



THE REPUBLIC OF UGANDA

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

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**OFFICIAL REPORT**

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THURSDAY, 7TH JULY 1994

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**MOTION:-**

General Debate on the Draft Constitution of the Republic of Uganda [Pg 636]

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Thursday, 7th July 1994.

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

PRAYERS

*(The Vice 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.

*(General debate Continued)*

**MR. KIWANUKA MUSISI (Buikwe County, South):** Thank you, Madam Chairperson. Buikwe County South, is one of the three constituencies that form the county of Buikwe. The other two constituencies are crossed by Jinja Road, starting from near Namagunga, through Lugazi Town Council, and right up to the Owen Falls dam. But my constituency is totally off the road, and it is a purely rural constituency. It is generally known as 'Bukunia', it has a long show line, and it is a gate way to Buvuma Islands. It has no big towns, it has small trading centres, like Nkonkonjeru, Buikwe and Kiyindi, and it is best known for its educational institutions, especially Nkonkonjeru, Ngogwe and Matale. It has a population of about 110,000 people, and these are true peasants, practicing agriculture, animal husbandry and fishing.

Guided by what the people of Buikwe South want and aspire to, I shall start by making the following observations on just a few of the aspects of the constitution, because time cannot allow me to cover the whole range of topics.

The constitution expected to emerge, out of this Assembly, must be able to forge unity, peace, stability and prosperity, to enable the people of Buikwe South to live in happiness with their fellow Ugandans. Madam Chairperson, it is expected by the people that the constitution will ensure the supremacy of the people themselves and that it will

guarantee their power to determine their own destiny. People expect the constitution to entrench their right to have a say, in matters regarding their governance, at all levels of Government, they expect an undiluted democracy.

It is expected, that one of the things that will assist democracy to prevail, will be a provision in the constitution for regular, free and fair elections. Related to that, people expect entrenched provision for a permanent, independent, and effective institution charged with a duty of organising such elections; namely: the electoral commission. That commission must be insulated against manipulation, and un due influence of the rulers of the day. It ought to have branch offices at district level, but such branches should only have access to district physical facilities and personnel if necessary, without being subjected to the district authority.

The principle of the devolution of power, responsibility and control of resources, is expected to be included. But this devolution, has to be thorough both in content and institutionally. It must be accompanied by constitutional safe guard. The electorate of Buikwe South, requests this august Assembly to look at the devolution of the power as a catalyst for fast development in the whole country. They have already seen how it contributes to increased effectiveness of government machinery at all levels of society. How it facilitates, more rational decision making and prioritization of government under taking. We have already seen how it enhances, timely and meaningful accountability by the governors, to those who are governed, and how it stimulates local initiative for development.

The principle of self determination, is strongly cherished by the people I represent. It is because of that, that I was requested to point out to this august House, recommendation No.9.94 (g) on page 264 of the Odoki Commission Report. And with your permission, Madam Chairperson, I would like to quote. *"To adequately and effectively cater for our cultural diversity, districts which share common or similar cultural identity and other values, should be free under the new constitution to cooperate as political units in the entire area of culture and human development, and form associations or organisations to that effect."*

The people I represent are happy that the commission recognised in the report but they all lament that it was omitted in the draft constitution. It is therefore, my pleasant duty to persuade fellow delegates, to lift that recommendation and put it in the final document. But I also have to emphasize, that the cooperation mentioned in this recommendation must be voluntary, and it must originate from within the component political units concerned. It would be futile, morally wrong, and totally unacceptable for such cooperations to be suggested by non-members of any group so proposed.

Separation of powers with the attendant checks and balances, Madam Chairperson, is another principle strongly recommended and supported by the people I represent. They hate to see a replay of the colonial constitution, and re-arrangement in the 1967 constitution, whereby the executive arm of government is given a lions share of the powers of the state. Such a system made it easy for the executive to abuse most of state power; with impunity moreover from 1967 on wards. The executive automatically eroded the powers of the legislature and the judiciary, to almost nothing, and proceeded to grossly violate human rights, hence damaging extensively, all aspects of the nation.

The constitution, must provide suitable formulae and mechanism to ensure equitable access to the national cake by all parts of Uganda. In order for decentralization to succeed, the constitution must show how local government will share resources with a central government. It must all address the question of weak partners. Some of the political units are weak. They are less advantaged in terms of resources, and therefore, need an arrangement that will lift them. But it is also important Madam Chairperson, to guard against bleeding the advantaged areas, to a point of stagnation or even retrogression.

On land, Madam Chairperson, I would like to say, that it is the second most important resource, coming second to the people themselves. We must agree therefore, on the best way to manage this important resource for the sake of development, which I am sure all of us assembled here desire. We should be able to recognise the merits of land consolidation. Some of us may be having a phobia for mailo land but a phobia based on distorted reasoning and misconception. Let us all agree that mailo land tenure simply means, ownership of land in perpetuity

and no more. The 1,000 ruling families who were given eight thousand square miles in 1900 in Buganda, hence giving rise to the 'Kigandanised' term called mailo land, changed a long time ago, and the so called mailo land is already fragmented to all types of buyers, including non Baganda. Instead of square miles, the original mailo land is now broken into fractions of any acre.

With your indulgence, Madam Chairperson, I may give my hon. Colleagues my personal example. I have a piece of land in Kawempe North, it is less than an acre, I bought it in 1986, and I bought it from a Munyarwanda who has been here since 1960, and this Munyarwanda bought more than 5 acres from one of the former ruling families.

I have given this example, to show the dynamism in land ownership. And to prepare ground for my appeal, to my hon. Colleagues, that we should remove from our minds the stigma of mailo land, in order to be able to appreciate that under this system, land which is a valuable commodity, has been changed from one owner to another very fast, and has therefore, been one of the factors facilitating relatively faster development in Buganda, and in many parts of Uganda. Furthermore, title holders, have had more access to credit finance or various economic activities as hon. Kuteesa illustrated here yesterday. In order to remove the stigma of the term mailo land, with its political and historical encumbrance, and connotations, let us adopt the term free hold and encourage land consolidation throughout the country. In Buganda, we shall have to address further and more seriously, that issue of customary tenants. We need to guarantee their recognition, and their security of tenure, and to find an arrangement which will enable them to secure land titles at minimum cost and inconvenience, without antagonising the existing title holders. In a decentralised system, Madam Chairperson, the central government has to be represented at the local government level. But for this principle to work better, it may be necessary to upgrade the position of central government representative to a much higher level, and put these Central Government Representatives, in charge of a group of districts in an arrangement possibly similar to what we have in the North where we have a Resident Minister in Gulu. Such officers will be fewer and I believe will be of a high calibre. And these officers will be given better facilities than they are given when they are at district level. This will enhance their status, and therefore, they will

equitable distribution, will remove, jealousy promoting therefore, political stability and hence, building our nation.

On the question of boundaries, the people of Kabarole endorse the provisions of article 203, but feel that boundaries so far formed, should be immediately gazetted. Some boundaries formed in 1974, are not yet gazetted. This encourages, constant wild claims over our boundaries. The people of Kabarole, wish to express their aspirations on natural disasters. Kabarole like Kasese and Bundibugyo, is an earthquake prone area. Whereas disaster management workshops have been organised by UN Disaster Management Team in Uganda, it is important that a Ugandan Team is put in place. A safety net in order to protect people from future catastrophes should be provided. Training of seismologists and earthquake engineers, plus acquisition of necessary recording equipment, instead of relying on recordings made in America, be taken as a priority.

On citizenship, Madam Chairperson, and hon. Delegates, the people of Kabarole, especially the women and those who support the women's call, support the provisions of clause 43(2a) for citizenship by registration, that provides that every person married to a Uganda citizen, except that such a person shall be required to produce proof of a legal and subsisting marriage of at least three years, can register. This provision removes inequality in treatment under the current law, whereby, it would be easier for a non Ugandan Woman married to a Ugandan man, to become a citizen, than a non Uganda man married to a Ugandan woman. They however, suggest that the period of marriage be increased from three years to five, to qualify for registration. They support the provisions of article 44, and the establishment of a national citizenship and immigration board. This will among other things register and issue national identity cards. They wish to see a mechanism of registering properly, all birth and deaths put in place.

On fundamental human rights and freedom, I will lay emphasis on rights of the disadvantaged groups; that is women, children, orphans, and widows. The people of Kabarole and especially the women appreciate the efforts, made by the NRM Government to uplift the status of women in this country, an effort, I can say which is unequalled in the whole of East Africa. The draft constitution has on the whole, attempted to provide for affirmative action to protect and promote the rights of the disadvantaged group.

It is the hope of many, that this Assembly, will support those provisions intended specifically, to deal with special needs and welfare of this group.

For a long time, women's rights have been taken as mere aspiration. People want them practically realised. Steps should be taken to eradicate general ignorance of human rights among the citizens.

The effort so far taken to establish a mechanism for women interest and participation and equitable representation at all levels of the political process and public life, and enabling women to articulate their concerns and needs is recognised. We would like to see it taken up. The women of Kabarole and men who are gender sensitive, wish to have a gender sensitive constitution. The women are concerned about discriminatory laws in the aspects of property ownership, marriage, separation and divorce. These laws should be amended. They feel, they should have equal rights over property acquired together during marriage, and should share it on a 50 - 50 per cent basis. So, that even the woman, can make a will, over her 50 per cent. So, that every woman, at the dissolution of marriage, may have something to retire on.

The women are concerned about tradition and cultures that reduce them to the status of children or property; yet all these, are equal in dignity and rights, if the universal declaration of human rights of 1948 is taken seriously. Customs that exclude women in decision making in the family, clan and other organisations should be prohibited by this constitution. Women are concerned about girls discrimination in education; when they become pregnant, they are denied a chance to continue. When money is scarce in the family, the boys attend school and the girls stay at home. At the beginning, of term in a family of boys and girls; boys' fees is secured first, and the girls last - and the girl reports late. The people therefore, endorse the provision that, laws, cultures and customs or traditions which are against the dignity, welfare or interest of women, be prohibited. By article 60, every man and women, of full age, has a right to marry and to found a family. In fulfillment of this right, it is the desire of my people that they have entrenched in the constitution a section to enable them enjoy the production right. A right as couples or individuals to determine how many children to have and when. A right which is at present, is enjoyed by men only. Many women, are practicing family planning secretly.

Widows: Madam Chairperson. While the draft constitution has a provision for orphans rights and children, it is silent about widows. They are only mentioned under the national objectives and directive principles of state. I am a widow myself. Widows, have gone through untold misery and suffering inflicted by the in-laws and other relatives of their deceased husbands. Their property has been grabbed, they have been sent away, they need state protection. Protection of rights of widows, should not just be an aspiration of the state, but a constitutional issue, and should form a section under the rights of women. Facilities and opportunities necessary to enhance their welfare, should be provided by the state. On orphans, the people say, the care of orphans, has been left too much to charity and NGOS. In many cases, the assistance given, does not reach the beneficiaries, or is mismanaged. Even when they have been deprived of property by relatives, government has not intervened especially where the surviving widow, does not know her rights. The state should have a responsibility and should care for the orphans.

Madam Chairperson, and Hon. Delegates, children have a right to know and be cared for by their parents. Children must have a right of protection against all abuse and mistreatment. Child abuse and mistreatment, has resulted into a worrying and increasing problem of street children in Uganda. Article 62(1) should be upheld. Existing laws concerning children need amendment for example, the 2,000/- paid per month to mothers to care for children as per affiliation act which protects children after the marriage, is ridiculous and unrealistic.

On political systems. The people of Kabarole sent me to tell this assembly that they support the Movement system. A system founded on participatory democracy, enabling them to participate in their own way, at all levels of government. A system that has not marginalised the role of women and the youth, in politics. All systems prior to NRM, have not only marginalised women and youth, but also failed to recognise the sovereignty of the people and rights to participate in decision making process. They are saying, political parties operated in the past, they offered what they had to offer, let them now, take stock to re-organise ready for another trial, after five years and after a referendum.

On the executive, they say the president should be directly elected, a university graduate, married to a

Ugandan, and should have a two five year term of office. They say, the Ministers, should be appointed from Members of Parliament and outside. In the case of the former, by-elections to fill their seats in Parliament be held.

On the legislature. They have something to say on the composition of Parliament. The people of Kabarole would like to have 39 women representatives, one from each district for effective representation. They would like them elected on the basis of adult universal suffrage and not by the National Women's Council. Many people were not happy during the CA Women elections with the attitude shown, remarks made, and lack of enthusiasm for women elections. Remarks like women are going to nominate their women, or they are going to elect their women were common. Yet these women were district delegates and not district delegates for women. It is for this reason, and not because the system was put in order as hon. Nekyon argued earlier, that the people would like direct elections, taking place on the same day, as the general elections. Five tables instead of three, would be used in the process.

The people of Kabarole strongly support this provision of right of recall, some Members have exhibited poor quality of representation. They have shown little interest in the need and problems of their electorate. They have not consulted often with their constituencies. Such Members should be open to recall.

On land; Madam Chairperson. Land is a common heritage of all people, and should belong to the people. Land ownership by an individual or a family, offers a sense of economic security. Until recently, when resettled people have returned home voluntarily, settlement schemes in Kabarole were beginning to put pressure on land, hence to look at the land issue carefully. The people want a land tenure system and policy that would ensure a fair and equitable allocation of land among all the citizens. Free hold and customary ownership, are advocated by the people of Kabarole.

On education, Madam Chairperson, and hon. delegates, they would like an education system designed to avail education to all Ugandans. This education is a basic human right, they support basic compulsory education which is free. For they believe it is this that will solve the problem of the high rate of illiteracy now existing and the detriment to nation

building. Literacy campaign programmes and adult education programmes have not been effective. Compulsory, basic and free education therefore, they feel, will solve illiteracy.

On cultural leaders, my people appreciate the restoration of the institution for the people who want it. And it is an indisputable fact that traditional rulers, now cultural leaders shaped the history, culture, and the identity of the various people. Those who want it, it is an essential part of their fundamental right, culture and should have it. The people of Kabarole, want to see continued harmony, between cultural leaders and national leaders. To maintain this harmony, it is important the cultural leaders do not engage in political activity.

Taking monarchy as a fundamental right to culture, will protect the institution, whereas, a constitutional monarchy, will be subject to review whenever there is a new constitution. They also want a cultural leader with purely cultural and developmental roles, a leader that will encourage development, unite his kingdom or district, and also advice government on developmental needs of his district or his kingdom.

On cultural identity. The people of Kabarole say, to strengthen their cultural identity, most people would like to revert to the old historical name of Toro to apply to the present Kabarole. After all, when the name was changed in 1974, and 1979, the people of Kabarole were not consulted.

Finally, the people of Kabarole, desire a constitution that will endeavour to develop a system of government that ensures people's participation in governance of their country. A constitution that eliminates politics of exclusion, and sectarianism. A constitution that ensures unity, peace and development. Let us hon. Delegates, debate this constitution with open mind, but not with bad motives. I thank you all for listening, I thank you Madam Chairperson.

