



THE REPUBLIC OF UGANDA

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

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OFFICIAL REPORT

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CONTENTS

FRIDAY, 8TH JULY 1994

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MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 671]

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Friday, 8th July, 1994.

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

### PRAYERS

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

*The Assembly was called to order*

**THE CHAIRMAN:** I do not have any specific matter to communicate from the Chair, except to say that item No.3 which appears on the order paper was included by mistake. I had occasion to speak with hon. Tiberio Atwoma and we agreed that the matters he intended to say can be handled in a different manner, but the message did not reach the Clerk in time. So, we shall have to skip that item.

### MOTION

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

*Debate continued)*

**MR. LUTALO KAMYA (Ntenjeru North):** Thank you, Mr. Chairman. In the first place, this being the first time for me to speak, I would like to congratulate you and your deputy upon your success. Mr. Chairman, allow me as well to congratulate my fellow delegates, in fact it was not easy to contest and even to win the contest. What we ought to remember as hon. delegates is to leave this place the way we did come. In other words, we came jubilant and we should go back jubilant. This one can only be achieved by being interested in not opening the old wounds but by getting together and putting right what went wrong. I think that is our main purpose of being here. People of Ntenjeru North believe that if only we can all accept that it is our obligation to rectify what went wrong, Uganda will achieve peace and stability. I understand, as everybody here, that this is not going to be the first Constitution for Uganda, but we are here to rectify the process of making a Constitution, where relatively everybody participated and represented in the enacting and promulgation of this new Constitution. Therefore, we have come to rectify almost everything to achieve a politically conclusive solution.

People in Ntenjeru North believe that this is really the right time after politically burning our fingers and trying all types of governance, to come up with a right Constitution after all we all know what went wrong and what is good for us now. Knowing that if only we made a mistake it has been political, I will start by political system.

People in Ntenjeru North are for the Movement for five more years, but they do not agree with chapter 6 article 95, which states that: 'Parliament may, by law, create organs of the Movement and find their roles'. We feel that we should leave this House when we have agreed on the Movement, but not to leave for the others to decide on what Movement will lead our people. They as well do not agree with article 98, that a referendum shall be held to determine whether we should have the Movement to continue or to have political parties. Now, I go on why we are for the Movement for these five years? In the first place I want those for multiparty not to feel rejected by the people of Ntenjeru, but by proposing the Movement, they feel they should level the ground for good activities of the politics. People in Ntenjeru feel that after the making of their Constitution, they want enough time to study and understand it without disturbance. Since it is our duty, as I understand it, and as it has been put in the Draft Constitution, to guard this Constitution- in fact, we should guard something which we understand. As we all remember that, so far the Constitutions which we have had, that of 1962 and 1967, people really did not understand it. In fact, those who were against that one of 1967 were just against it because it abolished the Kingdom; and that one of 1962 people liked because during that time they had the Kingdom, that is the only thing they could understand in that Constitution. So, for this one, they should be given time to understand it and be sensitised on the Constitution so that they guard something which they understand. To give enough time to the Army commanders who are here to sensitise the Army what really a Constitution is, so that we do not have the problems that were observed in Burundi whereby Major Buyoya accepted to step down for late Ndadaye, but the army could not understand it and, in fact, our brother had it rough. So, we feel the Army commanders should be given enough time to teach and sensitise the Army so that if we happen to elect our President he will not be overthrown by any of the Sergeants or any Commander who might have not had enough time to understand what a Constitution means.

Secondly, also to address problems of political parties, as you all know, in fact, the political parties that we have here in Uganda are not like those of Germany or in other places. We should address the problem of leadership in our parties, other than thinking that the founders should personalise these political parties. People in Ntenjeru North feel that these political parties belong to the nation and not the leaders, those who found them. As we all know, the problem we have here is leadership in our political parties which we just cannot sort out in this short time; only when we are given time and, perhaps, even our leaders in these political parties to move around and specifically study how we can have the right type of political parties. Again we need also to know how to solve these political parties and some political problems other than solving them militarily. As we also know that in the 1960s we have been having these political parties, but the problem these political parties could not understand - or I may not take it that way, but they could not have a limit as to how to solve a political problem and they used to solve them militarily. This could in a long run bring about the Major Generals in that confusion to lead this country. As we also remember, in 1971 we received a Major General who ruled and when it came to 1980, within these political parties we had some problems and we had another Major General. These people came after the confusion between the political parties themselves, as you remember that in 1988 we had a general election whereby the people of the DP thought that perhaps the election was rigged, whether it is true or not, this was an indication that we are not yet politically mature to accept defeat or to carry out elections in a mature way. So, I think during that time we should address this issue of leadership and avoid having Major Generals toppling our governments after election.

On the Army: We should have a national Army, not only to be recruited regionally or proportionally, but even with promotion. We think generally we should have Generals promoted from all regions; that is when people could feel that the Army is really national.

Then we come to a national language. People in Ntenjeru North feel that we should not bother ourselves with the language. The official language should be English, but with this national language, we feel we should not bother, after all, we have been communicating to each other without any trouble. If you want to go to Soroti you can communicate in

whichever language according to what you want there, and when you come in Kampala you are forced to talk that language in that region. So, they feel this language should not be the problem with us in the Constitution.

Now, we come to unity: People feel that as the leaders here in the Constituent Assembly, we solve our problems other than in these blocks as we feel, UPC versus NRM or NRM versus multiparty, everything in the country will be solved, especially, when we solve it in a unified way, other than sitting in that political parties versus NRM and so on. Because what I think many of these people who are here, we all belong to these parties as well as the Movement, so, if we solve this problem of ours in a unified way, when we are united, people in the village and in Ntenjeru North feel that they will not be disturbed and with unity we really like it. People in Ntenjeru North feel that we should, much as we want to write everything in the Constitution, we feel that we should have a Constitution that is portable, not to include everything in that Constitution. For instance, I am a Muslim, in the Koran we are supposed to have five prayers, but the details of praying are not in the Koran, but somewhere else. So, we do not think that we should have everything in the Constitution, otherwise, it will take us long to read it and understand it. In many cases these big Constitutions have turned out to be a problem to those people who have it, and you take years without understanding these Constitutions, and in other words it will end to be useless, because you cannot refer to it, being too voluminous for anybody to read it.

On the government, whether it should be republic or federal: People in Ntenjeru North feel that we should have a republic with our Kingdoms with our cultural leaders. People of Ntenjeru feel that when we are here we should forget all our past, because we are here, in fact, to rectify and I do not feel that we had some problems, so we should avoid trading accusations and counter-accusations, because this one will not solve the problems. We need not to remain in the past, because people have a feeling that much as we might not have not been involved in any of these given governments, by praising any leader who toppled whoever, you are really acting in support of that government. So, in one way or another, we are all responsible for what went wrong and in other words it is our obligation to put right what went wrong. So, in other words, there is no need to remind whoever came here as a supporter of UPC or DP or

NRM, after all he knows what he is, and he has come here not to be reminded. So, we should have that spirit and put right what went wrong. People in Ntenjeru feel that if really we leave out accusing and trading counter-accusation to our fellow delegates, we shall come up with an acceptable Constitution.

At this point, being the first time, I thank my fellow delegates, especially, those older ones like hon. Adimola, hon. Kanyeihamba and others who have written some articles in *The New Vision* and others to keep us alert, *-(Interjections.)-* I think that spirit will be kept within this House.

With those few words, Mr. Chairman, allow me to end there.

**THE CHAIRMAN:** Order, order. I now give the Floor to hon. Maliro Gaston of Mwenge County.

**MR. MALIRO (Mwenge County North):** Thank you, Mr. Chairman. Mwenge County North shares borders with Kibale District in the North, Kyaka County in the East, Mwenge South and Buryasha County in the West. The Constituency is inhabited by the indigenous Batooro and immigrant groups which include the Bakiga, Bafumbira, Banyarwanda, Bagisu and some Banyoro from Bugangaizi.

I wish to thank you for the able leadership you have demonstrated so far, you and your Deputy Chairman. At this juncture, let me take the opportunity to salute the NRM administration for championing the democratisation process, by enabling all Ugandans to participate in making their own Constitution and to realise their sovereignty. It is the first time, Mr. Chairman. I must also thank Justice Odoki and his Commission for the tremendous and commendable work they did in compiling this Draft Constitution out of the views of all the people of Uganda.

**General principles:** Mr. Chairman, we have all vowed to make a Constitution which will stand the test of time. This is a big challenge and it calls for concerted efforts. A durable Constitution, Mr. Chairman, must be one which is acceptable to almost all the people. Such a Constitution must be extremely liberal and has to accommodate the views of the majority of the people including those of the minority. Combining majority and minority views calls for the application and respect of the doctrine of great compromise. Mr. Chairman, compromise cannot be realised in a situation where factions or

regional blocks have been formed, especially, if the blocks are impermeable. Impermeable blocks, Mr. Chairman, do not admit the penetration of logic, they tend to be dogmatic and rigid and getting consensus becomes extremely difficult, Mr. Chairman. If we are going to have a lasting Constitution, we must take into consideration what will happen in future. This requires great imagination, and the past and present should only be used to predict the future so as to take precaution. Therefore, I call upon hon. delegates to endeavour to expound their submissions so as to induce consensus, and to dissolve their blocks if and where they exist. At this juncture, Mr. Chairman, I would like to remind this House that this exercise has been an expensive adventure and we must prove its worth by producing a durable document.

I recognise that a general Constitution which is sufficiently flexible to accommodate future political and social changes is desirable. But I hasten to say that the experience we have had in some of our courts of law, where certain provisions of the law are deliberately misinterpreted in favour of the "haves" to the disadvantage of the "have-nots", precaution must be taken. Therefore, certain articles of the Constitution should be so detailed as to leave no doubt. For example, the chapter on the bill of rights must be detailed. My constituents would like to have this chapter spelt out clearly so that they know their rights.

**The Constitution:** Mr. Chairman, the people of Mwenge North want a Constitution which differs from those of 1962 and 1967 for the following reasons: One, the 1962 Constitution included provisions which proved unworkable and this led to the birth of the 1967 Constitution. The 1967 Constitution vested excessive powers in the President paving way for dictatorship. Therefore, the new Constitution should embrace the following among others: One, it should ensure national unity; it should promote democracy and social justice; it should grant peace, security and peaceful transfer of power. Peaceful transfer of power, Mr. Chairman, is very important; we have had enough experiences with coups and overthrowing of governments in Uganda. It should promote the culture of constitutionalism and for that matter we would like to see constitutional issues taught in schools. It should also ensure and promote respect of human dignity; *pandagari* should be abolished. It should promote a national development.

We condemn any person who tries to violate the constitutional order, and we are ready to do everything possible to reinstate our Constitution, should any person tamper with it. But we say peaceful means of protest like peaceful demonstrations, boycotts, use of the press and the like are recommended. Use of violence should be the last resort, Mr. Chairman. The Constitution should have provisions to protect any person who acts in any way with intent to safeguard the Constitution. We recommend military and political science to be taught to every able-bodied citizen of Uganda in order to defend our constitution.

Article 4, form of government: Mr. Chairman, the people of Mwenje County North want Uganda to remain a unitary republic; they contend that for national unity and to enhance economic development and political advancement, Uganda should not be fragmented. Federal governments are for the rich countries they assert. Supporting their argument, they say if the richer states in America could choose to come together for unity why should Uganda be divided to smaller units? However, they would like to have power and functions necessary for local development to be decentralised to the districts and to lower units. The decentralised powers should be stipulated in the Constitution. As for the federal form of government, they say it could be good but it is expensive and maybe divisive. They recognise that certain federal states organs have to be put in place, and this requires additional funds; these funds have to be levied from the local citizens.

In Mwenje North some civil servants and porters go without salaries for about three to five months, because of lack of funds in the district. The people do not envisage where more money will come from; the people also know that recently there was retrenchment of workers, including their chiefs, in order to reduce the labour force so as to realise a living wage for the remaining few. Even then, workers have not been paid that living wage and they continue to suffer. The people wonder what would happen if the labour force was again increased. Higher taxes, Mr. Chairman, will have to be imposed so as to meet the demands, which would make them fail to pursue other goals, like paying school fees and carrying out self-help projects.

Citizenship: The people of Mwenje North agree with the provisions of this chapter but wish to emphasize that dual citizenship should not be enter-

tained. All citizens of Uganda should be issued with national identity cards and identification numbers. Non-citizens who wish to become citizens by registration should apply through the local authorities. Mr. Chairman, it is the local authorities who know whether these people are good or bad. Citizenship should not be granted if such a person or persons have not been loyal to the country and they do not appear to be working for the development of the country. Such a person should not have committed any serious offence or crime and must have lived in Uganda for not less than ten years. Mr. Chairman, the Banyarwanda who came to work in the tea estates in the 1950s but chose to acquire land and settle, have indicated their wish to be granted citizenship. They have lived for over 30 years and even voted in 1962 and in 1980. I would personally support their request. There are no refugees in Mwenje County North, but where they are, the Mwenje people say that they should remain in the camps as refugees.

National language: Mr. Chairman, the people of Mwenje County North would like to see the people of Uganda have a common language which can unite them. They feel that languages like Runyakitara, that is Rutoro, Runyoro, Rukiga, Runyankole; Luganda and Luo which are widely spoken could be adopted as one of the national languages, but they have a fear and rightly too, that these languages may not be accepted by other ethnic groups in Uganda, they prefer to adopt and teach Swahili in schools for the following reasons: one, it is easy to learn and is rich in grammar and it is mainly of African origin, although it has a few Arabic words. There is need for a common language to promote internal trade and widen the internal markets; it does not cause ethnic conflicts through inferiority or superiority complex; it may promote a sense of oneness and promote unity in the long run. It could enhance international cooperation and trade since it is spoken in other countries like Kenya, Tanzania, Zaire and others. It will also reduce national expense on news broadcasts since one language will be used, and improve well being through saving time for national building programmes on Radio, like health and agricultural programmes.

Traditional rulers: Mr. Chairman, Toro Kingdom does cherish its culture of monarchism. Mwenje County North is in particular, a place where the first Omukama of Toro was nurtured and prepared for Kingship. The people of the constituency, therefore,

respect the Omukama and would like to see the chapter on traditional rulers entrenched in the Constitution. They prefer to have the Omukama who is apolitical, but ceremonial. He should have powers to mobilise his people through the clans and should be free to give advice on matters relating to development, culture and heritage. The Omukama should take precedence over all people, except the President and Vice-President, during all functions held in Toro Kingdom, but maintenance of the Omukama's institution should be a local issue to be settled through the clans within the Kingdom.

**The bill of rights:** Mr. Chairman, though fundamental human rights and freedoms are so important, they are often gravely violated. The people of Mwenge North County would like to see their rights entrenched in the Constitution. The chapter on human rights should be upheld, subject to some modifications. The provisions of this chapter should be spelt out clearly and in detail. Mr. Chairman, Parliament should not be empowered to enact any law which permits detention without trial. Mr. Chairman, in the past, we had a lot of our people languishing in the prisons and at the end we found that they have no case to answer, and we would not like to see this happen any more. The powers given to Parliament during a state of emergency as shown in article 129, clause 8, to suspend any human rights, may lead to detention without trial. This clause, Mr. Chairman, allows suspension of article 53, clause 7 among others, and this clause provides for the order of habeas corpus. Mr. Chairman, this provision should be examined critically during the consideration stage.

Article 54 which prevents torture and inhuman treatment of Ugandans or citizens should never be suspended under that provision. Mr. Chairman, freedom of movement should be upheld and in particular all Ugandans should be free to move throughout the country, reside and settle anywhere according to their wish, provided they do not trespass upon anybody's property.

**Rights of the disadvantaged persons:** We the people of Mwenge County North support greatly, women in their cause for emancipation. They say that upon death of their husbands, women should be free to inherit their late husband's estates and property; but this should not disadvantage the orphans who are left behind, and married women should also have a share of their parent's property. There should be no

discrimination in education for boys and girls. Mr. Chairman, men and women should have equal job opportunities and payments; there should be some change in certain customs and cultures which hinder the women their emancipation. However, a closer look at matters relating to dowry and traditional land ownership is very necessary. The right of children, the handicapped and disabled persons should be viewed affirmatively. The question of street children should be addressed seriously. Mr. Chairman, education for all children of Uganda is very important and must be guaranteed, hence the need to constitutionalise free and compulsory basic education.

**Political systems:** Mr. Chairman, the people of Mwenge North constituency had a nasty experience during the period from 1981 to 1985, a period when we had a multiparty government. There was no insurgency in this area but people were tortured all the same. Mr. Chairman, I must be open here and transparent, the UPC candidate who had lost in the general elections which he did not petition did not want to accept his defeat, he and his supporters went on rampage, kidnapping the DP and UPM supporters, who thereafter 'disappeared'. Of the eleven people who had disappeared from just two sub counties, Katoke and Bufunjo sub counties, some reappeared at the order of the President, Dr. Milton Obote, when he had been contacted by the then Member of Parliament of the area. These people were paraded at Katoke for people to see, they had been detained and tortured at Muhote barracks, contrary to the provisions of the 1967 Constitution that was in force. In the meantime the late Bamaturaki who was representing another part of Mwenge North was assassinated, Mr. Chairman. These events, Mr. Chairman, forced the people to regard multiparty as undemocratic, because, Mr. Chairman, they could not see why a person who takes his democratic rights to elect a candidate of his choice should be imprisoned or should be killed.

