



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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WEDNESDAY, 3RD AUGUST 1994

MOTION:-

Communication from the Chair

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General Debate on the Draft Constitution of the Republic of Uganda

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Wednesday, 3rd August, 1994

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

P R A Y E R S

(The Deputy Chairman, Mrs. Victoria Mwaka, in the Chair.)

COMMUNICATION FROM THE CHAIR

THE DEPUTY CHAIRMAN: Hon. delegates, I have one communication from the Chair, coming from the Secretariats. They are sending their apologies that reimbursement of transport expenses will be effected when we come back but they are preparing your sitting allowances which you will be able to take before you go back home for consultation. Thank you.

M O T I O N

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

(Debate continued)

MR. HENRY. KAJURA (Bugahya County): Madam Chairperson and colleagues, I represent the county of Bugahya in Hoima District. It is the central county in the district, housing the headquarters of the district and now the Kingdom of Bunyoro Kitara. It is the centre of the educational institutions of the district and of commerce. It borders with Zaire and part of Lake Albert falls within the constituency, and those of you, I believe everybody has heard about oil exploration, that area of exploration falls within that county. It has a population of 123,000 people, perhaps one of the biggest constituencies in the country. It is inhabited principally by the Banyoro, but more than half of the population is made up of Lugbara, Alur, Zairians and other smaller groups or communities of Banyarwanda, Baganda and some Ateso.

Madam Chairperson and fellow delegates, we have before us a grand opportunity to consider and eventually reconstruct the future of this country. We should, therefore, take this matter of Constitution making with all the seriousness it deserves. We should identify what is good for this country now and

in the future. In doing so, we have to take advantage of our 30 years of experience which has been tumultuous with ups and downs. But this should not deter us from looking to the future boldly chartering the course which this country should take. Let us bear in mind that we represent the people - the ordinary folk and peasants - who elected us to this august Assembly, and that whatever we do should be in their interest; their interest today, and the interest of their offsprings in the years to come.

If I may turn to the Draft Constitution, the Bagahya have no problem with the name of the country. In other words, they suggest that Uganda is one sovereign state and a republic, but they suggest the word 'unitary' is unnecessary, and since it gives some offense in some quarters, it should usefully be omitted. The capital of Uganda should be Kampala, but they wonder whether - since Entebbe still continues to headquarter many of the ministries of government - whether it should not be part of the capital of Uganda for some years to come; if and when all the ministries have been removed maybe another look could be heard on this issue.

As to the Language, the Bagahya say English should be the official language. However, when it comes to Swahili they are of the view that this language is useful and should be taught in schools because it serves as a useful medium of communication within Uganda and within the Eastern and Central regions of Africa.

Chapter 3, the principles of state policy: It is the view of the people of Bugahya that Chapter 3 should be retained. It should be retained because it enshrines the principles that should guide the people of Uganda; it gives them principles which they should follow; it acts as a beckon to show them what they should be. This chapter, should in fact, be popularised and made compulsory to teaching in all institutions in the hope that they can mould Ugandans towards right aspirations so that Uganda's checkered history can in future create a more human society. So, this Chapter whether it is retained as part of the Constitution or it is an addendum, it should be retained so that Ugandans can read and have an aspiration beyond the things which govern them from day today.

The people of Bugahya ardently accept that all Ugandans have equal rights and opportunities or

should have equal rights and opportunities, and access to all facilities and benefits. However, the rights and freedoms must be matched equally by the responsibilities. Consequently, the proposed Constitution must equally emphasise the duties of a citizen as enshrined in Article 39. It should be made clear to all Ugandans that they must engage in economically profitable work so as to develop their country. Idleness and laziness must be condemned and discouraged. It is pointless to talk about equal development unless all communities in Uganda are equally prepared to work hard and take advantage of opportunities as they occur. So, hard work and diligence must be a cornerstone of our efforts.

Decentralisation versus federalism: It is a pity that in Uganda, because of history, federalism had acquired negative connotations for separatism, arrogance and monarchy, in fact it stands for none of these. Federalism is, in fact, the ultimate form of decentralisation where services are clearly delineated between the various centres of power and these have powers as a matter of right rather than being given to them by the centre or vice versa. Madam Chairperson and colleagues, when I appeared before the Constitutional Commission I argued that Uganda as a country of diverse people and aspirations, a federal state based more or less on the old provinces of five centres as we had them during the colonial times should be closely examined. The idea was that if we have four or five centres of power in Uganda, the attraction towards Kampala and towards the central governments will diminish, because the powers will be handed over to big and viable units where young people or ambitious people will be able to address themselves. In other words there would be a governor of a province with members of Provincial and District Assemblies and young or ambitious people would be accommodated in this sort of set up. The central government would automatically cease to be the only centre of power; it would be left to defence, foreign affairs, telecommunications, trunk roads; services like universities should be a shared service. An arrangement of this nature could create balance and stability; offer a healthy competition; and would be an answer to Buganda's request for self government.

What we have now are districts, and the current government is finding it very difficult to pass federal powers to districts many of which are not viable although again the districts vary in population. Some are of a million people while others are of

about 100,000 or even 14,000. Madam Chairman, it is a *katogo* to which one would find it very difficult to decentralise meaningfully. Madam Chairperson, I remember sometime ago government offered vehicles to districts and some districts were so small that they could not find money to even pay for a pick-up. Now, when we consider handing over more powers to such tiny districts, I really wonder how you would finance them. Of course, there is always a possibility of grants, but as we know first and foremost grants are given by the centre. If the centre happens to be short of funds, you know what happens. And those of us who have run local administrations know how grants and when grants reach the local authorities. So, it is important that viable units are created. If that is too late and since everybody is imbued with the idea of the district as the starting unit of local government, then I can see some problems in the near future.

Madam Chairman and Colleagues, there has been big talk about people sharing the fruits of development. It is possible to postulate that under federal system it would have been possible to have viable units, and these viable units would secure jobs in the regions. Therefore, the chances of young people acquiring those jobs in their areas would improve. At the moment we have a spectacle where everybody looks to Kampala, where young men after graduating move to the centre or around the centre. They build houses, they acquire farms and forget the areas of origin. Now, Lady Chairperson, who is going to develop these areas if the gravitation of young educated people is all towards the centre? And as I said it is possible to postulate that if indeed there was substantial decentralisation and indeed powers were passed in the form of federal type of government, these young men would remain in their areas and contribute towards their development *-(Interruption)*.

MR. MUSHEMEZA: Point of information. I would like to inform Hon. Kajura who has continuously said that young people are ambitious and gravitate the centre, that even old people and women are ambitious and they also go to the centre. Thank you, Madam Chairperson.

MR. KAJURA: Thank you Hon. Member. I refer to young people because the future is theirs. We the old people are gradually being phased out, and when you consider the Constitution you are really considering it for tomorrow and less for today. So, there

was no negative connotations meant to apply to young people. But young people have a right to be ambitious and to be forward looking and to do the right things in acquiring wealth and developing themselves.

Therefore, the Bagahya say go, listen, be flexible along with your brothers and sisters from Masindi, Kibale and Hoima districts and negotiate for us what is best and possible. They point out that in the circumstances, perhaps, the most workable arrangement may have to be that of decentralisation provided this is enshrined in the Constitution and provided the sharing of funds between the central government and the districts or in the case which is being championed by some of our people in the regions is clearly defined; so, that the districts are not beggars, and that they know what they are entitled to and they get it as a matter of right.

Citizenship: On this idea, the people of Bugahya think that we should be flexible when it comes to citizenship. Many people who invest their money in this country have more than one citizenship; what is important is that people should have faith in Uganda, and to have faith in Uganda does not mean having only one citizenship. Indeed I will not be surprised if some of us here were bearing more than one passport; it just as happens to be convenient to have more than one passport for certain people or more than one citizenship. Madam Chairperson, it should also be recalled that Ugandans have through the diaspora taken citizenship of other countries where they fled. Now, some of these Ugandans or ex-Ugandans, if we may call them that way, would like to remain Ugandans whilst at the same time are having or bearing the citizenship of the country of their adoption. So, I think this is a matter where we can be flexible and we should not assume that because one has one nationality, therefore, one is committed to this country, and that somebody with more than one citizenship automatically loves Uganda less; it may be an issue of circumstances.

Movement versus multipartyism: The Bagahya are very categorical that the movement type of government should continue for the next five years (*Applause*). Some have indeed suggested that this should go on for another ten years. Madam Chairperson, I am reporting, these are not my views but they are the views of people of Bugahya County. The ordinary man in the county feels happy under the present system. He says nobody harasses him;

nobody is pushing him around. He is living in freedom without the leaders trying to divide him from his brothers and sisters, and they would like this system to continue for another five years.

On political parties. The Bagahya are of the opinion that if they had i.e., parties exercised democracy in themselves, many of the unfortunate things that happened might have been avoided. They have also argued that because of this phenomenon parties have tended to attract bad elements who came to dominate them, particularly, at a lower level. Hence the atrocities that were committed by youth wingers in the name of the party - I am not saying parties, but I am saying in the name of the party, because the others have never had an opportunity to win the power and have these youth wingers harassing the people in the countryside. Consequently, they have argued that unlike what prevails in other countries where parties are private in Uganda, because of history, their activities must be regulated by law and, in particular, they must democratise themselves; that is to hold regular elections for their leadership.

On the referendum: The Bagahya see nothing wrong in seeking the mandate of the people who are the supreme power or in whom the supreme power resides. It is common knowledge that in democracy referenda are held to determine issues of moment e.g. in Switzerland in 1958 a referendum was held to determine if women should have the vote or should not have it. The referendum had been lost some years back but in 1958, as recently as that, Switzerland through a referendum decided that women should be enfranchised. In the case of Uganda with its past, with parties on one hand and what happened in that time, and peace and tranquility ushered in by the movement type of government on the other, surely the people are entitled to determine what form of government they prefer. Leaders should not fear to go to the people who elected them.

Traditional rulers: Bunyoro Kitara has just had the coronation of its king which by all accounts was a very successful one and there is no doubt that it had the overwhelming support of the people (*Applause*). It should be pointed out that the Kingship of Bunyoro has intimate connections with royal families, not only among the Bantu but also of the Acholi, Langi, Alur and across into Zaire. Therefore, it is the view of the Bagahya that the sustenance of the King is their responsibility and not the concern of others. The Omukama should be a cultural leader whose main

role should be to unite the people and usher them into the development process, through mobilisation. Madam Chairperson, you will recall that Hon. Mrs. Ssekitooleko did indicate the power of the King in Nebbi in mobilising the people, and if those of you were at Bulange last Sunday you would have seen the power and expression of feelings, by thousands and thousands of people who were there to pay allegiance and support to their King. So, the Kings or cultural leaders can play a very big role in mobilising the people. They used to do it in the past and they can continue to do this very useful role. On the national scene, the Bagahya are of the view that should if other communities wish to have rulers on the traditional lines, they should be free to do so and this should not be the concern of those who do not have them or do not want them to deter them. *(Applause)*. So, if the Bakonzo want to have their King, and I do not think anybody should stop them from having their Kings.

On land: It is the considered view of the Bagahya that land belongs to the people and should, therefore, be administered by them at district, maybe, regional level as the case may be, through the District Land Committees. *(interruption)*.

MR. AWORI: Point of clarification. Madam Chairman, I am seeking clarification from the Hon. delegate on the question of constitutional parity for monarchists. I understand from his people that they are saying that matters pertaining to Kings or monarchy should be left entirely to the people concerned, which is commendable. However, do his people also believe that all monarchists in this country should be constitutionally treated in terms of equality, parity, or should they be treated differently before the central government?

MR. KAJURA: Thank you, Madam Chairperson. I am passing the view of the people of Bugahya. Their view of the King or the Omukama is that he should be a constitutional leader who should not get involved in politics, but his job should be to mobilise the people towards development. Many years back when the Omukama said that let everybody come and dig the road people turned up, if he said today we are building a school, the people came. They would like to see our monarchy performing these functions, being a centre of unity and development of the area. Now, if other people have other views about the Kingship, they are entitled to them, but I do not think from what I have been listening to, that their views

are very different from the views of the Bagahya. I am yet to hear that they would like their King to be a dictator, that all the powers should be given to him, that he should appoint chiefs and dismiss them, that he should divide land among the people; I have as yet to hear that view being expressed by anybody - *(Interruption)*-

MR. ERESU ELYANU: Point of clarification. The Hon. delegate on the Floor has told us that in the past whenever the Kings made announcements that roads or whatever activity was to be done, people would immediately do that activity or that job, because they recognised the King. Madam Chairperson, the King of the past had authority to arrest, he had authority to discipline and, therefore, he had even political power. The cultural King we are talking about does not have the authority to arrest, and will not have political power. I would like to be clarified on this point by the speaker holding the Floor as to whether the King we are talking about or the cultural leaders we are talking about will be having that surmountable force and authority over his people should they all not follow his orders in view of the fact that he does not have political power.

MR. KAJURA: Madam Chairperson, Kings have moral power, and that is what I am referring to. *(Applause)*. Last Sunday there were no soldiers who drove the masses and masses to Bulange, the people came voluntarily. We are talking about moral authority and not - let me emphasise, Kings do not need armies in order to mobilise their people - *(Interruption)*.

MR. ABU MAYANJA: Point of information. I am grateful to the Hon. delegate for Bugahya for giving way. I would like to inform him and the Hon. House that we have had examples very recently of Kings who have no powers to arrest and no jails, but mobilising people, for instance, during the recent registration for election of delegates. Madam Chairperson, you will remember that because of the non-involvement initially of the RC system, many people had not registered. Now, here in Buganda when the Kabaka appealed to the people to register they turned out in very large numbers necessitating even an extension of the time. That was mobilisation for elections without the fear of jail. Again when the Kabaka called upon the people of Buganda to plant trees in order to stop the desertification of our country, many people responded including some white men. Thank you. *(Applause)*.

MR. KAJURA: I would like to thank Hon. Mayanja for the point of elucidation. As to Land tenure, the Bagahya recommend freehold and would wish to encourage that over a period of time the customary holders should be encouraged to convert their system of holding to freehold; meanwhile their rights should be safeguarded. With regard to minerals and mineral ores, while their control should be vested in the government of Uganda, in those areas or districts or regions where the actual mining takes place, should be able to benefit on the basis of about 70 to 30. In other words, they should be able to receive some revenue that accrues from that activity of mining. The revenues will assist the local authorities to make good, whatever the degradation or pollution that may have been caused in the process. Similarly, in order to ensure the protection of forest reserves, game parks, historical sites on sustainable basis, the interest of the local people should be harnessed by allowing them to have access to them on a controlled basis, and where incomes are generated, therefore, the local authority should share with the central government on the basis of 70 to 30.

The right of recall: The Bagahya are of the view that where their member fails them they should have the right to call him back and of course if he runs mad or becomes a drunkard they should have the right to ask him to come back and have another person elected.

On the position of women and youth, the Bagahya confirm and support affirmative action. But they are of the view that since women and the youths are doing so well, they have been able to get elected on their own ticket defeating their men competitors, that a time should come when this protection or this preferential treatment will no longer be necessary, and that time should come when the women can stand on their own and stop receiving preferential treatment or being patronised. So, this positive discrimination in favour of women should continue, in their view, for the next ten years and thereafter the youths and women should be able to compete more than successfully with their male counterparts. So, that that positive discrimination will then remain for the disabled and other people who have distinct disadvantages.

In conclusion, Madam Chairman and Colleagues, let us commit ourselves to producing a good Constitution which, bearing in mind our history and circumstances, will cement us and keep us together. In order to do this we do not have to reduce everybody

to a common dominator, for this is quite often what we think: that justice demands that everybody be reduced to a common dominator. If that attitude is taken then we shall end up by not developing but receding. Therefore, Madam Chairperson, let us accept that we have some differences, we have diversities and that these should be born in mind as we ponder upon a Constitution which will take care of everybody in Uganda where everybody will think that they have a part to play. Thank you (*Applause*).

THE DEPUTY CHAIRMAN: Thank you Hon. Kajura, now I call upon Hon. Zimula Mugwanya of Mawokota North to take the Floor.

MR. ZIMULA MUGWANYA (Mawokota North): Thank you, Madam Chairman. I am representing Mawokota North. John Zimula Mugwanya is a born politician not from a college, he is a born politician, he is not an academician he is not a learned Friend. But now he is a learned Friend, because just recently through these elections he took a gown from former Chairman of the law society, the former Secretary General, and people from Mawokota honoured me to be a learned man like my friend Abu Mayanja. As I am a born politician I cannot be coward and timid to refuse all, the point of information, point of order and a point of clarification so long as they are in the line of my view and view of my people.