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

**MR. KWERONDA RUHEMBA (Kajara, County):** Thank you, very much hon. Chairman. I will address you as hon. Chairman, because that is the title given to you by the statute. Hon. Chairman, I thank you for this opportunity, to present the views of Kajara people, to this august Assembly and for your information, I was in Kajara this very last

weekend, to ascertain whether they still hold the views they gave. I found they had not changed, and they said we have made a few additions here and there, and I am here to present their views. As you know, Ntungamo as a district, has only been in existence for one year. Ntungamo, on the other hand, borders the republic of Rwanda in the South, Kabale district in the South West, Rukungiri District in the West, Bushenyi district in North West and Mbarara district in the North. A number of tribes are accommodated in Ntungamo district. These are the Banyarwanda, Banyankole, Bakiga, the Baganda and even some people from Zaire. These people have always lived together in harmony, until 1982, when the then government stirred up trouble against the Banyarwanda, and even chased them away. Mr. Chairman, the people of Ntungamo in general and Kajara in particular, have sent me to clarify the question of the Banyarwanda in Uganda, in general and in Ntungamo and Kajara in particular.

In 1895, as we all know, the borders of Uganda were negotiated and fixed in the Berlin conference, in present day, Germany. No, country in Africa was represented, at this conference; and certainly no tribe applied to be where it is today. By 1911, Uganda was effectively occupied by the British. The Banyarwanda in Kamwezi County in Kigezi, in Kisoro district, in Kabezi sub county in Bushenyi regional sub-county in Ruhama county and many of them in Kajara, were told that they belong to Uganda, and from then on they were Ugandans. They were not given a chance to choose to be Rwandese or Ugandans. Uganda is full of tribes, these include the Bakonzo, Bamba, Alur, Madi, Kakwa, Acholi, Karamojong, Jophadola, and many others. These tribes were apportioned between counties. My friend Agrey Awor, has his brothers and sisters in Kenya, I am sure Moses Ali's relatives would also be found in the Sudan. Let us therefore, stop being over excited about Banyarwanda Ugandans and concentrate on issues which affect us all as Ugandans, Banyarwanda of the Uganda origin inclusive. The above notwithstanding, there has been influx of Rwandese refugees in Uganda since 1959, and I want to assure you here that, non of them settled in these areas that I have mentioned. They were given entrance and they were registered, and they have been living in gazetted camps. You know these camps, the Rukungi, Chaka, etc. and from which some of them went out and acquired land or entered in the Uganda labour market. Ugandans are to blame because, if somebody breaks out of this camp with intent to buy land, he must buy it from a

Ugandan. Therefore, they bought land - Ugandans are to blame. If they got jobs, Ugandans and Ugandan Government policies must be blamed not the Banyarwanda who were looking for jobs. Fortunately these refugees are going back. As I talk now - very many refugees are heading for Kigali. But the Banyarwanda of the Uganda origin, whom I said are living in the gombololas listed above, and sazas and districts, will not go back; they are here. And therefore, we should stop bickering about them. Like the rest of Ugandans, when it comes to issuing of National Identity cards and passports, they should be given the forms and nobody would ever disturb them again. And I want to mention here that, if anybody had to complain about Banyarwanda, it should be we people who live with them. But when somebody comes from Arua Municipality, somebody who is not even neighbouring any of these Banyarwanda and he starts complaining about them, his motives should be questioned.

This therefore, brings me to the question of citizenship. Chapter 4, article 22(1), states that a child of not more than 7 years of age found in Uganda, whose parents are not known, shall be presumed to be a citizen of Uganda by birth. Kajara people have no quarrel with this, but they are recommending that the citizenship of these children should be confirmed after extensive consultation and inquiries with neighbouring countries to eliminate the possibility of some people dumping children in this country. I am saying this because Kajara people are widely read and have discovered that along the border between Mexico and United States, parents cross over and they dump children across. Similarly, this country is no longer in chaos. The fact that we are assembled here is a manifestation of that, and it is resolved that we are going to make it a better country. Therefore, it will be attractive to members of the communities surrounding this country, and they are likely to dump children here, to benefit either economically or financially, using this loophole that we are creating in the constitution. Article 44 (3A) states that the function of the immigration board, shall include the registration and the issue of the National Identity card. Kajara people strongly support the registration of citizens and issue of national identity cards. This is long over due. It should have been done many years back. When you go to Kenya, it does not take long before they identify you. Many countries in the world register and they have a national register for their people. It is only Uganda, where you enter freely and walk out freely. The same office, that is

immigration board, should register births, deaths, and migrations. I am saying this because, now for quite some time, the governments of this country stopped registering people who are born and when it stopped registering people who are immigrating - internal immigrations. Somebody comes from Kigezi and he goes to Hoima. He should leave a record in Kigezi that he moved and similarly when he enters Hoima, there should be a record that this man has arrived, he is coming from Kigezi; so that should his nationality be questionable in future, you can find a record in Kigezi where he says he comes from. I am also saying this because some Ugandans have been moving, there has been internal immigrations and you will find you have gone to Bunyoro and when it comes to voting, they start labelling you a non-Ugandan. But with the registration of these immigrations, this problem could be solved for Ugandans. However, Passport control should be tightened to remove the possibility of Passports getting into the hands of foreign nationals. On 28th June 1994, there was an article which appeared in the Monitor newspaper to the effect that a certain Kariuki from Kenya was masquerading in Namibia with a Ugandan Passport; that he bought two cars and sent them, I think to Kenya, using a Ugandan Passport, of course he did not pay full value for these cars, he paid \$3,000 dollars I think and he wanted to jump out of Namibia and assume ownership in Kenya under the other names which we do not know. So, this grip in Passports is a very, very important thing. Otherwise Uganda will be a laughing stock when criminals start using Passports and abusing the name of the country.

Article 46 talks about dual citizenship; the people of Kajara object to this proposition, they object because no person can hold citizenship of two countries and he pays equal respect to the two countries.

Article 47, talks about duties of a citizen. The people of Kajara support the proposal that all able bodied people go for military training. These people should also attend to political education as demystification of the gun and politics will guarantee independence of the Constitution and the sovereignty of this country.

Chapter I of the Draft Constitution, hon. Chairman, states that all powers belong to the people who shall exercise their sovereignty through the democratic institutions of the State. The people of Kajara have sent me to this House to negotiate power, to decide on matters which affect them. People want power to

plan and execute programmes which affect them, the people want peace. They want to participate in the peace keeping process. For instance, they want to train their own LDUS, and they want to command them to effect the peace keeping process. The people want power with which to defend the Constitution should anybody tamper with it. The people want to achieve food power to feed themselves. They want economic and financial power to educate themselves and their children. People want to attain unity of purpose. The people want democracy, Mr. Chairman and democracy being popular participation by the people. Here, they are saying, that democracy is not voting per se, they are saying that they have voted many times in the past but after voting they have found themselves without salt, after voting they have found themselves lining for hoes, after voting they have found themselves coming to Kampala on Road Blocks they have been tortured, after voting they have found themselves fighting each other when before voting they were living harmoniously. So, they are saying democracy here, does not mean parties, democracy does not mean what some people here are saying it is. They are saying they are happy under the Movement type of politics and in fact, you will recall that my Colleague - my fellow contestant in this CA elections had to fail miserably because he professed to be a multi-party sympathiser. So, they are saying, much as they like parties, and you know Kajara used to belong to Bushenyi and it was the base of UPC, parties should wait.

Last but not least, hon. Chairman, on this point, the people want justice. For instance, hon. Chairman, is it just for the Government to borrow money from abroad, subject the people to pay the national debt, when that money cannot be accounted for in respect of alleviating poverty? Is it justice for some children to go to school while others do not go to school for lack of school fees? Is it just for some citizens of this country to be expelled by Government after these very citizens have just elected it in power? Or, is it just for the people to pay tax and get a raw deal or no full return for their money?

The people of Kajara hon. Chairman, endorse Chapter 2 of the Draft Constitution which states that Uganda should remain a unitary sovereign state and Republic. The policy of decentralisation is most welcome because it will reduce the dependency syndrome hitherto exhibited by most districts and open doors for development. At this juncture let me interject with some observations, which a Member

of this august House made. I travelled with a member of this august house to Mubende, Bundibugyo, and then from there we passed through Kasese, then we reached Igara and Sheema and when we were heading for Mbarara, this gentleman said, "I wish the Government could also do this in Gulu district." I said, "what?", he said, "I wish the Government could build us houses as I have seen, I wish it could make us farms as I have seen." I said, "do you believe the Government has done this?", and this fellow was naive to imply that actually the Government has been dishing money to people to go and develop their areas. This is very sad for an educated man, because no Government has ever handed money out for anybody.

**MR. WANENDEYA:** Point of information. Madam Chairperson, may I inform the hon. Member holding the Floor that according to the 1994 background to the Budget, Uganda's external debt is at \$2.6 dollars by June 1994 and this was equivalent to 86 per cent of GDP. The point over here, Madam Chairperson, is that our current national debt is purportedly currently being estimated whereas in any country, when you are taking care of public funds, they have got to be audited and a certificate of audit is issued, but we get concerned when you see that our national debt is just being estimated and not being actual. So, where does this money go to? Madam Chairperson? I thank you.

**MR KWERONDA RUHEMBA:** Does the Member here imply and the same Member who is the CA Member of Budadiri is the same Member who is an MP. Does he imply that Government dishes out money to some people in this country to go and develop their own *Kibanjas*?

Any way, Madam Chairman, Chapter 3 of the Draft Constitution is about national objectives and directive principles of state policy. The contents of this Chapter appear and are covered in other Articles of the Draft Constitution. This Chapter therefore, is redundant and common sense, though common sense is not common, dictates that we delete it from the Constitution.

Chapter 6 of the Draft Constitution is about the representation of the people. The people of Kajara support the Movement type of politics, as I have already said, for the next five years. They are however not opposed to political Parties thereafter, if the Parties to be formed are well articulated and

subsequently formed to reflect the values of this country; namely peace, unity of purpose, justice, democracy and development. The five years following the promulgation of this Constitution, should see intensive civic education and objective political education so that Ugandans are not taken for a ride once again.

On Chapter 7 of the Draft Constitution, the people of Kajara have the following to say. Article 105 (C), the President should hold a University Degree. Article 108 (1), the President should hold office for five years. Article 108(2), two terms for the President as recommended in the Draft Constitution are supported by the people of Kajara. While the people of Kajara want a powerful President, they say the President should not be overloaded with duties. Powers and duties do not mean the same thing and from this Draft Constitution and from our past experience, you will see how we over load the President. For instance, he is the Commander in Chief - I am talking about the present President, he is the Minister for Defence, he is the Chairman NRM Secretariat, he is the Chairman NRC, he is the Chairman Armed Forces Council, and according to this Draft Constitution, he will be Chairman National Council of State according to this Constitution, he could also be Chairman O.A.U. or PTA; he is the Chairman National Assembly. Now, this is overloading the President when actually people are lacking jobs. *(Applause)*

The people of Kajara support Article 136 (1), the right to recall its representative to Parliament if his performance is poor.

Article 137, the Code of Conduct is also supported; leaders should be clean as an example to the rest of the population. The legislature should be strengthened by standing committees. The National Council of State should not be retained as it will only serve to make the President even more powerful. The President should not compromise the legislature by putting some of its members to make them ministers, or even Board Members of Parastatal organisations. This weakens the legislature.

On defence and national security, Chapter 14 of the Draft Constitution, the people of Kajara have the following to say. Only citizens should be recruited and the people veto them; they should participate in that recruitment. The Army should be productive and self reliant. The Army men and officers should

acquire other skills other than nursing the gun. During peace times, they should study for degrees, diplomas and other qualifications.

On land and environment, Chapter 17 of the Draft Constitution, hon. Chairman, the people of Kajara, support a free hold type of land tenure, but this land should be issued with titles. The land office should be decentralised and to get a land title should not be a lengthy, complicated and expensive affair. Districts not congested should open up for people to come in.

Article 279, on traditional leaders should be deleted from the Constitution. The people of Kajara are saying that monarchism is not and should not be a Constitutional affair or matter. The people of Kajara do not mind other people e.g Baganda, Batoro, Banyoro, getting kings if they want them. However, Kajara people do not want a Mugabe of Ankole restored; they are saying that, the institution of Omugabe is no longer a uniting factor. If anything, it is a divisive factor. I will give examples. Those who are clamoring for monarchism, they should take a leaf from the French history. In France it was it was attested that monarchy was anti-development; It was extravagant, it was appropriating peoples wealth for no good and they had to get rid of it violently. *(Interruption)*.

**MRS. JANET MUKWAYA:** Point of order. Is the hon. Member on the Floor in order to use the word 'Clamor' for us who want our monarchs, is it not derogatory? I am insulted.

**THE DEPUTY CHAIRMAN:** That was a little bit out of order.

**MR. KWERONDA RUHEMBA:** I do not know who is not struggling to get a monarchy here or to insert monarchism into this Constitution. In the United States, Madam Chairman - *(Interruption)* -

**THE DEPUTY CHAIRMAN:** Hon. Member, you have run out of time.

**MR. RUHEMBA:** In United States, you recall that the North had to fight the South, because the South was pro-slavery and the South was being supported by monarchy of Britain and to liberate industry, to liberate markets, to liberate production, the Americans of the North had to fight the monarchical or aristocratic institution of the South in order for

America to be rich and in the United Kingdom, you know that the powers of the King had to be trimmed to usher in development.

**MRS. VICTORIA SSEBAGEREKA:** Point of order. Madam Chairperson, is it in order for the hon. Member on the Floor to impute that we should follow the examples centuries ago, that those who support monarchy should fight with those who do not support it?

**THE DEPUTY CHAIRMAN:** I think he is in order; he is representing the views of the people of Kajara.

**MR. RUHEMBA:** The parties you are trying to plant here were exactly a result of this fight and the parties are as old as these kingdoms I am talking about. So, why are you accepting parties.

On Article 61. of the Draft Constitution, Madam Chairperson, the people of Kajara have the following to say: the people of Kajara recognise that women are the major bread earners in the rural sector. If a husband dies, a woman or wife should take custody of the land and property and hand them over to the children when they attain the age of 18. The woman should not sell the property and land as these two belong to the children. If the wife wants to remarry, she should not do it on the land. instead she should go to the new husband's place and the former husband's family should appoint another administrator of the property who should also hand over the property once the children attain the age of 18.

**THE DEPUTY CHAIRMAN:** Can you please wind up?

**MR. RUHEMBA:** Hon. Chairman, I have finished my submission, but I reserve the right to revisit these points during the consideration state. I thank you Madam Chairperson.