The people of Mwenge North, therefore, cherish the Movement type of governance where they have enjoyed peace, security and tranquility. They enjoy participatory democracy at all levels, because now as village peasants, they can air their views and it will reach any level in the Movement hierarchy. An example is the Draft Constitution we are discussing now, which comprises of the views from RCs 1 to RCs 5 and even individual views. Mr. Chairman, the people would like to have a system which resembles

NRM even if the name was changed and even if the leaders were also changed, they would like to have this system for, at least, five years. However, in the spirit of compromise they say the Movement should operate for the next five years while parties undertake reformation, thereafter, the subsequent system should be determined by all the people of Uganda through a referendum. Mr. Chairman, me as one, I do not impute that parties cannot be good, parties can be good if they are well conceived and if they are not sectarian in their formation and if they are formed purely on ideology and programme of work. The big parties in Uganda that is UPC and DP, Mr. Chairman, which have religious inclinations have tended to divide people on religious differences which were ushered in by the British and French missionaries who founded the Protestants and Catholic religions in Uganda. The reformation for these parties should get rid of this tendency if they are to be acceptable in Mwenge North.

**State organs:** Mr. Chairman, we advocate for complete separation of powers among the Executive, Legislature and Judiciary in order to ascertain checks and balances. **The Executive:** The President who should be a Ugandan citizen by birth and not below the age of 40 should be elected by adult suffrage and should have no power to make any laws whatsoever which have not been passed by the legislature. All important appointments by the President should have prior approval of the Parliament, or committee of the Parliament or National Council of State, whichever body this House will find appropriate. The President should serve for not more than two terms of five years each. Ministers should be appointed outside the Parliament, if they be appointed from Members of Parliament then the Member should vacate his seat in Parliament.

**The Legislature:** Members of Parliament should be elected through secret ballot by adult suffrage; elections should be free and fair; in particular a single ballot box should be used and it should be in the open. Government in power should not at all manipulate elections through creating conditions favourable to members in the government at the time, as has been the case in the past. Members of Parliament should be recalled when they fail to perform to the expectation of the electorate. Laws made by the legislature should be approved by the Executive. Any conflict between the Executive and Legislature, if it be of legal nature should be settled by the courts of law.

**Judiciary:** Judiciary should be independent of both the Executive and the Legislature; it should have power to nullify any law it deems unconstitutional. In administering justice, Mr. Chairman, the defendant should be entitled to a jury hearing and may be represented by an advocate of his or her own choice.

**Leadership code of conduct and the Inspector General of Government:** Mr. Chairman, whether these two institutions be under the judiciary or exist on their own, they should be entrenched in the Constitution. The Leadership Code of Conduct should be under the IGG who should be strengthened and given powers to prosecute directly. The Inspector General of Government should be as independent of the Executive and Legislature as the Judiciary is.

**Land:** Mr. Chairman, the people of Mwenge County North are mainly agricultural peasants, land is their major treasure. There are mailo land holds, leaseholds and customary land tenures in this area, there is also public land. The people feel that uniform land tenure may not be possible because of the different interests people have in land. They would have freehold land tenure, but also retain customary tenancy. They feel there should be control on the size of land one could acquire; they feel there are certain interest groups who should be protected by the Constitution and these are, Mr. Chairman, the people who have been living on private milo land for long. These have been living as squatters but they want to be protected by the Constitution so that they also have land freely. Also there are people who are living on official milo land which was converted to public land in 1975. Mr. Chairman, these people are worried that when this Decree has been repealed, perhaps, they will be forced to leave this land. They would request that certain measures be put to protect their interest. Mr. Chairman, the people of Mwenge North realise that there are some people at present whose parents do not have sufficient land. Now, they wonder what would happen to them if on the free-hold tenancy, all land was grabbed, and by the time these people want land, they have no where to get land. They feel that there should be reserve land for those who are landless now and for the unborn. Mr. Chairman, the people of Mwenge North would like the government to shoulder the responsibility of availing titles to those who will get free-hold land, and for that matter to decentralise the land committees up to sub-county level. Mr. Chairman, it has been a very big problem in the past to get a lease-hold and it is very expensive. Mr. Chairman, since people want to have land of

which they are sure of the tenancy, it should be the responsibility of the government to ensure that these people get the title to that land.

Defence: The people of Mwenge North would like to see an Army which is national in nature; that is an Army which is recruited from all districts of Uganda -*(Interruption)*.

**MR. KWERONDA RUHEMBA:** Point of order. Is the speaker on the Floor from Mwenge in order to suggest that we should reserve land for people not yet born yet in some parts of this country, Kajara inclusive, we know that there are so many people who are landless and they are already born, and they could be taken to some of this land he wants to reserve so that the production level of this country increases. So, therefore, Mr. Chairman, is the speaker in order to suggest that we should remain poor while the land is being reserved for people yet to be born?

**THE CHAIRMAN:** I do not think that is really a point of order. The hon. Member is making his contribution knowing that the Constitution is not only for those who are already born but also for those who will be born. *(Interjection)*. I said what you raised was not a point of order, it was more of a point of argument, and therefore, there was no need to rule on it, and I also pointed out that here we are making a Constitution for those born and those to be born. So, he is entitled to make his own observation.

**MR. KISAMBA MUGERWA:** Mr. Chairman, you seem to have cleared the issue because I only wanted to assist Ruhemba that that was the simplest way of putting a technical matter. Sustainability of land tenure facilitates all generations to come, and I think it is also incorrect for him to allege that there are people who are landless; because if you have ever been to areas where people are landless like Bangladesh, you cannot find anywhere even if you have money, to acquire that piece of land, but in Uganda, if you are free to move to any area, you can easily, without purchasing have access to land to use.

**THE CHAIRMAN:** I take it that was an information to hon. Ruhemba, please continue.

**MR. MALIRO:** Thank you, Mr. Chairman. I think to go back to that point on land, I must insist that if we have said we are making a Constitution for the future, we must bear in mind that the size of land does

not increase, the population does increase. In fact, the rate of natural increase Uganda is one of the highest, about 3.5; and, Mr. Chairman, if we grab all the land now and there are these children who are on the streets, in future when they grow, they will have nowhere to go, we shall start denying them like the Banyarwanda are denying their people who are in Uganda, Mr. Chairman.

**THE CHAIRMAN:** You should be winding up, hon. Member.

**MR. MALIRO:** Thank you, Mr. Chairman. As I wind up, I was saying that we should have an Army which is national in nature, that is to say, where recruitment is done proportionately from all the districts of Uganda. But, Mr. Chairman, I am not saying that the present Army should be dismantled so as to push in people from other places, but what I am saying is the principle in future, any further recruitment should take in consideration the proportion population of other districts in Uganda, and the minimum educational level could be ordinary level, and these people, before recruitment, must have been recommended by their local authorities, RCs or Chiefs as the case may be. I thank you very much, Mr. Chairman, I thank the delegates for listening.

**THE CHAIRMAN:** Thank you hon. Maliro for your contribution to the debate. Now Leave the Floor to hon. Liiga Aloysious - Buvuma Islands.

**MR. LIIGA ALLOYSIOUS (Buvuma Islands):** Thank you very much, Mr. Chairman. and Hon. delegates. To begin with, I would like to put Buvuma on the map of Uganda. Buvuma islands lie to the East of Busoga territory and administratively, they are within Mukono District, within the Kingdom of Buganda. The Islands number about 50 in all and share common boundaries with Iganga, Jinja and Busia district and the Republic of Tanzania. In fact, the last island towards the Republic of Tanzania is only ten miles and for record purposes it is known as Luweero island, and here no woman sets foot there whether you want it or not; that is by tradition and culture. The people of Buvuma originally came from Masaba in Bugisu -*(Interjections)*.-

**THE CHAIRMAN:** Order, that is a very important point -*(Laughter)*.- you should let the Member continue, he is making a very important point.

**MR. LIIGA:** - and the extinct Kingdom of Samia Bugwe somewhere in Kenya; and these people appear as number six in schedule 2. of the Draft Constitution. We have our own language and our own cultures; in fact, when I say 'Mukagwa' in my dialect I mean a friend, and when I say 'katonkani' I mean perhaps. You see, we have a very rich language but because we were suppressed, we rarely practice it out here. In fact, the Mamba clan in Buganda the largest clan actually, I think in Buganda, comes from ourselves. The Baganda very well know what 'Gabunga' means and they very well know the story or rather their proverb that "Linda biwere yawanguza Buvuma" proves it. We were a conquered people by the Baganda and that is how we acquired this name Buvuma altering our name Bagwe. You see, what happened they sent a very ugly man to fight their wars there, and when one of the natives saw him he said "is that the Kabaka?" then the Baganda said 'avunye' that is how the word came. This county, is actually - (Interruption)- Mr Chairman, this county is the last county, it is the 18th county in Buganda. When they lost Buyaga and Bugangaizi, we became last, and it is last in the true sense of the word, in everything. These islands have only the waters of lake Victoria in common with Kalangala District which we formerly knew as Sese. Fortunately, we have not been affected by the horrors in Rwanda, the bodies there have not arrived in Buvuma islands. So, please, eat our fish and it is very delicious. Unfortunately, the Minister of Agriculture here must come in for censoring. When our fish was being thrown up and down and losing market, the ministry kept absolutely quiet and they did not even educate the people - that is Mpuuta and Ngege do not eat dead things at all. However, I hope the situation will improve.

With that background about Buvuma, Mr. Chairman, I will pass on now the congratulations of my people to you and your Deputy Chairperson for your nomination by His Excellency the President and also for your subsequent election by this august House, to the Chair that you now hold. In a similar manner, fellow delegates, the Bavuma congratulate all of you for the turmoil that you went through in order to get here. For your information I almost drowned when my canoe hit a rock when I was going to Luwero Island and if it was not by the grace of God, I would not be with you here today. Thank you for your prayers.

My people have a soft spot for the gallant nine women who trounced their men colleagues in the

race for C.A. and they say bravo, keep it up. The Bavuma are behind you in this noble task of forming a new Constitution and they are convinced and are sure that you will turn out a Constitution that will last and stand the test of time for the good of our generations to come. The Bavuma advise, and with a lot of feeling, that we should discuss and debate the Draft proposals freely and with open minds and reach consensus, no matter what diverse opinions and view points we may each individually hold. Unity in diversity must be our guiding principle, putting Uganda as our dear motherland first and our various little tribal groupings last, no matter what part of this country we individually come from. The Bavuma warn, we are all here in this august House, in the first place as Ugandans. So, they say and advise us against this that impromptu utterances like the famous 'those who do not want Kingdoms leave this country' and like 'the issue of monarchy is not negotiable' have no room here. Every article in the Draft Constitution must and should be discussed and the consensus to be reached upon each one of them amicably, while we bury our little feelings for whatever it is.

What about the Draft Constitution: This is what my people have to say: The people of Buvuma would like this country to remain a republic and a unitary state; the people of Buvuma also propose that in order to promote unity and understanding throughout the whole country, the following local languages namely: Ateso, Karamojong, Luganda, lugbara, Luo, Runyakitara should be taught in all primary and secondary schools throughout the country. My experience is this that I have worked in every corner of this country, from 1973 I was in Arua, in 1972 I had worked in Moroto. I have seen the hope of this country lies in our learning each others' languages. It is only Luganda that I found in Arua and a bit of it in Kisoro and a few other areas, but the Bavuma say please, let us have all these languages taught so that we can easily communicate. In fact, this reminds me of this old Karamojong who is in P 7 to get his mathematics correct so that he is not cheated in Business. The same applies to us as a nation. The Bavuma further propose that English should remain our official language while we should develop one of our local languages alongside Swahili as a national language, that is Swahili and one of our local languages. The choice of the local language should be by consensus depending on how quickly and widely the language can be learnt and spoken.

National objectives: The Bavuma do propose that this chapter, that is chapter 3, be critically examined so that articles and clauses which are purely policy oriented be thrown out; clause 6, and 7, of article 10, and clause 5, of article 18, are a case in point if you look at them. They are just mere policy oriented things, those ones should go. Such articles and clauses are liable to various interpretations and enacted wholesale, will lead to endless litigation and numerous attempts to amend the Constitution. Incidentally I am a lawyer by profession, and I know what I am talking about here; you are going to find so many cases in court trying to throw out those provisions or misinterpret them for that matter. The people of Buvuma do endorse article 80 of the Draft Constitution which recognises the supremacy of the citizens of this country over those who govern or who shall govern them. We, however, reject paragraph 4, of clause 1 of article 36 which contradicts article 8 and purports to deprive the people of their right to be consulted on programs which may affect the peoples environment. The offending paragraph must be rejected. The people of Buvuma do support Clause no. 8 of article 10, together with paragraph (a) of clause 2 of article 59 in the draft constitution.

Freedom of Movement, association; settlement by any Ugandan in any part of Uganda, as one may choose, is a sure way to promote unity. It is very welcome. We however, wish to add that the hosts should not impose upon the "settlers" their cultural ways; e.g. the circumcision in Bugisu and Sebei; and cattle rustling as I understand in Karamoja. They should not impose these cultures upon the later. While, the settlers also should not impose their own way of life, upon the others. Here, I have an example; my friends from Karamoja should not react. When I was there, Amin had not told them to dress and you know what happens. When I was in Arua in 1973, my 'Bakos' there should not object. I went to the market called Aliya, and my friends were clothing some parts of their bodies with leaves and the rest of that. So, when you are coming to live anywhere else where the people dress, please, follow them, do not impose upon them your way of life.

**MR. ANIKU:** Point of information. I would like to inform the hon. speaker that, it is true, women used to wear leaves in West Nile, and that was around 1950s, and therefore, if you saw anybody wearing leaves in 1973, it could have been a mad person. I do not know anybody wearing leaves in West Nile, beyond 1960s. Thank you very much.

**MR. LIIGA:** Thank you for that information, however some facts remain facts. Both parties in the spirit of tolerance and national unity, should abide by and respect those diverse cultural norms which are repugnant to them.

**AN HON. DELEGATE:** Point of clarification. Can the hon. Member on the Floor use the microphone well, so that rest of us can hear?

**THE CHAIRMAN:** I think that is a reasonable point; I think you could use more of the microphone, so that you do not impose a burden on others trying to listen to you.

**MR. LIIGA:** Thank you, Mr. Chairman, I hope I am now audible enough.

**THE CHAIRMAN:** Yes you are.

**MR. LIIGA:** Buvuma is the United States of Uganda, and the Bavuma know, perhaps better than any other Ugandans, the wisdom in this proposal. As I stand here to represent Buvuma, I can tell you, we have all types of tribes within those Islands; both Ugandans and non Ugandans. But we have lived in peace with them, no wars there, and we know exactly what it means to live in unity in diversity. Ours is a society which is mixed. The Bavuma do reject Clause 3 of article 18 of the draft constitution, which perpetuates sectarianism. We already have a sectarian law on our Statute books, and that Clause which provides that, people should be able to punish others, if there is an infringement of the constitution, must go from our constitution. The ethnic chaos and massacres, now plaguing our neighbouring Rwanda, must not be legalised in this country. Legalising ethnic murders by endorsing them with a constitution supremacy in this country, is going to be deadly.

My people do welcome clause 2 of article 23 of the draft with respect to paying national attention to the least developed areas. This provision is long over due. Buvuma is the least developed county anywhere in this country; unfortunately, most of you have not been there, so you do not know the pathetic situation, but I am telling you, I was born there, I have grown up there, I am living there, and you know the terrible situation we are in. With only three primary schools, very poor ones at that, one poorly stocked dispensary, one poor secondary school, no roads to boast about e.t.c. Buvuma is rightly called the Karamoja of Buganda or Mukono district for

that matter, in terms of development. I must pay tribute to DANIDA which has rehabilitated our dispensary, and now when you go there, the first place you land at is the dispensary. You might think the rest of Buvuma Islands is shining like that. But DANIDA, I thank them very much for that matter. Even if Buvuma is the backbone of revenue collection for Mukono District, the area remains neglected and decaying. The people are milking the cow, but are not feeding it. With this constitutional provision, I am sure we shall be able to sensitize government and make sure that, they develop these Islands, together with us of course. We are not begging but we are saying, give us the little push, and we continue. The Karamoja Development Agency or whatever it is, was a push for them, and I am sure they are now rightly booming. So, something like that should be extended to these poor places like the Buvuma Islands. These Islands *-(Interruption)-*

**A HON. DELEGATE:** Point of order. It is a bit out of order for the hon. speaker to compare Buvuma to Karamoja. It is not proper because, when I was Chairman in Mukono for four years, we had a problem of educating the boys in Buvuma. When the boy achieves 8 or 9, instead of going to school, he goes to fish. Teachers sent there, have got their own canoes and they go to fish, so a special project, whereby these people be prevented from going to fish should be found, so as to educate the people in Buvuma and uplift them. Thank you, Mr. Chairman.

**MR. LIIGA:** Thank you, Mr. Chairman, the previous speaker has destroyed his own argument, and in Buvuma we do not have people who go to fish without going to school. It is because certain facilities are not there, including the teachers themselves.

**MR. KWERONDA:** Point of information. I want to inform the hon. speaker from Buvuma, that bilateral arrangements are negotiated and entered with the government of Uganda, so when we stand here and thank DANIDA, we are implying that DANIDA came on its own from wherever it came, and started distributing programmes which the government does not know anything about. So, the speaker should be informed that whatever DANIDA does in this country, it is doing it on behalf of the government, and a government will have entered a bilateral arrangement to take such programmes and that money sometimes is borrowed by the Uganda government to execute those programmes. So, in the first instance, I think he should have thanked the

Uganda Government which allowed DANIDA to come in here and do or effect some programmes. I thank you.