Madam Chairman, at the outset, permit me to join my colleagues in thanking you and your deputy upon your election as a Chairman and Deputy Chairman of this august House. So far, you have guided the Assembly with exemplary function and I play that with the cooperation of every delegate you will continue to do so until noble task entrusted to you and all of us to is complete. I would also like on behalf of my people of North Mawokota to pay a glory tribute to NRM government for fundamental changes it has brought to the people of Uganda, for the security in most parts of Uganda, introduction of democracy to the grassroots level which has enabled the people of Uganda to fully participate in the management of their affairs and by no means a small achievement. This participatory democracy which brought us here should at the end of our exercise find some deep roots in the Constitution that our people have entrusted us to make for them. Therefore, it is both an honour and a challenge that our beloved NRM government has elected conditions conducive and strengthening democracy which has been called

upon on behalf of the entire Uganda population to chart out how Ugandans should and will be governed. If, however, we are going to achieve this we need to be far sighted and avoid wasting time on petty issues.

Ugandans have great expectations in us and it will be a disservice to them if we waste time calling one another names, pointing fingers at each other, arguing about allowances and in the end try to produce a Constitution that will not satisfy them. Madam Chairman, a lot of issues have been talked about, but on my part I will concentrate on what I consider critical issues.

1) On citizenship: I want to caution that a great care should be exercised in determining who is a citizen of Uganda. While in other countries citizenship is a matter of great concern and is jealously guarded, in Uganda it is different. Delegates will recall how in 1970s, Amin granted citizenship to somebody who sung well, entertained him in dancing or delivered a knock-out in boxing competition. In view of the fact that unlike in the past Uganda is now an island. We would not like to continue receiving people who run away from their country seeking for asylum in Uganda only to become citizens the following day. If a great care is not taken such a large number of foreigners may be absorbed in the population of Uganda through uncontrolled movements, or intermarriages. With passage of time, they may outnumber the indigenous people. It is not so far. It is for this reason that I do not support the idea of individual citizenship in Uganda. Because one person will run from his country where he is a citizen and come to Uganda and acquire citizenship. But one can never be sure of where his allegiance lies. It is for the same reason that I do not support this idea granting automatic citizenship to the children aged 7 years who will be found in Uganda. Uganda should not become a dumping ground for the foreign children who either cannot be maintained by their parents or were born as a result of unwanted pregnancies. In order to make it easy to ascertain a person who is a Ugandan, Ugandan citizens should be given a national identity and the refugees, or long term visitors should be given different identity cards which should be withdrawn at the time of departure from Uganda.

2) As regards political system. As a born politician, this a political system. We know we have been in the movement and we have also been in the political

parties - all of us here - you have seen everybody talk of peace; we have agreed to extend the NRM for five years. Let us stay where we are, because everybody is entertained. UPC people are in the government, DP are in government and I have never seen any one resigning from his post, even CP. Therefore, we should take this thing as very important. As regards the political system, Madam Chairman, the people of my constituency strongly support the proposal that the movement continues to govern this country for a period of five years, at least. I am not an academician but 'at least' means more than five years. Prof. Nsibambi can guide me on that, after which they want to be consulted through a referendum, as to whether they should continue to be governed under the movement system or the relevant political parties. They have seen both political parties and the movement in offices, and have experienced greater peace and harmony under the movement system. This is the message from Mawokota. So, do not take it as a national issue, it is a message from Mawokota, that is what they have seen, and therefore, they do not like to go back to political parties immediately. They would like the political parties but not at this particular time (*Applause*).

3) As regards the President: The people of Mawokota North strongly recommend that after coming into force of the new Constitution the President of Uganda should hold an office for not more than two terms of five years each. The President should appoint ministers who are not Members of Parliament and any Member of Parliament who is appointed as a minister should vacate his seat in Parliament. The Attorney General and the Director of Public Prosecution must be independent like members of Judiciary, hence the Attorney General should not be a part of the cabinet. There should be a Parliamentary committee to vet and ratify Presidential appointees in various positions.

4) In respect of the Parliament: Madam Chairperson, the Legislature should be composed of only direct elected representatives. It is not good to nominate people who have been rejected by the population to come to Parliament through back doors, after all, it creates confusion, crushes the right of the people between their representative and the nominated member of the Parliament. That is my people's view.

In order to avoid manipulation on democracy of the Constitution for the purpose of electing Members of Parliament, the people of Mawokota North recom-

mended that the county remains the base of constituencies - it may be divided upon depending on the population.

5) Madam Chairman, on the form of government, my people highly appreciate decentralisation. It is the form of government that gives power to the people to decide on their priorities in their district and participate fully in planning and implementing the development programmes in their areas, but assuring strong national unit.

6) As regards traditional rulers, I have told you that I am *omwana w'omwami*. If you want to make a good Constitution we should respect each other, and we should respect each other's tribes. Do not talk about somebody's tribe in order to abuse him. This is a general debate, why should you talk about Buganda when you are not a Muganda - you should wait until we come to the real part of the Constitution. Do not try to mess up, we have fought for this thing, we are still having a baby, we are under the movement, we fought for this democracy - we Baganda and if you are trying to contribute, people in your area cannot talk about Baganda. Even if it is a general debate try to talk about people of your area, I cannot talk about Basoga, I cannot talk about Banyoro, even if I own about 20 square miles in Bugangaizi, but I cannot talk about them and I do not fear them.

As regards traditional rulers, Madam Chairman - *(Interruption)*.

MR. ERESU ELYANU: Point of order. Madam Chairperson, the issue of traditional leaders has been brought to the Constituent Assembly because it is a matter which affects all of us in Uganda. Is it in order, therefore, Madam Chairperson, for the Hon. delegate holding the Floor to stand up and categorically state that other parts of Uganda which are not Buganda should not discuss this constitutional matter, as if in the Constitution draft there are parts which are specific for only Buganda and for Baganda to discuss? Is it in order, therefore?

THE DEPUTY CHAIRMAN: The Hon. Member at the beginning said he is representing the views of Mawokota, he will answer that after consultation. So, he is in order.

MR. CHEBET MAIKUT: Point of information. Madam Chairman, the information I would like to give to the Hon. delegate on the Floor is that the liberation war in Uganda was not only the work of the

people in Buganda, but the work of the number of people in different parts of Uganda. So, that is the information I would like to give the Hon. delegate on the Floor because he gave us a big lie that the war that has brought peace and security in Uganda now, as we speak today was brought about by the people of Buganda, I think that is misinforming the House. Thank you very much.

MR. ZIMULA MUGWANYA: Okay, thank you. That is not what I have said, I have said Baganda fought for this democracy since 1966; and if we fought we should get our entitlement, that is all. As regards traditional rulers, Madam Chairman, the people of Mawokota strongly recommend that communities that want the traditional rulers should be left free to have them. In the question of how the tradition rulers can be maintained, this should be left to the people concerned. If in a given community there are people who do not favour the institution of traditional rulers they should also be left along without forcing to pay their allegiance or contribute towards the maintaining of these traditional rulers - *(Interruption)*.

MR. SEKITOLEKO SSALI: Point of clarification. Madam Chairman, the Hon. Member on the Floor has stated that he owns 20 square miles in Bugangaizi; how really does he feel owning that chunk of land and keeping the people there as squatters; how does he feel?

MR. ZIMULA MUGWANYA: Hon. Ssali, if it has come from anybody else I could say something, but you are using my land and even you have put on squatters before informing me. The way we got land here, as you have got in Nansana, you bought it; so, if your people want, they can buy it from me. How much did you pay me when you put ten thousand squatters on my land? Tell this House. This should, however, not be a license of those who do not support traditional rulers to antagonise those who do and vis-a-vis as it can cause a breach of peace and development. The role of the traditional rulers should be confined to ceremonial, traditional and cultural functions to the communities concerned.

7) Finally, I want to talk briefly about land. Madam Chairman, as soon as this Constitution takes effect or even before that, the Land Reform Decree of 1975 which currently is still in force should be repealed. The people of Uganda should be able to own and utilize land in any part through the right channels.

The land in the districts should be administered by the District Land Board as it was before, and when we get *Ebyaffe* our land, the mailo land should be administered by the Buganda Land Board. Anybody who wants can go to Buganda Board and get a lease even now, without any reference from the Uganda Land Commission. The Commissioner should be left administering only land belonging to the central government. In this regard the people I represent prefer freehold system of land. They wish, however, to emphasise that foreigners should not be allowed to own land, but so long as my friend Ssali is not a foreigner he can own that one through negotiation.

In my conclusion, the Constitution should be guaranteeing equality of sex, of children. All persons must be equal under the law. The Constitution should address human rights, namely; association rights, property and economic rights, rights of food shelter health etc. *-(Interruption)*.

MR. MALIRO: Madam Chairman, I am seeking clarification from the Hon. speaker holding the Floor on the point of land ownership. He has said that mailo land should be returned as *Ebyaffe* and it should be held as freehold. I want to be clarified on the people who are sometimes called squatters or customary land tenants who are on that land. Are they also supposed to have freehold titles on that land? Freehold means absolute ownership, that means you hold that land for ever, so, where do you expect these people even to go? Thank you.

MR. ZIMULA MUGWANYA: If they negotiate with the land owners, like the King of Bunyoro bought land from me that is near to that of Ssali Skitoleko, he negotiated, he was a King by his time. But if they negotiate with us there is no problem, and that is what I told you at the beginning that we will have to respect each other if we want to make a good Constitution, and we have to give and take. Thank you.

MR. BAGUMA ISOKE: Point of clarification. I want the Hon. Zimula Mugwanya to clarify his points about land ownership. How just is he to say that he is the owner, whereas the land on which the people of Bugangaizi, the land which he owns, on which those people were born, is their right by birth and it was only given, grabbed by the British and only given as a gift to his grandfather Mugwanya? Now, how is he justified to say that people should negotiate with Zimula and not to resolve this issue here by all

Ugandans? It is 94 years, for how long will these people continue being squatters on the land which was grabbed, land of their birth and their only share from God. *(Applause)*

MR. ZIMULA MUGWANYA: I am really sorry, because an educated friend and a Colleague like you can ask such a question. That is history and we are making a new Constitution. And even the land which you own in Bunyoro you grabbed through fighting, and you can remember the history of those two lost counties -

THE DEPUTY CHAIRMAN: Hon. Members let us not generate into a two man discussion, continue.

MR. ZIMULA MUGWANYA: It will be when every category of people sees that the Constitution seeks to protect everybody's rights, that it will be respected and safeguarded. If we make a Constitution that does not bring man and his rights to the centre of everything, people will not respect it, and we shall have *-(Interruption)*.

MR. CHANGO MACHYO: Point of clarification. Madam Chairman, is the Hon. delegate aware, first of all does he admit that, that land was robbed from the peasants by the British in order to bribe the Baganda chiefs and chiefs who were not even Baganda? Two, is he aware that the '*Bataka*' - the federation of the '*bataka*' movement arose to oppose the mailo land system and demanded for the restoration of the pre-colonial land system.

MR. MUGWANYA: Oh, my friend Chango Machyo, you should know, even not only in your parts and even in Buganda they grabbed our land. The British grabbed our land, you do know that, which the central government owns; it belonged to Baganda. I do not think that one is a point, it is not.

In particular, we should recognize that women, form the biggest position of our population. We must also recognize the vital role they play in all aspects of public life despite their historical marginalisation in our countries, Uganda included. We should therefore, endeavour to create structure and conditions that will facilitate equitable and more effective participation of women at a level of decision making in the constitution; we are making it to benefit this big group of our population. It must be written in simple language, accessible to the public and be translated into local languages so that, people can know their

right and obligation to the constitution. That is when they will respect and safeguard it. Thank you my dear Hon. Members. We are here to discuss, not to argue. We are here to respect each other, if we want at the beginning to make a good constitution, not just to bring Historical things of land, we have to make a new start. Thank you, very much Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much, Hon. Mugwanya.

MISS. BYANYIMA (Mbarara Municipality): Thank you, Madam Chairperson. As I take the Floor to express the views of the people of Mbarara Municipality, let me say how confident I am that you will steer this august House to a successful and early conclusion. Mbarara Municipality is the capital of Mbarara District. It is in the direction where it is alleged, that *Pajeros* are seen to be heading.

However, to the best of my knowledge, there are two people who own *Pajeros* in Mbarara Municipality, that is the Bishop of Mbarara Diocese and Hon. Francis Mwebesa, Presidential Nominee, who is a private businessman, and not an NRM functionary. Most people in Mbarara Municipality move in old cars like mine, or they use *boda boda*. The Municipality is situated at a cross roads. North wards, is the main road to Masaka and Kampala; West to Kasese and Fort Port; South to Kabale, Rwanda, Zaire and Tanzania, are within easy reach. Over the years, people of diverse cultures have come and settled in the town. The names of the suburbs, can tell you something about the richness of cultures in our Municipality. Kiswahili is an area occupied by people whose grand parents and great grand parents came from Zanzibar. Kitoro area speaks for itself. We have Kihindi area, and some people there trace their origins to Calcutta and Bombay in India, and so on and so on.

The municipality boasts of several institutions, including Mbarara University of Science and Technology, Kakoba T.T.C. and some leading secondary schools like Ntare School, Mary Hill high School, Mbarara High School. In fact Mbarara Municipality is very well represented here. We have the Hon. Delegates from Rwampara, Igara east, Nyabushozi, Mawogola, Kazo, Sheema, Ruhama, Kasanda, Mukono Women, Hon. Presidential Nominee Hon. Mwebesa; even the CA Commissioner Steven Akabway is also from a school in Mbarara Municipality.

We were greatly honoured when Hon. Mwebesa, one of our leading industrialists was named by the President to be a Member of this House. It is these people of the municipality in their diverse cultures and religions who chose me out of eight good candidates, to represent them in this historic exercise. And Madam Chairperson, I would like it to go on record here that I am most grateful to them. Madam Chairperson, because the time is limited, I shall restrict myself, to only a few areas of the draft and expect to give more of my people's views during the consideration stage.

Human Rights. The chapter on fundamental human rights and freedoms is the dearest one to the hearts of the people of Mbarara. They would like it to be translated to all our languages, taught to ordinary people and learnt by heart by all school children, because they believe that freedom is an essential part of human development, it is not an optional extra. To them, human development is about increasing people's choices, people's freedom to live their lives to the full. For most of our independent history, we Ugandans have had no rights. We have more often than not, lived at the mercy of those who held political power. In Mbarara municipality, not all of us are fully aware of our rights, most of us having been born and lived without them. Many of our people have for years been conditioned to accept that it is the government which has rights and the government can lend them and take them away from people at will. I should give credit here. It is only during this period of NRM rule that the question of human rights can even be discussed openly. Human rights groups can question government about its human rights record, and remain legal, and even in physical existence in the country. So, the task before us as a nation to be, therefore, is not only to spell out the people's political, economic, and social rights; but also to teach these rights to these people, who have been down trodden by successive regimes, so that they internalise them, and are ready and able to defend them. Groups like NGOs and institutions which help to build and sustain democracy and the protection of human rights, should be encouraged to grow independently and advocate for causes of common concern.

The achievement of economic and social rights will depend largely on how the economy grows, and of course, on how governments set their priorities when allocating national resources.

If a government invests more in health and educa-

tion, then social and economic rights will be achieved faster. On the other hand political rights do not depend on the economy. Being a poor country is not an excuse, for example, to torture prisoners, or censor the press like successive governments have been doing. I will not mention names; all are guilty, but in varying degrees.

Political rights include personal security, rule of law, freedom of expression, political participation, and equality of opportunity. These in my opinion, are the principles which under-pin democracy. They are the measures of how democratic any political system is.

So, I would like to associate myself with Hon. Njuba and Hon. Abu Mayanja and others who have objected to the denial of habeas corpus during a state of emergency as provided in Article 53 paragraph 7. It is in fact precisely during such a situation of emergency that a person is in most need of the right to speak, to be brought before a court to determine whether or not, he or she is being lawfully detained.

Article 70, paragraph (1), allows parliament to suspend any human right during emergency. This is unacceptable. Some rights should never be suspended under any circumstances. Like the rights not to be summarily executed, to be tortured or to be discriminated against on basis of religion, ethnicity or gender. These are an inalienable rights; suspension of these rights would violate international law. So, the exception of state of emergency in Article 53, paragraph one should be removed and Article 70 paragraph one, should specify that certain right cannot be suspended under any circumstances. Paragraph I of Article 59, guarantees freedoms of, among other things expression, the press, peaceful assembly, association, even forming political organisations and freedom of movement. And I would like to read this paragraph. Paragraph 3, goes on to say that, "*The enjoyment of the rights under this article...*", the ones I have just explained - I have just read out, "*...shall be subject to any laws made by Parliament in the public interest to the extent acceptable in a free and democratic society*". Now, to me, this is like giving rights with one hand and taking them back with the other. We know very well, although in fact, NRM has behaved fairly well, but our experience is that, politicians often cannot tell the difference between their personal and party interests and the public interests. We have not forgotten those days when you would turn on the radio, and there would be another announcement by

Idi Amin in the public interest. We have not yet forgotten Obote's ruthless clamping down of the press. Why should we leave this loophole to tempt future politicians to violate our rights. How can "the extent acceptable in a free and democratic society" be measured? This vagueness makes it easy for parliament, a parliament perhaps of a party which is frightened, to suspend the rights of people to associate, to organise and demonstrate politically to express themselves. This paragraph therefore, should be deleted.

