THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

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MOTION:-

Statements and Personal Explanations [Pg 4607]
Consideration of the Draft Constitution of the Republic of Uganda [Pg 4608]

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Thursday, 1st June, 1995

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

PRAYERS

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

(The Assembly was called to order.)

STATEMENT S AND PERSONAL EXPLANATIONS

THE CHAIRMAN: Hon. Delegates, Mr. Chango Macho did approach me that he wanted to make a statement of personal explanation and I promised to give him the opportunity. The importance will be known as we go along. Hon. Chango Macho.

MR. CHANGO MACHYO (Samia Bugwe South): Mr. Chairman, fellow Delegates and comrades, on 8th May 1995 the Hon. George Masika, CAD from Mbale Municipality, in his contribution which he made at the time I was out of the Assembly, alleged, according to the information I got from the Clerk, that I was at one time an Estate Agent of the Kakungulus in Mbale. He was, therefore, surprised that I was now shading crocodile tears and not fighting for peasants' land rights.

Mr. Chairman, that statement constitutes the biggest piece of disinformation the former Chief Justice of Uganda could give to this august Assembly. It is both wrong and malicious, because I have at no time acted as an estate agent for Kakungulus neither do I shed crocodile tears when I fight for the peasants' land rights.

I wish to inform the Hon. Members that Kakungulu's land at Nkoma is zoned for low density residential housing and has a planning day out scheme. The only work I did on that land was not on behalf of Kakungulu, but on behalf of those who had bought residential plots directly from either Kakungulu and then employed me to mark out the exact location of their plots on the ground. The plots were later surveyed by government land surveyors.

As far as I know, the role I played does not consist to be an estate agent or the seller. Mr. Chairman, as far as shedding crocodile tears are concerned, maybe, the Hon. Masika was projecting his own political character on me. I want, therefore, to make it very clear that I am not a politician in the usual sense of the word -a self seeker using the people to get votes for personal gains. I do not believe in politics as a dirty game nor am I ideologically optimistic.

Those who know me right from my school days, student days until today, will admit that my political activities have always been on the side of the dominated, oppressed, despised, exploited and humiliated. I have at no time supported the cause of the oppressor or exploiters. I have always advocated and defended the people's interests and rights. Never have I wavered in my ideological view point and stand; that is why even when the Asians left I never participated in grabbing what property they left as did some people in Mbale.

Mr. Chairman, I want to assure this august Assembly that as a Delegate for the people of Samia Bugwe South, whatever I have stated, voted for or against on contentious issues like Movement versus Multiparty, Federalism, Land and not least, the demand for Busia District, are position and views I was directed to take and express by my electorate. They are not personal whims, and since we started our deliberations I have been constantly consulting them in case they have changed their positions, but they have not.

Anyone who has read writings on land tenure will know that I believe, as our grandfathers did, that to the African land belongs to the dead, the living and the unborn. It has always been a collective communal property until the European imperialists came and grabbed it as a means of dispossessing the African peasants as well as using it to bribe a few chiefs they wanted to use as their colonial agents to control the African peasants. I have, therefore, always advocated the system of communal land tenure ownership with individuals enjoying the right of use, and I have at no time departed from that position. It is, therefore, highly malicious for someone who claims to know my style of writing to assert that I was shedding crocodile tears when defending the peasants' land rights.

Mr. Chairman, let me conclude by asserting once more the expropriation of the peasants' land in Uganda was a criminal act of robbery of the highest order, to refuse to correct that injustice under

whatever pretext is to be a party to that criminal act committed by the imperialists. Failure to redress it now is merely the day of reckoning when the expropriated peasants will rise up and redress the injustice themselves through a revolutionary struggle. Thank you Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, statements of personal explanation do not call for debate, and so we go on to the next item. Yes, Hon. Masika, do you want to depart from our rules?

MR. MASIKA: It is obvious that I have to answer something on that statement and it cannot go unchallenged. It is, actually, wrong, Mr. Chairman, and if you want it to remain like that I leave it at that, but if you want me to state my side of it, I am ready to do so.

THE CHAIRMAN: Order, order. We shall give Hon. Masika two or three minutes to reply *(Applause).*

MR. MASIKA: Thank you Mr. Chairman. I will be brief. I wanted to buy land in Mbale and I was referred to Mr. Chango Machyo. He told me Kakungulu had land and if I wanted to buy he could even go further and help me to survey it.

I did not follow it up immediately, but my friend Chango Machyo on two occasions asked me whether I was still in need of what I had wanted. Now, from those facts, Mr. Chairman, Hon. Delegates, I may have been wrong or used inappropriate words as "a state agent," but he certainly was acting as a broker. Further more, Mr. Chairman, the question of insinuation that some people in Mbale grabbed land from Asians, suggesting that I might be one of them, I would like to clear that one too. Those of you who know, I own a building in Mbale, but I did not grab it through the Amin regime. I bought that land from Mbale Municipal Council which had advertised it. I won a tender and paid for it.

Not much later, I learned that the building had, actually, belonged or been repossessed by Mbale Municipal Council from another indigenous Ugandan who had breached the conditions of redevelopment, and that resulted in a court case.

Mr. Chairman and Hon. Delegates, I wish to state that I had no malice against my friend Chango Machyo when I was stating that, but if the facts have or had been as they were, it would have been a little contradictory for my friend who had acted or appeared to have acted for a mailo owner to come now and say he did not wish the mailo owners to own the property which they owned. Thank you Mr. Chairman *(Applause).*

THE CHAIRMAN: Order! Order! I will call on the Clerk to call the next item.

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA

CHAPTER 13 - LOCAL GOVERNMENT

(Schedule 4)

THE CHAIRMAN: When we adjourned yesterday for lack of quorum, we were considering the schedule to a report by Hon. Kaberuka. Hon. Kaberuka had introduced the schedule and as you remember the schedule relates to financing of local governments, and the formula to be included in the Constitution for purposes of calculating the monies which are payable as minimum payments to local governments by the Central Government.

Hon. Byakika Kasajja was on the Floor but he was being corrected. He had created his own premise, so that he could argue logically by saying that the Kaberuka committee had been set up with a mandate of coming with a percentage share of the money to be taken by the local government. Hon. Dick Nyai had informed him that it was not correct that the committee was set up to develop a formula rather than come up with a definite percentage of local government share of central government revenue.

It was at that stage that our attention was drawn by Hon. Obua Otoa to the absence of quorum. Now, with that clarification in mind, I will give the Floor back to Hon. Byakika, but asking him to take into account the information from Hon. Dick Nyai as he makes his remarks. Hon. Byakika

MR. BYAKIKA: Thank you very much, Mr. Chairman. After adjournment I consulted the Kaberuka Committee and got the issue clarified. So, I am not making any further comment, Mr. Chairman.

THE CHAIRMAN: Thank you. My own point is, I would like to request the Chairman of the committee to point out that we are not adopting the whole schedule as it appears on that page. Are we, Hon. Kaberuka?

MR. KABERUKA: Mr. Chairman, the only relevant part is the first paragraph which defines unconditional grant in words and then goes on to express it in a formula form, and that is the only part which is relevant to the schedule.

Otherwise, the figures which appear there are the figures which illustrate using that formula what the unconditional grant would have been in the fiscal year 1994/95. My committee, however, recommends that the beginning or the base here of calculating the unconditional grant be the fiscal year 1995/96.

THE CHAIRMAN: Okay, I take it that we have adopted the schedule. Agreed?

MR. WANENDEYA (Budadiri East): Thank you very much Mr. Chairman. Mr. Chairman, with all due respect that schedule is erroneous in the sense that, the grants which were being given to districts is what we had taken into account without rationalising what each district produces.

If we are to build a strong country whereby most of the people stay in their respective areas as a way of good behaviors as everybody knows, instead of coming to town looking for jobs, that schedule should be revisited by respective districts in order to come to what I would call an agreeable formula.

Mr. Chairman, if we do not do that we are trying to do the wrong things, and it is only history that will blame us. It would only amount to the Soviet Union situation where they were trying to create a super empire but it all collapsed. Any get together and grants which are entrenched in constitutions definitely come from the areas where those people are properly represented, but that formula is not quite conclusive. Mr. Chairman, I would beg that the schedule stays until we have had closer consultation like we did in the case of Bugangaizi and other areas where issues are quite crucial.

I want Hon. Delegates to make sure that this is clearly studied, and if need be, we take it back to the districts and we get a clear picture. Otherwise, getting money at the centre which is dished out according to the way possibly somebody smiles, is not going to build this country to be economically viable and strong right from the village.

I thank you, Hon. Chairman and the Delegates, and I hope that Members will listen to my lonely voice in the wilderness and do the needful. I thank you.

DR. CRISPUS KIYONGA (Bukonzo County West): Thank you very much Mr. Chairman. Mr. Chairman, and hon. Delegates, there are some elements in what Hon. Wanendeya is saying that I agree with. I have disparity with this formula. When it goes in the Constitution, as we all know, the effect is that it must be implemented from the time zero.

One element in this formula is talking about the cost of living inflation. At the moment we may have a low level inflation and our revenues may indeed be growing at a level higher than the inflation rate. We cannot, however, say for certain that this is going to be so for the years to come. There are situations where inflation rate may run much higher that the revenues that government is receiving. Now, if such a situation obtains, I do not know what you would expect the government to do!

If, for example, inflation is running at 100 per cent and revenue increased at, maybe, nominal ten or even not at all or even decreased, what will happen in that situation?

Secondly, as Hon. Wanendeya says, this formula has no practical consequence. What would be important is a formula which would say whatever money would be available for distribution to local authorities. It is then that we should have a formula which would show how much each district will take, of that factor that will be considered.

But just to put this formula here as it is, I do not see what it obtains and I have told my Colleagues who pushed this formula, and obviously we have not agreed. So, I am also opposing the putting of this schedule in the Constitution. Thank you Mr. Chairman.

MR. NDEGE (Luuka County): Thank you Mr. Chairman. Hon. Wanendeya and Hon. Kiyonga are disagreeing on the formulation from different angles. One is saying it is not based on what each

district is producing, that is Wanendeya. That the formula says if Mbale or Iganga is producing a lot of crops, they should get more money than Kasese who do not produce. Now, Hon. Kiyonga is saying what if government does not collect enough revenue to cover its own expenses, and the answer is very simple, is that all governments at one time or another run in what we call deficit budgeting, and these are covered later on during good years.

To my Hon. Friend Wanendeya the answer -*(Interjection.)* is that this is one of the three grants we are saying government or the President will present to Parliament. Now, this formula is in effect saying what government has transferred from the centre to the districts must be paid for, and the formula says that minus or plus, if inflation goes up or down, automatically the amount to be released will be worked out by this formula.

In otherwords, if the price of fuel dropped from 900/- to 400/- the local government will not need as much fuel in terms of money as when the price is 900/-. I do not see any difficulty with this. I think it is a question of trying to understand and anybody who does not want a way of doing things wants always to keep everybody blind.

We are saying let us have a formula on how we do things. Dr. Kiyonga who has been a Minister of Finance, says we should not have a formula on how we should do things. I wish to say that the formula is good, that it only relates to (a) which is an unconditional grant which government in any case, whether these services are up country or at the district, would have paid for.

In otherwords ministries would have been running with or without transferring these services to the districts. So, I do not see any other way other than going to revisit number one, how the arguments of two delegates would make this formula to be irrelevant to the Constitution. Those are my few comments, Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, we can spend more time arguing, but my understanding is simple, that the problems we faced over the years were that whereas sometimes central government would pretend, for instance, that feeder roads are a responsibility of districts, it was not accompanied by resources from the centre. Money was always kept at the centre while services were sent to the districts, and this formula is attempting to say any service that has been centralised must be accompanied with money. That is how I understand it.

DR. OKULLO EPAK (Oyam County South): Thank you Mr. Chairman. Mr. Chairman, I think you may be missing a point in trying to appreciate the value and efficacy of this formula. Hon. Wanendeya, obviously, has argued on a very off-bit point, as far as I am concerned. I do not think this formula is supposed to incorporate and take into account the economic capacity of different districts or their productive capacity. That certainly is not the case.

If it is to be taken into account, Mr. Chairman, then obviously Hon. Wanendeya would know that such would have been incorporated in the matters of taxation which government would have derived from the productivity of each area, and it is that value which this formula is trying to allocate, not necessarily to that district according to its contribution to that revenue, but according to the way the revenue should be distributed to all other districts.

I really want to sympathise with Hon. Wanendeya very much for his concern and sentiments on what his district should benefit out of their sweat. But he should also take into consideration the fact that it is not a God given and permanent status which his district will continue to enjoy as an overall advantage to other districts. It could simply be that in the long run and in future his district will be worse off than all the districts he probably now looks down upon.

I was very sympathetic to his arguments right from the time we were in committee 4, and at one time, in fact, I wanted to cosponsor a Motion he moved to this regard. We have greatly discussed this matter, and he has made a lot of effort to take into account the wishes and interest of his people. Nobody can blame him for that, but I think that we should fix them as and when it is appropriate and commensurate with the general situation we are concerned with.

The issue of inflation raised by Hon. Dr. Kiyonga, Mr. Chairman, I would like to state very briefly that it would be very bad costing and scheme costing for one not to take into consideration inflation and price changes, and therefore, I do not see why when we are involved in this exercise of evaluating and

costing responsibilities which government will transfer to local authorities, that one should choose to ignore the matter of inflationary changes, simply because they will be in discord with the revenue that government will derive.

In any case, although I have not given it much though, I do not see how inflation aspects will be in discord with sources of revenue and earning of the very community from whom government will derive such revenue. I do not see the -*(Interruption)*.

THE CHAIRMAN: Hon. Wanendeya, when you made your remarks other Members kept quiet. In the same way, let Dr. Okulo Epak finish his presentation.

DR. OKULLO EPAK: So, I do not see - I mean, Hon. Kaberuka is probably a better economist than myself and he would argue that a little bit more ably, but I am not seeing the inconsistence between a high inflation rate or a low inflation rate and the expected revenue of government, particularly, when it comes to costing. It is invariably done, should be done, and when we are doing scheme costing of this nature, it will only be unfair and short-sighted not to take those into consideration.

I think even the original provision which is in the Draft submitted by committee 4 had taken such factors into consideration. So, I think this is a very neat way of doing it, Mr. Chairman. Short of that and based on the estimation we have arrived at on the current figures, then one would simply have to state in this provision that for purposes of unconditional or block grants, we must make a lamp sum provision of not less than 40 per cent of government revenue, and I think that would unfair.

We argued this at length and we have found it logical to accept this formula. We should also bear in mind, Mr. Chairman, that this formula is not applicable to all aspects of grants that government will be called upon to provide to local authorities. This is only to accommodate the recurrent aspect of those activities.

On development matters, Mr. Chairman we have two provisions on conditional block grants and equalisation grants. These will take care of and take account of the developmental aspects. The only problem we are going to face is that the other types of grants will demand local government to acquire the discipline and culture of planning, because without plans government will be at a loss, as on what to base the calculations for what they should get to assist them in their development efforts.

That is why, Mr. Chairman, I think there is a provision in this Constitution now to have a national planning authority which will coordinate and integrate all district development plans. We have also made provision in this particular chapter to ensure that districts will, actually, plan and submit their plans for harmonisation with the National Planning Authority.

Hopefully after this Constitution comes to force, districts will begin to plan seriously, not just to sit and ask for any amount. It will not simply be a matter of this shopping list. It will have to be a serious plan which can be projected ahead of time to help government focus its resources to meet those demands. I think this is a very useful formula and I do not see any reason why it should not be included as an annex to the Constitution, Mr. Chairman. Thank you.

DR. DICK ODUR (Dokolo County): Thank you very much, Mr. Chairman. Mr. Chairman, I want to make some clarification on this formula. It seems that some Delegates think that the formula is to be used for distributing money to districts, but this is not the case. This formula is for obtaining pool money, a block grant, from the centre, and that pool money is the money which will be available for distribution to the districts.

However, when it comes to what each district will get then we have got another calculation which has taken into account indicators of the service capacity which has been established programme by programme for each district. This is the only way in which a district will know how much it is going to get from this pool. So, this formula does not apply in case of distributing money to each district. Thank you Mr. Chairman.

PROF. APOLONSIBAMBI (Presidential Nominee): Thank you Mr. Chairman. I think Hon. Wanendeya is being perturbed by the fact that the principle of derivation appears to have been neglected, and that principle really ensures that an area retains a percentage of the revenue derived from that area. That seems to be the issue taxing his mind.

I would, however, like to put it to him gently but firmly that the formula has its problems. The first problem is that we do not have the same endowment, some areas as we speak are less endowed than other areas. You may be privileged now but later on that resource of wealth may, for example, be overtaken by technology and you may become disadvantaged. One of the problems which England has faced has been the problem of economic imbalances.

These imbalances aggravate problems of national integration, because essentially we are fighting to get resources and to ensure that these resources are equitably distributed.

Unless you address that problem there will be no unity in this country and, therefore, the principle of derivation itself has merits but it has problems. That is why technically we are resorting to this other formula which has less problems of aggravating economic imbalances. By addressing that economic question we are also addressing the political question of national integration.

I would like to appeal to Hon. Wanendeya to realise that the problem of national integration is critical, but we all appreciate the fact that when you make concrete a percentage which will accrue to local authorities, you make the planning more predictable and it also ensures that the government will have to be careful because it has this concretised obligation. I support what has been proposed here.

THE CHAIRMAN: Can I now put the question on schedule 7? I think we have made enough speeches on this one. Let us now decide. The recommendation is that we adopt the schedule as indicated to us by Dr. Kaberuka, Chairman of the special committee we set up. I put the question.

(Question put and agreed to.)

THE CHAIRMAN: I put the question that the schedule stand part of the Draft Constitution.

(Question put and agreed to.)

THE CHAIRMAN: Now, 218, Hon. Kaberuka.

DR. WILLIAM KABERUKA: Thank you Mr. Chairman. My committee was first to reformulate clauses 4 to 7 of article 218 and we recommend that clause 4 reads as follows: *"The local government finance commission shall; (a) advise the President on all matters concerning the distribution of revenue between government and local government, and allocation to each local government of monies out of the consolidated fund;*
(b) that in consultation with National Planning authority, consider and recommend to the President the amount to be allocated as deprivation and conditional grants and their allocation to each local government;
(c) consider and recommend to the President potential sources of revenue for local governments;
(d) advise local governments on appropriate tax level to be levied by local government;
and (e) perform such other functions as Parliament shall determine. "
Mr. Chairman, the committee only brought in, as I did point out yesterday, subclause (c) and (d) and subclause (e) happens to have been clause (6) of the committee's report. We brought it because it talks about other functions and we thought that it should come under clause 4. I beg to move.

MR. OBUA OTOA (Erute County North): Thank you Mr. Chairman. I just want a little clarification about the Finance Commission. I would like to know how it is going to be constituted, and its functions. I wonder whether its functions as now detailed cannot be done otherwise. Thank you very much Mr. Chairman.

DR. KABERUKA: Thank you Mr. Chairman. Only that I cannot recall the article but -

THE CHAIRMAN: It is article 218, in the report of the committee. If you look at clause (1) 'there shall be a local government Finance Commission which shall consist of a Chairman, a Deputy Chairman and five other members. Then (2) says the Chairman, Deputy Chairman, shall be appointed by the President and the other four members shall be nominated by the Local Government Association. I think that is what we agreed on, and Parliament shall prescribe the terms and conditions, then (4) is one which sets out what they are supposed to do, which we referred to the committee, hence this report of Dr. Kaberuka.

MR. KITARIKO ROBERT (DP - Delegate): Thank you Mr. Chairman. I recall very vividly that we agreed that members nominated by government and local governments would choose among themselves a Chairman and Deputy Chairman.

THE CHAIRMAN: Okay, let us see. I have here a copy of the report prepared by the Technical Committee after that article was processed through the consideration stage, and what I read is what there is here. The Chairman and Deputy Chairman and one of the five members referred to in clause 1 or this article shall be appointed by the President. I think what was decided was the President could appoint three, but that the other four should be appointed by the Association. That is what now appears in this official record.

MR. KITARIKO: Thank you Mr. Chairman. I drew the attention of the Technical Committee to that, and I thought they would have corrected the minute, but they did not. I remember that we voted and agreed that the nominees of government and the association would choose from among themselves the Chairman and Deputy Chairman.

THE CHAIRMAN: We shall check with the minutes, but I think that we debated at great length and came to this conclusion; that the President should appoint the Chairman and Deputy Chairman plus one member, but that the other four members should be appointed by the local governments.

MR. ABALIWANO: I want clarification from the Hon. Dr. Kaberuka on whether he thinks this local government Finance Commission, if it is responsible for voting for this sort of monies cannot have the role of monitoring what is actually happening there. This would allow them have some idea that grants as voted or given, have actually been appropriately used.

Do you see any provision in the Constitution where we have had a body best positioned to monitor, other than this commission, which will be responsible for local government finances?

DR. KABERUKA: Mr. Chairman, I think that the parent ministries will have the monitoring departments. Because in planning there will be the monitoring section; in Finance there will be the monitoring function and monitoring department. I do not think that this body, given the work that it will be doing can also take up the monitoring function.

THE CHAIRMAN: Okay, can we decide on the recommendation that we adopt clause (4) of 218 as recommended by the Dr. Kaberuka committee. I will put the question.

(Question put and agreed to.)

THE CHAIRMAN: Now, let us decide on 218 as amended to stand part of the Draft Constitution. Yes, Hon. Delegates, I have received the minutes of that particular day, and it would appear that Hon. Kitariko is right. "There shall be a local government Finance Commission consisting of seven members; Of the seven members three shall be appointed by the President, four shall be appointed by local governments and, then the members of the local government Finance Commission shall elect from among themselves a Chairman and a Vice Chairman.

This is what is in the minutes which were recorded that day, and so the technical team will make the necessary changes anyway. So, for us we can adopt it subject to those modifications. Shall I, therefore, put that 218 subject to modifications as per the minutes be adopted to stand part of the Draft Constitution?

(Question put and agreed to.)

THE CHAIRMAN: I thank Dr. Kaberuka and his committee for helping us sort out the issues that he has been able to report to us, and members of his committee for a good job done. Hon. Delegates, now we go to Chapter 6 article 92. Hon. Sam Kutesa, we are at article 92.

I see a number of clauses on the Order Paper. Could you refresh the Chairman's mind, since he was not present at that time, as to how this matter was left pending?

MR. KUTESA: Mr. Chairman, with regard to clause (1), there is a Motion which had been moved by Hon. Dick Nyai relating to whether Presidential and Parliamentary election should take place on the same day or on different dates. So, that is the Motion relating to clause (1) of article 92.

On clause (2) to (8), when I was reporting on article 92 I did point out to the Chair and to the Assembly at the time that there were certain decisions that had been already taken by this Assembly in the chapter relating to the legislature and in particular to articles 130, 134 and 149, that related to the periods be-

tween which elections would be held. Whether General, Presidential or by-elections.

I did point out that it was necessary that we synchronize the dates mentioned in our committee report with the dates that had already been passed by the Assembly, and the Assembly agreed. Subsequently, the Chairman directed that this should be referred to the Technical Committee so that they do the synchronization.

On the 26th of May the Technical Committee wrote to you, Sir, and your Deputy and copied the letter to me and the Chairman of the Legal and Drafting Committee setting out how they had synchronized them and what they recommend to us to present to the plenary.

I, therefore, have a recommendation from the Technical Committee which I shall be introducing when we get to clause 2. But I think clause 1 relates to a Motion moved by Hon. Dick Nyai which was not pronounced upon by this Assembly. Thank you, Mr. Chairman.

THE CHAIRMAN: Was that Motion moved or it was mooted?

MR. DICK NYAI: Mr. Chairman, at the time the Motion was moved, unfortunately that time I had done a bungled up job, and the Chairperson then said it should be reformulated. Mr. Chairman, I have since reformulated that Motion, and I beg to report that it is ready.

THE CHAIRMAN Do I have a copy?

MR. NYAI: Mr. Chairman, I think the Clerks should be able to give you a copy, because this was distributed on 25th of last month.

THE CHAIRMAN: Was it seconded? Okay, Hon. Dick Nyai, could you present your Motion of Amendment to clause (1) of article 92? Clause (1) of article 92 as recommended by the committee to the Assembly reads: "*The Electoral Commission shall ensure that elections are held at a time fixed and not far in advance to the public.*" That is what is recommended and that is the one which Hon. Dick Nyai is proposing to amend by the Motion he is now going to present.

MR. NYAI: Thank you, Mr. Chairman. Mr. Chairman, first allow me through you to extend my most sincere apologies to Hon. Elly Karuhanga, Delegate for Nyabushozi. The last time I tried to move this Amendment, as I said earlier I messed my job and it was completely my personal failure. I was unnecessarily and unduly rude to Hon. Elly Karuhanga. Please, through you, may he kindly accept my apologies *(Applause).*

Secondly, Mr. Chairman, I am mindful in moving this Motion that we should be able to address ourselves -*(Interruption).*

THE CHAIRMAN: Hon. Dick Nyai, I think Hon. Karuhanga would like to publicly accept your apologies.

MR. KARUHANGA: Thank you very much Mr. Chairman. I am extremely delighted and pleased at Hon. Dick Nyai's statement in the House, and as a Christian taught in the tradition of Christianity that you can forgive seven times 77 times 777, I do forgive Hon. Nyai at the first instance.

MR. NYAI: Alleluia! Mr. Chairman, on a more serious note, I know that different feelings were expressed on this Floor, when the Assembly was considering the matter of elections in relation to the legislature. But, I would like to appeal to Members here that we can correct a wrong if we see that we can now see the light. I am appealing particularly to our sense of nationalism in the light of the fact that we are a very poor country.

With that Mr. Chairman, I want to move that 92.1 reads as follows: "*The Electoral Commission shall ensure that elections are held at times fixed and notified in advance to the public, provided that and in accordance with the provisions of this Constitution - (Interjections.)- provided that subject to the provisions of this Constitution, Presidential and Parliamentary elections shall be held on the same day.*" Mr. Chairman, I have the following reasons: -*(Interruption).*

THE CHAIRMAN: Hon. Dick Nyai, there is Hon. Hashaka on the Floor with a point of procedure, but I would like to tell Members that the Chair will not be very kind to interruptions. I think it is better to let people- but since it is a point of procedure we shall take it.

MR. HASHAKA: Point of procedure. Thank you Mr. Chairman. Mr. Chairman, I remember I and other Colleagues had moved an Amendment on a minority report on the elections of Members of Parliament and the President.

Members of Parliament, we suggested, should be elected first Monday of December, and the President first Monday of February. We stood over it that pending decisions here. Are we saying this is an Amendment furthest to what we had moved, or you will make a decision on ours first? I wish to know, Mr. Chairman.

THE CHAIRMAN: Which provision were you seeking to Amend?

MR. HASHAKA: This is when we were discussing Chapter - it was I think- article 130, I remember. Well, my Chairman, can help me. I do not have the documents around, but we stood over it.

THE CHAIRMAN: Hon. Mulenga, do you have any recollection?

MR. MULENGA: Mr. Chairman, my recollection is that the proposal to fix first Monday of December, for the Parliamentary election was debated fully and lost. It was not stood over.

THE CHAIRMAN: Okay, Hon. Dick Nyai present your Motion.

MR. NYAI: Thank you Mr. Chairman. Mr. Chairman, my first submission is in determining the nature of these elections. We should first address ourselves to the question of cost. I think the question of cost is important in that, bearing in mind that, currently our national debt is to the tune of 5.2 billion dollars. Which money, translated into Uganda Shillings, cannot be counted in Lugbara, because this is very, very much money, and I do not know when Uganda will be able to pay back that money.

I have also done some research, Mr. Chairman, I found out the following, which may be useful to Members here. If we were to hold presidential and Parliamentary elections on the same day, the projections from the Commissioner to the CA are as follows: Presidential and Parliamentary elections same day will cost this country 13 billion shillings. If on the other hand, Mr. Chairman, we separate Presidential and Parliamentary elections, it will cost this nation an additional 5 billion shillings, so that the total for that would be 18 billion shillings. If in both elections, there is a tie resulting into a by-election, this country will have to come up with an extra 4.5 billion shillings.

It is important to know that, in separating the elections, you are adding to the Bill, by about 30.5 percent. And I think it is important that we note, that these figures compare with the following figure of our government national wage bill. In 1994/95, the National Wage Bill was 89 Billion, in 1995/96; it is expected to raise to 125 billion. Now, if we can save 5 billion shillings, I would rather we committed that money to paying hard suffering civil servants.

But much more importantly, Mr. Chairman, how are we going to raise this money for the election? There are three possible ways, Mr. Chairman. One is to borrow from abroad which will add to our 5.2 billion dollar bill. The second, is that, we can raise the money locally, which has got two scenarios.

We can make all our savings, refuse to service our debts and pay anything on the principle, and run our elections which is another way of actually borrowing money from abroad with impunity. In that case, Mr. Chairman, when you borrow money with impunity, next time we go with our heart in hand to the Paris Club, they will say; "oh! these were the clever guys. Now, you go where you can get your money, we do not want to see you." I think that would be unfortunate for this nation. Besides, I am advised by a former Governor of the Bank of Uganda, that there will be a surcharge on default.

The second alternative is, we can say fine, we are going to hold all our projects, we are going to stop projects like the AIDS Control Programme, Harvesting the Deadly Water hyacinth, and projects on road maintenance; and all that will be to the cost of the Ugandan Citizen. I am not so sure that, Ugandans would like to pay that cost for the luxury of two elections.

Mr. Chairman, I have had argument that, two elections held on the same day, is asking too much of our people. The argument is basically, that our people are not very clever, but I would like to remind Hon. members here that, we are here because of the intelligence of the people of Uganda.

I believe they are intelligent, and they can identify between two candidates and 15 candidates.

I propose, that it would be a very simple matter to arrange the order of voting systematically. Members can take the ballot box for the presidential elections first, and then, collect a second ballot box, for Parliamentary elections and vote and stick their finger in the ink, and the exercise will be completed on the same occasion. If it necessitates running to the following morning, it is much better and much cheaper.

I suffer from a question of time allocation too. The majority of my voters and I believe the majority of Ugandans are peasants. They have time to listen to these candidates, then they have to take a whole day off, to go for voting. You say, you have voted today, then you go and come back two months later to vote again! The issue of apathy is likely to crop in. They will ask "why all this bother? Why didn't we do it at once? That is a possible scenario and I have believed that, we can save this country by arranging this thing properly, with organisations in place, like the Uganda Joint Christian Council and other non Governmental organisations which can go full out to give civic education to our people. At least to the extent of saving us the 5 billion shillings.

Lastly Mr. Chairman, when the committee on Legislature and committee 5 decided that the two elections should not be held together, I had consultations with a lot of people in and around Kampala and at home. The general feeling which is beginning to appear is that, oh, no! we think it will be only orderly, for us to hold these elections together, to avoid undue influence. For those reasons, Mr. Chairman, and for the good sense Members here have, I trust they will support this Motion. I beg to move.

MR. KITARIKO: Thank you Mr. Chairman. I believe it is obvious to me, and I am sure to many Members of the Assembly that, our budget since 1986, is financed externally. I believe also that, the Odoki Commission during the CA was also foreign financed. Because of the conditions of the World Bank, social sectors had not benefited from these funds, until 1993/94 fiscal year, when World Bank realised that, we hurt the public, if we did not finance social sectors. I believe, the priority is now secured in favour of agricultural research and extension, primary health care, primary and secondary education, clean drinking water, and rural and feeder roads. Because these provide the social economic infrastructure for development.

It would constitute a big saving, as the Mover has said, if we had elections on the same day, and try to get the services, to the social sector which need financing. I believe that would also create sustained development in the other sectors of our economy.

In order to enhance the process of levelling a political playing field for all, and to avoid interference to the electoral process, it would be ideal to hold elections on the same day. It will cost less, it will save time for the peasants, and it will be good for Uganda.

There are no complications on choosing those two candidates, because we have had experiences, where people could choose from 15 candidates. So, we cannot say, our Ugandans are not intelligent. They are very intelligent people. I believe to do otherwise would be selfish, lack of vision, and foresight. Mr. Chairman, I beg to support the Motion.

MRS. KULANY: Thank you Mr. Chairman. I stand to oppose the Motion. Mr. Chairman, if presidential and parliamentary elections are held on the same day, there will be total confusion in the country, and at the end, we shall have poor results.

I say this, because of the nature of our population. Most people are illiterate, and they are bound to get confused. They may not know whether they are for the president or for the Member of Parliament. Because of their illiteracy, this cannot be a smooth election.

Mr. Chairman, I plead to the House that, Presidential elections be held separately from parliamentary elections. Thank you Mr. Chairman.

MR. OKANYA: Thank you very much Mr. Chairman. I talk for the Motion. I believe we are all here to make a constitution that fits this nation. I do not see any reason why we cannot hold the elections for the president and the parliament on the same day.

If we look at our national resources we are a very poor nation. To save on the resources we have, we have got to be economical in whatever we do. I do not want us to assume that, Ugandans are very

ignorant people, or that they are very silly, to understand or discern what is good and bad for them. We should know that, these people can make a choice.

When we went for the CA elections, these people could differentiate individuals. From pictures they could tell who is who. From the campaigns which we assume both the presidential candidates and the Parliamentary candidates will hold. These people will come to know whom they want. I do not think there will be any confusion whatsoever. Members in this House, should take that very clearly. These people are sensible, they know what to do, and they will do exactly what they want to do when the time comes.

Elections held on the same day save this country a lot of confusion, and I would not like us to assume that, it will be chaos in this country. We are mature enough, we have been independent for the last 30 or so years. People know what they want and they will decide as long as they are well informed and well tutored on how to go about an election of that kind. Thank you very much Mr. Chairman.

MISS. NANKABIRWA RUTH: Thank you very much Mr. Chairman. Mr. Chairman, I would like to strongly support this Motion. Although we take our people to be very illiterate, it is sometimes our fault. I am very much sure if we carry out civic education very successfully, these people can vote correctly.

We have to educate our people on how to vote, we have to define, the voting areas too. If you are going to use ballot boxes, I mean we can put them in the same area so that when someone votes here, he continues or she continues to vote for the president the same day. I am afraid, if we separate these days, some voters may decide not to turn up, which may result in very negative results.

People who went through bye-elections might be in a better position to tell us of the secondary turn up. Some voters get tired of this everyday voting. It is their right to vote and not to vote. If someone refuses to vote, you are not going to take him or her to court. Mr. Chairman, I add my reasons to those who said that, this country is very poor for us to afford separate Presidential and Parliamentary elections. So, we should carry out elections on the same day. Thank you.

LT.COL.SERWANGA LWANGA: Thank you Mr. Chairman. Mr. Chairman, I think I will support this Motion, but I seek clarification before I can do so. We passed in the executive, that voting of the President will be in the first week of February. Then when we came to parliament, we said that, Parliamentary elections shall be 60 days before the expiration of the term of Office of parliament. Now, suppose this Motion goes through, do we have to amend that, or we leave it as it is?

The points raised by Hon. Dick Nyai are very, very clear, and in fact they would work for our interest as Ugandans. And it will also sort out this electoral fatigue as it has been pointed out by Hon. Nankabirwa. It would save us sums of money, and even control rigging. Because you see, if the President has been elected and he wants so and so to come in Parliament, he can throw his weight. So, I would support the Motion if clarification is made on those issues. I thank you Mr. Chairman.