**MR. LIIGA:** Thank you, very much for that information.

**AN.HON. DELEGATE:** Point of order. Mr. Chairman, is it in order for the hon. Member from Kajara *-(Interjection)-*

**THE CHAIRMAN:** I have not ruled, so you cannot begin making a statement. Hon. Member raised a point of order, that you were telling us the obvious, I think you were in a sense doing that, not everybody knows about how things are done between, Agencies, NGOs, and Government Departments. But I think let us give the Member on the Floor the right to continue with his contribution.

**MR. LIIGA:** Thank you very much, Mr. Chairman. Before I was interrupted, I was saying this that; during Amin's regime, Buvuma Islands were made a sub district, but this status was swept away, when some regimes came in - Obote 2, and what we have today. If Buvuma is going to develop at all, we appeal to whoever is concerned that these islands be made a full district of its own, so that we can take care of these problems directly from the top, but not depending on hand outs from Mukono, as the hon. Member has informed us. Their special team whatever they call it, has not even taken effect in the islands. Just for the record, the Bavuma are even more numerous than my friends from Kalangala, but there was misinformation during the elections for the CA. Akabwayi's Commission failed to register all the Bavuma, and only registered about 9,000 and that is the small figure that you see, on the final results, but the people are a lot more than that.

On the issue of citizenship, Mr. Chairman, the Bavuma are saying that, this is a very serious matter, which must be handled with care. Today, people living along our borders but citizens of other countries, claim to be Ugandans as and when political parties dictate. That state of affairs, must come to an end. As I said, I have worked all over Uganda, I know what happened when Zaire was attaching Arua sometime, I was in Busia - when one general had to fight his brothers before I could bury his father in Busia; because originally, they are from Kenya and that sort of thing. So, we are saying that, this business of citizenship must be carefully and firmly

handled. The Bavuma are suggesting that, we should call for the issue of National Identity cards immediately. This one should be issued to every Ugandan, of and above the age of 6 years. Passports, should be the right of every citizen and should be issued expeditiously without the red tape that surrounds the exercise today. The Bavuma further propose that citizenship of this country should be determined from midnight on the 8th of October 1962, and not from the 1st of February 1926. The 1st of February 1926 was the day, I understand, when the borders were confirmed but the citizenship of this country was so fluid that we cannot bear to legalise even those who do not qualify simply because of that date.

The people of Buvuma reject the proposal or rather a draft; article clause 1 of the draft. We propose that any child found in this country, without parents, should be looked after by the state, until he or she attains the age of maturity; that is the age of 18 years. In the meantime, the children's origin should be thoroughly investigated and verified. Those found to be stateless should then be granted the citizenship of this country, by registration but not by birth. After all, we found them loitering about, do you know where they were born? Now, how can you say, you give them the citizenship of this country by birth? Which birth? In any case, fellow delegates, presumption of death in this country, is seven years, I stand to be corrected by my fellow lawyers, because I understand during Amin's time that seven years was either three or four, something like that. But, if I want to presume a fellow dead after seven years, and you find a child here aged 7 years, give him another seven to make it 14 and if by 14 years you cannot find the child's parents, keep him going until he is mature, and grant him citizenship.

The people of Buvuma, do recognise the importance and all consuming role the women play in our society. We support every effort to emancipate women and we thank the NRM administration for its positive stand on the issue. We however, admonish the women not to over emphasize the obvious but fight to defend and consolidate their rights within the norms of our society. We are not going to borrow norms from elsewhere and plant them here simply because you want a mini skirt right up to your hip joints. No, those are not our norms. My people do condemn child labour and propose that it must be abolished until the age of maturity. Article 62 Clause 5, must be amended accordingly. This is the article

which says, child labour should start at the age of 16 years. That one, the Bavuma propose, must go.

Peoples representation. The people of Buvuma, wish to maintain the present representation by county, as an electoral constituency or area. The people should have the right to recall representatives who are not delivering the goods, and they do sleep in N.C according to the comment by one of our honourable delegates about, I think, early this week. If you are going there to sleep, the people should have the right to take you back and you sleep in your house comfortably. However, article 136 *-(Interjections)-* I am not taking any more information, Mr. Chairman, my time is being wasted. Article 136, needs amendment in respect of its implementation. The people of Buvuma propose that representation of interest groups other than the disabled, must go. The women and the soldiers, fully participated in the CA race and won, and they are here on their own right, why should we give again small, small interest groups other representation? This is not fair. And the Bavuma are saying *-(Applause)*

**MISS NANKABIRWA:** Point of order. Mr. Chairman, is it really in order for the hon. Member on the Floor, to call some big groups, small, groups, and yet they form the biggest population of this nation? Is he in order?

**THE CHAIRMAN:** I do not think he was referring to the numbers, I think he was referring to the disadvantaged groups.

**MR. LIIGA:** Thank you, Mr. Chairman. The Bavuma are of the view that-

**THE CHAIRMAN:** That bell is for silence, not to tell you that, you should finish.

**MR. LIIGA:** Mr. Chairman, my time has been eroded, I still have a lot to say. Can you give me just five minutes to finish it.

**THE CHAIRMAN:** The rules allow a Member to get a bit more time if he is interrupted, on point of order, and I think you had two or three. So, you get another five minutes.

**MR. LIIGA:** Thank you, very much. Mr. Chairman, the people of Buvuma further propose that peoples representatives should not serve for more than two consecutive terms. There are people who

want to mark themselves, career diplomats, career politicians, in their constituencies. The people of Buvuma are saying that this is not quite fair, and each representative should serve for two years consecutively, then take a rest, and may be later could be called upon if he is welcome. And they also propose that, a representative could not hold two representative capacities at the same time, for instance today, we have NRC Members who are also hon. CA Delegates. Now, one cannot serve two master's at the same time satisfactory.

**The Executive:** The Alur community in Buvuma have suggested that, one fit for presidency must be a citizen of Uganda, who can trace his ancestry for three generations. This is the proposal of the Alur community in Bavuma Islands. The people of Buvuma request, that the sweeping powers given to the president in the draft must be limited. Otherwise, those powers will turn the president into a dictator. It is absurd for instance that a president should approve emolument payable to members of parliament as stated in article 138, clause 1 of the draft constitution. With such powers, the president can easily manipulate the legislators for his own benefit. The president should serve a maximum of two consecutive five year terms and should be at least 40 years of age, with a minimum education standard of higher school certificate, with an additional diploma. The Bavuma urge that, a mere university degree per se, does not guarantee that the holder will make a good president, although having one is a definite advantage of course. The Bavuma say, there is no need for this National Council of state. And they are saying that, no clique of hand picked individuals within parliament should be allowed to usurp the powers of the peoples elected representatives.

The Bavuma advocate for good governance, which must ensure peace, security, ability, economic development, social justice, health, employment, human rights, and freedoms. And last but not least, security of tenure of both government and private jobs. The people of Buvuma fear this business of firing public servants over the radio, as it was so rampant during Amin's time. In view of the above, the people of Buvuma, support the on going decentralisation exercise within Local Government. The people do not advocate for the type of federal status which was created by the 1962 constitution which led to Buganda kingdom giving marching orders to the central government to leave their soil, and consequently led, to the position where we find ourselves today. The

people of Buvuma propose that the central government must retain some control over Local Government; a strong centre is called for. As a matter of fact, the loose states in the United States, were the ones that led to the United States constitution, so that the centre could have some real power over the other federations, and I think would do well, to emulate their wisdom. Good government goes together with having the wishes of the minority. And here the Bavuma, repeat their appeal that, they be given a district of their own. In the same way, simple titles are called for. The District Executive Secretary-DES; these are titles that my old grandmother in the village shakes her head about, they suggest that this man or woman, should simply be called District Coordinator, and that is actually what he is doing. In the meantime, the central government representative who is now popularly known as SIGIRI, for lack of better abbreviation, should simply be called the political commissar in the district, and the rest can wait.

On what type of government we could have, my people are divided. The minority are saying that we should return to politics immediately - Political pluralism. However, the majority advised a caution here and said, they would rather have the Movement type of government extended for the next five years but make sure that government allows political parties, to organise themselves right from the grass roots, so that, they can give us credible leaders. Up to today, we do not even know who is leading what, we hear the DP has got a mobiliser Chairman, a President general, the UPC has no leader, we hear CP is in rags and what have you. Now, they say please, let these parties organise themselves. However, the people of Buvuma are wondering whether it is politically healthy, to have two movements under one, and the same chairman, as it is with UPM and NRM? The people also say, article 94 - 96 should not form part of our constitution. These articles should go directly into the provision of the transitional provisions, while article 98, this business of referendum in political parties should go from the constitution. The people further propose that, we should have a fixed date on which the government in power will hand over to an elected government after the five years period, instead of that provision in the constitution. They are saying that perhaps, the date of November 25th, 1999, is going to be very welcome, so that whoever takes over under multi-party government, should be in office by the 25th of January in the year 2000, A.D if we are still alive.

Traditional rulers. My people have no quarrel with them, they say you can have them if you want them. They say, allow the people who want their traditional rulers to maintain them. Article 279(2)(b) should be scrapped from the constitution.

**THE CHAIRMAN:** You should be winding up hon. Member.

**MR. LIIGA:** Thank you very much Mr. Chairman, finally, the Bavuma are very grieved with land owners. The state of affairs being this, that after we have been conquered, the conquerors awarded themselves the best pieces of land, and have titles over them, even up today. Next came government, they took away the best pieces and turned them into forest reserves. Now, the poor Bavuma were left to scratch a living out of poor soil. And they are saying, the constitution should look into this matter. To make matters worse, the people who have got the title are absentee landlords. They never lived there, after they got their titles, they run back this way, the Kakungulus, the Ham Mukasas. Now, we are landed with a situation where land is there, but we cannot use it. We are saying, the constitution should abolish this - absentee landlords. And I think this situation also applies in Kibale (*Applause*). I believe this state also applies in Kibale district, the new one, where formerly the Bugangaizi, and the rest of that, have now been removed of their land. We are saying that situation should be abolished, and the natives, should be given titles over their pieces of land, so that they can use the land properly. Incidentally, if that was done, people would be able to develop economically, because once you put, your title in the bank, and you know your father was buried there and what have you, you will not allow the bank to sell your ancestral ground.

In conclusion, Mr. Chairman, I am sorry the time is very, very limited; the people say that, in respect to the army, the army should no longer be personalised. This business of Obote's army, Amin's army, Museveni's army must go. The army is Ugandan, the people in it are Ugandans, and they sympathize with our FUNA group. The former Uganda National Army. They sympathize with them. They say that there should be an independent army board, that is like the Public Service Commission, or judiciary Service Commission, to handle recruitment, training, promotions, and have you in the army, so that the army becomes truly national, but to be attached by individual president, when he goes out of power, you

start harassing the soldiers telling them that they were so and so's soldiers. None of them is happy to be called Amin's soldiers whatever the case would be.

Thank you very much fellow delegates, thank you for listening to me.

**THE CHAIRMAN:** Thank you hon. Liiga for your contribution to the debate.

**MRS. BAGARUKAYO MAISOTIGALYA (Women Representative, Ntungamo):** Mr. Chairman, people in Ntungamo District convey their sincere congratulations to all the hon. delegates in this august House, for having successfully gone through the CA campaigns and elections. And special congratulations go to the women who stood against the men and won. They wish the hon. delegates, quick recovery from the psychological and physical hardships they went through. They are also thankful to the NRM Administration, to have arranged for CA elections which have proved to the internal and external community that Ugandans in particular, and Africans in general can participate in political elections peacefully, democratically, freely and fairly. And through these CA elections, Ugandans have been able to have a new constitution made by the people of their own choice. As a result of this, Mr. Chairman, they say "long live" to the president of Uganda Yoweri Kaguta Museveni, "long live NRM", "long live Ugandans", "long live" the hon. Delegates from all corners of Uganda.

Mr. Chairman, Ntungamo is a small district, comprised of three counties represented by hon. Ruzindana Augustine from Ruhaama, hon. Rukutana Mwesigwa Mugasha from Rushenyi, and hon. Kweronda Ruhemba from Kajara, and myself being the overall boss (*Laughter*).

**THE CHAIRMAN:** Order, order.

**MRS. BAGARUKAYO:** I am the overall boss by virtue of being a representative of three counties. Mr. Chairman, Ntungamo is hardly a year old in establishment as a new district, however, it has a unique nature of having beautiful scenery, agriculturally productive, and climatically healthy and inviting. Its motto is "unity and development". Unity with all districts, regions, tribes in Uganda, and the rest of the international community. Mr. Chairman, Ntungamo district people have no sectarian tendencies, and this

has been expressed through CA elections. When they sent a CA woman delegate, myself, a Mugwere by tribe, Easterner by birth, and now, a Munyankole and Westerner by marriage (*Applause*). On this note, Mr. Chairman, they say and confirm that, a woman's name is in her husband's home and area.

**THE CHAIRMAN:** Order. Some members are conducting speeches.

**MRS. BAGARUKAYO:** Mr. Chairman, turning on the purpose of my being here, it is my humble appeal that, we make a new constitution that will make Uganda an enjoyable country to live in. A constitution that will give us peace, guide our children born and unborn, and to have stability, unity and peace, to this part of the African continent. Mr. Chairman, if we make a mistake and make an unclear, open ended constitution, we must be prepared to face the blame from the people who sent us here. So, let us be careful. Any contentious issue this Assembly faces, should be sent back to those who sent us through a referendum. So that, the 17 million people, and not the 280 delegates, are blamed. That is, all Ugandans should be blamed for a bad constitution. Should we make a good constitution, it will be our glory. Let us aim at showing the rest of the world that, Ugandans are ready to govern themselves.

The type of political system: Mr. Chairman, people of Ntungamo district have sent me here to make a new constitution in support of article 94, 95, 96 and 98. And for the time being, article 97 could be deleted until article 98 either permits this article 97 or lives it out for further suspension. So, they are saying that, they want movement type of political system for another five years. During these five years of the movement system, the people of Ntungamo would like to see intensive political mobilisation and sensitization. Through this, they think the people of Uganda will learn what politics is all about. During this time of political sensitization, the problems of our country should be addressed. The reasons why people in Ntungamo support the movement type of administration for another five years are:- (1) It is a political system that has shown democratic type of leadership, as reflected in any system where choice of leaders from village level to parliament is a question of choosing whom you want as an individual, rather than, party politics where you are subject to choosing a party symbol, and a person of not your choice.

(2) The people prefer this type of government because, this type of government helped them to have multi-candidatism as opposed to multiparty. And here when you have multi-candidatism, it means that, you are exposed to many people, to choose from, and you are able to get an able leader.

(3) RC system gives smooth transfer of power from person to person, as opposed to multi-party.

(4) It is that system and movement for that matter, that has managed to move with all categories of people in Uganda. The women, the youth, the disabled, the workers, multiparty advocates and the army, in politics. Everybody is incorporated in the Movement system.

(5) At RC level voting, there is a tendency of choosing a leader of good moral and social record.

The people of Ntungamo district, Mr. Chairman, say that if we are to have party politics again, we should not divide on tribal and religious lines, as it was the case in the former kingdoms, especially when DP was largely Catholic and UPC for Protestants. If the old parties UPC and DP are revived, Mr. Chairman, rivalry on religious lines will be revived, and old wounds would be opened up again.

On citizenship, Mr. Chairman, it is the wish of the people of Ntungamo, that the New constitution advocates for registration of all citizens of Uganda and every one be given a national identity card, and that there should be registration of births and deaths; and marriage certificates should be compulsory. On the question of the Banyarwanda, Mr. Chairman, people in Ntungamo are telling everybody in Uganda, and the hon. Delegates here, that there exists an ethnic group known as the Banyarwanda in Ntungamo district. This is because at the time of partitioning of African countries, part of Rwanda was given to Uganda. And that part comprises of Kisoro, Bufumbira, Kamwezi and people in Ngoma, and Rwekinoro sub counties in Rushenyi and Ruhama counties respectively are Ugandans, as they speak Runyarwanda, and ethnically they are known as Banyarwanda, but of Uganda. So, this should not be a question to debate here.

On fundamental human rights Mr. Chairman, they support article 52, 54. So, they say, no person should be deprived of the right to life, except in very grave circumstances, and acceptable in a just and democratic society. They believe in giving human dignity to women, and also protecting them from inhuman treatment. Society, especially the women, should be

protected from the removal of property when their husbands die, when they are divorced, or they grow old. The in-laws should stop interfering with property rights of the women and their children when their husbands and fathers die. Mr. Chairman, Ugandans should have privacy of their homes and property unless under grave condition.

On traditional rulers, Mr. Chairman, the people of Ntungamo, disassociate themselves from traditional rulers, however, they have no quarrel, with those districts, areas, and tribes that need their leaders, as long as those areas are not saying that the government should care for their traditional rulers. And on the question of Omugabe of Ankole, they say that, they are not accepting them. And when there is a traditional ruler in any region, this ruler should be cultural, and should perform cultural roles only and it should not be an issue of government to maintain him or to maintain her. They should live to see Uganda as a Unitary Sovereign Republic and not a federal one. And this should not be a debatable issue in this august House, Mr. Chairman.

On decentralization, Mr. Chairman, they say it is okay and very good. This is because, it is the local people who know what is best for themselves; so they should be allowed to decide on what to do. The people need to be given power, through decentralization. And this is a very good move.

