



THE REPUBLIC OF UGANDA

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

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**OFFICIAL REPORT**

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**THURSDAY, 4TH AUGUST 1994**

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Thursday, 4th August, 1994

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

P R A Y E R S

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

*The Assembly was called to order*

STATEMENTS AND PERSONAL EXPLANATIONS

**MR. ADYEBO COSMAS (Kwania County):** Mr. Chairman, I would like to raise on a point of personal explanation in line with the procedure of work here in the House to the effect that my name is appearing in *The Daily Topic* of 4th August, 1994, and it is in the headline written 'Sack Adyebo - Pulkol' raising from, I think, the contribution he gave in this House when I was not here. In that respect I would like to give a personal explanation, Mr. Chairman.

**THE CHAIRMAN:** Rule 12 provides that, "*with the leave of the Chairman, a delegate may make a Statement on any matter of urgent public importance relating to the functions of the Assembly or explain a matter of a personal nature at the time appointed under Rule 11, but no controversial matter may be brought forward under this rule nor may a debate arise upon a personal explanation*". But more importantly, "*any proposed statement under this Rule shall be submitted to the Chairman in writing.*" Hon. Member you have not submitted that to me, at least as far I know. We shall be contravening provisions of Rule 12, sub-rule 3. I would suggest that the wording of Rule 12 sub-rule 1 implies that this matter must appear on the agenda of the date. I would like to suggest that you submit a written statement to me today. Then we can have it on the agenda for tomorrow and then you can make the statement at the time appointed in accordance with Rule 12 (i). That is my view of the matter. Otherwise, you will be contravening the rules as they stand now. Otherwise, I would allow you to make the statement prior to compliance with Rule 12, sub-Rule (iii).

**MR. ADYEBO:** Mr. Chairman, I had actually written to you except that it did not appear in our agenda here. But since the Chair has power to rule,

I would think that as a matter of courtesy, I would like you to allow me this time just to give a brief personal explanation because I am the Prime Minister of the Government at the moment *-(interjection)-* Okay even if it is not here, I am a Member of this august House elected and responsible and presenting the views of my county. We may actually be embittered by these accusations and I would also urge that my Colleagues in this House having so many responsibilities, both in here and in their constituencies, some of them may not be here tomorrow. I would urge that you give me this time and I will be very brief.

**THE CHAIRMAN:** You see, you are asking that we should suspend the application of Rule 12, sub-Rule (i), so that we can make a statement notwithstanding that you have not given prior notice to the Chairman. Rule 43, sub-Rule (i) reads that, '*Subject to the Statute any of these Rules may be suspended with the consent of the Chairman or a majority of delegates present*'.

**MRS. RWABYOMERE:** Mr. Chairman, I just wanted to give some guidance considering the fact that the Hon. Delegate has not requested to invoke Rule 43, to have it suspended. And also considering that Rule 12, sub section 3, we have the use of the word 'shall' which implies that it is mandatory that this statement be submitted to the Chairman. I propose that this statement be submitted to the Chairman. Thank you.

**THE CHAIRMAN:** I am in the position that we can only proceed and allow the Member of Kwania to make the personal explanation if we suspend the application at the request of the Member to the Chairman - the application of Rule 43. In other words what the Member is saying is that so much of these Rules should be suspended as represents who is making the statement under Rule 12. Now I do not think the Chair is entitled to move on its own unless moved by a Member.

**AN HON. DELEGATE:** Mr. Chairman, in view of the reasons that the Hon. Adyebo has given in this House now, it may be sensitive too. May I request that you suspend Rule 43 in order for him to give his personal explanation. Thank, you Mr. Chairman.

**THE CHAIRMAN:** In view of the fact that the Chair has been moved in accordance with Article 43 (i), the Chair is agreeable to the suspension of the

operation of Rule 12 sub-Rule (iii), and on that account Hon. Cosmas Adyebo Delegate for Kwania is allowed to make a personal explanation. Please go ahead.

**MR. ADYEBO COSMAS:** Thank you very much, Hon. Chairman, and fellow Delegates. I thank you once more for having taken the pain to suspend Rule 43 to allow me make this personal explanation which came raising from the Report from *The Daily Topic* of today. Mr. Chairman, as the Hon. House may be aware, I am a Delegate from Kwania County and I was elected by the people of Kwania County. Prior to that, I was elected to the National Resistance Council by the people of Apac. Earlier than that I was elected in absentia to the DRC, Apac when I was away from the district attending my course.

Mr. Chairman, I am a responsible citizen of this country, both by birth and committee. It was on the basis of merit that I was elected to this high office of the Prime Minister of Uganda among the 18 million people. I have served in that office with a lot of care, a lot of dedication, a lot awareness, and a lot of tolerance because I am serving in the country which is undeveloped and with a multitude of problems. I myself do come from a place where people have suffered and still suffer. All that I have been doing for the last three years I think would be in the interest of the population of Uganda. As I talk to you Hon. Delegates, that Office of the Prime Minister was given only Shs.500 m/= to run it. For example I am having a vehicle which was bought in 1979, used by Otema Alimadi. Aware of the problems of the country, I had to repair the vehicle and put it on the road and it is breaking down on and off from time to time but I do not mind as a Prime Minister.

Mr. Chairman, I have about 39 to 40 districts which I must go through in order to coordinate the activities of the Government of this country. Despite the lack of finances, at least I have been moving to a good section of these districts. Immediately I was appointed Prime Minister, I was aware of the problems of some districts in this country and one of the districts which pained me from time to time was Karamoja. When I was appointed, I took only one month and then took an official visit to Karamoja district and I covered both Kotido and Moroto. I had intended to cover Teso - that was my programme of work - but at that time I found myself involved in negotiating for peace with the late Erebo. I did even communicate to the bishops of Teso, both the prot-

estant and the catholic. I called them to my office and asked the President to negotiate - I negotiated - but I did not do it because of the political interference. We would have resolved the Teso crisis even without the gun being taken there. As if that is not enough, Mr. Chairman, I came back to the work of the Prime Minister of this country; a work of coordination and I must tell you, Mr. Chairman, I am actually embittered by the recent malicious report centred on the office of the Prime Minister.

Earlier, you will agree that, one Hon. Member here who is an experienced politician came and abused me that I was happy to see the people of Eastern Uganda dying of famine. That I took a helicopter trip to the Eastern Uganda boasting to see the dead, to see the grave-yard of the people who had died of famine. I have made an interjection here, Mr. Chairman, and clarified that.

Today there is yet another accusation, apparently, by my Deputy Minister - Hon. Pulkol - I am not sure whether he really made this statement as it is recorded here. If he did make it, it is very unfortunate because the trip or the situation he is referring to, and of which he is accusing me of being inhuman is misplaced. Mr. Chairman, I am a Prime Minister and the terms of reference of my duties do not actually include the allocation of food. However, the terms of reference of my work include coordination of Government activities. The situation of famine in Uganda was a concern and is still a concern to all of us. The President was very concerned. I was very concerned. The Cabinet was very concerned. As a result, the President sent and directed me to go and make an on-spot assessment. That is why I had to go by a small helicopter which takes only two people by the way. At the time I went with the helicopter, there had been already two accidents involving that helicopter but I did not mind because I would have taken any action to serve this country and I am ready to die any time. So, a week earlier or two weeks earlier, there had been a helicopter crash, but I did not mind. People were fearing to go with this helicopter but I took it. And because it could not take more than two people, I had to tell one of my escorts to go by road because I had expected to reach the very suburb of the area where people were dying. The intention of going by the helicopter was because I wanted to reach and pay my condolences to these people as the report was that people were dying. In a country like Uganda where food is in surplus, it is unthinkable for people to die, as if the government is not there. So,

my concern was to assure these people that if it happened it was not the fault of the Government. One man was ready to do everything possible to have that situation worked out. My intention of going there was not to sleep at the graveyards. This is unthinkable. I am losing so many people in Government. I am losing Ministers, Doctors, Permanent Secretaries and yet I do not have time to go and spend even three minutes at their graveyards. How could I now go insisting to sleep at the graveyard? Of course, this is the message the politicians want the Newspapers to write, but it is unfortunate.

I went to ensure that we to send enough food. And as I talk now, Mr. Chairman, we have given due attention. We have sent 30,080 bags of food mainly towards the Eastern Uganda. For example, at the time I am speaking, out of the 30,080 bags, 6,454 bags of posho have been sent to Soroti alone and 3,681 bags of posho to Kumi alone. Mr. Chairman, we have sent to Pallisa 2,554 bags of posho. Mr. Chairman, the 30,080 bags of posho I am talking about have been released by the Government. Kumi and Soroti have taken 34 percent of the total and the balance to 18 districts, namely: Soroti, Pallisa, Masaka, Gulu, Apac, Kumi, Kitgum, Kamuli, Kapchorwa, Kotido, Tororo, Mbale, Moroto, Luwero and for that matter Masindi, Bukangazi in Kibale district, Lira, Mukono, Kabale.

Mr. Chairman, I want to confirm that the continuous accusations against me as the Prime Minister are really having a political connotation which is unfortunate. I did not have any intention to marginalise any district. I have been working - and the time I have been accused I even went to Moroto, and on the 9th June, 1994, which was a public holiday, I was working in Moroto. I went to inspect the dams which were not completed as our problem in Karamoja is that of lack of water. At that time, I was very busy trying to coordinate. My witness here to confirm this is none other than Hon. Peter Akure who was with me in Moroto on the 9th June, 1994. It was a Friday when I was working despite the fact that it was a public holiday. It is, therefore, unfortunate that my Deputy Minister comes to abuse me in this august House.

**MAJ GEN. TINYEFUZA:** Mr. Chairman, thank you. I wanted to inquire from you, Mr. Chairman, whether it is in order to allow, though we have suspended Rule 43 - under it we have proceeded to have the Hon. Adyebo to give us that personal explanation. But in view of the nature of the

explanation, I would find it a bit unaccommodated in Rule 12 (i), which provides that, "...no controversial matter may be brought forward under this Rule for personal explanation". Now, Mr. Chairman, the matter of the hunger in the East and dying of the people has already become a matter of controversy in this country. There is even a Commission of Inquiry set up by the President of three people, directly under the Minister of State in the President's Office. This is a matter of serious public concern and is being investigated and its report is not yet ready. Mr. Chairman, is it in order, therefore, to allow members to make explanations on a controversial issue which is not allowed even under the Rules of this House. Thank you Mr. Chairman.

**THE CHAIRMAN:** I think the controversy is that there is an Inquiry but the question of whether or not food was sent to those areas, I think, it is a question of fact. If the figures are not distributed I think that cannot be considered as controversial. The point though is that I think the Hon. Member on the Floor should wind up his statement of explanation; it is taking a bit longer than we expected.

**MR. KITARIKO:** I have heard the Hon. Adyebo's explanation, but this does not actually constitute the personal explanation. He is talking about his functions as a Prime Minister.

**THE CHAIRMAN:** I thought he said that he was attacked in the Press and he is trying to explain. I think in his statement his name was mentioned.

**MR. ADYEBO:** Thank you very much Mr. Chairman. I am surprised when Hon. Kitariko is one of those who might be interested in always attacking the Office of the Prime Minister; it will be very difficult. Mr. Chairman, to distinguish at this moment.

In summary, Mr. Chairman, I want to reiterate that there is a definite malicious trend to bring me into a political kind of quarrel which is unfortunate. And this political quarrel is always centred around the food and famine; it is unfortunate. I have tried to give this explanation and this is the second time I am giving this explanation. I would like to reiterate that I. Adyebo Cosmas from Kwana County being a CA Delegate, conscious of the accusations of the population of Uganda, have been doing a very transparent job and I am here to make the Rules and Laws of this Land. I will entreat my Colleagues who may be interested in dragging my name to controversial

issues in future to stop - it is unfortunate - I am being dragged in quarrels from time to time. Last time, it was from an Hon. Member from the East. This time from an Hon. Member who is a neighbour there. It is very unfortunate, Mr. Chairman.

I want to confirm that whatever has appeared here is malicious, uncontrolled, unwarranted, of ill intention and it is just, may be, intended to tarnish my name. We are discussing the Constitution; I am not here to remain for time immemorial. No. Please! Discuss the Constitution. If you want to become the Prime Minister next time, wait for the elections. Thank you very much.

**MR. SSEMAALA KIWANUKA:** Sir, I would like to call your attention to the fact of Rule 12 - submitting our personal explanations. It has taken over three weeks without any response and I did not know that somehow you have to bulldoze your way into the Assembly and give your personal explanations. Otherwise, there is no point in the Rule itself and there is no point in some of us submitting through the Chair as the Rule states. I think that if there is some kind of discrimination, that is the worst.

**THE CHAIRMAN:** The Member has raised a very serious matter because he is suggesting that the Chair is discriminatory. The point is that the Member submitted the statement to me and I think I had asked the Clerk or one of the Commissioners to come back to me from the point of the Rules. The statement was that he was not happy with some Members parking vehicles in areas marked, 'No Parking' outside. That is the summary of the statement. I was unable to fit that statement into any of the provisions of Rule 12, and so, the Member will be receiving a letter to that effect. That is why it was not put on the Agenda. Here the Prime Minister, the Member for Kwanja was allowed having suspended Rules because he was making a definite response to a Statement made about him in the Newspaper, immediately. Definitely if there is any statement that will be made prejudicial to the Members interest, the Chair will be very quick to have it put on the agenda. But I had wanted to discuss this matter with you after I have received a response from the officials. As I have said, I find it difficult to fit that statement in the Rule 12, but this is the matter which we shall, I think, have to clarify and have a circular sent out so that Members are clear what constitutes a statement of personal explanation or a statement of urgent Public importance. If people are parking wrongly, to my

view it does not fit within that provision. But any way we shall be communicating to you. Thank you.

## MOTION

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

*(The Debate Continued)*

**MR. KIMERA RASHID (Bunya South):** Thank you very much, Mr. Chairman. I wish to congratulate all delegates upon their elections and nominations to this House. I take this opportunity to thank my Constituency of Bunya South for having elected wisely.

Mr. Chairman, when we debate the Constitution which is the supreme Law of the land, we must lay appropriate emphasis on the Fundamental Human Rights and Freedoms. These Rights and Freedoms must be respected and should not be compromised by any Clause of this Constitution. At the end of the day, this House will enact and promulgate a Constitution for this country. The question which will haunt us is, 'Who shall guarantee and implement this Constitution to the satisfaction, success, and security of all Ugandans and posterity?' This question arises, given the history of this country where successive governments since 1967, have extended themselves in power without seeking fresh mandate of the people on the pretext of instability and/or non-completion of purported programmes. As you advocate for national unity and equal opportunity, when shall we get leadership, that will be free of the syndrome of preaching the gospel to all but while starting with one's own people as is the order in Uganda, which is referred to in politics as the 'winner-takes-all. Previous Constitutions that we are discarding contain the Bills of rights, yet Uganda is known to be one of the prominent offenders of Human Rights. All previous governments to date have flouted the basic freedoms of assembly and association.

Mr. Chairman, the absence of such political forces as UPC and UPM from this house causes a threat to the future implementations of the enacted Constitution. More so, when we are aware that these are potential bush-goers. As a procedural matter, the Government should officially inform the country

why the two Parties are not participating on such a very important exercise like this one. Similarly, the absence of the Law Enforcement Agencies such as the Police, Prisons and the Judiciary in the constitution making, leaves a lot to be desired. One wonders whether these are represented by the Army. It is the prayer of my Constituency that Government creates a political climate that will enable all leaders for example, Obote, Amin, Binaisa, Toko, etcetera, to return to their mother land by enacting a Law similar to that of Legal Notice No. 1 of 1986, decree 1, Act 12, Clause 2, which exonerates the present Government from being sued by any body for acts and all omissions that occurred between 1978 to 1986. This Law should be mutatis mutandis applied to the political detainee on charges of treason. They say, by doing this, then peace and stability can be guaranteed, for East or West, home is the best.

Mr. Chairman, we are elected to this august House to debate the Draft Constitution but not irrelevancies. My people have observed that we are working in vicious circle. Some Members' are focused onto the class of who ate; who is eating; and who is supposed to eat? I shall be different, Mr. Chairman, by extricating myself from that circle by trying to be neutral. I have chosen the approach because I am here to make an agreement between the led and leaders. I loathe praise for the backbone of sufferance in Uganda. I may throw bomb shells upon some institutions or individuals, but they may be not intended to hurt their eating or their reputation. After all Mr. Chairman, I am not eating, I have never eaten and I do not envisage or get a Munya or Musoga leader in power so that I may eat. I am here to only put things right and nothing else but that.

Mr. Chairman, my people need a Constitution that will curtail leaders from abuse of office; one that will allow the opportunists a chance of sharing quietly without de-stabilising their development which they are carrying out on self help. I am instructed, Mr. Chairman, not just to reject any body's idea but be convinced on principles.

Mr. Chairman, the people of Bunya South have instructed me to make the following general remarks on the Draft Construction.

The people of Bunya South entirely agree with Chapter 1, and with Chapter 2 except that Uganda should be a federal Republic. In relation to Article 6, and notwithstanding the provision of Article 51, my people would like to urge the Government to desist

from interference into religious affairs, as exemplified by 'Sheikh' Prof. George Kanyeihamba in the unfortunate Mbarara Conference. The Moslems requested that they be allowed to continue slaughtering animals for sale in public places excluding pigs.

My people agree with the official language as English as Article 5 of Chapter 2. They urge that a National Language be Swahili and give their reasons inter alia.

- i) That swahili is easily learnt and spoken by the majority of Ugandans;
- ii) It has rich vocabulary and standard grammar;
- iii) Facilitates communication even outside Uganda and will avoid arrogance by any tribe in Uganda, bearing in mind that Uganda will have to continuously adopt diverse national objectives at varying times.

My people do not consider Chapter 3 to be a constitutional material at all, notwithstanding Chapter 6 Article 94, Clause 3 (f). NRM should incorporate the contents of the Chapter 3 in its manifesto. The National Constitution should not be turned into a party or NRM Document as it is provided for in Article 94, Clause 2 (f). Therefore, Chapter 3 should be removed from the Draft least this House plunges future Governments in trouble where by knowledgeable citizens may be demanding their constitutional rights through Constitutional Courts.

Talking about citizenship - as contained in Chapter 4, my people have observed that the conditions granting Uganda citizenship are fluid and may turn this country into a dumping ground for any aliens of unknown origin. For example, when one refers to the Second Schedule of the Draft Constitution where a nationality of the neighbouring country is entrenched among the Uganda ethnic composition as at 1926 when Uganda was not a sovereignty state. While we appreciate the argument by Dr. Higirow, that the colonialists divided our people by the stroke of the pen in 1884. Do we, for instance, have such nationals as Uganda Kenyans, Ugandan Sudanese. Can we, therefore, adequately convince the world that we do not have Ugandan Banyarwanda fighting the neighbouring country. It is the prayer of Bunya, that in order to avoid segregation and misunderstanding these people should be recognised by their ethnic groupings for example Hutu in Uganda, Tutsi in Uganda, Samia in Uganda, etcetera. What is wrong with that?

My people recognise the positive role of political organisations which led this country to independence. However, they have continued to observe with great concern the absence of democracy within the operations of the party activities.

**MR. CHANGO MACHYO:** I would like to inform the Hon. Member on Floor, that the Samia in Uganda are not equivalent to Tutsi. The Samia in Uganda are Samia and in Kenya they are Samia. So, we cannot be called Samia as if we are equivalent to Tutsi. You say the ethnic group if you want but we are not a sub-ethnic group. Thank you.

**MR. KIMERA NDIKABONA:** Thank you. I was saying Mr. Chairman that my people recognise the positive role of political organisations which led this country to independence. However, they have continued to observe with great concern the total absence of democracy within the operations of the party activities. The case in point is the nomination of party delegates to this House an act which violated the Parties' Constitutions. Appreciation here goes to UPC and UPM which never sent delegates to this House which we were informed that by so doing it would have violated the Government stand on shelving political activities. Given the above circumstances aware that Uganda cannot be exceptional regarding multiparty system, knowing that the inadequacies of these political parties are as a result of lack of well defined procedures in running their affairs. On the revival of political parties, the Legislature should put in place relevant laws to guide the operations at the activities of political parties.

My people in Bunya South still appreciate efforts by NRM Government for ushering in the peace and stability we are enjoying, however, they have their reservations. They have instructed me to mention in the august House that NRM is only democratic at the grassroots level, but not at the level of some of its organs like the secretariat which is closed to the governed. Thus it does not give lee-way for anybody aspiring for the post of say, Political Commissar, let alone even CGR or any other post. It is viewed as being suspicious about people's leadership: the people who are elected by the people. Hence the imposition of CGRs who act the role of spies for NRM.

My people view with much concern the issue of one region dominating most of the civic offices as it was reported in the Newspapers. I wish to regret for this

coincidence and I will not go any further than it was reported in the Newspaper as per yesterday's *New Vision*.

Mr. Chairman, my people know that to be issued with a travel document is a right. But there are some cases where one's papers are cleared by the RCs from the lowest to the highest and by the CGR, but when a case comes to one in the names of DSO, he in the pretext of investigations takes months. At times the Papers get lost. Does this process not require major surgery, so my people ask.

It is also viewed by my people that there is laxity by NRM Government in regard to the embezzlers of public funds. Much as the Inspectorate of Government was introduced and has time and again reformed the public that embezzlement was taking place, it is a matter of fact that the government has never taken any serious step.

Whereas my people first agree with most of the Articles, in Chapter 6, they differ with Article 95 which requires the Movement organs being formulated by the Parliament. They propose that this House does the job but not the Parliament which is likely to be guided. My people foresee a situation of confusion and manipulations during the determination of which system of governance to take on. They urge that if it has not been the financial constraints the referendum was best suited for now.

In principle, they do not agree with Article 98 and/or its Clauses. It is therefore my people's held view that if this House is ready to accept to correct those short comings, a Movement type of Government for five years would be acceptable to them. It should be such one that will put into consideration the accommodation of all Ugandans of varying shades and that during this period political parties should be given time to organise themselves as per the Law established.

I should not forget to tell this House, Mr. Chairman, that political leaders should take it that their easy negotiating position, coupled with the opportunistic tendencies have led to this ugly political situation in Uganda. Ssemwogerere's involvement and other Politicians into their brother Obote's regime contributed a lot to the sufferings of Ugandans. If brother Ssemwogerere and his followers had not democratised the Obote II regime, the struggle we undertook would not have taken that long.

During the 1980 elections, I and one late Kyesimira issued statement to the effect that the elections were not going to be free and fair. We went ahead and warned that we were ready to fight off such a malpractice. Brother Ssemwogerere said, and I quote, *'Those are individual under takings, for us we are assured by brother Mwalimu Nyerere that all will be well'*. As if that was not enough, in 1985, when I led a ten man delegation to Kampala for peace talks with Lutwa's military council - who do I find? - Hon. Ssemwogerere leading the Government Delegation. *(Laughter)* I want brother Ssemwogerere to know that politics and religion are like a plus and a minus, negative therefore and positive. *They never go together. In the same breath, Mr. Chairman, I have instructions from the people I represent to inform the Members representing political parties mainly Hons. Katenta, Kitariko, Mayanja and Mulenga, that at the time of the resurrection of the political parties and I am saying at the time of the resurrection of the political parties, the four should be ready for summons to answer why they betrayed their parties by electing themselves to this House without due regard to the Majority of the parties membership, an act that has to the demise - (Applause)-*

**MR. KAWERE:** Mr. Chairman, could the Hon. Speaker clarify to us whether he is the Hon. Member who led a team of ten from Busoga to surrender ten guns.

**MR. KIMERA:** I can clarify that I was not the one.

**ANHON. DELEGATE:** May I inform the Speaker holding the Floor who mentioned that some people here came through the background without legal consideration. As far as I know the Act says, the Members will be elected by the different NEC Committees or national delegates. So, I believe that the Speaker on the Floor is misleading this House. We did not come through the constitutional means.

**MR. KIMERA:** Mr. Chairman, I will inform my people accordingly. Mr. Chairman, the people are saying that in view of the same they say the Act led to the demise of their politics parties. I was aiming at that.

Mr. Chairman, the National Council of State should be shelved in the Draft and its proposed functions should be taken on by Parliament, because this shall create the bureaucratic situation and inferiority com-

plex to the Parliament which is the voice of the people. There shall be predicted censoring and intrigue and, therefore, denial of democracy. The people in Bunya, in particular, and those in Busoga in general have always resisted the idea of being given their own land by foreign agencies. They wish the Constitution to recognise that they occupy their land under freehold tenure, and the issues of title deeds be decentralised at district level for those who need titles for commercial purposes. Therefore, my people have rejected the contents of Chapter 17 on land, except Article 274 on environment. The people of Bunya are aware and appreciate the need to protect the environment. However, the issue of forest reserve should be revisited with the view to adopting the present circumstances more so with the growth in the population.

Mr. Chairman, I have already said that Uganda should be a Federal Republic. I wish to explain why the Federal type of Government is best suited for this country.

- 1) The Federal State will create viable entities or effective self-motivated development as opposed to the preached development from the centre, as the case would be with the unitary system.
- 2) The Federal States will recognise our diversified deep rooted cultures and traditions and we will achieve the desired unity in diversity.
- 3) The Federal States will ensure that the power of Government emanates from the people whereas the unitary system dispenses power to the people and the same power can be removed by the same.
- 4) The institution that will be created in the Federal System will provide the necessary checks and balances to avoid the misuse of office and other Government organs, like the Army, by the Centre. I say all these while drawing from our experience in Busoga.
- 5) Busoga as a semi-federal entity, was financially viable to build all administrative units, rendered social services, built schools and constructed roads at one time in the early 1960s. The Government of Busoga was a beneficiary of the Government of New Zealand and Australia. Today, the three districts of Busoga are insolvent and cannot adequately pay salaries to their employees.
- 6) The Federal System will share functions of the security agencies to ensure that their roles are not compromised to cause confusion and hence the abuse of fundamental human rights by the centre.

Mr. Chairman what causes misunderstandings in this House over federalism is partly due to formation of groups as per my observation. There are those who say that the system is not bad but cannot annoy the master who wants decentralisation. They rather unite at the national level than a Mulamogi federating with a Mutenga or a Munyankole with a Mutoro. Mr. Chairman, those opposed to Federal once to be led from the Centre on the divided basis so that they can beseech the same. Decry which ever leader who comes up but once based in Kampala. They are envious of Kampala which they believe to be heaven and therefore, once federal once out of Kampala. So, no survival for a Musoga or an Acholi. What is Kampala, Mr. Chairman? Can't we build another city elsewhere? Why not in Bunya and somewhere in Kityerera in particular. The syndrome is quite deep rooted and it ends up being hypothetical in that people recall the 1966 crisis when Buganda resolved to dismiss the Obote Government from Buganda Land. But seriously speaking we have all heard from people the likes of Hon. Kirunda and the President of this country, who were close UPC die-hards saying that Obote was impossible and insincere. What does one do whenever a dialogue fails? Mr. Chairman, my people, therefore, pray that this Hon. House accepts federalism as the only viable system of governance. Thank you.