**MR. JURUA ALEX (Vurra County):** Thank you very much Madam Chairperson. I am Jurua Alex representing Vurra County in Arua district. I would like first of all to take this opportunity to familiarise us with the county of Vurra. Vurra county has approximately 70,000 people and it is the food basket of Arua simply because if you went to Arua and you saw the variety of food stuffs there, the majority of it or much of it comes from the county of Vurra. Vurra is bordered on the North by Ayivu

county, of Arua district, on the West, it is bordered by the Republic of Zaire, on the South, it is bordered by Okoro county of Nebbi district and on the East, it is bordered by Madi county in Arua district and in the NRC, it is represented by hon. Dr. Eric Adriko, the Minister for Lands, Housing and Urban Development.

To this Assembly, I wish first of all to congratulate all of you upon your successful elections or appointments to the positions you hold here now. At this juncture, I would also like to commend Members of this Assembly for the seriousness each one of them has so far shown in the business before us here. I have already this hope that, by the end of our term here, we shall be able to achieve the noble objective of making a national Constitution that will stand the test of time; while taking into account the different aspirations of the different people of Uganda.

Let me now turn to some of the issues the people who sent me here are concerned with. First the representation of the people. Madam Chairperson, the people of Vurra feel the Constitution should guarantee every adult citizen an adequate and equal opportunity to participate in the conduct of public affairs; either directly or through freely chosen representatives. Madam Chairperson this has been a matter of prime concern to the people of Vurra, because until the coming into power of the NRM government in 1986, they were a victim to the political gerrymandering where they were divided into two and given out into neighbouring constituencies. I believe this suited certain ill intentions of the political leadership of the time and this made the people of that area suffer ineffective representation at national and district levels. It also tended to disunite the people on matters of development. Madam Chairperson, I have therefore been sent here to first of all, show our gratitude to the National Resistance Government for this wonderful act of correcting this otherwise unhappy situation. We now feel part and parcel of Ugandan politics as far as national decision making process is concerned. For once, the Movement Government has united the people of Vurra who now act as one people in struggling to fulfil their enormous aspirations.

The people of Vurra therefore, recommend that constituency boundaries be free from manipulation and reflect fair representation. As a result, they support the use of the existing administrative units. They also would like to see an impartial body to

organise elections in future. The experiences of the elections of 1980, in Arua district and even the recent CA Elections show how frustrating sometimes it can be when faced with partisan electoral officials. They are of the view that members of such a body should enjoy the highest possible degree of independence from control and influence or influence by any person. They say, only then, will it be able to discharge its duties without fear or favour and with the confidence of the people.

On equitable allocation of the national cake, the people of Vurra had a lot to say. They first of all see the unequal development of Uganda as an unfortunate event of our pre-independence period. What hurts the people of Vurra more is the fact that there seems to have been no deliberate attempt, even after independence, by Government to change the status quo.

Unfortunate statements have been made in the presence of our district leaders who have sometimes followed the development prospects to the centre. Statements such as: you people have eaten, or why did you not develop your area while you were in power, for example, send wrong signals to our people. That we are in power to care about our districts and can therefore disregard others, is totally bad. These statements, Madam Chairperson, have been made by people in sensitive positions of Government both in the past and present. The people would like to know what they ate and what they did not, and when they did eat it so that they have to suffer this ordeal of being ostracised. They are concerned because if such statements can be made by Government leaders who hold positions of authority and yet these are positions of authority over allocation of scarce national resources, then it goes without saying that, if and when such statements are translated into reality or practice, then, the result is that some of these areas of this country that "ATE" will have less and less resources allocated to them and this has or might result in an equal distribution of the national cake and then consequently an equal development.

So, we in Vurra defend the Leadership Code of Conduct that it be part of the Constitution and we thereby hope it will help change the attitudes of some of our public leaders who make such statements that are repugnant to society. Madam Chairperson, since such perpetration of an equal development can also result from the nature of appointed political or public leaders of Government, the people of Vurra are

calling for practical involvement of the legislature that is the peoples representatives in the vetting of all Presidential appointments; so that not again should we have appointed leaders who are overtly sectarian in the way they discharge their national duties.

On local Government, we people of Vurra saw that this is a matter of great importance and they are unanimous on the need for strong and autonomous Local Government. To them, this is the only way the citizens can participate effectively in all aspects of political life of the State. Similarly, a strong Local Government model has the effect of restricting the power and the interventions of the officials of the national Government in matters of local interest; because of this, they are in concert with those who want decentralisation as a type of Local Government to be adopted in the new Constitution. Madam Chairperson, the people of Vura do remember very well the good old days when Local Chiefs were indeed Chiefs, since you would never leave the home of a Chief with an empty belly. This is said of Chiefs, since at that time, they had greater level of autonomy in dispensing of the local resources to solve local problems on site. Today, when people talk of strong Local Government, they are in a sense demanding for more control of their lives with the establishment of Resistance Committees and Councils, the increased control in local affairs and thanks to National Resistance Movement Government. But now, they want more control over the finances of the local authority and we also feel that this will help raise the local initiative that Central Government could not have mastered since 1967. We hope to have the widest possible participation from the village to the national level. So, the recommendation of the people of Vura is that Government should come in full force to enhance capacity building at the local levels.

The question of distance to places far from the capital Kampala should not deter efforts of supporting building local capacity using national resources for decentralisation to succeed.

The people of Vurra share a lot of the sentiments already given here on the issue of a new National Army. They take it as an important item in the Constitution making process, since some of the machinations within this institution caused untold suffering to the people of Uganda in the past. Madam Chairperson, they remember the late 1960s when covert suspicion in the highest echelons of the Army leadership led to the overthrow of the Obote govern-

ment in 1971. This same ethnic conflict became even wide spread in the Amin era, leading to the death of many sons of Uganda. The post-Amin era saw our brothers and sisters shed their blood as a result of orchestrated revenge between 1979 and 1985. Well, the people took up arms in Arua to defend their lives and what hon. Onegi Obel, representing Jonam county, referred to here recently as a one-man fighting group is an under statement when it comes to the resistance in Arua district at that time. The casualties were heavy and on a wider front than people were made to believe, while we people of Arua have only been very reserved in our exposition of the reality of the time.

There came the National Resistance Army and National Resistance Movement Government, when they set foot in Arua, immediately after taking over Government there was not a shot since our people preferred peace and everybody knows the level of the peace we enjoy in Arua today. We join the rest of Ugandans in thanking the National Resistance Movement for the peace and stability that has helped the people of Arua to return from exile and to move from rehabilitation stage to where we are now -ready to join hands in developing our mother land Uganda. We therefore hope that to build a really national Army where there will be no such ethnic suspicions; an Army where recruitment, appointments, promotions, discipline, removal and retirement of members of the army shall be free of this sectarianism. We are grateful that the National Resistance Army has gone a long way to set a basis upon which we can now add more standard.

Citizenship is regarded as a very important constitutional issue in the peoples views. The people of Vurra have requested me to go along with those who oppose Article 42 of the Draft Constitution. This is the Article accepting seven year old children to become citizens of Uganda. They believe this Article is unnecessary and wonder why these children cannot be allowed to grow fast to adulthood before they can decide for themselves so that the national citizenship handles them case by case.

At this juncture, Madam Chairperson, I am a little bit disappointed by what my Colleague hon. delegate for Kajara mentioned here earlier on. The people of Vurra feel that they are part and parcel of the Uganda community and therefore they have a right to say something about constitution making process or something about the citizenship which is part of the

Constitution issues. So, the fact that we are very far off from possibly Kajara does not mean that we cannot say anything on the Constitution or the Munyarwanda issue which is part of the Constitutional issue in Uganda. Secondly, I would like to take this opportunity also to inform the hon. delegates that we actually do have a good number of the Banyarwanda community amongst us in Arua if he did not know and so we have a say definitely.

**MR. HASHAKA JACKSON:** Point of information. Banyarwanda are nationals of Rwanda and there is no tribe called Banyarwanda. Those who are Banyarwanda are either Batuusi, Bahutu in Rwanda. So, if we have to accept and use this chance to be known what we are, we should not be known as nationals of Rwanda. Banyarwanda means a national of Rwanda, he can be a French, he can be a Munyarwanda, Muhutu or Mutusi. I will give an example of Acholis living in Sudan, if they came to Uganda they will be known as Sudanese not Acholis of Sudan.

**MR. RINGWEGI:** Point of order. Thank you Madam Chairman. Is it in order for the person seeking to inform the hon. speaker on the Floor to mislead this august Assembly by saying that there is no tribe or ethnic grouping called the Banyarwanda, when actually in the Draft Constitution, on page 142 Schedule 2 of the Draft Constitution, there is a tribe No. 14, known as the Banyarwanda.

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

**MR. HASHAKA JACKSON:** I want to clarify that there was a mistake in the Draft and that is why it is called Draft. Therefore we are here to correct it. There is no tribe called Banyarwanda, I repeat.

**THE DEPUTY CHAIRMAN:** I said you are out of order, may I ask the Member on the Floor to continue?

**MR. KWERONDA RUHEMBA:** Point of information. Thank you very much, Madam chairperson, you have heard the President mentioning in this House, they came from somewhere I do not know, but when they came they dropped their language and when they reached Nkore, present day Nkore or Bushenyi, Ntungamo and Mbarara, they adopted the local dialect which is Runyankore. Those who pushed ahead into Rwanda, they adopted the local

dialect which is Runyarwanda; those who went to Toro the Basongora, they adopted the local language - Rutoro. So, you can say in Rwanda like in Ankole, that there are two tribes. In Ankole there are Bahima if you want and Bairu and in Rwanda there are Tusi and Hutu. Now, if you agree that in Ankole the Bahima and Bairu are called Banyankole, similarly you will also agree that in Rwanda -the Batusi and Bahutu are Banyarwanda. But when the borders were being demarcated, I have just informed this House that the Gombololas of Rwikiniro, the Gombolola of Kabezi, the saza of Kamwezi in Kigezi and Kisoro were demarcated into Uganda, that, certainly having been done, did not imply that these Banyarwanda ceased to be what they are. Therefore, we have a tribe in Uganda or a group of people in Uganda demarcated in this country in 1895 called Banyarwanda and they are there. That is the information. Thank you very much.

**MR. JURUA:** Madam Chairperson, the people of Vurra believe that this Article 42 is unnecessary and they wonder why these children cannot be allowed to grow up to adulthood before they can decide for themselves so that the citizenship board will handle them case by case. This is because they feel that we have many refugees who now regard their permanent homes as in Uganda and they are now gradually assimilated into the local population without official approval of the laws of the country. We have a load of refugee problems caused by the political instabilities in our neighbourhood, the people of Vurra wonder whether we should now be the ones to legalise refugee citizenship status. The people also support the issues of National Citizenship Cards under law to every Ugandan citizen as a formal proof of identity.

On Political systems, we in Vurra still remember vividly the sociopolitical-political problems created by political party leadership and since this leadership is clinging to this position and influence thereby the decisions of parties concerned, we feel it is essential to give enough time and opportunity to political parties to address the issues of democratising their practices and allowing political and financial accountability to take root.

The people of Vurra elected me, an ardent practitioner and admirer of the NRM philosophy to come and defend the five year extension Movement system; after which the parties will be allowed to resume their activities but with explicit blessing of the people of Uganda. For us who come from Vurra, the

difference created by the NRM administration since its advent in power is conspicuous. This is because people had suffered enough trauma, that they request me to say what I have just said and they only pray that Movement Government is helped to do more than it has done in the disadvantaged areas.

On political education and military training, Madam Chairperson, the issue of how people of Uganda can martial the capacity to defend the Constitution is of utmost importance to us. We believe that the Government's effort to carry out political education and military science has helped to enhance the peoples awareness and capacity to that effect. However, in places which are a little bit far from the central like Arua, there has not been enough change in peoples attitudes so that they can contribute effectively towards their own democratisation. So, we request that Government augments the peoples effort in this area and we also look forward to exercise the part in our constitutional order; so that people will be able to remove the apathy in political activities that is prevalent today among the peasants of Uganda.

On traditional rulers Madam Chairperson, the people of Vurra do respect the views of Ugandans on this issue of resumption of traditional rulers and monarchism. However, they support the Article 279 and they want it upheld in the new Constitution because those who need their traditional rulers should be responsible for their maintenance. The people were opposed to the traditional rulers taking upon themselves political responsibility because if they do, then we shall have returned to the same confusion of the immediate post-independence period.

On land, the people of Vurra regard land as perhaps the most important resource of the people and the country as a whole. Earlier on I had mentioned that Vurra is the food basket of Arua, because of this, we have a lot of attachment to land and the people of Vurra had to give their views on the land tenure and policy that they want. They say that their major problems in relation to land is the land grabbing and decentralisation of the land administration.

So, Madam Chairperson, the people of Vurra are concerned about land grabbing by the rich and powerful; this renders the people landless in the process and this is a real concern as many people have been dispossessed of land while they depend sorely on it as their source of livelihood.

Another point is centralisation of land administration. The people are very unhappy about too much centralisation as well as long and costly and complicated process of acquiring titles to land. We therefore recommend the establishment of a District Land Board something like what hon. Langoya of Lamwo county had recommended here yesterday and they detest the centralisation of land administration at the center and would like it to be decentralised. The land tenure system, the free hold and customary tenure would enable leadership taking part in its administration.

We also support the affirmative action for the defence of the women folk and we thank the NRM Government for broadly coming out to spear head the emancipation of women and hope by constitutionalising it we shall have done our noble duty of putting women where they belong; that is in a position of importance that they deserve. As much as possible discriminatory tendencies in our cultures and traditions, we request they should be discontinued and that the Constitution should provide for that. They feel that the District Representation of women to Parliament is still a very necessary thing and it will make them establish firm foundations in the politics of Uganda.

Madam Chairperson, and hon. delegates, these are a few of the main Constitutional issues the people of Vurra would like this Assembly to handle. When the time comes Madam Chairperson, I will be only too glad to go into the intricate details together with hon. delegates here present. Thank you.

**MR. ZZIWA GEORGE (Kawempe Division North):** Madam Chairperson, I am the hon. Delegate for Kawempe North constituency Kampala district. Kawempe North is at the North East periphery of Kampala district, it is transversed by two well known roads running almost parallel; the Bombo Road and the Gayaza Road. It is a semi-urban with a cosmopolitan population of over 70,000 people most of whom belong to the working class. They have very, very small income and commute daily to the Kampala city centre to earn a living. I join these people madam Chairperson, to congratulate you upon being elected to the noble office of chairing this Assembly and also congratulate the delegates from other parts of the country for having been bestowed with the honour to take a task that is historic.

Kawempe North has a number of cultural sites which I want to draw to the attention of the delegates in case they one day decide to come over as tourists. We have the famous historical sites of Nalinya at Kanyanya and Mpererwe palaces. These are palaces for the late mothers of Kabaka Edward Mutesa II and Kabaka Daudi Chwa. We have a historical site for the burial ground of Prince Mbogo, who is a very well known Moslem Prince in Buganda. We have also the Bahai Temple which is a land mark around Kampala.