On land, Mr. Chairman. They say that it should be free hold with Uganda Land Commission decentralised, and those wishing to get land titles, should have easy access to it. Unlike the present system which makes some people have difficulty in getting it. On administration of estates, Mr. Chairman, they say, there should be an efficient and quick machinery in administering the deceased persons property, and this will help the widows and the orphans to have quick acquiring of the property left behind, when their husbands and fathers die.

On women's parliamentary representation, the people in Ntungamo, especially the women, say that, each district should send a woman representative and they wonder what criteria may be used if the 15 women delegates who are to be Members of Parliament, are constitutionally allowed? Those cultures that are against or a disadvantage to the women, and reduce their dignity, should be looked into and discouraged by this constitution. The cultural practices should be to teach our children the right

form of positive living. Because you see that now, our youth, the future leaders, have very little guidance from culture.

On the issue of National Council of state, Mr. Chairman, the people of Ntungamo advocate for a composition of members to be outside the legislature, and president's control. And to be composed of people from local authorities, from all parts of Uganda. They should be elderly women and men of high and moral integrity. Mr. Chairman, the type of president people of Ntungamo wish to have in future should be that one who holds a degree from a recognised university and elected by adult suffrage. Mr. Chairman, the powers of the president, should be limited to those areas that are important for purposes of coordinating national activities. Otherwise, presently, the president they say, is overburdened by having too many committees to chair. Mr. Chairman, I would like to end my contribution to this general debate by saying that, the people of Ntungamo wish us a successful constitution making process. There is need to reconcile and come to proper decision, without having persecution from each other.

On democracy, Mr. Chairman, they say, this should not be looked at as only being practiced in multiparty system. It should also exist in "multi-candidatism". By Multi-candidatism, we mean that, we have many candidates, lining up for a political post, as it has been reflected in the CA elections. And this should be practiced in the RC system. I thank you very much, Mr. Chairman, and hon. Delegates, for listening to me and having no interruption during my delivery of this speech.

**THE CHAIRMAN:** I thank you, hon. Bagarukayo, for your contribution to our debate this morning.

**MR. NJUBA KALEGA (Kyadondo East):** I do associate myself, Mr. Chairman, with Delegates, who have congratulated you on your appointment. But I also wish to add my appreciation for the manner in which you are conducting these proceedings as I illustrated when I first spoke. Thanks for the good work you are doing so far. Mr. Chairman, I would like to appeal to all delegates in this assembly to be understanding, to take time to study the statements of others, to be tolerant, to seek reconciliation, rather than revenge or disruption. Because, Mr. Chairman, as you appreciate, this is a very rare occasion, a very rare opportunity, ideal

for the people of this country, who have been given the opportunity to make their own constitution. We all agree with you Mr. Chairman, that for many of us, none of our ancestors were at the Berlin Conference in the year 1884, when the Europeans decided that Africa be divided. Now, having found ourselves together as one nation, from our different nationalities, we must work together, for a common good. As I said I come from Buganda, we do have grasshoppers. The problem is that once they are put in one sack, they start eating each other to death. Let us not be like them. Let us behave like human beings, and try to find a way of living together and accommodating each other in our various divergent cultures and customs, so that we can build a better Uganda.

In that connection Sir, I would like the delegates to recall the words of His Excellency the President at the opening of this Assembly, when he stated, and I am not quoting, that "In highly advanced countries, people who are said to make constitutions are doing so, as to how the country will be run. But we in the third world or I can say "Last World", when we do assemble to make a constitution, where we are building a new country." Now, this is a very important work, we are building a nation. It means the nation was not there or is not in existence.

Secondly Mr. Chairman, His Excellency made reference to unity in diversity. I am convinced, that here he was making reference to the various ethnic groups which make up Uganda. And I am appealing that we must all unite not withstanding these diversities. I have always said that what we do to unite us is far greater or a lot more than what we do to divide us. Let us exploit those points that do unite and underplay those which do divide us.

I wish at this point to commend the Uganda Constitutional Commission, under Mr. Justice Odoki, for having at least produced a working document for this Assembly. I would also like to extend great thanks to the Commissioner for this Constituent Assembly, Mr. Akabway and his team, for having conducted these elections so amicably. I wish now to turn to the draft we are now examining.

My first impression on the document was that it is too long, too far, too big for ones fast understanding. It has twenty chapters, it has 314 articles, it has 144 pages, to a lawyer, this will sound nothing, but to a lay man, what really these are. Mr. Chairman, it would have been easier for a document to be simplified.

Constitutions are supposed to be guiding principles - basic principles upon a framework for a country to be managed. And I would like the language used to be less technical, otherwise, many of our people, even these who have been to university and other institutions, will find the difficulty to understand it. Well, one may ask why the Uganda Constitutional Commission went to the extent of including so many things in this constitution, many of which, honestly I admit, exist in the ordinary law. I think the commission wanted to cover everything and in so doing created a voluminous document. I urge this Assembly to carefully re-examine, and see if it cannot exclude certain things or chapters, or subjects. For instance Chapter one, clearly talks about the Sovereignty of the people and so on. Let me go to chapter 3; the national guide policy. Now, this to me, is repeated all over the place, and these provisions are not enforceable. It sounds like a party manifesto, rather than a part of the constitution. If I were to recommend, at best, it is to cross out at best, or in the list, then I will request for this to form a part of the preamble. Again in a very very summarised form. The same comment would cover the code of conduct. It would have been simpler to provide there that there shall be a code of conduct, Parliament, will then proceed to enact a code of conduct. A Code of Conduct, has not been enacted by NRC and it remains to be implemented. It does not differ very much from what is being proposed. Mr. Chairman, the Uganda Constitutional Commission also included something as, the National Council of State.

In my other capacity, I had the opportunity to read many memoranda from various individuals, organisations and RCs, and I have yet to discover who recommended this? The obvious answer is, that the commission itself, the group of 20 wise men and women thought it fit. In my opinion, they were entitled to make the proposition. However, I find it difficult to accept. It is intended to serve two basic purposes. First; the screening of appointments, and secondly, reconciliation of disagreement, between the executive and the legislature. The first purpose or aim of this council, I would say that this is a job well suited for Parliament or the legislature in its noble task of checks and balances. A sub committee or a committee of Parliament will be set aside probably at the beginning or after Parliamentary elections which will assist to screen and balance the appointments by the authority. As I said, the second purpose of this council is to reconcile. It becomes very difficult when you have talked about separation

of powers, between the judiciary, the executive and the legislature, to find that the executive has appointees, many members of this council, cabinet ministers e.t.c. In law, if I may divert a little, ministers are supposed to advise and when we say you are supposed to advise the president or anybody, it is enough. It means that you advise, and he is not obliged to take your advice. Now, these are the same people you are putting on a committee to reconcile Parliament with the Executive. In my vernacular, which I beg to use, "*Enkyimma, tesaalagwakibiira*" meaning "*a monkey will not condemn a forest.*" Naturally, that is where it resides and if I may put it in better english, "*He who pays calls the tune.*" I would like to strike out the National Council of State, because it will serve no purpose at all. *-(Applause)-* What do I propose in this place? I propose a strong constitutional court. A strong constitutional court, for about seven jurists who would advise, even advisory opinions and ruling of legislation of this nation, and in the process, develop our constitution and our constitutional laws.

Having remarked on the three chapters namely: guiding principles, the National Council of State, the Code of Conduct; I have in my opinion reduced the volume by three chapters and by considerable number of pages, let alone articles.

I would like to turn to the subject of detention laws. I am aware that many Members of this Assembly have been victims of this law which was enacted way back in 1963 and unfortunately, the first victims of this law, were the five legislators, who supported it on the government side. They were in detention for five years, and they would tell you, what they suffered. Mr. Chairman, the speaker has suffered under this law and wish it abolished immediately. It is therefore, with much welcome that I view this new proposal.

**MRS. ZZIWA:** Point of clarification. I am seeking clarification from the hon. Member, as he is proposing for a constitutional court. Is he suggesting that this one should also be brought in the constitutional draft? I just wish to get clarification, Mr. Chairman.

**MR. NJUBA:** If the hon. Delegate reads this draft carefully, she will find that there is already a constitutional court. I am advocating for a stronger constitutional court of jurists who would be consulted first in all and would assist to develop our constitutional merit. The Detention Act, the speaker

is saying has been a victim of this, and would like it to be abolished immediately. It is a welcome proposition by the constitutional commission to do. But when you read the report, under the draft constitution, you do not get the impression that they are implementing the recommendation they are making. What they do suggest in the article 53, is very poor. They are shy about it. I think we should start now and say so in no uncertain terms. That this constitution shall contain no provision for the detention of anybody and no law shall be made there under to provide for such detention. Victims of this, as I said are among us, we would wish to see it abolished. And I would add that there are enough penal provisions in our laws, enough to provide for any offenders. Secondly, even the provisions that a man or woman should be detained for 72 hours before he is taken to court is too much. I would suggest strongly for the period being reduced to two days. They who do arrest and detain a man and do not even disclose the reason or place of his detention, are not only punishing that man, they are punishing his wife and children and relatives. You put insecurity into the people who happen to know that.

As I said, this Constitution is long and time is not very much on my side and I would like to touch on land law. The people I represent in this House have asked me to say that they welcome the Commission's recommendation to abolish Idi Amin's Decree of 1974/75 in total and restore the free hold system. But we should make a provision, if not in this Constitution but Parliament, to cater for the tenants on this land. We are not saying that the law of 1926 which is absolutely an individual law and which I am quite familiar with, could be suitable at this time, but this House or Parliament should find the appropriate legislation for the protection of tenants or peasants and customary land owners. I had an interjection about squatters. Squatters are strictly trespassers; we should improve their position - their license before they are considered, if by squatters the hon. delegate is referring to customary tenants.

**THE CHAIRMAN:** As far as the Chair is concerned, we have not had any comment relating to squatters.

**MR. SAM NJUBA:** I wish to report Sir, that hon. Amanyana Mushega raised it - it was for his consumption, but I will try to clear the air.

**THE CHAIRMAN:** But I think the Chair does discourage altercations between Members. I think you were not in order to have addressed him directly, you should have done it through the Chair. Otherwise you can go ahead.

**MR. SAM NJUBA:** Mr. Chairman, there are other pieces of land known as public land or official Milo land in Buganda which used to belong to Government. It is a prayer of my people in Kyaddondo East that these pieces of land be returned to Buganda Land Board for its Management and administration. Here I am not talking about the land that belonged to the *kabaka* of Buganda which has been lawfully returned to him and for which we are very grateful.

The Presidential powers: My people say that the President has got too much power of appointment, even in decentralisation, or control over the Army and the Movement. Every thing is almost done in the name of the President. It should be done in the name of the people. Therefore, they welcome limiting of the Presidential powers to a term of office of only two terms and to make sure that he does not exceed his powers to be impeached when he does commit unconstitutional acts or felonies.

I think I will be letting down my people if I do not mention something on Local Government and decentralisation. Let me state that there is an impression in the country and in this House, I regret to say, of confusing federal with feudal and of equating federal with a monarchy. I do not subscribe to that school. Federal is a different matter. It is a form of Government. In monarchy, we have and what we do advocate here is a cultural monarchy or a constitutional monarchy. This has nothing to do with Partisan politics. The people of Kyaddondo East share this view and would like to see that people who have a similar history, who speak the same language, who share culture and aspirations, would like to be under one umbrella and that is unity. I do sympathise with people who have pleaded or put a case for separate districts here and there and they had sympathy from some quarters, then why, when we are advocating for unity do we not allow people who, as I said, share culture, language, aspirations, and customs, if they so wish, to live under one umbrella?

Now, talking about decentralisation. I would not mind whether we use the word federal or not. You may wish to note that the Constitution of India is a federal Constitution but it does not mention the word

federal. They talk about state; Government of the state or the union. If the word federal is offensive, please find an appropriate word, but consider the sentiment of these people who wish to live together, cooperate together, who share, as I said, the other elements I have mentioned and they demand and promise to work together and also to work within Uganda for a better Uganda.

Time is really running out against me, but this decentralisation has been mentioned and it would be fair if I did. This decentralisation, to me, sounds hollow with due respect, and the Minister for Local Government at the centre has power to grant and to withdraw any powers it gives to the district or to Local Government. In other words, the centre is not weakened, it is strengthened. There is always a perpetual hammer, that if this happens you can withdraw. Let me be very clear, we should not bank on the good will of a leader. We are making a Constitution for posterity and for all of us because, today I have Yoweri Kaguta Museveni as my President, I do not think we should hang on to that.

**MR. WANENDEYA:** Point of order. Thank you Mr. Chairman and I thank my Friend hon. delegate Njuba for accepting even if it was not information, but this is an order. The point over here, Mr. Chairman, is that hon. Njuba is a Member of the Government. Is it therefore in order to bring here decentralisation when he should be connected with the decision of Government for decentralisation and should not have brought it here?

**THE CHAIRMAN:** He raised it as a point of order, now let me make a ruling. Hon. Njuba is here as a delegate for Kyaddondo East and is entitled to carry his message. Please proceed.

**MR. SAM NJUBA:** Mr. Chairman, I am most obliged. The last point I want to make on the point of decentralisation is to appeal to this Assembly, if it is accepted to have those powers to be entrenched in the Constitution, otherwise, they will be retrenched as soon as this Constitution is over.

Lastly, I wish to render great support to the Movement to continue. But as day follows night, so will Parties at one time return. We will turn to bad or good Governments and we must be prepared for that period. I appeal to this Assembly to make provision for the enacting of relevant laws that will regulate the formation, management and democratisation of these

Parties. I said, Mr. Chairman, that parties will return. I do not want them to return when we are not prepared and I do not want them to be forced down our throats as it has been in other countries. I thank you very much, Mr. Chairman.

**THE CHAIRMAN:** Thank you hon. Njuba for your contribution to the debate.

**MRS. NSANGI KAKEMBO (Women Representative - Kalangala):** Thank you, Mr. Chairman, I would also like to congratulate you on your election and your Deputy. I also wish to give a congratulatory message and that of the people of Kalangala to my fellow delegates in this august House. To begin with, Mr. Chairman, the people of Kalangala strongly, without fear or favour, suggest that Parties should wait for five years and I think that is why I am here. They also say that - (Interruption) -

**A HON. DELEGATE:** Point of order. Mr. Chairman, is it really in order for the hon. delegates to see our hon. delegate delivering her speech and most of them match out?

**THE CHAIRMAN:** They are not walking out, they are just going out. Please continue.

**MRS. NSANGI KAKEMBO:** Thank you Mr. Chairman. They are saying that this extension should allow the Parties to reorganise themselves and thus give a chance to the youth and future generation to come to know which party to join and they say, Mr. Chairman that, parties should again clearly write down their Manifestos and distribute them to the people as it has been with the NRM Ten Point Programme. Mr. Chairman, they also add that, the Parties should democratise themselves and thus prepare the population for their operation in the future time to come, that is after five years.

On human rights, Mr. Chairman, the people of Ssesse Islands sent me here to express their feelings and dislike of the name of their district Kalangala. They therefore suggest that, that name should be changed to Ssesse District, they want it to be called Ssesse district other than Kalangala because they feel Kalangala is just part of the 84 Islands. So, they do not know which Island they mean.

On the issue of land, the people of Kalangala want to express their views that they would want to continue with the free hold land tenure system in the rural

areas and lease hold in the urban areas, thus giving room to development and to bring in more foreign investors.

Women affairs, Mr chairman. On the issue of women rights, people of Kalangala are in full support of Article 61 in the Draft Constitution, but they are not fully satisfied and they therefore request this august House to constitutionalise that when a man marries, he should immediately write a Will and every after one year he should revise it so that this helps the scramble for deceased's property by the relatives.

**THE CHAIRMAN:** order, will you give her the chance to develop her point?

**MRS. NSANGI KAKEMBO:** Mr. Chairman, in addition, people of Kalangala are in full support of federalism and they say that they do not see any problem with it. Among those people who want it and under this type of governance, they feel that they will have shared the powers from the grass root and thus enjoying their right and freedom to their culture.

The people of Kalangala - Ssesse Islands were also much concerned with the possible measures to safeguard the Constitution we are here to make. They say that this is a crucial aspect in the process of Constitution making today for if no safe guard is provided, the whole exercise will be rendered an academic exercise and ultimately made a laughing stock despite the national resources spent on it. First of all, they suggest that in addition to the provision in Chapter 1 of safeguarding the Constitution or defending the Constitution, they say Mr. Chairman, that the Preamble should be made by Parliament but specifically on behalf of all the people of Uganda. They say, Mr. Chairman, that, reference should be made to the need of unity of the people and avoid being divided because of our various differences such as religion and tribes. We should resolve, including all our leaders present and future for ourselves and generations yet unborn, to uphold and respect the new Constitution. They continue saying on that point Mr. Chairman, that Preambles should be translated into all different languages of Uganda and taught in all schools - post Primary, Secondary and Tertiary institutions and published in News Papers. So, they advocate for the freedom of the press and if they were here, they would suggest that the press should come down and not in the Gallery.

