



THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 6TH JULY 1994

MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 600]

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Wednesday, 6th July, 1994.

The Assembly met at 8.30 a.m. in the International Conference Centre, Kampala.

(The Deputy Chairman, Prof Victoria Mwaka, in the Chair)

The Assembly was called to order

MOTION

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

(Debate Continued)

MR. LOROT (Pian County, Moroto): Pian County is located in the Southern part of Moroto District. In the West, it borders Usuk County, Soroti District. To the South west is Bukedea County, Kumi District. To the East and South, it borders its sister county of Chekwi, represented by hon. Naburri.

The people of Pian county are very grateful to the NRM Government for having made it possible for the people of Uganda to fully participate in the making of the draft constitution. This has been a rare democratic opportunity in the history of this country where the people, themselves, have been given this chance to decide on the future of their nation.

I have been asked, Madam Chairperson, to congratulate you, the Chairman and all my Colleagues - hon. delegates, upon their successful election to their respective offices in the Constituent Assembly. My people appeal to the hon. Delegates to deliberate objectively and constructively on this important matter of our constitution.

Hon. Delegates, we have an enormous and formidable task before us. It is only when we are able to accommodate each other's views, that we shall be able to achieve our purpose of sitting in this august House. My people, also, strongly appeal that the views of the minority and the disadvantaged should be heard, appreciated and respected.

On the issue of land, the people of Pian County recommend that all land should belong to the people.

That is, every citizen of this country should have easy access to it. Land should only be owned by the true citizens of this country. They also propose that the management and use of our land should be regulated by the local councils. In the current policy where land is managed by Uganda Land Commission, it is extremely difficult and time wasting for some one especially those from remote areas like Karamoja to process a land title. They also propose a uniform land policy and in this case they want a freehold land tenure system.

The people of Pian County recommend English as the official language and Swahili as the National Language. They prefer Swahili because this is a language which can be easily learnt without having to go to the classroom. It is also a language that is widely spoken by the majority of Ugandans and its neighbouring countries.

The people of Pian County highly support the provisions of article 23 Clause I and 2 which require the State to bring about equitable and balanced development of the different areas of Uganda and also to take special measures in favour of the least developed areas. We the people of Pian and, therefore, Karamoja as a region hail from these least developed areas. You may not believe that in this 20th century there are still, within this country, areas where people have not seen electricity; have not seen water; and the way a tarmac road looks like or a train. As I speak now, there are people who have never seen what an aspirin or a modern drug is and, yet, we boast of having health for all by the year 2,000. This is a shame. Whereas there has been deliberate negligence on the part of the state not to develop Karamoja, I would like to borrow the words of Hon. Atwoma Okeny in his paper circulated to the hon. Delegates recently. I quote: *'nowadays some people clamour for the return of the good old pre-colonial days, or even desperately advocate for return of colonial powers to rule over us again.'*

I would like to assert that, the Karimojong are among these desperate lots who feel their welfare was real catered for by the colonial government than any of the governments that came thereafter. If anything, even the little development structures and institutions established by the colonialists were ruined during by the post colonial regimes. All successive

governments, after the colonial administration have viewed Karamoja as a region of little or no political and economic administration. They have not given it any serious attention.

In the new constitution, we would like to seriously draw the attention of the state and everybody in this country to the Karamoja problem. The Karamoja problem should be seen as a national problem. Let us stop looking at Karamoja in isolation from the rest of Uganda. We appeal to all progressive forces to come forward and forge a new but concerted approach to the challenges of under development in this region. Karamoja has the potential wealth which, if exploited, can contribute greatly to the development of Uganda.

On the social objectives, we in Pian County, strongly oppose the policy of cost sharing in our health and educational services. Adopting this policy, today, means that those disadvantaged areas in this country, like Karamoja, of course, will remain in their status quo. 'No education means no development; unavailability of basic and free medical services, means death to the poor population of this country.' Generally, lack of clean drinking water has led to many people contracting and even dying of such diseases as guinea worm, bilharzia and other water borne diseases. Karamoja is a victim of this situation. The Karimojong have had to cross into neighbouring districts and even countries in search of water. In so doing, they have often been rebuked. To avoid this conflict, the people of Pian County, appeal to the state to provide bore holes, valley tanks and dams for the Karimojong and in large numbers. In all, we the people of pian County, recommend that the state provides free basic education, free basic medical services and clean drinking water for all the people of Uganda.

This year, 1994, has been a year of misfortunes arising from natural disasters like famine and earthquake. In the circumstances, Ugandans have lost lives and property. This has also had an effect on our economy. As many as 15 district or more, by now, have been affected by famine arising from a prolonged drought. And Karamoja as usual, is among those. Unlike other districts, Karamoja has been a chronically food deficient region. Because of prolonged droughts, famine has claimed many lives and has also forced many persons to take refuge in and outside Uganda in search of food.

It is so shameful, when I read in the paper yesterday, that His Excellency, the President could not believe that in this country people have died of hunger. The case of Karamoja is not new. In 1980, we had a crisis where many thousands of Karimojong died of famine, and today they still die and they have died of famine. It is really unfortunate to hear that the state is not aware that the people of Karamoja die of famine. It is, however, not true as believed by some people like hon. Lt. Col. Frank Guma that the Karimojong are lazy and therefore, have to rely on food handouts from Relief Agencies and Government. Hon. Delegates who have been to that part of the country will bear me witness that the Karimojong are hard working, except they are always let down by natural factors, like lack of sufficient rainfall.

Learning from the calamities that have hit this country this year, that is famine and earthquake, we propose that the state establishes a national preparedness and disaster commission. This will serve as an insurance against uncertain calamities such as drought, famine, earthquake and any other disaster.

I would also like to use this opportunity to thank all those people and organizations who have hosted the Karimojong. Our gesture and appreciation go, especially, to the people of the district of Mbale, Iganga, Jinja, Soroti, Lira, Busia, Masindi; to mention but a few. We would also like to pay tribute to NGOs and all people of good will who have come to our rescue, whenever we are struck by this misfortune. We are, however, disappointed at the degree at which Government responded to the famine situation in the North and North east, this year. It gives us the impression that the way government responds to an emergency situation differs according to the regions and perhaps according to who is affected. I am comparing this situation to what happened with the floating dead bodies from Rwanda. Funds were mobilized very quickly and in large amount only to bury the dead, rather than save lives. This is very shameful!

As regards the environment, the people of Pian County believe in protecting and conserving it. They, however, observe that in the allocation and demarcation of National Resources, past Governments have not consulted the people. As a result large chunks of land have been taken away from the people in favour of animals and forests. To us in Pian, this is very inhuman. People's welfare should be considered first and other things later. We.

therefore, denounce the act of displacing people in Mount Elgon, around lake Mburo or elsewhere, in order to save baboons and hyenas. In the case of Karamoja, the best productive land was gazetted as game parks or reserves and forest reserves. People, on the other hand, have been sent to live on barren land. This explains the chronic food shortage in that region. They, therefore, strongly recommend that all the fertile land that was allocated as game or forest reserves be de-gazetted and allocated to the people to grow food. I also support this recommendation.

On article 36, clause 5, we recommend that a certain percentage of monies accruing from utilisation of national resources in a given area be 'ploughed' back for use in the development of that area. For example, money from tourists visiting Kidepo national park has never been used to improve the welfare of the community surrounding the park.

The people of Pian County do not support dual citizenship. All the citizens of Uganda should have national identity cards and can have a passport as a right but not as a privilege, as it is the case today. That the citizens of Uganda should take precedence in what ever decision of welfare the state takes. I am saying this because, today there are many refugees in this country. There are also displaced persons I would call domestic refugees, again, the Karimojong are among these displaced persons.

I am reliably informed that there was an attempt to evict the Karimojong who are living in Kiryandongo - Kibale County of Masindi District, in favor of resettling foreign refugees. With due respect to international conventions regarding refugees it is only fair and just enough for the state to look after her citizens first.

DR CHEBROT: Point of information. I thank the hon. member for a very good speech. But, I would like to inform him that Government has made no attempt to remove the Karimojong who are living in Kiryadongo. The refugees who are living in Kiryadongo have got a specific area where they are living and nobody has told the Karimojong to live Kiryandongo at all. Thank you.

MR. LOROT: Thank you very much for that information, the Deputy minister of Local Government. I said there was that attempt but it did not happen.

On fundamental human rights. Some parts of this country especially Karamoja have been denied justice, because of non availability of magistrates, judges, the police in that area and people have been remanded for several years without trial. Police are required to assist magistrate courts to investigate cases. In Moroto District, for example, there is one police post only confined to the town, and this is poorly facilitated. For justice to be clearly done, article 58, clause 1 should be strictly enforced.

In regard to Article 59 Clause 2 paragraph (a), the people of Pian County have instructed me to say that, every Ugandan should have a right to move freely throughout Uganda and to decide and settle in any part of Uganda without un due discrimination or prejudice. Today, many Karimojong have had to flee Karamoja for other parts of Uganda in search of food and security. It is this provision in the constitution that shall protect them from discrimination and harassment.

Disadvantaged groups like orphans, widows, the disabled, the handicapped and the aged should be given special protection. In this way, the state should deliberately provide for their welfare and protection.

As regards women, the people of Pian County who are a product of woman recognise their dignity and the important role they play in our societies. But they observed that the urban and educated women have overshadowed their rural and uneducated colleagues. They therefore, appeal to the urban and educated women to revisit these in-equalities.

On representation of the people. We in Pian county assert that political parties, which have in the past brought division, hatred and suffering among Ugandans should wait. For sure, Ugandans have not recovered from their agony and ugly memories. I do not have to discuss that. Those of us who lived in this country during that time know what happened. Meanwhile, they propose that the NRM system of Government which has brought in peace, unity and stability, and has promised them development is entirely supported. They, therefore, want this system of government to continue for the next five years after the making of the new constitution. This will also give the parties ample time to re-organise themselves. After the five years, they propose that the people of Uganda should be consulted to decide as to whether the Movement system should continue or the multi party can be revived by holding a referendum.

As regards monarchs, their message is very simple. Those who want kingdoms can have them; but the role of the kings should, strictly be cultural and never political.

On the executive. I have been instructed to convey to this august Assembly that the person to be elected president must be of a clear Ugandan citizenship; above 40 years of age; and that he or she, must have a minimum formal education of a university degree. Madam Chairperson and hon. Delegates, you will agree with me that this country has been mismanaged by presidents who were illiterate and who were also alleged to be non-citizens of this country. They plundered the nation, killed her citizens and later ran away leaving us behind in real poverty. The president must be directly elected by all the people of Uganda, regardless of whether such a presidential candidate is a member of a political party or movement. He or she shall hold office for a term of five years and shall not hold this office for more than two terms. Similarly, the Vice President should also be directly elected by the people of Uganda, so that, in the event of the equivalent president dying or resigning, he can assume the office of the president.

Parliament should have the right to remove the president in the case of constitutional, behavioural or physical incapacity. This is because, experience has shown that, Presidents have had a tendency of abusing or misusing their offices.

On the Cabinet, they recommend that, there should be a reasonable and affordable number of Ministers and their deputies appointed by the President and not from among the members of parliament. This is meant to ensure checks and balances. It has also been observed that ministers or their deputies have tended to concentrate more on their ministerial jobs and have neglected their constituencies. So, appointing ministers and their deputies outside parliament will give them ample time to concentrate on their ministerial appointment. There is need to have a small number of Cabinet Ministers and deputies because it is expensive to maintain these offices. They require lavish cars, domestic servants and very decent and expensive houses. All this means large expenditure to the tax payers. With a few ministers and their deputies, the country can save money to improve on the much desired social services. Where the public is not satisfied with the conduct or performance of a Minister or deputy, parliament should have the right to remove or resolve on the disciplinary action to be taken against such a minister or deputy.

On article 123, the people of Pian recommend that, unlike the case now, the Attorney General should never be a minister of justice. Article 129 - they say that, the president in consultation with parliament but not the National Council of State, by promulgation, declare that a state of emergency exists in Uganda or any part of Uganda. We are saying this because there is a legislature which is the supreme organ of government and, therefore, very important decisions like declaring a state of emergency must have their authority.

On the issue of legislature, my people say that, members of parliament should be directly elected by universal adult suffrage. The electorate should have the right to recall their Member of Parliament where they feel that he or she has not performed to their expectations or where such a member of parliament will not have delivered the services promised when he or she was soliciting for votes. Any member of parliament wishing to defect or cross the Floor should first seek the mandate of the electorate. Like the president, the members of parliament shall hold office for a term of five years and shall not hold this office for more than two terms.

The composition of parliament should include one woman representative from each district elected by all eligible voters of that district. The view that only 15 women represent all women of Uganda is not acceptable. They ask us what criteria are going to use to appoint the 15 women, without omitting the representation of the minority?

Pian county supports the establishment of the National Council of State. We see this as a body that will ensure checks and balances between the executives and the legislature. This body will also advise the president and be able to resolve conflicts of disagreement that may arise in government. We also see the establishment of this body as an opportunity to create a balance in the making of important appointments to the various organs of the state. Today, there is total imbalance in these appointments. For example, there is no Karimojong serving in the diplomatic service as a Cabinet Minister; as a permanent secretary; or as a managing director in any "parastatal" of government, to mention but a few. They contend that the National Council of State should not be chaired by the president, but by the Speaker of the National Assembly. By so doing, it avoids the risk of the national council of state being manipulated by the president. Where there has been

unresolved disagreement between the executive and the legislature, and this agreement has been resolved by the referendum, the decision of the people should be considered final. This is the cardinal or the fundamental requirement of the constitution.

On defence and national security. Hon. Kule Muranga of Busongora North said that people are not born rebels, but rather, are forced to become so by circumstances. In the case of Karamoja, the Karimojong were not born warriors or cattle rustlers but the conditions of obtaining in that unfortunate part of Uganda forced them to acquire arms. I would like to inform this august House that, until now, the state has failed in its obligation to protect the people of Karamoja against external aggression. The Karimojong have been forced to protect themselves from their historical enemies from Sudan, Kenya or even from within.

A HON. DELEGATE: Point of order, Madam Chairperson. The hon. delegate holding the Floor is telling us that, the rustling in the Karimojong area is a result of circumstances that, may be, are external or were imposed on them. But I remember about five days ago, there was a very heated debate that, in fact, rustling is a culture embedded in the Karimojong way of life. I beg for clarification. Thank you very much, Madam Chairperson.

MR. AKURE: Point of order, Madam Chairperson. Is the hon. delegate in order to try to justify cattle rustling in Karamoja and blame it on other developments when there is Karamoja Development Agency which has been put in place? Is he in order, Madam Chairperson?

THE DEPUTY CHAIRMAN: So, usually that is the problem, when something is done and you do not see the results. But that is not what I am saying. He may be aware but has his reservations.

MR. LOROT: Thank you very much, Madam Chairperson, for your good protection. The hon. Member from Jie, who also happens to be an NRC Member is very much aware of the problems of Karamoja Development Agency which are some times referred to as Karamoja Develop Arua. The results, for sure, have not been seen.

MR DICK NYAI: Point of order, Madam Chairperson. Is the hon. Delegate holding the Floor in order to deliberately change the name duly given to

the Karamoja Development Agency to impute that the people of Arua are benefitting from what is given to the Karimojong?