I would like to retreat into the short history of our nation and would like the delegates to appreciate that I have lived most of the events I might mention or narrate. I would like to remind the delegates that the task we are entrusted with by the people of Uganda is not entirely a new task. We have therefore, to search through historical rubble, political, economics and social history of various regimes to try and search for material to build a more permanent and suitable democratic foundations or pillars of this nation. Let us therefore, use discernment to identify mistakes and try to avoid repeating them and to use unbiased judgement to give credit where it is due.

I would like to start with the colonial era which brought us religion and education, for which all of us are most grateful. But at the same time I would like to point out that this era destroyed our civilisation. It produced the dependency syndrome and gave birth to white-collar jobs. The colonial masters introduced designs and systems intended to distort the minds of Ugandans and tried to keep themselves and their henchmen in power for as long as they could. This turned out to be a legacy of subsequent Ugandan leaders up to today. I remember one of such sub human ordinances, stopping civil servants to take part in any political activity or engage in any form of business. I consider this as absurd and intended to kill the motives of the elite of the time who were mostly civil servants taking part in any political leadership. This accounts for the phenomena of regarding politics as a game for the aged and only to be enjoyed for a small period since the life span of the old people is extremely short. In this respect, wastage of productive man power in the political arena was created. I therefore, salute the NRM Government for the wise leadership to encourage the youth to take positions of political leadership as soon as they are 18 years. The Constitution we are going to make ought to redress such anomalies and avoid to exclude or marginalise some section of our society for no real genuine reason.

I now turn to the era of the internal Government led by our distinguished son, the late Benedicto Kiwanuka as Prime Minister and later the first Ugandan Chief of Justice. A number of us clearly remember the stand taken by Benedicto Kiwanuka on the issue of appointing or electing the 21 members of KY, not using the direct election method or the adult suffrage method. The temptation to avoid adult suffrage representation as was the case when appointing those 21 members to Parliament before independence in 1962 should be avoided.

The people of Kawempe North therefore, disapprove of the method of electoral colleges to elect political leadership. This era marked the emergence of the divisive politics and politics of intrigue in Uganda, that is the era of the late Ben Kiwanuka marking the emergence of the divisive politics and politics of intrigue.

Moving on to the Sir Edward Mutesa II regime, I noted the beginning of an effort towards nation building as shown by Sir, Edward Mutesa II, the first President of Uganda, when he surrendered his Presidential salary to the people of Karamoja to augment development efforts in the region. The construction of regional hospitals during the Obote I regime is worth giving credit to. These and other social institutions like schools are what the people of Kawempe North are clamoring for.

We should make a Constitution which provides for public institutions such as schools, such as hospitals, so that the poor people in Kawempe with such small meager incomes could join other members of this nation to enjoy a decent life.

After the 1966 Mengo Crisis, the crisis that most Ugandans now believe would have been diverted by dialogue and tolerance, Uganda was plunged into the dark ages. These were the days when man hated man, neighbour hated and attacked neighbour with brutality, not only with the motive of property deprivation, but for murder, rape and senseless destruction of civilisation. Hatred among tribes and polarisation between the North and the South reached alarming proportions. Tribes called others names and statements like "A good Muganda is a dead one," were made. Madam Chairman, I am not trying to open wounds, but I am saying all this, to show what bad leadership can bring to the common man - the peasant, and put his posterity into misery.

Then came the Amin regime. The Northern tribes who were relatively better off during the Obote I regime, took the brunt at the hand of the 'Life President'. Uganda had now entered a vicious circle of retaliation. These senseless killings and destruction went on throughout the Obote II regimes, the vicious circle seemed not to end. The words of the President Arap Daniel Moi after the collapse of the peace talks sometimes referred to as peace 'jokes' in Nairobi, seemed to have confirmed the situation when he said that - (*interruption*) -

**MR. APUUN LONGOLI:** Point of clarification. If I could get you if I am right to get you as you talked of some donations by the *Kabaka* to the Karamoja region, or Moroto for that matter. I would like clarification from you, because I was a treasurer in Moroto district when it was Karamoja region and I did not get any document regarding actually donation from the *Kabaka* to Karamoja region.

**MR. ZZIWA GEORGE:** Madam Chairman, I am not prepared to produce documents at this general debate but it is on record that Sir Edward gave his salary and he gave it for the benefit of the Karamajong people and that is a historical fact. Thank you. Madam Chairperson, these peace talks in Nairobi seem to have confirmed the situation when His Excellency the President of Kenya, Daniel Arap Moi, uttered a statement to the effect that the South is chasing the North, soon or later the North will chase the South, and so on and so on until Uganda will be no more.

The prophets of doom have been proved wrong by the NRM Government under the wise leader of Kaguta Museveni. The vicious circle has been broken by this wise leadership of Kaguta Museveni and the introduction of the broad based Government has brought about stability in this country as can be witnessed by all of us sitting in this Assembly. Members of a particular tribe, group, or political party who never thought they would ever sit together just like we are doing now, have been for the last seven years or so.

Before I go to the specifics in the Constitution, people of North Kawempe have asked me to ask the Delegates to address some of these social ills when deliberating on the Draft Constitution and where possible entrench provisions to redress them.

One is corruption and the abuse of office. Poor drivers at Kawempe are harassed day in and day out

by traffic policemen demanding bribes and sometimes threatening to withdraw Livelihood from these poor drivers.

They also want the delegates to address the question of expired drugs. Expired tinned foods and expired baby food. Custom officials have, to their own benefits, allow Ugandans to suffer by letting in such stuff to such an extent that any tinned food or any drug one has to buy, one has to be careful or else it endangers his or her life. They ask the delegates to see if it is possible to entrench the role of the government chemist in the constitution to be made. They also ask Delegates to look into the unscrupulous shopkeepers who have made millions and millions of shillings through delivering short weights and measures to the public. They also want me to address the question of public debts and the burden arising therefrom. They even go to the extent of suggesting that the Presidents of this country should on every occasion when he addresses parliament to review the economic performance of this country and should give a statement as to the position of public debts. I believe this one has been mentioned by an earlier deliberator. They also want to look into illegal abortion and where possible give very stiff penalties to the culprit. They detest circumcision of women despite a sizeable number being moslems in the constituency.

They want you to look into the street children's plight and what measures to be taken to eradicate this phenomenon. They detest rape of under age children and they propose stiff penalties for the culprits. Madam Chairperson *(Interruption)*

**A HON. DELEGATE:** Madame Chairperson, is the hon. Member on the floor, in order to condemn rape for the under age and appear to be receptive or appreciative of rape for the older ones. *(Laughter)*

**THE DEPUTY CHAIRMAN:** I wonder whether he was receptive. That was as far as he knew. Hon. Zziwa you can continue.

**MR. ZZIWA:** Thank you Madam Chairperson. They feel most of what is regarded as rape - *(Interruption)*

**MR. LUBOWA:** Point of Order. Is it in order for the hon. Member on the Floor to imply that while we have moslems here, they ought to support the circumcision of women in Kapchorwa and yet I doubt

whether their women are themselves circumcised. Is he in order?

**THE DEPUTY CHAIRMAN:** No, he is not in order.

**MR. ZZIWA:** Madame Chairperson, I did not say they condone. I said despite the fact that most of them are moslem, in my constituency, quite a sizeable number, they condemn the circumcision of women. *(Interruption)*

**A HON. DELEGATE:** Point of Information, Madame Chairperson, I wish to kindly, in a sober mood, inform the hon. Delegate holding the Floor that the practice of the women's circumcision is unacceptable to both the Islamic custom and tradition on the one hand and also in the Islamic Sharia Law. Therefore it is impossible and not within our imagination that a muslim constituency should condone circumcision. *(Interjection)*

**MR. ZZIWA:** No, I said 'condemn'.

**A HON. DELEGATE:** I see. *(Laughter)*

**MR. ZZIWA:** They 'condemn', not 'condone'. Madame Chairperson, I now come to what the people of Kawempe have to say on the provisions of the Draft Constitution. They start with land. They say they agree to most of the status that this provision should *(Interruption)*

**DR. NAKYANZI:** Point of Information.

**THE DEPUTY CHAIRMAN:** You are out of order because you called for order. The member on the Floor can continue.

**MR. ZZIWA:** Most of the land in my constituency is freehold. Naturally the landlords of North Kawempe demand that a mailo-land system be left intact. However, the landless and the 'bihanja' owners appeal to this House for a guarantee to ensure they are not exploited by the landlords. They advocate for a dialogue, with the landlords who would stick as an arbitrator to secure leases on their customary plots so as to acquire financial loans on presentation of such leases as security.

As to cultural institutions, I would like to draw the attention of the members to the fact that North Kawempe, as I have said, has quite a number of

cultural sites and institutions, therefore, the North Kawempe people support - tooth and nail - the restoration of these institutions and the restoration of the *Kabakaship*, the return of the cultural sites in Uganda to their rightful owners and the return of the Kabaka's land and markets thereon.

**Form of Government.** People of Kawempe are in for federal system of government. Madame Chairperson, these people however, have a proposal. They anticipate a system on the lines of the 1962 Ugandan Constitution but modified to fit the present circumstances - that is giving power to the people below the *Lukiiko* to determine their own affairs. In other words, they need a decentralisation of the *Lukiiko* in such a way that the lower levels of government have a say to what they want done and to what sort of development they would prefer. The restoration of the name of Buganda to the region - or to the province is a must. Or they feel it must be done under all circumstances so that they could have a feeling of belonging to a particular region in Uganda and it is only by the restoration of the name Buganda that would bring in line the restoration of the *Kabakaship* of Buganda system which has already been accomplished. They do not imagine restoration of Buganda King without a Baganda Kingdom or region. Members have been referred to the document circulated showing the position of Baganda *Lukiiko* on this issue.

**Political Parties:** Taking the past history of Uganda; the governance of which has been mostly spear-headed by political parties, the electorate of North Kawempe are cautious to give the reins of government to political parties leadership. Whether what went wrong was a personal blame to the leaders or whether it is a blame to the principle of the party politics but the stigma to both still stands and they give their verdict that the activities of the political parties be put in cold storage for some time and they suggest five years; to serve the sentence for the misdeeds the Ugandan people suffered. They, however say that during this period, political parties should be given a chance to conduct political sensitisation and political education in readiness to what might transpire out of the referendum after five years.

On the three arms of government, the power to any of these arms should be given to the people of Uganda and such powers should be given in doses as prescribed by the people. They earnestly request this

House to ensure that no overdoses are administered to any of these arms. While it is appreciated that the general view ought to be the principle in our Constitution they, in actual fact are saying that whereas, it is appreciated a president, for example should not be a papertiser, the amount of power that should be given to him should be determined by the people and the mechanism be put in the Constitution that would check and balance the powers of the various arms of government.

They talk simply about the representation system and they say that the strength of the electorate is 50 per cent enhanced by a strong electoral system. An electoral commission which has men and women of integrity. Men and women who can guide our old society. For that matter, they ask the Delegates in this House to ensure that the electoral Commission be given such facilities as to enable the poor electorate who are not so much versed with literature to decide what sort of candidates they might vote for after having, of course been given all the data, certification and quality of the candidate.

I would like now to turn to the question of the Members directly and this is to do with the attitude and the kind of atmosphere that we should work in. The people of Kawempe are asking you to adopt an attitude of tolerance. An attitude of give and take and an attitude of respect for each other's views and ideas. I feel and I join them, that this is very important. Let us not come with the assumptions that one is bigger than the other. We are all here to do a duty and to give a service which is intangible to our electorate and unless this service is properly handled, we shall be blamed time immemorial for the products that we are going to produce so that - gentlemen let us endeavour to make a Constitution that will stand the test of time, that looks into the future and thus answers the requirements of our immediate needs.

I want to end by saying that people of Kawempe are wholeheartedly behind the move taken by the NRM government again to bring women the youth, the disadvantaged into focus by giving provisions in the Constitution for us to consider. Thank you very much Madame Chairperson.

**MR. OCHYENGH (Kapelebyong County):** Madame Chairperson, thank you very much for according me this opportunity to convey to this Assembly the message from Kapelebyong County.

Kapelebyong County is in the extreme north of Soroti bordering Bokora County of Moroto to the east, Labwor County of Kotido to the north east. Otuke of Lira, to the north and Amuria to the west. Usu county to the south. It is quite a productive place which used to support vibrant agricultural activity, plenty of livestock and very happy people until about 85 July.

Permit me to begin by extending our most sincere and heartfelt congratulations to you personally, the Chairman Hon. Wapakhabulo and to all the Delegates to this Assembly on their being entrusted with the hon. task of formulating the basic law and custom of our motherland. This is a great task. The people of Kapelebyong have faith in you and sincerely believe that this House will submerge its personal interests and impartially lead the country in its ardent path for a lasting Constitution. But let us also, on a very sad note, express our sympathies and condolences to the people of neighbouring Rwanda who are experiencing a most difficult time of their lives and also our countrymen and women in Kabale, Kisoro Rakai and other neighbouring areas to Rwanda who have been affected by the fall out of the war. We deeply feel sorry for all of them and we would like to propose that this Constituent Assembly finds time to call on the OAU and UN, the authors of the Adis Ababa Charter and the Geneva Convention on human rights, respectively to establish Standing Committees to investigate human right abuses in these countries of ours. Otherwise, Madam Chairperson, the Africans are getting finished.

Hon. Delegates, our Country will this October be 32 years since we embarked on the road to self-government. Our sojourn along this road has been lumpy and full of interruptions. We have not as yet fitted ourselves well into the grid of Constitutionalism, democratic rule and social progress. In Kapelebyong, we see the work of this Assembly as a continuation of this match which began at Lancaster in London, in 1961. It moved to Parliament Buildings in Kampala in '66 and '67. It has now come to this Conference Center with new actors and a changed environment. We in Kapelebyong were privileged to participate in the making of both the '62 and '67 Constitution under the able representation of Hon. Cuthbert Obwangor. He represented us in the Lancaster House and in Parliament. We would like to take this opportunity to sincerely thank him, together with his other Colleagues who participated in the promulgation of those Constitutions and we

believe and have absolutely no doubt at all that they acted in good faith and with the best of intentions for our country and we do hope that we, too., here will continue in that spirit. Having said that Mr. Chairman, permit us to report to this august Assembly that we in Kapelebyong, very much appreciate and highly regret the suffering and losses Ugandans as a whole have been subjected to as a result of Constitutional instability, violent and unconstitutional seizures of power and the resultant consequences of the break out of war in our country. We would like to take this opportunity to condemn all acts of violence which have characterised seizures of government. We, ourselves, have been very unfortunate victims Madame Chairperson and even now we continue to suffer from severe consequences of massive destruction resulting from this unconstitutional governance.

