



THE REPUBLIC OF UGANDA

PROCEEDINGS OF THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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FRIDAY, 5TH AUGUST 1994

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Friday, 5th 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.

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. Delegates, I have got one announcement to make which is in form of a proposition as well, that having done a very good job in the general debate and having stayed here for quite a while, I presume we need a break to consult but also in doing so we shall be acting in accordance with the programme that was determined by the Business Committee although we have over shot it with a few days. According to that programme, we should have completed the general debate last Wednesday but that was not possible and we have now set ourselves to complete that part of our programme today. So, we shall have to work such that we make sure that we complete the general debate today. After completing the general debate it is proposed that we recess and go back to consult and resume on 16th of this month - it will be a Tuesday. This is to allow Members who come in from upcountry to arrive on Monday, particularly those who rely on public transport, say from areas as Kitgum, to be able to come in on Monday and we resume on 16th but on 16th it is also proposed that we start by holding a meeting of the Business Committee. Delegates will recollect, it was supposed to have been yesterday but that was not possible, we had to push on. So, it is proposed that we have the Business Committee meeting on 16th and because it is going to receive reports from such committees as the Legal and Drafting Committee to recommend on how we should proceed with the next stage i.e. the Consideration Stage of our business and also receive reports from other committees which may meet during recess, if the chairman of those committees so determine, then I would like to set aside the whole day of 16th for the meeting of the Business Committee and then have the first plenary on 17th so that at the plenary we shall receive reports from the Business Committee but more particularly on how we should handle the Consid-

eration Stage i.e. the consideration of the Draft Constitution article by article and if necessary maybe indicate areas where we might have to go into select committees - should it be found necessary, so that we are sensitive to the various aspects of the Draft Constitution. Then, the subsequent programme would be determined and made available when we have resumed. That is how we see the development of our work from now on from the point of view of myself, my deputy and the Commission. Unless there are any objections, and I see none, that is the proposed programme for us. Thank you. I think we go to the next item.

STATEMENTS AND PERSONAL EXPLANATIONS.

THE CHAIRMAN: Hon. Delegates, I received representations from Hon. Delegates, two of them who would like to make statements of personal explanation and another one a statement of urgent public importance. The way they appear on the Order Paper, is not the way they should be. I am changing it so that we start with the personal explanations, then we go on to a statement by Hon. Leander Komakec to be followed by our subsequent business. I would, therefore, wish to start by giving the Floor to Hon. Victoria Sekitoleko who would like to make a personal explanation and then we proceed from there. You have the Floor.

MRS. SEKITOLEKO: Thank you Mr. Chairman. When I addressed the House on Tuesday, it was approaching lunch time. In fact I remember, I started at 1.30 p.m. So, it looked like some people were tired and as a result I was misunderstood. It is unfortunate but true, one newspaper report of the local Luganda Daily called *Ngabo* did not get me well so they chose to put words into my mouth. Mr. Chairman, the paper on Page 12 says and I quote in Luganda "*Kale Kabaka ali Mu Constitution ate abera arya owekipapula? Kyendaaba bahere ne Kabaka wahwe nga tasiddwa mu Constitution era nga 'li awo nge ekifananyi*" Which translates "Therefore, how can a Kabaka in the Constitution be a paper Kabaka? The way I see it, let them have their Kabaka who should be kept out of the Constitution but should be there like a picture". Honestly, Delegates, I never said any such thing. Mr.

Chairman. I wish to say that I said and I "After that, the people of Butembe do not mind whether and were you mention them in the Constitution, but traditional leaders - Secondly, the words I used, as I told you after my definitions of the meanings of the word Constitutional and titular. I said I am going to restrict myself to three words - statutory, chartered and honorary. Honestly, by what stretch of mind can we interpret those to mean "paper" and "picture" and so on and so forth. I specifically mentioned the Kabaka twice. That is one sentence where I said and I quote "A powerful, political Kabaka of Buganda" and in another, where I said, "All that the Baganda want is a Constitutional, Titular Kabaka." Now, how does anybody interpret that to mean paper and picture? I was therefore, taken aback Mr. Chairman, when *Ngabo* newspaper said I had said the above. I wish to completely and categorically refute the report while asking, If I said it, how come nobody else, no other paper heard it? Fortunately, the official report is verbatim, and I am sure the truth will come out but until then, Mr. Chairman, I wish to request everybody, especially the media - with a cause to promote, to desist from misreporting and I wish to repeat what I said at the beginning of my speech, it is not what we say here what is important but what we hear and tell the people. Now, if the public is going to be misinformed, then I can see a problem but I shall not get tired of listening to others, reading what others say and informing my people correctly at all times. I thank you Mr. Chairman

DR. SEMOGERERE: Mr. Chairman, I have asked to have this moment to make a personal explanation because of a misreporting which appeared in the *New Vision* of yesterday about my conduct in this Chamber two days ago. The *New Vision* newspaper reported that I walked out of this Chamber, that I was also very angry at the way I was treated. I want to categorically deny this and I am glad I am saying so in the presence of the Chairperson who was chairing at that time. I do not think that was her impression either. Definitely, I did ask for more time, like many others do and I was given time to wind up and when finally I was asked to stop, I did stop I think graciously and I eventually did leave the chamber when the next contributor was making his statement, but not walking out. I just left to attend to other official duties. I did not walk out and if anybody thought I was very angry, I think he did

not know how to read my facial expression. So, I wanted to make that point very clear. That I did not walk out in protest of anything. I made my contribution, and I finished when I was asked to stop and I said thank you. I sat down for a while and later on I left to attend to other official duties. Thank you Mr. Chairman.

MR. KOMAKEC: Mr. Chairman, I would like to make this statement on a matter of National importance. Because the question I am raising is really coming partly as a statement of personal explanation but it touches on a problem which is very pertinent to the work of this Commission. Mr. Chairman, during the Constituent Assembly Debate on Thursday, on July the 21st, 1994, I was interrupted and denied the opportunity to complete the information to a question which was raised in the Assembly by a point of order moved by Hon. Major General David Tinyefuza who proceeded to say that what I was saying was a lie. Since I am no liar and I am an honourable elected Delegate of Aruu County, and the information I wish to supply is relevant to the correct understanding of the national event that has a direct bearing on the making of a Constitution for Uganda, I pray that I should be allowed to complete the information I was giving which was to the effect that the war in the North had its origin in political dissent. That being the case, the military option that the NRA has adopted, and seems bent on pursuing, are inappropriate, expensive and ultimately may fail us in the future. There is evidence to show that the conflict in Northern Uganda as in North Eastern Uganda, were caused by political mistakes made by both the government and the dissidents in those regions, and these wars have been allowed to continue in Acholi through government failure to use appropriate strategies. NRA has failed to win the local population of Acholi and the reason seems to lie in the fact that NRA practical policy towards the people of Acholi has been high-handed unjust discriminatory and punitive, thereby, preparing the ground where dissidents could sprout and operate. Now, why do I say this? The evidence I have, - I shall only cite a few. For two years, after NRA came into power in 1986, the government singled out the Acholi people and continued to portray them as the chief culprits of the wars and tragedy in the Luwero Triangle. This is evident by the fact that it was only the Acholi elders who were collected from far away in Northern Uganda and

brought down to be paraded in front of heaps of human skulls in Luwero where (*interruption*)

AN HON. DELEGATE: Point of Order. I thank you Mr. Chairman and I apologise for this interruption. But Mr. Chairman, I am finding difficulty. I suspect that the Hon. Member was allowed to make a statement under Rule 12, which says 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 a time appointed under Rule 11 but no controversial matter may be brought forward under this Rule nor may any debate rise upon such personal explanation"*. I have no doubt, Mr. Chairman, in my mind that the matter the Hon. Member is raising is a controversial one. It is a matter which has engaged us for a very long time during this general debate. He is raising his own opinion since we may not debate what he is saying. I do not know whether it is in order that he be allowed to continue with this. (*Applause*)

THE CHAIRMAN: If you had read subrule 2, you would have seen that the matter can be subject of comments for 30 minutes. So, let the Member finish, if you want to comment on it, you take advantage of sub rule 2.

MR. KOMAKEC: I was saying that given the evidence of why the action that appeared discriminatory was that it was only the Acholi who were being singled out and blamed for the tragedy in Luwero. What about discrimination? Now, when the war broke out in Teso in '87 and as it did earlier in Acholi area, the NRA used a combination of military and peaceful means to stop the rebellion in Teso. It appointed a high powered Commission of peace makers for Teso but in the case of Acholi, NRA insisted on using force. The only negotiation that NRA conducted in the area was negotiation directly under the chairmanship of the Commander in Chief. Secondly, while NRA and NRM accept responsibility for the loss of lives and of domestic animals in other parts of Uganda and promised to compensate for some of them, the Acholi people of Kitgum are to receive no consideration whatsoever for the loss they incurred during the last eight years. What the people of my constituency say is that they are Ugandans, they are not against NRM, why should they be treated differently? Evidence of what I

call punitive measures: Soon after NRA came to power in 1986, it embarked on the collection of possession of illegal guns in Acholi districts. In contrast to this, the people in certain parts of Uganda like Karamoja are allowed to own guns. I am not saying that the Acholi should own illegal guns but this is the impression that people are seeing that there is a difference. In the process of collecting these guns, many people were tortured, some were tied "three piece" like the case of Mr. Xavia Moro of Alero, of Rev. Ongom of Awach, of Mr. Okot Agira of Lagutt and Mr. Ociiti - a primary teacher of Okinga in Acholi - are examples of people who lost their lives in this process. The people of Atang Division in Aruu County perhaps have suffered the worst form of persecution and death between 1980 and 1982. On 1st April, 1991, the NRA patrol collected people from two parishes - those of Lapyen and Gem-O nyot to one area in Laguti village and after harrasing them there for the whole day, proceeded to chase away the women and children while most of the men were killed. This included the RC I Chairman, Mr. Santo Alero Oryem and his son Okongo, Mr. Kodingor, son of Lukudo, Selestino - son of Pesto Obur, Aperi son of Robert Ongaba, Ochida Kinyera son of Samwiri Kikoya, Odong son of Alexandro Ayela, Orach son of Lawrensio Oyuru, Augustine Olobo son of Ichero, Openy son of Marino lam, Obojo son of Misusera Okot. A week later, another patrol went to the home of Mr. Fenikasi Moro of Paciko, killed him in cold blood and four of his sons whose names are Ojwe, Tong, Apomo, Ojara. The same patrol proceeded to the homes of Akena at Lajeng village and killed his wife Jerodina Alok and their son Lajuk. The case of Yovan Ochaya is even more pathetic. In December, 1990, Mr. Ochaya's sons were collected and taken to the barracks, after a week, Mr. Ochaya went to enquire about his children and he was told that the children were sent to rest because they were tired, because they had been carrying luggage. The old man told officers that he also wanted to rest where upon he was actually killed. This was at Lacekocot on or about the 17th December 1990. All these cases, Mr. Chairman, I am not bringing them here for just fun. I am not trying to accuse anybody. I am trying to indicate why rebellion is still perhaps going on. I do not know. These facts of loss of life, was communicated to government in 1991 by a letter. I was one of those who wrote that letter on 14th October to the IGG, to see whether the cases can be investi-

gated. The IGG wrote back to indicate that investigations into extra judicial killings were being conducted only in Gulu but not in Kitgum. To this day, we have not got any response to our request that these deaths should have been investigated. Now, the people of Atanga were also harassed and killed by rebels. These included Sarafino Olum of Awach, Mateo Ochiti of Atanga - who actually happens to be my brother and another group killed 40 people at Pawodong in Acholibur Division. *(Interruption)* All I am saying that there is the insecurity and a lot of loss of lives of Ugandans and one person, a Karamojong cattle rustler, also killed people in the same area. *(Interruption)* I am saying Mr. Chairman, because the Karamojong killed the people like Lawrence Lowulu of Lajeng, we are condemning the Karamojong rustlers and rebels for killing innocent people in Aruu County but the NRA should also bear blame for this.

THE CHAIRMAN: Will you conclude your Statement now.

MR. KOMAKEC: The conclusion Mr. Chairman, of that statement - *(Interruption)*

THE CHAIRMAN: What do you suggest?

MR. KOMAKEC: I am suggesting that, one, because I was called a liar, this House should demand that the person who said that I was giving lies to withdraw the Statement.

THE CHAIRMAN: No, that is not the point.

MR. KOMAKEC: Secondly, the point on these atrocities, people killed by rebels, cattle rustlers and NRA in the area should be investigated, that the Constituent Assembly, perhaps, appeals to the government to open peace negotiations with any dissidents that are fighting there using both military and peaceful means as it worked in other parts of Uganda. That the people of Acholi want to be treated equally and fairly like other people because they are not against the government. They are not supporting rebels but we suggest that the policy of using military function only is inadequate.

THE CHAIRMAN: Yes. Hon. Members, in a lengthy Statement, in summary Hon. Komakechi is saying - if I understood him to be saying so, that he is asking that as we make our Constitution, in

his view, the approach to the problem in his county, with regard to the handling of the rebel situation, should be an application of both political and military means and that this may help resolve that problem there. It is urgent for him, he assured the Chair that if they were to be the case, it would enable him as a Member for Aruu to carry out consultations during his recess and so that he can carry a message home that other Ugandans are also with the same view like his, that purely military means may not be a success but that we should apply a mixed military/political. That to me was a matter which involved the lives of some Ugandans and therefore, it is urgent enough for us to consider it. The rules give us 30 minutes in which to make comments on a Statement of that nature and therefore, I will now allow Members to make comments on that.

MR. KIGAYE-BILLYAWO: I have listened attentively to the Statement and personal explanation made by Hon. Komakec. He has actually hinted on something to the effect that they have been marginalised in his area. But I would like to inform him that there is Northern Uganda Reconstruction programme, out of this programme, schools are being rehabilitated, feeder roads are being rehabilitated and so many other activities are going on in that place. Let us not continue complaining everyday when there is something in place that the government is actually doing. *(Applause)* Mr. Chairman, there is also North Eastern Restocking Programme which government has put in place. Some families are receiving some cattle - heifers, in order to replace some animals which were lost, some families have got them. I further inform this Assembly that there is also PAPSCA - this is another programme which is taking place in Northern Uganda. So, when we are here, let us try to appreciate the little that is being done by the government. Whether you are getting one iron sheet or not appreciate it. The situation in which we are, appreciate what we can possibly get. Let us not come and say we are being marginalised and the rest of it when there is something taking place in our areas. Thank you very much. *(Applause)*

MR. KISAMBWA MUGERWA: Thank you Mr. Chairman. I have sympathies with the summary you have made that as a person who has been amidst a war ravaged area, when there is such a fight, many things are bound to happen

especially where force is used. Even brothers and sisters can start accusing each other. I sympathise that the situation is bad particularly if such people are being killed in a manner he has described but it is important that we appreciate that it has taken over eight years and in between, there have been all room in a form of Presidential Amnesty which was given by the President to the rebels. When the rebels continue to kill the *Wanainchi* in the area, obviously, a responsible government cannot sit and not use force to dislodge the rebels so that you can save the rest. Mr. Chairman, I would like to make one clarification in his Statement where he has made reference to Luwero Triangle, he has the information wrong. In regarding the compensation in Luwero Triangle, the area I know very well, people contributed in different ways. Some made personal contributions, other people's property was looted or stolen and others were taken by the NRA on condition that they would be compensated. That was done on two grounds - one, that in some areas, especially cattle keepers in Ngoma, pastoralist could not leave the battle area unless their cattle are also taken. In September 1983, it became so difficult for the war to continue while *Wanainchi* were guarding cattle. So, to enable to leave in only combatants, the NRA had to promise some of these cattle keepers to give away their cattle on condition that after the war, they will be compensated and they were documented. In some respects, there were materials or bicycles and other things which the rebels then wanted to use or the guerrillas wanted to use but because it was a revolution, a people's war, on taking it by force, they promised that they would compensate for their bicycle, or vehicle or material and all these were documented. When I came to office, just about three years ago, there was a list of such people, some had been compensated and up to now many have not been compensate. What was looted or stolen by different parties which were involved in the war did not qualify for compensation. It is the problem even in Luwero Triangle. People feel that their property should be compensated but we have tried to educate the *Wanainchi* to understand that we cannot - there is no capacity to compensate whatever was lost in the war. After all, if we dwell on compensating on property, what about those who lost their lives and will never be compensated? So, I would like to appeal to Hon. Komakec, to take leadership to educate the people in his constituency that if things are looted or destroyed in such a war, it becomes very

difficult even to document. I went to certain areas in Luwero Triangle and people were even documenting kilograms of beans which were looted from shops. How would you verify such items. So, to avoid such ambiguities, the best is to forget what was looted and you embark on a programme where you can build up capacity for income generating and subsistence. Thank you Mr. Chairman. (*Applause*)

DR. NYEKO: Mr. Chairman, these rebel activities in Gulu or in Acholi is bringing us a lot of problems. I would like to inform Members that Acholi as a tribe has been used to keep UPC governments in the last ten or so years. Acholi has been the main tribe in the army during the UPC government or even before that. So, when the Luwero Triangle war was going on, most of the people or most of the casualties from the government army side were mainly the Acholi. So, we also buried a lot of people during that war. I would not be surprised as Hon. Kamakec said that elders from Acholi were brought to see the skulls in Luwero. It is possible that the UPC Secretariat, as they told us earlier, they could have informed the NRA that the people who did that were the Kitgum army. They told us at one time that their army was a Kitgum army - the UNLA, they told us that it was a Kitgum army and this is the fact. So, it is possible that they said this, then the NRM government thought they should bring the people from Kitgum to see the skulls. (*Interruption*) There have been several attempts. Hon. Bigombe tried to bring peace in the North. We are aware in Soroti, there was a Presidential Commission and we are also told that in Lango, Hon. Omara Atubo negotiated with the rebels and brought back the Langis and the place is peaceful. In Gulu, Hon. Bigombe negotiated with the UPDA at that time and Hon. Alai finally signed a peace agreement with the government and early this year, we were expecting Bigombe to have brought back Kony. In fact in February this year, when His Excellency was in Gulu, some of us were expecting that he had gone to sign a peace agreement with Kony and we were very happy, but to our disappointment, we heard His Excellency, giving one week for the rebels to come out or else they will be flashed out by force. Some of us, naturally, expected the Acholi leaders, mainly the NRC because by that time we had no C.A. - we expected the NRC Members to mobilise the Acholi elders and go and meet His Excellency who was still in Gulu and put

their case for peaceful negotiation or settlement of the Kony activities, but apparently - at least to my knowledge- that thing did not happen. Not a single elder went to negotiate with the President to probably withdraw that statement. I stand to be corrected if some elders went. So, to me, the problem in Acholi is lack of leadership in the District. The leaders are themselves fighting for leadership. *(Applause)* Early June, this year, Hon. Bigombe called the Acholi leaders - CADs and CMs for a meeting in Gulu but to our disappointment, our CMs did not turn up - they said they cannot go for a meeting whose agenda was not indicated. The elders were disappointed with the CMs. Just this week, we got a letter recalling us for a meeting. Bigombe sent another letter calling us for a meeting in Gulu on the 20th. This letter was addressed to the Chairman of Acholi C.A. and then the Chairman of Acholi NRC Members. But again, yesterday we got another letter from the Chairman of CMs calling us for a meeting tomorrow in Gulu which is on the same issue. So, what we are saying is - there is a leadership struggle which to us is not going to bring the rebels home. What we need to find out is - who advised the President to give the one week ultimatum to the rebels to come out when we all knew for sure that Bigombe was talking with the rebels? If the Acholi leaders cannot get this fact out, then we are going to waste a lot of time discussing these things. The rebel activities is killing the Acholis. It is not killing the NRM or the NRAs. It is directed at the innocent civilians. Much as we are struggling for leadership, we should know that if we have come to lead in order to make peace in our districts, we should not contradict ourselves. The leaders need to work with the government if they are to bring peace in our district. *(Applause)*- Otherwise, we are wasting a lot of our time. We are putting our chest at the forefront of things we do not understand. We have done that with the UPC and we shall continue doing it for other governments. Thank you.

MR. OKENY T : Thank you Mr. Chairman. I would like to comment on this statement of Public importance and following immediately the remarks made by the Presidential Nominee, Hon. Nyeko. Mr. Chairman, it has never been - I would like to put the record very clear before this House, that never in the Ugandan History, has there been any army known as the Kitgum Army. If by any cynical means it was stated to him by NRA

Secretariat, that is very unfortunate. Secondly, I would like to make it also very clear to this House that in history of Uganda, there is no where it is recorded there is an Acholi army. It has always been Uganda Army, mixture of all tribes. But the mere fact that, probably by a numerical strength, Acholi might have been more higher than the other tribes does not qualify them to claim Uganda Army. I would like this to be very clear and if that is the reason why the Acholi are being targeted as the common enemy in Uganda, I would like this to be understood and if there is any other reason why Acholi is being subjected to all these sufferings. Now, coming to the comment from this statement by Hon. Leander. Mr. Chairman, I would say, it is rightly said that the recent peace talks interrupted by the President's ultimatum is very unfortunate and I can quote here myself when I made the first Statement before this House. I mentioned this and for which your Chair might have witnessed the kind of attacks that I have had from the NRA Delegates here. Secondly, Mr. Chairman, I would like also this House to note that after the election of this august Assembly in which we were elected, the President came out with a very angry Statement declaring that we are the enemies and that he has cornered us in his Zulu style fighting. This was merely to provoke a situation of war in Acholi and that is being now effective. Mr. Chairman, I think only what this statement is asking this Assembly is - we think we are all responsible here - that we are making a Constitution for peace. Uganda can never have a good Constitution without peace. So, my appeal here to, to this honorable House is, let us settle our minds and work for true peace and if we are going only to say we can do it without Acholi, let them go to hell, then I think Uganda will never clear up. We can do it, no matter how small a tribe might be. Uganda will never settle. So, this is also my appeal. Those two statements from the President had provoked the situation. The ultimatum and the Zulu style of fighting the Acholi. Thank you Mr. Chairman.

DR. KIYONGA C: Thank you very much Mr. Chairman. I would like to thank the Hon. Komakec for his very elaborate statement, only to point out that it is sad that we have lost people there but of course, we have also lost people elsewhere in the country and our mission here Mr. Chairman and Delegates is to work out a new framework to ensure that never again will our people be subjected to this type of situation. Mr.

Chairman, as far as I know, the NRM has always, right from start, used political methods to solve problems and only secondarily brought in military methods. Mr. Chairman, it is for this reason, as far as I know, that Hon. Bigombe had to be appointed to specifically be resident in the North. To ensure that the political methods to resolve conflicts in the North are being concentrated on. As all of us know, Hon. Bigombe is not an army person, she is a political leader. That should have sent a clear message to our brothers and sisters in the North that the NRM was bent on using political methods. Mr. Chairman, the NRA knows only too well that no war can be won decisively without a political basis. The NRM took advantage of this fact to wage a protracted war which was based on the people. It did not choose purely military methods to deal with the situation. Now, I am surprised Mr. Chairman, to hear my Hon. Colleague and neighbour saying that Kitgum is being discriminated against, that while elsewhere political and military methods have been used, it appears to him that Kitgum has been discriminated and only military methods are being used. I would like also him to consider a possibility that maybe the leadership in Kitgum has not responded appropriately. Because I have searched my mind, I do not see a basis why the NRM Administration would go out of its way just to isolate Kitgum and say, elsewhere we will use political and military methods but here we shall only use military methods. There is nothing to be gained by the administration Mr. Chairman, I think Mr. Chairman, to conclude, what is required here is that the Leadership from Kitgum should do a soul searching exercise and find out whether they as leaders, there is nothing they can do to ensure that they be on the side of saving people. To take opportunity of being in Kampala, whether in the C.A. or NRC, to create confidence, to search ways and means to approach leaders and ensure that this situation is ended. I think it is unfortunate Mr. Chairman, to use the Statement of the President, which is being called an ultimatum, that the fighters should come out of the bush. The war had been going on for much too long. People had been dying for much too long and no solution had been coming forward. So, to have leaders coming here and saying it is that ultimatum that is causing the war, that is intensifying the war, it is unfortunate, to say the least. So, my advice Mr. Chairman would be that the leaders from Kitgum should get together, solve internal problems and approach the national

leadership so that this question can be solved. Thank you, Mr. Chairman.

MR. OMARA ATUBO: Mr. Chairman, I am from Otuke County, Lira which borders Kitgum District and even if the people of Otuke are peaceful, there is no hope we can develop and have peace in Otuke unless there is peace in Agago and all of Kitgum. So, Mr. Chairman, I am speaking because I cannot have peace in Otuke unless there is peace in Kitgum, in Karamoja and in Soroti. Mr. Chairman, very briefly indeed, if we are to learn from the people of Lango and the people of Teso, all I can say is that if we are to have peace in Acholi today, there must be three things: one, Correct leadership and correct political and military methods. I think this is really what has made Lango and Teso what it is today. Mr. Chairman, I am very happy that Brig. Shef Ali has been taken to Gulu. This to me is another label of correct military leadership seen by the movement - the success of Shef Ali there and I do hope that when I talk of political method, I am talking of peace and other non military methods which colleagues have already talked about. But on the political leadership, Mr. Chairman, I think the mistake of the movement in Acholi in particular, as in the past in Lango and Teso, has been to try to dream of building a new political leadership in the North and rejecting personalities which possibly are there on the ground. Mr. Chairman, I do believe that you cannot plant stones and expect to get mangoes out of it and it is high time that the movement revisits some of its attitude towards the existing so-called movement cadres and movement believers in Acholi and also its negative attitude towards certain well known political leaders in Acholi and in the North. Mr. Chairman, the movement should accept the democratic decisions of the people. If the people have elected Cecilia Ogwal, if they have elected Omara Atubo, if they have elected Tiberio Okeny, if they have elected Mzee Andrew Adimola or Nekyon, you should work with those people. At least for the time being, *(Applause)* to try to oppose them, reject them, insult them and to try to pick something from the dust bin to replace them, you are not going to succeed. *(Applause)*

So, Mr. Chairman, let me summarise by saying that I have a lot of ideas on this and I am going to share it with my Colleagues in the army and in the movement but let us use correct leadership. ac-

cept those who for the time being, the people have confidence in, use correct commanders and correct political ideologies. Thank you Mr. Chairman.

MAJOR GEN. MUGISHA MUNTU: I wanted to use this opportunity to respond to what has been said even before I start my presentation, if I am allowed some few minutes because this is a matter that has kept on coming up and again in this House as well as outside - you always read it in the press. Like now, it has been said that the government and the army are only pursuing military means to fight the war in the North - that is in Gulu and Kitgum. That is not true. Right from the time when insurgency started in the north, both political as well as military means have been utilised to pursue achievement of peace in Gulu and Kitgum. This led, at one point to the surrender of the UPDA under the late Lt. Col. Angelo Okello - may God rest his soul *in peace* - with the UNLA officers who were with him. That was achieved through the political contacts that were made with that group of officers. Fortunately enough, the type of officers of UNLA were different from the type of group that we are fighting against now, the group of Kony. Even at that time, there were attempts by a few or some elders from the North to frustrate that initiative. We have got records of it. Fortunately enough, the UNLA officers refused to be confused by those elements who were trying to tell them that they should stay in the Bush and fight till certain conditions were met. The NRA officers who had been confused in the fight in the first place to get involved in that war, over time, had realised what was concretely going on. They had realised that they had been misled in the first place. They decided to come out. You all know how many did come out. They are very few UNLA officers who remained there. Now, the Kony group is different and we have been trying to get in contact with them, to negotiate with them over a long time. The last time when negotiations were being held, I had occasion to talk about this in the House when I was responding to a statement given by Hon. Atwoma Tiberio - about the confusion which surprisingly enough looks not to be cleared as yet in the minds of our people, the seven day ultimatum. I tried to explain this last time to Honorable Members. It was because the President had given his word. I also said that we could have taken that opportunity because we knew where this group was, it was being visited by our officers - army.

We could have surrounded this group and wiped it out. The President had given his word. We had some suggestions from some of the army officers that we should actually go ahead surround this group and wipe it out. But the majority opinion, and the President also went ahead and over-ruled the few who were suggesting that that could not be done. But he must warn them first and they must make up their minds if they want to fight. Of course it looks like they want to, they picked the opportunity to filter out of the camp and hostilities broke out from that time and we continued deciding. There are certain principles you cannot compromise on. If we are simply to say, let us achieve peace at whatever cost, even by compromising principles, we could even do anything. But what does that mean ultimately. We could have all along - even all these groups that have been fighting, we could have just abandoned struggle. We cannot capitulate when it comes to certain principles. As much as we cherish this, we do not fear trouble. As we speak now, one week and a half ago, this same group that has been making approaches in the army and to the leadership of the Movement, for peace and for a cease fire first, and then for peace negotiations, thought that it could do exactly what it did earlier on that would go into a cease fire and then they go and get arms without us engaging them. They thought they could do it for the second time. But this time we said, no. One week ago and a half, they came in the genuine arms. I believe most of those who come from that part of the area must be aware that it was about one and a half weeks ago, we have been engaged in battles with these groups. Immediately we started crossing the boarder from Sudan, as we speak now, the army is still engaging them. We have managed to capture quite a number of people so far. (*Applause*) It is unfortunate that the people of Gulu and Kitgum at times are misrepresented by some of the leadership not by the co-leadership. The people in Gulu and Kitgum want peace. They realise that as an army, we have been fighting side by side with them right from the time the insurgency broke out. In Kitgum as we speak now, the people in the villages are mobilising to fight the Kony group. Just like they did from 1987, 1988 and 1989. How does anybody explain the LDU Units that we have, all made of the local people in Kitgum and Gulu by the same people from the same areas, independent in command, armed from 1987 up to day, if they are supporting rebellion? They would

have diverted. Even most of the population on the ground do not support the rebels and we have been fighting side by side with them. But it is a question of leadership at the top. I know that within the leadership at the top, there are those who genuinely seek peace, but that amongst the top leadership, or the opinion leaders, there are those who are against peace because their lives are in danger and in most cases, they are the ones who sow confusion to the detriment of the people of the area. I would say that in certain cases, some people think that they are more concerned about the peasants in that area than we are just because they come from that area. Some of us in the Army and the leadership of the NRM are committed to our people in the country regardless of where they come from. *(Applause)* Our commitments, of course now it can be a matter for history which will judge us. There is nothing to do. To pacify this whole country and make sure that development takes place when peace is established in all places. But we are not going to compromise on certain principles, we are not saying no to negotiations. Even as we talk, there are certain opinions we are listening to, but when it comes to a situation where someone says, we want to have a cease fire just because he wants to reorganise and re-arm, we cannot compromise. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon Delegates, our Rules provide that comments not exceeding 30 minutes will be made on a statement of that nature. We have already used nearly over 37 minutes. The Chairman, was very generous. I stop further debate on this matter and we proceed with the next item on the agenda. Thank you very much.

MR. RUZINDANA: Mr. Chairman, my order is directed to the Chair. Is it in order that having been mentioned in the statement of the Hon. Member, I am not given an opportunity to say something about what was mentioned about me. Is it in order Mr. Chairman?

THE CHAIRMAN: I did not hear Hon. Komakec talk about Hon. Ruzindana. He talked about the IGG. *(Laughter)* We do not have an IGG here. We have a Delegate for Ruhama.

MAJ. GEN. TINYEFUZA: Mr. Chairman, the same order is directed to the Chair. Really this is I think, a point of order because I would wish Mr

Chairman, to rule since I think you are a fair judge, both to yourself and others. Whether it is right for a person to be mentioned directly in this type of very important discussion as has been going on which concerns loss of life and property in the country directly and then you are not given chance to say anything about it Mr. Chairman, will it be really in order?

THE CHAIRMAN: The hon. Komakec mentioned your name, yes, but it was in relation to the fact that you referred to him as a liar and he wanted you to apologise. I ruled that out of order. I said, this statement of public importance did not extend to the demand of apologies on matters which were made long ago. So, as far as I was concerned, there was no need to continue further comments on the matter which had been ruled out of order. What was left of the statement was the question of how we can approach peace in Kitgum and Gulu and the comments have been narrowed to that as far as I can recollect so that I did not consider it necessary that we should revise the matter on which the Chair has ruled as being contrary to what the intention was when the Floor was given to Hon. Komakec.

MR. RUZINDANA: Can I raise a request if it is allowed?

THE CHAIRMAN: You see, if we accept the request for your comment on the matter which has been declared not on the Floor, then we shall be inviting debate on a side issue.

MR. RUZINDANA: Mr. Chairman, I do not intend to comment on the withdrawal of the statement, but really on one aspect only, if I could be given few minutes. If I am out of order, I do not want to disturb the Chair, Mr. Chairman, I can abide by your Rule.

THE CHAIRMAN: No, let us proceed to the next item. The opportunities will arise when Members can comment on these issues.

MOTION

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

(Debate Continued)

MAJ. GEN. MUGISHA-MUNTU (N.R.A. Representative): I would like to take this opportunity to congratulate you Mr. Chairman, and Madam Chairperson on your elections to Chair this Assembly. I would also like to congratulate all the Hon. Delegates on their elections to this Assembly. May I start my presentation with our history as a nation.

In 1894, the process of growth within our different societies was interrupted. Internal dynamics that would have shaped what kind of systems would evolve over time, were also interrupted such that there is nobody now who can say what level of development we would have attained - what kind of social political organisations we would be having, or even what kind of political entities in form of countries, there would be, if we had not experienced colonial intervention and subjugation for almost a century. What we are experiencing today is just a stage in the long history of struggle by our people, against subjugation, oppression, against foreign, as well as local dictatorships. Many struggles have been waged by our people, some failed, others partially succeeded. But every struggle in whatever form would set the stage for the next round of struggle.

I would like at this point to note that this is the first time that the people of Uganda have got represented through a free and fair election, by universal suffrage, to debate matters that affect their destiny. Let us not squander this chance. Remember we have had periods in the past when the politics of this country could have been democratised, but we squandered the opportunities.

Mr. Chairman, the dishonesty exhibited in the politics of this country saddens, particularly, those of us who directly have to pay in blood, when the politics gets messed up, and it requires sorting out by the use of arms. Some of us were not old enough in the 60s to notice what was going on in the politics of the country. We only read

about it. In the 60s, there was a loss of opportunity to democratise the politics of this country. In the 70s, there was no chance what-so-ever. The Army under Amin did not even remotely comprehend what democracy was. If they ever heard of the word at all, they must have thought it was some kind of animal. One wonders how the people who call themselves democrats managed to fit themselves and serve in such an outfit like Amin's Government was.

The UNLF period was another lost opportunity. I was old enough at that time to watch, at very close quarters, what was going on during that time. Some of the episodes that I recall at times are so revolting. They make me feel sick. Opportunists, self-seekers and whole motley of the criminals and anti-democratic forces hijacked and completely derailed the UNLF. That was another lost opportunity. The early 1980s politics, following the undemocratic break-up of UNLF and the undemocratic practices that followed thereafter were a non-starter. The opportunity in this case was also squandered. The same old guards took over, and never gave democracy a chance.

So, why do we lose opportunity after opportunity? What are the causes? I believe it is the type of players, the kind of politicians, the majority that we have had in the past in Uganda and the whole continent for that matter, who have not been equal to the task. The majority of them can be characterised as double faced, and always vacillating, going with the strongest as long as their own narrow interests were served regardless of whether the interest of the majority of the people were served or not. These types of politicians behave in the most strange manner when faced with serious challenges. Challenges which mean life or death for the people they always swear they represent. Come chaos which they themselves hatch out of their undemocratic practices, they cut and run, leaving the people they purport to represent. So, when they are expected to stand and resist, in whatever manner or form, they capitulate or run. When there is peace and freedom of expression, surprisingly, that is when they take fighting pose and swear to fight to death, of course when their own lives are not in danger. The confusion we have been going through is a result of such unprincipled politicians operating in a situation where the democratic forces were weak and disorganised.