THE DEPUTY CHAIRMAN: I cannot make a ruling on that one.

MR. ATAMUAKU: Point of information, Madam Chairperson. I would like to put the record clear. The invention from Karamoja Development Agency to Karamoja Develops Arua is not new. It arose within the Movement Government, itself, when it failed to account for the trailer of the Karamoja Development Authority to deliver goods. Typical of it, the government diverted the attention of the population in Karamoja region from its own failure to the Arua people reflecting the principle of divide and rule. Therefore, it has nothing to do with the people of Arua, it has more to do with the Movement policy of divide and rule.

THE DEPUTY CHAIRMAN: That was good information.

MR. CHANGO MACHYO: point of order, Madam Chairperson. Is the hon. Member from Arua Municipality in order to deliberately mislead this assembly by imputing that it is the Movement Policy to divide people?

THE DEPUTY CHAIRMAN: I had made a ruling on that one. A personal interpretation should not be over stressed as Chango Machyo said, it may mislead us. I do not think the Movement system is a divide and rule. It is a new kind of system, because otherwise, we would not be here. So, let us not open the old wounds. That was before, now it is a different phenomenon. Thank you, very much. I think I better allow the presenter to continue with his presentation.

A HON. DELEGATE: Point of order, Madam Chairperson. I thank you for your ruling, although, I will raise a point of order here. Given that the invention of Karamoja develops Arua is un-authentic, was the hon. Delegate in order to mislead the House as if that kind of invention is from any official circle. Thank you.

THE DEPUTY CHAIRMAN: That may be your own interpretation which you are not to impose on anybody in this House.

MR. LOROT: Thank you very much, Madam Chairperson for your protection.

A HON. DELEGATE: Point of order, Madam Chairperson. Why I raised my point of order, to ask whether the hon. Delegate holding the Floor's invention, is because Arua is being blamed for under developing Karamoja. As a country, I think this is grossly unfair to the people of Arua. And on that basis, Madam Chairperson, I would beg that these kind of statements which divide the people should be withdrawn *(Applause)*

THE DEPUTY CHAIRMAN: Can we have some order? That is, as I said earlier, his own feeling. If he is willing to withdraw, he can withdraw but if not you can disregard it.

A HON. DELEGATE: Point of clarification. Thank you Madam Chairperson. If I remember when the hon. Member made the statement, he said 'KDA which is sometimes being referred to...' Could he clarify to us who are those who sometimes refer to KDA as Karamoja Develops Arua.

THE DEPUTY CHAIRMAN: Can you respond to that one?

MR. LOROT: Thank you very much, Madam Chairperson. It is at times within the circles of Karamoja and because of the failure of Karamoja Development Agency to deliver-*(interruption)*-

THE DEPUTY CHAIRMAN: Hon. Delegates, we said that we should learn to tolerate each others' ideas; each others' statements. So, if you cannot allow the member even to explain your point of information or to explain anything, then where are we heading to? We should tolerate each other. Let him speak. Let us be orderly, please. This is just a general debate, there will come a time when we shall be, really, hitting the hammer on the head of the nail.

MR. NABURRI: Point of order, Madam Chairperson. Is the hon. Member in order to mislead this House, that KDA has failed. When he knows very well and as a native of Karamoja, that KDA has done a lot since its creation. KDA has opened more than 450 kilo meters of inaccessible roads in Karamoja. KDA has put in place more than 4 big dams each of them holding more than 80 million litres of water. Recently, the hon. Member received from KDA iron sheets for a dip in his constituency. There were about

60 iron sheets supplied to the hon. Member, plus timber. Is it, therefore, in order for an hon. Member who is enlightened to mislead this House that KDA has done nothing. It means these are the people who even mislead the Karimojong. KDA has done a lot given the meagre resources available to government. Is he therefore, in order to mislead the House. I thank you Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much for that point of order. Actually, I think, after that clarification, the Member on the Floor was not in order to use the fact that he does not know that things are happening in his own region. So, I would advice you to go and when you see something being done, whether it is 1 per cent or 10 per cent, you have to define the degree of performance. So, it is the degree of performance rather than non-performance. The two are different. So, I think on that note, honestly, you were out of order.

MR. LOROT: I was talking of the security in Karamoja. In the event that the state has failed to protect them, the people of Karamoja on their own initiative acquired arms. This is where I stopped. These illegal arms have been grossly misused. These instruments of death have been indiscriminately used to kill and rob property from within and outside Karamoja, and also outside Uganda. We condemn this. My appeal, therefore, is to request the State, through the new constitution, to make a deliberate effort to protect the Karimojong and any other Ugandans. They should not be left to protect themselves as if they are second-class citizens of this country.

The security of Karamoja today has had a direct negative effect on the economic, social and even political views of, not only the Karimojong, but also our neighbours. I may not have to elaborate on this obvious situation, my neighbours know what has happened. It is a very sad situation. But seemingly to redress this dilemma, the NRM government has allowed the Karimojong to 'own' arms illegally. To us in Karamoja we are saying that this is not the solution to Karamoja security. The problems of insecurity in Karamoja are being compounded by either the absence or inadequate presence of security institutions like the police, prisons, and the army. This implies that, there is no law and order in that region. However, currently, there is a positive initiative by the Karimojong themselves to police the region by creating a local force called vigilantes.

These are Karimojong men and women who with their guns have volunteered to come out and combat all elements of lawlessness like: road thuggery; cattle rustling; and all others related to the maintenance of law and order. I would like to appeal to all Ugandans to support this positive endeavour. Because the Karimojong are helping the state to create peace with their neighbours.

On the international perspective, Karamoja occupies a strategic position in the security of this country. The Karimojong have often crossed into Sudan and Kenya. Allowing them to traverse these international boundaries will risk or jeopardise our relationship with the neighbouring states. We are specifically saying that the Karimojong's going into these countries will risk the danger of going to war with those neighbouring countries. They say, we should therefore, protect our border along the Karamoja corridor, if we have to avoid this risk.

Hon. Chebet Maikut, my neighbour from Kween County, in his contribution mentioned about the Blood Money Scheme. This was money paid to compensate persons killed by the Karimojong in the course of their raiding adventure. The revival of this scheme would be acceptable. Except that, in the past, the mode of effecting it was abused. What happened was that, the cattle confiscated from either the criminals or the community at large, would be sold, but the proceeds would not be given to the rightful claimants. This scheme can still be revisited.

As regards the army, the people of Pian County, would like to have a National Army that is affordable and that such an army must comprise of all ethnic groups of Uganda. The army should be recruited under a prescribed national system which will ensure that all the districts of Uganda are represented. Today, the representation of our army is not balanced. Some ethnic groups have, obviously, taken the lion's share. My people of Pian County strongly say that there must be no tribal army. There must never be a personal army to the president of the day. Like certain armies which have been referred to as Amin's, Obote's, Lutwa's or even Museveni's. The army should be taken as a profession. Our National Army must be made up of only citizens of Uganda. It is an historical fact, hon. Delegates, that our past armed forces have included non citizens like Banyarwanda and Sudanese, and in substantial numbers. This must not be repeated and should be seen in the new constitution. The army is a very vital

institution in safe-guarding the constitution. It is in this regard that we want our National Army to be educated in the provisions of this law and to emphasize on the importance of always defending it. We also know that it is quite often the army that has overthrown the government or abrogated the constitution. It is the humble prayer of the people of Pian, that the hon. delegates will come out with a constitution that will bring peace, unity and political stability in our mother land Uganda. For God and my country. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much for that provocative presentation.

MR. CHEPSIKOR (Youth-Eastern Region): Thank you very much Madam Chairperson. First and foremost, I congratulate you for being elected to this august assembly. Our coming here is a clear sign or indication of democracy in our country. Further more, I thank the electoral commission for conducting fair elections, for the first time, in the history of our country. However, the use of government vehicles by those in power during the campaigns was a very unfair situation. It marked a sign of oppression by those in power. This was an indirect way of rigging elections. But all the same, it is good, people elected the right people.

The youth is defined as a period or stage of being young, especially a period of being a child and being fully grown. This is early life. It is a group of young men and women with great promise and energy. The number of youth in Uganda runs as follows: Those 18-30 years are approximately 28 per cent of 17 million. Those under 35 are approximately 78 per cent of 17 million.

For long, politicians of this country have ignored the youth. The youth face a great problem of unemployment. We need to fully participate in our country's politics to avoid being misled by old political timers. The future of this country depends on the youth of the present generation. Great thanks to the NRM government for allowing the disadvantaged group, more especially the youth and women, to participate in the politics of our country, especially, in the constitution making. I am, therefore, convinced that for the first time in the history of our country, we shall have a better constitution.

Regarding the constitution we have the following. We have discovered that the first constitution had

been unjustly imposed from morally bankrupt cultures of the West that are also inherently, politically, unjust. The 1967 constitution was itself, destined to lead to crisis. This was made in Britain and handed over to those who attended the Lancaster Conference. The constitutional history of Uganda, makes an interesting story. It all started in 1894, with the formal declaration of a British Protectorate over land with peoples of differing backgrounds, interests and opportunities. They had to be governed according to some documentary mechanism. After 6 years, therefore, law was handed down from London. This led to interesting and painful drama in our country. As a youth of this country, we do not want to repeat such a chronic problem. We are not ready to act as wind vanes who would swing with opportunities.

The president's privileges and immunities should be defined clearly. Secondly, his functions and duties should be defined properly to avoid dictatorship and bad leadership. Further more, the process of how he or she shall be succeeded or deputised should be indicated clearly. And while holding office, the president shall not be liable to proceedings in any court but he or she should have exemplary behaviour. He or she should be able to pay taxes, as all citizens, depending on his or her income. He can have on the maximum two terms of office, but elected democratically. The president should be a citizen of Uganda by birth. His or her identity should be traced up to great grand parents. This must be clear. The president should not be less than 25 years of age and a holder of a university degree. He or she should be elected by all the people democratically.

Education and man power. It is good the hon. Minister of Education is here. I would like to put it clearly, that any government with no clear policies to education has no support from the youth. The moral and academic standards have deteriorated in our country. The quality of staff and students' life have badly collapsed. Education in our view as youth is a very important investment which can improve men and women who improve the political and socio-economic structures of our country. It is a very unfortunate situation as most people, today, do not complete school because of financial constraint. To make it worse, cost sharing is being introduced, and more over the people introducing it are rich and they are the ones who enjoyed free fair education. We better cost share in other areas but not in education. The following are some of the recommendations:

i) Government should make sure that schools, col-

leges, universities and the like are environmentally and socially suitable for learning.

ii) Girls should also be encouraged to go to school - this caters for gender sensitivity and women development. It is not good to educate boys only.

iii) the curriculum should be appropriate. For instance, encourage vocational training.

iv) Financing educational institutions and, in particular, offering free education from primary to university levels should be given priority by government if ignorance and disease have to be eliminated.

v) Promoting of youth programmes, including extra-curricular activities, right from the grass roots up to the national level with a target of promoting unity and peace in our country.

vi) Scholarships should be distributed in a fair way. In the past when you were from the North and the Minister of Education is from the North you were given the first priority. We do not want this kind of thing to happen again.

vii) Teachers or lecturers should be motivated by offering them better terms of service and facilities. For instance, their payments should be fair, and in fact 35,000/shillings is very little.

The best system of government is that which ensures fundamental human rights. Here the law must remain supreme. Respect for human rights, in itself, is not sufficient. It must go hand in hand with commitments by the government of the day to reduce social and economic inequalities; stamp out corruption, especially, at the highest level. A good constitution needs to foster the will of the majority, while at the same time, it is democratic enough to accommodate the views of the minority. In a nut-shell, the opinions of the minority should be tolerated and respected. We also need equal opportunities on the utilization of the country's resources - hence the national cake to be shared equally. Furthermore, every person in Uganda should be able to enjoy equal protection of the law of our country. A right to: security of persons and property; lives; liberty; freedom of association; and the like.

Amin and Obote regimes abused our human rights. There was massive killings and brutality, rape, abuse of language etc. Ugandans used to die daily, in fact, you witnessed this.

Now, regarding food security, I would like to say that, it is really a very unfortunate situation, that the government ignored the situation in the East and the Prime Minister intervened at a later hour. This was

not good. When there was an earthquake in the West, the next day, I saw trailers moving with blankets and the like. This is not good. This is our country. When there are problems in the East or in the West, please, solve them. We do not want this kind of division to continue.

MR. TUMWINE POLLY: Point of order, Madam Chairperson. Is the hon. Member in order to mislead the House by saying that when there was an earthquake in the Western, trailers were moving, when we know that it came to the time when the NRC had to call consultation of Government. After about two weeks, that is when the Government had to attend to that problem.

THE DEPUTY CHAIRMAN: I think the hon. Member on the Floor, you are a little bit speculative. I wish you could give us the facts.

MR. KARUHANGA: Point of order, Madam Chairperson. Is it in order, for the hon. Member to say that when there was an earthquake in the West, the following day there were trailers taking blankets and - that is not good. If it is true that there were blankets going, which is debatable, is that a bad thing? Therefore, is he really in order?

MR. WAGIRA: Point of order, Madam Chairperson. Is it in order for the speaker who has just left the Floor to quote the hon. Delegate out of context and actually distort the messages conveyed. In fact if he said the following day, he could have as well been talking metaphorically, reflecting the urgency of how the attention was drawn in one part and how - I cannot find words really to...

THE DEPUTY CHAIRMAN: Let me make my own interjection, here. With due respect to all the arguments that are coming from the Floor, I had ruled that he was out of order to state that the West receiving so much and whatever have you. After all, I am a geographer, Kabarole does not make up the whole of the Western region. In the first instance, It was on the Rwenzori Mountains. These blankets were not from Government, I think they were from NGOs. I remember *the Monitor* and Rotary clubs contributing. I wonder whether the government has a say in the donations from voluntary organisations.

On the other hand I have heard people, actually, donating food and whatever have you. I have just received a card, where women are mobilizing funds

- 50,000/- shillings each card, to fund raise for the famine people in the East. So, let us not make such an elephant out of a rat. Sorry to use that language. These are important issues, but I think we should be able to balance ourselves. I agree that relief went to the West that was just one item. While Karamoja is in problems, the whole of Uganda is in problems. Otherwise, if each one of us started complaining that would not be the issue we are discussing here...

DR. KAKUNGULU: Thank you very much, Madam Chairperson. There is a point of contention here. We have so many points of orders at any one time, I am suggesting that we first pass a ruling on one before we proceed to another point of order. Thank you, Madam.

THE DEPUTY CHAIRMAN: The problem is, people are hiding under points of order to give information. That is why sometimes I disregard then. You say it is order, but then you are giving information. If there is order, I move on to another person.

MAJ. GEN. TINYEFUNZA: Point of order, Madam Chairperson. Is it in order for the Chair and for the Members of the Assembly to try to dictate the views to the Constituencies which the delegates are representing here? I would imagine that the speaker was giving the views of his constituency on the equitable distribution of services between East and West, and I think it is not in order for this House to dictate what Members of the Constituency should present. I think we should be open to listen to all views. Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much. As long as the observation of the hon. Member is that the whole of the Eastern saw lorries of blankets going to the West - if the whole of the Eastern Region saw that and that is his presentation, I have no problem with it. He can continue.

MR. CHEPSIKOR: Thank you very much, Madam Chairperson. The truth remains the truth. What I was emphasising is that government, actually, acted faster when that calamity happened in the West.

