



THE REPUBLIC OF UGANDA

**PROCEEDINGS**

**OF**

**THE CONSTITUENT ASSEMBLY**

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**OFFICIAL REPORT**

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Tuesday 5th July, 1994

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

### PRAYERS

*(The Deputy Chairman Prof Victoria Mwakwa, in the Chair)*

*The Assembly was called to order.*

### COMMUNICATION FROM THE CHAIR.

**THE DEPUTY CHAIRMAN: (Prof. Victoria Mwakwa):** Hon. Delegates, I do not have any effective communication from the Chair.

### STATEMENTS AND PERSONAL EXPLANATIONS

**MR. DAVID MULASANYI (Rubanda County West):** Thank you Madam Chairperson. I thought that this morning we should remind ourselves of the pledges we set ourselves so as to start this week on a good note. From the beginning, we pledged to observe the following among other things: (1) to respect each other and respect each other's opinion and views. (2) Reconciliation and (3) to cultivate the spirit of give and take.

Madam Chairperson, as everybody must have noted, we have so far progressively tended to move away from these set objectives although we started off very well. The reason we set our objectives was a recognition that no two persons can think exactly the same way unless they are identical twins. St. Paul illustrates this fact when he says, "if everyone was like me, I would recommend celibacy but since this is not so, I shall concede to monogamy." He had two extremes; celibacy and polygamy but he took a middle course of monogamy. This was in recognition of conflicting ideas and compromising to that position.

It is a fact that we come from different constituencies with differences in economic level and even political awareness. When people advocate for the shift of the capital and extension of vital services to the rural areas, they probably have a point. So when they are reporting on their constituencies, colleagues should allow them the opportunity. I say this Madam Chairperson because despite your appeal that speakers

be interrupted as little as possible, speakers have been interrupted because some colleagues or a Colleague does not share their opinion and when Members refuse these interruptions, they are disguised as points of order. The Chairman has been quick to notice these and dismiss them as information or fresh arguments but they are sometimes time wasting.

Madam Chairperson, it is not in order for anyone to refuse information because we are all ignorant about some little things and information is usually useful and enriching but it must be given in good faith otherwise information given to the contrary has generated disorder in the House. That is why some people tend to refuse information and so on. There are certain things we should allow Members to get away with if they are not dangerous to our debate. That way, Madam Chairperson, we shall fulfill one of our goals, unity in diversity. Our aim should be to draw near those who are distant from us. Madam Chairperson, we have had some appeals that the NRM should open up; indeed it should but when it opens, those outside should also get in instead of complaining from outside.

The main reason I thought I should intervene at this point is that I thought that this strategy or approach to the task before us is supposed to assist those who might have a burden to get relieved of them. It is supposed to act as a safety valve to let out the steam off anything that aggrieves us so that by the time we come to debate chapter by chapter, we do so with a clean heart. Madam Chairperson, if one is harassed in the process of self-cleansing, then bitterness rather than good will may result. It is my considered submission that we have all made mistakes; sometimes unintentionally, and sometimes even deliberately. Blame should have a limit so that we can start afresh.

A social scientist will tell you that there is no absolutism in this field. Absolutism maybe expected in pure sciences.

**MR. KISAMBA- MUGERWA:** Madam Chairperson, I have listened very carefully but I feel the hon. Delegate is wasting time. He is misusing the term personal explanation. I was expecting that with personal explanation, he would be trying to clear issues affecting his personality but now he is lecturing to us how we should debate, how we should

conduct ourselves and in any case, I do not think we can listen to 280 people without making an intervention. We find the debate lively. I do not see the gist of his complaint. I hope many delegates will share my view.

**THE DEPUTY CHAIRMAN:** Okay, thank you very much hon. Kisamba-Mugerwa, So, can you please make your last sentence, then I will interject.

**MR. MULASANYI:** Okay, thank you Madam Chairperson.

**THE DEPUTY CHAIRMAN:** I have given you Mr. Mulasanyi your last sentence, Was that your last sentence?

**MR. MULASANYI:** No. Madam, I was still continuing.

**THE DEPUTY CHAIRMAN:** No, I am saying, wind up, then I will make a ruling. I will make my comment on hon. Kisamba-Mugerwa's interjection; because I think the message has been delivered. Just give your last -

**MR. OMARA ATUBO:** Madam Chairperson, I have listened to hon. Kisamba-Mugerwa and I have also read Rule 12 of our Rules of Procedure. This deals with statements by Delegates and personal explanations. Madam Chairperson, if you read that carefully, it says, "*with the leave of the Chairman, a Delegate may make a statement on any matter of urgent public importance...*" and the question to me is simply to know that that is a matter of personal explanation; somebody has a disappointment or a personal matter to explain. I think the interpretation is given in the whole of that Rule 1, 2, and 3. You may find that the speaker on the Floor is not very far from the point he is trying to develop. Thank you Madam Chairperson.

**THE DEPUTY CHAIRMAN:** Thank you hon. Atubo. That is why I requested him to complete and then I would clear the air otherwise, I would have ruled him out of order immediately; but I said, let him complete. Then I will interject on hon. Kisamba-Mugerwa's statement,

**MR. MULASANYI:** Thank you Madam Chairperson. I was going to say that even in mathematics, the operation  $2 \times 2 = 4$  is said to be only an approximation and not an absolute. So when you

talk of any particular political system, you leave many in between which are not named. There are no absolute systems in politics, So when one opts to adopt anyone of these middle of the road systems, she or he is labelled an eccentric and may meet opposition. But this is not because he or she is wrong. Rather it is because people do not understand her or his view point. Madam Chairperson, let me end by saying that some of us have acquired the spirit of tolerance by virtue of our training and experience, having taken advantage of age. In history, we dig out the horrors and glories of the past and after analysing them, we get to know why they have come to pass and their consequences. This puts us in position to sympathise with or condemn those concerned. It also helps us to forge a better future by avoiding the past mistakes. That is why we are all emphasizing taking stock of our past history. We should draw lessons of tolerance from this experience; because history teaches the spirit of tolerance.

**THE DEPUTY CHAIRMAN:** Hon. Mulasanyi, I think you are repeating what you have already said. I think you have already wound up. We have got your message.

**MR. MULASANYI:** The whole purpose for my comment hon. Delegates is to call upon Members to tolerate their fellow Delegates and intervene as little as possible. Thank you Madam Chairperson.

**THE DEPUTY CHAIRMAN:** Thank you very much hon. Mulasanyi. Hon. Delegates, that was his statement. In our Rules of Procedure, rule 12(2) allows that any statement other than personal explanation may be commented upon by other Delegates for a limited duration of time. We have that provision. Otherwise, if there is no comment-

**MR. KARUHANGA (Nyabushozi County):** Having listened to the previous speaker who made a personal explanation using this time, is he going to apply for time to tell us about what he thinks about the constitution?

**THE DEPUTY CHAIRMAN:** I think he has a right because this is a different provision. At a later date, he is entitled to because he did not register here to talk about the constitution but it was a specific interjection which he applied for. I think he has a right.

**MR. KAVUMA (Kyadondo South):** Thank you Madam Chairperson. Since many of us, at least I myself, have had difficulty in following exactly what the hon. Delegate was arguing about, I wish to request that he makes his statement available for circulation for those of us who want to be able to read and digest what he was talking about.

**MR. KARUHANGA:** Point of order. Sorry Madam Chairperson. I am sorry to come in on a point of order. But what hon. Kavuma said and you ruled that you will make this available, that he should make the statement available, this statement should have come to you before it was allowed to be read out according to rule three. So I would like to know whether this statement is not with you already so that it should have been circulated to Members.

**THE DEPUTY CHAIRMAN:** Actually, the statement is on the programme. So I suspect it may be with the substantive Chairman but I do not have it as a Deputy although I am in the Chair. We shall solve that one at a later date or later time, Thank you.

**MR. KASAJA-BYAKIKA:(Bunyole County)** I am Kasaja-Byakika, Bunyole county, Tororo. Madam Chairperson, I am on a point of clarification. It is true the Press has freedom of expression but in today's paper, *New Vision* has reported that Members who could not speak yesterday were dispossessed. What I remember yesterday, the Chairman actually said that two Members asked not to speak because they were indisposed but instead *New Vision* has reported that these Members declined speaking because they were dispossessed. Madam Chairperson, if I could read the whole sentence, it reads as follows: Several - (*Interruption*).

**A HON. DELEGATE:** Point of procedure, I thank you Madam Chairperson, I think there is a culture coming into this House, of bringing items in the Press for discussion in the House. I feel this is very wrong. We should discuss our programmes specified through the Commission, not through the Press. Thank you Madam.

**THE DEPUTY CHAIRMAN:** Thank you very much for that observation. I think hon. Byakika, you are not allowed to read newspapers when we are in Session and actually that was one of the criticisms in the newspapers that actually when we come here, we concentrate on reading newspapers. We have some other things on the agenda. So we have room to

discuss those things in our free time. Then register that information like hon. Mulasanyi did. I think that will save us more time, otherwise everybody is going to come out with observations and we devote a whole day to discuss things which are not on the agenda. But I will give respect to hon. Mayombo.

**LT MAYOMBO:** Thank you very much Madam Chairperson. I would like to clarify the issue raised by hon. Byakika about the Press. For a number of occasions, we have complained in the House that the Press is either misreporting or in one way or another, raising matters not discussed in the Assembly. I beg to clarify Madam Chairperson that the laws of this country provide for defamation in case an individual hon. Member is, in one way or another, defamed by a paper or papers. So there are courts of law in such a case. We do not have to raise that matter in the House. Thank you Madam Chairperson.

**THE DEPUTY CHAIRMAN:** Okay, thank you very much, then that person who may have been referred to has a right to protest outside this House because we are not the ones who are going to rule that actually the Press should reverse what it has said although I know we have the right. I think that is enough on that interjection unless Members say otherwise.

**MR. FOX. KAHEEBWA (Bujenje County):** Madam Chairperson, in pursuance of rule 12 sub-rule 1 of Rules of Procedures of the CA, I wish to seek your leave to make a personal explanation. In the afternoon of yesterday, 4th July, 1994, in this august House, one CA Delegate raised a point of order indicating that it was not proper for some Members not to be alert and appear sleeping while in this House. I would like, Madam Chairperson, to point out that I could have been one of the Members directly or indirectly touched by this statement. Madam Chairperson, I would like to clarify that since Sunday 3rd July, 1994, I have not been feeling well, and it was with much effort and feeling for my people that I even attended yesterday. Even as I speak right now, Madam Chairperson, I am not well yet although I am still under medical treatment. Madam Chairperson, I will however, endeavour to stay as long as possible compared to the serious business being handled by this august House. I felt, Madam Chairperson, that I should use this opportunity this morning for this clarification more especially to the Member who raised the issue yesterday, the Press and generally the hon. House as a whole.

Thank you very much Madam Chairperson.

**THE DEPUTY CHAIRMAN:** Thank you very much. I think Members have noted that one.

### MOTION

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

**THE DEPUTY CHAIRMAN:** We continue with the Debate and I call upon hon. Dr. Miyingo.

**DR. MIYINGO-KEZIMBIRA (Bukoto Mid-West):** Thank you very much Madam Chairperson. Maybe I will begin by correcting my name and making it full. My name should read Dr. Miyingo-Kezimbira. Madam Chairperson, I represent the people of Bukoto mid-west and Bukoto mid-west is situated between Bukoto south which is represented by hon. Sendaula, Bukoto west represented by hon. Mulindwa Birimumaaso, Bukoto central represented by hon. Sekandi and a part of Rakai represented by hon. Lukwago. On the Masaka-Mbarara Road, the center of Bukoto Mid-West is at Mbirizi; the town of Mbirizi is the centre of my constituency.

I wish to bring the greetings of my people from Bukoto mid-west and their assurance Madam Chairperson, that the people of Bukoto mid-west have much trust in you together with the Chairman and they regard you as the two best "apples" out of 17 million "apples" that could have been selected from and wish to assure you Madam Chairperson, that you will and you are already guiding this House very well despite an earlier disappointing remark, calling the chair two rotten mangoes chosen out of five other rotten ones.

The people of Bukoto mid-west have sent me to discuss the constitution in order to bring lasting peace to this nation. I will begin by tackling particularly chapters of the constitution because my people are more nationalistic, they consider themselves to be part and parcel of all the matters concerning Uganda and later on, Madam Chairperson, I will turn a little to history in order to argue their local problems in Buganda so as to make a relevant conclusion. The people of Bukoto mid-west have sent me to appreciate the first chapter of this draft constitution especially article 1 which indicates to

them that all power belongs to them. They had not known all along, through the constitutions that have gone by, that they, the people, held the power and government could only operate with their permission, with their power.

Bukoto mid-west has its Headquarters in a place called Lwengo where liberation of this nation had a stand. The liberation of Kampala and the closing of Kampala Masaka road at Katonga river was based at that place called Lwengo where NRA stationed its base. They saw much of the war and they say they are ready to defend the constitution even militarily or through civil disobedience if any mad person is going to come around and try to suspend or abrogate the constitution which all Ugandans have contributed to. They urge the National Political Commissar to promote these political and military science classes or the "chakamuchaka" courses so that the people become more aware of their rights and then they can even be able to participate in civil disobedience, strikes, to try and refuse governance of somebody who comes into power by force or try to violate human rights.

Madam Chairperson and hon. Delegates, they touch on chapter two which deals with the national language and the people of Bukoto mid-west are not very happy to see that we are trying to develop a language that is really not ours. They propose that we have a bilingual approach to language development whereby our local languages; one maybe which involves and unites the people of south, west, east and central; one language to be selected from there. And another language be selected from the north, north-east, north-west and then each of these languages selected in the two localities, the language that is not known in one of the localities can be taught to the other centre and vice versa; so that we develop two languages of our own which are really indigenous. Because when you come to analyse other countries especially developed countries, when you travel to their countries, you find that these people are so proud with their local language and they even refuse to announce in other languages like English just because they want people to learn the very local language. I have had an opportunity of being out, when you go to countries like the NORDIC countries, you find that each of the countries is concentrating on its real local language and that is the national language and will refuse to put anything even in English. It is you to find out. It becomes embarrassing to the citizens when two of you Ugan-

dans from the same country are travelling outside, you have an issue to discuss which is of only in your national interest but you cannot discuss it candidly alone because your neighbours, although you are fellow African admittedly, is also just listening and you have no way of discussing a private matter together. Swahili is quite okay. We could put it as our second official language. It would help us to enhance our Pan-Africanism because it is spoken by many of our neighbours here in Africa.

On Chapter 3 of the national objectives and directives of State policy, this chapter, my people suggest that it should be removed from the constitution. It is rather irrelevant. But they still concede that this chapter contains a lot of valuable points which must be kept in sight and should be kept in the forefront of our governance. So they suggest that we have a Uganda handbook of National Objectives and Directives of State Policy. Such a booklet would contain all matters of importance that we shall throw out of the constitution but are deemed important for the governance of this nation and for direction of our leaders. These booklets then could be circulated out to all Ministries and all important organs of the nation and these policies would be kept in mind and be implemented but not be put into the constitution.