We need to agree on one thing, Mr. Chairman, the struggle to better our lives and to improve the environment we live in is a continuous process. If we agree on this then we have to realise that there cannot be a static situation and there must be change continuously as dictated by the conditions prevailing in a particular society at a particular time in this process of development. If you accept to allow this change and design laws that will guide society through smooth growth, then we will be on the right track, Mr. Chairman. But if we attempt to resist inevitable change, then there is bound to be conflict just like we have experienced many times in our long history. Such a situation, of course, would justify struggle by any means depending on how the situation has been accessed. I would like at this point to request this August Assembly to put in the dock a big number of the old guard. Had we had democrats in form of politicians, they would have had foundations for democracy established and sustained long time back.

The most gratifying thing today, is the democratisation process which is under way. A situation where there is opportunity for everybody to discuss openly any issue in the Press and in any other open forums. This must, by all means, be developed, built, and then entrenched in the national culture and protected under whatever system and violently if necessary. I appeal to fellow Delegates at this point that, we should allow the natural process of growth, development of the social political forces to continue and unhindered. We should not be impatient. We cannot be justified to question why a six months old child cannot walk or speak. Growth is a process like I have already indicated Mr. Chairman. We can only blame ourselves where we fail to provide the necessary inputs or ingredients in the process of growth, like feeding the child on all the necessary nutrients, treating when sick, clothe it, give sufficient love and protect it from harm. After doing all that, it is necessary, we have no other alternative but to be patient and watch it growth. It follow its natural process. America, Europe and all other societies which are developed - all went through the results of growth. They had their own periods of turmoil, strife and wars. Fortunately for them, however, they did not have, in most cases, the external influences that would have grave consequences on their process of growth. A factor that we have experienced in massive dozes in our

situation. The result of which are the distortion and weaknesses exhibited in our social-political institutions.

What is the cure for the internal weaknesses that cause the practice of democracy to fail, Mr. Chairman? We pray for the democratic forces and over more strength so that they become formidable and able to meet challenges caused by the process of the division. Let us first build and sustain the culture of discussion. We should be able to debate on anything that affects our society. Where there is agreement, then implementation should follow. Where there is disagreement, we should put it to the test by voting. This is what is happening now. Where there are loop-holes, we should work together to plug them. Where there is weakness, we should work together to build strength. If one is not allowed to express oneself or disagrees and his or her disagreement is not put to the democratic test, then in that case he or she would have a justified cause to resist or fight. It is my belief that you can have a dictatorship in the multi-party, one party or no party system. It is also my belief that you can have democracy in a multi-party system or Movement system.

So, what should we do in our case at this point of time Mr. Chairman? It is my belief that the democratic forces are not yet strong enough to act separately in different formations. Under a plural system, the democratic forces, still in their nascent stages, would be split and dispersed so that the process of establishing democracy would certainly be derailed. In practical terms, we could therefore, end up with the plural system but without democracy. The democratic processes which are emerging because of the conducive atmosphere created through the shedding of blood of the freedom fighters and the peasants in all parts of this country should be given time to grow in strength and consolidate such that with this emerging of the multi-party system, they would have strengthened and therefore, control the different parties that they would form. We cannot have democracy without democrats, even when you have a multi-party system. It is also necessary that we develop a culture of upholding principles, encourage integrity and sacrifice in our national politics. We do not have an overwhelming number of politicians with such qualities yet. Mr. Chairman, a big majority of the multi-party advocates are pressing for plural system, now to my mind.

are still undemocratic as their actions have shown since independence. (*Applause*) I do not see many of them to whom one could advise the people of Uganda to safely entrust their lives now. Please do not make our people become an audience to a circus that we do see in some countries, going under the guise of pluralism. Unfortunately, the cages holding the lions and tigers in the circus are made of cardboard. The people in the circus are not guaranteed protection, should those lions and tigers break out.

New generations are giving birth to political activists with the badly required qualities to guide the politics in the country. The objective conditions on the ground will also continue changing to suit adoption of a the multi-party system. Why induce or do a caesarian on a woman if she can give birth properly at the right time? We need to carefully mid-wife this society. If you want it to give birth to a healthy baby at the right time, and in a normal way, also leave the mother without unnecessary scars. I would like to convince all democrats in this Assembly to support practice of the Movement politics for the next five years. (*Applause*) I appeal to all of you Comrades and Hon. Delegates that we should not allow ourselves to remain prisoners of our own history. The hostilities of prejudices that have existed amongst our different people are as temporary as they have been baseless. They have existed as long as they have had forces that have fanned them. With the emerging forces predominantly led by the new generations, the ethnic hostilities and prejudices for which graves are already being dug will be buried. At the opportune moment, we shall extend our condolences to the old guard on such a loss as they will have been left orphans. (*Applause*)

On Referendum, Mr. Chairman, the supremacy of the people is a principle we are willing to die for at all times. It should be upheld by everybody who calls himself or herself a democrat. That should be so, not only in theory, but in practice. Mr. Chairman, What is the best and uncontestable form of expressing the will of the society on any contestable issue that affects the political well being for that society? Fundamentally, there are cases like determining whether a society like ours should adopt a multi-party or movement form of government. There are cases like a need for integration into bigger political units. Suppose there arises a need, for example, to have a regional

integration of 3, 4, or 5 counties. I strongly believe that in all such cases, the people should be directly asked in a referendum and there after, whatever the outcome, their conviction should be implemented. It will be a serious case of betrayal of our people in case it is decided that a movement system of governance be practiced for the next five years and the people are not asked in a referendum whether they want to extend or reject the system. Why do we fear our own people? If the movement does not perform, it will certainly be rejected. If it performs to the expectations of the people and they want to extend it, why deprive them of the opportunity? It beats me to understand how any body, who calls himself or herself a democrat, without fear of losing face, can stand and argue against a people directly deciding their destiny.

Mr. Chairman, there is a certain view which has also emerged about the simultaneous operation of both systems, and I would like to express my own opinion on that. I would like to strongly appeal to you all, Hon. Delegates, not to confuse our people. We should make up our mind and support one system or the other. We are operating on conditions that we are all aware of. If the support for multi-parties carries the day, then let us have multi-parties. If it is Movement politics, then let us have Movement politics without such a situation of having both systems operate simultaneously. Such a situation would be the best recipe for disaster. I can assure you Mr. Chairman, I suggest Mr. Chairman, that we should only agree on when the Referendum should be held in case the Movement System is adopted for the next five years to give time for ground work to be done for a multi-party System to be established. For those who are convinced in the Movement System of Government, I urge you to remain convinced. If you have any doubt, then support the multi-parties. But please do not create conditions for our people to be messed up in a situation that would simply be exploited to the maximum by the divisive forces that would have been given a free reign to sabotage the programmes of the Government of the time for no other good reason but simply to make it fail. You know the type of politics that is played in the third world countries! Then they would stand on the side and say, you see, it does not work without caring for the suffering of the people in the process. You see it happening all over the continent of Africa,

practiced by unprincipled political actors who do not look at the interests of the people. The only thing that makes them operate is self-interest. Once you create a situation that plays in their hands, I have got no doubt that they exploit it to the maximum. If it is decided that the Movement continues as the system of Government, let it succeed or fail on its own. Certainly we do not want to get caught up in such a situation in the Army. That is a very slippery fact if such conditions are allowed to prevail. I think Mr. Chairman, that it would be safer for all of us not to tread that path at all.

On Federalism, my assessment of the situation for its introduction, as of now, is no different from my assessment on introduction of political parties. Give it time, when we build firm foundations of democratic practices, there will not be any problem in future to establish it if it is necessary. This brings to my mind the tests and challenges that can be met in such an arrangement. I would like to refer to one case in America. When the Federal Government passed the Law that should be integrated. One of the Southern States in America passed a Law supporting segregated education and refused to integrate African-Americans in their schools. Government had to send in Federal Troops in to enforce the federal laws. It was ultimately imposed. But that is in America. In this case, the troops as you know were deployed by a white President against white segregationists. The troops were largely, white. I would not like to imagine, in our case, what would happen if such a scenario turned out to be a reality on one or another issue, in a situation where there are not firm feelings of our people of nation-hood, where democratic practice is not yet entrenched as a national culture. What is the hurry, why do we want to run before we walk? Let us just lay a foundation for democratic practice. What we are unable to fulfill now will be later fulfilled in future rather than force an issue which could easily create fissures in the foundations that we have just started building. We should rather improve on and strengthen the decentralisation process to the districts that is already under way. However, I would like to urge all of us involved in the politics of this country, that all channels of communication should be left open to discuss all issues that are left and unfulfilled. Time and constructive efforts can bring dreams into reality, of course conditions allowing.

On the question of Women, women have got allies in the new democratic forces, they do not have to worry. We will support them at all stages of their struggle. (*Applause*) But they should also concentrate in studying tactics. You know you can design strategies, but if you do not study tactics at the right moment, it can easily cause you hindrances in the process of your struggle. But as for support, you have got all the support that you require. I will talk more on the women issue and all other issues that I will not be able to touch because of time, when we come to the Consideration Stage. But I would like to use this opportunity to touch on the Army to say that for the first time in the history of this country, you have got an Army that can be relied on by all the democratic forces within this country. (*Applause*) We have got our own weaknesses, we make mistakes, but you must realise one thing which is quite fundamental in my own thinking is that we also have got the internal capacity to realise where we have made mistakes, where weaknesses are and to address ourselves to those mistakes and the weaknesses and to strengthen ourselves where there are weaknesses and to rectify where there are mistakes. I do not think that it would be wise to kill this Army in its nascent stages, we will not be able to get such kind of the Army ever again. It is always willing to listen to criticisms. Many times we have had criticisms and when they are constructive, you follow them. In many cases we have been able to rectify a number of things in our organisation, politics and in the way we relate to our people like in this case we are going to discuss the question of the Army, in my own mind, emphasis should not be put so much on ethnic representation. It should be there in the sense that the army should be opened up to recruit whoever wants to join it. We always give quotas when there is recruitment. People are recruited in the different parts of the country. What is most important to me in building an army on top of ethnic representation is what that Army believes in and how it can perform. Because you can have an Army where the representation is mathematical or proportional but have a repressive Army. If you put that as the most important factor, even if you have representation from all the parts of the country, you have to make the most important aspect of building the Army as the ideological. What matters is on top of that representation. Is the Army pro-people or is it anti-people? After recruitment, when representation is taken care of.

it should be administered professionally. Political sentiments should not influence how the Army is run. It is a matter that I think we should much more dwell on than anything else. I will have the opportunity, at a later date when we are on the Consideration Stage, to deal in details on that question and on the other questions that I have not been able to touch because of the time factor. Thank you, Mr. Chairman.

MR. ABALIWANO ALBERT BREWER (Bugabula South): Mr. Chairman on behalf of the people of Bugabula South. I would like also to join all other Hon. Delegates to congratulate you on your election to the important Chair for the Chairman, and Vice Chairman. The people of Bugabula South were happy that even before the gender issue received much support from the Delegates in their submission to the Assembly, we agreed that the Chair should be shared between men and women. We must consider ourselves lucky that today we are alive to see history being made.

The last 30 years, have been difficult. Some of the Delegates played a very active role in shaping our country and getting us where we are. Some of the Delegates were not born by the time Independence was granted to Uganda. We have gone through this period, however, with a lot of difficulties. These difficulties have left a lasting impression on them. If they are described as angry young men and women, it is not a surprise. I think you have already heard the last Speaker talking about it as an angry young man. They look to the old generation with anger and the feeling that if it was not for the scramble for political power and leadership, we would not be here now discussing a new constitution, rather we would be talking about amendment to the 1962 Constitution. The people of Bugabula South therefore, say that if we want to change the situation, we first have to change ourselves, and to change ourselves effectively, we first have to change our perception. They appeal to the Hon. Delegates therefore, to seriously discuss the constitution knowing fully well that the best of the old and the new can co-exist. I will return to these words of comfort or discomfort at a later stage.

The people of Bugabula South have the following observations to make on the Constitution Chapter 1, they agree that all earthly power belongs to the people. We should therefore, respect each

other's rights not only to exist as individuals, but also to have the right to choose how any group of people can be governed. Each of us has roots and ability to trace those roots to try to identify our ancestors, and our most powerful motivation is that it is not for ourselves only, but for the posterity of all our people. As someone wants to observe, there are only two lasting bequests we can give our children. One is roots and two is wings. It is to this end that they think the people should be supreme and every government in power must appreciate this. An organisation that performs together transforms together. No Government will last without taking the people as supreme. They agree with Chapter 2, for Uganda to remain a Unitary Sovereignty State and a Republic consisting of districts for the purposes of decentralising power. They agree to Kampala being the Capital of Uganda and English being the official language. They note with satisfaction the current education policy which is advocating for the promotion of local languages and Swahili. It is through this policy that the national language will emerge. They note that language in itself does not create unity. Achieving unity or oneness with ourselves, and as a nation, is the highest and best and most delicious fruit. Most of us have tasted this fruit, as sweet from time to time in the past, as you have also tasted the bitterness. We know how precious and fragile unity is.

Chapter 3: They agree that every organisation or country must define its nation. They however, suggest that this Chapter be kept out of the Constitution. If it is necessary, as they believe it may be to some people, it should be attached as an addendum to the Constitution. All objectives which are set out are already treated in full in the subsequent Chapters and we see this Chapter as a repetition to be in the main body of the Constitution.

Chapter 4: The people of Bugabula South remember with sadness the suffering of the Ugandan citizens by non-nationals of this country. As a country, we have not been active in scrutinising the citizenship of people who enter our country either as visitors or refugees or for that reason are born here. We have often appointed them to important national positions both civilian, army and in Police. Succeeding Governments have used such people to persecute our population with

impunity because they hold the gun. The people of Bugabula South therefore, recommend that stringent measures be put in place not to have this past mistakes to happen again. With immediate effect, all births be registered. The registration of deaths also be obligatory to every district. Refugees should be confined to their areas and given something to occupy them within those areas. On Dual Citizenship, they also agree that no citizenship should be allowed. They note however, that on the economic development point, Uganda should selectively allow dual citizenship to people who have a contribution to make and have money to invest. I think this point was brought up by one Delegate regarding people who may have certain contributions particularly those who are creating employment in this country. After all once someone is a citizen, he has to submit to the laws of the country. Uganda belongs to a global economy, we cannot continue being insular. America and Japan have always benefited under the arrangement of allowing those who have a contribution to make to enter their shores and where necessary to apply for the citizenship.

On Section 47 (e) duties of a citizen, they are of the view that people must agree on what constitutes National Service. I think our people are still remembering the UPC days when National Service made something else all together and they were not prepared to simply have this phase included in the Constitution without being able to know what constitutes National Service, lest it conflicts with their human rights. The 1960s are still fresh in their minds.

Chapter 5 - On Fundamental Human Rights, the People of Bugabula South consider that Chapter 5 is the most important. It is so because they believe Human Rights is the most abused area by most regimes in the world. The equality of men and women generated a lot of interesting comments. It was agreed however, that women should be accorded equality in all spheres of human life and culture and under the law. Warnings were however, sounded that women are sometimes the enemies of their own cause. They need to learn to respect one another, to love children of their spouses to consider each other as mothers, and not be divided by religious associations or unions they belong to. They asked me to remind women that as they openly and honestly share what they are learning with others, they may be surprised to find

that negative labels or perceptions others may have of them, tend to disappear. Those you teach will see you as a changing and growing force and will be inclined to be more helpful and supportive as you work together.

On cultural practices, Bugabula South would like to see an effort being made to document various practices and identify those that infringe on the rights of various categories of our people especially the women, children, and the disabled. You know, everywhere we go, sometimes people would talk about, "we know that is cultural", "It is our culture to do this", "It is our culture to do that", even if that one infringes on the rights of, particularly, those categories of people like the women and children and the disabled. We need to categorise this to be able to document this and be able to say, okay this culture is agreed to or that culture is not agreed to. These include the right to property and land.

On detention law, the people of Bugabula South see no good reason why any person should be detained without trial. They propose that such laws be abolished. They welcome the setting up of a strong Uganda Human Rights Commission. They propose that each district should set up a Committee on Human Rights which will refer cases to the main Commission which cannot be settled at the district level.

Chapter 6, on the representation of the people, the people of Bugabula South note with satisfaction the recent elections that brought us here. They congratulate the electoral Commission for the job, well done. Regarding the future, however, Bugabula South would like to be assured of the independence of the Commission. They would like to see stringent rules regarding as to who is expected to play a part in the exercise. Too many civil servants and officials of dubious titles tried to interfere with the elections to the detriment of the smooth running of the whole exercise. This weakness should be eradicated if our people have to send their true representatives.

On the Political System - the people of Bugabula South support the Movement system to continue for the next five years. Reasons for this have been given by various Delegates and those reasons are exactly the same as those of Bugabula South people. We have looked at the current positions.

we have looked at the past and we have got that in order to strengthen the current foundations of the democratic institutions which have been founded, we need to have the next five years under the Movement System. They however, also support the idea that the Movement System as referred to should be defined and should be as democratic as possible reflecting fairness and transparency. They are of the view also that an independent Commission be set up in the workings of the RC System and suggest ways how it can be improved. No system can stand the test of time unless it is reviewed at regular intervals to determine its effectiveness. They elaborate the suggestion made by one of the delegates that direct elections be held for RC councils. A way should be found to make elections less expensive lest we sacrifice democracy on the argument that elections cannot be held at that level because it will be too costly for this country. Because this is always the argument which is being given, we cannot hold elections because it is too expensive. Even in the South, I hear people sometimes saying, no it would be too expensive to hold a Presidential election, and somebody has gone to the extent of saying the current President should continue up to the year 2,000. All this is really trying to frustrate democracy for our people. We should try and make these elections less expensive, where necessary, we should put in motion Laws that will be able to assist us to make the expenditure on elections become less and less. And I am sure, my fellow delegates, you will be happy to know this because you are victims of this kind of lack of laws on how much a person can spend on elections. The Bagabula would like to see a referendum after the movement system.

On parties the Bagabula remember clearly the period when they were governed under political parties. They are not opposed to the existence but they believe the time for their restoration has not come yet. These walls here, if they could play back all the past, that we used to sit here, many of us would be embarrassed because it was a one way communication system and I think some of you have seen some delegates here addressing us as if headmasters and we are students. Some have even gone to the extent of saying "I do not want any interruption". Those are the political parties. They agree that the five years of the movement system should be used to reactivate them and enable them to democratize their system. I think

I have explained that already. Let us give them a chance to democratize their system.

Chapter 7: On the Presidency, the Bagabula agree to the provisions of the chapter. The age of 40 years is acceptable and the educational qualifications are adequate. I think we should not be sold the idea that whoever holds a degree, holds leadership in his pocket. We should appreciate also that in so many countries, while having a degree is an advantage, there are so many people who have gone through practicing and some of them have been able to make it in the world. So I think 'A' level qualification is adequate provided this fellow can go through the system and be able to be nominated later on to be voted for as a leader. A two year term is acceptable to the people. There is however, a small minority who argue that a President should be allowed to stand for more than two terms as long as regular elections are held, and the electorate finds him or her still useful. They argue that leadership in a developing or third world country is difficult to come by let alone Presidential material. Delegates will note that the United States started with this practice sometime after the passing of the constitution. It is after they had grown up to be a powerful nation that they thought they had enough material to be able to give them only two terms.

The Bagabula are not clear on the system being suggested regarding the role of the President vis-a-vis Parliament. They note that the system being suggested is between a Presidential system, which is American, vis-a-vis the Parliamentary system which is British. This is apparently argued in the notes on the constitution. The Presidential system would allow the President to select his ministers from Members of Parliament and outside Parliament. These appointments should be subject to approval, according to this document, by the National Council of State. Some delegates, like the Bagabula, are advocating a supremacy of Parliament if the people's will is to be fulfilled. Some are going to the extent of suggesting that Ministers, once appointed, and are Members of Parliament, they should vacate their seats and be replaced. To whom then are ministers responsible? Is it the President or the Parliament? If they are to be accountable, is it accountability to the President or to Parliament? And we are putting in another scenario, if we had party system, and there is another party still, are they going to be

accountable to the party or are they going to be accountable to Parliament? The Bagabula would like to see a re-drafting of this proposal. If what we want is the best for both systems, then the Bagabula propose that the President should be accountable to Parliament and so are his Ministers. This would not cut across the practice of collective responsibility and we will have ministers all the time in line with the government decisions. The Bagabula are of the view that under no circumstances should the ministers be appointed from persons who do not enjoy the support of the people. They are also of a view that we should create a Presidency that is strong enough to give the leadership it deserves. There is nothing as bad as having a weak Presidency. While they agree on the checks and balances on the Presidential powers we should avoid going back to the UNLF days when the President was too encumbered to be effective.

Chapter 8: They agree with the provision as set out in this chapter with the following amendments: That women representatives be increased to one woman per district. Youth representation based on regions is not clear to the youth of Bugabula South. They would like us to take a second look at this. They agree to Members being recalled but should not cross the Floor without the consent of the electorate that sent them.

Chapter 9: The Bagabula propose deletion of this chapter, reasons have already been advocated by the various speakers. The Bagabula see in this institution the weakening of the Presidency, the Cabinet, and the Supremacy of Parliament. This is a chapter on the National Council of State.

Chapter 10: They agree with the provisions except, they propose Parliamentary approval to be sought instead of the National Council of States which they deleted. Chapter 11, No strong comments are given but they emphasize the importance of audit. Chapter 12, they provided general comment on salaries and other terms and conditions of service. The Bagabula believe, and this is on the public service, the Bagabula believe, as the saying goes, "when you pay nuts you get monkeys". And therefore, conditions under which our public servants work should be improved. It is also their view that Pensioners be assisted, labour be centralized.

On local government, the people of Bugabula South agree to the provisions in this chapter, they welcome decentralization from the centre to the districts. They however, sounded a word of caution about decentralization. They argue that, decentralisation is not an end in itself, there is a need to create systems that will make it a reality otherwise we will be decentralizing corruption and other malpractice. What people want is taking part in decision making, they want to see that funds collected or grants given are properly accounted for. They want to see a reduction in numbers of officers sent to districts and have actually no work to do. They believe there is nothing as bad as an educated mind made idle, you can get all sorts of mischief. They have asked me to say that, local government will have meaning if the areas as are demarcated can be economically, viably provided, they can also take services to the people. They are of the view that with the central government demands on its resources, the local authorities will find themselves isolated and marginalized, and will have to fund their services. Already there is pressure on the population to pay all kinds of taxes being imposed by their respective districts in order to raise more money. Markets have been given up, but collecting less revenue. It is with this view that they propose that if districts of Jinja, Iganga and Kamuli agree, they should be allowed to work out a relationship which could enhance their ability to meet the obligations of their people.

MR. SEBI DATA: Point of clarification. I would like to seek clarification from the Hon. Member on the Floor, on the point of Members of Parliament crossing the Floor from one end to the other. I am having problems here, should it be an issue for a National Constitution to sort out this problem or should it be an issue for the constitutions of the parties concerned? We have a case here for example, on the 2nd of August 1961, Hon. the late Chodrey from Karamoja crossed from DP and joined UPC, on the same day Hon. Bisamunyu from Kigezi south West joined the DP, but he was threatened by his electors for defection, and he rejoined the UPC soon after. So, I am seeking clarification here, from the Member as to whether he would want this to be handled by a National Constitution or whether it should be handled by the constitution of the parties concerned. Thank you very much.

MR. ABALIWANO: Well, if parties are not democratic, we suffer because what has been happening is one party trying to entice other members to join it. In this instance, if it is enshrined within in the constitution, people will understand that not even a party can supersede the law of the total country of Uganda. That is why I would prefer to that one.

The Bagabula would like to see the role of the central government representative defined. This is CGR as they call them in our area. The role of the central government representative, you find more *-(Interruption)-*

THE CHAIRMAN: Hon. Member there is some-one...

MR. ABALIWANO: - responsibilities if there is going to be stability in the district. Under section 213, the Bagabula think that the system of Parliament by law providing the taxes to be levied by districts is very cumbersome. They see no reason why the district council cannot propose these taxes with the approval of the relevant minister. They also propose that the grants in aid or subsidies to the local government should be determined by a known formula so that the financial relationship is clear. Chapter 14, they agree with *-(Interruption)-*

MR. KANDOLE CLEMENT: Point of clarification. I wanted the Hon. delegate holding the Floor to clarify to me one point, why he said that once a Member of Parliament is appointed a minister, he should vacate his seat in Parliament, but continued to say that the President should not appoint anybody a minister who does not have the support of the people. I wanted him to tell how he measures that support, when one is appointed elected Member of Parliament he should vacate the seat but then at the same time should prove his support from the people before being elected or appointed as a minister.

MR. ABALIWANO: I do not think I went to the same school as you did because sorry, Mr. Chairman, I said clearly, and I think I was clear enough that the people of Bugabula South would not like to see ministers appointed outside Parliament. And that was my argument. They also propose that- they agree with provisions of this chapter, chapter 14, they stress however the importance of

creating a National Army whose task it is, among other duties, to defend the constitution. While the role of the army in Uganda's body politic is appreciated at the moment, there is a general feeling that eventually, they should go back to their traditional role of defending the country and the constitution. Their terms and training should also be improved. The army should be recruited proportionately from all districts, and the army commander should be appointed by the President on approval Parliament. In order also to prop up the army, the Bagabula suggest that all able bodied youth from the age of 18 should be given the opportunity to serve in the army. Those who would like to remain in the army as a career should then be selected. The Bagabula do not agree to tribal armies as these would change the role of a National army.

On the police, the Bagabula are concerned with the lot of the poor constables. They are given tasks to perform on meager salaries and live under miserable conditions. Many are made to work too far from their areas and hence cannot develop anything for themselves before they retire. There is need, therefore, for the decentralization of the police. The system will allow only higher category officers to be transferable to different parts of the country.

On the Inspectorate of government, they agree with the provision of this chapter, they would like to sympathize however, that the Inspect General of Government should be responsible direct to Parliament, and should emphasize in his work the investigation of misuse of government powers.

Chapter 6, the people of Bugabula south propose that this chapter on the Code of Conduct be deleted from the constitution. A separate law can deal with this as it may have to be amended from time to time.

On land and environment, the Bagabula asked me to emphasize the importance of land to them. They consider that various regimes legislated on land with ill motives. None of these legislation answered the people's aspirations to the ownership of land. They would like to have a free hold system therefore, instituted, throughout the country. The district land committee should be responsible for all land in the district. They recognize the importance of having leased land in urban areas.

and recommend the system to remain. Banks should change their policy of not lending to *Kibanja* owners as long as the amount required is not excessive and where the local RCs and the elders ascertain to the ownership of the *Kibanja*.

On the environment, the Bagabula greet the provision. They note with dissatisfaction the lip service sometimes being paid to this important subject. The country needs to pay serious attention to this.

Chapter 18 the Bagabula support the restoration of traditional leaders. As an institution, it helps to create unity. They support wholly the re-institution of the Isebantu Kyabazinga. (*Applause*)

Amendment of the constitution should not be left to Parliament alone, but also to the 2/3 of all the districts for ratification as proposed.

Chapter 20, the people of Bugabula south suggest for a transitional period after the passing of this constitution, setting up a government of national unity. They oppose the present constitutional Assembly setting itself as a Parliament. The people should have the right to choose their leaders for the next five years.

Fellow delegates, as a country, we need to move from rhetoric to reality. A lot has happened during the last 30 years, let us agree that apart from those still unborn, we are all responsible for what took place, and what is taking place now. The people of Bugabula South therefore, asked me to emphasize to this august body the importance of peace and stability in our country. They believe that peace is a prerequisite to development, to founding of a different life for ourselves, to free thinking and to the creation of the people's initiative. No nation has ever survived in chaos. Peace and stability brings about a desire for democracy, belonging, self esteem, and a pride in one's own country. Many of us who have had the opportunity of promoting Uganda abroad feel happy when we see Uganda accorded the respect it used to have during the first three years of independence. We can go abroad and feel proud of holding a Ugandan Pass Port thanks to the peace and stability that has been ushered in by the NRM and NRA. The Bagabula therefore, appeal to all concerned, to all delegates from all areas of Uganda to know that if we want even develop-

ment, our task is to support this stability. Where there is no peace and stability, delegates from those areas should resolve here and now to start a crusade of liberating yourselves and your people. No amount of external forces will bring peace in your areas. The Bagabula appeal to you therefore, to create this enabling environment so that no areas, in Uganda will be marginalized and kept behind other areas. Yes, we can remember history, we can clamor for power, we can heap blame on the present government for not doing enough but in the final analysis, we must appreciate that we are a party to all ills that affect our people. We should not allow our nation to suffer from fatigue. Societies, like institutions, have their ups and downs. Uganda's problems, we must note, have come about from both internal and external forces - the internal which we could have done something about, and external where we had very little or no control at all. A main resort country that would survive therefore, is the high quality of its leadership offered by men and women able to act creatively. And to anticipate national need, all things are sudden to those who are unprepared. A challenge to nation building and its management therefore, is to discover the rules of change and check list of vital areas of our democracy that must be watched by signs of decay. If the symptoms are known in advance, they will be more quickly recognized, we should stop being cynical about our country. Even the freedom of the Press calls for responsible reporting and in the event of misreporting, it is the price of vitality of our nation, we have to pay for the constant vigilance of the democracy we want to build. To those who believe in certain systems, let us respect each other's view point, but agree that none of us is infallible. If I am prepared to listen to your argument, you should listen to mine. Let's take note of what one writer said, "No deal basically means that if we cannot find a solution that would benefit us both, we agree to disagree agreeably - No deal. No expectations have been created, no performance contracts established. I do not hire you, or we do not stick on a particular assignment together, because it is obvious that our values all are going in opposite directions. It is so much better to realize this up front instead of down stream, when expectations have been created and both parties have been disillusioned. When you have no deal as an option in your mind, you feel liberated because you have no need to manipulate people. To push your own agenda, to drive you

from what you want, you can be open, you can really try to understand the deeper issues underlying the positions.

The people of Bugabula South, therefore, are requesting us to be open, to realize that there is no single answer to Uganda's problems. We are asked to resolve, to create democracy which takes our people as supreme. A democracy that will be free of manipulation and exploitation of the ignorance of our people. A democracy that will stand the test of time, where we shall be judged by posterity. A democracy that will build a new Uganda where peace, liberty and tranquility shall ever be present. We must have commitment for our people. Thank you, Mr. Chairman.

MR. CHANGO MACHYO: (Samia Bugwe South): Mr. Chairman, Samia Bugwe South is at the South East corner of Uganda, of Tororo district. We border Kenya, we are Basamia on both sides, in Kenya and in Uganda. On the South we have got some common boundary with both Kenya and Tanzania, on the West we border with Bukoli county and in the North, we border with Tororo county.

Mr. Chairman, comrades, fellow delegates and friends, I do not have to repeat the greetings of the people of Samia Bugwe South. I already did that. Suffice it to say that they wish you and fellow delegates a big positive success in our deliberations on the Draft Constitution. Mr. Chairman, before I express some views, I wish first of all to correct the statement I made on 8th July, concerning the failure of UPC to hold annual delegate's conferences. What I wanted to point out was that between 1964 and 1969, the party never held any delegate's meeting. I beg to apologize because in the heat of the moment, I forgot the 1969 and 1970 conferences. I wish also to take this chance Mr. Chairman, to correct the impressions given to this Assembly by Hon. Mulenga and Hon. Adoko Nekyon. I understand formerly, he was Michael Nekyon. Hon. Mulenga said that he saw me at the UPC delegate's conference which was held at Mbale in 1970. The Hon. delegate never saw me because since I was not an official of any UPC branch, I did not qualify to attend the conference as a delegate nor could I attend as an observer because I was living under fear of being arrested anytime after the Lugogo incident. I had been warned by a senior police officer that I was also

to be arrested together with them, but they were directed to leave me for the time being. Hon. Nekyon deliberately misinformed this august Assembly that he came to my house in 1969 and found me asleep with a pot of *malwa* in front of me. *(Laughter)* First of all, Mr. Chairman, Hon. Nekyon a top UPC man, who to us belonged to the left or the so called Kakonge group, was what biblical Saul was to the christians in terms of distaste and persecution. He could only have come to my house either to arrest me or to kill me, not to greet me. However, in 1969, a UPC delegates conference was held in Lugogo stadium in Kampala, that Saturday morning I left Kampala to go back to Mbale. Did Hon. Nekyon, therefore, not attend the Conference during which Oboe was shot at and resulted in the detention of both Obwangor and Nabudere? He could not have come to my house in 1970, because as I have stated above, I was in their bad book, and therefore a wanted man. Moreover, Hon. Nekyon would not have found a pot of *Malwa* in my house because apart from being big public days like Christmas and Easter, I never drunk *Malwa* at home, I drunk in the groups. In Mbale our group was in Kacumbala. However, later, Mr. Chairman, when I tried to discover the motive behind Hon. Nekyon's false statement, I realized that his intentions were malicious, he meant to discredit me by presenting me as a drunkard, but I wish to assert that on the contrary it was Hon. Nekyon as a top UPC member and a minister who at the time was drunk with the power he never expected, and the free whiskeys he got as gifts from the Asian business men. That is why he had to chase some of us around because of our social commitments as Saul chased and harassed christians. Further more, when Hon. Nekyon was speaking yesterday, he referred to me as a pagan, now this offended some people, but it did not offend me because the Hon. delegate was nearly demonstrating the problem of a colonial mentality many people suffer from. Personally, I am happy to be described as a pagan than an opportunist, a liar, corrupt hypocrite, sectarian. Because when Hon. Nekyon came to take over from me, from the ministry of rehabilitation in 1989, he remarked that, that was the only ministry office where he had not witnessed sectarianism. I introduced to him the senior personal secretary who was an Itesot, the stenographer who was Langi, and did not know where the office messenger and the tea girl came from. And Lusamia was not the lan-

guage of the office as some offices are fond of doing. When he went to inspect the millers who were supplying relief food, Hon. Nekyon expected the whole of them to be Basamia, but he found none. It is therefore an honour, a credit to be referred to as a pagan because I came out of the Ministries of Water and Mineral Development and of rehabilitation as poor as I was appointed a Minister but with a clean and happy heart with all concerned. My then deputies like Hon. David Pulkol, the Hon. Deo Rwabiita, can bear witness to this. And so were my permanent secretaries. Now I want to clarify that because I think the Hon. Member wanted to blacken my name. I have personally always refused to be intimidated and have never changed my ideological commitment to the popular causes of our people and the country. That is why I never ran away to exile even when I felt threatened by UPC warriors like Hon. Nekyon. I decided to stay with the people.

Now, Mr. Chairman, let me turn to the general debate on the draft constitution. Mr. Chairman, I do not intend to bore the honourable delegates by repeating what some other delegates have already very well stated in this Assembly. My aim, therefore, is to say as few words as possible on what I think is the root cause of Uganda's turmoil. That will be followed by the explanation why there had to be the problems of dictatorship, mismanagement, disunity and inequality in Uganda. I shall then say something about the gender issues after that. I want to inform the August Assembly of the views on the few items of the draft constitution by the people of Samia Bugwe, and from there, I shall mention something about Pan African Unity and the National Anthem and the Motto.