As we sit here discussing and debating this Constitution, the people of Kapelebyong are subjected to terror and fear by armed rustlers. On top of that, many have and continue to lose their lives daily as a result of starvation. This has occurred because their homes, property and means of livelihood were vandalised and destroyed during the last nine years. Madame Chairperson, as a result, we in Kapelebyong were unable to join the Constitutional making process right from the beginning. I would like to report to this Assembly that at the time the Uganda Constitutional Commission was gathering views and opinions from Ugandans for consideration and inclusion in the proposed constitution, we in Kapelebyong were indulged in chaos, bloodshed, suffering, sorrow caused to us by cattle rustling and war of rebellion. We were neither physically nor mentally free to participate. Even now, we feel we are participating under duress. We are not mentally and psychologically free to participate because of the problems we are suffering from.

**MR. KAIJUKA:** Point of Clarification. I would like to get some clarification from the Distinguished Delegate from Kapelebyong, holding the Floor, He is saying - if I understood him correctly he is saving his people; indeed he is depicting the scenario of the past of a few years and so on; but the point I want clarification about is one - he said that even now the people feel they are participating under duress - the word is 'duress'. Is it under duress or is it under stress. Because the two may mean different things. If it is under duress, I would like to understand under what circumstances they are participating under duress. Thank you

**MR. OCHYENGH:** I would like to thank the hon. Speaker who has just sought Clarification. Possibly you would be correct to call it stress. We are under stress because I wanted to put on the aspects of suffering we are going through that does not give us the mental peace. Madame Chairperson, in talking about rebellion in Kapelebyongo or Teso at large, we would like to take this opportunity to clear some misconceptions that are often spread around about that war. It is often argued that we the Teso, fought the NRM to oust it from power. This is absolutely untrue and very wrong. This argument, to the best of our knowledge, is being used to cover up any motivated action committed against us. The war was sparked off by the failure of government to curb cattle rustling and to secure our lives, properties, homes and means of livelihood of the people of Teso. Instead of doing the above the government, on the contrary and unwisely, too decided to disarm and arrest members of the local militia as well ex-service men who had served in the various forces. On the false suspicion that they were hostile to the incoming NRM government. This was at a time when we were desperately looking at the government to save us from this unprecedented onslaught by cattle rustlers. In the process, tens of thousands of our people, including children below the age of ten years, old men and women were indiscriminately arrested, tortured and taken away to unknown places where they were kept in detention for a very long time. They have since been released but quite a number have not re-appeared and have been presumed dead. Others were mercilessly butchered - in many cases after gruesome torture. The press covered a lot of these stories of people being butchered in Tororo, in Soroti and the culprits eventually left and here I would like to mention our regrets that a person like Bunyenyezi who eventually ended up in Rwanda murdered our people and was never arrested and brought to trial. It appeared to us that government with rustlers appeared to be intent on finishing us and that was the major cause of the war. *(Interruption)*

**A HON. DELEGATE:** Thank you very much Madam Chairman, I would like to inform my Colleague Ochengh Dan of Kapelebyongo that we understand Bunyenyezi who left this country for Rwanda is dead and therefore there is no way we can exhume him to answer this business.

**MR. OCHYENGH:** Madame Chairpersons thank you very much for the Point of Information but it is irrelevant because the man left here after he had murdered people and everybody knew it. That is the

time when he should have been arrested. Madame Chairperson, the objectives of the rebellion were very much limited to forcing the government to realise our plight and afford us the necessary protection. Had we wanted to topple the NRM government, we could have joined the Lakwena forces in their march to Kampala; but we did not do so.

**MR. KUTESA:** Point of Order Madame Chairperson, I think the speaker is not order to mislead people *(Interruption)*

**THE DEPUTY CHAIRMAN:** No, you do not rule him out of order. You are requesting whether he is out of order.

**MR. KUTEESA P:** Is the speaker in order, Chairperson, to mislead these people by saying that the people of his region never joined the Lakwena forces when we are very sure that on most of the attacks that were carried out when the Lakwenas were attacking NRA units; most of these people were involved.

**THE DEPUTY CHAIRMAN:** I think he is in order because that was the situation in Kapelebyong because he was there. That is what he knows.

**MR. OCHYENGH:** Thank you Madame Chairperson and, that is the truth, I think the hon. Member is trying to divert the attention of the Members, Madame Chairperson what we were going through in Teso, has left us very bitter. It makes no sense to us for government to talk of having restored peace, security democracy or development when we see nothing about in our midst. We see sorrow, we are starvation, people, are eating bats, eating rats, eating lizards army worms; not because they want it as a result of deliberate actions of looting *(Interruptions)*

**LT COL. GUMA:** Point of Order. Thank you very much Madame Chairperson, Is it in order for the hon. Delegate to insinuate that NRM has the powers of God to cause drought?

**THE DEPUTY CHAIRMAN:** In that respect he is not in order.

**MR. OCHYENGH:** Madame Chairperson, I have not mentioned anything about drought but if I may inform the Delegate that our agriculture was basically based on livestock - on oxen and in the process of looting, all our cows were stolen and we were incapacitated.

**MR. KWERONDA:** Point of Order.

**THE DEPUTY CHAIRMAN:** NO, the order was here. Sorry, I will come to you because I had already earmarked somebody else.

**AHON. DELEGATE:** Is it in order for hon. Guma to state that government cannot foresee famine coming in what we call early warning system.

**THE DEPUTY CHAIRMAN:** I think that is out of context.

**MR. OCHYENGH:** Madame Chairperson, on this note, I must thank the women of this Constituent Assembly for the spirit they have shown as indicated in *The New Vision* of today that they have resolved to contribute 50,000/- each from their own personal income towards our fate. *(Applause)* I would also like to call on the fellow men to follow the spirit.

For three or so decades, this country has had constitutions which have adequately provided for the proper structures of government. These have embodied an Executive properly charged with their responsibilities and means to administer the country and then ensure the security of lives and properties of citizens. We have also had parliaments or Legislatures which should have ensured that our rights and freedoms are protected, safeguarded and promoted. We also had judiciary to arbitrate in those unfortunate cases of conflict among us. Above all, Madam Chairperson, we as a nation, have subscribed to International Charters and conventions on human rights. All these have remained on paper because it has transpired that our major preoccupation and concern is the acquisition of power by any I means. This has become embedded in our peoples minds such that people are now highly suspicious of anything done by government for it is seen as a means or a measure to sustain itself in power and not to serve the people. Even this exercise we are being told in certain quarters that it is actually meant to sustain the NRM government in power, *(interruption)* Madame Chairperson, we cannot blame the people if they are skeptical because it was not the absence or lack of Constitution that all those problems that the country has gone through - such as the murders in Daiva Market in '64; the riots and heavy lose of life which occurred in Baganda in '65, the issuance of orders to Central Government to move itself out of Buganda soil and the subsequent blood bath in Lubiri that year; it is not the Constitution which

installed Idi Amin in power in '71, who made his government to commit outrageous atrocities against the people of this country or to invade Tanzania. It is not the Constitution which made provisions for the murder of Moslems in Ankole in '79 or the destruction of West Nile and the eviction of the people there into exile. It is not the Constitution, Madame Chairperson, which enabled the - or made provisions for the 27 heroes of the Movement to go to the bush and cause massive destruction and irreparable damage in order to get into power. Madame Chairperson, *-(Applause)-* the Constitution did not provide for looting of Banks and private properties in order to wage war. Madame Chairperson, the Constitution did not bring the Okellos. Madam Chairperson, the Constitution has not *(Interruption)*

**MR. RWOMUSHANA:** Point of Order. The Member holding the Floor has put it that it has not been as the result of the Constitution that have had all these immense problems. Now, if it is so, and that since we are in the process of making the Constitution salvaged to redress those problems and he himself is actively participating in that process so as to redress those problems when he knows it is not the Constitution that was the result. Why then is he and his people participating? Is he, therefore, in order?

**THE DEPUTY CHAIRMAN:** In that respect he is out of order.

**MR. OCHYENGH:** Madame Chairperson, the people of Kapelebyongo insist that it is not the provision of the Constitution - it is not the Constitution which deliberately makes or, creates the problems that we went through. It is the people who have created the problems that we have gone through. The problems have resulted largely because of disregard, disobedience and abuse of Constitutional provisions. We have all along abrogated our Constitutions to the interest of those holding State power or for the wishes of those who wish to acquire power and misinterpreted *(Interruption)*

**MR. APUUN:** Point of Information. In view of what the Member is raising about the mismanagement of the affairs of this country, I would like to inform him that, since some of them are alive, like Dr. Milton Obote, like Amin, I think it will be appropriate to call them to answer for these crises which happened in this country.

**MR. OCHYENGH:** Madame Chairperson, we

would like to make a few observations about the report,

**THE DEPUTY CHAIRMAN:** Hon. Kinyatta, can you dissolve your meeting. Member on the Floor, you can continue.

**MR. OCHYENGH:** We would like to make a few observations about the Report of the Constitutional Commission together with the draft which is now before us in this Assembly. Madame, because of our suffering, we have perused through this document in the hope and in the search for a solution to our problems.

**A HON DELEGATE:** Madame Chairperson, is in order for some Hon. Delegates to have a meeting that looks like a security meeting while the debate is going on? *(Laughter)*

**THE DEPUTY CHAIRMAN:** I think if they are Members of this Assembly, they are grossly out of order. *(Applause)* Can we leave them to go in peace, Hon. Etyang.

**MR. ETYANG:** Point of Procedure. Madame Chairperson, I hate to interrupt any Speakers on the Floor for the reason that I made my contribution some three weeks ago. While Members, definitely, are entitled to raise Points of Order, Clarifications and the rest of it; but I think we are really abusing the facility provided in the Rules. I thought we all cautioned ourselves to patience and to listen to due points being given by members from all over the country. Now if we are going to bring in our own views, however unacceptable the other views maybe; whether it is on monarchy, federalism and rest of it, we are all here to reconcile ourselves. I have not heard anybody here saying that we have not come to reconcile the country. Now I would therefore, like as a matter of Procedure, Madame Chairperson - for you to exercise that understanding that we are here just to make the type of Constitution that is accommodating the whole views in the country and appeal to Members not to be impatient particularly when views contrary to their own are being made *(Applause)* Thank you.

**THE DEPUTY CHAIRMAN:** Thank you very much. I think you have all noted that interjection.

**MR. OCHYENGH:** Madame Chairperson thank you very much for that. I hope I will be compensated

for my time. We would like now to comment on our observations on the reports of the Constitutional Commission together with the Draft of the Constitution now before us. We have the following observations to make. Madame Chairperson, first and foremost, we find that the source material available to the Commissioners is totally biased, inadequate as a sample, statistically not weighty to reflect the balance of various divergent political and social feelings and opinions in the country and appears manipulated to achieve preset objectives. According to the statistics contained in the Commission's report, the Commissioners received a total of 25,547 submissions which they claim represent the views and opinions of the majority of the 17,000,000 Ugandans. Out of these submissions, 12,359 only nearly 50 per cent were from RCs. That is RC I, II, III, IV and V. These RCs are organs of one political system which is also in power and behind the making of this Constitution. RC I to V, as we know are composed of the same people, saying the same things at different echelons of the same system. Furthermore, the number of people who participated in this RC exercises is not known. We would also want to add that it is erroneous to presume that the views of the RC Councilors or Executive Committees, whichever was concerned represent the views of the majority of Ugandans who did not support movement candidates during the last CA elections. Apart from those 12,399 submissions from the RCs, 899 were from seminars which we think were organised in conjunction with the movement functionaries. 5,844 were from competitions organised by the Commission with inducements of a reward, 2,762 *(Interruption)*

**THE DEPUTY CHAIRMAN:** Clarification; knowing that you have run out of time.

**MR. OCHYENGH:** 2,762 were from newspaper articles.

**A HON. DELEGATE:** Point of Order. Madame Chairperson, with due respect to hon. Etyang's submission, Is the hon. Member in order to attack the Commission which we very well know that it publicly went out to ask every Ugandan, irrespective of your belief, to submit your recommendation or memoranda to the Constitution?

**THE DEPUTY CHAIRMAN:** I think he is in order because we are here to redress problems.

**MR. OCHYENGH:** Thank you Madame Chairperson, I was looking at the statistics on which the Commission based its findings,

**A HON. DELEGATE:** Is it in order to preempt the discussions in this House? Why I say this Madame Chairperson, is that the very essence of this Constituent Assembly - the very reason why the Draft Constitution was not promulgated straight away was to give the people of Uganda, through their elected Delegates to prove and verify what the Commission submitted as to whether it is the actual will and intentions of the people of Uganda.

**THE DEPUTY CHAIRMAN:** I agree but this is general debate.

**MR. OCHYENGH:** Madame Chairperson, I am trying to prove here that the Commission's findings could be faulty because they are based on a biased statistics. Our second observation is that we are told the Commissioners travelled extensively within and outside the country and spent a lot of time and money in search of information and guidelines for the new Constitution but unfortunately when we look through the Draft, it appears to us as a mere compilation of the Legislation Statutes and sentiments of the government, which could have been collected here in Kampala. Madame Chairperson, we would like to look at the preamble for example (*Interruption*)

**THE DEPUTY CHAIRMAN:** Hon. member on the Floor, you have run out of your time. It seems you are just starting (*Laughter*)

**MR. OCHYENGH:** Madame Chairperson yesterday a Speaker spent one hour here because of interruption. Madame Chairperson, I will be unfairly treated. I still have some contributions here to make.

**THE DEPUTY CHAIRMAN:** Yes, but you have talked at length, I think the second bell rang five minutes ago.

**MR. OCHYENGH:** Madame Chairperson, I do not intend to disobey your ruling. Thank you for the three minutes,

**THE DEPUTY CHAIRMAN:** So. I give you three minutes.

**MR. OCHYENGH:** Madame Chairperson, to wind up in the three minutes; we would like to say

something about the extension of the NRM term of office by another five years. Madame Chairperson, when we talk of the NRM or the movement we have never been told what kind of movement it is? But what we observe here is that it is broad-based but we do not know on what system it operates. It has no Constitution, it has no rules, it has no mechanisms and the broad-based have no rights to nominate whoever has been appointed into the system of government. In other words, we are saying it is not broad-based as it is alleged. Secondly, we note that the movement appears - it says it is democratic but we have had no record of its democracy. It has always used undemocratic means to seize power. It has come to power by blood-shed and the country knows it. Now, we cannot adapt a system which has no democratic record and says that it is a democratic system and we leave political parties which have democratic records. (*Applause*) Madame Chairperson, we are told the movement started in 1966, 1970s it became FRO NASA it then became UPM then it became NRC and all along through all those years it has had the same leadership. It has not changed its leadership and it has no record that that leadership was elected. Now, if we are going to discuss a democratic process in the country, do we accept a system which has no record of elections and say that is democracy we are talking about? Madame Chairperson, we in Kapelebyong do not accept the extension of the undemocratic process by another five years. (*Applause*) We would support direct participation of every Ugandan according to his wishes in an association of his own choice. Madame Chairperson, I had a lot of submissions from Kapelebyong but because of interruptions and so forth, I have not been able to present them. I hope when we come to the discussions of the consideration - we do hope we should be able to push our views chapter by chapter at that time. Thank you Madame Chairperson.