MR. TIBAMANYA: Thank you very much Mr. Chairman. Mr. Chairman, I have sympathy for this Motion, I think it is brought in good faith. But, Mr. Chairman, I want us to realise that we will be electing the most powerful person in Uganda as President, it is my view that issues could be mixed up, between electing the most powerful person and Members of Parliament. I suppose the President will have a suggested programme and policy which he pledges he will implement if he is elected. It would be better if Members of Parliament were elected along lines that suggest that, they will go and support the programme of the President, or oppose the programme of the President.

Mr. Chairman, the Mover of the Motion, stresses the cost on this poor country. Very well and good. But if the issues are mixed up, and proper people are not sent to Parliament, even the 5.2 billion he is talking about will be doubled within three months, and it will go beyond 10 billion. If we do not send the proper people to oppose the policy or support the policy of the President, it will be of no good.

We would be saving more money, say if a presidential hopeful is saying that, he will borrow externally 5 billion within the next two years, and then, we Members of Parliament go and oppose saying "no, no! you cannot do this Mr. President." If, however, the issues are bungled up at the time of election, it may not quite clearly come out. So, in a way the

country is saving more, by way of holding two elections at different times. I oppose this Motion.

DR. MUGYENYI: Thank you Mr. Chairman. Mr. Chairman, whereas we are here making this constitution, we should put in provisions which we know that, at any one time, this country can afford, sometimes without the support of the outside world. Mr. Chairman, I am looking at a situation where, say after 5 years, hopefully if we are saying we have a referendum, within a period of one year, we are pushing our population into three separate national universal adult suffrage elections. I am looking at it in terms of whether this country can afford. So, Mr. Chairman, I am here to strongly support this Motion. *(Applause).*

I consider it very expensive to spend double the amount to achieve the same result. I do not know whether, Members who are opposing this Motion think that, it is worse to spend - double or triple the amount of money to achieve exactly the same result.

Mr. Chairman, some people say that the peasants are likely to get confused, but I would like to ask Hon. Urban Tibamanya as to whether he thinks people in Kashari can confuse him with the President when elections come *(laughter).* You think it is likely for them to confuse him and give him a vote as the President?

We should not really under rate our people. Our people are very clear, they know who is likely to stand for Presidential election. I want to call upon Members to realise that, our population is still young in politics. Come to December, you go for Presidential elections, our population will be divided along the presidential candidates. Before the gap is narrowed, and the wounds heal, you put in parliamentary elections, then the population is torn further apart in two different sections. Immediately after that, you push in another election for Chairman RC 5; then the women, the councilors and more follow. Don't you think we would do a service to our population to put these two national elections at the same time, and they are divided for once, then they come together when elections are over.

Some people here argue that the people will confuse the two, but in my simple mind, I think it is so easy for these people to ably vote if civic education is very well done by the Electoral Commission. It would be easy, when say people come on the election day, they are given two papers, they vote and then put them in two different ballot boxes. I do not see any source of confusion if the presiding officers are there to guide the voters.

I think, Mr. Chairman, let us look at future elections without the donors. Are we likely to finance the Presidential election, Parliamentary election and, referenda, in our budget by the year 2000? Are we likely to finance those three national elections. Mr. Chairman, we should not put in provisions where we know that we are always going to depend on the donors. We are making our country more vulnerable by making these provisions which are very expensive and which are only going to be funded by the donors.

I appeal to Members to look at this provision in all its sincerity and to look at the good intention of the provisions and support this Motion, very strongly. I thank you.

MR. MURULI: Thank you very much Mr. Chairman. Mr. Chairman, I think common sense should tell us that, we should go along with this amendment. It is a very good amendment; it is practical, and very good reasons have been advanced for it. We do not have a lot of money, besides, we are likely to have the election fatigue among the people who are going to elect. We are also likely to have donor fatigue in case we go out to ask the donors for money.

Much as there may be advantages, of having these elections on different days, I think the problem of having them on different days is far greater. Therefore, we should take this as a matter of common sense and have these two National Elections on the same day. Thank you very much Mr. Chairman.

PROF. NABUDERE: Thank you Mr. Chairman. I would like to support this Motion. The reasons are clear. I would like to emphasize that only one side has been mentioned; namely that, if the President is elected first, he may exert undue influence on the voters to vote for his favoured candidate for parliament. But the reverse also holds. If you elected parliament first, there would also tend to be some effect on the voters against the Presidential candidate who does not have a majority sympathy from voters or rather elected Members of parliament.

Therefore, there is influence in both scenarios; of the President being elected first, or the Parliament. I think the element of electoral fatigue of the electors should also be seriously taken into account. I know how tiring it was in the last elections for voters, and some of our areas of origin are mountainous that voters come down the hills to vote. Although, there was an attempt to put polling stations allover the place, it still was of inconvenience for many voters. We should take that into account.

The question of whether there will be confusion among the peasants because of a double election on the same day is not convincing. I think it is quite clear that, the purpose of civic education is to create a clear awareness on the part of voters, that they vote basing on the particular policies that a particular candidate has put forward. In any case, the Presidential election will be so distinct, that it cannot be confused by even the most humble peasant.

I wish to support this Motion and particularly emphasize the element of cost which is very, very serious as Hon. Dick Nyai has pointed out. Thank you Mr. Chairman.

MISS. WINNIE BYANYIMA: Thank you Mr. Chairman. Mr. Chairman, I fully agree with Hon. Dick Nyai about having elections concurrently. Mr. Chairman, the reasons have been well articulated.

The question of our sovereignty is also is also at stake here. If we have to borrow, and justify the borrowing, we must have good reasons for borrowing. Increasingly we must borrow less and less.

Before the donor, we are humiliated. I recall for many years when Hon. Kiyonga would come leading a delegation, to my diplomatic post, to borrow money for Uganda. He would be put up with his delegation in a wonderful hotel, he would be treated very well, but begging is begging. He would hold a ball for Uganda, and ask for some money from the International donors.

I think that, unless they were very good reasons for wanting to have elections on separate days, I would not like to see, our government before the donors, making an un reasonable demand and being humiliated for making that demand. Because the donors do not sit there listening politely, they tell you off when you present a demand that is not reasonable. I think that, we should stand proud and only beg when the demand is reasonable. I think, it is not reasonable to ask for money, to have elections on two separate days. Donor fatigue is a point that has been well made.

We have already passed an amendment, and rejected universal suffrage for the special interest groups. The special interest groups therefore, are going to have the elections on a different day, from the other Parliamentary elections, because their colleges cannot meet at the same polling station as for direct elections for parliament.

THE CHAIRMAN: I do not think that is correct, as a fact Hon. Byanyima, because we did not say that - and you are now presuming that, Parliament will not say they can proceed on a universal basis.

MISS. BYANYIMA: Mr. Chairman, if we have rejected universal suffrage for the reasons that I heard yesterday, I am fairly accurate to imagine that, the Parliament may also believe in those reasons. But you are quite right Chairman that it is for Parliament to decide.

However, should those elections be held on a separate day, that means that, to elect a Parliament and the President, we will have three days of elections not two. I thought the House should consider that as well. That is, having three different days for elections incase we have colleges for the special interest groups too. And I think that, that will multiply the figure even beyond what Hon. Dick Nyai was estimating. The voter too will have to come out three times, perhaps within the same month to cast his vote. Mr. Chairman, I think Hon. Dick Nyai's proposal is very reasonable.

My problem now is whether this should be in the Constitution? That is the question I have been asking myself. I ask myself because, whereas we see the economic reasons now and we think that we should not have elections on different days, because of economic reasons, and a few other reasons, can we tell what the future will hold? Can we know, what problem there might be in the way of having those elections together, in 20 years time? Can we not trust the Electoral Commission to make this decision administratively? Those are the questions I ask myself.

Mr. Chairman, whereas I fully agree with the reasons advanced by Hon. Dick Nyai, I have the feeling that, we should leave this decision to be made by the Electoral Commission not even Parliament. I think the Electoral Commission can be trusted to make a correct administrative decision with regard to elections. I thank you Mr. Chairman.

THE CHAIRMAN: I have heard 11 speakers, and 9 have spoken for the Motion, two against the Motion. Well 8 and half, because the last speaker was not very clear which side she was on. She began by being for the Motion, then caused a bit of confusion at the end. Now, can I hear from those who do not support the Motion, so that we balance our debate for a while.

MR. AMANYA MUSHEGA: Thank you Mr. Chairman. I have a lot of sympathy for the Motion, but I am afraid about the intentions.

When you discuss with people, this does not seem to be a permanent feature, but mainly for short term tactic advantage. The argument seems to be that - these are my views - if President Museveni will be elected, then we stand a better or bad chance when the Parliamentary elections are held shortly after. It is not reasonable as a permanent feature of our Constitution.

For financial reasons, why do we not hold elections for women, RC5 Chairmen, DRC Councilors, and RC 3 councils; since we are going to directly elect the Chairman of RC 5 of the District, we are going to directly elect the delegates from sub counties to the district and the chairman of the subcounty will be elected directly too? If reasons were financial, then all these elections would be held on the same day to save voter fatigue. The mere fact that these are ignored, to me, seems not to constitute a serious financial reason. The reason is the other way, short term tactic advantage at the next election.

Further more, the people who support this financial argument, were the same people who were arguing the we should have the Central Government, a regional government, and the district government. You cannot argue that, when you have 3 Pier systems, you will make it cheaper for the population. I doubt it very much.

The same colleagues walked out of the Committee 5, where this was debated. Was it cheap for the peasant, for the delegates to come and sign the register, hang around the corridors and go home in the evening? Were we not causing shortage of quorum?

We have also provided in the Constitution for a vote of no confidence in the President and Members of Parliament. Now, if we are beggars, before we vote, move a vote of no confidence in the President which will lead to an election 6 months later, are we going to go to Paris to find out whether they have the money, to support an election in the event that the president is removed? If the donors say they have little money, shall we keep a wrong president running Uganda, simply because the donors have no money to finance the following elections? That seems to be funny.

Now this business of beggars. This is what has annoyed me most. Originally I was sympathetic to Dick Nyai, but when they said, Ugandans are beggars; beggars, I am borrowing this idea from my friend Mbabazi who once asked, "who has become rich without borrowing?" If you borrow and you improve your assets, and you improve your financial position, what is wrong with that, as long as you pay back? Can you borrow when you are not credit worthy? So, if you borrow money, have a good election, nobody is challenging it, you have no people going to the bush, everybody is happy, and the economy prospers; and others do not borrow but end up with funny elections, you cannot even get ballot boxes, everybody complains of rigging, then end up with chaos after - who is better off in the long run?

More importantly, is this Constitution for this financial year, or for many generations to come? How can we determine now that, Uganda will be permanently a poor resource country? How can we make that argument? Unless if some members of this august House, have given up hope of ever prospering as a nation. We may be poor in 1996, but we who look around broadly, see many prospects. Prospects of industrial development, prospects of gold, prospects of oil, how can you sit here and you say because Uganda is not very rich today, 50 years from now, it will still be a building nation? This argument turned me most against this Motion, because it intended to tell future generations of Uganda that we are beggars, we will always be beggars, we will be permanently beggars, therefore, avoid democracy. And that cannot be supported.

More seriously, there was this confusion in Kashari Country, where one of our old colleagues died shortly before elections. And the dead body received more votes than some Members. If our population can vote for a dead person, can't you call that confusion.

Then we have passed article 112, that when the President is removed, dies, or resigns, we will hold elections within 6 months. Obviously, we shall not dissolve parliament if the election to the President is a year and half, before the expiry of parliament. What will happen then! Do we dissolve Parliament two years in advance simply, because we want to get the elections through. So, this argument really, should be left administrative. On this, I agree with Hon. Winnie Byanyima, that this question important as it is, should not be entrenched in the Constitution. It should be either left to Parliament at best or the Electoral Commission to fix, depending on the circumstances of the day. It may warrant holding elections separately, or jointly.

We should not sit here and bind hands of future generations which are Parliament and future Electoral Commissions, simply because we think the next election if the president wins, it will be advantageous to those who support him and disadvantageous to those who oppose. This will not be good for the country. And that, because we go to borrow and not to get. I want to change this attitude, it is not to get, it is to borrow.

Somalia cannot borrow now because it is not credit worthy, Uganda is credit worthy. When you go to the bank and the manager gives you a seat, and then asks, "do you have the title, yes I have mailo, Hon. Ssebaana Kizito would say, I have sure house. You borrow. Then the Manager would say, how much do you want? I give you 1.5 million because I trust you. So, we are borrowing, we are not begging. And we are borrowing and we are paying back. And we are borrowing in order to develop. And democracy is a good test for peace and peace is a good test for prosperity. Democracy is costly, and we should have it in a manner that is so clear. So, I oppose this Motion.

It should be left to Parliament, or the Electoral Commission to handle. And those who call our country begging country, and have no confidence in it, should not stand again. How can you be a Parliamentarian or a CA delegate for a begging nation, it is a shame. Me I belong to a nation that is credit worthy and that borrows.

I oppose this Motion and I see no reason why it goes through, if it is to humiliate our nation, that it is a nation of beggars. Even on that ground alone, it should be defeated thoroughly, so that those who believe in begging can go elsewhere, where they think there is better prosperity. Thank you very much.

MR. KANDOLE: Thank you Mr. Chairman. Mr. Chairman, I strongly oppose the Motion, for the following reasons. Mr. Chairman, it should be very clearly understood that democracy is not hidden. Democracy is very expensive and especially the kind of democracy that we have opted for.

I do not agree with Hon. Dick Nyai who says that, Ugandans cannot afford the luxury of two or more elections, because in the first place, I do not believe that, elections are a luxury at all. Elections are a right and we cannot call it a luxury. Mr. Chairman, if the question of expense was to be considered, since most of the Members were arguing on the economic aspect, then there are some Ugandans who are saying now, that there should not even be need for election. So, we would accept these Members wish and just do not hold an election, in order to avoid the expenses.

At the same time, if it is a question of avoiding expenses, then we should have gone in for a cheaper means of election. We should not have gone in for the ballot box, and instead opted for lining up to minimize expenses.

The question of donor fatigue and the rest of it, has been ably put by previous members. But I would also like to put out that, Uganda has spent so much money borrowed and spent much money on very useless wars. If we have borrowed and spent money on very useless wars, I do not see why Ugandans cannot go and borrow on this very important human right of having a properly elected government. Mr. Chairman, we have opted for a high breed, and high breed has given powers. We want a very strong President who stands on his own, elected by all Ugandans and at the same time, we must get a proper parliament elected by Ugandans through the prescribed means.

When I look at the way the Motion is presented, Mr. Chairman, I think that, we are more or less falling back to the tradition of having a party which goes through and automatically has its President or Chairman, becoming the National President.

In the final analysis, that is what it leads to. But we should be very clear on the system we have opted for, which I think is very expensive.

We should borrow a leaf from other democracies by looking at how they carry out their own election. These democracies hold separate elections. I do not see why we are in a hurry to make experiments when we are just starting, given our turbulent history. These people have had democracies for so many years, but have continued to hold separate elections.

Mr. Chairman, it is true I do not want to under-rate the capacity and the capability of our own people. But judging from the past election, each person should consider, and look back at what happened during these elections. First of all, there were so many votes wasted, not because the people are that ignorant, but at the same time, it proved that they were a problem. You may have seen some communication by one of the contestants during the CA election, Mr. Okumu Ringa in Padyere County circulated a paper why he contested the election result, and I think he even appealed to the courts of law, saying that he lost because his portrait came number two instead of being number 1. I do not know whether it is correct or not. But that argument shows, that by the fact that, his picture came number two instead of being number 1, the people got confused, they could not identify between the person - to read the picture together with the name. This indicates, that we still have a problem among our people, so if people have to be helped in my opinion and understanding, Mr. Chairman,we should have separate elections, and let us bear the expense because we have gone in for a very expensive democracy. There is no other way, Mr. Chairman. I strongly, oppose the Motion.

MR. RWABIITA: Thank you very much Mr. Chairman. Mr. Chairman, I oppose the Motion for the following reasons; I want to say that, there is a funny statement about cost, where the cost of elections has been taken as paramount in deciding the fate of Uganda. Mr. Chairman, I would call this a blackmail, because Ugandans, have been borrowing for the last 9 years in this government -*(interruption)*- Mr. Chairman, can I be protected.
I am trying to use the current situation. We have been borrowing money to do various things for our nation. Today, we are coming to a point where we want to have proper democracy by electing a new government, a new parliament, and also other councils that will help the democracy of this country to prosper. So, when we talk of cost as the most important thing in getting our democracy in Uganda, I think we are blind to the facts of the matter.

Even if it was expensive to have two elections, one Presidential and the second Parliamentary, it is worth the cost, because we are starting on a fresh ground of democracy. Therefore, the cost of course should not take our time to discuss, but we must use money for the best purpose, for our future development, our future democracy.

Mr. Chairman, somebody talked of efficient civic education, I think this is a wishful thinking. Last elections, we had so many months of civic education and you saw what happened. Now, if we fail to get the civic education to the grass roots to do the right thing during the elections, what will happen when we have got two systems of people we want to elect in this government? Presidential candidates stand for specific objectives, and functions, Parliamentarians on the other hand, have various functions too and therefore, combining them would be confusing our people. We should get our people clear. Let them decide on the President, and let us all decide on the Parliamentarians at the various stages of these elections.

With our over 55 percent illiteracy record, I do not think an old woman who was confused during the recent elections, by putting her thumb either on the nose, or even outside the box, will be able to distinguish between Presidential candidates and then down you go to Parliamentarians. This will confuse her more and eventually, we shall get messed up elections. If you get messed up elections, those results will be even more costly, because they will not represent a decision of our people.

Mr. Chairman, let us not take things for granted that, by having these elections on the same day, we shall have good elections. I oppose this motion, because it is very unpracticable and unrealistic. Thank you Mr. Chairman.

MR. SAKWA: Thank you Mr. Chairman. First Mr. Chairman, I will ask you to protect me from Hon. Mulongo. He wants me to speak as he wishes.

Mr. Chairman I support the Motion, and I am surprised by Hon. Delegates who say, democracy is very expensive, and therefore, you must do everything.

AN HON. DELEGATE: Point of procedure. Mr. Chairman, you had indicated about two speakers before this one, that you had wanted to hear people who were opposed to the Motion, since you had several for it.

THE CHAIRMAN: No, there is no problem. I am following the trend of the debate. And you are about three speakers, who have spoken against the Motion. And it is not possible for us to have one side continuously. I think we are here to make it a debate, and that is why I shifted slowly to one side.

MR. SAKWA: Thank you Mr. Chairman. I would like us to look at this Motion, considering all the aspects affecting the decision we take.

Hon. Dick Nyai elaborated on the issue of cost and I agree with him. Many people have touched it and I do not have to repeat. But there is an issue of the real democracy which many delegates are talking about. What is so democratic about that other election, which can be influenced? What democracy are you talking about? If I am standing here as a Parliamentary candidate for Bunkhoko South, and I support candidate X for Presidential elections, even if I do not want to say it, the people who want to vote me in Parliament will ask me, "who is your Presidential candidate? Then I will be forced to say it. Now, once I have said that, and you hold elections and that person loses, I have also lost my election. Is that democracy? Not at all.

You may want X to be your President, but you want Y to be your MP. So, if you are going to have the President elected first, and because you are playing on the ignorance of the people, you begin saying, if you elect Sakwa, he will not be a minister, so why do you bother? I am thus decampaigned and my actual personal merit is lost, because the person I supported for Presidency has failed. That to me is not democratic.

Mr. Chairman, those who think that, holding a Presidential election before Parliamentary election is good, should look at the situation where a certain area votes candidate X, then they develop what we call cold feet, because their candidate has lost for Presidential elections. You go for the Parliamentary elections and these people say, "why should we waste our time voting?" You end up in a situation where you have a very low turn up of electors, or in some cases even a total boycott of elections. It has happened in Burundi next door. Why don't we, therefore, if we are democrats, want to be seen to be democrats by having an election whose results will automatically tell who is a President and who is MP without undue influence. Unless some of us want to ride on the back of the winners. But if we want to be democratic, please stop this idea of saying, I want to know who the President is first, so that I become an MP.

I will look at Hon. Tibamanya's proposal that people should campaign telling whether they are going to support a given President or not. How do you know what the candidate will do after he becomes President, besides this implies that you would create a puppet Parliament, because MP's will win only because they are going to support the person who became President.

You form a puppet parliament, and call this a democracy? I think that is the waste level of democracy. Hon. Amanya Mushega even said, that we have to do what? That we have to borrow in order to be rich. He says 'who has never borrowed? Who has become rich without borrowing?' I want him to tell me who lent the first lender of money. From whom did he borrow, so that he can lend others?

There are people who work hard and get rich *(Applause)*. I know many Ugandans who are rich, but they have never borrowed any money. And I know many people who have borrowed money and failed to pay it. They have used it in a wrong way. So, there is no guarantee that we should continue borrowing money, to sustain elections which will be indirectly rigged because of undue influence of one election after the other. I am yet to see this continuous group of people becoming rich because they have borrowed.

Records show that each government which comes decries the bad borrowing habits of the previous one. If borrowing was to make Ugandans better, we should have stopped borrowing now. We started off as a rich country after independence. We now seem to continue to borrow and borrow. I have no sympathy with anybody who wants us to borrow money just to duplicate elections.

Mr. Chairman, fellow delegates, I appeal to you to consider this in reality. If you say you are a democrat democracy should be practiced at all levels. Let is be transparent that so and so won an election. Let us not wait to ride on the back of Presidential candidates. I thank you.

MR. ELLY KARUHANGA: Mr. Chairman I thank you. When this debate started it was obvious that it had merits that deserved our serious considerations. As it progressed, I found out that almost all of us one by one have vested interests in this debate and it worries me whether we have the moral authority to pronounce ourselves on this question. I found out that if - and I will seek the indulgence of the House to allow me to single out some names just as examples. Taking the case of Hon. Amanya Mushega, with permission, if we hold the elections of the President on the same day, he stands to benefit or gain. Let me take the case also of Hon Lagada. If we hold elections on the same day, or after, she stands to gain. For Hon. Karuhanga, the same situation. Therefore I see a problem on our moral authority to pronounce ourselves on the timing of the elections.

I find that if I campaign in my constituency saying that if you elect me, I shall remove President so and so or I shall remove system x, y. and that President is elected and Parliamentary elections are held after that, My constituents are likely to call me a liar. "We sent you there the other day, now you have gone, you will not bring any benefits to us," they charge. Therefore they are likely to elect someone whom they think is working closely with the President who has won the election or vice versa in case you hold Parliamentary elections before.

Morally speaking, I find it very difficult on our part to go on and pronounce ourselves on this motion as proposed by Hon. Dick Nyai since we have interest ourselves as delegates, politicians in the CA with an eye to becoming Members of Parliament and supporting one President or another.

I, therefore, recommend that the Electoral Commission which we have all decided to be the judicial body pronounce itself on the day of the elections; if it wants to hold the elections on the same day, so be it. If it wants the elections of the Parliament to be before President, so be it. If it wants the elections to be after, so be it. But for us, with vested interest, we shall be morally judged by the public to have vested interest in this question.

I call upon Hon. Dick Nyai and all others who have not seen this to see it and if we are really making a constitution for the people of Uganda, for generations to come and for fairness and for democracy, I appeal to Hon. delegates to see this serious moral question on ourselves. Mr. Chairman, I want to end there so that I do not spoil this point. Thank you.

MR. MWONDHA PATRICK: Mr. Chairman, I thank you very much especially to allow me to speak soon after Hon. Karuhanga, because that is precisely the point. We have in this Constitution separated Parliament from the Presidency and we are saying that a simultaneous election will further that objective because a simultaneous election will ensure that one result does not depend on the other. It will ensure that one result does not affect the other.

Now what Hon. Karuhanga seems to suggest is that we should actually let it loose, so that one result can affect the other. In effect we will be diluting our very objective of separating these two institutions. Mr. Chairman, some people have handled this matter of borrowing with a lot of carelessness. Every cent we borrow, our grand children will have to pay. We cannot afford to borrow with irresponsibility. We must borrow responsibly.

There is what they say in banking that one can be given a character loan. I think this should be treated as a character loan. No-one should lend one who seems to be careless in the form as Hon. Amanya Mushega seemed to indicate.

Mr. Chairman, this matter is fundamental. It should not be treated like it is less Constitutional than all the other issues we have handled. Those who say we should leave it to the Electoral Commission are missing the point. It is as fundamental as the institutions we are creating. It is as fundamental as the elections themselves and I think it should be seen in that light. Thank you very much.

MRS HOPE LUBERENGA: Thank you Mr. Chairman. Mr. Chairman, I strongly oppose the motion. I am concerned about the issue of our country being poor. It is true we are poor but then what the proponents of that argument are forgetting is the level of illiteracy of the people of this country. 60 percent of the people of this country cannot read or write.

We have an example of happenings in the last elections Mr. Chairman. About a year ago, we had elections to come here. I will take my personal example. When going around during the campaigns, the problem started. I would stand up and

go to Igara east and say I want a vote. The people of Igara east would say, no thank you Hope, we are voting for Amanya Mushega. I go to Igara west, they say oh! no, thank you, we are voting for Kabwegyere. Then I would have now to start explaining the difference between my votes and the men's votes and that was at that level. Imagine us now campaigning simultaneously for Presidential and Parliamentary elections!

Another problem arose at voting time. We had very many people for each seat. As Hon. Amanya has pointed out, we had cases where we had thumb prints outside the box and that is on only one ballot paper. Now imagine we have our poor people who cannot read or write, they are therefore going to depend on pictures which pictures they cannot differentiate. We had cases whereby we had people who had to go and put on - sorry to quote my army Colleagues - but they had to put on the army uniforms in order to be differentiated from the other people who were standing in the same area. That is the level of illiteracy of the people in this country.

This means that our people can hardly tell the difference between the pictures, and these are the people you are asking to go on the same day to differentiate between Presidential candidates and then go to another box, try to differentiate between Parliamentary candidates. I think that will cause more confusion. It is true we have no money but then as somebody before has already put it, democracy is not cheap. We do not want to have a wrong decision and then have to go to war or to have to go back to elections in order to correct a wrong. It would cost more Mr. Chairman.

Again Mr. Chairman, on the issue of cost, I remember yesterday the people who are now standing up and saying they want elections on the same day were arguing for women going for universal adult suffrage. Would it be cheaper then? So if we are going to be honest, it is not a matter of cost. They have other motives which they are driving at. The very same people were opposed to the issue of lining up. If we want it to be cheap, let us go back and line up.

When we proposed that last time for women's elections, though it was an Electoral college, they said there will be undue influence. Mr. chairman, we have heard about undue influence, but I personally do not see anything wrong with having somebody identified with a Presidential candidate. We have subjected many of the Presidential functions to Parliament. Why should we take a risk of having a Parliament that is permanently going to oppose whatever the President brings just because we are talking of democracy?

Other people, like Hon. Sakwa said that it would not be democratic if we voted on the same day because of undue influence. Is Hon. Sakwa and others telling us that developed countries which hold elections on different days are not democratic? Because it has been their song that those westerners are democratic and yet when you sit down to look at their systems, most of them, if not all of them, I am not sure have elections on different days. Are they undemocratic?

Then this talk of election fatigue, and subsequent low turn up for Parliamentary elections. On that issue, the very same people have gone out to argue that our people are understanding enough to know what they are doing. Now those same people who understand should be able to know that a Member of Parliament is supposed to develop their area. Therefore why should they not turn up to vote for her or him on a different day? That argument does not hold either.

In short Mr. Chairman, I am strongly opposed to this argument of poverty. We should consider illiteracy before we consider poverty. We should consider what we are aiming at. We are aiming at a stable country. We cannot have development without stability. Therefore if we are talking of poverty, the only way to get out of poverty is to aim at a system that is going to enable us to develop, and Mr. Chairman, that means giving our people a chance to make choices on different days for Presidential and Parliamentary elections. Thank you Mr. Chairman.

MRS. EGUNYU: Thank you Mr. Chairman. Mr. Chairman, I have listened to all the merits given by the proposers of the motion and those who are supporting it. But I find a very big problem with it because yesterday, the Constituent Assembly passed that women will be elected by Electoral College to be determined by Parliament.

HON. MEMBERS: No.

THE CHAIRMAN: What was passed was that Parliament will determine the mode of election.

MRS. EGUNYU: Yes, if Parliament determines the mode of elections and Parliament determines an Electoral College, then we run a risk. If you are going to have other Parliamentarians elected by adult suffrage and others are supposed to be elected by an Electoral College, is it really possible to have these elections running concurrently? We must know that there is a time limit within which people are to vote. And also there is a likelihood of confusion arising as to who is actually a member of the Electoral College and this may beat the prejudice of the women. Even the youths and workers' representatives may be elected by an Electoral College.

What provisions are in place in such an event? If we are going to have all these elections in the same day, then the women stand to be prejudiced especially if Parliament does provide for an Electoral College.

So my appeal would have been to the movers of this motion to provide that elections may run on the same day provided that where elections are by an Electoral College, then such elections will be held on a different day. That is the problem I have in this. Thank you Mr. Chairman.

MR. TIBERIO OKENY: Mr. Chairman, thank you. Mr. Chairman, sincerely speaking, I did not want to participate in this debate because I thought it was so simple a matter. I thought that any reasonable mind in this hall would have decided for the right thing and the right thing is to vote on the same day to save the country of its borrowing syndrome, which is killing the country at the moment Mr. Chairman.

Every time our President has to fly, take night travels, flights in order to go to beg for money and here in this House we have experienced the difficulties of probably sometimes feeding ourselves because of shortage of money. If the donors have not yet released a certain amount, here we are finished, we are dying of hunger. But Mr. Chairman, I am trying to answer my Friend Hon. Amanya Mushega who appears to be the Minister of Education. *(Laughter)*

THE CHAIRMAN: Hon. Atwoma is right because we have no Ministers here. So hon Amanya Mushega appears to be the Minister. *(Laughter)*.

MR. OKENY: Well Mr. Chairman, thank you very much for that correction. I would like to say like this that the prolonging of this debate now started from his contribution. I do not know whether he has read the text of this motion or not, or he is just doing it purposely to safeguard certain hidden agenda. Because here, the motion is asking this House to provide for Presidential and Parliamentary elections alone. But in his contribution, he brought in the question of women election, the district council elections and whatever elections in the world, in order to just confuse the issue here at stake and I think he has very successfully done so. That is why the House is now confused.

Mr. Chairman, he also talked of posterity that we are to continue borrowing so that our posterity will also inherit the borrowing system or syndrome not knowing that if we minimise, we are more economical, not to go on borrowing just because we want to borrow. Mr. Chairman, when we are debating this, sometimes we debate a very painful point of why we the Hon. Members here cannot be able to see the right thing at a glance.

If I am to answer Hon. Elly Karuhanga, he talked very beautifully about morality, but then he was there hiding behind morality in order to introduce immorality. I cannot agree with him when he says he is basing his argument on moral grounds. Mr. Chairman, this direct combined election of Parliamentary election and Presidential election clears all the immoralities that is to be hidden with it because if we are to favour as somebody has already reasoned here, to go for Presidential election first other people would ride on the back of the President. That is already the case of immorality.

If we are to have Parliamentary elections first, then the Presidential one there after the Members that are elected will be so influential to the general public and this will not allow them exercise their own right to elect the President for the country. So, I cannot buy it that argument.

And about the supremacy. Mr. Chairman, here we are making a Constitution, but some people say we should postpone this and give it to the Electoral Commission or to Parliament to do it. Who is greater here? I think it is this body that is now making a constitution of the country which is better and greater and it is Supreme. I think it is for this Constitution to state very clearly how we want our electoral system to run. I think, Hon. leaders,

because most of us are leaders in our respective areas, we have come here to safeguard the interest of our people not only politically but also economically.

I, therefore, call upon all Members here to support this motion for the good of Uganda. Thank you Mr. Chairman.

MR. SAM KUTESA: Thank you Mr. Chairman. Mr. Chairman, it seems to me that we are focusing or trying to make a constitutional provision only focusing on the next immediate election. I find this a very strange way of looking at a constitutional provision. I think this is regrettable and I would call upon Hon. Members to look beyond the immediate coming elections.

Many Members have said that if the elections are held on the same day, then certain candidates will not suffer from not having supported the Presidential candidate who wins, and that if they are held on separate days, those who support the Presidential candidate that has gone will have the election influenced in their favour. That is an argument that can only be available in the present circumstances.

I would assume that if we go into multiparty system everybody would want to identify himself in good time with a particular Presidential candidate. Whether he is winning or not winning. Therefore the question of saying that the candidate you support will influence the result of your election is absolutely true. If you choose to say I am a Member of this party, like I did in 1980, I had to declare who my Presidential candidate was and it was well known long in advance. I do not know what people should fear about it today.

Secondly, Mr. Chairman, if you have four or five Presidential candidates in future all of them leading their parties, because I would expect that a leader of a party ought to run for Presidency, otherwise, I do not think he would be any good for that party. Now these elections are held on the same day and only one of those candidates can be elected. So the leaders of all other parties have no opportunity of becoming Members of Parliament. Is it really fair that one Presidential candidate wins with 51 per cent and the next one gets 49 per cent and does not merit a seat in Parliament to lead his party in opposition?

MR. OMARA ATUBO: Point of clarification. I am seeking clarification on this issue of four or five Presidential candidates contesting. Definitely only one person will win and the others will miss and not only miss the Presidential election but also the Parliamentary election. I wanted the Hon. Member on the Floor to clarify to me whether there is anything in the constitution which bars a Presidential candidate in case the election is simultaneous from also putting his name down for Parliamentary election.

THE CHAIRMAN: Order, order. That is a genuine question because The Constitution does not, so far the draft does not say that will be the case.

MR. SAM KUTESA: Mr. Chairman, there is nothing in the law or in this Constitution which we have so far provided that would bar a candidate of a party standing as a Member of Parliament at the same time. But can you imagine how you compound the confusion that you have been talking about! In one constituency, a man is standing as an MP and standing as President at the same time. If we are talking about confusion, then really that will bring the confusion to its most absurd limits.

Mr. Chairman, the history of this country is replete with examples where leaders of parties were not able to lead those parties in opposition in Parliament. This was true for Democratic Party in or after 1962 election. The consequences were very disastrous for the Democratic Party, when the leader of the party stayed out of Parliament and the leader of Opposition came from among the Members. That I know. Mr. Chairman, I am saying, let us not address this question with only the next election in mind.

Take the other scenario Mr. Chairman at a polling station where there is an irregularity. Is it possible that there could be an irregularity at a polling station only in respect of a Parliamentary election and not in respect of a Presidential election at the same polling station? And if indeed those irregularities affect both elections, it would therefore mean that every petition against an elected Member of Parliament would be also a petition against the incumbent President.

Mr. Chairman, you can see the confusion it brings about. I do realise and do appreciate that it is possible that in the next election, there may be a

front runner in this election and people are of the view that if this front runner wins, he will jeopardise the chances of Members of Parliament. But that is only for once if it is true at all, and I think it will be a sad thing for us to incorporate into our Constitution a provision that will make it impossible for Presidential people not to make their contribution in Parliament for a complete five years.

I would also want to add that there is nothing inherently or sanctimonious about having elections on the same day or on separate days. The system we are evolving today is a mixture of many different systems. We have adopted the Presidential system and we have also mixed it with a Parliamentary system.