It is important to have a clear-headed and effective Public Service in our country. This is the concern of every Ugandan. We need a Public Service which is responsible, dedicated, loyal and with national feelings. Sectarian tendencies should not be extended up

to this point. Proper official conduct should be observed, for instance, the officials have to be disciplined. The Public Service Commission should also be independent so that they employ people basing on merit but not *kaviyo* or tribalism. Appointments and promotions should be by merit and not blood; pensioners should be given fair services because these are men and women who, at one time, contributed to the development of this country. Therefore, their role should be recognised and their pensions increased to improve their standards of living and economy.

The quota system should be applied during the time of intake or recruitment into the Army and Police. This avoids the problem of imbalance. At present, all the heavy ranks are in the West; during Amin and Obote regimes, all the high ranking officers came from the North. This should not happen again! What about other regions now? The name NRA should be changed to Uganda Army if we allow the Movement system to continue for five years. The age for recruitment in the army should be above 18 years and not young children and the minimum standard of education should be 'O' level, more especially, in Police. Their salaries and allowances should be increased to avoid looting and corruption in the Army.

The President should not be in command of the Armed Forces, now that we have the Minister of Defence and other commanders. It is not necessary for the President to intervene here, he could only guide but not to be in command.

Traditional rulers and leaders. Those who want their traditional leaders are free and we have no problem as long as they will not interfere with the national politics *-(Interruption)*.

MAJ. TUMUKUNDE: Is it in order, Madam Chairperson, for an hon. Member to misguide this House by giving an impression that His Excellency is the Commander of the Army, when we have a whole Commander of the Army seated in this very House.

MR. CHEPSIKOR: I mean Commander in Chief. Get it clear from me. get it now or never.

THE DEPUTY CHAIRMAN: I think that clarifies the issue.

MR. CHEPSIKOR: Women and youth projects. We need equal opportunities in our society today - men, women, youth and the like. The efforts of women and youths should be recognised in nation building. The government should be able to support them financially and materially. All sorts of oppression or impediment to disadvantaged groups, more especially, women and youths must be eliminated to allow fair participation in public services. Women have a right to inherit their husbands' property without any question.

In the East we have no problem with political parties. The right to form political parties should be guaranteed. Political parties should be free in setting their programmes, but I am grateful NRM Government has, actually, accommodated them. However, all in all at the moment the Movement system should continue for five years. In fact, we have realized that political parties need reorganization. What we have learnt is that their leadership is not 'okay'. Political parties have no problem but leadership. So, NRM Government should continue so that these political parties can, afterwards, continue without any problem. In Uganda we have not yet sorted out our political problems, we feel the Movement should continue because is multi-ideological but not uni-ideological as political parties. Here I mean to say that the Movement system accommodates all the parties without any problem; so why not accept such a Movement now? If UPC can talk, DP can talk without any problem, why not accept such a system to continue for five years? However, despite ideology, nationalism must be the key direction. NRM has clear objectives and fair membership and it encourages restoration of democracy, justice and unity. The sovereignty of power must be with the people and not government. We need a political system which, actually, fosters development in terms of health, education and the like. In summary, we recommend the extension of NRM for another five years to accomplish its programme and lay a clear ground for political parties.

The disabled have been ignored by government for a long time. As a priority they should have free education as a way of developing them.

The displaced children on streets should be looked after by government. In fact, these are our children. They are in Uganda and we should erect some houses for them and also give them education.

Finally, we do not concur with the government statement that circumcision of women should stop. Here I did my consultations and I am now saying that circumcision of women should be optional. When I went to Kapchorwa District I consulted the youth and they told me that it should be optional so that with time it stops. In a nutshell, I wish...

MR. WAGIRA: Point of order, Madam Chairperson. Is it in order for the hon. delegate to assume that the issue concerning the women of Kapchorwa is a local affair, when actually somebody in Mbale or even Palisa where I come from might have an interest in Kapchorwa. Thank you.

THE DEPUTY CHAIRMAN: With due respect, I think the Member on the Floor is relaying the word from the youths of the Eastern Region.

MRS. MATEMBE: Point of information, Madam Chairperson. I would like to inform the hon. Member holding the Floor that when we were going around asking people's views about this culture, the women were saying that they did not want it while the men were insisting on it. Now, in a situation where women, currently, do not have, even, powers over their sexuality, how can this question be left to the issue of option? Currently, women have no choice, they do not even determine anything to do with their sexuality because even the whole being belongs to men, and it is men who decide for them. How can it be done optionally?

DR. CHEBROT: Point of clarification, Madam Chairperson. I would like to clarify one point which Mrs. Matembe has just raised. It is not true that the men are the ones who want the women circumcised. On the contrary it is normally the old women who coerce the young girls to be circumcised for some strange reasons. It is the old women who encourage the circumcision of the young girls, but not the men. Now, men in Kapchorwa get married to women who are not circumcised which is clear that they want the uncircumcised women and not the other way round.

THE DEPUTY CHAIRMAN: Okay, I think that is enough clarification. Let me call the Member on the Floor to continue. You have very little time remaining.

MR. CHEPSIKOR: Thank you very much, Madam Chairperson.

In production, land is a very important asset; it is one the Uganda's most precious resources. As regards land, the following should be observed: One, the land should be appropriately utilized to ensure or foster its optimum utilization. Secondly, the land should belong to the people. By this I mean citizens, and government should be able to protect the citizens from any external force. In case land is required by government for any project, then negotiations with the owner should be promoted and compensation fully effected - so that the owner can secure another place. Therefore, the question of saying land should be public is out. The parents should be able to give their land to their sons and daughters immediately they reach 18 years so that they may plan for it accordingly. This even solves the problem of unemployment. It is our right to acquire land.

The issue of land titles should be decentralized up to the district levels so that the peasants may also have the opportunity to lease their small plots. Then as regards the 49 years for lease, we have no problem with that because the terms observed by the Land Commission are flexible. So, this can be changed, we have no problem with that.

Regarding the republic I have this to say: Uganda should be a unitary republic as stipulated in the Draft Constitution. This fosters unity amongst the nationals, more especially, the youth. Our problem is coming together first so that we solve our problems as a united force. So, we recommend a republican system.

As far as religion is concerned, freedom of worship should be allowed. If you want to believe in Islam, Christianity, in rocks you are free as long as it can make you happy. So, we have no question with this one.

The language, of course, should be Swahili.

Finally, I wish the hon. delegates good health and definitely good deliberations. May God bless you all.

THE DEPUTY CHAIRMAN: Thank you very much hon. Chepsikor. Now, may I call upon hon. Kutesa Sam K. - Mawogola County, to take the Floor.

MR. KUTESA SAM K. (Mawogola County): Thank you, Madam Chairperson. I congratulate all hon. delegates upon their election to this Assembly. Personally, I have participated in three elections in

this country since 1980 with very varying fortunes, but I must say that this last election was the most expensive I have participated in. It was expensive in terms of time I had to spend on consultations; it was expensive in terms of energy; and it was expensive in terms of God knows what else. I do hope that in our deliberations and the laws that we shall make we shall ensure that the next and subsequent elections are made less expensive in all those categories I have mentioned. Having said that, however, I would like to say that the last election was the most free and fair election I have participated in since 1980 (*Applause*). There were a few short-comings in organisation, but it was very clear that every effort was being made by those in charge to ensure that elections are not only free and fair but they were seen to be so. From the experience of the past, I, therefore, wish to congratulate those who were in charge of those elections and the NRM administration for resisting the temptation of rigging elections which many an African incumbent government have so far failed to do. (*Applause*)

I would like also to congratulate the current NRM administration in establishing peace and security in most parts of this country. I pray and hope that those parts of our country which still experience instability shall soon see peace. This is because instability in one place is a threat to stability everywhere.

I will restrict my contribution on a few areas of the Draft Constitution. Firstly, Chapter 2 of the Draft Constitution, clause 4 (1) states that Uganda shall be one unitary sovereign state and a republic. Like my hon. Friend Prof. Apolo Nsibambi, I have found that there has been gross confusion in the minds of many people on the term federalism. Some hon. delegates here have stated that they do not support federalism because they are republicans. I found similar confusion in Mawogola among the peasants. I am delighted to know that some peasants in Mawogola enjoy a similar level of understanding as some delegates here. As was ably explained by Prof. Nsibambi you can be both a republican and a federalist as is the case with the United States of America and in Germany; you can be a monarch and have a unitary system of government as is the case in Great Britain. What I want to explain at this stage is not federalism or unitary, but I would like to concern myself with that part of the section of the provision that talks about the term republic. In my understanding, a republic is a country whose Head of State is elected, and a non-republic is a country

whose Head of State is hereditary. Mr. hon. Friend, Besweri Mulondo quite correctly and rightly pointed out to this Assembly, yesterday, the misgivings of the people of Buganda about how the term republic has been used. It is true that since 1966 the government then used the term republic not so much to mean that the Head of State of Uganda was to be elected but to rub it in that the Kabaka and the Kingdom of Buganda had been vanquished. Indeed, why did they call Bulange a Republic House to refer to a Buganda Parliament and they did not call the Parliament Houses in Ankole, Toro and Bunyoro as Republic Houses? All these Kingdoms had been abolished in the same way as the Buganda Kingdom. Why call a lake a Republic Lake? What has that got to do with the election of a Head of State?

MR. KWERONDA RUHEMBA: Point of information, Madam Chairperson. I want to inform the hon. delegate on the Floor that the house he is referring to in Ankole and Kabarole districts were not effectively taken over by the government. Therefore, there was no need to name them republic houses.

MR. KUTESA SAM K.: Madam Chairperson, I appreciate the information given to me. I am not so sure that the Kabaka's lake was taken over, either, for it to be called republic lake. (*Interruption*).

MR. RINGWEGI: Point of information, Madam chairperson. I would like to inform the hon. Member currently on the Floor that naming of roads, naming of houses, naming of streets did not have the kind of imputation he is trying to let the House understand. For instance, there is a street in Mbale called *Republic Street* which did not have anything to do with either the Kingdom of Buganda or anything. The naming of the streets or the lakes was only intended to identify those things. Thank you, Madam Chairperson.

MR. KUTESA SAM: I am grateful to the hon. Member for the information he has given. I shall obviously take it into account and treat it with a degree of importance that it deserves. (*Interruption*).

MR. KAWERE: Point of clarification, Madam Chairperson. I want to clarify the point that the first aerial view indicating republic road, republic house, and republic lake was printed in 1969, the original aerial view was taken in 1959. So, these names were given after the fall of Mengo and the Kabaka.

THE DEPUTY CHAIRMAN: Thank you very much. That was information. Hon. Kutesa it is up to you to see which information you accept and which one you reject.

MR. KUTESA SAM: Let me get the information from Mrs. Matembe and that shall be the last on this point.

MRS. MATEMBE: Thank you, Madam Chairperson. Actually, the information I want to give the hon. Member on the Floor to supplement his point is that the Kingdom of Buganda was not abolished in the same way as the others. It was effectively bombed, physically abolished, bombed, stormed and destroyed; while the other ones were just abolished and remained with the buildings.

MR. KUTESA SAM: Madam Chairperson, I thank hon. delegate Mrs. Matembe for the information. It would appear that the bombing and storming was not enough, they had even to rename lakes.

As we all know the last Head of State of Uganda who was not elected was the Queen of England and Sir. Walter Coote was the last governor general of Uganda and was representing the last un elected State. In 1963, however, Sir, Edward Mutesa - the Kabaka of Buganda was elected by the National Assembly to be the President and Head of State of Uganda. In fact, that is when Uganda became a Republic although the term was never used. When the Head of State of Uganda became elected, which was 1963 and by the iron of history, it was Sir. Edward Mutesa. So, the first republican Head of State of Uganda was none other than Sir. Edward Mutesa. It is my submission that there is no harm calling Uganda a Republic and yet have Kings within Uganda provided the term Republic is not used to demean certain sections of our society *(Applause)*.

There has been a lot of argument as to which system is better, superior or more democratic than the other when considering the political system. The contention is between protagonists of multiparty and the non-party movement type of government. In choosing which political system we should adopt, we must look at our past and contemporary political history so that we adopt a proper one for the future. A country which does not learn from its mistakes is condemned to repeat them. If we decide to ignore our history and political experiences we shall have chosen to condemn our children and grand children reliving the same bitter experiences.

In 1980 I made my first entry in national elective politics and I was a young man of 29 and had just returned from exile in Kenya after the overthrow of Idi Amin. I became a Member of Parliament as a Member of the Democratic Party which I had subscribed to since 1961. In 1980 to 1985 we went through an experiment which was called political pluralism and I will make observations about this period without fear of any contradiction because I was *dramatis personae* in that era. I have heard a number of submissions regarding the need to go back to multi parties now as the panacea to our political problems. I have listened to a number of submissions from Ugandans who were in government between 1980 and 1985 saying that without multiparty politics we cannot have democracy. The right of association has been cited as a *sinequanon* for a democratic form of governance. Unfortunately, these new high priests of human rights of today were the same people responsible for emasculation of human rights yesterday in the era of political pluralism. *(Applause)*. I am convinced from my experience of dealing with these people, some of them hon. Members here, that their motive is suspect. I have convinced the people of Mawogola to be suspicious about them and this morning I would like to convince this Assembly to be equally suspicious about their motives *-(Interruption)*.

MR. OWOR: Madam Chairperson, is the hon. Member previously holding the Floor in order to bring a spirit of suspicion in this august Assembly when we have come here to work out unity for this nation?

THE DEPUTY CHAIRMAN: He may not be in order, but suspicion is in human nature.

MR. KUTESA SAM: Thank you, Madam Chairperson. We have been told by these high priests that unless people *-(Interruption)*.

MR. MALINGA: Point of order, Madam Chairperson. Is it in order for the hon. Member now addressing the House allege without substantiating that we have here high priests whose motives are suspect without naming them?

THE DEPUTY CHAIRMAN: As I said on the previous point of order, your points of order are similar. I said suspicion is human.

MR. KUTESA SAM: Thank you, Madam Chairperson. If I may continue, by the term high priest I

do not mean anybody wearing a dog-collar, I mean over zealous exponents of a particular view. Madam Chairperson, we have been told by these high priests that unless Ugandans are allowed to freely associate and form political parties, there can be no democracy and that the corollary to this is that, for example, in 1980 when people were allowed to freely revive or form political parties democracy was unleashed in this country. I say no. Madam Chairperson, this argument is false, simply, because people were allowed to join the Democratic Party or join the UPC or form UPM and CP. In fact no democracy was seen in this country during that period. I was present, I was dramatis personae, and I have grounds to illustrate.

When you form a political party or when people form a political party they have political views, they have a political programme, they have a social programme and an economic programme which they would like to present to the people. Once the people elect them, they would like to put that into practice or implement them.

MR. OGOLA: Point of order, Madam Chairperson. Is the hon. speaker on the Floor in order to generalise that what he is not able to see is true with everybody here. That if he was not able to see democracy practiced in 1980 election that everybody here saw the same.

THE DEPUTY CHAIRMAN: I think he is in order because he is talking of his own observations.

MR. KISAMBA MUGERWA: Madam Chairperson, I would like to inform the hon. Member holding the Floor that by allowing people to associate freely in 1980 it was easier for those who were in power to identify easily which people could be suppressed in a group other than to deal with individuals and in such it became easier to suppress what they thought was democracy.

