wishes and what have you, propounded by many Ugandans of diverse quality, calibre and walks of life on what the Uganda people deserve to have now or in future. We are now holding the key and let all of us come together and build that Uganda of our choice so that we do not come around and say that we were never given opportunity. Let us all build the country and its destiny for the benefit of the generations to come, we being, the founding fathers, as one hon. Colleague has been saying whenever he makes his contributions.

Now, in the view of the people of Busongora South we should produce a Constitution that will create peace, stability and development which are a cornerstone to the nation building. These had been missing or eroded in our recent past regimes, thus, necessitating the making of a new Constitution with a new culture. The culture of respect for other people's views and for civilized leaders to respect and accept the mandate of the people. The masses should be recognized as the masters and not the reverse as it has been in the past.

The Constitution should reflect the people's views, at all times, and having this mandate it can, therefore, survive the rigours of time. Peoples' views are not static and society's needs are highly dynamic. This

dynamism should be brought forward within the Constitution which should be flexible and allow more dictations to be done as and when need arises.

This Constitution should first guard democracy in the Ugandan context - which is democracy for the peasants who form a large population of this country and who sustain the country's economy through agriculture. We must evolve our own democracy within our own laboratory and our laboratories are not the developed countries but the peasant of Uganda who is still hard hit by poverty, ignorance and disease which factors curtail our progress towards democracy as it is known in those countries who think their own democracy can be dispensed to us. Yet our democracy is the type which they cannot determine because our conditions are different. It is impossible for democracy to be given on a silver plate. It must be nurtured through self-deprivation, sacrifice and tolerance. We must build strong pillars of state if we are to have a meaningful democracy. We cannot sit here and expect democracy to fall from heaven like rain, without having certain pre-requisites that go along with it. This is a process which takes a long path and we must be prepared to overcome all the obstacles along the way, just like in pregnancy before child birth which are not easy.

We can now accept the process of creating democracy suited for ourselves which can be sustained and not to serve situations as they arise. Experience in the past has taught us that multi-party elections pave way for a few who solve their own problems but instead cause a lot of suffering and some of us are not prepared to be lured by the same people who caused us havoc to accept and fall in their trap at any cost. As it is without shame, the same characters are the ones who again want to take us by the horns after liberating this country through the price of the blood of our children who even in their silent state must be wondering whether it was worth for them to pay the price. *(Applause)*

Well, the wounds of the past are still bleeding and before they heal - how can we now accept to cut fresh wounds? We shall be creating a vicious cycle. Let us be realistic and accept the situation the way some of us created it until it was redeemed and wait for the wounds to heal and then we shall have cause to raise our voices to call for pluralism if it is necessary in the eyes of Ugandans.

MR. OWINY DOLLO: Point of Information, Mr. Chairman. I would like to inform the substantive Speaker on the Floor that it is quite misleading to

refer to those only of the past when more wounds are being inflicted even today. Whenever we refer to wounds of this country, we should also refer to wounds which are being inflicted even as we speak today. Thank you. *(Applause)*

MR. MBURA-MUHINDO: Thank you my hon. Colleague who has just tried to inform me but being more informed than he is, even a few minutes ago, that is in the past. *(Applause)*

Now, we must fight vehemently against poverty, disease and ignorance before we can adapt a western type of democracy which some of us sing all day without realising that our conditions are completely different and incompatible and sail so many miles away.

The people should know what the Constitution is all about by having it translated in the local languages throughout the country. There should be mass education of the people about the Constitution through the R.C.s and most of our social gathering. The Constitution should become part and parcel of the school curriculum and mainly at primary and secondary levels. It can only be defended through politicizing the masses to appreciate the rule of law and hence reject tyranny in government who normally force others to take over elected governments. This calls for all able persons including those disabled to be militarily trained for self-defence. The people of Busongora South support *mchaka mchaka* and I think it is on this point that I want to inform the hon. Delegates here that when we had insurgency in Kasese, our own RCs were able to fight it and work it out through their lessons of *mchaka mchaka*. *(Applause)*

On the republic, my people support a republic and the unitary government to avoid clashes of power as evidenced in the Buganda crisis of 1966.