In the Parliamentary system, as in the United Kingdom, the leader of the winning party emerges as the Prime Minister and so when the results are announced on the same day, you emerge as a leader of your party and therefore a Prime Minister. On the other hand, in a Presidential system like in yet another very democratic society, the United States of America, Presidential elections do not happen on the same day as the elections of congress, as the elections of senate. As a matter of fact, the an incumbent President does not necessarily influence society on whom they vote into congress as is the example today between President Bill Clinton and the Republicans who now control congress for the first time in 40 years.

Mr. Chairman, a similar example where you have a Presidential system, is France, where you can have a Parliament that is completely conservative and you can have a Parliament that is-

DR. KAWANGA SSEMOGERERE: Point of information. Thank you Hon. Sam Kutesa. The point of information I want to give to you is with regard to the elections in the United Stated of America. We know they have Presidential elections, they also have elections to both the Senate and the Congress on the same day. But you are only making an exception of the mid-term elections, those which take place two years after the Presidential election for Congress only. But they have a general election of the President, Senate, the Congress on the same day. *(Applause)*

MR. SAM KUTESA: I am grateful to Hon. Ssemogerere and I continue always to be. But I must be mistaken. Recently there was half of Congress which was elected. Whether by what name you call it, a rose will smell as sweet. Whether you call it mid-term, whether you call it same term, it is a fact that part of Congress is not elected on the same day as Presidential elections. Does this make half of the Congress that has just been elected, has it been elected undemocratic? That is the only question I am posing.

There is nothing sanctimonious about having elections on the same day and we are saying if the President dies in office as we have provided, Or he is impeached, how long does the new President serve? What term does the new President serve when you have a whole election? Does he not serve five years?

MR. MULENGA: Point of information. Mr. Chairman, I want to inform Hon. Kutesa that in respect of a death or resignation or removal of the incumbent, there would be a period of not more that six months of an acting President and thereafter an election, and the one who comes in would run for more or less than five years to make sure that we come back to anniversary day.

MR. KUTESA: I thank you Hon. Mulenga for that information. The point I want to make is very simple. If in the next term, the President is impeached two years after the general election, so we have to have an election two months from the date of his impeachment. If he runs for more or less than five years, clearly Parliament will be dissolved before the end of his term. Is that not an arithmetical statement? I am not very good at this subject but I would think, that clearly the next election of Parliament will be held prior to the end of the new term and it will not involve the President and so it cannot be on the same day.

I will not add much Mr. Chairman but I thought I should raise these pertinent issues relating to a motion of this nature. I thank you.

THE CHAIRMAN: I can see there is still a lot of interest on this matter. Should we go for lunch and come back? Okay, let me allow a few speakers.

MR. BEN WACHA: Thank you Mr. Chairman. Mr. Chairman, Sir, as I indicated, I will speak for the motion. Let me start by clearing some legal contradictions that the motion seems to have raised.

Mr. Chairman, Hon. Lt. Col. Sserwanga-Lwanga raised the issue of article 92 clause 2 which provides for elections of Parliament under certain circumstances. He asked how this would be reconciled to the fact that the election of the President is supposed to be held on the first Monday of February. Mr. Chairman, the provisions of article 92(2) will have to be drastically adjusted to run side by side with a provision that we have already made in respect to elections for the legislature.

At the beginning, Hon. Kutesa has said that he had received certain proposals from the technical committee to take care of this matter. But I thought I should raise the issue and inform the House the committee two proposed and that proposal was accepted by the plenary that there shall be only one day or date for election to Parliament. The other issues like the dissolution of mid-term Parliamentary term was not catered for under the recommendation of committee two and that recommendation was already accepted by this plenary. Therefore, the issues which have been raised under article 92(2) should no longer be an issue under this discussion.

Questions have also been raised as to what happens if the President dies mid-term, whether in the course of the death of the President, Parliament should also of necessity have to be dissolved. This matter has been clarified by Hon. Kutesa, but in respect of this motion, I want to say that the motion subjects itself to provisions which have been made under this Constitution.

As all lawyers know, subjecting a provision to other provisions of a law indicates that law will have to be read together with other eventualities which have been provided for in that law. What I mean here is that if this particular motion is passed, those other circumstances which might be raised, which might necessitate the election of the President mid-term will be catered for under the provisions that have been made.

Coming back to the amendment, I think it is wrong for anybody to think that this amendment is made to cater for the next general elections only. That this motion is being brought because of the fear that the election of President Museveni to the Presidency will prejudice the election of candidates who want to participate in Parliamentary elections is unfortunate.

According to me, this motion is brought as a matter of principle. The principle is that every effort must be made by every leader to safeguard our natural resources. This is a principle which we as leaders must uphold, whether we are discussing national issues today or in ten years to come. Whether we become non-beggars tomorrow is irrelevant, because even then, we must still continue watching our costs. We must still continue watching our spending. I have heard recently that America is trying to cut its spending as of date. I wonder who we are to think that if we suddenly become billionaires tomorrow, we can start spending as and how we wish without thinking about our cost. The matter of cost will still continue to be with us, whether we are billionaires or whether we are beggars.

I cannot think the matter at issue is arises because of the next elections, because nobody can say I will be there tomorrow to participate in the elections. I cannot even think and say with certainty that President Museveni will be a contestant of the elections tomorrow. I think the matter at issue, is on the principle of upholding democracy, equality in all our elections, that everything must be done and seem to have been done that we have held a free, fair and unprejudiced elections. This applies, whether we are going to have elections tomorrow or whether we are going to have multi-party elections.

Hon. Kutesa says if you are going to have multiparty elections, then the issues of influence of elections by a President who is elected does not arise, but I think this is not true. While in multiparty elections, you have people who have identified themselves with parties, you still have a big group of voters who have no parties, people who are called *-(interjections)-* no, not movement, certainly not. People who are called in the electoral language floating voters.

These floating voters generally are more numerous than those people who have identified themselves to political parties, and these floating voters are the ones who always swing the elections one way or the other. These are the people we are taking care of, not to be unduly prejudiced by elections which have taken place before Parliamentary elections.

Next Mr. Chairman, we must also recognise that if we intend to have meaningful elections, then we must take into consideration, whether we are going

to hold full participation of voters or not. There is no point in having an election which is going to be generally ignored by the voters, because they have been inconvenienced a number of times and they are bored and tired of elections. We must make sure that if we are going to have a national election, that everybody who can must participate in that election. We must therefore take into account voters' fatigue.

Lastly Mr. Chairman, I am amazed that this House has been subjected to the issue of illiteracy of our people. Our people are so illiterate that they cannot identify photographs, that they are so backward, that they cannot see whether Ben Wacha wants to be a President and George Kanyeihamba is a Parliamentary candidate. This is a fuss. With the presence of assistant returning officers at each voting station, there is no way in which an assistant returning officer is going to give a voter a ballot paper which is meant for the Presidency to be put in the box which is meant for Parliamentary candidate. No way. It is not possible.

Mr. Chairman, Sir, I beg this House. I raised this motion at a time when we were discussing the legislature, with very, very good intentions to this country. This is the only way you are going to have meaningful cost free, cost reduced and democratic elections in this country. I beg to support Sir.

MR. AMAMA MBABAZI: Thank you Mr. Chairman. Mr. Chairman, I beg for your indulgence to allow me to raise a procedural question and depending on your ruling, to allow me to give my opinions on the motion. As a matter of procedure, rule 48(17) says that any amendment which is inconsistent with any article already agreed upon contravenes the provisions of this sub-rule.

Mr. Chairman, this plenary session has already passed article 112 clause 2 which says - if I may, I will read it. *"Not withstanding the provisions of clause 3 of article 106, elections for the President under this article shall be held within six months after the death, resignation or removal of the President."* Clause (3) reads *"No elections shall be held if the residual term of the President is one year or less."*

What this means, therefore, is that if for instance there is an impeachment or death or something like that befell the President, say three years after his election, then by applying these provisions we are bound to hold another election for the President. The new President elected will hold office for five years. Mr. Chairman, assuming that the first election was held around the same time, that would mean that at the time when you hold the new election for the new President, the term of Parliament will not have expired by two years. This renders it impossible for the election of the President and Parliament to be held concurrently.

I want your ruling on that. If my interpretation of the articles we have passed already is correct, then this motion would be incompetent because it would re-seek to reverse those decisions.

THE CHAIRMAN: You are saying that under sub-rule 17 of 48, the motion now before us is inconsistent with the proposition that special elections may be held, not in the regular manner, but to fill the vacancy. What I can see is that you would have to synchronize them if you pass this motion. You will have to synchronize these provisions at the reconsideration stage. This one was looking at a normal election coming by rhythm.

The other one provides for special occasion which we cannot really say for certainty. It may happen, it may not happen. Now, you may want to provide that the new President serves only that much of the term left in order to fall in line with the new situation on the date which you have fixed. So it is a question of synchronizing really. I think you should go on to make your case. *(Applause)*

MR. AMAMA MBABAZI: Well Mr. Chairman, of course I respect your ruling naturally. Mr. Chairman, I hope that the legal and drafting committee of course will synchronize if we passed this motion without changing the substance of what we have already passed, and without coming back to the plenary session or this Assembly to take a decision. I would invite them to consider what I have just said.

Mr. Chairman, many points have been made by my Colleagues against this motion. I just wanted to add a few. There appears to be a very, very strong fear and this fear is shared by all who spoke because I never heard anyone making this point that this country cannot afford five billion shillings to hold an election. Who said? Mr. Chairman, it is true that we borrow. Hon. Amanya has made that point. I do

not want to repeat what he has said but I would like to remind Members that as we borrow, we improve our capacity to meet the cost of running this nation.

I can see that some people do not have the facts on this point. I would like to remind Members of this Assembly that in 1988, we used to collect 11 billion shillings per month as revenue, that worked out at 122 billion shillings a year. By 1991, we had improved to 16 billion shillings per month.

As we speak Mr. Chairman, in this Financial Year, we have improved our revenue collection to 50 billion shillings per month, which works out at 600 billion shillings a year, and as the Minister for Finance said in his budget statement, the next Financial Year, government expects to meet 65 per cent of all the costs of running this nation.

MR. BYAKIKA: Thank you very much Mr. Chairman. I want to inform Hon. Amama Mbabazi that inspite of the revenue increasing to 50 billion shillings a month, government has had to take steps to retrench civil servants because they cannot afford to maintain the wage bill.

MR. AMAMA MBABAZI: Thank you very much Mr. Chairman. I really think I do not need to comment on that one. Mr. Chairman, what I am saying in short is that it is obvious from this improvement of our revenue collection as a State, following the borrowing that proportionately our borrowing goes down as our capacity to collect revenue improves.

Still quoting from the statement by the Minister of Finance and Economic Planning in his Budget Speech this current Financial Year, he told us that he expects at this rate of revenue collection, that by the financial year 1997/98, Uganda will not depend on any borrowing to meet its budget. So, for anyone to say that we cannot raise 5 billion shillings to run an election, is obviously exhibition of ignorance of this trend of things.

The simple point made by many members is that this is not a constitutional matter, because the situation will change according to the conditions of the day. I would expect any responsible Government and I hope we are going to have responsible Governments after this, would be interested in cutting down costs. I would expect any responsible Parliament or Electoral Commission to have arrangements that will be costeffective, and minimise costs.

Why should we assume that the coming Parliament or the Electoral Commission will not be rational enough to cost effectiveness? Mr. Chairman, since it may be difficult to synchronise these days, as I have said, and as Hon. Kutesa demonstrated, I think it would be better to leave this matter out of this Constitution. If we heave it in this Constitution, it will be difficult to change it in order to change circumstances that may arise, to Parliament or to any administrative arrangement, to ease the election process. The point about influence raised by Hon. Sakwa, I think has been answered by Hon. Kutesa very well.

What is an election about? I thought an election was about influence! It is strange to me, for any one to say, that influence should be kept out of an election. An election is about nothing, but influence, competition of ideas, the one who influences the greatest people, wins the day. Mr. Chairman, Hon. Amanya raised a point which - *(Interruption)*

THE CHAIRMAN: Hon. Obua Otoa, I have not been very keen on interruptions, but what is that very pressing issue?

MR. OBUA OTOA: Thank you Mr. Chairman. While I agree with the Speaker on the Floor, that elections are about influence, would he mind considering that undue influence should not be encouraged?

MR. AMAMA MBABAZI: I agree entirely. Undue influence should be discouraged and we can have a definition of that.

Mr. Chairman, Hon. Sakwa raised another question which from the response of the audience, received approval. He asked, 'who lent the first lender?' Mr. Chairman, who does not know the history of capital accumulation? I would like to inform this House and particularly Hon. Sakwa, that one very well known, International Bank was started on the profit accumulated out of Slave trade. Who does not know that? *(Laughter)*

THE CHAIRMAN: I am not going to allow alliterations. Please go on to the next point.

MR. AMAMA MBABAZI: I know this is going to be the first election of the President of the Republic of Uganda through adult suffrage, the first ever. This is going to be the first election on universal adult suffrage basis for district leaders

and of course, we expect that this will be the first free and fair general election to be held in Uganda.

Hon. Adoko Nekyon does not agree. Obviously, Mr. Chairman, at different times, may be not now, I will ask him what happened to him in 1980, at the general elections. But the point I am making, is that, this is going to be the first time we are electing a President directly - *(Interruption)*

THE CHAIRMAN: Order, order.

MR. AMAMA MBABAZI: This is the first time we are going to have universal suffrage elections at even lower levels. Surely, does this not make a case for not mixing up these elections? Mr. Chairman, I would like to urge fellow delegates here, to look at the many questions that have been raised.

The question raised by Hon. Kutesa, that if you combine the two elections, and there is an irregularity at a Polling station, in respect of the Parliamentary election, it would affect the Presidential election and that every petition from whatever Constituency in this country, will affect the election of the Presidential elect. I think on those grounds alone, this House should vote against this Motion, so that we go to Parliament if it is necessary after due considerations and take appropriate measures, to make sure that we take cost effectiveness into account to make sure that every thing is aligned. I thank you very much.

THE CHAIRMAN: I will take two speakers, one for and one against. I am taking for the Motion now.

DR. SSEMOGERERE KAWANGA (BUSIRO COUNTY SOUTH): Thank you Mr. Chairman - *(Interruption)*

THE CHAIRMAN: But before you go on, if the members are desirous that we carry out further debate on this matter, we could go for lunch after Hon. Semogerere, but if we wish, we could stay and finish it. Hon. Ssemogerere.

DR. SSEMOGERERE: Mr. Chairman, - I am speaking for the Motion. *(Applause)* and I am taking a long-term view, not a short-term view in supporting this Motion. First of all, I believe it is wise that this matter is settled as a constitutional issue and not left to the whims of Parliament.

It has been suggested that let Parliament decide on the timings of these elections or, leave it to the Electoral Commission to decide on the timing of these elections. We would regard the latter will be among very few countries if at all, to let an Electoral Commission decide for instance, on the definition of Parliament and the timing of Presidential elections. Generally speaking, either you have the Constitution settling it, fixing the timing of these elections, or Parliament, but not Electoral Commission. Electoral Commission normally times the by-elections but not a general election.

When we come to Parliament, indeed, we are leaving it to the incumbent at the time to time the elections, depending on what they think favours them. It has been said, we should avoid undue influence and if we want to do that, it is better to fix the timing by the Constitution for all times. It is cheap in terms of money, whether we are rich or poor, it is good to be thrifty. It is decisive, it is predictable, to get to know after the election, what is going to happen to that particular country and you plan carefully with that sure knowledge, rather than having separate elections; where you have elected a President, but you do not know what you are going to have in the legislature and the elections for the legislature take place a year or two after wards. But when you have the two elections synchronised, you make a good start, you know what the country is going to do for the following four/five years.
I have not found sound argument for separating the elections, other than short-term arguments, for instance, that our people are illiterate, they will be confused. People of Uganda are often referred to as being illiterate, unable to understand and take decisions inteligently, but each time they have been given a test, they have passed that test.

In 1980, most of us proposed the kind of method of voting that we had during the recent CA elections and it was rejected, because it was considered too complicated and would confuse our people, making it difficult for them to vote diligently. When it was implemented last year, there was no such confusion.

Mr. Chairman, I happened to be an elections Observer in South Africa last year, and I was in one of the poor areas - the poorest areas of South Africa. There are two things about South Africa elections last year. Money was not the question, because with the generosity of the national community, the

Electoral Commission has at its disposal considerable amounts of money to run the election. Even then, they saw it fit to synchronise the elections both for the National Parliament, and for the provincial Parliament. Money was not a question, but they saw it good to have the two elections take place at the same time on the same day.

THE CHAIRMAN: Hon. Ssemogerere, Hon. Otafiire has persisted in wanting to be clarified on something.

MR. OTAFIIRE (RUHINDA COUNTY): Point of clarification. Mr. Chairman, if my memory does not deceive me, I remember that the idea of the type of elections in 1980 was a UNLF idea which was adopted by some other party but not DP. Later, when that idea had caught on, DP defaulted and opted for multi-party for many boxes after guarantee from Tanzania. It was something like that. I seek clarification from Hon. Ssemogerere on what the truth is, exactly?

THE CHAIRMAN: I do not think we should really go into the debate of what manner - of elections that took place in 1980, I think we are discussing a different issue.

DR. SSEMOGERERE: Thank you Mr. Chairman. - *(Interruption)*

THE CHAIRMAN: Order, Order.

DR. SSEMOGERERE: Hon. Otafiire, sometimes, tries to confuse others when he is confused himself. I have to repeat why I referred to the 1980 elections. I was only trying to show the weakness in our arguments in this country, when we tend to think that the people are illiterate they are backward; they cannot understand issues; they cannot make decisions quickly; that they are going to be confused.

I said, that argument did prevail in 1980, because it prevailed we did not have the kind of electoral method that was superior, more objective, free from rigging, as we had subsequently in the CA elections. Then I said, in the CA elections, that method was adopted. The kind of confusion that has been feared before, was not prevalent that time. I could even go and say that there are very many countries which manage to have these electoral methods, without the confusion that is generally associated with elections and so on.

I was giving an example of South African election and there were two things about it which have been part of the debate this morning. Mr. Chairman, one is money and the other one is illiteracy and backwardness. I said, with money, the South African elections last year were held when there was a lot of money available for the exercise, but even then it was prudent not to squander money on several elections to be at different times. They synchronised the elections to the National Parliament with the Provincial Parliament.

For the National Parliament, you have 19 Political parties, and all had symbols, plus the names, coupled with the pictures of these parties and so on, still the people of South Africa who, by the way the Black South Africans are more illiterate than the people of Uganda, did not find it impossible to make that choice, because there were too many people there. This was the first time they voted, even the presiding officers had no knowledge of the exercise, but it was special for them to carry out this exercise very successfully, and they synchronised these elections.

A voter went to the same polling station and in the same polling station, there were two sub polling stations. He went to one area where they checked you and after verification, you are given a ballot paper and eventually on the polling booth and you voted for instance, for National Parliament and then you proceeded to another table where they carried out the same kind of exercise for the Provincial elections, they verified your identity and you were given a ballot paper and you cast that ballot paper and then out you went. Eventually, in the evening these boxes were collected and votes counted.

THE CHAIRMAN: Order, I think we are losing time.

DR. SEMOGERERE: Mr. Chairman, I can assure Colleagues that the Voters there were not more literate than the people of Uganda, but they did manage without any confusion. The results were declared free and fair by all the observers, by all the political parties in the country and I think we can do it even in Uganda.

Finally, Hon. Karuhanga asked, do we have the moral obligation in this Assembly to make a Constitutional provision regarding the timing of Presidential elections? Indeed we have, we are the body

to do this, we have to decide for posterity, and it is better we do it now than to leave this to the whims of future Parliaments who will then have very specific interests. They may even want to be dominated by a particular interest and if they are so dominated, they will end up timing elections just to fit. Thank you.

THE CHAIRMAN: Against the Motion?

MR. BIDANDI SSALI: Mr. Chairman I will straight away start by expressing my surprise to the statement from the last speaker which implies a complete lack of confidence in Parliament. Worse still, the Parliament for which we are making this Constitution. He is already prejudiced against the future Parliament and he seems to be really telling us that we should not trust it.

Mr. Chairman, earlier on in the argument he said, that one of the most important aspects to consider, and this has been stated by many other contributors, is the question of saving national resources. This is one of the most important arguments brought for the Motion. One of the supporters of the Motion stated specifically, in his contribution while we were debating the Chapter on legislature and, during that time, we gave full powers to the Parliament to decide on the number of constituencies. If they came out with 1000, so be it, if they came up with 100, so be it, but the power was given to Parliament. I would like to submit, Mr. Chairman, that the most expensive organ or exercise that we should focus on if we want to save national resources should have been, how big the next Parliament should be.

Recently, the present Parliament decided on a quota which was about 70,000 people per constituency. This one works with all the provisions you have given to about 300 members of Parliament, may be even more. I would like the supporters of this particular Motion to take us more on a Parliament of 300 members of Parliament per year for five years. All that I am saying, Mr. Chairman, is the cost of an extra 100 members of Parliament for about three/four months, is much more than what you will need to have a separate election of a President. If the answer is no, then at least six months, if not three, all the same,it will be much more.

Mr. Chairman, I am stating this to emphasise the point made by some members; Hon. Engineer Byanyima, Hon. Karuhanga, Hon. Sam Kutesa and Hon.. the one who appears to be Minister for Education. Mr. Chairman, whichever way one sees this particular Motion, there is a very big element of pecuniary interest focusing on the next elections. Each pecuniary interest is starting on the reasons for or against for this particular Motion, some hiding behind national resources, others behind influence.

Take for example, one who says that the mere fact that so and so has been elected, President, that will be to the disadvantage of another. Mr. Chairman, whether we want it or not, especially when we have it on the same day as Hon. Sakwa says, there is no voter even if he is brought in, who will not ask you, to tell him which President you are backing. Your answer will definitely influence the voter who is asking you, because in the majority of cases; in this particular Presidential elections, the voter basically is more interested in who the President would be then who his Parliamentarian will be. That normally is the state of affairs in the Presidential elections and the name of a President, definitely influences the Parliamentarians, by Parliamentarians stating who his President would be, whether the election is on the same day or not.

Under our circumstances, if a President is elected first, the next most important question to a voter, as far as I am concerned, in the circumstances of today in Uganda and the circumstances that will continue for some time, is, stability as opposed to Bidandi. Now, this one has been elected, what is it that brings stability? That question whether we want it or not, will influence the voters, it is even on the basis of that, that the majority of the people in many of our constituencies were even thinking in terms of extension. It was not for the sake of making sure that leaders in the Movement continue, but that stability continues for some time.

Therefore, after election or during the election the element of stability after a election will play very important role. If a voter says, aha, I am not going to vote for you if you are only going to cause instability, he is entitled to his or her view on this and I think it is healthy. Mr. Chairman, this question of influence, as some others have observed, you will not run away from it. But let us please avoid the question of pecuniary interest. If Hon. Awori's Motion had passed and we had included that none of us would stand for Parlia-

ment, then I would say, yes, we can sit here and decide, because we should be deciding on the next, next and the next election.

But many of us are saying, if my President is so and so, and he loses another one passes, I have no chances. This is what we have been doing in caucusing really. I mean if you have to take it, what is Tiberondwa saying? What is Hon. Mwondha or Hon. Ben Wacha saying? All that is the result of a fear of influence, which influence I think is quite healthy in democracy.

THE CHAIRMAN: Hon. Bidandi Ssali, you mentioned the name of Hon. Ben Wacha and he is entitled to —

MR. BEN WACHA: Mr. Chairman, I thank you very much. Mr. Chairman, in my address this morning, I stated that I was supporting this Motion on a matter of precedence, because I did not know whether I would be alive tomorrow to contest the next elections. Is Hon. Bidandi Ssali in order to impute that the basis of my support of this Motion is pecuniary and is related to other persons statements which are made outside this House connected with the next elections?

THE CHAIRMAN: I think Hon. Bidandi Ssali had forgotten the position you took. Now, that you have reminded him, - *(Laughter)* - he will take that into account.

MR. BIDANDI SSALI; Mr. Chairman, thank you very much for your ruling and I apologise to the Hon. Member. I did not know that he doubted his lifetime to such an extent that he may not be living by December or January. I apologise to him, but to sum up, Hon. Chairman, there is no reason why we should mistrust our Parliament on this issue, on the pretext that we are trying to save money and trust the Parliament. We have delegated many other issues which are even more costly, in the same Constitution, therefore, do not bring this argument.

On the quotations from South Africa, I was waiting for Hon. Ssemwogerere to tell us why they decided on that mode, because they were saying, when they went there, they found that it was necessary to hold the elections on the same day. I waited to be told the circumstances that led them to decide on that, the circumstances, were not forth coming. But if it was based on monetary problems, then that answer I have given, that we cannot have double standards, unless we revisit the legislature Chapter and say, we limit the quota, so that the doubted Parliament, will not one day come and say 500 members of Parliament and therefore waste national resources.

Mr. Chairman, I am in for the idea of leaving this either to Parliament or the Electoral Commission as the decision will be, but certainly not to decide it today because the reasons being given are not attainable, and are not consistent with the decisions we have already taken in the different Chapters. Thank you Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, we have had a very extensive debate on this matter. Nearly 30 members have spoken and I am confident in my mind whichever way the Chair will rule, there will be sufficient challenge on the Floor. We could try on the voices or we divide. What I think we should do is divide, because whatever the result will be I can see enough on the Floor to challenge the Chairman. Hon. delegates, without wasting any more time, if it is your wish we can try the voices. Hon.Etuku, what is it?

MR. ETUKU ONYOK (MOROTO COUNTY): Thank you Mr. Chairman. In my own opinion, I think there is no need to waste time, let us go for division and we get the answer straight.

THE CHAIRMAN: Okay, let us do it this way. The Motion by Hon. Dick Nyai, is to amend Article 92, Clause 1.Clause 1 reads: *"The electoral commission shall ensure that elections are held at times fixed and notified in advance to the public."* Hon. Dick Nyai seeks to add, *"provided that subject to the provisions of this Constitution, Presidential and Parliamentary elections shall be held on the same day."* That is Hon. Dick Nyai's Motion.

Now, the general view on the Floor is that we divide. So what we do is this. You want us to try the voices? It will be wasting time. Those in support of Hon. Dick Nyai's Motion will be on the Chairman's right in the Lobby there, those against the Motion will be on the left, those without ideas on the subject matter, in the centre here.

(The Assembly went in division)

THE CHAIRMAN: The Clerk did inform me that there was an attempt by members to vote by proxy, but that vote has been cancelled because we should vote by being present in the Chamber. You cannot send a person to vote for you.

MR. PATRICK MWONDHA: Mr. Chairman, I beg your indulgence but I seek to say that "there was an attempt to vote by proxy", is an under statement.

Mr. Chairman, I and Hon. Ringwegi, after noticing the anomaly, did ask the Clerk and the Clerk told us he knows the member that went to him and instructed him to tick Hon. Nabafu. I know Hon. Nabafu has not been in the House since morning, because she is my neighbour. We have even checked in the Attendance Register, and she has not signed in today. Mr. Chairman, I think this is a very serious matter.

The House may now wish to know in fact, from the Clerk, which member accosted him to tick Hon. Nabafu. We have even no way of knowing that this practice has not been going on for some time! It may even be necessary at this stage, Mr. Chairman, to change our method of voting in this House. It may be necessary from now on, to in fact, may be vote by secret ballot!

MRS. MWONDHA FAITH: Point of order. Mr. Chairman, throughout the deliberations in the Assembly this morning, my neighbour here, Mr. Mwondha and Hon. Ringwegi have been involved in some funny, funny, games around. Is it in order, Mr. Chairman, for the Hon. Member to conspire with the person whom he purports, to say that the Clerk told him to go and tick Nabafu and come here and deceive the House, that it was a trick on the other part, when actually it was their trick to tarnish the image of the people voting. Is it in order Mr. Chairman?

THE CHAIRMAN: Hon. delegates, the position is quite simple. Let us take it this way. I was informed that a member came and claimed before the Clerk that Nabafu had instructed him to tick for her, because she was not in the Chamber. Then that information was communicated to me. I cancelled that particular vote, because we can only vote when we are physically present here, you cannot - *(Interjections)* - are you people not forgetting the rules?

Order! *(Interjections)* Clerk could you ring the Bell, please? Could I remind the members that our Rules are very clear. I was still on the Floor speaking when some members begun shouting, either we respect the Rules or we do not. The Rules say, when the Chairman is speaking whether seated or standing, members remain in their seats and they remain quiet, these are the rules you wrote yourselves. So, when you shout at the Chair, when the Chairman is talking, it is so dis-respective and a breach of the Rules.

Now, I have informed you of the decision I took in respect of the numbers, and that communication. The Clerk did disclose that information and I said, according to the Rules of division, in fact, to be very strict, and I did turn away some members who came here late seeking to vote, about four of them. I told them, I have already received the results, the voting is finished, we cannot re-open, because we must have a cut-off point. You cannot vote indefinitely.

If it was within our ability to do so, we should lock those doors as soon as the bell stops after the division has been called. In future, perhaps, we shall have to do that. We ring a bell for five minutes, then we lock the gates, and only those people who are inside, will vote, and that is what we are now going to do when we have a division, so that people do not go on walking up and down and confuse even the tallying. We should also remember our previous understanding, that when we say, go to the division, you should actually go and sit.

I saw a case of kidnapping yesterday, nearly kidnapping, when one member was kidnapped from one side and more-or-less carried to the other side. So, in future, let us agree on this arrangement. (i) If we are to have a division, we shall take seats in the Lobbies.
(ii) there will be no criss-crossing. If you have not made up your mind, you come and sit here in the centre in the pool. Even when voting is finished, you stay where you are until you are called to come and resume your seats, so that you do not have people confusing others.

As I said, and the Clerk has taken note of this, in future, if we have a division, the bell will be rung outside for five minutes. After that, we shall close the gate and only those people inside will take part in the votes, to protect ourselves from a situation, where people come in with messages from other members as did happen today. So, as I said, that particular ballot has been cancelled. Hon. Ringwegi, then we go to the declaration of the results.

MR. RINGWEGI: Thank you Mr. Chairman and Mr. Chairman, I wish to apologise for having shouted point of order. It was not directed at the Chair. I was shouting for a point of order to draw your attention to a serious allegation that involved me as a person and Hon. Patrick Mwondha.

Mr. Chairman and Hon. Delegates, it is no doubt that all our speeches made officially here, are recorded and this record is meant to last for some time. It is now on record, Mr. Chairman, that Hon. Patrick Mwondha and myself, have since this morning been engaged in very suspicious things in the Assembly, in fact, it was stated very clearly by Hon. Faith Mwondha that, we were here conspiring to do certain funny things.

Mr. Chairman, unfortunately, Hon. Mwondha has not had the opportunity or found the courtesy to explain what funny things we were engaged in and in what conspiratorial manner we were behaving. Mr. Chairman, I view these allegations very, very seriously, particularly when I am mindful of the fact that within this august House, we have a committee for Discipline and that committee would definitely take this view very seriously, that some of the members of this House can, when the House, is conducting business, engage in funny things and continue to do things in a conspiratorial manner.

So, Mr. Chairman, if these allegations are not substantiated by the Hon. Delegates, my mind will not be peaceful because personally I think I have not engaged in anything which is conspiratorial. I have not even engaged in anything deemed funny or known to be funny or which appears to be funny to Hon. Faith Mwondha. Mr. Chairman, I therefore kindly ask for a substantiation from the Hon. Faith Mwondha for what she alleges to have been conspiratorial or funny. Short of that, I would kindly request her to unreservedly withdraw those words. I thank you Mr. Chairman.

THE CHAIRMAN: Hon. Faith Mwondha, you did make a statement, and I think Hon. Member is entitled to substantiation.

MRS. FAITH MWONDHA: Thank you very much Mr. Chairman. Of course, when some thing comes to light, some people are bound to act the way they act. Mr. Chairman, since morning, as the Motion was moved, Hon. Ringwegi was frequenting this place and finally, when you said that we want to have two people to speak on the Motion for and against, you gave the Floor to Hon. Amama Mbabazi who was going to speak against the Motion and there was supposed to be somebody to speak for the Motion.

Now, under these circumstances when he came here, he was speaking to Hon. Mwondha and he is my neighbour. He said, I do not know how he came about it, may be he has some method which I would require to explain also. But he said, that the Chairman, was not happy about this contribution by Hon. Amama Mbabazi, therefore, he was going to ask Hon. Kanyeihamba to speak. Unfortunately, instead of asking Hon. Kanyeihamba, you picked on Hon. Bidandi Ssali, that was one point that made me suspicious.*(Interjections)*

Mr. Chairman, if I can be protected and be given time. As we went into the division, after the divisions, they were so excited and they started moving a rumor saying "these people are cheats, they have rigged." They were so excited. "They had even told somebody to go to vote for Nabafu and yet Nabafu is not here." Why is it that it was Nabafu and yet Nabafu is not here. Why is it that it was Nabafu who is supposed to sit next to Hon. Mwondha, not anybody else? Was she the only one who was out of the House?

Because of the excitement, as they moved telling people that the other side had rigged, I concluded that they were up to something suspicious and I conclude at that.

In addition, Hon. Chairman, you know I am a Magistrate, though I am on leave,but you do not have to have direct evidence, in order to find a case in favour of one party or the other. These are people who have said they have 99 tricks, now they are trying to put in place some of the tricks which they have.

As far as I am concerned, I think I reserve my opinion to say that they were behaving in a funny manner and that made me conclude to say that they are behaving in a very suspicious manner, Mr. Chairman, and I do not think I can give my apology to that kind of thing.

MR. RINGWEGI; Thank you Mr. Chairman. Mr. Chairman, I do not intend to turn this august House into a court room. I am grateful for the substantiation by Hon. Faith Mwondha which in my opinion,

falls short of a substantiation. Mr. Chairman, it is you the Chair, who has in this Assembly, clearly stated that there was an attempt to vote by proxy and that is already a known fact, that somebody attempted to vote, when that person is not in the House.

Now, if that actually happened, and if it is true that Hon. Patrick Mwondha and myself, discovered that somebody was trying to vote, when that person is not here in the Assembly and we detected that anomaly, is there any reason why we should be stopped from either giggling or getting excited? I want to know that. Is that against the rules of this House, when particularly the House was not even called to order and there was still general walking around in the Assembly? How suspicious was Hon. Mwondha to see only two of us, discussing the results of this particular division and why did she think that was conspiracy?

Mr. Chairman, I think we are not going to help this country if we are going to justify even things on partisan lines only. The fact is that, I am free as a delegate, to consult any other delegate and even to exchange opinion on what transpires in this House. That is why I was able to approach Hon. Patrick Mwondha as the debate on this Motion was going on, just like any other delegate would be free to whip or exchange views with whoever he thinks would share that same view. It is not only confined to me. So, if Hon. Faith Mwondha thinks that she is right in her own way, because she is a Magistrate and I thought she is here not as a Magistrate, she would behave honourably as an Hon. delegate.

I would want to beg your indulgence, Mr. Chairman, that in future, there should be no eye-brows raised when we adopt un Parliamentary procedures in this House and start abusing each other in this House. It is indeed, that we have things to guide us, so that we respect each other's integrity. Now, I have asked for an apology and a withdrawal. That apology has been vehemently refused by the author. In view of that Chairman, I would only ask for your guidance, so that in future, I am not ruled out of order if I use un Parliamentary language against Hon. Delegates. I thank you.

MR. AWORI: Mr. Chairman, I take very strong exception to what has taken place in the Assembly this afternoon. Mr. Chairman, it is on record that a name of a delegate who was not in the House was ticked, and this was brought to your attention and Mr. Chairman, you cancelled that vote. Mr. Chairman, it is also true that there have been allegations and counter allegations. One side says, they discovered that this voting was on the instruction of a delegate in this House, whose name is known by the Clerk and the counter allegation was that, this was all trickery of the person who is making the allegation.