MR. KUTESA SAM: I am grateful to the information given to me by hon. Kisamba Mugerwa. I was saying before I was interrupted that when you form a political party those who form it have a political, social and economic programmes which they submit to the people for election; and if they are chosen, they should form government and put those programmes into place. But should any political party try to rig the verdict of the people then you are already violating the rights of associations and assembly. I am convinced and I have ground to say that these new

high priests were part and parcel of a system that rigged the 1980 election and the government thereafter formed was formed as a fraudulent government of the people of this country. It defrauded the mandate of the people of this country. So, whether you are talking about having political party as a right of assembly, rigging elections completely wipes out any argument that could be made for freedom of association. *(Interruption)*.

MR. OMARA ATUBO: Madam Chairperson, is it in order for the distinguished hon. Member to mislead this House about the 1980 general election when we all know that he did participate in that election and won in Nyabushozi against Museveni. Is he, therefore, in order to mislead us that he himself did not rig that election. Thank you.

THE DEPUTY CHAIRMAN: I think on that note he was out of order.

MR. KUTESA SAM: Prior to the election of 1980, which I won, the boundaries of my constituency were changed four times two weeks before the polls. I will go ahead, however, Madam Chairperson. I have a witness here in the name of, none other than that cheerful old man you see, hon. Adoko Nekyon. In 1980 I attended a press conference at the DP headquarters where that hon. gentleman was weeping, cheerful as he is now. He had been barred from being nominated in Lango *-(Interruption)*.

MR. NEKYON: Point of information, Madam Chairperson. I would like to inform you and this Assembly that I have never, ever, on any occasion wept at any press conference.

MR. KUTESA SAM: Madam Chairperson, I shall accept the information given to me by the hon. Adoko Nekyon; I have the highest regard for him. He was, however, barred from being nominated in Lango in 1980, and since I was born and started hearing of political parties and election, I have never heard hon. Nekyon being defeated except in 1980. Now where has his new found popularity come from *(Interruption)*.

MR. WACHA: Madam Chairperson, is hon. Kutesa in order to mislead this House that hon. Adoko Nekyon was barred from nomination, when he himself knows that Nekyon was not barred from any nomination in 1980?

THE DEPUTY CHAIRMAN: I think he is in order because that is the information he, himself, has.

MR. KUTESA SAM: Madam Chairperson, I thank you very much. I have none other than the hon. Member who has admitted that he was barred and that he could not find 12 people, of all people, - that was what they said about hon. Nekyon - that he could not find 12 people in his Constituency to be nominated in 1980. I submit that the overwhelming majority that hon. Nekyon has been able to achieve now has been because this election, contrary to that of 1980, has been free and fair (*Applause*). (*Interruption*).

MR. NEKYON: Point of information, Madam Chairperson. Immediately after this election of C.A. I did make a statement in National Assembly known as NRC and in that statement I said, and let me repeat here; although I was elected with an overwhelming majority, I have never, never since I joined politics in 1962 seen such manipulated elections. I did say, and I repeat here, that about Shs. 40 million from tax payers' money, government vehicles were used to try to keep me out of this Assembly (*Applause*). And I repeat what I said then here, that the election of the Constituent Assembly was rigged from the beginning before we wrote the Statute. How? The election of women was separated from the general election. I said at the time of debating the Statute that the women's elections should have been held on the same day and that the same people should have voted for the women, since they were standing for their right on the same day. But what happened was that the women's election was separated so as to be used for the purpose of rigging the whole election, and it was indeed rigged.

MR. PULKOL: Madam Chairperson, Is hon. Nekyon in order to proceed and ignore the point being put by hon. Kutesa holding the Floor that in 1980 he was not only barred from being nominated, but even talking in public. As a student at that time in Makerere College School, I did witness and even read in the papers and it was made public statement, that Nekyon was not to talk in public and it was even carried by the mass media of this country, and I remember attending a meeting where Nekyon in Makerere said he was the only man in Uganda who could devour Obote at any time, giving comment to what had already been published in the press as official statement of the then government. Is hon. Nekyon in order to ignore and, therefore, mislead this

House that what hon. Kutesa has said is totally false?

THE DEPUTY CHAIRMAN: I think on that note, hon. Nekyon you are out order.

MR. WANENDEYA: Point of order. Thank you, Madam Chairperson. Is it in order for us as delegates to this Constituent Assembly to ignore the problems Uganda has been going through. What happened in 1980, hon. has said it, what happened in 1994 is glaring here with us. Therefore, is it in order. As an example, Madam Chairperson, on Friday, July 1st, *the Monitor* Newspaper published an article whereby somebody was tortured by our own armed forces in the barracks at Lira for supporting delegate Cecilia Ogwal. So, is it, therefore, in order for people to parade here as though there are no problems, when we came here to discuss those problems. I thank you.

THE DEPUTY CHAIRMAN: Nobody is ignoring the problem, we are all listening.

MR. KUTESA SAM: Madam Chairperson, I thank you. I was saying that after 1980 elections when rigging had taken place some of us, nevertheless, went to Parliament to form what was then known as the 'loyal opposition'.

MR. NEKYON: Madam Chairperson, is it really in order for you to have ruled on order raised by hon. Member for Matheniko, that I was ignoring a point which was raised by Kutesa which was raised to you and not to me. Considering the fact that I did address rallies during the 1980 elections in Fort Portal, Kampala, Mbale, everywhere; is it in order for him to say that I was not allowed to address rallies, when in fact he saw me addressing a rally at Makerere. Is he really in order, and is your ruling in order?

THE DEPUTY CHAIRMAN: I still maintain my ruling that you were out of order to negate the facts.

MR. KUTESA SAM: Madam Chairperson, when a group of the remaining Members went to Parliament to form what is commonly known, in British Parliamentary system as the 'loyal opposition', no sooner had we settled down to business when the party in government descended to murder us. George Bamuturaki of Kabarole was murdered; Africana Ssematya was killed in his house at Nnyonyi gardens in Kololo at night for no reason, other than, that two days before that he had said on the Floor of

the House of Parliament that the then Minister of Commerce Aliro Omara had not paid taxes on goods he had imported. He was murdered the following night. Madam Chairperson, I shall catalogue these deaths and murders of Members of Parliament for you to know and for this Assembly to know that, to simply form parties and put them there is no guarantee either for democracy or security of person and property (*Applause*). Soon after Africana Ssembatya, Mrs. Gerald Ssendawula was murdered in Mpererwe on Gayaza road. The murderers were looking for Gerald Ssendawula. No other reason other than the fact that he was a Member of the Democratic Party and forming the 'loyal opposition'. Prof. Ponsiano Mulema was shot in the legs after publishing a small pamphlet criticising government that it was not spending sufficient money on coffee farmers who were the main stay of this economy. The youngest and, probably, most active Member of Parliament at the time, Sabstine Ssebuggwawo was murdered and thrown in a latrine in Mityana - in a latrine. A leading advocate, Mrs. Katende was murdered on her way to Gayaza going to see her children; and these high priests of multi parties come here and talk of democracy. I still suspect their motive. (*Applause*).

MR. KISAMBA MUGERWA: Point of information, Madam Chairperson. I would like to inform the hon. Member holding the Floor that besides the murders and where maybe some people may doubt the evidence, we have even in this House an hon. Member Kitaka Gawera in public and even in House had declared that he had to cross to save his life.

MR. KUTESA SAM: I was coming to that. The people of Busoga who were all elected on a democratic party ticket were called in the office of the then Secretary General of the party in government who was a Minister of Internal Affairs, one Luwuriza Kirunda, and he told them that either they cross from DP and go to UPC or he will detain them or deal with them severely. They refused to cross and he detained them and when they thought that he was going to deal with them 'severely', they understood him. So they crossed, except Kyesimira who remained in detention after being freed by the courts until the 1985 coup took place.

There was an element also of employment. I have read treaties written to the then Prime Minister, Mr. Otema Alimadi by one, Akena Adoko, who was a Managing Director of the National Textile Board, and a reply to it by one, Adonia Tiberondwa, who

was then Minister of Industry. Akena Adoko was accusing Tiberondwa of not being enough of UPC. Tiberondwa in his defence wrote to the Prime Minister then questioning how Akena Adoko could accuse him of not being a strong UPC when single handed, he (Tiberondwa) can sack 14 general managers in the parastatals under his ministry on account of the fact that they were not members of his party. Madam Chairperson, one of the people sacked is present here and he is mentioned in those treaties, that is hon. Mwebesa (*Interruption*).

MR. MULONDO: Madam Chairperson, I wanted to give additional information to the hon. Member on the Floor in respect to hon. Nekyon. He also had to run away to exile because of the oppression here. He was followed in exile and almost arrested.

MR. KUTESA SAM: Madam Chairperson, I raise these points not to abuse anybody in this House. I raise these points because it is part of our history. It is part of what we must look at; part of what we must examine before we make a viable and durable Constitution for our country. (*Interruption*).

MR. KARUHANGA: Point of order, Madam Chairperson. Is it really in order for hon. Nekyon to now keep quiet after this information which is probably not true that he was in exile.

THE DEPUTY CHAIRMAN: I think hon. Nekyon is in order because we are speaking freely.

MR. NEKYON: Point of order, Madam Chairperson. Is it really in order for you as a Chairperson to allow Members either speaking or raising points of order, information and other to direct me as if I have no chance to speak later on.

THE DEPUTY CHAIRMAN: Hon. Nekyon I rule that you are in order. So, you are in order and I request hon. Karuhanga to withdraw his statement because we do not force members to speak.

MR. KARUHANGA: Madam Chairperson, I am very grateful that you have asked me to withdraw the statement that hon. Nekyon did not go to exile in Nairobi in 1980 and he was not persecuted by the government in power at that time and that in future he will get a statement to tell us that, that is not true.

THE DEPUTY CHAIRMAN: No, your point of order was for him either to speak or not, that is what I ruled on.

MR. KUTESA SAM: I am about to wind up on this point and I hope that you will give me more time because I have had so many interruptions. In 1985 we were supposed to have another 'general election'. Some of us were against this, but of course, many times like in all parties you are prevailed upon by your seniors and some of their friends. So, one week before the coup the Democratic Party was going to hold a rally in Mbarara in preparation for a general election on a multiparty basis. We got a Police permit and went to Mbarara. The night before the Secretary General of the ruling party and then Minister of State in charge of Security, Crispus Rwakasisi, had ordered that a pavilion which had been set up be dismantled and it was dismantled. So, we decided to walk, to march through Mbarara town. The same Police, whose boss had given us a permit to hold a rally and which permit were brandishing, opened fire on us. Our accident prone, Henry Ssewanyana was picked up and put on a pick-up and taken. He was arrested. Can you imagine what the results of the election would have been if there had not been a coup? The week after we were supposed to register for election. This is your multiparty! These gentlemen want me to be convinced that they have changed their ways. I would like to say, in conclusion to that point *(Interruption)*.

MR. APUUN LONGOLI: Point of order, Madam Chairperson. Is it in order for the Member to continue on his personal experience rather than speak of what he has from the people of his Constituency?

THE DEPUTY CHAIRMAN: I think he is in order.

MR. KUTESA SAM: Thank you, Madam Chairperson. There is a tendency here, and I have seen it - in Runyankore we have a proverb, that you should cover faeces with grass and then you sit next and eat mushrooms. Let us not eat mushrooms by covering faeces. What I am talking about is not my personal experience, it is a political history under a plural system. I am not saying that... *(Interruption)*

MR. OJOKB'LEO: Point of order, Madam Chairperson. Is it in order for the hon. Member to keep serializing when we have a lot of members of this country still in exile. Is he in order to mislead the House.

THE DEPUTY CHAIRMAN: Yes, he is in order

because he is still speaking. At a later date, he may come to that. He is still giving his narration.

MR. SAM KUTESA: And indeed, I shall catalogue the abuse of human rights under the NRM Administration and compare the two and say why I am still for the Movement.

MR. WANENDEYA: Point of order, Madam Chairperson. Is it in order for the hon. delegate holding the Floor to give specifically on personal incidents. Uganda has gone and is still going through the same experiences. Could he tell us if he is in order to say how countries in other parts of the world who are instituting democracy are going to be governed when the NRM have not even held elections. Thank you.

THE DEPUTY CHAIRMAN: Hon. Wanendeya, you are out of order.

MR. SAM KUTESA: Hon. Wanendeya reminds me of what Prof. Kenneth Galbreth said about the late President, Nixon. Do you want to hear that Madam Chairperson? He said, that Nixon is a very confident man. He is confident when he is telling the truth, he is more confident when he is telling lies, but he is at his utmost confidence when he is talking utter nonsense. That is what I am reminded of.

I would like to say that over the last eight years... *(Interruption)*

THE DEPUTY CHAIRMAN: We earlier on agreed that let us respect each other. So, you are going to force me to do what is not allowed. If you are turning order into point of information, then we will not move.

MR. WAGIRA: Point of order, Madam Chairperson. Is it in order for us hon. delegates in this House to actually try and digress from debating the Constitution. If the history of this country has been in blood, let us not write it in blood. If somebody is using the ugly experiences of this country to qualify a point upon which we can best build a firm foundation, why shouldn't he be given a chance? If somebody also wants to use the current, probably, under NRM to qualify the ugly experiences, he will be given his due time. Thank you, Madam Chairperson. *(Applause)*

THE DEPUTY CHAIRMAN: Thank you very much for that point of order. I think it has been well

taken by all the hon. delegates. Hon. Kutesa, you can continue.

MR. KUTESA: Madam Chairperson, thank you very much. I have lived under the NRM system for the last eight years as a private citizen. The NRM system is not perfect. We have had the Mukula incident; the abuses of human rights like that of Kandoya - these are detestable and must be punished. I believe the difference is that, when *pandagari* was taking place; when Argentina Torture Chambers were introduced near Silver Springs; while go-downs in Makindye and Nile Mansions Slaughter Houses were the order of the day in the multi-party era, they were Government sponsored and nobody got punished for doing that. I think we should all start afresh. We should be able to criticise this past administrations which we served. I for one, believe that I happened to participate in the Coup against Obote and as a result I became a Minister in the Government that overthrew him which was immediately overthrown by NRM. But we know that some people in that government committed atrocities, the people of Lango, for example, are better off today than they were under that administration in which I served. So, I am very critical and I think we can only go forward by criticising ourselves and adopting a more serious position. I am submitting that multi-parties and freedom of association are themselves, as concepts, not bad things but the country in which we live and our personal experiences here, confirm that we are not yet ready to embrace them. (*Applause*). I, therefore, speak for the people of Mawogoola and for myself, that we should extend NRM government for another five years.

I have dwelt on that point for quite a long time. If every one of us knows that, in fact, what we have done in the past is not that righteous - why do we want to paint it white and even want to make others believe it? We want to do so, so that we can acquire power. Some one here, I think Mr. Omoro Omara, said that the problem in Uganda is acquisition of power and wealth. That is what people are fighting for. If that is the case, I would like to suggest that we devise methods of increasing this wealth which we want to share and also get a method of sharing it properly without having to kill each other. I think the more the Government has to do with business, the more it attracts people to eat. If you put your hand in honey, you attract a lot of bees.