Now, Mr. Chairman, after listening to various delegates, you get the impression that once we put a good constitution into place, everything will be alright. Now, it is also clear that many people blame our turmoil since independence on the Obote's, on the UPCs on this and that. Now, Mr. Chairman, I personally feel that as a delegate from Samia Bugwe South, I do not share the same optimism, the simple reason is that, people who hold such hopes are doing so without taking the situation of international relations ushered in by the New International Order into account. They do not take into account the fact that geo-politi-

cally, Uganda is a neo-colony per excellence. They do not take into account the fact that European colonial powers did not willfully grant independence to the African colonizers. But they were forced to do so by the International forces beyond their control which developed during the second world war. The fact is, as we say in Lusamia, they had to give up direct political control because "*Basisimuiwa Omuhono*", that is "they had their hands shaken compelling them to let go their colonial victims who built their economic, political and military mind. But while they were compelled to give up direct political control, they were equally prepared to relinquish and surrender economic domination and control which was the real motive behind colonization. Mr. Chairman, the colonization of Uganda and Africa in general was not because Europeans wanted to carry out a civilized mission, no, it was because they wanted raw materials, they wanted markets, and they wanted places where they could invest with a high rate of return of profits. So as a professor, Fieldhouse of Cambridge University points out, they tried to bribe African nationalists by introducing some minor reforms after the war in order to make them forget the idea of Independence. The result was that since as they say, the economy is the base and politics is the concentrated expression of the economy, those who controlled the economy also controlled and determined the character and nature of politics in the independence period. Because as Basamia Bagwe express it, "*Ohuba nolya, ahuya mawo newihaale*". "The person who feeds you, beats your mother when you are looking on helplessly". Or as the English say, "he who pays the piper calls the tune". So the aim of the European colonial powers was to grant political independence but retain economic power and control in the words of Professor Fieldhouse. They chose to substitute an expensive reformist empire for the "empire on the cheap". That empire on the cheap is what came to be known as neo-colonialism. Once they retained economic control, these powers made sure that no meaningful development, meaning the quantitative and qualitative transformation of the colonial system took place. For that would not have been in their interests. They therefore, vowed not to permit any forms of meaningful industrial development in ex-colonies. They wanted the colonial imposed vertical division of labour to continue where Africans were to produce what they did not eat, raw materials and to

eat what they did not produce, manufactured goods. In other words, they were not going to allow to take place the development of the people, by the people, for the people, and an independent integrated self sustaining, national economy. The most effective means of retarding such developments was through the so called aid, both technical and economic. African nationalist leaders were therefore persuaded to accept foreign aid as the basis of development, and follow the model worked out by the World Bank for the Africans to copy.

This point was made very clear by the American president of the World Bank Eugene R. Black when he said that Europeans did not come to Africa to develop Africa but they came to get raw materials. It was for that reason that a progressive American professor Paul A. Baron noted that there was no need to expect anything useful from such independence as long as governments of ex-colonies depends, for survival, on the pleasure of their foreign masters. And any African nationalist government leader who attempted to transform the colonial relations of dependency in an effort to achieve genuine independence, what people like Nkuruma tried to do, had to be over thrown regardless of how his government came into power, democratically or otherwise. That is why Obote had to go after the famous Nakivubo pronouncement of 1970. It has therefore been correctly asserted that behind every trouble in Africa, there are European powers struggling to protect and advance their interests.

Now, the question is, how many people still believe that Europeans came here to carry out a civilized mission, that it was therefore a white man's burden? Mr. Chairman, I do not share that view. What we have got to understand is that Europeans came here to under-develop Africa not to develop it. One very important point we have to stress, to those who may not know is that, before the European slave trade and even during it, up to the 19th century, when Africa was colonized, Africans were more advanced in many ways than their European invaders. What many so-called African scholars do not know is that Africa is not only the origin of mankind, but for several centuries, the Africans constituted a dominant population in the World which spread to the continent of Europe, Asia and The Pacific. Africans were the people who developed philosophy,

the idea of monotheism, the art, technology and science. It was from Africa that science spread to Asia by Arabs and then to Europe. It is in Africa where democratic practices were developed. It is Africa which invented statehood and the monarchy system. Africa was ruled by the kings, the Pharaohs of Egypt, and by Queens, for example Queen Candace of the ancient Kingdom of Meroe in present day Sudan. So as a Europeans scholar put it, "*In relation to Africa, the term 'primitive' seems singularly inappropriate.*"

It is not possible to limit one's inquiries to the situation as it is today. This would be to treat the conditions to which the majority of the population has been reduced, both through internal, and more particularly, external causes as though they had existed *abi-origine* and had been, as it were, arrested in a sort of a *stasis*. I am thinking of for example how we look at the Karamojongs, we say they are backward but the Karamojong had never been primitive. That is why after that, the same scholar said, "In point of fact, when we turn to inspect the evidence of the past periods, there is eloquent testimony of the presence of flourishing civilization where today a few herdsmen like in Karamoja survey their pastures". For example, the famous African Universities of the Middle Ages, at Timbukutu, Jenea and Gao which attracted foreign scholars. The point is, as the Basamia Bagwe wisdom has put it, "*Otabona Ngina mubuhana abola ati, echyahwa mama chyafwa*". "A person who never saw his mother or her mother during her youth says the dowry which was paid for my mother was wasted". That is exactly the problem with those Europeans or American brain washed Africans who do not know or take trouble to know the authentic history of Africa. An American writer David Lamb stated the truth about how Africa was under developed by Europeans when he wrote, "The Portuguese explorers opened the door for the slave traders who in turn ushered in there missionaries who were, in their right, agents of colonialism". Missionaries were agents of colonialism you must note that. He then tells us how each one of these invaders slavers, missionaries, colonialists sought to exploit and convert. Each came to serve himself or his God not the Africans.

So, colonization meant three things. Christianity, cotton and commerce. Now, colonialism under developed Africans ideologically, technically, and

culturally. Ideologically, the aim was to make us forget ourselves in the education system both religious and secular, was meant to turn us into slave drivers. It was meant to make us forget our own values, it was meant to make us into good servants of the colonial system. The educated African, therefore, forgot even what he was and he begun despising himself, his colour and physical features. The sense of political awareness was completely destroyed from the Africans through Education. Technically, whatever technical progress we had made as an independent people, was completely destroyed. What Africans used to produce like metal works, knives and all that were destroyed and replaced by imported commodities from England. Africans were made, therefore, to produce what they did not need, cotton and coffee. And to consume what they did not produce, imported commodities. The travelling African trader, was replaced by the Indian *dukawalla* while the African salt, *Egisula* was replaced by imported salt from England. Cotton clothes replaced bark-clothes and that is how economic dependency was imposed on the African people. "Made in England" was a sign of quality, our cultural values were destroyed by the missionaries in the name of God. The aim was to destroy a sense of self respect, a sense of self reliance and a sense of confidence.

So, Mr. Chairman the consequences of this brain washing in the name of education and civilization is that today, Africans suffer from the psychological effect of what the psychologists call suggestibility and projection mechanism. That is, you accept other people's ideas as being yours while we project on each other our personal weaknesses. We hate each other and struggle to dominate our people by force as a result of the inferiority complex we have towards, and the fear of the White people. We therefore, behave towards each other like a poor frightened wife who treats her children badly in order to put on them her anger against the powerful husband.

Mr. Chairman, I now touch the question of dictatorship, mismanagement, disunity and inequality. Again, Mr. Chairman, all these flow from the colonial situation. Before, the African was not dictatorship, it was a governance by consensus, a government by discussion. But the colonial rulers never liked to encourage any sort of dialogue between Africans and themselves. They wanted

Africans to carry out orders. Therefore, the educational system was based on the need to inculcate a sense of obedience to dictatorship. Mr. Chairman, until on the eve of independence, no African politician, no African bureaucrat had participated in a democratic government. It would have, therefore, been super men and super women who would have immediately carried on democratic practices which they had never experienced in their lives.

Mismanagement, Mr. Chairman, is equally based on colonial history, because the colonialists did not come here to develop us, they came here to exploit us. So they never allowed the Asian trader, the European manager or whoever it is, never allowed an African to think, plan and decide for himself. And as Eugene Black admitted, he says even World Bank investments in Africa were not meant to develop Africa. "They did not", he says, "by and large provide a great number of new jobs, particularly skilled jobs for Africans." So, Mr. Chairman, when he comes to who owns the African economy, he says it was completely dominated by the foreigners: the Europeans, Lebanese, Indians, Syrians, practically anybody except Africans. But reliant on the World Bank and the IMF the Paris Club of donors is not accidental. It flows out of debt-trap laid in 1970 into which countries like Uganda fell, in the struggle to maintain international standards. The so called Structural Adjustment Programmes are meant to bring about a total integration of the ex-colonial countries like Uganda into a capitalist international exploitative network. But as the Nigerian Professor Bade Onimode has correctly observed, "No country can be simultaneously faithful to the World Bank and IMF and at the same time serve national population and development." Lack of management skills must therefore be seen as a deliberate attempt by imperialist powers to strap an ex-colony like Uganda from building an independent, integrated, self sustaining national economy.

Disunity, you will observe, Mr. Chairman, also flows directly from the colonial situation (*Inter-ruption*)

PROF. NSIBAMBI: Point of clarification. Does the Hon. Speaker attribute Africa's problems entirely to external factors?

MR. CHANGO MACHYO: Mr. Chairman, I have said they flow from the external factors and the factors of colonialism. They are the major sources, it is the root that is why I said, the root of Uganda's turmoil. I am not saying it is now the whites who are doing this, I am saying they way we Africans behave flows directly from colonial conditions.

Mr. Chairman, disunity and inequality flows also from colonial rule of divide and rule. First of all, they flow from a system of education which divided us along religious lines, then along class lines. Disunity flows from the unbalanced economic development where the country was split into two zones, the south and the North. The South was the productive zone, the North was a zone for producing man power for both manual labour and for the armed forces. And therefore, it also flows as we have already seen from the method the army was recruited, it favoured one particular region, and that is the North, and this gave the Northerners a consciousness, particularly the Acholi, that they were superior say, to Baganda who were not expected to have the fighting capacity.

Now the development of multi-party system as independence approached, was based on antagonism created during colonial days along religious and ethnic lines. The Democratic Party, there is no question, was founded because of the grievances held by Catholics in Buganda. The Progressive People's Party was for the protestants in Buganda. The UPC, when it came into being, was an amalgamation of the UPC, Uganda People's Union whose members of Legico were not Baganda and UNC who were also not Baganda. And the ideology of UPC was not religious, it was anti Bagandanism, and it is embedded in the famous statement, "A good Muganda is a dead one". Kabaka Yekka was for Buganda not for *Banamawanga*.

Now, Mr. Chairman, these problems are still with us, and as far as I am concerned, unless we solve them, we cannot move very far. They are even being made worse by the structural adjustment programme. It is for that reason that we assert that they can only be resolved by adopting a development model based on the development of the people, by the people, for the people according to the strategy of self-reliance, and therefore, a

well planned economy with the aim of bringing about an equitable balanced development meant to meet people's basic needs - food clothes, shelter, health, education and cultural demands. Otherwise, we may end up building a dependent system which will prove too costly in terms of revolutionary struggles to reverse it.

Mr. Chairman, the gender issue: The people of Samia Bugwe South fully support the struggle by women for equality, with men in economics social and political affairs, but what they see as wrong approach is to assert, as some women delegates have done, that the debasement of women in Africa is solely due to Africa's backward cultural beliefs and practices. The degradation of the African woman must also, as we have indicated, be sought in the colonial system. The system degraded both men and women.

The system of education discriminated against women. When it comes to jobs, the women lost their economic base they used to play in pre-colonial Africa. The only job the women could do was either as teachers in vernacular schools, or nursing assistants. Other wise the other employment was to be *Yayas* or *Ayas*. We therefore, want to assert with authority that the degradation of the African woman is rooted, not in the African culture, but in the foreign influence, particularly through education, both religious and secular and the imposed economic activities meant to exploit the Africans. Foreign influence, particularly in Europe and Asia is at the root of this debasement. As Professor Diop wrote, "The Indo-European had no respect for women and that during their nomadic days, they used to kill female children". And according to a recent announcement on Radio Uganda, it was reported that, "In India, female babies are treated as an economic burden, and accordingly, once an Indian woman is pregnant and discovers that her baby may be a female, she goes for medical tests and then for abortion". So, Mr. Chairman, I want also to assert that things like dowry or circumcision were not meant to debase women, they had good philosophical reasons for them. So, I am therefore saying that as long as the system persists, African women will be equal to men but some women will be more equal to men than others. I quote one scholar who was saying "*In a society where property and power had attributed extreme unfairness between classes or social*

groups and where there is rich and poor people. inadequacy of rights and opportunities of citizens on lower ranks of the social order is inevitable. Therefore, legal inequality is a logical result of social inequality and constitutional formulation of equal rights cannot stop it''.

Mr. Chairman, now let me quickly go through the views which people of Samia Bugwe have on the constitution. The people of Samia Bugwe South welcome the Draft Constitution because, unlike the other previous constitutions, 1962, 1966, 1967, their views were sought. While on the light side, Mr. Chairman, they are proud that it was made under the Chairmanship of their son Justice Odoki. The people of Samia Bugwe South fully support the preamble and therefore, commitment to, I quote, "Building a better future by establishing a new social, economic, political order through a popular and durable national constitution based on principles of unity, peace, equality, democracy, freedom, social justice and progress". They instructed me to state very clearly that this commitment must be seriously undertaken and honoured if Uganda is to unite, develop and progress. They say this because, they have suffered greatly from colonial injustices which have never been rectified to this very day. The injustice over arbitrary borders imposed by the colonial authority which left Basamia Bagwe people divided between Kenya and Uganda, and within Uganda, between Tororo and Iganga. They were happy to be re-united in Uganda under Busia district which was established in 1967, but in 1981, witnessed the restoration of the colonial borders and reduced Busia to a sub-district leaving our people arbitrarily divided between Tororo and Iganga. This was the great blow and disappointing to the people. The people of Samia Bugwe South are therefore demanding for the restoration of the former Busia District, and this is very strongly felt by a great majority of Basamia Bagwe in Samia Bugwe North as well as Bukoli county of Iganga. They therefore, support article 4 but insist that sub section (2) must be amended to allow district borders to be based on ethnic and cultural homogeneity, if, equality and unity based on mutual respect and equal opportunity for all in Uganda is to be realised.

The people of Samia Bugwe South are arguing that, the granting of districts to people, once they

fulfil the important conditionalities, should be a right and not regarded as a favour or a privilege. It is in that spirit that they demand that article 203 sub-section (3) providing for two-thirds majority of Parliament before the area can be granted a district status, be deleted. They also agree with Hon. Njuba's statement on 8th July 1994 and I quote, "That people who speak the same language, who share the same aspirations, cultural values, customs e.t.c should, if they so wish, be under one umbrella". The Hon. Kawanga Semwogerere observed that "Local autonomy has a protective role, it is therefore, perfectly in order to listen to those who seek local autonomy". That echoes very clearly, the longings and yearnings of the Basamia Bagwe. The people of Samia Bugwe fully support therefore, the National Objectives outlined in the Constitution.

On human rights, Mr. Chairman, the people of Samia Bugwe South express the view that, rights should not be restricted to associations, freedom of speech and expressions only. They should also include the right to gain full employment. The right not to be retrenched in the name of efficiency without an alternative form of employment. They must include the right to be paid a living wage, the right to education and health services, collectively paid for by the people through forms of taxes like direct and indirect. The people must be granted the right to self determination of nationalities and to speak their own language and develop their own culture. Therefore, the right to the protection of Identity of every ethnic group in Uganda. It should mean freedom of minority from domination, oppression and exploitation by the majority. For as the Basamia Bagwe clearly put it, "Omuludu yesi mundu" - "even a small one is a human being".

The people of Samia Bugwe South who gave me the majority votes, asked me to convey these views on Political System. They say that, they are no longer interested in the artificial differences, propagated by DP and UPC setting their followers or supporters at each other's throats. They say that because the only violence they have experienced since independence, has been between DP and UPC supporters. In 1986 and 1987, Samia Bugwe was in a state of disturbance caused by the violent rivalry between the DP and UPC supporters. The people who were running to Kenya from where they come back and attacked their DP foes

were from the UPC. Those who were DP's, also dared not to sleep in their houses. Hon. Brig. Matayo Kyaligonza was a witness to this disturbance as the Commander of NRA 151 Eastern Brigade. The people of Samia Bugwe South insist that brutal, violent politics in Uganda started with party rivalries. They recall the killings at Nakulabye, the killing of the Kisubi students and the nasty incidents which followed afterwards. Within the UPC, for example, people who held opposing views were severely persecuted, many were expelled from the party and as I have already stated, people like Obwangor and Dan Nabudere were arrested, detained, not to mention the five UPC Ministers who included the Secretary General of the party, Grace Ibingira. Was that not violence? The rigging of elections were first practiced within UPC at the Gulu Conference in 1964. The people of Samia Bugwe South therefore support the Movement type of government for another five years after the coming into force of the constitution and thereafter, they demand a referendum to obtain their mandate as their democratic right for the change or the continuation of the system. They recommend that all RC's from RC1 to RC5, as well as NRC must be directly elected on a universal suffrage.

The people of Samia Bugwe South are saying that genuine political parties must be created on the basis of ideological differences not from mere sentiments and primitive competition for the national cake. At the moment, ideological differences in Uganda are not sharply divided. The great majority of people are still at the comma level of consciousness. That is why resort is made to ethnicity, religiosity, regionalism, besides outright lies and buying of votes. That is why politics is referred to as a dirty game. The people of Samia Bugwe South are saying that let the dirty game be suspended in the interest of unity, harmony and co-operation required for development and progress.

African unity: On the regional co-operation, the people of Samia Bugwe South are victims of arbitrary territorial boundaries imposed by the colonial masters. They say it is time this gross violation of the people of Africa's right to unite should be ended by Africans themselves. The break up of the East African Community was another great blow to them. They therefore suggest that every effort must be made to bring

about genuine African Unity based on the will of popular masses must be provided in the constitution allowing Uganda to surrender her sovereignty and join other African states to bring about Pan African Unity if the popular masses decide to do so in a democratic way. African Unity should therefore not be based on the whims of the popular masses if it is to last the test of time.

Now, Mr. Chairman, lastly the National Anthem and the Motto. So far, I have come across two letters in the New Vision where Ugandans were demanding the re-writing of the National Anthem and yesterday Hon. Wanendeya told us that he got a draft for the National Anthem. What I wish to say here in support of people who hold such opinion is that, our National Anthem is not inspiring and it is unpatriotic. It does not put our future in our hands, or on our own toils and sweat but in the hands of God who is far away from us in heaven. As such it inculcate a sense of false hopes of helplessness, of complacency and hence the dependence syndrome on outside forces to do things for us. The result is heavy reliance on foreign donors, deepening poverty leading to strife and chaos. That is how we have lost our effective sovereign status to the World Bank and IMF officials as new masters under recolonisation. The National Anthem, Mr. Chairman, should reflect the actual reality under which the people and the country are existing, their aspirations, their demands and their hope. It should serve to instil a sense of patriotism, independence and development on the basis of self-reliance. Putting our future in God's hands induces a sense of helplessness or powerlessness and, therefore, defeat. It encourages us to avoid responsibility for our own fate and destiny or our own history because people say, "Eh! what can we do? It is God's will", "*Byona bya Katonda*", "*Wewe mwene akere omuundu*", as the Baganda and Basamya say. It only assists those who believe that they can play any havoc against humanity in the name of God. It is an escape mechanism from reality and truth. The fact is that the people of Uganda are not free, united and at liberty. Nothing to demonstrate these facts than the utterances of many delegates here whose words are full of hatred of other Ugandans. Our Unity is, therefore, one of convenience and, therefore, superficial, contrary to the teaching of Jesus about loving your neighbour. Instead, people hate their neighbours whom they see but claim to love God whom they do not see.

Similarly, the National Motto should be inspiring, revolutionary, patriotic and full of hope. For example, "United we stand, divided we fall" is more applicable to our reality, aspirations and demands for development and progress than "For God and My Country". That is why we call upon those who claim to love God whom they do not see but hate their neighbours whom they see to be honest to God and tell nothing but the truth that will enable us to solve our earthly problem of underdevelopment, ideologically, technically and culturally caused by the colonial rule and subsequent neo-colonial domination and now recolonisation.

In conclusion, Mr. Chairman, I want to stress that Uganda's political, socio-economic and cultural problems, the problem of gender issues are not devil inflicted nor are they the work of evil spirits which can only be atoned by pious payers and offerings. These problems flow directly from the colonial rule followed by the neo-colonial domination and now recolonisation. We, therefore, wish to assert that, as long as foreign domination continues through imposed social-economic systems meant to serve foreign interests and not African interests, no constitution, however well written and objective, will make us unite, guarantee our freedom, independence and progress. Only far reaching, radical, progressive and revolutionary fundamental changes of the system will benefit the popular masses. Mr. Chairman, at the present stage of our socio-economic development, the Movement system is the best alternative political system. It is the ideal under our present conditions. This is because the dominant ideology coincides with the whole. At that level, a Muganda peasant or worker will regard his Muganda landlord or an employer, as a fellow Muganda. "*Fe Abaganda*". A Muganda catholic still sees his Muganda catholic landlord or employer as a fellow Muganda catholic and all catholics must be treated as brothers. The same is true of an Acholi, Iteso, Nyakole, peasant workers etc. It is true of Protestants and Muslims. That is why our aspiring politicians have to exploit the peoples ethnic and religious sentiments. That is why the manifestos of all the parties in 1980 had no fundamental differences. It is not yet the time. Mr. Chairman, for class struggle as an expression of fundamental political differences ideologically. That is why the manifestos are the same and why it is very easy to cross from one party to another without

any serious ideological conversion. Otherwise, under genuine class consciousness, for a peasant or a worker to cross the party of the land lord and of the capitalist, is like a christian crossing to Islam and vice versa. However, when our development reaches a high stage, beyond a communal level, people will also begin to develop opposed class consciousness based on the position and role they occupy and play in the economic system. They will then constitute a class in themselves after which such different classes will struggle for political power so as to become classes in themselves. That is how genuine pluralism, Mr. Chairman, will emerge in our society to form the basis of genuine multi-party democracy. For genuine multi-party democracy is the result, not because of development in the real sense of the word. Therefore as the Basamia Bagwe state it, "Notoola syoluwa", "before you arrive do not get tired". What all of us must know is that the struggle for genuine freedom, independence and progress will never be easy for us Africans especially in the face of The New International Order where imperialists can now boast of there being no place on the earth where they cannot dictate and plunder. They will do all they can to frustrate the forward movement of our history. To face that challenge confidently, we need to equip ourselves with a unified progressive, objective, revolutionary outlook. It is such an outlook which will guide us in our thought and actions during the more serious and tedious struggles ahead of us and, above all, let us struggle to achieve African Unity in order to strongly face a united imperialist formidable front. Therefore we say the struggle continues, backward never, forward ever. Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you, Mr. Chango Machyo for contributing to our debate. I now give the Floor to Hon. Patrick Mwendha, Bukooli county North.

MR. PATRICK MWONDHA (Bukooli County, North): Mr. Chairman, Bukooli county, as we know it today, was founded by my great, great grand father, Mwendha Okaali, around 1450. Mwendha Okaali was the first Munyoro prince to arrive in Busoga. The others of Bagabula, Balamogi, Kigulu and Bugweri, followed later. I am myself Mwondha III, in the Bukooli Dynasty. Busoga itself borrows its name from a rock in the present Bukooli central. Mr. Chango Machyo

may benefit. Mr. Chairman, that the borders of Bukooli are not negotiable. They will definitely not go from part, no part of Bukooli will go to from part of his anticipated Busia District.

Mr. Chairman, Hon. delegates and Mr. Chango Machyo, please accept heartfelt salutations from the people of Bukooli North. We congratulate you and your deputy for the ascendance to the high and historical office of this Assembly. We also congratulate the honorable Delegates for making it to this August Assembly. We congratulate, most sincerely, those other Ugandans who offered themselves as candidates in various constituencies but failed to make it to this August Assembly. Their participation made the exercise worthy. Besides, it made the candidates meetings possible. These candidates meetings formed a very crucial and important part of this on-going debate. It is also true that by and large, these gentlemen and ladies who lost in these elections were honourable losers. They have honourably accepted the verdict of the people and those who have had reasons to dispute the results have resorted to the due process of the law to resolve those disputes including you, Mr. Chairman. I have not heard of anybody who has taken to the bush arising out of the disputes of the results of those elections. That is the true democratic culture. That should be the spirit on the basis of which will form the new democratic Uganda.

Mr. Chairman, on the 19th of May, 1994, in my general remarks to this Assembly, I did say and I quote: "Let us look to the future. Whatever has passed below the bridge has gone. Posterity will not judge us by the amount of attack we are able to make on past regimes. It will judge us by the foresightedness we shall be able to exhibit." Mr. Chairman, in making those remarks maybe I was wrong. Having listened to the debate in this House, it is clear that an excursion into our past has helped in defining the extreme view positions held in this House. With these extreme view positions defined, it will now be easy for us to determine the task before us. It has also been possible, in the course of the debate, to identify areas of general agreement. This identification will quicken the pace of our work. It is important that the pace of work is quickened in view of the fact that up to two million shillings per day of the tax payers money is being spent to facilitate our work at the Conference Centre. There is, there-

fore, a sense of urgency in recognising our objective and getting the job done especially so in these times of extreme scarcity. Moreover, Ugandans are holding their breath, anxiously waiting for a new beginning.

Mr. Chairman I liken this moment in time to the Biblical times of the Messiah which resulted in the new spiritual order known today as the New Testament of the Holy Bible. The New Testament summaries Jesus' mission on earth as two fold. The reconciliation of man with God and the reconciliation of man with his fellow man. Let us agree that our mission in this Assembly is to reconcile a Ugandan with his fellow Ugandan. Uganda needs a new covenant, a covenant which will awaken all Ugandans to the feel and love of one another. A covenant which will teach Ugandans to tolerate each other. A covenant which will enable Ugandans to live in harmony. A covenant which will usher in sustainable peace, unity and prosperity.

Mr. Chairman, on the 9th of October, 1962, Uganda attained her independence. This meant that from then on, Uganda and indeed Ugandans, had attained the right to self organisation, self determination and self governance. The process of constitution making which we are now revisiting encompasses these three aspects. The people of Uganda should be able to organise themselves, determine their destiny and govern themselves. The constitution helps to provide an orderly latitude for the attainment of these three aspects and in so doing, the constitution contributes to the resolution of the country's major political and social economic problems. The opportunity which presents itself to this Assembly is to make a fresh beginning and establish a new constitutional foundation with the hind sight of the last thirty two years and great foresight so that the foundation will stand the test of time.

The people of Bukooli North are demanding, for instance, an end to sudden and violent changes of government and the consequent political, social and economic destabilization which has caused so much suffering. They castigate the fashion of going to the bush to resolve political and constitutional problems which has resulted in terrible consequences to the ordinary people who get caught up in place to ensure orderly and peaceful transfer of power so that the people's lives are not

unduly disturbed. The people of Bukooli North need a constitution to which people of Uganda have sufficient commitment to enable it effectively control political actions, control government and control the governed and to domesticate major political and social economic crises. In view of the massive abuses of public office and public property to the detriment of the welfare of the people and the economy, the people of Bukooli North say that it is necessary that the new constitution establishes mechanisms designed to ensure that public office is not misused and public property is protected. Public accountability needs to be institutionalised to ensure that the people, either directly or through Parliament or other representative organs, keep control over their leaders, and that the leaders in turn respect the people on whose behalf and for whose service they hold office. The leaders must, at all times, exercise power with responsibility and not power without responsibility. Having made these general remarks, Mr. Chairman, allow me to turn to some specific provisions of the draft constitution.

Political system: Mr. Chairman, many Hon. Members have passionately spoken for the Movement. We have been told in this Assembly that the Movement is a child born of a lot of blood letting. Many people, we are told, laid their lives for the Movement. We are told that the Movement was born so that people could be free. Mr. Chairman, I am puzzled. Either the Hon. Members who advocate for the Movement are timid or they are not telling us the truth. I cannot fathom why a Movement, with such an endearing memory and such a promising future to its advocates, should now be curtailed by the very advocates to just another five years. Give the NRM five years, give the Movement another five years, so goes the plea. Why not give eternity to the Movement? It appears to me that none of these Hon. Members advocating for the Movement, none of them bears a true allegiance to the movement as a viable and durable mode of organising society. They all view the Movement as a convenient make shift mode for holding on to power, otherwise, no serious person, especially the honorable Lady Delegates, no one delivers a baby and then appeals to God to give that baby only five years of life. The wish of every parent is a long life to the baby. That is why I am bothered with these people who fathered the Movement who are now seeking that we should give the Movement only another five years.

Mr. Chairman, we have a duty in this Assembly of charting avenues, of organising and strengthening civil society and enshrining those avenues - *(Interruption)*

AN HON. DELEGATE: Point of order. Mr. Chairman, all of us here are delegates. We are speaking what our people want us to say here. Are therefore, our people timid by directing us to say that they prefer a Movement system? Is the Member in order?

THE CHAIRMAN: You made your statement and the Hon. member is also commenting on them. That is all.

MR. MWONDHA: Thank you, Mr. Chairman. Mr. Chairman, I was saying we have a duty in this Assembly of charting avenues, of organising and strengthening civil society and enshrining those avenues in the new constitution. We must set the stage for a strong and competent civil society, free to organise, articulate and express itself in order to influence the trend of politics. The most important prerequisite for organisation is freedom. Initiative and innovation generate on freedom. In the absence of freedom, people become stereo-type, they become vulnerable to manipulation. It is this freedom that the advocates of the Movement now wish to curtail. They do so by restricting the Movement itself to only another five years. The Movement should be allowed to grow in a family with the rest of her sisters and brothers. The Movement should grow from strength to strength, side by side, with her sisters and brothers namely, CP, DP, UPC, NLP and any other children Uganda will be endowed with in future. The advocates of the Movement have built their case on the premise that the Movement is all encompassing and that it contains all shades of opinion in this country, implying that the Movement is plural in essence. This is not true. The NRM took to the bush and fought a relentless war in order to capture power. There are no records to show that the parties were encompassed in the war efforts of the NRM. On attaining power, the NRM announced a social, economic and political programme which they intended to execute while in office. The Ten point Programme is specific, unique and characteristic of only the NRM. I doubt whether any other political party has ever had any input as far as the Ten Point Programme is concerned. When and where did the NRM

encompass a party in drawing up the Ten Point Programme? For the last nine years, in the political school, in *Muchaka Muchaka*, in the many seminars organised by the NRM Secretariat and in many other fora, venomous propaganda and vicious attacks have been levelled at the political parties. It is possible that these political parties which have been subjects of constant attack by the NRM are the same ones now being claimed by the advocates of the Movement to form constituent components of the Movement. It is on record that several attempts have been made by none other than President Museveni himself to have parties banned. One such attempt was on the 3rd of August at the National Executive Committee Meeting. In that meeting, President Museveni urged the Members of NRC to pass a resolution to ban parties. NEC resolved to refer the matter to the NRC and in the usual style, a closed session of the NRC was summoned and a Bill similar to the Decree No. 14 of Amin which banned parties in March 1971 was published for presentation to NRC for eventual legislation to ban the parties. How can the same people now argue that the Movement encompasses all shades of political opinion? The truth is that the NRM exists exclusive of other parties. *(Interruption)*. I am not taking information, Mr. Chairman. The issue of extending the period of the Movement for another five years had nothing to do with the constitutional framework. It is an electoral matter. Hon. Ladies and Gentlemen, we are being drawn into issues which are not and cannot be the business of this Assembly *-(Interruption)*

MR. KARUHANGA: Thank you, Mr. Chairman. Is it in order for my Hon. Friend, Hon. Mwendha to mislead this House and say that the parties were banned by a Decree similar to that of Amin without mentioning the one of Obote when in fact there was no such a thing, and for him to say that the leaders in the NRM, including President Museveni, were spearheading this struggle without realising that even if they were, the democratic institutions which they had helped to put in place were there to say no to them and the parties were not banned and that the meeting which took place in the NRC was an open meeting where the parties never got banned, and is he in order now to mislead this House to say that the NRM banned political parties when in fact he himself even is not a Member of NRC, not a Member of NEC? NEC's meetings are closed meetings and just to

feed this House on hearsay and rumours and on issues which are coming very close to what would be normally described as lies, Is he in order?

THE CHAIRMAN: The point of order would have attracted the ruling but it was based on wrong premises. The Hon. Member never said they banned political parties. He said a Decree similar to the one of Idi Amin was drafted. Drafting does not give it the force of law so you formed a false premise and then argued logically from there.

AN HON. MEMBER: Is he the Draftsman?

AN HON. MEMBER: Point of order. Mr. Chairman, is the Hon. Member holding the Floor in order to put words in our mouth when he said that Members here have been asking for a five year extension when in fact many Members, including myself, have said that our people want a broad based system to remain in place for the foreseeable future but that in the interest of peace and reconciliation, can allow that after five years, this question is put to the people again. Is he order to put words in our mouth, Mr. Chairman?

THE CHAIRMAN: That is more of information than a point of order.

MR. MWONDHA: Thank you very much, Mr. Chairman. I was saying Mr. Chairman that the issue of extending the period of the Movement for another five years has nothing to do with the constitutional framework. It is an electoral matter and I was appealing through you, Mr. Chairman, to honorable Ladies and Gentlemen in this Assembly that we are being drawn into an issue which is not and cannot be the business of this Assembly. Whether the NRM continues for another five years or not, it is a matter of the electorates. We must avoid the mistake made by the NRC in 1989 when the first business of the expanded NRC was to give NRM another five years. The NRC then was roundly condemned and there was an outright public outcry throughout the country. Even if all of us here acceded to the extension, our votes are only 284, hoping that Mbale Municipality will join us soon. Including yours, Mr. Chairman, then it would come to 285, unfortunately you do not vote here. Mr. Chairman, 284 votes out of a possible 7 million voters of this country and yet many Members have

extolled the virtues of the sovereignty of the people. Members, in fact, have rightly argued that one of the cornerstones of democracy is the people sovereignty. What wisdom is there now for us to deny the people their right to vote and determine whether the NRM should continue for another five year or not?

MR. BIDANDI SSALI: Point of order. Mr. Chairman, Sir, in view of the fact that the majority of the Members of the Assembly were very recently elected, directly elected and delegated to say what each elected Member has been able to say, is the Hon. Member holding the Floor in order not to multiply the number of the voters who voted for us while comparing those 284 with 7 million. Is he in order not to relate the number of votes multiplied by those elected who sent us and then let him tell us that one has no logical relationship with the 7 million he is talking about? Mr. Chairman, Sir, is the Hon. Member in order?

THE CHAIRMAN: I think the Hon. Member has been invited to do that mathematical formula as he contributes. I do not think it is a point of order, it is a question of a request to take that into account really.

MR. MWONDHA: Thank you very much, Mr. Chairman. This is a matter for the sovereignty of the people. It is not a question of arithmetic. If we are going to do arithmetic, we then usurp the power of the people. Mr. Chairman, I was saying that what wisdom is there now for us to deny the people their rights to vote and determine whether the NRM should continue for another five years or not? The answer is simple. Wait to hear the answer. Let the NRM, together with the parties, go to the polls came January 1995 and allow the NRM the pleasure to humiliate these so called decadent, moribund, bankrupt, divisive political parties.

MRS. MATEMBE: Mr. Chairman, I am seeking clarification because I am finding it difficult to follow the argument and I need to follow it. May I seek this clarification from him?

MR. MWONDHA: Mr. Chairman, my paper will be available for her to study.

MRS. MATEMBE: Your paper will not explain to me what I want to -

THE CHAIRMAN: Hon. Matembe, you should speak through the Chair.

MRS. MATEMBE: He is a democrat, he should allow this thing.

THE CHAIRMAN: Anyway, the Rules of Procedure gives him that option but may be for gender reasons -

MR. MWONDHA: Mr. Chairman, even on gender reasons, Maria Matembe, can look for me after this.

MR. WAGIRA: Thank you Mr. Chairman. Is it in order for the Member to imply that NRM went to the bush solely with only the purpose of capturing state power because, Mr. Chairman, if he says that NRM should compete with other political parties, it therefore implies the fact that - it asserts that the Movement went to capture political power and its aim was only to guarantee that political power when in essence NRM resists going to polls at multi-party elections for the sake of sustaining the peace and stability in the country. Is he in order therefore?