On chapter four of citizenship, the people of Bukoto mid-west get concerned to see that we are trying to identify ourselves as citizens of this country but have not yet found a way of really positively saying so and so is a Ugandan because we have no real identifying mark. The people of Bukoto mid-west suggest, Madam Chairperson, that we develop a system which we have coded CIN - Citizen Identification Number. Already the Uganda Revenue Authority is developing something called TIN - Tax Identification Number and the only way we can identify and keep track of our citizens from the time of birth is to give this number so that every citizen of this country is registered and nobody will tamper coming in and claiming to be a citizen of this country when he does not have this identification number. An identity card alone is not adequate. I have seen this system work in Sweden where everybody is registered under a number and this is all fed into a computer and you cannot joke around in Sweden. They will know you and everybody is identified and properly known, his location and all that concerns him. This would be beneficial later on Madam Chairperson, to be able to know exactly the people especially when it comes to promotions on jobs and so on. It will be easy to dig up information.

The people of Bukoto mid-west have a number of people who are of mixed tribes and they also voice their concern about the situation in Bafumbira where people want to be called Bafumbira. They realise that already on Radio Uganda, there is a programme which is being given out in a language called Lufumbira. So they see really no harm in, either in the schedule number two to have Banyarwanda/Bafumbira so that both communities are catered for. After all, we have them both maybe and if we suggest the question of cosmetic dressing, then let us not hurt anybody's feeling and have both of them registered in schedule two.

On the issue of chapter five, which touches on fundamental human rights, the people appreciate the draft constitution as it has brought out the fundamental human rights but there are so many details which I think will have to be taken out when the proper drafting is done. They also support the period of 48 hours being given to someone who has been arrested suspected of a criminal offence to have his case proved during that time. 24 hours suggested in the 1967 constitution appears to be too short and yet 72 hours is a little bit too long. A case, by 24 hours may not have had good evidence and then 72 hours is really impinging on people's rights.

On gender, Madam Chairperson, my people recognise the position of women and they appreciate the effort already taken by NRM to bring forth the rights of women. However, they caution that in some developed countries especially, the gender issue has gone a little too far and sometimes may go against our culture because I can remember in countries like say Sweden, NORDIC countries, a person, or a man stands up in a bus and gives a seat to a lady. She can protest that you are underrating her that she is not strong enough also to stand and move. So when it goes that far, then it might enter into our culture and be detrimental. But on the general principle, we want our ladies to come and have the same opportunities as men. Chapter number 6, of people's representation, the people of Bukoto mid-west recommend that we should have a permanent electoral commission which will keep track of events that are due to be done especially regarding the election procedures, especially now that we may have decentralisation also coming in and at the same time this would handle civic education permanently so that our people get enlightened.

The political system that the people of Bukoto mid-west wish to support is the Movement type of system

where they support that this should go on for the next five years and thereafter, a referendum be held so that people can decide which way they want to go.

About the executive Madam Chairperson, they say that the President should have two terms of five years each and that if a third term is to be sought, then Madam Chairperson, they suggest that a mandate should be given by all the districts if we are following the decentralization type of local government whereby two thirds of the district will have to support this candidate because he is very good, he has been a very good President for the last ten years, he wants another term and if the nation really feels we should not lose this person, then he should get endorsement of the district councils; two thirds of them. First of all, two thirds of the council members at each district and then collectively two thirds of all the districts in Uganda and if he can get that, Madam Chairperson, maybe he could be allowed a third term. Madam Chairperson, they say that the President of this nation should be a graduate, nothing short of that. We shall not allow, Madam Chairperson, at this time when even the officers whom the President is going to be commander-in-chief of are already graduates and then the President himself is going to be somebody who is below university level. Inferiority complex, Madam Chairperson is going to bring problems. Madam Chairperson, the people of Bukoto mid-west say that they would not like once again to have as a leader of this nation, somebody who is illiterate.

I turn to Cabinet and they say that the Ministers be elected from the elected Members of Parliament; three quarters of them and maybe a quarter of them can be allowed to be elected from other persons who qualify for such a post.

On National Council of State, the people of Bukoto mid-west see this organ as a good organ only that its composition is wrong and they support that the National Council of State be composed of the following: the district chief executives from each of the district and then on top of this, we should add two prominent politicians from each of the four regions of Uganda. And then this probably could have the Speaker of the Parliament or the Deputy Speaker and the Clerk of the National Assembly. The speaker would chair the meetings and the clerk would act as secretary and then these would perform all the functions enumerated in article 153. These people would not cost us much, they would only get

allowance, they have the mandate of the people, they would like to see the country go on a correct track. So Madam Chairperson, these people would help us to bring a bridge between the executive and the legislature.

On finance, the people of Bukoto mid-west are worried about taxation. They are poor and they wish to request that taxation be increased gradually. They are shocked by the way taxation went up when decentralisation came in. They love decentralisation, they love power in their hands but their pockets have been dug a little too deep.

Touching on defence, we wish to advocate for a national army with quarters of people from different locations or from different areas of this country dependent on population. And the army we are talking about is an elite army of fairly educated persons depending on rank and I am informed that the recruitment for officers requires a university level of education, so I hope that army will be a force that will be properly disciplined.

They also support the IGG and the leadership code of conduct in order to restrain our leaders. The people of Bukoto mid-west urged me to argue out the history of this country in order to arrive at a conclusion for them. They have observed the politics and history of this country and have divided it into five phases. You remember the colonial days when Uganda was under the British rule and Madam Chairperson, they remember that life was fairly good. If one paid his tax, the ordinary man had nothing to bother him. Then they also remember the struggle that brought independence up to 1962 and they remember the emergence of political parties and they remember gallant sons of Uganda like I.K. Musaaazi. Madam Chairperson, they remember the second phase of our history and that is the early days of independence. This period, to the ordinary man in the village, especially to the people of Bukoto mid-west was quite good with good atmosphere, they can remember federal system of government here.

**PROF. SENTEZA KAJUBI:** Point of order. Madam Chairperson, is the hon. Member on the Floor in order to suggest that our history begins with colonial period and have this recorded in our *hansard*?

**THE DEPUTY CHAIRMAN:** Thank you very much hon. Senteza Kajubi but history, it depends upon when you start. I may decide to give you the

history of yesterday as far as I was concerned. You regard that one as history. So history is life span infinity from where we start because we do not know actually where history starts. Because we do not know, that is why we allow anybody to start anywhere.

**DR. MIYINGO-KEZIMBIRA:** Thank you very much Madam Chairperson. Madam Chairperson, my people remember a third phase of history. This is the period of 1966 where we had problems in this country which brought confusion. And you remember the 1962 constitution which contained articles like article 66 (2) and article 67 sub-section 2 which brought a lot of problems to this country by enticing the Kabaka into politics which today may be the root of our problems. Madam Chairperson, the people of Bukoto mid-west then also remember the period between 1966 and 1986, the period of liberation of this nation, the period of setting in of democracy and the people of Bukoto mid-west appreciate the efforts of the gallant soldiers that liberated this country. They also sat down and analysed the whole history and situation and came up with the following analysis. They decided, Madam Chairperson, from what they have seen of political parties, from what they have seen of the Movement government now, they decide that they better be governed under Movement type of government and Madam Chairperson, my people would like to have decentralisation as a way of governance of their local lives. They say that they need one sentence which is important for them. They need to be economically and socially improved. They want to live under a peaceful, stable atmosphere while participating in their own governance and a democratically elected government.

The people of Bukoto mid-west are people whom you know very well to be Baganda. They opt to have their Kabaka and they send greetings to hon. Members that they have appreciated the way the talk has been going. Everybody has supported traditional rulers and they commend you. (Applause) However, they want to assure all Ugandans that the Kabaka they want is really the apolitical Kabaka, who is not going to cause us problems that we had in 1966 which caused us the abolition of our monarchy. And at the same time, Madam Chairperson, they appreciate decentralisation, they appreciate power in their hands and they would like to retain that power. They want their Kabaka to have a Lukiiko. This Lukiiko will not be a political organ really. They suggest that this Lukiiko be of just elected Members of Parlia-

ment, the people elected in their own constituencies, who come to Parliament but can help to connect the Kabaka to the ordinary people.

**MR. BESWERI MULONDO:** Point of information. Thank you very much hon. Chairperson. I want to give the hon. Delegate on the Floor some information. He is quite right when he says that we in Buganda would like a Lukiiko but he is not right to say that this Lukiiko is not going to be a political Lukiiko. That one is only probably from his people he is representing and he may probably not have been representing them the way they want this because I have been in touch with people throughout Buganda and the Lukiiko they want, if it is non-political, there was no reason to bring such a case here.

**A HON. DELEGATE:** Point of order. Madam Chairman, is it in order for an hon. Member to interrupt a Member who is truly and correctly representing the views of his people to this honourable august Assembly?

**THE DEPUTY CHAIRMAN:** Okay, thank you very much for that point of order but I had also thought that hon. Miyingo-Kezimbira is saying what the people of Bukoto are saying. So I think it will be at a later date when the people of Bukoto will reconcile with other people from Buganda on the issue.

**DR. MIYINGO-KEZIMBIRA:** Madam Chairperson, thanks very much. I think this is a democratic society. Let each of us air his view and the view of his people. The people of Bukoto mid-west have seen the past and they do not want the past coming back. They also asked me to assure this august House and the hon. Members that they and the Baganda generally are capable of looking after the institution of the Kabaka through their own resources. The Kabakaship is a rich institution and should not worry anybody that it is going to impinge on his rights for its management. The Baganda like their Kabaka. I like my Kabaka very much and I want that Kabaka to be there for my sons to see, for my grand, grand sons to see and this is the wish of the people of Bukoto mid-west.

I wish to conclude by drawing the following to the attention of the House

**PROF. NSIBAMBI:** Point of information. Thank you very much Madam Chairperson. The issue of

maintaining a traditional ruler is wider than Buganda and therefore, when we argue that they should be officially maintained by their local authorities, we should not confine ourselves to Buganda. There may be those who would like this position to be applicable to them. So we should make it wider. These are national issues.

**THE DEPUTY CHAIRMAN:** Okay, thank you very much hon. Nsibambi but as I said earlier, this is Bukoto. If the people of Hoima, if the people of Bushenyi want that scenario, they will say so. *(Applause)*.

**DR. MIYINGO-KEZIMBIRA.** Madam Chairperson, if I may wind up, I appreciate your able leadership. The people of Bukoto mid-west in fact asked me to make out a schedule of how I would prove to them that we could maintain our Kabaka and we have written a paper with my Colleague hon. Mulindwa Birimumaaso about the way the Kabaka could be looked after using our assets alone or the assets of the Kabakaship and this paper, at a later date will be available. Now concluding Madam Chairperson, I wish to sum up all the points in about five lines. One, that the people of Bukoto mid-west want to remain one Uganda and with their aspirations catered for, there especially, they want this power to govern them and to determine their own destiny. See how their taxes are being utilised by keeping a portion of that. Two, they endorse the Movement type of Government and they want it for the next five years after the constitution and then they also endorse the referendum to determine which system we should take thereafter. They wonder why people really say that the power belongs to the people and yet they want to deny them the opportunity to decide for themselves by refusing the referendum. Three, they say political parties have been very good as entities but probably the time is not ripe now. We should wait a little bit. And they also suggest that eventually, when the parties come back, maybe they could now be modelled in a different way, on a developmental line rather than on religious and tribal grounds. Four, they want the institution of the Kabaka to be there and they promise that there is no hidden agenda for them. They want their Kabaka and they will support the Kabaka who is not in politics. Then lastly, Madam Chairperson, I did mention very well the issue of land that the people of Bukoto mid-west love their land, they want land here in Buganda to remain the way it was before the 1975 Decree. They want the customary tenants, the

*bibanja* owners to also have a right over their, *bibanja*. They support that this original tax which was there called *busuulu*, the people like this *busuulu* and they are willing to pay it as an identity and those who want to have titles, they can negotiate with the owners and have titles as well.

The people of Bukoto mid-west wish this august House all the graces of the Lord, they wish us to be open hearted and let each of us air his view for the best of this nation. We are facing problems because of Delegates who are not able to discern, who are not able to tell people what they had agreed on in 1962. This is what has caused us all the problems that this country has gone through. All the lives of people that have been taken and the suffering was because of people who were not open, who were not faithful. Now, as Delegates, we would like to go into history as people who have helped this nation to set a new foundation for peace, tranquility and development. I say all this for God and my country. *(Applause)*.

**MR. STEVEN ONGARIA (Tororo Municipality):** Madam Chairperson, my name is Ongaria Steven. I represent Tororo Municipality. I do not really have to describe where Tororo Municipality is found because I believe all of us here are sufficiently educated to know where Tororo is, but perhaps, what I would like to emphasize is that whereas Tororo during the colonial regime, was the third biggest industrial town in this country but it is no more. Madam Chairperson, allow me to add my voice to those who have already congratulated you and your Chairman upon your election to your respective offices. Allow me also to pay glowing tribute to both of you for the way you have admirably guided and steered firmly the affairs of this Assembly so far. Madam Chairperson, at the beginning of this Assembly, I had great fears about the likely subsequent turn of events in this Assembly. This was because of how I thought some delegates came in along ideological, and regional lines meant consequently to cause disagreement and derailment of this Constitution making process. Both Party politics and Movement advocates looked suspiciously parallel to each other and I feared that the Assembly might be turned into a laughing stock. But thank God, Madam Chairperson, your election came in time and once you assumed your office, things took a different turn. Your firmness and straight forwardness, your capacity and ability to hold the Assembly together, coupled with the most transparent and just way in which you have so far disposed of the items has left

no doubt in every delegates' mind, that our choice of the two of you, could not have been better. *(Applause)*

Madam Chairperson, it is now more than apparent that the delegates, except a few, have adopted a spirit of tolerance, acceptance and open mindedness to each other. This was ably demonstrated by the result of the recent election of the Members to various Committees of this Assembly. Madam Chairperson, let me remind those few that we the delegates of this Assembly, should consider ourselves extremely honoured and privileged by the electorates of this country. How many wished to come here, from your respective areas and did not make it? How many times are we going to write this kind of document for Uganda in our life time? Why do some people want, at this point in time to "unwrite" the history that God and the electorates have already bestowed in you? Madam Chairperson, the task before us is enormous. Let us therefore, face this task with a sense of commitment, love, unity, tolerance and reconciliation. Let me caution those few of us who seem to have come here with radical, revolutionary and inflammatory statements to poison or divert us from our legitimate task; that there is no room for those sorts of minds or statements; because since 1966, every part of this country has suffered in one way or another. Suffering has therefore not been confined to one part of this country. Buganda has had its share of suffering, so has the East, the North and even the West; although some people tend to think that the West has not suffered. Let me remind them of the Rwenzururu war and the 1979 war, when many people were massacred in Bushenyi. Is that not enough lesson to all of us to learn from? I appeal to those so called radicals, to exercise maximum constraint in their choice of words during the course of our debate.

Before I conclude my general remarks, allow me to address Presidential advisers, some of whom are here present, to do their job without fear or seeking for favour. It is apparent that they have either deserted the President or left him to battle along with intricate issues of the nation, despite his choice of them leaving the President, at times, to make utterances which have tended to annoy certain population of this country. For example, utterances that one part of this country is more entitled to jobs than the others because people there are more educated, are very unfortunate indeed because politically, every part of this country is important. The other is repeated and constant harping on the past leaders

etcetera, etcetera. This should be avoided by the Head of State and Presidential advisers should be as close to the President as possible to advise him on topical, national issues. Madam Chairperson, let the leaders of this country including ourselves, right from the top to the bottom, consolidate that unity of this country through reconciliation. Let us therefore, in our day to day interactions, emphasise issues that unite us and those which divide us.