In addition to the measure to safeguard the new Constitution, they suggest that protection of fundamental human rights and freedoms of the individual should be strongly emphasised in the Constitution. People of Kalangala would also like to highlight and emphasise the need to adhere to and tolerate freedom of expression and of Assembly. The people must be allowed and indeed encouraged to voice their views and give advice and opinions through association of political parties, but they say this should come after five years, Mr. Chairman, and also through organs such as Local Council and Newspapers and other media. In addition Mr. Chairman, as another possible measure to safeguard the new Constitution, they say people should be educated. They suggest that we can never have a workable and respected Constitution where the population is uneducated about constitutionalism. People must be educated and made aware of their rights in order to be able to agitate for the same. This should be done through politicisation out of the masses, students, trade Unions, teachers and warders etcetera. They say, illiteracy and ignorance must be eradicated first before we can adequately extract from the people their views and aspirations and therefore, they thank the NRM Government for the adequate civic education which was done before the CA elections, Mr. Chairman. They also add that in order to safeguard the new Constitution, punitive measures should be put in place. They suggest that concrete provisions must be made in the Constitution itself to punish severely those who violate the fundamental provisions entrenched therein, particularly those who disturb peace and tranquility in the nation. Those who overturn legal and democratic Governments whether successfully or unsuccessfully, they say that Mr. Chairman, the people who overturn a legal and democratic Government successfully should also be condemned they would also have committed an offence despite the success and so, they should face these punitive measures. They also add, Mr. Chairman that, provisions must be made in no unclear terms on the mode of change of Government. It should be re-emphasised here that, change of Government through force of arms should be completely an out-law within the grand norm. The Constitution must also provide for viable and effective measures for alternative Government with an official opposition and or alternative provision for moving votes of no confidence in a Government. This has been provided for in the 1967 constitution and so should be preserved.

These people were so greatly concerned how this

new Constitution we are here to make will be safeguarded or how we shall ensure that it stays so that we do not waste the country's resources and our time too. They also suggested further that, there should be limitation put on the maximum period for which one should hold office of President. They said, Mr. Chairman, the office of Presidency should be held for two terms of five years each. This should positively check on despotism or dictatorship which for instance, in Africa and in Uganda in particular, has always provoked forceful change of Government or removal of leadership. It is suggested that the term of office of the President should be for two terms of five years each and the oath taken by a person who becomes President should be amended to include a declaration that a President shall not exceed 10 years in power.

They further suggested that the Judiciary should be independent. This is the greatest safeguard of the Constitution in any society; that's how they felt, where the rule of law is observed and adhered to. Provision should be made for security of tenure of judges to act without fear or favour so that the act of the executive or leadership which are in violation of the Constitution are checked. They further suggested, Mr. Chairman and fellow delegates that, there should be constitutional courts as may be necessary to safeguard the new Constitution we are here to make. They said that a provision, is presently entrenched in Article 87 in 1967 Constitution for convening the Constitutional court whenever a question relating to interpretation of the Constitution arises. The Constitution courts should be put in place. They said also that the Constitution we are here to make should be rigid, they said for Uganda should have a built-in rigidity whereby its fundamental provisions should not be amended without support of three fourths of the majority of the elected members of the National Assembly.

Alternatively, there should be introduced a two Chamber or two House system whereby no Amendment should be effected on the Constitution without approval by the second chamber of House. In the event of adopting a federal system of Government, it should be provided that, any Amendment to the Constitution is supported by a given percentage in each House of the various states or district. Alternatively, a referendum should be provided for in more serious matters or issues.

The people of Kalangala, Ssesse Islands were also concerned about the Army. They say, in most cases,

it is the Army which overthrows the Constitution and they had this to say that in Africa and elsewhere, democratic Governments and Constitutions have often been overthrown by the Army and usually this is instigated by opposition or prevented by lack of politicisation, illiteracy and indiscipline in the Army. To safe guard the Constitution therefore, Mr. Chairman, and to ensure its protection, they suggest that we must strive to develop or make provision for a disciplined and politicised Army, which instead of overthrowing the Constitution, will preserve and protect it.

They also wanted to check the Presidential powers. They said, Mr. chairman, that, this is a crucial aspect in ensuring survival and continuity of the desired Constitution. Powers should be reasonably vested in the President, for instance, such powers as to declare war and as Commander in Chief of the Army. Provisions must be made as a safeguard that, the President seeks advice on these and other matters especially from the National Assembly and Cabinet. They were also concerned with the qualifications of the Members of the Parliament. They said, Mr. Chairman that, on the qualification of people eligible as representatives of the people in the Parliament is that they must have the following qualifications. First, they must be honest; they should not be lunatics, they must be literate and not bankrupt and they must be free from any conviction of serious crimes or they should not be guilty of any immoral habit which may not effectively measure up to the test of being peoples representative and they should be prevented from becoming honourables of any honourable Assembly or they should not become Member of Parliament. Last on that matter, Mr. Chairman, the people of Kalangala were concerned with the political provisions. They said that, political provisions in the Constitution, must be adhered to. They said that elections must be held as provided for in the Constitution. The intervals at which elections are to be held, must be clearly set out and elections must be held whenever they are due. This will definitely ensure smooth change of leadership and hence create a good will among the people to respect their Constitution; what would otherwise be dissident groups will look forward to change the Government by elections if it is clear that elections will be held.

About the traditional leaders, the people of Kalangala as part of Buganda region said that, they do not have any quarrel with traditional leaders and they cherish their *Kabaka* so much. (*Applause*).

On citizenship, Mr. Chairman, in view of the meager economic resources, the people of Ssesse Islands are concerned and the few social services we have, people of Kalangala got much concerned with Article 42 in the Draft Constitution and said that, it should be completely deleted to avoid bringing in more people to share our meager resources and they want to remind this august House that they advocate for free education at all levels, but if this Article provides for more people, so there shall be a scramble for the meager resources and therefore suggested that, that Article be deleted.

That is all I had for today, Mr. Chairman, and I wish to thank you for this opportunity and request that you will consider me during the consideration stage and reconsideration stage to give in my own views. These were Kalangala peoples views not mine, Mr. Chairman. So, I thank you and fellow delegates.

**THE CHAIRMAN:** Thank you hon. Nsangi for your contribution. Definitely at the consideration stage, Members will be given a chance, including yourself to address the various, articles of the Draft Constitution.

**MR. AJIGA ABDUL (Obongi County):** Mr. Chairman, fellow delegates, allow me to thank you for your well deserved victory to this august House before I represent the views of Obongi people. I have the following observations to make. Mr. Chairman, for Ugandans to give habitual obedience to their Constitution which this august house is to due to promulgate, it must be a Constitution which should promote the will of the majority and at the same time it would be a Constitution which is patient enough to cater for the divergent opinions of the minority. In other words, the will of the majority should prevail, but the views of the minority should be heard and respected. Mr. Chairman, Uganda, after exhibiting a lot of its misfortunes, both political and economic for the last 30 years since independence due to instability, Ugandans at this time should have their emphasis made on a Republic with one Parliament and one Government.

Ugandans should move away from the colonial past and as well as tribalism or factionalism and vested interests. Ugandans must accept the view that the problems of poverty, development and nation building can only be tackled on the basis of one country and one people. Rural and urban immigration should not be encouraged as it contributes to less economic

development and leads to crimes of various nature. This could easily be achieved through setting of rural development schemes such as, industries, the market for local produce, and as well as the introduction of social facilities. The Government must give honour to the working class because the power for economic independence is vested in them. The source of political and economic life of the people must be changed to ensure better lives. This is possible if a new political culture is adopted to give a new creed, certainty and a sense of belonging by transforming the mental attitude and orientation for all Ugandans. The local resource must be used to finance developmental programmes and increased assistance to farmers. The means of production, distribution and implementation must rest on the working people. The people must be actively involved in the field of trade and commerce, manufacturing and agriculture for both local and foreign consumption with the existence of cooperation between private enterprises and the common man.

Coming to peoples Views. Mr. Chairman, it is true that multi-party is democracy and democracy is a political system of a country in which the following conditions are often evident:

(1). Universal adult suffrage - regular elections, correctly conducted, freedom of thought and association, etc, etc. Again it is true that traditionally, Uganda is a multi-party and had achieved her independence through multi-party, but during this initial and crucial time or period where Ugandans are seeking for solutions to end their political and economical problems, our main problem seems to be development and equality. Development leads to improved conditions, but this must be obtainable by everybody and shared equally by everyone. The struggle for independence was waged in the name of human dignity and the right of the people for self determination. Therefore Ugandan politics this time should be how to organise and govern this country; how its policies should be initiated, formulated and carried out. The call to work is accompanied by the call to national unity and equality. In any case, a Government of national unity can only work if there is a spirit of tolerance and understanding which, for Uganda's case at the moment, cannot be said of the political Parties. NRM Government can continue with the five years and there after political parties take the ground. Citizenship.

**MR. MUSHHEMEZA:** Point of clarification. I would like the hon. delegate on the Floor to clarify.

He said, I quote: "*It is true Multi-party is democracy and democracy is a political system*". Can he conceptually clarify on those statements? Thank you Mr. Chairman.

**MR. AJIGA:** Thank you hon. speaker. I think I am clear that at this crucial time where we are looking for solutions to end our problems, NRM is to continue, meanwhile -

**THE CHAIRMAN:** Will you leave the Member to continue with his speech. Please go ahead.

**MR. AJIGA:** Thank you Mr. Chairman. Citizenship. Ugandan Citizens should be identified with Identity cards which should be easily achieved. The first thing of identifying who is a citizen or who is not a citizen left this country in a state of misery. The stateless people who came to this country for - (Interruption) -

**MR. WANENDEYA:** Point of clarification. Thank you Mr. Chairman. The speaker on the Floor was saying that the Movement is democracy, multi-parties are also democracy. Could he kindly clarify to this august House if multi-parties' hands are tied *kandoya* and Movement is financed from the general public funds, How would these to marry in order for democracy to be nurtured in our country? I thank you.

**MR. AJIGA:** I think I was clear that multi-party is democracy and democracy is a political system of a country in which the following conditions are evident. I mentioned: universal adult suffrage elections, regular elections correctly conducted and so on. By that, I mean, democracy is not refused in Uganda, but what we are after this time is, unity, we want to correct ourselves first before coming to multi-party, that is what I meant. Thank you. The stateless people who came to this country for the sake of employment killed many useful Ugandan sons for the sake of getting promotions in the Army, but many Ugandans believed this were Lugbara people, Kakwa, Madi, Alur and the atrocities committed by such mercenaries have been imposed on the innocent West Nile people, yet these enemies begun their killings with West Nile people. To mention a few, we had Col. Ondoga whom Idi Amin Dada appointed foreign Minister, this man was killed in cold blood - he is a Lugbara. We had Major Torok, a Madi boy, he was murdered and many others from various districts in the country. These were killed for positions in the higher offices in the Army.

Uganda should have a well disciplined and balanced Army, unlike in the past regimes whereby where a ruling leader came from, is where the majority of the Army is recruited. Notably in the 1960s, when Milton Obote became the Prime Minister and later on the President of Uganda, certain people in this country identified his Government with Langi, Acholi, and West Nile people. In 1971 Idi Amin Dada sustained office by the force of the barrel of the gun and his regime came to be identified with West Nile Region, simply because, many of the army officers who staged the Coup, came from West Nile Region. Therefore this attitude tends to perpetuate divisionism in Uganda.

**Monarchy:** About the restoration of kingdoms in the country, people of Obongi county have contributed not much simply because, those who support monarchism believe that monarchy is the link between the past and the present of the nation and that monarchy creates stability in the state. Administrations which are formed by politics come and go, especially in Multi-party form of Government, but monarchy remains. Therefore, those who strongly believe that they want to restore their kingdoms can do so, but such monarchies should be built constitutionally. Constitutional monarchy rules in accordance with the provisions of the constitution enacted by or with the consent of the representatives of the people.

**The Republic:** Obongi people appreciate unity and sovereignty under decentralisation.

**Religion:** Obongi people want religions in this country to be independent from politics therefore, there should be freedom of worship and that Moslems in the Civil Service in this country, be freed from duties on Fridays since it is a day in a week they observe as a day of praying to God.

**Land:** Land belongs to the people, therefore it should be the inhabitants to administer their land.

**Executive:** Uganda should have a President democratically elected who should be the Commander in Chief of the Uganda Armed Forces and there should be elections after every five years. Clinging to power long after the population has withdrawn confidence in a leader is an alarming tendency in developing countries for these Armies to fight Governments established by democratic elections and establish military juntas and regimes. This can be explained partly on the instability the civil Governments have

often exhibited. Both the politicians and the civilians dislike military rule, because it is usually controlled by men not properly trained in the art of Government and because it is more often than not sustained by force rather than by reason, the problem of how to stay in office becomes their aim and the agony of the civilians is how to remove them.

About Civil servants, Mr. Chairman, the people of Obongi county want civil servants within parish level, sub-county level, county level to be elected by people whom they intend to serve. Such people to be elected should be among the educated class in the society, this is mostly with Chiefs. This is done in order to end, in totality, the sectarianism line of thinking which some civil servants who come to serve people through office, appointments, maintain to kill development rather than promoting it. Since NRM government introduced the RC system in which people come in through elections, there is now change though some civil servants within the grass roots are not happy of it because of being watched over their corruption intended to and still appreciate that Government of the people is the right Government in which there is no cheating.

**Education:** There should be compulsory education and the compulsion should be as it is to revenue collections from citizens. There are in this country those who can not afford to pay taxes but the duty to pay it is compulsory. Therefore, subject to the availability of schools, a law could be passed making it obligatory for every parent or guardian of the child to send him or her to school and provide fees. There is evidence to show that many children do not go to school because of the indifference to education shown by their parents or guardians. Cases are known where a father or guardian spends his money on such luxuries as drinking, or bicycles, cars and so on and the second wives while the children under him cry for education. Had education been compulsory in this country, the money would have been spent on the education of the children.

**National Language:** Mr. Chairman, Obongi people advocate for Swahili as a national language and English as official language in this country. Mr. Chairman, fellow hon.delegates, with these few messages from Obongi people. I thank you very much for listening. For God And My Country.

**THE CHAIRMAN:** Thank you hon. Ajiga for the contribution

**MRS. RAINER KAFIRE: ( Women Representative - Pallisa):** Mr. Chairman, Pallisa district is located in the Eastern part of the country, its boundaries consist of Mbale district in the East, Kumi in the North, and Lake Kioga to the North West. Pallisa district headquarters is about 30 miles from Mbale town on the Pallisa-Mbale Road. It has a population of about 400,000 people. I am extremely delighted to be given this opportunity to address this august House. Mr. Chairman, on behalf of the people of Pallisa, I offer you, your Deputy Chairman, a heartfelt congratulations for being elected to that post. I wish you well in your great task of steering this august Assembly to success. At the same time, I record my appreciation to the people of Uganda and Pallisa in particular, who did a wonderful job by giving the hon. delegates the opportunity to make a new Constitution thereby determining a manner in which Ugandans shall govern themselves.

I would also like to congratulate the Commission and his entire staff for the job well done, to bring us here in this august Assembly whereas in the past, the people of Uganda have been afforded very little or no opportunity to freely participate in making their national Constitution. I would therefore like to appeal to you all, hon. delegates, to work together and have the spirit of give and take for the good of our mother Uganda.

The period of Constitution making is a crucial one because Constitution making is not an every day event. It occurs very rarely. The Constitution we are embarking on, hon. delegates should ensure unity, stability and total peace for the citizens of Uganda in all the 39 districts. At this juncture, I would appeal to Government to talk to the Kony rebels so that we do not land in a situation like Rwanda, where Government refused to talk to the rebels and this resulted in loss of lives.

Turning to the Constitution, Mr. Chairman, the Pallisa people say that it should guarantee development, unity, which is the key to stability. Uganda should remain a Unitary, Sovereign State and a Republic with its boundaries as indicated in its first schedule. Kampala remains the capital and English as an official language. Mr. Chairman, Sir, I concur with the children regarding Swahili language to be adopted as a national language, this is widely spoken and can be easily taught in schools. Mother tongues should be encouraged and taught at school we should embrace all religions.

Citizenship: Mr. Chairman, Article 42 of Chapter 4 says, "a child of not more than seven years of age found in Uganda whose parents are not known, shall be presumed to be a citizen of Uganda by birth." The people of Pallisa have asked me not to accept this proposal, they maintain that, the extended pattern in Uganda leaves no room for such children to be found and further argue that names of that child alone will tell where that child comes from or what clan that child belongs to. This should prevent the influx of aliens in Uganda. Mr. Chairman, the People of Pallisa therefore, request the introduction of numbered National Identity Cards. Since a Passport is a right and not a privilege, one wonders why issuing of Passport is so complicated. I also feel that under no circumstances should Ugandans be called aliens in their own country by refusing to be given Passports.

On political system, where the present Government has managed to bring together different political affiliations, the people of Pallisa believe whatever the system the country may adopt, after the making of the Constitution, it should not break the country up, but should be one of tolerance, in keeping with different cultures and ensuring stability and unity. It is of utmost importance that the country remains one. It should be a shame that after the delegates have enacted the new Constitution, and only to have it over turned by blood bath as have happened in the past. We the people of Uganda are tired of indiscriminate killings, motivated by greed. I hope you will have learnt from our previous mistakes.

Concerning traditional rulers, cultures and traditions are a permanent part of our heritage and with that in mind Mr. Chairman, traditional rulers should be allowed to exist in all areas where they are welcome provided the people are not forced to maintain them. These traditional leaders or rulers should not however participate in the country's politics. We would not like to see the events of 1962, 1966.

The President should be a Ugandan citizen by birth, 40 years of age, qualified to be a Member of Parliament, financially sound. He should be elected by adult suffrage every five years for a maximum of two terms. Thereafter, a former President should retire with benefits. Powers of the President: Presently, the President has too much power given by the 1967 Constitution, they should be reduced. For example, the Parliamentary Committee can take over the appointment of top civil servants. A

President should not be above the law, he should be impeachable by the Parliament whenever he commits a constitutional offence.