This is a very serious matter for a House whose members are called honourables. I would like to propose that an inquiry be made into this. When I talk of an inquiry, it does not mean we do not inquire now. Let the Clerk who was responsible for ticking, tell us who exactly told him to tick that name, we cannot go around the bush beating about the bush and saying it was so and so who had 99 tricks, when we could actually find out who said it, and then a decision is made.

We cannot be persuaded by the reasoning of Hon. Faith Mwondha. She has failed to substantiate that she knows who ticked that name and in the absence of that, I am not going to be persuaded, Mr. Chairman, that an Hon. Member would refuse to withdraw a statement that she cannot substantiate and that we are going to leave this Assembly without knowing who instructed the Clerk to tick that name. I would like to propose Mr. Chairman,that I beg your indulgence to really decide on this matter, otherwise, it will bring down the reputation of this House, that we can never be sure that the decisions that we have made before, were not rigged in the same manner and that those we are going to make in future will not be rigged in the same manner, Mr. Chairman.

MAJ. TUMUKUNDE (RUBABO COUNTY): All of us in this House, Mr. Chairman, have been voting in the same manner that we have voted today. I know very well that we have even crowded over a Clerk when he is ticking, sometimes in a disorderly manner. Mr. Chairman, we also know that even during voting, there is walking and counter- walking on either side. Some times, it surprises you that a clear person who has a view that he is supposed to be on another side is busy lingering over a paper when they are ticking on another side.

I think, Mr. Chairman, let us not over-emphasise this manner, let us not amplify it, unless some people are preparing kick-ups and steps of taking

other moves in the near future, I think we should not over clump this matter. I know very well people here, were crowding over the Clerk. If that happened the other side, I am not surprised that one name was ticked accidentally and we have seen circumstances, here, Mr. Chairman, when I come going to tick - I mean you mentioned Tinyefuza and sometimes they tick Tumukunde, because they are in the neighbourhood and it is very, very, bad to start pleading in between ourselves. I am preferring justice, to a simple name, and making it a very big case that there has been forgery and counter forgery.

For some of us who do not invest in that kind of business, I pray Mr. Chairman, that we stop this matter here, and if there is need to do voting again, let us do the voting, instead of amplifying this business which has no serious matter.

MR. OKALEBO (BUKEDEA COUNTY): Thank you Mr. Chairman, not to take the matter lightly as some people are doing, an irregularity has occurred and it is an irregularity of a serious nature. It casts doubt on our faith in the performance of certain matters at certain stages in this House and to remove the Assembly from a state of moaning, Mr. Chairman, I do support the idea by Hon. Tumukunde that to clear the state of affairs in this House, you with-hold these results and we go into re-voting, Mr. Chairman.

THE CHAIRMAN: Well, you see there is a proposal that we go back to voting but the position is this - if we vote tomorrow, there will be people who did not take part in the debate who are going to vote. But that does not matter because what we record is the attitude of the Member to a particular matter. The choices before us are two - but before I summarise them, I can see two Members who have been putting their hands all the time. Hon. Obua Otoa, then, I will hear Hon. Nsambu.

MR. OBUA OTOA (Erute North): I am equally very concerned about what has happened. Mr. Chairman, I am just requesting two simple matters. One, that the person who instructed the Clerk to tick the name of a person who was not entitled to vote because he is not in the House, should be revealed. There should be nothing to hide about that. This is because, Mr. Chairman, we are going to have very little confidence even in our Secretarial Service if they are going to heed the instructions of an Hon. Member and I use the word Hon. quite deliberately. Of an Hon. Member to behave in such a dishonorable manner is shaming.

I think the person who did it must be exposed for the sake of transparency and nothing should be swept under the carpet on this matter. You might be surprised I am saying this, because my chosen profession is diplomacy but even in diplomacy certain facts cannot be swept under the carpet, Mr. Chairman. I think we will be doing ourselves a great dis-service if we try to sweep this matter under the carpet or treat it lightly. We should reveal the name of the Member and discipline him or her.
For Hon. Faith Mwondha refusing to withdraw an allegation she cannot substantiate is intolerable Mr. Chairman. I think disciplinary action must be contemplated and even implemented against Members who do this sort of thing and want to get away with it with impunity. Mr. Chairman, I thank you very much.

THE CHAIRMAN: I will hear Hon. Nsambu.

MR. NSAMBU (Makindye West): Thank you Hon. Chairman. The procedure we had adopted is to get the matters substantiated. From what we have received, what has been given to us does not substantiate the case, the allegation against the suspect. *(Laughter)* In the circumstances, Hon. Chairman, I would suggest that the Chair asks the Hon. lady here to withdraw the statement or else she goes out until such a time when she will be ready to withdraw the statement and give an apology.

I will also suggest to this august Assembly that the voting be repeated so that our records go without having some stain on them. With that Mr. Chairman, I support the idea that the lady is asked to give an apology and also withdraw the statement.

THE CHAIRMAN: Hon. Bidandi Ssali.

MR. BIDANDI SSALI (Nakawa Division): Mr. Chairman, with all due respect to the Hon. Members, whatever contribution we make now they are contributions being made on the top of our sentiments as of now. At the beginning of our work, we set up different committees and we had one on discipline. Mr. Chairman, every suggestion that is being made one, after the other that Hon. Mwondha failed to withdraw, focuses towards indiscipline, with others charging, this is how I am going now to

behave and so on and so forth. Why do we not Mr. Chairman, refer this matter to the Disciplinary Committee and more so *(Applause)* not for the purposes of judgement but mainly to try and bring back the harmony we have worked in throughout this last year plus. I beg to move that this matter be referred to the Disciplinary Committee, which should return to us later.

THE CHAIRMAN: Hon. Kyaligonza and then Hon. Nekyon and then I will make a ruling. Hon. Kyaligonza, Hon. Faith Mwondha has asked to take the Floor. I would like to give her the Floor before I come to you.

MRS. MWONDHA (Women - Jinja): I have heard all the concerns of the delegates pertaining to the statement I made and I have particularly taken note of Hon. Nsambu's submission of saying or going to the extent of disciplining me to an extent of moving out of the Assembly. Mr. Chairman, I think I am entitled to my opinion that apparently here I have the mandate of the people of Jinja who can withdraw my coming here but you cannot pray it to bar me from coming here.

But Mr. Chairman, that is not what I wanted to say. That is a side issue. I feel that in the interest of good neighborliness to my neighbour, Hon. Mwondha, and of course, taking in consideration also and cautioning whoever behaves in a manner which is suspicious that whoever comes to equity must come with clean hands and there is also a Latin Doctrine which I am going to interpret in English that *You cannot benefit from your own wrong.* So, while we conduct ourselves here, I think we should be conscious of that and on that note, I would like to withdraw. Thank you. *(Applause)*

THE CHAIRMAN: Hon. Delegates, let me make a final statement on this, and I take it that Hon. Faith Mwondha has withdrawn unreservedly and they have shaken the hands of friendship as good neighbours. With regard to the question of the vote, you can see and, for me that is how I took and simply cancelled the particular vote: that we had not been clear in our instructions to both the Secretarial people and to Members on the question of voting here. I think the Clerk did in good faith, assume that it was okay to do so and I presume that the Member who came could have done so also in good faith. I presume *(Interjections)* - that is why I use the word I presume; and that statement is quite important. We can do one thing. We can set up this matter before the Committee on discipline but on the materials available, you may find that we do not arrive at a conclusion different from what I have just stated, because if the person comes and says that I did it in good faith, then, you would have to find circumstances that actually he was nullified; or the Clerk here says I did it in ignorance of the rules as to whether I am allowed to record a proxy vote or not, then go back to square one but let us now learn from this experience. At least one factor has been done. Matters which were obviously offensive have been withdrawn.

The question of the conduct of the Member could be investigated but I do not know whether we would find an answer better than the situation that we know so that we do not have to waste time setting up a committee to chase a wild goose. As for the results, because they are tainted with suspected conditions; I would like to say tomorrow morning when we come here, we vote again. *(Applause).* We cancel the present result. I will not reveal it because it is of no consequence and tomorrow when we vote, we vote in accordance with rules that we have set.

Members will go and sit in their lobbies, they will remain there until the results have been brought to the Chairman and the clerks have worked out the results and brought them to the Chairman, and we shall not allow Members to criss cross like this is some cattle market where people are pulling each other. We should, with respect, walk to the various voting points and take the matters with that seriousness.

But I would like to repeat - In my view, I do not think it will help us to carry any further investigations in this matter because I do not think the material before us can improve on our knowledge of what has happened. But the Members now should know that voting in this Chamber is by physical presence not by proxy and 2) We shall vote in accordance with the rules. 3) The Clerks are instructed-tomorrow when we reach the item when we are going to vote, the bell will be rang for five minutes and then we shall close the doors. Only those Members who will be in the Chamber at the time, will take part in the vote. Hon. Nekyon.

MR. NEKYON (Maruzi County): Mr. Chairman, I appreciate very much your ruling and I think

it is a good ruling but I want to say this - We have had a case of a person who volunteered to tell the clerk -*(Interjections)*

THE CHAIRMAN: No. It is alright, give him a chance.

MR. NEKYON: We have had a volunteer who told the clerk that he had been asked to vote in proxy but how many people must have done so without volunteering to tell the Clerk that they had been instructed to vote in proxy? We do not know. We do not know and in view of the fact that we are so many, we cannot expect the clerk to know every Member by name and by face. So, on behalf of the people of Maruzi, I am now questioning the result of all the voting which has taken place in this Assembly.

I want to add that the best course now will be for us to adopt secret balloting, because even if you closed doors, we will have first to count physically those who are present inside and then know whether the voting has been accurate or not. Without first counting the number of people in this hall, we will not be able to know whether there has not been any kind of cheating. When something comes out, people have been feeling something happening and then you are caught, the whole thing is back-dated to you.

Mr. Chairman, I want to beg you that if we are going to have this constitution accepted by the whole country, we should go to the secret ballot system and I want to say that in future we should not waste time debating a statement which somebody has made as a form of serious allegation against another Member. We adopted the Parliamentary system for this Assembly. In Parliamentary system if you make any allegation, and you are challenged and you refuse to withdraw you should be asked to repeat the same statement outside parliament where you are not protected by privileges so that you can be sued in a court of law. This will be simple. If you do not repeat it there, then everybody knows that you were telling lies. So, Mr. Chairman, I still want to insist that the safest way of voting now since something has come out of the bag, since the cat has come out, is for us to go to secret balloting.

THE CHAIRMAN: I think we should not go beyond what we have already heard or said. What will happen is, Hon. Nekyon's contribution improves a bit further.

To avoid any doubts, after the door has been closed, we shall count the Members who are in the House, before they proceed to their respective lobbies so that when the results come, they are tested against the original number. That way we do not have any lack of trust in the process.

With this, I would like to adjourn. I do not expect that after lunch, many members would want to come back. I had thought that we would finish 92 but there is a little bit left. First on the voting on the Motion and secondly on synchronization of some of the provisions and then we proceed to Article 94. So, with this we stand adjourned until tomorrow, 9.30. Thank you very much.

(The Assembly rose and adjourned until Friday, 2nd June, 1995 at 9.30 a.m.)

THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

FRIDAY, 2ND JUNE 1995

MOTION:-

Communication from the Chair [Pg 4642]
Consideration of the Draft Constitution of the Republic of Uganda [Pg 4648]

PRICE: SHS. 1,600

Friday, 2nd June, 1995.

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

PRAYERS.

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR.

THE CHAIRMAN: Hon. Delegates, when we adjourned yesterday, we had just completed a division whose results were nullified and I ruled that we repeat that vote this morning. The division was in respect of a Motion by Hon. Dick Nyai to amend Article 92 Clause (1). Clause (1), as recommended to us by the Committee reads as follows: *"The Electoral Commission shall ensure that elections are held at times fixed and notified in advance to the public". Hon. Dick Nyai seeks to add a proviso to say, "Provided that subject to the Provisions of this Constitution, Presidential and Parliamentary elections shall be held on the same day".* We had an extensive debate involving about 30 Members and we agreed to make a decision by way of division. Because of the experience we have had, a number of new measures had to be put in place in relation to divisions. First, when a division is called, the Clerk will cause a bell to be rang for five minutes and at the end of that, Policemen will be deposited outside to make sure that we conduct a fair division. Now, we shall repeat yesterday's vote and shall proceed in the manner I have described.

MR. ABU MAYANJA(Busujju): Mr. Chairman, I am just making a slight improvement. Instead of the Movers, you should appoint the tellers for the *"ayes"* and *"nays"* and on both sides. They should be both a person who supports and who opposes.

MR. AWORI AGGREY(Samia Bugwe North): Mr. Chairman, I was going to recommend, if you could allow me, that since it is not a secret ballot, why do we not have a roll-call and as you call out my name, Awori, I say, "yes", so and so, "nay".

MR. NASASIRA(Kazo): Mr. Chairman, why do we not have the Clerks at the end of that table on each side with the list so that individuals line up and pass and initial or sign against their names and then the Clerk counts and they go back and sit in their lobby chairs?

MR. OMARA ATUBO(Otuke): Mr. Chairman, I think in order to decide on the proposal of Hon. Nasasira, we may wish to look at Section 17 (3) which says: *"Voting shall be by division in the lobby and a vote of each Delegate voting for or against the Motion shall be recorded against the name of the Delegate".* So, Mr. Chairman, if those who are for the Motion are on your right, they could gather on the lobby on your right and the teller could just sit in a convenient place rather than people crowding on him so that it is a responsibility of each Delegate to approach a teller and say tick my name. I think this would be a better procedure. Thank you.

THE CHAIRMAN: So, what we shall do now, I will call on the Marshal and his people to ring the bell for a number of minutes while the Clerk counts those who are here and then we shall proceed from there. Once the count is finished, I will then give you directions on which side to go.

Hon. Delegates, as we find our methods of work, let us first of all go as we agreed. The Motion by Hon. Dick Nyai, I have read it out. Let us proceed to the lobbies in an orderly manner. No attempts to kidnap will be allowed.

(The Assembly went in Division)

NAYS

	Delegates	Name of Electoral area
1.	Hon. Abu Winotiya dominica	Women-Moyo
2.	Hon. Adiima Betty	Women-Arua
3.	Hon. Adyebo Cosmas	Kwania County
4.	Hon. Akech Okullo Betty	Women-Gulu
5.	Hon. Akello Grace	Presidential Nominee
6.	Hon. Akure Peter	Jie County
7.	Hon. Amanya Mushega Nume	Igara County East
8.	Hon. Apuun Longoli Patrick	Bokora County
9.	Hon. Aronda Nyakairima	NRA Delegate
10.	Hon. Babu Edward Francis	Kampala Central
11.	Hon. Bagarikayo M. Janet	Women-Ntungamo
12.	Hon. Bageya George Patrick	Kigulu County North
13.	Hon. Baguma-Isoke Matia	Buyanja County
14.	Hon. Bamwenda Toterebuka B.	Buyaga County
15.	Hon. Bantariza Francis	Buhweju County
16.	Hon. Basalisa Henry Araali	Fortportal Municipality
17.	Hon. Basoga Nsaju	Busiki County
18.	Hon. Batanyenda Gaitano	Presidential Nominee
19.	Hon. Bateganya Mukeve Dick	Bukooli Central
20.	Hon. Bidandi Ssali Jaberi	Nakawa Division
21.	Hon. Bikorwenda Ida Rubale	Women-Bundibugyo
22.	Hon. Bwambale Biira Loice	Women - Kasese
23.	Hon. Bwambale-Walemba Ivan	Bukonzo County East
24.	Hon. Byanyima Winnie Karagwa	Mbarara Municipality
25.	Hon. Byarugaba Bakunda Alex	Isingiro South
26.	Hon. Byaruhanga M. Fabius	Kitagwenda County
27.	Hon. Byenkya Beatrice	Women-Hoima
28.	Mr. Chango Machyo	Samia Bugwe South
29.	Hon. Chebrot Stephen C.	Tingey County
30.	Hon. Chepsikor Muhamad	Youth-Eastern Region
31.	Hon. Didi Agard Cyril	Moyo West County
32.	Hon. Egunyu-Asemo Fiona Lucy	Women-Kumi
33	Hon. Engola Sam	Presidential Nominee
34.	Hon. Etiang Orono Paul	Tororo County
35.	Hon. Gumisiriza Guma David	Ibanda North
36.	Hon. Hashaka Jacson	Kibale County
37.	Hon. Jamwa Tezira	Women-Tororo
38.	Hon. Jurua Alex	Vurra County
39.	Hon. Kabayo John Patrick	Kassanda South
40.	Hon. Kabirisi Luberenga Hope	Women-Bushenyi
41.	Hon. Kabugo Mesusera	Nakaseke County
42.	Hon. Kabwegyere Tarsis B.	Igara County West
43.	Hon. Kadama Ivan	Butembe County
44.	Hon. Kaggwa Ssozi K. Med	Kawempe Division South
45.	Hon. Kaheebwa Fox Fohnson	Bujenje County
46.	Hon. Kaija John Wycliffe	Kibanda County
47.	Hon. Kaijuka Richard Henry	Sheema County North
48	Hon. Kajara Aston Peterson	Mwenge County South
49.	Hon. Kajura Henry Muganwa	Bugahya County

50.	Hon. Kakungulu shannon Dr.	Presidential Nominee
51.	Hon. Kalema Rhoda Nsibirwa	Kiboga County East
52.	Hon. Kalikwani Irene	Women-Kamuli
53.	Hon. Kamanda Bataringaya	Bwamba County
54.	Hon. Kamuron Peter	Kongasis County
55.	Hon. Kandole Clement	Kyaka County
56.	Hon. Kanyaihamba Geroge W.	Rubanda County East
57.	Hon. Kanyike Anthony W.H.	Buikwe County West
58.	Hon. Karuhanga Elly W.	Nyabushozi
59.	Hon. Karusoke Constantine	Ntoroko County
60.	Hon. Kasangaki Pantaleo	Buruli County
61.	Hon. Kasole Bwerere L.E.	Buwekula County
62.	Hon. Kasujja Aziz	Presidential Nominee
63.	Hon. Kateganya Eriya	Rwampara County
64.	Hon. Kateregga Livingstone	Nakifuma County
65.	Hon. Katumba Robinson Mathew	Kiboga County West
66.	Hon. Katureebe Bart Magunda	Bunyaruguru County
67.	Hon. Kavuma Steven B.K.	Kyadondo South
68.	Hon. Kawooya Anifa	Women - Masaka
69.	Hon. Kayiizi Asanasio	Kassanda North
70.	Hon. Kayonde Israel	Gomba County
71.	Hon. Kazibwe Specioza Wandira	Kigulu County South
72.	Hon. Kibirango Gyagenda	NRA Delegate
73.	Hon. Kizza-Besigye	NRA Delegate
74.	Hon. Kintu Musoke	Kalungu East
75.	Hon. Kinyata George Stanley	Kinkizi County East
76.	Hon. Kiraahwa Monica	Women-Masindi
77.	Hon. Kirenga Emmanuel	Mityana County North
78.	Hon. Kirunda-Kivejinja A. M.	Bugweri County
79.	Hon. Kisamba Mugewa W.	Bamunanika County
80.	Hon. Kisembo Muleju G.W.	Burahya County
81.	Hon. Kitaka-Gawera Elijah	Bbale County
82.	Hon. Kiwanuka Sam	Busiro County North
83.	Hon. Kiyonga Chrispus W.C.B.	Bukonzo County West
84.	Hon. Kiyonga Francis Adamson	Upe County
85.	Hon. Kulany Gertrude	Women-Kapchorwa
86.	Hon. Kule Muranga Kighoma J.	Busongora North
87.	Hon. Kutesa Sam K.	Mawogola County
88.	Hon. Kweronda Ruhemba	Kajara County
89.	Hon. Kyaligonza Matayo	Buhaguzi County
90.	Hon. Kyemba Henry	Jinja Municipality
91.	Hon. Lagada Beatrice	Women-Apac
92.	Hon. Lokeris Samson	Dodoth County
93.	Hon. Lorot John	Pian County
94.	Hon. Lubega-Wagwa Swayibu	Butambala County
95.	Hon. Lubulwa Migadde Umar	Katikamu South
96.	Hon. Lukumu Fred	Buliisa County
97.	Hon. Maliro Gaston John R.	Mwenge County North
98.	Hon. Masalu Musene Wilson	Manjia County
99.	Hon. Masiko Winifred	Women-Rukungiri
100.	Hon. Matembe Maria R.K.	Women-Mbarara
101.	Hon. Matovu Byatike David	Entebbe Municipality
102.	Hon. Mavenjina Akumu C.	Women-Nebbi

103.	Hon. Mayombo Noble	NRA Delegate
104.	Hon. Mazima Eliphaz	NUDIPU
105.	Hon. Mbura-Muhindo Jereme	Busongora South
106.	Hon. Miyingo-Kezimbira L.	Bukoto Mid-West
107.	Hon. Mukasa Muruli Wilson	Nakasongola County
108.	Hon. Mukisa Solome	Women-Iganga
109.	Hon. Mukwaya Abbey Hafez	Busiro County East
110.	Hon. Mukwaya Bulunzi Janat	Mukono County South
111.	Hon. Mulassanyi David John	Rubanda County West
112.	Hon. Mulindwa Birimumaso	Bukoto West
113.	Hon. Mulondo Besweri K.L.	Mityana County South
114.	Hon. Mulongo Simon	Bubulo County East
115.	Hon. Musana Sophy (Dr.)	Buikwe County North
116.	Hon. Mushemeza Elijah Diskens	Sheema County South
117.	Hon. Mwebesa Francis	Presidential Nominee
118.	Hon. Mwesigye Ruhindi Hope	Women-Kabale
119.	Hon. Mwondha Faith (Mrs)	Women-Jinja
120.	Hon. Nabudere Dan Wadada	Budadiri West
121.	Hon. Naburi Lorika William	Cwekwii (Kadam)
122.	Hon. Nacha Lorika Rose	Women-Moroto
123.	Hon. Nasasira John Mwoono	Kazo County
124.	Hon. Nsangi Kakembo Mary	Women-Kisoro
125.	Hon. Nsibambi Apolo (Prof.)	Presidential Nominee
126.	Hon. Ntabgoba Jeninah	Women-Kisoro
127.	Hon. Nyeko Jack H. Pen-Mogi	Presidential Nominee
128.	Hon. Obiga Kania Mario	Terego County
129.	Hon. Ogwel-Loote Sammy	Moroto Municipality
130.	Hon. Okorimoe Janet	Women-Kotido
131.	Hon. Okwir Betty	Women-Lira
132.	Hon. Ondoga Amaza (Maj)	NRA Delegate
133.	Hon. Ongaria Steven	Tororo Municipality
134.	Hon. Otafiire Kahinda	Ruhinda County
135.	Hon. Ruhakana-Rugunda	Kabale Municipality
136.	Hon. Ruzindana Augustine	Ruhama County
137.	Hon. Rwabita Deo	Ibanda South
138.	Hon. Rwabyomere Joan N.K.	Presidential Nominee
139.	Hon. Sebagereka-Kakoko V.	Women-Mukono
140.	Hon. Sebalu Kennedy Mike	Youth-Central Region
141.	Hon. Sebi Data Haroun	Koboko County
142.	Hon. Sekitoleko Sali S.	Bugangaizi County
143.	Hon. Seruwu-Bakoja Beatrice	Women-Mpigi
144.	Hon. Ssemakula Nakabugo K.H.	Women-Mubende
145.	Hon. Ssendaula Gerald	Bukoto South
146.	Hon. Tibamanya Urban K.	Kashari County
147.	Hon. Tirusasira Katongole D.	Bugabula North
148.	Hon. Tumukunde Henry	Rubabo County
149.	Hon. Tumwine Polly Katahwa	Youth-Western Region
150.	Hon. Turyahikayo Alice K.R.	Women-Kabarole
151.	Hon. Wagidoso Madibo Charles	Bulambuli County
152.	Hon. Wangira Moses	Kibuku County
153.	Hon. Wambede Seth Massa	Bungokho North
154.	Hon. Wamulongo Wahibi A.	Bunya East
155.	Hon. Wandera Ogalo Dan	Bukooli South

156.	Hon. Wanjuzi Wasieba S.	Bubulo County West
157.	Hon. Zziwa George William	Kawempe Division North
158.	Hon. Zziwa Nantongo Margaret	Women-Kampala

AYES

	Delegates	Name of Electoral area
1.	Hon. Adio Winifred	Women-Soroti
2.	Hon. Adoko Nekyon	Maruzi County
3.	Hon. Ajiga Abdul	Obongi County
4.	Hon. Amandrua Paul	NOTU
5.	Hon. Aniku Jacob R.F.	Madi-Okoloo County
6.	Hon. Atamvaku Zubairi N.	Arua Municipality
7.	Hon. Atare Ajai James	Kilak County
8.	Hon. Atim Ogwal Cecilia	Lira Municipality
9.	Hon. Atwoki Ambrose	Youth - Northern Region
10.	Hon. Awori Aggrey S.	Samia Bugwe North
11.	Hon. Bagena Anthony M.S.	Bufumbira County East
12.	Hon. Bwanika Bbale Asbolom	Katikamu North
13.	Hon. Byakika-Kasajja G.S.	Bunyole County
14.	Hon. Elyau Mike Juventine	Kalaki County
15.	Hon. Eresu Elyanu John	Kaberamaido County
16.	Hon. Etonu Ben	Amuria County
17.	Hon. Etuku-Onyok David	Moroto County
18.	Hon. Kagimu Kiwanuka M.P.B.	Bukomansimbi County
19.	Hon. Kajubi Senteza W.	Kyadondo North
20.	Hon. Kawanga John Baptist	Masaka Municipality
21.	Hon. Kitariko Robert Kikomo	Democratic Party
22.	Hon. Kigaye-Billyawo Eriya P.	Budaka County
23.	Hon. Kitariko K. Robert	Democratic Party
24.	Hon. Kiwagama W.W.	Bunya West
25.	Hon. Kizito John Ssbaana	Makindye Division East
26.	Hon. Komakec Leander	Aruu County
27.	Hon. Kutesa Pecos Onessmus	Kabula County
28.	Hon. Langoya Timony	Lamwo County
29.	Hon. Lubega Damiano	Rubaga Division South
30.	Hon. Lule Wasswa	Rubaga Division North
31.	Hon. Lumala Deogratius N.	Kalungu West
32.	Hon. Lutalo Kamya Jamil	Ntenjeru North
33.	Hon. Malinga Lo Ojulla I.	Usuk County
34.	Hon. Masika George Jafeth	Mbale Municipality
35.	Hon. Mayanja Abubakar K.	Busujju County
36.	Hon. Mayanja Nkangi Jehoash	Conversative Party
37.	Hon. Mutagamba Lubega Mary	Women-Rakai
38.	Hon. Muyiisa John Chriszentom	Bujumba County
39.	Hon. Mwaka David	Nwoya County
40.	Hon. Mwondha Patrick John	Bukooli County North
41.	Hon. Nabudere Dani Wadada	Budadiri West
42.	Hon. Nakyanzi Maria Veronica	Ntenjeru South
43.	Hon. Ndege John	Luuka County
44.	Hon. Njuba Kalega Samuel	Kyadondo East
45.	Hon. Nsubuga Nsambu Yusufu	Makindye Division West

46.	Hon. Nyai Dick	Ayivu County
47.	Hon. Obel Onegi	Jonam County
48.	Hon. Obonyo Jabwor Clement H.	Labwor County
49.	Hon. Obua Otoa James	Erute County North
50.	Hon. Odoy-Asoka Alfred	West Budama North
51.	Hon. Odur Dick	Dokolo County
52.	Hon. Ogola Akisoferi Micheal	West Budama South
53.	Hon. Ojok B'leo	Kioga County
54.	Hon. Okalebo Hensley Ephrahim	Bukedea County
55.	Hon. Okanya James	Butebo County
56.	Hon. Okeny Atwoma Tiberio	Chua County
57.	Hon. Okula Charles	Soroti County
58.	Hon. Okullo Epak Yefusa	Oyam County South
59.	Hon. Okwakol Nathan	Pallisa County
60.	Hon. Okwonga-Latigo Onesimo	Omoro County
61.	Hon. O'let Charles	Erute County South
62.	Hon. Olwa Ben	Kole County
63.	Hon. Omara Atubo	Otuke County
64.	Hon. Omolo Peter	Soroti Municipality
65.	Hon. Omute Julius	Kumi County
66.	Hon. Oneti-Batia Samuel	Maracha County
67.	Hon. Oryem Akabo Alice	Women-Kitgum
68.	Hon. Owor Willaim Charles	Aswa County
69.	Hon. Rainer Kafire Julliet	Women-Pallisa
70.	Hon. Ringwegi Sam Fiester S.	Padyere county
71.	Hon. Rwomushana Charles	Rujumbura County
72.	Hon. Sakwa Darlington N.	Bungokho South
73.	Hon. Ssekweyama Wagaba A.	Mawokota South
74.	Hon. Ssemaala Ssaaka Steven	Kyamuswa County
75.	Hon. Ssemogerere Kawanga Pual	Busiro County South
76.	Hon. Ssenoga Andrew Ben	Kyotera County
77.	Hon. Sserwanga Lwanga	NRA Delegate
78.	Hon. Tigwezire John Kasaija	Bunyangabu county
79.	Hon. Tinyefuza David	NRA Delegate
80.	Hon. Wacha Ben	Oyam County North
81.	Hon. Wanendeya William G.	Budadiri East23456789

THE CHAIRMAN: May I have your attention please. I have received the results of the division. But let me also remind you of the rules so that when I read the results, you know how to relate them to the rules. Our rules provide for two situations: decisions which are taken in respect of provisions of the Draft Constitution such as the one we have just taken and the other one which relates to matters, for instance, of procedure. Decisions of the House are taken as follows: The Motion is carried if it obtains two-thirds or more of the votes of Members present and voting. The Motion is lost, if it obtains less than half of the votes of the Members present and voting and the matter is regarded as contentious if the Motion obtains more than half but does not obtain two-thirds of the votes of the Members present and voting. There were 239 Members in the House when the doors were closed and the bell stopped ringing. The proposition before the House was a Motion by Hon. Dick Nyai to amend Article 92, Clause (1). We had a proviso and therefore, for it to be carried, it would have required two-thirds or more of the Members present and voting and the results are as follows: Those for the Motion were 81; those against the Motion were 158. 81 is less than half of 239 and therefore, the Motion of Hon. Dick Nyai is lost. *(Applause)* Now, according to the Order Paper, there are a number of matters which relate to some Clauses in Article 92. I will ask Hon. Sam Kutesa for the next stage of discussion of Article 92.

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA

MR. SAM KUTESA: Mr. Chairman, as I explained yesterday, when we were discussing Article 92, I did point out to the Assembly that at the time we discussed Article 2, through to Article 5, we had taken positions as a Committee. But these positions were subsequently changed when we sat to consider the Chapter on Legislature. This Assembly did pass different dates and fixed different dates under the Chapter on Legislature which makes the dates we had fixed as a Committee rather redundant. So, Mr. Chairman, I did take the view, when I was reporting, that we need to synchronise the recommendations of Committee 5 with the decisions of the Assembly already taken under the Chapter on Legislature. It was agreed Mr. Chairman, that we refer those sections or Articles to the Technical Committee for them to do the synchronisation. This synchronisation has been made and *-(interruption)-*

DR. DICK NYAI: Mr. Chairman, my sincere apologies to the Chairman of Committee 5. But Mr. Chairman, I think as a matter of procedure, since my Motion was lost, I think we should now pronounce ourselves on Clause (1) before we start discussing Clause (2) Mr. Chairman.

THE CHAIRMAN: You see, we do not really - our rules do not require us to vote on Clauses. We normally vote on Clauses if there has been an amendment to it or something like that. Here I took it that if there was an attempt to change this one, that has not succeeded. We take it as it is. But if it is the wish of the House, we can vote on it. But otherwise we pronounce ourselves on the Article after we have gone through Clauses.

MR. SAM KUTESA: Mr. Chairman, according to the report of the Technical Committee, they recommend the following: That Clause (2) (a), Clause (4) and Clause (5) of Article 92 should be deleted since they are already covered under Articles 134, Clause (1) and 134, Clause (2), and 134 Clause (3) respectively.

In the case of Article 92 (b), the Technical Committee is of the view that it should be deleted. Mr. Chairman, we have already said that Parliament cannot dissolve itself, it shall only be dissolved when its five year term has ended. But as you see in our recommendation, in Article 2 (b) and (c), our recommendation is if Parliament dissolves by a majority of not less than two-thirds of all Members of Parliament, that there should be a general election. That would be the solution by Parliament dissolving itself. So, the Technical Committee advises that 92 (b) and (c) be deleted because we have already taken a decision that Parliament has to run a full term. It is already recommended that 2(a) also be deleted as indeed it has been covered under Article 134 (1) and (2) and (3). Alternatively, Mr. Chairman, if we want, at the risk of repeating ourselves, which I think is clumsy, we would have in respect of Article 2 (a), to change 60 days to 30 days. But I think this is clumsy because it is already indeed contained in the Chapter relating to Legislature.

With regard to Article 92 (3), which deals with elections arising out of Clause (2) (b), it is recommended that it should also be deleted. So, this, Mr. Chairman, leads us to deleting Clauses (2),(3),(4) and (5). Mr. Chairman, I beg to move.

THE CHAIRMAN: The position is that with the assistance of the Technical Team, Committee 5 has re-drafted their report by removing those provisions. So, they are not before us. We do not have to vote on them.

MR. SAM KUTESA: Mr. Chairman, while you were away, we had considered the rest of the Articles under Article 92, except the Motion on Clause (1) by Hon. Dick Nyai and what I have recommended that be deleted. So, I would propose Mr. Chairman that subject to renumbering, we pronounce ourselves on the whole Article.

THE CHAIRMAN: I put the question that 92 as amended do stand part of the Draft Constitution.

(Question put and consensus not attained)

THE CHAIRMAN: Okay there are 63 Members challenging the Chairman's ruling. We proceed in our way to the procedures as I applied this morning. The clerk will ring the bell and then close the gates.

MR. AWORI: Point of order! Mr. Chairman, is it in order for the Chairman of Committee 5 to go around the House and tell Members to walk out in order to deny quorum?

THE CHAIRMAN: I do not think that the mere fact that someone has told you to walk out is sufficient for you to walk out. It is up to you to make up your mind.

There are 196 Delegates in the House. In accordance with the procedures we adopted earlier we shall divide -*(interruption)* -

MR. KARUHANGA(Nyabushozi): Mr. Chairman, I needed your guidance and clarification on something that is baffling me. Article 92 had very many Clauses, some of them have been passed and the rest have been deleted. It is an Article which concerns provisions relating to organisation of elections in this country which may appear in the Constitution or not because it is not a very important Article. What I want to know is that, now that many Members stood up to oppose what we had done and passed before in the general encompassing Clause, should not one of them move a Motion to say he wants a deletion or does the effect of just mere standing amount to a question which is a deletion question?