My people support a language that can be used to communicate to people within and outside Uganda; but language is a product of society. Due to the instability we have had, it has not been possible to develop an indigenous but unbiased language. They hence support Swahili at the moment which is more advantageous than the others and also support mother tongue languages to be taught in the lower primary schools.

On special religion. My people of Busongora say that colonialism was very much based on religion

denomination and so politics and religion were inseparable. Uganda should move away from this misfortune and 'give to Ceaser what is his and God what is God's'. People should be free to worship any religion but as such should not have any bearing on the country's centre of power as it has been experienced through the past regimes where even political parties were products of the religious denominations. And certain religious denominations were denied freedom to participate in national politics and therefore, they support no state religion.

The need for Ugandans to travel and settle freely in any part of the country should not be questioned. It should be given due recognition so as to stop tribal prejudices. All people are created equal and there are no super class Ugandans. Ugandans should work every where in the country and employment in the country should be open to all Ugandans, if they can meet the basic job descriptions, in all the districts of Uganda. This helps to give exposure and here a national language is important. In this respect, then we can have national unity.

The people of Kasese are also saying that decentralisation should enable to people to work from one district to district. *(Applause)*

On fundamental human rights and freedom. A civilised government should protect the lives of its people and their properties. Any government short of these two is not worth being in leadership or power. We reject arrests by government which are secretive and, indeed, opposes vehemently detention without trial. *(Applause)* People must be tried very expeditiously. We have had experiences in the past where somebody is arrested but no authority can tell you where that person is. If the fellow has no case to answer, then release him.

Protection of the under privileged. Women play a vital role in our economy and hence form a huge labour force. This resource must be properly harnessed by giving full support to women causes, their liberation and total emancipation if we are to realise full and balanced development. There must be protection of widows from being harassed by aggressive relatives who only come to look for property. The women must be protected from this scenario. *(Applause)*

Children must be protected from sexual abuse, from unpaid labour and from foster mothers or fathers

who harass them. We have read stories where children limbs have been amputated by foster mothers or foster fathers. These children must be protected. Children must have a full right to education, shelter, food and clothing.

The aged people, we have realised, have been exploited by past governments. You are only good when you are still able to work. The moment you are old, then you are just thrown, you are just like a ladder which has been used and no longer has any use. It is the wish of the people of Busongora South, that anybody who has worked for government or not even worked for government when they are aged, they should be assisted in their last times of their lives on this earth.

On economic objectives - it is the duty of government to facilitate its people to have full development of individuals which eventually becomes development of the state. Here we need a balanced development for all areas of Uganda taking into each special problem and mainly industrialisation as a source of employment to enhance family income. Incentives should be given to investors who are going to invest in the rural areas.

Education is the key to all development and there should be universal and compulsory education to all the citizens. This education should serve the needs of the society and hence it should be relevant. The people of Busongora South dislike the polarisation of education where the rural poor have no facilities to education. Their children are not having education compared to those in the urban areas. This matter must be redressed so that our rural people can get access to higher education like Makerere University and others, like it was. In the past, education was a means of bridging the gap between the poor and the rich but at the moment it is widening this gap. Only the rich get access to good education and therefore, this does not augre well for our development.

The people of Busongora South say that natural disasters should be prepared for. The earthquakes, floods and famine which we have had should be prepared for in advance and that the victims should be assisted when they are affected. Of course, this happened in Kasese, Kabarole and Bundibugyo districts and we hope that within our Constitution we must be prepared for such things when they happen.