**The Judiciary:** This should function independently. Ministers and executives should not interfere with the judiciary. Ministers, once appointed, he or she should cease to be a member of Parliament and should be replaced by a Member from their constituency.

**National Council of State:** The people of Pallisa find it difficult to accommodate the National Council of State in the new Constitution. As it would put an extra burden on the strained national economy, they prefer that a Parliament committee be set up to do the job of The National Council of State. The composition presently in the National Council of State as per the Draft Constitution, does not serve the purpose it intends to.

**Decentralisation:** This is a welcome move, Mr. Chairman. This would encourage the people to work hard and whole heartedly to develop their areas. Since Pallisa is a young district created in 1992 from the former district of Tororo, the people of Pallisa are appealing to the government to consider them for a good share of our national cake which we have not tasted. I hereby appeal to all hon. delegates to include an emergency fund in our Constitution to cater for time like famine or earthquake. As you are all aware, of the hunger Pallisa, Kumi, Soroti, Karamoja went through and many people died due to famine.

**Land:** Land should be free hold for all. Since land is the most important asset, land offices should be accessible at the district and sub county levels for easier processing of titles. The fee should be made cheaper so that the peasants can easily process their land titles.

**The Army:** Mr Chairman, the Army should be a national army. It should not belong to a ruling president. On recruitment, all districts should have quotas. All recruitment should be Senior IV leavers and above. NRA should change its name to Uganda Army since it is no longer resisting anybody. The Army should be 10,000 combat troupes, they should be well trained, well equipped, well paid and highly motivated.

**Women the backbone of any nation:** It has always been said "Educate women and you educate a

nation". Ugandan women produce 90 percent of the wealth in Uganda. Bearing in mind the great contribution made by women to social, political economic and -

**THE CHAIRMAN:** Order. There is too much murmuring.

**MRS. RAINER:** and cultural life and the part they play in the family and particularly in rearing of children. I am convinced that the full and complete development of the country, the welfare of the world and the cause for peace require a maximum participation of women as well as men in all fields. That women should be given more opportunities in the running of this country. Women, suffer particularly under divorce and succession. They are denied the rights of succession of their late husbands' estates, property and land. Hon. Delegates I hereby, appeal to you to enshrine in our new Constitution all the appropriate measures and establish adequate legal protection for the equal rights of men and women in particular. Each district should continue to send one woman as a representative and not 15 from the whole country.

Regarding human rights, the fundamental rights and freedoms of individuals should be included in our Constitution. Every person, should enjoy equal protection under the law, Men and women equal under the law and no person should be discriminated against on the grounds of sex, colour, disability, etc. We should ensure the right to life, liberty, education culture and freedom of each and every individual.

**Education:** Mr. Chairman, with the introduction of cost-sharing in the University, this will have the effect of leaving the children of poor peasants without higher education since most of them cannot afford the high costs involved. On behalf of the people of Pallisa I hereby, appeal to the government to abolish the cost-sharing at the University. With regard to primary education, this should be compulsory and free with an aim of ridding Uganda of its illiteracy. The people of Pallisa request the Delegates to ensure that primary education is free. A right to education should not be privileged to the rich but to all children of Uganda.

Finally, with regard to the orphans Mr. Chairman, with repeated war and the AIDS scourge, large numbers of orphans need to be protected and cared for. I would like to thank the founder of an organi-

zation called UWESO, which looks after the orphaned children of Uganda. Hon. Delegates, special care programmes should be included to guarantee the continuity of UWESO.

In conclusion Mr. Chairman, I wish to draw the attention of the hon. Delegates to the following: We should be tolerant of each other during this period, we should be ready to listen to each other's views and the views of the people that we represent so that we make a Constitution which will stand the test of time and bring unity to Uganda; that women will be protected against all forms of discrimination. That the IGG, should report directly to the Parliament and not to the president. That the armed forces should never be allowed to overthrow the Constitutional government.

Lastly, education is most important in ensuring progress and development. Without education, there is no future in Uganda. I say all these For God and my country. Thank you, Mr. Chairman and the hon. Delegates *-(Applause)*

**MR. KISEMBO MILEJU (Burahya County):** Thank you Chairman. Buraya County surrounds the municipality. Before you reach the municipality from any leading ROAD to Fort Portal Municipality, you go through Burahya county it is one of the biggest tea growing areas and exporter in East and Central Africa. *(Interjections)* Mr. Chairman, allow me to add my voice to hon. Delegates' who have already spoken, to congratulate you and your Deputy Chairperson for having been elected to the highest office of this august Assembly. My congratulations also goes to the hon. Delegates for their successful elections to delegate on behalf of their respective constituencies. It is well known that it was not a simple matter to be elected to this august House. I also congratulate the gallant sons and daughter and all who struggled for having given in their lives to Liberate this country from fascist regimes. It is because of the good governance of the NRM government with its wise leadership that we are here. We were democratically elected to debate and promulgate the Constitution for Uganda. Therefore, it is my prayers that we deliberate as Ugandans, irrespective of tribes, religion and ethnic groupings and try to see where we have come from and where we are heading to. Otherwise -

**A HON. DELEGATE:** Chairman could the Member speak in the microphone so that we can hear please.

**THE CHAIRMAN:** Yes, please if you could bring the microphone near to yourself so that we hear you.

**MR. KISEMBO:** Thank you Mr. Chairman. If we could see where we have come from and heading to otherwise experience shows that Ugandans forget very quickly. Mr. Chairman, this peace and security we, are enjoying must be guarded jealously. I am quite aware, and as other hon. Delegates have voiced their concern about the insecurity in the North, the problem is that when you analyse, you find that those involved in that hopeless war have failed to identify their enemy. In my view, the enemy would have been NRA, but instead of engaging the NRA, they have resorted to cutting lips and noses of their own brothers and sisters which is a very sad affair and I would therefore, Mr. Chairman, appeal to every God loving citizens of Uganda to get involved in praying and those who can do the contact work, to do it so that those brothers and sisters of ours come out of the bush and start engaging in developmental activities. Mr. Chairman, having said that, let me now go to the Draft Constitution.

The people of Burahya County in Kabarole district say and want Uganda to be a Unitary and Sovereign state and a Republic. On the national language they want Swahili to be the Language and English the official language. Why Swahili to be the national language? It is because it can unite all Ugandans irrespective of tribes, religions beliefs and since Swahili cannot be used in communication, this is why they say English should remain an official language. They go on to say that Swahili should begin being taught in all schools from primary, secondary and tertiary Institutions.

The sovereignty of the people in chapter 3 Section 8: The people of Uganda should continue being governed through their will and wishes as the case is now. Chapter 9 (1) Political Objectives: As NRM has already democratic systems in the country, the Wanainchi should continuously be empowered and be allowed to participate at their own areas for their own governance. It is the wish of the people of Burahya that this august Assembly will come with a document that will further promote the national unity and stability which has been lacking since the abrogation of the Constitution of 1962-66 which were replaced by a pigeon hole of 1967.

On fundamental rights and freedoms of the people of Uganda, this should be taken very seriously because

Mr. Chairman people's rights were being violated and abused without shame. Mr. Chairman, I can quote an example. I was detained in Nile Mansions and made to walk from the Nile Mansion to the vehicle that was waiting to take me to Kireka barracks naked and to them, it was very pleasing as they continued laughing as if such a thing is laughable. Mr. Chairman, Section 94 (1) talks about the political systems. The people of Burahya - young and old, women have sent me to inform this august house that they totally want the movement type of system to continue for five years so that they enjoy the peace now prevailing in this country which was a dream before the existence of NRM, and that after five years, they should be consulted as to what they would want so that they can decide whether to continue with the movement type of system or go to political parties. Here, Mr. Chairman, people may argue that it is expensive to go to a referendum but I would like to ask a question that why should people always say it is expensive to consult the people who pay the money in terms of taxes that would be spent in consulting them as to how they would like to be governed? Everyone here knows that it is the electorate that pays taxes that we want to deny them to be consulted on matters concerning their affair? The people of Burahya further say that political parties could wait since they have only destructed this nation instead of constructing it. Our concern is to build the nation with a powerful economy.

The Executive: Mr. Chairman the President should be given sufficient power to enable him to operate and take his own decisions without waiting for organs that may delay a would-be urgent matter. The President should be elected by universal adult suffrage throughout the country. The President should be given two terms of five years. Members of Parliament should be elected by universal adult suffrage and should operate under a code of conduct and the people of Buraya say - *(Interruption)*

**THE CHAIRMAN:** Could you speak again in the microphone please.

**MR. KISEMBO:** - that elected Members should declare their assets and liabilities. Mr. Chairman, Section 135 talks about the removal of a Member of Parliament. This one should actually be put in the Constitution because if we talk of power being given to the electorate which they use in electing the Members of Parliament, as it has been in our case, then they should have power to recall if the elected

Member does not live to the electorates's expectations. Ugandans have in the past been used as ladders after which they get forgotten.

On women, Mr, Chairman, the people of Buraya want elections of each woman from every district to continue and they thank the NRM government for having remembered them after being forgotten by the past regimes and Constitutions.

On land Mr. Chairman, People of Burahya would like a Customary Tenure type system and this should benefit every Ugandan. Ugandans should be assisted in getting land titles very easily, unlike the situation prevailing now which is characterised by corruption.

Section 84 talks of right to vote and people of Burahya say that every Ugandan of 18 years of age and above should continue being registered and vote. Mr. Chairman, civic education should continue because when you look at the last concluded elections, it left a lot to be desired. Many Ugandans reached the election without knowing what to do which indicated they lacked civic education and which caused many votes to be wasted.

Traditional Rulers: Mr Chairman, everybody knows that the traditional rulers were removed unconstitutionally and the democratic NRM saw it fitting to have them back and a law was passed by NRC which clearly stipulated their roles and the people of Burahya therefore, say that the traditional rulers should remain as such and never to involve themselves in politics, as it was the source of problems that led to the abolition of their kingdoms and those wanting to have kings can have them if they so wish.

Section 191 talks of accountability. To this the people of Burahya do say and emphasise that accountability and transparency must be paramount and exhibited by everybody from top to bottom both by government officials and politicians.

On the Inspectorate of Government, they have sent me to inform this august Assembly that the Office of the Inspectorate of Government should be given prosecuting powers so that cases are not frustrated as the cases now. They should investigate and prosecute because this department was formed for purposes of investigating, among others, corruption, abuse of office and human rights violations.

Section 152 of the Draft Constitution talks about the National Council of State. The people of Buraya asked me to inform the hon. Delegates of this august House that the National Council of State is a golden opportunity in the idea of the Checks and balances, since the people's representatives from all the districts of Uganda would also be members of the Council. This will also be a good method of disseminating information from top to lower grass-roots which would be a clear and transparent democracy. So decisions will not be imposed from top to the bottom by cabinet. Those opposing the idea of National Council of State claim that it reduces the powers of the Legislature. This is far from the truth because the composition of the National Council of State will be mainly from MPs and those opposed to this idea keep saying this is not found in other Constitutions. True, but should we blindly copy others? Let us try something of our own and we see how it works. In any case, is this idea not similar to the idea of inner-cabinet practiced in some developed countries?

I would like to conclude Mr. Chairman by reminding the hon. Delegates to what happens to those who go to register for christian marriages. I believe some of you have married in church Mosques; you have attended weddings. When the intending wedding couple registers, they are announced three times, the last one being the third time where the clergyman says "if there is anybody who has not said anything now, should never say it." It is therefore my desire and wish Mr. Chairman, that let us say what we want to say now, in this august Assembly but after the promulgation of this Constitution, we should only do one thing, that is to respect the Constitution and ask, the people from our Constituencies who sent us here to do the same so that this important document can live longer like those Constitutions of other countries we hear of. Thank you, Mr. Chairman and hon. Delegates for listening to me. For God and My Country. *(Applause)*.

**MR. KARUSOKE (Ntoroko County):** Mr. Chairman Ntoroko is one of the two counties in Bundibugyo District. It borders Urasha County in Kabarole District to the east, the other county of Kibale District to the north, Bwamba County to the South and the Republic of Zaire to the west. Ntoroko is a home of part of the famous Rwenzori Mountains and the famous Western Rift Valley extending into Lake Albert. Mr. Chairman, Ntoroko is a cosmopolitan society. Mainly along its lake shores, there

are over 40 tribes that live there including those from Zaire the Sudan, Kenya, Rwanda, Ethiopia, Somalia and Tanzania. Ntoroko has its headquarters at Karugutu which is a junction between roads leading to Fort Portal to Bundibugyo town to Ntoroko Fishing Village and to Rwebisengo. Mr. Chairman I thank you for giving me this opportunity to make my humble contribution to this general debate. Allow me Sir, to add my humble voice to those that have congratulated you and Prof. Victoria Mwaka upon your recent elections to the high offices of Chairman and Deputy Chairman of this august Assembly respectively. I pledge my unreserved support and co-operation to both of you during your onus duty of directing this Assembly to a successful conclusion of its task. In the same vein, Mr. Chairman, allow me to congratulate fellow hon. delegates upon their successes in arriving to this historical and august Asser bly. I salute all of you and bring you very warm greetings from your brothers and sisters in Ntoroko.

I am very grateful that hon. Delegates have this initial and wonderful opportunity to give a broad spectrum of our current political and social environment. It is My sincere hope and prayer that at the end of this general debate, we shall have got much closer to consensus on these most important issues in the draft constitution. Mr. Chairman and hon. Delegates, as we settle down to serious deliberations on the draft Constitution I would like to appeal to hon. Delegates to look back at where we have come from. Our history Sir, is clearly marked with very big stains of murder in cold blood, of hatred and division, of nepotism and looting, of oppression of the less advantaged by those in authority and to sum it all, it is a history full of political turmoil, social degeneration and economic plunders. During the bad governance of this country, every section of our Ugandan society had its share of suffering at different times. Those who identified themselves with a regime in power and took part in causing miseries to other Ugandans, would equally have their turn of suffering as soon as their regime lost power. This is essentially why we are here so that we can create a better Uganda. Therefore, it is wrong Mr. Chairman, for any of us today to point an accusing finger at another for the evil of the past. *(Applause)* We are all to blame and we have all had our share. All we need to do now, Sir, and in future is to create and jealously maintain a situation that will never allow an emergence of bad governance in this country.

On behalf of the people of Ntoroko, whom I have the honour to represent in this august Assembly, I beg to differ from my elder brother and statesman, Prof. Nsibambi who two days ago said, and I am not quoting, that traditional leaders should be allowed to be ceremonial or titular heads but should not participate in partisan politics. I say Mr. Chairman, that this is a square peg in a round hole. Such a leader will be ceremonial or titular head of what if not of government? Would be a titular or a ceremonial head of a government. The moment he becomes a head of a government then he is no longer apolitical but political. There is no way, therefore, that one can separate the institution of a ceremonial head of a government from politics; be it partisan, movement or mono-party. We should really religiously guard our cultural leaders against soiling their hands by drawing into political corridors.

We in Ntoroko, Sir, get surprised when some Ugandans suggest this or that to be adopted as a national language for this country. Although it may be possible to impose a language on the people of Uganda, it cannot effectively work. Language is evolved under certain factors of life. True, Uganda needs a national language not only for purposes of serving as a unifying agent among the people of Uganda but also to facilitate their interactions and for easy and smooth administration of the country but we must create conditions which are conducive to evolving such a language instead of imposing it on the people of Uganda. *(Applause)* Let us create conditions that will facilitate the coming into force of a national language.

Chapter 3 talks about national objectives. Some hon. Delegates have alleged that the national objectives are just a transplant of NRM ideas as stated in the Ten Point Programme which is its manifesto. I want to ask them a question - If these objectives were merely borrowed from the NRM Ten point Programme so what? If they mean well for the people of Uganda. Should this Assembly just delete the whole chapter merely because it is an NRM brain child? Mr. Chairman, I shudder. However, this whole chapter should not be part of the constitution because national objectives are already implied therein and should not therefore, make the Constitution necessarily too bulky for nothing. Every Chapter in the Constitution has some national objectives embedded. Therefore, there is no reason why we should state national objectives separately.

Citizenship: Mr. Chairman and hon. Delegates the people of Ntoroko have the following observations. One; during the partition of Africa by colonialists, most tribes were divided up and apportioned to different countries and they still live so to-date. That is why we have tribes in Uganda which are also in neighbouring countries like Sudan, Zaire, Rwanda, Burundi, Tanzania and Kenya. All the tribes found in Uganda and those in other neighbouring countries do not pose any problem to Uganda in relation to citizenship except one tribe and that is Rwanda. Mr. Chairman, this is so because there is a country called Rwanda and therefore, naturally all Banyarwanda should belong there. Similarly, if there was a country called Alur or Madi or Toro or Japadhola, we would feel that those people in Uganda should be belonging to those countries. So let us not be ruled out the fact that some Banyarwanda are truly Ugandans by the virtue of the fact that they were chopped off to Uganda during the partition of Africa. Just like the Alur and Acholis and the Batoro were chopped off from the same tribe during the same period. However, this intricate situation in the case of Banyarwada was compounded by another factor namely that, between 1959 and 1961 thousands of nationals flocked into Uganda as refugees and they have lived here up to today. These people have penetrated all aspects of our Ugandan society *(Interruption)*

**MR. RINGWEGI:** Point of Clarification. Mr. Chairman, I would like the speaker on the Floor to clarify whether there are tribes in the Republic of Rwanda called the Banyarwanda because when he was trying to explain that the Alur who are found in Uganda, had been chipped off from I think the Republic of Zaire - that same tribe is called Alur in the Republic Zaire and the tribe Alur in Uganda is also called Alur. Now, the point I want him to clarify is - whether the Banyarwanda whom he says are found in Uganda are also the same tribe in the Republic of Rwanda called the Banyarwanda and not Tutsi, Batwa or the Hutu.