**MR. MULONGO (Bubulo County East):** This county is in Mbale District and it comprises four *Gombolola*. The *Gombolola* of Bumbo, Bapotol, Buwabwala and Bubutu. Madame Chairperson, I just would like to make some brief remarks before I make my presentation. I wish first of all to clarify that it is generalising to say that the East, as was put by some delegates and particularly Prof. Nsibambi yesterday, is anti-Movement. Many people in the east, particularly in my constituency, are peace loving and certainly do not have negative sentiments against the movement form of governance. (*Applause*)

What I know is that the east has suffered from backward leadership. Leadership that is built on strings and bendable strings even if where there is no reason, they do not want change and I think for us the youth have come in to put things properly to steer this new country into some new forms. *(Applause)* I also wish to applaud the current government to have championed practical democracy where every Ugandan can now be proud to say, yes, we are participating in the democratic practice of this nation. So, I do not agree with those who say that NRM is undemocratic. We have held several elections. The RCs twice we have had to elect the MPs in 89. We have been elected directly to this House and this has just happened within a period of eight years. *(Applause)* Yet since 1962 up to 1971, we had only one, the elections to the House of this kind.

The Constitution we are in here for is the Supreme law of the land and therefore, my people of Bubulo East attach a lot of importance as we present our views. We are aware that the views on the Draft Constitution vary so much and also the people of this country equally vary. But the essence here is that we should try as much, as possible to reach consensus without necessarily infringing on the interests of the minority. In my view, there is no preordained stereo type of an ideal Constitution. Therefore, the content of our Constitution must address the issues at hand that include unity, stability, justice and development. We need these aspects more than before and failure to do so, we shall have not only failed in our attained independence but we shall have wasted all resources to this effect. Therefore, without shunning from our past, however bitter, this is the only way we can derive lessons and coupled with the present circumstances, be able to scheme for a good future through constitutionalism. We must also seize this opportunity to review our local institutions, laws, customs, fixed principles of reason and come up with a document of which our society shall agree to be governed on. We must therefore, avoid importing rules and principles that are not workable here.

At this juncture, Madam Chairperson, allow me to say that our history has been of political obstructionism and intrigue. The people of Uganda have hardly enjoyed proper democracy in the last quarter of a century. It is a shame that after attaining independence, we have behaved as a pack of herds boys. We have not developed. Lack of democratic participation in the colonial period and largely in the post-independent Uganda could never yield meaningful development. Allow me to present a few sociopoliti-

cal - economic and political developments in this discussion.

A Constitution can be a basis for sociopolitical-economic development. According to Y.P. Ghai in his book 'The Political Economy of Law : A Third World Leader' There is a view that the Constitution like any other Law is determined by the mode of production and the level of political and economic development of a society. On the other hand, I feel strongly that the Constitution as the basic law, guides society to achieve its development, objectives. At family level, let us examine this. The goal here is attaining self-sustenance. There is no need for extensive social interaction through exchange and therefore, satisfying natural incentives is the major objective - that is at the family level. At a higher level of specialisation, the development into clan and society necessitates social interaction. This is based on economic exchange and therefore, the political structure must also be such that it transcends families and clans. At a national level, each nation or tribe to be effective, to do everything possible through its leaders to: bring about public participation, discussion and consensus. A more complex Constitution and structure emerges. Therefore appropriate Constitutional structures should not only to be molded around the social setting but be used to guide and reinforce political and economic development.

The colonial chaps paved way for rapid progress particularly on economic side through introduction of cash crops but never allowed the producers to participate in the production organisation and disbursement of wealth produced. Land settlement policies that were made unilaterally created antagonistic social forces that are the foundations of many problems today. Such historical mistakes must be addressed today and corrected. The suffering of the minority at the hands of the federal landlords must be eradicated to start new, fresh parts of history. Hon. Delegates the element of equal distribution of resources is very important and this august House must not overlook it. Because this is an important Constitutional issue particularly on land, manpower, politics and social infrastructures. Therefore we must welcome the proposal of achieving balanced development of different areas in Uganda. Let there be a principle to tap the resources therein which is very paramount including areas like Kapelebyong.

With reference to hon. Nsibambi's presentation, I also share fears of a potential conflict between

democracy and economic policy which are externally controlled to some extent of course. A conflict between our aspirations and state offers to modernize the economy. Madam Chairpersons as a student of finance and management, I get concerned with certain development to the Third World today and particularly Uganda about the structural adjustment programs activities. Certainly, the aim of SAAP is to cut down inflation, free resources from the public for investment in the private sector while facilitating import of capital goods for growth. True, there are some visible signs for this package but the lot of the ordinary man cannot be said to have improved. The peasant still earns very little from the exported crops and also to the working class, the salaries and wages are very low. The relevance of this constitution making should enshrine democratic consultation and participation in economic decisions. In other words, bilateral and multi-lateral agreements should involve relevant people after all, debt burden is shouldered by the people in the end.

My argument for democratic management in economic issues is that, this has not been the case since the colonial times even today the NRC is rarely involved. I am sure you will agree with me, that the USSR was the World power but look at it collapsing naked to the reality of poverty, it is a lesson that there can be growth without development. Development must be man centred whereas growth would be conceived to serve the interest of the state machinery or particular groups. Hon. delegates we can also refer to the South Commission Report which states that true development has to be people centred. While the National Resistance Movement has made a lot of efforts in this direction of people centred policy, we must in this constitution enshrine some rules or clauses to the effect that people be allowed to participate in the economic activities. This is the economic democracy that cannot be dispensed with.

Movement Vs Multiparty-Party system. My people are divided over this, some elders, particularly those who held position of some kind in the previous governments want immediate restoration of parties. Some elders and the majority of the youths and women want movement form of government to continue in the next many years to come (*Applause*) Both groups endorse the fact that there is improved stability and peace, there is also general consensus that the movement be allowed five more years with such adjustments as equitable distribution of social economic and political benefits and attention. It is

observed that parties need to be democratized, re-organised or be replaced all together.

Democracy and Form of governance: Democracy in its traditional meaning entails freedom to choose and to determine those who govern them. The mechanisms of democracy are not a meaning of democracy. A constitution here must guarantee to the effect that the people have a real opportunity to choose freely who of the contenders for power will lead them in a prescribed period. Secondly, the people here must be able to participate fully in their own governance while at the same time the leaders are fully accountable. Three the people can terminate mandate of the leaders if they cease to act in the public interests. Let it be known that the forms of democracy and their machinery differ from one society to another that is why the form of democracy for Africa or Uganda may not necessarily be the same as the form of democracy in the States or developed countries. Neither may it mean the same that multi-party means democracy or movement means democracy. Either way, democracy must remain democracy so it is wrong to impute that democracy can only be attained through multi-party politics. (*Applause*)

Given our performance in the past, with the eroded traditional political system by the colonialists coupled with sectarian divisive tendencies based on religious and inter-tribal forces, our future at independence was no better than what evolved. Parties came up at the dawn of independence and up to now, were formed on sectarian tendencies. It is just a fact that the majority of DP are catholic, and the majority of protestants are UPC. It is also a fact that the majority of the leadership of these parties must come from specific regions. If you are DP, you must be a Muganda and a known Catholic. If you are UPC you must come from the North, and I can acclaim from the start that is the case. I am glad Madam Chairperson that nobody has raised a point of clarification. (*Laughter*) These were taken for democratic mechanism by the West and joyful to our opportunists and (*Interruption*)

**THE DEPUTY CHAIRMAN:** There is an interjection here from hon. Kitariko.

**MR. KITARIKO:** Let me just make this point

**THE DEPUTY CHAIRMAN:** Do you want the information?

**MR. MULONGO:** I am just developing a new point.

**THE DEPUTY CHAIRMAN:** He is developing a point.

**MR. MULONGO:** I was saying that these were taken for democratic mechanism by the West and joyful to our opportunists who wanted to use them for their own selfish ends. Let it be known that unless a party is built on an ideal basis accepted by all, it is dictatorial. This is because it will rule part of a whole since it is composed of only those of common interests, common perception, common culture, common religion and it will always try to impose their will or extend to the dominions of their belief over others as a whole. In fact a party is usually founded on an arbitrary or sectarian concept that is to dominate and rule the rest. Where there are many parties, the game will be to destroy each other so as to pave way for the leadership irrespective of the means, and this is what we call democracy. You oppose everything that your Colleagues in the government say so that you can find a platform to be given authority by the people or mandate by the people. This is what we call democracy.

Genuine and true democracy is where every person is acceptable and participates. The movement form therefore gives the best of this. I am not talking of NRM, I am talking of the movement (*Applause*) I therefore, do not agree with some delegates that as we come here, we must compromise. You say we must get all these parties represented, this is artificial to me and has failed in the past and it will fail today. The solution here is to denounce selfish and egocentric megalomania in the pretext of people's wish and come up on merit as the people genuinely wish. Let us avoid manoeuvre of political companies in names of parties; the technicality and importance of the movement form of governance should be developed for other societies to copy. Therefore, it should be constitutionalized. (*Applause*)

**Federalism, Unitarism and Decentralization:** My people want power, real power through decentralization and devolution. They also stress that such devolved responsibility be commensurate with the authority. They also want a unitary form of government. Certainly we have not known federal governance before but we still think it may not augur well in Uganda of today simply because not all the regions co-exist happily due to the sharp micro variations

in culture, history and geography. Some areas are so poor to even provide the basic resources to start with in this form of government. The tradition of Parliamentary governance is yet to develop in many parts of this country. So while some regions like Buganda could be ripe here, many regions in this country are not yet, and therefore, we do not subscribe to the Federal form of governance.

We fully support the monarchy and my neighbour hon. Saabalangira here should be happy that the people of Bubulo east fully support the monarchies everywhere where they are as long as they are accepted by their people. (*Applause*) We also wish to add that the property and the assets of such monarchies be returned to them in whole because they did not belong to any other persons other than those very rightful owners as in the past. We however, do not support the fact that the monarchy or the *Kabaka* be established constitutionally and neither do we support that the *Kabaka* participates in politics. We condone the sentiments of the Late Arch Bishop in Lubaga the Late Kiwanuka and we hope the current *Kabaka* will not be dragged in the politics which may bring to an end badly once more the Kingdoms.

**The issue of Land:** My people of Bubulo want a free hold land tenure system, and also that, those who hold the customary one be encouraged to register their land. Given the importance of this fact of production, it is recommended that the constitution guarantees the right of ownership.

As far as culture is concerned, we would like to maintain our traditional practices including the supreme Embalu. Even if we circumcize dead bodies, if such a person did not undergo such initiation, this should be left to us. (*Applause*)

**Citizenship:** My people wish to have clear qualification and identification of true Ugandans and that national identity cards be issued to those who qualify. I wish at this juncture to make some few comments about the question of Banyarwanda because I faced a lot of trouble when I was campaigning and I was even named a Munyarwanda because I resemble or look like the westerners. Madam Chairperson the issue of Banyarwanda as an ethnic group in the second schedule of the draft constitution must be supported. Bufumbira county in Kisoro district became part of Uganda around 1900. I stand to be corrected under the Anglo German Belgium con-

vention. Bufumbira, also like the sub county of Kamwesi in Kabale, Rwentobo and Rwikiniro in the now Ntungamo district were part of the Rwanda Kingdom. So when the colonialists divided Rwanda as a country, the Kingdom lost some parts to Uganda that is Bufumbira, Kamwezi, Rwentobo and Rwikiniro. Rwanda Burundi and Somalia are about the only African countries that found themselves curved out as one single national ethnic nationalities or tribes if you want. Therefore, the Hutu, Batwa and Tutsi of Kamwezi Rwentobo and Rwikiniro, though now Uganda national citizens, are a from a political economy and necessarily historical point of view are Banyarwanda by nationality. This is a scientific analysis. This is the same as the Somali people who live in Ogaden in Ethiopia and in Mandera and Garissa districts of the North Eastern Kenya. Hon. delegates why is it that we have fallasian Jews of Ethiopia, the Jews of America and Europe and those of Israel. So we have a Jewish people and a Jewish state of Israel whose citizens are called Israelites. The citizens of Rwanda are Rwandese and not necessarily Banyarwanda. As stated, just as we have Kenya and Ethiopian Somalis who are natural citizens, equally we have Zairean, Burundi, Tanzanian and Ugandan Banyarwanda who are natural citizens. We must therefore, avoid to detribalise, yes, it will be tantamount to violation of human rights. So, suppose honourables Ruzindana, Semajege and Gasatura refused to be called Bafumbira or even those from Kisoro for not all of them shy away from being called Banyarwanda, what shall we think? The language spoken in Kisoro is not necessarily Kifumbira, what is interesting here is that, in the late '50s and '60s, some Bakiga clergy like the Rev. Father Kangakezi and the then Parish priest of Mutorere parish, and the Arch Deacon of the Sesemi protestant missions wanted to introduce Rukiiga in church but this was rejected. They instead preferred to have Kinyarwanda as much of the publications were really done in Rwanda and Kinyarwanda is the language they use. Therefore, we should not confuse Rwandese for Banyarwanda. The Banyarwanda who are in Uganda should be taken for being Banyarwanda.

I wish also in the same breath to say that other tribes which are not listed in Uganda being minority tribes should be listed. There should not be any quarrel as long as such tribes are in Uganda, like the Baruli and others, let them be enlisted. Otherwise when we leave them out, where shall they go?

Human rights: We subscribe fully to the conventions of human rights, and also proposed in the draft constitution. However, we would like to emphasize that the gender issue be given due importance. Women have suffered so much in the culture of mankind - the history of mankind. They are taken as sub humans, they are always mistreated, and therefore, it is time for Uganda to champion this global cause so that women can come up to be of equal status in the equal opportunities in the future to come. I remember very well there is some case of Ruhara and Ruhara in 1977 I have forgotten the source but the lawyers can help us. A certain man mistreat his wife so many times, tore her clothes poured hot cooking oil on her, beat her but when she applied for divorce it was rejected on the grounds that she never had some two grounds of the law, yet for the man he needs only one ground. Such foreign laws which really put or subject women to be subhuman must not be accepted in our new constitution. *(Interruption)* I am informed Madam Chairperson. I would like in the same breath to support the sentiments of the disabled and handicapped-capped. Whenever I see a handicapped-capped or disabled, is when I remember that these people actually exist, otherwise when I am sleeping in my bed, I hardly imagine that they are disabled in this world and so is it to many people. I think it is time that we gave certain constitutional rules to assist such people in our communities. *(Applause)*

Judiciary: My people are disturbed by the nature of the foreign law that is imposed on them. While the doctrine of ignorance is no defence applies, my people do not have access to these laws. Then you go and stand before a powerful magistrate who sits alone in a King size chair, as if judging the case of death and the living and reads so many sections and a poor peasant is sentenced to jail. Whether those sections mean anything to the peasant, no one can tell. We want the laws to be popularized among our communities as it used to be in the past, we knew our totems, we knew our laws, we want these laws equally to adopt then to be popularized in the communities. Along that, we would like participation of the common man in the judgement of cases at the low level. This will reduce the problem of bribery which is so rampant with the grade one and grade two magistrates at the *Gombololas* and *Saza* levels.