The people of Busongora South say that time has

come for Ugandans to have respect in their own country. Self-respect and confidence and the pride in being Ugandans. It is a shame that non-citizens get more respect than our own nationals. *(Applause)* For example, if anyone of us here went to a hotel and a sweeper who has just come from those other foreign countries came - even if you have more money, the attention will be put on the other one and because you are a Ugandan you must be served last. Is this our country? So, the people of Busongora are saying this scenario must be reversed. *(Interjections)* Yes we like visitors but when you come to my house you do not take over my house. Now, some non citizens have even climbed to the highest ladders of state power and when things go wrong they just loot Ugandan property and run away to find refuge, some times, in their own countries of origin and Ugandans are left in the cold. Hence, there is need for registration cards for all the citizens and dual citizenship which erodes commitment to a particular country should not be accepted.

The people of Busongora South support the idea of regular elections for Members of Parliament and two terms of office for an elected President; and people have to be elected from Constituencies in terms of population taking a county as a basic unit. The people to be elected should be residing or willing to reside in those areas they represent and not necessarily those who have emerged wealth. Patriotism and materialism, which is wealth, are not necessarily complementary in politics. Those who have liberated this country have even done so, without property but because of their good will - they were able to liberate this country. I appeal to the youth and women of this country to ridicule this issue of tangible assets because you are being denied the chance of being elected to represent your people because you do not have a house, you do not have a car and yet you have your patriotism. You must reject this. It should be realised that wealth is like a cancer. Those who have greater wealth, also have greater greed for, even, acquiring more and so this does not stop corruption as anticipated. And going further, those who have even embezzled huge government monies are not the sweepers in the offices but the big men who still have more money.

The people of Busongora are saying that the taste of the pudding is on. Judging from the past, my people feel leadership should emanate from the masses and all different forces and opinions should be represented in the national government. The government

should be open to all those who have been mandated by the population through regular, free and fair elections. Monopoly in government is rejected and the only system that satisfies this criteria is the movement type of government; where even those who criticise it are tolerated and are not compelled to resign.

Political parties evolve from society. In our present situation, they have been very undemocratic because of their genesis, either on the region or religion, and hence act as a catalyst to divide the people. Candidates are normally voted by the party leadership and, worst of all, parties have even failed to have their own party elections just because of this lack of democracy within themselves and now a question arises - which democracy can they advocate for? And for who? The problem is that when some elements are not in government, they call such a government undemocratic because their individual interests have not been satisfied and others think they can only live in Uganda when they are in power. We should live in Uganda as Ugandans - *(Applause)* - not because we are in power.

MR. OKWAKOL: I am most grateful to the hon. Delegate for giving way. There is no way political parties can organise to elect their office bearers or leaders if there is a ban on the political parties. Let the ban on the political parties be lifted tomorrow and we shall have new leaders. *(Applause)*

MR. MBURA-MUHINDO: Thank you very much. *(Interruption)* It is only that the hon. Delegate is talking to the converted. There is no ban on political parties, there is only a suspension on the activities of political parties - so can the hon. Delegate go and inform his constituents properly and not to mislead them.

MR OKWAKOL: Thank you. I am not trying to waste anybody's time. I just wanted to inform the hon. gentleman holding the Floor that the election of political leaders is an activity of political parties which have been suspended.

MR. KIRUNDA KIVENJINJA: I would like to inform the hon. Speaker and the House that the history of the political parties is as follows - the UPC was founded in 1961, had regular elections every year in 1961 and 1962 but 1963 did not have; 1964 had elections and the next elections were in 1969. So, the irregularity of political parties does not mean that they were suspended even during that time. Even for

the Democratic Party - I think from 1981 up to 1985 none had any annual delegate's conference to elect leaders and yet, there was no suspension.

THE DEPUTY CHAIRMAN: Actually, you are confusing the Speaker. When you ask for information and he refuses it - then you give him the Floor.

MR. NEKYON: Point of Clarification, Madam Chairperson. I want to clarify to the hon. Member holding the Floor that the information he received from the hon. Kirunda - that UPC was founded in 1961 was not correct. UPC was founded in 1959 not 1961. Secondly, I want to clarify to him that although he thinks that it is only political parties that have been irregular in their election. Since NRM came to power in 1986 it has never had its elections.