Democracy and human rights particularly in the plight of women: Madam Chairperson, democracy, and human rights have become catch words today in Uganda, especially so, at this point in time of our Constitution making process. The need for democracy and human rights has been emphasised for various reasons. In almost all cases, these situations have been used at national political level. However the emphasis on democracy and human rights at the national level should not de-emphasised the need for democracy and human rights at home level, considering that home is the smallest and most natural unit of society. Madam Chairperson, there is strength in this argument, especially as we are now discussing and debating the main aspects of our Constitution and the quality of our leadership.

I submit the person who does not listen to his wife, who beats her up, is likely to ignore the voices of Ugandans and use brutality to intimidate them given a chance to do so. I further submit, the person who bluntly violates the law of marriage by taking a second or a third wife, is likely to treat other laws with the same contempt. I further submit, the person who rules his house through fear is likely to rule his constituency and the country at large through fear. In my view Madam Chairperson, the issue at stake at both the home and front and national level are two - respect and power. Respect is hard to qualify, legislate for or against or control. Nevertheless, it should be one of the guiding principles when it comes to electing political leaders. This is why certain questions should be asked of candidates. How does he relate with his family? Does he beat his wife? Does he show her disrespect by engaging in obvious extra marital affairs? Has he taken more than one wife, and if so, does his first wife object to the other marriage?

**DR. KAKUNGULU (PRESIDENTIAL NOMINEE):** Point of clarification. Thank you Madam Chairperson. I would like the hon. delegate on the Floor to clarify whether some one taking on a second wife or third as moslem believer is out of order. Thank you, Madam Chairman.

**MR. ONGARIA:** Madam Chairperson, I thank the Member on the Floor for that question, but I believe that the moslems have an etiquette that they foilow and therefore, this particular section could not apply to them, but certainly it applies to areas where other religious sects do not approve of several wives. Madam Chairperson, it is easy to say these private matters should not affect the public life of the politicians. But they must, considering that trust is a responsibility that has been entrusted to us as politicians. Indeed, these questions are as good as knowing whether the politician has squandered public money or funds or stolen money or whether the politician is intelligent and educated sufficiently to understand intricacies of Government.

Considering these things, is what will help us avoid leaders who embarrass the nation through illiterate and un-informed public statements. This point is best illustrated by some Ugandan leaders in the past, whose relations with women were based on profound disrespect and contempt which they translated into relations with the masses. Madam Chairperson, if men cannot respect and cherish women, our mothers and sisters, who make up more than 50 per cent of the population of the world and indeed of Uganda, in whatever role they play, there is little chance that we shall respect the majority wishes of our society. For instance, Madam Chairperson, many of us men are rightfully scared of our wives earning more than we do since we think we shall lose control over them. Time and again, men have repeated that women grow horns when they earn good money or are too educated. This attitude, Madam Chairperson and hon. delegates, is carefully calculated and the men, to show women that they cannot succeed without men's patronage, this same attitude is usually translated at national level. Madam Chairperson, there is one qualifier that I must state and that is, while we certainly need democracy, I believe there is even greater need for understanding of power and human nature.

Human beings have both good and bad sides, both strong and weak sides. If there is no cost of being bad, in no way can we check our weaknesses and therefore no price to pay and the vast majority of our people will engage in negative practices. To be good therefore, the right controls and circumstances must exist in order to deter from being bad. For instance, Madam Chairperson, if society shuns, ridicules and punishes the man who beats up his wife, there is little doubt that domestic violence will go down substan-

tially. Similarly, if there is a price to be paid for abuse of power, and for corruption, then, these negative trends destroying our country will go down.

At this point in time, only a section of Ugandan married women can claim to be legally married because they have certificates, but most women were married under customary law and stood to suffer if a case of separation arose, because they have no tangible evidence of marriage. Madam Chairperson, although the people of Tororo Municipality are happy with the inclusion of a provision on basic human rights of women in the Draft Constitution, Article 61, they have requested me to request in turn, this august Assembly to reach a consensus that would allow registration and provision of marriage certificates at sub-county level to every marriage in Uganda, to avoid subjecting women to such embarrassing situations; and that the rights of women relating to inheritance, family laws, personal laws, immigration laws and marriage laws, be clearly defined and spelt out in this Constitution.

**The Executives:** Madam Chairperson, the Constitutional process which Ugandans wish to put in place is critical to the survival of this country. One of them is in connection with the powers of the President. Limitation must be placed on the powers enjoyed by the President. The first step in this direction, would be to separate Presidency from Party politics. The President must be an empire rather than an emperor in competitive politics. A national President who is a head of a political party cannot be a symbol of national unity, because such President will be partisan. As a second step, the people of Tororo Municipality propose that the Head of State should be separated from the Head of Government. A President will not be sponsored by any Political Party he will be eligible for election directly by the entire electorate for a two-seven year term and he may be elected before the Parliamentary elections. The President need not be a member of Parliament, but would appoint Attorney General, the Chairman and Commissioners of the electoral commission, the Chief Justice, and Judges of the High Court and Court of Appeal. The President will also have power to prorogue and dissolve Parliament. However, all these appointments must be vetted and approved by the Parliament.

Madam Chairperson, the Office of the Prime Minister must be enshrined in the Constitution and the

day to day operations of the Government ought to be an exclusive jurisdiction of the Prime Minister.

The Party with the majority of MPs should form the Government from amongst its members or in coalition with other parties provided that the party with the majority nominates the Prime Minister, who the President appoints to the office. The Prime Minister should be eligible for a two-five year term of office. The Prime Minister will then appoint Permanent Secretaries, Head of Parastatals, Ambassadors, High Commissioners. However, the heads of learning institutions like the public Universities, and Colleges, would be "electable" by electoral college of such institutions. All civil servants other than those appointed by the President, would be answerable to the Prime Minister and not the Head of State. The Head of State would have the powers to order public enquiries, investigations and prosecution in the case of abuse or corruption by the public officers, including the Prime Minister. Parliament should have the powers to impeach the President for dishonourable conduct and replace him with an acting President until an election to succeed him is carried out. Parliament may also pass a vote of no confidence in the Prime Minister and force the ruling party or a coalition of parties to nominate another Prime Minister. The President may receive and accept the resignation of the Prime Minister and his Government and nominate another from the majority party or coalition of parties.

The reasons for these proposals, my constituents say are to ensure that the executive, judiciary and Parliament become truly independent. Judges would no longer have to decide cases against the executive which appointed them. The executive shall not exceed powers given to it by Constitution and other Statutes, lest the President removes the Government or alternatively, Parliament may also pass a vote of no confidence in government.

The Police and other forces would no longer take order from partisan Presidents, but from a President who is above party politics. The armed forces would protect the nation from its enemies and be loyal to the nation and its head and not the Government of the day.

The electoral Commission will have no need to favour a political party since the commissioners would be appointed by the Head of State and not the appointees of the head of a political party that forms Government.

We must do as the Americans did in 1776, legislate to control nefarious activities of human kind. One of the reasons that United States became a world power in such a short time, was that their Constitution was written with an understanding that human beings and especially politicians, have serious weaknesses that can run out of control to the detriment of a large society. Consequently, strong controls against the negative aspects of human kind were enacted so that no single individual or institution would wield excessive power. Madam Chairperson, this is the beauty of checks and balances; they make us better human beings, not because we want to be good, to maintain our image, our respect or our marriage. This is the challenge that Ugandans must face head on to avoid dictatorial tendencies.

The people of Tororo Municipality, feel that with all these checks and balances, the President or the Prime Minister will not have unlimited powers to use the State resources as gifts to members of their parties, communities or to loyal civil servants as has happened before; thus the President would check on the Prime Minister and the Prime Minister would check on the Ministers and Permanent Secretaries and so forth and so forth.

I come to land, Madam Chairperson. On land, the people of Tororo Municipality prefer a uniform system of tenure which is a free-hold for both urban and rural areas. Their reasons are as follows: (1) Free hold land tenure system has quite a number of advantages. It offers maximum security of tenure and interest in land, it gives the free holder maximum ability to transact business with his title without much interference from State agencies. It is the best asset to offer as collateral security for credit facilities, nothing could be beneficial to a developer than a free hold title. Those with a free hold title own land permanently.

(2). Cities in the Western World have developed and are re-developed on free hold. Now, that most of this country is yearning for free hold system of tenure and some towns in Uganda are already using it, like Kampala, Mukono, Lugazi, and Mityana, etcetera, we do not see why it cannot be applied to the remaining urban areas of Uganda especially if one has already put up permanent structures.

(3). Development in urban areas requires much more capital outlet than development in rural areas. For example, is it not unfair to grant a 99 years' Lease to a developer who has spent billions of shillings to put up a development like U.C.B., Sheraton Hotel or

Nile Hotel on one or two acres of land; while another developer in the rural area who has spent 10 million shillings to buy 100 animals is granted a free hold title for over 500 acres of land?

People of Tororo further recommend that grant rent be abolished in urban areas, because available evidence shows that they do not constitute a major source of revenue to urban authorities; they are merely an inconvenience to poor people in urban areas where they have lived for all their lives.

Education objectives: Madam Chairperson, Article 27 of the Draft Constitution sets out the country's education objectives. However, the people of Tororo Municipality feel very strongly, that there are in their view a number of objectives left out which they would like included in this Constitution. They include the following:

(1). That the State should promote family life education, because the family is the core of a healthy society.

(2). That the State shall take all appropriate measures to ensure that a child who becomes pregnant before completing her education, shall have an opportunity to continue with education on the basis of her ability.

(3). That the State shall progressively make Primary education free and accessible to all. Madam Chairperson, these objectives are very important for the welfare of our society; and should be taken into consideration in the making of the Constitution.

Madam Chairperson and hon. delegates, I thank you very much.

**THE DEPUTY CHAIRMAN:** Thank you very much.

**MR. APUUN LONGOLI (Bokora County):** I am Patrick Apuun Longoli. I represent Bokora County in the North East of Uganda, that is Karamoja region. It is bordering Lira on the North Western side, inside -Uganda, the North of Teso right up to Lake Salisbury which is bordering Teso, Kumi and Bugisu and then in the North East, it is bordering Kenya and Matheniko county and then Kotido district in the North. So, it is a very large county in Karamoja. Madam Chairperson, I am privileged this morning to be given this opportunity to give in the views of the people of Bokora county.

I have to add my voice to those who have congratulated you earlier and the Chairman. At this point,

Madam Chairperson, I do also congratulate my colleagues the hon. delegates who are here, I know it was a very trying exercise which brought us here to bear witness to the Constitution making process.

I would like to go into detail about the problems which are arising from Bokora county, especially land. The people of Bokora county in particular and Karamoja in general, have expressed their concern about the land question. They have attributed part of their under development to the wetlands being declared by colonial administrations as a Game Reserve. The Colonial Administration closed Karamoja from within and without Karamoja, declaring the region a human zoo and anybody to enter Karamoja had to be served with entry permit. They did so more especially to the white man whose motive was economic, that is to say, hunting elephants for elephant tusks which enriched both the White man Government and their cronies. At that time Madam Chairperson, Karamoja contributed much to the economy. I know that time, Madam chairperson there was no coffee and there was nothing else other than what I have just said. And little was left to the people of Karamoja, others went in for the minerals, gold and so forth. This was the beginning of the exploitation to Karamoja region.

In view of these, the White man created buffer zones along all the neighbouring districts declaring all those lands Game Reserves. For instance, land from Lakalis through Moru-Ajore, Lake Salisbury, Iri, Apetoli, Turutuk, through Labwor up to Kidepo National Park. The above, Madam Chairperson and hon. delegates went to deprive the Karamojong of their land restricting them to the dry areas. The manner in which the land was carried out was such that, it did not involve the people; this was done without their consent and involvement. People were demoralised given the fact that, this tampered with the welfare of animals for which they depended on entirely for their livelihood. In view of this, the people of Bokora county, are requesting Government to de-gazette Karamoja region, to allow resettlement efforts to take off in all rich, potential agricultural areas in the region along the neighbouring districts. When this is done, the people prefer to have free hold land systems or tenure.

The people of Bokora county on the question of land, advocate that the question that there should be no land squatters in Uganda and therefore, should not arise because it hinges on the violation of the right to

property. The people are advocating to be integrated into the main stream of national building because for over 100 hundred years, Karamoja has been left out. Well, at the moment, Mr. Chairman, in view of all these, there is a very serious famine in Karamoja region and most of all in Bokora county- Bokora county is over 80,000 thousand people and about three sub-counties are so far affected and we are very grateful to the Government for having reacted to this and already very few bags have reached the region and I wish they would extend that further; otherwise, the question is very alarming.

On the question of women, Madam Chairperson, the problem in Karamoja is to be attended to because most of the women in Karamoja are really working as donkeys and at the mercy of men. If you could see what the culture is, in Karamoja, you will find that why even the cattle rustling is there, is because the dowry is so expensive. A woman in Karamoja is worth over 100 cows and then when the 100 cows have been paid that means, the dowry has been paid, the woman is subjected to so many problems. In other words, they are used as slaves they are used to fetch water from very long distances, to dig and so many other things including house building. In other words, in terms of cattle rustling, they are the ones to suffer, they are subjected to being tortured in the gardens when they are farming, in terms of hunger as it is now, they are the ones affected. So, I would invite most of the women delegates around here if they can take a lead to go to also Karamoja and rescue the situation so that the women there can be sensitised to know their rights.

Madam Chairperson, I would like to go on to fundamental human rights and freedoms - *(interruption)*

**MR. CHEBET MAIKUT:** Point of information. Thank you Madam Chairperson. The information that I would like to give the Speaker on the Floor is that, he is trying to mislead this house, because it is only a few weeks ago, about three weeks or so, when the vehicle of hon. Nacha Lorika was ambushed and burnt to ashes. I also remember some incidents about a week or so ago, some vehicles were ambushed and property was looted as well as life was lost. So, I think hon. Member on the Floor should give us right information, Thank you.

**MR. APUUN LONGOLI:** Madam Chairperson, I would like to inform the hon. Member that what

you might have heard is true and we cannot actually avoid these criminals in our society, there are criminals everywhere, even in Buganda here - they are taking cars, they are criminals everywhere. Recently we heard about somebody shooting someone in Colombia; we have heard so many cases. So, Karamoja is not an exception to have criminals, the criminals are there and we should deal with them. Even in Kapchorwa there are criminals, even in Naguru we heard about Komakech problem. I do not think we can avoid these things in our society; they are there and the law should deal with them. So, Madam Chairperson, I would now turn to the fundamental human rights and freedoms.

**MR. ETONU:** Point of information. I would like to inform the hon. Member holding the Floor that it is not only the youth who are cattle rustlers in Karamoja even those who are already married are rustlers.

**MR. APUUN LONGOLI:** Well, Madam Chairperson, I want to put this thing very clear. Cattle rustling as I will tell you in more details is an act of criminals and these criminals can be either the youth or they can be even the elders; because, depending on what you are in the society, there are those who go and steal cows even in Kampala here, even a goat, there are those who break into houses. So, it is not that the youth only do it, but even the elders.

So, Madam Chairperson, on the question of fundamental human rights and freedoms, the people expressed their dissatisfaction with the past regimes for lack of adequate effective safe guards - *(Interruption)*

**MR. SSENDAWULA:** Point of clarification. I am seeking clarification. I have friends like Naburi and the rest from the Karamoja region, but normally when we discuss this issue of cattle rustling and so on, they tell me it is a cultural activity and they are not meant to harm people when this activity is going on, but the hon. Member holding the Floor seems to now turn this into another criminal activity which is which? Can I get clarification, whether it is a cultural activity and we treat it so; so that when we are dealing with cultural matters, we can give it effective room and know that you do not hurt others, but we continue with it, Thank you very much Madam Chairperson.