I support the continued process of divestiture and privatization, so that when Ministers receive Minis-

terial appointments they do not have to superintend over parastatal bodies and then exude in their - (*Interruption*)- Part of the problem is that Government seems to be the only employer. It seems to be the only body from which people get wealth. So, as to get wealth, people have to be in Government, and to get into Government, they must acquire power by whatever means including unconstitutional means. I would like to put in place a machinery where there is as little as possible to get from Government and as much as possible to earn from personal initiatives and enterprise; so that people do not go into Government to emasculate our human rights for no other reason but to acquire wealth.

I am surprised that people still want customary land tenure without land titles. After you have got a title someone goes and gets a loan from the bank. When someone gets a loan and another without a title does not get it, he says that it is the people from Buganda who are getting loans. Yes, they are the people getting loans because they have got land titles, because the banks want security and I would recommend that people who want to live land untitled they are basically the same people who are making their people stay backward. We are all backward in many senses and I am not using the term backward in an abusive sense. Every tribe of this country has backwardness but I am saying that to keep people without titles, you keep them out of the Banking industry and you are condemning them to poverty. If you are condemning them to perpetual poverty, you are condemning them to insecurity and our country, as well.

MR. BASOGA NSAJU: Point of information. I would like to inform the speaker on the Floor that the high priests of multi-parties he has talked about are not clamouring because they want power. They are looking for an opportunity to repeat that carnage that they did to this country for the second time or third time or fourth time. It is not so much of power, it is the only opportunity to continue to murder, to intimidate, to butcher, that is what is going on. Thank you.

MR. OWINY DOLLO: Point of order, Madam Chairperson. Is it in order for the hon. delegate from Busiki to suggest that those of us who are advocating the return to multi-party are advocating a return to carnage, when I myself, and many other people of my age have never been in Government before? So, we cannot be said that we want to repeat carnage which we have never done before.

THE DEPUTY CHAIRMAN: Thank you very much. I think hon. Nsaju, you are out of order. The speaker was on privatization and divestiture and had left the topic you are on.

MR. KUTESA SAM: I would also want to say that the time has come, when the Government must stop paying lip service to what they call 'creation of middle class in Uganda'.

A HON. DELEGATE: Point of order, Madam Chairperson. I would like to draw your attention to order 19 Rule 4. This is specifically with regard to the remarks of my good Friend hon. Basoga. Madam Chairperson, you are ruling out, not so much on his language but because he had brought up a point which was not relevant to hon. Kutesa. The issue we are raising is that, he is implying improper motive on the issue of carnage, killing, looting and so on. I want you, Madam Chairperson, to rule on these remarks of hon. Basoga, that the multi-parties in this House are interested in having a repeat of looting, killing, carnage and so on, which to me, is contrary to Order 19, Rule 4. Hon. Basoga was out of order and I request him to withdraw his statement.

MR. BASOGA NSAJU: Thank you very much Madam Chairperson. I now hope that after what has transpired here and learning from the experience, the multi-parties did not fan the practices that did take place at the time and I withdraw the statement.

THE DEPUTY CHAIRMAN: Let us give hon. Kutesa his time to wind up.

MR. KUTESA SAM: Madam Chairperson, I am being told to wind up yet, most of my time was taken on by points of order. I hope that it will be taken into consideration.

The Government should stop lip-service to what they call the 'creation of a middle class'. The financing institutions in this country do not exist to enable a middle class to come up. We borrow money from World Bank and other institutions at considerably very low levels of interest in the hope that we can industrialise or go into agriculture. The local banking sector only lends this money at phenomenal rates of interest and many projects end up collapsing as a result of interest rates. As a matter of fact, money raised by high interest rates goes to either finance local budget deficits, or to maintain very badly run banking institutions. I think if we want to reduce instability; if we want to reduce the number of the

people that think eating is in Government; we must firmly and resolutely support the private sector. *(Applause)*.

Briefly about human rights. Human rights are a thing I cherish most in my life and the most fundamental right of all rights is the right to life. All other rights are consequential upon that right. If, for the purpose of upholding the right to worship lives are risked, then, let us close that Mosque or that Church so that we save lives. If for any reason, young men assemble, as it is their right so to do, they make break and damage property and endanger life, let us suspend that right. We must create institutions that will ensure that the right to life is not being threatened and, once life is not being threatened, then we can enjoy all other consequential rights. The right of association, important as it is and cherishing it as I do -I still believe that there are no sufficient institutions today to ensure that, by the exercise of the right of Assembly and the right of association, the right to life will not be threatened. I would rather that we suspend the right of association for the time being for a period of five years and so do the people of Mawogola say.

When you look at the Chapter on human rights, I am not satisfied by the level of entrenchment. It says that all those human rights which have been listed in Chapter 5, if for any reason, we can get two thirds of Parliament and two thirds of the districts, they would be done away with. Suppose that comes to the right to life? I would like to suggest, Madam Chairperson, that with regard to the right to life that unless one is properly sentenced by competent judicial tribunals, to death, the right to life should be sacrosanct and nobody should have the power to amend the Constitution to put it at risk - even if it is two thirds of Parliament and two thirds of the districts in this country. So, I would entrench it by saying that nobody can amend the Constitution to take away the right to life. I do, by the way, support very strongly the death sentence.

Citizenship in this country has become a motive as a subject. People call each other Banyarwanda, others banyanya, others Badugudugu, or Badokoro, meaning that they do not want you or you belong to somewhere else. I may find I know some people, I know their tribe, but because I want to use it as a term of abuse, I call you something else. It would be very terrible to see a man like my friend Dick Nyai, because he comes from West Nile and call him an

Anyanya. I know that Anyanya was a Sudanese Movement. It was equally wrong, I think, for the young children in Lango to have called President Museveni a Munyarwanda, when they all know that he is not one. But the reason for doing so, I think, is political. They want to say you do not belong here. Get away!

Recently, I attended a seminar organized by the Law Faculty, Makerere University and there, there were a number of participants. I saw a tall, dark, handsome-looking man who came in. I thought he was a Dinka from Southern Sudan. He came in and argued very, very feverishly about the fact that the problem of Uganda is because the Army of Uganda is full of Banyarwanda. I got concerned. I wondered how a Dinka would get so deeply involved in these matters? But then, since the function had organized by the University Faculty, I thought that it had attracted international participants. When we were walking out, I asked about this gentleman. I found out that he was the CA Delegate for Arua Municipality. Now, anybody could have said this man was a Sudanese just as he was saying that the people in the Army are Banyarwanda. I think we should not have preconceived ideas in determining people's tribes.

THE DEPUTY CHAIRMAN. Hon Kutesa, we had given you five minutes more which have also expired.

MR. ATAMUAKU ZUBAIRI: Point of order, Madam Chairperson. I am raising this brief point of order and I hope you will bear with me. If all of you are patient, you will realise that I am Atamuaku Zubairi Nasseem of Arua Municipality. Is it really in order for the hon. Member to mislead the House by imputing to me what I never said, that, I quote him, "*NRA or NRM Is full of Banyarwanda*" when the truth is that, I said: *a number of officers in NRA have been of doubtful nationality given that, after all, the late Rwigyema looted our armoury and run away from here and he was a Munyarwanda.* Is he in order to mislead the House? Is he in order? I beg your ruling.

THE DEPUTY CHAIRMAN: He was out of order on that question.

MR. KUTESA SAM: Madam Chairperson, I apologise. I even apologise about the mistaken identity I had ascribed to the hon. delegate. I agree that he is totally Ugandan and he is of no foreign origin.

Article 94 of this Constitution does state that if we adopt the Movement, the Movement system shall not have a Constitution or Rules. I find that a very strange proposition. If you adopt a Movement, surely, an organisation of people or a political system of a country ought to have a Constitution or some rules. I hope that as we go down to detailed discussion, we shall address Article 94 and hopefully, we shall put in place either Rules that shall govern the Movement or shall empower the first Parliament to enact an Act that will put Rules and a Constitution for that kind of Movement.

Madam Chairperson, I am unable to continue because of time. I thank you very much.

MR. WANENDEYA: Point of Procedure, Madam Chairperson. We came here to discuss ideas. Would it be a good clarification from you to request the hon. delegates to refrain from attacking individual views. As an example, hon. Kutesa was just attacking me indirectly. Yesterday, Madam Chairperson, hon. Karuhanga was saying that it is a culture and yet at the same time, I also found him parading with his sister-in-law. Please try to get us to refrain from attacking persons as a Procedure. Madam, I thank you.

MR. ATWOKI AMBROSE (Youth - Northern Region): Thank you very, Madam Chairperson. would like to observe that this is an opportunity to settle the crisis that has gripped the country for the last 30 years. We may ask ourselves the cause of all this kind of instability in Uganda. The main reason, we the youth believe, has been due to the lack of political will and corruption among our leaders of the past and present. The political administrators for the last 30 years, we believe, deserve a big vote of no confidence because of their failure to set Uganda on a democratic trend of governance. The high level of political, social and economic corruption makes it impossible for our country to stick to the principles of Constitutional governance. A case in point is the abrogation of the 1962 Constitution by the then Government instead of seeking people's mandate to change the provisions in case of need for any Amendment. We want to observe here that, the problem is not that we have been unable to design a suitable document, but that the most successive Governments for the last 30 years failed to observe the principles enshrined in the Constitution, making the provision in the sacrosanct document remain on paper rather than be practical. Having failed to do

this, the people whom the Constitution was to guide their life styles, could not be consulted, thus the recourse to the dictatorial tendencies to rule the masses. Thus fear of elections exhibited a high level of corruption and lack of political will which had developed in our political administrators.

History is bound to repeat itself if we do not harness the experiences of the past in order to write a durable Constitution. It is in this respect that we believe a good Constitution must be pro-active other than reactive or situational. Expressly, we must endeavour to make this current Draft attain this quality so that no parts of the country feel left out of the bargain.

We now make some observations on the specific provisions in the Draft Constitution which capture the attention of the youth and people in this country. It is important to note that Article 34 (A), gives citizens the power to resist the overthrow of the established Constitutional order. However, it must be noted that despite the existence of citizens, it is possible that some military men, as in the past, may rise and overthrow the Constitution. How then can the empty handed citizen defend the Constitution, bearing in mind he or she is confronting an armed soldier? We believe that the strategy of civil disobedience, non-tax payment and appeal to the international communities to disregard culprits would work. However, all this demands a deliberate programme on constitutional awareness among the masses if the need to defend the Constitution is to be appreciated or before such levels of national ethos can be instilled in the minds of citizens. The option of military training will then be used to strengthen this ethos and people will be ready to face genocide, similar to that in Rwanda - this time in the name of defending the sacrosanct document.

On the issue of the Republic, we believe that Uganda should be a unitary state and a republic with strong decentralisation programme. This is because the nation will be able to harness the economies of uniformity, planning and implementation while providing for the districts the discretion to design programmes in line with the peculiarities in their respective areas.

On the issue of national objectives and directive principles, we feel that this provision is unnecessary. A separate booklet explaining this in detail and the strategy to achieve it would suffice. Some of the Articles, for example, Article 8 and 12 can be catered

for under fundamental human rights. Reason: The constitution should be precise to provide room for flexibility in future to allow it to be more pro-active rather than reactive. The example of the American Constitution could be stated here. The flexibility of a Constitution renders it more amenable to address the posterity of which the youths are the main beneficiaries.

The issue of citizenship should be settled once and for all. The attitude of classifying citizens using derogatory names, like Anyanya, Munyarwanda, shows that the culture of sectarianism is and was already getting entrenched in our socioeconomic-cultural thinking as Ugandans. These sentiments, we believe are fanned mainly by political leaders of the past and present. The recent CA campaign is another clear testimony that such words and other statements like 'Omwana wani' was uttered by 'responsible and respectable' politicians of this country. This is the time we should exhibit tolerance and develop the culture of accommodating each other. Therefore, we are saying, all citizens at present should be given Identification Numbers. All non-citizens who have lived in the country for over 20 years should be registered immediately. Article 42, section 1, should be deleted because the number involved in this category does not warrant a Constitutional provision. We do not envisage a situation of great influx of these children in future and most of all, the numbers are greatly being reduced as many Child Welfare Organisations have sprung up in Uganda. The others can be handled by strengthening the Probation and Welfare Department who normally trace the origin of these children. Normal registration and other procedures can cater for these foundlings.

The ethnic group in Article 41 (A), indicating Banyarwanda as a tribal group, should be changed to Bafumbira as the Bafumbira like it that way.

I need not to repeat here the issue of fundamental human rights and freedoms. Several of our documents have had provisions on human rights but we would like to assert, here that, most of the provisions have remained on paper. It is common knowledge to find prisoners walking half naked, yet Articles providing for the respect of human dignity have been in our Constitutions since 1962. It is not uncommon to find children being used as labourers and women enslaved in their cultural intricacies, yet, provision to protect citizens from slavery and forced labour is and

has been enshrined in our Constitution. We the youth, feel an ombudsman must be created and decentralised to the districts or county levels. This would make the office more accessible to *wanainchi* who live together with these problems.

Article 71, on detention under emergency laws should be deleted. This has been abused by past leaders and could be abused in future. More so, it preempts a situation of insecurity in future and this does not augur well for us youths, because psychologically it prepares us for another war.

Representation of the people. The establishment of the electoral commission is a good idea. However its composition is unacceptable to the youths of Northern Uganda. The experiences emanating from 1980 elections which resulted into loss of life and property is very fresh in our minds. We recommend that the electoral Commission should not be seen to be owing allegiance to the executive arm of Government. This is because, no President in Uganda had shown interest to leave power voluntarily. So, it can easily be manipulated by the incumbent President. The composition should be established by Parliament and approved by the Senate or Upper House composed of elected elders and not the national Council of state with its proposed composition. This will ensure fairness and transparency in our subsequent general elections.

Political system. The youth in Northern Uganda would like to exercise their free will. This explains why there are many who support the Movement system while there are many who also support the partisan system. It is important to give the basis of these divisions. Human nature is taken as divinely ordained and such it has rights which are sacred and can never be alienated from man. This has been recognised by the Constitution Commission as well. It is such a concept that inspired the authors of the America declaration of Independence to assert that there were certain fundamental rights of the people which were inalienable. The assumption on human nature has direct bearing on democracy and this is the assertion that human nature has free will. This freedom of choice, psychologically, leads to the need for elected representatives in Government. As Leonard Markovitz observed in his book 'African Politics and Society': *"Within the historical and economic limits of any given society, the most legitimate social and political arrangement are those which encourage the political participation*

of the vast majority of the population and maximize the distribution of any given fruits of economic development"

We believe that failure to recognise people's will has been the undoing of most past Governments. I must observe that, partisan politics, only, is not synonymous with democracy. Partisan politics must be blended by the political will and moral integrity of leaders in order to be appropriate. We the youth of Northern Uganda, therefore, say that during the transition period of two to five years a deliberate legislation must be embarked upon to create a basis for this political will that makes partisan politics democratic. We appreciate that partisan politics is the most sacrosanct way of determining people's free will.

One important provision would be that, in the event of forming political parties in future, no party should have less than 5,000 members in every district. This would avoid formation of Parties on regional or tribal basis. A culture of accommodating and tolerating opposition must be developed, as hon. Eriya Kategaya observed in yesterday's *New Vision*. We must have a culture of tolerance in order to have stability. If you have a view and you do not win you should maintain the position for the next general election. We believe that the idea of using the period between 1980 and 1985 as exposing the weakness of partisan politics is not true.