MR. MBURA-MUHINDO: Madam Chairperson, let me continue, please. Political parties have become obsolete and some leaders have expired. I add by saying we need fresh wine in new wine skins if we are to survive the current politics of this country - we need new wine in new skins.

THE VICE CHAIRPERSON: Can you please wind up.

MR. MBURA-MUHINDO: Madam Chairman, (*Interjection*) I am trying to wind up. The people of Busongora South support, strongly, the local government system. We reject federalism because this was the cause of the problems of Kasese in the past. We cannot go backwards. We are trying to move forward so that the power can belong to the people.

On land, the people of Kasese say that government has taken too much land in the area. For example, in only one county which I represent, we have over ten government institutions taking land on the lower lands. Therefore, we request that government should be able to give some land to the people so that the people can have land to cultivate and also cattle keepers like Basongora can have where to keep their herds.

On the army, we need a very strong army to defend this country.

In conclusion, the people of Busongora South are cosmopolitan and their hope is that the history of this country be included in this Constitution through reflecting their views which they have seen appear-

ing in the Draft. They appeal to you hon. Delegates to respect all views from the people of Uganda on whose mandate you are settled here to put a seal on their views to form a new Constitution - if you betray them, posterity will condemn you. May you all live for 101 years to realise the fruits of these deliberations. I thank you. (*Applause*)

MR. SAKWA (Bungokho South): Madam Chairperson, I thank you for the opportunity to present my views and those of the people of Bungokho South to this august House. Bungokho South is the gateway to Mbale District and it borders Tororo and Mbale. It has a population of 109,000.

A lot of us, want to shy away from history but if I had decided to forget the arithmetic I learnt in primary one, I would not be an engineer today. So, it is important to remember. We are here 32 years after independence and we are now trying to make a Constitution. This is, in itself, is a clear indication that we have not been living or guiding ourselves properly in the last 32 years. If this was the case, we would by now be consolidating instead of beginning to build.

Uganda has had a history of intrigue and intolerance. This has itself led to a very interesting culture of selective remembering or reciting of history. Ugandans have developed a culture of recalling only that part of history which serves to put one in a position of advantage or make one a hero of the day. This culture, coupled with the ignorance of the masses has been exploited by those who want to come to power or those in power to keep reminding people of one or two good things they have done for the people. Any attempt to remind them that, although they have achieved one or two good things they have also erred in one or more others, is usually met with quick abusive reaction. You are immediately branded an anti-government or anti-people. This is a dangerous culture. For example, Ugandans who benefitted from the allocation of departed Asians shops in 1972 only wish to remember Idd Amin as the man who brought wealth to them and therefore, a hero. They will tell you that so and so was killed because he was anti-government. In contrast, Ugandans who lost their relatives at the hands Idd Amin remember him only as a murderer who took away innocent lives. While we recognise the fact that history is the best teacher, we have to look at the entire spectrum of our history in order to be able to separate good from bad. We should, through this method be able to rate the

contributions of our citizens and, in particular, past leaders to both the bad and good developments in our country.

Without this vision, we are reduced to a culture of hurling insults at anyone who drops out of power and heaping praise to those in power even when they are wrong. We have to remember that we cannot be in power forever. This means that, when you are still in power, do not encourage enacting laws and putting in place systems that will turn against you when your turn comes to become a commoner. This will go a long way in reducing the tendency to grab power by force and strive to remain in power at all costs because of fear that what you did to others will be done to you. This calls for a Constitution which is devoid of favour or hidden agenda for the sake of anyone part of society or individual.

Intolerance is probably the biggest enemy of democracy in our country. Through intolerance leaders become scared of the views of others whom they imagine are not following their line of thinking. With intolerance as the guiding principle, rulers rush to make statements they later regret. They, therefore, embark on a scheme of protectionism resulting in numerous Amendments to constitutions to fit and merit the wishes of such leaders. This is a dangerous way of leading people and I pray that this Constitution which we are about to make will not accommodate such vices.