The people of Mbarara Municipality recognize and are happy that the draft has gone a long way to provide for equal rights and opportunities for women. Madam Chairperson, one of the fundamental aspects of the diversity of human experience is represented in the 'gendered' nature of human kind. Gender affects the life spaces women and men occupy. Their division of labour at home and at work. The knowledge they acquire through informal and formal means their perceptions and interests, and their culturally defined roles in their communities and nations. While we are all human and therefore, more similar than different, women and men all experience different physiological circumstances throughout their life span. It is no longer in dispute that, the gendered nature of human life creates fundamental inequities for women which in turn hinder development. The woman Delegate from Mbarara District Hon. Miria Matembe articulated these inequities and made a passionate argument for gender equity, giving vital and convincing data. It is on the one hand, a case of rights and opportunities denied to women and on the other hand, a case of delaying the process of development for the whole country. Whether one cares more about human rights than national development or vice versa, Madam Chairman, you can see that, what we call women issues are not really women issues; they are people's issues because they affect the destiny of families, communities, and countries. To achieve development, the question of the status of women has to be addressed. So, we in Mbarara Municipality welcome the provision in this chapter concerning women's rights. In particular, we would like the august House to consider entrenching in the constitution women's property right, especially the right to land and women's participation in decision making especially in the Local Government structures. I hope to make more detailed proposals about these two areas during the consideration.

We support the right of women to affirmative action

because it is not possible to achieve equality between men and women by merely prohibiting discrimination. In order to rectify the inequalities which exist, measures need to be taken which give women advantages in many areas. We appreciate the steps that the National Resistance Movement Government has taken in this regard, and we wonder what those proposing other political systems will put in place to achieve equality between men and women.

I would like to agree with Hon. Benigna Mukibi who said that during the past regimes, it was Ministers wives who participated in politics and international conferences. In 1985, I was then in NRM, I attended with another NRM Colleague the end of UN decade conference in Nairobi - a world conference. The head of the delegation was the president's wife, Mrs. Miria Obote. Other members in the delegation were the wife of the Minister for Internal Affairs Mrs. Luwuliza Kirunda and other ministerial wives. Government officials were there to accompany them and service them - *(Applause)*. This is the record. I saw it myself. However, we are of a view that, the constitution should only state the general principles of equality and affirmative action.

THE DEPUTY CHAIRMAN: Hon. Byanyima, there is a hand up. Silence, silence please.

MRS. MATEMBE: Point of information. Thank you, Madam Chair. The information I wish to give to the Hon. Delegate holding the Floor of the House, is that those very people have never come back. They had gone to represent Uganda at that UN Decade and the government was overthrown, they never came back. As a result, the women of Uganda were not able to benefit from that programme. I thank you.

MISS. BYANYIMA: Thank you, very much for that information. They went there to serve themselves and then they never came back. So, we think that affirmative action should be provided for through an act of parliament, not through the constitution. Such an equal status act would allow for practices in favour of women in various sectors; like the use of quotas, in favour of women in the Civil Service, special treatment in transfers and promotion, preservation of places for women in courses at institutions and schools and so on. Such an act would be reviewed from time to time and amended accordingly. An independent commission could be set up to monitor and enforce the act's provisions. We propose that on all public decision making bodies,

especially lower RCs, either sex should have a minimum of 30 per cent representation. Having more women in public offices would introduce women's interests, values and perspectives into political discourse and decision making, thereby changing the content of the political agenda. A word of caution to serve women's needs and aspirations; women must be there in a critical mass, and even more importantly, women entering politics must themselves have an alternative agenda to offer. There is need to have a strong women's movement to articulate this agenda. We support the provision to protect the rights of other disadvantaged groups like youths and disabled.

The people in Mbarara Municipality are sensitive about and cherish their religious rights. The moslem community in Mbarara is concerned that freedom to practice any religion and manifest such practice should be interpreted to mean that Moslems can wear their religious attire which includes a hat in courts and other public places. It should mean that, they have a right to make prayer calls in the mosque. The culture of religious tolerance should be encouraged. Religious practices held dear by any group and which do not compromise the interests of other people, should be protected. Mbarara Municipality people therefore, oppose what they consider was an unfortunate proposal by the delegate for Nakasongola; that animal slaughter should not remain solely in the hands of muslims. We call for tolerance, live and let live. The Catholic community too has expressed optimism, that the constitutional arrangements we shall put in place, will this time ensure full and equitable participation of people from all denominations. We are in agreement with the new concept of development which emphasizes the cultural dimension and so we support the provisions for cultural rights. The cultures of minorities should also be recognized, respected and protected.

With regard to traditional leaders, Madam Chairperson, the people of Mbarara Municipality do not understand why this Assembly was preempted by the NRC to restore traditional leaders. Our people were not consulted before this very important constitutional amendment was made. Now, some of the cultural leaders are sitting on their thrones, another one is still trying to sit on his. And we are being asked to say, whether we want them or not in this Assembly. We had been presented with a fait accompli by the NRC, this is not fair to the people. Madam Chairperson, you will agree with me *-(Interruption)-*

THE DEPUTY CHAIRMAN: Information, Hon. Byanyima?

MISS. BYANYIMA: Let me finish my sentence. Madam Chairperson, you will agree with me. It is embarrassing to ask someone who is already seated to vacate a chair. I can take the information.

MR. KABUGO: Point of information. I would like to inform the Hon. speaker that, by the time the NRC was discussing the restoration of traditional rulers, Mbarara Municipality was also represented. So, in this case, there is no harm in that case.

MISS. BYANYIMA: Thank you very much, for that information. But in fact I can even remember very well, that on the day, that the NRC adopted that amendment to the constitution - a very important amendment in my opinion, that my NRC Member was with myself, attending a *chakamchaka* course. I am saying this, because I think for such an important amendment to have been made, people should have been consulted broadly and it was the work of the Constituent Assembly not of the NRC to amend a constitution and then, ask as to make another one a few months later. I think that this was not in good faith.

THE DEPUTY CHAIRMAN: Information?

MR. SSENDAULA: Point of information. Madam Chairperson, among the people in attendance during the debate to the amendment of the 1967 constitution was John Barigye. He participated fully in the debate, and he knew exactly what was finally to be passed; and he is very conversant or fully aware of the contents of the amendment. So, I would like to know from the Hon. Member holding the Floor, where the NRC really went wrong? Everyone participated and everyone was free to give his or her own views, and NRC cannot stand to be blamed. We said, those who wish to restore the traditional rulers are free to restore them; those who do not wish, and if they do not wish, we cannot force them. Thank you.

MISS. BYANYIMA: Thank you for that information, Hon. Ssendaula. Although I do not know how useful it is. Because Hon. Barigye was a Member for Kashari, I am now talking for the Municipality, moreover *-(Applause)*. The point I am trying to under score is this; the NRC recognize that, that under-pinning Uganda's political problem was the

fact that we did not have a constitution that had the mandate of the people. And it set out through an elaborate exercise, to spend so much money, so much of people's time to collect views, in order for it to culminate in this Assembly that would make a new constitution. It is very strange, it is rather peculiar that a few months before this Assembly was to sit; they should again sit and amend the constitution in such a major way - the 1966/67 constitution - and then ask us to make a new constitution. Could they not wait for us to decide on that? *(Applause)*.

AN HON. DELEGATE: Point of order. I wonder whether the Hon. Delegate is in order to say that parliament was not in order to debate the restoration of the kingdoms when other than Ankole, the rest of the population welcomed the whole idea and even what we have been given, is not different from what the NRC suggested. Thank you.

MISS. BYANYIMA: I have not at any one -

THE DEPUTY CHAIRMAN: It was a point of order.

MISS. BYANYIMA: I am sorry, Madam Chairperson.

THE DEPUTY CHAIRMAN: I think she has the free will to interpret the way her people wanted her it done.

MISS. BYANYIMA: Thank you, very much Madam Chairperson, for that wise ruling.

THE DEPUTY CHAIRMAN: Please, can we be patient and let the honourable present her case.

MISS. BYANYIMA: I have not at any one point said that, NRC was out of order. I have said that, it was in bad faith. For them not to respect the constitutional exercise.

THE DEPUTY CHAIRMAN: Order.

MRS. SEBAGERAKA: Point of order. Is the Hon. Lady holding the Floor in order to say that the legislative body of this nation did something in bad faith? Is she in order to impute that, it preempted the Constituent Assembly, while the NRC has been amending laws after laws? Is she in order? Legal Notice No. 1 was amended and most laws have been amended; will the nation stop before the Constituent

Assembly enacts the constitution? Madam Chairperson, is the Hon. Lady in order to impute that Parliament had bad motives to restore the kingdoms, when the Asians and all other people received their property? Is she in order, Madam Chairperson?

THE DEPUTY CHAIRMAN: You are asking the same question. I had indicated that, that is the way she interprets it. We are free to interpret the way we feel. And please, she is giving the views of Mbarara. And I cannot rule her out of order, because I do not know what the people of Mbarara said.

MISS. BYANYIMA: Thank you, Madam Chairperson for that wise ruling. We are saying that what is done is done. The Municipality is saying that, what is done is done. Let those who wish to have traditional rulers have them.

THE DEPUTY CHAIRMAN: Let her continue with her presentation please. Order.

MR. SEBAANA KIZITO: Point of order. The point of order I am raising arises from our rules of procedure. Rule No. 19 (4), says that, '*No delegate shall impute any improper motive to any other delegate*'. Since in this House, there are 103 Delegates who are also Members of NRC, and they did participate in making this amendment to the constitution. Is it in order under this rule of procedure for the Member on the Floor to impute improper motive on those by saying that they had bad faith in passing the amendment which was so important to the country at the time.

THE DEPUTY CHAIRMAN: I did not hear her say so.

MISS. BYANYIMA: Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Hon. Members we agreed that we shall be patient; we shall respect the views of people representing other people. So, let us give Hon. Byanyima a chance to present her case. I think you better close that chapter, and let her continue. You are wasting time.

MISS. BYANYIMA: People in Mbarara municipality, Madam Chairperson, are saying that those who wish to have traditional leaders should have them. That, they should never *-(Interruption)-*

THE DEPUTY CHAIRMAN: Order.

PROF. KABWEGYERE: Point of order. Madam Chairperson, is the Hon. Member holding the Floor in order to say that the National Resistance Council which is a supreme body in this country which is the organ that passed the law to constitute this very body in which she is free to talk - is she in order to say that in one of its actions of the many laws it had passed, that it was out of order, it was doing it in bad faith? Is she in order?

THE DEPUTY CHAIRMAN: She did not say so. We are here to correct mistakes. Let us agree. We are here to correct mistakes which may have been seen by other people.

MISS. BYANYIMA: Thank you, Madam Chairperson. We are saying that traditional rulers should never involve themselves in politics and that they should receive equal treatment, and be accorded equal status by government. And for that matter, Madam Chairperson, we are not very happy when we see, some traditional leaders flying in planes, others in pajero, others walking on foot. In Runyankole we have a saying '*Kwoteera abaana otera boona*'. That when you beat up children, you beat all of them, otherwise, you create jealousy. *(Applause)*.

In applying the constitution, Madam Chairperson, government should be consistent, or else, it risks losing credibility and moral authority among the people. The difference between the new concept of cultural leaders and the old traditional leaders who were political, need to be explained and understood by the people. It may be better to exclude traditional leaders from the constitution. I would like us to think seriously about what the delegate for Bulambuli Hon. Wagidoso Madibo said. That if we provide for traditional leaders in the constitution, do we not need to provide for a mechanism to remove them. What should we do when a traditional leader trespasses into politics? I put it to the monarchists, that instead of calling for a chapter on monarchy they should seek to drop it out of the constitution. Instead, I would associate myself with proposals of Hon. Delegate from Ruhama, Hon. Augustine Ruzindana, that we should call them cultural leaders. so that their existence is linked to cultural rights which we provide for in the chapter on human rights.

Madam Chairperson, I see that the bell has rang, but I seem to have touched a sore finger somewhere, and I got interruption. I have few areas I want to intervene on; one is local government, the other one is political system. I hope you will give me some more time.

To the people in my constituency, the most valuable innovation of the National Resistance Movement is the RC system particularly the lower RCs. This system has transformed the ordinary men and women, who have hitherto been passive and helpless observers, and even victims of the political process, into active participants in community decision making. Mbarara people have stressed to me, that whatever we decide in this august House, whichever political system we choose, at the end of this exercise, it should return to them their RC by whatever name called. In fact, they have been disturbed by recent statements in this House calling for the scrapping of the RC system. Mbarara people want it to be known here that they are not prepared to surrender the power they enjoy now through RC councils to the greedy party sycophants who ruled over as chiefs. There is strong support for devolution of power from the centre to the district. Already, there are signs in Mbarara District that delivery of services is improving as a result of decentralization. The people derive great satisfaction from being able to participate in making decisions which otherwise would have been made on their behalf in Kampala. They can also hold the district leaders accountable, whereas it was almost impossible to monitor the centralised system. Decentralization should allow for local solutions to local problem. Having listened carefully to Members in the House who propose a federal state for Buganda, and also watch the goings on in the corridors and elsewhere, I have these few comments to make. We must avoid writing a constitution based on trickery or narrow short term gains. This is a mistake our predecessors made in the past, and it is our duty not to repeat it. This constitution should be based on sound principles. It should be the foundation on which we shall build the nation Uganda, stable, peaceful, modern and democratic. We have to rise above our partisan sentiments and consider the nation we want first. We have to look far into future, not be trapped by today's events. So, in earnest, I urge Buganda leaders to desist from the temptation to sell their Kabaka.

Madam Chairman, I have been watching closely movements in the corridors. Some Buganda del-

egates have been seen in discussion with multi partyists trying to conclude a federal-multiparty deal. Others have been trying to sell federal to the movement people. My neighbour here, an ardent multipartyist, Hon. Sam Byakika, has even put the federal carrot on the stick and dangled it to the Baganda delegates during the intervention in the general debate, thereby, whetting their appetites further. The wheeling and dealing going on centred around federal and the Kabaka is really amazing. But I would like us to take a leaf from Nkole's history. A long time ago, I do not know whether it is a legend or fact, but we were told that long time ago, Nkole was ruled by a clan called *Basiita*. This is in fact the clan from which our president comes. These *Basiita*, especially the leader, liked 'Kalo' very much - like we all eat in Ankole. And then one day, he sold his crown for 'Kalo' and from then the Monarchy line went to another clan. I would like the Baganda to think seriously about this culture trying to sell the Kabaka and federal here and there. One day, they will sell the Kabaka and never have back again. *(Applause)*. It would be funny if it were not dangerous, Madam Chairperson *-(interruption)-*

MR. KIWANUKA: Point of information. I want to inform the Hon. Speaker, that we are here because we want to make a good constitution. We are here as delegates of our constituencies, and we are here to make other people understand the views of our people. In order for us to be able to do that, we have to be able to communicate to other people, to make them understand our position, and we are siding with multi parties but we are not at any rate trying to sell our Kabaka. The position of federal is not the position that we are advocating for Buganda alone, we are advocating a federal for Uganda. We are not seeking for a special position; and we should be looked at as people who are advocating federalism as opportunists. When Mr. Kajura from Bunyoro talked about federalism - he was not a Muganda and I do not think other people who spoke about it were strictly Baganda. So, for your information Hon. Delegate, we are not doing anything wrong by talking to other people, by trying to sell our position or by making them understand what our people want. We want Federal for the whole of Uganda, and we are saying that if the whole of Uganda does not want it, at least give it to us. Give it to Buganda if others cannot take it. Thank you very much. *(Applause)*

MISS. BYANYIMA: I thank the Hon. Speaker for his information.

THE DEPUTY CHAIRMAN: Information. Are you taking it?

MISS. BYANYIMA: Madam Chairperson, I will take it at a later stage. Let me continue. Madam Chairperson, I thank him for his information, and I agree with him. There are other people also talking about federal, but I was really making my observation about those who have been wheeling and dealing.

Madam Chairperson, I would like to take this august House back a bit in history, when the infamous unholy alliance of KY and UPC was struck, and the constitution was written with a purpose of marginalising the DP and denying it a chance to compete fairly for political power. The alliance was built on giving Buganda a special status, including the Kabaka as a Head of State of Uganda and Buganda in turn would have indirectly elected MPs appointed by Mengo who would ally with UPC to defeat DP and form government. The alliance as we now know was in trouble right from the beginning. No sooner was it in power, than Mengo began making more demands for 'Ebyaffe.' These included a Buganda Police Force, a Buganda High Court, demanding for no referendum in the lost counties etc. The goal posts were shifting. Does this sound familiar? Do I notice Buganda agreement with NRM, a gentleman's agreement with NRM about a cultural kabaka being stretched further and further? Are the goal posts being extended again?

THE DEPUTY CHAIRMAN: Information. Are you taking it?