THE CHAIRMAN: The point is this, the rules require that we consider the Draft Constitution Article by Article. We referred these matters to the Select Committee. They have come back with recommendations on particular Articles. At the end of considering the Clauses, we are required by the rules to pronounce ourselves on each Article whether it should stand part of the Draft Constitution or not. That was the Question before the House. So, the Chairman of the Committee withdrew them when he said those should go. We did not have to vote on them. So, so much of 92 as is left must be made part of the Draft Constitution by decision of the House. The Chair called the decision on consensus. The rules say, 51 Members can overturn the Chairman's calling. I called that those in support of 92 had it. But I was successfully challenged by 63 Members standing up. Now we have gone through the process of ringing the bell, counted the Members. What is left now is the Members to pronounce themselves on whether 92, so much of it as is left, could stand part of the Draft Constitution.

(The Assembly went in Division)

THE CHAIRMAN: Hon. Delegates, when we went into division, we had 196 according to the Clerks. But after ticking the names in the lobbies, the numbers are different. So, now what we are going to do is this. I will ask those Members who have just come in to walk out. Then we shall roll call.

MR. OLWA BEN(Kole): Mr. Chairman, this is a matter I think we might find it very funny. There was a division lobby and Members were sitting in their respective places. Results were delivered to you, and before you called us, you actually knew the discrepancies. Why not at that stage before the door was opened - why didn't you challenge this thing before that? Now you are bringing confusion and you are the Chairman of the Assembly. This brings us a lot of problems!

THE CHAIRMAN: Hon. Olwa, you do not have to quarrel. I told you that the Marshal without getting an order from me opened the door; that was the mistake. So what I am saying is that those Members who were not here at the time of the division should leave us.

MR. LULE WASSWA(Rubaga Division North): Mr. Chairman, I think irrespective of whether or not they opened the door and some people came in, what is important to note is that despite the change in the figure, I do not think we have an impact on the actual result. Let the figures remain as they are.

THE CHAIRMAN: You have got the Lists which were ticked. But there was also a fear expressed by a Member that maybe the Clerks made mistakes. That is why I was saying that we go through a roll-call.

DR. DICK NYAI: Mr. Chairman, I know that once milk is powered down it is difficult to recover it. I know we lost one opportunity while we were still in the lobbies, the lists having not dealt with numbers, there could have been a physical count. But now that there are 215 who voted. I would like to go along with Hon. Wasswa Lule's that we pronounce the results because, Mr. Chairman, if you do not pronounce those results, it will be construed that you refused to physically count the people in the lobbies because you wanted to twist the results.

MR. KIRUNDA KIVEJINJA(Bugweri): Mr. Chairman, the point of procedure is that just yesterday, when it was discovered that there was a fraud

in the actual voting, you postponed the procedure on it for the Members to be able to come back with clear heads. Now in your own announcement, you told us that we are 196. But at the end of the day, you are telling us we are more than the number you told us. So actually, a similar situation has arisen. So on procedure, I suggest that in order not to divide this House, and for us really to be able to come up with proper decisions that will be able to stand the test of time and representation of our own people whom we represent, I would suggest you do exactly as you did so that we are able to re-assemble and then be able to thrash this problem out of the way. Thank you very much.

PROF. NABUDERE(Budadiri West): Mr. Chairman, if you followed the advice given to you by Hon. Kivejinja, it will imply that the results were intentionally interfered with in order to produce that result. In other words, it was interfered with the intention of making sure that there will be a recount when other people have come back. We are now insisting that even though the additional numbers are in their favour, we want those results disclosed now.

THE CHAIRMAN: Hon. Delegates, we will not vote again. What I had wanted was that we exclude those Members who were not with us but came in.

MR. MALINGA(Usuk): Mr. Chairman, let us not take this matter very seriously. Mr. Chairman, as a person, you have a chance to protect your name. The manner we are conducting our elections in this Assembly, Mr. Chairman, if you are not careful, is going to ruin your personal character which we all very much cherish. I cannot see how you can say that the numbers have significantly pushed from 196 to 215 when two competent officials have counted. Then you have given clear instructions to the marshals and the instructions are not followed.

THE CHAIRMAN: Let us proceed this way. I will proceed to make a decision as follows. We shall go by the results that came from the lobbies. I do not doubt the integrity of the Clerks. If there was a mistake, it was a mistake, but I do not think there was any attempt on their part to try to manipulate or interfere with the results. I therefore proceed to declare the results as they are.

AYES

	Delegates	Name of Electoral area
1.	Hon. Abaliwano Albert Brewer	Bugabula South
2.	Hon. Abu Winotiya dominica	Women-Moyo
3.	Hon. Adiima Betty	Women-Arua
4.	Hon. Adyebo Cosmas	Kwania County
5.	Hon. Akech Okullo Betty	Women-Gulu
6.	Hon. Akure Peter	Jie County
7.	Hon. Apuun Longoli Patrick	Bokora County
8.	Hon. Aronda Nyakairima	NRA Delegate
9.	Hon. Babu Edward Francis	Kampala Central
10.	Hon. Bageya George Patrick	Kigulu County North
11.	Hon. Baguma-Isoke Matia	Buyanja County
12.	Hon. Bamwenda Toterebuka B.	Buyaga County
13.	Hon. Bantariza Francis	Buhweju County
14.	Hon. Basalisa Henry Araali	Fortportal Municipality
15.	Hon. Basoga Nsaju	Busiki County
16.	Hon. Batanyenda Gaitano	Presidential Nominee
17.	Hon. Bateganya Mukeve Dick	Bukooli Central
18.	Hon. Bidandi Ssali Jaberi	Nakawa Division
19.	Hon. Bikorwenda Ida Rubale	Women-Bundibugyo
20.	Hon. Bwambale Biira Loice	Women - Kasese
21.	Hon. Bwambale-Walemba Ivan	Bukonzo County East
22.	Hon. Byaruhanga M. Fabius	Kitagwenda County
23.	Hon. Chebet Maikut	Kween County

24.	Hon. Chebrot Stephen C.	Tingey County
25.	Hon. Chepsikor Muhamad	Youth-Eastern Region
26.	Hon. Didi Agard Cyril	Moyo West County
27.	Hon. Egunyu-Asemo Fiona Lucy	Women-Kumi
28.	Hon. Engola Sam	Presidential Nominee
29.	Hon. Etiang Orono Paul	Tororo County
30.	Hon. Gumisiriza Guma David	Ibanda North
31.	Hon. Hashaka Jacson	Kibale County
32.	Hon. Jurua Alex	Vurra County
33.	Hon. Kabayo John Patrick	Kassanda South
34.	Hon. Kabirisi Luberenga Hope	Women-Bushenyi
35.	Hon. Kabwegyere Tarsis B.	Igara County West
36.	Hon. Kadama Ivan	Butembe County
37.	Hon. Kaggwa Ssozi K. Med	Kawempe Division South
38.	Hon. Kagimu Kiwanuka M.P.	Bukomansimbi County
39.	Hon. Kaheebwa Fox Fohnson	Bujenje County
40.	Hon. Kaijuka Richard Henry	Sheema County North
41	Hon. Kajara Aston Peterson	Mwenge County South
42.	Hon. Kajura Henry Muganwa	Bugahya County
43.	Hon. Kakungulu shannon Dr.	Presidential Nominee
44.	Hon. Kalema Rhoda Nsibirwa	Kiboga County East
45.	Hon. Kalikwani Irene	Women-Kamuli
46.	Hon. Kamanda Bataringaya	Bwamba County
47.	Hon. Kamuron Peter	Kongasis County
48.	Hon. Kandole Clement	Kyaka County
49.	Hon. Kanyike Anthony W.H.	Buikwe County West
50.	Hon. Karuhanga Elly W.	Nyabushozi
51.	Hon. Karusoke Constantine	Ntoroko County
52.	Hon. Kasangaki Pantaleo	Buruli County
53.	Hon. Kasole Bwerere L.E.	Buwekula County
54.	Hon. Kasujja Aziz	Presidential Nominee
55.	Hon. Kateregga Livingstone	Nakifuma County
56.	Hon. Katureebe Bart Magunda	Bunyaruguru County
57.	Hon. Kavuma Steven B.K.	Kyadondo South
58.	Hon. Kawooya Anifa	Women - Masaka
59.	Hon. Kayiizi Asanasio	Kassanda North
60.	Hon. Kayonde Israel	Gomba County
61.	Hon. Kazibwe Specioza Wandira	Kigulu County South
62.	Hon. Kibirango Gyagenda	NRA Delegate
63.	Hon. Kintu Musoke	Kalungu East
64.	Hon. Kinyata George Stanley	Kinkizi County East
65.	Hon. Kiraahwa Monica	Women-Masindi
66.	Hon. Kirunda-Kivejinja A. M.	Bugweri County
67.	Hon. Kisembo Muleju G.W.	Burahya County
68.	Hon. Kitaka-Gawera Elijah	Bbale County
69.	Hon. Kiwanuka Sam	Busiro County North
70.	Hon. Kiyonga Chrispus W.C.B.	Bukonzo County West
71.	Hon. Kiyonga Francis Adamson	Upe County
72.	Hon. Kule Muranga Kighoma J.	Busongora North
73.	Hon. Kutesa Sam K.	Mawogola County
74.	Hon. Kweronda Ruhemba	Kajara County
75.	Hon. Kyaligonza Matayo	Buhaguzi County
76.	Hon. Lagada Amongi Beatrice	Women-Apac

77.	Hon. Lokeris Samson	Dodoth County
78.	Hon. Lubega-Wagwa Swayibu	Butambala County
79.	Hon. Lubowa Moses Paul	Budiope County
80.	Hon. Lubulwa Migadde Umar	Katikamu South
81.	Hon. Maliro Gaston John R.	Mwenge County North
82.	Hon. Masalu Musene Wilson	Manjia County
83.	Hon. Matembe Maria R.K.	Women-Mbarara
84.	Hon. Matovu Byatike David	Entebbe Municipality
85.	Hon. Mavenjina Akumu C.	Women-Nebbi
86.	Hon. Mazima Eliphaz	NUDIPU
87.	Hon. Mbura-Muhindo Jereme	Busongora South
88.	Hon. Miyingo-Kezimbira L.	Bukoto Mid-West
89.	Hon. Mugyenyi Posiano	Isingiro North
90.	Hon. Mukasa Muruli Wilson	Nakasongola County
91.	Hon. Mukiibi Benigna	Women-Kibale
92	Hon. Mukwaya Abbey Hafez	Busiro County East
93.	Hon. Mukwaya Bulunzi Janat	Mukono County South
94.	Hon. Mulindwa Birimumaso	Bukoto West
95.	Hon. Mulondo Besweri K.L.	Mityana County South
96.	Hon. Mulongo Simon	Bubulo County East
97.	Hon. Musana Sophy (Dr.)	Buikwe County North
98.	Hon. Mushemeza Elijah Diskens	Sheema County South
99.	Hon. Musobya Lubega Godfrey	Kagoma County
100.	Hon. Mwebesa Francis	Presidential Nominee
101.	Hon. Mwesigye Ruhindi Hope	Women-Kabale
102.	Hon. Mwondha Faith (Mrs)	Women-Jinja
103.	Hon. Nacha Lorika Rose	Women-Moroto
104.	Hon. Nakyanzi Maria Veronica	Ntenjeru South
105.	Hon. Nankabirwa Sentamu Ruth	Women-Kiboga
106.	Hon. Ngobi Mathias	Presidential Nominee
107.	Hon. Nsangi Kakembo Mary	Women-Kisoro
108.	Hon. Nsibambi Apolo (Prof.)	Presidential Nominee
109.	Hon. Ntabgoba Jeninah	Women-Kisoro
110.	Hon. Nyeko Jack H. Pen-Mogi	Presidential Nominee
111.	Hon. Obiga Kania Mario	Terego County
112.	Hon. Ogwel-Loote Sammy	Moroto Municipality
113.	Hon. Okwir Betty	Women-Lira
114.	Hon. Otafiire Kahinda	Ruhinda County
115.	Hon. Pinto Manuel	Kakuuto County
116.	Hon. Rwabita Deo	Ibanda South
117.	Hon. Rwabyomere Joan N.K.	Presidential Nominee
118.	Hon. Sebalu Kennedy Mike	Youth-Central Region
119.	Hon. Sebi Data Haroun	Koboko County
120.	Hon. Sempa Victoria Esther	Women-Luwero
121.	Hon. Ssemakula Nakabugo K.H.	Women-Mubende
122.	Hon. Ssendaula Gerald	Bukoto South
123.	Hon. Tibamanya Urban K.	Kashari County
124.	Hon. Tirusasira Katongole D.	Bugabula North
125.	Hon. Tumukunde Henry	Rubabo County
126.	Hon. Tumwine Polly Katahwa	Youth-Western Region
127.	Hon. Turyahikayo Alice K.R.	Women-Kabarole
128.	Hon. Wagidoso Madibo Charles	Bulambuli County
129.	Hon. Wangira Moses	Kibuku County

130.	Hon. Wambede Seth Massa	Bungokho North
131.	Hon. Wamulongo Wahibi A.	Bunya East
132.	Hon. Wandera Ogalo Dan	Bukooli South
133.	Hon. Wanjuzi Wasieba S.	Bubulo County West
134.	Hon. Zziwa George William	Kawempe Division North
135.	Hon. Zziwa Nantongo Margaret	Women-Kampala

NAYS

	Delegates	Name of Electoral area
1.	Hon. Adimola Andrew B.	Gulu Municipality
2.	Hon. Adio Winifred	Women-Soroti
3.	Hon. Adoko Nekyon	Maruzi County
4.	Hon. Ajiga Abdul	Obongi County
5.	Hon. Amandrua Paul	NOTU
6.	Hon. Aniku Jacob R.F.	Madi-Okoloo County
7.	Hon. Atamvaku Zubairi N.	Arua Municipality
8.	Hon. Atare Ajai James	Kilak County
9.	Hon. Atim Ogwal Cecilia	Lira Municipality
10.	Hon. Atwoki Ambrose	Youth - Northern Region
11.	Hon. Awori Aggrey S.	Samia Bugwe North
12.	Hon. Bagena Anthony M.S.	Bufumbira County East
13.	Hon. Byakika-Kasajja G.S.	Bunyole County
14.	Hon. Elyau Mike Juventine	Kalaki County
15.	Hon. Eresu Elyanu John	Kaberamaido County
16.	Hon. Etonu Ben	Amuria County
17.	Hon. Etuku-Onyok David	Moroto County
18.	Hon. Kagimu Kiwanuka M.P.B.	Bukomansimbi County
19.	Hon. Kajubi Senteza W.	Kyadondo North
20.	Hon. Kawanga John Baptist	Masaka Municipality
21.	Hon. Kigaye-Billyawo Eriya P.	Budaka County
22.	Hon. Kitariko K. Robert	Democratic Party
23.	Hon. Kiwagama W.W.	Bunya West
24.	Hon. Kizito John Ssbaana	Makindye Division East
25.	Hon. Komakec Leander	Aruu County
26.	Hon. Langoya Timony	Lamwo County
27.	Hon. Lubega Damiano	Rubaga Division South
28.	Hon. Lule Wasswa	Rubaga Division North
29.	Hon. Lumala Deogratius N.	Kalungu West
30.	Hon. Lutalo Kamya Jamil	Ntenjeru North
31.	Hon. Malinga Lo Ojulla I.	Usuk County
32.	Hon. Masika George Jafeth	Mbale Municipality
33.	Hon. Mayanja Abubakar K.	Busujju County
34.	Hon. Mulenga Joseph	Democratic Party
35.	Hon. Mutagamba Lubega Mary	Women-Rakai
36.	Hon. Muyiisa John Chriszentom	Bujumba County
37.	Hon. Mwaka David	Nwoya County
38.	Hon. Mwondha Patrick John	Bukooli County North
39.	Hon. Nabudere Dani Wadada	Budadiri West
40.	Hon. Njuba Kalega Samuel	Kyadondo East
41.	Hon. Nsubuga Nsambu Yusufu	Makindye Division West
42.	Hon. Nyai Dick	Ayivu County

43.	Hon. Obel Onegi	Jonam County
44.	Hon. Obonyo Jabwor Clement H.	Labwor County
45.	Hon. Obua Otoa James	Erute County North
46.	Hon. Odoy-Asoka Alfred	West Budama North
47.	Hon. Odur Dick	Dokolo County
48.	Hon. Ogola Akisoferi Micheal	West Budama South
49.	Hon. Ojok B'leo	Kioga County
50.	Hon. Okalebo Hensley Ephrahim	Bukedea County
51.	Hon. Okeny Atwoma Tiberio	Chua County
52.	Hon. Okula Charles	Soroti County
53.	Hon. Okullo Epak Yefusa	Oyam County South
54.	Hon. Okwakol Nathan	Pallisa County
55.	Hon. Okwonga-Latigo Onesimo	Omoro County
56.	Hon. O'let Charles	Erute County South
57.	Hon. Olwa Ben	Kole County
58.	Hon. Omara Atubo	Otuke County
59.	Hon. Omolo Peter	Soroti Municipality
60.	Hon. Omute Julius	Kumi County
61.	Hon. Oneti-Batia Samuel	Maracha County
62.	Hon. Ongaria Steven	Tororo Municipality
63.	Hon. Oryem Akabo Alice	Women-Kitgum
64.	Hon. Owor Willaim Charles	Aswa County
65.	Hon. Rainer Kafire Julliet	Women-Pallisa
66.	Hon. Ringwegi Sam Fiester S.	Padyere county
67.	Hon. Rwomushana Charles	Rujumbura County
68.	Hon. Sabiiti Jack	Rukuga County
69.	Hon. Sakwa Darlington N.	Bungokho South
70.	Hon. Semajege Higiro	Lwemiyaga County
71.	Hon. Ssekweyama Wagaba A.	Mawokota South
72.	Hon. Ssemaala Ssaaka Steven	Kyamuswa County
73.	Hon. Ssemogerere Kawanga Pual	Busiro County South
74.	Hon. Ssengooba Andrew Ben	Kyotera County
75.	Hon. Tigwezire John Kasaija	Bunyangabu county
76.	Hon. Tinyefuza David	NRA Delegate
77.	Hon. Wacha Ben	Oyam County North
78.	Hon. Wanendeya William G.	Budadiri East

ABSTENTION

1.	Hon. Amaza Ondoga (Maj.)	NRA Delegate
2.	Hon. Kutesa Pecos (Col)	Kabula Conty.

THE CHAIRMAN: The results are as follows: According to the tallying sheets which we used in the lobbies, there are 215 Members. Those who abstained were 2 out of 215; those for the Motion were 135; and those who were against the Motion were 78. Now for the proposition that this stands part of the Draft Constitution to pass, you needed 144. That number was not achieved. But 135 is more than half of 215 but it is not two thirds, and therefore the matter is contentious. *(Applause)*

Now, the Motion was that Article 92 do stand part of the Draft Constitution. That Motion has not been carried. The matter has become contentious, and so we have to apply the provisions of Section 27, subsection f which reads as follows - first of all the law says: *"a matter shall be regarded as contentious if the Motion is supported by the votes of the majority of delegates voting, but does not obtain the support of two-thirds of the delegates voting in each of two votes conducted in accordance with sub-section 3."* Now, sub-section 3 says; *"The following provision shall apply to the votes referred to in*

paragraph (f) sub-section 2." And that says: *"after the first vote on the Motion a period of at least one week of recess shall elapse before a second vote is taken. During the recess, the delegates may consult with other delegates and with the voters in their respective electoral areas, or as the case may be, with the persons or bodies who or which elected or appointed them on the subject matter of the Motion."* So we are now at the stage of deciding what next.

This provision is not very clear as to what is meant really. It talks of a period of *"at least one week of recess shall elapse"* whether they mean that we can put this business away, and handle other business, or that we go home - then how do you go home and consult other delegates? So, the writing of it was funny and so we shall have to decide what to do. The choice before us is this, we can go home and resume next week Saturday, or we put this aside and do other business.

MR. BASOGA NSADHU(Busiki): Mr. Chairman, I suggest that since we have a tight timetable, and we have made a pledge to the whole country that this constitution will be availed by certain dates; and looking at the matter that has become contentious, I suggest that the Hon. delegates here consider looking at the report of the Committee and what was proposed in the Draft Constitution and we stay here consulting amongst ourselves as we handle other matters and then at the end of five days, you call us into tho lobby again, and we take a final decision. Mr. Chairman, this is a sensible course for us to take because of the time schedule that we have, it is very lawful it is not outside our provisions we did it here even before when we were considering the matter of Kiswahili, and those who are learned know that since there is a precedent, then sometimes good sense and wisdom says that we almost follow the same procedure. So I want to pray to the Hon. Members that we stay here handling other matters and at the end of five days, after we have consulted amongst ourselves, we then shall proceed to make a vote. Thank you very much.

THE CHAIRMAN: Let me draw a distinction between the analogy. During the debate on Swahili, when we were dead-locked, the mover of the Motion withdrew it. That is what makes a difference here, and by the way, this is not a matter we can suspend, it is not just part of the rules. It is in the Statute so there is no question of suspending rules.

MR. ABUMAYANJA KAKYAAMA(Busujju): Mr. Chairman, I was suggesting that if -it seems to me that this becomes a matter of the interpretation of the law. If you are not prepared to interpret it yourself, then we should consult the Attorney General to give us a proper interpretation. Because we should not bend the law in which case, which may affect the validity of what we may do thereafter.

MR. WANENDEYA(Budadiri East): Mr. Chairman, I would like to appeal to Hon. delegates that what has happened could be history behind us. I therefore would like to request the majority to think about the inclusion of having the Parliamentary delegates - those who are going to stand for Parliament and Presidential candidates so that they consider this as a matter of national interest for voting on the same day and then the multi-partyists, Mr. Chairman, would then hopefully consider so that we can get together with this sensibly. So in national interest, Mr. Chairman, it is the best of what we could d for our country. Because somebody is thinking of undue influence, if the President is elected first, then that would be the only thing. But if it is a matter of saving costs, and here yesterday it was argued that the costs do not matter, but 5 billion shilling, Mr. Chairman, is not a small amount of money. So I would urge Hon. delegates to re-think about holding the Presidential and Parliamentary elections on the same day so that we can save on that one. Thank you.

THE CHAIRMAN: Hon. Wanendeya, you are now debating a different Motion. But any way he has finished.

MR. KINTU MUSOKE(Kalungu East): Mr. Chairman, today is Friday, tomorrow is a Public holiday and of course, sunday is our Holiday, and we are running against time. So I was suggesting, Mr. Chairman, that if we have on our sheet other non controversial issues to continue with, we should utilize the time we have before us, and continue to debate them and to dispose of them. If there are no other businesses which we can continue with, then we take advantage of today being Saturday, Sunday, Monday for consultation. But if there are matters which we can carry on, I think we should continue and vote next week for the second ballot which is required for our law. Thank you.

LT. COL. KIZZA BESIGYE(NRA Delegate): Mr. Chairman, I wanted to seek clarification on the interpretation of the law because from the amendment to the statute of 1993 - the amendment of 1994, the stipulation was that *"after the first voting, a period of 7 days shall elapse before a second vote is taken."* That was in (a), in (b) it was saying that: *"after the second voting, if it remains contentious, a further 7 days period shall elapse, and in addition the Members shall go into recess."* Since this was after the first vote, I do not know whether there is any requirement at all for us to go into recess.

THE CHAIRMAN: Are you reading from the rules or from the statute?

LT. COL: KIZZA BEISGYE: The one I have sent you Sir.

THE CHAIRMAN: This was the amending provision, and essentially the amendment of this particular section was essentially to separate matters of procedure from matters of substance. Because previously, we could have gone on recess even on whether or not we should adjourn at 4. O'Clock, if that had become contentious. But that was separated so that on matters of substance, we go through this process, on other matters we do not. Now the wording here is exactly the same as it is in the statute that after the first vote on the Motion, a period of at least one week of recess - what Hon. Kizza Besigye is referring to was a Bill which sought to amend the Statute. It would appear the Bill was changed so that what I have here, the gazetted official document talks of one week of recess after the first vote. We have had the first vote, haven't we? We have voted. So we come within the ambit of that provision which now, it is a question of determining whether it was intended that we must physically go home or that we can stay consulting and people can be given a chance to go home over the weekend and come back then but, cool the matter for one week or we must physically go home. This is what I am trying to find out.

MR. OMARA TUBO: Mr. Chairman, the amendment to the CA Statute to which I also have a supplement from the Gazette of 11th May 1994, so I believe it is an authentic copy. Mr. Chairman, the amendment says that: *"the following provisions shall apply to the votes referred to in paragraph (f) of sub-section 3. After the first vote on a Motion, a period of at least one week of recess shall elapse before a second vote is taken."* As you indicated, it is possible that two interpretations could be given to this amendment. One is that when the period of at least one week is elapsing, what happens during that, should we continue with the deliberations or the recess being talked about here means a recess from the discussions of that subject matter? Or is it a physical recess? Now, Mr. Chairman, in order to assist us to come to a correct interpretation, possibly you have to go to (b). (b) says: *"during the recess, the delegates may consult with other delegates and with voters in their respective electoral areas and other constituencies."*

Now, Mr. Chairman, I think I attach importance to the word "recess." What do you mean by recess, is it a recess from a discussion or in the common meaning of the word recess, you are actually having a period when you are not dealing with that matter and therefore, you are physically not handling the matter? Another one, Mr. Chairman, is to go not by the letter of the law as you know, but also to go by the spirit of the law which helps the interpretation. When this provision was put into law, what was the intention of the legislature? One, the legislature had foreseen this type of situation where we would be stuck and therefore, it is important for Members to make up their mind. And also, the legislature did not want us to go into this question of referendum; to jump into the referendum as I may put it. The original Statute did not provide for this period of recess of one week and then you come back for a second vote. The original provision talked of: "a contentious matter of a national character shall be referred to a referendum." But later, it was found that there might arise a number of contentious issues which are of a national character. Do we have to go with all of them to a referendum?

Now this question of recess was a sort of a compromise between further consultations of Members and then plunging the country into an expensive referendum and thereby not expensive only, but also delaying the constitution making process by so many months. You can imagine going into a referendum for months and so on. Therefore, to me the question of recess , Mr. Chairman, is really a question of ordinary terminology. You go for a recess, you go for a holiday and you are physically absent from that venue, and the purpose is to go to a sort of consultation which means it is a semi-referendum, you are going to ask your people that we are stuck in the House and as a delegate, this is

really what you have to do. You have to go and say the provisions we are stuck on are of this nature. Can I consult you, can you give further instruction so that when we come back we might have changed our mind? One, the other side could gain, the other side narrow the differences so that we may actually have a compromise, and therefore, we avoid a referendum.

Mr. Chairman, my considered interpretation of this looking at the word "recess", looking at the spirit behind the law, it is a physical recess which is required. Thank you, Mr. Chairman.

MR. BIDANDI SSALI(Nakawa Division): Mr. Chairman, in the process of transacting business here, we have had more than one occasion when we came to this particular problem. At one time, a similar discussion came and an interpretation was given to this Assembly on the basis of which business continued. On the question as to whether women should be elected by universal adult suffrage, we divided, the matter became contentious. On the issue of whether ministers should be Members of Parliament or not, we divided and the matter became contentious -

THE CHAIRMAN: No, no, we did not on that one.

MR. BIDANDI SSALI: Okay, at least on the women. Now according to the interpretation, in the spirit of the process going on, we said we recess on the business of that matter, consult and then come back to it again. So we did, and so we decided. Now what is it that now makes us have double standards if only - now that this particular situation we are in is exactly the same as the one which led us to refer the matter of the nature of electing women. Are we in order now to look for a different approach from that we have already adopted and used, Mr. Chairman, are we in order?

THE CHAIRMAN: We are in order because we have not even made that decision. You are assuming that we are deciding contrary to what we had decided before even before we make the decision. The Chair was looking for the interpretation of the law by seeking assistance from some Members and then we shall make a decision.

MR. MULENGA: Mr. Chairman, my understanding of this provision is quite straight forward. Delegates go on recess, they go on recess it is not the matter being considered that goes on recess. The other point where we might seek assistance for this understanding is comparing the previous words with the current. Previously it was that, 7 days elapse before you vote again. But in this one, it deliberately uses the word going to recess. So it cannot be interpreted to say you postpone consideration. The words "go on recess", I think mean physically going on recess for purposes of consultation and so forth. So we would need Parliament to change that Statute, but as it is, I would not interpret it as meaning we go on recess.

MR. KAGGWA MED: Mr.Chairman, I think Hon. Mulenga summarised it all. First of all, the word "recess" means "holiday between sessions of work." Now you cannot divorce "recess" with the words "at least one week." The interpretation, therefore, is that, it is mandatory, once we reach that stage, to physically go. Hon. Omara Atubo, and I think correctly so, wanted to look at the intention of having made this Statute, and the interpretation I give it was that to be a cooling off period. This cooling off period should be physical and that should be the law and I think it is straight forward.

MR. AWORI AGGREY: Mr. Chairman, are we in order, is this House in order to debate provisions of a Statute or are we just trying to do some interpretations? Mr. Chairman, it is quite apparent we are actually debating the provisions of a Statute. Are we in order?

THE CHAIRMAN: We are not debating, the Chairman is getting guidance from the Members.

BRIG. KYALIGONZA: Mr. Chairman, I thank you very much to have considered an assessor to give his opinion. Considering the fact that Members here have got different exposures in their capacities, I also believe that the past decision which we have just taken and which you have of course, taken a decision on, with your guidance, the vote was carried and we the ordinary people who are not privileged to be lawyers but who are also privileged to be figure people, I also want to bring to your attention that the rules which are meant to be understood by all Hon. Members here are so clear and straight forward. I will call upon the Hon. Members to open page 16 - with your permission Sir - of our rules of procedure clause (3) (b). "During the recess the delegates may consult with

other delegates and with the voters in their respective electoral area or as the case may be" Now, Mr. Chairman, this matter is not for us only , we are representing our voters. Whatever decisions we are making, we are doing it on behalf and in the interest of the people of Uganda. Now given the situation that we have failed to agree, we should therefore physically go home, consult and without pay because we are considering the figures, Members here were discussing yesterday that we are wasting a lot of money. Since we are also going into the coffers Of the treasury, we should actually not be paid, we go home.

MR.RUZINDANA(Ruhama): Mr. Chairman, we have heard the legal interpretation, and it seems to be clear what the legal interpretation is. But, Mr. Chairman, that is not the whole picture. Mr. Chairman, this week and part of last week was a period of consultations and attempts to reconcile different positions and so on. Mr. Chairman, with that spirit in mind, I do think that this matter should be viewed with that same spirit of consultation on the different positions of what recess means and then we come out with the most convenient position. Mr. Chairman, this week if we have a week of recess and we go back to the constituencies, it will cost the country a minimum of 30 million shillings. Over 20 million shillings as living expenses and many Members will claim transport back home to their constituencies. Mr. Chairman, is it really worth it, is it worth the point that this great expenditure should be incurred? Is it worth the point that we should abandon the spirit that has been pervading within this CA for this week and part of last week? I would like to suggest, Mr. Chairman, that perhaps since it is lunch time, we do not take a decision on this matter, and we come back and we see whether the spirit of reconciliation and consultation has not gone into the CA delegates again, and then we take a very reasonable decision on this matter.

PROF. KABWEGYERE(Igara West): Mr. Chairman, I have looked at rule 27 (2) under paragraph (a) entitled "Members of this House to recess; entitled to recess to consult in order to come out with a better position than they have held." Mr. Chairman, I also understand that this is a law. I would like to know from the Lawyers and from the Chair whether if this House indulged itself in a recess in the interest of Uganda, whether we would be sent to jail for having broken the law. Mr. Chairman, I think we are here to make history, we are here trying to build a set of values and the very constitution we are building is the mother of the law that will guide this country, Mr. Chairman, I am, therefore, saying that acting statesman-like would be in order. That we agree that we are entitled to a recess, but that we also agree that in the interest of time and speed, that this recess, we voluntarily deny ourselves of it and we do the job that brought us here. Mr. Chairman, I am also wondering the very people who sent us here whether they would want to condemn us or even those in the future that would condemn us because we denied ourselves a recess, we did not break the law but we punished ourselves in the interest of Uganda.

Mr. Chairman. I would appeal not to the law but I think to the gravity of the national interest. I am not a Lawyer but I have been reading one of the greatest Lawyers, Loden. In the discipline of the Law as he looked at it, there are those occasions when situations help to give a new meaning to a word or to a concept, and I think after one year of sitting here, there may be a good reason for us to act in sacrifice and deny ourselves a recess and have a reconsideration of the meaning of this idea. By way of conclusion Sir, I would appeal to the Members of this House that it will not be long in history if we as people doing the foundation work were to deny ourselves the privilege of consulting in the countryside but consulting ourselves here because I think we know what we want, I think we know how to get it, I think we can get it. I thank you sir.

MR. OWINY DOLLO(Agago): Mr. Chairman, I have heard political statements being made here, but the matter before us is not a political matter. The matter before us is a matter of interpreting the words, letters and spirit of the law. However much we would want to, we do not have the authority to bend the law. *(Applause)* The Statute, Mr. Chairman says, as you rightly put it, that when we reach this type of impasse, there must be a recess of not less than one week. What I read in paragraph (b), of that section is that during the recess, the delegates may consult other delegates. The interesting thing is that, it is not mandatory on me to even consult anybody during the recess or even to go home. This is my understanding of that paragraph, but common sense will dictate that I consult with my colleagues and go to my people. Because if after the second vote there is still a continuation of the impasse, then you end up in a referendum. Why I should I surprise my people with a referendum when I had the whole

of not less than 7 days to make them know of the possibility of the referendum!

Mr. Chairman, the matter before you now is to tell us that you are giving us such a period as will allow us delegates to do two things. Consult between ourselves and consult with our electorates and come back here. This simply means, Mr. Chairman, neither you nor your deputy will sit there, but it is open to me and Hon. Adyebo to come here and speak in your absence, we would still be in recess despite the delegates physical presence here. Then we can go home consult with our people, come back here and praise the Lord that there is no contention prevailing. Thank you.

MR. KATEGAYA (Rwampara): Mr. Chairman, first of all I would like to say that we should abide by the rules and laws we have whether they are for us or against us. Because if we are caught by our own rules, we should take the consequences, in my view, -*(Applause)* - rather than trying to bend the rules to what maybe a temporary problem.

Secondly, Mr. Chairman, if I were still remembering my law, I think the first rule of interpretation is to give words their natural meanings, and thereafter you can change if so required.

Looking at rule 27 (3) "recess", what does "recess" mean? Really, "recess" can mean, I think, adjourning somehow by going away; the temporary suspension of business in my view. Because you say "at least a week of recess shall elapse", and then (b) says during the recess, we are supposed to consult delegates and our voters. So to me, I am convinced that like my senior Colleagues Hon. Mulenga said, recess would mean that we adjourn, go and consult our fellow delegates and the voters on this matter. However, Mr. Chairman, the matter before us is not so exciting as people think it is, it not very important in my view. This clause which has been lost is not so crucial that we think the world will come to an end or there will chaos in the country! Because I think there are some people who are excited about what happened this afternoon, they think it is a sign of crisis, that there is a problem! I think we better give them time to see if there is going to be a crisis anyway by their adjourning for a week. *(Applause)* - Because I think we should help those who think they are to cause problems here, there will be no problem.