I do not intend to waste the time of this House discussing feudalism as this system recognises the existence of clans which are fully taken by the Draft Constitution. No one in Bunya is against any area were there are cultural leaders like *Kyabazinga*, *Omugabe*, *Kabaka*, *Omukama*, whatever names. Those who want to postulate to their cultural leaders may call them, provided they are to be apolitical and subject to being looked after by the relevant clans and well wishers. After all how can this House take it upon itself to discuss ways of denying any people of their own customary beliefs, art and music. Hon. Members, the issue at hand in this regard is just how these institutions can co-exist with the political administrative set up on stage. The people of Bunya South, Mr. Chairman, say the Constitution should provide for a nature of national economy of this country. And in this regard a mixed economy is proposed.

Mr. Chairman, my people agree with Chapter 5, Clause 1, of Article 71, of the Draft Constitution that it can be impossible to produce a person before court of Law during emergence period. But they ask that

this House do create ways that will deter the autocratic leaders from using the same law against their political opponents.

Chapter 5, Clause 2, of Article 61 regarding women equality and provisions of laws, cultures, customs and traditions which undermine women's status are duly provided in the Draft. The people I represent demand a specific clause which allows a woman's succession of her late husband's properties. They say, hungry relatives of the deceased should wait until either the woman gets married to another man or dies then she can administer the property.

Clause 2 (b) of Article 58 Chapter 5, we pray that death penalty be replaced by life imprisonment and my people argue that death penalty is not beneficial to anybody.

Mr. Chairman, we feel that Chapter 8 is alright except Article 133 Clause 3. We wish to add to the disqualification list that once a Member of Parliament is appointed as a Minister, he or she is required within 30 days to report the matter to the electorate and tender his/her resignation. We also propose that a recall of right be introduced and the circumstances leading to the recall be established. My people urge that whoever gets elected to Parliament and while there feels he should cross over to the ruling or any other Party, should before doing that seek the authority from the electorate.

Mr. Chairman, safeguard of the Constitution. Every Ugandan should be militarily and politically trained to the extent that one should know that peaceful transfer of power minimises interruption on political and economical programmes, and the military hardware used to scare off leaders from Entebbe. Secondly, the Constitution should provide that all international organisations for example, United Nations, its agencies, EEC, World Bank, Arab Banks and all Donor Agencies should suspend assistance and relations with the Government that comes in power or sustains itself on with the backing of the army.

*Chakamchaka* is recommended by many including the Banyarwa people as one of the safeguards of our Constitution. We say people will revolt in case the Constitution is tampered with. But are we aware that political militarisation is taking place? In such a country who is supposed to lead who? A civilian leading a well politicised citizens including myself? How expensive is this job? I know Ugandans are

fond of cracking expensive jokes without looking at the cost, but we are aware that they are Ugandans who want to be leaders in this country, what arrangement do they have? That is the question to you fellow Ugandans.

**Defence and national security** - The Army should be composed of all citizens of Uganda. All citizens should be compelled to being exposed to the military training and service for a period of not less than two years in stages. The citizens who remain in uniform during peace time should be restricted to a given number and nationalised on a professional national representative basis. This implies that all citizens can be called upon at no notice to defend their country in time of war. All Ugandans must be trained and prepared to fight so that they do not have to fight at all. Since many Ugandans have lost their lives by the laxity of the military personnel carrying weapons at their wish, the constitution must stipulate why, how, and when military personnel can carry weapons during peaceful time.

The Security forces, especially intelligence agencies, should have their roles clearly defined. The incumbent government should not be at liberty to establish intelligence agencies which are not provided for by the legislature. My people have the belief that such agencies established by leaders in their own design, always end up being sources of insecurity. They distort information, never tell their masters the true situation on the ground for purposes of perpetuating their masters say in office without losing heart. Military expenditure involving the purchase of military weapons and hard ware should form part of the National debt only where such purchases are made with the approval of the legislature and based on the technical approval by the defence country. My people do have the feeling that when ever leaders want to extort money or use money in a spendthrift way they always to find asylum in the Army. This constitution should, therefore, empower the legislature to regulate the size and amount of military weaponry and hard ware.

**Leadership Code.** My people have no objection to Chapter 11 except they would like to propose that a data bank be put in place to take care of deaths, births and personal records from the grassroots to the national level. With this in place, identity cards will be issued. We shall be able to know people who are non God fearing, who my people say should not at

any one time be elected, and or appointed to any responsible office.

In conclusion, Mr. Chairman, if this constitution is to stand the test of time, we should put in place a system that is democratically acceptable and one that will ensure equitable distribution of wealth and economic balance. Our leaders should avoid provocative language like: 'We are the most educated'; 'Never again should we allow those people to rule this country'; 'A good Muganda is a dead one'; 'We cannot be fools to hand over the power to people who never fought'; 'We gave you monarchies but we cannot give you Federal'; and 'Those opposed to monarchies should leave the country'. The constitution therefore, should avoid the situation of animal farm. Let our constitution be based on reality and not hope. I say all these in the name of Allah. Thank you very much.

**MRS. MUKWAYA BALUZI JANAT (Mukono County South):** Thank you, Mr. Chairman. I represent Mukono County South. This constituency is made up on Nakisunga sub-county, Ntenjeru, Kojja, and Koome, the beautiful Island of Koome. The people who voted for me include Uganda-Banyarwanda, Barundi, Bagungu, Baruri, Itesot, Langi, and finally Baganda.

I thank you, Mr. Chairman, for giving me this opportunity to share the views of the people of Mukono County South and my own views as a Ugandan with the Hon. Delegates assembled here. I was sent here, Mr. Chairman, to discuss/negotiate in order to reach a consensus. The civic society of Uganda remains the same, and it will continue to do so. So, the next government also will have the same leaders assembled here and those outside this building. Mr. Chairman, the people I represent want to disassociate themselves from statements like, 'If Baganda do not get Federal, they will wage a war'. If Baganda do not get Federal, they do it alone. The people from Mukono South are not with them, they are here to negotiate -(Applause) and because I have the skills to convince the Hon. delegates here I will get what the people of Mukono south want, God willing.

Permit me, Mr. Chairman, to make a few remarks and observations before I tackle the Draft Constitution. Let me take this opportunity to congratulate you and your Deputy for the honour and privilege which this great House bestowed on you by demo-

cratically electing you to those high and historical offices. In addition, Mr. Chairman, I commend you both for a job well done so far. Allow me, Mr. Chairman, to register my sincere thanks to the people of Mukono county South who elected me with an overwhelming majority of votes to come to this Assembly to deliberate, enact and finally promulgate the new constitution for this country. I shall do all these in the spirit of give and take, without compromising any of the principles my people cherished most in order to reach a consensus. Mr. Chairman, it suffices for me at this point to express my gratitude to the NRM leadership and the NRA Military Council who deemed it fit to avail Ugandans a chance to say all that they wanted to say through their CA Delegates to the past and present leaders of this country in this general debate. I am happy, Mr. Chairman, that the Hon. delegates have steamed off, therefore, those who are courteous would give this country an apology and a promise to start afresh.

I have listened to the mature presentation of Hon. Delegates who spoke before me and from their contribution I have concluded the following.

- 1) That this CA General Debates have been turned into a committee of supply of Parliament, called up on to solve the economic imbalances in our society.
- 2) The same CA Debate, Mr. Chairman, has been turned out to be an Evaluation Committee or Commission to our political systems hence preparing us to make a right decision, which way Uganda should go next. I am very grateful to the Hon. Delegates for the frank discussions. It is my sincere hope that the movement supporters and multi-partyists have taken note.
- 3) Lastly, Mr. Chairman, the CA Debate, unlike what the Press wish this country to believe as polarization, to me I think and rightly so, that the debate has reasoned out all the possible reasons why areas which are for the movement are while others are for multi-parties.

Allow me, Mr. Chairman, to elaborate on this point further. Let me, Mr. Chairman, take the case of Buganda. The majority of people in this region support the movement type of government for the next five years. Why? Partly because of what this system has managed to deliver to this community. Take the example of "Ebyaffe" the restoration of the monarchy; peace and stability which has propelled development in this region. Further more, Mr. Chairman, the introduction of popular participatory

democracy through the RC system, which has brought the Baganda back into the main stream of political participation which had been denied to them for over 30 years now. Why NRM in West Nile, Mr. Chairman, and Hon. Delegates? In my view, the political system in the late 1970s forced these people into exile. Arua was totally destroyed so was Bombo. But these people are back from exile where they suffered tremendously. They are very active in RCs, NRC and CA on equal footing with those people who exiled them then. The system has delivered peace, stability and relative development. How good is this political culture of accommodation and tolerance, Mr. Chairman? Why NRM in the East and Karamoja? Mr. Chairman, though Mbale was the second seat of Dr. Obote during his rule, his political system did not allow the peasants to participate actively and responsibly as the case is today in the RC System, at least for Obote II. I argue further, Mr. Chairman, that if some of the petitions so far revisited and reversed through the legal courts were to be filed then, allow me to exemplify by stating yours in Mbale municipality and Dr. Nakyanzi which I have just read this morning, I am afraid the results will stand to be different. I congratulate you, Mr. Chairman, and Dr. Nakyanzi and Kiwanuka from Bukomansimbi Hon. Kiwanuka and the NRM administration for this achievement. *-(Applause)*

Mr. Chairman and Hon. Delegates, why the resistance on NRM administration in Kitgum and Gulu? Allow me, Mr. Chairman, to recognize and salute all those distinguished daughters and sons of that land who have tried tirelessly to resolve the problem of insurgency. A mention of Hon. Betty Bigombe is necessary here. Our condolences and sympathies to all those who have suffered during this period. Without any prejudice to the above, Mr. Chairman, the political system has a hostile environment which could not allow it to deliver what this community needs. Hence, the rejection of NRM as a system of governance. I am afraid, Mr. Chairman, that if the situation does not improve, the political system will not deliver. why? Because a political system, like a computer or a human body, must have a good and enabling environment in which to thrive, in addition to a political culture of tolerance, self sacrifice and logic and intensive positive mobilization of the masses. Without these, Mr. Chairman, the political system cannot deliver. The input of a political system in terms of demands, must be well intended. But the inputs by the political actors in Gulu and Kitgum are hatred, resistance, sabotage, name them. It would be

erroneous, Mr. Chairman, for the people in those areas to expect peace, stability and development as final out put.

Mr. Chairman, and Hon. delegates, I am happy to learn that the District Resistance Council of Kitgum District has decided to fight against the rebels by mobilizing all able bodied youth in the area. They need your clap. *-(Applause)* These leaders should fight tirelessly to isolate those other Members of the same society who think otherwise. Can you imagine how much NRM would have done here if only some leaders of the region did not decide to sabotage? The people of Mukono county south will give their moral and material support to such leaders who are progressive, but reject and isolate the latter.

Turning to the draft constitution, Mr. Chairman, the people of Mukono county south believe, like others from other constituencies, that not everything which is constitutional is legal or of proper political propriety. They further argue that not everything which is legal is constitutional. The people I represent, Mr. Chairman, argue further that the stability of this country and the sustenance of the constitution we are going to enact will not depend on the good words which we are going to put in the constitution but will depend largely on the political culture that will be nurtured after we have enacted this constitution and agreeing to live together peacefully as a people. Therefore, the people of Mukono county south expect this constitution to help develop our political beliefs and aspirations along with peace, stability, political accommodation, tolerance and development which are a prerequisite and of paramount importance. Mr. Chairman, the people of Mukono county South agree to the fact that, what basically matters is not what type of political system a country has, but what a government stands for. And the question is that, when it makes decisions, whom does it make those decisions for? These people, Mr. Chairman, therefore, do insist that in our analysis of what provision we want to put on government, it is imperative that we do put them, their devices and methods of ensuring that governments are there so long as they are useful to the community they serve. Mr. Chairman, people in Mukono County South have come to understand that democratic constitutions ought to emerge from the people. This belief is the strongest safeguard of a national constitution which has evolved from the people themselves.

Mr. Chairman, unlike other hon Delegates who argued that the views making this draft were only

from RCs, I want to remind the Hon. Delegates that in addition to memoranda from RC, there were 2553 individual memoranda and 839 group memoranda. Then Mr. Chairman, there were also institutional seminar reports, essay competitions, news articles and position papers. The source is the report of Uganda Constitutional Commission: Index of sources of people's views December, 1992. The people of Mukono South County were satisfied with the sources given the circumstances under which the Commission operated. But they observe that at least this is a wider scope of consultation compared to the Lancaster consultation of 1961. Following closely on the above, Mr. Chairman, the people in Mukono county south request the Hon. Delegates whatever concerns the people in Uganda should always be done with their involvement, and I repeat should always be done with their involvement. As such, consensus politics is likely to influence the future course of our nation. Therefore, the people I represent demand a referendum on any contentious issues to be decided. *-(Applause)*

On the issue of the monarchy and the form of government, Mr. Chairman, the people of Mukono county had this to say. They love their *Kabaka*, they therefore, requested me to thank in particular His Excellency the President of Uganda, the entire NRM administration, NRC and NRA council for restoring their *Kabaka*. The same people, Mr. Chairman, stated loudly and clearly that they wanted an apolitical King. They further desist Buganda returning back to the 1966 crisis, but they at the same time like a Federal system of government. That notwithstanding Mr. Chairman, the same people highly supported the continuation of RC System and that the structures should be made constitutional institutions. They further supported a highly decentralized local government at the district. They demanded for its entrenchment so that never should central government take away those powers from the people. I am saying that those are the raw views given to a delegate Mukwaya.

Mr. Chairman, as a leader, analysing these raw views of the people of Mukono south, my own interpretation of the above message is that the people of Mukono County South, want a cultural king with a Cultural Consultative Council, the details of which I shall discuss when we come to the consideration stage. They would not like a government at Mengo because it is this arrangement which caused the 1966 crisis. *-(Applause)* They further argue for a highly decentralized local government where powers of the

central government are devolved with financial resources to the district so that each district in Uganda forms a federal administrative unit.

On the issue of maintaining the King, the people argue that since the *Kabaka* is a cultural leader and Uganda values its culture, promotion of culture in Uganda should be the duty of local government so that a vote will be put aside for this noble cause - For all Ugandan culture not Buganda culture only. A combination of the all Uganda culture makes our heritage, so we must advance and promote it.

The people I represent strongly recommended that recommendation 9.94 (g) on page 254 of the Odoki Report should be put in our constitution. They, therefore, appeal to the Hon. Delegates to incorporate it in this new constitution as this will enable districts with a common interest to co-operate in several developmental activities. Another concern for the people of Mukono County South, Mr. Chairman and Hon. delegates, is the fact that their King was placed in miscellanies. They want to retain Article 279 of the Draft Constitution and the amendment of the 1967 Constitution in relation to traditional leaders but do appeal to this Assembly to allow a separate Chapter to be created. I propose this chapter to be numbered Chapter 6. Mr. Chairman, the people of Mukono county South observe with great interest the statements made by some Ugandans that NRM government was not legal. They want to remind all Ugandans through this Assembly that political parties *-(Interruption)-*

**MR. MULASSANYI:** Point of clarification. Mr. Chairman, this issue of the *Kabaka* has been discussed by a number of people. Some people have suggested that the issue of the *Kabakaship* should not appear in the constitution; others say it should appear in the constitution. Now the Hon. Delegate holding the floor is arguing for a separate Chapter for the Kingship or for the cultural leadership. I want her to clarify to me, if the *Kabaka* is catered for in the constitution, and a madman comes tomorrow and abrogates the constitution, don't you see the danger of the *Kabaka* being abrogated with the constitution. Thank you Mr. Chairman.

**MRS. MUKWAYA BALUZI:** Thank you Hon. Mulassanyi. Being a freedom fighter and a woman with skills which I think other Members also have, I do not expect that this constitution will ever, ever again allow madmen to come up. We are going to

carry out intensive mass mobilization of the population, and finally, Mr. Chairman, as long as we are around, with our Local Defence System, with the politicised Army and the army has already promised that it is the army for the people and it will stand by the people's decision, we shall fight them. No way.

I was continuing with, I think I better repeat. Mr. Chairman, the people of Mukono County South observed with great interest the statement made by some Ugandans that NRM Government is not legal, they want to remind all Ugandans through this Assembly that political parties in Uganda have never been and are not legal entities either. Therefore, the argument that NRM is not legal has no basis. The people I represent argue that laws are made when need arises. In other words, facts precede laws. Now that the need has risen to legalize NRM, which has delivered goods according to these people, they support the movement type of government to continue for the next five years legally. They strongly recommend in the draft that Parliament creates organs of the new movement according to the challenges ahead of this new movement.

I now turn to the burning issue of opening up of the movement, Mr. Chairman. I personally consider the movement opened up from RC.1 up to Parliament. The bottom structures of the movement that is RC.2 and RC.4 when they directly elect their councils and executives under the programme of decentralization, the opening up will be more democratic.

Further more, Mr. Chairman, as recommended by the draft, the National Council of State sitting as a committee of Parliament, will perform any functions in relation to appointment or removal from office as provided for by the constitution. Here one representative from each of the districts of Uganda elected by the District Council from among Members of Parliament elected from that district on the basis of universal adult suffrage together with five women, this replaces NEC. This is a very democratic opening up of the top structures of the movement. I argue further, Mr. Chairman, that now the President of a country is going to be directly elected by universal adult suffrage on a national constituency. He will automatically stand as a President/Chairman of the movement and the Vice President/Vice Chairman of the movement. The next Parliament will have a dual role in my view, it will be a legislature at the same time the top-most movement institution. Parliament when sitting as a legislature,

will have its Speaker and a Deputy Speaker. Yet in its other role of an institution of a movement the President who is the chairman, will preside over this organ. I do not suggest to have a parallel Council RC.6 along Parliament as it will create conflicts. The Secretariat to the movement is an administrative organ of the movement with office bearers appointed by the Chairman of the Movement. I do not envisage an elective administrative organ but this august House can decide how many directorate will form this secretariat. If this idea is bought and carried, Mr. Chairman, then anybody who wishes to become the next chairman of this movement will have to stand as a Presidential candidate, win an election and finally take-over. This I shall emphasize at the consideration stage.

On the issue of multiparty, Mr. Chairman. The people of Mukono County South are not oblivious of the fact that it is a human right to have the freedom of association. But as it has already been ably explained by the Hon. delegates that this right is not an absolute right. The advocates of multiparty must bear in mind that a right is followed by responsibility. Accordingly, the people of Mukono County South argue that parties, especially UPC, DP and CP have acted irresponsibly in the past. At this point, Mr. Chairman, I wish to differ from other Hon. Members who believe that peasants take parties only because of what UPC did. Partly yes, but it is also true that peasants blame KY for its unprincipled alliance with UPC in the 1960s, which act should not be overlooked because it caused the 1966 crisis in Buganda, and the bitter days that followed. And I thank the Hon. Byanyima from Mbarara municipality who ably gave us the *Hansard* records, that UPC has always schemed. It is here to scheme. Hon. Pulkol told us Rule number 10. We should actually think seriously about this party! So, Mr. Chairman, the KY alliance has its share of the blame. The Democratic Party has its share of the blame. First of all, it has exhibited no capacity to withstand the manoeuvre of UPC at all times. Hence, the result - (Interruption)-

**THE CHAIRMAN:** Hon. Mukwaya there is a hand of a Member on the Floor. Could you indicate what you want to raise.

**AN HON. DELEGATE:** Information, Sir.

**MRS. MUKWAYA:** I am already informed. Mr. Chairman, the bell has already gone. Thank you the

youth we can discuss in the corridors. As I was saying, Mr. Chairman, that the Democratic Party also has its own share, that it has exhibited no capacity to withstand the UPC manoeuvres at all times hence the resultant crossing from DP to UPC being a well known phenomenon. As if that is not enough, Mr. Chairman, much blame has been put on Mr. Museveni as a person for waging a bush war. DP should equally be condemned for having joined UPC government as an opposition which act gave the UPC Government legitimacy in 1980s and the mandate to rule this country with impunity. If only the DP stayed out of Parliament the situation would probably have been different. You may recall that some Members of this party and senior Members. Mr. Chairman, confess here that, their contributions were ignored by the ruling party. One wonders, Mr. Chairman, of what use was the existence of an opposition. Yet our hope we who were in the bush was in the promised black book which up to now is no where to be traced.

To the people of Mukono, it is this and many other ills which prompted the people in Mukono South to strongly support Article 136 about the right of recall and Article 135 (1) (h), in connection with Members of Parliament who cross form one party to another. The people of Mukono County South argue further that, the present divisive political parties have out-lived their usefulness, they, therefore, recommend for their over hauling and re-organization. But they say that in order for the parties to do so, a law should be put in place by Parliament to determine the rules of the game in future so that new parties do not fall in the same mess. It is the wish of the people of Mukono County South, Mr. Chairman, that even when Uganda finally decides to go multi-parties through a national referendum, the principle of winner take all is unacceptable. They advocate for a broad-based government.

The people of Mukono further argue, Mr. Chairman and Hon. Delegates, that parties are formed in any country to serve two main purposes:

- 1) To influence the formation of political will of the people and
- 2) To participate in representing the people in state governance.

In summary, Mr. Chairman, they are saying that in the five years parties can be allowed to function but on function number two, they should not be allowed. Mr. Chairman, the people I represent fully support Article 88 in connection with constituencies; they

want one ballot box unmarked. They demand that ballot papers should bear photographs of candidates with their names and of symbols.

On the issue of women representation, Mr. Chairman, women in Mukono County thank the NRM administration for its affirmative action on women. They commend further the leadership of the NRM for practically and forcefully implementing the policy hence creating a new political culture and an enabling political environment for women to fully exercise their human rights. In the past, Mr. Chairman, women have exhibited their ability to compete favorably for the executive position in the RCs other than their original share. They are optimistic that this trend will continue as the system matures. They sent me here to thank the directorate of women affairs at NRM Secretariat which mobilizes them through district women seminars and women cadres, placed in district, financial and material constraints notwithstanding. They request the Hon. Delegates to support the idea of creating a national independent civic education commission with special emphasis to focus on rural people.

The women of Mukono County South, Mr. Chairman, strongly object to Article 131 (b) in the Draft Constitution. They consider this recommendation very unfortunate, they therefore recommend that each district shall elect a woman representative to Parliament while those who can compete at the constituencies like me and others can continue to do so. Mr. Chairman, permit me to reflect on a point which was raised by Hon. Aggrey Awori delegate from Samia Bugwe North - *(Interruption)*-

**MR. SSEKANDI:** Point of clarification. Mr. Chairman, I would like clarification. The Hon. Delegate has indicated that she supports the provisions under Article 88. The clarification I want to hear is on this question of counties constituting a constituency for purposes of electing a Member of Parliament. I wonder whether there is a uniform method of creating new counties all over Uganda or it is arbitrary depending on the wishes of each district

**MRS. MUKWAYA:** Thank you, Mr. Chairman. To my own understanding, Article 88 pre-supposes that constituencies as arranged in the statute which constituencies brought us here. That is what I suppose. Mr. Chairman, permit me to reflect on a point which was raised by Hon. Aggrey Awori, Hon.

Delegate from Samia Bugwe North about the gun powder politics. I, like him, admit with no apologies to any one, that as a freedom fighter, I am where I am because of that process. In addition, Mr. Chairman, together with other women combatants living and fallen ushered in this process of democratization, peace, sanity and reconciliation through gun powder because there was no other alternative left for us.

Talking from experience, it makes me sad and cold to hear some Hon. Delegates arguing that the NRA soldiers kill the insurgents in the North because of fat allowances. Mr. Chairman, is there any price for life here? We joined men in the struggle because of our strong conviction that a right is taken and not given. We have heard the historical women struggle by Hon. Rhoda Kalema delegate Kiboga County East and the reasons why women want to assert themselves given ably by Hon. Miria Matembe woman delegate Mbarara district and other women and male delegates in this Assembly all, Mr. Chairman and Hon. delegates, in the past fell on deaf ears of the ruling government. Those and many atrocities and crimes which were inflicted on the Uganda women forced some of us into the armed struggle in order to put an end, first and foremost, to all this and then demand for our rightful position in the new order. That is why we were labouring to demand for our position, Mr. Chairman. Women know that their number is an economic asset, a potential economic energy which only needs to be identified, recognized and tapped. Without the women of Uganda's population, without the women in Uganda, Ugandan's population would be stagnant. This is very dangerous, Mr. Chairman, for many reasons, the labour force would be affected, not to mention the defence of this country. Certainly, Mr. Chairman, the food security is threatened in Uganda because among the many reasons which may be raised, women's inaccessibility to modern methods of farming coupled with simple storage structures to stop food wastage are among most serious ones. In addition, Mr. Chairman, in a country like ours where the state is not a well fare state, the women have ably cared for the sick, the orphans, and the elderly. Therefore, the women must be facilitated to do all these roles as the state prepares itself to become economically able to provide these services.

I am glad, Mr. Chairman, that I associated myself with a clear headed leadership which in its own accord, supported the women liberation struggle. I

urge the Hon. women delegate to pursue the struggle consistently, logically and skillfully. Let there be no force be it political, cultural or otherwise which will manoeuvre us in order to derail us from our struggle. We should clearly study our society, and at any stage of the struggle, identify our allies and our enemies in a protracted struggle like ours. Hon. Women delegates, we should borrow some skills from the NRM/NRA that as you struggle, you must stick firmly on your principles and goals; but change strategies and methods of the struggle; do not stick to one method. If we have tried the confrontation method, and it seems not to work, then let us try another method, and another until we finally shall emerge winners. I want to remind the women of Uganda that NRM/NRA Government has been successful because of that principle. Let us know that some men are with us in this struggle, most importantly the political leadership. Other men are not really enemies but they are ignorant about the gender question. These we must identify and educate seriously. (Applause) Those who deliberately refuse to see the logic must be isolated and denied fertile ground to germinate.

In the same breath, Mr. Chairman, the women must accept that our struggle must first and foremost be supported by the women themselves hence the need for intensive mobilisation among the rural women, the urban poor women, and the elite. This is very important because I have personally experienced the sabotage from fellow elite women, but because I had mobilized most rural women to support the cause, the saboteurs were denied a base. It is on this background Mr. Chairman, that the women in Mukono County South request the next government to retain the Ministry of Women in Development among the essential ministries in the future cabinet with a meaningful practicable budget to enable the minister to efficiently cause fundamental changes as promised by the NRM leadership when it came to power. (Applause) Much as the women of Mukono County South welcome the idea that this ministry be headed by a woman, this is not enough, Mr. Chairman. They demand for funds not who heads the ministry but want the minister to be empowered financially to do a good job for them.