MISS. BYANYIMA: I would like to continue. It is interesting to note, what the reaction of UPC was to Mengo demands now that it had got power on Buganda's back. If you will allow me, Madam Chairman, I will quote for you words of the principal architect of the alliance. Mr. Grace Ibingira, in the hansard of 12th to 18th March, 1965. Ibingira made an ex-ordinary boast when he said, " Mr. Speaker, this is Mr. Grace Ibingira, who was key to the UPC/ KY alliance. 'Mr. Speaker', he said, 'nobody will contradict me. I was right in the middle of this very thing.' It was not the intention of the Buganda government to form KY, but the question arose, how can we defeat the DP (Meaning UPC). 'It was felt that something has to be found which could stop the people who could otherwise under normal circumstances as existed at the time, have voted for DP.

That was the thing that could have pulled them away, and so it was agreed'. He goes on to say, that, "We all agreed although not formerly that, after winning the elections, KY would be neglected. KY was an ad hoc committee especially for winning elections". This is now, Mr. Ibingira after getting in power by using the Kabaka Yekka. In fact, when he made this speech, Mr. Masembe Kabali who was an MP for Masaka East tried to interject that, KY was formed by Baganda for Baganda interest and Mr. Ibingira insisted that it was formed by UPC to use the Baganda in order for them to defeat DP. The Hon. Abu Mayanja who was then an MP for Kyagwe North East also tried to make the same point but again, Mr. Ibingira insisted and went on to boast further that KY was now not needed, it was supposed to be banned. So, the disagreement between the Kabaka Yekka and UPC, led to Obote banning Kabaka Yekka. Insecurity, burning of houses, storming of the Lubiri and everything that followed we know, it is history.

Twelve months or less than twelve months after Ibingira made that boast, he found himself in prison in Kotido, under the infamous detention act. This should illustrate to us, how futile it is to make a constitution based on self-serving tricks and alliances and so on, to marginalise political rivals. A point which Prof. Nsibambi, also under scored in his intervention. So, UPC should restrain itself from dangling the federal carrot and Buganda leaders should exercise some memory and see through that carrot (*Applause*). They should see and they should know that it is sweet and it is sour without even taking any bite of it.

Movement people to -(*Interruption*)-

THE DEPUTY CHAIRMAN: I can see a hand up.

MISS. BYANYIMA: Information? I think I will not take it on this subject.

THE DEPUTY CHAIRMAN: Okay, proceed.

MISS. BYANYIMA: Movement people too, must not be tempted to support any special status for Buganda. Such a position is not principled and it creates a disequilibrium in national politics. I regret, therefore, to disagree with my brother Hon. Tinyefunza about Buganda - federal Buganda being a check and balance for central government. I put the question to the proponents of federal. Is this pro-

posal to take power away from the district to another centre called Mengo based on the people's wishes or on the interest of those who would be at Mengo? Can it be put to a referendum in the districts? We in Mbarara Municipality would not oppose amalgamation of some districts, if a referendum was held in those districts concerned and the people themselves decided to unite.

Amalgamation of districts. My constituency welcomed the proposal to elect the district council by adult suffrage.

MR. KIWANUKA: Point of order. The Hon. Delegate in her submission indicated that she was speaking for the people of Mbarara Municipality, but now she is speaking to or about the people of Buganda. Is she in order?

THE DEPUTY CHAIRMAN: I did not hear her say so. Let us not plant words in other people's mouths. And Hon. Byanyima, you have run out of your time. I give you only five minutes.

MISS. BYANYIMA: Madam Chairperson, I was interrupted a lot. Well, I think I am going to leave the rest of my comments on local government. But for the Hon. Member who rose on a point of order, I should like to inform him that I am talking about the system - the local system of governance in Uganda; the decentralised system versus the federal system, and this is a matter for all of us not for anyone group.

THE DEPUTY CHAIRMAN: But summarize please.

MISS. BYANYIMA: Madam Chairperson, I am not going now to talk about representation of the people on which I had something very important to say, but let me move on to the political system.

THE DEPUTY CHAIRMAN: She has run out of her time.

MISS. BYANYIMA: On the political system. The people of Mbarara Municipality favour a broad based system of governance. Which involves all existing political shades and where all the people of Uganda in their diversity are represented. They would like that, there be regular elections on fixed dates. That parliament candidates should stand on personal merit and not on party ticket. *(Applause)* The people of the municipality support direct presi-

dential elections based on universal suffrage. And so, we support the suggestion by Hon. Kiiza Besigye of NRA, that presidential candidates should be state-sponsored to eliminate any candidate having unfair advantage. One day we may have a leader in power whom we would not like to be there any longer and it could be hard to remove him/her under the current provisions. Running a national campaign is not a very simple matter. The broad based system which exists - the people of Mbarara Municipality would like the broad based system to exist for a period agreed upon by this Assembly. They say, that they are willing to negotiate with others on how long this should be. But to them, it should take even longer than five years but they are willing to negotiate with others.

As I had said before, Mbarara people overwhelmingly want local government structures to remain modelled along the RC system, with people participating in a non-partisan manner. When the broad based period is over, having expired, the people would like the question of which political system to come next to be put to them directly, through a referendum. However, the unity of Uganda is paramount to them. If this unity is threatened by a referendum, if it appears that this unity is threatened, they urge this House to explore all other means to resolve this question; that the referendum should be an option. So, we are open to other suggestions, on how to resolve this matter. In the mean time, suspension of political party activities should be lifted. And a law to regulate their conduct should be enacted. With this then the political parties should begin to show us what they would like to be, one day when they are in power. We think that, one cannot give what one does not have. If a party has no democracy within itself, for sure, it cannot give the country democracy. So, let us see how democratic they are. Let them offer us some alternative ideas of how we should be moving. Let them demonstrate party discipline; let them initiate something; let them be with the people.

Madam Chairperson, I do not know that parties went see for example the earth quake victims. Surely, NRM had not stopped them, why do they not go and be with the people. Why do they not be with people during their suffering. Why is their main pre-occupation only how to get power? We want to observe them. Let the suspension be lifted, let us see whether they really care, and whether they deserve to lead us.

THE DEPUTY CHAIRMAN: Your time, your time.

MISS. BYANYIMA: Article 95, provides for an Act of Parliament to define the rules of the broad based system, which we may adopt. But here we have a problem, because the movement in the existence now is not so well defined also. If you read Legal Notice No. 1, it does not include the RC Councils, and Committees. In fact, the movement system, although it exists and we know it and we are saying that it should continue, it is not well defined. And when we say that an Act of Parliament should define those rules, I think it is a little bit unfair to outsiders. People who are proposing a multi party system who do not believe in the Movement system are being asked to adopt the movement system which will be defined at a later stage, I do not think this is fair. If they are to agree to this system then we should define it now. *-(Applause)*. I think also that, the very proposals here in this constitution themselves, redefine the existing movement institutional arrangements, for example, this draft provides for a Speaker of Parliament and the Deputy speaker to be chosen from parliament. But then today, in our system we have a Chairman and a Vice chairman of NRM who Chair the parliament. Now, if we choose a Speaker from Parliament, and after we have enacted this constitution, the NEC (the National Executive Committee) disappears with Legal Notice No. 1, what will the Chairman of the Movement Chair? Because he will no longer chair the NRC and he will no longer chair the NEC, so what will the chairman chair? So, the provisions in the draft, are themselves changing the institutional arrangement of the movement.

I think that we need, therefore, to define what the movement is, so that we agree upon it, and so that it is consistent with the rest of the provisions in the draft. We appreciate the democratization process that NRM has spear headed, and in fact we think that the democratic freedoms we enjoy now are really from the National Resistance Movement; we in Mbarara District did not enjoy any before that. But we feel that the movement should rather be democratised, we agree with all those who have said that all posts in the movement should be open for competition. Madam Chairperson, in conclusion *-(interruption)*

THE DEPUTY CHAIRMAN: Please.

MISS. BYANYIMA: Madam Chairperson, I was

really interrupted. I would like to make some brief remarks about this subject which delegates have been referring to as the national cake. Most of us born to work in kitchens know that, where a cake is there must be a baker. So, I find the discussion around sharing and eating the cake childish at the very least and irresponsible, selfish and parasitic at the worst. Sections of the press and some politicians have made 'eating' acceptable and have placed it right at the centre of political debate. Struggling for the trappings of power is now at the center stage, it has become acceptable and even fashionable. Values which we women care about such as caring, serving, building, reconciling, healing, and sheer decency are becoming absent from our political culture. This eating is crude, self centered, egoistic, shallow, narrow and ignorant. We should ban eating from our political language. Madam Chairman, In fact, eating is part of a culture of 'Twarire' which we had in Obwe II in Bushenyi. It is a culture of 'Okugwamubintu' which was talked about after KY and UPC came to power; it is a culture which we must denounce and do away with, if we are to start a new nation.

Madam Chairperson, I view some of the calls for cultural revival, couple with the calls for sharing the cake evenly, with an amount of suspicion. People seem to be reviving old and traditional structures in order to compete for scarce resources. I do not see the evidence of people wanting to return to their old tribal ways of life or rejecting modernity. Instead what I observe is that ethnicity is being used to provide platforms from which the amenities of modernity can be competed for. In fact, ethnicity is beginning to play a perverse role in our political development. The way it is being used, it is in conflict with the morality of modern political life upon which the State and civil society are based. Within this context of global change, economic and political liberalisation, civil society is trying to reconstitute itself. Groups like women, youths, farmers, traders, workers, interest groups and lobbies are organising themselves and trying to articulate and to protect their interests. The current political atmosphere, I must say, is encouraging society to grow. A new urban middle class and working class with a civil consciousness are emerging but it is threatened by the growth of ethnicity which we politicians are sometimes promoting for narrow self interest. We are seeking personal and ethnic solutions to public and national problems

We should recognise the weakness and fragility of our State and its lack of political and social cohesion. It is my sincere hope that during this exercise, my dear Colleagues, we shall commit ourselves to this task of nation building which we have been assigned by the electorate. The challenge of turning our people of diverse ethnicity into citizens with a sense of

national loyalty and identification with new concept of rights and duties should be consolidated here by all of us. Movementists or multipartyists, we all need to redefine our political agendas and change considerably the content of political debate. A holier-than-thou attitude by any party will not help. We are all in this clumsy boat together. This 'creature of colonialism' as Hon. Tinyefunza has called it must one day, and not long in the future, turn into a real nation. Madam Chairperson and fellow Delegates, let us listen to each other and reach a consensus on this draft constitution. We must succeed. I thank you very much. *(Applause)*.

MR. DAVID PULKOL (Matheniko County):

Thank you Madam Chairperson. My names are David Pulkol Bwangamoe. Bwangamoe comes from Matheniko county, Moroto District, Karamoja in the North East corner of Uganda. Karamoja occupies 24,000 square kilometers of land and constitutes a tenth of Uganda but only occupied by less than half a million pastoralist population. Matheniko county is set in the Mid-Eastern corner of Karamoja bordering the Turkana of Kenya Republic and covers an area of 1,396 square miles. The 1991 population census puts the population of Matheniko at 46,000 people. This figure is not accurate because like any other census which takes place in Uganda during dry season, it is difficult to conduct a census when these pastoralist are travelling 200 miles away in search for pasture and water, particularly being a marginalised group in Uganda.

The issues I am going to present, first and foremost, need the contextual issues to be articulated. These are a people who at the moment happen to be a problematic part of Uganda. What has made Karamoja a problem? How did Karamoja become a problem? What is the problem? In that case, Madam Chairperson, we are saying when you have a paw-paw and you want to eat part of it in five days' time and you eat part of it now, it is what you do with that paw-paw which is most important. If you leave it to rot and it goes to rot and you do not come back and say what is wrong with this paw-paw because everything you do has consequences. When you sit

and doing nothing you reap the consequence of doing nothing, nothing as a policy in itself. Today the Karamoja question must remain high in the political agenda of this country. Today, Uganda is formulating a new constitution just like it was in Lancaster House where some Members, some of whom still in this House, suggested at that time that Karamoja independence should be delayed from the rest of Uganda and that caused almost a row if you read the minutes of that Lancaster Conference. Now that we are here, the people of Matheniko county like others in Karamoja area, are saying Karamoja should be part and parcel of a united, independent, democratic Uganda not an appendix; it must be part of the main document. Therefore, I support a clause in the draft constitution which spelt out the need for balanced development. Development in the neighbouring districts bordering Karamoja and the rest of Uganda, will only be sustainable if Karamoja also develops. And therefore, attitudes like saying we shall not wait for Karamoja to develop must therefore disappear because if you cannot work together to get Karamoja to join the rest of Uganda, then most of what you are doing will not be sustainable.

It is in that regard, Madam Chairperson, that I would like to proceed as follows:

1) What a beauty it is to see Ugandans of all walks of life in this House from all shades of opinion, no matter which party you belong to, political party, religion or tribe, or corner of Uganda you come from, no matter which profession you profess or hold. Now we are here, men, women, youths, adults and even those who are super elders. We must participate in arriving at or generating a formula that will help this country to go forward. This formula has been alluding us for many years. Much as nature has been kind to us as Ugandans, we have been largely unkind to ourselves; stealing from the Treasury; stealing from each other and each time running away into exile. Again as the Anthem says, in liberty we always stand up but this time with arms. So, here we are!

We thank definitely those gallant sons and daughters of Uganda that made it possible for Uganda to reach to a point where we are now. Giving us the opportunity to again begin from where we ought to have begun. When the group came back from Lancaster House carrying in their brief cases a constitution assuring us of independence in 1962, they were welcome with a 21 gun salute, probably Idi Amin was among those who welcomed them. Now only to open their brief cases 25 years after, to find that it was sham democracy, sham independence; it

was just nothing but chaos. I am speaking as a young person now in leadership. If colonialism, Madam Chairperson, was bad, then independence, the way it was presented to us was even worse. So, there came a cry, when is this thing called independence going to come to an end and something better begins - something which is neither colonialism nor independence, at least not the way it was presented to us. So we are very happy that the gallant sons and daughters of Uganda who took it upon themselves to take up arms in order to institute a new order in Uganda.

Citizenship is a very critical thing that is being spelt out here. I am saying this because through this transition period under National Resistance Movement Government, we heard voices of people like Hon. Cecilia Ogwal telling people of Uganda not to participate in the RC elections, and not to give their views to the Odoki Commission. What a gratifying thing now to see that among the people debating this constitution include non-other than, Hon. Cecilia Ogwal from Lira Municipality. *(Applause)*. The message therefore is and remains that once "you either have to join the people or you risk being left on the roadside and therefore become totally irrelevant in the whole development process of this country."

On citizenship, the people of Matheniko are saying the issue of border tribes really needs to be looked into seriously. We happen to be among those at the border of Uganda and Kenya and therefore, we have really to cross the border or intermarry and so forth. We did not sit in Berlin or anywhere where these boundaries were demarcated nor were our people consulted in the establishment of these borders and yet the hinterland tribes of Uganda do not seem to appreciate the predicament, problem facing those tribes of Uganda which find themselves in the border areas, definitely, not only for national security but for their own right as citizens of this country. Sometimes, they become discriminated by both countries and they remain nowhere.

So, it is in this regard therefore, that the people of Matheniko county would like to welcome Article 41 in Chapter 4 of the Draft Constitution Clause (a) which tends to address this issue and settles it once for all. Those of us who find ourselves in that state of affairs, never voted to be there; we never asked to born in that part of Uganda. We also found ourselves crying as young babies in that woodland. Therefore, it is none of our fault but rather we would like to be part and parcel of Uganda. It is in that respect that

I would like to proceed to the issue of children, Article 42. Some Members in this august Assembly have gone ahead with fertile imaginations to think that those of us who support and cherish the provision of Article 42, sub-section 1, are therefore having sinister motives or a hidden agenda to smuggle into this country children from other countries and make them citizens of Uganda. That is really at worst, an escapism of reality. It does not help to close your eyes and say that such a situation facing these children does not exist in Uganda. Please, for goodness sake, if it does not exist in your constituency, it does not mean to say such a situation facing these children does not exist in other corners of Uganda. And since we are here seeking a constitution for every corner, for every citizen of this country, it must therefore be all embracing and it must provide solutions for problems experienced now and problems that we anticipate will be experienced by this country in the future. Therefore, we should not close our doors, we should not be short-sighted and therefore should really desist from this idea of going beyond or to the extent of imagining that other people have dubious motives. The very fact that you are capable and able to think like that, makes you suspect. It makes the rest of us suspect you. I mean that if you are expecting others to be dubious, why should you not be dubious? We don't trust you? So we would like to look beyond that and say that if we dig so much in the mud, we risk becoming too muddy and therefore I will proceed with the rest of my presentation not to go into the mud of history because I risk being muddy myself.

Therefore, these children are orphans of war, orphans of earthquakes, orphans of diseases, children born of AIDS, dislocation of families, children of poor parentage, neglect and abuse. These things exist today in Uganda. And the provision is saying even if it is year 2000 or year 3000, so long as there is a child in Uganda below the age of seven, it is not only for now, that child who does not know his parents - an earthquake erupted, people were dislocated, you could not trace your parents. The earthquake is in Fort Portal today, tomorrow it could be in your constituency. You cannot rule that out. So, it is fundamentally important that we incorporate this in the new constitution.