We should also give some of our Members who have not been attending regularly to make sure that some crucial matters should be discussed and passed, turn up on time and I am sure when we come after one week, we shall have cooled down and we should have learnt our lessons. Because some of us thought we should talk to everybody, we should try to look for the best way of doing things but there are types of things they think they are very smart in, and we shall see who is smarter at the end of the day. *(Applause)* Mr. Chairman, I would go with those who are saying recess means going away for one week, despite expenses. In any case, if you are building a system, we are building democracy, in my view I do not do it like an accountant in terms of how much money we have lost. This country has lost more money by not being patient to solve problems. So I would go along with those who are saying let us obey the rules in their natural meaning and we have a recess for one week and we come back and continue the business. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. delegates, let us look at it this way. First there were references to practices and precedents, yes, it is true that at one time we did not proceed on recess when we should have but the subject matter was very innocuous. It would have been even difficult to frame the question. You remember that was a question of where we should put a particular chapter, whether it should be at the end of the book or at the beginning. And when we divided, we go deadlocked and as I point out, it would have been ridiculous to go to the people and ask them, we were in Kampala we failed to agree on where to place Chapter Three, should it at the beginning of the book? You tell us, you people of Uganda. Should it at the beginning of the book or should it be at the end? And on that occasion, we decided that really that was not worth proceeding to consider recess. The other occasion was Kiswahili and the Motion was withdrawn, we wrangled a bit but we agreed that there was nothing to proceed on. I know that there was, I think, a question of the women but I am not clear on my facts on that one whether it was that we reached that stage where we should have gone to consult people.

Today on 92, results were read out, they are very clear. The provisions of the law have tilted the field. I think Lawyers agree on one thing that it is very, very clear and that it calls for two things. First, to give a cooling off period and during that cooling of

period, to talk to others and see if a different result can evolve to avoid a referendum. The purpose was to see if you can avoid a referendum on a matter of this nature which obviously is one of a national character which talks about what the Electoral Commission should do. I presume Members would want to go home and ask their people whether the Electoral Commission should ensure that elections are held at fixed times or not, and whether the public should be told about these elections in advance. You would like to go home to be advised whether candidates in an election should be guaranteed equitable access and use of public communication and Media, whether candidates should be given equal time and space on state owned Media and whether subjection to reasonable limitations be imposed on candidates and so on. So these are issues which you would like to go and be guided by your people. *(Laughter)*

Now, having pushed yourselves in a corner, these are matters you would like to go home and put to your people for guidance and consult among yourselves, and then we come and vote again. Now, the law says at least one week, but I do not think we can afford anymore. According to our programme, we are ten (10) days behind schedule. Of course, it is not clear whether the period of recess will be counted like the other recesses we have which does not go towards our two months. That is one thing I would have liked to be guided on by the Chairman of our rules. Because what we have in the Statute is that if we adjourn, the period of adjournment does not count towards the time which we were given by the Assembly. I have not checked the law whether the same applies to a recess provided for under sub-section (4) of section 17 of the Statute, which means until that is clarified, we would lose the days that we will take on recess. But if we take it as adjournment, then within the meaning of the Statute, it will not count towards the period of time we have yet to complete our work. I do not know whether Hon. Omara Atubo is in a position to guide us on that one.

MR. OMARA ATUBO: Mr. Chairman, I am just looking at the specific provision, I have not got it yet. It is important to really read word by word before -

MR. KUTESA SAM(Mawogola): Mr. Chairman, I wanted to refer you to something that could easily save us this confusion. And this is in relation to rule 29 sub-rule (7) of our rules. It says in the case of a confusion - this is talking about divisions - in the case of confusion or error occurring in the case of the division concerning the numbers recorded which cannot otherwise be corrected, the Chairman shall direct the Assembly to proceed to another division. Now this matter Sir, does not say when you must lead us into another division, it can be Tuesday, it can be Wednesday, it can be Thursday; we can consult while we are here.

So Mr. Chairman, I wanted to advise on what could help us out of this impasse. Instead of eating another week into the period which we have before us to finish business, and getting behind by seventeen days instead of ten, instead of forcing ourselves to have to wait a week to reach a decision, it is a fact that this morning or this afternoon, there was case of confusion or an error which occurred in the course of the division concerning numbers recorded that could not otherwise be corrected. Now I think we could take advantage of this rule to do two things. One, consult among ourselves because this rule does not say when we must go to the next division, we could have the division next Wednesday, next Thursday provided you direct us that we shall proceed to another division. So this way, we should be able to stay here as long as there is a directive that we shall go for another division on this matter which in any case, we probably would have to go to even if you ordered us for a recess or an adjournment whatever the case is. In the meantime, we allow ourselves and Members to consult amongst themselves. When I heard you read what we are going to ask our voters about, I was slightly taken aback and I thought that with a little more time, we may be able to resolve it amongst ourselves.

So I would want to say, Mr. Chairman, that given your earlier ruling, and given the fact that the results were announced, given the fact that by the admission of all of us who spoke and the chair, there was indeed confusion and some kind of error, we could take advantage of this rule and do not send this Assembly away to go and cause more delays and probably more expense as Hon. Ruzindana talked about 30 million shillings during this week. So if you take advantage of this rule which I think is still available to you, we could use it and vote about this matter, may be next week on Thursday or Tuesday or Monday whatever day, but allow consultations amongst ourselves, and also save the time of this Assembly instead of going on a recess or as is being

asked by my friend Hon. Nyai Dick, to ask you to adjourn us to recess. Both ways, we do not gain on time, and I do not think we are going to gain very much in reaching what would be a useful conclusion. Thank you, very much.

MR. BASOGA NSADHU(Busiki): Mr. Chairman, whichever way the decision we may take, I was wondering whether we can go now to consult people at this stage on those matters that you have just read. I was wondering looking slightly ahead on the chapters that we have to discuss, whether within a very short interval after we have come back, there will not be other matters on which to consult. So why don't we shelve this one if we must do it and pile them so that we go and make one huge consultation with other matters that may come up and because it appears it will be inevitable looking on the matters we are consulting now there are other serious matters that I imagine will be inevitable that we go again for consultation. Isn't it within our rules and procedures that we can accumulate these matters and make one huge consultation and then come back and take decisions on those?

THE CHAIRMAN: No, the position you think - we are going into another debate on a matter we had more-or-less agreed on. We have agreed that the matter is contentious, we have agreed on the only thing in which I had sought guidance. But I think the position is correct that any form of recess does not count towards the days we have. And so what we shall do, we shall have to comply with the law and we shall come back to vote on this matter. Friday is Public holiday, the 9th is Hero's day and so we shall re-assemble on Saturday. Well those who are here, if they form a quorum, we shall vote on the matter. We shall resume on Saturday the 10th. Members will travel back here on the 9th. Because we do not have much time, and we cannot afford to lose a day like that one. Tomorrow is a public holiday, I do not think any Member would like to take on Namirembe and Rubaga. So we are not coming here. We shall go on recess because of the position we have put ourselves in, and we shall resume on Monday the 12th and so -

MR. KIRUNDA KIVEIDHINDHA(Bugweri): Mr. Chairman, for clarity on the points on which we need to consult, I would request that if you ask the Secretariat to put up those points so that each Member has got them clearly, and also the press is given the points on which we are going to consult for guidance so that we do not consult on other issues.

THE CHAIRMAN: No, the situation is very clear. The question was, did you want the provisions of 92 to be part of the Constitution or not? You got deadlocked on it, you go and consult your people, we come back and revisit the subject matter. So there is no need even for the Secretariat to do any work here. I adjourn the Assembly to 12th June 1995 at 9.30 a.m

(The Assembly rose and adjourned until Monday 12th June 1995.)

THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

MONDAY, 12TH JUNE 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 4662]

12th June, 1995.

(The Constituent Assembly met at 9.30 a.m. in the International Conference Centre)

(The Chairman, Hon. James Wapakhabulo in t he Chair)

NATIONAL ANTHEM.

PRAYERS.

(The Assembly was called to order)

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA.

CHAPTER SIX - REPRESENTATION OF THE PEOPLE

ARTICLE 92 - PROVISIONS RELATING TO ORGANIZATION OF ELECTIONS

THE CHAIRMAN: Hon Delegates, when we adjourned or when we went on recess, we had just had the first vote on 92 whether or not to stand part of the Draft Constitution and we were required to come and exercise our vote again. I see the hand of Hon. Ssemwogerere, do you want the recess extended or something?

DR. PAUL SSEMWOGERERE (Busiro South): Thank you, Mr. Chairman. Mr. Chairman, I seek your indulgence to give me a minute or two to raise a matter of national importance, a matter of great urgency, and I believe, of interest to all Delegates here. A matter which has been the centre of discussion here regarding the Electoral Commission and arrangements for elections. Mr. Chairman, we are concluding the period for updating the registers and also registering new voters and it has been my experience during the recess, Mr. Chairman, that there is a lot of confusion in many areas, certainly in my own constituency and I think also in some others.

For instance, there has been late delivery of registers. There has also been in some cases, registers delivered in wrong places. In my own constituency, Busiro South, in Katabi *Gombolola*, two registers which do not belong to Mpigi District at all are there. One is from Arua and one is from Gulu respectively at polling centres of Bendegere and Kitara. Thirdly, there are some registered voters including myself who do not find their names in the registers in their own places and if this is the situation in other places, it will be necessary therefore for the Electoral Commission to appraise the situation and also to see if they have got the necessary capacity to handle this exercise as promptly as possible. I understand that partly because of this kind of information, the Electoral Commission has extended this exercise for another two days. If what has been going on in my own area is true elsewhere, even these two days will not help the situation and these are the reasons why I thought I should raise this matter here and then see what other Delegates say about it. I thank you.

THE CHAIRMAN: I think Hon. Delegates, it is not within our procedures that we can be ambushed like this but I think the matter is so urgent that I think five minutes spent on it is not bad.

MR. NASASIRA: Thank you very much, Mr. Chairman. I do agree with the views expressed by Hon. Ssemwogerere in respect of updating registers. I was also in my own constituency in Kazo over the weekend and I found more or less similar problems, that in some areas, voters' registers and forms like N and T are missing. I would have been happy if the Commissioner last night announced the extension of days covering the whole country rather than mentioning specific districts. Because I know in my own district of Mbarara, there are also many areas where there are these problems. The problems vary from registers missing to people registered in certain polling stations being found in other cells and so on, who have to walk for six or ten miles in order to get to that polling station and I think for a thorough smooth process that we are all hoping for, it is better that the Commission considers this, whether it is a problem of cost or not and the whole exercise is revisited properly and the people who registered but live in Kampala with their registration certificates are even facilitated to get voting cards from Kampala.

It becomes difficult for some of us who come from as far as 300, 200 and 400 kilometres away to have people who had registered, to go and vote in their constituencies, spend 20,000 shillings just to go and get a card! I do not see a problem myself where people who have their registration tickets of last year cannot go in the office of the Electoral

Commission as long as they have identification and the registers are there and there are enough communication systems between districts and the headquarters. So they get their voting cards from here and they are finished rather than travel to the villages; those who have not got the cards. Apart from that, there is all that confusion that we have realised. So I would also appeal, Mr. Chairman, that the interim Electoral Commission considers this and extends the updating of registers exercise for not only three days, but I think we need more than even a week to resolve this. And they keep in touch with our constituencies as to whether everything was properly done. I thank you, Mr. Chairman.

MRS.LAGADA(Women Apac): Thank you, Mr. Chairman. Mr. Chairman, I do concur with the two previous speakers. The only thing I would like to add to what they have said is that where I have been in my constituency, there seems to be lack of clarity as to how the people should get these new cards. Many people think that because they were registered for CA Elections, there is no need for them to go to the centres to make sure that their names are there and to get new cards. Also in certain areas Mr. Chairman, the people who are doing the updating themselves seem not to be clear in their mind as to what they are supposed to do. For example, I found in one of my areas, the person who is updating the register is refusing those people who have recently moved in those areas to transfer. Also in another area, I found the persons registering are refusing to register the recent 18 year olds. So to me, it appeared as if there was general confusion and also lack of mobilisation of the voters so that people would go and register. Therefore, I am appealing to the Commissioner to really extend that thing and do more mass mobilisation so that the people can register for the exercise to go on well. I thank you.

MR. OGWEL LOOTE(Moroto Municipality): Thank you, Mr. Chairman. Mr. Chairman, I beg to concur with the three speakers who have already mentioned about the updating of registers. I was also in my constituency and you know my constituency holds people from all regions, all parts of Karamoja and apparently, most of them actually raised that complaint that they need to be given some more days especially those who go right to the cattle camps and it is quite far for them to travel and also, you find that the stations where these registers are supposed to be updated are far from them. So they need to travel from such grazing areas and watering areas to come back and update their names. And so I think we need this thing. Even I am told in the southern part of Nakapiripirit, the registers just reached there a few days ago and yet I was very keen to listen, to hear whether Moroto District was there and it was not there. And so there are about six parishes and also even in Arua, in a place like Terego. So I think there are six parishes in Terego county in Arua which have not yet been served. I think this updating is a very important exercise in this country. At least we need about two weeks or more to update them. Thank you Mr. Chairman.

DR. OKULLO EPAK(Oyam South): Thank you, Mr. Chairman. I would like to concur with all the previous speakers on the opinions they have expressed. I want also to bring to your attention publicly the fact that in Oyam County South, in Loro sub-county, one entire Parish did not receive the registers. The register which was sent there and addressed for Adieda Parish had only one village and that is the barracks at Loro. They are the only people who received their register. I reported to the Commission this morning and I was surprised to find that the information about the lack of registration in that area had not yet reached the Commission. Mr. Chairman, I think there is truth in the fact that there are omissions in the exercise, there are lapses in the exercise and it should only be fair for the Commission to send monitoring teams throughout the country to come with on-the-spot opinion on what has happened. I was assured by the Commission that everything is going to be done to make sure that every citizen who qualifies to register does so and that we should not panic and worry. Now that this matter has been raised on this Floor Mr. Chairman, I would also like to add my voice and urge the Commission that everything possible should be done to make sure that those who are entitled to vote are not encumbered and made to lose the situation. We have even the situation Mr. Chairman, of villagers who migrated from the villages where they were residents previously; women particularly after divorces and so on, who have since gone back to their original villages. These are specific cases which were reported to me Mr. Chairman and I think divorce is taking place. It is not anything to excite us. But those, with much less civic education which preceded this exercise, I am not quite sure whether the radio information is helping them to get their right. I thank you, Mr.

Chairman and I would even urge that all possibility should be left open for people to register. Any prescription of time, I would hesitate to include that one Mr. Chairman. I thank you.

MR. ABU MAYANJA(Busujju): Thank you, Mr. Chairman. When I went for consultation in my constituency, I found that in the parish of Zigoti which is on the main Kampala-Mubende Road, the materials had not arrived until Saturday 2.00 P.M. and even then, it was only the cards but not the register. So how those people were to determine to whom to issue the cards without a register was a very difficult thing. So, Mr. Chairman, what I want to add is the very useful contribution from my Colleagues, that there is no law, as was the situation when we were doing the original registration, specifying within which period the updating of the register must be done. Since the estimated two weeks has not gone into the exercise in certain areas, the Commission should - of course there might be financial constraints - but the Commission should be generous and allow more time, at least another two weeks and carry out some real mobilisation. Because Mr. Chairman, relying on the radio alone, when you go to the villages, you find that people have no radios, people have no batteries, people have no what and they are not aware, many of them are not aware of what is happening. So there should be a generous extension of time of not less than two weeks and there should be some mobilisation perhaps by ourselves, Members of NRC and other civic and political leaders. I thank you.

THE CHAIRMAN: Hon. Delegates, anything new to add to what has been said?

MR. ADOKO NEKYON(Maruzi): Mr. Chairman, in view of the expressions we have had, I would like to formally move a motion which reads as follows: "*That this House do urge the CA Electoral Commission to extend the updating of voters registers by 30 more days.*" My reasons are as follows; in addition to the confusions which - *(Interruption)*

THE CHAIRMAN: I have not seen a seconder.

MR. ADOKO NEKYON: My reasons are as follows; In addition to the various irregularities which have been reported by other Members, on visiting my constituency at the weekend, I found that there were actually irregular transfers. There are people who have gone to certain villages and asked that their names be transferred there. But at the same time, the people in the village do not know them. They have not been born there, they do not work there, they do not live there. So those kind of transfers are beginning to worry people. The Commission must make sure that those who transfer to new voting areas either were born there or work there or live there. Otherwise, you have people just moving for the sake of causing confusion in the whole exercise.

Secondly, I heard yesterday a statement made by the Commissioner himself to the effect that new voters roll, that is those who have just reached the age of 18 or who are about to reach, their registers will be published in November. I don't know why it should take so much time to publish these names because people in the villages would like to know who has registered as a new voter so as to reject them or to admit them. So the publication must be done immediately the registers are compiled. Then the question of 18 year olds which has been raised by Hon. Mrs. Lagada is important. We do not have birth certificates. It will become extremely difficult for the people doing the updating to know who is actually 18 and who is not 18. Anybody can be 18 if he wants. If he does not want, he can be 16. So that problem will require the local leaders to be present there when people are going to claim that they are already 18 so that it can be proved that they have actually reached the age of 18. I beg to move.

THE CHAIRMAN: But Hon. Nekyon, if you would like the Commission to have the registers ready before November, do you think 30 days is realistic? Do you not think it is too long?

MR. NEKYON: No, I do not think it is too long because actually the question of updating registers has been going on in the industrial area. There was a big office established for this exercise over the last four, five months and they were working round the clock in three shifts per day. So what confusion has come out is really amazing, that these people had computers, they had so many staff there working. So I think they need the one month, they are with computers.

MR. KWERONDA RUHEMBA(Kajara): Thank you very much, Mr. Chairman. I appreciate Hon. Nekyon's motion and I support it but I would

have liked to amend it to read two weeks. Mr. Chairman, where Hon. Nekyon comes from, there may be some problems pertaining to updating the register and certainly, I appreciate some other speakers' sentiments over this issue particularly those who have talked for Karamoja, but where I come from, I wish to state that the exercise has been very swift and smooth, particularly in my constituency. I have found that the updates were in their final stages and that was on Saturday afternoon. To give them another month of doing nothing and yet they are being paid would cost the Commission a lot of money. So the amendment is saying the exercise should be extended and I believe it is being extended for everybody. So if we supported the two weeks' amendment Mr. Chairman, I believe people would take it seriously. The Commission would deliver these missing articles in the first five days and thereafter, I am sure the people would do it in earnest and I am sure the Commission is also pressed with time. So Mr. Chairman, I wish to move that the motion of Hon. Nekyon be amended to two weeks. I thank you very much.

THE CHAIRMAN: Is that seconded? Okay, the position now is this, that Hon. Nekyon has moved as a result of the observations made by Hon. Ssemwogerere that the updating of registers be extended by 30 days. Hon. Kweronda Ruhemba is saying that that is okay but it be amended to read two weeks. Now instead of wasting more time, we have to start with the proposed amendment first and decide whether we take it ,if we take the two weeks then that replaces the 30 days. Someone suggests that we go on a referendum on this one. What I would like to do therefore - the point is, we will be wasting a lot of time. The resolution is merely urging the Commissioner. If he has money, he may accede, if he does not have money, he may say, I am sorry. So really what we are saying is, we are expressing concerns which the Commissioner should take into account in deciding whether to close the register updating on Wednesday night or should extend and extend to the whole country and since you are representing the people, a decision from here would be a strong urge to him to move in that direction.

Now instead of wasting our time, let us proceed this way. Let us agree whether we take two weeks or we take the four weeks as a recommendation. Okay, I am now proceeding to put the question actually. *(Interjections).* No, if I allow one person, why not 50? So let us proceed. This procedure was granted by the Chairman on the basis of the importance of the subject matter, otherwise it should have come here by notice. But it is a recommendation to the Commissioner if you pass it. We start with Hon. Kweronda Ruhemba's motion to amend. If you carry it, then it supplants that of Hon. Nekyon. Let me put the question on Hon. Kweronda Ruhemba's amendment.

(Question put and agreed to)

THE CHAIRMAN: The effect of it is that you have made a recommendation to the Commissioner for two weeks and that closes that subject matter and the matter will be communicated to the Commissioner in due course. I do not think we need to debate this any more. I will now ask the clerk to proceed with the next item on the agenda. Actually the clerk had called Item number four - *consideration stage of the draft constitution of the republic of Uganda, Chapter six - representation of the people.* We were at article 92 and I will for the benefit of the House state what you already know at least for our record.

Just before we went on recess, the House sought to pronounce itself on Article 92, whether Article 92 does stand part of the Draft Constitution. We had gone through the three clauses or so. Because of changes advised by the Technical Committee, a number of the proposed recommendations were brought and we were left with very few clauses here and we went through these clauses. There was an attempt to amend clause (1) by Hon. Dick Nyai, that was negative and then we proceeded to pronounce ourselves on Article 92, whether or not it should stand part of the Draft Constitution. So much of it as was left following the acceptance of the recommendations of the Technical Committee. That being the case, the question was put and the matter became contentious within the meaning of section 17 of the Statute under which we operate and therefore, after due consideration of the implications, the House went on recess to consult and we agreed that we resume this morning, today the 12th of June and for the benefit of Members, the provisions read as follows - The law says, a matter shall be regarded - this is in section 17 (3)(a) "*the matter shall be regarded as contentious if the motion is supported by the votes of the majority of Delegates voting but does not obtain the support of two thirds of the Delegates voting in each of two*

votes conducted in accordance with sub-section (4)". Now, sub-section (4) says; "*the following provisions shall apply to the votes referred to in paragraph (a) of sub-section (3)* - the one I have just read - *(a) After the first vote on the motion, a period of at least one week of recess shall elapse before a second vote is taken. (b) During the recess, the Delegates may consult with other Delegates and voters in their respective electoral areas or as the case may be, with persons or bodies who or which elected or appointed them, on the subject matter of the motion.*"

These two provisions, in my view, have been complied with. We took recess for more than one week, likely more than one week and I presume that Members have in accordance with (b), consulted their various constituencies and among themselves. Now we are under paragraph (c). If after the second vote, the motion is again supported by the majority of the Delegates voting but does not obtain the support of two thirds of the Delegates voting, the matter shall be resolved by national referendum in accordance with sub-sections (1) and (2) of section 18 of this Constitution. Now, 18 (1) says; "*any contentious matter referred to in (a) of sub-section (3) of 17* - which matters I have just read - *shall if it is a matter of national character be referred by the Chairman to the Minister to present to the nation for a resolution through a national referendum.*" The rest is what happens once the matter has been presented to the nation for a referendum, you know what it means, how it should be passed. It is supposed to have passed if it is supported by the votes of the majority of all the parties voting in the referendum.

So now, we are at paragraph (c) of sub-section (4) of section 17 namely, we shall have to go through a second vote on whether or not so much of Article 92 as is left after the Technical Committee's recommendation should stand part of this Draft Constitution. That is where we are now.

MR. AGGREY AWORI(Samia Bugwe North): Mr. Chairman, I am seeking both your indulgence and your guidance on a matter of procedure on this issue we have been to consult people about. Mr. Chairman, on your indulgence, if you could invoke rule 43 to enable some of us to hear what other Delegates may have gathered from their electorate! (*Interjections*)

THE CHAIRMAN: Order, order! Will you please stop making noise? Hon. Aggrey Awori has sought the Chair's indulgence that we apply rule 43 which provides for suspension of the rules with the consent of the Chairman or a majority of the delegates. Of course we have used this rule before. But where we have used it, it has been in a situation where it would not amount to lifting the provisions of a Statute. These rules are subsidiary to the Statute and the Statute is the one telling us that we have to come and vote a second time. You would have consulted in your corridors and in your constituencies. We came here now to comply with paragraph (c) of sub-section 4 of section 17. So it would be inappropriate at this juncture to seek to invoke rule 43 of the rules of procedure.

We shall proceed this way. From last time's experience when there was a discrepancy in numbers, before we divide, I will be calling on the clerk to read out the total list of the Members and when your name is called - this is not a classroom but we are trying to be as fair as possible - when your name is called, you say present. *(Interjections).* Okay, when your name is read, you stand up - I was attempting to be a school teacher but I have failed - so that we know at the end those who are present. We shall then just read the ticks and the crosses so that we have a proper list before we go into the lobbies. Now please, let us go through this exercise first by the bell being rung for five minutes. Then the Marshal will lock the gates. This time he will not hold the handle. He will lock it and then we shall open it after we have conducted our business. Okay, Marshal, could you arrange for the bell to be rung? Meanwhile, while the bell is being rung, please, could you keep quiet so that you can hear the clerk as he calls out the names of the Members.

(The Delegates names were called out by the clerk)

THE CHAIRMAN: Hon. Delegates, could you resume your seats please. Please, take your seats so that we may continue with the business. The results of the count through roll-calling are that there are 216 Members in the Chamber and 68 absent. There is one Member who has gone out with the Chairman's permission for obvious reasons through this door. So do not worry about that. So we have 216 and absent 68 which gives a total of 284; that is the Membership of the Assembly as we were constituted by law.

Now, again in an orderly manner, we vote again on Article 92 as required by the law, whether 92 stands part of the Draft Constitution. That is the proposition. So for that proposition to carry, you need two thirds and above of the Members present otherwise we will be working towards a referendum. Unless of course the reverse is the case. It does not achieve 50 per cent. So we shall proceed as follows. Again as I said, in an orderly manner, there is no interruption, no attempts to kidnap. Now let us wait for Hon. Lumala, then we begin moving.

Hon. Lumala has taken his seat. I can give the necessary instructions. Those who support the proposition that Article 92, so much of it as is left following the Technical Committees recommendation and which was accepted should form part or stand part of the Draft Constitution will go and sit in the lobbies on the Chairman's right. Those who say it should not stand part of the Draft Constitution will go and sit in the lobbies on the Chairman's left. Those who do not have views either way should come and sit in the pool here. So could you now proceed in an orderly manner to those places? Thank you.

(The Assembly went in Division)

THE CHAIRMAN: I do not think we should wait any longer before I declare the results; I know the Members who are not here and I only wanted to check whether Hon. Ben Olwa is back. Hon. Batanyenda and Hon. Ringwegi voted and went for a short call. There are two Members who left with the Chairman's permission, there are three Members who voted but are not with us so that we make this position very clear. Hon. Ssekweyama sought my leave to go and attend to matters that he was required to do at midday so he voted and left. Hon. Sam Kutesa lost a close relative who is being buried at 2.00 O'clock in Mawogola so he sought leave to go. Hon. Ben Olwa said he was going out but he did not indicate whether he was coming back immediately but we shall record that he went to attend to other business. Those are the Members who are not in the Chamber now. I would have preferred to announce the results when Members are in the lobby but you cannot raise a point when you are sitting in the lobby.

Okay, this will be a practice from now on to the future. It is after we have announced the results that the Marshall will go and unlock the doors. As I said, three Members are not with us, the numbers present were 216 and the results are therefore as follows: Those voting in support of the Motion, 158. Those voting against the Motion, 58. There was no abstention. The requirement is that there should be two-thirds of the Members present and voting. That requirement would have to be translated into 144 point something or 145 and, therefore, the Motion is carried and Article 92 stands part of the Constitution. I am glad to see that the minds have at last met, could the Marshall please open the door?

That disposes of the requirement that we have to do with 92. If anybody wants to revisit that, they will have to wait until the Reconsideration Stage. We now proceed to the next set of business on the order paper. There is a mistake, Article 93 was disposed of and should not have appeared as one of the items we are going to handle today. What we have, therefore, is to proceed to Article 94. What we shall do, I will get the Chairman of the Committee to make an introduction, then I think we shall proceed for lunch then we come back and see how we proceed from there. So if you turn to Article 94, the Chairman of Committee Five, Hon. Sam Kutesa, as I said has lost a close relative and has had to leave but the Deputy Chairperson is present so I presume she will take care of the matter. I would, therefore, like to give the Floor to Hon. Faith Mwondha to guide us with regard to Article 94, the Political System. Hon. Faith Mwondha you have the Floor.

MRS. FAITH MWONDHA: Thank you very much, Mr. Chairman. The Committee recommended that a new Article 94 be inserted immediately before the existing Article 94 with clauses reading as follows: Clause (1), that "*the people of Uganda shall have the right to adopt a political system of their own choice through free and fair elections or referenda.*" *(Interruption)*

THE CHAIRMAN: Order, order! We are not yet at voting stage.

MRS. FAITH MWONDHA: Mr. Chairman, I would like to proceed with the rationale behind this new insertion. It is very clear that considering that Article 1 of the Draft Constitution ensures the sovereignty of the Ugandan people, that sovereignty should be exercised by the people in choosing the political system they prefer through elections or referenda. The right to form political parties includes

the right not to form political parties or to regulate any form of political system. It is also consistent with paragraph (e) of Clause (1) of Article 59 - Protection of freedom of conscience, movement, expression etcetera, which paragraph guarantees the freedom of association. Mr. Chairman, the Committee appreciated that the holding of a referendum is a very expensive exercise, however, the Committee was convinced that it is an expense worth incurring in return for democracy especially bearing in mind the alternative which could include war.

(3), Mr. Chairman, the Committee also took into consideration the experience of Uganda in the past nine years as well as the findings of the Constitutional Commission, all of which point to the fact that there can be more than one political system for Uganda. Sir, I beg to move.

PROF. NABUDERE (Budadiri West): Mr. Chairman, I would like you to guide us on the procedure to be followed. Mr. Chairman, you will recall that when Select Committee Five began to debate Article 94 last year, a number of Delegates who were Members of that Committee walked out in protect against certain rulings of the Chairman of the Committee. Mr. Chairman, one of those rulings was to the effect that his allowing Hon. Amama Mbabazi to move an amendment which sought to implant the Movement in the Constitution for the next five years did not amount to rejecting another amendment to delete Article 94 of the Draft Constitution. Another Motion was moved by Hon. Okullo Epak to defer discussions of the Amama Mbabazi's amendment until the Movement system was defined. This was rejected when the Chairman put the issue to vote without allowing discussion on it. It was at this point that the 15 Members of the Committee walked out in protest. Indeed when Committee Five reached the deletion amendment after discussion of both the Obiga Kania and Amama Mbabazi amendments, the Chairman ruled that he feared that the delete amendment which had been moved by Hon. Okullu and Hon. Sakwa had been superseded.

Mr. Chairman, it will also be recalled that the Members who had walked out petitioned you and the Legal and the Drafting Committee for an opinion on the rulings which had been made by the Chairman of the Committee. The Legal and Drafting Committee Chairman did write to you and did give opinion that the Chairman of the Select Committee had erred in rejecting the moving of that Motion to delete Article 94. Consequent upon this opinion being sent to you, Mr. Chairman, you met Members of our caucus, the National Caucus for Democracy, together with the Chairman of Select Committee Five and the Chairman of the Legal and Drafting Committee and after some deliberations in that meeting, it was agreed that the debate on Articles 94 and 95 will be re-opened in the Assembly. Recently, Members of the caucus Cecilia Ogwal; Paul Ssemwogerere, Robert Kitariko and myself as well as Hon. Ogola met you - *(Interruption)*

THE CHAIRMAN: Hon. Nabudere, there is a point of order from Hon. Rukutana.

MR. MWESIGWA RUKUTANA (Rushenyi): Is it in order, Mr. Chairman, for the Hon. Member to mislead this House by stating that the moving out from Committee Five at that time was in respect of this Article 94 when actually there was no such a thing when considering Article 94 but when the moving out occurred only when we were considering Article 95 because, Mr. Chairman, Article 94 was brought as a new insertion; it was debated and passed! I remember a vote was carried and it was passed. Then the Hon. Amama Mbabazi's Amendment and the Hon. Obiga Kania's amendment came when we were considering the original provision 94 (1) which had now become 95! There was no such a thing like walking out when we were considering Article 94 which was an insertion at that stage. Is it in order for the Hon. Member now to want to consider the moving out at this stage when we concluded that Article without that advent happening?

THE CHAIRMAN: I am not going to re-open debate as to what happened in Committee Five. What we are going to consider is what is before us. There is a report here and I recollect that it was Article 94 as it is formulated in this report that caused the problem and also the fact that there was the equivalent of a proviso to it. But what I am saying is this, we should not spend our time debating as to what took place in Committee Five. We are now in the Plenary, let Hon. Nabudere present his case, if you think there are shortcomings, I will give someone else the Floor to tell the story but not to start a debate as to what actually happened and not happened in Committee Five because I was not there.

PROF. NABUDERE: So, Mr. Chairman, I would like to conclude that in fact, as a result of those consultations, you did agree with us and the Chairman of the Legal and Drafting Committee as well as the Chairman of Select Committee Five that, discussions on Article 94 and 95 will be re-opened in the Assembly and, therefore, we are asking that you guide us on this matter because it has been moved by the Deputy Chairperson of the Committee that we debate that Motion which is being reported here by the Committee. We would like guidance as to whether the discussion on Article 94 will be re-opened as it was agreed between you and us.

THE CHAIRMAN: Could I ask Hon. Kanyeihamba who attended these proceedings, does Hon. Nabudere's report tally with the events?

PROF. KANYEIHAMBA: Mr. Chairman, yes! I would like to concur with Hon. Nabudere's version of what happened subsequently. Obviously like you, I do not know what happened in Committee Five but thereafter, it is true that the people who walked out did appeal to the Chairman and also made a reference of their complaints to the Legal and Drafting Committee. Thereafter, what Hon. Nabudere has described at the meeting between the Chairman, yourself and the Chairman of Select Committee Five and myself as the Chairman of the Legal and Drafting Committee and a number of the Members of those who had walked out is absolutely correct, Sir. I do not know what has happened subsequently. Thank you, Sir.

MR. BABU(Kampala Central): Mr. Chairman, Sir, whilst I do not know what happened outside Committee Five, something happened in Select Committee Five but the description of it is not accurate. What actually happened, 94 was actually passed and then we went on to another amendment which caused a bit of a problem and a Motion was moved to defer that particular amendment and then a procedural vote is the one which caused the problem and then the walking out. And I would like to request that the Minutes of that day in that Committee which are in existence should be read so that we can get a very clear picture because the picture of what happened in Committee Five is being distorted and I think it should be cleared. We should produce the minutes so that we know exactly what happened in that Committee Five because a wrong picture is being painted.

THE CHAIRMAN: Anyway, Hon. Delegates, what was brought to my attention was this that a Motion by Hon. Obiga Kania had been moved and that a proviso to it, although in form of a new clause was being introduced by Hon. Mbabazi and the question arose whether it was appropriate in terms of procedure and how they should have proceeded. That is the summary and the Chairman made a ruling which was objected to. An appeal was made to me and I did say that we would consider this matter because of the importance we attach to it. The essence of our presence here is not to be governed absolutely by rules although we must respect them, but essentially to work out a system that is acceptable and can work for Uganda.

Now, what we are debating is what did and did not happen but in substance really, the issue is recommendation 94 (1) and (2). Are they acceptable to this House or not? That really is the substance. We should not go round beating about the bush but before I can make a final ruling, can I ask Hon. Mwondha, does that offend your understanding of the situation?

MRS. FAITH MWONDHA: Thank you very much, Hon. Chairman. It does not offend my understanding though but I just wanted to give information that what you have said is actually correct. But then we had recommended in Clause (2) to the new insertion which I am yet to present to the Plenary which brought all the misunderstandings and the walking out, Mr. Chairman.

THE CHAIRMAN: Okay, thank you. We shall proceed this way. We shall re-open the recommendation of the Committee and I will do so by inviting as many amendments as Members would wish to bring on this Article. Then we shall apply the rules to them and work them in the order in which they depart from the recommendation that has been put to us. Then we shall debate in accordance with the rules instead of going round in circles.

MR. PATRICK MWONDHA (Bukooli County North): Thank you, Mr. Chairman. I am just seeking clarification whether by that ruling, recommendations of Committee Five are also treated as proposed amendments.