The women further argue, Mr. Chairman, that any government of the day should address the gender questions more logically. It does not matter whether the Ministry of Agriculture is headed by a man or woman. What matters to them is whether this

ministry has facilitated the women never, never again to carry water, firewood, food, etc. on their heads but with a wheel barrow. Has this rural woman been liberated through appropriate technology to tap rain water so as to reduce on her time for fetching water? These and many questions continue to nag the women in Mukono county south. What the women demand for, is facilitation of their role. Secondly, Mr. Chairman, the women argue that they do not mind whether it is a man or woman who heads a Ministry of Health but whether that ministry/ minister is gender sensitive to a level of pursuing a policy which will create a labour suite suitable for the disabled women to deliver their children comfortably. (Applause) Has the role of reproduction in rural areas been facilitated? Is immunization accessible? etc, etc. Is the Ministry of Education mindful of the fact that rural children whether male or female in the whole country are badly facilitated to warrant an affirmative action as it is the case with the girls who proceed to the University and yet most of these come from good, well facilitated girls' schools in the country? In a nutshell, Mr. Chairman, the women of Mukono County South demand that those areas where the affirmative action has not been addressed by ministries should be highly highlighted in this constitution.

The people of Mukono county south noted the commission of the disabled people as an interest group to be represented in Parliament with dismay. We therefore, recommend that consideration be put in place to enable the group to elect its representatives to Parliament. They purpose that number 3 will be appropriate.

On the issue of graduated tax, Mr. Chairman, there was a strong demand that the law should be streamlined. As the retirement age for civil servants is 60 years, the tax payers especially, rural tax payers should be exempted at that same age. They complained bitterly about the long and complicated procedure of tax exemption by the District Executive Secretary's Office. They recommend therefore, that the RC II Executive could be delegated to this role which they shall do willingly and efficiently. The women objected to being taxed. Another important issue, Mr. Chairman, for the people of (Interruption)-

**THE CHAIRMAN:** Hon. Member, your time is up I think you should be winding up.

**MRS. MUKWAYA BALUZI:** Okay, let me wind up, Mr. Chairman. The other points I will give in consideration stage.

Mr. Chairman and Hon. Delegate, I want to inform you that during the bush war, I, together with some other Hon. Delegates in this Assembly, made up a committee which was charged with the creation of RC Structures, RC Courts, Rules and Procedure, the civilian and NRA code of conduct; which structures have been accepted by most people in Uganda with minor modifications. Secondly, Mr. Chairman, in 1986 when NRM took power, I was charged with the political mobilization of women in this country. First as a national secretary for women affairs, and later as a director for women affairs. My first cadres whom I personally recruited were Hon. Miria Matembe, Mrs. Christine Karuma, Hon. Dr. Specioza Kazibwe, now Minister for Women Affairs and her Deputy, just to mention but a few. Further more, Mr. Chairman, the ladies before you and those in NRC and in lower RCs all over the country, are my personal effort together with my staff both at the headquarters and in the district. This is no mean achievement. Thirdly, Mr. Chairman, I joined the struggle as a Magistrate not because I was caught up there in my area of jurisdiction, No. The truth of the matter is that Busawuli village where I married, forms part of the famous Luwero triangle. This is where we had and we have a home. I and my husband joined the struggle in 1982 after satisfying ourselves about the causes of the struggle and it was our well considered conviction that we formed an opinion to join the struggle. I left behind my last born of one and half years old. Offering our lives to this cause, was a bold vision which is not common to very many Ugandans. One may be wondering, Mr. Chairman, why I am labouring to talk about myself. I am forced Mr. Chairman and Hon. Delegates to make it clear to the Hon. Charles Owor Delegate from Aswa county that contrary to his un-researched, misleading, and unfortunate statement that I was unwise, at least from his point of view. The facts above and the facts that I stood with five men whom I defeated badly, proves the contrary to Hon. Charles Owor.

I thank you, Mr. Chairman and Hon. Delegates, for lending me your ears. I say all these for God and my country.

**MR. AMAMA MBABAZI (Kinkizi County West):** Mr. Chairman, Kinkizi County West is in Rukungiri West. It borders Zaire, Bufumbira county

and Rujumbura County. In the South of my constituency we have the impenetrable forest, where we have mountain gorillas and to the North of my constituency we have the famous tree climbing lions. In between we have a captivating landscape. I would like to recommend to all delegates including you, Mr. Chairman, to take time and visit Kinkizi. It is a good place for holiday. Thank you.

Mr. Chairman, I bring you warm congratulations from the people of Kinkizi West. We congratulate all delegates in this House, and wish you fruitful deliberations.

Mr. Chairman, Uganda is at crossroads today. Our people have imposed on each one of us delegates in this Assembly, the duty of determining which way Uganda goes. We are all in the process of history making. I would urge each one of us always to remember this whenever he or she is making a contribution to this historic debate. How will posterity judge you? As one who contributed to the division of Ugandans, and the state's eventual demise as a power? As one who promoted paralysis in governance of this country at the expense of progress and economic development? Or as one who contributed to our people's unity of purpose and gave them the constitutional frame work that allowed for concentration of efforts on the gigantic task of overcoming under development! You should decide on which side you will be because history and posterity will record it.

My constituency and I have studied the draft constitution and taken position on its provisions. We are fully aware that our views may be at variance with views of other areas of Uganda. We are therefore, prepared to give up certain demands so that an agreement is reached which satisfies the vast majority to some extent. I wish to urge all delegates here to adopt this spirit of compromise, so that at the end of the we can defend this constitution without hesitation.

The people of Kinkizi West support the provisions of the constitution because they are satisfied that it addresses most of their aspirations and demands.

Mr. Chairman, I am sympathetic to and share the positive spirits of Hon. Moses Ali's appeal to NRM leaders to de-emphasize the mistakes of past regimes and concentrate, instead, on correcting these mistakes. We must, however, have the historical per-

spective to judge and evaluate changes taking place in Uganda and in our society as a whole. Accounts of what has happened in the past and statistics where necessary help to convey the scale of the problems to be addressed. Otherwise, we would never learn from experience. The constitution must have specific historic roots and concrete reflections of our legal and political experiences. Far from being idiosyncratic, it should represent quite familiar themes. Uganda's independence since 1962 has been characterized by instability, violence and economic decay. By almost all indicators, whether GNP, infant mortality, and foreign exchange earnings, Uganda, like rest of Africa has not met its promise or her people's aspirations. Whereas much of the blame could be attributed to the legacy of colonial exploitation, our leadership never rose to the challenge of destroying the colonial structures and building a foundation that would serve as a springboard for peace and development. Instead corruption, mismanagement and inefficiency of our governments made the bad post-colonial situation much worse.

Of course, this should not surprise anyone. At Independence, Uganda inherited a political system bequeathed to us by our colonial masters. Political pluralism through a multi party political system was a novel idea because it had not been practiced during the entire life of colonial rule. Colonial rule was authoritarian par excellence! No wonder then, that the leaders in whose care this guide was put, did not know how to nurse or nurture it. Today we are reaping the fruits of the ravages of misrule and incapacity of that leadership. It took two decades of struggle and about 800,000 people dead to destroy this colonial super-structure and reach where we are today poised to promulgate a constitution that is truly home grown and which will establish a free and democratic system of government for our people.

Mr. Chairman, as the Odoki commission notes, democratic governance requires building a democratic society based on democratic behavior in all sectors of that society. The political socialization process through which people are influenced by their immediate environment, the education they receive and the media images they absorb, clearly influences the formulation of their own personal attitudes to political and other issues. This process is a long and arduous one, given Uganda's immediate past political era of intense and wide spread terror, that was used both as a means of social reconstruction and as the ultimate tool of perpetuating the then political

system. It is imperative, therefore, that our population as a whole is involved and integrated in the process of governance so that they heuristically learn and hopefully develop the traditions of a democratic life.

Mr. Chairman, over the many years of struggle, the NRM was depicted as warmongers or as being militaristic. I am afraid this was misplaced criticism that lacked depth in analysis. For as one writer said some time ago, *'If peace is based on freedom, then the struggle for freedom must become the first concern of the peace movement'*. In order to become successful as a peace movement, the movement has also to become a liberation movement. I must say, Mr. Chairman, that I feel, as I am sure of the Colleagues in the struggle do, a personal sense of fulfillment because I can see we are reaching closer to the attainment of our struggle's objective to establish freedom, democracy, and the rule of law in Uganda. It was high price to pay but I am sure that those that sacrificed their lives would feel a sense of satisfaction that they did not die in vain. As I had said earlier, it is incumbent upon us delegates in this Assembly to produce the necessary change in our social and economic development that our people have been yearning for, for so long.

I know we have some politicians in this country who hold that we must go back to our old ways. My advice to them is that, to use a statement by Bernard Shaw, *'Progress is impossible without change and those who cannot change their minds cannot change anything'*. I think, therefore, Mr. Chairman, that those few politicians who are resisting change are museum pieces whose rightful place is in the house of antiquities. Mr. Chairman, some colleague delegates, have treated the question of political system as if it is an experiment and that therefore, on a trial basis we can adopt one system today and another tomorrow in order to gain new knowledge. These people forget quickly. There is no system we have not had in Uganda. We had a military rule which had disastrous consequences. We experimented with one-party rule that started all these disasters in the first place. And we have had multi-partyism twice in the last 30 years or so. An argument has been advanced that the political parties are alright but the problem has been their leaders. But I ask the question, Mr. Chairman, if the parties have persistently and consistently produced bad leaders for the last 40 years, how can they reassure the nation that come 1995 they will not by force of habit elect bad leaders? Is it reasonable to expect our people to take

chances when they have an obvious choice, an obvious alternative?

Multi-partyism, of course, has worked in many other areas. A close look at these areas or countries, however, would show that the country as a whole has a concrete political foundation and would have advanced past our current stage of national building long before multi-partyism was introduced. The conditions in such countries must be conducive to allowing a healthy interplay between political adversaries without causing injury to the whole body politic. This would normally have evolved over generations and, sometimes, via destructive wars. Therefore, in Uganda we must work towards a creation of these conditions necessary for the political parties to sprout and flourish. Indeed in our situation of want and abject poverty, and the perception popularized by the previous regimes by their actions and now by our print media, that the only way a Ugandan can 'eat' is by being in government. Coupled with our general population's level of political consciousness multi-partyism would be a recipe for division and sectarianism. This is what happened in the past, each time we introduce multi-partyism here and since the conditions have not yet significantly changed, there is no reason to believe that history would not be repeated, given another chance.

I agree with Hon. Nabudere that the whole process of constitution making is about power sharing. But I do not agree that this can be achieved by a multiparty system. A political party is just one constituent part of a people and since power is indivisible, then once a party takes powers it does so to the exclusion of others. It is only the Movement type of politics or system that ensures sharing of power and I would have expected the Hon. Nabudere to make a similar conclusion.

Mr. Chairman, I should say, after we have promulgated this constitution, especially if we adopt Article 94 as it is, I look forward to the day when Distinguished Members of this House like the Hon. Cecilia Ogwal would offer themselves or their leadership qualities to be elected, may be, President of the new Movement. Why not?

**THE CHAIRMAN:** Hon. Mbabazi, there is a request for clarification from Hon. Nabudere.

**MR. NABUDERE:** Mr. Chairman, could the Hon. Delegate on the Floor please clarify to me why he

thinks I should have come to the same conclusion as his, if we really cherish the freedom of thought.

**MR. MBABAZI:** I definitely cherish freedom of thought but I was saying that if one was to make a logical conclusion following the statement you made about power sharing, then logically the only way you can ensure power sharing is through a Movement system not by multiparties because, as I said, a party is just one constituent part of society and once they take power they take it to the exclusion of others. Therefore, there is no power sharing.

Mr. Chairman, there have been recorded cases - *(Interruption)*-

**MR. WANENDEYA:** Thank you very much, Mr. Chairman. Mr. Chairman, before I go to ask for clarification, we are assembled here as Delegates and therefore, good behaviour demands us that, if Wanendeya starts saying clarification - I think it is imprudent, for some other Delegates to shout. We are not here as hooligans, Mr. Chairman. Mr. Chairman, let me go to the point of my clarification with your permission. Mr. Chairman, you find that kingdoms of *-(Interruption)*

**MR. MULONDO:** Point of order. Mr. Chairman, is it in order for Hon. Wanendeya to call us hooligans or to imply that there are hooligans among the Hon. Members assembled here?

**THE CHAIRMAN:** I thought I understood him to mean that we are not hooligans.

**MR. WANENDEYA:** Thank you very much Hon. Chairman. As I said really good people come from that part of the world. Mr. Chairman, I would like my Hon. Friend, Hon. Mbabazi, to clarify whether the kingdoms of Saudi Arabia and Emirates in the Arabian Gulf have good governing because of power sharing? Secondly, Mr. Chairman, the further clarification is, when NRM/NRA went to the bush they did not make the condition of cost of living good for the people but rather mis-governance. Is it therefore in order for the Hon. Member *-(Interruption)* - or could Hon. Mbabazi clarify how those two would be connected in order to justify our NRM to continue in power. I thank you.

**MR. MBABAZI:** Well, Mr. Chairman, I am not very familiar with the system in Saudi Arabia or in the Emirates but I know that they are monarchies and in a monarchy - I am not aware of many monarchies that share power especially of the type in

Saudi Arabia and the Emirates. There are some constitutional monarchies where power is of course shared but the Kingdom of Saudi Arabia does not belong to that category. I did not get the second point but allow me to finish.

There have been recorded crisis, Mr. Chairman, in the multi-party systems-*(Interruption)*

**MR. BEN WACHA:** Thank you very much for giving me the Floor. Sir, Hon. Mbabazi made reference to the proposed Article No.94 which I think is a central essence to our discussion in respect to political system. I want him to clarify to me, Sir, the basic concept of the proposed Article. It says the political Movement system in this Chapter referred to as the Movement which was in existence immediately before the coming into force of this constitution with certain modifications will continue in force. Now, my point of clarification, sir, is I want the Hon. Member on the Floor to explain to me the concept of a political system, and two, whether in his opinion there is actually a political system in existence now.

**MR. MBABAZI:** Well, I think the meaning of the Article 94 is self evident. It provides for a political system that allows every Ugandan to participate. If you look at clause 2(a), every Ugandan is entitled to participate in the public affairs of Uganda through the Movement and no Ugandan shall be expelled from the Movement. If you look at paragraph (c), the movement shall be under the control of the people of Uganda. If you look at (d), all posts in the Movement at all levels shall be accessible to every citizen of Uganda through free and fair elections. I think it addresses the fears of some people and the reason why I mentioned Hon. Cecilia Ogwal was because in her presentation she said the Movement did not accommodate everybody. I did not want to go into the details of that, but I said if we adopt this Article, come 1995, everybody will be accommodated to be a member; to participate or even to lead and that I think is the central tenet of this provision.

Mr. Chairman, as I was saying there have been recorded crises in the multiparty system -*(Interruption)*

**THE CHAIRMAN:** If we continue with interruptions - I think the Member's time is also running out.

**AN HON. DELEGATE:** But he must explain what I am asking

**THE CHAIRMAN:** No, I will give the Floor to Hon. Omara Atubo.

**MR. MBABAZI:** I assume, of course, this time is not counted against me because I have no choice.

**MR. OMARA ATUBO:** Mr. Chairman, in view of the fact that the speaker has raised a number of legal provisions regarding the proposed legal political system, I would like to draw his attention and that of this House to Article 95, which reads as follows "Parliament may by law create organs of the Movement and define their roles." Mr. Chairman, I would like the Hon. Speaker who is both a lawyer and a very high ranking member of the Movement, to clarify whether by Parliament creating organs of the Movement and defining their roles, parliament will not be legislating indeed a one party state legally and de facto. Thank you.

**MR. MBABAZI:** Well, if my brother Daniel Omara Atubo read Article 99, he would realise that the legislation for a one party state is prohibited by this constitution if we adopt it. But I would invite him to raise this question when we are in the consideration stage.

**THE CHAIRMAN:** Well, I think we are now beginning to go into that stage. I think you better just finish with your general comments.

**MR. MBABAZI:** Thank you. There have been recorded crises in the multiparty systems of Europe and elsewhere. I understand one of my colleagues yesterday made or tried to make, a very strong point for proportional representation but proportional representation in Italy has failed and now they have reverted to single constituencies first past the line system. In this they have joined up older democracies like great Britain where the system has been in vogue for a number of decades now. Unfortunately, they will not find comfort in this system because of the new rising outcry against its shortcoming. I was therefore not overly surprised sometime ago when one writer in the Manchester Guardian of I think September 1992 if Members could look it up, wrote advising the British political establishment to make a study of the Movement political system in Uganda because of its apparent democratic attributes. Our system here is a case study for application by the democracies that have applied multiparty system for generations.

So, what should happen to political parties? The people of Kinkizi west support the provisions of the Draft Constitution on this point and would therefore recommend that the parties should go into political hibernation until the conditions are fertile for them. Who will be the judge of this? The people, the whole population of Uganda via a referendum. I am a bit concerned but not very surprised that those that champion the return of multipartyism now, because they say that, that is a democratic right are the same people rejecting the suggestion of putting their proposal to a democratic test. How can one say that all lawful power derives from the people but at the same time deny them the right to determine the most important question of their life? Mr. Chairman, ....

**MR. KITARIKO:** Thank you, Mr. Chairman and the Speaker holding the Floor. If you go to equity, you are a lawyer, you must have clean hands. Even if we object on principle, subjecting our rights to a referendum but let us agree that we accept the referendum, you must give proper timing for both sides to be heard. If you put us in a limbo and say you want a referendum, what would you expect?

**MR. MBABAZI:** Well, thank you very much for that question Hon. Kitariko but I know very well that in the last elections of March Hon. Kitariko campaigned on a party platform and nobody prevented him. I, personally would support giving people total freedom to advocate whatever views they have before a referendum is held.

Mr. Chairman, Uganda has had one of the heaviest legacies of violation of human rights. We had reached a stage where some scholars had reached the conclusion that Uganda was perhaps ungovernable as a single state. This was so until NRM took power in 1986 and introduced the politics of accommodation, tolerance and broad-based government and Uganda, as if by magic wands. Uganda is now an island of peace and stability in a sphere of turmoil and political chaos. Should we lose sight of this?

Mr. Chairman, I would briefly like to turn to the question of federalism. It is a pity that unlike many other major political questions under debate, we did not sit with the advocates of federalism to size up each other's fears and work out a formula to accommodate them. I should say on the outset that I personally believe that the demand for a federal status by Buganda is born out of a belief that this is in the interest of Uganda and without ulterior mo-

tives. This debate, however, arises at a time when elsewhere in the world similar demands are being championed in some cases leading to war. Here, I have in mind cases like the former Yugoslavia, the Soviet Union, Canada, India, Sri Lanka and so on. The rise of nationalism and ethnic conflict is the most important de-stabiliser of the present world system. What makes ethno-nationalism so dangerous to stability today, especially in the Third World, is its coincidence with the rampant poverty and deprivation in our countries.

Ethno-nationalism is a sentiment of an ethnic minority in a state that stimulates the group to unify and identify itself as Dr. Kanyeihamba said as having the capacity for self government. Confrontation is usually over power and resource distribution, cultural and political autonomy and self determination. The main theories on ethnic and nationalist revival concentrates on the relative deprivation perceived by the said ethnic group; a collective identity perceived as threatened by the cultures of other groups and by centralisation exerted by the state - the central government exerting power all over. In the case of Buganda, we witnessed from 1966 until the capture of power by NRM, the unleashing of violence and terror against the Baganda by the Central Government in the belief by the Central government that Buganda's nationalism would be broken or tamed. This was done in such a crude way that the people of Buganda lived their lives in a state of permanent humiliation. As some delegates have already stated, the Buganda demand now is for the restoration of its lost glory and their leaders believe this can only be achieved by autonomy that allows them to operate in the interests of Buganda without the control of the Central Government. Whereas I feel substantial empathy to these Baganda sentiments, I would like to urge the Baganda leaders to address themselves to the fears of the other communities in the country as already expressed in this Assembly by a number of Delegates. The perception other Ugandans have of Buganda was built up as a result of their past experience of Buganda nationalism both during colonial rule and after. These other Ugandan view the demands of Buganda as a first step towards more demand for greater autonomy, and may be self government, protests by Buganda leaders to the contrary notwithstanding. When leaders of both parties to a misunderstanding adhere to rigid images of each other, there is little likelihood that even genuine attempts to resolve these issues will have the desired effect. My view is that we have very many

common interests, political and security, that call for co-operation within a united country.

Elsewhere in the world there have been quite a number of successful cases where ethnic and nationalistic demands have been accommodated. There is a pronounced tendency these days for the devolution of power within the state from the centre to the periphery. I think Buganda could take advantage of this while it creates the necessary confidence in the rest of the Ugandan communities on its bona fide intentions. The people of Kinkizi West, therefore, believe that it is premature to establish a federal status for Buganda or any other region.

Finally, Mr. Chairman, I wish to talk about the role of the military in a democratic Uganda. The role of the military in a democracy among others is the defence of the constitution, as all Delegates know, the Military in Africa has the ability to interrupt democracy. They have done so many times in the last twenty years, the latest being Algeria, Burundi, and Nigeria, by overthrowing the constitution they are supposed to defend. There is a fear, therefore, that all our efforts are wasted since as one Colonel put it in a conference to discuss the subject and I quote *"Democracy will not come about without the armies' participation. It has the means to facilitate it or to hinder it."* The Uganda delegation to the conference which I led offered the following formula as a solution to this problem. Mr. Chairman, the Military is part and parcel of society and it should be recognised as such by controlling the instruments of coercion. The Military is one of the pillars of political authority as such it is unrealistic to seek to lock them outside the political life of this society. Secondly, the officer, corps of the military is constituted of the elite who, because of their training and social status aspire to make some contribution to the progress and development of society. They, therefore, generally have political ambitions which should be recognised and provided for. The question to address then is how to constructively involve the military in politics. In a democracy, Mr. Chairman, the supreme authority is vested in the people who exercise that authority through the elected representatives. Being sub sectors of the same society both civil and military authorities are accountable to the people's elected authority. Thus depending on the structure of the government, the military in a democracy should be accountable to the people's elected local authorities on matters of local interests and to the national elected authority on matters of national interest.

Mr. Chairman, the military does not play its role in isolation; the military plays its role in society and has direct bearing on society. Therefore, the role of the military is understood by the people by the fruits it bears. However, because in many African countries the military has been isolated from the people, their role is not properly perceived. So, people have developed mythical ideas of the military which the military has taken advantage of to oppress them. Therefore there is need to demystify the military and the means of violence which they possess of the gun. To achieve this, the civil local authorities should be involved in recruitment of people into the military. There should be military training which should be popularised and as many people as possible should be trained on how to use the gun. Isolation of the military in the barracks as was proposed by Hon. Ogwal Cecilia should be stopped. There should be free interaction between the people and the military personnel. The people should freely interact with the military at social events. All such formal or informal interaction which would enhance the people's understanding of the military.

Mr. Chairman, to cater for the political ambitions of the individual military personnel there should be possibilities of permitting individuals to seek political office of their aspirations so that they are not forced to manipulate and use the military institution to achieve their personal aspirations. To prepare the military for political participation and ensure that it is not easily manipulated to serve factional or anti-people interests and undemocratic institutions' policies or measures, the military should be taught political education both during training and thereafter as a continuous process and the focus of such education would be to understand the role of the military in society, the values of society and national interests. The military is supposed to protect the socioeconomic forces that govern the development of society, the socioeconomic realities of their society and so on and so forth so that they have a general understanding not only of their role but of society as a whole. With such knowledge, the military as an institution and its members as individuals can be reasonably expected to play a constructive role in the elections and in defending democratic institutions of the nation against any threats. - *(Interruption)*

**THE CHAIRMAN:** I do not think we should allow further interruptions. He should be winding up because his time ran out long, long ago.

**MR. MBABAZI:** Well, Mr. Chairman, I have no wish of taking other peoples time. I will distribute the ideas I had as I have read. For those that I didn't have time to read I will raise them during the coming stages. Thank you very much.

**THE CHAIRMAN:** I thank you Hon. Mbabazi for contributing to our debate. I now give the floor to Hon. Malinga Lo Ojulla.

**MR. MALINGA LO OJULLA:** Clarification before that.

**THE CHAIRMAN:** From whom are you seeking clarification?

**MR. MALINGA LO OJULLA:** I want to clarify to this House.

**THE CHAIRMAN:** No, you cannot take the Floor to clarify when it is not arising from...

**MR. MALINGA:** Yes, it arose from Hon. Mbabazi, I did not want to interrupt him.

**THE CHAIRMAN:** No, he has finished. Otherwise we would be going backwards. If you have any point you want to comment on his views may be you can lobby him in the corridors or you wait for the consideration stage, then we can discuss them if they are relating to the provisions of the Draft Constitution. Otherwise Hon. Malinga Lo Ojulla, you have the Floor.

**MR. MALINGA LO OJULLA (Usuk County):** Thank you very much, Mr. Chairman. I represent Usuk county. Mr. Chairman, Usuk is situated in the North-East of Soroti District. It is bordered in the North by Bokora county of Moroto District, by Pian county of Moroto district in the east and by Kadam county of Moroto District in the South-East; with Kumi and Ngora counties to the South and with Amuria, Soroti and Kapelebyong counties to the west. As you may have guessed having there are so many neighbours sharing borders with Usuk it is a very large county. It has an area of about 2,477 sq. km. If you care to look at the map of Usuk you will find that its Eastern border with Karamoja is three straight line. It was just an administrative line the British made. In fact we lost a lot of our land to Karamoja. This was done in attempt to give the authorities ability to control the border between Karamoja and Teso because it was necessary to

control animal diseases and also eventually for security reasons. So, we and Karimojong are essentially one and the same people. We are related and you should accept this or rather you will understand why we are so much against cattle rustling because it is so painful to us that we are being rustled by none but our own brothers. I will come to that point later. As to the population of Usuk, the population figures for 1991 are given as 74,600 as against 74,460 in 1980 census, an increase of a mere 140 people. We dispute the results of both censuses, both of 1980 and 1991. We think that there was a deliberate attempt not to carry out a proper census in this area and we feel that as a result of these wrong census figures we are greatly disadvantaged in sharing the national cake.

Mr. Chairman, let me perhaps begin the way everybody else has begun by congratulating you and your deputy for having been elected to those high offices and also for having so far conducted the affairs of this august Assembly in such a manner that I do not think there is anybody who has any cause to complain. In the same way, Mr. Chairman, I would like to congratulate my fellow Delegates who have been elected to this Assembly. I know for those of us who were elected directly that it was a very costly exercise. I agree with Hon. Sam Kutesa that the last CA election was probably the most expensive election exercise we have ever had in Uganda. It is true and it may have left some of us if not most of us in debts.