Fundamental human rights. The people of Matheniko county support the provisions that appear in Chapter 5 but would like me to include and beg all of you to include one fundamental right. The right of a citizen to have access to information in custody of govern-

ment. Information in this country is being hoarded by certain officials, bureaucrats of government, be they Ministers, Presidents or Prime Ministers and yet government puts funds to the generation of this information. The citizen must have the right of access to information in custody of government because for example, seismology unit may detect that an earthquake is going to hit point X. Now if somebody hoards that information, he must be sued to court. Yes, whether you are a President or a Commissioner or whatever you are. So, we must have access to this information; like information about earthquake, drought industrial pollution and the rest of it.

Recently, Uganda has been witnessing the serious drama of our time. People do not know whether famine kills or it does not kill. People think that famine brings a panga and slaughters you and blood flows out. It is really that pathetic. I wish some of these Prime Ministers can be retrenched so that their children can also - *(Applause)*. I mean it is really that serious. It is a pity that public funds are put to lifting a Prime Minister in a helicopter and he goes just lamenting in Pallisa, wanting to see a grave so that he can sleep at a graveyard. Can you imagine a graveyard! We must rise up beyond - yes these things must be said and said now. Fortunately, the environment now exists and it is conducive for these things to be said. *(Applause)* I am saying, I wish rats could also nibble the feet of their children so that they get to know what the poor peasants go through. Leadership is like being in the aeroplane, in the air. It distorts your view of life if you are not careful. You think the whole place is flat. Because tea is arriving on your desk every ten minutes, you think there is no hunger with the rest of the population. This state of affairs must be redressed and the sensitivity of leadership to the problem of our population must be enhanced. If anything, a provision must be made in the constitution for the citizenship to sue. *(Applause)*.

So, access to information - you find secret memos, Cabinet papers. Once Cabinet has taken a decision why should it remain a secret? This information is vital. Public funds were put into commissions of inquiries. This information must be made public and therefore, the right of access to information is fundamental.

Now on the issue of state of emergency. Article 70. The people of Matheniko county like others in Karamoja have suffered in the past because of state sponsored terrorism in the name of declaring a state

of emergency; a military operation to contain some local problems like cattle rustling or it could be insurgence or something like that. The problem of these states of emergence whenever they have been declared, they come in a blanket and pigeon hole the people of that tribe as part of the problem without separating that in every tribe, there are good people and there are bad people. There is no tribe on earth which monopolises misconduct. Even in the society of saints, there are norm breakers and there are conformists. Those who violated were chased down. I think the Bible says that. Now how can you expect generalization for such cases like Karamoja, Kitgum, Gulu or wherever? So, it is important like for example, when a Muganda thief steals a car on Kampala Road, you do not just go and arrest all cars of Baganda on the street. No. The Police rules are clear. You go and track down the criminal Muganda thief. Or when a Mukiga smuggles beans to Rwanda for example, you do not go and arrest all those who are selling beans. But in the case of Karamoja, the State would come and arrest all the cattle of Karimojong whether you participated in the raids or not. This kind of state of affairs - *(Interruption)*

MR. BESWERI MULONDO: Point of clarification. Thank you Madam Chairperson. I want to be clarified. I do not know whether the Hon. Member on the Floor had any bad motives, but I was a little bit offended and I wanted some clarification. When he says if a Muganda is stealing a car on Kampala Road, does that imply that all cars lost around here are stolen by Baganda?

MR. PULKOL: Thank you very much. I am going to clarify, Madam Chairperson. I was saying that there is no tribe in Uganda which monopolises mischief and therefore when I said, 'if a Muganda thief', not just any Muganda but 'a thief within Buganda', not all Baganda are thieves. In Buganda, there are thieves just like anywhere else. So, the people of Matheniko county therefore support the provision which has been made in the Draft Constitution on the state of emergency Article 70 and the procedure which has been proposed in Article 129 section one. The declaration of states of emergency is supported by the people of Matheniko county so that it is not the prerogative of the President just to rise up one day and declare a state of emergency. The provision is supported because the executive arm of government can declare a state of emergency but must within 14 days bring this to Parliament, if Parliament is sitting so that Parliament endorses it or cancels it. But if Parliament is not sitting within one

month, Parliament must be recalled on emergency session in order to discuss the modalities for that state of emergency. So, that at the end of the day, the Members of Parliament must be accountable for either the death of soldiers or the massacring of civilians, if it so occurs.

We would like therefore, to suggest that in the duties of citizens, we should include the obligation of citizens to contribute to national security - because we have a right to security. We must also have an obligation to contribute to that security as citizens of Uganda - and therefore, it provides a framework for the army not to go heavy handed but rather to involve the positive elements in that area in order to contain the retrogressive elements there. So, that is a partnership. That kind of partnership is the only way that can take us forward. But if you go and substitute the people's participation with your heavy bombs and helicopters, gun ships and so forth, you will never succeed. It is better to win the hearts and minds of people. So, the people must therefore participate in bringing about security in Uganda and that is why people from Matheniko would like included in the duties of citizens, an obligation of citizens to contribute to security.

Representation of the people: Electoral Commission. We are saying no to the Presidential appointment. Now we had a situation in 1985, for example, Obote II. Assuming it was the very Obote who came back, appointed Electoral Commission - these boys are his boys or his girls working in the President's office, driving UC Land Rovers or whatever they were and even if elections were not rigged, the very fact that these are his boys, taking his directives and when they start rigging or demarcating constituencies, where DP is strong they split into two and dilute. So, rigging begins even before voting starts and there is no provision even in the multiparty Uganda for example at that time, for DP to nominate members to the Electoral Commission or CP to nominate and UPC to nominate. So, we are saying that Electoral Commission must be independent.

MR. BEN WACHA: Point of information. I will give short information. Madam Chairperson, the Electoral Commission which was elected in 1980 was not the hand work of Obote but of the Military Commission at that time.

MR. ELLY KARUHANGA: Madam Chairperson, I want to thank Hon. Pulkol for giving way. I

just wanted to supplement the point for his clarification on gerrymandering of constituencies. In my constituency Nyabushozi which is a county, during the 1980 elections, the Electoral Commission did one of the most despicable things that this country has ever seen. I had to go to Makerere University in the geography department to be able to get a map of the new constituency of Nyabushozi as demarcated by the Electoral Commission at that time. I was surprised when the Professor of Geography gave me the map of our constituency. Half of the constituency starting from Lyantonde going straight, was taken to Kashari and therefore represented by Hon. Rubaihayo at that time; starting from Lyantonde, one gombolola Nyakashashara. It was like a snake going towards through Mbarara and then behind Mbarara and then near Sheema that is where we got our MP in Bushenyi. Then the other part which was left where Hon. Kutesa who is in the House and Mr. Museveni, were standing started also from the borders of Rakai and Masaka and had then to be divided and another constituency in between imposed and another part from Ishongorero where the majority of people who had migrated from Kigezi were settled near Kabarole in Kabarole District such that the constituency had one head, there was no neck to it and then there was the rest of the body. The reason was that you get a sort of people who do not know each other, where the candidates had not even been campaigning, and then put them together at that time of election. It was a typical case of gerrymandering and I think it should remain in our history books for study, as a very good case study. Thank you.

MR. PULKOL: Thank you for that information. And so the story goes. If all of us are asked to tell stories, I am telling you, in your part of Uganda, you had one way or another, that kind of problem. That is because the same President who is standing is also nominating people. So, a procedure for nomination and electing these people to man the Electoral Commission must be spelt out here in order to guarantee, if anything, to protect the President from any abuse. Because even if it is not rigged, how do you prevent people from going to the bush? If somebody is really disgruntled. So, why do we put such clauses like those in the constitution if we can avoid it? If you asked Pulkol, "Pulkol how nearer to the cliff can you be without falling?" I will tell you please stay as far as possible and therefore, since my prayer is only one that, "Do not lead us into temptation but deliver us from all evil", we must really protect this President from all this evil.

We support the idea of Article 88 using administrative units like a county as a constituency unit. This is very good indeed because it does not give room for manoeuvre. So, although Hon. Wacha was saying the Electoral Commission in 1980 was elected by the Military Commission not by Obote, all we know is that it was a different form by the same substance. So, the county should remain a constituency. The issue of population quota mentioned in Article 88 section 3 disturbs the people of Matheniko to some extent. It is good to take population as a factor in demarcating constituencies or people who are to come to Parliament or any organ of government. But in establishing that population quota, care must be exercised, lest you may find the system favoring those who come from heavily populated areas. You may find that the South, the West and the central may be overwhelmingly predominant in government or in Parliament. You may find that you are the only one. What would it be like if you found that you are the only people and the rest are marginalised? So, that is why the issue of a county must be held once is an administrative unit; whether it has 70,000 people or not, whether - for example, some people may come here and use the quota and say if you have 30,000 people, you will send a Member of Parliament. So, by that alone, you may have a constituency like Bukoto with 350,000 people sending seven Members of Parliament. You get the point? So, you may find that by that system, you will negate the very principle of democracy and you will create sufficient grounds for another war. Although we may not hold a big population because infant mortality rates are high, because of all these kinds of problems that we find ourselves in we command a sizeable area of land with enormous resources in it. So, we wait for you when you come for those resources.

So, it is fundamentally important that population as a factor must be taken but not as the only factor and care must be exercised, lest it creates a problem for this country.

DR. MUGYENYI: Thank you Madam Chairperson and thank you Hon. Pulkol for accepting to clarify to me. Madam Chairperson, the clarification I am seeking is how we can avoid this influence of population because even when you come to adult suffrage per se you will find that areas which are heavily populated - there is no formula we shall use to reduce their votes by a particular factor to cater for areas which are under populated. So, I am seeking

clarification from the Speaker how these areas which are heavily populated like Bukoto which I understand has about five Members here, when we come to adult suffrage for say, choosing a President or choosing Chairman for the Movement? How are we going to avoid this factor of population in these areas? Thank you Madam Chairperson.

MR. PULKOL: Thank you Madam Chairperson. The issue I would like to clarify is that Population as a factor, population quota as it is included in this is good but there should be another provision to protect us from those other leaders who may come here tomorrow and use that population quota and put the population figure lower in order to send more members from their areas to Parliament. That kind of manipulation is what the people of Matheniko county are raising to the attention of Delegates in this Assembly. The population is there, but there must be a way to protect that areas are not under-represented. At the same time, they should not be over-represented. So, that kind of provision must be made. There must be a balance.

Political system. A political party, being a monolithic sort of organ based on an ideology that Members who believe in that ideology subscribe to, it mobilises a section of people in the country who share that ideology or that idea, it puts their views across. It is a forum for lobbying and putting the views of that section of the community of Uganda across. It tries to use that organ to take over leadership in order to impose its wills on the wills of people. It mobilises the population, sometimes it mobilises the minority and if their views are good, they might mobilise the majority. That is the political party as monolithic as it is. A Movement is a pluralistic sort of organisation embracing all the political shades of opinion including Political parties and those who are independent who do not hold or subscribe to any political party. Therefore at all levels - I am being asked at what level. Although I must address the Chair, I must be protected here. So, the Movement at village level has established a government.

THE DEPUTY CHAIRMAN: Hon. Pulkol, there is some information but know that the second bell has gone.

MR. PULKOL: Thank you very much. As you have ruled, not when the second bell has gone. So, I will not take it. So, the grassroots level, village, parish government, sub-county, district. So, there-

fore, in Africa, political parties are organised around not ideas although there was a party in Uganda which said it was a party of ideas - you all know. But the question is, what ideas? Therefore, it organised people around religion, tribe, region...

MR. OKWAKOL: Thank you Madam Chairperson and I thank Hon. Pulkol for giving way. Madam Chairperson, is it in order for Hon. Pulkol to confuse this august assembly by twisting the meanings of words and making us believe that the Movement is also embracing the parties which are monolithic when we know that the multi-parties or multi-party system which is all embracing and it is the Movement which is monolithic and autocratic. Is he in order?

THE DEPUTY CHAIRMAN: I think that is a matter of interpretation. Both of you are right. *(Laughter)*.

MR. PULKOL: Madam Chairperson, thank you very much. This now means that words do not have meaning in themselves but it is us who assign meanings to words and therefore, it is open to interpretation. In that case, it does not rule out. I was saying that a party is a monolithic institution. When they act in concert in that kind of system, you can achieve some degree of pluralism but in a party, it is a monolithic thing. So, the Movement embraces all this including independence. So, we are saying Madam Chairperson, that people in Uganda have used these political parties - the leadership in those political parties have used them in order to advance their own or benefit themselves. So, these parties have been hijacked and therefore need to be given back to their members - hijacked by the leadership. I give a case in point. I was a student in Makerere University sometime in 1983/84. We were locked in with my Friend here Hon. Dollo and others, I was taken to Kiira Road Police. Just we were electing a chairman for the university, this was Uganda Peoples congress. This Uganda Peoples Congress nominated somebody from headquarters against the will of the majority in Makerere. Sam Tewungwa was the returning officer and on the UPC membership card there are ten points and point number ten says, 'To do everything possible to achieve the 9 above'. *(Laughter)* To do everything possible on earth, under the sun, even if it means murdering somebody, even if it means manipulating or rigging. So as a rule, students were saying that they apply rule number 10. *(Laughter)*

MR. OWINY-DOLLO: Point of clarification. Madam Chairperson, it is quite true that the Hon. Delegate for Matheniko and myself were rounded up and locked in. I was actually locked up in Wandegaya Police Station and he was taken to Kiira Road Police Station because we were defending the democratic principles which are in UPC which were being derailed. Madam Chairperson, whereas my Friend the Delegate from Matheniko has run away from the party, I believe that it is the duty of high thinking members of the party to get rid of those who are derailing the party from its right path and take over the management of the party. Thank you.

MR. PULKOL: Madam Chairperson, I was saying that the political parties in Uganda have been hijacked by the leadership and therefore, there is need to give these parties back to their members and I was only quoting straight that point and therefore, I proceed. So, it is difficult to change party leadership as they become entrenched and therefore they use it as - even if you tell them now to send two people to this House, some of these parties have no internal democracy as a mechanism for electing these two. So, they want an outsider to come and prescribe. A mean shame of our time!

THE DEPUTY CHAIRMAN: Hon. Pulkol, I give you three more minutes.

MR. PULKOL: Is it because my time was wasted?

THE DEPUTY CHAIRMAN: Yes.

MR. PULKOL: Thank you. Now, I negotiate for five. *(Laughter)* Members have asked for opening up of the Movement. I think it is already clear that from the village level up to national level - like we are now all here, are people - A Movement of Uganda moving forward, really to sit here to deliberate on this Constitution together. Article 94, section 2 says all posts in the movement at all levels shall be accessible to every citizen by free and fair elections. So, that in itself opens up all positions of the Movement including the Chairmanship of the movement, the Vice-Chairmanship, the National Political Commissar for free and fair elections. So, that kind of opening up is already catered for in this Draft Constitution and I think it needs to be supported. We also support the idea that the structure of this Movement needs to be refined. Rather than giving it to Parliament, let us discuss it here and it becomes part of this document. *(Applause)*. Because in this document, Uganda will

in one time or another be under either a Movement system or under a multiparty system. It will be oscillating between these two fronts should we feel like, should it appear that the leadership has hijacked and has messed up political parties, we should not be held at ransom. We should be able to associate ourselves in a movement way.

Referendum on Movement or parties. The people of Matheniko county have sent me here to do nothing less than extending the Movement life. Of course for them - no to convince the rest of Members of this House that we extend the Movement for another period of five years. But of course Matheniko would be even happier if the Movement system is extended for ten years. No problem. We are saying that instead of waiting however, for the five years to hold a referendum to determine whether we go multi-party or Movement, I think we should hold that referendum now because the people have sent us here exactly to extend the Movement. Now if some people want to give us another mandate to say that once we have extended the Movement for five years it and should automatically resume now to multi-parties after five years. No, that is rigging, that is manipulation. If you want that thing, let us put it back to the people now. (*Applause*). So, that if they choose that they go multiparty, then of course we have enough time to reorganise and clean up these parties or dissolve them and start all afresh.

THE DEPUTY CHAIRMAN: Hon. Pulkol, your five minutes on the extra are over.

MR. PULKOL: Okay, in conclusion. The most painful thing to the people of Matheniko is the land question. The land was grabbed by government and is in game area, national park, forest reserve, without consulting the people and that has put the people of Karamoja at a disadvantage. They cannot now mix with their neighbours because it is a crime to move in those areas and, therefore, this kept Karamoja as a closed district. When you look at the map of Uganda in an Atlas, you will find Matheniko game reserve covering three quarters of the county. So, we are just here by default. The people are saying, although there is no more game now in that area, we must de-gazette it. (*Interjections*). Yes, if this is the basis for denying us access to pastoral resources: water, grass and the rest of it, then we must tackle this problem. In a pastoral economy, Madam chairperson, mobility is a factor of production. You produce all year round, you are able to drink your milk, drink

blood, eat the meat and the rest of it. Mobility for tracking resources which are varied because of differences in the availability of grass or water, one must track these resources. So, the people of Matheniko are saying that government should map out pastoral resources in this country and protect them from encroachment by crop farmers, encroachment by land grabbers; so that the pastoral resources are protected. At the moment, the pastoralists are being marginalised in Uganda like the Basongora, for example, no longer really exist in their form because their land has been grabbed by government institutions and others, therefore, these people need to be protected.