The abrogation of the 1962 Constitution in the subsequent Palace coup of 1966 was a direct result of intolerance on the side of the principle players of the day, namely: UPC and *Kabaka Yekka*. These two had entered a half-baked agreement based on a hidden agenda. Both the *Kabaka Yekka* and UPC had a hidden agenda in the agreement. The results are well known. Most recently, this august Assembly witnessed a demonstration of intolerance. On 15th of June, this House debated a Motion moved hon. Elly Karuhanga to allow the Chairman or Chairperson of the Student's C.A. mock debate to come and address the House. The Motion was passed by this House with Amendments. There was a lot of enthusiasm among Members and some of the reasons advanced in favour of the Motion was that: 'the kids were below 18, therefore, they did not vote in the last C.A. elections and they did not have the opportunity to present their views to the 'Odoki Commission'. What happened? On 17th June, 1994 when the kids presented their views they instead

received hostile responses of total intolerance from the same people who supported the motion with vigour. Is it not a shame that we cannot listen to our children just because they have said what we would not like to hear? Is it not true, therefore, that the gentlemen who reacted with fire to the children had a hidden agenda when they were supporting the issue of the children to come and address us? When they discovered that the children were now echoing independent thinking they became unacceptable. Long live the independence of our future leaders, the children. (*Applause*)

It is intolerance which generated the culture of grabbing power by the gun. What alternative do I have as Sakwa, if I am projecting my views or ideas to be incorporated in our political system and I am faced with such questions like:

- 1) Show me your commander?
- 2) where were you when we were fighting?

We have had these statements from the time of overthrow of Amin up to date. The only inspiration one gets from such a statements is to build an army, fight whoever who is in power and, if one succeeds, grab power and behave like him or worse. The people of Bungokho South, therefore, appeal to the hon. Delegates here to be tolerant and learn from each other. (*Applause*)

In my view the major cause of friction in this country has been the development of a culture of heaping praise on people in leadership positions and their system - be they parties, movement or dictatorships. In 1962, UPC and KY made an alliance which enabled them to come to power. Instead of the public pressing for democratic values to be enforced, a campaign was launched to make the opposition and the Members of Parliament a laughing stock. Soon after songs like '*Kabaka Obote waffe...*' emerged and praises were heaped on government in total disregard of the weaknesses which were in government.

In 1972, Idd Amin promised to be in power for three months. What did we get? Amin became a '*Muzanganda*,' etc. Then came the bombshell - a group of elders approached Amin and asked him to become life President and, willingly, he accepted. I will not have to repeat, here, what Uganda went through to remove Amin from power.

The UNLF went through a similar cycle although they did not last long.

Obote II had a repeat of the same with songs of praise. There was the famous 'Nyamurunga'. Today, it is NRM and we have not changed. You will hear many people saying they are grateful to NRM for doing this or the other. Nobody wants to tell the President or NRM the wrong done. (*Applause*) The question I ask, - why should you praise or be grateful to anybody who is performing his duty? Why do we not praise the doctors in Mulago who have been treating us all these years as governments come and go, (*Applause*) (*Interjection*) or engineers for that matter?

Hon. Delegates, I would like someone among us to tell me of any one leader in this country past or present who was enthroned against his will? As far as I know, they have either been elected or fought their way to positions of leadership. Either way they have willingly come up and offered themselves to lead. They should have been aware of the challenge of leading Uganda and not expect praise. This culture is responsible for the creation of dictators by the people themselves. It creates the class of indispensable leaders who can only be removed by violence.

Let us develop a culture of sincerity and work with our leaders when they are right and tell them they are wrong when they are wrong. Let us avoid blind praise for whoever comes to power for the sake of fear, handouts, favours, or of any kind. (*Applause*).

The people of Bungokho South are aware of the different and varied aspirations and wishes of their fellow Ugandans from other areas. They have, therefore, given me the mandate:

- 1) to present their views for consideration by other hon. Delegates and try my best to convince the hon. Delegate Is to buy my views.
- 2) To recognise the views of other delegates and accommodate those which are of value to Bungokho South.
- 3) To complete the exercise that they sent me here to do without compromising their freedom of association.