**MR. APUUN LONGOLI:** Thank you hon. Ssendawula. Madam Chairperson, I think I have to

be very clear. You see, some of us who went to schools a bit earlier than those who went and stopped somewhere, interpret things differently. But what I have to tell you is when I was born I was never educated or sensitised on cattle rustling, but what I know is, cattle rustling is not a culture of the Karamajong; it is a criminal act, it is a violation of human rights and should be condemned entirely. So, those who say it is a culture, it is unfortunate. If hon. Naburi says it is the culture, then it may be a culture in his perspective and he may not be even a Karamojong if he says so, he maybe from somewhere else. So, I do not understand that. So, we who are born in Karamoja know about it that it is not a culture but it is a criminal act.

**MRS. ROSE LORIKA:** Point of order. Is it in order Madam Chairperson, for hon. Patrick to say that hon. Naburi condemns the act of cattle rustling as a culture when in fact cattle rustling is treated as a matter of culture in Karamoja, road thuggery and other acts are the ones we call criminal acts, but cattle rustling is more of a culture than criminal. *(Laughter)*

**THE DEPUTY CHAIRMAN:** Hon. delegates, I really do not think, actually we are going to open a Pandora's box, when we start washing our dirty linen in public. So, what I would suggest is, that the Karamajong consult each other and agree and have one mouth, although each one is representing a different constituency. We should agree to unite in diversity and use one language otherwise, these cross words are not going to help us. So, I request the Member on the Floor to continue.

**MR. APUUN LONGOLI:** Thank you Madam Chairperson. It is very very unfortunate that some people are completely backward. Now, Madam Chairperson - *(Interruption)*

**THE DEPUTY CHAIRMAN:** No, please, let us not use such language.

**MR. APUUN LONGOLI:** Well, Madam Chairperson, I mean Karamoja is backward. On the question of the fundamental human rights and the freedoms, the people expressed their dissatisfaction to certain regimes.

**MRS. V. SSEBAGEREKA:** Point of Procedure. Madam Chairperson, I would request as a matter of procedure, that when a Member is talking about his

or her Constituency, nobody should interrupt them; because he or she is representing the views of that particular region or that particular constituency. Madam Chairperson, it will save time for us to represent our peoples views and then who ever is opposing us will do it in his or her own time.

**THE DEPUTY CHAIRMAN:** Thank you very much.

**MR. APUUN LONGOLI:** Thank you very much Madam Chairperson and hon. Ssebagereka. Now, I was talking of the fundamental human rights; that the people expressed their dissatisfaction to the past regimes for lack of adequate and effective safeguards against the violation of the Constitution. The security organs of the State, especially intelligence organisations like, we had, the General Service, that is in Obote II, and also National Security Agency, that is also in Obote II, and State Research Bureau, during Amin's regime. These caused untold misery, death and havoc to the people of Uganda. In Karamoja thousands of cows were confiscated, and sold by soldiers. These acts generated violence in the region which later affected the neighbouring districts bordering Karamoja region. In view of this, the people advocate that such intelligence organisations be made into one institution or any Government which comes in power in future should have only one national intelligence organisation.

Hon. Jackson Hashaka, delegate for Kibale county raised the issue of warriors from Karamoja causing problems in the North and North Eastern Uganda. It is true the warriors have caused untold suffering to the neighbouring districts and the Karamojong who are law abiding condemn all these acts of lawlessness. It is the concern of the elite of the Karamoja region to get rid of all these forms of backwardness. The elite are fighting hard to end the endemic cattle rustling. Cattle rustling is not a culture but it is a criminal act.

Right now, the NRM Government has put in place a pacification committee for Karamoja region under the Chairmanship of Brig. Shef Ali; they have already achieved positive results. For the first time in history the Karamajong have registered to Government 3,800 guns. In Bokora county, they have formed anti-lawlessness units, the "vigilantes" which deal with those who raid cattle from within and without Karamoja; to deal with all those who deal in thuggery on Karamoja roads. We have already

appealed to Government to strengthen these units, giving them incentives and tools for farming in the fertile areas in the region.

On decentralisation, Madam Chairperson, the people of Bokora county look at decentralisation with high hopes and aspirations, unlike the Karamoja Development Agency, which has failed to deliver its services to the region because of lack of competent management and transparency. The people are happy with the current NRM Policy of decentralization and devolution of powers to the grass roots.

**MR. OCHYENGH:** Point of clarification. He is saying that Government has registered over 3,800 guns which apparently I think were merely held. I would be very grateful if he could inform us the purpose of registering the guns, whether they will be collected, or it is a matter of keeping a record?

**MR. APUUN LONGOLI:** Thank you Madam Chairperson, I would like to inform my Colleague that the process in which we are trying to get these guns from the people is so tactful, we have to use our intelligence in order to get these people very closer to the Government, so that we can cultivate harmony in the long-run. So, what so far we have done, is to pacify them and to get them registered. So, as they have already registered, they have already handed in the guns to these Karamajong who are faithful, the vigilantes who have already surrendered to Government, and the Government is using them now to disarm the rest and also to arrest those who are hardened criminals. So, as I have told you that decentralisation is what the people of Karamoja would like to have.

The people of Bokora county would like to put it in record, that they are in love with the present Movement, they want the present Movement and they want the Government - this NRM Movement to go in for about five more years in order to give the parties time to prepare themselves; because those who did not live at that time, when the Parties were formed, did not know what was going on. It is of recent that we entered into politics, otherwise, we left those institutions and Karamoja was left to politics of a cow; we had no Parties like DP, but it was only in Kampala here, or UPC for that matter.

Madam Chairperson, I will now go to Public Service. I agree with what hon Akure did say here, although there is a provision for Public Service in the Draft Constitution, which provides for the functions

of the Public Service, which also includes the responsibility of appointing and promoting and disciplining any persons holding office in the Public Service. In view of this, the people of Bokora county are concerned about the manner Public Service discriminates against the people of Karamoja. First the manner in which interviews are conducted. For instance, there is a very big distance - Karamoja is very far away from here, when an interview is conducted, it can be within about one week or two weeks, any person who travels from Karamoja up to Kampala, finds himself in problems because of transport and accommodation and you find that Karamoja people are left out in entering these positions: So that issue should be rectified. It is apparent that there is no Karamojong for instance, above under secretary in all these Ministries if you go round, even in the parastatal bodies, even in Diplomatic missions abroad. The people are advocating for a equitable distribution of jobs. The people of Karamoja should also be given equal opportunity to the Public Service and the Public Service should desist from nepotism, and tribalism.

**A HON. DELEGATE:** Point of order. Madam Chairperson, is it in order for the hon Members to take time off reading the Notice Board when the debates are going on?

**THE DEPUTY CHAIRMAN:** Okay, it is very unfortunate that by the time I raised my head, they had disappeared.

**MR. APUUN LONGOLI:** Madam Chairperson, I think the order was not relevant to what I was trying to talk about. I think he was just wasting my time. Madam Chairperson, on citizenship, the people of Bokora county are concerned in the way in which we are lenient in Uganda, because we have so many aliens who come and go. Say for instance in Karamoja region especially the Somalis with their dual identity. You find that he has an identity for Uganda, he has a Passport for Kenya, he has also for Somalia. I think this issue should be rectified and Government should put up a stand, either to register these people or deny them our Passports, that is to say the Immigration system should be strengthened because there is a way out and a way into Uganda and people are not noticed and when you go to Kenya, within just a few days, you will just be arrested. I do not see why actually in Uganda we so lenient. So, in other words, they recommend identity cards to be issued to all citizens of Uganda. like in Kenya, everybody has got

a Kenyan Identity Card, even in the village, everywhere, people have got Identity Cards, why not in Uganda?

So, on education, Madam Chairperson, the people in my county are rejecting totally the cost-sharing in the White Paper, because that is denying them access to the gates of Makerere University, because as you know very well that Karamoja registers 95 percent illiteracy and if you could imagine the way the cost sharing is going to take place, that means we can be denied access to the Tertiary institutions and to the gates of the Campus. So, with these few words, Madam Chairperson, I thank you very much.

**PROF. APOLO NSIBAMBI (Presidential Nominee):** Madam Chairperson, my names are Apolo Nsibambi with one 'I' because I indigenised that name. I am a Presidential Nominee. I shall be circulating 300 copies of my statement in order to ensure that the issues I shall raise are internalized with relative ease. A constitution is the fundamental law which creates the principle organs of the Government namely; the executive, the legislature and the judiciary. It describes their powers and the limitations subject to which each organ will exercise them. It may also incorporate the ideological principles by which the State ought to be guided or to which it ought to aspire. Whereas making a good Constitution will be a facilitator of good governance, the exercise must be supplemented by democratic and fair leadership and by objective allocation of scarce resources.

Some of the issues we shall discuss will not appear in the Constitution, but will be adopted as policy issues to be implemented. What are the major factors which have undermined Constitutionalism in Uganda? I want to deal with major factors which have undermined Constitutionalism in Uganda.

First there has been a tendency for the politicians holding power to try to work out the rules and procedures which will guarantee their access to and retention of political power. In so doing, they have manipulated the system to work in their favour relative to other competing groups. For example, after suspending the Independence Constitution, the Prime Minister of Uganda convened an emergency meeting of Parliament on April 15th 1966, and he introduced new Rules of the game, which made him the executive President of Uganda. The new Constitution was endorsed by a frightened Parliament

before they had read it. Such a Constitution could not last because it was imposed on the people.

As we make a new Constitution, we must avoid establishing Rules which disadvantage competing groups for power.

Secondly, a Constitution must reflect the political, economic and military balance of power between the competing groups and of course, this balance of power is not static, so the Constitution must be interpreted in order to reflect the balance of power. We must point out that when the 1962 Constitution was worked out, it marginalised the military factor and yet the struggle for power, after 1966 was decided by the groups which controlled the security forces. It is in this light that I welcome two major developments in Uganda. Our Constituent Assembly Delegates include Major General Mugisha Muntu, the Army Commander and other high ranking military officers. And so civilian and the military can now cross pollinate. The second positive development is that the political education courses include military training, consequently, the capacity of the Army to hold civilians at ransom is being systematically reduced.

Democratisation assumes the supremacy of the civilians this supremacy is facilitated, when the process of acquiring military skills is democratised and popularised. It is further recommended that parity of ethnic representation in the security forces be promoted. The current trend of encouraging educated people to join the Army should be institutionalised, it should become a value.

Third. Ugandans have been characterised by unwillingness to compromise. Failure to compromise, is largely caused by the fact that whenever people are competing for scarce political or financial resources, they tend to take rigid positions because they tend not to consult experts who can show them so many options which can diffuse or reduce secondary conflicts. Worse still, issues are usually distorted. For example, those who dislike federalism, wrongly equate it with monarchy. Consequently, even republicans who would greatly benefit from adopting a federal system of Government, reject federalism for wrong reasons. *(Applause)* Yet we know that America which is republican has a federal system of government, while Britain which has a monarchy, has a unitary system of government.

Fourth, I come to the external factor - the global factor. We must be constantly reminded that external factors are conditioning our constitutional, economic, military, political and technological destiny in a blatant manner. Having mismanaged ourselves for decades, fighting secondary wars, more than 50 per cent of our Budget is donor funded and thus the external powers can starve us into submission with impunity. The collapse of the Soviet Union has removed our capacity to play off one great power against another. So, we have a unipolar- polar or if you like - a single global setting in which we are making the new Constitution. The unipolar-polar global setting in which we are making the new Constitution, must be fully understood nationally and locally. It is therefore imperative that whatever we do or say, must facilitate the realisation of local - I always start from the bottom; national, regional and continental unity. This is the starting point, if we are to tackle our economic, political, technological and other forms of dependence. A word of appreciation at this point. At this point, I must thank donors who have financed our Constitutional process. Please clap. *(Applause)* We must also pay tribute to the NRM government under the leadership of President Museveni *-(Applause)-* thank you, which has taken deliberate steps to re-introduce good governance. Uganda is difficult to govern; inter-alia, because we the elite of Uganda, including myself are fragmented and we spend most of our time fighting secondary wars.

Deliberate steps include the introduction of the Northern Reconstruction Programme, involving Ugandans in making a new Constitution and the restoration of traditional rulers, some of whom have been operating underground since they were suppressed in 1966. We suggest that a North Eastern University located between the Northern and Eastern regions be started. This measure is likely to reduce regional imbalances. It must be realised that objective allocation of scarce resources is a facilitator of national unity and constitutionalism. We must stress the point that there are many resources in Uganda but the people lack the skills to harness them and thus when tackling the issue of reducing regional imbalances, more stress should be given to giving the less developed areas skills to harness their environment than giving them handouts from the centre. *(Applause)* Tribute must be paid to hon. Wapakhabulo and Prof. Victoria Mwaka, my Colleague but who is now a Deputy Chairperson. I am now referring to the Chairman of C.A. and the

Deputy who have so far chaired the Constituent Assembly with distinction, *-(Applause)-* versatility and tolerance.

I come to another issue - the abolition of ethnic administrative units. I must inform fellow Delegates that the abolition of ethnic administrative units such as Acholi, Lango, Ankole, Bunyoro, Toro and Buganda did not create unity. It was in fact construed as an act of political desecration. This action undermined the ethics of political and administrative Constitutionalism. It is proposed that these entities be restored.

What are the main issues which you should tackle in the Uganda Draft Constitution?

First the form of government. Should we have a presidential or a parliamentary form of government? In a parliamentary system, the cabinet is responsible to the Legislature. If the Legislature loses confidence in the cabinet, the cabinet resigns. The cabinet is normally chosen from the Members of the Legislature. In the presidential system, the cabinet is not responsible to the Legislature. Indeed, Members of the cabinet are usually chosen from outside the Legislature. Checks and balances are created by separation of powers. Other details can be obtained from elsewhere. In this paper, I have references and where you can find the relevant literature. It is recommended that we adopt a presidential system like that of America. The presidential system of government is suggested for Uganda, Inter alia, because the president would appoint Ministers from outside the Legislature. *(Applause)* Thank you. The ministers would focus their attention on performing their jobs efficiently, instead of cultivating their local constituencies assiduously. *(Applause)* The President himself, must be directly elected by the National Constituency and therefore, he could be answerable to the whole nation. The Legislature, should however, vet his senior appointments. Should we have federalism or unitarism? Those people who equate federalism with monarchy are obviously wrong. As already noted, America which had a flourishing federal system of government, is republican. Britain which has a monarchy system has a unitary system of government. In a more detailed paper which I have circulated to fellow Delegates, I have argued for a co-operative federal system of government. The centre and lower government co-operate. I have done so, because it is likely to create durable countervailing centres of power. So, it requires special majority to

amend the division of power between the national and lower government. Those who are opting for a decentralized unitary type of government, must be reminded that they are opting for borrowed power from the centre which can be removed by the central government in a simple manner when they most need this power in order to shape their destiny. I have given an example that if you borrow a suit when you are going to marry under a unitary system, that suit can be taken away as you enter the cathedral or the mosque but if you borrow it under a federal arrangement, there will be legal intricacies to overcome. *(Applause)* By the time you overcome them, the marriage is over. In case there are people who are still bent on adopting a decentralized unitary system, they should at least ensure that the division of power between the national and local authorities is deeply entrenched and constitutionalised. Further more, the local authorities should take charge of significant services such as senior secondary education, instead of taking charge of primary education.