Finance: I will touch just an element of success; I come from an area which borders Kenya and my people never knew the difference between Kenya and

Uganda, what they realized was that there could be some business arising out of situation where you could buy things from Kenya and bring to Uganda and they are not aware of certain formalities. But when the Minister of Finance comes out with policies and says they are effective from midnight tonight, and my people find themselves being mishandled and beaten and their bicycles taken and confiscated, they really do not come to understand why and to make it worse even the revenue authority programmes to sensitise people on taxes, there is nothing of such a programme in Lumasaba. So how can we justify our own policies when the people are not informed of such policies. I think it is time in this constitution to enshrine some laws that people must be sensitised on anything that is new that affects them.

At this juncture, I would like to request that the government looks into the element of Pajeros of the people in the East. One time we were going to bury there are no shops nearby that sell cement, we sent for some cement across in Kenya, and that cement was confiscated by revenue authority, we could not bury our dead in a cemented grave. Now, this is very serious and I think while this is not a bad a policy, it is only bad because it has not been properly articulated in terms of explanation and sensitizing.

As I wind up, Madam Chairperson let me caution Members that when we came here, I saw already a block making - lobbying system; this is very dangerous because it involves valuable considerations, selling and buying. This means that you have to forego certain interests for others. Now which community is going to forego its interests for the others? This means the Baganda may forego their monarchy simply because some people in some parts of this country want the parties to resume immediately and the Baganda will have been hurt. What about those people who want parties, they will have also foregone something. I think it is better we discuss amicably and come to some consensus and not go into block making. I also wish to have some clauses whereby some old leaders can be given some opportunity to exit. Old politicians who have over stayed on the scene, should we really be seen to be active in some other ways than just being or competing directly in this kind of forum. I also wish to say that we subscribe to politicization and militarization of the masses as the way or one of the methods of defending this constitution. And lastly, I hope we shall have some strict rules of amending the constitution so that nobody can just come up and alter the constitution,

and this should be to involve as many people or the masses as possible. I thank you very much.

**MR. MWESIGWA RUKUTANA (Rushenyi County):** Thank you Madam Chairperson, I am Mwesigwa Rukutana Mugasha, hon. CA delegate Rushenyi County, Ntungamo district. Rushenyi county is always known as the land of milk and honey for it is the source of and the origin of all the Ankole long horned cattle and it is a land of plenty agriculture wise. It is a land occupied by diverse ethnic groupings, who have lived together in harmony for all this time. It is situated at the South Western axis of Uganda and it is a border county because it borders the troubled Rwanda.

Madam Chairperson, kindly accept the message of congratulations from the people of Rushenyi to both yourself and the hon. Chairman, and all the delegates here. The people of Rushenyi congratulate, in particular, those of us who went through the hazardous exercise of campaigns. They know how terrible it was because they witnessed with their own eyes what it could mean - what the extreme could be when they saw a dead body of a young boy lying in a pool of blood having been shot dead in an ambush that was meant for me during the campaigns at a junction leading to my home. So they congratulate all of you for having completed the campaigns in whole some pieces.

Though we are running short of time, I would call upon you, Madam Chairperson and delegates to observe just half a minute of silence in honour of all those persons who died just for nothing during the campaigns. May their souls rest in eternal peace.

The people of Rushenyi do register their thanks and support to the NRM Government for the democratization process ushered in by the National Resistance Movement, the climax of which is this constitutional processes. To them, this constituent Assembly is a labour ward and they are anxiously awaiting the birth of a new baby Uganda, a baby that will be loved and cherished by all. They have all their hopes that the Uganda of tomorrow will largely be shaped by the resolutions in this august Assembly. It is with these expectations Madam Chairperson that they call upon each one of us to accord these deliberations the importance they deserve.

The people of Rushenyi have their strongly cherished principles, values and aspirations. They would

wish to be reflected in the new constitution. However, they are awake to the fact that we are making a constitution not for Rushenyi but for the entire Uganda. For this reason, they have instructed me to come to this august Assembly with an open, flexible, accommodative and tolerant mind so that their said principles and aspirations can be weighed against the national objectives and aspirations and goals. Having instructed me thus, the people of Rushenyi would expect reciprocity from each and every one of us delegates since Uganda is a land of diversity historically, socially, culturally, ethnically and even geographically. They would expect each one of us to come to this House when prepared to give and take, to be accommodative of divergent views and opinions, to respect other peoples views, opinions and aspirations however much opposed to theirs. It is only when we observe the above that we may accomplish the important task of forging unity in diversity.

My people have sent me to say that the constitution we make must first and foremost have the potential to steer this nation to unity, peace and prosperity. As far as they are concerned, we would have miserably failed in our duty if the constitution did not guarantee achievement of all these three. While debating this constitution, it is important that each one of us bears in mind that we are not making a constitution only for ourselves today or for the regime in power but for the generations to come. We are negotiating an agreement that will bind, not only ourselves and our children but also our grand children, possibly over hundreds and hundreds of years. We therefore, must be objective, selfless and above all far sighted. We are called upon to predict and make provisions for occurrences that may come hundreds of years after our death. This calls for quasi - prophetic wisdom and the people of Rushenyi are confident that the 285 heads gathered here will match that required wisdom.

The people of Rushenyi wish to add their voice to those who call for a Ugandan grown constitution. A constitution that arises out of our own peculiar circumstances. A constitution which is not a stereo type of constitution of other countries. Of course we are expected to borrow what is good from constitutions of other nations and modify them to suit our own circumstances. As we sit to discuss this document, we should reflect on our past, assess our present and have a vision for the future. We should be able to identify and address issues. We should be

appreciative and we should give credit where it is deserved. We should be sincere to each other.

Uganda has been characterized by mutual suspicion amongst her people, and this has caused so many problems. This has already unfortunately been exhibited in some instances in this august Assembly during these deliberations. If we are to make a meaningful constitution, it is imperative that we become open to each other in order to alleviate all forms of suspicion amongst ourselves. At the end of the day, we should come up with a document which every one of us is party to, and proud of.

The people wish to advise that the constitution we make should be all embracing. It must recognize the majority views without ignoring the minority. As has been stated before, the emphasis should be on consensus rather than majority vote. There ought to be winners or losers, the constitution we pass is bound to protect all.

Having made these remarks, allow me, Madam Chairperson to come to the draft constitution. It is not possible at this time to make detailed debate on all the articles of the constitution as these 30 minutes will not be enough, but I wish to state right from the beginning, that as far as the people of Rushenyi are concerned, everything contained in the draft constitution are mere proposals subject to debate and negotiations. Anything, be it federalism, kingdoms, political systems that is contained herein is debatable. It could be passed, it could be modified or it could be rejected in total by the Assembly. So the people of Rushenyi do not buy the emotions of some people to say that there are some aspects of the constitution which are not negotiable. All these are proposals and we have the right to alter them where we feel like.

Coming to the constitution, I wish to go to Article 4 of chapter 1 - The Republic: the people of Rushenyi support the existence of Uganda as a Unitary, Sovereign and Republican State as it is contained in article 4 of the draft constitution. For them, the word Republic must continue to appear on our title for avoidance of any doubts. The fact that it was in the past used in a derogatory or oppressive manner by one group of leaders should not necessarily visit a curse on it. We all know that today it is not used in that derogatory or oppressive manner. In order to wash away the bad memories, let us change the names of the buildings, the roads, the lakes, or any

other thing that could have been named in derogatory manner but as far as the word itself is concerned, it is positive and there is nothing wrong with it. After all, Madam Chairperson, there could be more people who fear the removal of the word than those who fear the retention on our titles.

I go to National objectives and directive principles of State as contained in chapter 3. The people of Rushenyi support the National objectives and principles of state policy embedded in chapter (3) of the draft constitution. However, they have reservations as to whether the chapter should be maintained in the constitution. These are mere objectives and aspirations, without lowering them, we can say they are mere wishes. As they appear now, the state would not be in position to guarantee them to its citizens, but if we left them in the constitution, any individual would be at liberty to bring legal action for their enforcement if they were not fulfilled. We would expect endless litigation resulting in empty and unenforceable court orders. Needless to point out, this would be very disastrous. If we want to retain them, the only safe way I can see would be by putting a saving Clause to clearly point out that they are not enforceable by court action. Otherwise, if we do not put that, we run a problem of clogging the governments that will run under this constitution with endless litigations.

Chapter (7) provision will not be news Madam Chairperson because it was put in the Namibian constitution which has similar objectives and directives. In that constitution, it is clearly put that those objectives and directives are not to be enforceable by any citizen, by court actions. So unless we do that, I am afraid we may have to do away with the entire chapter. After all, I find that the entire chapter is repetitious of other things contained in other chapters.

This brings me to a subject which the people of Rushenyi emphasize so much, the is traditional leaders. Madam Chairperson the people of Rushenyi have no problem whatsoever with the law as contained in article 279 of the draft constitution, with the law as contained in the constitutional amendment statute, 1982, providing for the return or reinstatement of traditional rulers where the people of those communities so wish. Their emphasis however, is on those words where the communities so wish. So the first and foremost consideration should be, do the people of this community wish to reinstate their

traditional leader? Madam Chairperson let me give you the wishes of the people of Rushenyi. To the people of Rushenyi, the position on the reinstatement of the kingship or a Obugabe of Ankole can in summary be elaborated by comparing it with the reinstatement of Apartheid in South Africa. The feelings a South African would have towards anybody advocating for the return of Apartheid in South Africa would be exactly the same feeling a citizen from Rushenyi would have if you are convincing him to accept the King or Omugabe as a traditional leader. Allow me Madam Chairperson to state that the two institutions, that is Apartheid and Kingship in Ankole did not have little in common. Mere mention of kingship in Rushenyi rekindles terrible memories of oppression, suppressions subjugation and enslavement of the majority by an arrogant despotic and resented minority. It rekindles memories of dehumanizing atrocities committed by the despot and his henchmen against his subjects. Memories of systematic, calculated, deliberate policy of promoting one group educationally, economically, socially and in all forms at the expense of the other. It brings memories of deliberate segregation by one group against the other, of a exclusion, elimination from all stairs of life by one group against the other, it brings memories of pride, arrogance, sense of superiority complex of one group towards the other. Madam chairperson, these are not mere sentiments but historical facts. Any body in doubt should check on any credible book with the historical analysis of Ankole. I will refer Madam Chairperson and fellow delegates to one book by distinguished Dutch Scholar in the names of Martin. R. Doombos. That book is entitled 'Not all the Kings men: inequality as a political instrument in Ankole.' In that book the scholar who took so many years taking research studying the situation in Ankole had this conclusion to make, and I quote "*On the basis of notions of political development which rest on criteria of institutionalisation, it can be argued that Ankole Kingship was an institution in decay. One would consider it as an example of political regression, not development.*" Page 189.

This could have not been the case with other Kingdoms. I can hear my Colleague behind wondering but it is true, I know as a matter of fact that it was not true in the case of Buganda. I know it was not true in the case of Bunyoro and i know it was not true in the case of other Kingdom areas. But in the case of Ankole this was an unfortunate historical fact. In Ankole the institution of Omugabe is looked at more

or less in the same fashion as the colonialist or the imperialists were looked at. The reason for this is not far fetched. The reason is that Ankole Kingdom as such did not exist until colonialism came to scene. Initially there were small Kingdoms independent on their own but when the colonialists came, for ease of administration, they assisted only one Kingdom known as Karo -karungi to conquer all the others, to conquer Buhweju to conquer Mpororo, to conquer Igara, Bunyaruguru, so as to make a fabrication of a colonial kingdom state. That is why right from the beginning to the end, the Kingdom in Ankole has always been resented.

**MR. OKWAKOL:** Point of order. Is it in order for hon. delegates to be murmuring when the hon. member is discussing a very serious and important issue?

**THE DEPUTY CHAIRMAN:** I think hon. delegates who were murmuring are out of order and I think they will stop.

**MR. MWESIGWARUKUTANA MUGASHA:** Thank you very much Madam Chairperson and the person who brought the point of order. Madam Chairperson, because of the above and other many reasons, Kingship in Ankole was not and will never be a viable institution whether politically, economically or socially. It was not and will never be a uniting factor, on the contrary it was and will always be a symbol of division, hatred and regression. Madam Chairperson that the kingship in Ankole is resented is not without evidence, there is over-whelming evidence—once both in the past and present. To conclude that the Mugabe in Ankole is resented, there were uprisings during the reign of the Mugabe, there were jublations in 1967 when the Mugabe was brought down in 1971 when other people were agitating for restoration of Kingship like Buganda, in Ankole the memorandum that was written to Amin by Ex-Ministers, Prime Minister of Ankole, from all sorts of persons, Bairu and Bahima, really stated that the Kingdom was not desired. That letter can be found in the book I have already quoted. Then in the present times we go the RC V chairmen, the memorandum which was written to the Odoki commission clearly said, Bugabe should not be reinstated in Ankole. You look at the report on page 544, it clearly says that the Bugabe will not play any role even as a cultural institution.

This brings me to Political system. The people of Rushonyi who support the movement system of government; though the movement has not been defined as a word they understand it to be a no party participatory democracy. they recall with shock and horror the plunder and total neglect that this country suffered under the party machine. Hon. Sam Kutesa gave examples of those incidents and I am not going to repeat them. However, the people of Rushenyi respect the interests of those, people advocating for multi-party. They however say that since these parties have had a long time and we have seen their misgivings, it is time for them to wait, it is time for them to re-organize themselves, it is time for them to convince Ugandans again, that they are worth bringing back. So they will support the extension of the NRM for five years.

Citizenship. A lot has been talked about citizenship; the subject has raised a lot of concern and rightly so because citizenship is an umbilical cord between a person and his country. It guarantees a person's particular right and imposes on him particular duties and obligations. The people of Rushenyi have instructed me to tell this House that they have had enough of agonies arising from ambiguous, obscure and incompetent laws on citizenship, they therefore, would expect the new constitution to come up with articulate, practical, clear and conclusive provisions that would settle these problems once and for all.