THE CHAIRMAN: That is more of an argument than a point of order. Just proceed.

MR. MWONDHA: Thank you, Mr. Chairman. Hon. Serwanga Lwanga said on the Floor of this House that the parties are on the verge of death. I would like to ask then kindly take these parties to the people so that the people at the polls can be afforded the chance to give these parties a decent burial. Do we really now have to provide for their grave in the draft constitution? Mr. Chairman, my argument is that the parties have performed badly in the past. This is a matter which is subjective but even if one was to accept that this is true, is the answer to this malaise to render the parties inactive? Take the case of a poor performing child of say Primary five. Mr. Chairman, suppose you are the father of the child and you get a report to the effect that the child is not performing well, would you respond by asking the child to stay at home and drop out of school? I thought that the immediate reaction would be for you to arrange even more hours at school for that child. The parties too should be afforded wider latitude of practice and activity. After all, the saying is that practice makes perfect. Most Members, in dis-

cusssing the issue of parties, seem to think that these parties in themselves are anything more or less than their membership. Parties are nothing more or less than their membership such that if there is anything to attribute to the parties, it should be attributed to the Membership. The members of these parties were not recruited from the moon or from mars, the members are Ugandans and many Hon. Members here now advocating for the Movement were in fact members of these parties. If the parties have indeed performed badly, then it is the Ugandans who have performed badly. Should we therefore now dissolve Uganda (*Interruption*).

THE CHAIRMAN: Hon. Nasasira, the Member made it clear that he is not taking information.

MR NASASIRA: Point of order, Mr. Chairman.

THE CHAIRMAN: The Chairman is entitled to disregard points of order if he is satisfied that it is being used as an abuse of the process.

MR. MWONDHA: Thank you, Mr. Chairman. It is not possible, Mr. Chairman, to hold a test tube control experiment. We have got, all of us, to be part of the process of renewal including our parties. We cannot hope that we shall send parties to sleep and hope that by the time they awaken, they will have improved.

Mr. Chairman, no man is righteous. We do not yet have angels on earth. If we had one, then we would all just sit back and allow the angels to lead us only. Therefore, it serves no useful purpose for anyone of us, adopting a God's scenario. The scenario which has been now adopted by the NRM in their nine years of rule such that anybody opposed to them is either satanic or a sinner. Deferring opinions are inherently human since none of us is perfect, it becomes imperative to always have a second opinion. Even experts in their own fields are always seeking for a second opinion. This is a fact which we cannot run away from. The Basoga have a saying that "*Ebisiru ebibiri bisinga omugezi omulala*" meaning that "Two fools are better than one wise man". You do not (*Laughter*). Mr. Chairman, you do not even need to have to be clever, two fools are better than one wise man. Nobody has a monopoly of knowledge. Mr. Chairman, what have we not seen? The late President Habyarimana presided over Rwanda for more than two decades on the

auspices of a Movement, MRND, very much similar to our NRM. For two decades, the opposition was suffocated in Rwanda, it was bottled up, very much similar to what President Chiluba said in this very hall about the bottle of Champagne when he was discussing pluralism. What do we do now see in Rwanda? Are we now asking for another Rwanda here? Mr. Chairman, the Movement people should think again. We have had a lot of talk about privatisation in the economic sphere. We are now trotting around the globe in search of investors. All this will come to nothing if the prospect of turning into another Rwanda looms in our midst because of this Movement thing. If privatisation is good for the economy and for political stability, what we now propose to do in Article 95 of the Draft Constitution is to create a state party in the name of the Movement. Members of the Movement should pick a leaf form UPC. Twice the UPC Government has been overthrown and twice the UPC as a party has survived. This is because there is always a difference between the government and the party. It is naive to expect the Movement to live beyond its life in the government. In fact no movement no government. Perhaps this is why Members of the Movement must hold on to power. Everyone of them, from the NRM Chairman, NRM Secretariat, NPC to the last RC are maintained by the state. They are parasites who cannot outlive their host.

MR. BAGEYA: Point of order. Thank you, Mr. Chairman. I have been listening intently to my fellow Musoga but I am wondering whether he is in order to impute that the RCs are parasites and when in the actual fact I am on the RC Council but I have never been paid by the Government. Is he in order, therefore, to impute that the RCs are parasites?

THE CHAIRMAN: Well, the Hon. Member could substantiate it if he can.

MR. MWONDHA: Mr. Chairman, I am sure when my son, in the name of Hon. George Bageya was still the Chairman, RC 5 Iganga, he was drawing an allowance. Mr. Chairman, political parties should be free associations of the people and not organs of the state. This is the only way the notion of power belonging to the people can be realised. On their own as individuals, people have no power, it is only when they come together in

their free association, the political parties, do they become powerful. Freedom to associate also entails the freedom to disassociate. This is not the case as of now with the present RC statute which is conscriptive. Every Ugandan of 18 years and above belongs to the RC system by law. In the provisions of that same law, there is no provision for ceasing to belong. This is draconian. The one person actually who needs to be protected against this RC Statute is none other than His Excellency the President. President Museveni is on record as having belonged, founded and discarded the largest number of political organisations. In Ntare school he was DP, late 60s he was UPC. In 1971 he founded FRONASA. In 1977 he joined UNM, Uganda National Movement under prince Barigye. In 1979 he joined the UNLF and become the Vice Chairman of the Military Commission. In 1980 he founded UPM. In 1981 he founded PRF and in 1982 together with Prof. Yusuf Lule, they formed the NRM. Who knows, he could now be about to form another one. How then can a man who has enjoyed such freedom of association be the one leading the campaign against that freedom?

Mr. chairman, let me say just a few words about poverty. Poverty is a security and a human rights issue because it has had denied our people justice, sustainable livelihood and inclusive development and has consciously or unconsciously been used as a political tool for manipulation and domination by internal and external forces. As such, poverty is a sensitive, social and political issue which a people centered constitution should necessarily be pertinent to address seriously. It should be at the centre of our constitution making since the poor become marginalised and are the ones whose peace and security is often threatened and whose human rights are abused in the face of poor governance and social violence. It is important that Hon. Members recognized the crucial position of poverty. We should start to have a new outlook to development in terms of progress towards reducing the incidence of poverty alongside ignorance, inequalities, dependence and unemployment. Poverty should no longer be defined in terms of incomes per capita but rather as a lack of a variety of dimensions of human welfare such as good health, good nutrition, educational opportunities and employment, the very bit of which may be determined by economic, as well as non economic factors. Non economic factors include for example, a President with unlimited powers who

can do or not do anything without being called upon to account. We have had in the past decisions made with profound effect on the welfare of our people without being called upon to account. We have had in the past decisions made with profound effect on the welfare of our people without the due consultations. Heavy and most irresponsible internal and external borrowing, huge defence spending which has left increasingly small amounts for the social services thus constraining the social economic process with the deep sea of poverty in which Ugandans now find themselves, debt has taken the place of military conquest and occupation. It is now the effective instrument the western world is using to economically, politically, socially and environmentally penetrate and control the African countries. It is a new weapon for entrenching Uganda deeply in the neo-colonial rule. It is also the tool by which political, economic and social democratization in the country is being prevented by sustaining rulership which is remotely related to the people. It is estimated that every Ugandan man, woman and child is indebted to the multi-national financial institutions to the tune of shs. 400,000 per head. In particular, the poorest of the poor, who are at the limits of survival, have yet to see any benefits from the heavy loans taken by the NRM Government in the last nine years.

Mr. Chairman, I wish to conclude with the Army. Our brothers and sisters in the Army should understand that the largest Army any country can have is that country's entire population. Those who may be in uniform, at any one time, is just a subset of the larger Army, the population. That is where the principle of the Army being subordinated to civilian authority arises from. In military terms, numbers are of crucial importance. It is naive for one to think that the smaller subset, the uniformed army, will stand in the way of the larger army, the population, for ever. When we say that the army should be subordinated to civilian authority, we are not begging. It is just military logic. Mr. Chairman, the NRA may have fought and won many battles but they still have one major obstacle to overcome in order to liberate themselves. The NRA must with immediate effect break the umbilical cord with NRM. As we democratise and return power to the civility, it is contradictory and dangerous for the NRA to continue to be an appendage of the NRM. The NRA must manifest fully, as a national institu-

tion, able to safeguard the state irrespective of who is in charge. The NRM's insulation from political competition is over. Very soon the NRM will be subject to political weather conditions some of them extremely adverse. That is why I am advising the NRA to abandon the partnership. Please, allow the NRM the freedom to lose or gain on the political plane.

In conclusion, Mr. Chairman, the people of Bukooli North have placed their hope for a united, peaceful, just and prosperous Uganda in this Constituent Assembly. They have every confidence that the Hon. Members assembled here have sufficient commitment to Uganda to enable them to agree on a constitution which will afford every Ugandan the full enjoyment of his inalienable rights and freedoms. A Constitution which will accommodate all Ugandans. I thank you, Mr. Chairman.

THE CHAIRMAN: Thank you Hon. Mwendha for your contribution to the debate. Hon. Delegates, I think we should break for lunch now and resume at 2.30 p.m. We will adjourn until 2.30 p.m. Thank you very much.

(The Assembly adjourned for lunch at 1.16 p.m and resumed at 2.30 p.m)

THE CHAIRMAN: Hon. delegates, we resume the afternoon session, and we are already late by slightly over 30 minutes. The person who has the Floor is Hon. Zubairi Atamvaku of Arua Municipality.

MR. ATAMVAKU (Arua Municipality): Mr. Chairman, I am a delegate from Arua Municipality. With the little time, I am not going to spend time speaking all the oldest geography of Arua, but I will only add one or two explanations. Mr. Chairman, and fellow delegates, Arua Municipality is cosmopolitan and indeed the nerve centre of, not only Arua District, but whole of West Nile. Whatever politics obtains in Arua Municipality is either an epitome of whatever is happening at the peripheral counties or it will always over spill and influence the politics of all the North Western region. It is for this reason that, Mr. Chairman, views arising from Arua Municipality ought to be taken seriously vis-a-vis the politics of West Nile. It ought to be taken very, very seriously because the culture of the municipality is so mosaic, it

reflects diverse views, variegated, ideological typography and above all it permits pluralism and therefore, calls for undoubted free association, free speech, free thought, free conscience indeed freedom in all its totality.

Mr. Chairman, since this is a general debate, I will, therefore, be rather panoramic, although at the same time also cinematic. However, being just panoramic intellectually, understandable superficiality may not be ruled out. Nevertheless, clarity will always obtain at the end of my address. For that matter unnecessary interruptions, I beg, may hold yet, with the exception of the mandatory point of order.

Mr. Chairman, the geographical position of Arua in proximity to Zaire and the Republic of Sudan, has made the people of Arua, particularly, Arua Municipality, extraordinarily responsive to regional and international politics, bearing in mind that Arua Municipality enjoys some cultural proximity to the Sudan. For that matter my electoral college views, with concern, the build up of American military presence in the region. My electoral college does not take lightly the return of Israeli and British Diplomatic offensive to the region. My electoral college is concerned that a possible American, British and Israeli collaboration on the one hand to constitute any axis with Kampala may lead to a dangerous development in the Sudan and as a consequence, spill over in Arua District. For that matter they pray that the Constituent Assembly should also show some moral concern towards that effect.

Mr. Chairman, the views of the people of Arua Municipality, I am going to offer presently, are informed, at the background, by three basic factors apart from the geography. At the back of their minds, the people of Arua Municipality and indeed Arua District are aware that in the pre-1971 days, that is from 1962 up to 1971, they enjoyed increased social services and a not quite biting, taxation. Excellent, indeed superlative education, increased health care, increased road construction and so on and so forth, and whatever produce they reaped from the cash crop, particularly, tobacco was worth the sweat. This is in the back of their mind. Secondly, the people of Arua Municipality are also aware that it does not pay to say that you have been in exile during so and so's regime, that does not pay. We do not construct a

Constitution by retribution, we construct a Constitution by reconciliation. Otherwise, it will be counter-productive, for instance, for us to insist that after all FRONASA a fore-runner of NRM/NRA was instrumental in terrorising the people of Arua and, therefore, laying a foundation for the going to exile. People of Arua went into exile well before the 1980 general elections. Mr. Chairman *-(Interruption)*.

MR. OBIGA: Point of order. Is the Hon. Member in order to mislead this House that it is FRONASA which terrorised the people of Arua District, when the facts are that FRONASA came to Arua District 1979 September, and they were withdrawn in March 1980, under the command of one called Maj. Akiki who belonged to the *Kikosi Mualumu* faction of UPC?

THE CHAIRMAN: That is more of information than a point of order.

MR. ATAMVAKU: Mr. Chairman, "he who pays the drummer determines the beat of the drum". What do I mean? Whatever dishonesty is hidden behind a point of order, when in fact it is being given as an information, is reflective of the inner most chamber of that person. Mr. Chairman, I proceed.

THE CHAIRMAN: Hon. Member, let me caution you slightly. Our rules do not allow imputation of bad motives on other Members, whatever they bring on the Floor is taken to be in good faith. Anyway, proceed.

MR. ATAMVAKU: Thank you, Mr. Chairman. The people of Arua Municipality are also aware that their return from exile was not due to the benevolence of any single dictator. No, to the contrary, that period coincided with the seizure of power in Kampala and upsurge of SPLA activities within the proximity of Uganda borders. Therefore, could there have been a strategic encounter between SPLA and NRA, history will tell.

Mr. Chairman, I am, therefore, contributing from this position under three basic instructions, one, to stick to policy and perspective, not ad hominem. What do I mean? I am strictly instructed never to rekindle that superfluously acrimonious debate which was centered on personalities by one Hon.

Member sometime back in which he was personally attacked. I am instructed never to commit that error, for two wrongs do not make any single good. Secondly, Mr. Chairman, I am also under instruction to talk of democracy here, not to go to American, Britain, and other country's sort of democracy. I must talk of democracy here, because here lies my electorate. For that matter,

Mr. Chairman, it is a principle that always what you see as impediment must be corrected. I am an unrepentant believer in the universal and sacred values of democracy and pluralism. Therefore, I state that to argue all round that in pre-colonial Africa, there was democracy whereas there were no parties, therefore, how can parties be necessary for democracy today, is to miss the bare elementary of the law of comparative judgement. Though most societies were simple, even at the level of political organisation, there were exceptions. For instance, the Dahomey Empire in the late 19th century when there was already class formation, there was modicum of party politics, that cannot be denied. For that matter, today when we insist on parties, it is not that we are borrowing from America, but we are responding to the on-going social changes as a result of technology and new money economics. Mr. Chairman, the third instruction is that, I am advised by my electorate, never and never to fall in the trap of the so-called broad-based principle. My electorate believe that you can talk of broad-based government if and only if all parties agree, but where you co-opt some heretic members of other parties, members who have committed political heresy against their own parties and then you say it is broad-based, we say no, it is not broad-based because there is no official party position to sanction that so-called coalition or broad-based government.

Mr. Chairman, nevertheless I am also on instruction, therefore, to take reconciliation as the fundamental principle upon which I am to begin my contribution in the Constitution making process. After all, we are aware that it was as a result of consultation between, not only political parties, but also civic groups that certain fears, well before independence, were watered down. Various conflicting forces reconciled and Uganda went into independence. That was about 32 years ago. At that time, the two most prominent and indeed explosive, political questions that faced

the people of Uganda were: One, what form of government was fit for an independent Uganda, and who was to be the Head of State on attainment of independence? These two questions were of singular importance, not because once the solutions were found the interest of the ordinary Ugandan would have been advanced, no, to the contrary they were important because persons of privileged class sought to make their interest synonymous with the interest of the common Ugandan. That is why those questions were of paramount importance as we neared independence. Mr. Chairman, the situation was compounded by the fact that when Dr. Apollo Milton Obote led the Uganda Peoples Congress, he made it a party, a peoples congress and, therefore, brought into its fold people with diverse, and at times conflicting philosophical and ideological persuasions. It was in this context, Mr. Chairman, that Grace Ibingira, then Secretary General of UPC -(*Interruption*).

AN HON. DELEGATE: Mr. Chairman, I beg that the Hon. speaker reduces the volume, our ears are really affected. Thank you very much.

THE CHAIRMAN: But that is his way of delivering, but he has taken heed.

MR. ATAMVAKU: Mr. Chairman, it was in that light that Grace Ibingira, then the Secretary General of the ruling party, chose to unseat his own Prime Minister. It was for that reason that, actually, Grace Ibingira rejected the advice given by one of the Hon. delegates here, one professor here - he advised Grace Ibingira against the preventive detention Act, but Ibingira paid deaf ears, because he had calculated that using American dollars, he would bribe the Parliamentarians, get majority, move a Motion of no confidence in Obote and on replacing him, he would then detain him. That is why the day Ibingira was served with detention orders, he remarked, and I quote him surely. He said: "*Fate neither knows law nor respects law*". The law he had supported had tied his hands. So, this was a crisis within the ruling party. Why, because Ibingira looked at himself from a Kingdom area, he would team up as a Prime Minister with a President from a Kingdom area, there would have been ideological policy in governance.

Nevertheless, after all that crisis, the UPC emerged strong enough to solve so many problems, but

two, remained unsolved. One, the question of national identity remained paramount, and secondly the question of resource allocation. And so, when the Army interrupted rudely the democratic process in Uganda in 1971, it actually cut short the democratic process where these two questions were to be amicably settled. Indeed, Mr. Chairman, we must, therefore, realise that the interruption of the Army was not basically a domestic question, it had been preceded by a quarrel between Dr. Apollo Milton Obote and the British government over the Asians. The British government wanted Obote's government of UPC to give Asians blanket citizenship, contrary to what was constitutionally agreed in 1962. As a result, indeed, Dr. Obote was overthrown.

Now, I imagine, if the British put that request now, can NRM government resist it, is it possible? Indeed, it is very hard to assume that NRM can resist that request, because after all it started very badly. FRONASA, the precursor of NRM was instrumental in the massacre of Muslims in Mbarara and Bushenyi in 1979, it was instrumental. This fact was admitted by one Hon. speaker yesterday, you cannot deny that. For all these, Mr. Chairman -(*Interruption*).

MR. KATEGAYA: Point of order. Mr. Chairman, is it in order for the Hon. Member holding the Floor to tell lies that FRONASA was involved in massacres of the Muslims in Mbarara, without substantiation, can he substantiate, because this is a serious statement!

THE CHAIRMAN: I think the Hon. Member was purporting to quote the statement of yesterday by Hon. Gumisiriza, but the Hon. member did not say, in fact, this is where the problem is, he has misquoted him. Hon. Gumisiriza did not say that FRONASA did carry out massacres of Muslims, he only made an observation that through confusion, Muslims were killed, but he did not say FRONASA did. So, I think Hon. Member you should correct yourself on that one.

MR. ATAMVAKU: So, Mr. Chairman, I correct myself thus, Muslims were massacred in 1979, whoever took out the massacre is a well known secret. Mr. Chairman, for all these, however, I am under instruction to start from the point of view of reconciliation, hence it is the view of my electorate that whereas the third paragraph of the preamble mentions the principles of unity, peace,

equality, democracy, freedoms, social justice and progress, it is our contention that there should be some explicit mention of reconciliation as a principle. In other words we do not nullify what is already stated there, but we wish to supplement it by making the principle of reconciliation as explicitly as possible so that there is no doubt that, that is from where we start the process of making the Constitution.

Mr. Chairman, it is also our belief that a good and a lasting Constitution should pass in the process of its making, through freedom of thought, expression, association and indeed conscience. The total freedom should be enjoyed by the citizens as they participate in all the stages of making the Constitution. This entails expensive consultations as it were prior to independence. Aware of such consultations, it was also an obvious reason for the people of Uganda to get involved, since 1988 when with a lot of fun fair, NRA/NRM rulers launched their Constitution making exercise. Many innocent Ugandans did not realise that, after all, surely the leaders of NRM were, actually, putting Uganda in a dark alley towards a fraudulent Constitution making and indeed a fictitious democracy. A number of factors support that position. One, the way the Constitutional Commission was formed leaves a question mark. There was no wide consultation with civic and political organisations. Political parties are a reality in this country, they aspired for and led the people of this country since independence. This fact is even recognized by my illiterate grandmother, yet, Mr. Chairman, the parties were not consulted when the Commission was formed. Secondly, Mr. Chairman, the method of consultation was unscientific and subjectively prejudiced. Apart from excluding the major parties from the organisation of seminars, the questions were structured in such a way to evoke some predetermined answers. This position, I take from a point of view of a professional teacher. Thirdly, the time the Commission took to publish the work has been curiously too long. I said curiously too long, one wonders how in 1972 the Republic of Sudan could emerge from a ruinous 17 year civil war with no infrastructure in the South, poor infrastructure in the North, to publish its Constitutional report within three months! Yet Uganda, with all the intellectual resources, infrastructures and funds from abroad, notwithstanding the fact that some of these funds have been stolen, this country could

take six years to publish what was already partly conceived in the bush and also partly adopted from elsewhere. One wonders really! Mr. Chairman, look at the CA Statute, it is our belief that any assembly designed to and charged with making of a new Constitution should be a free Assembly. This freedom is conceived, not just at the state of operation, but also at the collective state of the Assembly. Yet we see that in the case of the Constituent Assembly, the relevant Statute is, actually, a sick law, it violates the fundamental law upon which it claims to rest.

Mr. Chairman, the CA Statute, rules 11 and 12 undoubtedly contravene the right of the Uganda citizens to freely associate and to freely exercise their conscience as contained in the articles 8, 17, 18 and 20 of the Constitution in force. The NRM claims to uphold this Constitution of 1967, save those provisions that have been mutilated. Yet, by the CA Statute, it violates wittingly some of the aspects that the military NRM regime which it has left in force. We, therefore, Mr. Chairman, wonder if the NRM violates the Constitution upon which it bases its legality, surely, what other democratic Constitutions can NRM guarantee it will respect? Mr. Chairman, I proceed to say that the process of election of the Constituent Assembly delegates was characterised by massive bribery, intimidations and massive frauds! I was particularly a victim to that. Even though I was subjected to all those, I came out because surely in Arua Municipality, to challenge me is to knock your head on a wall. So, the NRM violated its own laws by sponsoring candidates and abating illegal use of public funds. In fact, NRM functionaries were allowed to get money from public coffers. Without much ado, Mr. Chairman, we recognise the one conclusion, the Odoki Draft consists of aspirations of the military rulers of this country, hence it is not a surprise that the NRM should give with the right hand only to withdraw with the left. Even in the matter of civic sovereignty. The NRM, indeed the Movement as a whole was not elected, it got itself to power by the gun, it travelled to the State House through the avenue of a genocidal war, the most genocidal war Uganda has ever known in her history, yet this fact does not alter the objective reality of the supremacy of the peoples sovereignty.

In this respect, Mr. Chairman, we abhor the attempt of limiting peoples sovereignty within the

perimetries of the state by the so-called democratic institutions in Article one of the Draft. This is a restriction only to gun rule. Mr. Chairman, it is wrong and contrary to Constitutional culture to ignore the role played by the civil society in upholding the sovereignty of the people. Civil society is the arbiter and articulator of people's power. So, civil society should be free of state or Legislative manipulation. Through civil society, Mr. Chairman, people challenge Executive decisions or legislative actions or inactions which have far reaching implications in respect to the rest of people's determination. People should be able to exercise their sovereignty so as to remedy constitutional commissions. To do so, Mr. Chairman, the people must be left free to exercise their sovereignty through other means other than state defined democratic institutions. There are, for instance, civic organisations and professional bodies. These are important in democracy. When we talk of freedom of association, there is paramount reference put to political parties, how about civic and professional organisations, they must have effective guarantee and constitutional role in a democratic polity. This is what we are saying. Therefore, one wonders why, indeed, a government Mr. Chairman, of the most educated, the most enlightened, indeed the only superlative military ethnocrats, should ignore the need for a special representation by such professional bodies, as the Law Society, in the Constituent Assembly! We believe this is an irony worth a democrat's curiosity.

Mr. Chairman, the question of peoples sovereignty is organically linked to citizenship. In the present atmosphere of mistrust, Mr. Chairman, mistrust being perpetuated by the official establishment whenever the question of citizenship is raised, a quick however fallacious reference is made to the Banyarwanda scenario. I say the Banyarwanda scenario, not the Banyarwanda question, there is no Banyarwanda question here. Yet the issue of citizenship is far different and far wider than that. It spans over the domestic, regional and indeed international politics of Uganda. The Constitutional Commission has overlooked that fact and also misrepresenting the position as reflected in the 1962 Constitution. The reference here is to persons who were protected under or in British territory or colonies - it is British territories and colonies, but the report removes the conjunction 'and' put there 'or', it turns the

original provision from a conjunction to a "disjunction". Mr. Chairman, that is deliberate, it is deliberate why? Because in rules of reasoning, we know that a disjunction is a loophole, through that loophole, therefore, the Commission was able to, smuggle in the aspirations of the NRM military rulers. In that way, the Constitution of Uganda has, therefore, given citizenship to every common person who enters Uganda legally or illegally. Mr. Chairman, we do not want to be misunderstood, we are not against bona fide Ugandan citizens whose ethnic affiliation runs across borders. The Lugbaras, the Kakwas, the Samias and many others, we are not against these people, but the thrust of our argument is that there should be no blanket citizenship given to any refugee, there is a law and the refugee must use that law. We cannot give blanket citizenship, outside the law, to the remnants and descendants of the Tutsi refugees who poured into Uganda from 1959. When the oppressive Tutsi rule was overthrown in Rwanda, the Tutsi came to Uganda and they were welcomed with unprecedented hospitality. They even got superlative education which superlative education was a hall-mark of that UPC government's developmental policy. But what happened? From 1971 to 1979 these Tutsi refugees were prominent in the State Research Bureau, they were, very, very prominent in the State Research Bureau, even after that, they refused to be citizens or to become citizens. Instead, they only changed allegiance like political prostitutes. So, what happened was that from 1981 to 1990 they were again very effective and a necessary machinery in the genocidal war in Luwero. Now, these people have committed crimes against our people, they have killed our people in Luwero, Eastern and Northern Uganda. They have looted cattle in Teso and Lango, they have abducted and burnt alive the young and the old in Acholi land, set ablaze granaries of food. Should we now reward them, after they have stolen our arms and gone to Rwanda, should we now reward them with our citizenship, should we do that? Mr. Chairman, if we do that, the future generations will hold us responsible for acquiescing in for the biggest insult Uganda has ever received in her political history.

Mr. Chairman, it is important to protect the citizenship of this country from illegitimate manipulation, otherwise this country is already lost and it will be lost totally, never to be found. Mr.

Chairman, we from Arua Municipality, therefore, say that to do so, the Bill of Rights must be free of any derogation. We are told that freedom of association is not absolute, if it is not absolute, is it, therefore, relative? I say *no*. As a teacher of philosophy, I say *no*. Freedom of association is only limited implicitly by the fact that it demands of me responsibility. Therefore, there cannot be any legitimate legislation or legislative measures to curb or to append some derogation to the Bill of Rights. Mr. Chairman, in light of this, we are, therefore, saying that the Bill of Rights should be pushed to its logical conclusion. We must not constitutionally force any ideological brake to other parties to write their manifestos, hence, chapter 3, if left unbridled, is going to put an ideological base within a Constitution. Imagine, for the first time in our history. Chapter 3, if left unbridled, is going to push any ideological brake in our Constitution so that we shall have a constitutional base for totalitarian, one party state under which we are already suffering. Also, Mr. Chairman, the chapter is going to close the door to other alternative policy formulations, which I think is wrong. Let the chapter be adopted in the preamble, to that we do not object. Mr. Chairman, we also say that instead of establishing such organisation of ISO and ESO, which are basically witch hunting organisations, we must strengthen the professional Police Special Branch, that is enough. We do not have to constitutionalise witch hunting to protect the incumbent.

Mr. Chairman, the Constitution is defended by civic education, therefore, civil culture and constitutional culture. We do not defend a Constitution by militarisation. If it was so, in Algeria they would not violate the Constitution. This so-called political education, which actually teaches militarisation is a preface to a Uganda edition of *Interahamwe*. We, therefore, say that, Mr. Chairman that there must be a devolution of power, there must be a real devolution of power. This devolution of power, must be from the centre to the periphery, or Sub-county level. We do not want the on-going decentralisation whereby some residual final powers are left to a minister to act like a feudal governor in the middle ages, whereby he can withdraw from the periphery those powers at any time he wants. That is not acceptable to us. We want a devolution where really civil sovereignty is right at the sub-county level, and these must be politically and economically viable, not impotent as the present system has established.

Mr. Chairman, I will conclude with women, youth and workers. Unlike workers, women and the youth have been more frequent in NRM catechism. What is important for women liberation is to realise that liberation is essential to human nature. Nobody liberates you, you liberate yourself. In the Koran chapter 13, verse 11, God says *"God does not change the condition of our people until they chart their own condition."* You liberate yourself, hence we support woman liberation in as far as they are going to liberate themselves. But presently, the liberation of women has been hijacked by the Movement. Instead of electing women representatives to various assemblies, NRM wants women to be elected as NRM ambassadors to those bodies. That, I think, is wrong. After all, the root of women in politics does not begin in 1981, it goes as far back as the first UPC government, when that government increased educational opportunities. If NRM never found around literate and educated women, how would NRM talk today of women liberation, it would not be viable. In any case, Mr. Chairman, I will go ahead to say that the educational opportunity increased at that time for women without incurring unnecessary debts, but now what do we see? Under NRM we have witnessed increased foreign debts, abject poverty, rising rate of illiteracy, closing of schools, reduction of educational opportunities, and shooting and killing of University students in Makerere University in cold blood! Just as the aristocratic ethnocracy rewards itself with fleets of Pajeros from public funds. So, Mr. Chairman, today the women emancipation has turned out to be a technique for boosting NRM dictatorship.

In the case of the youth, NRM has been very slow, why? NRM found that the youth of Uganda have been always democratic, they have always advocated for parties, parties have enlighten them, they have always followed the free party line. So, NRM was still formulating a mechanism for controlling them through preparing state sponsored youth organisations, through indoctrination and through militarisation. If, Mr. Chairman, we are going to refer to what goes on in the so-called political schools as education, then I am afraid the nomenclature of educational curriculum may have to be changed. It may have to be changed, hence, what has happened is that NRM has set up all these organisations to influence the youth - *Allihamdullillahi* - in the case of the Makerere University students who walked out of that conference.

Mr. Chairman, the same scenario can be repeated for the workers. Today workers in Uganda are the poorest since Uganda's independence in 1962. This is in spite of the third point of NRM - point NO.8. Workers are the poorest today, although in point 8. of the Ten Point Programme. NRM talks of uplifting of the workers. Workers today are the poorest in our country, that is the matter. Under NRM, and as in the Odoki Draft, workers are poorly catered for, notwithstanding article 65 and 67. We, therefore, propose that the workers should have a right to a just and favourable remuneration, ensuring for the person and the family and existence worthy of human dignity. The worker must have a right to social security. We argue that every Ugandan citizen worker should be entitled to a standard of living, adequate for health, education, food, clothing, housing and so on. All these, Mr. Chairman, I guarantee, that these can always be guaranteed under a government elected democratically, in a plural exercise. It is only there that these can be safeguarded. Mr. Chairman, an elected government cannot ignore the voters because if it does, it will lose the elections (*Applause*). But, Mr. Chairman, a dictatorial government like the NRM can afford to ignore the workers, can afford to ignore her citizens and tell them to go and eat mangoes and grass, because the government does not need their votes (*Interruption*).

THE CHAIRMAN: Hon. Member, your time has run out.

MR. ATAMVAKU: Mr. Chairman, I will conclude in one sentence.

THE CHAIRMAN: Okay, conclude in one sentence.

MR. ATAMVAKU: I will conclude in one sentence by saying that we from Arua Municipality reject the extension of the five years, because that is designed to kill parties. Thank you (*Applause*).

THE CHAIRMAN: I thank Zubairi Atamvaku for his contribution as the opening speaker this afternoon to our general debate. I now give the Floor to Hon. Fiona Egonyu Asemu.

MRS. EGUNYU ASEMO (Women delegate-Kumi): Mr. Chairman, I am a women delegate, Kumi District. Mr. Chairman, Kumi District

congratulates you, the Deputy Chairman and Hon. delegates, upon your election to high offices in the Constituent Assembly. Kumi has come to this Assembly in peace, with a hope that we will build a national consensus and humbly prays that we exercise tolerance and patience as we present our views. I now turn to the Draft Constitution.

Supremacy of the Constitution: Uganda has had a record of constitutional instability, in *Ex-parte Matovu* 1966. EA court upheld the abrogation of the 1962 Constitution. Legal Notices and courts have ratified armed seizure of power, absolved such regimes of civil and criminal liability and upheld the suspension of articles in the Constitution. Although the supremacy of the Constitution was reaffirmed in *Kayira versus Rugumayo*, *Omwony Ojok* and others, the concept of revolutionary legality remained intact, hence, Lule's removal from presidency was never nullified. The new regimes set up after coups and revolutions have in turn institutionalised violation of the rule of law, undemocratic extension of terms and corruption. The vices sighted by them to justify armed overthrows as defence of the Constitution. We recommend that this legalisation and use of arms in internal defence of the Constitution must be prohibited for supremacy of the Constitution to obtain. Civil disobedience, non payment of taxes, workers and trade unions be allowed to down tools to defend the Constitution.

Article 3.7 of the Draft undermines the effectiveness of prosecution for treason as a deterrent for coup de tats. The prospect of compensation from the consolidated fund will ensnare persons seeking political power or self enrichment to wage protracted war, cyclic violent quest for power and political instability may result. Hence, article 3.7 be struck out.

On impeachment, impeachment procedure and electoral system be strengthened to ensure peaceful change of governments. Impeachment be made practicable by ensuring that the President cannot manipulate the Army, use it to resist impeachment or cling to power. The President should not, therefore, be Commander in Chief or responsible for recruitment, appointments, promotions and dismissal of the Armed Forces. This power should be exercised by the Armed Forces Board. Impeachment should also be strengthened by guaranteeing supremacy of Parliament and ensuring

that it is the Judicial Service Commission and not the President who should appoint the Chief Justice and Justices of the Supreme Court, otherwise, there is a possibility of compromising their decision on a *prima facie* case warranting impeachment of the President under article 110.

Electoral system: The alleged rigging of the 1980 elections was in part attributed to Paul Muwanga's directive that results be announced by him and not the Electoral Commission. Recently, some District Executive Secretaries were accused of manipulating CA elections. We, therefore, recommend an independent Electoral Commission appointed by Parliament and not subject to the control of the President or any authority in the discharge of its duties (*Applause*) Demarcation of constituencies should take into account the population quota and not just a geographical convenience of the county, otherwise heavily populated areas may be under-represented and their voting power marginalised in Legislative Assembly. We are opposed to article 130 clause 3, that reinstates the 1967 position of using a state of emergency as an excuse for not holding elections and extending the term of Parliament. The Constitution should, therefore, state the date and month when elections must be held every five years. Ugandan elections have been marred by allegations of non-citizens being smuggled in to vote in favour of some candidates. We, therefore, object to article 48 (b) authorising Parliament to make laws enabling non-citizens to vote and article 100 on voting by proxy which can be used to manipulate and rig elections.

The Army: The Army should be national, all ethnic groups be well represented in its ranks and file. It should be represented in Parliament so as not to avail them an excuse for overthrowing government on allegations that politicians have mismanaged the country.