Therefore, in conclusion of those remarks, they have actually sent me here to negotiate.

The people I represent are happy with the theme as

presented in the preamble to the Draft Constitution because it encourages discussion and acceptance. They implore all Delegates in this Assembly to be guided by its spirit so that no one takes undue advantage of the other. If we are guided by this spirit we shall produce a document that is acceptable to the poor masses that we represent here.

On the issue of Constitution and people's sovereignty, my people recognise their sovereignty and are willing to defend it. They wish to add that more practical methods be involved in the defence of the Constitution. It is not enough to know how to handle a gun, if the gun itself is left in the hand of the few who can misuse it. If an armed person chooses to overthrow the Constitution, it will be difficult for the civilian to rise against such a person or group without being armed.

The people of Bungokho South, therefore, propose that the army be decentralised on regional basis with equal military hardware located at the regional command centres. As an example, with four region command centres, should one mad man from say Mbale wake up to take power, he is likely to be neutralised by the other centres from Kampala, Kabale and Arua. The people also propose that the combatants should not serve in their own areas of birth. This will make it difficult for madmen to woo the support of the area from where they operate on the basis of ethnicity in attempt to grab power for the benefit of that tribe or ethnic group.

On the issue of the republic, we in Bungokho South, wish Uganda to remain a republic. We think that this will avoid the emergency of states within a state which has a tendency to promote division and cause turmoil as one group tries to fight for supremacy over the other.

We do, however recognise and have no quarrel with the traditional rulers, acting purely as cultural figure-heads. This is in line with our thinking that, we should be able to work and live together without forcing all of us to behave in the same way or creating divisions which breed segregation and hatred. My people have no quarrel with those who wish to form federal entity if they can convince the people of Bungokho South of the advantages of such entities. They further say that such entities should be contained within the republic and all by laws and regulations in such entities should not violate the final Constitution of the Republic of Uganda.

On citizenship, the people of Bungokho South recognise the need for Uganda to conform to international conventions on human rights and rights of children. However, Article 42 (1) generates high fear among these people. They think that as stated the Article is subject to abuse. We, therefore, propose that the category of children referred to, here, should not have automatic qualification to citizenship. We propose that the mechanism of investigation be put in place to try and establish the origin of such children and the cause of their being found in the country without parents before citizenship is granted. This we think will reduce the possibility of Uganda being a dumping ground for neighbours who fail to look after their citizens on account of economic hardship, ethnic cleansing and land shortage.

Our people, vehemently, disagree with Article 41 (a) which tends to grant citizenship to people who were given opportunity to do so at independence time and refused to take the offer. We say that Uganda did not exist as a sovereign state in 1926. This Clause tends to give the impression that we are looking for citizens when at the same time we have got land problems. My people also propose that those who obtain citizenship by registration or marriage should be barred from holding the following sensitive offices:

- 1) President of Uganda ,
- 2) Chief Justice of Uganda,
- 3) High Court Judge,
- 4) Commander of the National Army,
- 5) Inspector General of Police,
- 6) Commissioner of Prisons and
- 7) Inspector General of Government.

I have listened with interest to the contributions of my fellow Delegates on the issue of political systems and I am convinced it is one of utmost importance. Before I present my views and those of Bungokho South, I would like this House to examine the reasons why this thing should raise debate or if it should raise debate, at all. It is true that Uganda has gone through both multiparty and monolithic systems of government. It is also true that both these systems have achieved good things and bad things for this country. Our search for good governance should therefore be based on examining why these systems failed to deliver only good things. From 1962 to 1964, multi-parties offered a good government for Uganda. From 1964, the party in power started feeling insecure. They, therefore, started feeling that they were going to lose the power. The confrontation between

UPC and *Kabaka Yekka* in 1960 was a culmination of these fears and implications of hidden agenda. After this incident, the UPC, then embarked on designing what they thought, at that time was fool proof system of remaining in power. One of the steps taken was to ban other political parties. Those who felt excluded from UPC were very happy when UPC was overthrown in 1971.