Mr. Chairman, I would like, in particular, to congratulate the women Delegates who were elected to this Assembly on a direct ticket. I think we must thank these ladies and the people who voted for them for showing Uganda the way forward. I think this is what we should encourage. We should encourage women to offer themselves as candidates for various offices and we should offer ourselves to support them. That is the only support I can say I am giving to the women cause by actually supporting women candidates at elections and this is what I want to appeal to our fellow delegates when we take the gender issue. It is the actual support that we shall be giving to them not the words which come out of our mouths. I would like us to act on the women issues by positively acting, not writing, not talking but actually making sure that we recognise the role of the women. Let me give you an example of our Teso culture. No man in Teso will take a major decision in his life without consulting his senior wife. I will repeat it. No Muteso will make a decision which is

very crucial without consulting his senior wife or if he is young and his wife also is young, he will probably consult his mother. *(Interruption)*

**MR. KARUHANGA:** Information. Thank you very much, Mr. Chairman, and I thank the Hon. Member for giving way. I want to find out about the situation in Teso. What is then the fate of the junior wife if the senior wife is the only one consulted?

**MR. MALINGA LO OJULLA:** Mr. Chairman, I will not go in details in that. I do not happen to have a junior wife but I can talk with Hon. Karuhanga in the corridors and we discuss that matter further.

Mr. Chairman, in the same way I would also like to congratulate the Army Officers both retired and those in active service who offered themselves to the electorate to be vote for and who have come to this Assembly. One again I think when we say that the military should be involved in the politics, this is the kind of involvement that I would like to see. You can either leave the army altogether or you can ask for leave to go and contest in an election and you will be elected. I have no objection at all to this kind of involvement and indeed I will encourage it because there is cross fertilization between the civil society and the military when this happens. The military will get to understand the problems of the people if they come to bodies like this to articulate the interest of those who voted for them.

Mr. Chairman, I also join all my colleagues who have spoken before to congratulate the Odoki and the Akabway Commissions for a job well done. I thank especially Hon. Justice Odoki in person and Mr. Akabway for the efforts they did to portray the image of their respective commissions. I think they did a very good job and I am glad to say that both gentlemen were my teachers. *(Interruption)*

**LT. MAYOMBO:** Clarification. I would like to be clarified. Thank you very much Hon. Malinga for giving me this opportunity. Hon. Malinga lives in a Third World country where armies have overthrown constitutions, for example. Hon. Malinga also knows that once an army officer asks for leave to go and contest elections, he represents the constituency in the area which has elected him and not the army. What happens to this army's representation therefore? Could you clarify to me, Hon. Malinga?

**MR. MALINGA:** Mr. Chairman, I think I did clarify that point. I said he should ask for leave for the time when he goes to contest and if he is elected while he is serving his people, he should take leave from the army, he should not mix the two. That is what I was trying to say.

Finally, Mr. Chairman, I would like to thank my own electorate, the people of Usuk county who elected me to this historic Assembly. I thank them most sincerely.

Mr. Chairman, we are here as by the Statute which brought us here to debate the draft constitution presented to us by the Odoki Commission and to prepare a final draft of the constitution and eventually to promulgate it. Mr. Chairman, but before I do so I want first of all to discuss what a constitution is and then I want to give a background of what has happened in Usuk over the last few years to explain the attitude of the people of Usuk to the draft proposals in this constitution.

Mr. Chairman, to my mind a constitution is a system of laws and principles according to which a state is governed. A constitution may be written or unwritten or it may be partly written and partly unwritten. The unwritten part may be in forms of conventions and other customs which those in government find themselves bound by. A constitution may also be partly rigid or flexible. In other words, if it is rigid it can only be amended in a very special way. If it is flexible it can be amended by any simple Act of the Legislature to a law passed in the same way as the other. So we have got to consider in this constitution what we want, whether we want - one thing I am sure I think we agree is that we want our constitution largely written. On flexibility, I want to commend my colleagues that we should make sure that the constitution should be flexible but we should entrench a few provisions which we think that we cannot see any reason for any future government to change them, and if there is need to change them they should go to the country and ask for the opinion of the people. Now, the general remark that I want to make is that we should not try to write every thing into our constitution. It is not possible for us to write everything that will govern the government into the constitution. I do not want us, for example, to sit here and write all the law on environmental law into the constitution because we cannot for two reasons: The environmental control is a changing process. As the knowledge of science changes then we have to adopt

new ways of controlling our environment. I would invite my colleagues in this case, in case of say environmental control, all we can say is that the government will pass a legislation to control the environment and leave it at that. We already have in the process of making a Bill which has been published by the responsible Minister to control environment. That I think is the best way, to leave our environment to that Act of Parliament which can be changed as and when there is need but not to try write everything into our constitution.

Now, regarding to what has happened to the people to the people of Usuk in the recent past, I have this to say. The people of Usuk have not had it explained to them why we need a new constitution. They told me that we have the 1967 constitution or whatever is left of it and they think that if there was any need to change the constitution as indeed there has been over the last few years, then the NRC could have changed. They do not think that making a new constitution is the most urgent thing for Uganda. They do not think that the money which has been spent since 1986 on this constitution making process and even continues to be spent now is money well spent. In fact, they have a feeling, a fear that the whole purpose of this exercise is just to extend the tenure in office of the present government. The people of Usuk agree with the Prof. Nsibambi who told us that in Uganda as in the rest of Africa there has been a tendency for the politicians holding power to try to work out the rules and procedures which guarantee their access to and retention of political power. In so doing they have manipulated the system to work in their favour relative to the other competing groups. Uganda's present rulers are yet to convince us that they are an exception to this norm.

The people of Usuk are strong believers in plural democracy and because of this, they have found themselves being marginalised in the current political arrangement over the last eight and half years. Therefore, the most important thing they want to get out of this constitution making exercise is this, they want to come out of this Assembly a constitution which will put in place a government which they can truly identify themselves with as their government. That is the most important thing. Mr. Chairman, the people of Usuk have instructed me to state here that they have seen governments come and go. They or at least some of them lived through the last years of colonial administration. Before that they have been told stories of how they were brutalised by the

Kakungulu army in the name of civilising them. They experienced the relatively peaceful government of the Obote I period. *(Interruption)*

**DR. KAKUNGULU:** Thank you Mr. Chairman and thank you my good Friend, Hon. Malinga. This is to inform Hon. Malinga - I am Dr. Kakungulu, Presidential Nominee, grand son of the late Gen. Semei Kakungulu. He has been described as either a mercenary or a hero; as a nationalist of this country. So, if the people of Usuk think that he was a mercenary there is history to tell but if the rest of the Uganda think he was a nationalist still it is open for debate. Thank you, Mr. Chairman.

**MR. MALINGA LO OJULLA:** Mr. Chairman, I am not saying he was a nationalist or a mercenary. I am not passing judgement but what I know is that the people were made to work hard and up to today in Usuk there are roads which are straight. From Adachar to Moroto you have a straight road and our people were made to work, whatever the obstacle which was on the way you had to remove it.

Mr. Chairman, I was saying they lived through the Obote I government which was relatively peaceful and they were prosperous. They were untouched by the events of 1966 to 1971. The coup of Idi Amin of 1971 adversely affected the people of Usuk in much the same way as it affected the other peoples of Uganda. Amin's misrule also ruined the economy and also curtailed the social services that the government was rendering to the people. In Usuk, however, during the period Amin was in power, the government as such was not seen terrorizing the local people in their localities except for one short period when soldiers were made sub county chiefs and county chiefs, when the chiefs were sent I think to Somalia for training. During that period those soldiers who were sent to Usuk killed some people by burying them alive for allegedly being wizards. That was the only killing. Those were the only killings that the people of Usuk physically saw themselves during Amin period not that no people from Usuk were killed. No, there were. Some of you may have recalled Max Amailuk, he was a Prison Officer who later went to Makerere and studied law and then became the Operations Manager of Transocean. He was killed by Amin but in Kampala not in their presence.

I will explain why I made this statement. Usuk was relatively unaccepted by the Liberation War of 1978

to 1979. Any confusion which prevailed during the UNLF administration of 1979 and 1980 also did not affect them to any great extent than other people except they had to queue for provisions and that kind of thing.

During the Obote II period, Usuk was relatively peaceful except for the menace of cattle rustling. I will come to this topic of cattle rustling again and again because it is the greatest problem our people have. The government of the day finds itself unable to cope up with the problem of cattle rustling then it created a peoples militia. The local people were recruited and trained and formed into a militia camp to defend the local population against cattle rustling. This was a government act not a local army of saying Iteso, no, it was a government decision. In fact at one stage it was commanded not by a Muteso but by Gen. Maruru. Mr. Chairman, the peoples militia were set to stamp out the menace of cattle rustling when the coup of the two Okellos took place in July 1985. Mr. Chairman, Hon. Members, this coup of the Okellos was the start of real suffering of the people of Usuk. It was during this period that the people of Usuk saw government's involvement in cattle rustling. Cattle rustlers were seen being assisted by Army helicopters. *(Interruption)*

**MR. KAMURON:** Information. Mr. Chairman, Sir, it is very interesting that the Hon. Delegate holding the Floor is saying that during the Obote II, Usuk county in Teso or soroti was very peaceful. I would like to inform him that during Obote II in Kongasis county in Kapchorwa we were not peaceful. Soldiers of the Uganda National Liberation Army buried five people alive. Thank you very much.

**MR. MALINGA LO OJULLA:** Well, I am talking about Usuk. I am not talking for any other place. I am talking exactly what happened in Usuk not what happened anywhere elsewhere because I am not qualified to speak about that.

Mr. Chairman, you will recall, Members may have recalled that during Tito Okello's time, the Okellos called the Karimojong here in Kampala, gave them army uniforms and guns and sent them to Mityana. They were deployed in Mityana with one mission, to capture Museveni. These Karimojong later de-camped from Mityana and returned to Karamoja with their guns, ammunition and uniforms. These guns were later to be turned on their neighbours,

people of Usuk inclusive. As I said, we really suffered following that coup of the Okellos. The Karimojong were now organised. They had uniforms and they were working in military formations when they would come to raid.

It was, therefore, in these circumstances that in 1986 when the NRM/NRA captured power in Kampala, the people of Teso never gave any resistance to the NRA. I want to emphasize this. The people of Teso never gave any resistance to NRA. The only opposition which was there was the fleeing soldiers who were moving towards the North. The soldiers from Teso, the militia, all surrendered - *(Interruption)* - I am not taking it, Mr. Chairman, my time is up. They all surrendered and in fact they were put in Soroti and were later to form the 29th Battalion of the NRA in 1986. The 29th Battalion was under the command of hon. JJ Odong who is here and Hon. Brig. Kyaligonza is here, he knows, he was the Brigade Commander. This was one of the first Battalions to be deployed in Kitgum when there was resistance to the NRA in the North. So it is not true that the people of Teso were opposed to the NRA. What conditioned the people of Teso to react to NRA later is its activities. The people of Teso judge a person by his deeds. That is why we do not have monarchs. But we have rain makers. If you can make rain or stop rain when we do not want it, we shall respect you for that. For your achievement we shall respect you. So what has happened to condition the views of the people of Teso is that this cattle rustling was never controlled by NRA and they lost all their livestock and with a culture based on the livestock, they now feel like orphans. They have nobody to protect them, there is nobody to look after their interests, so that is what, as I said, what they want is to come out of this constitution is a new government that they can identify themselves with. So whatever we do we should make sure that we put in place a government with which the people of Teso can identify themselves with as their government. Because they honestly believe that the current NRA Government is not theirs. The result of failure of NRA to protect people from Usuk resulted in young people getting arms and going to the bush to resist the cattle rustlers and the NRA. That was back in 1987 but the people of Usuk - I am speaking for Usuk, not even for Teso - were the first to abandon rebellion in 1988. The people of Usuk abandoned rebellion in 1988. They sent emissaries in the persons of the White Fathers in Usuk Mission to negotiate with the NRA and a meeting was arranged in Wera in 1988. But for

having left rebellion in 1988 what happened? All the young men from Usuk were rounded up and brought to Nabisojo where they suffered, they were imprisoned and so many of them lost their lives there. That was the reward they got.

In terms of services to Usuk there has been nothing to speak of ever since. We used to have a Post Office in Usuk. The NRA went and removed the radio and the telephone exchange it and it has never put them back. We have been set back decades in form of development. That is what has conditioned the attitude of the people of Usuk. So, the people of Usuk say, if you can satisfy us, give us back our government. They want a government of the parties because they know that when the parties ruled they were having all the government services, their voice was heard here in Kampala and in Entebbe. But without this they are not represented at all levels of government. The people of Usuk are not aware that they have a CM. They know we have a CM, Hon. Obwangor who is also born from Usuk. He represents Soroti Municipality in Usuk; he sits on the NEC, the National Executive Committee of the NRM but all these have not resulted in anything positive for Usuk. So, the people of Usuk are convinced that this government cannot deliver goods to them. So, that is why they say that let us return to a government of political parties. If the NRM is confident that it has the support of the people of Uganda, there is no problem. You can form yourselves into a party which, in fact, you are already and then you will win. The people of Usuk do not mind so long as they have their voice.

As for federal, if I may take the Professor Senteza Kajubi here, the people of Usuk are opposed to federal. But they told me that, since they followed the debate of the CA elections in Buganda and they saw that Buganda was pressing for federal, they mandated me to come here and to discuss with other Delegates and if the only way for us to move forward, to obtain consensus is to give Buganda a federal status, so let it be.

Now, Mr. Chairman, one point where we started this morning - *(Interruption)*

**THE CHAIRMAN:** Order, order. Hon. Member for Kyamuswa.

**MR. MALINGA LO OJULLA:** We started this morning with the famine in Teso. Mr. Chairman.

more than anything else, the recent famine in Teso has demonstrated to the people of Teso that this is not their government. As early as August of last year, it was clear that there would be a food shortage this year. This was made known to the government in Usuk, in Soroti, in Kampala, in Entebbe as early as November last year. There was a government survey team composed of officials from the Ministry of Labour and Social Relief and Agriculture which carried a survey in January of this year and reported to the government that there was indeed food shortage in Teso. So the government was aware of the famine but nothing was done. So not only did the government do nothing, it did not even make an appeal to the international community for assistance to the people of Teso. That is why the people of Teso feel so bitter - *(Interruption)*

**MR. BAGEYA:** Point of order. Thank you Mr. Chairman. Is the Hon. Speaker on the Floor in order to impute that the people Usuk do not believe that this is their government when in the actual fact this government put out an Article that brought us here and they responded to it? The law that brought us here, which government was he responding to?

**THE CHAIRMAN:** The Hon. Member is carrying a message from Usuk which he is reading. They elected him so that he may bring this message.

**MR. MALINGA LO OJULLA:** The people of Teso, however, express their deep appreciation to those who came to their assistance in their hour of need. They have asked me in particular to thank the Kampala City Council which took upon themselves to go and study the situation on the ground. They sent their Information Officer and they were able to offer some assistance to the people of Teso. It is not the quantity of the assistance but the fact that the assistance was given is very much appreciated. They also thank Uganda Airlines for the similar assistance. They thank the Church of Uganda and especially Bishop Geresom Ilukor of Soroti for the assistance which he has extended to them. They thank the World Lutheran Federation for the assistance which it has extended to them and to all others who have assisted whom I cannot name here, we are very grateful, that includes the Presidential Commission for Teso. -*(Interruption)*

**MR. RWOMUSHANA:** Point of order. Mr. Chairman, I would like to move this point of order. Is it in order for the Hon. Delegate to misinform this

august House by implying or imputing that the government has not come to the aid of the people of Usuk, when himself again asserts that KCC which is part of government and which is government has really come to their aid?

**THE CHAIRMAN:** I understand he was drawing a distinction between a central government and the other components.

**MR. CHEBROT:** Point of order. Mr. Chairman, the Rt. Hon. Prime Minister this morning informed this House that the districts of Kumi and Soroti received to close 34 per cent of all the food which was donated by government, and that information was not denied by anybody. Is the Hon. Member in order to say that government did not respond to the famine situation in Soroti and Kumi. Is he in order?

**THE CHAIRMAN:** I understood the Member to be saying that the government was slowly responding. I did not hear him saying that there was no response.

**MR. MALINGA:** Mr. Chairman, I can confirm that the government was slow in responding; in fact, as early as February this year when we were in our candidates meeting, the CGR of Soroti came round to one of our meetings and told the people that food was going to come within a matter of days and everybody clapped. But it was not to be. This is the sort of raising the hopes of the people and then dashing them. And about the food which was delivered, let us be frank, this food has been very little. It may look large in terms of thousands, but how many thousands of mouths were to be fed? Very many. What they received was not enough to last even a family a day. People have survived by doing all sorts of things, including eating mangoes and grass as advised, but anyway they have survived and now they have harvested millet, sorghum and groundnuts, but there is still going to be a shortage even next year because there was an attack of the army-worm this year. Mr. Chairman, the people of Usuk have been able to better survive this famine which is the severest since 1928, if they had their livestock they would have been able to sell the livestock and buy the food in the market place, but because they lost their cattle in 1986/87 they had nothing to sell to get money to purchase food. Mr. Chairman, while food relief *-(Interruption)*.

**MR. BIDANDISSALI:** Point of clarification. Mr. Chairman, I would like to thank the Hon. Member holding the Floor for having given me a chance to give a clarification. But this clarification is aimed at posing a sort of challenge to us, to him and to everybody. The Hon. Member has stated that the people of Usuk did not experience problems, sufferings under Amin and party governments. That is a fact. I would like to inform the Member that the people of Nakawa suffered and saw bodies of their husbands, their children during those governments; they are not seeing the same today. The people of Nakawa and the people of Usuk have something in common, they have both suffered killings but under different governments. The people of Nakawa say this is the only government under which they have not seen bodies and, therefore, they want this government. The people Usuk say it is only under this government they have seen bodies, so they do not want this government. I am only making a clarification, Mr. Chairman, that the Hon. Member and myself and all of us are here to solve that problem. The people of Nakawa should not agree that we go back to the other governments where they saw bodies of their children; the people of Usuk are saying they do not want to this government to continue. So, the only solution as a clarification, is for Hon. Malinga and myself and everybody who is here to go above that situation which is a national problem for us to find a formula for the Usuk people and for the Nakawa and for all the people of Uganda so that tomorrow the Usuk people and the Nakawa people stay in harmony as they have each experienced killings at one time or the other. But I thank very much the Hon. Member who has given me the Floor to make that clarification. Thank you very much.

**MR. LULE WASSWA:** Point of order. Is it in order for the Hon. Member who has just spoken to interject on a point of clarification, and not to seek clarification. Because the Hon. Member who is speaking is being asked continuous questions and it appears it is simply to derail! Is it in order for Members of the House to react in this way?

**THE CHAIRMAN:** The Hon. Member is asking whether a Member is in order when taking the Floor on a point of clarification, not to seek clarification from the Member whom he has interrupted or she has interrupted and instead goes ahead to clarify. The rules do permit that: you look at 23(a) that: *"No delegate shall interrupt another delegate except by raising a point of order, when the delegate speaking"*

*shall remain silent and the delegate interrupting shall direct attention to the point which he or she desires to bring to the notice and submits it to the Chairman for decision.*" This was not a point of order it was a point of clarification or elucidation. Now, a Member may elucidate some matter raised by another delegate in the course of his or her speech, if the delegate speaking is willing to give way; unless it appears to the Chairman that this may be an abuse of these rules. In other words you could seek elucidation of the matter from the person on the Floor or you who is taking the floor on that point if the Member gives way, may in fact, elucidate on the point that is being made on the Floor. So, the Member was correct in the way he proceeded and that is why the Chair was very patient.

**MR. MALINGA:** Thank you, Mr. Chairman. But I would also like to inform my Hon. Colleague a Member for Nakawa, that I was a resident of Ntinda on Mutesa II road between 1981 and 1987 and I saw bodies in 1987. Any Northern in Ntinda was killed and was just called Anyanya and he would be killed. I saw them during this government. If it had not been for my personal good relationship with all my neighbours, I do not know whether I would be here, because at that time they just needed to say that you are an Anyanya and they would kill you on the roadside and you would be finished. But I do agree with him that before that we saw suffering in Ntinda, I admit. The Hon. Member was with me, we were called on to serve the Okello's government and he knows how we used to be on-lookers in a government we were purportedly part of, in a situation which was impossible.

Mr. Chairman, can now briefly run over a few provisions of the Constitution Draft itself.

**THE CHAIRMAN:** Well, you better be very quick. We are now allowing you injury time because of the various interjections.

**MR. MALINGA:** Mr. Chairman, I will just summarise.

On Chapter 2 of the Constitution, I want to appeal to my fellow delegates that we retain the name the 'Republic of Uganda' in the Constitution. Let us agree on that expression being put back into the Constitution. It is a fact that Uganda is a Republic and it will be sad if we refuse to insert the expression there, 'the Republic of Uganda' because we will

have to change a lot of literature; our passports will have to change and so many other things. Let us extend or keep the expression 'The Republic of Uganda'.

On the National Council of State, this was the most debated subject in our candidates meetings in Usuk. The people of Usuk did not see the value of the National Council of State. They would like to see Parliament strengthened and these functions should be performed by either a committee of Parliament or by Parliament. They do not want a National Council of State. They appreciated that it is a new version of the National Executive Council, but as this Assembly was told by Hon. Kintu Musoke that the National Executive Council has outlived its usefulness; I entirely agree.

On citizenship, Mr. Chairman, I would like to say this; that the law on the citizenship of Uganda was laid in 1962 in the Independence Constitution. If anybody did not become a citizen by that provision in the Constitution he should apply to become a citizen under the other channels which are available. In any case the people of Usuk ask who are those people who were left out by the 1962 arrangement; who are they? They want to be told who they are. That is why we want them to apply so that it is documented and we know that so and so have now become citizens, otherwise, let us stick to the provisions of 1962 Constitution.

On the fundamental human rights, I have no quarrel with that provision on the human rights, except one, where the expression '*except to the extent that it may be curtailed by the government to the extent that is acceptable in a free and democratic society*' appears. Hon. delegates this is to give the government of the day a lee way to take away these rights. There is no way to define what is acceptable in a democratic and free society. Let us find something else which is more specific and more clear.

On the representation of the people, I think, I have already made my point clear that I am for political parties. We should return to political parties because there is nothing different from NRM. It is a political party! NRM is a political party. To the people of Usuk it is, because people who have similar views have come together, they are propounding it, they want to be in government, and that is a political party! Except that the difference between NRM and the other parties is that NRM is funded a hundred per

cent from the public coffers which the parties are not (*Applause*)! The NRM has a military wing, the NRA, which the other political parties do not have!

On the Executive. The people of Usuk say there is no point in making the difference between the qualifications for a President from those of the Member of Parliament, except perhaps as to age; but the education qualifications should be the same. If 'O' level is acceptable for a Member of Parliament it should be for the President. The reason is that we do not want to try to exclude others by putting a University Degree there. The majority of people of this country do not have University degrees! So, we would be essentially saying, to the majority of the people of Uganda, you cannot become a President of Uganda. Why should we do that?

Mr. Chairman, on the Presidency: So, many people have said that the President has got so many powers - since as I may one day be in government - I want those who say that the President has got too many powers to explain to me which powers do they want to be taken away from the President. I have not been convinced on that point, that the Draft gives too many powers to the President. I invite Members who have got those views to come to me and tell me which ones they want to shed off from the President. I think, Mr. Chairman, I will be able to put most of the other things in my submissions during the consideration stage. But let me say something about land.

Mr. Chairman, land is the most important thing to the people of Usuk, maybe, more important than the cattle, because you cannot support the cattle without land. So, they want to have a land tenure system that guarantees them their land. They would like to see freehold given to those who can process the title and to the rest to continue to hold the land under the customary tenure. They do not want this phrase here that the land will be held by the government in trust for the people. The people of Usuk know too well that anything which is said to belong to the people or to the government, actually, belongs to the government of the day. They know that Uganda Commercial Bank is a hundred per cent theirs but it is only the government which has got access to it. They do not want government to control the land in rural areas. They agree that in urban areas, for physical planning reasons, government must control the utilisation of the land. So, in urban areas land should be given out in leases, but in rural areas this should be in freehold. As to the processing of titles. I would agree that we

should expedite the processing of titles and decentralise the process into the region, but the issuance of the titles should still remain centralised in Kampala, for the simple reason that these titles must be authentic. If we say that some are issued in Moyo, some in Rakai, the bank may lose confidence in these titles. So, the actual issuing of titles should continue to be issued in the central office in Kampala, but the processing should be made cheap for the people and should be speeded up. I can give an example of myself. I applied for a title to my land the one I am occupying, in 1984 and up to today the survey results have not come out of Mbale although I have paid a lot of money to take the surveyors from Mbale to my home to have the survey and to return them to Mbale. Even I had to give their wives a weekend allowance, but it is taking too long, this should be speeded up.

Thank you, Mr. Chairman. I do not want to take more of the time of Members, I think I will intervene on the other matters in the course of the debate. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** Thank you Hon. Malinga for your contribution to the debate. I give the Floor to Hon. Major Gyagenda Kibirango, NRA delegate.

**MAJ. KIBIRANGO (NRA Delegate):** Mr. Chairman, permit me to congratulate all those who cherish this Constitution making exercise and have endeavoured to contribute and/or participate in whichever humble way. Needless to say, Mr. Chairman, we were elected or nominated and have gathered here to debate and promulgate the supreme covenant which is going to bind the people of Uganda and regulate and guide their governance and the general running of their affairs.

Mr. Chairman, every normal and conscious person at any given time has a historical mission he or she must fulfill and missions keep changing with the fulfillment of the previous ones, and often times there can be sub-missions within the general frame work of major missions. More specifically, Mr. Chairman, every normal person's general overall mission is to do well in life and succeed. Within that general mission, Mr. Chairman, at tender age a child's submission is to be obedient to parents or guardians, attend school and acquire general elementary knowledge, and even be able to score a good mark at primary leaving. At the early mature age, after having acquired the skill and probably some kind of occupation, and in order to fit well in society, one's

new mission becomes acquisition of a family, Mr. Chairman. At late mature age the new mission becomes consolidation and enhancement of family security, self accomplishment in one's skill and occupation or career and ultimately prepare to leave a good record in the world.

Mr. Chairman, at any of these historical stages a general framework of rules which govern one keep changing in conformity with peculiarity at every stage. It is therefore, incumbent on every person to keep vigil in identifying each state he or she is at and consequently what mission one should pursue, and therefore, under what framework of rules. Mr. Chairman, ability or inability to identify one's mission and consequently the rules at play is what makes the difference between those who succeed or fail in life. Of course, with lots and lots of variation and exceptions depending on circumstances. Mr. Chairman, just like a person has a historical mission, likewise society generations at any given time have historical missions to fulfil and they must set themselves to rules or supreme covenants taking into full account their objective peculiarities on the ground. And indeed ability or inability to identify a generations mission and setting themselves correspondingly appropriate covenants will always make the difference between success or failure of that generation and consequently success or failure of the respective nation or nations.