Political system: The Assembly has been advised to be suspicious of delegates advocating for a multi-party system in a manner suggesting that somehow, they smuggled in political parties into the Draft against the wishes of the people. Mr. Chairman, the multi-party system was written into the Draft Constitution as one of the viable systems of governments by none other than the Uganda Constitutional Commission acting on the recommendations of the people of Uganda. Statis-

tical data indicates that in all parts of Uganda, there are multi-partists, either forming a majority or a minority. The Movement and multi-party advocates must recognise the minority, because as delegates, we represent all the constituents and not simply the majority or those who voted for us (*Applause*). Hon. delegates, Ugandan governments are known for:

1. Banning political parties: from 1969 to 1979, throughout Amin's regime courtesy of 1971 suspension of political parties Decree and now a ban under NRM. All together, approximately 20 years in total.

2. Undemocratic extension of terms of office. In 1967 and 1989, Parliamentary term was extended for five years without popular consultations, and Amin's term of life Presidency is well known.
3. Violation of the rule of law, nepotism and corruption.

4. Armed and civil strives, human rights abuse and deaths have traversed the whole country. In 1966 Buganda was on the receiving end; in 1971 Acholi and Lango and later in Amin's regime the entire country; early in 1980s Luwero and Western Uganda suffered; in 1986 onwards parts of Northern Uganda and Teso, hence the logical conclusion that Ugandas problems are not unique or limited to political parties, but came from the failure to respect democratic principles of governance embodied in our constitution to equitably share political power and the national cake. Problems that should be realistically addressed and resolved in the new Constitution instead of saying we ban political parties. What about the military? They too have persistently participated in the overthrow and the suspension of the articles of the Constitution. Are we going to say we will not have an Army? (*Applause*)

Now, I turn to what Kumi wants. Kumi want's a multi party system (*Applause*). This does not mean - I repeat, this does not mean that we are anti-movement or anti-government, what we are saying is the movement and other political parties should co-exist under a multi party system - (*Applause*.)- Indeed, as Hon. Malinga pointed out, the 29th Battalion of the NRM sent to fight insurgency in Kitgum was largely from Teso. Our participation in the RC system, women and youth councils prove our commitment to work with government. What we are opposed to are the following: One, failure of government to effectively curb cattle rustling and promptly come to

our assistance. Two, the extension of the movement term for another five years which we consider undemocratic. Three, article 94.2 of the Draft which inhibits the freedom of association, the affirmation of which is that no one should be compelled to belong to an association. You should join an association of your own free will and not by legal compulsion as provided in article 94.2.

We are opposed to article 94.2 and 95 that the Constitution and the Parliament make rules and organs of the movement. These when read together with article 96 banning political parties, sets up a state movement and smuggles in a one party state, contrary to the people's views spelt out in article 99 which prohibits a one party state. Article 97 subjecting political parties to state supervision may result into state suppression. Nigeria's legislation gave government power to vet political parties, two were cleared but later accused by the same government that vetted them. To date, election results are withheld amid allegations and chaos. Popular accountability and non-sectarianism can be facilitated by constitutional provision such as separation of powers, leadership code, the case of free and fair elections. We think that this will be sufficient. There is no need for state suppression and monitoring of political parties. Kumi is convinced that the movement is a political party with roots in the UPM, manifested in the leadership and reasons advanced by UPM when declining to take a seat in the Assembly. We also know that the NRM Secretariat, its policy organ, remains closed to other political parties despite the rhetoric that the Movement is for all Ugandans. We recommend that the Movement and other parties should, therefore, contest election on equal footing under a multiparty system, and if they convince us, we will vote for them (*Applause*).

Referendum: A referendum upholds a people's sovereignty but it can be negative, positive, democratic or undemocratic depending on the use to which it is put: the historical, social and political environment and the level of development in a country. A referendum under section 18.3 of the Constituent Assembly Statute underwrites a bid to fashion the Constitution in the interest and image of the Movement, hence subjects decisions taken in the Constituent Assembly that fall short of state expectations for a referendum. Referendum under article 98.1 and 2 to establish majority

will on political parties, equates democracy to majority rule. Article 98 is said to be a "catch 22 situation" and that opposing it is undemocratic. Mr. Chairman, democracy is not merely majority rule, it embraces respect and protection of human rights and rights of minority (*Applause*). Mr. Chairman, in a true democracy, majorities can do everything except deprive minorities of freedom of speech, assembly, a right to fair hearing and so on, the exercise of which might enable the minority peacefully win over the electorate and come to power. Referendum that denies a minority the inalienable right of association guaranteed in article 59.1(c) of the Draft cannot be democratic, rather it institutionalises a dictatorship of the majority. As John Stewart put in his book on liberty and considerations of representative governments, *"If all mankind, minus one, were of one opinion, and only one person was of the contrary opinion, mankind would be no more justified in silencing that one person, than would that one person if he had power be justified in silencing mankind"*. Consensus, Mr. Chairman, is not freely obtained given the ban on political parties and the monopoly of propaganda by the Movement as a ruling party. A referendum under those circumstances, even if declared unanimous, is not democratically valid. Furthermore, a referendum every five years courts political instability by keeping alive unsettled issues thus destabilising the country at five year intervals. Mr. Chairman, article 154 clause 3 of the Draft provides for a referendum to resolve disagreements between the Legislature and the Executive in respect to proposed laws, Financial Bills and Annual Budget proposals etc. This needs serious review, these matters are now too technical and complicated for a population that is largely illiterate. Moreover the country cannot afford the prohibitive cost of civic education, publication and distribution of Bills to all voters and of holding such referenda at short intervals. Legislating by referenda in which votes are cast on the basis of "yes" and "no" leaves no room for an Amendment. Thus a law that could be improved by an Amendment risks being thrown out entirely.

Form of government: Uganda should be a Republic, however, on the question of a Unitary State, should it become apparent that such states can only be kept together by "blood and iron policies", the suppression of political and civil rights, then we reserve the right to opt for other viable alternatives.

Decentralisation: The central government should develop powers and responsibilities accompanied with commensurate resources. The block grants should underscore the need to redress imbalances especially of districts which have remained behind in the development process. Land other than national parks, forest reserves and water bodies, would be under the control and management of individual districts. At least 50 percent of revenue from Mineral wealth be given to the district where that mineral wealth is found.

Citizenship: Citizenship issues were effectively addressed and solved in the 1962 constitution. There is no need for dragging in the year 1926. More so, granted that ethnicities of territories partitioned into Uganda, ipso facto, its inhabitants became citizens. Kumi District, appraised of the numerous problems faced by street children, and that these problems could be solved by adoption, which adoption is pegged to citizenship, and that, denying such children citizenship would deny them adoption and further that article 42(1) enacts provisions of the UN and OAU convention on the right and welfare of a child, that Uganda ratified and is duty bound to implementing domestic legislation, and appreciating that a child can be molded into a patriotic Ugandan more easily than an adult registered citizens, we support article 42 (1), provided that the probation department carries thorough investigations, lest Uganda become an international dumping ground. So, we should consider giving citizenship to children below seven years found abandoned of unknown parentage. Refugees, must not be granted citizenship or employed in the Civil service, Armed Forces, or enjoy rights ordinarily reserved to citizens. We feel that the embarrassment caused by RPF to Uganda is enough. We therefore, object to article 48 (A), empowering parliament to make provisions for acquisition of citizenship by persons such as refugees who are not eligible under Chapter 4 of the draft. We accept that, citizens have a duty to this country. However, article 47 (2), on military training for able bodied citizens should be respectful of objectors, on matters of conscious and faith. Hence should not be compulsory.

I now turn, Mr. Chairman, to the question of Human Rights and Freedoms. The provisions of the draft are generally acceptable. We are however opposed to articles that derogate from funda-

mental rights and freedoms. For example article 52(1) allowing the death penalty and article 53(7), denying the right to habeas corpus during a state of emergency. The right to an order, that a person be brought before court to investigate the lawfulness of such detention, should be inviolable. Two, we are opposed to preventive detention and a state of emergency, which has been used in our history to harass the opposition and perpetuate human rights abuse. The procedures laid out in article 71 of the draft have not been simply observed in practice. For example in Amos Mugisha's case, the court held that failure to gazette a notification of detention, within 30 days from commencement of detention, did not invalidate the detention order, since gazetting was simply a mere matter of procedure. There can be no safeguards for human rights in a state of emergency, as shown in our experience.

Children: The draft constitution articles 42, 46(2) and 65(2) and 84 under the present legislation on child welfare, lacks a uniform age definition for a child. I will repeat that. The draft constitution article 42, 46(2) 65(2) and 84, under the present legislation on child welfare, lacks a uniform age definition for a child, and entitles or denies a child rights according to age brackets. Mr. Chairman, this encourages discrimination, inequality, and lack of uniformity in the administration of justice to the child. Little wonder that, the Penal Code amendment statute punishes as defilement, sexual intercourse with a girl under 18 years. While the customary marriages registration decree legalises defilement of a 16 year girl child in the name of marriage. The constitution should redress these injustices by first giving a uniform age definition of a child as a person below 18 years of age. Furthermore, we should enact in our constitution OAU and United Nations Convention on the child's welfare and rights which Uganda ratified, and to which it is duty bound under international law to implement in our legislation.

Women: The 1967 constitution does not expressly out law sex discrimination. The Constitution allowed the operation of discriminatory adoption, marriage, divorce, devolution property and customary laws; areas where women's discrimination is most pronounced. I will give you examples: Under the law of divorce, a husband has only to prove adultery, but a wife must, in addition, prove dissension or crudity before court can grant

her divorce. If she is in the wrong, court may give all or part of her property or that property which is entitled to the husband and the children. But if the husband is wrong, there is no provision for court to give her all his property.

Citizenship laws: Under the 1967 constitution, a foreigner married to a Ugandan man, gets citizenship, but a foreigner married to a Ugandan Woman does not. What a foreigner married to a Ugandan woman only gets is a certificate of residenceship under the immigration amendment regulations of 1983. The list of such discriminatory laws is endless. We therefore, recommend that the constitution should, one; use gender sensitive language - language depicts a social reality, hence laws and practices that treat women as legal minors and property find expression in language that defines women using masculine gender and pronouns. You can imagine, 51 per cent of the population being defined and marginalised. They are defined in terms of the 49 percent - what an injustice! The first attempt was ending discrimination, and granting women equal rights by the use of gender sensitive language to recognize women as human beings in their own rights, endowed with rights and the legal capacity to claim those rights. Two, we recommend that the constitution should out law discriminatory laws, grant women and men equal rights in the political, economic and social sectors. Women should have an equal right to confer citizenship to their foreign spouses and children. The constitution should out law customary and cultural practices that discriminate against women, or are injurious to health and violate human rights. For example, female circumcision that can result in infertility, loss of sexual excitement, urinary difficulties, and still violates the right of life and health. We regret that Kapchorwa District Administration is licensing circumcision, collecting revenue and legalising a mischief that it should, in fact, be at pains to discourage.

The constitution should guarantee equal rights during marriage and at its dissolution. Women should own 50 per cent of matrimonial property. Because their unpaid house hold labour subsidizes the earnings of husbands, thus enabling families to have income and purchase property, this unpaid labour, if given an economic value, would urge an estimated one third to the value of Uganda's annual product. Women also contrib-

ute directly from their earnings in formal employment and trade. Therefore, we should and must own 50 per cent of matrimonial property.

Affirmative action: Affirmative action is not simply an innovation of the movement, and it should not be taken to mean that, the women are now sold to the movement and will support it under all circumstances, and without any clear mind of their own. The women in this Assembly are all very clear minded, some want movement, some want multi parties and here we are. We are not in any way being manipulated by anybody. Governments have addressed the Women issue with varying degrees of success. Now, even Amin set up the first National Council of Women to implement the policies of the United Nations Decade on women. Even Obote at his worst, ratified *-(Interruption)-* Sorry Mr. Chairman

THE CHAIRMAN: Go on. The Chairman has not seen him. *(Laughter)*.

MRS EGUNYU: Mr. Chairman, even Obote's regime, despite all the atrocities attributed to it. In 1985, Obote ratified the convention which all women are now singing about here. The convention on elimination of all forms of discrimination against women. And that was ratified for Uganda a few months before he was toppled, so he did not have a chance to go ahead and implement it. However, the NRM must be thanked for a job well done *(Applause)*. It has, in its policies, tried to assist women to come up in all ways in public life, and for that, women are grateful. The youth and the disabled should be equally promoted and helped to develop. We assure the youth and the disabled that we will, at the consideration stage, advocate equally for their rights.

Land: The history of land legislation in Uganda has been one of marginalising the peasants. The peasants' ownership and access to land, while granting such land to so called developers, in light of that, we feel that the constitution should grant security of tenure, should provide for free hold tenure in rural areas and lease hold in urban areas. We are worried by the acquisition of land by foreigners. This issue has not been addressed in the draft. We are recommending that the constitution should address this issue from the citizens' perspective. We should determine how much of our resources we are willing to avail to foreigners, even if in the name of development. We should

control and limit such acquisitions otherwise, we may fail this country.

Constitutional Commission: We recommend the merging of those institutions that are doing more or less the same work. This will avoid duplicity and unnecessary expenses. There is no need to create more and more institutions to handle the same issue. For constitutional reform, to be achievable, it must be affordable.

I now turn to, Chapter 3: National Objective and Directive Principles of State: We feel that this has no place in the constitution for the following reasons. One: They are merely a statement of policy and directive principles which are not legally enforceable, and therefore, should form no part in the supreme law of the land. Secondly, if you look at the contents of these principles and objectives, you will find out that, they have been adopted from United Nations Convention and Regional Charters Convention such as the OAU Charter on Human rights, Children's Rights and welfare, on women etc. And these conventions, when ratified there are clauses that should be implemented in domestic legislation. And if we look further on Chapter 5, On Fundamental rights and other chapters, this has actually been done. So, why do we water what we have given as legal rights, by also embodying them as policies. I believe that we should strictly implement OAU and UN conventions that we have ratified as legislation.

I will conclude by talking about The National Council of State. We feel that the National Council of State, undermines the supremacy of parliament and that it actually does the work which other institutions could do. For example in resolution of conflicts, it should only be expected that, if there is a conflict between two people, you call a third party who is not in that conflict to help resolve it. So, we feel that the courts are in a better position to resolve such conflicts if need be. There are other functions like on ratifying appointments by the president etc. this could be done by a parliamentary committee, and also there are other independent service committees and appointment committees, in the constitution which are doing the same work. So, why have a National Council of State, and create more expenses for the government which we could as well limit by not having that council? Mr. Chairman, and Hon. Del-

egates, I conclude by saying on behalf of Kumi that, Uganda is bigger than any interest group, it is bigger than the Democratic Party. The Uganda People's Movement, is bigger than the Uganda People's Congress, the Conservative Party, the Liberal Party and the Movement. Only the people of Uganda are as big as the country Uganda. The challenge is for this assembly not to be manipulated by any special interest groups. The challenge is for us to make a constitution for the people of Uganda in their entirety. Thank you, Mr. Chairman. (Applause)

THE CHAIRMAN: Thank you, Hon. Fiona Asemu Egunyū for your contribution to the debate, this afternoon.

MR. SEBALU (Youth Central): Thank you, very much Mr. Chairman. Mr. Chairman, allow me to extend a word of congratulations to you and your deputy from the youth of Uganda in general and the youth of Central region in particular upon your election to that high office. They are particularly impressed by the impartiality, nationality and objectivity exhibited by the Chair so far. Mr. Chairman, allow me also to thank the Odoki Commission for a job well done. Although we may not agree with all its provisions, the draft constitution reflects the people's views and is therefore, an ordeal working document for this Assembly. Mr. Chairman, I cannot forget to thank Mr. Akabway and his team whose dedication and tireless efforts enabled us to have one of the most free and fair elections in recent times. Mr. Chairman, and Hon. Delegates, allow me also to thank his Excellency the President of Uganda Dr. Y.K. Museveni, the Army Council, and the NRC for having deemed it necessary to elect a new body with a specific task of debating, enacting and promulgating a new constitution for Uganda. Last but not least, I wish to thank officers and men of the NRA, most of whom were youth by the time they went to the bush, for having paved way for this democratization process. Mr. Chairman, this is a clear indication of the role played by the youth and the role they will continue playing in the democratization process of this country.

At this juncture, Mr. Chairman, allow me to introduce my constituency to the Hon. Delegates here assembled. The Central Region is the same area referred to as Buganda Region. It has a

population of 4,843,312 of which 3,307,693 are youth. It has a surface area of 33,488 square kilometers. It is made up of the following districts with the numbers of the youth included: Kampala with 613,804 Youth, Mpigi 694,252 Youth, Mukono 534,106 Youth, Luwero with 335,169 Youth, Mubende with 150,721 Youth, Masaka with 580,135 Youth, Rakai with 285,895 Youth, Kiboga with 102,754 youth and Kalagala with 11,677 Youth. So, it has a total of 3,307,693 youth. Those are the people I represent in this August House. Central Region is bordered by Masindi in the North, Mbarara and Hoima in the West, Jinja in the East, and Tanzania in the South. It is inhabited by almost all ethnic tribes in Uganda, with the Baganda forming the majority. This area is basically an agricultural area, although trade, commerce and industry are also major activities. The different ethnic nationalities found in this area are living in peace and harmony.

It is against that background therefore, that the people of this region in general, and the youth in particular, wish to have in place a constitution based on mutual trust, characterised by good will, compromise and mutual understanding, ensuring peace, stability and unity, and aiming at social, economic, and political development of our mother land Uganda. But how are we going to come up with such a constitution? In order to make a strong foundation for our constitutional making process, we need to look at the past, not with a view of apportioning blame, but to draw lessons which will help us appreciate our present constitutional problems. From the present, we can therefore, be able to plan better for our future constitutional arrangement, and the time to do that is either now or never. Mr. Chairman, and Hon. Delegates, our independence constitution was made thousands of miles away from here. The way delegates were chosen was hap-hazard. The delegates themselves, seem to have been ill prepared, and the importance of the constitution appear to have been under estimated. The result of the negotiations was a constitutional arrangement aimed at balancing conflicting interests of major groups, without addressing fundamental causes of the conflicting interests. The constitution provided for a ceremonial president to be elected from the traditional rulers, a provision which was likely to lead to contradictory and conflicting roles.

Mr. Chairman, the period between 1962 to 1966, was relatively peaceful with some relative degree

of constitutionalism. However, there were underlined intentions, punctuated by such incidence as the army mutiny. This army mutiny had consequences for constitutionalism and yet no effort was made by the political leadership then, to redefine the role of the military in politics. Instead, they went ahead to expand and reward it accordingly, as if preparing it for a grand show down in future. In 1966, Mr. Chairman, President Milton Obote was pre-occupied with many challenges both economic and political, as characteristic of a young independent state. On the economic front, he took the right step in the right direction, by establishing and centralizing the economy through the creation of the Central Bank. However, on the political front, he distabilised politics, by militarising it, when he used the armed forces to attack the Kabaka's palace. For the first time, the army was formally invited to take part in the politics of this country. Although there could have been political contradictions between the Prime Minister and the President, it did not warrant dictatorial and democratic and unconstitutional means to solve it. This was a political problem which could have been settled politically and constitutionally. 1966, therefore, marked the beginning of political and constitutional instability in Uganda. The 1967 constitution lacked legitimacy and acceptance from the people, as it was preceded with an unconstitutional development of 1966, which led to the abolition of 1966 constitution. The leader had used physical means to solve a problem that was basically political and constitutional, to impose his preferred constitutional arrangements to the people of Uganda. For that matter, Obote had to hang to the military for political survival. It therefore did not come as a surprise, for Amin's coup of 1971, due to the fact that there was tension in civilian institutions and in the military, especially among officers. Besides, since 1966, the army had been used as an instrument of domestic policy with the civilian institutions basically subordinated to the president's political interest. In the process, the army came to be negatively politicised and open to entering political conflicts. Since Amin was a major actor in the 1966 crisis, there was no reason why he could not try his luck in 1971, and when he did, he did exactly that. His regime was characterised with terror, as an instrument of policy. Mr. Chairman, in 1979, Amin was shown the exit by the combination of UNLF and Tanzanian Armed Forces. In a space of one and a half years, three governments were formed and two

were overthrown, a development that had constitutional implications. In 1980, elections were held, and you all very well know what happened. We got a second Obote who, again, used the army other than the people, as his real power base, and that time was characterised by so many developments - "panda gari" and the rest and - I think that is very clear in people's minds. With time, there developed internal conflicts again within the army which came to light after the death of the late Brig. Oyite Ojok. The choice of the new Chief Of Staff was controversial, and it heightened the division which culminated in Obote's second overthrow, by his army commander, Lutwa. Lutwa's short lived reign was seen by many as a mere change of guards, there was lack of cohesion in the army, as each fighting group got a spear of influence. Kampala got divided into various spears of influence. On January 26th 1986, the NRA/NRM did not find any difficulty in capturing power, thereby adding their name to the long list of actors on the Uganda political stage.

Since 1986, the NRM has tried as much as it can, to make Uganda a better place to live in. a constitutional making process in which all Ugandan's are involved, is a clear testimony of NRM's commitment to the rule of Law which previous governments took for granted. However, it also has its own weaknesses as any other system may have. Indeed this marks the climax of the democratization process and we are beginning to see the light at the end of the tunnel.

DR. KAKUNGULU: Point of information. I want to compliment my good friend. In 1971, when general Idi Amin overthrew Obote by force of arms, contrary to what some multi parties are advocating for, Obote did not resort to a court petition. Come 1985, again Obote is overthrown, and again I am yet to hear a petition in court. Thank you, Mr. Chairman.

MR. SEBALU: Thank you, Hon. Delegate. The reason why I have been giving this historic background, is to give you a clear view of how we have survived as the youth in this country. When this country was having problems, we were not participants in those activities, but we are products, and are very happy to be part of the solution, and we pledge that we are not going to lead our country to such things. And I would like to quote something which really sacred me. I read it in *New*

Vision yesterday, and it appears to be dragging us back to this very ugly history some of us have gone through. And this was about a meeting of CA election losers giving advice to delegates. And I am going to quote something, small from Mr. Okune, former minister in Obote I regime. He told the Langi CADs to form alliances with other tribes because it was through this that Obote managed to become, the first president of Uganda. It is a quotation from the *New Vision*, I can neither deny it or confirm it, but I am bringing it to the attention of the delegates, so that we will be very careful in the way we handle this issue. Because we must get a solution for this country once, and for all. Some of us do not want our children to live in the history which we have lived in. Because, almost every part of our life has been associated with something very funny. 1966 when these things were happening, I was just one year old. 1971, I was beginning Primary. 1979, I was in Primary seven, there was a coup. 1980, I was in Kings College Budo senior one, elections and what happened? 1984 I was doing my O'level, still there was war. 1986, as I was doing my A'level, Lutwa was taking over. So, you can see that kind of life pattern. We would not want to have that again in our history. Although the youth constitute the biggest per centage of Uganda's population, their actual potential role in society was never fully recognized. We therefore, thank the NRM Government for having reorganised that, we have a range of special needs and problems, which were not fully addressed in the past. It is in this contest therefore, that the presence of youth representatives in this august Assembly is of constitutional significance.

I would like to comment on Hon. Zubairi's comment, when he was talking about the youth being the product of this government. I would like to inform him that, even the previous governments had put in place youth structures, but they were for different intentions, and it is upon one's judgement to tell. Because there were the youth wingers and they did what they did, and there was NUSU and they did what they did. The difference with this Youth Council in place, it is basically to address the problems of the youth and it is not inclined to any government, and it is supposed to out live even the life span of NRM, so the youth movement is not a mouth piece of NRM, it is only a structure of recognizing the role the youth are supposed to play in the political process of the

country. Besides, they form the majority of this country, and they have a right to participate in the affairs of the nation. So, it should be taken in good faith without any bias. I hope Hon. Zubairi we are together on that one.

As youth, we have lived most of our lives under political instability and uncertainty, we are not ready to compromise this hard won Peace for anything. And as youth, we have everything to gain, if we make a good constitution and everything to lose if we make a bad constitution. Mr. Chairman, it is in that spirit that we call upon Hon. Delegates, especially the elders, not to look at us as competitors, but as partners in this noble task of rebuilding our mother land Uganda. We should avoid emphasizing individualism, because the task before us calls for collective effort and responsibility. At the end of the day, if we make a good constitution, we shall all be winners, and if we make a bad constitution, we shall all be losers. We should not betray the 17 million Ugandans, who delegated us their powers to come and transact this business on their behalf. We should go back with dividends which will prove that our people invested wisely in this CA transaction. We should avoid using powers delegated to us by the people for our own selfish interests, our personal interests should not, in anyway, over ride interests of our constituencies. Statesmen think of the next generation, while politicians think of the next elections. For that matter, we should debate in this CA as statesmen, in order to arrive at the lasting constitutional solution for the next generation, so that, the next generation can look at this Assembly with pride and respect. This constitutional problem was postponed to us, we should not make the same mistake of postponing it to the next generation. Mr. Chairman, allow me to remind the Hon. Delegates that, we are here for a specific task which has a time limit. That means, we are task oriented, we are task and target oriented. Hence we should aim at accomplishing our mission in time, in order to retain our credibility. The following observations may be, could guide this Assembly. We should be ready to make a new beginning with a new hope. We should not fear to negotiate and we should not negotiate out of fear. We should be flexible and not rigid. We should be ready to forgive and reconcile. We should make proposals and not positions. We should encourage unity and discourage divisionism. We should appreciate our differ-

ences without compromising our unity. We should be ready to listen and learn from others. We should be objective and not subjective. We must avoid mutual suspicion and sentimental gossip. Having said that, Mr. Chairman, allow me to address myself to the specific aspects of the draft constitution, and the views of the youth of central region.

On the Executive, Mr. Chairman, especially with regard to the presidency, the youth of the Central Region would wish to see article 105 amended to read, not less than 35 years or 30. The youth feel that the age limit as proposed in the draft constitution, is unfair to those Ugandans below the age of 40 who may have all the other requirements. And they put a question here that, if our president Yoweri Kaguta Museveni had waited to get people above 40 years to go the bush, where would we be now? We should recognize that we have people with special qualities, who could be exemplary and have leadership qualities even below the age of 40 years. And the case in question is President J.F. Kennedy my namesake, he ruled America at the age of 29 years, and he went into the annals of history as the first catholic to do so. Assuming he had waited for 40 years, would he have made that record? So we should really put this age limit down, in order to accommodate those specially gifted people, to play their part in the administration of this country. And I hope the elders will support me on that one. We have young, energetic and intelligent men, who can rule this country, besides, most of the people who went to the bush, were below the age of 40 years, and I think they did a good job and those who were above 40 years, were here waiting and they just came thereafter. (Applause) In Luganda we have a saying "*akaliba akendo*", I do not know who can interpret it. They are also of the view that, a president should be a graduate from a recognized university for him not to feel inferior among educated colleagues who may be his subordinates. He should also be elected by universal adult suffrage to a two terms of five years each. Beyond which, he should not present himself for re-election. His powers should be reduced and checked by parliament to avoid dictatorship. As for the cabinet, they should be appointed from within and outside parliament to give the president a wide range of choice in order to get capable and qualitative ministers. The ministers appointed from parliament should resign their seats in parliament, in order to ensure

total separation of powers between the Executive and the Legislature. The number of ministers should not be a constitutional issue, as this depends on the task at a particular time.

On the Legislature, the youth of the Central Region are of the view that the parliament should be strengthened as the supreme Legislative body, for it to ensure that the decisions of the Executives are in the Public interest. The youth are strongly in support of youth representation in parliament, and would like their representation increased so that, each district is represented. They say that, a region is too big to be represented by one representative effectively. Besides, each district has its own unique and peculiar problems. For instance, a youth in Rakai, who is confronted with the AIDS scourge, cannot be represented by Hon. Mike Sebalu from Mpigi, where AIDS is not so much of a problem. So, it needs someone from there who can really address that issue seriously. Nevertheless, we thank Government and NRC for having legislated for the youth representation. Article 133, clause 1(b): The qualification that is prescribed in that article denies the Youth to fully exercise their rights. The Youth may not have the tangible interests referred to in that clause. And I have heard certain Hon. delegates talking about youth not being represented. But to my surprise, I have not heard of any delegate who has come out and articulated the interests of the youth, as though you do not have any youth in your constituencies. And yet you go on to say, that they should not be represented. Now these are double standards. You are not saying anything exclusive for them, and you do not want them to be represented. Then how are we going to come out of that problem? You should be honest with yourselves. We support the idea of army representation because we believe in the notion of politicising the army, and not militarising politics, as this will make the army men know what takes place on the political front. In this way, they will be able to learn and appreciate the problems of government, and be able to bear them, like any other Ugandans. Because they may not be aware as to why they are not having their salaries in time, not knowing that government is squeezed up with liquidity problems. So, if they are represented in parliament, they get to know those political developments and they can go back and tell their colleagues what is happening and be able to bear with the situation. So, I do not see any problem with army represen-

tation, besides, they have the ability and they are capable, and they can make good deliberations.

As for The National Council of State, if it is to be retained the way it is, then the youth must be represented on it like any other interest groups. They also feel that, all Members on this council must be elected and not appointed. The president should not chair it since he is an interested party.

On the judiciary, the youth wish to have in place a strong and independent judiciary, free from the interference of the executive arm of government. The judiciary should be well remunerated so as to create a conducive atmosphere for its independence.

On education, Mr. Chairman, the youth would like the White paper on Education to be revisited, especially with regard to Cost sharing in higher institutions of learning. Most of the youth are from peasant families and should not be denied their rights to knowledge. The youth from peasant families can hardly break the vicious circle of poverty by attaining higher education, and government should facilitate them in this endeavor and not condemn them to perpetual poverty.

As for the Public Service, Mr. Chairman, the youth have the following proposals to make: The retirement age recently raised to 60 years, should be lowered to 50 years so as to create employment opportunities for young professionals who are leaving colleges and other institutions. Government should institute a clear employment policy with more emphasis on the youth in this country, most of whom are unemployed. Recruitment in Public Service should be done purely on merit and not any other factor like height, colour, or shape of the nose.

Gender And in this one, I have an extract from the New Vision about the Iganga incident. And I quote, "Counsellors speaking on condition of anonymity told New Vision that, people in the district of Iganga were not happy because they were too many Banyankole here. They stated departments headed by Westerners in the district, the central government representative and his deputies, district treasurer, DSO, DPC, LMO, Town Clerk, UCB, Deputy DSO, ADS, and all the three mobilisers in the office of the CGR and now the new DCS, whom they were trying to resist"

So, I think government should really be careful when handling this posting and recruitment procedures, so as not to arouse people's sentiments. So, Public Service should take note of this kind of saga.

On finance, Mr. Chairman, the youth wish to make the following proposals. The youth must be empowered economically in order to harness their full potential in social, economic and political development of this country. In order to achieve the above mentioned, the government should consider creating a youth credit bank, so that it can extend soft loans to the youth to make projects and self help activities. Government should also consider facilitating the youth, those who have documents which are valuable. A degree certificate is a valuable document and a diploma. Someone should use that certificate to secure some small loan of some sort from a credit institution with a blessing of government, these are proposals of the youth and Hon. Delegates, you should give them support if you are really to emancipate the youth.

On the youth councils, the youth would like the following proposals to be noted. The youth Councils should be entrenched in the constitution, as structures through which youth emancipation is carried out. The structures of the youth councils should be streamlined and to avoid duplicity of work, the chairman, Youth Council, should be the Secretary for Youth, in the RC structure. The youth would like also their councils to be given powers when decentralization comes into effect, so that they can be able to handle their affairs at any level. The youth are also of the view that, the 1st of July, The International Youth Day, should be declared a public holiday, so that, the entire nation participates in celebrating it. What is wrong? Because this is a working day, some of the youth are at their place of work, they cannot get a chance to celebrate it; and that is their humble request. It is just one day, and it should be considered because they form a majority of this country, their voice should be heard.

On traditional leaders, Mr. Chairman, the youth of Central Region have sent a word of thanks to all the Hon. Delegates for that spirit of tolerance exhibited so far in as far as the traditional leaders are concerned. They wish to bring it to the attention of this august assembly, that they are

fully behind their *Kabaka*, since he is their symbol of unity, symbol of identity, social inspiration and the custodian of their cultural heritage. In fact they would like to disassociate from rumours that, the educated youth in Buganda do not like their *Kabaka*. To the contrary, the educated youth in Buganda like their *Kabaka*, and that is why you find associations like "*Nkuba za mbogo*" in almost all higher institutions of learning. They want to find a way of how they can participate in uplifting this institution. The youth prefer a *Kabaka* who is apolitical but one who uses his mobilising influence for development. Indeed the youth would like the *Kabaka* who is ready to lead a modern Buganda in a new Uganda. It is not surprising therefore, that the *Kabaka*'s coronation anniversary message to his people, had the underlining theme of "*Modern Buganda in the New Uganda*" and this is what he has said, "*As people of God, we have to work towards unity in Uganda, by avoiding what divides us. For example in Buganda, every muganda has a clan, and is proud of it, without wishing to belong to a clan of someone else. However, this does not stop one from uniting with other Baganda from other clans. In the same way, this does not stop Baganda from being proud of being Ugandans. For that matter, we should always work towards uniting Ugandans, without referring to our different tribes, this will bring genuine peace to every Ugandan, wherever he is.*" That was the message of the *Kabaka*, and I think it has a unifying factor. So, the Members who are having worries about that, the worries must be allayed. It is against this background, that this institution of *Kabakaship*, should not be look at as divisive and inward looking, but as an outward institution.

On the form of government, Mr. Chairman, the youth of Central Region agree, on principle, to the idea of taking power to the people through devolution of powers. However, they only differ in the scale of preference on the two possible alternatives. A good number of the youth in central region prefer a "*federal*" arrangement, for reasons already advanced by delegates who have talked in support of this arrangement. There are also youth, in reasonable numbers, who support the idea of decentralization of power to the districts as units of local governance. I am here to represent all views without biasing them. So, those are the two schools of thought as far as the form of government is concerned. However they

wish the implementation of decentralization, to be in a flexible manner so as to allow districts that may wish to cooperate for a common good to do so.

On political system, Mr. Chairman, the youth are of the view that, the choice of the political system is fundamental to the realisation of peace, stability and freedoms. However, the youth have grown up in an environment where the above democratic ideals have been uncommon in our society, until 1986. For that matter, the taste of peace which has not been in our political menu is new for us, and our appetite for it is still very high. So, please, those who do not want peace, give us peace to enjoy our peace meal peacefully. It is against that background therefore, that most of the youth in central region prefer the movement type of political system to continue for the next five years. During that time, however, formation and operation of political parties be allowed but regulated by law to ensure their full democratization, and peaceful co-existence and conformity to the wishes of Ugandans. The youth are of the view that, parties per se are not bad, but the timing is not right. It is like a pilot who would tell members on board, that the weather is so bad, landing is very unsafe, but I wish you safe landing. It is funny. So, by telling us to do that, it is like telling us to take the wrong side of the right corridor. At the same time, the movement must be restructured, and operated in a way agreed upon by all Ugandans. In order to make it serve better, the interest of all Ugandans, the movement should ensure that we all move together as Ugandans, without leaving some Ugandans behind. The idea of having some people being more movement than others should stop.

On the issue of language, most of the youth of Central Region believe that language has never been part of Uganda's problems. The problems which Uganda has had, have not been caused by lack of the national language. They have been caused by lack of good leadership. If we address the issue of leadership properly, some of these imaginary problems like language, will take care of themselves. For that matter, we should not be on a crash programme to have a national language, at the end of this constitutional making process. The national language should be given time to evolve from our major languages. Meanwhile, the language department at Makerere could

undertake research on the possibility of developing a language from a combination of our major languages. This is a gradual process which must be given time. We must exploit all avenues of having a language that evolves from our indigenous languages.

On land, the youth support the free hold land tenure system, to be uniformly instituted throughout the country. This will enable Ugandans to gain access to credit from banks by using their land titles as security. The issue of squatters must be addressed seriously with a view of availing them land titles, after government has fully compensated, and negotiated with the land lords. Government should not control land after all it has failed with parastatals, how sure are we that it will not mismanage the land as well? In the way of privatization, we cannot have the land being centralised, instead the control of land should be decentralised to districts and the people should be able to get the land titles from there. Land tenure system should be able to cater for the disadvantaged groups like the youth to be able to gain access to land, so that they can be empowered economically and engage in production.