Traditional rulers - we cannot ignore traditional rulers or elders, if you are to promote good governance because the African state which is over loaded with problems, cannot penetrate the countryside. In the event, the Traditional ruler or the elder who commands the loyalty of the ordinary people, settles disputes and decides whether or not cattle raids will take place - regardless of whether the state recognises him or not. Our task is to democratise and modernise the Traditional ruler so that he may assist the state in promoting good governance. When I told fellow Delegates that the issue of monarchy was not negotiable, it was not my intention to reduce the Constitutional Agenda for the Delegates. I was responding to subtle forces which were advocating for the abolition of my cherished culture. I still maintain that adhering to my monarchical culture is a human right and it is also a local matter which should be left to us as much as we are tolerating your republican culture. *(Applause)* However, the negotiable issues include naked politicisation and maintenance of the traditional rulers. Aristotle rightly observed that man is a political animal. This suggests that even clapping can be a political act. For example, on that occasion, there were political undertones as you clapped when the Children recommended that Kings be abolished.

In the light of this observation, Traditional Rulers should only be disallowed from participating in partisan politics which include standing for elections

or favouring political candidates. In general, traditional rulers are revered by big communities than elders, who are normally in charge of very small but important communities. It is suggested that Traditional Rulers be ceremonial or titular heads of their local or regional governments. In this sense, they can be compared - and here we are merely comparing, to the Queens of Britain or Denmark who are titular heads of their governments. They do not participate in partisan politics. They can be consulted. They could also encourage people to vote but they should not participate in partisan politics. It is further suggested *(Interruption)*

**A HON. DELEGATE:** Point of Clarification. With due respect to the presentation of hon. Prof. Nsibambi, I would seek clarification Madame Chairperson on the question of Traditional Rulers mobilising people to vote. Does that mean he may demobilise them from voting, with due respect Madame Chairperson? Has he got a right to tell people to vote? Because power to tell them to vote means power to tell them not to vote.

**PROF. NSIBAMBI:** If a traditional ruler told people not to vote, there he will be meandering in the direction of partisan politics. So, in other words the issue is contextual and you must use a lot of common sense to discern what is going to be fundamentally partisan and what is going to be fundamentally non-partisan.

**MR. ERESU ELYANU:** Point of Clarification. I would like this to be clarified by Prof. Nsibambi when he says that the traditional leader must exercise common sense. How do we determine when and how he should exercise common sense not to act contrary - that is in respect to whether he is partisan or not?

**PROF. NSIBAMBI:** Ultimately, that matter can be defined by courts of law but the important point, remember here is that the traditional rulers must also be surrounded by elite who are not opportunistic. They must also make sure that they pronounce on issues after careful consideration.

**A HON. DELEGATE:** The Professor has quoted the Queen of England and the Queen of Denmark as references on the kind of role the traditional leaders should play here. Could he, as he knows so much about them, clarify to us whether they go on mobilising people in UK or in Denmark or it is not part of their role to go and start getting themselves involved in mobilising people to vote or not to vote. *(Laughter)*

**PROF. NSIBAMBI:** Thank you. There is no cause for alarm. We must realise that our polity is under developed and therefore, when a traditional ruler for example, mobilises people to address the question of afforestation, there is no cause for alarm. The Queen of Britain or Denmark may not necessarily address that issue. You see here, we are overloaded with problems. We are almost starting from scratch and therefore, these incisions in fact, played a more fundamental role. The other time hon. Nekyon was giving us an example (*Interruption*) Madame Chairperson, I am still explaining, I was still articulating -

**THE DEPUTY CHAIRMAN:** Yes, there was a hand up. I was asking whether it was clarification, information or point of order.

**PROF. NSIBAMBI:** Yes, but I would request that when I am still articulating, at least they wait (*Interruption*)

**THE DEPUTY CHAIRMAN:** Yes, somebody was asking for clarification. You may articulate things people do not understand. So, he was asking for clarification.

**A HON. DELEGATE:** Madame Chairperson, will I be allowed to present my clarification after he has made his point. Thank you very much.

**THE DEPUTY CHAIRMAN:** You can proceed hon. Nsibambi.

**PROF. NSIBAMBI:** Thank you very much. But even in Britain, Prince Charles is mobilising people in the area of architecture and trade. So, there is no cause for alarm. I proceed. I am willing to accept clarifications and any other forms of intervention for the whole day. I am a teacher. (*Laughter*)

**A HON. DELEGATE:** Point of Order. Madame Chairperson, our Rules of Procedure - Rule 23 on interruption. Provide that "no Delegate shall interrupt another Delegate except a) by raising a Point of Order - when the Delegate is speaking we shall remain silent and the Delegate ... b) to elucidate on some matter raised by another Delegate in the course of his or her speech". I do not find any other area provided by the Rules of Procedure to justify interruption. Is it in order Madame Chairperson, for hon. Delegates, therefore, to proceed raising all sorts of points of Clarification and points of Information which are not provided by the Rules of Procedure, Madame Chairperson.

**THE DEPUTY CHAIRMAN:** I note your interpretation of the Rules of Procedure but as a Point of Order - information, clarifications can be accepted by the Member on the Floor and hon. Nsibambi says he is a teacher - he is accepting information, clarification. That was my interpretation as long as the person on the Floor accepts and I have been always asking, is it a Point of Information, Point of Order or of Clarification. Then after the interjector says what he wants, then I ask the Member on the Floor - are you taking it? Then he says yes or no and we proceed.

**PROF. NSIBAMBI:** And I shall take it until the whole day.

**THE DEPUTY CHAIRMAN:** Time - he has his own time. When the bell rings, I will stop him from speaking. Hon. Nsibambi are you taking that one also?

**PROF. NSIBAMBI :** I am absolutely available; and he can proceed.

**MR. NYAI:** Madame Chairperson, I am entirely grateful to hon. Prof. Apollo Nsibambi. Prof. Nsibambi quoted from Aristotle and he said man is a political animal. I will be grateful if the professor can explain to us when a traditional ruler ceases to be a political animal.

**PROF. NSIBAMBI:** The point I was making there is that a traditional ruler does not cease to be a political animal because politics can be defined in terms of who gets what, when and for how long? And is also concerned with acquisition and distribution of power and therefore, it is a difficult phenomenon. So, what we should do is to limit that ruler from participating in partisan politics only but there may be other forms of legitimate politics - what he should avoid is partisan politics. That was the message before you. May I proceed Madame Chairperson? (*Interjection*) Okay, it is further suggested that since traditional rulers are expected to spearhead modernisation of their culture, economic and social development and the nurturing of local and national unity, their local governments should have a democratic right of maintaining them officially. Allow me at this juncture, to correct the *Monitor* Newspaper on the critical Constitutional issue. In their leading article of *Monitor* of July 1st to 5th, 1994 where I am alleged to have said that the issue of federalism was not negotiable as far as Baganda are concerned. This is obviously grossly false. Federalism is not a

Buganda issue, it is a national issue. It is obviously negotiable. Federalism should not be confused with monarchy. Fortunately, the statement I made to the Delegates was recorded. I hope that this unfortunate distortion was not intended to derail us as Delegates from our cause by fighting secondary wars. I trust that the mistake will be corrected.

I come to the movement versus the multiparty system. I regret to point out that when some external donors sponsor a multiparty system, they genuinely believe that the advocates of the system wish to restore democracy in Africa. The sad truth is that in a number of African countries, the group which is in power, tends to discourage the restoration of multiparty system. However, when the group loses power, it becomes a stronger supporter of the multiparty system. *(Laughter)* So, the really issue is about capturing state power and distributing it objectively among containing groups. The current debate in the C.A. suggests that the Northern and the Eastern parts of Uganda are strong advocates of the multiparty system while significant groups in the south and west are tending to support the movement system. This statement is obviously over simplifying the intricacies of the problem. However, Uganda cannot afford to crystallise the north-south divide over this issue. A political compromise must be sought *(Applause)* between those who are demanding the needed restoration of parties and those who wish to retain the movement. It is essential in my view, to give enough time and opportunity to political parties to address the issues of democratising their practices and allowing political and financial accountability to take root. It is, therefore, suggested that the movement be extended for another five years; after which parties be allowed to resume their activities automatically. Holding a referendum to decide whether or not they should resume, should be avoided. This is because the referendum is likely to be invaded by many other issues and the exercise is likely to create political desperation and fragmentation. Developments which are likely to retard the smooth political progress of Uganda.

During the five years, negotiations must be carried out in order to establish activities which the parties can resume. This experiment will enable Ugandans to rectify the negative practices of the parties. As you know Madame, I was interrupted a bit and I hope there will be some concession. Public Accountability - *(Interruption)*

**THE DEPUTY CHAIRMAN:** But you accepted the interruption knowingly that it will be your time eaten up.

**PROF. NSIBAMBI:** No, Madame, because we thought that we had established a tradition here that interruptions are separate.

**THE DEPUTY CHAIRMAN:** Only Point of Order but not information, you have the right to refuse the information.

**PROF. NSIBAMBI:** Okay, I deal with Public Accountability and I argue that one of the major cause of corruption in Uganda has been absence of accountability I am therefore, recommending and I must now para-phrase, in view of the problem - that we should strengthen the institutions of accountability. The IGG, for example, could be turned into an ombudsman and this means that the Legislature appoints the ombudsman when the president suggests. We should report to the Legislature. I am also arguing that when the Public Accounts Committee and other institutions dealing with Public accountability, make their reports, the select committees should study these issues and make the necessary recommendations.

On natural resources management and ownership, there are two aspects. One is land. We are recommending for freehold or mailo system but we are arguing that those who want a customary system should be accommodated. I am also arguing that on environment, we should all participate in ensuring that we have a descent environment.

I am also a great supporter of the affirmative measures to address the gender question and the question of the handicapped.

On the issue of citizenship, I also argue that a periphery country like Uganda lacks the resources to handle the issues of dual loyalty and therefore, should adopt - we should avoid dual citizenship. I am also recommending a proportional system of representation because it allows a greater degree of bargaining and coalitions and we avoid the system of the winner takes it all.

In Conclusion - Obviously in 30 minutes it is not possible to cover all the issues; however, the important point to grasp is that Ugandan problems have been primarily political and economic. Different regimes have wrongly assumed that by changing Constitutions, they will find an answer. However,

durable solutions lie on agreeing on political institutions for resolving our political and economic conflicts. I must point out that the issue of fundamental human rights is very dear to me and I pledge to spearhead the realisation of these rights. We must, however, remember that one of the best ways of guaranteeing human rights is to internalise the value of tolerance. I have raised all these sentiments for God and my country. I thank you. *(Applause)*

**MR. WAGIDOSO MADIBO (BULAMBULI COUNTY):** For the Information of hon. Delegates here, BulambuLi County is in North Mbale District and is bordered on one side by the Republic of Kenya, on the other side by Kapchorwa District, by Moroto District, by Kumi District and by Budadiri county - the home of hon. Wanendeya. Madame Chairperson, I did congratulate you and the Chairman upon your election to the highest office of this Constituent Assembly. It is now my pleasure to convey to you and the hon. Delegates here hearty greetings from the people of Bulambuli. I do also, on behalf of Balambuli, commend you and your colleague for the able and firm manner in which you have guided the deliberations of this Assembly. We, in Bulambuli, initially feared there would be unmanageable fireworks from the Floor but so far we have witnessed none and we firmly believe that the objectives of formulating an all embracing Constitution will be achieved. Madame Chairperson, I also I want to take this opportunity on behalf of the Balambuli to commend the NRM government for the peace, security, stability and sanity now obtaining in our resourceful motherland Uganda. I would like to use the words of Dr. Nyerere who said - *'what has already been achieved by the NRM government can be seen by any honest person who knew Uganda in 1985 and who knows it now.'* *(Applause)*

In 1985, Madame Chairperson and hon. Delegates, Uganda and particularly Kampala were degenerating into a situation similar to Beirut, Liberia and Angola. Different armies and under different leadership were struggling for the spoils of Kampala. We thank the NRM government for averting that situation and thank them indeed.

I would like to take this opportunity to correct a false impression that was implanted in the minds of hon. Delegates by the hon. Chebet Maikut, Delegate for Kween County in Kapchorwa District. I said Bulambuli borders Kapchorwa and hon. Chebet Maikut did say in his Contribution to the General

Debate that there is a boundary dispute between Balambuli and the people of Kapchorwa or I do not know whether he meant Kween County. In the first place, I must say Bulambuli shares no large border with Kween county. It borders on Tingey County which is ably represented here by the hon Dr. Chebrot. - *(Interruption)*- Madame Chairperson, I am informing the hon. Delegates about Bulambuli and I do not know whether there is any better person to inform them about Bulambuli than myself?

**MR. CHEBET MAIKUT:** Point of Clarification. I think the hon. Member holding the Floor is trying to misinform this august House by saying that Bulambuli County does not border Kween county in Kapchorwa District. That is a gross misinformation. If you remember very well, Kween County stops at river called Atare which really borders Bulambuli County in Mbale District. So, that is the Point of Clarification and Information, I wanted to give to the hon. Delegate.

**MR. WAGIDOSO:** Madame Chairperson, I must emphasise that we have no dispute between Kapchorwa and Bulambuli. I must say, with due respect, that the notion of dispute is merely in the minds of certain leaders in Kapchorwa who, while in search of votes from Kupsabiny people, promised air by promising them territorial expansion. As between the ordinary people of Bulambuli and ordinary people of Kupsabiny, there is no boundary dispute. I can only agree with the hon. Chebet Maikut in one respect, that the boundaries must be clearly demarcated and recognised in this Constitution. That may, as well, make it difficult next time for both candidates in Kapchorwa to promise voters extension of boundaries.

Madame Chairperson, we meet in this august Assembly in the year of our Lord, 1994 to chart a new course for the republic of Uganda, to examine our failings and the failings of the previous Constitutions so that we may formulate an all-embracing and permanent Constitution for Uganda and I do hope that the Constitution we make will be a permanent and enduring one. Our over-riding objective, Madame Chairperson, is to guarantee peace, stability, freedom, democracy and economic development of our country and improvement of the welfare of Ugandans devoid of sectarian bias. Madame Chairperson, you will recall that many African countries are at war; from Angola to Rwanda. From Liberia to Somalia. From Cameroon to Zaire - Africa has

graduated from what was once described as the dark continent to what is now described as the bloody continent. In formulating our Constitution, we must be mindful of why Africa is at war. Madame Chairperson, we are here today formulating the fourth Constitution for the Republic of Uganda. The first three Constitutions, that is 62, 66 and 67 are about to be relegated to the waste basket. We must ask ourselves why the three past Constitutions were found wanting and why they could not guarantee peace, freedom, security and democracy.

Prof. Kanyeihamba, in his contribution said that the previous Constitutions were not bad, but lacked protection. We, in Bulambuli, while agreeing with him, reckon that the previous Constitutions could not stand the test of time because of several salient factors amongst which were - one, Legitimacy of the Constitution and the mood under which they were made at the time. Two, bad leadership. Three, absence of Constitutional culture. Madame Chairperson, if you recall the circumstances under which the 1962 Constitution was made, you will recall that it was made in Lancaster House in a foreign land and the Delegates there were selected or hand picked for that matter. Subsequently, it had to be adopted by the British Parliament and it was drawn on the model of the British political system. -(Interjection)- Madame Chairperson, if you would recall the making of the 66 and 67 Constitutions, the 67 Constitution has been dubbed the pigeon hole Constitution.