Mr. Chairman, it is at this juncture that I wish us to ask ourselves, what is the historical mission of the generation living within the boundaries of Uganda in the year 1994? For us to answer that question adequately and with all the justice it deserves, it is only imperative that we first examine closely the objective conditions obtaining on the ground using statistics. For example, Mr. Chairman, according to UNDP human development report of 1994, Uganda has the following comparative positions. Mr. Chairman, these statistics avail very many kinds of comparative figures for all countries in the world, but for the sake of time permit me to look at only three or so types of figures and compare Uganda with USA and UK to which Ugandans are most familiar.

Mr. Chairman, I want to first look at HDI, which means, Human Development Index. Human Development Index, Mr. Chairman, takes into account all the average figures of a nation and taking into account all those figures of human development indices. Uganda occupies, out of 173 nations, a

position of 154th, 19 only from bottom, as compared to 8th out of the 173 for the USA or 10th out of the 173 for UK. The other index I would want us to look at, among many others, is safe water index. This is supposed to mean what percentage of people are exposed to safe water. While Uganda has 15 per cent of every hundred, USA has 100 per cent, UK has 100 per cent. That means in our case 85 per cent do not have access to safe water. Another index is safe sanitation. In case of Uganda 31 per cent have access to safe sanitation; in USA it is 100 per cent and in UK a 100 per cent. These are figures from UNDP report of 1994. Now, in case of sanitation, to bring these figures in actual conditions on the ground it means that 69 per cent of our people do not have access to latrines, *wanakwenda mustituni*. No latrines for 69 per cent of our people. Maybe, we could also look at another index in brief, percentage in absolute poverty. While in USA and UK there is none, in Uganda 77.6 per cent are living in abject poverty.

Mr. Chairman, objective analysis of some of these statistics clearly indicates that by and large we in Uganda live in general abject poverty, maybe, exemplified by an average peasant household with the following characteristics. Our household has a homestead composing of huts with a semi-naked head of family, with two or three semi-naked wives. In that household, Mr. Chairman, there are ten or more malnourished naked children. The household has never had the privilege of setting eyes, let alone sleeping, on a mattress or bed-sheets! Our household, Mr. Chairman, rears four goats or one or two cows which produce just a cup of milk a day; about seven chickens, two ducks, a pig or two etc. The nearest water point is about a kilometre away and it is unprotected. It has a plot of about three or so acres on which one finds four yam plants, five coffee tress, a couple of very malnourished unproductive *banana* stems, ten mounds of sweet potatoes, five sugar-cane clusters, a few square metres of millet or sorghum or cassava and some chunk of bush, and all at the mercy of the weather.

Mr. Chairman, our household is not blessed with any pit latrine at all, and this household is almost completely cut off from the world, and the only source of information is Radio Katwe -rumours. Mr. Chairman, statistics say that 77.6 of the Uganda population live in rural areas under the above conditions of abject poverty. The urban community which seemingly looks well is also over burdened by extended families from the rural areas. Our society is highly

vulnerable, infested with a lot of mutual suspicion and highly susceptible to divisions at the slightest opportunity. And as if to add salt to injury, we have several areas of division which are well known to us all; these are the areas of ethnicity and religious affiliation. Mr. Chairman, it is important to note that we in the Army are able to make a good appreciation of the situation because we traverse the whole country, not airborne but inch by inch on the ground.

While soldiering one makes practical broad appreciation of the following:

- 1) Biting and threatening poverty;
- 2) Minimal and irrational utilisation of land;
- 3) Very little technical guidance despite the idle capacity of trained manpower and evident will to learn on the part of the peasantry;
- 4) Very limited knowledge on current affairs due to visibly remarkable absence of media services.

Mr. Chairman, these are the objective conditions obtaining on the ground and they are not disputable. Now, the question can be put again: what is the mission, therefore, of this generation of Uganda? Mr. Chairman, our view in the Army is that our generation's immediate mission, bearing in mind the above, is to set in motion the process of revolutionizing our peasant mode of production for the rural, and also enhancement of industrial production for the urban, and that can be done by addressing the following: Mr. Chairman, it is our view that by addressing those issues then we shall be able to bake a national cake which has been very widely talked about here, the cake. So, by addressing those three things namely:

- 1) Harness the idle technical capacity,
- 2) Tackle the land tenure system;
- 3) Enhance the women liberation.

Mr. Chairman, on idle capacity statistics say, according to our research desk which I wish to thank very much and by our research desk, I am meaning the Constituent Assembly research desk. From their research they did the figures reveal that in agriculture, for example, since 1970 in case of degrees, and since 1968 in case of diplomas and certificates. Uganda has produced about 8,000 graduates, in veterinary since 1970 in case of Degrees and 1980 in case of Diplomas and Certificates. Uganda has produced 1,300 graduates. In forestry, Mr. Chairman, since 1970, Uganda has produced 420 graduates, and in fisheries since 1980 Uganda has produced 530 Diplomas and Certificate holders. And

this data, Mr. Chairman, excludes a tremendous capacity of Ugandans trained outside Uganda. Giving allowance for deaths, retirement and flight for greener pastures, Mr. Chairman, by striking out a third of the local graduates capacity, every sub county on average would be able to benefit from technical services of about 6.5 agriculturalists; one veterinarian; one forester for three sub counties and one fisheries graduate for two and half sub counties, and that is only as for the present. Of course, more efforts could be put in to train more.

Mr. Chairman, with that technical capacity at our disposal, the policy of decentralisation comes in handy if geared towards optimal utilisation of the devolved powers for enhancing extension services. All that it would require, Mr. Chairman, is that local authority, preferably at Gombolola level should be empowered and facilitated to be able to hire, facilitate, supervise, control and if need be fire local expertise. That way a lot of idle technical capacity would be reawakened and enhanced in answer to the peasants call.

Mr. Chairman, on rationalization of land tenure system, one cannot overlook the fact that almost all our peasant farmers are insecure on their land, and do not have capital and, therefore, cannot benefit from the financial facilities provided by banking institution. It is with the foregoing in mind, Mr. Chairman, that one would support the proposal for a freehold land tenure system in the whole country, except in urban areas. I also wish to add my voice, Mr. Chairman, to those who have called for simplification and shortening of the process for one to acquire a freehold land title. Mr. Chairman, acquisition of freehold land titles will go a very long way in tackling the endemic question of insecurity on the land and the question of capital fashionably known as *entandikwa*. In cases where freehold land has at the same time legitimate customary tenancy, the respective parties can enter into peaceful objective negotiations and solve the problem amicably without rendering either party a loser.

Mr. Chairman, on enhancement of women's (*Interruption*).

**MR. BAGUMA ISOKE:** Point of information. Mr. Chairman, I am seeking information from the NRA delegate. What does the NRA say about the squatters in Kibale District who have remained landless for 94 years on the parcels of mailo held by absentee landlords?

**MAJ. KIBIRANGO:** I thank *Mzee* Baguma Isoke for his point of information. The view that I have just presented is that while on one hand there is total appreciation of the problems of people on land without ultimate official ownership of that land, on the other hand there is a legal position of a land title owner being a *de facto* owner of that land. It is because of those two positions that we think that we should not rule out negotiations between these two parties and ultimately reach a common point without rendering either of them an absolute loser.

Mr. Chairman, as the first bell has gone, I wish to run over that very useful information. On enhancement of women liberation, Mr. Chairman, according to statistics women constitute 51 per cent of our population in terms of number and they are responsible for over 60 per cent of our GDP. It only follows that given the above facts, there is absolute necessity to enhance women liberation by laying more emphasis on the rural women domestic economic conditions. We already have examples of organisations which have tasted the ground and the results are tremendously encouraging. These are organisations like UNFPA with their project called enhancing women's status and coordinated by government; Heifer international or give a cow project of Church of Uganda; DANIDA's several women self-help projects and so on and so forth. We have seen living examples of rural performance of these projects and the ultimate positive impact they have, even on the family relation between the rural wives and their husbands. Mr. Chairman, it is time that proponents of women liberation, both men and women, came out and sacrificed a bit of their personal resources and time in a bid to enhance this cause, especially, in rural areas where the majority of women are based. In this respect there would be no harm, for instance, Mr. Chairman, if Hon. delegates of CA of neighbouring counties paired up and started, for example, a heifer project in their respective counties for alternate benefits between their countries. And on this note, Mr. Chairman, every district should have a woman Parliamentarian. Mr. Chairman, with those three measures for the rural and industrial enhancement in the urban, we will have gone a long way in rising to the occasion of fulfilling our generation's immediate mission.

Political system. Mr. Chairman. Mr. Chairman, in order to facilitate fulfillment of our mission in record time, it is incumbent on us to formulate a corresponding and enabling political and administrative envi-

ronment. It is in this context that one is persuaded to think that a system of popular and participatory democracy in the form of directly elected councils and their executive committees, in a framework of free choice based on merit is unequalled, especially, when the President and his Vice are elected by universal franchise and Parliament also is elected directly. This system has the following advantages among others, which are very relevant in our situation:

- 1) It enables the local population to participate fully in public affairs which concern them;
- 2) It cuts across the spectrum of political thinking and affiliation;
- 3) It cuts across the spectrum of religious and denomination affiliation;
- 4) It cuts across the spectrum of ethnic and cultural diversity;
- 5) It always looks for merit and ability and taps all talent available across the board;
- 6) It has no room for unprincipled opposition and
- 7) It is a good mobilisation vehicle for a common cause.

Mr. Chairman, in our view that is what Uganda precisely needs at this critical moment. On this note, Mr. Chairman, I wish to observe that minus Presidential elections by universal franchise which are about to happen, and direct elections for local authority which are also about to happen, so far so good in that direction. I would also wish to underscore, in this respect, that I would love to witness myself serving as an officer under Afande, His Excellency, Robert Kitariko or Afande Her Excellency, Madam Cecilia Ogwal or Afande, His Excellency Nsubuga Nsamu of Makindye, provided rules of universal franchise election are adhered to strictly and visibly so (*Applause*).

Mr. Chairman, I would wish to also put across my deep felt appreciation of multipartyism. Mr. Chairman, noting that,

- 1) A political party is an association whose purpose is to influence the formation of political thought;
- 2) That political thought is based on objective interests of a distinct social, economic interest group, and
- 3) That through its propagation of a given political thought, a political party in turn seeks mandate from the population to represent them in government by championing their interests. Noting those three positions above, I wish to observe that, the presence of social economic interest groups is essential and the

word propagation which means relaying information is central in the ultimate success and effectiveness of multipartyism. On relaying information, Mr. Chairman, according to UNDP human development report 1994 again we have the following data from its communication profile, again in comparative terms, comparative between Uganda, USA and UK. Mr. Chairman, if one is to look at radios per every 100 people in 1990, in Uganda every 100 people had access to 11 radios; in USA every 100 people had access to 212 radios; in the bedroom there is a radio, in the car there is a radio, in the kitchen there is a radio, in the sitting room there is a radio, and in the pocket there is a radio! In UK every 100 people had access to 114 radios. Mr. Chairman, on TVs per 100 people, in 1990; in Uganda a hundred people had access to one television. Maybe, that is why during World Cup, those who have televisions are normally a host to quite a few fans of the World Cup. In USA, Mr. Chairman, every hundred people had access to 81 televisions as compared to one in Uganda! In UK, Mr. Chairman every hundred people have access to 43 televisions as compared to one in Uganda. Mr. Chairman, Daily newspapers. In Uganda it is one paper for every 500 people. These are facts from UNDP report, the latest of 1994. In USA every hundred people had access to 25 papers as opposed to one paper to 500 people in Uganda, and in UK every hundred people had access to 40 papers. Telephone, Mr. Chairman, per every hundred people in 1992. In Uganda for one phone there are 333 people, in this House we are about 280; so, according to Uganda conditions regarding telephones, we are supposed to have access to only one telephone as compared to 70 telephones for every a hundred people in USA and 48 telephones for every hundred people in England. Mr. Chairman, this statistical data represents by and large a true picture of what one witnesses and experiences while traversing our villages.

Mr. Chairman, it is at this juncture and with all sincerity and seriousness, that one wonders what magic Uganda multipartists can use in propagating political thoughts and programmes as compared to their counterparts in UK and America where multipartyism evidently and visibly are flourishing. Mr. Chairman, I have two experiences of attempted assassinations of Presidents and I would wish to share with fellow delegates here my experiences because they help to illustrate the point I am trying to convey. In 1969, Mr. Chairman, I was 15 years and I recall vividly what happened. I was on holiday

at my aunt's in a village about thirty miles from the capital, Kampala, and six kilometres deep from a trading centre called Nkokonjeru in Mukono District. On the fateful evening no such news came our way since there was no radio in quite a wide neighbourhood. At about 9.00 a.m. the following morning a drunkard staggered by, only to announce that he was drunk because he was mourning the death of His Excellency, Dr. Apollo Milton Obote. I ran the six kilometres to Nkokonjeru for the latest. By evening there were three versions namely: that he is dead; that he was flown out; that government is lying they just want to kill or arrest some people, and that is the news we slept with that night. It was by the evening of the second day that I went back to my aunt's house with a position of near consensus namely, it looks like that actually he was shot but did not die and he is likely to be in Mulago. These are 24 hour full days and we were still on consensus of rumours of attempted murder of a whole President and we were just 30 miles from the capital, Kampala. Mr. Chairman, this compares about ten years later with the attempt on President Reagan. It found me on a short holiday in a remote village in Northern Greece, about 300 miles from the capital Athens. I was living with a very low income Greek family of a colleague of mine who was a fellow student. At about 8.30 p.m. some day while watching a TV an emergency news flash was announced, and in about two minutes the announcement was on, full blast with pictures and sound. The announcement started thus: *'About eight minutes ago there was an attempt on ...'* and it was repeated about four times with full pictures and sound. After a brief comparison of notes with fellow viewers of the household I thought I had to share this information and compare notes with other Ugandan colleagues in Athens, Yugoslavia, London and finally USA. I walked out to a telephone booth, about 400 metres away and made calls. I found all of them already in the same excitement and this was in a span of about 40 minutes from the time of the news flash. Mr. Chairman, this was in a remote Greece and Greece is remote Europe, but even then in that remote 'village' of Europe, in a span of only 40 minutes a lot had been accomplished, in terms of sharing information and comparing notes with colleagues as far as 8,000 miles away in New York. Mr. Chairman, it is on that basis, that I think that while multipartyism is very good, multipartyism is very noble, indeed I am a friend of multipartyism and indeed multipartyism is democratic, but its applicability largely depends on:

1) Distinct social- economic class interests which

are not easily definable in our case:

2) It largely depends on a high degree of mutual trust with common values which we have not developed yet and

3) It depends largely on adequate capacity of effective propagation or effective information flow which we in Uganda have not yet attained; and until we work hard and attain the above or near above, or even a half of it, multipartyism in Uganda is going to remain the biggest mockery of our time.

Mr. Chairman, *(Interjection)* - I am just winding up.

Traditional rulers. In view of Buganda's and ultimately Uganda's history which is familiar to all of us and desiring to uphold the peace and general harmony which has been attained so far, many of us in the Army would wish to see the following: That the traditional rulers continue as per provisions of the Statute which reestablished traditional institutions, and that the district continues to be the basic political units of local government as per provisions of the Decentralisation Statute. This decentralisation policy has a primary advantage of taking power and services closer to the people, and this opportunity should not be denied to anybody. And, Mr. Chairman, for the sake of upholding common interests, the Constitution should contain an enabling provision allowing district a desire to cooperate and coordinate in matters of common interest other than political. We are confident, Mr. Chairman, that such an arrangement should accord traditional institutions potency enough to organise peoples' cultures and carry out effective mobilisation for development, and at the same time Kingdom areas would co-exist harmoniously with the rest of the country.

I am concluding, Mr. Chairman, with two points. Mr. Chairman, to vet Presidential appointments a cooling chamber - I term it cooling chamber myself. Mr. Chairman, a committee of Parliament to vet Presidential appointments ideally should consist of the composition suggested by the Draft Constitution. Such a committee is ideal in our Ugandan situation where lots and lots of accusations have been levelled against Presidential nepotism since independence. Further to vetting Presidential appointments, Mr. Chairman, this committee with its peculiar advantage of its organic link with districts should be taken advantage of as a cooling chamber between too highly mandated state organs; a role it would play effectively together with the Executive, probably chaired by the Chief Justice or a Judge

appointed by the Chief Justice for the purpose. A cooling chamber in a form of a simple consultation at the centre and then further consultation locally without any force of law, is quite necessary in the still volatile nature of our politics, Mr. Chairman.

Finally, a message from my father, a small message, humbly. At one time, Mr. Chairman, having been elected to CA I went to visit my father. He is an 80 year old peasant by the names of Usufu Kabenge somewhere in Kyadondo North. As I was engaging my first gear to leave, after having concluded my visit, he came running and urgently signaled me to extinguish the engine and I obediently did but wondering what I could be asked. He went straight to the subject matter and he said 'while you are going to debate the new Constitution, are you not contemplating to stand, come next elections to Parliament?' I said, well, I may, I have not thought about it. Then he went ahead and said 'Let us assume you will, just like many of your colleagues' I said, alright let us assume so. Then he went on: 'how are you going to reconcile objective discussion while at the same time you are taking care of what the electorate want to hear, especially where the two are not in exact harmony?' That question, Mr. Chairman, from an 80 year old peasant, my old man, caught me very unawares and completely threw me off-balance. On seeing no answer coming forward, he finally drove his point home and said: 'Even if it means becoming unpopular my son, and losing votes in the next election, please for goodness' sake and for the sake of posterity, stick to what your mind thinks is the right thing, you must at all cost pursue objectively as opposed to emotions and sentiments, and on that note, may God's luck, blessing and guidance be with you in your deliberations, and good night my son.' So, he concluded. And now, Mr. Chairman and fellow delegates, in the same spirit and by the same token, may God's luck, blessing and guidance be with us in our deliberations. Thank you, Mr. Chairman. *(Applause)*.

**THE CHAIRMAN:** Thank you Hon. Gyagenda Kibirago for contributing to our debate.

**DR. CHEBROT:** Mr. Chairman, I wish to seek your indulgence and that of the Hon. Members that you consider this House to continue its business this afternoon up to when all the four Members who are listed make their presentations. Because I note that if we do not it means that we will have 16 members presenting their papers tomorrow, and I think a

number of Members are already ready, would like to present their papers unless we do consider meeting on Saturday. I would, therefore, like to ask that - I would like to propose that we break for lunch and resume at 3.00 p.m. so that the four Hon. Members can make their submissions.

**MISS. ADIO:** Thank you, Mr. Chairman. I second the Member on the Floor who has just been saying that we adjourn and come back after lunch and continue for the remaining Members.

**MR. KIGAYE BILLYAWO:** Point of information. Mr. Chairman, I would like to inform the Hon. delegates that there is Business Committee which is scheduled to start at 3.30 this afternoon.

**THE CHAIRMAN:** Well, Hon. Members let us hear from the Rules Committee.

**MR. OMARA ATUBO:** Well, I am the Chairman of the Rules Committee, but I do not know whether I am speaking in that capacity. Mr. Chairman, I know Members really would like to go home, if possible by latest Saturday. So, in order to beat that time and be sure that we finish our business tomorrow, I have two suggestions. One, we have been wasting a lot of time, Mr. Chairman. Everyday instead of starting at 8.30 a.m. we start at 9.30, that means we have missed possibly two speakers every morning.

Instead of starting at 8.30 a.m., we started the actual Debate at 10.00 a.m. leave alone the one hour we spent on the Prime Minister's explanation. So, I think that, Mr. Chairman, if we start earlier, at least tomorrow on Friday if Members can make an effort to be here by 8.30 a.m. and the NRC is not meeting tomorrow and we have our break and lunch and we resume then we continue indefinitely in the afternoon and in the evening, I do not see why we do not finish these people. Otherwise, today it is difficult, Mr. Chairman, for two reasons: One - we have NRC and our standing tradition here has been that when NRC is meeting, we keep that time. But more importantly we have the business committee meeting this afternoon at 3 O'clock. Otherwise, I think the proposal that we continue this afternoon is not practical, Mr. Chairman. But I insist that tomorrow we can finish if we really start on time. Thank you.

**MR. BABU:** We only require four Speakers this afternoon. Each Speaker takes 30 minutes. All we

need is 2 hours, and the Business Committee can re-schedule and start at 4.30 p.m. so that people can leave here on Friday and go home to mobilise the people. Mr. Chairman. We need the seven days to go and mobilise the people in our Constituencies. I would like to request that Hon. Members in their wisdom do accept the proposal. Thank you Sir.

**MR. DIDI:** Thank you, Mr. Chairman. I would like to request you, Mr. Chairman, to provide that Speakers who have prepared their papers should rest assured. So, for our purposes if we limited them, just to bring the high points so that you limit them strictly to the 30 minutes, we could even go up to 6 or 7.00 tomorrow, we should be able to cover 16 to even 18 papers. Thank you.

**PROF. NABUDERE WADADA:** I would like to suggest a compromise. Can we continue and handle two Speakers now and leave one Speaker for tomorrow. That means one hour and we finish at 2.45 p.m. and there will be plenty of time for the Committee to come in at 3.30 p.m. after some short break. Thank you.

**MRS. LAGADA AMONG:** Mr. Chairman, when we were considering who should speak in a day, we worked out and found that if we started at 8.30 a.m., we should be able to cover 15 people in a day. I would therefore, like to suggest that since we already have a programme for this afternoon and there is that meeting and there is NRC, that we adjourn and we come tomorrow at 8.30 a.m. and then we will be able to cover the 15 people and we should commit ourselves to stay here until all the Speakers have spoken, Mr. Chairman. Thank you.

**AN HON. DELEGATE:** Mr. Chairman, thank you. I think we have got to pay for our own since somehow, I subscribe to the idea that those who have been listed to speak today should be listened to, even if it involves the shuffling of this afternoon's programme. Mr. Chairman, if we push it to tomorrow my fear is that, many of us have already got commitments particularly we who come from far Constituencies, to leave for upcountry and address them. Could I again suggest, picking up from where Hon. Babu said that we resume as soon as possible after having lunch, and listen to the four Speakers remaining or allow the Business Committee to transact its business and we have an evening Meeting. Why not stay from 6.00 onwards up to 8.00 p.m.

**MR. TUMWINE KATAHWA:** Mr. Chairman, I stand in to support the Motion. That we continue today because even if you look at the statistics we were given last week, even if we start at exactly 8.30 a.m. we have never gone beyond 15 people. And if we even put in the element of people getting tired, if we come here at 8.30 a.m., still we cannot stretch up to 6.00 p.m. in the evening without people getting tired. So, I request that we sacrifice today's other programme and continue and have these people who had prepared to speak today.

**MR. RUZINDANA:** Mr. Chairman, I think the issue should be whether we continue without a break or whether we go for a break and come back, and I do think, Mr. Chairman, that we should continue now without a break and finish the list as we have it today. If we carry it over to tomorrow, we shall not be able to finish. Mr. Chairman, We should now continue and finish these people without interrupting them at all. The problem has been that we are interrupting every body as soon as he talks about the party or army or about something else. But if we continue without interruption, I think we can continue with this in the next one and a half hours and then we continue with scheduled Speakers of tomorrow and our business will be finished tomorrow. So, Mr. Chairman, I am suggesting that you rule on whether we continue now without a break or we go for a break and come back. But I am recommending to the Assembly that we continue without a break. Thank you, Mr. Chairman.

**THE CHAIRMAN:** Let me summarise. We have a number of options. One is that we go on straight now and listen to the Speakers. It would appear that that has not been very popular. Then, there is a proposition that we break for lunch and come back meanwhile we schedule the Business Committee. But also there is another one - that we break now, start early tomorrow. So, I suggest that we break off for one hour, we come back and continue, then tomorrow we finish. Then for the Business Committee we shall discuss with Members and see how we shall schedule it.

*(The Assembly adjourned at 1.45 p.m. for Lunch and resumed at 3.10 p.m.)*

**THE CHAIRMAN:** We had a small technical fault but it has been rectified, so we can start now

**LT. GUMISIRIZA GUMA (Ibanda North):** Ibanda North is the furthest end of Mbarara District, bordering with Kabarole District, more particularly Kibale. My neighbour here, Hon. Jackson Hashaka is my neighbour at home.

Mr. Chairman, the people of Ibanda North, salute you and your deputy plus all the Hon. Delegates. In the same spirit they salute the Chairman and the Members of the Army Council, and NRC who allowed soldiers to participate in the elections.

Some people here have been expressing some criticism about the Army's involvement in politics. But I wanted to remark that military organisation and military culture, existed in this region before the coming of the Europeans and also, in the history of mankind, military force has been the principle factor in social and principle organisation. Moreover, the army is a chief component of state power and its character therefore, goes a long way to define the character of the state. The Western so called democracies were formed on the basis of the armed struggle - the armed conflict. Their present democracy survives simply because of the balance of terror amongst themselves. The difference between Europe, America and the so called Third World is in terms of stability and attainment of democracy; not that in the former security forces are out of the way. In fact, in both situations, the security forces are present and active. Good statesmen, after all, in history have always been soldiers, history is there, with all the determining examples.

The problem with Uganda is that, when one talks about the army, the people's thinking immediately goes to people like Amin, Bazilio, Butabika, Malyamungu and so on. The issue, therefore, is not that there is presence or absence of the security forces in society. Rather it is whether those forces betray dictatorship or democracy. When Bismarck, the strong man of the present Germany State, was unifying Germany, he had the following to say, *'the problems of the day are not going to be solved by speeches and resolutions, but by blood and iron'*

Bismarck meant that the military factor was exactly at the centre of Germany unification. In a similar way, I consider that National Resistance Army has been at the centre of the Ugandan peace today. So, Hon. Members like Hon. Sekweyama, Hon. Ssemwogerere who are expressing fears, I suggest to them that, they should relax. Because today's army,

is an army with appropriate understanding of the problems that affect our society. Now, I have listened with a keen ear to some members here who wholly review that NRM is a monolithic; as a military organisation exercises gun rule; composed of people who violated the Nairobi Peace Accord of 1985; and in the words of Hon. Sam Rigwengi of Padyere County, *'People whose appetite is sharp and want to remain on the dining table eating'* I have also listened to yet other Members who say that, when everything is said and done, Buganda must be left alone to act. Leave Buganda with her *Kabaka*: that Buganda should be spared yet another form of occupation.

Perhaps before I go on to analyse, the social and ideological character and interest of these tendencies in this Assembly, it is a duty of some of us to remind and educate some members here that, right from the inception of the NRM struggle in 1981/82; the idea of a new constitution, the legal and political order was born and they were pressed in the arena of social debt after the capture of state power. According to the institutions intended to enhance democracy, women's emancipation and participation in a decision making process; to a great extent also, the state restructuring like reform and reconstitution of the army, police, the creation of the IGG's office, the creation of the Public Accounts Committee, took place. These legal and institutional changes in the state machinery were not only challenged and opposed by the leadership and organisations of the old order but were partly to constitute the back drop for the debate of the making of a new constitution for Uganda.