On citizenship, the youth are opposed to dual citizenship, as it is likely to be abused by bad characters who can use Uganda as a base for their dubious transactions. We agree with a proposal for all Ugandans to be registered and given citizenship identification numbers, together with national identity cards. On humanitarian grounds, the youth of Uganda feel that, children of seven years and below, found in Uganda, whose parents are not known, should be presumed to be Ugandans, but investigations by professional social workers, must be carried out to trace their parentage and origin. Finally, on this point, the youth appeal to all delegates to deal with the issue of citizenship and finding a lasting solution to it so that in future, politicians do not use it to gain political capital out of it, as the case has been in the past.

On the Leadership Code, the youth are of the view that, the code is very timely because most of our leaders have not led exemplary lives as public officers, to the extent that, such things as corruption is the order of the day. For that matter, we I wish our leaders to borrow a leaf from the Rotary movement for its four way test, ie: "For

the things we think, say or do, is it the truth? Is it fair to all concerned? Will it build good will and better friendship, will it be beneficial to all concerned? If all leaders can answer those questions correctly, the crusade to eliminate bad leadership will succeed.

Defence and national security The youth have the following proposals, we must have professional, standing army, which should be highly trained and well equipped, a reserved army in form of Kyakwanzi graduates, should also be catered for. The army should be recruited proportionately from all regions of the country and promotions should be purely on merit. A minimum qualification to join the army should be ordinary level, however, incentives must be offered to attract more qualified people like degree and diploma holders. The calibre of the army officers we have in this Assembly is a good example to illustrate my point. We would wish to maintain such qualitative army. The army should be productive, especially, when it is not pre-occupied with war. This will create some degree of self reliance in the army and also help the soldiers learn new skills. I am winding up, Mr. Chairman.

THE CHAIRMAN: Try to wind up

MR. SEBALU: I want to say something about defence of the constitution. The constitution should be translated in all languages and it must be made available at minimal or no cost. The army must be politicised, it should be represented in the Parliament, so that they get to know the political development in the country. The idea of keeping them in the barracks alone denies them access to correct political information. In fact, some of the coup de tats are out of misinformation, or total ignorance. The gun must be demystified through political education and *mchaka mchaka*, and aspects of constitutionalism must be taught in these political courses. Constitutionalism should be part of the curriculum for political education. Civil disobedience could also be a good weapon against some unconstitutional aspects of leaders. Judges should not swear in someone who has come to power through unconstitutional means. We must cultivate a culture of constitutionalism, and we should be exemplary in that respect, we as leaders.

In conclusion, Mr. Chairman, and Hon. Delegates, we are writing a constitution for Uganda, not for the first time, but hopefully for the first time. But the major difference this time is that, the delegates have full mandate of the people, and are fully armed with people's views. For that matter, we should be able to succeed where our predecessors failed. We must therefore, strive to build a consensus so that we enact and promulgate a constitution which is truly natural and acceptable to all Ugandans. It is only then that, we will go back to our constituencies as national heroes and be received with glory and honour. We must go down to the annals of history, as those who served their country and served it diligently. Hon. Delegates, we should aim at making the best constitution, and our motto should be only the best constitution, is good enough for Uganda. Thank you for listening to me, may God bless you all. I say all this for God and my country.

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

COL. OTAFIIRE KAHINDA (Ruhinda County): Mr. Chairman, allow me to congratulate you and your deputy, for your election to the post of Chairpersons for this august Assembly, which assembly has been entrusted with the task of making a new constitution for Uganda, from now on and for a long time to come. Fellow, delegates, while we deliberate on the new constitution, let us do it with hindsight of the turbulent years Uganda has gone through all along since its creation as a national state by colonialism. In the first painful years of independence, and the difficult times of struggle for us to find our feet as a newly born Nation, indeed growing up in a painful process. Mr. Chairman, 30 years is not a long time in a life of a nation, for that matter, whereas we should be worried about the many missed opportunities in the anxiety, and trouble we have endured. There is no reason why we should succumb and to come to despair. Why we should not strive to pick up the pieces and build our country. We must find time to pick up the pieces in our country and never late visit the agony, we have endured on our children and the children of the children.

Constitutional making is about liberties. Liberties with responsibilities. In the words of Albert

Kamusi, I quote, *"There is no ideal freedom which will be given to us all at once, as a pension comes at the end of one's life. There are liberties to be won, one by one. And those we still have are stages, most certainly inadequate, but stages nevertheless, on the way to total liberation"* I say this, Mr. Chairman, because we are free in bondage. In that, we have never exercised total freedom as an independent country. We still suffer the yoke of neo-colonial arrangement, that continuously whittles down our chances of prosperity and only those that take no recognition. Of the iron laws governing the development of mankind, I apologise for imperialism. Mr. Chairman, I am prepared to forgive the uninformed and the ignorant but I take the greatest exception of the obscurantists. We have had people refer to the current tranquil situation in most parts of this country with the derision as peace ushered in by the "NRM". Oblivious of the fact that only a few "yester-years", people were scampering off Kampala streets at five o'clock in the evening, fleeing from state sponsored terrorism. Availing state sponsored terrorism continued and those who ventured out, had to stay out trans-night and dubbed it *ekikeesa* for lack of a better term to describe their ordeal for fear, not for lack of transport, but for fear of the State. For us we have a better term to describe, this. We are talking of a time, when the National Army could organise for robbery using a bus No. 00LA006 known as *"nsanga bisibe mpawo, atali kaaba."* This means, "I find objects of my robbery tied, nobody will be spared in the agony". This bus was driven by a 2nd Lt. Mark Emoki. An ordeal that haunted the people of Kampala for five years uninterrupted. Nobody dared to stop these soldiers. Because the government was afraid of the people and the people were afraid of the government, and both the government and the people submitted to their unruly soldiers from their respective angles as dictated by the situation. Mr. Chairman, I am at a loss to describe a situation where people used to get lost under the hands of state Agencies, and those responsible are not bothered about the missing persons. It is only in our time that Rwakasisi and the late Paulo Muwanga were called upon to account for missing persons while in their hands. Well, as those people went missing for nearly five years, it was common knowledge especially when they were picked from areas of no civil conflict, like Mbarara, Masaka and Kampala. Amin's regime was the climax. People used to miss, in

their hundreds. How does a person, my size, five feet, 80 kilo grams disappear? And there is no trace completely? Peace has eluded the Northern parts of our country, especially the districts of Gulu, and Kitgum largely, because of the Joseph Kony bizarre gangsters and the support they have received from our neighbours, who want to blame their self inflicted wounds on us.

However, Mr. Chairman, what is most disheartening is the fact that, right among us here, in this august Assembly, there are Hon. Members who go on soliciting News Papers, especially New Vision, to publish the so called successes of Joseph Kony. Now to congratulate Kony's endeavors, can best be equated with congratulating a mad man who has broken out of a mental asylum in which society had placed him for his own good. Both the lunatic and his consort are no different, and should be treated similarly by the same society. In like manner, those giving Kony political help and sympathy, are enemies of the people of Uganda, especially the people of Gulu and Kitgum.

Mr. Chairman, such people have no moral authority to represent the Ugandan people of Gulu and Kitgum. Mr. Chairman, we have been elaborately denounced for failing to negotiate with Kony in order to end the insecurity in the North and bring it to peaceful conclusion. Mr. Chairman, experience is the best teacher, and once beaten, twice shy. I would like to inform all and sundry that it takes two to tango. And the people who we are supposed to negotiate with have, time and again, demonstrated disrespect for peace emissaries. In 1987, we sent a team of emissaries to UPDA led by Mzee Tiberio Okeny. Contrary to civilised conduct, the team was abducted, kept for more than half a year in the bush, and frog matched to the Sudan all the way from Gulu. We were lucky, we came back alive. We similarly sent another team of three ministers to UPA, they suffered a similar fate, and indeed the late Ekinu lost his life while we were attempting to rescue them from hostage. UPC should be the last to "politificate" for negotiations, they are the least civilised of all these groups (*Laughter and Applause*). The late Lt. Col. Katabarwa was killed by the UPC Government when they had accepted to have him as a peace emissary. Now, therefore, when Kony started - (*interruption*)-

MR. OWINY DOLLO: Point of clarification. Thank you, Mr. Chairman. I must, from the bottom of my heart, thank Hon. Kahinda Otafire for being the first senior ranking government official, although he sits in a different capacity, to tell the whole world today that Kony is not a rebel but a gangster and to tell Ugandans here assembled that the problem of Kony is much more than that which meets the eye, that it has gained geopolitical dimensions. I would however, seek clarification from my good neighbour, whether those people who are here, who are alleged to have sent messages of congratulations to Kony in some news paper - the New Vision and what have you, come either from Gulu or Kitgum, or are they enemies of people of Gulu and Kitgum?

COL. OTAFIIRE: My information is a result of my trade so that is what I am paid for so - *(Laughter)*-

THE CHAIRMAN: Could you speak through the microphone?

COL. OTAFIIRE: What I know, you can ask the appointing authority to give me the authority to reveal information to you. I am at your service please.

THE CHAIRMAN: Could you speak through the microphone please.

COL. OTAFIIRE: I have finished with my Colleague there.

THE CHAIRMAN: No, you are not allowed to address bilaterally, you go through the Chair.

COL. OTAFIIRE: Now, therefore, when Kony started organising weapons from a neighboring country, the danger signals were loud and clear that our peace emissaries were in eminent danger of death, and that we were wasting time trying to reason with elements whose *casus belli* was not the quest for tranquility and social justice. Mr. Chairman, while listening to a number of speeches, I have often wondered whether I am attending the same meeting with some people here. The centrifugal sentiments expressed here make me wonder whether this is a Uganda Constituent Assembly or a United States of Uganda Affair where each and all bargain for their piece of territory. I am often at a loss as to where the Ugandans are.

I am convinced Uganda should remain a republic with a strong decentralised system of Local governance where power truly belongs to the people, and real power can only be exercised through popular participation at all levels of society in the decision making process that affects even the minute details of the people in their daily transactions, mere periodic approval or disapproval of alternative factions of the ruling class as democracy is a hoax. That is rule on behalf of classes, and championing the interests of those classes they represent. Uganda is basically a uni-class society with a small negligible nascent middle class whose elements are currently engaged in intra-party and inter-party cut throat. The competition for the few political positions available on the market, is a competition neither beneficial nor the concern of the majority peasant class who yearn to be left alone in peace *(Applause)*.

Mr. Chairman, it has been proved beyond reasonable doubt that, peace in Uganda can only be guaranteed by two organisational structures in our contemporary times, the Resistance Councils and the Resistance Army. The two derive their inner strength from internal harmony born out of a policy of devotion to mutual tolerance and horizontal approach to conflict resolution. Anybody calling for the lift of the ban on political party activity at this cross roads, when we have posed to take stock of our successes and failures, does not only exude ignorance of the internal dynamics of the RC system, which are unreconcilable with divisive party political practice, but also fails to take cognisance of the wishes of the majority who detest the return of the confusion of yester-years.

This is a manifestation of a disquieting, short memory tendering more questions than solutions. Perhaps an infinitesimal residue of a culture of opportunism or a resurgence of ideological dissonance, hitherto held in check in pursuit of preservation of advantages now denied. It is argued that, political parties' competition refines a party in power from excesses yet it is in the era of the so-called political pluralism that Hon. Nekyon was denied the right to address rallies and speak his mind. Right now, he says what he wants and it was also at the same time of the political pluralism that he was denied a chance to run on his party ticket having been held at a road-block, until it was time. He could not register any more. Only

recently, we not only made sure that all registered, we also provided two full days to make sure the exercise was conducted fairly (*Applause*). Mr. Chairman, if party politics ensures fair play, why did Mr. Nekyon run away during Obote II at the height of multi party politics? (*Applause*)

Mr. Chairman, to overthrow a popularly elected government is to deny the population the right to choose and determine their destiny, and abrogation of their sovereign right to govern. Any soldier, who overthrows a government commits treason, and the constitution should render him answerable for that crime whatever amendments to the constitution he inquires to effect on this constitution. The population should be empowered to struggle, by whatever means, to regain their legitimate rights and hang the usurper, whenever they attain victory (*Applause*).

In like manner, whoever rigs elections denies the population the sovereign right to determine their destiny and commits treason, and should be treated like the soldier who stages a coup. The people are sovereign in Uganda, and the repository of all political authority in this country. It is therefore, their sovereign right to resolve, make and break issues in a political life, and their sovereign judgement can only be attested to in a referendum. Therefore, anybody who tries to cheat the people of the right to a referendum tampers with their sovereign authority and tampering with the sovereign authority of the population is dangerous like a coup and election rigging (*Applause*).

Mr. Chairman, the right to a referendum as a last resort of resolving political impasse is a right of the sovereign and cannot be negotiated under any circumstances and should thus be enshrined in this constitution, for it is a last arbiter. To side-track referendum is to create fertile ground for war. Mr. Chairman, there is no way anybody can abuse this right. And if necessary, let us go to referendum to determine the right of referendum (*Applause*). This is the apex of people's sovereignty, an idea I have lived for, and if need be, I am prepared to die for. I am amused that some people know what is better for the Banyankole than the Banyankole themselves. I have told you time and again that, the issue of kingship is rather delicate, and ought to be handled with utmost level headedness. Because the objective conditions on the ground in Ankole are pregnant with danger as said by Hon. Karuhanga yesterday, yet quite a lot

of us Members here are busy making a lot of irresponsible statements oblivious of the price Uganda would pay, should trouble break out in Ankole. As if we do not have enough problems to fill our repertoire. I appeal to you, to respect majority wishes of Ugandans who live in Ankole, because that is what democracy is all about. This is no matter to amuse yourselves especially where some arguments advanced stink of regular irregularities, like a fools dance. Nominally, I never engage in unprofitable business and naturally, I will not maintain any institution of no consequence to my self advancement and welfare for the sake of sentimentality. -(*Interruption*)-

MR. KARURANGA: Point of information. Mr. Chairman, fellow delegates, yesterday, when I had an occasion to contribute about this matter, I treated you to facts about Banyankole, here is one example of them (*Laughter*).

AN HON. DELEGATE: Is that information?

MR. KARUHANGA: Therefore, just take note. The job we are to do here is to write a constitution, where all people of Uganda are supposed to be happy. If we try to make one group of people dominate another, we will not have done our job (*Applause*). No matter who is speaking, at what level, or how well armed he is, your job here is to make sure that the people of Uganda, at the end of the exercise are happy. Sorry, Mr. Chairman.

THE CHAIRMAN: Hon. Karuhanga, you did not have the Floor, you only asked to be given the Floor on a point of information, but you are now making a speech, so I have to stop you at that point.

MR. KARUHANGA: So, Mr. Chairman, have I lost the Floor or do I have a chance to re-inform?

THE CHAIRMAN: No, because you ended making a speech instead of taking advantage of the basis on which -

MR. KARURANGA: So, can I briefly just inform the Hon. Speaker on the floor?

THE CHAIRMAN: So long as it is strictly information.

MR. KARUHANGA: Point of information. I just want to inform the Hon. Member that in Uganda, when people threaten to cause a breach of peace, we shall be providing in the constitution a clause for the Police, and such people who are already having mens rea to commit crimes, should be well warned in advance, that the system is going to be set up in such a way that, criminals will be dealt with.

THE CHAIRMAN: Well, I think before the Member resumes the Floor, let me comment on that, in case you take it that, another Member is threatening you, under the powers and privileges act, statements made here are privileged, they cannot be the basis for criminal or other court processes. Have you got the micro phone now?

AN HON. DELEGATE: Point of clarification. I would like to know from the Hon. Member holding the Floor whether if a cultural minority in Ankole were to claim their cultural right, and exercise them through having a monarchy whom they do not impose on the majority, whether that too, should be denied them, and whether that should cause the majority to rise up against the minority that only want to express themselves culturally. Thank you, Chairman.

COL. OFAFIIRE: Mr. Chairman, we are talking about democracy, we are debating about democracy, and democracy is majority wish. Majority does not mean total consensus. It means majority wishes and respect for majority wish. However, there is a group among the Banyankole who want to have a king, they should have their king, but he cannot be king of the Banyankole (*Applause*). Give it another name, I am not going to ascribe or be party to something you say on behalf of the Banyankole, which is going to disturb the Banyankole, please spare us that agony.

DR. MAGEZI: Point of clarification. Mr. Chairman, I would like the speaker on the Floor to clarify on this issue. Is he assuming that everybody in Ankole is a Munyankole? Because he is saying, if the issues of Ankole are to be decided upon by the Banyankole alone, there are thousands of Basoga who are resident in Ankole. Why does he want to deprive them of a say on this matter?

COL. OTAFIIRE: Mr. Chairman, that one re-enforces my argument further. Because I was

talking of the Banyankole, I had forgotten to mention other people in Ankole, who may be drawn up in this state of confusion, who are not a party to this. So, that re-enforces my argument, Dr. Magezi. Thank, you, very much. Mr. Chairman, in Ankole I have heard people talk of multi cultures in Ankole, the culture of the agriculturalists, of the pastoralist, they are confusing culture with occupation. You cannot have this as a culture. The other day I was an agriculturalists, now I am pastoralist; this one was a blacksmith. Now, how many cultures do we have? Blacksmith, cobbler, rulers, agriculturalists, pastoralist, look please, do not confuse occupation with culture. Culture is dynamic. Culture can change. Culture does not affect institutions, institutions affect culture. The institution of the kingship is a result of organisational structure. If you understand dynamics that govern the development of society, kingship is known as part and parcel of the super structure of the social system. It is not part of culture (*Applause*).

THE CHAIRMAN: Let me make it clear. We are discussing the general principles of the constitution, it would appear we are generating into a dialogue as to what constitutes monarchy and whether monarchy is part of culture. Well, if the Member gives way, you may give him information but I am not going to allow any further interruptions on that account.

PROF. KABWEGYERE: Point of information. I would like to inform the House through you Sir, that Kingship in Ankole was the kingship for the people of Nkore initially and it became the kingship - the Bugabe of the whole of Ankole as it was created in 1901. It was never anywhere written out, that it was a kingdom of a section of the people called Banyankole. So, anybody who claims now that there is a group to whom the institution of monarchy applied more than anyone else is at best a divisive factor in the culture of the Banyankole. However, that is not to say that, when the kingship was there, it was popularly accepted by all. Nevertheless, everybody who was called Munyankole was under the ages, under the power of the *Omugabe*. Secondly, the whole question of culture, the culture of the Banyankole is much larger than just simply having the *Omugabe*. The *Omugabe* is one element, and not necessarily an indispensable one (*Applause*). Thank you.

COL. OTAFIIRE: Mr. Chairman, on Land. I beg to submit that, it would be a fallacy for anybody to imagine that we could spouse an unfair land management system and not sit on a powder cake. I beg to add my voice to that of Hon. Mukasa Muruli in calling for land to the tillers (*Applause*). Mailo land, crown land etc is a recent phenomenon in our history. Since we clamor for the return of our cultural values, land should also be one of the values redressed, especially when it is the major means of production in our times.

The right to believe or not to believe should be strongly emphasized in this constitution and the separation of religion from the state, a constitutional guarantee, in order for us to eliminate religious intolerance and protect those likely to suffer from the hands of those who assume state power. This happened during Amin's times and was exemplified amply by the derogatory remarks in reference to Chango Macho's spiritual status and practice. We are tired of self appointed divine advocates, dispensing justice on behalf of God, where He himself, has not found cause to condemn you.

On the armed forces management, I have this to say Mr. Chairman. Whereas national character of the Armed Forces is desirable in recruitment, and we should give opportunity to all our nationals to serve their country, ability and competence does not necessarily conform to the mathematical calculations, promotion and advancement in the Armed Forces should be left only to those capable of judging competence. We cannot sacrifice security at the altar of opportunism. Like DP, which is a National Party, found competence in two delegates from the same region. UPC's absence here is for no other reason than the failure to agree on which factions of their various factions would best represent them here, despite their claim to truly representative national leadership.

MR. WANENDEYA: Point of clarification. Mr. Chairman, I would like to be clarified on the Army which he mentioned. Mr. Chairman, I have a case of Capt. Maj. Nambale who was quite competent. Now, he was relieved of his job, and as a result, he is finally about to be released from the Armed Forces. How would he explain a matter whereby, literally, he was being put in prison because he comes from a different area of the country and the Armed Forces are one. So how

would you consider that kind of relieving of a competent person? He is a pilot, a good one at that? I want to be informed about this.

COL. OTAFIIRE: Mr. Chairman, we do not have the rank of Captain Major, so when that rank is introduced, then I will answer his question (*Laughter*) Thank you, very much.

MR. WANENDEYA: He is a Major. He is Maj. Nambale - I am sorry he was first a Captain, but he is a major. Mr. Chairman.

THE CHAIRMAN: Hon. Member the question you are posing is likely to derail us into a side discussion of a different issue. I think let us continue to discuss the general principles of the draft constitution.

COL. OTAFIIRE: I am a Pan-Africanist, Mr. Chairman, and I am also an African patriot. I am a Ugandan, not because of my own involution, but because of an accident of a colonial history. Had the Northern border of Rwanda been put at Corner-Kamudin, I would probably be with the RPF, *Interamwe* or dead. Similarly, had the Southern border of Sudan been placed at Kisoro, I would perhaps be with SPLA. Let it be put on record that I believe in common African citizenship, and that every African who chooses to come, live, work and pay allegiance to the Republic of Uganda, should, after a reasonable time, be granted our citizenship, if that African is worth the while (*Applause*). It is a shame to note that we have granted our citizenship to people of non-African origin, who have made a contribution to this country and at the same time, taking complete disregard of this national obligation. Who will take us seriously if we cant stand by our promises and words of honour. There is fear expressed that there could be a possibility of a descendant of non-original Ugandans one day, ascending to the highest office of the state - the presidency. But, Mr. Chairman, I also fear the time when a criminal descendant of original Ugandans will go back to the position of presidency to rule us again. Mr. Chairman, some missionaries who rendered priceless service to our people, were not descendants of the true Ugandans, while much of the recrimination characterising this debate is attributed to descendants of Ugandans. None of the presidency of the United States of America is a native born American, yet the United States is the mightiest

nation on earth. Mr. Chairman, I do not share this myopic fallacy of false nationalism through which we have lost talents to other people, and have not opened ourselves to accept talent from other people. I believe in African unity, and this unity is the right of African people's if they so wish. I would rather be unknown in a nation than a glamorous mad fish in a small well. The strength of the NRA is its ability to survive artificial divisions. Until recently, I did not know that Lt.Col. Odong J.J. was an Itesot, nor do I regard Lt.Col. Serwanga a Muganda right now. I neither know nor care about their religious affiliations. I have known them as good soldiers, and Ugandan patriots, people I could rely on in times of need, their areas of origin notwithstanding. It is only the tribalists and the percentically sectarian who do not see the value of these gentlemen as human beings, who seek to know the differences that divide us despite the limited contact with the Army. Let me assure you that nobody will divide us, and anybody who tries is courting disaster, and has himself to blame. We will not fail because our mission, our scope of vision is singleness of purpose, and our desired goals are so different from yours, that we shall always operate at parallels.

I pay my, unflagging support to the youth of this country. I similarly support cost-sharing. That cost-sharing should not be left to only those in higher institutions of learning, those of us who have gone through these institutions and have been supported by the state, and are still alive, should pay back also.

THE CHAIRMAN: Hon. Otafire, there is a Member's hand but at the same time, you will be winding up. Your time has run out.

MR. OWINYI DOLLO: Point of clarification. I seek clarification from Hon. Col. Otafire - Ruhinda County. He just said something I would like to paraphrase that, they have a fixed goal, they have a target and if their goal differs from - for example mine, then we would be running at parallels. In other words, I would be courting disaster. I would like clarification. Supposing their fixed goal, I do not know how many they are, when they, say, differs from that of the majority of Ugandans, would the majority of Ugandans be courting disaster?

COL. OTAFIIRE: For your information, our fixed goals are democratization of the politics of Ugandans. Our fixed goals, are ensuring social justice, our fixed goals are the unity and prosperity of this country, our fixed goals are elimination of those causes that have made us weep. Now, anybody opposing this, is certainly courting disaster. There is no way a majority of our people could wish for themselves goals contrary to these ones.

THE CHAIRMAN: Hon. Otafire, will you address him through the Chair please? *(Laughter)* And as I indicated, you should be winding up your remarks.

COL.OTAFIIRE: I support women liberation, and endorse affirmative action, until such a time, the victims of sexist discrimination have been sufficiently redressed. Their place is not behind their men- folk in the kitchen, but side by side with them in the struggle for social justice *(Applause)*. By the way, how many women were there in the multi party parliament?

Finally, we should not be carried away by narrow sectarian pursuits and quest for unfair advantages, to the detriment of the interest of our people, we should not seek to destroy the little so far achieved. Anybody who wants to oust the NRM had better provide us with a better programme and policies than hitherto in practice, we are a team. A team plays to win collectively. We are prepared to go off the pitch if the reserves can play better and ensure victory for us all. However, we are not prepared to surrender the game to people who have lost severely. Remember, history will one day sit in judgement, when we are no longer here and when we have no right to defence. Let us be careful. Like Pope Paulo said when he was in Gulu, Mr. Chairman, he said peace in Uganda is still very young, and if you do not nurse a young baby, it could die. This peace in Uganda is still very young, and if we do not treat it carefully, it could die. Thank you, very much. *(Applause)*.

THE CHAIRMAN: Thank you, Hon. Kahinda Otafire for your contribution to the debate.

MR. ADYEBO(Kwania County, Apac): I would not like to waste your time in defining where Kwania is, but it is in the centre of the district, and it is sitting one of the six colleges in the country

namely, Uganda College of Commerce - Aduku. Mr. Chairman, kindly accept my heart-felt congratulations and warm greetings to you your deputy, fellow Hon. Delegates, from me and the people of Kwania, who delegated me with instructions to speak in this assembly at this time of re-writing the history of our country.

Now that, many delegates have already professionally and sufficiently covered the political history of this country, I shall spare the 30 minutes available for only a few issues in the Draft Constitution, notably in summary form. Mr. Chairman, and Hon. Delegates, the people who elected me in Kwania instructed me to state here in this assembly that, let the voices of both the majority and the minority be heard. *(Applause)* They also instructed me to tell you that, those who set the rules of the game, should play by the rules of the game. Mr. Chairman, I do not want to drag the Assembly into any controversial issue. However, I have attentively listened to the frank and open presentation made by honourable Delegates during this phase of general discussion, this is healthy and demonstrates that this country, once again is on the right path of democratic process. I should like to give you and your deputy credit for handling these varied opinions impartially and competently during the debate.

The task before us in this Assembly is to come out with a suitable and respectable Constitution for the people of Uganda based on the wishes and aspirations of the population. This implies that, it is our responsibility to come out with a document that will earn legitimacy from the people of Uganda and more so, the posterity. In order to do our job well, personal differences should not be entertained in this House. We should be guided by the interest of this nation. We should be open to discussion, we should take serious considerations of the history of this country. Mr. Chairman, while enacting the new constitution, certain important considerations should guide our thinking and all these are clearly found in the rich history of this country which many Members have already elaborated.

I would like to begin with what is so often talked about with so little understanding accompanying it, that is the form of democracy. Mr. Chairman, I wish to handle this topic by laying emphasis on only those elements that put greater attention to

democracy. I call upon my fellow delegates to bear with me in discussing this point briefly from the economic point of view. Mr. Chairman, there are many parameters of democracy I want to discuss here to you. These are right, liberty or freedom for that matter, equality, sharing of power and interest of the population as well as resource allocation. Mr. Chairman, as you heard from many members, the problem of this country, by history, is as a result of power sharing and the allocation of the resources we have. The rights of man is inherent in his nature as a divine being. Government does not create distraught, but government is obliged to recognize these rights, and the character of a government will be apparent from the rights that at any given time secures recognition from it. Whether or not, a government is democratic, is known by the rights that it maintains. Our method of judging its character must lay in the contribution it makes to achieving these rights. Mr. Chairman, and Hon. Delegates, in our strive to make a good and acceptable constitution for our people, we must all the time keep in mind those events in our political history, which characterised the various governments that have come and gone. What have they done to ensure that every part of the country and every individual citizen is not only equally entitled to happiness, but also to security of property and life? Mr. Chairman, without disregarding the suffering of those who lost property and lives during rebel wars, and cattle rustling, allow me to add my voice to those who have spoken before me and recognized the great efforts and sacrifices NRM administration has put in the governance of this country to realise the end of democracy. This process of constitution making is the very thing of the promise of NRM to democracy.

Mr. Chairman, the foundation of democracy is seen in the sharing of power between the leaders and the led. Leaders and therefore, governments, should be able to empower the citizens, with the capacity to decide what they want. Leaders should examine that their interests are not against what the population want. We must keep in our mind the fact that, the state that seeks to survive must continually transform itself to the demands of men who have an equal claim upon that common welfare, it is its ideal purpose to promote. It is incumbent upon us to produce a constitution which makes provisions for institutional framework which make the state responsive to popular

or majority demand, while not forgetting the voice of the minority. You know, Mr. Chairman, sometime I was listening to one eloquent speaker from Nebbi, Hon. Ringwegi who said - he in fact equated the performance of the government to a polygamist who has several wives and he goes to his wives according to his preference and that at the time he gets to the last one, he supplies air. I would like to say that, any government which is responsive to popular or majority demand will always be liked by the population. I am saying this from my experience from Apac in 1990. 1991/92, there was a lot of excitement, and there still is, in the new ideology of the RC system, because of this devolution of power. They were told to do this and that, they reacted. Grow cotton, they grew cotton, grow maize, they grew maize, but when the problem of marketing came, they also became problematic. Now, what I am just saying is that, the population will always respond to the responsive government. Mr. Chairman, the political life of this country will only change once we develop stable income for the majority of our population. The people with stable incomes will not easily accept manipulation because of simple handouts. Where however, the majority of the population are not engaged in meaningful and stable incomes, this alone presents grounds for susceptibility to political manipulation. The people of Kwanja, aware of this necessity, have asked me to inform you fellow delegates that, they in Apac have in this session gone back to full scale cotton production, following the liberalization of the cotton sector. They say, when government is responsive, they respond accordingly and vice versa. Mr. Chairman, I am stressing this point because we need to put in place a constitution and therefore, a government that should take care and provide for the majority of our people who are in the villages where hot political battles are always fought when we go for elections. Just as in the recent elections, battles were fought and we have fought in the villages. These people *-(Interruption)-*

THE CHAIRMAN: Hon. Member could you speak through the microphone please?

MR. ADYEBO: These people need a government that will design actual programmes to address their problems. After all, the people of Uganda, want unity, peace, stability, progress and development. In this constitution, Mr. Chair-

man, we should make clear provisions for freedom, taking care of mutual limitation so that its exercise and enjoyment by one does not injure others. In exercising freedom, every citizen must protect the rights and freedom of others. If we agree here that government is equal to any natural citizen before the law, the rights and freedom of the government must also be protected. This means that, regulatory laws must be put in place to limit the exercise of same while exercising and enjoying freedom. For example, Mr. Chairman, and Hon. Delegates, when we talk about regulating everybody or government to behave according to the law, so that the freedom you enjoy does not infringe on others, we come to also recommend that, we should have such laws to protect our journalists in the country. Last time, when we tried to present a bill, there was a lot of resistance even though it was not yet tabled.

Equality: in considering provisions for this, Mr. Chairman, the people of Kwanja are of the view that there must be a labelling process by which no citizen can take prominence over others by means other than as a reward for their toil. They also propose that, no man shall be placed in society that he can over reach his neighbour to the extent which constitutes denial of the later's citizenship right. Further, Mr. Chairman, the people of Kwanja recognize that, there are differences in the nature of man, they therefore propose that, a mechanism be put in place to avail every category of citizens, especially the disadvantaged, to be heard by the highest authority in the state.

The people of Kwanja also sent me to say that, since knowledge is power, a provision should be made in the new constitution which shall provide for compulsory minimum level of education at least up to primary eight for every citizen. This is the only way they shall open their eyes to democracy and build a capacity to articulate and defend their rights as citizens.

Otherwise, Mr. Chairman, the people of Kwanja are in accord with the general principles of the rule of law, they recognize that concentration of power in the same hands is the very definition of a pyramid. They also know that, power by its nature is dangerous to those who exercise it and we should be aware that power corrupts and absolute power corrupts absolutely. The people of Kwanja therefore, advise that state power

should be separated in such a way that, although there may be some usually accepted overlap, those who exercise legislative powers must not be so placed in executive positions of authority that they may be at the mercy of those who must exercise parliamentary control. They also advise that, there should be made provisions that will ensure - although court may exercise legislative functions through the principle of presidency, they should exercise restraint and use the Law Reform Commission to advise on new legislation to cater for lacunas. The people of Kwania are also advising this House that although Parliament is supreme, when considering the draft proposals, it should also exercise maximum restraint from too much censorship in impeachment of the executive, that they may make it important. And here, Mr. Chairman, they are thinking of what is happening in France, where the executive falls far below parliament. Parliament is more powerful than the executive, and there if you are elected today, you should pray that you should survive until 24 hours after elections.

On the other hand, the executive should act up to its equality with citizens before the law, and let the court act without fear or favour. It should also surrender to the directives of parliament and let it function without hinderance nor fear. Mr. Chairman, the people of Kwania are thinking that it is excessive and unnecessary for parliament to set its own term of office. They have been hearing your comments here through papers and radio, and you complained that last time, the NRM government extended its term of office without consulting, and they are advising that, now that we are here, making the new constitution, you can now say that, it will not be tolerated for any future parliament to be able to extend its own term of office. There must a provision specifically rejecting this.

Mr. Chairman, let me touch briefly on political system. By political system here, Mr. Chairman, I mean a political arrangement by which Ugandans shall achieve the aims of democratic governance. At independence, our former colonial masters left us with a legacy of multi-party system. Apparently, as the only means to achieve democracy, nearly immediately after independence, all the three East African countries, at different times, went in for one party state. In the case of Uganda, the one party system was adopted be-

tween 1969 and to 1971, this was testimony to the fact that the multi-party system had some problems working in the African set up, hence there was need to search for a suitable system. Among the multi-party democracies to emerge in Africa, we have Zambia and Kenya. Ghana and Nigeria were not very lucky with the return to multi party democracy. Uganda again tried multi-partism after the fall of Amin and only ended up attracting military Coup d'etat and precipitating the NRM Revolution. All eyes are now focused on this Hon. Assembly on what form of political system it will adopt. But let me remind you here that, even Zambia that went wild in 1990 for multi-partism, all is now not well in Zambia. As you read today Mr. Chairman and Hon. delegates, Chiluba who was very popular by about 98 per cent during the election of October 1990, is now not the same Chiluba. 13 of his Cabinet Ministers have already fled from him and many more are running away, that was the excitement the Zambians had in 1990, they wanted a change, they thought Government was not responsive, they thought all Zambia was hungry, there were many mouths hungry, there was nothing happening, there was no rehabilitation, nothing, the cost of living was very high, they wanted a change of Government through multi-party. But today as we talk, the inflation in Zambia rose from 30 per cent in 1990 to 300 and another example is next door - Kenya. They came, they are there and you know. Shall we again remain bogged down to systems we have tried to religiously adopt with disastrous consequences or shall Uganda come out with another system which may be the one many Africans have been looking for? Mr. Chairman, the valuable lesson we have learnt from the political history of the world is that both multi-party and single party political systems have been tried, with varying degrees, depending on the cultural, customary and socioeconomic backgrounds, of course none of them has tried the Ujaama, African socialism, or even the Movement system. While multi-party democracies have succeeded in many Western countries, one party system has flourished in some East European, Asian sub-continent. In the case of Uganda, we have tried and experienced both systems. We also experienced military dictatorship during Amin's regime and indirect rule during the colonial time. This time Mr. Chairman, we have put to test a completely new innovation called the Movement, though some people are saying this is not a new innovation, it

is Indian, others are saying it is Jewish. I have to point out here that not all systems are perfect, what makes any of them good and acceptable is how it responds to the demands of the population, the in-built growth capacity it has, that is. This is the principle upon which the Movement should be judged as a political system. The Movement system is born out of our own history of bitter experiences. It is this system which is now asking the people of Uganda to choose the more suitable and enduring system of governance. Some Honourable Members have cast doubt on the Movement system of Government as a distinct political system in its own rights. Some even derogated it to the vice of military dictatorship, while others say it is a Party. Mr. Chairman, I would like to respond a little bit and spend just a little time clarifying on the Movement to prove that it is actually a parent system altogether. While I agree that there may be some similarities between the Movement and any Political party, I totally disagree with the notion that it is a military dictatorship.