On kingdoms, the people of Matheniko are saying that a clan leader should remain a clan leader. You are either a clan head or you are a President or you are Member of Parliament. You cannot be both. So, the separation of these roles must be made distinct and if possible, the kingdoms should be removed from the constitution so that it remains a cultural institution because now politicians will come and manipulate them. These politicians will come, give you or take back and give back these institution just to make political capital, or make fools out of you. So, it is a cultural right. Once we put there a right to culture, we can even spell out that culture. Definitely, let us not go into details of that but it is better to keep it out because Amin made political capital of bringing the Kabaka here for burial to gain some votes. Now, Obote II was trying to make political capital out of that kingdom; everybody else is trying to make political capital to give on the one hand and remove it tomorrow or that kind of thing. So, I think to protect these institutions is really very important that we keep that issue out of the constitution. We can make a separate law establishing it but not really part of the constitution.

With these remarks, Madam Chairperson, I would like to thank Members of this august Assembly for listening to me and therefore urging them to rise up above our petty differences and stand the test of time to put a constitution that will take Uganda forward. Isha Allah! (*Applause*).

THE DEPUTY CHAIRMAN: Thank you very much Hon. Pulkol. Hon. Delegates, I have been alerted by Mr. Akabway, the Commissioner that in our midst, we have some observers and these are the army officers from Zimbabwe visiting our country. (*Applause*). Our Hon. Guests, you are very welcome to join us and listen to our deliberations.

DR. KAWANGA SSEMOGERERE (Busiro County): Madam Chairperson, my name is Paul Kawanga Ssemwogerere representing Busiro South. Busiro South borders to the North, Kyadondo south; and to the South, borders Entebbe Municipality. This is kind of transit country, a country passed through by various liberation movements who have gone to Entebbe to capture power at State House. There are several entries to this area. On Masaka Road, you can get there from Mpigi, Katende, Kabojja and from Kampala through Kibuye, Najjanankumbi. This area has a heavy rural population but it is also partly semi-urban and fairly cosmopolitan. Madam Chairperson, I thank you for the space you have given me to air views regarding the work we have embarked upon of drafting a new constitution for the country. I would like to congratulate you on your election and that of the Chairman himself and I would like to welcome all my Colleagues who have been elected. I would like to make special mention of the following. The women who have come here through various categories, the youths and some individuals; one of the youngest in the Chamber, Mr. Kagimu Kiwanuka, the son of the late Benedicto Kiwanuka who was Uganda's First Prime Minister and also Uganda's first Chief Justice. I would like to make special mention of my Vice President of the Democratic Party, Mr. Andrew Adimola, my former Vice Presidents: Mr. Tiberio Okeny, the Acting Secretary General of the UPC Cecilia Ogwal, and my old Colleague in the prison, Mr. Dan Nabudere. All have come here for the first time.

Madam Chairperson, I do pledge full cooperation under your leadership, I pledge cooperation with all my Colleagues regardless of our political differences, regardless of gender and regardless of ethnic origins. We are embarking on this exercise during a period of transitional process to, I hope, a permanent democratic order in this country. We must salute young men and women, perhaps some old ones as well who participated in the liberation wars and have made it possible for some progress to be made to develop consensus in Uganda to agree at least to work together in formulating a new constitution for the country. When I compare this period of transition, I find some countries which might be of some use as models. There was time in 1958 when De Gaulle was charged with the responsibility of making France governable. And he asked for a specific period of time to do that. He did that and at the end democracy was resuscitated in France and the Re-

public continues to this day. On the other hand, we had another period here in Uganda under the UNLF when again efforts were made to bring about a consensus for the future Uganda and in a Period of two years under then President Yusufu Lule, unfortunately, he did not even conclude the two years without several changes of government in between and these changes were most unwelcome in Uganda.

We are looking at several countries in Africa; to the North we have Sudan. They are also struggling with transition. They want also to have another transition. Given all those examples, I think that we have done something good here. Thanks to good leadership, good intentions but also thanks to good support from the people of Uganda of different backgrounds: political, religious and ethnic backgrounds and support from abroad. Sometime this is forgotten. Many people have agreed to work together on the understanding that we are working on a transitional process; that this period should culminate in what we are doing - getting together and deciding on the future of this country not a future of five years or ten years, twenty years, but a future for posterity. Making a constitution not for five years, not for Ssemwogerere, not for Museveni but a constitution for posterity. This is our mission in this chamber.

Madam Chairperson, many times we think that the Ugandan experience is unique. I would like to point out that several of what we have had in this country, several painful experiences have not been confined to Uganda only. They have extended to other countries in Africa and in the third world, particularly. Allow me to use two examples of study which have been carried out for instance, regarding misuse of power, regarding violation of human rights in Africa. One is a study by William Tordoff in his book, *Government and Politics in Post-independent Africa* published in 1993 where he identifies several weaknesses particularly the following: over concentration and over centralization of power as the main source of much turbulence, much suffering in Africa. Another study is by Robert Gurr in his study of *Theory of Political Violence in the Third World* published in 1991 and there are some alarming findings he came up with. For instance, he says, since the 1960s, the countries of Africa, South of the maghreb have been wrecked by more deadly conflicts than any other world region except South East Asia. That, since 1960, there were 18 full fledged civil wars in Africa in addition to the conflict in South Africa and was certainly before the Rwanda conflict.

Nearly one third of all overt military interventions between 1960 and 1985, that is to say, 53 out of 171 interventions have targeted African countries and mostly these have been by other African States. Then, there have been in the same period, 11 genocides and 'policides' which have occurred in Africa compared to 24 elsewhere in the world between 1960 and 1980. Lastly, at the beginning of 1990 more than 2.5 per cent of all Africans were refugees fleeing from political violence. I say, this is without the numbers from Rwanda. Of these 2.5 per cent 4.7 million needed assistance outside their homes. Altogether Africans accounted for 43 percent of the world refugee population.

I better quote this one too. On the part of any conflict and the studies referring to it, African countries with more means for articulating interests namely parties and interest groups have less turmoil than others; and finally, coups and other conflicts have been particularly common in African countries that lack an institutionalised party system. Now I have quoted the above allowing to indicate that our problems are not uniquely Ugandan; and that to deal with them we can benefit from the solutions which have been applied elsewhere.

Madam Chairperson, in the report of the Uganda Constitutional Commission Chapter 5, section 39, we are told of what should be our main aspirations: that is peace, and stability and there I would add freedom as well. And in the Draft Constitution Chapter 3, especially Article 10, we are admonished also to work for peace and stability and as I have said, I add freedom. These are the objectives of the people I represent, Busiro South. And any interpretation of this personal mandate having talked with them, before, during and after the CA elections campaign, as of now, I believe that I have got a broad mandate to work with others in this Chamber, to promote peace, stability, freedom and unity and prosperity of Uganda. My consultations continue with my people on specific matters.

Madam Chairperson, in order to have peace, stability and freedom. I believe a necessary condition is good governance and good governance. I believe, entails the following:

(i) Catering for a man-centred society where human rights are protected; where human rights and freedoms may not be suspended for they are not granted by the State, they are inherent, and it is the duty of the State to protect them all the time. In this regard, I endorse

what has been said earlier this morning by the Member for Mbarara, protesting against the provisions in the Draft Constitution where Government is given the right to suspend these basic rights. From what I have said earlier, I believe that the suspension or the violation of human rights, have been the source of most of our problems in Uganda and certainly in the Third World.

(ii) Good governance entails controlling power and it is a historical fact when we talk of civilisation whether in Asia, in Europe, in America, or in Africa, even before colonialism. We find a clear graph whereby there was initially absolute power by those in authority, absolute power or arbitrary power or discretionary power. Then the graph has moved away from such arbitrary power and authoritarianism to constitutional rule and constitutional constraints. Historians in Uganda will agree that even in the case of monarchies, in different states in Uganda, there was that trend away from absolutism, form arbitrariness and from discretionary power. And where the incumbent insisted on retaining such absolute power he would normally end up in trouble and in any case, he would face rebellion. Another important thing to be catered for is the separation of powers of the executive from that of the Legislature and that of the Judiciary and in this effort of ours here, we should jealously guard against merging powers of these three arms of Government.

(iii) Public Accountability. And this is handled in several provisions in the Draft Constitution. Internally within Government, we must make sure, for example, that the Auditor General is truly independent; that his appointment is not a result of favoritism but based on merit; that he has all resources and all the power to examine all the books of Accounts of anybody, of every institution in this country; that he reports objectively; and that there is also political accountability and political control, political checks in Parliament are welcome but also finally, political checks by the electorate. He must render accountability to all these people and this should be strengthened in taking an objective stand regarding our conduct in terms of money and also in terms of public responsibility.

(iv) Finally, we must cater for the rule of law. Any time the mistake is made, when you have somebody in office and he is conducting himself very well and you assume that he is there for ever and you make a Constitution with the assumption that that person will always be there, we will have a problem. I recall in the 1960s when many changes were made constitutionally in Uganda and in many African countries

and some of us had occasions to ask those who were behind these changes; changes which gave a lot of power to the incumbent and their reply was always: 'So long as you have so and so in charge, we have no problem and the more the power he has the better for us all, because he is going to use it with god discretion'.

Madam Chairperson, let us look at Africa. Africa like many other modern states is in some kind of crisis and that is I think another reason for this exercise of making a Constitution. Sometimes, the modern states have been established in injustice; they have been bolstered by wars, by colonialism, by the Cold wars; there are countries which would not have been together were it not because of these factors in society. We can look at what is happening in the former USSR and in Yugoslavia? What happened to Bangladesh? We see that once a cold war is no longer a big factor, these countries fell apart.

When we come to Africa proper, we find something similar. Look at Ethiopia, where the Eritreans have since broken away and look at what is going on now in the Sudan. At the height of the cold war, it would not appear likely that we have these tendencies. When we look at African Coup D'etat taking place, we find that there have been internal factors which were ignored under colonialism and on account of that, they have been the source of political turbulence. Many African Coups can be explained in terms of regional politics, even ethnic politics where certain communities or minorities have felt to have been left out or to have been marginalised.

We come to Uganda. We can see that Uganda since independence as a nation was relatively together. Nevertheless, even in this Chamber, Madam Chairperson, now, we find there are aspirations from more districts being created; demands for more autonomy, and even demands for federation. We have seen this in the Buganda issue and I suggest that in the interest of peace and stability, we must not wish these problems away; we have to address them, we have to address regionalism, we have to address the demands for cultural integrity, but make sure that we do so without doing harm to the rest of the country.

Our challenges in the CA. I appeal to all Colleagues to focus strongly on human rights for all people and for affirmative action for the disadvantaged and the vulnerable, notably, the women, the children and the physically handicapped. I call upon Colleagues -

Madam Chairperson, we have to revisit the internal relationship of Uganda's mini-states with the Central Government; from a point of view of justice and human rights. We have to ensure that the sovereignty of the people is entrenched in the Constitution through their representatives, elected peacefully under free and fair competition. We have to empower the national authorities to lead, to govern and to serve but under constitutional constraints to ensure the following: that the fundamental human rights and freedoms are respected; that the national institutions like the Military, the Police, the Intelligence organs are not tied to anyone incumbent - *(Interruption)*

MR. KARUHANGA: Point of order. Madam Chairperson, is it in order for Hon. delegates to keep on talking and generally going around when the Hon. Member is making serious points?

THE DEPUTY CHAIRMAN: The Hon. Members concerned should take heed. They are definitely out of order. Hon. Kawanga, you can continue.

DR. KAWANGA SSEMOGERERE: Well, we must work for the rule of law and due process of law and public accountability. Now, what are the lessons from the past? I will look at the following institutions:

The Presidency. Since 1967, Uganda has had an executive Presidency and the same is proposed in the Draft Constitution. We must note the fact that since its introduction, the executive Presidency has been a source of a lot of turbulence in this country. We may happen to have in the person of Yoweri Museveni, somebody who has not been the cause of problems, but if we are trying to establish a Constitution for posterity, we shall not count on Museveni all the time. The big proposal here is to make sure that there is countervailing force, countervailing power to protect the Presidency from being the source of misuse of power and from being the source of problems in this country. The Presidency has got two functions, as a symbol of the nation and its identity and as head of government. African Presidents tend to be more powerful than their counterparts in many other countries including the United States. When you look at the appointments and decisions of authorities in the country, in the military, in the police, intelligence, cabinet ambassadors and other institutions, we find that the African Presidents seems to have a lot of power compared to his counterparts and this appears to be a source of

conflict and therefore, there is need to tame the Presidency. In this regard, I think it is a mistake to include in the Draft a proposal for the National Council of state for the reasons which have been given so ably by so many people before me and I do not need to elaborate on them. It is clear that with the National Council of state, the real power behind that state council is the President himself. So, the function of the National Council State should be performed by Parliament directly or through its committees. *(Applause)*.

Madam Chairperson, looking at the past, we see a lot of violation of human rights, killings, imprisonment, detention without trial, even of innocent people. In the 1960s, we had the Nabagereka, we had princes and princesses and people of that kind, who had nothing to do with the politics but were detained and treated most harshly. We had violation of property; we had the abolition of the monarchy in Buganda and other kingdom states; we had the banning of political parties and violation of political freedoms. These should be avoided in a permanent Constitution for Uganda. I support strongly Chapter 3 Article 12, Chapter 5, Article 59, 1 (a) to (e) without the suspension of any of those provisions.

I touch now on the political system under Chapter 5. My views here do not rule out the continuation of the RC system; I would like to make that very clear. I look at the RC as a Council, you can change the name, but the rights of people at local level to be elected should be retained. The proposal in the Draft in Article 96; is tantamount in my view to a denial of political freedom to organise for a common cause and is, therefore, unacceptable. *(Applause)* It contradicts section 12, (1) of Chapter 3 and section 59 (i) (e) which I have just gone over - which we have seen as sacrosanct - the provisions in the Constitution where we are told and we believe that these rights which are protected under them are inherent and they should not be at the mercy of the Government whatever the incumbent is. That provision of Article 96 is a source of discrimination and it can in future prove to be a recipe for trouble in Uganda, There is a case for a broad based Government. The idea is plausible that is to say, to share with everybody; this is an idea which we have ourselves as Uganda have been proposing to others. We have been proposing it to people in Burundi, in Rwanda, South Africa and so on to have a broad based Government or a Government of national unity or a Government of consensus. Now, that can only work if the participat-

ing groups do so voluntarily and on the basis of coalition arrangements if the broad based Government is not entirely by the discretion of an individual or a select group of people. In this regard, if I have time, I have a proposal towards the end of my presentation, as to how this can be achieved without hurting the provisions under which human rights are protected.

The Army. All of us know how the Ugandan army has been misused in the past: in the 1960s, in the 1970s and the 1980s. In this regard, the provisions in Chapter 14, section 231, are agreeable to me but, Article 234, Section 3, creates a problem where you put every thing under the Presidency. We are not the first country to have this kind of experience, in Germany, they had this problem with Hitler, when he controlled the military, the police and so on and the solution was to divest that responsibility from the chancellor and have it put under the Ministry of Defence. I think we should do that, we should have the Minister for Defence in his portfolio responsibility to recruit and do the other responsibilities which are contained in Section 234. We have to ask ourselves and I do not have the time to go over this, but the question is, why is the Army in politics? Because the strongest argument I have listened to, as to why we must have the Army involved in politics, is because it is already there and the original question to be asked is, why is the Army in the first place in the Politics? We must go back to Obote's days. We must go back to Idi Amin. We must go back to the UNLF days. We find that the Army was listed to support the incumbent - to support Obote against Ibingira and other people, to support Idi Amin to overthrow Obote and to keep him in power and during UNLF time, those who were there divided themselves between those who supported the Coup against Lule and those who did not support the offensive; and between those people who supported the Coup against Binaisa and those who supported Binaisa; and it has continued to this day.

The NRA did a good job. I feel that the role of the NRA was commendable under the circumstances, but is it sustainable? Can we count on every Army, anytime in future to be as patriotic, to be as committed to the same kind of cause? Can we expect them to have the same ambitions? I think that the NRA has played a transitory role and that the Army leaders who are otherwise interested in politics and many of them are capable politicians, should enter politics openly as is the case in many other countries. We

have had Generals in South America, we have had Generals in South East Asia, and we have had Generals in Europe and also certainly in some parts of Africa. Now, those who have interest in politics should do the same thing as other professionals do. When a Medical Doctor decides to enter politics, many times he has to disengage from his official responsibilities and I think the same should be done with respect to the Army.

There is the question of federalism, decentralisation and local autonomy. In the report, it is clear that, an overwhelming majority of the people of local autonomy, in other words, they are demanding for self government. Secondly, there are historical grounds for addressing this demand positively - where you have a cultural community; where you have, what I referred to earlier as mini-state, some of them going far back in history. There is reason to address their demand or their request for self Government so long as they are going to remain part and parcel of Uganda.