At this time, Mr. Chairman, I would like to reflect on the role of popular democracy, autonomous organisations in civil society in the construction and maintenance of popular democracy. However, to achieve this position, I should remark that the character and relevance of the rule of law and constitutionalism should be highlighted. In simple terms, constitutionalism means, a government that is subject through strength in the interest of ordinary members of the community, government that is not arbitrary or totalitarian. In Liboboza's theory, constitutionalism rests upon the principle of limited government whose principle of separation of powers and rule of law is split. This legal concept of constitutionalism is the starting point of most African constitutional lawyers. This very concept of constitutionalism was the basis of common wealthy African constitutions.

So, while it is true that the colonial political and legal order was never based on constitutionalism and rule of law, it is generally equally true that the rule of law and constitutionalism have not been the basis of post colonial political and legal order in spite of the many constitutions that we have had.

Indeed Okoth Oghenda has currently stated, "After we have had constitutions, we have constitutionalism." Another scholar argues that, *'While numerous regimes through history have found the rule of law, or legality invaluable, both are the principal of organisation and as legitimizing ideology. Few African governments have valued them other than as the autocratic.'*

Shevinge who is another known scholar observes that, *'African states and regimes have sought legitimacy on the terms of economic rather than political and legal ideology. African constitutions are therefore, not meant to legitimize political rule. This may explain the lack of constitutionalism. If constitutions then serve only incidences of transference of power in Africa where most of the time, it is transferred through extra-constitutional means like military coups... like the one we had in 1980. And the constitution only appears expostfacto. It seems to me therefore, that the only rationale for the constitution is its international legitimacy or respectability to constitute the sovereignty of the state in the international arena.'* That the African state should be so much concerned with international especially Western legitimacy rather than legitimacy with its own people is very absurd. So, while this may be a fair analysis of what has taken place in most of the African countries including Uganda, the current constitution making exercise in Uganda should be assessed from difference assumptions. One of these assumptions is that, the exercise has involved the whole population, although some people assert that, the vehicles were seen here in Buganda and Western region. This is not true. The most critical issues have been raised and the constitution that will be produced, will be a result of class and social struggles. Although people like Hon. Nekyon allege rigging of CA elections by pumping tax payers money to support NRM candidates; at least Hon. Nekyon was not stopped from standing like the case in 1980. And when we say that there has been some principled leadership from its debate, we are not saying that NRM is composed of angels and perfectionists. We only mean that, at least today, when an army officer rapes a woman, God should

forbid, or kills a person, he is not simply transferred as if where he is transferred there are no women to rape. He is appropriately handled by the state authority.

As for those who say that, Museveni and his NRM want an extension to remain in power - in my view and in the view of the people of Ibanda North, they are simply missing the point. It is not Museveni, it is not the NPC, or whoever who are talking about this extension. We believe that, it is the majority of the people of this country who are saying so. NRM is just their mouthpiece. So, those who are opposing NRM are in sense opposing the majority of Ugandans and I can see that they have a big job to accomplish. It is also useful to note that the question whether the constitution is or will be meant for the international and national legitimacy - foreign or national legitimacy, is a matter reflected in the on going debate. These two positions are reflected in the multiparty versus movement. The other point to note is that, while the impetus for making a new constitution was national and local, resulting from the fact that, before 1986, the constitutional order was seen as discredited, when the debate was opened sectional as well as impurity interests entered it.

I would like to say something about forms of government. Within the context of Uganda, the form of Government is an issue which can be discussed and analysed and assessed using the historical records because of the banners of different homes. I am particularly concerned with the composition of the legislature and the relationship of government institutions and organisations of popular opinion. When analysing the place of popular democracy in Uganda, it should be kept in mind that, we have had different forms of Governments: multiparty, one party, military. Now while the process of the constitution and the debate refers to these historical experiences I have mentioned in forms of government, the most important aspects of the debate is that, between the protagonist of the multiparty and proponents of the movement type, many people believe in the principle of social and political pluralism, even here. But what the majority of the people of Uganda do not support, particularly the peasants of my constituency, is the view that access to get power and governance of society should be based on multiparty organisation and elections. The opposition of the people to multiparty is based on the concrete and specific lessons of Uganda's history. The constitution of government on that basis would mean the struggle

for power by DP and UPC, which despite 30 years, have never advanced beyond their essentially ethnic and religious constituencies, apart from their linkage to imperialists interest, their natural constituencies can only be for dividing Uganda only for the benefit of their middle class factions, which are in their leadership. The leadership of these parties are interested in destroying popular democracy and institutions related to it. For example when Hon. Cecilia said that, RCs should go. I am not amused and I am not surprised.

The people of Ibanda North observe that, DP has had Germany Right Wing support, and UPC British support. The role of FAD and Conrad Adeneuer Foundation of Germany is telling...

**THE CHAIRMAN:** There is a point of order.

**MR. KITARIKO:** Point of order. Can the Speaker holding the Floor substantiate the statement, our being supported by Germany?

**THE CHAIRMAN:** We did not hear you, you did not speak through the micro phone.

**MR. KITARIKO:** He is alleging, Mr. Chairman, that we are being supported by Germany. Can he substantiate that?

**THE CHAIRMAN:** Well, I think what Hon. Kitariko is saying and here he represents a definite interest. His constituency is DP. He is saying that, since the Member on the Floor says DP is supported by Germany, can he substantiate? I think that is a fair request.

**LT. GUMISIRIZA:** Mr. Chairman, all the information is available, except that some information may breach certain laws. If Hon. Kitariko wants my substantiation of the DP's connection with the Imperialists - with some supportive - like these organisations I have read, I can always give him all the details.

**THE CHAIRMAN:** But you see, you are not making that statement outside here? The statement has been made here that, DP is supported by Germany interests. It would help if you could make reference to one or two, so that the Member's minds

**LT. GUMISIRIZA:** Mr. Chairman, I have said, that there have been connections of traditional

multi-parties here with certain organisations like FAD, which have been conducting seminars, Conrad Adenauer Foundation of Germany; and I do not see how this one can be denied.

**THE CHAIRMAN:** No, no, I mean you wanted him to substantiate. Now, you are raising another point of order, is it?

**MR. KITARIKO:** Mr. Chairman, with due respect, he has not substantiated.

**THE CHAIRMAN:** You wanted substantiation? The member is saying that, DP is associated with Conrad Adenauer Foundation. Is it Conrad Adenauer Foundation?

**LT. GUMISIRIZA:** Yes.

**THE CHAIRMAN:** All that we expect, if you want, to contest the matters to state whether it is a fact or a lie.

**MR. KITARIKO:** Mr. Chairman, give me a hearing because, the NRM is being supported by the Friedrich Eibert Foundation. So what is the difference between that and *-(interruption)*

**THE CHAIRMAN:** No, but you have not alleged that, 'you see, you are not saying that because that exists'; therefore, he is wrong.

**MR. KITARIKO:** We want to object to his analysis of issues here.

**THE CHAIRMAN:** Proceed please.

**LT. GUMISIRIZA:** I am proceeding. But perhaps before I proceed, I do not see the point of argument really. This has been part of the problem in our Ugandan politics. Something is concrete, is clear. Hon. Kitariko really *-(Interruption)*

**THE CHAIRMAN:** Hon. Member let us do it this way. We do not want now to degenerate into a side debate whether or not, political groups in Uganda are associated with foreign groups, and to what degree and how? What we are discussing is the Draft Constitution, and the general principles. Please continue on those lines.

**LT. GUMISIRIZA:** Mr. Chairman, I wanted to say that, imperialists interest could still be pushed

with popular government. The interest in a multiparty is essentially ideological. It is an attempt to point out that popular democracy is no good like RCs. This ideology is being preached by both DP and UPC as I will show later in my speech. An immediate return to multiparty politics and winner takes all situation would virtually mean a return to the 1979 and 1980 UNLF period. The arena was left. The traditional or political organizations of DP and UPC as professor Tarsis Kabwegyere put it recently, I quote 'When Paulo Muwanga led the successful and UNLF coup in May 1980, the four radical leaders of UNLF that is Nabudere, Rugumayo, Omony Ojok, and Rashitadoni removed themselves immediately Binaisa fell. They simply abandoned the ship.' According to him, 'their attempt to provide a theoretical political direction was not successful because at the time their grasp of the social dynamics was very small.' But what is in Uganda's history, in the view of the people of Ibanda North, calls for the negation of DP or UPC. Or if they are not negated, why is it so imperative that, they change both in terms of policy and character? And more so, in terms of their natural constituencies, natural - the history of Uganda, shows that there is only apparent or worse still opportunistic consensus between the two political parties, as to the rules that should govern political competition and the essence of political pluralism. Secondly, politics is merely a job, and concerns essentially a small fraction of people, as a full time affair. Thirdly, the parties are constituted on the basis of religious and ethnic calculations. In addition precisely because political leadership is about jobs rather than the putting into place of a programme for social transformation, elections are merely a means, however fraudulent, of attaining this goal, in an apparently legitimate way. That is why you hear of such statements like 'twarire', 'rugudde mu bintu' and so on.

What do I mean by opportunistic consensus? This is the kind of consensus that was exemplified by DP and UPC in 1979/80 UNLF period and the current obtaining marriage of convenience between the same parties. The two parties which are historical hatch enemies, ganged up together to destroy UNLF and are now acting in concert to end NRM. For example *Weekly Topic* of 22nd January 1993, where in an interview with JB. Wasswa the DP Secretary General revealed that DP would be ready to enter into an alliance with UPC to defeat NRM. *New Vision* of 8th January 31 1993. 'UPC and DP holding joint meeting in Kabale.'

**THE CHAIRMAN:** Hon. Member there is information on the Floor, are you taking it?

**LT. GUMISIRIZA:** No, I do not want to take any information. Anybody who wants to discuss, we can, in the corridors and we hold a discussion over these views of ours. But I want to add that this opportunism is only at the level of political parties and their natural leadership - natural leadership. The general population which is supposed to be their base is suspicious about the desirability of the two parties and their ability to construct a national and acceptable unifying political stability.

**MR. WACHA:** Point of order. Mr. Chairman, I was a member of the NCC, I know the circumstances under which the UNLF arrangement collapsed. Is it in order, Sir, for an Hon. Member of this House to misinform us that the UNLF arrangement was wrecked by an arrangement between the UPC and DP; when the arrangement was wrecked by a military coup?

**THE CHAIRMAN:** Order, order. It was a point of order. We shall regard that as information to the Hon. Member on the Floor and we continue.

**MR. BIDANDI SSALI:** Point of order. Mr. Chairman, because I was also a Member of the NCC and I was in this very room. Is it in order for Hon. Ben Wacha to misinform this House, when it was well known that, the NCC decided by very big majority, to go ahead with the umbrella in this very room, and immediately outside this room, DP and UPC called a press conference and de-associated itself. And that was a nail in the coffin of the UNLF. *(Applause)*. Is he in order?

**THE CHAIRMAN:** I do not see any further points of order being of any use to us. It is degenerating into an altercation between... No, I am not accepting that one because we are derailing ourselves. We are now beginning to discuss how the NCC failed other than what the constitution is all about.

**LT. GUMISIRIZA:** Mr. Chairman, before interrupted, I wanted to say that this opportunism is only at the level of political parties and their national leadership. The general population which is supposed to constitute their base is suspicious about the desirability of the two parties and their ability to construct a nationally acceptable political stability. Thus, in 1980, when Paulo Muwanga and UPC

rigged the elections, the population was outraged, while national DP leadership did accept to live with it and DP leaders called it, *'adopting a positive attitude'*.

While talking about the rigged elections of 10th to 11th December 1980, the DP leader while recommending the DP MPs all to the Parliament despite the rigging said this, *'the move recommended to the members was disastrous and I appeal to the people of Uganda to keep peace and restrain themselves in every way possible to avoid violence and blood shed.'* *Uganda Times* of 19th December 1980. The other reason why the leadership of DP and UPC have a consensus about multiparty politics is that, populist minded constitutional proposals introduce structures intended to raise the political consciousness of the people to facilitate their entry in politics and to prevent monopolization popular forces. This is precisely why DP and UPC opposed the UNLF election proposals in 1980. This is why today, in concept they are bitterly opposed to movement forms of politics. As a matter of fact, both DP and UPC leadership are obviously aware, that political arrangements that emphasizes the role of popular forces is a sure way of negating almost permanently and rendering them irrelevant. That is why they are always quarreling that the government is denying them platform to mobilise. Mobilise what? This is why their struggle against Movement, RCs, against popular democracy and popular justice is to them literally a struggle. The whole problem of politics as a job is embedded in the political economy of many African states including Uganda.

The post colonial state after independence tended to create a local capitalist economy. Government expanded the state apparatus because the dominant class was eager to profit from it by having access to the only economic asset and that is the state. Due to the under developed nature of Uganda's productive forces, especially in the private sector, the state is the only meaningful economic base. Hence, in a multi party situation, the outcome ensures that popularization of political competition in my view and in the view of my Constituency should be avoided. My constituency therefore, recommends that, people as Chapter 1 says: since they constitute the majority and they are the sovereign, as Chapter 1 says, they should always be consulted before any political decision is taken. *(Applause)*.

On Federalism versus unitary, my constituency says that, those who push a case for federalism, have not put all factors in mind. My constituency says, that economical federal states will not be viable, as we are too poor to run two layers of state governments. They also say that, it is difficult to think that so far, in the context of how federalism has been argued, is not another drive for 'Ebyaffe' because the proponents of federalism today, were yesterday the chief spokesmen of federalism. My people further say, that this is not the first time after all Buganda has put a case for autonomy. Although today it is hidden under federalism. In 1953, there were demands for Buganda's independence by the *Kabaka* which resulted in his deportation for two years in Britain. In 1961, Buganda boycotted elections, and all this history is available. In fact, when Hon. Mayanja was quoting that *Kabaka* was very instrumental in mobilising the people in Buganda to register and planting of trees: I have always thought, the same *Kabaka* can demobilise people and not to do these things, especially once the *Kabaka* is having dissatisfaction with the central government. I do not know what would be done - what would happen in that case, if there was a disagreement precisely like the one that happened between Mutesa and Obote? So, this possible situation becomes particularly disturbing, when one considers the level of opportunism in this country.

In this respect, I would like to remind Members here about what Hon. Basoga quoted in regard to Hon. Nekyon, when he was discussing debates in 1967. I would also like to reveal another situation nearly similar though somewhat different, where one veteran politician on 8th of September 1967, at 2.15 p.m., in Parliament House Kampala, during the debate of the 1967 constitution, Hon. Mayanja Abubakar, was among the 62 Honourables who voted for a Republican and unitary state. Hun and Hon. Okurut were terrors for IAS. So, in fact when some Ugandans complain of all the politicians, it is precisely, because of these double standards that people are complaining of. It is not the age. (Applause).

I would hurriedly want to summarize, since the bell has gone, to say the following: That there should be measures taken to implement women's rights and establish equal opportunities; women should be mobilised in realization of their interests. There should be need for more women to obtain basic education; and in this respect I support the 1.5 marks for entry into the university. (Applause) Relevant

state bodies should seek the concrete evidence of rights implementation for women. I recommend an effort of inter district RCs visits, so that peasants of Bushenyi, Apac, Airiri, Chepsekunya can know what is happening in Gulu, in Mbarara, in Kabale, in Rukungiri, in Jumani, etc. to undermine the ground for some people who go telling their peasants in the rural areas, that look, 'Museveni is distributing money to his people'. We should mobilise the people to raise against these liars.

On land, I should support and my people support, free hold and issuing of land titles should be from the district. My people do not support absentee landlords. (Applause)- My people do not support these absentee land lords; particularly those who got land allocated to them from the state colony.

About the Omugabe of Ankole, my people simply say, the institution is no longer relevant. The people however, have no quarrel with where the cultural leaders are desirable like here in Buganda. Their only worry is that, if her highness or his majesty the *Kabaka* of Buganda would have a situation of conflict with the central government. That is the only worry.

So, Mr. Chairman, and Hon. Delegates, again heretics of this country should raise to the occasion to appreciate that this country is theirs and should stop telling lies, that in order to develop, you must be in power. If that was the case, Ladies and Gentlemen, the Northern region would be a centre piece straw for this country. So, people of Ibanda North, support overwhelmingly the decentralisation process. I would not like to inconvenience the next speakers, I would like to end here and I say thanks very much. (Applause).

**THE CHAIRMAN:** I thank Hon. Guma Gumisiriza for his contribution to our debate this afternoon.

**MR. ADOKO NEKYON: (Maruzi County):** Mr. Chairman, Maruzi is in the middle of Uganda and is surrounded by Onyoro, Buganda, Kwania County, Kole County, Oyam County. I have a very long way to go, so I have no time to waste. You can find the details elsewhere. And please try to assist me to finish what I have in front of me. Thank you.

Mr. Chairman, on 9th October, 1962, the Duke of Kent on behalf of Her Majesty, Queen of England handed to Dr. Milton Obote, Prime Minister of Uganda, instruments of power called 'Uganda Con-

stitution' to signal our attainment of independence. It was a joy to all Ugandans then. The road to that point was, however, not as smooth as some people now put it. The journey began immediately the Europeans came but it was intensified from the 1940s up to 1962, when a group of 20 Ugandans headed by our Hero Ignatius Musaaazi, my eldest brother, Yokosafat Engur, and my long term friend and Colleague Abu Mayanja, formed the first true political party known as the Uganda National Congress, UNC. Although it is true that Musaaazi was elected president as well as Enguru was elected Vice President and were protestants, the election of Abu Mayanja - a Muslim as a secretary general, illustrates clearly that there was nothing religious about this party. However, the mistake was made by holding the first party meeting at the Old Budonian's Club. But this was due to the fact that, Musaaazi had studied and then taught at Budo, and then Abu had just come out of Budo. It was also the only place that could tolerate the holding of a political meeting during the colonial time.

This mistake together with discrimination meted out to Catholics by Mengo must have caused catholic leaders to react in order to avoid the perpetuation of mistreatment if independence was achieved. So, we saw the birth of the Democratic Party in 1954. Yet, surprisingly, the first democratic party executive had Balam Mukasa a protestant as its secretary general and Stanley Bemba a Protestant as its Treasurer. These were key positions. Those who accuse Democratic Party of being purely catholic, should take note of this fact. (*Applause*). I draw the attention of all those who believe that they can marshall people by coercion in one movement or party to note this break. And also to the fact that, even in South Africa, they started with only the African National Congress, but they have ended up with so many parties. Even in India, they started with only the Indian National Congress, but now they have over 70 political parties. This applies to Kenya, Sudan, Angola, Namibia, Zimbabwe, everywhere. (*Applause*) Human beings love separation of roles naturally,

Many people including the young ones are complaining that old guards have blocked their way to party leadership. This is because they realise that although they believe that they can provide clean leadership, at the same time they cannot form a political party and succeed. I illustrate, after DP a

party of intellectuals, called UCP or Uganda United Congress party was formed by Dr. Muwazi, Binaisa, Paulo Muwanga, Okecho Olong, then another one called PPP - Peoples Prerogative Party, also for intellectuals who called us rustics was formed by Eridad Mulira, the brother-in-law of Mukambi and Jephania Okae. This one openly declared that he belonged to the Church of Uganda. Then another one called United National Party was formed by Apollo Kironde, Yusuf Lule, and Mayanja Nkangi. Then another one called Uganda Labour Party was formed by one man. What happened to all these parties?

I will start from the bottom. When a group of MPs from UK visited Uganda, Members of British Labour party anxiously went to Katwe to meet their counterparts from Uganda. To their disappointment, they were informed by the party boss, that he was the president, the chairman, the secretary general, the treasurer of the party; because he was still trying to recruit other Members. Ultimately, the party died but the owner is still alive, I understand.

I have heard my friends from Buganda complain here that Buganda is not in the main stream of Uganda politics. Yes, that may be true, but who is to blame? The National party of Apollo Kironde, Yusuf Lule and Mayanja Nkangi, died before it crossed the borders of Buganda. I hope CP survives the same fate, since there is at least, Hon. Katenta Apuuli (*Laughter*).

However, by the time of the first general elections held in 1958 all the four parties contested, that is to say, UNC, UCP, PPP and DP had Baganda as their presidents and all of them had Langi as their vice Presidents because it was the axis between Buganda and Lango that formed the Vanguard of the struggle for independence. Therefore, PPP and UCP died naturally and quietly. All its members trooped to UNC or DP.

The Baganda having boycotted LEGICO earlier, Musaaazi and Dr. Kiwanuka of UNC accepted to represent Buganda as government nominees. Unfortunately, this move annoyed the Baganda so much that some UNC Members led by Jolly Joe Kiwanuka, saw it as an opportunity to boot out Musaaazi from the presidency. They succeeded in marshalling voters at the Annual Delegates Conference to vote out Musaaazi. Delegates know this. Delegates from the North and East walked out in protest and UNC split

into Musaaazi wing and Kiwanuka wing. Then came the final straw when we were all ordered out of Buganda. So Musaaazi wing moved to Lira for all intent and purpose. Fortunately, certain members of LEGICO wing came in as independents, formed a new party called UPU. UNC and UPU-Uganda Peoples Union, decide to merge in order to be a truly National Party since UPU members were mostly from the West and Busoga. Hon. Carthbert Obwangor who had been LEGICO from 1954 also joined. During the process, it was agreed that for some time, UPU would take the Vice Presidency and Secretary-generalship, UNC would take the presidency. Obwangor became the treasurer and Mathias Ngobi from UPU became assistant Treasurer. The word UPC was drawn from the two parties. P from UPU, C from UNC. So, the Baganda were responsible for the fall of Musaaazi, by denying him a constituency, and by their well known habit of infighting with the part and parcel of palace politics. (Applause)

#### Multi party versus Movement:

1) Multi party democracy has been fashioned and tested and found to be viable over time. It has brought peace, stability to many nations of the world because it provides for government by consent. The masses can freely elect their governments and smoothly change them periodically as need arises. As I have said, people change their minds from time to time. Multi party democracy allows them to express this change freely without violence. (Applause).

2) The multiparty democracy provides a safety valve because people can exercise patience because they know that at the next general elections they can change the government which is oppressing them. Without that, they would always resort to violent means. This has happened in many monolithic countries such as Soviet Union, Yugoslavia and in the whole of Eastern Europe. The history is still fresh in our minds, so we should avoid violence by going multiparty, tomorrow. (Applause & Laughter)

3) When a society is forced to live under a rule of one party government, even if it is nicknamed a movement, splits and conflicts erupt on other basis, for example the clan conflicts in Somalia and inter tribal fighting in Rwanda, even when the belligerent factions belong to one political philosophy and one tribe. Human beings always want room for manoeuvre for change. 4) Under a no party government, people can probably change only their representatives who are out of favour with the government of

the day but not the chief executive in whom this power is concentrated. There is no way we can change Museveni by the NRC system (Laughter).

5) The argument that political parties have been responsible for de-stabilising Uganda is not true, because of all the conflicts in Uganda, only one was started by party against party conflict. For example the over throw of Obote by Amin was not done by opposition party because both Obote and Amin belonged to the same party. The over throw of Lule was also inside work of UNLF, and so was the overthrow of Obote II, because both Obote and Tito were UPC. So only the UPMs going to the bush against UPC could be termed as an inter party conflict. The result of this war is that NRM has brought peace to parts of the country by disturbing the peace of the country first. (Laughter). The message is clear that, if you want to bring peace, you must cause disturbance first.

Other members blame political parties especially for having turned the army into a Northern Private Estate. This is not correct, because of the following reasons:

1) During 1914, 1918, war, 98 percent of Uganda Army was composed of Nubi whom the British described as 'the funny soldiers in Africa'. Because of this, they were over-worked until they mutinied.

2) By the time we attained our independence, 80 percent of the army consisted of Northerners, including the Iteso, Sebei and Karimojong. Since soldiers used to do the recruitment of their new soldiers themselves they thought it wise to recruit from the same area because of what they were told, that they were the finest soldiers.

3) For quite a while, soldiering was regarded as a poor man's job, just like sugarcane cutting in Kawolo. Some ethnic groups looked down upon it until the coming of power of Idi Amin, when everybody realised that the army could be a power base. Even now some people are clamoring for the army because of this belief. In due course, if we studied truly on democratic lines, only people who were truly interested in the profession will remain. Others will go to other occupations because soldiering is a tough job.

4) Children always try to follow in the foot-steps of their fathers, brothers and mothers. So the children who grow in the military barracks tend to admire soldiers a lot. Those who grow at Nsambya Police Barracks tend to join the police force. This is natural.

Surprisingly, again here NRM which claims to have come to put things right in all fields have merely

repeated the same mistakes or aggravated them. Since the NRA Delegates in CA were elected, we assume that they were a cross section of the entire army, but when you look at their names, at least we see that 6 of them came from the West, most of them being Banyankole; 2 of them come from Buganda, 1 from the East and 1 from the North. So we assume, that, that is the composition of the army. *(Applause)*

**THE CHAIRMAN:** Hon. Nekyon, I see a hand from one Member who -

**MR. NEKYON:** If it is a point of order - because I have got a long way.

**THE CHAIRMAN:** Is it a point of order or a point of information?

**ANHON. DELEGATE:** Information, Mr. Chairman?

**MR. NEKYON:** No.

**THE CHAIRMAN:** He is not taking information.

**MR. NEKYON:** It is difficult to explain this phenomenon because the guerrilla war was fought in Luwero and not in Mbarara. *(Laughter)*

Positive attributes of multi party democracy.

1) Although one party or no party democracy precludes multiparties...

**AN HON. DELEGATE:** Point of order. Is it in order, Mr. Chairman, that somebody to lie to the House and get away with it?

**THE CHAIRMAN:** Your point of order does not help the Chair very much because you have to indicate exactly what information he has used to mislead the House, so that we can determine whether he should be justified or not. *(Laughter)*

**MR. NEKYON:** Mr. Chairman, although one party - *(Interruption)* -

**MRS. MATEMBE:** Point of order. Thank you, Mr. Chairman. We know that NRM/NRA has got 10 people here - 10 delegates. Is it in order for Hon. Nekyon to mislead the House by saying that most of those 10 are Banyankole when it is not true? Is he in order to say that?

**THE CHAIRMAN:** Could you give us the break down, so that...

**MR. NEKYON:** I said, Mr. Chairman, that 6 of these people come from the West. Most of those 6 are from Ankole.

**MRS. MATEMBE:** You break it. Do you know them?

**MR. NEKYON:** There is only one Mutoro and one Mukiga out of the 6, so 4 are the majority of the 6. *(Laughter)*

Mr. Chairman, although one party democracy precludes multi parties, multiparty democracy does not preclude the establishment of a one party government.

**THE CHAIRMAN:** I am about to invoke our understanding that we should not unduly interrupt speakers on the Floor if we want to make progress. I think let him continue.