We ushered in a monolithic system called UNLF in 1989. It did not last long and internal wrangles and intrigue caused disintegration. This UNLF, in my view, was an early example of a movement. In fact, it can be referred to as the prototype model of the NRM. It was out of an uprising to remove a dictator. It came to power through fighting and it introduced *Mayumba kumi* which was very similar to RC 1. As I said, it did not last.

Obote II came with the re-introduction of multi-parties. Apart from allegations of rigging elections, there were the unfortunate crossing of the members of the opposition which created the absence of effective system checks by the opposition. More important, those who were not happy with the status quo started a war and despite the fact that they achieved a change, many Ugandans perished in the process.

Now, we have a monolithic system in the NRM. I agree that great achievements have been made in the areas of security, respect of human rights and the rehabilitation of some of the infrastructure.

Why then did the monolithic system in Russia collapse? Why did UNLF collapse, while NRM appears to be holding? My assertion is the difference in the seriousness, fearlessness and quality of the person in charge of the system and not the system. The success of NRM is not because it is the best system. It is because it is driven by a person who has managed it well with the expected weaknesses of human nature.

Who said people are only bad when they belong to parties or anything else? People become bad when they get drunk with power. I know many senior members of the NRM today who have boxed and slapped their drivers. I know of people who have threatened to shoot others. But why have they not repeated these acts? It is because there is somebody strong enough, in the name of the President or the leader of the movement who can summon them and issue them with warnings.

While we struggle to see which system we should follow, we should endeavour to find out whether the achievements we have today are purely because we have changed the name, or we are being guided by somebody different. We need to put in place a serious chief who can organise his lieutenants but that chief must also be closely watched by the Parliaments. For that reason the people of Bungokho South say that they have lived in peace both in multi-party and in the Movement. Bungokho South has never experienced the bitter pill of having your coffee and banana trees cut because you are DP and the other man is UPC. That one can be checked by anybody who is interested. Therefore, the people of Bungokho South say, we should have a free system and that this constitution does not need to prescribe how we should be ruled; who should rule us? It should describe the system of government, say, Uganda should be ruled by a free democratic Government. *(Applause)*

Bad things fall off by themselves. Let us not create room for losers to come back and create wars. Let us not create a room for people to become fighting groups with three guns only. What we need is a transparent electoral system which shows rulers that they have been defeated without excuse, and therefore, the people will tell them to keep quiet and try next time *(Applause)*

I would like to assert that the last CA elections was a good example of this type of open system. In spite of the law, people eventually were saying, I belong to X and you belong to Y. People voted and we have a whole spectrum of political opinions here. *(Applause)* So, let us continue by allowing people to identify themselves. If they are good, they will be elected; if they are bad they will be dropped.

On the executive, Bungokho South would like to see a President with sufficient powers to run the country democratically, but not one who will be too powerful to control. They propose that we reduce the powers of the president and I will move the necessary amendments as we go along in these deliberations.

On Public Service, Defence and National Security, the people of Bungokho have similar reservations on the appointment of office bearers in Public Service, Army, Police and Prisons. They have also asked to move the necessary amendments as the time comes. They are particularly worried about clause 252 of the draft constitution which is very ambiguous about security agencies. They think they should be estab-

lished on well defined lines like prisons, Army and Police.

On Local Government, my people support decentralization and are asking for more power to be handed down to them. The people however, recommend that the offices of the District Chief Executive and that of the Chairman of district be combined to avoid power rivalry. They also say, that the role of the Central government representative should be clearly defined to avoid conflicts arising out of power struggle. Madam Chairman, fellow delegates, I thank you.

THE DEPUTY CHAIRMAN: I thank you very much hon. Sakwa. I think we can now adjourn until Friday, 9.30 a.m., to allow the Business committee to transact business at 2.30 p.m. this afternoon. Thank you.

(The Assembly rose and adjourned until 9.30 a.m on Friday 1st July, 1994)