Local autonomy which I support and which people of Busiro South support, has also a protective role for example, for minorities and in this Chamber I have listened to the Member for Buvuma, I have also listened to Brig. Tinyefunza of Sembabule, demanding a higher degree of local autonomy for their people. I think it is perfectly in order for them to have a hearing from this Chamber. Strong local autonomy or federalism promotes more participation, promotes mobilisation of masses, it promotes self confidence, it promotes human development, it promotes responsibility, and ultimately national development. Madam Chairperson, we have a degree of decentralisation throughout Uganda now and we find, I think, that on the whole, those who have been given more responsibilities in their districts have acted responsibly and why do we not trust that even in future this can be the conduct of such leadership? Madam Chairperson, speaking for Busiro South, an overwhelming majority of the people there, and I believe in the case of Uganda generally, would like to be heard when they insist on having a high degree of self Government, but they do assure everybody that they want to be part and parcel of Uganda and if a Federal Constitution is acceptable to this Chamber, there will be no problem in Busiro South and for Buganda generally as far as I can see.

If on the other hand, the federal principle is not acceptable, then I hope that in due course it would

be possible on the basis of human rights and justice for this Chamber to work out acceptable relationships for those states like Buganda, which are insisting on a high degree of self Government so long as they do not hurt other parts of the country. There are examples in history, even currently. You take the Constitution of Malaysia, you will find that you have got a mixture of monarchy and also republicanism and a federal Constitution whereby, the monarchy is purely constitutional and where the king, for that matter the Sultan, has got powers which do not hurt at all the rest of the country. For instance in Malaysia, the Sultan has the powers to grant pardons for retrieve and respites for those who have been convicted of offences within his own territory. He has powers to make appointments under the State Constitution and State law. He is seen as a fountain of honour and justice and, therefore, he has prerogatives of granting awards, honours and decorations as he pleases. He has immunity in his personal capacity and I do not think we can fault Malaysia of not being a united country. They are united, they are progressive and they are respecting human rights, but they have federation which is a mixture of monarchism in some regions and republicanism in other regions.

DR. KIIZA BESIGYE: Point of clarification. I am seeking clarification from the Member holding the Floor. I would like to know the views of the people of Busiro whom he represents on this question of decentralisation; whether they prefer that decentralised power should be at Mengo, the Regional centre of the various districts that would federate or whether they would like the decentralised power to be at their district of Mpigi.

DR. SSEMOGERERE: That is a good question. I tried to find out and I found out that there were answers in both directions. Certainly, the people of Busiro whom I represent have no doubt that they want some power at the district level and the power at the Regional level. They would like a Buganda with some kind of structure and would like the district of Mpigi for instance also to have power. This is something which we can go into in subsequent discussions. I think on the whole, the people of Busiro South cannot be a problem there, but they want a Kabaka, they want a monarchy, they want a Katikiro, they want certain responsibilities at the centre. But they are open - *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Kawanga, I give you five minutes more. only five.

DR. SSEMOGERERE: Madam Chairperson, I hope you will bear with me, I am skipping really very many things. Now, on political parties and you want to hear me on that one - *(Interruption)* -

MR. ERESU ELYANU: Point of clarification. The Hon. Member holding the Floor was asked to clarify on a certain issue which I have not been clarified of. The Hon. Kiiza Besigye, NRA, asked the Hon. Member holding the Floor as to whether the people of Busiro whom he represents would like to have some power in the decentralisation process in such a way that some of this power would go to Mengo or to the districts of Mpigi and whatever. The Hon. Member holding the Floor did not satisfy me as to where and when the powers will be transcended to.

DR. SSEMOGERERE: Certainly, those were minutes wasted. The Hon. Kiiza Besigye did not complain. Madam Chairperson, - *(Interruption)* -

THE DEPUTY CHAIRMAN: Hon. Kawanga, you are running out of time. When you accept any information, I will count it on your time. At least that is the rule.

DR. SSEMOGERERE: Madam Chairperson, try to be generous.

THE DEPUTY CHAIRMAN: I have been very generous, Sir.

DR. SSEMOGERERE: I want more generosity. On political parties - *(Interruption)* -

MR. OWORI: Point of clarification. I am seeking clarification

from the Hon. delegate on the Floor on the following points:

- 1) On the question of decentralisation,
 - 2) The view of the people from Busiro South.
- In his preamble he told us that before you get to Entebbe, State House among other places, you pass through his constituency. Hon. delegates I wanted to know whether the people of Busiro see any possibility of one of their daughters or sons reaching the apex of power through the political Movements that we have at the moment? Secondly, whether there is a possibility decentralisation, for any of their daughters or sons reaching the apex of power in the Civil Service using the current system of decentralisation that has been proposed?

DR. SSEMOGERERE: Madam Chairperson, that is another waste of time. The questions do not arise at all. On political parties and human rights. Under the Draft Constitution in Chapter 3 to belong to a political party is a human right. Political freedoms promote peace and stability in my view. However, there can be Government or Parliamentary control and regulation of the conduct of political parties but not of suppression of political parties. I, therefore, welcome Article 97, where it is indicated in what ways political parties may be regulated. That is perfectly acceptable to me and acceptable to the people of Busiro South. What is not acceptable is to ban, to suspend or to allow creation of political party, but not to allow it to fulfil its functions of influencing public policy and of even assisting the people to decide on candidates. The ban on certain political party activities in this country came as a result of a change of Government through fighting and because of that dramatic change of events, there was justification for some activities not to be encouraged. But time has run out. If we are talking of a permanent Constitution, let us draft a Constitution which will cater for posterity. If indeed there are reasons for further suspension of certain activities, then let that case be made, let people know what should not be allowed at this time and why; and let there be negotiations between those who are responsible for the leadership of different grouping? When I am talking of political parties, I am not talking simply of the Democratic Party and the Uganda Peoples Congress and CP and UPM, I am talking of the Liberals who are here; they were not here 10 years ago but they are here today. I am talking of parties which may be formed by even those who do not accept any of the present political parties. That right should not be tampered with.

If people have dismissed the Uganda Peoples Congress, they have dismissed the Democratic Party, they have dismissed the Conservative Party and UPM; may be, they have now a new Party to form which will then command the support and the will of the majority; may be NRM itself can become a political party. But to ban political parties - the right of political parties, I think is a mistake. It is all based on the assumption that the present leadership continues, that everybody continues supporting the present leadership, but supposing things go wrong, suppose there is a change, then we shall be in real trouble. Madam Chairperson, let me talk about electoral law reform.

THE DEPUTY CHAIRMAN: Hon. Kawanga, you should be summarizing please.

DR. KAWANGA SSEMOGERERE: I am trying to rush really, because I know people are hungry now.

Madam Chairperson, many of the accusations, many of the fears about political parties can be addressed by a mere change of the electoral law. Earlier in his contribution, Hon. Pulkol gave examples of gerrymandering in his constituency and was supported in this by Hon. Karuhanga from Nyabushozi. By the mere change of the electoral law, and the terms of the electoral commission you can avoid the possibility of gerrymandering. This is one reason why I am proposing and here I intend to prepare a special paper and have it circulated, a proposal for changing from the British system of plurality system of 'winner take all' to proportional representation, either alone or in combination with some plurality system. Under that system, you will not have any problem with gerrymandering, because you take the units as they are given. If you decide on Bushenyi as a district, as a unit, then you decide how many constituencies there should be, you have multi-member constituencies and the decision there is guided by the administrative units. Once you have taken that decision, then you decide on how to apportion the seats to the different candidates depending on their share of the votes in the election. If you have got Bushenyi and you have decided on 10 seats in the national legislature, then you have maybe 20 candidates standing, then the votes are shared out according to the political organisations one belongs to and if a person gets for instance 20 per cent share of the votes in the simplest calculations, he will be entitled to 20 per cent share of the seats which are given to Bushenyi. This is the fairest method and the method which has been used recently in South Africa, it has been used before in Namibia, and I am glad we have in the audience here an officer from Zimbabwe; it was the method which was used in Zimbabwe when they got their independence; it is the method which is used widely in Europe, I would say in most democracies. It is a more popular method than the one which we have been using of the British system.

THE DEPUTY CHAIRMAN: Time up.

DR. SSEMOGERERE: Before I leave the proportion presentation system, I would like to add that there is one condition which will allay the fears of

those who think that we are going to end up with a situation as they have had in Italy of unstable Governments all the time because of too many small parties. That can be avoided by insisting on a threshold share of the votes, may be five or 7 per cent. This stops the very minor parties from causing instability in the system.

Finally, on the electoral system - *(Interruption)*

THE DEPUTY CHAIRMAN: No, Hon. Kawanga Ssemwogerere, I think you should be reasonable.

DR. SSEMOGERERE: I am very reasonable. One or two sentences only.

THE DEPUTY CHAIRMAN: You said that, that was the last one and now you are going on to another point. We have to have another person this morning and you have encroached on his time.

DR. SSEMOGERERE: Just one sentence because this issue has come up. Madam Chairperson, the question of religion, of ethnicity and political parties - that because of those two factors, you cannot have, that it is dangerous to have multiparty system. Whether or not you have a multiparty system, so long as you have not solved the ethnic problems and religious problems; so long as one group feels that it is discriminated against, whether on the basis of religion or ethnicity, you will have problems. The largest number of Coup d'etat in Africa have not been carried out in countries which have been practicing multiparty system, but on the contrary, they have been in countries which have not been practicing multipartyism. We have got the largest number of Coup d'etat, because of felt discrimination on the basis of different communities or other basis.

THE DEPUTY CHAIRMAN: Thank you very. Hon. Members, I want to make one request. We started at 9.30 a.m. instead of 8.30 a.m. I beg you to accommodate one more person. It is we who have really made interjections leading to having less presentations. I hope my request is granted. So, I call upon Hon. Aronda Nyakairima; the reason is that they swiped positions with Hon. Amama Mbabazi. Hon. Mbabazi will be talking the place of Hon. Nyakairima.

MAJOR ARONDA NYAKAIRIMA (NRA DELEGATE): My names are Major Aronda Nyakairima - constituency, well known, but it has been identified and misidentified. I have to make some comments on that constituency again. First of all, Madam Chairperson, I wish to join those who have spoken before me in congratulating you upon your election as Deputy Chairman of the august Assembly and wish you success during our deliberations. Also Madam Chairperson, permit to congratulate my Colleagues Hon. Delegates for having gone through tough electoral exercise which was free and fair for the first time in the history of our country.

Madam Chairperson, let me identify my constituency which has been misidentified by some delegates. Some delegates, out of sheer ignorance or deliberate distortion or both have continued to misidentify this constituency. I have to state here then that NRA is a peoples Army. Peoples Army in the sense that it belongs to people who take jealous and proprietary interest in its involvement. The NRA is not so much an arm of the Executive branch of Government as it is an arm of the people of Uganda. The NRA is a symbol of statehood, the pride of the people, their fall back position. With democratisation then, power is shifting from the military to political arena, therefore the fears of if tomorrow NRM is kicked out of power, will NRA give up power? Our power belongs to the people, we have never had power of our own. It was a lent and a shared power.

Madam Chairperson, since this debate commenced some delegates have not been fair to the Odoki Commission's Draft Constitution. I will talk about those who unjustifiably label it and dismiss it as NRM document, but when they do that, they continue to discuss it. Then are you being fair to your constituencies; are you being fair to your political principles? That document by Odoki Commission has been further described as voluminous, cumbersome and repetitive. I wish to state that the Odoki Commission collected ideas, feelings, aspirations and sentiments of our people for the first time in this history of the country. Madam Chairperson, the Constitution which we shall promulgate after examining the Odoki Draft Constitution, will have a lot in guiding our people.

Madam Chairperson, Hon. delegates, when we are here discussing this Draft Constitution, I would indulge Hon. delegates to remember one Hon. Com-

missioner of the Odoki Commission who died before he saw this Draft being debated here and that was late Dan Mudoola. May the almighty God rest his soul in eternal peace. Madam Chairperson, countries are different in time, place and circumstances. Recently, we saw in Russia when Boris Yelstin President of Russia federation, when his legislature and executive were deadlocked. The way out was to use the military to bomb out the rebels from the Kremlin. In the Latin America in a country called Peru, there was again a deadlock between the executive and legislature. What President Fugimon did was to call the Parliament and suspend it. Now, a further glance at the Constitutions of different countries - it shows that every country will have its own way of putting together a constitution. For instance, the Norwegians were able to say all about the Constitution in 25 pages, whereas the Indians occupied about 250 pages in their Constitution of 1950. Here, a principle line of division is found between those who regard the Constitution as Primary and almost exclusively legal document in which therefore, there is a place for Rules of law, but for practically nothing else and therefore, who think that the Constitution is a sort of Manifesto, a confession of faith, a statement of ideals, a charter of the land.

Madam Chairperson, Hon. delegates, let us have our own constitution, unique in its own way. Given our complex past, we have not had a Constitution before worth the papers it was written on. However, voluminous or cumbersome, we can still do some fine tuning on it, but because of our past, our people want to know almost everything.

Madam Chairperson, Uganda has been independent for the last three decades but for the first 25 years Uganda had names, Uganda had labels, Uganda was on the mountain top, negatively blood letting. It had names, others said, Uganda was a nation adrift for too long, a nation with divided and deadlocked Government for too long; a nation with people suffering at the hands of a tired, worn out administration without a vision, a sick man of Africa, a mere geographical expression.

Madam Chairperson, even with ushered in peace and stability, still the word around us is not so kind to us. Elsewhere in the world there are note worthy changes taking place, vital and influential for our existence. The post-cold war world is different, it is a type of global based politics, giant economic blocs like European Union, North America Free Trade Area putting together Canada, Mexico and United

States, one of the biggest trading blocks now in existence, and the Asian states which recently formed their blocs. When all that is being done the end state of that is for economic benefits for their people. Economic competition is sharpening with USA and Japan, a blink of a trade war. When all that is happening on our own continent Africa, the situation is bleak. One writer Paul Kennedy, in his book "Preparing for 21st Century," he described Africa: *"Recent reports upon the continent's plight are extraordinarily gloomy, describing Africa as a human and environment disaster area, as moribund, marginalised and peripheral to the rest of the world as having so many intractable problems that some foreign development experts are abandoning it to work elsewhere. In the view of the World Bank, virtually everything in Africa when everything is working elsewhere in the world, in Africa the situation by the year 2000 is to be decreased poverty, except Africa where everything is not working"*.

One can say that, that one is a pessimistic writer, but the statistics we have is that on average in the rest of the developed world, the per capita income is \$13,000 American dollars, on the continent on average \$300, and Uganda \$250. These figures are indisputable and even recently when our President was visiting Austria, he was asked to talk on a topic "Can Africa catch up?" Madam Chairperson, having said all that, I wish to add that we have, in my opinion three fold duties.

i) A duty to understand the problems facing us and to realise that there is no short cut to their solution. There is no quick way to repair all our roads and construct new ones. There is no easy way to create more jobs for the jobless. There is no easy way to bridge the gap between the educated few and the majority uneducated.

ii) Is to avoid the temptation of blaming others for our difficulties. There is no one among our fellow Ugandans on whom we could seize and say that it was he or she who invited all those problems for us.

iii) The third duty for all of us is to pull our resources together and work together in trust and in friendship in order to build a Uganda in which there is no longer any such problems like I have mentioned above.

Madam Chairperson, because again of some confusion on the part of some delegates I will make some comments on war. What is war? Because there is still some confusion about this vital sphere. I wish to make these observations. Africa today we are Third World of third worlds. Two evils have visited us in

our recent history: One was slave trade. Among us here, there could be some grand sons and daughters of the former slave traders who were dealing in human beings; too many young and old women and young men and women were bought and sold elsewhere from our continent. Again another evil is the endless armed conflict. Therefore, there has been some declared wars and undeclared wars on our continent, Uganda inclusive. Therefore, to talk about war is not that one is a war monger or he is glorifying war, but that war is part of human activity; like it or not. To you who will in future find yourselves in positions of Command in Chief, military leaders, leaders of this nation, then understand war. War with no clear objectives, with no strategy, with no support of the people is the type we call criminal and mercenary and can never achieve anything apart from brutalizing the people.

Around about 500 B.C. a Chinese military thinker Sun Tzu described war as: *"the art of war is of vital importance to the State; it is a matter of life and death. Our road to safety or ruin"*. We have seen it, it has ruined Somalia and former Yugoslavia is ruined. This military thinker was writing in 500 B.C. and is still relevant today. If you have to fight then, know the types of war. We have two types known in military history; just war and unjust war. Just war, if I may give some examples, is like that, that started here in 1981 up to 1985. A bush war in the famous Luwero Triangle. The unjust war is like the war that was waged by the apartheid regime in South Africa against the ANC or the likes of Alice Lakwena and Kony today.