**THE CHAIRMAN:** Hon. Member will you proceed.

**MR. KARUSOKE:** Thank you Mr. Chairman, I think the hon. Delegate has clarified the point for himself and I do not need to clarify it further. The Batusi, the Bahutu and Batwa in Rwanda are all called Banyarwanda and therefore *-(Interruption)*

**BRIG. MUHWEZA:** Point of Information. I would like to inform the Speaker that in Rwanda they have got sub-tribes. You can call them clans and one of them is called Bakiga to which the late President Habyarimana belonged. I do not know whether he should be sent to Uganda to join the Bakiga (*Applause*).

**THE CHAIRMAN:** Hon. Member for Ntoroko proceed please.

**MR. KARUSOKE:** I thank you Mr, Chairman and I thank the hon, Delegate for that useful information Mr, Chairman because our system of identifying citizens is weak and fluid, it is not easy now to identify the Banyarwanda of Rwanda from those of Uganda. It is not so easy. I am not saying it is impossible but I am saying it is not so easy. So, therefore, the onus is now on this august Assembly to chart out a system through which Rwanda refugees must be identified from the rest of Ugandans. The people of Ntoroko say that the Ugandan citizenship must be jealously and religiously guarded. Those citizens of other countries must not find it easy to acquire the Ugandan citizenship just as it is not easy for people to acquire the citizenship of other countries. Therefore, the process of granting other people the Ugandan citizenship must fully involve the Parliament, Cabinet in addition to the Migration Board which must be very carefully appointed and expanded instead of leaving it at five members as it is suggested in Article 44 (2).

Article 42 Mr. Chairman, disturbs me. It says - *'The following persons shall be citizens of Uganda by birth'* and one of those is a child of not more than 7 years of age found in Uganda whose parents are not known and shall be presumed to be citizen of Uganda by birth. Some hon. Delegates have already talked about this Article and I would also like to reflect on it. This sub Article, Mr. Chairman, raises several questions in my mind. The first question is, where may such a child be found? Is it in a forest? Is it in a national Park? Is it in the Middle of a big lake where there will be no one to ask at all for, some information? Question Number 2- will such a child be dumb and cannot say anything leading to information which information may lead to discovery of its parentage? Three (*Interruption*) Now, how shall Uganda Mr. Chairman, guard against a situation where (*Interruption*) non-citizens will deliberately dump children below seven years of age in Uganda with a purpose of making them acquire the Ugandan

citizenship. However, in very awkward circumstances, such cases must be subjected to a very rigorous process before finally granting them citizenship of Uganda. There is a School of thought for dual citizenship. Uganda should be saved from paying such a heavy price in order to attract foreign investors. There are a number of factors that attract foreign investment other than granting them dual citizenship and we have not exploited all of these Mr. Chairman...

**MR. MULONGO:** Point of Clarification. I just want to clarify the Speaker holding the Floor that we are under the obligation of the International Law to grant citizenship to such children. Secondly, it is not that 'men always invade' women on the street, mad women in dark corners - they have always had children and left them on the streets. The phenomenon of having street children is an international one and urbanisation goes with it that there are so many children the street who are without parents. So I just wonder as trying to clarify ambiguously, how he says they should not be accepted and that at the same time we should set some screening mechanism to identify them. Thank you. (*Applause*)

**MR. KARUSOKE:** Mr. Chairman, I am very aware that there are children usually found on streets whom Uganda must take care of but the point is children found in Uganda whose parents are not known. This is what I am talking against. I am not talking against a child whose mother is mad on the street.

**MRS. SEBAGEREKA:** Point of Order. Is the hon. Member on the Floor in order to misguide this House and the nation at large that there are no cases of children thrown in latrine pits picked on the streets and a number of street children we have and we cannot find their identity? Is he in order to misguide us that such things do not appear in Uganda? Thank you.

**THE CHAIRMAN:** I think the hon. Member is trying to advance his arguments; let us wait and see how he does.

**MR. KARUSOKE:** I have said Mr. Chairman, in very awkward circumstances - (*Interruption*)- I want to repeat it: I have said before, that in awkward circumstances, such cases must be subjected to a very rigorous process before finally granting them citizenship and, that is sensible enough to reflect in cases stated by the hon. Delegates.

This bad governance was largely facilitated through a situation where political leaders used to be surrounded by sycophants and political bankrupts. The main problem of Ugandans has always stemmed from their lack of telling their leaders the truth. They keep praising them even when they see them going wrong. We have always poured praises upon our leaders when they are very busy destroying this country and very contrary to what they deserved to be called but as soon as the same leaders lose power, we are the first ones to blame them. Mr. Chairman, this kind of behaviour has neither paid them, nor paid us. It is high time Ugandans, mostly the elite learnt to call a spade a spade even if it means losing favours with our leaders. It is high time we started making constructive criticism and giving credits objectively. It is against civilised behaviour and it is very dangerous for anybody to always believe that someone he supports or someone with whom he subscribes to a given system must always be right. All those opposed to him must always be wrong. (*Applause*) We in Uganda, must come to a stage where we must allow our minds to search for the truth even if that truth is from the opposite side. It is only when we come to this position that we shall be able to steer this country to its maximum greatness. I am glad Mr. Chairman, that NRM has introduced and maintained a policy of open criticism for all Ugandans which is not a thing of the past. I pray that Ugandans exploit this opportunity to a maximum by offering constructive criticism and due credit in the governance of this land.

Mr. Chairman, and hon. Delegates, our bad history has also largely been a result of accumulated sequence of political events if not by the reaction of the responses to the Constitutions of the day. For example, the 1966 crisis was basically a result of accumulated negative responses to the 1962 Constitution. The over reaction of the then central government against the Baganda Lukiiko resolution - mainly that the former withdraws its headquarters from the latter's soil, was a vivid manifestation of such cumulative negative responses to the 1962 Constitution. The 1966 Constitution, Mr. Chairman, which merged the powers of the President and that of the Prime Minister as an executive President and the 1967 which abolished the monarchy and its attendant federal states. It did not only concentrate all state powers into an executive presidency but also succeeded in alienating the people of Uganda from the general principles of separation of power, of democracy, of Rule of Law.

The message from the People of Ntoroko, Sir, is that it is very important for hon. Delegates, to very carefully identify those features in the 1962, 1966 and 1967 Constitutions which ignited a series of chaos in this country, rendering them unacceptable to the population of Uganda. Consequent upon this position Sir, we should absolutely make sure that these same features are not embedded in the new Constitution of Uganda. It is characteristic of most Ugandans to forget the past very easily. The people of Ntoroko do strongly urge all of us, hon. Delegates to take nothing for granted as we make the Constitution of Uganda. Much aware of the fact that the Constitution we are to make must make Uganda a better place to live in for many generation to come. In view of this therefore, the people of Ntoroko have the following to say on some important issues in the Draft Constitution. Chapter 2: The Republic of Uganda. The people of Ntoroko say -

**PROF. SENTEZA KAJUBI:** Point of Order. Mr. Chairman, is it in order for the hon. Member on the Floor to make an utterance which is going into our *Hansard* that it is characteristic of most Ugandans to forget history very quickly? Is this the character of our nation that we have no sense of history and if so, could he please illustrate, substantiate.

**THE CHAIRMAN:** The Member is in order and he should proceed. (*Applause*).

**MR. KARUSOKE:** I thank you hon. Chairman for the protection. The people of Ntoroko, Sir, say that Uganda should remain one country, one state and republic with fairly large autonomous district administrations. We in Ntoroko believe in the unity of all Ugandans and in the uniformity of their governance with decentralised powers concentrated in the people's representatives who are democratically elected to various levels of people's councils. In view of this, therefore, the people of Ntoroko see no need at all, let alone the necessity, to grant federal status either to some parts of Uganda or to all of it. Ntoroko holds the view that a non-elected leadership should not be a political leader. Where people have no power to make, they equally have no power to unmake such a leadership. It is, therefore, undemocratic and above all out-dated to impose a political leader on the people under the guise of any description. (*Applause*) Let us ensure the strong and unshakable continuity of our cultural leaders by keeping them safely at a distance from the whims of politics.

Fundamental human rights and freedom Mr. Chairman *(Interruption)*

**THE CHAIRMAN:** You should be winding up hon. Member.

**MR. KARUSOKE:** I want to discuss human rights together, with separation of powers because the two are closely related. Clear and healthy separation of powers facilitates observance of human rights and freedoms. Concentrating too much power in the presidency has largely been the source of much of our problems in Uganda including violation of human rights. Mr. chairman, the people of Ntoroko say that in order to offer checks and balances, in government, the Legislature and Judiciary must be strengthened so as to conveniently balance with the Executive. Members of Parliament are supposed to be independent of and free from undue influences. They are supposed to offer checks and balances to the Executive Arm of Government its great task of governing the country. This cannot be possible in a situation where Members of Parliament are the resource persons for cabinet appointments because they will not be free to offer effective checks and balances in fear of losing favour with the appointing authority. The people in Ntoroko, therefore do recommend that under the new Constitution-to-be, cabinet appointments should be extended to all able Ugandans, save Members of Parliament. Where it is absolutely necessary to appointment a Member of Parliament into cabinet, then that individual must vacate his parliamentary seat. The Judiciary too, which is supposed, to be the instrument of maintaining law and order and guarding people's human rights must be fully strengthened. It is recommended by the people of Ntoroko that appointments and disappointments of jurists must be done after thorough and exhaustive consultations with the Parliamentary/Judicial Committee, the Judicial Service Commission and *(Inaudible)*. The Judiciary must be adequately and independently funded to enable it execute justice without undue delays as delayed justice is denied justice, and its security of tenure must be guaranteed. Similarly the Inspector General of Government must be empowered *(Interruption)*

**THE CHAIRMAN:** Hon. Member you have taken more than 10 minutes beyond your time. So, you should be winding up actually.

**MR. KARUSOKE:** Finally, Mr. Chairman, the people of Ntoroko say that since time immemorial

the Ugandan women have been subjected and relegated to mere housekeepers producers of food and wealth and were bearers and rearers of offsprings. They were not involved in circles of decision making nor did they have a right to own their family property. The people of Ntoroko are recommending very strongly that women's rights be properly spelt out loud and clear in the new Constitution. Mr, Chairman, I thank you for giving me this opportunity and I thank hon. Delegates for listening to me.

**THE CHAIRMAN:** Hon. Delegate it is now our breaking time. This morning session we have covered ten contributors to the debate and I have on the list only two speakers: Hon. George Masika and Hon. Andrew Ssengoba. This is going to make it difficult for us to have a full Session in the afternoon *-(Interruption)*

**MR. WACHA:** I know the next thing the chair is going to say is to adjourn but I wanted to say something before you adjourn Sir.

**THE CHAIRMAN:** In respect of what matter now?

**MR. WACHA:** Sir, I have noticed that official reports of deliberations have started coming out. I wanted to make a certain suggestion in respect to this matter.

**THE CHAIRMAN:** But let me finish the point I was making first.

**MR. WACHA:** Thank you Sir.

**MISS. BYANYIMA:** Thank you Charman, I wanted to suggest that we listen to those two Speakers if they are ready and then break off for the day. Thank you. *(Interjections)*

**THE CHAIRMAN:** I thought I was going to ask whether there are any Speakers who are capable of speaking off the cuff like Hon. Nekyon - whether he is prepared - I was only illustrating my point

**DR. MIYINGO:** Mr. Chairman, we are getting to a deadlock. I do not see the reason why people should not be prepared to talk for their Constituencies when people were sent here to do business. Mr. Chairman, I think we should be more committed. We are really wasting time. We cannot just take off a whole afternoon when we have people in the House who even had already registered themselves for days gone

by and up to now they are not ready. People are not being serious - we are wasting the tax-payers money. We should begin doing serious business Mr. Chairman (*Applause*)

**THE CHAIRMAN:** What I propose to do from next week, and I hope I will be supported by the Business Committee in this, is that we shall have a procedure for confirmation the previous day that you will definitely speak so that your name appears on the following day's list and if you confirm and do not speak - then we do not give you another chance. (*Applause*) So, this procedure will begin to apply from Monday. So that we have a definitely confirmed list. Of course there are cases like that of hon. Betty Adima who fell sick. You cannot handle that by that procedure but I am sure those are not regular, those are exceptions. So, for today, let us listen to the two but from Monday we shall have the other procedure. You confirm if you do not speak - you lose your chance and we only deal with those who are ready to talk.

**MR. KARUHANGA:** I just wanted to say that in light of the fact that there may be no sitting this afternoon, I would like to inform the hon. Delegates, through you Mr. Chairman, that the Uganda Think Tank Foundation is organising a seminar this afternoon at Sheraton for women to discuss gender issues and the question is: Is NRM over liberating women? There is another seminar in this building this afternoon for the Law Society to discuss also the Constitutional issues. So if the delegates feel they can go to either. Thank you.

**MR. ONGARIA:** Mr. Chairman, I propose that for some time to come that you endeavour as much as possible to attend meetings of this Assembly. This is because I feel this will give an opportunity and a chance for your Colleague and Deputy to learn from your experience and from your expertise to be able to steer the affairs of this House, otherwise, we shall run the risk of being in a commotion one of those days. (*Laughter*).

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

**A HON. DELEGATE:** Point of order - Mr. Chairman, is the hon. Member in order when we have appointed a Deputy Chairman, to deputize at all times when you are not there?

**THE CHAIRMAN:** He is not in order.

**A HON. DELEGATE:** Mr. Chairman, in view of your ruling and the importance attached to the issue as raised by hon. Members, would it not be in order and in the interest of this Assembly to withdraw the remarks honourably?

**THE CHAIRMAN:** Hon. Ongaria I did not think it was in order for you to have imputed what you did, do you withdraw or you maintain your position.

**MR. ONGARIA:** Mr. Chairman, although, I am withdrawing. (*Interjections*)

**THE CHAIRMAN:** No, no, there are no conditional withdrawals.

**MR. ONGARIA:** Mr. Chairman, that was an advice to the House basing from what we have seen in the last few days. I withdraw.

**THE CHAIRMAN:** Anyway let us leave that matter where it is, let us go to the serious business now.

**MR. AWORI AGGREY:** Mr. Chairman (*interruption*)- protect me otherwise i am being provoked.

**THE CHAIRMAN:** No, do not get provoked, you are protected go ahead.

**MR. AWORI:** I am seeking guidance on the question of the integrity of this Assembly. There have been some remarks by hon. Members from the august House imputing bad motives and character of some delegates that we are people of poor moral character, in other words, we have a tendency of telling lies to the electorate. I would seek guidance, Mr. Chairman, to know if such statements, particularly from NRC has official reflection from any quarter and if so, Mr. Chairman, we the delegates who have no capacity to answer for ourselves in NRC, we seek protection from such unprovoked attack.

**THE CHAIRMAN:** I have yet to answer to his request for his guidance. I have read in the Press and of course we assume that the reports were correct for purposes of this. Some Members who stood for elections and may not have passed or may not have liked other people who passed and came here are making some statements. But under our rules of

procedure under rule 12, a Member who feels that he needs to answer to explain himself on a matter of that nature, can contact the chairman, and if the chairman is satisfied that it will be a matter of personal explanation, in other words, if a Member has been called earlier in one Chamber somewhere he can stand here and say he is not earlier. But that will be taken up by a Member in person with the Chairman to see whether he can benefit from rule 12 to explain himself. But otherwise the Chairman cannot assume purely from the Press that, that was the case. Hon. Wacha wanted to say something on the nature of the *Hansard* then we go to the speakers and we adjourn until Monday, but Monday we begin the new procedure of confirmations.

**MR. WACHA:** Thank you Mr. Chairman, I propose that before the official report of the proceedings of this House is printed, a draft report should be circulated to Members so that the Members can proceed to correct their statements. This is because I see that in the reports that we have, we have two issues which fundamentally mar the official reporting. One: there are some mistakes in the statements of Members, and then two; there are certain reports which are not indicative of which Members said what. If the draft reports are first circulated, these two issues should be corrected and then the official reports could then come out properly. Thank you, Mr. Chairman.

**THE CHAIRMAN:** I agree with you but I did raise a similar question with the secretariat and they did assure me that transcripts of speeches are placed in the pigeon holes for Members to collect before they proceed with printing. And on that assurance I did not go any further, but normally what should happen is that the transcripts should be placed in the pigeon holes giving Members deadlines within which to correct their speeches. Now the correction is purely for grammatical and verbal mistakes. You will not go in to correct the sense; you correct so that the language is correct and that should be done. Any way this is a message to the secretariat so that from now on, they follow that procedure. Thank you very much for raising it.

**MR. SSENGOOBA ANDREW: (Kyotera County):-** Mr. Chairman, kyotera county is one of the four counties of Rakai district. It is bounded by the district of Masaka in the North, Lake Victoria in the East, the county of Bukoto in the West and in the South it borderS with the county of Kakuto which is

the last county bordering with Tanzania. I bring greetings from the people of Kyotera county, who have asked me to congratulate you and your Deputy on your elections as Chairman of this august Assembly.