THE CHAIRMAN: The report before us is seeking - *(Interruption).*

Hon. Pecos Kuteesa, you are welcome back and I think Members are happy to see that you are in a better shape than the report was made to be and so we are happy that you have joined us. The report is seeking - you see what is coming from the Committee is an insertion of a new Article actually because the two do not relate as you can see. So let us take the recommendation of the Committee as a starting point and one can make amendments to it and, of course, amendments can be either you delete it or amend it.

MR. PATRICK MWONDHA (Bukooli County North): Mr. Chairman, for the sake of consistency with your undertaking that when we come to 94, it shall be re-opened, I would rather that we go by the provision of the Draft Constitution and treat any proposals, even the report of Committee Five as proposed amendments.

THE CHAIRMAN: Order, order! let me hear from the Floor, I will make a ruling.

MR. BIDANDI SSALI (Nakawa Division): Thank you, Mr. Chairman. In my own view, as somebody was saying, this is much ado about nothing. Whether we start from the report, whether we start from the Draft, Mr. Chairman, you have said anybody can bring any amendments and I think given the environment that developed since about last week and so on, I would appeal to the Members of the House to avoid inconsequential matters to charge the environment even more. Whether we go back to the Draft and this is regarded as one of the amendments, really it is immaterial. So in my own view, Mr. Chairman, since you have said that anybody can bring amendments and, in fact, I do not know whether we should also follow the previous procedure of the relevant Committee synchronizing the amendment, I would like to state or to recommend that for the sake of going ahead amicably in this exercise, we agree that these recommendations of the Committee are considered on the same basis as other amendments that will come in. That is my personal view, Mr. Chairman, in order to continue the harmonious approach to the end of the Constitution.

MR. OMARA ATUBO (Otuke county): Mr. Chairman, you have said that we should go to the substance of Article 94 rather than be bogged down to technicalities and I think if you look at even the Committee's report, it talks about Clause (1) and then it goes straight away to say, "*for the avoidance of doubt the basis...*" in other words, Mr. Chairman, what has been popularly known as Obiga Kania's amendment that: "*the people of Uganda shall have the right to adopt the political system of their own choice through free and fair elections or referenda*" *does* not strictly really stand on its own because once you pass that, you also have to look at the qualification which is given to it which says: "*for the avoidance of doubt, the Movement system of governance as prescribed in this Constitution shall apply for a period of five years from the commencement of this Constitution.*" In other words, Mr. Chairman, the substance of that report has got to be looked at as an integrated provision of clauses (1) and (2) and for somebody to say I am debating this question of referenda and election and ignore what is coming next is really to put your head in the sand and, therefore, since you have already ruled that we have to look at the substance of Article 94 which is for this House representatives and the Delegates having the power of the people to say what is the substance, is to chose the political system and, therefore, if you look at other amendments including the one to delete that one, supposing we pass this question of referenda in Article 94 and then somebody comes and says I want the whole Article 94 deleted, you are just going to move backwards and forward debate and motions coming and so on.

So based on your ruling which I think is not only practical but also wise, and in view of the fact of the very acrimonious debate which took place in Committee Five, confusion and so on, we go straight to look at Article 94 which is in the Draft Constitution, we see the various amendments which are there, the ones which are most extreme, according to our rules and then we start sorting them out which should come first and we also treat the report of the Committee Five simply as an amendment. It does not stop them being debated and passed but we look at them as proposed amendments which can come at appropriate stage. So, Mr. Chairman, I think we go and tackle Article 94 as it is in the Draft because of the history surrounding the report of Committee Five in respect of this Article 94. So I beg to support the procedure you have put to the House. Thank you, Mr. Chairman.

MRS. MWESIGYE (Women - Kabale): Thank you, Mr. Chairman. Mr. Chairman, I think this House must note that Committee Five came out

with this report after very thorough work and after a very long time. So first and foremost, we must recognise this report as a legal report from Committee Five so that we do not have to say that we must go to the Draft right now. We have been debating the report from Committee Five for the past week and Members must remember that when we passed some of these provisions, even after the walk out, the Committee had a quorum and we must respect its report so that this report is presented as a report from Committee Five like we have been debating other reports. Whoever wants to delete whatever provision, whoever wants to amend the report, whoever wants to put in other insertions, will come at that level having recognised it as a legally constituted report from Committee Five and, Mr. Chairman, the procedure in this House has been that we have been debating Article by Article and within the articles, clause by clause. So, me I look at this way that we should continue with that procedure which has been very consistent and in any case, when our Chairperson was presenting the report, she presented a report on the proposed 94(1), she had not gone to 94(2) which, in fact, was the cause of the problems.

So, Mr. Chairman, I suggest that we recognise this report as a report which is legally binding on the House which should be debated and, secondly, we follow the procedure we have been following that will not stop anyone who will come up with an amendment. I would not wish Members to consider the report as an amendment. You know that what is in the report are proposals but at least proposals of a report not fresh amendments. I thank you, Mr. Chairman.

MR. MULENGA (Democratic Party): Thank you, Mr. Chairman. Mr. Chairman, I think really what we are talking about is the meaning of what you, I suppose, have told that meeting between you the Chairman Committee Five; Chairman Legal and Drafting Committee and the members of the Caucus for Democracy. Mr. Chairman, my understanding of words "the Article will be re-visited", would mean that the article will be re-opened; it would mean that we start from the beginning. Last time when the Chairman Committee Five was presenting the report, the issue came up and I recall that your ruling, Sir, was that we should not preempt, the matter should be raised when we come to Article 94. I think all Delegates who were present remember that.

So we have reached 94. What is the difference between the ordinary way we conduct ourselves on a report from a committee and what was promised? We have all the time been able to amend reports and so forth but I thought that what you did agree with those concerned was to treat those Articles differently from the way we treat reports from committees. Now, if this is not the understanding, then perhaps a ruling can be made to that effect but I thought that it made a difference - your undertaking made a difference that we would treat these Articles differently from the way we have been treating reports from committees and, therefore, when Hon. Patrick Mwondha says we should start with the Draft, that would seem to be more consistent with what was promised than to take a recommendation and treat it as an amendment yet taking it out of context of the Draft. My view would be, Mr. Chairman, that we would have Article 94 as in the Draft, then Hon. Obiga Kania or Hon. Amama Mbabazi and then others produce amendments to that. That is how I can understand it, Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, let us find a way of proceeding. If you look at the Order Paper, by virtue of the rules, we put down 94 as it appears in the original Draft then the rest are taken as amendments and that includes even a provision that a report of the Committee is by way of amendment of the Draft because that is our working document. What we should do then is this, there was a Motion, there is Article 94 of the original Draft, there is a report of the committee we set up, that report was saying that we insert immediately before 94 a new Article and then we proceed to go to what is now called 94 but new 95. So, not to waste time in long debates on these issues - yes Hon. Mbabazi, because I am making a ruling -

MR. AMAMA MBABAZI(Kinkizi West): Mr. Chairman, thank you very much. I just wanted to raise a point of procedure. Mr. Chairman, whereas, of course, I agree with you that this House must not be held hostage by rules, on the other hand we must not be anarchical, we must abide by rules. Mr. Chairman, what you are saying now obviously departs from the practice we have followed ever since we started receiving reports from committees. We receive a report from a committee, we receive it according to our rules, and according to rule 31 sub rule (6), people who disagreed at committee level are entitled to raise minority reports and even those who do not qualify to raise minority reports

can move amendments on the Floor but what we have done in all the considerations of the reports we have received from all the committees is to receive the report of the committee and use it as our working document to make decisions. Now, if these rules are very rigid, the rules themselves provides for amendment, we can change the rules in order to suit particular circumstances that exist at any given moment but for you to make a ruling that we are going to follow this way and yet - I am not challenging the legitimacy of the discussion between the Chairman - *(Interruption)*

THE CHAIRMAN: No, you are preempting, because I had not finished.

MR. AMAMA MBABAZI: I am talking about the ruling you made before because actually, I am challenging those who challenged your ruling and you seem to have listened. So, Mr. Chairman, once you make a ruling as Chairman, there is a way that ruling can be challenged and changed but we must really follow rules, we must follow practice, we cannot today live this way, tomorrow change because obviously that is not a dignified or civilized way of debate.

THE CHAIRMAN: Hon. Delegates, the position was this. The question was put, should we regard the Committee's recommendations as mere amendments as well? In substance, they are amendments. In substance the recommendations of committees are a recommendation to amend the text which is before us. That is the substance whether we like it or not. The only thing that we have been taking them is because there was no controversy. That is the essence of the matter. It was on the basis of that that I said, when the Members came to me, that we can re-open 94 and to re-open 94 means going to the text and that means if you want to do it formally, we can go to rule No.43. If we think that we will be jeopardizing our rules by disregarding practice, we can go to 43 and decide whether we waive so much of the rules as would prevent us disregarding the report of the Committee to Article 94 so that we disregard that part of the report, it is part of the amendment, someone can move them, but for purposes of proceeding, we go to the original and they can be moved as amendments and we rank them on the basis of other amendments. So instead of - *(Interruption)* - let me hear from Hon. Dick Nyai.

MR. DICK NYAI (Ayivu County): Thank you, Mr. Chairman. Mr. Chairman, I think we should be doing ourselves and the nation a great deal of service if we revisited the original Draft in the text for the simple reason that 94 starts as part of political system. There was an amendment moved to delete 94. You can only have an insertion if there is a provision for political systems. Now, if 94 were deleted according to our rules, then you could not have any insertions. So, Mr. Chairman, I think your interpretation is very correct. I think let everybody who wants any insertion, amendments or otherwise put it in and we work from those rules. Thank you, Mr. Chairman.

MR. AMANYA MUSHEGA (Igara County East): Thank you, Mr. Chairman. If you had read the whole report, down there is a minority view. When we met in Committee Five, Hon. Nabudere and Hon. Dick Nyai insisted that they wanted to put a minority view which we accepted in the Committee and it is in this report. This minority view was vehemently advocated for by Hon. Dick Nyai, championed by the Hon. Nabudere and supported by Hon. Mwondha Patrick, the big guns of Committee Five. Now, once we are here they cannot turn around and say 94 is not a debate because the minority view in this report was part and parcel of this Committee and it was one of the ways of allowing the debate to be re-opened here and it is presented by Hon. Nabudere.

PROF. KANYEIHAMBA: Mr. Chairman, I rise on a point of order. Mr. Chairman, you have ruled how we should proceed. In my opinion there was contest for it, is it in order for Members to continue debating your Motion without challenging it? They should either challenge your ruling or we proceed, Mr. Chairman, as you have guided us.

THE CHAIRMAN: Any way, it is good always to listen to various views on matters, we have listened to various submissions, let us proceed as follows for the good of Uganda. We shall proceed starting from the text and let there be as many amendments as Members would wish to bring to Article 94. It has two clauses, it is scheduled on the Order Paper in the order in which it appears on the text because that is what we are required to do and then Members are free to use the material that has been brought to us by Committee Five but we shall proceed starting from the text on Article 94 and thereby re-opening it for debate on the Floor of this House as an

exception. Now, to give Members time to move amendments, I propose that we adjourn now and resume at 3.00 O'clock. So we stand adjourned until 3.00 O'clock. Thank you.

(The Assembly adjourned for lunch and resumed at 3.00 p.m, the Chairman, Mr. James Wapakhabulo, presiding)

THE CHAIRMAN: I think we have enough numbers to constitute a quorum. Hon. Delegates, when we broke off for lunch, the Chair had ruled that we re-open 94 as it appears in the text, the Odoki text, and that the Chair will receive as many amendments as Members would wish to make on that text and depending on their nature and number, we may want to synchronize but if they are few and they are ready we can proceed to debate the Motion in accordance with our rules starting with that which departs furthest from the text.

MR. HASHAKA (Kibaale county): Thank you very much, Mr. Chairman. Mr. Chairman, due to your ruling this morning which caught some of us who are supposed to move amendments unaware because we had to divert from the usual way we have been handling this document, some of our amendments have yet to be synchronized this afternoon as we have always done and typed so that they are ready to be circulated tomorrow morning. I therefore wish to move, Mr. Chairman, that this House be adjourned to tomorrow when our amendments are ready and to be circulated and discussed, Mr. Chairman. I beg to move, Mr. Chairman. Thank you.

DR. BYARUHANGA (Kitagwenda County): Thank you, Mr. Chairman. Whereas I can see and I can understand Hon. Hashaka's concern, we have the circulated amendments which is suggesting deletion. I do not see why we cannot go ahead and debate this deletion proposal because, after all, if deletion goes through, then the other amendments will no longer be pertinent. Thank you, Mr. Chairman.

THE CHAIRMAN: Of course, you can delete and replace, so you cannot just assume. Can I hear Members who are in the same position as Hon. Hashaka so that I can gauge the size of the problem because if it is only one Member, we cannot hold the proceedings.

MR. KARUHANGA(Nyabushozi): Mr. Chairman, following your ruling in the morning session that you would like Article 94 to be re-opened following the request that you received from Hon. Nabudere and those who supported him, I think it would be a good idea to allow the synchronization committee to receive all the amendments in the usual way that we have been handling our business and then we put them in some order. Where there are some deletions; where there is some amendments to the deletions or what have you, that we sort them out in a proper way and then the Legal Committee will make the necessary recommendation to the Plenary and if that is the order and the sequence that is to be debated, then we proceed in a normal way otherwise I can see some acrimonious discussion saying my amendment was put aside or this or that instead of - I think Hon. Hashaka had a valid point which should not be brushed aside.

MR. RUZINDANA (Ruhama County): Thank you, Mr. Chairman. Mr. Chairman, Hon. Hashaka's proposal is actually reasonable. Mr. Chairman, in the morning when you adjourned, I expected that you would actually adjourn until tomorrow morning but then you adjourned until this afternoon but, Mr. Chairman, in view of opening up this very important Article, I think it is reasonable that those who have got amendments should submit them to the Legal and Drafting Committee and then they are synchronized rather than coming on the Floor and that will require actually not even coming back tomorrow but perhaps a little longer - I am saying perhaps a little longer - otherwise if you do submit amendments to the Legal and Drafting Committee, when do they go through them, synchronize them and then produce them in a form that is acceptable to all of us? I think, Mr. Chairman, it is reasonable that we adjourn this afternoon. Thank you, Mr. Chairman.

MR. ONEGI OBEL (Jonam County) Thank you, Mr. Chairman. I almost said what has just been said by the previous speaker that instead of adjourning to this afternoon, the least you could have done was to ask us to come tomorrow morning. Mr. Chairman, you have heard as we were breaking off, a call for the NCD to go for a consultation which was actually an indication of the rush work which they would have come back with because the proposal here has brought in a new trend of thinking which you cannot absolve within these two hours

since we broke off this afternoon for lunch and therefore I support, Mr. Chairman, the proposal that we come back on Wednesday because then we have the whole of tomorrow to consult, the different groups to consult - *(Interruption)*. Thank you, Mr. Chairman, I am being interrupted.

THE CHAIRMAN: Order! Please Hon. Lagada, could you leave the Mzee alone.

MR. ONEGI OBEL: Mr. Chairman, I would even go further that if we could consult until Thursday that would still be better. Thank you, Mr. Chairman.

THE CHAIRMAN: Now, Hon. Delegates, we are turning this into a debate. What is here is this, I can see I had one amendment on my file when I came in this morning. It was by Hon. Cecilia Ogwal to delete Article 94. Following the adjournment to the afternoon, I have just received another one reformulated. I think it has been circulated, to read: "*In view of the fact that Article 94 of the Draft Constitution is inconsistent with some Articles already passed including those guaranteeing protecting and promoting fundamental human rights and freedoms, the said Article 94 be deleted*" and this is being moved by Hon. Cecilia Ogwal and Hon. Paul Kawanga Ssemwogerere. It is a new formulation. I think this one supersedes the other one. So my interest is to know the extent of amendments we have and then we can proceed like we have been doing. I do not see that it was a disadvantage to have called the meeting this afternoon. In fact, the benefit has been that should we go into synchronization this afternoon, then the Members are here but had we said you go and come back to synchronize, many of you would be elsewhere particularly in view of administrative arrangements which have been around. So Hon. Aggrey Awori, I am about to finalise my ruling but what do you want to say?

MR. AGGREY AWORI (Samia Bugwe North): Mr. Chairman, I was only seeking a clarification from you and Hon. Hashaka on his amendment or proposed amendment that we adjourn. Mr. Chairman, I have been told, among other things, that with effect from tomorrow, there will be two important sessions in this particular hall, NRC and we are invited as guests. The following day I am also told there might be a Budget where we might be invited as guests. In light of this development in this particular August Hall, can we leave this matter to the Legal and Drafting Committee to handle? It seems we are dodging the business; how can we keep on postponing these things for such a long time? What are we fearing anyway; we are wasting money here, we want to postpone the debate of this House; for how long shall we keep on postponing this? I think, Mr. Chairman, we might do this thing -

THE CHAIRMAN: Hon. Aggrey Awori, sometimes you lose money if you proceed in a haphazard manner. Let us anyway, proceed as follows; I can see that not all of you are ready with your amendments, so what we do, we shall do it this way. I have received communication from the Deputy Chairman of the National Resistance Council that they are asking to make use of this room tomorrow for opening the 9th and last Session of the NRC by His Excellency the President, and then they are asking that you also make it available on Thursday for the reading of the Budget but we cannot afford to lose all the days of the week. So, I propose that we proceed as follows; since most of us are here now, and I think the Chairman of the Legal and Drafting - I do not see him, but I can see the Deputy and quite a number of the Members - the Legal and Drafting can sit and receive amendments either today or tomorrow morning, but it may be better tomorrow morning, and then use tomorrow morning to synchronize whatever amendments will have come through and give us the order of business as far as amendments to 94 are concerned, and then for us we shall resume on Wednesday at 9.30 and the Chairman of Legal and Drafting represents the sequence of amendment to us by presenting a document to that effect, then we start the debate on 94 in accordance with the amendments synchronized on the basis of the rules. Because of the Budget on Thursday, I think, we have to give way and so we do work on Wednesday the whole day here and then we resume Friday the whole day here. The problem is this, because of the number of guests, the security people normally want to take control of the premises for some better time. So, we have to surrender the whole day. So, we surrender tomorrow and we surrender Thursday, but we do normal business on Wednesday. Meanwhile the Chairman Legal and Drafting Committee can indicate where they can be found and the Members are encouraged, as a means of reopening 94, to put in as many amendments which must be relevant, of course, as possible; then we proceed from there. That being the case I will now adjourn the House

until Wednesday morning at 9.30. We stand adjourned thank you. Order, order! Just a moment. Hon. Ben Wacha

MR. WACHA: Thank you, Mr. Chairman. I just want to inform the House through you, Sir, that they will find the Legal and Drafting Committee Members waiting for their amendments tomorrow morning at 9.30 in the lounge. We are leaving this afternoon for anybody who wants to consult and for the preparation of the various amendments to be made.

THE CHAIRMAN: Okay, agreed. Thank you. We stand adjourned.

(The Assembly rose and adjourned until Wednesday, 14th June, 1995 at 9.30 a.m.)

THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 14TH JUNE 1995

MOTION:-
Consideration of the Draft Constitution of the Republic of Uganda [Pg 4676]

PRICE: SHS. 2,550

Wednesday, 14th June, 1995.

(The Assembly met at 9.30 a.m. in the International Conference Centre, Kampala)

PRAYERS

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

(The Assembly was called to order)

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA.

CHAPTER 6 - REPRESENTATION OF THE PEOPLE.

Article 94 - POLITICAL MOVEMENT SYSTEM.

THE CHAIRMAN: Hon. Delegates, before we proceed, Hon. Kavuma, who following the Motion of Hon. Nekyon on Monday, has done some home work on behalf of the House - not in his other capacity, but he has just done some homework. Can I give him the floor to inform us what has arisen out of your resolution before we go to the other matters?

MR. KAVUMA: I thank you, very much, Mr. Chairman. Mr. Chairman, as a result of the resolution of this House, as you have informed the August Assembly, I did make some research and I have the following information to give to the Hon. Delegates for their consumption and onward transmission to all our people in their respective areas.

Mr. Chairman, you recall that this August House on Monday 12th June, 1995 passed a resolution seeking an extension - the National Voters Register up date programme for a period of two weeks. The programme generally closed in all except 12 districts named by the Commissioner for the Constituent Assembly as having experienced distinctive problems in implementing that programme. The Programme also closes at midnight tonight, in ten of those 12 districts. The remaining two districts, namely Gulu and Kitgum have been allowed a little more time, to wind up the activities of the programme.

Mr. Chairman, I want to refresh the Hon. delegates minds about the objectives of this updating exercise. The National voters register update programme had the following objectives:

(a) to correct all the shortcomings characterising the voters register during the 1994 CA elections.

(b) to enable new voters, those who are 18 now, or who will be 18 by the 30th November 1995, to apply for registration.

(c) to enable voters whose names are already in the register to obtain a new voters card, in exchange for the old certificates of registration.

(d) to rid the register of dead voters

(e) to ensure correctness of the spellings of the names of voters under their respective villages.

Mr. Chairman, the programme was designed to last a period of two weeks commencing on Monday 29th May, to Sunday 11th June, 1995. The period we determined in relation to the amount of work which had to be carried out at each polling station. Mr. Chairman, we also recall that in the first week of that two weeks period, priority was given to school going pupils or students who attained the age of 18, but had not been registered so that they could get their names entered on the register. The period of two weeks was determined on the basis of that fact that the updating exercise was to be carried out at polling station level. There are 14,769 polling stations throughout the country. Each polling station has approximately, 600 registered voters. This is on the average. Therefore, the work to be carried out at each polling station, by update officers was to deal with a mere 600 voters or so, recorded in each copy of the register of voters. Each polling station was to be manned by an update officer selected from among the RC executives of the villages, comprising the polling stations. The RC 2 Chairman of the Parish was to supervise all update officers of the polling stations within the parish. The RC 2 Chairman received copies of the registers of the polling stations within the parish. The estimated average number of new voters who would apply for registration as voters at each polling station in the rural areas was about 60 voters. The estimated average number of new voters at each polling station in urban areas was something close to 100 persons.

Mr. Chairman, I also want to talk about, give some information about the funding of this exercise. The National voters register update programme commenced at the beginning of January this year, and will end with the printing of the polling lists during

the month of December this year. The entire exercise of the update of the voters register, right from the capture of 7.2 existing names of the voters in the capture to the time of cleanup after the returns of field update which have been received by the Commission is approximately 1.6 billion shillings. This amount constituted a balance of the CA elections budget. The field update exercise alone has consumed approximately 800 million out of this amount.

Mr. Chairman, some information about evaluation of the exercise. Most districts have reported a very good turn up by the general closure of the field update on Sunday 11th June, 1995. On the average, most districts had achieved over 75 percent of the target. A few districts reported as much as 100 percent achievement. Districts with parishes or polling stations with missing registers were given a chance to correct those errors or shortcomings before the retrieval of the field update returns. All districts had performed satisfactorily with regard to the facilitation of new voters to apply for registration. The greatest bulk of the remaining work was basically on the side of old voters who had not exchanged their certificates of registration for the new voters card. Since the field update programme was designed to be flexible enough and with sufficient capacity to absorb all the remaining work, after winding up of the field update, there was no justifiable need to extend the field update programme generally throughout the country. The costs of an extension of two weeks would be approximately the same as the original cost of 800 million shillings. This is money which was not budgeted for and as delegates will recall, we are very close to the end of the financial year. The districts which had problems in obtaining the update materials early or distributing them internally in time or which had problems of missing registers were given an extension of three days from Sunday to today - that is Wednesday this week - to wind up their operations. This I am sure, takes ample care of my colleague for Busiro South, Hon. Paul Kawanga Ssemwogerere whose name by the way actually appeared in the register of Nkumba parish, polling station number 8 at page 9 of that register, contrary to what my colleague told this August Assembly on Monday.

Mr. Chairman, I wish to assure you and all Hon. Members that not a single Ugandan will loose his or her voting right due to the only fact that he or she has not been able, for any reason, to attend to the update of the register of voters during the period that exercise has been carried out. As the field update exercise closes in all the districts of Uganda, the following will happen in relation to those Ugandans who may have missed to participate in the field update exercise.

One, the date up to which the voters register is to be updated is Thursday, 30th November, 1995 as declared by statutory instrument, signed by the Minister of state in charge of constitutional affairs. This means in effect that, any person who is a citizen of Uganda, and who is now or will be 18 years old by 30th November, 1995, but has not applied for registration as a voter, by the closure of the field update exercise, may any time, before the first of November, 1995, obtain and fill an application form from the district executive secretary of his or her district, or from the office of the Commission for the Constituent Assembly in Kampala. The Commission may post the application form, upon request. All new application forms, must however reach the Commission by or before Wednesday the 1st November, 1995.

Two, any registered voter who wishes to transfer from one polling station to another and has not done so, before the closure of the field update exercise, may also do so any time before the 1st November, 1995 by obtaining and filling an application form from the office of his or her District Executive Secretary or from the office of the Commission to the Constituent Assembly in Kampala. The Commission may again post an application form to any voter upon request.

Three, voters whose names appeared in the registers of voters during the period of the register's field update but did not exchange their certificates of registration for a new voters card will have an ample opportunity to do so during the period of the display of registers at the polling station level later this year. Those who voted last year but have not checked their names on the register are informed that a copy of the register has remained with their RC 1 Chairman and another one with the RC 2 Chairman of their parishes. These have become permanently stationed at those levels, in our setup. All Ugandans who have applied for registration as voters and those who will apply before first November 1995 will collect their voters cards from their respective polling stations during the period of the display of the register of voters later in the year.

Mr. Chairman, in conclusion, I am most obliged by your kind indulgence, which has enabled me to make this statement. I hope that my Hon. Colleagues will be satisfied with the assurances and arrangements I have explained. The exercise of updating the national voters register was undertaken at an early stage in the national electoral process in order to have it in place. At the time of polling, an error free national voters register, that remains the cardinal objective in all that, is being done now and what may be done subsequently in relation with the national voters register. I thank you, very much. Sir.

DR. KAWANGA SSEMOGERERE(Busiro South): Mr. Chairman, I have two points to make. The first one is to clear my name. I spoke here on Monday, and I said that my name was not appearing on any register in Nkumba, and I want to repeat that. By the time I spoke, there was no register in Nkumba Parish which had my name. I did speak to the commissioner of elections on Tuesday, and I got to understand that several registers were taken to Nkumba on Monday. And now, among those registers was one which bore my name. But by the time I spoke here, there was no register with my name in Nkumba Parish. And I think this applies to other places also. And it is covered by what I said, late delivery of registers.

Second point, is really to pose a question, Mr. Chairman, as to whether this is the best way for us to receive a response from the Electoral Commission. We made an appeal to the Electoral Commission and I thought that under our rules of procedure, there is enough accommodation of the possibility of inviting somebody with important information to give to the Assembly here for him to come directly and handle the matter personally, but the way it has come to us through the Minister of Constitutional Affairs, raises the question of how independent the Electoral Commission is really - *(Applause).*

MR. KAVUMA: Point of order! Mr. Chairman, is the Hon. Ssemwogerere, delegate for Busiro South in order to state that the Minister for Constitutional Affairs has been to this Assembly today to give this information? When you made it clear and I did make it clear that I made this statement as Kavuma Steven, delegate for Kyadondo South who undertook to do some research, and I had information that I thought we should share with fellow delegates! Mr. Chairman -*(interruption)*-

THE CHAIRMAN: I think the whole thing is being taken out of context. No! just put your hands down. The whole thing is being taken out of context. I allowed Hon. Kavuma to pass on information he obtained from the Constituent Assembly Commissioner. We have not yet appointed the Uganda Electoral Commission, we have a Constituent Assembly, and the commissioner for the Constituent Assembly happens to be continuing to discharge certain functions. And we know that, Hon. Kavuma in his other capacity interacts regularly with the Commissioner for the Constituent Assembly. And he has brought that information here. If you doubt it because it has come from him, I suggest that you go get the clerk, he will produce the record, you go and compare it with the information in the hands of the Commissioner so that you can come back and say he told a lie or he carried information he had coerced out of the Commissioner. For the time being, let us proceed with the other business.

Now, the Clerk had read out item No.4 which relates to the consideration stage of the draft constitution, Chapter 6 - the representation of the people; Article 94 - Political System. When we adjourned on Monday afternoon, it became apparent that some Members had not yet got themselves ready with their amendments on Article 94, and I had indicated that Members should move amendments, and that those amendments would be presented to the Legal and Drafting Committee to synchronise them and also grade them in the order in which they depart furthest from the text in the Odoki draft. And that, on the basis of their report, we shall handle those amendments accordingly. Before we start therefore, I would like to give the Floor to the Chairman of the Legal and Drafting Committee to give us a report as to whether they did receive any amendments and if they did, how they have worked them.

PROF. KANYEIHAMBA: I thank you, Mr. Chairman. Yes indeed, Mr. Chairman, we did receive some amendments to Article 94. Mr. Chairman, it will be recalled that you announced that the next matter to be debated and to be resolved in this Assembly was Article 94 of the Draft Constitution. The Legal and Drafting Committee was asked to synchronise amendments on that article before debate for this purpose. The Assembly was adjourned for a day. Mr. Chairman, when the committee met, we only received two proposed amendments on the article and we considered and syn-

chronised them. In order for the Members to understand the nature of the two amendments, Mr. Chairman, and on the advice of the Legal and Drafting Committee, some background is necessary.

From the face of the amendment, nothing coming before the Legal and Drafting Committee could have been more precise or simple. The first amendment which the Committee considered is to be moved by Hon. Cecilia Ogwal and is co-sponsored by Hon. Paul Semwogerere, seconded among others by Hon. Robert Kitariko and Hon. Darlington Sakwa. It simply seeks to delete Article 94 of the Draft Constitution which in the first article in a series dealing with a political systems in Uganda. Indeed, it is under the heading, *Political Systems*. It is the article which proposes - according to the Odoki Report and formulation - to entrench the Movement type of government for the next five years, and which prescribes the nature of that movement. The Legal and Drafting Committee agreed unanimously that within the context of Article 94 in the original Draft Constitution, Hon, Cecilia Ogwal's Motion departs furthest. But that is not the end of the story because we had other arguments for the other Motion.

The second amendment which came before the Committee was sponsored by Hon. Obiga Mario and seconded, among others, by Hon. Amanya Mushega, Hon. Kaboyo and Basoga Nsadhu. As I say, among others, this amendment was presented by the movers as a new restructuring to be a replacement for the present 94 draft article in the Draft Constitution. The amendment proposed by Hon. Kania is to introduce new ideas to be incorporated in that article. And these new ideas were not previously, or indeed specifically, reflected in the Draft Constitution. Again, for purposes of clarification, and for informing the Hon. Delegates, it is important that I read out the contents of that amendment by Hon. Obiga Kania and his colleagues. Mr. Chairman, it reads as follows - This is after the heading Political Systems - It says that - Article 94 (1); "*the people of Uganda have the right to adopt a political system of their own choice through a free and fair referendum.*" Two that: "*the political systems referred to in Clause (1) of this article shall include;*

(a) the Movement Political System

(b) the Multi party, Political System or

(c) any other democratic and representative political system."

The opinion of the Legal and Drafting Committee, Mr. Chairman, is that this Motion by Hon. Kania contains two elements. The first clause is an entirely separate issue which could be considered on its own, and can be incorporated on its own. Indeed, the Committee discovered that the first clause of the Kania amendment was an altered version of his original Motion in Committee 5 which had been worded to read that: "*the people of Uganda have the right to adopt a political system of their choice through a free and fair elections or through referendum.*" We also understood from the discussions we had with movers that everyone in that Committee including the movers of the first Motion to delete, had no difficulty or problem with Kania's original amendment. Indeed, it was because of another amendment moved by Hon. Amama Mbabazi which had sought to insert a proviso on Kania's amendment that caused a problem and controversy which arose in a number of delegates walking out. And Mr. Chairman, as a result, a series of meetings and consultations were heard and at the end of the day, this was actually the cause of your ruling on Monday that Article 94 be discussed afresh.

Mr. Chairman, the amendment as proposed by Hon. Kania and his colleagues was analysed by the Legal and Drafting Committee. And our findings on that amendment are as follows; that the co-amendment contains material which can be regarded as new and a proper subject for a new formulation of article 94, and become part of the constitution under (a) being political system. This is certainly true of Clause (1) of the amendment. At the same time, Clause (2), of the amendment, has a problem. It seeks to entrench various types of political systems such as multi-partyism and the movement; which the movers of the Cecilia Ogwal's Motion are opposed to in principle. In other words, the movers of the deletion Motion are opposed to entrenchment of political systems in the constitution on principle. And therefore, if we analyse the Kania's amendment, particularly Clause (2), it does talk about entrenching multi-partyism and movement, that would be in contradiction with what the movers of the Ogwal's motion intend to do. This opposition against the entrenchment of political systems was clearly stated at the meeting of the Legal and Drafting Committee by the movers, and have been evidenced elsewhere, as Hon. delegates know. It also touches on aspects of the Draft Constitution which come after Article 94. Consequently, taking it in its entirety, the Kania

amendment prescribes issues which are not only prior to, but which are both within and after the contents of Article 94 of the Draft Constitution unless it was broken into different parts. If the Kania amendment were to be debated first and passed, it would be judged by our rules of procedure, the presentation and the discussion of Cecilia Ogwal's motion. On the other hand, if the Cecilia Ogwal's motion were to be debated and passed first, it would not stop the discussion and adoption of Clause (1) of the Kania's proposed amendment.

On the assumption therefore, that the movers of the Kania's amendment wish to retain both clauses of their amendments in their entirety, and on the basis of your earlier ruling on the same Article 94 of the Draft Constitution, it is the opinion of the Legal and Drafting Committee that Cecilia Ogwal's motion departs furthest from Article 94 and should be debated and disposed of first. As far as the two amendments are concerned, this is the opinion that we came to. Thereafter, the other amendments which seek to synchronise so much of it as is left, should be debated and discussed as the next item on the agenda.

Lastly, Mr. Chairman, I wish to high light another aspect about Article 94 of the Draft Constitution. It is clear, Mr. Chairman, from all the available evidence and arguments we have heard that, no Delegate or group of them wishes or wish to retain Article 94 of the Draft Constitution in its original form. Only this morning, Mr. Chairman, I have received proposed amendment on this same article from Hon. Sekandi and others including Hon. Higiro and Hon. Kiwagama. So, Mr. Chairman, the point I am making is that we must realise that no one, neither the movers of the Kania amendment, nor any other that we have seen, desire to retain Article 94 in its present form. Both Cecilia Ogwal and Obiga Kania amendment agree that it should go in one form or another. Indeed the Kania amendment proposes deletion and substitution of a modified Article 94 which is permissible under our rules of procedure. Additionally, Mr. Chairman, we have been led to delete and we have already pointed out one such evidence that, there are within the pipeline, several amendments on Article 94 yet to be presented to the Legal and Drafting Committee for synchronisation. And should Cecilia Ogwal's Motion fall totally or partially, then those amendments will certainly come forward.

In summary, Mr. Chairman, the Legal and Drafting Committee has synchronised two amendments for debate and disposal by this August Assembly on the basis of the evidence presented and our own analysis of it, and in light of your earlier clear ruling on the matter, it is my opinion, reflecting the correct views of the Legal and Drafting Committee, that Cecilia Ogwal's motion be debated and disposed of first and immediately thereafter, much of Kania's amendment, and any subsequent ones, which may have not been affected by the Assembly's resolution of the Cecilia Ogwal's motion to delete, be debated and disposed of next in the Assembly's effort to determine the political system for Uganda.