Parties as institutions structured to govern have been a system which has stood the test of time. The problem has been with managers at the top echelon of parties. We believe therefore, that there is no way the views of the minority can be suppressed. So, there is need to allow everybody to express his or her views using the ballot on the basis of competitive politics.

Separation of power. Most paramount provisions in Uganda's Constitution should be clear on definition, description and the delimitation of Government functions. We, therefore, propose that places of Members of Parliament appointed Ministers should fall vacant and by-elections conducted. No members of the legislature should be appointed except through direct elections and there must be two terms of five years for the members of the legislature. This is because there is need to create room for the young generation to get involved in managing the affairs of this country. The elders could play an advisory role in organs like National Council of State.

The judiciary has been one of the institutions which should have brought sanity to this country. The inability of it to play its rightful role was due to the non-independence. We, therefore, recommend the judicial Service Commission should owe their allegiance to the people's elected representative in the legislature. The appointments must therefore be master minded by Parliament. Parliament should provide an independent vote for the administration of justice in this country managed by the Judicial Service Commission.

Corruption. In Uganda, today, there is total moral decadence and corruption is in the rank and file of Ugandan citizens. This immorality is rampant among top echelons of leaders who, unfortunately, are untouchable. It can be argued that corruption and moral decadence in our society is the cause of human right abuse, detention without trial, oppression of women and youths, military coups, you can name it. Madam Chairperson, we propose that powers to prosecute officials should be granted to the IGG and private bodies like INTERID. The culprits should, upon conclusive investigation, be hanged. Otherwise, this problem has become more devastating than the AIDS pandemic, especially, when one consider the multiplier effects of embezzling assuming it was invested in agricultural activities.

The Presidency and Cabinet. We propose that the President should be impeached in case of criminal act. He should be a graduate and not less than 25 years of age. There is need to harmonise the qualification of the President as for the Membership of the legislature which is also 25 years. With the life expectancy of 47 years in Uganda, this would be a better age to accommodate two terms of five years for a good President. We believe the position of Presidency should be competed for on non-partisan basis. This will provide a nationalistic President. The Ministers should not appoint Heads of parastatals but this could be done by select committees of Parliament. This would avoid political corruption surrounding the operation of our production sectors of the economy.

The idea of the National Council of State is good but the composition makes its independence, as a conflict resolution body, questionable. We recommend that membership be based on district presentation and special interest groups.

Local Government and federalism. We support the decentralisation policy of Government. However we propose that devolution of authority and power should accompany the programme with bodies similar, in function, to Public Accounts Committee. These should be encouraged to develop at county or sub-county level. Some of the Members will agree with me that this will foster the culture of accountability at grass-root level. We believe federalism will create two power centres, therefore, a basis for tension.

On the monarchy. We believe that the communities interested can have it. However they should, if they wish, maintain the monarchy from their tax collections. This would give decentralisation more meaning to the community as the local authority would have the direction to address the peculiar needs of their respective areas.

The question of land. We believe that freehold system should continue in rural areas and leasehold in urban areas. However, we propose that to add value to land in rural areas, the District Land Commission could act as guarantors in case the peasant is in need of mortgaging his land to a bank. This could enable the rural areas to cultivate the vast expanses of land which normally lie idle or are under utilised. This could be a basis for moving towards a uniform land tenure system as the economic base of the peasant is strengthened. Gradually, they will think of acquiring lease or titles.

Representation of women and youth. We believe that the idea of women and youth representation is quite welcome. The women and the youths, as often said by our leaders, form the majority but it is sad to note they are the least represented in organs of decision making. Expressly, we therefore, suggest that instead of five regions being represented ten separate regions could suffice for youth representation. For instance, currently it would prove expensive to consult the youths in our region. So, if the area is reduced by increasing the number of representatives and by involving the youths in the affairs of the nation, it would be more fundamental rather than cosmetic, as it appears to be.

Women representation by the districts should be maintained, because how will it be ensured that the 15 representatives will represent 39 districts effectively. This will provide for inefficiency and conflict to creep in the running of the women's activity.

Finally, the youth of Northern Uganda believe that the current Constitution should address posterity as much as possible. There are so many delegates who are saying that they are under instruction from their the constituencies.

However, we must note here that there is no way you can write 284 sets of documents for each county. We must exhibit culture of tolerance and convention. The views of the minority must be heard and decisions as far as possible should be on compromise and consensus, then, we will have written a Constitution of Uganda and not for any particular tribe or region.

I would like to end by cautioning the hon. delegates that we have come here in our positions to write a document for Uganda: our role in seeking consensus and compromise will be the guiding principle, I pray. For God And My Country. Thank you.

MR. SSEMAALA KIWANUKA KIRUNDU (Kyamuswa County). Thank you Madam Chairperson. My names to be specific are Ssemaala Kiwanuka Kirundu Kimize; any other order would disturb the meaning. Thank you very much.

First of all, please take into consideration that we are here to make a new Constitution. In other words, we are making a new Uganda and a point that we make should be viewed in respect that there is no sitting President, no Cabinet and no Members of Parliament. This will permit us to be free in articulating our views without fear of being labelled disrespectful of the President or the Cabinet. So, whenever I refer to the President, I will be referring to the one who will come in after this Constitution has become effective.

The Ssesse Islands is a region composed of 84 individual islands, situated in Lake Victoria. These people prefer their region to be called Ssesse district and not Kalangala district. The name Kalangala was given to a Township which is about 50 square metres and therefore, not an accurate representation of whole the regions. The Ssesse Islands as a region is one of the most marginalised areas in the whole of Uganda. Services can reach Karamoja faster than Ssesse Islands. Most of their essential services, that are taken for granted by other districts, are never even heard of in our district, yet we are only 60 miles away from the main land of Uganda - or the rest of Uganda. This district is devoid of roads, hospitals and schools. Although the region was given a district status, the essentials that make up the district are missing. The county that I am representing here does

not even have buildings to house its officials. The county is represented in the name only and a patch of land with a tree in the middle and that is Kyamuswa county. Kyamuswa has never hosted a Government official of any standing. Mr. Museveni went through Kyamuswa in his search for fame and fortune and he was greatly assisted by the people of this region... *(Interruption)*.

DR. KAKUNGULU: Point of clarification, Madam Chairperson. I would like the hon. delegate to clarify to me whether the district has never had any substantive Government official while I was the District Medical Officer of the same place till about two years ago? Thank you Madam Chairperson.

MR. SSEMAALA KIWANUKA: Thank you. You might not count in my books when I make this observation. Mr. Museveni went through Kyamuswa in search for his fame and fortune and he was greatly assisted by the people of this region who provided him with a canoe, helped him cross the Lake and some other protection. But after his fame and fortune, he never returned to show his appreciation for the people of Kyamuswa. The people of Kyamuswa and indeed... *(interruption)*

MR. MBURA MUHINDO: Point of order, Madam Chairperson. Is it in order for the current speaker to say that Mr. Museveni was looking for his own fortune when he knows that Mr. Museveni was fighting a Liberation War? Is he in order?

THE DEPUTY CHAIRMAN: The hon. delegate on the Floor that was out of order.

MR. SSEMAALA KIWANUKA: Madam Chairperson, when you refer to a people as my people, do you mean people who work in your shamba or do you mean my people that I belong to. When somebody goes to search for his fame and fortune, that includes not only his own fame and fortune, but the fame and fortune of other people. Perhaps if I was out of order, I can be quoted. The people of Kyamuswa and indeed of Ssesse Islands have gained nothing out of the NRM struggle, even the little that we have, has either been taken away or simply neglected and eventually fallen by the way side. Out of the NRM struggle the people of Ssesse Islands have gained an Army base, which they actually do not need or they can do without.

The people of Ssesse Islands have a long history and their contributions made to Buganda and Uganda, in general, can be felt even today. The people of Ssesse Islands had their own language which is still spoken in some circles today. Although assimilated in greater Buganda, Ssesse remained a strong influence in the culture of Buganda. Let it be known that if it was not for the Basese, the Baganda and other tribes, would have met their encounter with the Europeans naked like other tribes. It was the Basese who invented the Lubugo or the bark cloth and Basese's creativity went even further in discovering Lubaale, otherwise, the Baganda would have no traditional religion. Yet with all our contributions to mankind, we are still left on fringes of progress and condemned to the mercy of leaders appointed without our consent by Government in the guise of decentralisation.

This brings me to the issue of decentralisation or what we call decentralisation dictatorship or decentralisation without democratisation. The marginalised district like our own, where resources are constantly being plundered by neighbouring districts, have no chance of survival given the fact that most of the powerful people in running the districts are assigned to us instead of being elected from within and among indigenous people of the district. The meagre resources that we have are continually being utilised by these appointed officials who care nothing about the advancement of the district and the people therein. We have some people who have never ventured further than their place of residence... *(Interruption)*

MR. KIRUNDA KIVEJINJA: Point of clarification, Madam Chairperson. I want clarification from the hon. Member to clear my mind whether the RC system operates in that place or whether they invited people from other areas to go and take care charge of their problems there. I want clarification because, he said, the people who are in his area taking charge of their problems are imposed on them.

MR. SSEMAALA KIWANUKA: Perhaps if he can let me advance my argument, I can clarify that. We have some people who have never ventured further than their places of residence, because they are afraid of water and, yet, they were appointed to the district with water all around. We feel that given this scenario, most small districts like ours, would be stunted. If the central Government of Uganda cannot set up buildings, cannot build roads, schools, hospitals in this region presently, how can they expect people with meagre resources to accomplish such a

task on their own under decentralisation? Unless provisions are set up within the present framework of decentralisation, provisions to address major issues affecting disadvantaged districts, the people of Kyamuswa feel that as always, even more so under decentralisation, Ssesse Islands would be marginalised even further.

The Statute governing decentralisation must be revisited. It is pure dictatorship for the Central Government to undertake the appointment of the most powerful people to run the districts. Can you really be independent to run your own affairs if someone else is holding the purse strings? The people of Kyamuswa feel that major concerns, for example, provision of medical care, building and maintenance of roads, procurement of essentials which... *(Interruption)*

A HON. DELEGATE: Thank you, Madam Chairperson. I would like to seek clarification from the speaker. When he said that the present decentralisation system will empower Central Government to appoint people to the district and hold bigger positions and, yet the position is that, the most powerful person in the district will be the Chairman and the D.E.S will be under this Chairman. He should clarify that point because, as far as we know, a decentralized system will empower the districts to be in charge of their own destiny.

MR. SSEMAALA KIWANUKA: If you read the statute, it says the Central Government Representative is the powerful person in the district. Besides, the District Executive Secretary is the person who controls the funds in the district. The D.E.S who controls money in the district is being appointed, he is not elected. So, my argument is that, we should be left alone to elect our local government officials and I mean the *Muluka* Chiefs, the *Gombolola* Chiefs... *(Interruption)*

MR. BYARUGABA: Thank you very much. I am a civil servant and an Assistant District Executive Secretary. The role of the District Executive Secretary under decentralisation is not to allocate funds. He just controls funds which have already been allocated by the elected officials - the Council. *(Applause)*

MR. SSEMAALA KIWANUKA: My argument was that, to run the affairs of other people you should be elected by those people. Whether they are *Muluka*

Chiefs, *Gombolola* chiefs, *Saza* Chiefs, Central Government Representatives and even the DES. I do not think there is anything out of order in that respect.

MRS. ZZIWA: Point of Order. The Member is not in order to go on misinforming this House about the Decentralisation Bill. May I request, Madam Chairperson, that the hon. Member re-studies the Decentralisation Bill. Thank you very much.

MR. SSEMAALA KIWANUKA: My argument is, and I will insist, that people should not be appointed. People should be elected and I do not refer only to the R.Cs, ladies and gentlemen, I am referring to the *muluka* Chiefs. Those people are also appointed, they are not elected. Even civil servants can be appointed if it deals with the rest of the people's lives.

A HON. DELEGATE: Is the Member holding Floor in order to suggest here that civil servants should be elected.

THE DEPUTY CHAIRMAN: I think the hon. Member on the Floor, in that respect, you are off track.

MR. SSEMAALA: Madam Chairperson, that was an idea. Now, if the above cannot be redressed, the people of Kyamuswa in particular and Sese Islands in general, would therefore, prefer a federal form of government. They reason, and rightly so, that during the federal era they had roads and schools were being built and maintained; medical care was available to the masses and their leaders were appointed from amongst them. Mengo was easier to talk to and there was no language barrier. The King of Buganda paid frequent visits to his people and the people were free to respect the opinion of their leaders who were not strangers intending to enrich themselves. The leaders available today do not understand the problems in the region and they do not give a damn because they can always be transferred to their home areas. The people of Kyamuswa sent me to tell you that they cherish the federal system and they want their Kabaka with no strings attached.

The people of Kyamuswa feel that the following are some of the contributing factors to the under-development of Uganda in general. The biggest of these factors has for a long time been the internal conflicts due to the misuse of the military. We feel, therefore, that the size of our army be drastically reduced to the

size that we can both maintain and support with the meagre resources that we have. Currently, the people of Uganda spend more than 250,000,000/= a day in the maintenance of the military. We feel that this figure is so exorbitant for a country like Uganda and there is absolutely no justification for it.

In the whole history of Africa, there are few instances where nations have violated the sovereignty of other nations. We, therefore, ask for what reason do all African States invest so much money in the military. It is not for the defence against other African states - no, and certainly not for the defence from super powers of the world. No matter how much we invest in our army, the super powers of the world can always whip us. This is because they are rich and they manufacture their own weapons while we wait for the coffee prices to go up before we can procure supplies.

Given this trend, millions of dollars are spent by Uganda in order to procure sophisticated weapons that we will never be able to use except against our own people. These weapons are manufactured by people who earn a minimum of 18 dollars an hour which means they can afford to send their children to finer schools; they can buy and build beautiful homes; and eat, drink, and live very well. On the other hand, by procuring these weapons, we condemn our people to live in mud huts; we subject them to extreme poverty. We make it impossible for them to send their children to school; helpless to protect themselves against disease; condemned to drinking dirty water; and condemning their children to grow up malnourished. By buying these weapons from developed countries, we support their high standard of living while we condemn our people to the status of beggars in their own country. After supporting their life styles with our blood, they turn back and throw crumbs on the floor and we are always so grateful. What a pity?

Our suggestion, therefore, is for a drastic reduction in the number of military personnel. Let there be a ceiling of 17,000 strong, active duty army personnel in Uganda. One person out of a thousand recruited equally from all regions in Uganda. Let the rest who wish to serve their country in this capacity be accommodated in the military reserve sorry. This program would save - at least you can maintain this program using about 50,000,000 shillings a day instead of 250,000,000, thereby freeing the 200,000,000 to be invested in other social services.

One might laugh at this proposal, but if you take into consideration that the RPF have a waged war with only 14,000 people, then this proposal is not so far fetched.

We must also remember that it is not necessarily the size of the army that wins the war, but their training, experience and, in some cases, sophistication of the weapons. In saying this let us not forget that Vietnam whipped U.S.A in battle - the military might and the superior technology of U.S.A notwithstanding. The people of Kyamuswa believe that with a well trained, well equipped and well maintained army of Ugandans we may be able to destroy the Kony rebels once and for all; thereby, freeing thousands of people who are constantly harassed in the northern region.