**MR. WANENDEYA:** Madame Chairperson, is the hon. Member in order to refuse information or even clarification. Madame Chairperson, the point is that we came here to make a Constitution and a good one for that matter. Madame Chairperson, hon. Adoko Nekyon was one of those people who were involved in the 1962 Constitution and 67. Is it therefore, really in order for any of us if we are to enhance a good Constitution making, to refuse any information or even order. Forget about the rules because the rules even if we have them, Madame Chairperson, the point is that we came here to consult and therefore, if we are honest with each other, we should never refuse genuine information. I thank you Madame Chairperson.

**THE DEPUTY CHAIRMAN:** I think the hon. Member on the Floor is in order. He has given a recipe that the person who wants to give the information, can give it when he is presenting his own. That is what I heard from the Speaker.

**MR. WAGIDOSO:** Madame Chairperson, I hope you will take care of my time and I beg to continue. Madame Chairperson, I said that the 67 Constitution has been dubbed the Pigeon Hole Constitution and it has been dubbed rightly. The mood of the making of the 67 Constitution can be gauged from what transpired and I beg to make reference to a Member of Parliament from my District at that time, who, while contributing to the debate on the 67 Constitution, made the most brief contribution and it was as follows and I quote "Although, I have not read the document, I support it." That was the most brief contribution made by a distinguished M.P. from my district at the time and the mood was such that the objective was to please the government of the day and pass any matter before them.

Madame Chairperson, we also attribute the failure of the previous Constitution to bad leadership. This is, by far, the greatest enemy of the previous Constitutions. The leaders swore are to uphold the Constitutions, but no sooner were they given instruments of power, than they used the same against the people whose lives and property they were expected to protect. We also attribute the failure to lack of constitutional culture and more particularly amongst our leaders. Madame Chairperson, we in Bulambuli have yet to hear of a leader in Obote I or Obote II who resigned from government in a bid to protect the Constitution of the Republic of Uganda or in defence of the rights of the people as provided for in the Constitution when atrocities were committed against the people of Uganda. We are yet to hear of a leader who, because of Amin's record refused appointment in Amin's government and yet the leaders are the people to be at the vanguard in protecting and defending the Constitution of the Republic of Uganda. Instead we have heard of leaders who only champion the peoples' rights when they have fallen from grace to grass, from the stars to the stables. That is lack of Constitutional culture. It is prevalence of the culture of self-survival and personal advancement, a negation of our motto from "*For God and my Country*" to the words "*For God and myself*."

We in Bulambuli urge that upon the enactment of the Constitution, it should be simplified, published in all major languages in Uganda and made reasonably available to all Ugandans to know their rights for they are ultimate defenders of their rights. It should also be taught in all secondary schools in Uganda. We also urge that all able-bodied Ugandans undergo military training to deter gunmen from grabbing the

reigns of power and abrogating the Constitution. We in Bulambuli, we believe in freedom, in democracy, in justice but we believe that if you must be a democrat, if you must talk of justice, then you must at all times - ever and always act in their defence.

Madame Chairperson, I invite you and the hon. Delegates to make reference to the preamble contained in the Draft Constitution in the course of our deliberations and I quote the last paragraph of the preamble *'We the people of Uganda, do hereby, in and through this Constituent Assembly, solemnly adopt, enact and give to ourselves and posterity this Constitution of the Republic of Uganda.* Madame Chairperson, we are here to make this Constitution for the present and for posterity to our children and children's children. We must avoid the costly mistakes of debating this Constitution with the principle objective of pleasing the incumbent government or any group of individuals. We must make a Constitution that protects and pleases the people of Uganda. Luckily, we have the legitimacy. We are elected by a universal adult suffrage, given the views of our people to articulate and we have exhaustively studied the Draft document. There could be no better hope for Uganda than the present constitutional making process.

We in Bulambuli, recognise that there are three arms of government namely: the Legislature, the Executive and the Judiciary. We also recognise that one of the major problems that has been perturbing Uganda was a fusion of all the powers into the Executive such that the Executive has become all embracing and powerful, controlling the Judiciary and the Legislature. We in Bulambuli emphasize that in this new Constitution and in subsequent governments that must come upon the promulgation of this Constitution, the principle of separation of powers must be followed. Madame Chairperson, I will now turn to political systems because we in Bulambuli believe that the political system we will adopt will ultimately determine the success or failure of this Constitution. We, in Bulambuli, recall vividly the post-independence history of our country. We remember the late sixties, seventies and early eighties - periods of passivity and acquiescence, periods of oppression and torture, of murder and plunder, periods when our national life was at stake. These are the periods when Uganda's political scene was interspersed with democratic governments and I put democratic governments in quotes and military dictatorships.

We are now in the nineties and Ugandan people expect more from us than cries of indignation and attack of the struggle between multiparty and movement. I would like to quote the wise words of one American who said and I quote *'Individuals must give up a share of Liberty to preserve the rest.'* We in Bulambuli say let us begin anew, taking into account our immediate history and remembering on both sides, a sign of weakness and that sincerity which members here do profess, is subject to proof. We say, let us negotiate not out of fear but let us not fear to negotiate.

As a result of past upheavals, there has been a slippage in our national, intellectual and moral strength; a decline in our strength and vitality - our people have lost their will and their sense of historic purpose. It is our responsibility to restore these and to rebuild the moral fabric of our country. Our problem is that we fail to identify the real problem and end up fighting old battles. The sixties are long gone; so are the eighties and seventies. This is a new generation facing entirely new problems requiring new solutions. The people of Bulambuli say that we must in the interim, and this is the emphasis of my point - The people of Bulambuli say that we must in the interim, draw a line between what is tolerable and what is disastrous for Ugandans under the present circumstances. Madame Chairperson, we in Bulambuli, equate Uganda to a patient who has been bed-ridden for a long time and upon whom all sorts of doctors have tasted their medicine in vain. The patient has received yet a new set of doctors and medicine and is apparently responding well to the treatment. We are convinced that the patient should continue for a while with the present medication - (Applause) - but that the doctors, past and present should share the medical history of the patient and work together as a team for the speedy recovery of the patient. -(Applause)- Like a patient needs a period of rich recuperation, the majority of the people of Bulambuli have no objection to a rich recuperation period of five years, to enable us to forge unity, to erase sectarianism, to enhance peace, stability and prepare for real and meaningful democracy and to build a culture of constitutionalism.

Sometimes we talk of freedom and democracy in the obstacle. Permit me to quote the wise words of Mwalimu Julius Nyerere, the Tanzanian statesman, who set a precedent for Africa and stepped down voluntarily from power. He said and I quote *'Freedom and Democracy are not commodities which can just be lifted from a shelf and given life nor do*

*acts of Parliament and Decrees by a benevolent autocracy, bring them into being.*" We in Bulumbuli, hold the view that even well written Constitutions do not automatically bring freedom and democracy. The 62 Constitution is a living example; the 66 Constitution, so is the 67 Constitution. During that time, we had pluralism democracy between 62 until 71 and it was renewed in 80 and 85 but we must say that pluralism democracy degenerated into military autocracy. Not even the leaders of the opposition who were supposed to champion the people's interest could guarantee them protection of the Constitution, instead between 62 and 71 and between 80 and 85, notwithstanding the atrocities committed by government in power, members of the opposition were jumping from their opposition to the ruling party. Madame Chairperson, this scenario is unfolding in neighbouring Kenya. They championed pluralism democracy recently, they got it and what is obtaining now is a mere mockery of pluralism democracy. I want to believe that with absence of Constitutional culture, when we establish pluralism, the people's rights shall be protected. I want to believe that the leaders shall not merely jump from the opposition to the ruling party. Madame Chairperson, permit me to quote Mwalimu Julius Nyerere again, when he said - in reference to Uganda - *'When the social fabric of a nation has been fundamentally disrupted by war or civil conflict, by a period of vicious oppression or by economic disaster, new forms of democratic structure or social co-operation cannot be expected to spring up and be ready for action.'* In any nation, the forms of democracy, the mechanism through which political freedom is made effective must be given time to grow out of the circumstances and cultures of the country and he continues *'A nation can draw ideas and learn from the experience elsewhere but only the very foolish or the very arrogant believe that there exists a template for a perfect prototype of democracy which has to be accurately reproduced in order for democracy to flourish. Forms of truly democratic organisation will differ from country to country.'*

We in Bulumbuli believe that mechanisms of democracy are not the meaning of democracy, they are only a means to an end. We believe democracy means that people must be able to choose freely those who govern them and also determine what the government does in their name. It means, a government must be accountable to the people. It must also be responsive to the views expressed freely through a political machinery which the people can under-

stand and use. The people only understand and use it if that machinery makes sense to them in terms of their own culture and is accessible within the framework of their own income and educational levels. An imported political system can be a disaster, *(Interruption)*- Madame Chairperson, I indicated earlier that I am presenting the views of the people of Bulumbuli and I do not know - *(Interruption)*

**MR. OBEL ONEGI:** Point of Order. Madame Chairperson, is it in order for the hon. Member on the Floor to keep selecting quotations of the great man, great son of Africa, Julius Nyerere. I call it selecting - without giving the source to which we could go and check this credibility? Secondly, is it in order, therefore, on account of that each quotation denies us that source because I also know and I could quote the same president - former president, having said that *'With apology to the people of Tanzania, the 25 years of one party state tended to waste the resources - (Interruption) - for what could have been a better period of development for Tanzania.'* Thank you very much,

**THE DEPUTY CHAIRMAN:** I appreciate your point of order but what he gave is what he knew, When your time comes, you will also give your quotation that you know, Then for giving you where he got the information, when you go out ask him to show you where he got the information from. Thank you very much.

**MR. WAGIDOSO:** Madame Chairperson, I may answer the hon. Delegate's query. When Mwalimu Nyerere was referring to Tanzania is when he made the Statement that he has just been quoted by the hon. Delegate. When he was referring to Uganda in a foreword to the book entitled *'What is Africa's problem?'* written by Yoweri Museveni, he made statements I have just made.

We in Bulumbuli believe that true democracy is people oriented and therefore, wholly embraces the provisions of Chapter (1) - article (1) which provides and I quote *"All the power belongs to the people, we shall exercise their sovereignty through the democratic institutions of the state in accordance with the Constitution"*. We have sometimes listened with amazement to arguments amongst leaders in the mass-media. Those in favour of multiparty say that people want multiparty and then those in favour of the movement say, the people want the movement. But, we in Bulumbuli are asking who are these

people you are referring to? The people of Bulambuli say, if they are among the people being referred to then this question should some day be put to them to determine instead of some people standing in Kampala and saying those people want this, the people want this. It should be determined by the people. *(Applause)*

I said that between the tolerable and disastrous, we in Bulambuli choose the tolerable. The Balambuli, henceforth ask and demand that the movement be opened up to be truly all-embracing. Sometimes, it is exclusion which breeds opposition. The old argument that opening up the movement may lead to the revolution being hijacked is now but a fallacy advanced by those with slim chances at the ballot to perpetuate themselves in top positions of the movement. Madame Chairperson, we say, all positions of the movement must be open to election and a mechanism be put in place for that. I have never known of an organisation, a movement or otherwise, without a set of rules of procedures of how officials can be elected to the various positions that are available. Consequently, we say, Article 2 (f) must be deleted.

I will turn to parties because apparently, they may take the political forum in future. Madame Chairperson, we in Uganda are cognisant of the fact that we have never had a one party state. Between 62 and 71, we had what would be dubbed a multiparty state and 80 - 85. Madame Chairperson, we urge that if we are to go plural, we must adopt entirely new forms of political organisation because we believe firmly that the old political institutions have let us down. They have been undemocratic and sectarian. Most of them have had de-facto life presidency. When Uganda was in jeopardy in the late sixties and eighties and the seventies, the opposition never played any significant role in protecting the interest of the people of Uganda. They merely joined the band-wagon. When it comes to talking about sectarianism, we in Bulambuli have yet to know how a non-protestant can ever become a president of UPC or how a non-catholic can ever become president of the Democratic Party? *(Interruption)* Madame Chairperson, I will turn to the monarchy.

**MR. KITARIKO:** Point of Information. I would like Madame Chairperson, to inform the Speaker on the Floor that banning all political parties may not solve the problem.

**MR. WAGIDOSO:** Madam Chairpersons I will go to the Monarchy. We in Bulambuli had a soft sport for monarchies, we believed and still believe that the people of any district or region who believe in traditional rulers are free to have them within the ambit of chapter 18 article 279. In Mbale we also had a traditional leader called Omwinda for Bugisu, but in Bulambuli we believed in leadership and superiority through competition not superiority by birth, and therefore, we cannot accept the institution of Omwiinga in Bulambuli. But we can accept them anywhere if the people of that place so wish. Madam Chairperson, since the restoration of monarchies in Uganda, utterances made by various highly placed leaders in certain areas with the monarchies, have made us re-think about the position of monarchies in contemporary Uganda. Some of the utterances, and I make reference to them, have been arguing the people of Buganda not to sell their land to non Baganda. They have been talking of aliens living in Buganda when chapter (3) article 36 sub section (4) of the draft constitution provides that, people are free to settle anywhere in Uganda. Madam Chairperson, we were deeply touched by the statement made by a highly placed Buganda leader which is reminiscent of 1966 conflict between the central government and Buganda Lukiiko, and he said "those opposed to the monarchy must leave the country." Since we do not see ourselves being ordered to leave Bulambuli, I presume he meant those opposed to the monarchy can leave Buganda.

Another statement was made by another distinguished delegate who said, "monarchies are not negotiable", and i was amazed because a few months or years back, the author was a chairman of a negotiating team between the central government and Buganda -*(Applause)*- on matters related to the monarchy. Madam Chairperson, we are concerned because the statements that have been made by these leaders are but a prelude to what is likely to happen in future.

**A HON. DELEGATE:** Madam Chairperson, thank you. Is the speaker in order to insinuate on statements made by hon Nsibambi when the latter has just explained why he made a particular statement. Thank you.

**MR. WAGIDOSO MADIBO CHARLES:** Madam Chairperson, if I can continue

**THE DEPUTY CHAIRMAN:** I think you have taken note of the point of order.

**MR. WAGIDOSO MADIBO CHARLES:** Madam Chairperson, consequently in the light of those statements made by distinguished leaders of Buganda we feel-

**THE DEPUTY CHAIRMAN:** Please, can you wind up you have run out of time.

**MR WAGIDOSO MADIBO CHARLES:** Yes please. We feel that the matters of the monarchy are not adequately addressed in the constitution, and consequently propose, as follows; that the roles and powers of the traditional ruler must be clearly specified. That the traditional rulers in any part of Uganda must be restored in areas after obtaining consensus of the people through a referendum. *(Applause)* We also propose that a provision must be included for the dissolution of the institution of a traditional ruler in any area of Uganda by the people. There must be means to elevate and a means to relegate. We also argue that a mechanism must be provided for taking action against any traditional ruler who acts contrary to or violates the provisions of the national Constitution or any laws existing in Uganda.