Mr. Chairman, a military dictatorship thrives on the gun and accords special status and privileges to the man in uniform. The Movement system demystifies the gun and puts the man in uniform on the same, equal footing with the rest of the citizens. Mr. Chairman, the Hon. NRA Officers here have pleaded their case and defended the tenants of democracy in this House. If it had been a military dictatorship we would have had an easier way of their will being done. A military dictatorship rules by one man Decrees, it does not tolerate freedom of speech, freedom of expression, freedom of the Press, and all forms of civil liberties and implements their laws by brutal means. You can see the freedom of Press in Uganda here, you can see how leaders are scandalised. Yes! I do not know if these things were really happening in Uganda. My dear Friends, those who are talking more freely in this House would want us to believe that NRM is a military dictatorship, those who hold and generate insults at the leadership of NRM through the Press and Public meetings without any retribution are the ones who say NRM is a military dictatorship. I do not want to point fingers, but they are here, some of them. The Movement system of Government is an indigenous innovation, born of our own making, the political party is certainly borrowed from outside and most of the African society was over

run. When one group is leading, others are opposing. Our societies were run on the principles that most able persons lead others from time to time and I think this is very pertinent in multi-party system.

Mr. Chairman, the only similarities I see between political parties and movement are quite few. One of them is that both of them have the same administrative structures, call it sectarian, which are supposed to design the political ideologies and implement the policy decisions of the policy slogans of the political party or Movement. But even with that Mr. Chairman, there still exists some differences in that, while that of the Movement is a creation of a statute passed by Parliament, those of a political party or parties are creations of individual constitutions applying only to the Membership of those political parties. The other similarity, could be that both have political programmes. Again those of political parties are merely ad hoc and short-term flowery documents pronounced at election time for purposes of vote catching. Those of Movement are guiding principles stating out national priorities made into law by Parliament.

Mr. Chairman, I would now like to illustrate the glaring differences between a political party and the Movement as a system in itself. Let me stress from the beginning that political vocabulary has not yet been exhausted today, there will continue to be new discoveries in human organisations. In the political field, we know that there has been some attempts in search of new political systems to accommodate their peculiar, national circumstances. Tanzania tried *Ujaama* system, Amin tried here Scientific socialism, which was actually applied in communist countries and there was also African Socialism, those who first abandoned multi-partism and later came back to it, seem to be regretting every step. Nigeria has tried and failed twice, Zambia, I told you, seems to be yearning for the system they so emphatically rejected only the other year. They went for Chiluba, now they are going back I think to Kenneth

Kaunda. Mr. Chairman, the Movement system is different from the political party system in that, whereas the Movement does not have a Constitution, at least, all political parties in Uganda had a Constitution which sets down terms of membership, sometimes using methods which are

seclusive. In fact in this Constitution of these parties, when you look at them, you find that in order to belong to one political party, you must not belong to another one and that you must also pay Membership fee, and that you must also pay registration fees and so on and so forth.

Secondly, there is no in-built democracy in the management and control of political parties, especially at the headquarters. I am making reference to some of the Articles here of some major political parties, I do not want to go into much detail, but suffice it to say that there, the control of political parties either is in the hands of the President of the Party or the various Chairmen at the lower levels of the Party structure. Usually only the President can call the delegates Conference *-(Interruption)-*

MR. KITARIKO: Point of information.

MR. ADYEBO: And I was referring actually to the UPC Constitution.

MR. KITARIKO: But even then the President of the Party or Chairman is not in charge of the administration of the Executive committee which is in charge of administration of the party.

MR. ADYEBO: That is a lie.

THE CHAIRMAN: Hon. Kitariko, the Members did not hear you on this side.

MR. KITARIKO: I am saying the Member holding the Floor is misinformed, because our Constitution states that the organ in charge of the party administration is an executive committee of the party which is chosen by the Conference annually, which was allowed by government now.

MR. ADYEB: That is not correct, Mr. Chairman. Example, under Article 16 of the UPC Constitution, only the President can call the Delegates Conference, while the executive committee meetings are called by the Chairman alone and that is why up to now, they cannot hold a Delegates Conference. If the President is not here, there is no way, unless they are going to have a Coup at the Headquarters, that is the fact of the matter and by the way, I am quoting from the authentic document which is here.

MR. AWORI AGGREY: Point of clarification. I am seeking clarification from the Hon. delegate on the Floor on two points, the first one, he has referred actually twice to Zambia, that Zambia is having a problem economically, 300 per cent inflation, that the President of Zambia is being deserted by Colleagues due to the political system. I am wondering if that is not perverted kind of explanation. One, without multi-party system in Zambia, Chiluba would not have become President, if it had been a Movement type of Government, I am sure by now Kaunda would still be President of Zambia. So, how can you say, because of the political party system the man is having problems? I will need clarification.

THE CHAIRMAN: I do not think there is really need for him to clarify that you are just arguing.

MR. ADYEBO: In fact, you are right Mr. Chairman, he is just arguing, but Chiluba is running Zambia on a multi-party system Government, when he was elected in 1990, I am not just attacking, I am just giving you examples because here, you wish something to be done, but when you now get there, these are the results. I am just giving you information, I am not attacking any political system, but giving you examples which are live and they are not lies and you know it and you are multi-partists.

THE CHAIRMAN: Hon. Member, you are operating on injury time, so you should not

MR. ADYEBO: Mr. Chairman, another similarity between the Movement and the parties is that parties issue registration cards and registration books whereas the Movement does not. I would have gone on and on, but Mr. Chairman, suffice me to touch on the *Federo* issue which I think is important to at least my Colleagues Hon. Prof. Nsibambi, that is Form of Government.

Mr. Chairman, by pursuing the policy of indirect rule, the British recognised different nationalities here in this country. I need not even emphasise that after independence Uganda emerged with a federal form of Government which collapsed in 1966, then we had a Republican Government from 1967. In the Ugandan context Mr. Chairman, Republicanism means the absence of federalism, therefore Unitary form of Government. The people of Kwanja and Apac in general, really

say they are Republicans and they would like a Republican Uganda with a strong, decentralised, local Government. However, they are saying they have no quarrel with any other Ugandan having any other kind of Government. But one thing they told me to tell hon. Members from Buganda is that in Ghana, the monarchy institution of the Asante is existing whereas Ghana is not Federal. Britain where most people would want to take their political lesson from has a monarchy without being federal. The other time, they had a problem, because I think Buganda had a monarchy which was federal and therefore invited political affiliation. They are saying, they have no quarrel with their brothers of Buganda only if they could guarantee them that whatever form of Government they want, be it federalism with monarchy, be it federal, what guarantee is there that the 1966 bitter memories will not re-occur, now that they see going again into alliances? Otherwise, they say they have no quarrel and they say that just convince them, they are ready to vote for you, but so long as you make that assurance.

Mr. Chairman, transitional period, before I wind up. To begin with, Mr. chairman, in the context of the proposals in the Draft Constitution, a transition period and contingently transitional Government presupposes that the political party system shall be adopted by this House. That would mean that there will be a transition from the present Movement system back to the multi-party political systems. However, in the event that the Movement system of government is adopted, this topic would be superfluous, but Mr. Chairman, what are the conditions upon which a transitional arrangement of Government should be made? First of all, it could mean that there is total break down in State power and there is a state of anarchy in the country. Secondly a transitional Government may be called in to play when the only way to survive total alienation of the Government in power is to call for a cease fire and have a negotiated settlement for power sharing. In that case, a Government involving all parties can call a conflict meeting. Another similar situation is when a combined invading force succeeds in overthrowing an incumbent Government in power like was the case in Rwanda. The other circumstances which necessitates the formation of a transition Government is that there is no superior control in place and that the situation is fluid and uncertain. Mr. Chairman, now none of these circumstances exist in Uganda.

NRM is a popular Government that has emerged victorious both in military and political wars, but we are saying, in the unlikely event that the multi-party system wins and there is need for a transitional arrangement, the people of Kwanja have sent me to tell you that we should avoid a situation where the political clock of this country shall be wound back to the UNLF days of National Unity Government which has left a bad taste in their mouths and they are already seeing signs of that revival now that one of us is a Member who was very prominent in the umbrella of the UNLF. They say, too many cooks spoil the broth. They do not see what a coalition Government can do today which the UNLF, which included the current President as its Vice Chairman could not do in 1980 to stop the usurping of power by some greedy groups. The people of Kwanja said, that you'd rather be with the devil you know than the angel you don't know. Mr. Chairman, the people of Kwanja would view it as an act of ingratitude, not to trust the NRM which has taken this country this far. They are therefore saying, for reconciliation and for accommodation, the Movement system of Government should be extended for five years, but that system must have a surgery. It must be restructured to accommodate many more political parties especially those who feel that at the moment they are being marginalised by the present set up at the executive level in the NRM Government. If that is done, this will leave time for political parties to re-organise themselves internally so that they make consultation with those who may be interested in running this country who may not be here so that they in turn must restructure some of their constitution which in some Articles are at the moment dictatorial, communistic and do not allow accommodation and they are worried that unless enough time is given for these parties to restructure themselves so that they are more democratic than what they are now, they fear that giving power immediately to them, may hurry things. Actually, all they are saying is that political parties are not prohibited, they are not banned, they are allowed even in the Draft proposals here under Section 97. If I could recall and in conclusion, people of Kwanja are saying, whatever decision this August House will come up with, it is important to emphasise that we need politicians in Government and political systems which will deliver services to the people of Uganda by being responsive to the peoples demands. This is the voice of the people of Kwanja.

but they told me to ask this Assembly as a reminder that, they hear there still a lot of complaints, the Teso are complaining, people in Gulu are complaining, Kitgum and Lango is also complaining, they told me to tell you as their delegate that, the Government made a mistake in not compensating the cattle in Teso, Lango and Acholi. If they had at least compensated them by 50 per cent of whatever cattle they lost, maybe some of these grumbling around would have been minimised. They told me to tell you as a delegate, this has nothing connected to what I do in Government and I am also saying that it would be fair for those people to be compensated as their delegate, because after all, in accounting, whenever you take over assets, you also take over liabilities. Even if the cattle we rustled, the Government has been judged, just as they are giving *ebiyaffe* to other people, let them also give those people their *ebiyaffe* and I think the thing would be minimised and these are the problems.

Mr. Chairman, I was told to tell you this, to inform all my Hon. Colleagues, otherwise, I am not here to embarrass Government and I am speaking here as a delegate not a Government official. Thank you very much for giving me injury time and thank you for listening to me.

THE CHAIRMAN: Thank you Hon. Cosmas Adyebo for contributing to our debate this evening.

MR. KAVUMA STEVEN (KYADONDO SOUTH): Thank you, Mr. Chairman. My name is Steven B.K. Kavuma and I represent Kyadondo South. Mr. Chairman, I once again thank you for having given me the floor. I represent Kyadondo South which covers the area stretching from the shores of L. Victoria at Kaazi, the famous home of Boy Scouts and Girl Guides, through Najjanankumbi, to Kajjansi along Entebbe Road to near the suburb town of Natete along Kampala-Masaka Road. The Constituency is bordered by Busiro South in the South, Makindye East in the East and Rubaga South in the South West. It also shares borders with Busiro East in the South West. Mr. Chairman, the residents of Kyadondo South come from all walks of life and from all nationalities known of in Uganda. Mr. Chairman, the people of Kyadondo South are eagerly looking forward to getting a truly home made, national constitution of Uganda, a Constitution that will ensure durable peace and stability for all Ugan-

dans of today, tomorrow and of the many years to come. The Constitution that will ensure the quality of a smooth transfer of power from one set of leaders to another. A Constitution that will guarantee the supremacy and sovereignty of the people in the management of their affairs, a Constitution that will ensure unity of all Ugandans despite the diverse ethnic, cultural, religious, name it, background. A Constitution that will ensure strict observance of all cultural, human and property rights of the individual and the various communities of Uganda. A Constitution that will take into account the constitutional and political problems of the past, interpret them correctly to understand and cater for the present and to be able to prepare a new constitutional path for the future conduct of our public affairs. A Constitution that will ensure total emancipation of the disadvantaged, and the producers of wealth, the majority of whom live in conditions of abject poverty, though amidst plenty.

The people of Kyadondo South Sir, firmly believe that it will be only after full appreciation of the above, coupled with full hearted dedication to a culture of constitutionalism and honest observance of the same by all, that will enable Ugandans to let a Constitution out of this Assembly that will stand the test of time and *will* guarantee that Uganda shall hence forth live as a united, prospering nation.

Mr. Chairman, allow me at this juncture to convey to this Assembly the people of Kyadondo's message to them and to all the Ugandans. Mr. Chairman, the people of Kyadondo South say, that we should always remember, while getting engaged in this Constitution making exercise that the journey to truly regain our sovereignty and to be able to determine the destiny of our country, has been long and rough, we should remember and record in our constitutional history the just struggles and resistance of people like Ssekabaka Mwanga, the late Omukama Kabalega of Bunyoro Kitara, the Musaaazis and the group. We should always honour them as men of vision and determination to regain our sovereignty and, no doubt, of hope that once regained, that sovereignty shall be defended by all for permanent retention. These gallant sons of Uganda, among others, must be recognized and always valued. Mr. Chairman, having said that, allow me now to turn to some of the provisions of the Constitution in the Draft Constitution.

Mr. Chairman, the people I represent are in full agreement with Chapter 1 of the Draft dealing with the sovereignty of the people, the supremacy of the Constitution and the defence of the Constitution. They are particularly happy that Article 3, Sub-Article 4 constitutionalises resistance which may include armed rebellion against those who may wish to unconstitutionally abrogate or overthrow the constitution. This, Mr. Chairman, if I may disclose here, is one of the many reasons why the majority of the people I represent are today yearning for more of the *mchaka mchaka* courses for they empower them politically and militarily to be able to defend the Constitution, should the need arise. Gone are the days when they would run to hide in the nearest hiding place upon hearing the sound of a gun shot, to merely wait with anxiety, to hear over the radio, who is the next President and his Government are. Thanks to the NRM for its policy of demystifying politics and the demystification and democratisation of the gun.

Mr. Chairman, to those who detest *mchaka mchaka* courses and those who castigate those gallant sons and daughters of Uganda who shed their precious blood and are continuing to shed that blood today in order to liberate Ugandans from tyranny and dictatorship, we in Kyadondo South say, please remember that if you want to ensure durable peace and stability in society, you must prepare for war. Please remember, that when all other political avenues fail, war is resorted to as the highest form of politics.

Mr. Chairman, the people I represent agree with Chapter 11 of the Draft Constitution. It has been explained to them and they now appreciate that the meaning of a Republican and Unitary State does not conflict with some of the values they cherish in society. The fact that Republicanism or Unitarism undermines their monarchy is no more. They are aware of the existence of traditional leaders in Nigeria, Ghana, Zambia and indeed present day Uganda, all of which are Republican States and they are aware of the British monarchy in a Unitary United Kingdom.

On the question of the Official language, Mr. Chairman, the people of Kyadondo South say, they see no alternative for now to English and to the issue of a national language, they say let one evolve with time, although all including Swahili

should be taught. It serves no purpose to impose one today through unrealistic constitutional Clauses.

Kyadondo South, Mr. Chairman, is agreeable to the freedom of worship enshrined in Articles 6 and 64 of the Draft Constitution. This freedom of worship must never be tampered with.

On National objectives and directive principles of state policy Mr. Chairman, Kyadondo South says this Chapter is important, we are making a Constitution for nation building not nation management. This is of paramount political and constitutional significance. It is of paramount political and constitutional significance that our political Bible must openly and clearly state what the people's values, virtues and aspirations are in the political, social and economic sectors of life. If the Chapter is found to be repetitive or unnecessarily verbose, the best this Assembly can do is to improve on it. To remove it from the Constitution on the flimsy excuse of its provisions being unenforceable in the Court of law or bearing resemblance to a Manifesto of a political party is that the least to attempt to derail us from putting in place the Constitution that truly reflects our own undeniable status in the process of political advancement. Let us not pretend we are making a Constitution for UK, USA, Germany, we are making one for our Uganda of today and tomorrow.

Mr. Chairman, on Citizenship, the people of Kyadondo South say, Ugandan citizenship should not be so cheap that every Tom, Dick and Harry would easily acquire it. Those who wish to acquire it must go through a rigorous process of scrutiny which should consider such things as longevity of stay, good character, harmonious existence within the Ugandan society and adaptability or capacity of assimilation, loyalty and benefit to Uganda. Such scrutiny must start right from the RC 1, where the applicant resides, to an incorruptible Board of high integrity. In dealing with this issue of citizenship, Mr. Chairman, we must avoid being guided by emotion but by reason and reality. Let us accommodate every member of the community that has a rightful claim to citizenship considering the arbitrary way our boundaries were determined by territory hungry Europeans on drawing boards in Europe, in total disregard to the realities and human factors on the

ground. Let our Schedule number 2 include every ethnic community in our country as of 1926 when the boundaries of this State called Uganda were finally determined. Let those groups extend from the Banyarwanda of Uganda, the Bafumbira and all the others and let us avoid "exclusionism" in preference to "inclusionism". We are all Ugandans and let us regularise our constitutional position in this area peacefully, otherwise we are creating a dangerous problem in our society for a solution in the future. Mr. Chairman, let us not pretend that we can run away from international law obligations imposed on us with regard to presumed Ugandan citizenship of a child of not more than seven years of age. Citizenship here is not automatic, the presumption is rebuttable, we therefore should accept our responsibility in that regard. Mr. Chairman, we in Kyadondo South, particularly welcome the removal of discriminatory criteria for citizenship to children of Ugandan mothers with non-Ugandan fathers as a good policy of gender equality.

Mr. Chairman, on Human Rights, we say, these rights and freedoms should be wisely entrenched in our Constitution. But the people of the Constituency I represent here appeal to fellow Ugandans to appreciate that it is a cardinal principle of constitutional law that the enjoyment of Human Rights and freedoms is never absolute, it is enjoyed within limits. This includes the cherished freedom of association. We have particular interest in Articles 60, 61, which deals with women, 62, children, 63 rights of the disabled, 64 culture, 65 participation in governance. There should not be any detention without trial and a detainee should be produced in courts of law within 24 hours. We oppose Article 71, which grants 72 hours of detention before information relating thereto is given to the next of kin of the detainee. We strongly support the establishment of a permanent commission on Human Rights.

Mr. Chairman, in Chapter 6, we comment on the political system. I am under specific instructions to categorically declare to this august Assembly that the people of Kyadondo South want the Movement type of politics to continue for the next five years from the commencement of the new Constitution in accordance with Articles 94, 95, 96. We in Kyadondo South say, the re-introduction of full scale multi-party politics must come only after we have given our go-ahead through a

referendum in terms of Article 98. Any attempt to deny us a referendum on this, disguised in whatever form, will in our view amount to a treasonous betrayal of the people. The right to decide on a matter that has, in the past, cost the precious lives of their beloved ones with a high potential of reputation, the people of Kyadondo South have mandated me to say, as I indeed hereby do, must be and shall be defended at all costs. Mr. Chairman, why do the people of Kyadondo South have fears about re-introduction of full scale multi-partism or even single party rule? I will give a few reasons. To them, they remember that under those systems, there were cold blooded murders of pupils from Kisubi under the first UPC regime, this was about 1963, the murders were by State functionaries. Mr. Chairman, the murder in cold blood by state functionaries of innocent unarmed civilians at Nakulabye, Mr. Chairman, the people still remember the murder of thousands of innocent civilians at Mengo and throughout Buganda by State security Personnel in 1966. Mr. Chairman, the endless rule under a perpetual state of emergency under the first UPC regime is still very fresh in the peoples minds. Mr. Chairman, the cruel cold blooded murders of opposition members of Parliament under the UPC regime is well remembered by the people I represent. Mr. Chairman, the merciless murders by cutting open pregnant women's wombs in Luwero do not augur well when they resurface in the minds of the people I represent. The rampant raping and defilement of women and girls and the agony of being forced, as a husband or parent to clap, by the rapers and defilers in appreciation of the good job done by the criminal armed state security personnel, armed with guns, purchased by the tax payers money, cannot attract sympathy from the people I represent.

Mr. Chairman, the list is long. What is the simple message of the people? These may not be the scientific reasons to object to multi-partism in our society today, but for them, they remember these and the humble message they put across to you Hon. delegates is, please allow us time to recover from these wounds which are still bleeding. Put full scale Multi-party activity in cold storage for the time being. Mr. Chairman, I did say that the people of my constituency are in full support of Article 99 which prohibits the establishment of a one party dictatorship in Uganda for the reasons I have given.

On the executive, Mr. Chairman, we in Kyadondo South support the popular election of the President through universal adult suffrage for a term of five years. A person could be re-elected President for a second term but no more thereafter. The President must have sufficient power to manage the country, since he is fully accountable to the people and can be impeached, he will be solely answerable for his mistakes. We do not share the view that the draft Constitution has left too much power to the President for almost all his actions are subjected to the approval of one authority or another. The people of Kyadondo South are mindful of the fact that an over weakened Presidency can be the source of instability with dire consequences to the country, that the defacto weak presidencies of the late Prof. Yusuf Lule and Godfrey Binaisa are cases in point. We reject the idea of Presidential candidates declaring their run mates for Vice Presidency. The arrangement is, in our view, potentially, politically dangerous. The President should be left to choose his Vice President after elections. He should also be allowed to fall with him or to fire him without any undue influence from anywhere. We think the Office the Prime Minister is still necessary in our politics and it should be retained in the new Constitution.

Mr. Chairman, on the Legislature, we shall briefly say that this should be elected periodically in free, fair and democratic elections. The electorate recall their representative for sufficient cause.

The national council of state is supported in principle, its functions to vet Presidential appointments as a committee of Parliament and of conflict resolution justify its existence. People are fed up with military coups as a means of conflict resolution. It will also avoid marginalisation of minorities in Public affairs through district representatives as proposed. We in Kyadondo South say, if there is any need to improve on the membership of the Council, let it be done, but it should be retained. Mr. Chairman, we reject in total the argument that the council would undermine Parliament as diversionary.

On Local Government Mr. Chairman, the people I represent support the district as a unit of Local Government, but the centre must effectively decentralise power responsibility and finance while the districts themselves must, in similar manner, devolve power to lower councils. Our people shed

blood to get political power which had been over centralized in the hands of a few individuals at the centre, they cannot surrender it back on a silver plate. District councils, and indeed, lower councils which have common cultural, or developmental interests must be left the freedom to co-operate substantially in terms of the recommendation No.9.9 (IV) (g) of the Constitutional Commission report with the appropriate Amendment.

Defence and National Security: The people of Kyadondo South say they pay tribute to the gallant sons and daughters of the NRA who have for the the last 13 years or so struggled to emancipate Ugandans from tyranny and oppression. Kyadondo South wants to see disciplined, quality security personnel, fully politically aware of the aspirations of our society. Members of the security forces must be proportionately recruited from all districts of Uganda. In addition, all able bodied Ugandans of sound mind must undergo military training, thus forming a wide base for a reserve force ready to defend the Constitution and mother Uganda, should the need arise. Mr. Chairman, we have listened to arguments that civil disobedience, non-payment of taxes would be the solution to a dangerous regime in our country. We do not subscribe to that view, we want to deal with those who want to frustrate Ugandans by force, to pay them in the same currency.

Mr. Chairman, on Traditional Leaders, the people I represent, in spite of their multiple ethnicity, agree that those who want and cherish their traditional leaders should be left the freedom to have them. They therefore, thank the NRM for the restoration of the institution of Kabakaship and return of the assets that had been confiscated by the state. On this matter, Mr. Chairman, Kyadondo south says further, traditional Leaders must be cultural and shall not engage in partisan politics. Matters pertaining to the appointments, succession, removal dissolution or of management of the Traditional Leaders or the institution, shall be left to the culture, customs practices and usages of the people concerned. Mr. Chairman, I was specifically instructed to request, as I indeed here by do, that this august Assembly dedicates a short Chapter of the Constitution to Traditional Leaders instead of putting the institution in the general and miscellaneous Chapter 18 as it appears in the Draft Constitution. The traditional leaders have definitely played their role in the past

in the shaping of our country and they continue to play a vital role in modern day Uganda. They deserve fair treatment by our Constitution. Mr Chairman, before I leave that, I have another simple request from the people of Kyadondo South, they are requesting this august Assembly that, if only for the recognition of the past, allow them to have a cultural name Buganda to cover the areas covered by the districts of Kampala, Mukono, Kalangala, Masaka, Mpigi, Rakai, Kiboga, Mukono and Luwero as a purely cultural entity.

Mr. Chairman, on Land and Environment, we in Kyadondo South support the introduction of a uniform system of land tenure under the free hold for rural and lease hold for urban areas. We however realise that there are areas where customary or communal land holding is popular, we at the same time recognise the need for all to have balanced development based on a viable land tenure system. We therefore recommend that the effective implementation of the system be phased and be coupled with education to the people concerned about the advantages of a freehold land tenure system. Mr. Chairman, we are aware that even in the areas where Milo or free hold systems are applicable, the vast majority of people occupy and use land as customary tenants, where security of tenure is often threatened and development efforts frustrated. We in Kyadondo South support strongly guaranteeing security of tenure to all who occupy and use land lawfully by enabling them to register their interests. Mr. Chairman, we are aware that in trying to balance the interests of the current owners of titles in land with those of occupiers and users of the same in the manner indicated above, there may arise a need to compensate one group for the interest acquired by the other. Government should squarely take this responsibility over and make arrangements to facilitate such compensation.

Mr. Chairman, let me now say something about emancipation of the disadvantaged groups generally. The people of Kyadondo South want to see a Constitution that will afford equal opportunity to all Ugandans without discrimination, based on sex, religion, ethnicity, political thinking, etcetera. The women of this country have, for so long, been cheated through discrimination and marginalisation. They are the mothers of the nation, they are in the majority in our society, their sweat contributes more to whatever wealth Uganda

as a country can talk of, but alas, they have been relegated to the position of bearers of mankind's burden. Sometimes they have been treated as beasts of burden, human wheel barrows, etcetera. We in Kyadondo South say, the Constitution shall provide for the total eradication of all laws, cultures, customs, practices and usages that are intended to sustain this unfortunate state of affairs. Affirmative action must be provided for to cure this unfortunate imbalance. Our mothers sisters, and wives must be fully represented in all fora of policy formulation and decision making. We totally reject the provision that in the next Parliament under the new Constitution, there will be a mere 15 women Parliamentarians. Each district should continue to have a woman Parliamentarian elected by an electoral college, made up by RC III and RC V. In all other fora, unless otherwise provided, as a matter of policy, at least one third of the membership of such fora should be made up of women. This will go a long way to facilitate total emancipation of the women of this country.

Mr. Chairman, we in Kyadondo South note with concern the absence, from the Draft Constitution, of a representation of the disabled, considering that they form 10 per cent of our population. We believe and we shall argue and agitate for a representation of the disabled of at least one Parliamentarian in the next Parliament. We support the representation of the Youth and the workers. Mr. Chairman, we all know or should know, Uganda is a backward, third world country, where the vast majority of her people live in conditions of abject poverty though amidst plenty. The Constitution we make should be able to ensure modernisation of our economy, it should be able to inculcate into our society a work culture that will enable us exploit the abundant resources which our country is endowed with so that we can emancipate ourselves from the vicious fangs of poverty and under development. Mr. Chairman, I once again thank you very much and hon. Members for having listened to me. For God And My Country.

THE CHAIRMAN: Thank you Hon. Steven Kavuma for contributing to the general debate this evening, but before I give the Floor to the next speaker, my attention has been drawn by Hon. Ambassador Katenta Apuuli to the presence in the gallery of a friend of Uganda from United

States from Minnesota to be exact, by the name of Miss Rosemary Kerry Leaks and I wanted that we recognise her. (*Applause*) You are welcome to our proceedings. She has done a good job in selling Uganda and was very instrumental in arranging our President's visit to that country only recently. You are welcome. I now give the Floor to Beatrice Seruwu Bakoja, Woman Mpiigi.

MRS. SERUWU-BAKOJA (WOMEN MPIGI): Thank you, Mr. Chairman. My name is Beatrice Tebukumanyisa Seruwu Bakoja. Mr. Chairman, Hon. delegates, I thank you for giving me the opportunity to address this august Assembly, thereby presenting the views of the people I represent of Mpiigi district. I wish to congratulate you, Mr. Chairman and Madam Deputy Chairperson and all the Hon. delegates for having been elected or nominated to the CA. I thank the Government and salute it for having been able to focus the problems of Uganda and realising that it is only Ugandans themselves who will be able to tackle the riddle wrapped in a mystery inside an enigma. Uganda's problems can, and will only be solved by the sons and daughters of the land. Mr. Chairman, allow me to quote Charles Churchill 1731-1764. *'Be England what she will, with all her faults she is my country still'*. The sons and daughters of Uganda have gathered in this Assembly to strive and make Uganda peaceful, comfortable to live in for its sons and daughters, for they have no where, but their country.

Mr. Chairman, I stand here as a woman delegate for Mpiigi District which has 12 constituencies. It surrounds the whole of Kamupala District, borders with Mukono District on the east, Masaka District in the South West, Mubende District in the North West, Luwero District in the North and Kalangala in the South. Mpiigi District can be described by the following statistics. Total population as of 1991 is 913,926 people. Rural population 776,800 people. Urban population - 137,126. Population Density 202 per sq km. Population growth rate - 2.9. Fertility rate - 7.06. Female literacy - 71.7. Infant Mortality rate - 94 per thousand. Children between 6 to 12 years who have never attended school - 24 per cent. Rural safe water coverage - 8.9 per cent. Mortality rate - 154 per one thousand. Mr. Chairman, these are indicators of the level of human resource development in Mpiigi District. This situation is not very different from other districts, hence Mr. Chair-

man, I wish to propose to the Assembly the following principles to guide us during our deliberations on the Draft Constitution.

Our Constitution must focus on achieving results other than political correctness. Mr. Chairman, whatever we are going to discuss should be guided by the fundamental question of the best way of achieving the basic needs and demands of our society. How best can we achieve our national objectives? This should be the primary concern. Therefore, we should not tie our country to a particular or single political or economic system which cannot achieve the national objectives, systems which cannot achieve results must not be protected. Protection of such systems can only lead to investments with no return. The super powers - both capitalistic countries and the former Socialist Communist countries should provide lessons to us when deliberating constitutional issues. Therefore, flexibility must be allowed to consider issues on the basic merit of the best way of achieving results. Mr. Chairman, NO. 2: What is right, will never be wrong and what is wrong will never be right. Sir, this is another principle that should guide us during our deliberations. While we are discussing the Draft Constitution, we should have a consensus on what is right, for Uganda and not what is right for us individually. Our Constitution must be one that ensures political, economic, cultural and social rights for all and not more for some. It must be on the principle of some for all and not more for some. Any attempt to make what is right wrong, will always cause results of political, economical and social consequences. Past political experiences should be a testimony, to what I am saying. Any attempt to make what is wrong right, will not be sustainable and at the end, that system will collapse. There is nothing wrong with Uganda that we cannot put right if we are considerate, tolerant, respective and ready to reconcile. Whatever we are going to decide upon should be realistic and feasible to implement because it is not going to help Uganda to have just wonderful constitutional commitment which can never be implemented. Mr. Chairman, I will now move on to the issues on the Draft Constitution.

Mr. Chairman, with regard to the issues in the Draft Constitution, I will start with National Objectives. One of the most important issues for us to deliberate upon is the National Objectives. It is

important for Uganda to have its National Objectives well spelt out and this should give direction and guidance to government and must be followed. It should be the National Objectives that should shape the political, social, cultural and economic developments of this country. Mr Chairman, while we are promulgating our Constitution, it should be in relation to achieving results other than how correct a political system is. Mr Chairman, the government of the day should therefore, be judged or evaluated on the basis of the extent to which the National Objectives have been implemented. Mr. Chairman, I move on to social services. In relation to the National Objectives, the people I represent would like the Constitution to address human resource development. Mr. Chairman, Uganda National Human Resource deserve serious attention. Briefly Mr. Chairman, Uganda's human resource indicators are as follows: infant mortality rate - 122 per 1,000, child mortality - 203 per 1,000, maternal mortality rate - 500 per 100,000. Primary School survival 30 per cent. Level stunting among children under five years - 45 per cent. Children born under weight - 10 per cent. Fertility rate 7 per cent. Literacy of adolescence and adult - 54 per cent. Female literacy - 46 per cent. Population accessible to safe and clean water - 40 per cent. Mr. Chairman, here I would like to quote Professor Ali Mazrui as regards safe and clean water "That in Africa, it is easier to get a bottle of beer than a glass of clean water." Mr. Chairman, this is perfectly true for Mpigi District and Uganda as a whole when we consider the above statistics. Mr. Chairman, these indicators are national averages and they are district variations. Therefore, we should have a Constitution that address human resource development. In addition to the social services, the Constitution must also seriously consider the nutrition, food security the protection of our environment.

On education, Mr. Chairman, allow me to address this as a separate issue in Uganda. The primary school completion rate is 30 per cent which means that 70 per cent drop out of school before completing the primary level. This is mainly due to the high cost of education borne by the parents. The people I represent of Mpigi District suggest that primary education must be made compulsory. The state must facilitate primary education. Investment in education has proved to have high returns and compliment the development in other sectors.

On inequality, Mr. Chairman, there is need for this Assembly to seriously address the inequality and the use and spending of government resources. The people of Mpigi District would like a Constitution that will ensure rational and justified spending of national resources. All government expenditure must be affordable and not intended to exploit tax payers or widen the inequality gap. Government should not be able to spend what is not affordable. Public expenditure must be within the limits of the economic situation of the country. It is only when the Constitution guards against the fundamental problem of irrational public spending and inequality that we can ensure the principle of "some for all and not more for some" in allocating resources. Policy entitlement to high government officials and politicians must be made in a rational manner and in view of the country's social and economic limits. Therefore, Mr. Chairman, we should guard against irrationality.