The people in Ssesse Islands feel that the health of this nation has been, absolutely and totally, neglected by the government of Uganda. We feel that it is unfair for the people in positions of authority to always blame the poverty of the masses on their laziness. In Ssesse Islands, we do not say that we are lazy; rather we are sick. Constantly sick from a myriad of diseases and ailments. The sickness is compounded by hunger and poor economic conditions that we live in. Unlike, the years gone by, the demands on ones income have tripled. Our people have to pay full medical care; exorbitant school fees; and a variety of other things. That is why the number of people living below the poverty level is growing by leaps and bounds. People have no means of saving money to upgrade their standards of living, and at the same time the very rich have so much while the poor have absolutely nothings.

The people in Ssesse Islands would, in the past, commute to the main land for medical care, although, with difficulty. Given the present conditions where one has to pay for medical services, it is not possible anymore. When someone considers transportation fee of 20,000 shillings plus an unknown amount for medical services, our people in villages prefer to remain in their huts praying that the sickness, somehow, will go away.

There is more death in Uganda today than at any other time in the history of this country. Granted the killer disease AIDS is ravaging the country, but personally I cannot attribute all deaths to AIDS alone, but rather to poor or total lack of medical care. The AIDS scourge is being used as an excuse by those in authority to shield or hide their incompe-

tence, ill planning, negligence and total disregard for the welfare of their own people. Wouldn't it be better to spend 45 million to procure sophisticated medical equipment, to train able bodied doctors and nurses and to pay a living wage to the medical personnel than to spend all this amount on one person to fly to Germany in search of medical care? Have these people ever stopped to wonder what would happen to them under similar conditions when they are not important, anymore. They have failed to put in place facilities that can serve them in the future when the glory of their respective offices is gone. (*Interruption*)

MR. KIRUNDA KIVEJINJA: Point of order, Madam Chairperson. Is it in order for the hon. Member to mislead the House to the effect that the government spends 250,000,000 per day on the military. This works out to nine hundred billion. When the Budget for this year is 840 billion. Is it in order?

THE DEPUTY CHAIRMAN: Hon. Member from Kyamuswa, that is out of order. You better revisit your calculations.

MR. SSEMAALA KIWANUKA: Those are the views of my people. (*Laughter*) Perhaps they misinformed me.

In spending this much money, there isn't any feeling of remorse for the masses who cannot even afford one aspirin. When we are turning into vultures devouring the flesh of our own people, the so-called peasants from who most of the foreign earning spring, do not have a say in how the resources are distributed. The life of a minister is equal in value to that of a so-called peasant and the resources should be amicably distributed to reach even the lowest member of our society, so long as they are citizens of this country.

The people of Ssesse Islands propose, therefore, that medical care be provided free by the government. In the past, people were encouraged to pay taxes so that such facilities could be availed to them. The people in Ssesse Islands, now, find no justification in the payment of taxes. So, we argue that, if the government can borrow money or beg for it, as it does in most cases, to buy weapons and other non-essential items, surely, they can borrow money to support the lives of their people.

Hon. delegates, 90 per cent of what you affix in this constitution will not affect 90 per cent of the popu-

lation. Constitutions are mostly for the elite and the well-to-do. The peasants will only be affected by perhaps 10 per cent of what you put in the Constitution. How much do you think freedom of speech will help the so-called peasants?

DR. KIYONGA: Point of Order, Madam Chairperson. Some of us came here to talk for peasants and we believe that what we shall bring here will be adopted. Is the hon. Member in order to suggest that we are not going to care for peasants?

THE DEPUTY CHAIRMAN: Hon. Member on the Floor, I think your prediction is premature.

MR. SSEMAALA KIWANUKA: Thank you. It is a prediction. The people have had their freedom of speech for a very long time. They have had freedom of speech all along. They have used their freedom to say: "Oh! God, I am so poor that I do not have any money to pay for my children's education; or I am so hungry, I have nothing to eat". The people of Uganda have been saying these things all along. The problem is that nobody listens. They are only advised to go back to the villages and work even harder and not to be so lazy. Let this august body change all that. Allow people to say with authority that I am entitled to free medical care because the Constitution says so.

Another issue that the people of Kyamuswa are most concerned about is education. We feel that education is the pillar on which the development and prosperity of any nation rests. The education of this nation has been equally ignored. There have been no government schools built in Uganda in over thirty years. Most of the schools built in Uganda, so far, have been a private initiative, strictly, for money making. The school fees have gone through the roof to the point that it is only the children of the rich who can attend the schools or go beyond primary seven. The rest of the student population is condemned to sub-standard education or to none at all. When I was young, at least, over 50 percent of the children of the school going age were attending school. Today less than 50 per cent attend school and the rest are condemned to a life of ignorance and poverty.

They do not realise that the draw that the free press holds, the more interested the events the people have to read about; the more newspapers are sold; the more advertisements are paid for; and the more the people employed in the process. Do you realise how

many people will lose their livelihood the moment the press freedom is compromised? The people of Kyamuswa further feel that the representatives of the people to the parliament should be required to relinquish their duties when appointed to government positions. We have come to a realisation that no one can serve two masters and experience has shown that the minute one is appointed to, say, a ministerial position, he totally forgets the needs and aspirations of his people.

The people of Kyamuswa feel that the greed perpetuated by some people in Uganda must be halted. Here is a country where thousands of people are unemployed and yet you encounter people with more than four portfolios.

THE DEPUTY CHAIRMAN: Hon. Member, you have over-run your time. Can you wind up.

MR. SSEMAALA: Yes, Madam Chairperson. Thank you. Here is a country where thousands of people are unemployed and yet you find people with more than four portfolios. This shows that, either the rest of the population is ignorant or unable to perform which is not the case. We do not see why an individual would be a Minister of Justice, Attorney General, Prime Minister, Member of Parliament and Delegate to the C.A. and a lot of other responsibilities. Hundreds of Ugandans would be happy to have just one of these jobs in order to feed their own children. If this provision is stipulated, new talents will emerge to contribute to the development of this country instead of having the same people - some of whom run out of ideas long time ago. There are some names in Ugandan politics which I have heard since I was 3 years old and the same names are here, now, - and I am 35 years old. Ugandan politicians have the longest stay in power in politics of any country in the world. *(Interruption)* While the rest of the world is moving into the space age, some of these people are moving us back to the stone-age. Let me wind up by paying tribute...

THE DEPUTY CHAIRMAN: You have over-run your time by five minutes.

MR. SSEMAALA: Two minutes, please. The people of Kyamuswa feel that safe-guarding the Constitution has been and continues to be a big problem. Similar resolutions have been stipulated in the past Constitutions as in the new Draft Constitution, however, they have always been violated. The

people of Kyamuswa, therefore, resolve that a strong stance with teeth must be written in our new Constitution. Their proposal states that anyone who overthrows a democratically elected government should be prosecuted as it is stipulated in the Draft Constitution. They also urge that any Ugandan citizen who supports, aids, abets and serves a new illegal government commits treason against the people of Uganda and, therefore, must be prosecuted as per extent of the law - when the law comes into effect again.

The people of Kyamuswa wish to thank His Excellency, the President, and the NRM government for their insight and forwardness. When people refer to this Constitution as being an NRM Constitution, members of the NRM should look at such a statement as a badge of honour rather than an insult. Because, it was the NRM government who have had the courage to recognise the need for a new beginning for the people of Uganda, like the Chief Justice commented, let us give credit where it is due.
(Applause)

MR. LANGOYA (Lamwo County) Madam Chairperson, Lamwo County is in Kitgum District in the extreme north of Uganda bordering the Republic of Sudan. In the west, we have Gulu District and in the South and East is Chua County, Kitgum District.

I would like to congratulate you on your election as the Deputy Chairman of this august Assembly. I wish you and the Chairman of this Assembly success in the discharge of your great responsibilities.

The electorate have given us, collectively and individually, a very challenging job to do. We are being asked to promulgate for the people of Uganda a popular and durable National Constitution. For a Constitution to be popular and durable it must address and relate to the real situation in Uganda, as well as, what the people of Uganda wish that situation to become. The people of Uganda are anxious to live in the Uganda where there is freedom; where there is peace; where there is unity; where is equality and social justice for all. What does it mean to be free? To be free is not being prevented from doing what one wants to do. The people of Uganda want freedom to be free or freedom without pre-conditions. When you do not allow the people to associate or to say what they want, you are giving them limited freedom, not freedom to be free.

Peace, on the other hand, is not merely the absence of war. If we want real peace, let us remove threats, causes and sources of conflict which threaten peace in the country. Social justice means justice for all, not for an individual; not for one group; not for one tribe; and not for one region only. I am saying this because of the inequitable distribution of resources, particularly, in the north and North-East. In a free society no one individual or group should expect to have everything his own way. When this happens, it is disastrous to others. I am saying all this because I feel it is necessary for our continued existence as one nation. If we do not accept them, the Constitution we are going to come up with will never stand the test of time. This Assembly will, hopefully, come up with a new Constitution for Uganda and this new Constitution will suffer the same threats as the 1962 or 1967 Constitutions by being violated, suspended, or amended unnecessarily.

Sometimes, it is not true to say that it is the Constitution that failed the people of Uganda. As the matter of fact it is the leaders who upon taking the oath of office swear to uphold, preserve, protect and defend the Constitution and are the very people who violate it. It is, therefore, necessary that we must, as leaders, take what we swear to do very seriously. We must also be committed to some principles. One of which is to respect the supremacy of the national Constitution. Let us make our Constitution a sacred document not to be tampered with unnecessarily.

The people of Lamwo County are saying that the National objectives and Direct Principles of State Policy are being introduced in our constitutions for the first time. Other countries have included them in their Constitutions, for example, India, Namibia and others. These cannot be enforced but they guide the government in making and applying laws to give effect to the fundamental objectives and principles of State Policy. For instance, the government can enact laws to ensure equality of opportunities for women; enact laws to ensure the unemployed, the incapacitated and the disadvantaged are accorded social benefits and amenities by the state; enact laws to ensure that the tender aged - the children are not abused. These objectives and principles of state policy also give guidelines as to what a good government ought to do for its people. If carefully implemented, this will provide the basis for evaluating the performance of successive governments.

Article 72 brings out the importance of this chapter very clearly, in that, the President's address to the nation on the state of affairs of the country now becomes a Constitutional requirement and that the matters to be touched are in this chapter. The only notable omission, here, is a policy with regard to foreign investment which is quite different from foreign relations contained in the draft Constitution. It should state whether we want foreigners to invest by themselves or go into joint ventures with us and so on. Since, we would not like to eliminate other people, foreign investments shall be encouraged within Uganda, subject to the provision of the Investment Code. With some good drafting, we support the inclusion of this chapter in our Constitution.

Citizenship. To a layman, you are a citizen because you were born there or because your father was born there; or though born elsewhere, you have taken up your permanent residence there and obtained citizenship by registration or naturalisation. Put very simply like that, I still find people doubting as to whether so and so is a citizen of Uganda or not. The provisions of Citizenship in 1962 and 1967 Constitution are Straight forward. I, therefore, see no reason as to why we should drag in the issue of 1st February, 1926. In any case, for whom are we writing this Constitution? Is it for those who were there in 1926? After 33 years of political independence in which our existence as a nation is recognised internationally - we need not make changes for their own sake. There must be valid reasons.

There are two articles in this chapter which are adding more to our problems than alleviating them. Article 42 (1) on child adoption. This is not a Constitutional matter. What is required is to enact laws to provide for thorough investigations into cases of children whose parents are not known. This can be easily abused. For instance, it is going to be very difficult to determine whether the child is actually found or has been kidnapped from another country. In a situation of civil war in the neighbouring countries, where the boundaries are marked physical features like rivers, mountains, lakes and so on, many of our neighbours will take advantage of this Article by escorting their children across our borders. Large numbers of such children will add to our problems of providing free education, health services, water, housing and so on.

I have difficulties with Article 43 about the people who have stayed in Uganda for 20 years. This,

again, is an administrative matter. Since a state has the duty to receive its citizens, when they decide to return to their country of origin, irrespective of the time stayed away. We do not this type of article. This article is also subject to abuse. With the rampant corruption in Uganda, today, this article will open up a flood gate of thousands of non-citizens registering to become citizens of Uganda without, actually, having lived continuously here for 20 years. This should be taken care of by immigration laws and need not be included in the Constitution.

Human rights. This is a very important chapter. The people of Lamwo support the establishment of the Uganda Human Rights Commission; but its chairman and members of should be appointed by the president with the approval of parliament. This is necessary because the Commission must also investigate violation of human rights by the government in power. I am saying this because the Human Rights Commission, now, does not investigate the human rights violated by the NRM government, particularly, atrocities committed in the North and north east.

We would like to suggest that one of the duties of the Uganda Human Rights Commission should be to award monetary compensation in respect of any damage suffered by the aggrieved person instead of going to court on behalf of the person whose human rights or freedom has been infringed. Going to court is an expensive affair to the ordinary man. This is both true for our people who have experienced cases of human rights violation and lost valuable properties that cannot be compensated by the courts.

Political system. Uganda's political Structure and processes are still in a state of transition. We have shifted from multiparty system to one party system; military junta and to the present movement political system. No one can tell whether the shifting has finally ended.

In considering a choice of a political system for Uganda, let us not think of today or yesterday or five years to come. Let us cast our minds far into the future and see what system can be developed as a permanent political system of Uganda. We are not alone in this process. Many African countries are experiencing the same political problems. The holding of a referendum will not solve the problem. In Ghana, a referendum was used to establish a one party system. The referendum, however, did not

help to change the course of history in Ghana. We all know it. What the people of Lamwo want to be written in our Constitution is a multiparty political system. *(Applause)*

The people of Lamwo want Ugandans to be given the freedom to form as many political parties as they want. So that, if one party or a coalition of parties are in the government, the others can be in the opposition. I would like to emphasise this point by saying that the examples of the atrocities and the killings that have been given - only one political party is being accused. Have we ever given a chance to DP to show us the ideal party Uganda can have? *(Laughter)* Then I have also heard the argument advanced by my friend, hon. Sam Kutesa who is a very old politician, a very able leader. He can stand in Nyabushozi and be elected and then cross over to Mawogola and be elected. *(Interjections)* Uganda needs experienced, able politicians like these to start political parties. *(Applause)* We do not have to cling to the movement system. The people of Lamwo would consider a party started by hon. Kutesa seriously, so they can offer alternative policies to the people of Uganda. *(Interruption)* I do appreciate the information, but I am presenting the views of the people of Lamwo. I do not want anyone to hijack them.

THE DEPUTY CHAIRMAN: You can proceed.

MR. LANGOYA: Those in opposition will make the party in power accountable to the people; transparent in all their transactions and policies. In the movement system the people of Lamwo cannot see any possibility of anyone offering to Ugandans alternative policies. I want to quote what other people have said that: *"what we call politics is in fact largely the conflict of various groups and interests in the state for the control of machinery of government"*.

The people of Lamwo do not buy the idea that political parties caused a lot of suffering. Every country has its own history. Uganda is writing its history. You cannot run away from killings and so on that are writing history for Uganda and we still have write more. We believe that multiparty politics should be practiced without, necessarily, restricting to the old parties. Let the people be free to start political parties so that we learn by doing. We do not have to wait until things are perfect. A political system will never be perfect.