I will touch on a matter that affects Mbale, and that is on culture. The draft constitution- *(Interruption)*-

**THE DEPUTY CHAIRMAN:** Hon. delegate on the Floor you have run out of time, wind up please.

**MR. WAGIDOSO MADIBO CHARLES:** Madam Chairpersons in closure, we in Bulambuli would like to say that the principles contained in the other chapters such as leadership code of conduct, the legislature, local government, inspectorate of government, amendment of constitution are acceptable to us but require minor amendments which we shall address during the consideration stage. Madam Chairperson, let us remember that all we cherish, all we aspire for will not be achieved immediately upon the enactment and promulgation of this constitution, but let us know we have set in motion the process for their attainment. May this constitution reflect that we care passionately about the fate of our people. May the future and Uganda be one, May the Lord God bless us all and enable us to formulate a constitution that will last for a period. Madam Chairperson, hon. delegates I thank you very much for listening to me. *(Applause)*

**MR. MULONDO BESWERI KIWANUKA LUSSE (Mityana County South):** Thank you very much hon. Chairperson. My name is Ssabalangira Besweri Mulondo, Mityana South. Mityana South is part of Mityana County, It is found on Fort Portal Road, if you do not want to go inside it, between Kampala and Mubende some 73 kilometres from Kampala. You will go to Mityana town which is one of the most or fast growing or developing towns of Uganda.

Madam Chairperson, thank you very much for enabling me to address this august Assembly. As I said earlier, I represent Mityana south people in Mubende district. I would like to take this opportunity to join my other fellow hon. delegates to thank you for this opportunity, and also to congratulate you Madam Chairperson and Chairman on your election to this august Assembly. I also want to congratulate all hon. delegates for being elected or appointed to this august House. I am sure all hon. delegates are silently congratulating me and I want to take this opportunity to thank you for congratulating me.

Throughout my election, in my campaigns to the people of Mityana South at the grass roots, I found out that these people had some unanimity of views on some of the constitutional issues which most taxed their thinking and which were dearest to the people. I had known it all along that views expressed were not new and they were the concerns of all the Baganda, except perhaps very few. I am fortified in this by my Membership of the Buganda organisations including the Lukiiko, by my status of head of the Balangira, and by my position in the NRM position during my exile days and since my return to my dear Uganda. As Ssabalangira, I had access to documents and all evidence collected by a team of the Bataaka throughout Buganda as to what type of constitution the Baganda wanted if a chance were given, as of now, to make a new constitution. I have attended numerous fora of the Bataaka and other elders and opinion leaders in Buganda and sometimes of elders and opinion leaders from other regions of Uganda.

I find that there is coincidence of views on a number of issues. Some of the issues, if time allows me, which I would like to put across are as follows: Regional names and unity of cultural groups of communities or tribes. The Buganda wish to see a restoration and recognition of the existence of its

regional name called Buganda with clear boundaries as it was at the date the 1961 constitution was abrogated in 1966, Less the two counties of Buyaga and Bagangaizi. The Baganda are strongly of the view that any region of Uganda which wishes to see its old name restored and recognized in the constitution, should be given that liberty because this is their fundamental human right. This is their identity and no body has a right a deny them this right

**Administrative Unity:** The Baganda I represent, desire to see unity of administrative structures, they detest the division of Buganda into fragmented districts which have no natural link with each other. Whatever administrative divisions are made in Buganda should have a linkage to the centre. This centre is the Buganda region or provincial government with a council which we in Buganda called Buganda Lukiiko. Madam Chairperson, that is the what the Baganda want and it has no harm to the rest of Uganda.

**Traditional rulers:** In this respect the Kabaka; I need not state here that people of Buganda, whatever their cultural origin is had to jubilate on the restoration of the institution of the traditional ruler, the festivities of the coronation spoke much louder than I have words to describe. Buganda will abide by the provisions of the new article 118 in the present 1967 constitution, as was amended in 1993, and they wish to see that the article is transplanted into the new constitution, we are Assembled to make. *(Applause)*

I am glad to note with appreciation that most hon. delegates who have addressed this august Assembly have supported the existence of Kingdoms where they are needed. The Baganda will also wish to see the spirit of article 118 (a) of the amended 1967 constitution duly pursued so that all assets so far not restored are given back to the communities to which they belonged before they were expropriated, on the abrogation of the 1962 constitution. For Buganda I am talking about the assets which were attached to the traditional offices of the Katikiro, the Omulamuzi the Amasaaza, the Bamagombolola, so that such land together with development there on, is also placed under the ownership and control of the community *-(Interruption)-*

**THE DEPUTY CHAIRMAN:** Please hon. Mulondo some clarification.

**MR. MULONDO:** I do not want those clarifica-

tions now please. I have a long, long thing here to put across, and I would like to beg you to give me that liberty and whatever you want to know please note it down and you can bring it up when your chance to talk comes, Thank you very much.

**MR. OBIGA KANIA MARIO:** Point of order. We know the hon. speaker on the Floor was elected on Mityana county ticket as a delegate; is it in order for him to talk in the names of the whole of Buganda when we know that there are other Baganda delegates here who have a right to talk in their own position? Thank you. *(Applause)*

**THE DEPUTY CHAIRMAN:** I request hon. Mulondo to concentrate on Mityana South. *(Applause)*

**MR. MULONDO BESWERI:** While I do not object to Madam Chairman ruling, the issue I am putting across is a National issue and as I said earlier, I know and i think I am entitled to be informed of what the people want, I would rather have accepted that ruling if *-(Interjections)* - okay let me continue then I accept the ruling, I will refer to Mityana. I was saying, the Mityana people would like to see that such land together with the development there on, is also placed under the ownership and control of the community which previously owned them to be used for the common good of the people. The people of Mityana South and me as a Muganda, we say that the cost of maintaining and up keeping of their Kabaka and my Kabaka and his office must be the responsibility of the regional administration of Buganda. The people of Mityana have very high respect for their Kabaka, and for this matter I would say the people of Buganda, and we cannot see him left at the mercy of volunteers. He is their leader, and therefore, must be maintained under a clear, sure system. I would like to add here that the Kabaka we want at this material time after all the experiences we have gone through, should be above politics, and especially, partisan politics.

However, I would like to look at the local government units of the country. I have already stated that the Baganda wish to be governed together as one unit; the unit will be called a region or province, whichever this august Assembly will decide because some hon. delegates detest any sound about the Federal form of government. The word Federal seems to have eaten up quite a lot of people's mind, so I do not want to say it here. The unit will be called

a region or province. The Baganda of Mityana also wish to see that it is such a region or province which will be the basic administrative unit. Buganda has a diversity of cultures, because of this diversity, we in Buganda think that the best administrative unit of local government is not the district structure provided for under the present local government statute which brings the people of Buvuma Island to Mukono district headquarters or the people of Buruli to Luwero or the people of Mawogola to Masaka. We are strongly of the view that the best and more rational local government divisions is the county, after all, many counties are now applying for the status of district. So there is that tendency of counties administering their own affairs. The counties in Buganda provided best economic unit for the developmental purposes, the county also carries the services nearer to the people than the much larger district units. Further, the county allows a greater measure of political participation of the local elements in their own governance and development. The county gives greater pride and motivation and, therefore, more competitive spirit to the people to develop. So, when our young elite - and this is not a Mityana issue only - come together to spear-head and promote the development of Rwampala, you know where Rwampala is, and invite the First Deputy Prime Minister and National Political Commissar to officiate their signaling to us their desire to develop, which county, as most counties, had cultural elements. The county preserved the culture of the local population, and produced contentment from fear of domination real or imagined. We believe that it was not without good reasons that the county was chosen to be the most convenient and practical unit on which to base the CA elections. For these reasons, we in Mityana and me as a Muganda, seriously recommend that below the region, the next administrative unit should be the county followed by the sub-county, the parish and village each with a council. The county structure may not find easy acceptance in Mityana only or Buganda for that matter, it may be also most viable and a rational unit for regions such as Karamoja, West Nile, Bukedi and others with similar social stratifications.

**MR. KARUHANGA:** Point of clarification. Thank you hon. delegate from Mityana South, Ssabalangira. I wanted to be educated a little bit about what you mean by your county, is it the existing county, or is it the traditional old Saaza you have in mind of Kyadondo and Bulemezi of Singo, of the 62 counties, or do you mean the existing county as we know it now.

**MR. MULONDO BESWERI:** Thank you very much for that seeking of clarification. That is a matter for debate. I want to continue by saying that what has been disturbing the minds of the people is the subject of finance. We in Mityana propose that graduated tax, as it is well known and other taxes collectable by the sub county or RC 3 will continue to be collected in that manner and the Gombolola or sub county or RC 3 as it is known today will retain its percentage as has been the case up to today, then the balance will be forwarded to the county call it a district, whichever suits your opinions, and the district or county will retain a greater percentage as may be agreed upon and then a small fraction will be forwarded to the centre which in this submission is the Lukiiko.

I would like to talk about land. This is one of the most important issues, I am glad however, that quite a number of hon. delegates who have addressed this issue seem to be in agreement with what the people of Mityana propose. The people of Mityana propose that the restoration of the mile land system is important. Of course, we know that mile is equivalent to free hold, so the Baganda will be happy to see the land reform decree of 1975 scrapped, and mile or free hold in Buganda is restored and entrenched in the constitution we are now making.

**A HON. DELEGATE:** Entrenched!

**MR. MULONDO BESWERI:** Entrenched, I am sorry, can you correct that in your minds please. Restoration of the Buganda land board of that part of the public land which before independence was called Crown Land in Buganda is also very important, and that land as you can all remember was confiscated as per the 1967 constitution. I would have said quite a lot about land as this is a subject matter which I know very well but in brief I would like to recommend that a uniform system of land be introduced which is suitable for the whole of Uganda. The system which will enable people from the West to obtain land in the East, from the East to be able to obtain land from the North and so on. Hon. Wagidoso Madibo said that there are appeals in Buganda of the Baganda not to sell to non Baganda. This is not true, and I want to beg hon. Members to be grateful to the Baganda because everyone who wanted land here has been able to obtain it. Contrary to what is happening in other areas, and therefore, if you are not grateful, the Baganda still have that fear that if these people are not grateful even on the practical issues

which they are enjoying, then are they going to be grateful for other hidden things. So even our daughters and whatever have gone across and got married

We want to involve you in the committee, Baganda are the most welcoming society of Uganda, most tolerant and I want to maintain this, most hospitable. I think the fears that Baganda may turn up and prevent others to obtain land here should be dismissed.

Article 211 of the draft constitution and this is a scheme of decentralisation of power, functions and services to the local governments the fourth schedule made pursuant to article 211, lists 13 items of state power which are exclusively reserved to the central government. This means that the draft constitution recommends that the rest of the exercise of state power functions and services is open to local government. We in Mityana wish to see a modification of this list in item two and seven (7). Item two contains defence, security and maintenance of law and order. We think that security and maintenance of law and order should be shared between the local governments and central government. Item (7) contains land, mines, minerals, and water resources and environment. I am very conversant with the environment; I have already said enough about land, although I did not really finish whatever I wanted to say. For the rest, we are of the view that all these can be shared between the central government and the local government, both in implementation and in reaping the benefits and also for capacity development in order to cope with such an immense task of environmental control and management. I want to skip that because it is quite long.

The sharing of powers between the central and the local government: I will circulate this document to all Members so that they have the opportunity to look at it in more serious manner. The official title of the Uganda constitution. The people of Mityana wish that the title of the Uganda Constitution as it appears on the cover of the draft constitutional document, and in article (4) be modified. "Once beaten, twice shy." The Baganda have also a saying that Once bitten by an insect, you must keep your distance when it approaches. Some people now say you better kill it quickly. Before abrogation of the 1962 constitution and indeed even the 1966 constitution, the word Republic did not figure as part of the country's constitution, it was simply known as the constitution of Uganda. The introduction of the word Republic came with the Republican constitu-

tion of 1967 which abolished the kingdoms. The 1993 constitutional amendment introduced once again the spirit of compromise, mutual understanding and mutual respect of each other's views. In this spirit, we ask that the official title of the constitution of our country should avoid provocative, fear generating, confidence shaking terms such as republic and monarchy. The natural title will erase the feelings of both the republican and the monarchist so that both section of the population can live together in friendship and fraternity. In consequence, article (4) (1) should read only that Uganda is a sovereign State and let the title of the constitution read the constitution of Uganda. The Baganda feel that the republic was introduced to oppress the Baganda.

**MR. WAGIRA:** Point of order. Thank you very much, Madam Chairperson. Is it in order for the people who are in for monarchism or federalism to keep confusing us, because at one time one of them said, it is no harm having a republic and a monarchy at the same time. Again from the same school of thought, he is exhibiting fears as to having the word Republic on the Constitution, and this is but one of the many contradictions that we receive. Is it in order, thank you.

**THE DEPUTY CHAIRMAN:** I think they are in order, the other one is a Presidential nominee, independent. This one is representing Mityana South, they have a right *-(Applause)-* to their interpretations Thank you.

**MR MULONDO BESWERI:** Thank you lady Chairperson. The people of Mityana feel that the republic was introduced to oppress the Baganda, the Bulange was named republic house; the Kabaka Anjagala road was renamed republic road, the Kabaka's lake was renamed the republic lake. I have evidence to this, and all these are implications that the republic was introduced to oppress the Baganda.

**MR. OWINY DOLLO:** Point of order. Madam Chairperson, is it in order for the substantive speaker from Mityana South county, to campaign against the republic when the first thing he did here was to take an oath of allegiance to the Republic of Uganda as by law established? *(Applause)*

**THE DEPUTY CHAIRMAN:** Yes, I agree to your point of order but what we are discussing is exactly what you are talking about. He is making a

proposal not a statement. So that is his proposal, he is not contravening the oath but it is just a proposal. It can be taken, it can be refused, that is why we are here to me.

**MR. MULODNDO BESWERI:** Thank you Madam Chairperson to that wise ruling.

**MR. NYAI DICK:** Point of order, Madam Chairperson, is it order for the hon. Member holding the Floor to suggest that the word republic was introduced into the English language just to subjugate the Baganda when Aristotle wrote the book "Republic". We read it avidly for our enthusiasm and elucidation.

**THE DEPUTY CHAIRMAN:** That is his perception. You have the words same and synonymous, the two exist but some people think those words mean the same. That is his interpretation. I am not a lawyer, so I cannot rule whether he is right or not because I can not judge his perception and interpretation.

**MR. MULONDO BESWERI:** Thank you, Madam Chairperson, and I think I am entitled to my opinion, and an opinion is a private property which no body has a right to take from me. I want to continue by saying that the Republic Government as far as the people of Mityana are concerned, was introduced to oppress the Baganda because not any single building or road or lake or whatever in Uganda was named a republic. The Baganda have since 1966 lived as an occupied peoples until last year when their Kabaka was reinstated, and crowned. They want to be free and what they remain to achieve is the regional identity of Buganda which is the pillar of their unity.

I will briefly talk about unitary and devolution of our administrative powers. As we propose that the basic units of the administration should be the region, we also propose that those regions should possess devolved powers which must be entrenched in the constitution. I have said enough already on this with devolved and decentralized powers emanating not from the central government or charitably from any of its ministers, but emerging from the constitution itself. The word unitary in article (4) of the draft constitution should be dropped and should not appear in the new constitution.

Now, for security we in Mityana desire to see a formula evolved and put in place where security

agencies will reflect the diversity of the population of Uganda in such proportions as will correspond to the populations of the counties in the country so that the security agencies can be seen and accepted as truly national and this be so at all levels of ranks in the services.

I want to talk briefly on the language. It is very unfortunate to hear people supporting Kiswahili as the official national language of Uganda since when did Kiswahili become national, Kiswahili is as foreign as English, if we have failed to propose any of our local national languages, for national official language, let us declare so and if we need a second official language, and we take Kiswahili, let us call it so. The people of Mityana say that article (5) of the draft constitution is acceptable to them as far as the languages in Uganda are concerned.