Protection and promotion of women: Mr. Chairman, first of all, I would really like to commend Hon. Delegate from Mbarara, Miriam Matembe for the struggle she has taken upon herself in order to emancipate women. (*Applause*) I would also like to thank Hajati Janet Mukwaya for the same. (*Applause*) There is no doubt that women are one of the most disadvantaged groups in Uganda. Women make significant contribution to the development of the country, yet get limited returns which are not comparable to their efforts. Therefore, we should enact a Constitution that recognises the significant role of women in society and provide opportunities necessary to enable them realise their full potential and advancement. The people of Mpigi District, therefore, want a Constitution that will protect women and their rights. The Constitution must ensure that the barriers of women advancement are removed or eliminated. However, Mr. Chairman, the Constitution must ensure that the process of women advancement does not erode the family and social values for which women are a centre point. Mr. Chairman, the Constitution must therefore, ensure that the advancement of women does not lead to the dismantling of the family institution which is very strong (*Applause*) - in Uganda. It must be pointed out that it is the strong family institution which has been and still is a mechanism for the survival of women and children. Women issues should therefore, be tackled by the Constitution from a

family and society perspective. While we advocate for equality, we should be aware that women and men have different roles. We are definitely aware that a cock cannot lay eggs and a hen cannot crow. At this point, I would also like to concur with my mother Hon. Cecilia Atim Ogwal, Delegate for Lira Municipality *"Women should avoid negative combat in their approach as this might induce men to take a negative stand against us"*. We must, therefore, appreciate the effort and contributions of men which has enabled us to be where we are today. (Applause) There is growing awareness of their readiness to join us in our struggle for emancipation. I for one, would not have been here today without the support of my dear husband - Richard Seruwu Bakojja who is today with us to give me more support. Mr. Chairman, I would also like to thank the first women pioneers who have made it possible for us to get to where we are today. These women are Mrs. Kisosonkole, Mrs. Namubiru, Mrs. Hannah Namuli Lule, Mrs. Rhoda Kalema, Mrs. Ntiro, Mrs. Rebecca Mulira, Mrs. Regina Kasozi Batende, Mrs. Namirembe Bitamazire, Mrs. Maitum, Hajati Janet Mukwaya and Mrs. Mukisa. Mrs. Florence Nekyon and others. (Applause)

On political system, Mr. Chairman, I have already argued that the kind of political system should be based on achieving results. The people of Mpigi District are advocating for a federal arrangement for good governance and they are mainly basing this from an economic point of view. Alternatively, the people I represent are flexible, they could consider the amalgamation of districts that so desire in order to achieve economic and cultural objectives. The people believe that the federal system will create steps that are economically viable. The federal system will therefore, create potential for development. The people I represent are further suggesting a federal state in Eastern, Northern, Western Uganda and Buganda. This will enable the development of other major towns to become cities of federal states other than concentrating on development around Kampala. Regarding the nature of political system, the people I represent are all suggesting that the movement type of system should continue for the next five years. They have never seen such peace. (Applause) Then at the end of the five years, a referendum should be put for the people to choose which way to go. The minority, because we are also talking for the minority - they

are there. The minority are also saying that parties should be given a choice to put their case from which the people will determine their choice at the end of the five years. Therefore, it is necessary for the government to enact laws under which they should be set up and operate, which has not been the case before.

On land, Mr. Chairman, the people I represent suggest a Freehold Land Tenure. With this arrangement, Ugandans should be free Constitutionally to own land anywhere in Uganda. People from other parts of the country should emulate Uganda's example to allow others to settle in their areas. (Applause) This will facilitate unity in diversity than in uniformity. Examples of unity in diversity are Luwero, Mbarara, Masaka and Mpigi which I represent. Here you find people of different nationalities and tribes living harmoniously (Interjection) and Rakai. I am informed Mr. Chairman, living harmoniously although with diverse cultural, political and social beliefs. Mr. Chairman, while advocating for a free Constitutional right to own land in any part of Uganda, this does not mean that cultural and social values of the indigenous people should be encroached upon. Their cultures and social values must be respected and left untouched. In that regard, Mr. Chairman, I wish to disagree with the Hon. Delegate from Butembe, Victoria Sekitoleko in her contentions on Buganda.

On the National Language Mr. Chairman - the people I represent are proposing that English should be the official language as it is commonly accepted. However, the local languages should be allowed to evolve and develop. They must be taught in their respective local areas as proposed in the government White Paper on Education.

On Justice, Mr. Chairman the people of Mpigi District are suggesting that the Judicial processes in Uganda should be in a form that is understood by the people. They are further suggesting that the law should be made to protect the common person as well as the elite. Justice must not only be for those *who* have but also for those who do not have. The Constitution must therefore, ensure that justice prevails to the whole of Uganda population. The law should not discriminate any human being.

Mr. Chairman, before I conclude, I wish to give credit to the NRM Government for the efforts and struggle made to create an environment which has enabled us to sit here and deliberate on the Constitution that will determine our future political, economic, social and cultural direction. Mr. Chairman, allow me once again to quote another Churchill, this time Winston Churchill. 1874 - 1965 *"By different methods, different men excel but where is he who can do all things well"*. Therefore, I urge Hon. Delegates to bear this in mind while making criticisms. We should give credit where it is deserved and constructive criticism where weakness has been identified. With this in mind, I wish to register my appreciation to the NRM government for the achievements made so far. (Applause)

Mr. Chairman, I will conclude by quoting Johan Wolfgang Von Goethe. 1749-1932, *"My peace is gone, my heart is heavy"*. Without the Hon. Delegates in this House respecting or willing to reconcile and forgive mistakes and learning from past mistakes, start accommodating each other's needs, we shall come up with a heart that is not peaceful, with a heart that is heavy. Which means that this Constitution will not stand the test of time. We should try our level best to accommodate every son and daughter of Uganda in this Constitution because it is their fundamental right. We should debate our Constitution based on the truth and consensus. When mistakes exist, we must admit and the truth should be brought out. The minority should be listened to and be allowed to put their case. Their views should not be neglected but should be critically analysed. We should endeavor to promulgate a Constitution that will be regarded by our future generations to come as an honourable job well done. A Constitution that will last a thousand years through the years so that the people will one day say this was...

and I quote - Winston Churchill *"This was their finest hour"*. Like my brother Hon. Gyagenda Kibirango from the NRA Constituency - when I was coming here as well, my father Mr. James Kasozi Batende of Rubaga wished me well, to deliberate well and I told him that I will represent my people. He said, no my daughter, it is not only your people of Mpigi you are going to represent but you have a commitment, you are committed to the people of Uganda, so you have to go and make a Constitution for the peoples of Uganda. (Applause). Mr. Chairman, at the consideration

stage, I will deliberate further the views, of my people. Thank you Mr. Chairman and Hon. Delegates for your kind attention. For God and my Country. Thank you.

MR. KATEGAYA (Rwampara County): Mr. Chairman, Rwampara County is found in Mbarara District. On the South, it has common borders with Ruhama. In the East common borders with Isingiro county. In the West Sheema County and in the North Kashari County. We are about 220,000 people, mainly an agricultural area and those who happen to travel to Kabale by tarmac road will be travelling in part of my constituency.

Mr. Chairman, Hon. Delegates, I had included Hon. Chago Macho separately but he is not here. I would like to thank you for giving me this opportunity to present the views of the people who elected me. First of all I would like thank the people of Uganda for participating enthusiastically and massively in the last C.A. elections. I would also like to thank the people for giving their views to the Odoki Commission on what type of governance they would like to see in this country. I would also like to thank the Odoki Commission itself for the effort they put in to gather all the views of the people, make a report and out of the report, make the Draft Constitution which we are discussing now. (Applause) I would like to congratulate the Delegates here who won the elections and also to thank those who participated in the exercise, although they did not do it successfully. Mr. Chairman, I would like to congratulate you and your deputy for having been elected to lead these deliberations and so far, your performance show that we made a right choice. (Applause) I also like to thank the C.A. Commissioner Mr. Akabway and his staff for conducting relatively free elections in the history of this country. They had some problems but relatively it was a peaceful and free elections. Mr. Chairman, I have been sitting in this House quietly, observing what is going on and I am satisfied that now we are moving towards a democratic culture. I am satisfied because I have seen and heard speeches on this Floor - people who have said has NRM has done nothing but they still continue serving NRM, people who say the elections were rigged but they managed to succeed and they are here telling us so. (Applause) I have seen different views expressed here on this Floor and what is gratifying is that we are free to speak our mind without fear for our lives. (Applause)

To me Mr. Chairman, this is a step forward towards a democratic culture. I believe, to be democratic is not to say so or to put a label on your face, it is how you behave. That is the most important thing. Even the views expressed here, to me show that there is variety and pluralism in what we are doing. *(Applause)* Mr. Chairman, we must learn from history but we should not be slaves of history. I do not think we can roll the clock back to sixties and whatever it was. I think what we should do is to move forward but learn lessons from history. I think we should look forward, in my view. Because we cannot advance if we are always harping on the good past or bad past we have had in this country. Mr. Chairman, in the general debate, there are some Delegates who raised the question of whether we should make a Constitution, taking into account our external donors or those who give us money and particularly so if we are considering the political system we want here. I believe Mr. Chairman, the first and foremost Constituency we should have is Uganda. Is the Constitution good for Uganda or not? Our friends outside, we can listen to them, we can exchange views but they should not be the determinant factor in the exercise. After all Mr. Chairman, donors do not go where there is trouble. When there is chaos in the country, donors do not go and invest there. They are not in Somalia, they are not in Rwanda now, they are not in Sudan. As long as we have a system which gives stability in the country, gives peace, donors will come; absolutely will come. So, we should not be overburdened and overbothered with what external donors say. What we should be bothered about is what our people want.

Mr. Chairman, there has been a concern expressed, not in the House, but even the country, as a whole. How are we going to be sure the Constitution is going to be observed once it is passed? How are we going to ensure that the army - what they call the interference of the army in politics does not occur? Even some people have suggested that past governments and Constitutions have been overthrown by what they call foreigners. Some of these people like Amin, nobody raised a question that he was a foreigner until he led a coup in 1971 but before, he was a good commander of the Uganda Army. Mr. Chairman, my first submission - the army has never interfered in politics here. The Army has been in the first place invited by the politicians to

solve their internal problems. *(Applause)* The Army has come in when civilian leaders have failed. It is when they are messing up the country that the army comes in. I have not known any popular government being overthrown by the Army and in our case, I do not know how to call it, whether it is a political feat or not. We have had coups by people not of much substance in their heads. Now, a government viewed on that calibre of people, must be a weak government. It means the political system has failed to resolve the conflict in the politics. So, the only way we can immunize our Constitution from being overthrown by the army, is to have a system that is capable of solving political issues peacefully. Once we do that, then we do not fear interference of the army in overthrowing the Constitution.

Mr. Chairman, in my view and in the view of the people of Rwampara, this Constitution should try to obtain about three objectives as far as I am concerned. The first one is the unity of this country. A Constitution must preserve the unity of the country. Secondly, it must ensure stability of the country because when there is no stability, we cannot even solve our problems. The third one is to ensure development, progress of our people, tackle the actual problems of under-development. On unity, Mr. Chairman, we should all recognise that we have different cultures and different Peoples in this country. To me, the point is to respect these different cultures and people. I totally get upset when I find some people are casting doubts or suppressions on certain groups of people. I think we should realise that we are all Ugandans here. I think, as Hon. Bidandi said, by fate, we are here to stay. *(Applause)* I do not see why anybody should come and say, these are not citizens, these are more citizen than others. Why, what is the rationale? So, I think we must respect different cultures and different groups. By unity, I am not talking of uniformity. We can not be uniform, that is not possible. We should be united in diversity, recognising and respecting the equally different cultures of our people.

Mr. Chairman, the second point I want to make, there has been this debate about federal and decentralisation. In the first place, I would like to see this Constitution not treating different areas differently in terms of power. I think we should have a uniform arrangement in distributing power in this country. That is number one. Number two

what we should emphasise is to take power from the centre to as near to the people as possible and deciding the question of decentralisation and federalism, we should look at the system which takes power nearest to the people. If the system takes power to the population, as far as I am concerned, whether it is called federal or decentralisation, I do not give a damn. Because I think there is some uncalled for heated debate on this question, sometimes too much heat without light. The other point I want to make on decentralisation. I agree with some delegates who have said why should we leave this exercise, important as it is, to the Minister only, to dish out powers? Why not make it a Constitutional matter? To me that will assure the population and the country that decentralisation is not a handout from the government, but a Constitutional arrangement. (*Applause*) Mr. Chairman, again on this question of decentralisation and *federo*, there is some confusion about equating culture and administrative units, also equating culture and politics. In 1979, the former President - Late Yusuf Lule tried to merge Bushenyi and Mbarara into one district and we have the same culture, more or less, but they refused. They said that for us we have got our power at the district. We do not care whether we have same culture like people in Mbarara but we want to keep our districts. So, this question of trying to equate culture and politics and administrative units is not entirely correct.

Mr. Chairman, let me come to another controversial issue that has generated a lot of interest on this Floor regarding cultural leaders or traditional leaders as per Article 279 in the Draft Constitution. I have given this matter serious thought. I think if we had defined the whole thing as cultural leader, it would have generated less heat and debate. I think the confusion was to call them traditional leaders. Because when you say traditional leader, somebody says that I must have a district, I must have something, but if it was cultural leader, it would be a non issue in politics here. Those who believed in that culture could have their leader. I do not see why we should get bothered. In my case, Mr. Chairman, this question of cultural leader should be left to the people concerned. (*Applause*) Even the matter of the Banyankole and the rest. I would beg the Hon. Members here that in Ankole, we can sit down and have a solution to this problem without politicising it, or making it a Constitutional issue. In fact,

Mr. Chairman, I have another argument which we may have to consider as we come to the consideration stage. There are those who have said why put even this matter in the Constitution? Because that is a potential area for attack by politicians. Why should we? If it is cultural, why do we not put it in the cultural values of people and leave it there under the human rights or whatever you call them. Because - if you put it in the Constitution, I can see the argument of those people who are saying next time a politician will come and say but this part of the Constitution should be amended, but if it is not in the Constitution, how are you going to abolish it? Starting from where? It is something I have been hearing and I am concerned about it. Although I am told that on the other hand, if we do not put it there, some people get scared and say, this is a way to abolish the whole thing. When we come to the consideration stage, we should really look at these views very seriously. It may be better to leave it out of the Constitution.

Mr. Chairman, I am coming to stability. I have heard an argument Mr. Chairman, from this House that minority views must be taken into account. I agree with that one. They must be taken into account, they must be respected and those who are taking decisions must also have the other side of the minority views. However, it will also not be correct for the minority to hold the majority at ransom. (*Applause*) Because otherwise, the whole idea of democracy - the thing becomes ungovernable. The minority should be respected but also they should not hold the majority at ransom. Because I think most of us here who were elected are here because we had the majorities and I would like to see one day, Hon. Nabudeere going out for some weeks to allow those whom he defeated to come and sit here in the House. (*Applause*) in order to implement his views that really the minority must be taken into account. Because if you are going to run a country, those who win must be respected. I am saying this because - and I will explain later on in my submission. If you push this idea of minority being respected too far without respecting the majority, it can cause problems as I will show what happened in 1970 when we were sitting here in NCC.

Stability can also be brought about by regular free elections. Elections which are credible and believed by the population. Elections whereby the winners are declared - whether you want them or

not. Elections where candidates stand freely without having road blocks to hold them on the road until nomination time is over. These elections will go a long way towards stability because people feel - yes, our choice has been respected. Indeed, that was the case during the C.A. elections I want anybody to say that there was somebody who was elected and was not declared and accepted in the House. In stability, I think the leadership must take the people as a supreme. That really what people want should be the one to be respected and I would draw this point when it comes to the referendum. The political system that we want, if we are going to have stability, must accommodate as many legitimate demands as possible. It must accommodate as many legitimate demands as possible - people must feel they belong, in my view. If there are those who are in and others outside, then those outside will have to come in by any means and we note what means are used. In making this Constitution in order to maintain stability, I would urge Delegates to minimize potential areas of conflict. Conflict in power, conflict in operating the system. Lastly, Mr. Chairman, I mentioned development. I do not want to emphasise much of this, because this is an obvious one. We cannot have unity and stability without development.

Mr. Chairman, I want to touch on land under this topic. I am of the opinion that land should be a national asset. In other words, Ugandans should be able to freely move in the country and acquire land wherever they feel they can invest. This one should be emphasized because this question of saying this is our land, you cannot come in, I do not think it is correct. *(Applause)* It has been disguised under Customary Land Tenure. I have heard about it. Because in one part of the country we have over population, like in Kigezi or Kabale now. They have hardly any land, they cannot produce much. On the other hand, we have empty pieces of land in the country which are not being utilised. To me, that is not good for development. I also subscribe to Freehold Land system in rural areas and leases in urban areas. I also subscribe that the giving out of titles should be decentralised.

Lastly, Mr. Chairman, development: I have heard people talk about equal distribution of the national cake but they have not talked much about making that cake. *(Applause)* I think we should

also talk of equal making of the cake rather than talking of equal distribution. We should all contribute to that cake, then we can share it out equally.

Mr. Chairman, let me touch on some provisions of the Draft Constitution. Chapter 2: I also subscribe to those who have said they want a Unitary and a Republic. I do not see any problem with that one with decentralisation also involved. On the National language, I subscribe to Swahili being a national language. *(Applause)* Because the argument that Swahili is a foreign language is not correct. Swahili is not a foreign language particularly so to those who are called Bantu speaking. Swahili has the same structure as Luganda, as Runyakore - I do not accept this idea of foreign language. Secondly, Mr. Chairman in our experience in the bush, we found we could easily introduce Swahili, it brings more unity among the people because they can talk to each other. We had found out people were grouping into language groups. Baganda alone, Banyankole alone, the rest alone. So, that is how we introduced Swahili and these peasants picked it in about three weeks, there was no problem, it can be learnt. Mr. Chairman, I think we must decolonise this state. I always get embarrassed that when I go to Karamoja I must look for an interpreter. I look like the Colonial D.C. I have no communication with the people directly, I have to get interpretation. What the interpreter is saying, I cannot tell. I do not know whether *-(Laughter)-* he is giving his speech or he is abusing me. Now, this type of thing cannot continue, that is why I want Swahili myself. I may tell you a story of an interpreter in the old days. There was this interpreter who liked chicken and eggs and in interpreting for the DC he said, "you know, the D.C. is annoyed today because you did not bring enough chickens and eggs" and the D.C. did not know what the Interpreter was saying. So, some of us are behaving like the D.C. I want to have a language in which I can communicate to the people directly. That is why I am supporting Swahili.

I also support Chapter 3 on the National Objectives but *-(Applause)* I support it in principle. If it is not harmonised with other provisions of the Constitution - that we can do - and rationalise it or even reduce it but I think it is important that we should set our objectives. What do we want to do? *(Applause)* The objectives are like beckons, where

are you going? Which direction? And you should tell any government which comes here that these are the objectives of our people and some Constitutions as have been mentioned, have these objectives. You can put a provision that these objectives are for guidance not for enforcement as legal provisions.

Mr. Chairman, I am coming to citizenship - Chapter 4. I have heard the debate about 1926 or 1962. Again I have not seen too much reasoning why we want one or the other. So, I am not very committed on either 26 or 1962. Mr. Chairman, I support the proposal by some Members here that if a Ugandan woman is married to a foreigner and this foreigner wants to be a Ugandan, he should be allowed. *(Applause)* This man may be a rich mukko *(Laughter)* because I do not see the logic that a Ugandan can marry a foreigner and make her citizen and the other way round does not work. I do not believe in it. Secondly, in principle also Mr. Chairman, I support Article 42 (1) which makes children be presumed to be Ugandans as they are found here and cannot trace their parentage. The question of age again, it is not very important, it is the principle, whether they are five or whatever, I do not mind. But Mr. Chairman, also considering the citizenship, members should bear in mind that because of our past history, there are some Ugandans who have been in exile for a long time and their Children have citizenship of these countries. Now, sometimes there is a problem, do they become Ugandans, they remain Americans or Japanese? Can we not find out how we can solve this problem? Lastly, on the question of citizenship, I agree with Hon. Otafire that we could use this citizenship for selective purposes, for our own advancement. In some countries like the United States, if you have the brains, they pick you up quickly and give you citizenship. We have two Ugandans who are now in NASA, one is a physicist and I think another one is - I do not know his field - but they were taken on quickly because they are useful. If you have a certain amount of money in the United States, you become citizen immediately because they are attracting your money. Because I do not know - this fear that Uganda is going to be swamped and - swamped by who? Really we could selectively use this citizenship to advance ourselves.

Chapter 7 - There has been talk about the President having too much powers and therefore, the

cause of the problem. To me, I think all this time we have been having what I call Executive anarchy. It was the government which was causing anarchy here and not for lack of a Constitution. So in an attempt to, so called, curb the powers of the President, we will make him impotent. He may be a glorified "His Excellency", but he cannot move. I think we should have balances and checks but at the same time, give him effective leadership and power. In any case, if we decentralise, I do not think he will have much power at his hands. Secondly, he will be elected, if he does not perform, then he gets the consequences. I also agree that the President should be directly elected and should have two terms in office.

Mr. Chairman, there is another Article which I want to touch - Article 116 (2). I do not think it is Constitutional to limit the number of ministries to 21. This should be left to those who are running the country. It will cause dangers because supposing a president has a big programme, why should he be confined to 21 people? Then there is something also which I want to raise where people have had argument that when Ministers are selected or picked up, they should be out of Parliament, that should be examined. I know people are talking of separation of powers but you should also see the palatal implications. If I am in the House - in Parliament and the President appoints me, I have a choice - Do I have to put in danger my political career by being a Minister where I can be tomorrow reshuffled and I am in the cold or I shall I remain in Parliament? And second question you should consider, will the President have sufficient people, a calibre to pick up? Thirdly, if I know I depend on the President for my survival, am I going to give free and fair advice to the President? I will always be his puppet, in order to survive *(Applause)* You should consider this. I think it should be raised. Because if we are going to have effective government, effective leaders, who are dependant on the President and once they are thrown out, they are in the cold. I do not know whether we are going to have an effective government. *(Applause)*

Chapter 8 - Mr. Chairman, I agree with those who say these 15 Members for women is not acceptable. I do not see the rationale of 15. I do not know how we are going to distribute them, so I suggest that each district should have a Delegate or a Member of Parliament. *(Applause)*

Mr. Chairman, let me come to the political system. First of all, I want to make it clear to this House that the people of Rwampara do not support a One Party State. A one party state is not good because some people are in, others are out. Those who are out always try to come in by all means. In a one party state, if I am going to stand, I must be cleared by the Party Executive. I do not think a party state is good anyway for politics. Mr. Chairman, Hon. Kagimu said that to change from Movement to Multi partism is like changing a Sheikh to a Cardinal, but definitely, my reservation on multi partism is not an article of faith. I am just looking at the timing and circumstances of the country and I have, in principle, no objection to multi partism. Absolutely none. (Applause) However, I want us to examine our history. 1986, I had a meeting with the Democratic Party leadership and we examined the manifesto of D.P. and the Ten point Programme of the Movement. At the end of the day, we found we had a common programme. So, the question was, who is going to implement our common programme? To me, that was the question. It has been said, and I think I agree with that one that most of these manifestos are the same. They are talking the same language, the same problems. They are going to increase Education, they are going to have more hospitals, they are going to build more roads, they are going to increase water, nothing else. They are all talking the same language and I think that is why, in the process of trying to implement our different programmes, we resort to different constituencies.

Mr. Chairman, the history of the multi partism in Uganda is not terribly gratifying. I remember the crossings of the D.P. and K.Y. to the government in 1960s and 70s. I think by the time Amin took over power, D.P had only two Members in Parliament stubbornly refusing to cross. (Interjection)- Okay I am told they were four but the difference is not much. Mr. Chairman, those who were here in 1971 and by then I was active in following political events, I was amused at the behavior of the Secretary General of UPC in condemning the party which was leading and in government and supporting the military coup of Idi Amin. Onama went on the press until Amin told him "You shut up, you have been in this government, you are a Secretary of the Party. Do not tell us, just shut up!" But you should see the enthusiasm with which Onama was condemning the party he was

leading. Now, in 1980, we informed the UNLF and we had a meeting here in this House, I remember, to decide how we should go into elections in 1980 and Mr. Chairman, I want to quote from the minutes of the recordings of that day. This is the information I was given by a Mr. Waiswa Plycard Steven, a researcher here - he summarized and said "*Question proposed that all the elections be held under the umbrella of the UNLF, provided that all the legally qualified Ugandans are eligible to stand for all public offices. The question before the House is that we adapt paragraph of the NCC Resolution. Those in favour - 50, those against - 19, absentions - 4. So, the paragraph has been carried unamended. This was from Clause 1, paragraph 5. Now we go to paragraph 6 of the Resolution.*" Then this young man says, "*On this issue the records do not indicate the names of those in favour and those against apart from mere giving the figures.*" But what is interesting when 50 people decided to go UNLF, 19 violated that decision because we were sitting here and UPC had declared they are going multi party whether we want it or not.

In 1985 the Late Paul Muwanga was the first to be appointed the executive Prime Minister by General Tito Lutwa who had overthrown the UPC government of which Late Muwanga was a Vice President of the UPC and Government of the day. The Democratic Party leadership joined the Late Bazilio Okello who had dispersed them in 1980 when they were celebrating their short-lived victory. Even on this floor, I have seen yesterday's Republicans who abolished our Kingdoms becoming ardent champions of restoration of cultural leaders particularly in Ankole. I have been surprised to see the D.P.s now supporting federalism at Mengo which it opposed in 1961 because Mengo was closing the democratisation process. The Late Ben Kiwanuka would turn in his grave if he knew the stand of present D.P. Leadership. The question I want to pose is, can we trust our future to this type of behavior? Mr. Chairman, I think if we are going to go forward, we need principled and predictable leadership. (Applause) I do not think we can trust our fate to political chameleons who are changing colour all the time. They are now green, tomorrow they are red.

Mr. Chairman, the other question that has been raised about political systems is the freedom of

association. I agree nobody has stopped anybody from associating. And freedom of association does not only go to formation of parties. We are now meeting in cultural activities, we are meeting at professional levels. But on the question of political freedom and association, it cannot be unlimited. You must know why you are associating. Are you a good person in the society or not? Because if you say that the citizens are limited, then thieves have already had a right to form their own group, criminals also because it is a freedom. So, I do not accept this idea of unlimited form of association. The system you should think of cannot ignore the existence of R.Cs. and LDUs (*Applause*) There is no way you can ignore the maintenance and keeping of peace by the R.Cs in the villages. The system must be acceptable to as many people as possible. *-(interruption)-*

THE CHAIRMAN: I think I should remind the Members that the Rule is provided for decent clapping. So, the clapping should be dignified.

MR. KATEGAYA: Mr. Chairman, the system must also open as many sectors as possible. The question of legitimacy must not be ignored, the question of workers must not be ignored, the disabled too must not be ignored and to me, the Army still need to be participating in politics. I am happy to see civil servants now participating in our politics without fear of being victimised. By opening this system, we have now better leadership than before. I find doctors, engineers at local level in the R.C.5. Even here, Delegates I do not think you have lost your jobs because you stood in the elections. Nobody is bothering about what views you have. So, to me the system must take into account what we are talking about.

Mr. Chairman, there has been a question of saying the Movement is closed. First of all, we have not claimed that the Movement - we came by normal method. We agree we came by armed struggle - there is no question about it, but what have we done since we took power, have we remained closed or not? This is the question. To me I do not accept the position of saying, we can only open if the chairmanship is open and the Vice and the NPC. We are not the Movement. The Movement is the people. So, what did we do? We first of all opened up the Government to form a broad-based government. We have formed Resistance Councils throughout the country. All citizens and non-

citizens of the age of (18) eighteen are members of RCs. We have expanded the National Executive Committee (NEC) to include Members of N.R.C. who were not Historical. I remember Hon. Moses Ali, before he became a member of NEC, used to complain that there is something we were hiding in NEC. He joined and found that there was nothing that was being hidden. Lastly on the question of opening up, we have held direct elections to form this Constituent Assembly. The only places in the Movement that have not opened up is the Chairman and the Vice-Chairman. In the Movement, we are ready to open up and ready now.

Mr. Chairman, Honourable Members, I am coming to the question of referendum and before I do so, I would like us to refresh our memories about the political events in our history which events have changed the direction of our politics. In 1962, there was an alliance between UPC and Kabaka Yekka (KY). We the people in Uganda did not know the contents of this alliance and when the alliance was broken, we were not consulted. In 1966, there was disagreement between Sekabaka Mutesa II and the then Prime Minister Milton Obote. The people of Uganda were not involved in this crisis but lives and property were lost. In 1971 Idi Amin took over government and gave us his eighteen (18) points as reasons for the military coup. Again we were spectators. In 1980, as I have pointed out above, the majority of NCC Members voted to retain UNLF. The minority defied this decision and established political parties while most Ugandans wanted UNLF. You know the tragic consequences of that defiance. In 1981, there was political difference between us and UPC and for the first time, the people were involved in deciding who was correct in this matter. The people decided by joining the armed struggle and defeated the primitive dictatorship in January 1986.

We should have no deals behind the people. Therefore, in my view and the view of the Rwampara people, Referendum must be emphasized. (*Applause*) I do not see somebody saying, power to the people but no Referendum. What power are you giving them? I have been approached by some people - very political heavy weights who have told me, "why do you bother about people, we make a deal here. These people do not understand multi-parties and democracy.

why bother them?" But I am saying, any system which is going to last, in my view, must be supported by the population, must be operated by them, must be believed by them. (*Applause*) In fact I was supporting my Brother Mwendha this morning because he was saying, let us go to the people. I said fine. Why do you not go to the people and ask them, what do you fear? There are people who say, "if people want Movement I do not accept that one because me I am married to multi-partism." The Movement position is simple. If these people want the Movement we shall keep it. If they do not want it, we shall change. And we have no problem either way. We shall handle everything or rather every situation that comes.

Mr. Chairman, this morning, Hon. Mwendha said that if we should have the Movement, we shall be like the Habyarimana Movement in Rwanda, and have this extermination of some Communities here. But I hope Hon. Mwendha could remember what happened in 1982 here when he was in Government when people of Rwandese origin were chased away by the Government which he was the minister. So, I am not impressed by these compulsions which are not correct.

I also have heard an argument that the Referendum is the source of a instability. Why instability? We are just saying, please if you want your system, let us go. Those who say we should compete I have no problem. Even in these last elections, people were not telling the truth. We all indicated whether we believe in the parties or in the Movement. At least in my Constituency in Rwampara, I made it clear that I support the movement. My opponent Hon. Butagira was saying he was supporting the Party and the verdict is very clear. (*Applause*) We did not only win but we won handsomely. So, people decided whether they want Movement or Parties. Some Members are here because they were saying they were going to support the Parties. We know that. So, to me, it cannot be a source of instability if we all agreed that we should consult the people any time we want to move. It cannot be the source of instability. If you want to cause instability, that is a different matter also. You think if you caused instability we can keep quiet. No, no, that is a different matter. The moment you think of causing instability in the country, you will be handled separately.

Mr. Chairman, with these few words I would like to thank you and the Members for listening to me. (*Applause*).

THE CHAIRMAN: I thank Hon. Kategaya for his contribution to the general Debate. And according to today, he is the final Speaker.

MR. KISAMBA-MUGERWA: Thank you Mr. Chairman in winding up the general Debate. I wish to thank you most sincerely for the high Degree of impartiality that you have exhibited in conducting the business of this august Assembly. (*Applause*) Mr. Chairman, you have created a sense of confidence among the Hon. Delegates which has made a very good beginning. Your remarks, when ruling from time to time, have kept many of us awake most of the time. I wish to note with much appreciation the rate at which the Deputy Chairperson, has picked up the rules of the game. (*Applause*) Mr. Chairman, it is not only the Women Delegates who are proud of her, she has justified the overwhelming support and anticipation the Delegates had when they were casting their votes.

Thanks also go to the Hon. Delegates for the very frank and inspiring contributions which have been made on this Motion on the General Debate. Mr. Chairman, the Assembly has young men and women of high talent. I have noted that the general Debate, besides offering us opportunity to remind ourselves about the political history of our country and the experiences of each area. It has served as a stabilisation phase to any birth to get to the Consideration Stage when the dust has settled down. Despite the diversity of interest Mr. Chairman, there is one common factor among us that is the will among the Delegates to make the Constitution that will ensure security to each individual, equitable allocation of resources and a constitution which will stand the test of time. It is my prayer and hope that the Speech will be enhanced during the Consideration Stage to enable us to save ourselves and the generation to come from the protocol turmoil.

Further more, my appreciation go to the C.A Secretariat which has speedily produced the proceedings of the Assembly on top of the production of informative documents every day. (*Applause*) Thanks go to the research team of the intellectual young men and women who have played supportive roles to many of us who have cared to use them.

Mr. Chairman, during my contribution when I moved the Motion, on the 23rd June, 1994, I presented the views delegated by the Constituents of Bamunanika County. In winding up therefore, Mr. Chairman, I do not need to repeat and to make use of those as a base. Perhaps Mr. Chairman permit me to mention that I admire the wisdom of the people of Bamunanika, the solidarity, with which they advised me to see to it that all what I said are in one way or another, coincide with many views of the Delegates and are making the base of National Consensus despite their local views and interests.

Mr. Chairman, permit me to state very briefly, some of the issues which have emerged in the General Debate. Regarding the presidential institution, Mr. Chairman, consensus seems to be emerging that universal adult suffrage should be applied on election of the President. Some proposals, however, have been made that a Presidential candidate should attain a certain percentage in a specified number of districts. Should need arise to apply such a condition. Delegates have to determine and specify the percentage of votes and geographical coverage. Related to that issue Mr. Chairman, some Delegates have suggested that the State should facilitate the Presidential candidates during the campaign. A new phenomenon has been suggested that in case of attainment of a ministerial post, one should relinquish one's Constituency. The Delegates may need to consider what assurance one would need to retain the post through his term of office and how would such a person contest for the following elections, leave alone the manner of conduct in the present constituency when running the ministerial post.

Regarding the issue of the National Language, Mr. Chairman, there is a good percentage of Hon. Delegates trying to push for Swahili. While a certain number of Delegates prefer that the National Language would naturally evolve from some of the local language especially Luganda and Runyakitara. The objection to Swahili is that
-(interruption)

MR. KARUHANGA: I would like to get a clarification from the Mover of the Motion who is winding up as to whether in his submission he intends to ask the Chairman and the Secretariat to summarise the position of the contributions from all the Members on where there is a complete

agreement on general issues so that when we come back from Recess, we know from our contributions those areas where we agreed and those areas where there is a misunderstanding or a gap so that we come back and we are given what is called a general agreement instead of him now trying to be the one to do it because there is no time, and I do not think he had the sufficient research time to really summarise for us what we agreed on. And since it is not in the Rules of Procedures to do so, I was asking him to request the Chair, while winding up that this facility be undertaken by either the research team or the secretariat on our return, to be able to find out the position. I am sure that we have these reports available already. They were being recorded. Thank you

MR. KISAMBA-MUGERWA: Mr. Chairman, I have no objection to the suggestion made by Hon. Karuhanga because when I asked the Chairman of the Rules and Procedure committee, I was made to understand that I was not supposed to wind up. When I consulted the Chairman, just a few days before today, I said I would make some winding up remarks. I wanted to find out whether actually there was any arrangement to show which areas for which we need consultations further as we are going for Recess. Unfortunately as of now, nobody has taken it up. However, I do not mean that I am taking this up. I was only winding up in the next two to three minutes to show briefly which areas we need for consultations. But the suggestion made by Hon. Karuhanga, I think it is acceptable.

Mr. Chairman, it was out of courtesy that I was asked to wind up this Motion. But permit me also to mention that besides the Chapter on National Objectives, and Citizenship, and the Form of Government plus Political System, I wish to draw the attention of the Hon. Members that there are some areas which have not been given due consideration. It is in that regard that in this Recess, it is important that we carry out consultations so that when we come in the Consideration Stage, we are all informed because it will determine how we vote. Mr. Chairman, I wish all of us fruitful consultations during the short Recess.

THE CHAIRMAN: My Deputy and I have been very much impressed by the level of Debate, notwithstanding comments elsewhere. It has been very frank, it has created a situation of under-

standing. I could see people uneasy when we started, but I am sure now as I can move around. I saw people sitting in different corners to associate in groups which previously one would not have thought of. I think this facilitates the next stage of our work which is the Consideration Stage. Therefore, I put the question that we close the General Debate.

(Question put and agreed to)

(The Assembly rose at 8.48 p.m and adjourned until the 24th August, 1994, at 2.30 p.m)