**MR. NEKYON:** Mr. Chairman, although one party democracy precludes multi party, multi party democracy does not preclude the establishment of one party government, if the electorate so wish. For instance one party was elected into power in Canada consecutively for 30 years running although other parties existed. Also in India and Britain, we have had similar experiences. The same thing could happen to NRM, if it became a party and proved to be popular. We can vote for it for 50 years. *(Applause)* But other parties must exist.

Multiparties could enhance federalism which some people are clamoring about. Since one party can be elected into power at the Central Level, while another party is elected to power at the federal level. This ensures autonomy of the federal state.

Multi parties protect minorities from being marginalised as some are being done now. *(Applause)* Because each party has to woo the votes of each constituency. A party can loose elections by ignoring a single constituency. For example, in India the Low castes have won their right to vote over the years since independence as upper caste politicians had to woo the biggest caste groups however low in their constituencies. This is important, it protects the minority. *(Applause)*

Multi parties safe guard against nepotism for the same reasons. Because it is the fear of the ballots that forces a party and power to develop all regions equally.

Multi parties enable the government to get the best material as members of the legislature, since competition forces each party to present the best candidates in order not to lose (*Applause*). Only a fool-hardy party like the Malawi Congress would present the senile candidate like Banda and then lose the elections readily.

Under multi party system, the party in power performs better because the opposition parties keep it on the right track by constantly exposing its defects. Ex-President Nyerere has admitted this as one of the causes of his failure as president. Some members of this House they have claimed that political parties are sectarian because they are based on ethnicity or religion. According to them, NRM is broad based and free from sectarianism. Of course, I have here the list of high executives of the two mainly political parties UPC and DP and also of the NRM directors.

UPC: President- Milton Obote. Religion - Protestant, Nationality-Lango; Race -Nilo Hamitic: Chairman, Wegulo, Muslim. Munyole. Muntu. Vice President, Late Paulo Muwanga. Protestant. Muganda, Muntu; Secretary General, Kirunda. Protestant, Musoga, Muntu; Assistant Secretary Cecilia Ogwal, Catholic, lango Nilo Hamitic: Treasurer, Masete Kuuya, Protestant, Mugisu, Muntu; - not Mugisha Muntu -(*Laughter*)-Assistant Treasurer, Emulu Protestant, Itesot, Nilo hamitic. This means that there are five protestants, one Muslim, one Catholic, out of seven.

There are four Bantu and three Nilotics at the top of UPC.

DP: President General Ssemwogerere. Catholic. Muganda, Muntu; Chairman Byanyima, protestant. Munyankole, Muntu; Vice President Adimola. Catholic Acholi, Nilotic; Chairman, Mulenga. Catholic Mufumbira, Muntu; Secretary General Kitariko, Catholic, Mukiga Muntu; Assistant Secretary General Sekweyama, Catholic. Muganda Muntu; Organising Secretary Olum. Catholic, Acholi, Nilotic; Secretary Youth late Drale. Madi. Sudanic; Assistant Kafumbe, Muslim, Muganda, Muntu; Publicity Ojok, Catholic, Acholi, Nilotic; Women Lubega, Catholic, M u g a n d a . Muntu; Treasurer Nyanzi, Catholic, Muganda, Muntu.

Analysis: There are 9 catholics, 1 protestant, 1 muslim. (*Applause*) There are 7 bantu, 3 nilotic, and

1 sudanic. It is four to seven.

NRM Secretariat: -(*Laughter*) Chairman Museveni, Protestant, Munyankole, Muntu; Vice Chairman Kigongo, Muslim, Muganda, Muntu; Political Commissar Kategaya, Protestant, Munyakole Muntu; Deputy Political commissar Machyo, pagan, Musamia, muntu -(*Laughter*).

THE CHAIRMAN: Order.

MR. NEKYON: Chairman, please protect me. Legal Affairs Tumwesigye, Protestant, Munyankole, Muntu; Youth Matsiko, protestant, Munyankole, muntu; Culture Mukiibi, Muslim, Muganda, Muntu; D.D. Culture Odong, catholic, Acholi, Nilotic; Women Mukisa, protestant, musoga, Muntu; Legal Aff. Kavuma, protestant, muganda, muntu; Mass Organisation, Njuba, protestant, muganda, muntu; Production Egonda, protestant, Lugbara, Sudanic; External Kabwegyere, catholic, munyankole, muntu; Assistant - Tumwesigye, munyankole, muntu.

So, in the NRM Secretariat, there are 8 protestants, 2 muslims, 2 catholics and one atheist or pagan. Race wise there are 13 Bantu, 1 nilotic and 1 sudanic only. The overall result is that, as far as religious mix is concerned, UPC comes out the best, followed by NRM (*Applause*). But as far as racial mix is concerned, UPC comes out best followed by DP. The conclusion, we can draw from this statistics is that, although UPC had its roots in nationalism instead of religion at the time of founding, protestants might have reacted to the formation of DP in 1952 as a threat and tended to flock to UPC. On the other hand DP which was formed by way of a protest, for having been discriminated against by protestant dominated Mengo clique, has not quite got rid of the umbilical code at the secretariat although in 1980 elections, there were only 24 catholics returned to parliament as compared to 22 protestants and four muslims. Which was a draw between catholics and other religions. So, that was an improvement outside the secretariat.

On the contrary, NRM which should have learnt from these mistakes has merely repeated them while outwardly, shouting foul against the political parties. It is made worse by the fact that, the secretariat is actually an alternative or parallel government to the cabinet. From time to time, certain politicians have moved freely between two bodies, for example

when the big reshuffle took place, purportedly to reduce the size of cabinet, several ministers were moved to the secretariat of NRM while others moved from the secretariat to the cabinet. In all, the NRM secretariat swallows up 200 million shillings per month of tax payers money as a political party. *(Applause)*. The truth will set us free. Political parties should be allowed to grow into full maturity; should be allowed to grow into full maturity if they are left free to organise themselves, with immediate effect. *(Applause)*

In order to develop quickly, the parties should be encouraged to form among themselves a forum where their representatives can meet to draw out a set of rules of the political game so that discipline can be maintained. Any inter party forum should write a constitution for all the parties and then it would be required that each party presents its own manifesto or programme of action.

The multi party system of government is just a system like the monarchy and it has got its own weaknesses, and has got its advantages. We cannot say, we drop it simply because it is weak in this area or 'I have suffered under it'. We have heard people here crying for monarchy. But we know that, there has been a lot of suffering under monarchism also. For instance, Namugongo is a clear sign of what can happen under a monarchy. We know that, one king Kalema of Buganda after succeeding to the throne, collected all his brothers and burnt them to make sure that, nobody would topple him. And then King Suna, had sold the mother of his heir parent, who became Mutesa Mukabya the 1st. He sold her to slavery. Then, there was a system in Buganda called Kiwendo, when the *Kabaka* sent forth executioners to collect as many people as possible to be sacrificed to the goddess Nalubaale. Then Kabalega, after coming to the throne on defeating his brother, Kabuginire, invited his brothers to a party to celebrate his accession to the throne, but on their way back, they were ambushed and murdered. Yet when the people in kingdoms weigh the cons and pros of kingship, they find that it is the best system of government for them, and I agree with them. And that is why we want the multi-party democracy. We have weighed the cons and pros of the multi party democracy, and there is proof that it is the best government for man kind. *(Applause)*

RC System: The RC system is not an original system in Uganda. This is a system of government which

should stop at the village level and no more. The same system has existed in India for a long time. In India it is known as the 'Panchayat' but its application in Indian villages, does not prevent the growth of 70 political parties. A similar system called 'Kibutz' has also been practiced in Israel at village level as a form of cooperative-cum-government organ. It exists side by side with multi-parties.

It is painful to my people to hear fellow Ugandans urging to applaud and glorify the heinous crimes of aliens against the people of Uganda in the name of liberation. Hence the chance is now here with us and we must use it correctly. I therefore, implore fellow Delegates to debate this issue of citizenship with maturity and sincerity. As far as the grant of citizenship to any child below the age of seven who will be found in Uganda, but who does not know his parents, is concerned, my instructions, I stand opposed to it vehemently. We have never picked up such a child in Maruzi. In any case, we believe that, that child should be treated in the same manner that the child about the age of seven and below the age of 21 would be treated if found without parents because they are all children. As to whether an adopted child who is below 16 should be given automatic citizenship we say, let Ugandans adopt children locally because we are already having too many orphans here. The whole country is littered with orphans. If this problem arises in 50 years' time an Amendment could be made by those who will be alive. I will not be there.

Land - The people of Maruzi state categorically that they want most of the land to be decentralised, so that each Region or District will control all its land and issue titles for it. *(Applause)* The only land that we want to remain with Central Government is Forestry land, National Parks, Game Reserves, Mines and Water ways such as lakes and rivers. We do not agree with proposals that the land should be distributed more or less equally to all people. People invest in different projects and land is another form of investment. If we are to divide all land equally, then we must also divide all factories, all cars, buses, lorries and all shops equally. *(Applause)* Besides, why should land be given to those who have run away from land in order to loiter around in towns.

The Constitution: I have heard some Members claim that this is the first time the people of Uganda have had a chance to write their own Constitution and that the 1962 Constitution was written by a few hand-

picked individuals. Nothing could be more erroneous. Secondly, we joined early because there were no brave elderly people and women to support Ignatius Musaaazi. Some of your fathers and grandfathers were there but we did not see them in the arena.

The 1967 Constitution was indeed a misnomer. It should have remained the 1962 as amended because all that was done was that two major amendments were made. The first dealing with the Executive powers which was amended by transferring power from the Executive Prime Minister to an Executive President and by combining the functions of the Prime Minister and those of the ceremonial President and conferring it on the Executive President. The second Amendment was by removing the federal relations from the kingdoms and Busoga in order to bring all local governments at par in unitary relationships with the Central Government.

Although many people have condemned the manner in which the amendments were done, more later amendments have been made on that Constitution. All the same the 1962 Constitution and 1967 Constitutions are still going strong like Johnny Walker. I am surprised, Sir, to hear some Members of this Assembly and others outside say that it is wrong for Members of the CA to form caucuses. But common sense will show anybody that is not practicable to settle all outstanding issues in the plenary session of 300 Members. In all big Conferences there are bound to be caucuses and at the UNO, OAU, FAO - there are caucuses and lobbies. Even in Parliament there is a hall area called, the lobby, which is for lobbying. Caucuses help two more groups to iron out their differences. This system helps or benefits the whole Conference by saving time. So we shall continue with our caucuses wily nilly.

On no occasion except when the President is being impeached, should anybody who is not elected by Parliament preside over the Parliament. We advise this Assembly to examine the question of recalling non-performing Members with care. On the face of it, it may look very democratic and on the other it could be ruin of democracy. By the time the Member is elected, he leaves behind enough percentage of voters to recall him. Secondly, an interesting party such as an incumbent Government may seek to remove its opponents from Parliament by buying voters in their Constituencies to recall them.

Thirdly, a foreign power that would like to topple any Government could buy the voters in several constitu-

encies to recall enough members to make the party in power lose its majority. So, the recalling of members, is a double edged weapon. Look out! Quite often Constituents are told that their member is not performing well because he is not building schools, dispensaries, roads, this and that. But this is a fallacy. Members should not take part in executive function. This breeds corruption and absolves the executive arm from its responsibility. Parliament should not fall together with a failing executive.

So, the only time when an MP should be blamed is if he fails to represent his people's views in Parliament by speaking out. We take the proposal that since 18 year old youths are allowed to vote; an 18 year old youth should qualify to be the President as a joke in bad taste. We are used to be ruled by a Council of Elders. Maybe the Youth will elect an 18 year old President after AIDS has wiped out all their elders. Those who argue that a presidential candidate should hold a University Degree are misdirected. A level is more than enough because education is continuous. Any able man who might have not gone to University for want of school fees or any other reason could develop himself by reading on his own to the extent that he can actually become better than a University graduate or somebody might rise through the Army or through the Civil Service to the level of becoming the President. So, we do not support the idea of a University Degree. This is not a clerical job. We say this because history is bound example of leaders who have not seen the gates of the University. The Great Winston Churchill of Britain never went to University but he educated himself through journalism and developed. The late Indira Ghandi of India; the former President of Zambia, Kenneth Kaunda; President Moi of Kenya are some good living examples.

Since we are hurrying to guarantee further separation of powers, all judicial bodies, or bodies which Chairmen are to be Judges of the High Court or senior Lawyers should be appointed by the same Judicial Service Commission. This would include Human Rights Commission; Electoral Commission and Constitutional Court. We are convinced that there is a clear need for an independent Constitutional court separate from the High Court. Such a court would have jurisdiction over the following: abuse of office; corruption; nepotism; misuse of public property; misuse of public funds; embezzlement; dispute between local governments and Central Government; dispute between the Centre and State Organs. This arrangement will make the work

of the IGG redundant. So, it should be scrapped. And its functions should be transferred to the Human Rights Commission. Similarly, once there is a constitutional court, it is not necessary to have another body looking at the cases arising from the leadership code. The Human Rights Commission should perform the investigative and prosecuting functions while the Constitutional court does the hearing and settlement.

We support decentralisation to all local Governments. The problem with *ebnyaffe* now is that of secret deals and lack of sincerity and mistrust or abuse of trust. In other words, what was conceived as a trick are now caught up with the authors. The result is that we are now hearing speeches very similar to what we used to hear during the late 1950s and early 1960s. I fear that we may be heading towards a deadly stalemate. I would like to appeal to both the NRM and Baganda to approach the matter with open hearts and discuss the matter frankly so as to reduce the political temperature which seems to be building up slowly. On our part it appears that the compromising solution can be found in drawing out two more schedules in addition to the one proposed in the Draft. The first schedule would therefore, be what is already in the Draft. The second schedule would be for local government, for example the county and the third schedule will be called concurrent. It is this concurrent schedule that will be left to a middle government whether it is called a region or a district. Thank you.

**THE CHAIRMAN:** Thank you, Hon. Adoko Nekyon for your contribution to the Debate this afternoon.

**MR. KARUHANGA (Nyabushozi County, Mbarara):** Thank you, Mr. Chairman, Distinguished Hon. Delegates, I represent a county called Nyabushozi. It is the gate-way to Ankole and to the Western part of this county. When you cross Buganda at Lyantonde, you drive all the way to about 15 or 20 Kilometres before getting to Mbarara and then you get out of Nyabushozi. Nyabushozi is probably well known now here in the hall since we have been talking about it in the past, in regard to gerrymandering of Constituency boundaries and other matters. Nyabushozi is the land of milk, meat and honey. It is probably the county with the largest number of cattle herds and the people there mainly concentrate on serving your plates at lunch and dinner with meat and milk in your cups. There is a

national park in Nyabushozi called Lake Mburo National Park and it is one of the parks with one of the rarest animals and the closest National Park to Kampala. You are all very welcome. The people there are hospitable and they have asked me, and I said this before, to invite you, Mr. Chairman and Distinguished Delegates, to come and visit and partake of some of those items I have talked about. Thank you very much.

Mr. Chairman, as I said the people of Nyabushozi send their greetings to this Assembly and they command me to inform this august Assembly that they would like to have peace, life, liberty and happiness for themselves and for the entire country, when this exercise is through. Such is the nature of my mandate here. My contribution to this debate must be seen in the light of that mandate only. 'Isha-Allah' Before I delve into my own contribution, there is one thing which I have to mention - I think with the permission of Hon. Nekyon. I think he raised some of the matters especially touching in the District where I come from and the area where I come from - Ankole. Where he said that the 10 NRA Delegates who are here are from Ankole. Four of them out of six in the West are from Ankole. As you know, Ankole is comprised of three districts namely, Ntungamo, Bushenyi and Mbarara. Now, I would like to read you the list of the ten Delegates from the NRA who are here and tell you where they come from so that Hon. Nekyon may take advantage of accurate information. Major General Tinyefunza from Sembabule; Major General Mugisha Muntu from Ntungamo - the only one from Ankole is Major General Mugisha Muntu from Ntungamo. Nobody from Bushenyi, nobody from Mbarara. Jim Muhwezi is from Rukungiri; Lt. Col. Kiiza Besigye - from Rukungiri; Lt. Col. Sserwanga Lwanga Sse Island; Lt. Col. J.J. Odong - Soroti; Maj. Gen. Odonga Amaza Madi; Maj. Gyagenda Kibirango - Kyadondo; Maj. Aronda - Rukungiri; Lt. Nobel Mayombo - Fort Portal, Kabarole; There is only one person from Ankole. Just one person. (Applause) Please Hon. Nekyon when you finally get to Maruzi, inform those people that you were mistaken in your contribution. (Applause)

I have also listened to more contribution from Hon. Nekyon. This is not my first time to hear words out of the mouth of Hon. Nekyon. I have been listening to him since 1989 in NRC. If there is a medal for someone who is a teacher and preaches tribalism in this country, Hon. Nekyon should be able to have

one on his grave. *(Applause)*- that 'here is a man with a cause.' Every time you are talking in the NRC or here, he is telling you about- 'I met a muntu. I met a Nilotic, I met a catholic'. This preaching of hatred and tribalism in this House is an old story and it must end. I appeal to the Hon. Delegates, *(Applause)* Let us start a new chapter in our country.

**PROF. NABUDERE:** Point of Order. Is hon. Karuhanga in order to begin his speech by attacking another Delegate instead of presenting views of his own Constituency.

**THE CHAIRMAN:** What we are conducting is a debate. We are calling it a general debate. So, *(Applause)* Members are free to make reference to speeches already made by others. That is why we are calling it a general debate but they are not entitled to misquote or put words in mouths of those whom they are quoting.

**MR. NEKYON:** Point of Order. Mr. Chairman, is it in order for the Hon. Member on the Floor to say that I had misled the House, when he knows that those four people are actually Banyankole, irrespective of where they come from? *(Interjections)*

**THE CHAIRMAN:** As far as the analysis went, there was one Munyakole. The others seem to have come from other districts.

**MR. WACHA:** Point of Order. I respect Hon. Karuhanga, but is he in order, Mr. Chairman, to call another Member of this House a tribalist?

**THE CHAIRMAN:** No, no, it will not be in order to call him a tribalist but I did not hear him properly say that. I thought he said he was referring to tribal sentiments. But - *(Applause)*- maybe he can clarify. Hon. Karuhanga, can you clarify what you really meant?

**MR. KARUHANGA:** Thank you Mr. Chairman. That is exactly what I said. I said that he was sowing seeds of tribalism and hatred. Now, my contribution.

I want to talk about the Constitution. In our view, Mr. Chairman, Ugandans have embarked on an unprecedented method of creating a Constitution. No where in the world has there ever been a Consultation of the views of the people to the extent to which NRM has done for our people - no where in world. This is the

first time *(Applause)*- in the history of Constitution making, for all the people to be consulted about what they want their Constitution to look like. Napoleon, when creating the Code De Ville, which up to now rules the French people, he used jurists and Professors of Law, like my friend Kanyeihamba. Namibia, recently, came with their Constitution from the Bush. What the NRM has done, has earned it a place in history, making Uganda a laboratory for Constitutional students and future Constitutional people - with interest in studying Constitutions. For this, we in Nyabushozi, salute the National Resistance Movement Government. *(Applause)* Thank you.

**MR. OKENY T.:** Point of Order. Mr. Chairman, is the Hon. Member, before the House now, in order to deceive or to mislead this House by stating that this is the first of its kind that the Constitution is being made after consultation of the entire country, while it is not true? You read before you, Hon. Members, my paper in which I have stated and nobody has come out here to deny it that I was the Chairman during the White Committee - I think it was the case throughout the districts. The Districts Committees were set and they had to go all round the country and the White Committee went and collected the views from them. That was the basis of making the 1962 Constitution. Therefore, Mr. Chairman - is it in order to mislead this country to forget the history of this country?

**THE CHAIRMAN:** I will take it that Hon. Karuhanga has benefitted from this additional information you have given him, so that he can proceed on that basis.

**MR. KARUHANGA:** Mr. Chairman, although you have called that information - which it is; I hope you will take my time into account.

Elections. The elections based on the movement system were highly competitive, except in three cases of people who passed unopposed but generally speaking, all shades of the rainbow in our politics are truly reflected in this hall today. *(Applause)* The level of frankness in this Assembly, the freedom for Delegates to say what they want without fear, has been exciting for me to see. In fact, in my view, it seems to me that this is now the bush war of the elite who have been disturbing the peasants with wars. *(Applause)* I hope when we are through with our war, we shall give peasants peace and give them a good Constitution.

Whenever, my country Uganda is mentioned in conversation by people abroad, the image given is invariably that of Amin, AIDS, wars, blood, etc. In fact, my friend, Hon. Kyemba while in exile, wrote a book - 'The State of Blood', meaning Uganda. Yet, we have a wonderful country. Uganda has a comparative advantage over many other countries. It has an excellent mild climate with no extremes of temperatures throughout the year. It has very good people who are frank, open and hospitable. It has a rich and fertile soil. The second largest fresh water lake in the world is found here. It is endowed with plenty of food and should not have to import food or face famine, like we were treated by the Usuk Delegate, this morning. Sir Winston Churchill in his paper, which he wrote in 1908 titled - 'My African Journey', wrote and I quote the whole text which my friend Hon. Wanendeya gave me as a poster two years ago - it reads - *The African Pearl. My journey is at an end. The tale is told and the reader who has followed so faithfully and so far has the right to ask what message I bring back from Africa. It can be stated in these words - Concentrate upon Uganda but it is alive by itself, it is vital and in my view, in spite of its insects and diseases, it ought in the course of time to become the prosperous of all our East and Central African possessions and perhaps the financial driving wheel of all this part of the world. My counsel, plainly is, concentrate on Uganda. No where else in Africa will so little money go so far. No where else will the result be more brilliant, more substantial or more rapidly realised. Uganda is from end to end one beautiful garden where the staple food of the people grows almost without labour. Does it not sound like a paradise on earth? It is the Pearl of Africa. - Winston Churchill, 1908.* What went wrong to our country? (Interruptions)

**MR. WANENDEYA:** Thank you very much Chairman and I thank my friend Elly Karuhanga for yielding the Floor. Mr. Chairman, I would like to inform the Hon. that, that is true and not only true but I have written a poem about our country. (Laughter) Not only that, Mr. Chairman, I have also written another version of our National Anthem and I hope to avail this to Members for scrutiny and hopefully, appreciation. I thank you

**THE CHAIRMAN:** Hon. Members, I think like we agreed earlier that we should desist from unnecessary interruptions. Please go on.

**MR. KARUHANGA:** Mr. Chairman, since Hon. Wanendeya took the Floor without my permission - I think you also remember my time.

What went wrong, if our country is so beautiful, if it is such a garden? If it is the Pearl of Africa? The leaders of our country let us down. Now, this is the time, let us not let the people who elected us down. Let us break the vicious circle of armed struggle. The vicious circle of shame. Let us stop preaching tribalism. Let us be different from those leaders that Hon. Nekyon was reading out. I appeal to you, the next generation, fellow Ugandans, let us do our bit now by writing a constitution that can make Uganda a winning nation, not a losing nation. Let us try to shed off our ill biases and old fashioned ideas of hatred and tribalism. Let us face the reality and leave our next generation - our children, with a Constitution that we shall be well remembered for. Let us put future leaders in their proper place. Let us bind them and restrict them from abusing their trust again. I am appealing to you to bear in mind seven (7) points when making a Constitution:

- 1) There is always a tendency of the Executive, whether it is the movement government or party government to accumulate power at the expense of other branches of the government, like the Parliament and the Judiciary. Bear that in mind and let us concretise it in the Constitution.
- 2) Maintain civilian control over the military establishment and keep them integrated into a larger society, whether in movement or party. The army and intelligence are capable of getting out of hand. Therefore, it was a good thing to have the army in this Assembly and it will be good to have a Parliamentary Committee in Parliament to look after our security and our army. I accept the proposals in the Constitution, that they should also participate in the promotions and the welfare of the army.
- 3) The tendency of politicians whether in the movement or in the party - when they are in control of government to use the taxing and spending power of government to maintain themselves in office. (Applause) Therefore, there has to be regular elections which are not rigged. The elections which UPC was about to stage in 1985, were a big sham. At least, in 1980, although they rigged the Constituencies, although loudly Muwanga came out and read out his list of MPs, in 1985, I was surprised to see that DP was still running for elections. That is why it explains why DP leaders had to go and work with Lutwa. Because they were already fixed in a corner.

**MR. KUTESA S:** Thank you Mr. Chairman and I thank Hon. Karuhanga for yielding the Floor to me to give him information. The information I would like to give Hon. Karuhanga is that - in 1985, soon after the coup, when I was in Lutwa's government, a consignment of pistols arrived in this country, earmarked 'Election materials'. Thank you.

**MR. KARUHANGA:** I just wanted that point to sink.

4) Making this Constitution, please find the right balance between individual rights and community interests. This is very important.

5) For ethnically diverse communities, like ours, find the right balance for respect for each group's rights, preserve its heritage and refine its culture without one dictating the culture or lack of it to the other.

6) Find a way of how to push government activity down to the grassroots where ordinary people can readily understand, easily reach, participate and control it while retaining at the centre sufficient authority to carry out functions that cannot be carried out in the efficient and fair way. Resist the temptation of creating another centre in between the centre and the people.

7) How to mention and incorporate international law into the national legal system so that courts can help the state to meet its international obligations.

If we take these points in mind, we will give our people a very good document and the next generation will be happy with us.

I cannot deal with all the chapters because of the limited time. Therefore, I want to take a few, namely, Traditional Leaders, Political System, Proportional Representation, Women and other marginalised groups, President's powers and if chance permits - The National Council of State and Land. When I end my speech, I will take you on an imagined scenario.

Mr. Chairman, I now wish to turn to the question of Traditional Rulers. Mr. Chairman, the people I represent would like to see in a Bill of Human Rights a statement that, *'Ugandans wherever they are, are free to enjoy their culture, the culture of their choice and those who wish to revive their cultural institutions and cultural kings, should be at liberty to do so while those who wish to practice or abstain from it, are free to do so'. Equally, those who want to revive that culture must not stop those who do not want it to abstain.* (Applause) I accept Hon. Bidandi Ssali's (Interjection) - I will fight hard to make sure

that those who do not want Kingdoms, enjoy that right. Likewise, I will fight very hard to make sure that those who want kingdoms, will have them. (Applause) The purpose of our being here, is to make all our people happy. There has to be harmony and we must do things equally. The law must never discriminate anybody. (Applause) If you write a Constitution, avoid double standards. (Applause)

Now, Hon. Bidandi Ssali made a point. He wanted to remove Article 279 from that Chapter with some Amendments and bring it to Article 64. That is how I understood, whether he said those words or not but - (Interjection) - Article 64, : So that, these rights are enshrined in the constitution under Chapter of Human Rights because in Article 279, I think it is Section 5, there is a saying that, Parliament will make the laws to enable this happen. What has parliament got to do with my culture? Just ignore this, stop agitating for that Article, if you are interested in your culture. Enshrine the thing in the Human rights and nobody will ever disturb you. (Applause) Now, my time, Mr. Chairman!