Madam Chairperson, again, there are those who wish to distort already written history; I will comment on the war that started in 1981 and ended in 1985. Permit me to comment on Hon. Kasajja Byakika for having said that the war that started in 1981 was unnecessary and wrong. To you, Hon. Byakika and the Byakika's of this world, I say, where even no court of justice can reverse the decision of the ballot box or where such reversion takes place is only possible through the will of the majority, but the then provisional Government in Uganda in 1980, which others unfortunately call Constitutional reversed the decision of the ballot box. Madam Chairperson, even if the Government of 1980s had some legitimacy, the election rigging politically orphaned it. This sort of Government is even condemned by John Locke, a British writer. John Locke in his "Treatise of Civil Government".

states the case of justifiable rebellion in accordance with natural rights in a classic language. *‘Where the body of the people or any single man are deprived of their rights or are under the exercise of a power without right, having no appeal on earth, they have liberty to appeal to heaven whenever they judge the cause of the sufficient moment’*.

We did not appeal to heaven, we appealed to the people and struggled on. Hon. Kasajja Byakika to say that it was wrong to start a bush war would be like someone to have told Algerians fighting for their freedoms against the French that please, give up, the French were okay; it was humanitarian occupation. Madam Chairperson, - *(Interruption)*

MR. KASAJJA BYAKIKA: Point of order. Is the Hon. Speaker on the Floor in order to impute wrong motives for him to say that I said, that it was wrong to start a bush war, when the Hansard is there. In fact what I said, was that the sufferings of people in Luwero would not have taken place if the 27 historicals had not gone to the bush. Is he in order?

THE DEPUTY CHAIRMAN: Thank you. First of all cross reference is acceptable and you are giving him information actually, so it was not a point of order. Thank you for the information you have given him.

MAJ. ARONDA NYAKAIRIMA: Thank you Madam Chairperson, for the quick ruling. Madam Chairperson, I was saying that - *(Interruption)*

MS. BYANYIMA: Point of information. Thank you very much Hon. Aronda for giving me a chance to inform you. In this very Hall, where we are seated and where we are trying to build a new Uganda, in this very Hall after the 1980 elections Hajji Mbirigi, a distinguished son of Mbarara Municipality, a diplomat by the name of Kananura, a farmer by the name of Mr. Rwancwende, another farmer by the name of Mr. Karuhanga, all of Mbarara Municipality were brought here, tortured here and killed here. Their bodies were thrown some where we have never known by UPC Officials. And can really anyone say that there was no need for a just war to end that kind of insanity and tyranny and brutality. Thank you. *(Applause)*.

MAJ. ARONDA NYAKAIRIMA: Thank you Hon. Winnie Byanyima. As I was saying, that I am comparing the bush war that started in this country with that of in Algeria. I am again making another

reference to the Vietnamese war where they were faced with the Americans, took them on and threw the Americans out of their home.

Madam Chairperson, I would also make reference to another war that raged to for almost 30 years in the now the Republic of South Africa. I would wonder that if there is any history written to day, the bush war and its leader, the present President of this country will be put side by side with people like Nelson Mandela, people like General Giapo of Vietnam, people like late Mao Tse Tung. History has been written not only by Ugandans but the rest of the historians of the world.

Madam Chairperson, I now go direct to the Articles of the Constitution. Article 14 on national defence and security: Dominant in this Article is the Army. Madam Chairperson, some Hon. delegates are saying why is the police not here and the prisons. I would also ask why are they not here? History is very clear and it is not only Uganda, but elsewhere that whereas the NRA has - *(interruption)*

AN HON. DELEGATE: Point of clarification. I am seeking clarification...

MR. OKWAKOL: Point of Clarification. I thank you Madam Chairperson. He stated earlier on that the NRA is a people's army and only a few minutes ago we have been treated to a statement which to the effect that NRA was fighting the UPC and UPC, Madam Chairperson, represents a big chunk of the population of this country. *(Interjections)* A big chunk - let us prove that by the elections, Madame Chairperson. Is it still true to say that the NRA is a people's Army. I am seeking clarification as to whether in the light of that information given by Hon. Byanyima it is still in order whether it is still true to say the NRA is a people's army.

MAJOR ARONDA NYAKAIRIMA: Madam Chairperson, the whole thing is that some Hon. Delegates will have to distinguish between a coup and a revolution. What took place in Uganda was a revolution and Uganda will never be the same again Hon. Nathan Okwakol; never again. *(Applause)*

MR. AMANYA MUSHEGA : Point of Information. Thank you Madam Chairperson. The point is - there are some leaders of UPC who won - not in this Assembly. but in this country: who won

their individual crimes to be the crimes of the population. The NRA struggle was against the criminal leadership - I actually wanted to rise on a point of condemnation but it was not in the rules; was against the criminal activities and undemocratic tendencies being carried out in this country being led by some people carrying the banner of UPC but it was not against the Membership of UPC and within the NRM and NRA, there are many people who were Members of UPC, who were Members of DP and who were members of no party. Therefore, it would not be correct - I am giving information to some people who want to go on misleading the population, that when you say the UPC leadership was criminal, then they go to ordinary members who were carrying cards that they are also criminals. We must distinguish - (Applause) - between those fellows who were busy planning how to kill others, planning how to rig elections from the ordinary main stream who went and cast their votes. I wanted that distinction made clear. Gentlemen and ladies present should not confuse our population for their evil activities being the evil activities of the entire membership. Thank you very much.

MAJOR NYAKAIRIMA: Thank you Hon. Amana Mushega. Madam Chairperson, I will now continue and beg the indulgence of the Hon. Delegates again into our history. Here there are comments being made about history - why? Let us know our history in totality so that we can be able to focus on our tomorrow. Madam Chairperson, I will quickly run you through the history of our past Armies. Since 1964, when peaceful demonstrators were murdered at Nakulabye and 1966 the army and elements of special force stormed the Kabaka's palace, it became clear that the Army was to become more politically involved. Throughout 1971 and 1979, the Army was a mere instrument of rule. From 1979 all the way to 1985, the rule of the army as a tool of terror did not change. The political activist role of the army in Uganda was the result of the failure of the part of successive Uganda political leadership to work out widely accepted institutionalised means of resolving conflicts by peaceful means. Madam Chairperson, by 1967 the Ugandan army was a state within a state. By then an MP from Madi Central Hon. Martin Akello, I guess late now warned Ugandans. I quote him 'Ugandans are gentle people, they are law abiding. It is the government which staged a revolution against the people. The people have not staged a revolution against the government but every human quality

has a limit. There may come a time when the people of Uganda will be forced to stage a revolution. Do not misuse the Army, Police. Do not make them hated by their own mothers and fathers and sisters. Ugandan army had been factionalised and tribalised for too long'. (Applause)

In the same period, an northern politician called Lakidi had this to say about the then army. I quote 'Some people are born to be good traders, some are born to be very good civil servants, some were born to be politick to the country. The North has been heavily accused that the recruitment is all the time going to the North. I think many people should be grateful to the North and particularly to my tribe the Acholi. The Acholi have pledged themselves to protect this country if they are in the army. They have got to be supported. If people are beginning in this House to discredit them, their moral in the army and police and prisons would be lowered.' That was him. Madam Chairperson, by 1969, Ugandan leaders had not solved the problem of creating a balanced Army. The then also Chairman of the NRM had also his views about what a National Army should look like. His view was to have an army of proportional representation. The current president of this country, His Excellency, Yoweri Museveni - then the Minister of State for Defence - his views was that, we should have a politicised army and a people's militia. But in the same period, one Hon. Makmot, in the debating NCC had this to say about the army. I quote. 'There are tribes which are much bigger than others, so you expect about half of the army coming from one tribe or the tribe which is more fortunate or tribes which are rated that they are sections of the population who just cannot fight, even if they are soldiers and I will stress this that there is evidence to that effect. Even in the recent fighting (1979 fighting) - that there is evidence that some people just could not stand fires.' Madam Chairperson, this confusion continued until the backward forces of Alice Lakwena emerged on the military scene in Uganda and they did not last long as you have seen in my presentation that it was all the time instrument of rule, faction after faction removing one another until the forces of Lakwena were also put out of business.

Madam Chairperson, even we have seen the performance of armies which stress tribes. Madam Chairperson, between 1981 and 1985, UNLA, an army of tribes was thoroughly defeated by NRA.

which by then because of historical reasons was regionally unbalanced. The past political and military leaders emphasised tribe as crucial about the army. I say, tribes are important to have them in the army but tribes are not an end themselves in the army. Madam Chairperson, I submit that tribes are important to balance up the army but the army is all about cohesion, discipline, politicised and with a robust command - the control and coordination structure. Madam Chairperson, also with no correct politics, you can have tribes and tribes in the world but you will not be an army per se. And if I may also give some example here, you can have an army balanced with tribes but without clear politics. You cannot have that as an army because it cannot first of all defend the country and it cannot even defend the people and their property. For instance, Hitler - Hitler deceived himself that he was going to conquer the whole world. Why did he fail? Hitler had the very strongest army in the world. By then, German general staff was the highly organised military structure in the whole world. But he failed because Hitler was nothing more than a corporal. A corporal leads a section; a section could not have conquered the whole world. A section leader cannot lead an army. So, among other reasons, Hitler could not. Anun - Amin had attempted to modernise Uganda Army. He armed it with sophisticated weapons but when Tanzanians invaded with Ugandan sergeants, they sent his army down rolling like a house of card-board.

Madam Chairperson, let me also now talk about the NRA. The NRA since it was started, it is one of the democratic Armies I have seen, highly decentralised. You have from the smallest unit all the way up for a. We have a forum like Policy and Administration. Every unit in NRA has that forum where a soldier and officer are represented in the policy and decision making. Madam Chairperson, leave that and go to political systems. As a soldier from profession of arms, I have my feelings about political systems. As we have already indicated, political systems were also responsible for factionalising and tribalising the army. *-(Interruption)*

MR. SABIITI: Point of Clarification. I am sorry to take you back. I can see you are going to another point. You talked of representation of the army in Parliament but the clarification I want is - why the army alone? Which you also touched. We have government institutions such as the civil service which handles policy, coordination and has done a

good job. We have police, we have other big government institutions which also have done a good job in this country. Why the army alone? Can we not also have representations from such other institutions.

MAJOR NYAKAIRIMA: In the process of democratisation, I hope the Hon. Delegates know that the NRC statute clearly created this representation. So, there is no debate about that. *(Applause)*

Hon. Madam Chairperson, Hon. Delegates, today the talk we have about multi parties is not new. There is also some external pressure of recent foreign assistance from the West which has been linked to the issue of human rights. But who is teaching who human rights? When Amin took over, the champion of human rights, Britain told Ugandans, *'He is a good chap give him some time'*. We saw what he did. The then, British Prime Minister, Margaret Thatcher, even informed the ANC combatants, the black Africans and the fascist rule of apartheid that, *'Please, we cannot allow sanctions because sanctions will hurt you more than the regime'* - champion of human rights. Madam Chairperson, we wonder even today to hear that strictly to be given aid, one has to observe human rights. Yes, no one can fail to condemn those who are violating human rights but at least they should take time and see other forms of governance; as I have already said countries are different in time, place and circumstances. Madam Chairperson, I know the track record of our own parties since independence up to 1985 and the catalogue of their political misdeeds need not detain us here. They have already been stated by Hon. Delegates, especially Hon. Kutesa. Madam Chairperson, Hon. Delegates, it is worthwhile now to note that in the talk about multiparties, we are not an island unto ourselves. Elsewhere there is talk about multi-parties and I would like to quote you some words of a wise man, Julius Mwalimu Nyerere. He said this about multi parties, *'We were never ideologically opposed to multiparty system. Ideologically, I am socialist; ideologically, I am a one party man but I have introduced the debate on multipartyism because the idea that it is taboo to question a Constitution is undemocratic. I mean I cannot accept this in favour of a single party for the sake of a nation of ours. Now, I am saying if these fellows want to start a multiparty system, then start it but I think a single party has served us well. We are what we are because of this system.'* Madam Chairperson, true we are what we are now because

of NRM type of governance. NRM did among other things, bring in a credible army, stabilise the economy and put the nation on the path to prosperity. Madam Chairperson, I would also like to mention that NRM has revolutionised politics of this country. Some have called it the politics of swallow-ability or broad based but NRM has clearly taught the politicians that politics is the art of compromise which parties have never appreciated. NRM knows that men come and go. Whereas people remain. Most Ugandan politicians had developed a notion of power which was restricted to the one idea of eliminating opponents by possible means rather than reaching some accord with them. I, therefore, support a continued NRM type of governance and say that the ban of parties, I do not support it because it would come in the arena and it cannot coexist today with RCs; it will be total confusion. So, I support continued governance of NRM (*Applause*) and a ban continues and at the end of the five year term, a referendum - if we have to continue with the people and on this I will quote you some saying from a Chinese. *'If you want prosperity of one year, plant cereals. If you want prosperity of 10 years, plant trees. If you want prosperity of 100 years, plant people.'* If we have to continue with people, we have to continue consulting them. (*Applause*)

Madame Chairperson, and Hon. Delegates, in NRM we believe the right to choose is the best element in democracy and we will respect whatever forms of governance the people will come up with when the Constitution making exercise is completed. However, I note that it would be naive, presumptuous and undemocratic for the world to force on the people of Uganda a system of governance which they do not endorse.

THE DEPUTY CHAIRMAN: Hon. Nyakairima, note that it is now 2.00 O'clock and the second bell went. People will have to go for the NRC, so better summarise your presentation.

MAJOR NYAKAIRIMA: Madam Chairperson, on forms of government. The issue is still democracy, independence and freedoms. Politically, even a small unit: a small area or district like Buvuma Islands can become a federal state but can Buvuma be economically viable? Economic viability to me, is a crucial issue here. One of the smallest nations in the world called the Kingdom of Brunai is almost the smallest country in the world but again the most richest. They have oil. Madam Chairperson, we

know a giant Nigeria, a federal, still with lots of confusion. Madam Chairperson, because we cannot today have federal units and others in a quasi-federal status; I view the idea of federalism as an attempt to decentralise powers at some other created political centres. Federalism is possible to those who clamour for it but it is not likely to enhance our pace of economic development and I think it cannot add a single coin on the price of coffee in the international market. The idea is even confusing in some areas of Buganda. It is taken to mean Kabaka - that you cannot have one without the other; that to own land, you need to have federalism; and to have shared power, you need to have federalism. On that, some of our people are still confused and probably they need more time.

Madam Chairperson, already I support decentralisation at the district level. As I have already said the involvement of the people must continue all the way. Already, there are some results and a researched area is Masaka District. Masaka District has recorded that hospital, Masaka Hospital, before decentralisation, was getting 100,000/- as imprest to run it but since decentralisation the Budget of 1993/94 budgeted 110,000,000/- to that hospital meaning 7.5 million shillings monthly. The result is that the health of our people, the welfare of the staff has tremendously improved and it has even improved the health care in the rural areas. So, the results of decentralisation at the district are already visible in some areas. We support decentralisation at the district level. (*Applause*)

Madam Chairperson, on traditional rulers and culture. This issue should not be politicised. A return to it, did not mean NRM was providing a political platform to divide our people. To me, traditional rulers can be re-established where those who want them feel that they have a role to play. The maintenance of such institutions should be responsibility of the communities concerned. I say again, issues are democracy, independence and freedoms but traditional rulers and their institutions should never be the responsibility of the central government. If a traditional ruler wants to join national politics, he must first resign his post as a traditional ruler and then seek mandate as a national leader. Now, because of already existing low level of development of our people in the sphere of culture, I favour Central Government's involvement. This is for historical and developmental reasons. There ought to be some form of government intervention in the culture sphere.

The most important reason being the strategic position government occupy as a facilitator and organiser of national resources.

Madam Chairperson on National Language. I favour Swahili to be the national language for Ugandans and English as the official language. Here, I have very practical experience. Swahili is already widely spoken in Uganda and has taken route in the Army and the Police and the institutions. Hence, it has bridged the gap between the educated and uneducated Members of these institutions and the public. Given the problem of ethnicity in Uganda, it would help in unifying the different peoples of this nation. In Tanzania, where there are more tribes than we have, Swahili has helped to consolidate national unity and it is common sense that what we are now trying to achieve in terms of unity, Tanzanians achieved it 15 years ago. Madam Chairperson, Swahili would also serve as a medium of communication among East African and Central African countries. With a rate of economic development of 7 per cent, our people should move more into markets around regions.

Madam Chairperson, let me also mention something on family and children. Madam Chairperson, to you women, I cannot say more than Hon. Matembe said, that was a message to women and men needed it here. But Hon. Matembe and all your Colleagues I say to you that the struggle is just started. Intensify it, bring on board all possible allies, always correctly identify your enemy at your democratic front lines. We shall be with you all the time.

Madam Chairperson *-(Applause)* - in conclusion, Hon. Delegates, I pray that we deliberate and promulgate a democratic Constitution that will stand the test of time and put Uganda on a successful programme to prosperity. The Pearl of Africa shall shine brightly. Thank you Madam Chairperson and Hon. Delegates.

THE DEPUTY CHAIRMAN: Thank you Hon. Nyakairima. Thank you Hon. Delegates for your patience and thank you very much our guests from Zimbabwe. We adjourn until tomorrow.

(The Assembly rose at 2.08 p.m. and adjourned until Thursday, 4th August, 1994 at 8.30 a.m.)