This constitution has a lot of material which should not be in a constitution. What I am saying is that the constitution should contain only the fundamental law of the land, and things like objectives and other matters of policy should be excluded from the basic law of the land. Hence the whole of chapter three (3) which is on the National objectives should be omitted from the constitution because objectives change with time. At best what can be done is to include the short paragraph of the objectives in the preamble of the constitution. But they should not form part of the constitution.

I submit the proposal of the people of Kyotera that the National Council of State should be omitted from the constitution. (*Applause*). Because its functions can best be performed by a committee of Parliament. Parliament consists of the people's representatives and they are the best to judge how the executive can be advised or how to vet the appointments made by the President. So, the whole of chapter (9) should also be excluded from the constitution.

On the question of the national language, the people of Kyotera think that the draft has presented this matter very well in that it has only provided for the official language which is English and has left the question of the national language to evolve. You cannot legislate for a National language. A national language evolves from the country from the nation, from one or more of the languages of the country. So I am in support of leaving the draft as it is as far as the issue of language is concerned, we provide only for the official and accept that it should be English but leave the national language to evolve. Swahili can be taught as any other language like French and it is advisable that it should be taught because it has some regional advantage but it cannot be developed as a national language.

On the issues of citizenship, I agree with the draft that Clause (42) (1) should form part of the draft, in that foundlings or children below the age of 7 years found in Uganda, should be citizens of Uganda by birth. (*Applause*) Mr. Chairman, I have gone into this matter and when I made inquiries in the juvenile court which deals with these children found on the

Streets I have found that last year alone the children who were disposed of by the juvenile court were more than 300 and most of them were either found in hospitals, where their mothers, after delivery, left them in hospitals, or in churches or at the bus parks and many of them were delivered by young, mothers, our own daughters. Because they are unable to support these children, they leave them in the maternity ward or at the churches, so actually they are our own children. So I support that they should be automatically citizens of Uganda. *(Applause)* I cannot fore-see *-(Interruption)-*

**MR. ATWOKI:** Point of clarification, Mr. Chairman, I would like the hon. delegate on the Floor - I do not understand when he says that the children were released by the juvenile court. Were they taken there as offenders I am seeking clarification.

**MR. SENGOOBA:** Okay the Juvenile court does not only deal with the offenses committed by children but it also disposes children who are in need of care and protection. Now if a baby is found without a mother, that child is in need of care and protection, and before the child is committed to an institution or to a foster parent, the juvenile court has to give orders. It has to examine the foster parent whether he or she is suitable to look after the child after which the court releases the child to him or the court has to be satisfied that the institution such as Sanyu Babies Home is capable of looking after the child, so that is how the children go to the juvenile court. So, Mr. Chairman, because of that, these are children mainly of Ugandans they should therefore, acquire Ugandan citizenship. I cannot imagine anybody coming from *-(Interruption)*

**MR. WAGIRA MOSES:** Point of clarification. The clarification I have Mr. Chairman, at least for me is that we have due consideration of such cases of Ugandan children who can be in that situation but my view is that, we do not make it a constitutional matter for if we did that, it is likely that *-(Interruption)*

**THE CHAIRMAN:** You are not clarifying nor informing, you are going into arguments. Go on.

**MR. SENGOOBA:** I cannot imagine a situation where a parent from neighbouring Tanzania can cross over to Uganda, deposit a baby and go back to Tanzania. So the fears which have been expressed by delegates are really unfounded on this issue.

On the question of constituencies, the people of Kyotera county say that the constituencies for Parliamentary elections and other elections should be divided according to population. Although the size of the constituent should be also taken into account but the main determining factor should be the population. They disagree with dividing constituencies on the basis of counties, because counties are not the same in population. Again counties are created by the executive, it could very well be that the executive can create several counties for the purposes of influencing an election. Counties are created by an executive act so they should not be the basis of a constituency. If we agree that a constituency should contain a hundred thousand (100,000) people or so, then demarcation of a constituency should be made on that basis but also taking into account the size and the terrain and difficulties of the constituency.

**MR. CHEBET:** Point of information. Mr. Chairman, I would like to inform the hon. Member on the Floor that, in the early '80s and I think even the first Obote Government, the Constituencies were demarcated in such a way that they went beyond the counties. Now what do we recall from that? It was clearly seen that there was rigging in the elections as a result of constituencies going beyond the administrative boundary, beyond the ethnic grouping and beyond the counties. So in our opinion, therefore, that is gerrymandering which is not acceptable. But I am presuming that, the demarcation of constituencies would be done in accordance with the electoral laws.

**MR. SENGOOBA:** Perhaps I give an example why the people of Kyotera are thinking so. My own constituency in Kyotera is 135,000 people. Now the basis for dividing the constituencies for the purposes of the CA elections was 70,000 peoples. Now because did not reach the 140,000 mark, we only got one representative. And we were short. So now one person should have represented 70,000 people, but the balance of 65,000 have lost another representative. So there is logic in demarcating of constituencies according to population.

Now I touch on the political systems Mr. Chairman I am a firm believer in political parties; but in view of what has been expressed that political parties need time to organize themselves, there is need for Parliament to pass a law regulating political parties, I would be prepared and my people will be prepared

to accept a transitional government based on the movement system and my people say that that transitional government should be for not more than three years (3). Because they say that, and if that government is formed, there should be a clear programme which this Assembly should spell out of returning the country to multi-parties. A programme which would include the passing of a law relating to political parties. A programme which will include the re-organization of political parties and their democratization. And also a programme which would include the holding of delegates' conference of the various political parties so that they elect their leaders. My people think that by the end of three years this programme should have been completed. That is why they are suggesting that this transitional government should be for a period of three years. After which there would be a return of pluralism. *(Applause)* And they say that pluralism should be automatic. The people of Kyotera do not support the holding of a referendum on that issue of political parties which is an issue of fundamental importance regarding the liberty of the individual. Further to that and because this matter is transitional, it should not be included in the body of the constitution. *(Applause)* It should be included only in the transitional chapter of the constitution. We are making a constitution for posterity, a constitution which will stay for a long time. Now if we put this transitional arrangement in the body of the constitution, that would be wrong we should put it together with other issues in the transitional chapters.

On the issue of the President, the people of Kyotera accept the qualification set out in the draft for the President, and they also accept that the President should be directly elected for a five year term, and that he can hold not more than two terms of office. But they think that the date for the election of the President should be set in the constitution so that it is known. A date for the election of the President and other elections should be set either as definite dates or by saying that the last week of such and such month so that people know that this is the date, and then will get rid of this system of people trying to stay long in power. If the constitution limits him to a certain date, then elections are bound to be held.

On Cabinet Ministers, I support what other delegates have said that Ministers should not be Members of Parliament. We have observed, some of us who are not in Parliament, that the Ministers do not have enough time to attend Parliament. And there has

been a lot of complaint, not only in the papers but here also in the House that ministers do not have enough time to attend Parliament. You cannot blame them they have a big task to do; many of them sometimes are abroad, so let them be out of Parliament. And this - yes I allow it.

**MR. SENDAWULA:** Point of information. Mr. Chairman, I would like to inform the hon. Member holding the Floor that there have also been reports that at times the NRC fails to meet or even adjourn the session because of lack of quorum and this is not basically because Ministers are not there, because the total Membership of NRC is over 270 and the quorum should have been formed by well over 130 and they are not normally there. The Ministers are only 42 so the issue of quorum should not be the issue for his argument as far as who should be a Minister in any government. Thank you.

**MR. SENGOOBA.** Mr Chairman, I thank the Member for the information but I only need to emphasize that the absence of 42 people can contribute to the absence of a quorum. *(Applause)* Another advantage is that, it can give the latitude to get Ministers from outside Parliament, there are many who are capable of doing the job of a Minister, but who do not want to take part in the campaign for an election.

Now I move to the government. Mr. Chairman, the people of Kyotera accept that local government should be based on a decentralized and entrenched system. The decentralization system should be entrenched in the constitution so that the Minister of local government or government does not have the power to change decentralization. Because if it is as it stands now, decentralization can be changed by Parliament, can be changed by government, but if it is entrenched, it will not be changed. And while on this I wish to state that the people of Kyotera accept the principle of unity in diversity, in that let the local authorities there be based on ethnic groups if possible but then we all agree that we are in Uganda, we are in one country, so that we can unite in diversity. In the case of Buganda the people of Kyotera are saying, that this is a homogeneous society, people speak the same languages they belong to the same clans, sometimes their relatives are in different districts of Buganda, therefore, the people of Kyotera are saying that they need a united Buganda.

**MR. MUSHEMEZA:** Point of order. Mr. Chair-

man, is it in order for the hon. speaker to deceive this House that Buganda is a homogeneous society, people of the same clan when I know there are Banyankole staying in Buganda, there are Banyarwanda in Buganda, is he in order to deceive this House, Mr. Chairman?

THE CHAIRMAN: The Member has not deceived the House and I have not seen people who speak different languages from Buganda, so let him go ahead.

MR. SSENGOOBA: Thank you, Mr. Chairman, any way the people are the same even if some of the people have come from other parts of the country but they have been assimilated, and they identify themselves. So there is a case for these people to stay together and form a regional government - *(Interruption)*-

MR. SSENGOBA: Mr. Chairman, so the people say that they support a regional government for Buganda, that does not mean that they dislike the idea of decentralization to the district. Decentralization can continue, decentralization can be there in the districts comprising of Buganda but they need a regional government for Buganda to unite this homogeneous people with the same interests same aspirations. They want a government in Mengo - *(Interjections)*-

LT COL. GUMA FRANK: Point of clarification. Mr. Chairman, I am seeking clarification on how the two co-exist with each other because I see, according to my own understanding, I can see a kind of contradiction to decentralization in a district, and then federalize the districts and then have a government in Mengo and then who would finance what? I would like to be educated on that. Thank you very much, Mr. Chairman.

MR. SSENGOBA: The people of this area, the people of Buganda say, they are ready to finance that government by paying taxes. There is a saying in Luganda - *(Interruption)*-

MR. MULINDWA BIRIMUMAASO: Point of order. Mr. Chairman, is the hon. Member in order to speak on behalf of Buganda when I am a delegate from Buganda? Is he in order to speak on behalf of Buganda when he was elected by the people of Kyotera only?

THE CHAIRMAN: He is not in order, he should confine remarks to his messages from Kyotera. *(Applause)*

MR. SSENGOOBA: Mr. Chairman perhaps the Member did not catch me properly. I said that the people of Kyotera say that they want *(Interruption)*

MR. BASOGA NSAJU: Point of clarification. Thank you, Mr. Chairman. I would like the delegate to clarify to me what he means by government. Because, Mr. Chairman, I am getting confused. To the best of my knowledge, I know there is a government in Mengo with Lukiiko members who come from the various clans to constitute that Lukiiko headed by the *Kabaka*. Now he is talking of another government which will be there to be financed by the people of Buganda. Will he clarify to me what he means by government which his people want in Buganda so that I can support them or not support them. Thank you very much.

THE CHAIRMAN: Hon. Ssengoba was first clarifying on the question of his representation and his views. Now I think it is better if he clarified both and we proceed.

MR. SSENGOOBA: Yes, Sir, I was saying that the people of Kyotera are saying that they want a government in Mengo for Buganda, that is their wish. Now that government would be based on the Lukiiko which the delegate has just referred to, they wished a Lukiiko directly elected, and that Lukiiko after being directly elected should be headed on a regional government for Buganda. And that, the *Kabaka* should be a head of the government without indulging in politics. The *Kabaka* would be in the same position as the Queen of England. The head of that regional government not the head of the government of Uganda, head of that regional government.

THE CHAIRMAN: Please address your comments through the chair, and do not respond to hackles. Please proceed. What do you want clarified?

MR. ERESU ELYANU: Point of clarification. Mr. Chairman, I would like to seek clarification from the hon. speaker holding the Floor to the effect that, already to my understanding, there is a government in Buganda as already stated by hon. Basoga Nsaju which government is he talking of now which he thinks should now be instituted in place and maintained by tax payers whoever they will be that is not there now?

MR. SSENGOBA: Mr. Chairman we are making a constitution, that government which you say is there,

is no where in the draft. What I am saying, let that government be included in the draft constitution. So it is there but it is not in the constitution. I am saying it should be constituted, its powers properly laid out, you need to show its limits so that it does not clash with the central government. (Applause) Mr. Chairman, as a consequence of that, it would be necessary to make a schedule to the constitution of Uganda showing the proper limitation of that Mengo government I am talking about.

On the issue of monarchy, it is needless to say that I support monarchies where people want them.

On the question of land, Mr. Chairman, I support the mailo or free hold system of land, and the abolition of land reform decree promulgated by Amin in 1975, so that we have absolute ownership of land and abolish this system which introduced leases. On the question of customary tenants or *Bibanja* holders, the people of Kyotera say that people who have got *Bibanja* or customary tenants on other people's mailo land should be given a chance to get titles and government should facilitate their getting titles. And I remember there was a study which the Minister of Lands hon. Adriko instituted on this question and they studied this thing very well and also came out with a recommendation that it is possible for government to set up a system whereby people who are on other people's mile land can be facilitated to buy their interest and get facilities in banks, and if government does that, it should also take it into account that they should also fix reasonable prices because the land owners can make it difficult for the tenant to purchase his interest. So government should be in a position to fix reasonable rates so that people can buy their interest and get their own titles and that should be enforced by law so that whether the Land Lord likes it or not, once one is on the land and he had developed it, he has got his *Kibanja*, has got his house, has buried his people there, if he wants to purchase and has managed to raise the money which has been assessed by government, one should be obliged to sell to him. And it does no injustice to the owner of the land because in any case, you cannot chase away the *Kibanja* holder without compensation. The developments have been made by the *Kibanja* holder himself, so he is only paying for the land. Mr. Chairman as a consequence of what I have said above, the fourth schedule should also be amended so that number two in the fourth schedule, the maintenance of law and order, should not be a preserve of the central government. Local authorities

should also have a share in the maintenance of law and order. Local government or regional authorities, where they are set up, should have a say in the maintenance of law and order. And again number 7 public land, should not be a preserve of the central government. Public land, where it lies, should be the responsibility of the district or regional authorities because they are the ones who are on the land, they are the ones controlling the land and they are the ones who know how the land can be best used.

I support the removal of the powers of detention because the criminal law provided for the punishment of people who have committed crimes. So there no is no justification whatsoever, for having powers of detention that should be removed.

On the security forces, the people of Kyotera say that these should be recruited from areas of Uganda according to population, the more numerous you are, presumably the more taxes you pay. So even the responsibility of defending the country should fall on you, if you are many your obligation to defend the country should be greater.

**MRS. KABIRISI LUBERENGA:** Point of clarification. I would like the hon. delegate to clarify something to me. I am wondering how he proposes to enforce this quarter system assuming that the people whom we are talking about, of this proportional presentation, do not have people who are willing to join the army, what do you propose that we do in that case?

**MR. SSENGOOBA:** Mr. Chairman, delegates would remember, some of us who are a bit old, that during the last world war, people were obliged to go to the war whether they liked it not. So it is a duty for you to defend your country, if they refuse to go to the army -

**MR. KUTESA PECOS ONESSMUS:** Point of information. I would like to inform the speaker that I remember sometime back, one hon. speaker Brig. Moses Ali informed this House that, the ratio in the army will depend on how much casualties that particular group is willing to take. So he can bear that in mind. I do not think I have any quarrel with him. Thank you Sir.

**MR. SSENGOBA:** Thank you very much for the information. In fact I had that in mind because I do not want only one part of the country to suffer so

much casualties, the casualty should be spread.  
(Applause)

**MR. HENRY TUMUKUNDE:** Point of clarification. Mr. Chairman, Sir, I would like to be clarified on whether the hon. delegate Ssongoba is proposing here and now that we introduce conscription in this country. Because he is actually indicating that we must force people to enter the forces even when they don't feel like doing that. I think it is a new idea and he should clarify to us if that is what he meant to say.

**MR. SSENGOOBA:** Thank you very much, Mr. Chairman, the first step should be to encourage people to go to the Army, if that works well and good, if it does not work, I would support conscription because it is a duty of a citizen to defend his country.

**MR. ATWOKI AMBROSE:** I would like to inform the House that the level of enthusiasm which has been slow in political education - the *Chakamuchaka*, leaves no room for doubting the willingness of us, especially the youth, to join the army and defend the nation. Thank you.

**MR. SSENGOOBA:** Much obliged, that delegate has done the job for me.

**THE CHAIRMAN:** You should be winding up.

**MR. SSENGOOBA:** Yes, Mr. Chairman, I wind up on the question of the leadership Code of conduct. Mr. Chairman, I support the introduction of the leadership Code of conduct but it should not be so elaborately set out in this constitution. The idea is good. It should be in the constitution but left to Parliament to make the necessary law regarding the leadership Code of conduct but it is essential that we have it. Mr. Chairman, in view of the time, I thank you very much and the delegates for listening to me.  
- (Applause).

**THE CHAIRMAN:** Thank you hon. Ssongoba for your contribution to our debate today hon. delegates he is our last speaker, we have had 11 contributors to the debate today and hopefully, from Monday on, we shall be registering higher performances but, we agreed, from Monday we shall have a confirmation system so that we make a full list to make sure that our deliberations end as projected.

*(The Assembly rose at 2.05.p.m and adjourned until Monday 11th July 1994 at 8.30 a.m)*

**FOR REFERENCE ONLY**