I want to say something to my friends from Buganda who are interested in Federal. (Interruption) I would like my friends to listen to me carefully. As you know, I cherish these institutions and I am sure that when I speak, you have no doubt to suspect that I have got another hidden agenda somewhere; but I have a premonition. I see people encouraging you into federal and I ask myself why? Please, accept decentralisation at the district level. Let the money which comes from the Central Government go to our districts. The districts are nearer to our people. If a district or a county wants to have a social occasion with another district, a cultural occasion or a disaster has taken place and they want to amalgamate economically to solve the disaster or put up a road together, they are free to do so. Try and remain in line with your cultural interests. Do not come out and become the target of attack. (Applause) If you want to change the name of your district or your county, feel free to do so, but drop federal and take decentralisation. (Applause)

Marginalised groups. The speech of Hon. Matembe and other Hon. Delegates who have talked about the women interests, widows, youth, orphans disabled, the aged and the minorities. I associate with, completely. (Applause) - Never again, should any sector of our people be exploited by another; marginalised and discriminated against by another. We should

adopt the wording in the 1991 Polish Constitution Article 78 and the new South African Constitution which establishes a Commission for Gender equality. I will move Amendments accordingly because I had not heard anybody bringing this one. *(Applause)*

On minorities. This country is faced with many a minority group. There are people who do not even appear in our Schedule. This is dangerous because somewhere in the Constitution, they say that those who want to vote will either be those who appear in the Schedule or those who are registered or something like that. Let all our ethnic tribes be mentioned in the Schedule. *(Applause)* What are we avoiding? Paper? Why? This is the richness of our culture. The Delegates who have unmentioned tribes in their counties, please bring them out, let them be written in the Schedule. *(Applause)* Because when we decentralise and the minorities in those places in the district cannot even form an organisation to elect the person to the District Council, they will be marginalised. It can be dangerous. Some of our few people can become unhappy throughout the rest of their lives and their descendants. Let us guard against that. When the time comes, I will move something about the minorities.

Now, I go to main subject of my contribution. The matter of preferred political system. *(Interruption)*

**MAJ. GEN. TINYEFUNZA:** Point of Clarification. Thank you Mr. Chairman and the Hon. Member on the Floor. Mr. Chairman, I seek clarification from the Speaker to clear my mind on this topic before he leaves it which he was talking about the traditional leaders. Since he comes from Ankole, I want Clarification from him. Previously, I heard that the issue of *Omugabe* in Ankole was closed. That was stated by Hon. Kajjuka here. Just a short while ago, I heard another Speaker from Ankole, Hon. Gumisiriza (Lt.), saying that for them the *Omugabe* issue is irrelevant in Ankole. Now, you come from Ankole, I want to know your views. Is it closed, is it irrelevant? You are glossing over it, can you clarify to me? Thank you Mr. Chairman. *(Laughter)*

**MR. KARUHANGA:** Mr. Chairman, I am sorry that I accepted the Point of Clarification before your consent. I would like to clarify and I think to the benefit of Members, I would like you to know and take into account the character of Banyankole because this has not been able to come out. I would like

you to know that Banyankole are a diverse people. They are a great people. This country should be happy to have them in Uganda. *(Laughter)* The Banyankole are always involved in controversies. During the time of any era, if you mention - I am sorry that Hon. Nekyon has gone out because he is very good in history. He would have told you what goes on. Let me take the recent one which I know. You remember when Amin was being removed in 1979, the Banyankole next to the home of Hon. Kajjuka at Itendero thought that the Muslims were the problems of Uganda. So, they started cutting them - Iterahamwe style. Those Muslims who managed to run - they went to their homes and burnt them. When they finished the homes, they started cutting their banana plantations and the cows which were left in the Kraals, they came and cut and chopped off their legs. Some of those Muslims are now in Nyabushozi and in fact, one of them runs the only bus we have in Nyabushozi, as a refugee. Yet, if you remember, in Amin's regime, very many Banyankole were participating in it. Leave Amin, come to Obote. The people who brought Obote's downfall in his cabinet and really who brought a bad name to him, came from Ankole, most of them. For example Bushenyi is in Ankole and that is where the party used to take place. At the same time, it was Banyankole in the Bush fighting Obote. Mr. Chairman, I could go on -

The other day, during an NRC session, Hon. Kanyomozi stood up and attacked Kweronda and his supporters that they are carrying out a cleaning up system in Kajjara for people who did not vote him. Yet, you know that these elections were very peaceful and the only person in the west unopposed came from Ankole - Hon. Nasasira. Yet, where we heard a person dying because of elections was in Ntungamo in Hon. Rukutana's Constituency which is also in Ankole. So, we always have extreme situations in Ankole and after a while we combine and we move on. Now, it is the same people in Ankole who were in NRC who brought the Bill to reinstate the Bagabe. Then, the Banyankole went in RC 1 and got to Rwakitura and said they did not want the *Omugabe*. You are beyond that, we are a peaceful, happy country for everybody. The people of Nyabushozi want *Omugabe*. *(Applause)* Therefore, when you are listening to Banyankole talking, it is part and parcel of our human rights situation. *(Laughter)* I do not know whether I have satisfied the members - but I could go on.

Preferred Political system, Mr. Chairman. We should accept sovereignty of our people. Let the people's wishes be respected. I want to ask people who are clamouring for multi parties here - Mr. Chairman, I do not see people settled.

**THE CHAIRMAN:** Order. The Member for part of Kalungu is causing a problem on that side. Order.

**MR. KARUHANGA:** In the Odoki Commission if people had come out and had said that they wanted political parties, would anybody raise any objection? If the people, when they were consulting, said they wanted multi parties, would we be talking saying no, no? We would not! Because we want (at least not for me) to respect the wishes of the people. Who is now talking? The people have said they want the movement. Then we are saying that universally, where they want multiparty. You go there. *(Applause)* Mr. Chairman, the people of Uganda have spoken. We are only 284 people here, each one of us actually faced a stiff competition except those three people who came here unopposed and we can easily be replaced. We are not holding the population at ransom. Bear this in mind. So, when you are talking multiparty business, you know you are talking against the people's wishes. *(Applause)* Now, I tried to ask myself - Why is it that the people of Uganda have come out to support the movement type of system?

**MR. NYAI:** Point of Order. Thank you, Mr. Chairman and thank you very much the Hon. Member holding the Floor. Mr. Chairman, is the Hon. Member holding the Floor in order to assume and impute that the minority opinion, if it is minority should leave this country and go elsewhere? Is he in order, Mr. Chairman?

**THE CHAIRMAN:** Did he say that they should leave the country or should go where their views coincide?

**MR. NYAI:** Mr. Chairman, I believe that going away, means living the country, Sir.

**THE CHAIRMAN:** Hon. Member, continue.

**MR. KARUHANGA:** Mr. Chairman - *(Interruption)*

**MR. WACHA:** Point of Order. I wanted to insist on this Point of Order but I think it is material. Mr.

Chairman, the people who sent me here as a Delegate, directed me to come from Oyam North and state specifically their wishes and one of their wishes Sir, was that they want multiparty. Is the Hon. Member, my best friend Hon. Karuhanga, in order to state that the people of Oyam North should go away? *(Laughter)* Where should they go?

**THE CHAIRMAN:** Hon. Karuhanga seems not to have known or maybe he was not present when you presented the views of Oyam but now he is informed and will take that into account when he makes his...*(Laughter)*

**MR. KARUHANGA:** Thank you Mr. Chairman. My friend Dick Nyai used to work for 'The people' I was saying - 'The People' newspaper in those days. And I was just saying what the people now wish and for my friend Ben Wacha please stay, there is no way I could live happily here without you. The only thing now is to find out which political system we should live under and what style of government we should have. That is all we should discuss. I have found out that the people of Uganda wish to have the movement system government for good reasons and I tried to find out from them what these reasons were and I would like to tell you these reasons.

1) The movement system has a way it incorporates all Ugandans in political decisions. Look at what we are doing here! We are all here. Are we not? That is one very good reason they have. *(Applause)* But in the party, you have your party, I have my party. We all enjoy our parties there.

2) Given the post colonial history, plus the civil wars of 1964 to 1994, there is need for consensus politics rather than confrontation politics of parties. Consensus politics consolidates national unity and renewal. Those years of - they were called '30 years of bananas'. We are tired of having bananas. Now, we want to have another diet. Please allow the people to enjoy another diet.

3) We need participatory democracy as it has taken place under the RC system, where every villager or every villager elects its or his government by consensus than village competition of parties which harass the opposition at the village level after winning elections and this has helped to harness resources at the lowest level and bring equitable sharing of these resources. Therefore, equal development throughout the country can be achieved, since everybody including partisans would be participating. The parties have discredited themselves: it is not the fault of the people! It is the fault of the leaders of those

parties which discredited themselves. The parties are inept and Ugandans are averse to them, especially women. They are scared of these parties. (Applause) The youth are scared of having parties! (Applause) Then the marginalised groups - were always ignored because they did not constitute a sufficient number for votes. (Applause) So, anybody who is interested in the future with hope and wants peace and stability, he will avoid the parties now.

4) The last point which they like the movement for is that when they look at our parties, they do not have any ideological difference to justify their existence. Save, for relying on tribal and religious sentiments for support. Recently, in Malawi, there were three parties in Malawi. One man who stood came from the North, another one from the centre, another one from the South. The one who appeared on CNN, who had come out of jail was from the North. But the North had a small population. The central had a small population. The unknown came from the South and had the biggest population and he won the elections with his tribe. The same happened in Kenya, in Nigeria, in Togo, in Ethiopia, in Djibouti, in Somalia, in Burundi, in Angola. Even they held elections and just defied them. Even the Zulus in South Africa recently, ganged up and started cheating the votes there. Consequently, the party history is characterised by all sorts of things, including murder, hatred and they bring national shame to the whole of Africa, not just to Uganda. So, you may find that the movement system, if you polish it here - I would like us to polish the movement system because it has given us some peace for a few years. So, if you can polish it here, and not in Parliament as suggested in the Draft, I think it might be adopted by other African states which are still in trouble and countries like Rwanda, like Somalia, like Nigeria, like Kenya, Sudan, Zaire, Burundi, Mwalimu, Angola, can actually come out of their miseries, if they adopted a clean movement type of system - if we now work hard had to make it saleable. (Applause)

**MR. AWORI:** Point of Order. Is it in order for the Hon. Delegate on the Floor to refer to Head of State in Malawi as an unknown person?

**THE CHAIRMAN:** I think he referred to him at the point when he was a candidate.

**MR. AWORI:** He won. He said, somebody who was not known won. In other words he is referring to the person who had won.

**THE CHAIRMAN:** That is a fact but what happens is that - (Applause) - he cannot make references to him in any other form because our rules do not allow. But at that stage he was developing a point.

**MR. KARUHANGA:** Mr. Chairman, pushing multi parties now, is like trying to start a stalled car on a highway where there is traffic. We cannot start the engine because the battery is dead, we cannot charge the battery because the engine will not run. So, now the parties really stalled. Despite the radical rhetoric of Universalism, the party is definitely stalled. Ugandans have been antagonised and bored by the parties. Let us clean our acts before we resume party activities. Let us go back to parties with caution. (Applause) Many nations have regulated the conduct of political parties because they were tired of them. In order to preserve national unity - I give you a few examples. Switzerland, Solinam, Israel, Brazil, and many others including the United States of America. I want to say something about United States of America which is the vanguard of democracy and multi partyism or so. But I want to tell you what happened when they were discussing the Constitution in America. On the 17th of September, 1787, after 4 months or 16 weeks of the deliberations, the Constituent Assembly Delegates of USA, at Philadelphia passed their Constitution. What did they say about parties. I want to give you some of what they said. *The framers of the American Constitution, the CA Delegates tried to resist and inhibit the rise of strong political parties. That the CADS of the American Constitution feared and loathed something called party, is not in doubt.* David Hume, one of the Delegates, a thinker who had a marked influence on American leaders, especially Mudson, wrote of parties in general like this *That the founders of sects and factions ought to be detested and hated. When men act in factions, they opt to neglect all ties of honour and morality in order to serve the party.* More condemnation came from another Delegate by the name of Bowling Brook. He wrote, *Party is a political evil and the faction is the worst of all evils.* Jodd Adams said *Parties destroy all sense and understanding, all equity and humanity, all memory and regard truth - all virtue, honour, decorum and galaxy.* CADs feared that parties would spout disunity, ignore the interest of the whole, for the sake of the party; arouse biased emotions among members and supporters; lead to greedy, brutish behaviour; reward cunning, and ultimately produce disorder and tyranny. (Applause) (Interruption) Let me give him another quotation before he gives me information.

**THE CHAIRMAN:** No, but you cannot anticipate what he is going to say. I think let him say what he wants to say and then we shall see.

**MR. KARUHANGA:** But Mr. Chairman, can I just finish this -

**THE CHAIRMAN:** Go ahead.

**MR. KARUHANGA:** According to another CAD. by the name of J.H. Plump *'Parties would father or mother conspiracy and rebellion, treason and plot.'* All the brilliant American Presidents who were CADs, like Hamilton, Adams, Jefferson and Madison. had unanimously condemned parties in the same way as some of us do here. There is a serious Code of Conduct in the United States to regulate the conduct of parties. These are observed religiously. Party formation in the United States started reluctantly, very cautiously and in stages and this was after many years after their Constitution. In 1897. George Washington made a fare well address and I quote the readings from 'World Politics' on Page 563 - this is the President who had been leading America for 8 years without parties and he started his fare-well address. I want to read it for you. *'Friends and fellow citizens, I have already intimated to you the dangers of parties in the States, with particular reference to founding them on geographical discrimination. Let me now, take a more comprehensive view and warn you in the most solemn manner against the dreadful effects of the spirit of the party. Generally the alternate domination of one faction over another, sharpened by the spirit of revenge which with different edges and country has perpetuated the most horrid enormities, is itself a frightful despotism. But this leads to a more formal and permanent despotism. Sooner or later the chief of some prevailing faction turns to the purpose of his own elevation on the ruins of public liberty. The spirit of the party are sufficient to make it the interest and duty wise people to discourage and restrain parties. A party, serves always to destruct public council and a feeble public administration. It agitates the community with ill founded jealousies... Kindles the animosity of one part against another; ferments, occasional riots and resurrection; It opens the door to foreign influence and corruption. (Applause) which finds a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another. Parties are a spirit not to be encouraged.'*

**MR. KITARIKO:** Mr. Chairman, I liked the reading by the Speaker holding the Floor. Some of those were extremist CADs like Banyankole are. The parties are here to stay.

**THE CHAIRMAN:** I think Hon. Karuhanga is now in injury time and I think we should let him - We agreed not interrupt each other much.

**MR. KARUHANGA:** Mr. Chairman, George Washington after eight years as president, saying he was fed up of parties which had emerged, refused to stand for a second term. He withdraw because parties were just becoming too much. Mr. Chairman, this explains why political parties are not mentioned anywhere in the American Constitution to the present day as we speak. There were no political parties when the Constitution was adopted; they were regarded as bad by the revered CADs there. The people have not yet demanded for parties. Our people here are asking for five years. Incidentally, Mr. Chairman, according to the 'Book of States 1888 - 89' Volume 27, Page 89, the State of Nebraska - one of the fifty states in the United States took heed of the advice of those CADs and rejected multi parties up to today. Nebraska, a State in United States of America is governed without political parties and is a none partisan State. It is very much akin to the Present Uganda under the NRM broad based, no party system. A Legislator is voted for his goodness and ability by the public. Nebraska comprises of various interests. For people who like parties - please study Nebraska in America. The movement need not be for five years to come only, if we polish it, we can sell it and it can be for another ten years and more. (Applause) Nebraska has had a movement type of government for 214 years. (Applause)

Fellow Delegates, you may not know, but this might be the model of the future. Sir Winston Churchill said not in a joking mood, as there was no need for him to joke about it; he said *'The multi party democracy was the worst form of government'* (Laughter) except that he did not know of any other. (Laughter) So, now if Churchill knew about this one. Let me tell you something about what has happened recently in the Council of Rome, in the latest report which has been published - it is called the Global Revolution, recently published. They say *'Which form of democracy we are searching for and whose purpose is it intended to serve?'* That was the question by Europeans. In the way democ-

racism is practiced today, it is not necessarily well equipped to tackle our difficult present and future problems. The activities of political parties centre so much around elections dates and rivalries. The parties sometimes undermine and weaken the same democracy it purports to poster. The Europeans were saying in Rome, the continuous quarrels give impression that the self interest of parties are highly valued than national interests. Political strategies and tactics appear more important than national interests. The people of Nyabushozi would like to accept what the Council of Rome has decided on this. *(Applause)* An old man told me in Nyabushozi that if we introduce parties again we should wait for him to die and he said he would die. Please save my old man. There is an incapable reality in Uganda that the RC system has brought each household closer to a democratic government and a democratic dream than any other time in history. Trying to force a type of imported democracy because it works universally somewhere will be a sheer waste of time. *(Interruption)*

**MR. OBUA:** Point of Order. Mr. Chairman, the Hon. Member on the Floor has just misquoted Churchill. What Churchill said was that - multi party democracy was the worst form of democracy but he did not know any other better form. Is it in order for the Hon. gentleman on the Floor to mislead the House by misquoting Winston Churchill?

**THE CHAIRMAN:** If what you say is correct, then the Member will adjust his selective quotations so that he makes it full.

**MR. KARUHANGA:** Mr. Chairman, I am very grateful to my brother's assistance because what he has actually said is summarizing what I said. That Churchill was just not aware of any other form of government but he was fed up with multiparties and I am just saying that if he knew the National Resistance Movement system of government, he would have bought it. *(Laughter)*

A little touch on proportional representation. Yesterday we were treated to a very good contribution from Hon. Ssemwogerere about proportional representation; that we should go according to proportional representation that it will discourage gerrymandering in constituencies because parties will nominate people to go to parliament for us. This is wrong. I do not accept that system and I call upon you please, to reject proportional representation in

our Constitution. For the following reasons:

- 1) It is too complicated and it is too mathematical.
- 2) it can paralyse government endlessly. I attended the elections in Holland in May this year and up to now they have not yet formed a government because they cannot find one. Previously, Netherlands, Belgium and Denmark spent one year without government because of proportional representation. Uganda cannot afford this. We do not have a strong civil service to run our country. Italy has finally dropped it after having 40 governments - a government every 12 months. Since 1945 to 94, they had 40 governments. It creates minority governments and they are unworkable. If the elections in 1980 had been held using proportional representation, the results of Muwanga having accepting them, would have had the following elections: DP would have got 60; UPC-59; UPM-5; and CP-2. So, we could have had three types of government. Either all parties together, which you know very well that it was not going to happen because UPC would not accept or DP would have worked with UPM and CP to form a little majority; or UPC and CP would have got together; or UPC and UPM would have got together and you know that was not possible. So, in fact, we would have had no government or we could have had a minority government because DP and UPC do not agree. So, we could have had a government of UPM and CP because it is happening in Europe. So, you can imagine. MPs who could have been brought, of course, after you have you now try to either reduce the majority or increase it. So, you organise motor accidents for MPs and things like that. You import things for elections which are bullets and pistols and then by elections you know what would happen to them - they will be dangerous by elections. Such things are just impossible for us; they are European things. Just leave them alone and ignore them. Can you imagine Uganda with MPs without constituencies? Why are we being asked to leave the people? Why are we being told to leave the people, come to the party and get elected. Of course, it has one advantage. It keeps the same people in power in the Party. The number one person - if there is one person to go, the number one will always go, the number two will always go and you can imagine those political party offices!

Therefore, I completely differ with Hon. Ssemwogerere and Prof. Nsibambi's contribution on this aspect and their submissions. In fact, the Uganda Think Tank Foundation organised a seminar, and Hon. Ssemwogerere was invited to give a paper, he did. I

thought through the contribution of other people, he had changed his mind; but he has not yet. Mr. Chairman, I want to advocate for a president who has a constituency. We seriously think that Presidential candidates should stand in their constituencies for Parliament. If they lose, they can at least become M.Ps. If one wins, he can resign to become a President and a new Member of Parliament can be elected. My people would like President Museveni, for example, to face an election that is free and fair in Nyabushozi and anyone wishing to contest him would be welcome, if there is no gerrymandering. I think it is wrong for us to have a president who cannot be accepted by his village mates. I support Lt. Col. Kiiza Besigye's contribution when he said that we should streamline the nomination procedures of presidential candidates so that once they qualify, then the state should fund them, protect them, avail them with media equally - so that they can campaign freely. This would be a good system under the movement system. *(Applause)* They, themselves should have a Code of Conduct which they should face. Then, I do not want to see Ministers who are not Parliamentarians. Ministers should have a Constituency, they should then become parliamentarians. People who have and take an interest in the service of people, should have ministerial responsibilities. They can be assisted with Parliamentary Secretaries like in United Kingdom to be efficient in Parliament but let us not bring uninterested people whom you pick on the street and bring in the arena of public affairs to manage public things. It is dangerous. They have no *(Applause)* interest in serving people.

Mr. Chairman, I do not like us to have this National Council of State. Please ignore it. *(Applause)* Also ignore the question of people saying elders who were former presidents should come and hang around the corridors of power. Those people can be dangerous. You have finished your job as president, go home to Rwakitura and rest there. Do not come and hang around and give the next president a hard time. Can you imagine the other day Bush was standing in the football field? When American Presidents finish their job, they go; they do not hang around. You just imagine Nyerere, Museveni or Obote hanging around. Everybody would be going to them to get. *'What do I say?'* You know how we Africans are. These people have finished their job, let them go. Let us have a Council of Parliament to solve that problem.

**LT. COL. BESIGYE:** Thank you, Mr. Chairman and the Hon. Member holding the Floor. I wanted to inform him on the question of the ministers having constituencies. My information is that ministries are actually run by Permanent Secretaries. They are the Accounting Officers of the monies we vote for government activities. Permanent Secretaries do not have any constituency any where and the Ministers who over see the performance and policy of the ministries are doing so on behalf of the President. It is the President who is ultimately accountable. If they do not perform, the President's government would have failed and the president would be answerable. I, therefore, do not think that it is necessary that ministers ought to have constituencies.

**THE CHAIRMAN:** That was arguing against his point rather than informing him.

**MR. KARUHANGA:** Mr. Chairman. *(Interruption)*-

**MR. DIDI:** Point of Information. Thank you, Mr. Chairman. The information I want to give to Hon. Karuhanga is that he should not refuse the multi parties which since this general debate started, have come away from those fixed positions. One group has come here - they are talking about the need for transitional arrangement; and when yesterday, the President of DP came here and suggested proportional representation. I think what he should now do, is not only tell this House why in our present circumstances, proportional representation cannot work because like in the case of South Africa, the ANC, the Inkatha, The Democratic Party, The National Front - we all know that they represented vast interest groups and only when they poll a certain percentage, would they qualify for cabinet. So, like in the case of Inkatha, which we all know represented the Zulu - the main plank. Having won a certain percentage, then the Zulus are entitled. So, in our case, what I think the House should understand is if you gave, just a simple example - let me say Kitgum - we know Kitgum population is about half a million. Taking the present Members in the CA, if Hon. Tiberio is in Nationalist Party and if Hon. Komakec is nationalist party, in terms of Kitgum - Kitgum must stand 50 per cent nationalist party. In terms of Uganda, National Parties might not even qualify to get the 5 per cent. So, you will find that the half million people of Kitgum under a proportional representation, may not be entitled to cabinet. Now what you need in our present circumstances is

an accommodative arrangement. let us show why in our circumstances, proportional representation will fail. Therefore, let us go direct and polish as you have said those aspects of the interim arrangement or the movement arrangement so that everything is inclusive. I think the way forward is to explain to these people - *(Interruption)*- Well that is my information. Thank you.

**THE CHAIRMAN:** Hon. Karuhanga, I do not think you should go back to those points which you had already made in relation to that. I think you should just finish what you want to say and then you go to another subject.

**MR. KARUHANGA:** Just one more point and I conclude, Mr. Chairman. This is the question of land. I think land is a very important resource for our country, and I think we should approach it very carefully. My view is that the 49 years we get lease service, leaves one question hanging: What happens on the 50th year when I am a Ugandan? Do I cease being a Ugandan? So, why do we not give you land forever and ever. It is called freehold in Legal language. That is what my people would like to have. Also we would like us to abolish the squatter title. I think the squatters were created by our governments and they are bad policies. By curving out national parks without thinking and consulting people; by having these shooting ranges, by putting too many army camps; too many prison organisations; too many gifts to people and what have you - this is how we got squatters. And this is not right. So, let us try and abolish the squatter name. The 'hibanja' holders should at least breathe fresh air of freedom. This thing hanging on them should go.

Finally, Mr. Chairman, let me wind up by inviting Members to join me on a little expedition towards imagination. Please, imagine this - a 9th day of December, 1994 - a few months from now, at the Uganda International Conference Centre. The Police, and the Army Band playing various ceremonial brass music outside. The military parade is over and the Hon. CA Delegates, the NRC Members, the Army Council, the Judiciary, the Civil Service, the Diplomatic Community enter. The District Resistance Councilors, the top Police and Prisons Brass, all seated. The Chief Justice, the Chairman of CA and His Deputy and the President and his Vice enter this hall. All of us stand for the national anthem, lavish praise on Delegates and the Chairman, the Promulgation ceremony is over and the crowd is in

the gallery and outside. The party is at Nile Gardens, a national holiday - Constitutional Day. Hon. Delegates, Mr. Chairman, visualize that day of national renewal and healing and hope and happiness and fare wells; back to our constituencies and the hopes of January 1995 to go to Parliament. Mr. Chairman, visualize that day and congratulate yourselves now in advance. *(Laughter)*

Mr. Chairman, I thank you for your wonderful job you are doing. I thank the Hon. Delegates for the frankness and the spirit of building the country together. I also thank you for listening to me. Thank you.

**THE CHAIRMAN:** Thank you Hon. Elly Karuhanga for your contribution to the general debate this afternoon. Now, Hon. Delegates we have had four speakers this afternoon and we would have achieved it. But the ninth Speaker, by the very nature of his job, was required to report elsewhere at very short notice. So, he is not available. I do not know whether I should ask for a volunteer or we retire for the day *(Interjections)* The volunteer whose name appears on the next page - I see hands of volunteers who have already spoken. *(Laughter)* Okay, Hon. Delegates, I thank you for coming and helping us to reduce our work load.

I now adjourn the Constituent Assembly to tomorrow morning 8.30. We stand adjourned. Thank you.

*(The Assembly rose at 5.55 p.m and adjourned until Friday, 5th August, 1994 at 8.30 a.m.)*