Now, I cannot finish my speech without talking about political parties, Madam Chairperson, I think we shall all agree that the present political parties in Uganda need structuring and probably a law to control them, put in place before they are allowed to operate. Before this is done, no sensible Ugandans would like to participate - Mityana people for that matter - to participate in them in view of the history we have gone through. Mityana people, therefore, support the movement form of government to continue for at least five years. *(Applause)*

I want to also propose that ministers in this constitution, should be from outside the legislature.

**THE DEPUTY CHAIRMAN:** I think you should wind up hon. Mulondo.

**MR. MULONDO BESWERI:** I am very sorry. I want to support the gender issues. *(Laughter)*- I would like to support the gender issues as other members have done. I want them to be represented on National bodies, I want to see them probably slowly come in to compete with the men, especially, in the general elections but I still feel that their position should be safeguarded for better Uganda. I would have said something about the citizenship but I feel that we should recommend to government to come up with proper registration of citizens of Uganda, and probably identity cards produced as is the case in many other countries. That people do not just come here, stay for some years and overnight become citizens of Uganda. We shall find our country occupied by non Ugandans, and we should be careful with this.

I would also like to end my address by thanking you Madam Chairperson, for giving me this opportunity to address the Assembly. I want to repeat that I had really written a very big document on the issues concerning Uganda, and I am going to circulate this to you all so that we can discuss them later when the discussion time comes or we can discuss them in the lobbies as you may think appropriately. Thank you very much. *(Applause)*

**MR. KASOLE BWERERE LWANGA (Buwekula County):** Thank you very much Madam Chairperson, my names are Kasole Bwerere Lwanga Edward, a delegate for Buwekula county, a teacher by profession from Mubende district. Mubende is on the western part of Buganda, and Buwekula is the last county of Buganda Kingdom. It borders Kabarole district, Kibale district, Kiboga district, Masaka district and Mpigi district. Diagonally, it is one hundred and twenty eight kilometres (128) south to the North with a population of 138,000 people. Tribes found there are Baganda, Banyoro, Bakiga, Banyankole, Bakonjo, I am their delegate. *(Applause)*

Madam Chairman, our presence here in this great hall is a clear demonstration that as Ugandans we are determined to take stock of the past 30 years since independence and make a fresh start. For a long time we have been denied the opportunity and freedom to democratically determine our future system of governance. I wish therefore, on behalf of Buwekula people to thank the government through NRC Members to have accorded this opportunity to Ugandans. The challenge ahead of us is to come out with a constitution that should reflect the views and wishes of the people of Uganda, whom we do represent. They are our masters we should not forget. The eyes and ears of all Ugandans and others within and abroad, are on all delegates gathered here. Let us forgive one another very well knowing that each of us has been sinful as far as state affairs are concerned. Let us try to be a new generation, born again. None of the governments has been perfect. Accusations and counter accusations will not help us at this stage. We will not achieve what we all aspire, unless we sit down as brothers and sisters that is our prime duty. I am worried, judging from what has been submitted so far, delegates seated here seem as if each of us came from a different state, trying to formulate a country known as Uganda, whereas Uganda has been in existence for years and years, and we are all Ugandans. Why should we try to talk

as if we are from different countries? Miseries of our brothers and sisters not living in Uganda today, not because of their wishes and even those still in the bush must be a big lesson to all of us. Ugandans must be, I repeat, a lesson to all of us. We would like to have them back and sit with us here when we are in the process of making a new constitution. I am not saying either they are wrong or right but they are Ugandans like ourselves, why can't they be here? Let this be a lesson, we are trying to make a new Uganda, therefore, I request you to listen attentively to one another to be patient and tolerant. To develop a spirit of compromise and eventually we shall come out with a new chapter.

With the above in mind we should recall that many African countries enact constitutions in accordance to the interests cut very deeply by interests being talked about by those in the stream of power. Ever since the Solon Constitution, known as the first civilised World which is recorded. Constitution making process has been a monopoly of the political leadership. By so doing, political rulers have managed, throughout the history of human civilization to erode away people's constructive power and settle it in their own hands and control. I wish to thank, at this juncture, the NRM government for having departed from this bad practice and involved the people of Uganda in groups and individuals in this constitutional making process. If we can accomplish this noble task, believe me Uganda will definitely become constitutional consultants.

Why should we make a new constitution? Constitutional writing was prompted by political issues within our society such as, the abuse of power, the model of resource distribution, the failure of past governments to realize interests of various peoples of Uganda and constitutions which are considered to be arbitrary. These were not a one man's exercise, we cannot attribute these abuses to one political party; not one region of Uganda but to many of the people some are in here, others are outside, to many of us. But it is not the time now or today to accuse one another. We should develop a spirit of brotherhood.

Allow me, Madam Chairperson, now to touch on some issues in the draft constitution, only the issues I consider contentious. Many others are obvious and all Ugandans agree. Number one article 153, National Council of State: The idea is good as one of the new measures that Ugandans need in order to reduce Presidential powers but Buwekula people do not

recommend the composition. They propose Membership should be based on district administrative units and directly elected, qualifications should be clearly spelt out. Let us base the Membership of National Council of State on districts, how many from each district, what qualifications? Let these be decided during the consideration stage.

**Judiciary.** Again Membership of judicial commission is un-acceptable to Buwekula people, and is undemocratic. Chief Justice should only play the role of an advisor. It should have independent people from the public. People of reputation, people with clean record should be members of the Judicial commission and unless we have a proper and well organized judicial commission, our judiciary will not improve. As we speak now, it is one of the worst departments in the government.

**Citizenship:** This has been a very sensitive issue; we are here to correct mistakes of the past. In my opinion, children on the street in Luwero triangle, in corner areas for example are innocent, let us have a start let us critically examine the schedule (2). Buwekula people suggest that where possible, let us avoid suspicious tribes. The Word Banyarwanda or Banyanya or any other words, can we look at them? Will they cause confusion and suspicion in future, is there a way of avoiding that? Because our main duty here is to correct the past mistakes. We are not blaming any one, none of us chose where to be born and to which tribe to belong if the word Banyarwanda is causing a problem, can we have another one? Let us sit down people from that part of Uganda and find a solution. They are the best advisors to this problem. In our new constitution, we should try to tighten the boundaries of Uganda, governments have been lenient, it should be a right for every Ugandan to have a Passport. Passports should be spread all over the country. Passports could serve as identity cards, if need be.

**Finance:** Buwekula people do propose that there should be an arbitration committee or commission in the Uganda revenue authority. Uganda revenue authority or the finance department or ministry, has been making unwarranted demands.

Ugandans opening up new businesses should be exempted from paying income tax for at least two years. Social services such as the schools and hospitals should be exempted from paying taxes. *(Applause)* They are rendering these services on behalf of government, they are helping government

they are lending a hand to the government. Therefore, they should be asked to pay income tax.

**Amendment of the constitution.** The constitution is being made by all Ugandans. A lot of tax payers' money is involved, it will therefore be wrong and not in order for only Parliamentarians who will not be experts in constitutional affairs, like ourselves here, to amend. The Buwekula people therefore propose that if at all there is need to amend the new constitution, all Ugandans should be consulted. A method should be put in place.

**Human rights:** It is too wide an area but in general Buwekula people do agree with what has been proposed in the draft constitution. They furthermore propose that once such areas as judiciary, armed forces, finance, citizenship, Leadership Code and others are well catered for, automatically there will not be a lot of human rights abuse.

They strongly support the idea of IGG with more powers and permanent human rights commission.

**Executive:** Ministers should not be given powers to appoint directors of parastatal bodies because they have been abusing these powers. They should only make recommendations to the Parliamentary committee. Similarly the President should not appoint permanent secretaries. This should be the work of the public service commission. What has been the practice has been an abuse of the office. Permanent Secretaries have become small gods on this world. The President should only make ministerial proposals to the same committee or another committee set up to approve ministerial appointees. Ministers should be appointed out of members of Parliament, if we decide otherwise whoever will be appointed a minister will cease forth with to be a representative of the electorate. You cannot serve two gods.

**Local government:** The philosophy in constitution making for any nation is to strengthen the part to build the whole. The main purpose of making the constitution is to strengthen the parts to build the whole, strong organised communities will be the building blocks for a strong better organized Uganda nation. But this should not be based on attachment with individuals, however powerful, however good, however loved they may be, today it should be based, for your information, on social political communities, our communities like tribes in Uganda. Uganda came out of these associations and naturally we are.

People of other countries are focusing on globalization, in the teaching profession, there is what we refer to as "from known to unknown". It is these communities we know first then we come to Uganda as a whole. Why don't we apply this approach? Let us allow districts which want to cooperate, to associate, to share experiences, do so. By so doing in our Constitution, we shall be able to revive the original Acholi, Bunyoro, Lango, Kigezi, Bubende and so on. By so doing, we shall be able to put our meagre resources together, and be able to effectively rehabilitate our infrastructure like schools, roads and hospitals; and eventually we shall be able to speak with a stronger voice.

In my view and the view of Buwekula people, we do think that the new districts created in 1967 Constitution and afterwards were politically intended to weaken Ugandans politically as well as economically. I do not object to the new idea of decentralisation, but I think there should be a way in our Constitution to strengthen it. There is room for improvement in that new system, it is a good idea because it unites all Ugandans and we all believe in putting Ugandans together.

Political parties: the people of Buwekula are for the Movement, they however, propose that the method of either doing away with or further suspension of political parties must be looked into seriously. They propose that this Assembly should endeavour to avoid a situation whereby political party supporters can in future turn round and say they were not given a chance. I remind you hon. delegates that our main duty today is to sit down as Ugandans, not as hon. delegates from different territories. Let us sit down here, formulate a new Uganda. We do not want, after two years, some of our brothers in future to turn round and say they were not consulted. Is there a way we can avoid that? If so, please. Buwekula people do wonder whether there could be a political programme during the transitional period of five years. Can there be political party programme or Code of Conduct, can we set rules in there, not any other group of people, but we people who were elected by the people of Uganda to sit there and make a programme. It may be a different chapter in the constitution, a supplementary one, but let us make a programme for political parties; how they are to behave, when they are to have the delegates conference and how; then eventually people will have a comparative decision. We must give people a chance how to compare the two, the Movement and the political parties, after five years.

National language: I told you from the beginning I am a teacher by profession, and for your information a primary teacher for that matter. We mould the future of Uganda, because the future of Uganda is in the hands of primary schools. Whatever we are doing here, we are doing it because of that and had it not been so, I would not have been here. I came not because I am a politician, but I thought teachers would make a contribution. National language; The people of Buwekula County believe that there cannot be a culture without language, in fact, a language is one of the major components that make culture. If I am not mistaken, each of the hon. delegates is proud of his or her own culture, language being part of the culture. Uganda is rich in a variety of cultures and subcultures. Language is the expression, to your own education. A language is the expression and a custodian of people's culture, and whenever we get out from this hall, I hear different delegates talking their own languages, and by so doing you are displaying your culture. Surprisingly, the proposal so far advanced as regards national language, with exception of two, three people, are not only undermining the integrity and sovereignty of Uganda, but also seem to be having a hidden agenda, I can smell some hatred. My people in Buwekula have no quarrel with Kiswahili as a language, but reasons given to make it more suitable for a national language than any of the indigenous national languages are not convincing. I am sorry to say so. Therefore, the Buwekula people are proposing that as a way of compromise, they recommend as follows: For the time being let English serve the purpose, to gradually introduce teaching of at least four native languages together with Swahili in primary schools. Make one of the native languages that can be examined at any given stage up to 'O' level together with Swahili, after some time say 12, 13 years a national language will emerge. Language is a sensitive issue, because it touches culture. I want to repeat, let English for the time being serve the purpose, teach at least, four native languages from different parts of Uganda, together with Swahili right from primary one as a subject but to be examined. After some time, the problem will sort itself out. At the moment language is not one of our problems.

Traditional rulers: Traditional rulers in the context of Uganda consist of former Kings and chiefs who, until recently, used to rule over vast territories. Some of these leaders or rulers with their Kingdoms or states were of ancient origin. Their people owed allegiance to them which was and still is almost

emotional. NRM Government ought to be congratulated in this direction. Further NRM Government has taken a bold step to create a situation for the making of a new Constitution, an exercise you all engaged in, whereby traditional rulers are one of the issues we are to consider. Traditional leaders are part of our culture in every part. Issues like land are part of our culture, part of our culture in every part, part of traditional rulers and that is why in some parts of Uganda, you hear words like 'Ssabataka' which means a leader of a clan by being attached to land, because the land is known as "ttaka." So, it is part of culture. Furthermore, in some conventions where Uganda is a signatory, culture is one of the areas supposed to be respected. International Bureau of Human Rights, that is international governments on economic, social and culture rights; article 1, I quote; "All people have the right of self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural developments." Article 2, minority part of culture; "States shall protect the existence and national ethnic cultural, religion on linguistic identity and other areas." Obviously, any Ugandan leader who denies fellow Ugandans the right to have their traditional or cultural leaders and chiefs is indeed violating the basic human rights. After all, such leaders enrich our culture besides other useful activities. Buwekula people support the restoration of the cultural leaders with their institutions, very well knowing supporting and maintaining cultural leaders will be the responsibility of the people concerned; that is an internal matter it should not cause alarm in here.

Land system: Although it is acceptable that ownership of land by individual, family or community confers real potential wealth, social prestige and a source of economic security, we should believe so, and that is correct. Land, therefore, should not be public. The policy of privatisation which is currently being recommended by the government should not exclude land ownership. In my opinion land is part of culture; two systems can be pursued, the customary land and freehold -(Interruption).

**PROF. SSENTEZA KAJUBI:** Point of order. Is hon. Wanendeya in order to behave in the way he is behaving in the House?

**THE DEPUTY CHAIRMAN:** Hon. Wanendeya, there are some observations here that you are not behaving in a manner that a delegate should behave;

you are in a corner, but I could not see, actually, what was happening. Hon. Kasole you can continue.

**MR. KASOLE:** Lastly, Madam Chairperson, hon. delegates, but not least, it is of great pleasure addressing this august Assembly, allow me, Madam Chairperson to congratulate you and your Chairman -(Interruption).

**MR. WANENDEYA:** Thank you, Madam Chairperson. If a person is contemplating must that be communicated to everybody?

**THE DEPUTY CHAIRMAN:** The hon. delegate who aired a point of order, you have received the response from hon. Wanendeya. He was contemplating.

**MR. KARUHANGA:** Point of clarification. I just wanted to clarify for the benefit of the Members, that for us who are with hon. Wanendeya in another organ, that is part of his culture, that is how he contemplates.

**THE DEPUTY CHAIRMAN:** Okay, that is enough on that issue. Let us allow hon. Kasole to wind up.

**MR. KASOLE:** Madam Chairperson, last but not least, allow me to congratulate you and your Chairman on achieving that high office, and Buwekula people do believe that with your experience both of you, you will be able to lead this House to accomplish the noble task. I have been saying all these on behalf of Buwekula people and for God and my country (Applause).

**THE DEPUTY CHAIRMAN:** Thank you very much, hon. Kasole, thank you very much hon. delegates for this lively discussion, and I think we can call it a day for today; we are adjourning until tomorrow at 8.30 a.m. to enable our brothers and sisters in the NRC to go and transact business there. Thank you.

*(The Assembly rose and adjourned until Wednesday, 6th July 1994 at 8.30 a.m.)*