To appreciate the citizenship problems of Rushenyi, fellow delegates need to know it is inhabited by a heterogeneous society composed of the following ethnic groupings; Banyankole, Bakiiga, Banyarwanda, immigrant Baganda, all these are indigenous tribes of Uganda, and one would expect no problem. However, there has been a problem concerning the Banyarwanda which has been raised both nationally here and internationally. Madam Chairperson, I am not a Munyarwanda and my Colleague hon. Kweronda Ruhemba is not a Munyarwanda but we represent a large electorate of Banyarwanda in this august Assembly. I am therefore talking objectively and giving what the real position is. Listening to some of the delegates who made their contributions before, it became apparent that there is a lot of misconception and a lack of knowledge over the status of Banyarwanda in Uganda. Some delegates found it unpalatable that any Munyarwanda could be a genuine Ugandan citizen. Surprisingly so, some delegates who are Banyarwanda could not also accept this, they see it

as a contradiction. I now wish to take some time to clarify on this matter. That a pure a Munyarwanda can be a genuine Ugandan citizen is absolutely true, and devoid of any contradiction. (*Applause*) We all know that citizenship is not a question of one's nationality, tribe or language but a question of law. It is the laws of the country that define who the citizens are. So to determine citizenship of our Banyarwanda brethren, we have to look at the laws as enacted over time. I wish to mention at this particular point, Madam Chairperson that there are three categories of Banyarwanda in Rushenyi and I imagine in the entire Uganda. The first category are citizens, these I call Ugandan citizens of Rwandese origin. The second category are refugees and the third are alien Banyarwanda.

In order to appreciate the first category, we have to look at some of the historical factors. My Colleague hon. Kweronda Ruhemba has ably elaborated on the historical factors. He has told this August House and I wish to support him that when they were drawing boundaries, they did not take into consideration what was convenient to the tribes, they only did so considering what was only convenient to the colonial powers. As a result we find that the border area had populations divided arbitrarily, falling in either of the countries. These border areas were inhabited by Banyarwanda, Banyankole and Bakiga alike. The inhabitants of the lands that were transferred to Uganda became British protected persons, and became Ugandans on independence. Similarly the lands that were transferred to Rwanda, the inhabitants became Banyarwanda irrespective of whether they were Bakiiga, Banyarwanda or Banyankole. Those became Rwandese. The categories I have mentioned of Banyarwanda in Uganda should be scrutinized and identified, if we are to reach a proper perspective of citizenship. We must also know that there has always been an influx coming into Uganda. You must know that because of our relaxed or non enforcement of the immigration laws, these people were allowed to come here to work, they acquired property, they settled permanently here, and the majority of them if not all, with an intention to stay and never to go back to Rwanda. The categories which came and settled, who do not qualify to be refugees and who were not Ugandans may be are the ones which present the problems.

I wish to state that nevertheless, the majority of Banyarwanda, and I imagine, in Uganda are actually Ugandan. One would ask how I know? Madam

Chairpersons, I know this as a matter of fact. You will recall the upheavals of 1980, when Banyarwanda were harassed and expelled from Uganda. I had to serve on the legal task force tribunal that was set up by the United Nations High Commission for Refugees to screen these people both here and deep in Rwanda. According to our findings, 85 per cent of the people who were sent away were actually Ugandans. You can imagine the sufferings, deprivation of property and in some cases death that visited these people in concentration camps in Rwanda, and the Rwanda most of these people knew nothing about. It was as if one could tell me to go to Ethiopia.

Having talked about categories of Rwandese in Uganda, a question comes, what do we do in order to solve this problem? The people of Rushenyi both Banyarwanda and non Banyarwanda alike as stated, are yawning for a constitution that will once and for all settle and harmonize their co-existence. They do not want a repeat of 1980 incident, they are tired of accusing fingers from other parts of Uganda that Banyarwanda are aliens, refugees, are responsible for these other atrocities, that Banyarwanda have taken over their jobs, that they have dominated the army, that Banyarwanda should go back home. Some have even the impunity to call the President a Munyarwanda. The people of Rushenyi note with disgust that there are a lot of derogatory remarks made on Banyarwanda and other nationalities of people on the borders. Either because of lack of understanding of the real situation or because of deliberate political gerrymandering of some of those people.

In Ugandan history it is not uncommon that in order to discredit the regime in power, opposition forces disown the people in that regime and label them foreigners. You recall the Anyanya, the Badugudugu, Bakoko, it may also be true that some foreigners have done some havoc in Uganda but in all those cases, it is we Ugandans to blame. Foreigners in those places are merely used, if the regime is murderous, it will employ any agent, be it a foreigner or a Ugandan, to kill...

**THE DEPUTY CHAIRMAN:** Hon. delegate, you have run out of your time, you better wind up.

**MR. MWESIGWARUKUTANA MUGASHA:** I am winding up., I am saying the employed agents will kill whether he is a Ugandan or not. We were told here by hon. Ssentenza Kajubi of a certain Komakech

who killed people here ,in the same breath, hon. Bidandi Ssali told us that his own brother was killed by a soldier by a Kiganda name in 1980. We have heard of un told suffering and murder of the people of Gulu and Kitgum at the hands of Kony's Lord's army are those also foreigners? We heard of the suffering of the people of the East at the hands of Eregu; Rwakasisi did not spare lives in Ankole because he was a Munyankole. From the above argument that aliens have killed Ugandans does not make any sense. It would only make sense if Ugandans are saying they want the monopoly to kill fellow Ugandans.

The solution to the problem is not labeling or eliminating people we think are aliens from our midst. The solution lies in affirmative action to create good democratic and pro - people's governance that will do away with coercion and arbitrary action. The people of Rushenyi therefore, recommend that on citizenship we adopt an accommodative approach that will solve the problem once and for all. Whatever approach we take should ensure that everybody in Uganda is properly identified , categorized and permanently recorded. Permanent records must be kept on each and every individual. All citizens must be given a permanent identification document. In border areas, an exercise should be undertaken immediately after the coming into force of the new constitution to determine the status of the people in doubt. This Assembly should agree on a litmus test of the number of years of settlement in Uganda upon which a person would qualify either for automatic citizenship or registrational citizenship . Such an exercise should be carried out speedily in order to avoid intruders from foreign countries to take advantage of this. The people of Rushenyi call for leniency (*Interruption*).

**THE DEPUTY CHAIRMAN:** Time up. You better wind up please.

**MR. MWESIGWA RUKUTANA:** Since I am time barred, I think I will be circulating what I was supposed to convey to the Delegates. I wish to thank you, Madam Chairperson, and fellow Delegates for listening and I wish to call for the spirit of tolerance when we are discussing some of these important issues. Thank you very much.

**MRS. ANIFAKAWOOYA (Women, Masaka):** Thank you, Madam Chairperson. On behalf of the people of Masaka and indeed on my own behalf, I

congratulate you, the Chairman and the hon. Delegates of this august House upon your elections to office. In the same breath, Madam Chairperson, allow me to thank the NRM Government for successfully implementing the Ten Point Programme for achievement on the economic sector and commitment to the emancipation and empowerment of women through affirmative action.

Madam Chairperson, women who contribute over 90 percent of GDP, that is Gross Domestic product have, for a long time, been discriminated against, marginalised, exploited and oppressed. The NRM Government has enabled women to be both participants and beneficiaries of the development process. It has given them a chance to redress political, economic, social and legal injustice through the constitution. It is here, Madam Chairperson, that the people of Masaka wish to give NRM credit.

I am happy to note that the hon. Delegates in this august House have rallied to NRM policy and are gender sensitive. I entreat them to maintain this commitment. Thank you hon. Delegates for that.

I now turn to specific views expressed by the people of Masaka. On the family and fundamental rights and freedom, Madam Chairperson, my people want constitutional protection for the family as the basic social and economic unit crucial to national development. My people would like to see fundamental human rights guaranteed and legally enforceable to curb abuse and ensure enjoyment of this right. Madam Chairperson, the people of Masaka would like to see Uganda implement international and regional conventions on human rights. For example, the United Nations Convention on elimination of all forms of discrimination against women, the convention on the rights of a child. These conventions Uganda has ratified and it is therefore obliged and duty bound to implement them and it is the emphasis of the Masaka women to see them being implemented.

Of significant importance is the right to education. The OAU Charter on Children's Rights and Welfare and the United Nations Convention on the Right of the Child obliges the Government to work towards granting free primary education, a noble goal that the people of Masaka highly support.

Equal rights and opportunities and property rights are of paramount importance to the women of Masaka. The women submit that they contribute

directly and indirectly to the acquisition of family properties but are entitled to only 15 percent of the said properties, should the husbands die. Madam Chairperson, this property, in most cases is inherited by the husband's relatives or even friends on the latter's death. In view of the above, Madam Chairperson, the Masaka women want constitutional guarantees to property ownership and access to land granted that they are the backbone of agricultural economy.

We submit that the constitution should guarantee district women representation in Parliament as opposed to fifteen recommended in the draft constitution. And, in all Constitutional Commission set up, we submit that there should be at least a third of women representation.

Masaka women strongly support and wish to see that negative discriminatory laws, customs, cultures, be constitutionally prohibited and the current affirmative and positive discrimination put in place by the NRM Government and as provided for in the draft constitution be maintained and enshrined in the new constitution.

You cannot talk of women's right and ignore the rights of the child. Children should have constitutional protection against other abuse, exploitation and sexual offenses such as rape, defilement and their maintenance and welfare should and must be secured. Madam Chairperson, we are opposed to any form of physical violence against children under the guise of discipline, an act that arises out of the fact that physical punishment is an accepted form of reprimand in society and therefore a pattern to child rearing. Madam Chairpersons this should stop. Madam Chairperson, Sharia law which I attribute to and the customary marriages registration decree allow girls to marry at the age of 14 to 16 years respectively thereby legalising child marriages. This negates the noble intent of the Penal Code (Amendment) Act of 1990 that treats defilement, sexual intercourse with a girl below the age of 18 and was intended to protect children from sexual harassment and abuse. This is our submission that child marriages must be constitutionally prohibited and the age of a child constitutionally defined.

On the supremacy of the constitution and sovereignty of the people, it is our humble submission that supremacy of the Constitution be sacrosanct and take precedence over the power of the people be-

cause it is only then that the rule of law and the rights of the people are practically guaranteed as part of real life. The people of Masaka are committed to safeguarding the constitution and want to be empowered, through political education and military training which should be provided for in the new constitution. Madam Chairperson, they urge you, the hon. Delegates, to compliment this by specifically allowing them a right to civil disobedience which can be a peaceful measure of resisting any person who seeks to abrogate, subvert or overthrow the constitution.

The Moslem community subscribe to Uganda being a secular state for this would guarantee them an equal right and opportunity to worship a religion of their own faith and to have Friday as a day of worship acknowledged and respected. Madam Chairperson, it is our submission that we would be, me inclusive, very happy to respect Friday as our day of worship. It would also curb the tendencies of governments to get involved in administrative and religious affairs of Moslems which in some cases, as most of you have seen, has caused divisions and problems both in the Moslem community and outside the community.

On language, the people of Masaka agree to English being an official language and recommend that local languages be promoted with a view to systematically evolve a National Language.

The people of Masaka want a system of governance in which districts which share common interests and other values such as cultural values, cooperate and form administrative units where powers of the central government are transferred to the people through a cooperative federal system. I repeat, they want power transferred through a cooperative federal system. Madam Chairperson, this is the view of the majority of the people of Masaka whom I represent.

On decentralisation, my people have no quarrel with it but they wish to see it reviewed so that responsibilities and powers are centralised with accompanying resources to enable the districts to discharge their functions and development.

On citizenship, the people of Masaka want this issue to be resolved once and for all in the constitution. I for one, I nearly lost the majority votes during the CA Elections by people maintaining that I was not a Ugandan and I was much concerned. I wish to say I do not come from anywhere near the borders of Uganda. It is also my submission that citizenship

should this time be clearly defined and solved. Madam Chairperson, National Identity Cards and Passports for citizens should be addressed as well.

The system of government: The people of Masaka have diverse views and ideas on political parties but the consensus is in support of the Constitutional Commission's Report and recommendation for a Movement system for five years while the present parties and any new parties for that matter reorganise themselves. Madam Chairperson, for me at my age I am strongly in for a Movement. We argue our support for five years under a Movement system by requesting every Ugandan to take stock of the past political history of this country. It is the wish of the people of Masaka, to see the prevailing peace, security, stability and unity in diversity maintained and they submit that Uganda is not yet ready to go multi-partisan as of now. We therefore strongly support a Movement system for five years.

The people of Masaka submit that the President should be elected by the adult universal suffrage and the day for the Presidential election be constitutionally fixed and should be every five years. The President should not rule for more than two terms of five years each and the people of Masaka submit that the President should not be less than 40 years, he should be married for that matter and should hold a recognised university degree. Madam Chairperson, we submit that the President's powers should be subjected to checks and balances by Parliament as this will give the President a clear direction in leadership and will check and control his dictatorship in some areas. They support impeachment of the President.

My people recommend that let all Members of Parliament be elected and are opposed to Presidential nominees and historical members in the Parliament.

On the Army, the people of Masaka need to see a national Army equitably recruited on the basis of proportional representation of each district. Madam Chairperson, my people submit that children should never, and I repeat, never be recruited by the government or any rebel forces into the Armed Forces or to take part in armed hostilities. History remains to tell.

On Land, the people of Masaka strongly support individual land ownership. They want to see customary land tenure protected and strongly recom-

mend that the 1975 Amin Land Decree be repealed as it did not recognise the land tenure and it has been out of use. Poor peasants who are the majority customary tenants, Madam Chairperson, Bibanja holders should be protected and encouraged to develop them.

On traditional leaders, having taken note of most of the contributions of hon. Delegates in support and against traditional leaders, I have this morning taken note of hon. Kweronda Ruhemba contribution and personal view on monarchism. However, I want to emphasize that the people of Masaka strongly support monarchism and we cherish our Kabaka, me inclusive. We are in support of traditional leaders without political powers and we wish to see our Kabaka under a strong institution with constitutional safeguards. The maintenance of our Kabaka is purely our responsibility and we look forward to maintaining him.

Finally, Madam Chairperson, the people of Masaka have no quarrel with the setting up and establishment of the National Council of State but are opposed to its composition.

This is all I have to say for now on behalf of the people of Masaka. I will contribute more as we come to the consideration stage. I thank you for having accorded me this opportunity and I thank the hon. Delegates for their tolerance and good listening without any unnecessary interruptions. Thank you.

**THE DEPUTY CHAIRMAN:** Thank you hon. Anifa Kawooya for your contribution. Now, let me call upon our last speaker this morning. It is not yet half past. Hon. Lutalo Kamyia.

**MR. LUTALO KAMYA:** Thank you, Madam Chairperson, but I think I will be more ready tomorrow when the honourables are really settled.

**MR. KWERONDA RUHEMBA:** Point of procedure. Since it is already lunch time and it is 1.30 p.m. I would propose that we break off and we resume tomorrow.

**THE DEPUTY CHAIRMAN:** Okay, I agree, I do not have to put the question. So Hon. Delegates we adjourn until tomorrow and there is a reminder that tomorrow is a whole day, morning and afternoon.

*(The Assembly rose at 1.20 p.m and adjourned until Friday, the 8th of July, 1994 at 8.30 a.m)*