We do not support the establishment of the National Council of State as it is proposed in the Draft Constitutions. The functions are merely advisory and with no powers to deal with real serious national issues. If there is a serious need to set up a body to advise the president and the government, we suggest the establishment of a planning commission to advise on matters of development, Uganda being one of the least developed countries in the world.

Uganda Audit Commission. We support the establishment of the Uganda Audit Commission with modifications. Its chairman and members should be appointed with the approval of parliament. It is to parliament, and not the National Council of State, that the Commission reports. The Commission should include among its functions the auditing of performance and not books of accounts only. If money was spent on development projects, the Commission should verify the amount of work done compared to the amount of money spent. We hope this will help to reduce corruption.

At the time of independence, Uganda was considered to have one of the best civil services in Africa. This reputation has, however, been eroded considerably.

Under the 1962 Constitution, appointment, confirmations, promotion, and disciplining in the Public Service was vested in the Public Service Commission. In other words, the Public Service Commission was independent and executive in its function and existence constitutionally. The 1967 Constitution removed this power and turned it over to the president, leaving the Public Service Commission only as a body to carry out delegated powers of the president and to advise the president on high level appointments of the heads of departments and permanent secretaries. This is bad for governance because these powers could be easily abused. For instance, there was an unnecessary expansion of the Public Service and other statutory bodies that the country could not afford to sustain. Many people were appointed for jobs they did not qualify for. Many capable, qualified public officers have been frustrated or were retired in public interest and that retirement in public interest has been baptized and called retrenchment.

There is, therefore, a serious need to address this issue positively in the new Constitution. Although Article 192 of the Draft Constitution attempts to

redress this situation, it is not enough. The best way to do it with respect to appointment, confirmation, promotion and discipline in the Public is to base the power entirely in an Executive Public Service Commission. A similar executive status could also be accorded to the Judicial and Teaching Service Commission.

As a retired civil servant, I want to say something about these senior citizens. First, the levels of retirement benefits are unrealistic and worse still, are never paid in time. Secondly, many pensioners feel cheated by the very society they served diligently when they were still strong and on becoming of age. They are left to become social misfits by being given next to nothing. In the light of this pathetic situation, I would like to suggest that the new Constitution must make it very clear that senior citizens are entitled to, and do receive, regular pension adequate for the maintenance of a decent standard of living and (*Applause*) the enjoyment of social amenities.

Ownership of land by the individuals, families or communities confers real wealth, social prestige and a sign of economic maturity. This is a freely God-given asset to man without conditions. It is, therefore, important that ownership of land, not through grants of leaseholds, should be guaranteed to all Ugandans. We support the gradual introduction of the freehold system with some modifications that: land for communal grazing or hunting should be owned by the village or the clan.

In regulating and managing the utilization of land, the following principles shall apply. There shall be maximum utilization of land while ensuring equitable distribution. These words: 'Maximum utilization and ensuring equitable distribution of land' are very sensitive to us, if not dangerous. Maximum utilization of land must not be understood to mean that there is an open land which is not being used to the maximum. This will be dangerous to us the people of Lamwo since all our cattle, tractors and other implements for tilling land have been taken away land utilization has declined. The land may not be in use now, but it has owners under the Customary Land Tenure in our area. It is, therefore, not available for anyone to take possession of it without adequate compensation.

Ensuring equitable distribution of land is equally sensitive. There is no country in the world where land is distributed equally among its people. The

equitable distribution of land among the people might not mean the arithmetical sum got by dividing the total land area to the number of people living in it. Secondly, some people have more land than others and they are hoarding it - so it must be given to those who do not have. It is very important to note that land distribution must respect boundaries as well as the Land Tenure System in each district. With decentralization now in very high gear, it would only be proper that ownership of land in each district should be vested in the District Land Board not in land Committee because they are committees of the Commission. (*Applause*) The Board is an independent body and not part of the Uganda Land Commission. The Uganda Land Commission should only own land belonging to the Central Government. For this reason, each District Land Board should be free to administer the utilization of land in each district according to the customs, traditions and Land Tenure System.

In conclusion, the people of Lamwo have presented their views and they need not, necessarily, be the views of other delegates. Where we differ, we shall negotiate on different terms. (*Applause*) I want us to understand the word popularly used in this House 'compromise'. To compromise is not to abandon principles but to show the spirit of give and take. The people of Lamwo will not, on matters of principle, like political system; land; and so on, will not compromise. Thank you very much. (*Applause*)

MR. AMANDRUA (C.A. Delegate, NOTU): Madam Chairperson, hon. Delegates, I am privileged to have this opportunity to appeal to you to hear the voice of the workers. I did, in this august House of 17th June, 1994 introduce the National Organization of trade Unions - what it is and what it stands for. Just last week, my Colleague on behalf of the workers of this country, articulated their position in the country's Constitution making process.

I will discuss and present the views of workers on protection and promotion of fundamental human rights and freedom. My Colleague, hon. Teopista Ssentogo, could not cover this topic because of limited time.

Chapter 3 Section 12, subsection 1,2,3 and 4 of the Draft Constitution respectively says that 'Protection and promotion of fundamental rights and freedom' Section 1 - *Fundamental rights and freedoms of individuals and groups are inherent and not granted by the state.*

That means these rights and freedoms are not claims neither are they extended by another human being or group of people or state by grace, charity, fraternity, loves etc, but these human rights and freedoms are inalienable.

In sub-section 2 *'all organs and institutions of government shall regard the defence and promotion of human rights and freedom as primary responsibility of the state. Section (3) The state shall guarantee and respect institutions which are charged with responsibility of protecting and promoting human rights by providing them with adequate resources to function effectively.* It is this that I would like to emphasise. Madam Chairperson, the workers, the disabled, the disadvantaged groups mainly: women, the elderly, the widows and the widowers with one heart support the above proposals.

Sub section (4) says that *'the rights and freedoms guaranteed under this constitution and other laws of the land shall be given full effect through adoption of policy and development of programmes that promote rights of the disadvantaged groups and communities in Ugandan society, especially, women; the elderly; children; peasants; workers; the sick; and the disabled'*, and I wish to add on the list the widows and widowers. We support the above proposals contained in the sub section 1-4, we as the disadvantaged group.

Workers and peasants are now paupers. Factories are closing and workers are retrenched, or declared redundant, and ordered to go away without pay; or with indefinite promises of payments. In some cases without somebody responsible to pay them, to mention a few. The owner of Africa Textile Mills in Mbale ran away to London leaving the workers in cold without paying their benefits and wages in 6 months in arrears. Even recently UTC and People's Transport Company one morning brought in Police to take over their premises sending the workers with only 50,000 shillings to 80,000 Shs. How can this... *(Interruption)*

MR. MWEBESA FRANCIS: Point of information. I want to inform the Member that these workers had been told to go away without pay. Because they had produced nothing and the owners of the companies did not have the money. So, it is a simple input output relation.

LT COL. GUMA FRANK: Point of information. I would like to inform the hon. delegate representing the manufacturers that, it is not really in order for him to employ people if he knows that he is not in production. I think it is the right of workers. If they are not doing anything - if you enrol them in your industry without raw materials it will not be their fault. Thank you very much, Madam Chairperson.

MR. MWEBESA FRANCIS: Point of order. Madam Chairperson. Is it in order for hon. Guma to address me as a manufacturer's representative when I had already informed the Members that I am a Presidential nominee. Further to the information I gave to my friend of NOTU is that the workers normally stay at the factory being represented by the Union itself and they know very well that they are doing nothing at that particular time. So I am saying that the employer finds himself in a position where representatives of workers keep at the factory while they are doing nothing and no money is coming. In the end, by staying there they want money which is not there. That is the information I was giving my friend.

THE DEPUTY CHAIRMAN: Hon. Guma I think you have got that information and correction that he is a Presidential nominee.

MR. AMANDRUA: Hon. Chairperson, I would like to inform the hon. representative that the company in one morning brought in policemen and sealed its factories and closed both factories on the same day. What workers said is, they would have had the courtesy to inform them of what was going to happen. They brought policemen early in the morning and sealed the factory. Was that an emergency matter? I think the factories had been working well, the buses were operating and that was the time when they came in to chase away the workers.

A HON. DELEGATE: Point of clarification. Thank you very much, Madam Chairperson. I just want to make further clarification towards the Presidential nominee that the workers did not intend to stay at the work place when there is no work to be done. The malpractice and mismanagement of the company is not the responsibility of the workers.

The Union representatives are always alert to inform the relevant authority of whatever malpractice are going on in whatever industries but the authority tends to keep a deaf ear and in the end it is the worker

to suffer the consequences of whatever comes out of that. So that is the information and clarification I wanted to make. Thank you very much.

MR. AMANDRUA: Thank you very much, fellow worker. Jinja today is a ghost town because most of the factories are closed. These are the problem workers are facing. Some of these problems of industries, institutions and other working places and are reversing to rampant dismissals and retrenchment. Madam Chairperson, may I ask for your pardon. I mixed up my papers.

I would wish to say Jinja is now a ghost town because most of the factories are closed. Starting with Mulco Textile Industries, leave alone Nyanza Textiles whose workers have not been paid. Looking at the draft proposal... *(Interruption)*

MRS. RHODA KALEMA: Point of information, Madam Chairperson. I would like to inform the hon. Speaker that his worry about industries closing down or industries terminating and dismissing workers is actually a problem that originated from the Ministry of Finance. As all of us would know that the budget, even this year, has done very little to alleviate production costs. In fact, two per cent was added on the sales tax and so these people who are in business cannot keep workers when they cannot produce. There cannot be profit when they are producing nothing. The problem is from the Ministry of Finance which has just refused to consider the home industries and rather encourage trade and imports from outside. Thank you, Madam Chairperson.

MR. AMANDRUA: Madam Chairperson, the hon. delegate who has just given me the information is the one who has just dismissed some of our workers in Uganda Blanket without giving them notice and it is not the Ministry of Finance, and the very person is a director there.

MRS. RHODA KALEMA: Point of clarification, Madam Chairperson. The hon. Member is quite in order. He is correct Uganda Blanket manufacturers have dismissed workers because they were dishonest and they are responsible for losses of equipment worth millions of money. It was lack of negligence on the part of the security workers and all the security workers were dismissed. They were very much aware and this was included, clearly, in the contract. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much for that information. Sir, more information here. Are you taking it?

MR. AMANDRUA: Before I take it I would like to add that if there was water I would have washed their linen, unfortunately, there is no water.

MR. CHANGO MACHYO: Point of information, Madam Chairperson. The workers representative and the director of B.A.T. - I do not know whether they are fearing - but they are not using the proper names. The proper cause is structural adjustment programme by I.M.F. and World Bank. Thank you. *(Applause)*

MR. AMANDRUA: Hon. Chairperson, I would not say the policy is good, but it does not help the workers at the present time. Most of us have no jobs because of structural adjustment.

Looking at the draft proposals in section 12 (2) which guarantee and respect institutions which are charged with responsibility of protecting and promoting human rights and freedoms by providing them with adequate resources to function effectively; we say this clause when adopted will go a long way in rectifying the above anomalies. Of now, the Uganda Industrial Court which is supposed to handle all the workers' problems has not been effective because of lack of funds, allegedly. Cases of complaints are piled both in the Ministry of Labour and Social Welfare and Industrial Court unattended to.

One of the institutions for workers which should have been instituted by the Ministry of Labour and Social Welfare is non-existent. That is the minimum wages advisory board. This is a very important board which gives minimum wages for everybody in the country. Be he/she a house boy or house girl or shamba boy or anybody working in one of the small industries, there must be a minimum wage where one can start from, otherwise, workers will not be able to sustain their lives. This board would have advised the government on meaningful minimum wages. Because of lack of this, the entire country has no minimum wages. The last minimum wage which was 6,000 shillings per month was constituted in 1983. With the two zeros removed the present statutory minimum wage in Uganda is now only 60 shillings. What do you do with it? For instance, if a company - like Mukwano who vowed never to

recognise trade union movements in his enterprise - decides to pay this minimum statutory wage of 60 shillings per month, he will do so by grace and this is what the rest of employers are doing at this time.

These are the problems in industries, institutions, and other working places resulting into rampant dismissal and recruitment at the same time. After two or more recruitment, workers are dismissed and new recruits with low wages are employed. That means, employers are not obliged to keep the workers because there is no strong union.

We, therefore, wish to propose that the Uganda Industrial Court be enshrined in the new constitution to cater for the numerous and unattended or partially attended to problems of workers. We shall later table our proposals about the Uganda Industrial Court and its functions.

The draft constitution should confirm the International or Regional human rights instruments. The provisions in the draft constitution should actually be balanced with International human rights so as not to compromise these instruments. However, there are many abstract and elusive clauses in the draft constitution which could be put right in order to avoid the inalienable human rights being liable to abuse. A denial of human rights and the circumstances of such denials to a person or a group of persons should be concrete in the new constitution.

The constitution should provide for implementation of International Conventions. Once Uganda has signed such any International Convention, the said convention must be represented within prescribed time or specified time to the Parliament.

The fundamental human rights and freedoms of individuals enshrined in this chapter should be respected, upheld and promoted by the executive, the legislature, and the judiciary and also by all organs and agencies of the government and by all persons in Uganda.

The responsibility of supervising implementing the human rights and freedom and the question of ensuring constitutional guarantee rests on the state. It is the state to:

- i) ensure effective protection through effective administrative machinery for control and special measures of complaints.
- ii) be obliged to establish adequate and effective

governmental mechanisms to ensure implementation and enforcement of human rights and freedom.

Human Rights Commission should be independent of the executive.

The draft constitution has a provision that human rights commissioners are to be appointed and removed by the President with approval of the Council of State. This role of the National Council of State in this draft constitution should be played by the Parliament so that the Presidential appointment are subject to ratification by the legislature. If left as it is, the position of the Parliament shall be marginal, especially when some of the powers have been transferred to the National Council of State which is dominated, as proposed, by the executive.

The idea of the National Council of State is not good. Its executive powers will undermine the role of the Parliament which should actually be left to the field of legislation and being a people's representative body to have more supervisory role over any other State organ / institution.

Human rights commission should have powers to monitor government complaints with human rights provision under the National Constitution. This should also cover human rights freedom in International Conventions instrumental powers to investigate international agreements on human rights and freedoms. The draft constitution prevents...

THE DEPUTY CHAIRMAN: Can you please wind up, you have over run your time. I gave you the benefit because you are the last speaker, so you better wind up.

MR. AMANDRUA: May I ask for two minutes, only?

THE DEPUTY CHAIRMAN: Two minutes is too much because we have another programme in the afternoon.

MR. AMANDRUA: I can summarise. With this one minute I am summarising on the role of the judiciary. The Judiciary is a guardian of human rights and freedoms. The judiciary in this draft constitution has been placed in a weak position under the shadows of the executive, especially, with regard to appointments and removal from offices. The Head of State, the President has considerable influ-

ence over the judiciary. This should actually be reversed. Thank you very much for giving me these extra two minutes. *(Applause)* For God and our country, Uganda.

THE DEPUTY CHAIRMAN: Thank you very much for your presentation. I have an announcement to make. The rules and orders committee will be meeting at 4.00 p.m. today in the Press Conference Room.

(The Assembly rose at 1.33.p.m and adjourned until 8.30 a.m. on Thursday 7th July, 1994).