On a personal note, Mr. Chairman, the air under which we discussed these amendments in the Legal and Drafting Committee, simple as they were, was thick and it could have been cut by a political sword. Mr. Chairman, its on a personal note, my wish to plead with Hon. Delegates, to listen to one another very carefully and politely and generously. Because all Ugandans, are in the same political boat. And should anyone cause some happenings to occur which make a hole in that political boat, many Ugandans will drown because they do not know how to swim in this kind of political water. Mr. Chairman, with those words, I beg to report and I thank you. *(Applause)*

THE CHAIRMAN: Thank you, Hon. Kanyeihamba and members of your Committee for the work you have done to facilitate our work here this morning. I would like only to add one word as we come to debate a very important area of our work, but also a very important aspect of our politics that, it has become apparent and of course the Chairman is not without friends on the Floor, and it has become apparent that the tendency has been pluralisation in extreme positions on all sides of the political spectrum and the movement towards the centre in terms of views. My appeal is, as Ugandans, we have been entrusted with a job to do, which job affects the livelihood and future of all Ugandans. So we must bear that in mind when we debate the provisions of 94. And the spirit of give and take, to me, it could be more important and more facilitative.

We did allow two days when we resumed, for contacts to continue, and find a solution, they helped but not fully. The contacts have continued and formally, I presume, and also within various political shades and tendencies. I hope that, by the end of this debate, we shall have exercised a greater spirit of give and take for the benefit of Uganda so

that when we walk out of here, we shall hold our heads high and say, we did a good job for Uganda. And let us debate in a spirit of courtesy without undue interruption. And as Chairman, I am not going to be very kind on interruptions unless they are absolutely necessary. So that, people's messages, if they want to present are not distorted or interrupted unduly. With that, I would like to take the advice given to us by the Chairman of the Legal and Drafting Committee and his committee, and set the ball rolling. But before I do, can I be assured of what text we are debating? No, just a moment. I see two texts here. Could I ask Hon. Cecilia Ogwal to let me know which one we are actually taking as the official text?

MRS. OGWAL(Lira Municipality): Thank you, Mr. Chairman. Before we left on Monday, there were two formulations but after the Legal and Drafting committee advised us on both formulations, it was finally agreed that we table before this Assembly only one Motion for deletion. That is the first one you got on Monday.

THE CHAIRMAN: The one which reads; "*delete Article 94 of the Draft Constitution*"?

MRS.OGWAL: Yes please.

THE CHAIRMAN: Okay, thank you. Because I had the other version as well.

MRS.OGWAL: Mr. Chairman, after consultation with my elder, Hon. Paulo Kawanga Semwogerere, we have agreed -*(Applause)*-

THE CHAIRMAN: Why are you cheering before she says what they have agreed on?

MRS. OGWAL: Mr. Chairman, after consultation, we have agreed that he should speak first on the Motion, and I will speak after him. Thank you, Mr. Chairman.

MR. CHANGO MACHYO: Mr. Chairman, from what you have told us, are you trying to convince us that we should abandon the stand which our people directed us to take?

THE CHAIRMAN: If that is how you understood it, okay. But as far as I am concerned, I was only giving a word of advice as a person you elected to be your Chairman. Now, Hon. Delegates, the Motion on the Floor is simply this, it is moved by Hon. Mrs. Cecilia Atim Ogwal - it is actually co-sponsored by Hon. Cecilia Atim Ogwal and Hon. Paulo Kawanga Ssemwogerere and seconded by a number of members. From the information you have just received from Hon. Cecilia Ogwal, she prefers that Hon. Ssemwogerere speaks first on the Motion, as a co-sponsor. I therefore, wish to give the Floor to Hon. Ssemwogerere to present the Motion.

DR. KAWANGA SSEMOGERERE(Busiro South): First, I assure you that, I shall do my very best to comply with your sentiments, that in doing so, I shall be serving Uganda a good cause. This Motion standing in our names asking this August Assembly to delete Article 94 is brought in good faith. This Article 94 as it stands is the most contraversial article in the entire Odoki Draft Constitution as far as respect for fundamental human rights and political freedoms are concerned. Article 94, Mr. Chairman, reads: "T*he political movement system in this Chapter referred to as "Movement" which was in existence immediately before the coming into force of this Constitution shall continue in existence subject to the provisions of this article and of articles 95, 96 and 98 of this Constitution.*" In other words, by adopting 94, we are embracing - we are accommodating 95, 96 and 98. If we turn to 96, it reads: "*during any period, when the Movement is in existence, political parties shall not endorse sponsor, offer a platform to or in anyway to campaign for or against the candidate to win a public election.*"

Mr. Chairman, it is my hope that Uganda subscribes to the doctrine of the International Bill of Rights which embarrasses the Universal Declaration of Rights and Conventions on Political and Civil Rights. It is also my belief and hope that many of the problems that we have had in this country and in other countries largely come from the fact that these rights have been abused or violated. And that, therefore, when we are writing a constitution, not for the incumbency, not for those who are around here, it may be magnanimous, but the rights for posterity would be well advised to respect these international conventions on human rights. Indeed conventions which Uganda has acceded to.

Already, Mr. Chairman, in Article 12 and Article 59, this August Assembly has indicated a commitment to such fundamental rights. In article 12, we

recognised this rights and freedom to be inherent and not granted by the State. And I read 12 (1): *"Fundamental rights and freedoms of individuals and groups are inherent and not granted by the State."* And what the State and the Central organs are asked to do is to protect these rights. Under 12 (2) it says: *"All organs and institutions of government shall regard a defence and promotion of human rights and freedoms as their primary responsibility."* 12 (3) reads: *"The State shall guarantee and respect institutions which are charged with responsibility of protecting and promoting human rights by providing them with adequate resource to function effectively."* 12 (4): *"The rights and freedoms guaranteed under this Constitution and other laws of the land shall be given full effects through the adoption of policies and development of programmes that promote rights of disadvantaged groups and communities in the Ugandan society, especially women, the elderly, children, peasants, workers, orphans the sick, and the disabled."* Article 59 (1) (e) refers to these rights. 59(1) says: *"All persons shall have the right to -*

(a) freedom of speech and expression which shall include freedom of the press and other media;

(b) freedom of thought, conscience and belief which shall include academic freedom in institutions of learning;

(c) freedom to practice any religion and manifest such practice; (d) freedom to assemble peacefully, and

(e) freedom of association which shall include freedom to form and join associations or unions, including trade unions, political and other civic organisations."

These are rights we have already recognised as fundamental, we have accepted them in this August Assembly to be part and parcel or our Constitution. And as I have said, they are in line with the International Bill of Rights which are contained in several conventions which Uganda has acceded to. Now, when you bring in Article 96 which I read earlier, you are clearly denying the full expression of the political rights we have just identified in 59 (1) (e). By entrenching the "Movement" system and the terms of Article 96 in the Draft, it is saying that the "Movement" has to be entrenched for the next five years, and in so doing, we definitely have to deny minorities their inherent rights. By minorities here I mean those who, for one reason or another, maybe because of their conscience or otherwise, do not feel comfortable to belong to the Movement by whatever distinction.

Movement is an organisation, Movement is a political organisation, and it is clear in Article 94, when you read from 2 down, you are talking of a Movement, although you open it to everybody, it has got its own kind of agenda. And at some stage, it will have its own leadership profile. Movement has to have certain policies which it emphasizes and others which it may not emphasize. And an individual with a conscience under the Constitution has a right of political choice. You may find it uncomfortable; he may find it against his own wishes to belong to this kind of organisation. But if it is so entrenched, and especially, under the terms of Article 96, we do not have any chance to organise differently, to make a peaceful way to assemble those who believe as he does, to promote to the legislature candidates he or she thinks should champion that particular cause. And this, I think, is a clear contradiction. It is a negation of the very belief we have when we adopt, as we did, Article 12 and Article 59. This is the crux of the matter, do we want this Assemble to put in the Constitution that kind of restriction?

Mr. Chairman, going through the Odoki Report and listening to various arguments which have been brought so far in support of this kind of provision in the Constitution, one finds the following as the ground for upholding the movement. First that, during the Odoki Commission's inquiries throughout the country, the majority of the people opted for the Movement System. And that is not being denied here. At that material time, several years ago - *(Applause)* - even in my own area, I am aware of what transpired and clearly, the majority of the people in my area opted for the Movement System. I am also aware that several years afterwards, many minds have changed particularly when they have come to know what really the Movement is all about *(Applause)*. The latest evidence, Mr. Chairman, was on Sunday when I had a consultative meeting for the entire Busiro South Constituency. Evidence was there for everybody to see that people have since changed their minds.

In other words, at that time, given the circumstances prevailing then and the kind of presentations made to them and the kind of expectations they believed in, that was what they recommended to the Odoki Commission. They attended *Chaka Mchaka* courses, to be guided by a number of

cadres and other political leaders in the country, and they came to that conclusion at that time, several years ago. And since that time, they have been observing many things, and I am sure that many minds have shifted. But that is ground number one, and I shall come to it again. Now, the second ground is that in the past, when political parties were operating, many things went wrong and the term bad politics is now part of our vocabulary in Uganda. And when you analyse it, it means basically that campaigns sometimes degenerating into violence. It means discrimination based on one's political allegiance etc. Then number three, the ground for that kind of choice at that material time was to welcome a government or a particular Legislature which is as all embracing as possible. In other words, the concept - broad based government or broad based representation to the Legislature was something welcomed by many people when they responded in favour of the movement system several years ago.

These are what I have found myself, which have relevance to constitution making. Others are not matters for the constitution, they are matters for an individual to choose if somebody was comparing the incumbent president's predecessor and welcomed his new leadership and preferred that leadership to the previous ones. That was not a matter for the constitution other than providing for freedom of choice where you go to elections and the voter or voters have the right to pick and choose which person they want to be as a leader. Now, when you come to the first one - first of all, the question of the majority as I have indicated, the majority will be swift. But now, if we entrench this in the Constitution, there are two problems; the first problem is to empower the majority with a right which is not their right, to deprive the minority of their own freedom to associate otherwise. When we talk of these fundamental rights, we are talking of fundamental individual rights. We are talking of the rights of you Mr. Chairman, of mine, and of everybody here, of your friend of my friend, as well as my enemy. Now, when you have this Movement entrenched, you are following the choice of the majority on rights which are inherent for individuals. And this is totally unacceptable and it is bound to create many problems especially when that minority steadfastly refuses to give up its own conscience, its own choice. And you know what normally happens. You know what has happened in this country, you know what happens elsewhere. So, that is a very serious problem when we must go by the majority on matters of individual rights, otherwise, what is a solution? How does the majority prevail, how are the wishes of the majority upheld? And this is a constitutional question. We are not the first country to have that kind of situation. I believe all other countries do have that kind of situation. Where a majority at a particular time may opt for one kind of political organisation in preference to another. And here, the Movement clearly is a political organisation. There is no doubt that when you organise a certain political office to influence public policy, to have leaders elected to high offices, that you are not in a political organisation. You may not call yourselves parties but you are a political organisations.

So what they do, it means the solution in this case, the constitution must always provide for elections and then the majority always will choose their leaders in accordance with the adherence of one organisation or another. There is no shame, there is nothing contradictory in NRM passing as a political organisation and claiming to be superior to any other political organisation in this country in the past, currently and in the future. They can do all that but then allow the other people who dissent to organise differently and then in the end, you go to the people - we have already decided that sovereignty lies in the people - so you go to the people, you present yourself and let the people choose and should the people choose the Movement by 100 percent, so be it. We shall all clap and this would be a democratic constitution, but you cannot suffocate even one per cent and pass for a democratic political system. We have heard from minorities; one per cent, two percent, ten percent, minorities have been ignored and it is immoral to ignore those minorities and in practical politics, it can cause problems. We all know that - we are told of the 27 who went into the bush in this country in 1981. They were a tiny minority. Then we had a five-year war because of that and we had large numbers of people who were killed. Let us not apportion blame as to who killed them but they died. People have been impoverished in Luwero, they have been impoverished in many places where this war took place and there is nothing we can do to compensate for the destruction of lives and property. But this was largely because those 27 found there was no political space for them to champion their case. As I say Mr. Chairman, there is a solution to uphold the views of the majority who said they opted for the

movement system for the reasons they gave and maybe for new reasons. So, that could be a genuine legal option, a constitutional option for those who believe in that kind of politics to organise and present themselves to the people but in fair competition to anybody who wants to stand against that kind of arrangement.

When you subject this to a referendum, you are not solving the problem. Unless we are going for a referendum almost every year or everyday, because as you have seen, the minds of the people do change. I have just told you of my own experience. *(Applause).* I shall not be detracted although my message has not caught on.

THE CHAIRMAN: Order, order! I think you are misunderstanding the Hon. Member.

DR. SSEMOGERERE: - Yes, but I shall not be detracted Mr. Chairman. So when you have a referendum today, you may get a bad verdict for the Movement and when you abolish it, you are denying it an opportunity to be considered next time round. So why not simply have a free and fair election and let the people judge how much you support the movement and how much you support other rival organisations! On the question of broad baseness which I think is one of the reasons, as I have said, why several years ago many people in their responses opted for the Movement, they saw that this is good for Uganda. We are a heterogenous society. It is good to have many people of different political persuasions working together and the simple question which can give us the answer is who is to organise this broad-baseness? By whom should the building blocks for this broad-baseness be made, by the appointing authority, the President or by the people themselves who as we have said earlier are sovereign and all power belongs to them? And I maintain Mr. Chairman, that if the power belongs to the people, then they are the ones to determine these building blocks, how many there will be and what proportions they will be and it is in this very sense that some of us have tried very hard earlier and are continuing to propose a change of electoral system from the one which advocates "winner take all" to one which maximizes political participation in the Legislature, in government. Namely; proportional representation which gives more cross-section representation, depending of course on the support from the grassroots and this method has been applied. Indeed it has been applied in the majority of democracies that we know of. It is extensively used in Europe and it is now gaining ground in Africa. It has been adopted in South Africa, in Namibia, Mozambique, in Senegal, in Benin and I am told there are moves to have it introduced in some other countries like Kenya. That is because particularly of this question of heterogeneity of the African societies. That when you have "the winner takes all" system, you tend to marginalise minorities and they feel unrepresented and this is not right.

So if we changed the electoral system from the one we are accustomed to to proportional representation, to be part of the problem or part of the solution, the second one which is currently now in force in South Africa is to go further and say that when the government is formed, let it be a proportionate government, let that government be constituted on the basis of the electoral results - I understand in South Africa every party which secures at least five percent participates in government and that is proportionate government - These two would handle in a principled way the quest by our own people for a broad-based government without compromising, without undermining the fundamental political rights of every individual.

Lastly we come to bad politics. Yes, I am aware of many things which have gone wrong in our politics in this country and they cut across the various systems we have had whether under political parties or military governments. We have had many problems in politics. And now if you are talking of civilian political life, we focus on areas which matter, areas like campaigning and areas like regulation of political actors and also political organisations. Just like the Military, the Police, the intelligence organs, the banks, the Public Service, the schools and so on, these institutions have had their bad days in the past and what are we doing to them? Are we abolishing them? Are we banning them? No, we are trusting in better education, in reforms, in regulations, in discipline with the military, the training has improved, the regulations have been put in effect and there has been a good control measure and now we can talk of a qualitatively better military than what we had before and we can say so of the school system - the efforts which have been made to improve the school system, to improve the police! When I was Minister of Internal Affairs, we were busy trying to bring out reforms in the Police in terms of recruitment, in terms of

training and in terms of discipline and it continues to this day. So you get better results and I say, apply the same measure to the political organisations by whatever name called. Let there be regulations to control the campaigns and this is what is done elsewhere. The examples I have given like Namibia and South Africa are clear. You have an electoral code whereby political parties are controlled, political leaders are controlled and campaigns are controlled by law and why do we not do the same? If we did that, and we have an indication of what we should do, we turn to Article 97 of the Draft Constitution - I welcome much of what is contained in Article 97. So if we adopt 97 with maybe some little amendments there, we would have an answer to the so called bad politics and save the rights of the individuals, rights which are inherent, which may not be taken away. They are not granted by the State, they are not granted by anybody but the rights of every individual. And people will function politically depending on what their choice of political organisation is without undermining the system.

These are the grounds why we find that article 94 which is a negation of inherent individual fundamental rights should not be part of our constitution. It should or will be a bad day Mr. Chairman, for you and I to go down in history as having been responsible for inclusion of an article so negative in terms of human rights. Let us go down in history as having been able to address the problems which might have led our distinguished commissioners to think that the action lies in a draconian constitution violating human rights which are known by everybody all over the world. I thank you. *(Applause)*

THE CHAIRMAN: Thank you, Hon. Ssemogerere for your contribution.

MRS. CECILIA OGWAL(Lira Municipality): I thank you, Mr. Chairman. I am moving this motion with a deep sense of responsibility and concern for this country. It is my sincere hope that by deleting this article, this Assembly will be saving this country from dividing, from resorting to violence and above all, will be saving this constitution making exercise from collapsing at the eleventh hour. *(Applause)*. Mr. Chairman, the Langi say "*gulu too i dogola.*" And this means water pots tend to break at the door step. As a Langi girl, I broke many pots when I was just nearing home. The disappointment of carrying heavy load for a long distance and losing it at the door step is a painful experience. I have since learnt to watch my steps when about to conclude an important matter. If I may employ that natural instinct, I would like to advise fellow delegates to watch Article 94. It is certainly a trap since it attempts to undo what this country has been working for since 1988.

The article is not in agreement with the spirit of this constitution which is supposed to lay foundation for peaceful change of government and to provide for a new constitutional order. It will be extremely unfortunate and most unforgivable Mr. Chairman, if after spending eight years making a constitution, after borrowing colossal sums of money to finance this exercise and promising to return this country to civilian and democratic rule, this Assembly decides that after all, the exercise was not necessary, the status quo be maintained and this time equip the government with legal instruments to violate people's rights, the rights as stipulated in chapter five of this Constitution.

Mr. Chairman, as a devout Christian, I believe that this Assembly is a God sent forum. It has accorded us an opportunity to reflect on our past and to do postmortem on our history to identify the possible causes of our problems which have been persistent and hampered our unity and development. And above all, to arrive at possible prescriptions of our stalemate through discussions, compromises and concessions. Let not greed for power, let not arrogance, rob us of this opportunity to put our country right through joint effort. Although we struggled over some important issues like federalism, issues I am imploring this House to revisit for the sake of peace and stability now that it has become clear that there was never any snake in any pot but just a vision. We have made tremendous progress by entrenching some vital aspects of the constitution in the form of sovereignty of the people in Chapter One, National Objectives and Guiding Principles in Chapter Three, Protection and Enjoyment of Fundamental Human Rights and Freedoms in Chapter Five and the pillars of government in Chapter Seven, Eight and Ten and most important, the ownership and utilisation of land in Chapter 17. Mr. Chairman, you will agree with me that we did this together as concerned citizens of this country with a lot of attention. We learnt in the process that it is important to give and take; we learnt the importance of being flexible and realistic in handling constitutional matters. More specifically,

Mr. Chairman, we have come to realise that we are all important in this country and that peace and stability can best be achieved through collective effort regardless of ideological and ethnic diversity. I wish to submit that for the purposes of democracy, what we have handled and passed are the basic principles that we in Uganda and in any other country would wish to see in a constitution for good governance. Consequently, I consider this Article 94 and subsequent articles dealing with entrenchment of political systems absolutely unnecessary, it is irrelevant, it is divisive and certainly deliberately trying to derail this. *(Applause)* If we attempt to entrench it, we shall have negated the good intentions of this constitution making exercise. We shall have readily provided evidence that this exercise is a ploy intended to buy time to entrench a dictatorial system. In so doing, this country would have firmly rooted a monolithic and oppressive system which will cost this country much to reverse.

In my view, this constitution must be accommodative. In other words, it must accommodate everybody and every aspiration. It must be seen to be dealing with, and leading this country to democratic rule. It is the desire of the people of Lira Municipality who elected me - although I have difficulties in consulting them - that this Constitution be the end product of negotiations, compromises and understanding. They expect no winners, they expect no losers at the end. *(Applause).*

Mr. Chairman, from the general debate, it was clear right from the beginning of our deliberations that two fundamental issues were brought to this House by lifting the ban on political activities. The other was to devolve power to the local government and entrench that power in a permanent basis through a federal system of governance. I pray, Mr. Chairman, that we shall walk out of this Assembly with these two issues resolved for the sake of peace, unity and stability. It will be a disaster to this Constitution, it will be a disaster to this country if at the end of it, this document ends up being a disputed document. It will be even a worse disaster if this Assembly made up of Ugandans who have enjoyed working together and have built personal relationships and understanding, break up into fragments of hostile groups.

Having said that Mr. Chairman, I submit that Article 94 is a complete derogation from the democratic principles we have already passed in Chapter Five which protects and guarantees the inalienable rights and freedoms of choice, freedom of assembly, freedom of speech and freedom of conscience. This article is bound to create operational obstacles in this Constitution. It is made to suit a clique of strange people who want to rule this country in perpetuity. We have recognised this fact and we are not willing to surrender our freedom. I submit that this Assembly reject any provision that restricts people's rights, that restricts people from organising themselves in order to participate in the government. Mr. Chairman, there are two ways that people can be killed. You can kill a person through a brutal method of gun-shot or direct poisoning. But you can also kill a person in a slow process. At the end of the day, you may look healthy but you are helpless. I think this is what NRM is attempting to do to give a slow administration of poison in our society so that at the end of the day -*(Applause)* - we shall be totally paralysed politically and helpless. Therefore Mr. Chairman, any derogation from the heart of this Constitution that guarantees the inalienable rights and freedom of choice or political programmes, freedom of assembly, freedom of speech and freedom of conscious shall be a monstrous act in our endeavor to attain democratic reform. Can a medical doctor, Mr. Chairman, admit a patient, hold that patient in hospital for seven or eight years, carry out investigative operations on that patient and after diagnosing the disease and finding the right medicine for that disease, you declare the patient hopeless and you issue a death certificate and roll the patient to the mortuary? Mr. Chairman, it is very difficult to declare me dead and useless when my eyes are seeing, my ears are hearing and my senses are alive and I am pleading my case. It will be most cruel for this government, for NRM to attempt to force us into the mortuary when we are alive. *(Applause).*

THE CHAIRMAN: Order, order! May I have silence please. We are doing very well.

MRS OGWAL: Mr. Chairman, I would like at this point to highlight two important characteristics of the movement system as described in Article 94 we are attempting to delete. These aspects demonstrate that the Movement is a close system not different from the one party system which has been discarded in many countries for oppressive reasons. The article provides that when the Movement is in existence, all political parties must remain

dormant. It therefore cannot be challenged, it therefore cannot claim to be multi-ideological, it therefore cannot claim to be inclusive, it therefore cannot claim to be all embracing. The system, Mr. Chairman, is not consonant with the desire of the people of Uganda who have stated their case before the Odoki Commission that they do not want a one party system. When we come to Article 99, I think we find the desire presented there. The system does not allow change of government, change of undesirable regime, whereas individuals can be changed through elections as we have experienced since 1986. But the system remains intact with all its undesirable policies.

Mr. Chairman, it is important for us to understand that the Movement cannot claim to be democratic. Mr. Chairman, I have myself tried very much to understand and appreciate the Movement as a political system but I wish to report that I have found the Movement to be not any different from a party like UPC, Democratic Party or any other. After all, a party is a voluntary association of individuals or groups of individuals with shared interest. When Movement came into existence, the people of Uganda were never consulted, the people of Uganda never gave their verdict when the choice of leadership was being done. Therefore, Mr. Chairman, by its nature, the Movement was designed to be a party. I have looked at the NRM organisational structure, I have looked at its leadership and I have looked at the functions of its secretariat and I am convinced beyond doubt Mr. Chairman, that the movement has been operating as a party all along since 1986 but taking advantage of our ignorance, taking advantage of our patience by using the national resources to build itself, to strengthen itself and to deeply root itself in our country.

In my research, Mr. Chairman, I came across a document entitled NRM/NRA revolution. Some of you who are the core of NRM may have that document but those who are new recruits may not be aware of it. In this document, certain basic principles of the revolution, the NRM revolution are spelt out. If there was time, I would have read the whole document but I beg some of my brothers who come from NRM Secretariat to forgive me. Through our systems, we get hold of such documents occasionally. In Clause (1), the document states the objective of the revolution to capture power by the force of arms. It is in articles (1) and (2); remove UPC dictatorship by force of arms. I am very grateful, Mr. Chairman, that has been endorsed as the objective. It would have been bad if they denied it. Article 1(2) talks about the establishment by force, if necessary, of a one party popular democracy in Uganda under the NRM. *(Applause)*. Article 3.3 talks about establishment of a one party popular democracy and also to provide policies regarding matters such as human rights, economy and so on and these policies shall be determined and formulated solely by NRM under the High Command of the NRA. Such policies will ultimately be passed by the NRC and enforced by NRA. Mr. Chairman, take note of the point "enforced by NRA". Not only that Mr. Chairman, the NRM/NRA policy since 1986 confirms that these are the basic principles of the NRM revolution.

Since seizure of power in 1986, NRM substantially amended the 1967 Constitution in order to effectively implement its set revolutionary goals. Legal Notice No. 1 of 1986 Article 10 Clauses (2) and (3) state - I want you to note this because you will confirm what I have read earlier. "*The National Resistance Council shall seek the views of the National Resistance Army on all matters the National Resistance Army Council considers important. The National Resistance Army Council may forward its views to the National Resistance Council and shall take into account such views when making decisions on such matters.*"

It is clear from these legal provisions that real power of the movement lies with NRA and not the people as this Constitution is attempting to provide. *(Applause)*. The people of Lira Municipality are therefore aware that NRM is attempting to legitimise its existence through the Constituent Assembly with the entrenchment of this monolithic political arrangement in Uganda. Political expressions and participation in public affairs are to be permissible only through the State organs as provided in this document. The conscience of everyone who does not support the Movement is not to be spared. He or she will not be allowed to participate in the public affairs of the country from outside the Movement. It is clear therefore - (*interjections*) - Mr. Chairman, can you protect me from Hon. Amanya Mushega?

THE CHAIRMAN: Order, Hon. Amanya Mushega, please leave Hon. Cecilia Ogwal alone.

MRS. OGWAL: It is clear therefore that there is utter inconsistency between this article and Article 99 as I have stated earlier where the people have clearly stated their position that they do not want a one party dictatorial system! It is clearly stated Mr. Chairman, in Article 99! I would like Mr. Chairman, also to highlight some unpalatable qualities of the Movement. I have already been told by my neighbours around that as long as you live in a village, you are recruited in RC one whether you like it or not and my neighbour Hon. Richard Kaijuka confirmed that this morning. Any person is made a member of RC one in his area whether he likes it or not. Mr. Chairman, is this democratic? If one resists being a member of RC 1, what will happen?

THE CHAIRMAN: Order, that was not intended for immediate answer.

MRS. OGWAL: Thank you Mr. Chairman, because I am addressing them through you. NRM, as we know it today does not have a constitution. No one knows when its leaders were elected and through what organ they were elected if they were elected at all. All we know is that the current leader or the leaders want to rule this country until year 2000. I am being corrected and beyond. *(Laughter).* This Mr. Chairman, confirms to me that NRM is a system built around one man and I do not know whether this Assembly will want to risk to build this constitution around a mortal human being. Mr. Chairman, my neighbour Hon. Babu has always been a very good neighbour, I do not know what has happened to him today. I am being told that he has a cake in his mouth.

THE CHAIRMAN: Hon. Babu, could you revert to your previous position so that we proceed. Yes, Hon. Cecilia Ogwal, proceed.

MRS. OGWAL: Mr. Chairman, the system is baptized broad-based but this broad-base is built on host-guest relationship. Mr. Chairman, this cannot be a permanent relationship to govern our country and bring about national unity. As Hon. Paul Ssemwogerere has already stated, we need to have building blocks in order to arrive at that relationship that will stand the test of time. Three things have so far emerged which has exposed the NRM lie. First, in 1989 during the NRC elections, all those who participated and won were declared to have joined the Movement but when they were standing for the elections, they were not told that by their participation, they will be joining the Movement. Because of this mandatory participation, blanket claims were made by the leadership of movement that the people of Uganda do not want multiparty. Mr. Chairman, this is a very serious matter. The concept of broad-baseness by conscription cannot be accepted in a democratic constitution.

The second thing that exposes the lie of broad-baseness was the President's statement after 1994 CA elections that NRM had defeated other forces. Mr. Chairman, you know very well that the Statute barred all other political forces from filling their candidates, we were therefore surprised when the President came up with that statement. But in fact Mr. Chairman, it strengthens our argument that NRM cannot allow opposition to exist alongside itself. If NRM was composed of all the other parties, how on earth could it have defeated them again? How could it have defeated us, defeated other forces when they are supposed to be a house for all other political parties? While stipulating for the continuation of the Movement under this article, it also stipulates for the removal of parties through the Constituent Assembly by extending itself through the referendum thus a system which alleges to have a base based on parties and realising that that base has been removed and still insist that it is broad-based demonstrates that NRM is founded on lies. Mr. Chairman, I am glad to read in the papers today that one of the leaders of a political party left the government. I think this is a good thing because NRM has been claiming that by having just one person in the government, therefore the whole party was participating in the government! Now we want those who are in the NRM government now to stand up to be counted if they belong to any political party.

I would like to conclude by saying that political systems including the Movement system is not a constitutional matter Mr. Chairman. And we should not waste our time debating it. This Assembly was mandated to enact a constitution which provides for peaceful change of government, a constitution that allows change of regimes and not change of individuals only. The people of Lira Municipality have directed me to tell you that they shall not be a party to entrenching a system they know is monolithic, dictatorial and has already been oppressing them. It is because of this Mr. Chairman, that I move that Article 94 be deleted. I thank you, Mr. Chairman. *(Applause)*

MR. TIBERIO OKENY(Chua): Thank you, Mr. Chairman. Mr. Chairman, I am going to start from where Hon. Cecilia was booed by this honourable House when she said she was a devout Christian and I am going to prove that all of us here are devout Christians. *(interjections)*

THE CHAIRMAN: Hon. Tiberio Okeny, I think you have to modify that. I do not think Hon. Abu Mayanja agrees with you.

MR. OKENY: No, Mr. Chairman, I was taking it on the note mentioned by Hon. Cecilia Ogwal. She mentioned christianity and of course the Moslems are Godly too. Well, Mr. Chairman, the motion now before this House is the most central and pinnacle of the Constitution which calls for really serious consideration before we decide which way to go. And all that we are saying here is as an imprint that will have to remain in our book of the constitution for the benefit of our posterity.

Mr. Chairman, I have got to lay before this House, or to discuss only six points. One of it as I have said, I will be starting from where Hon. Cecilia Ogwal mentioned values of christianity by posing this question to this House that how genuine are the Ugandans in their commitment to God vis-a-vis the second commandment? Mr. Chairman, why I put this question is that because here in Uganda we adopted our characteristics all vying for God. One, in our very national motto we have it, *"For God and my country"*, that everything we do here in Uganda, we must always consider God first and then the country. Then the second is our national anthem. Its first verse where we always sing here on the first Monday of the week when we say, "*Oh! Uganda, may God uphold thee.*" We always lay Uganda before the hand of God and therefore, everything that we are saying now in this Assembly here is in the name of God. And our prayers here Mr. Chairman start with these words: "*Almighty God, we humbly ask you to look with favour on this Constituent Assembly of the Republic of Uganda, help it to perform its high duty with honour, grant the delegates discernment and vision, integrity and courage to face the truth so that through their labour, the interest and happiness of Ugandans should be served*" and then we say here, "Amen".

Mr. Chairman, all of us here know we have taken oath including yourself and Madam Deputy Chairman. In our words, it is ending with these words, "*so help me God*". So if everything of Uganda is God, God, God and Godly, let us consider how Godly this 1994 Constitution is when it is denying the very persons that we are vying here to serve. Mr. Chairman, my concern here is this name God and that is why I referred to the second Commandment. We always eloquently call this God everywhere we go, but are we aware that this God maybe earning us cars than grace? Because in the second Commandment, it says; "*thou shall not call the name of God in vain*" and here in Uganda, we have taken it as a pride. We do not just take consideration of it, the seriousness of it and it is laid down and I quote from the Bible. "*Do not use my name for evil purpose because I the Lord your God will punish anyone who misuses my name.*" You can find that in Exodus 20:7 Mr. Chairman, these are very serious commitments that Uganda as a nation has committed itself and here, we are Ugandans assembled here to discuss this very, very important issue concerning our lives of today, of tomorrow and of years to come. So, Mr. Chairman, when we are talking of this, we should be very serious.

My point number two is a lesson that we might have learnt from the golden jubilee celebration of end of Second World War. Mr. Chairman, it has just been celebrated on the 8th of May this year and in this, a serious regulation has been taken world over because of having recognised the wrong that was committed against humanity in the second world war and they have taken a high resolve which says, "*Never War Again*"! His Holiness, Pope John Paul the Second, in his global message to the world which was quoted in Rosebarow Romano NO. 220 May 17th 1995, he said this; "*democracy has won on certain grounds but some typical issues still need to be addressed and can only be guaranteed by internal renewal of democracy.*" Mr. Chairman, I am stressing these words, certain, critical, addressed, internal renewal. These are philosophical and theological connotations which I think here my Brother Hon. Rev. Fr. Gaitano will take note of very seriously.

Mr. Chairman, this August House has got - the reason why I am very interested and I am quoting the jubilee celebration of the Second World War and it is because we are making a constitution which is our first constitution Mr. Chairman. We have had constitutions which have all been abrogated and today we must also take a similar type of resolution that "never a restrictive constitution

again in Uganda"! By making a constitution to favour certain sections and a sectarian one in itself is very, very dangerous and we have seen the danger of it. We are living in danger of such constitutions even today as I talk. And Mr. Chairman, on the 3rd of June, we have witnessed the trotting to Namugongo to celebrate the courageous martyrdom of the 22 faithful.

I am bringing this that we must know how to face the truth and although it is bitter sometimes to face the truth. But we should not shy from the truth. We had the Kabaka that time with all his multitude of people around him but he did not scare those young boys to offer their lives to defend the truth which we are now enjoying, the christianity in this country and this is a fact. And now that we are here in this hall, so much divided in one way or the other but I am only appealing to this House to go for the truth, follow the truth. And in that, I have got experience, Mr. Chairman, because this is my second presence in the making of a constitution. I have been in the London Conference Constitution. I know how we have argued certain points and how the majority thought they were the majority at that time and nothing is wrong with what they were doing and thereafter, it was proved that we who walked out of the London Conference were correct and even today, we are telling the people, telling witness to the tell the people the truth of how we were sent here by our people and here are people who are just denying purposely. It is not the wish of the people of Uganda, but they will only regret it later.
Now, let us reflect to our past bitter experiences. We cannot make a good future if we cannot throw our eyes a glance of the past and try to find out from where have we gone wrong so that we can correct ourselves. It is very absurd indeed for a person, having realised the wrongs that - I am sorry if I say it - stupidly or arrogantly, just stands and say no, it does not matter, I do not care! I do not care about your attitude, it is very bad for the country provided I am eating! Well, Mr. Chairman, the Constitution of 1962 imbued this thing which has brought us to the present moment, the indirect elections in Buganda, which disputed that it is going to divide the country and the lost counties question. (*interjections*) - Mr. Chairman, these ladies are murmuring too much around me.

THE CHAIRMAN: The members have been asked to pay due attention without murmuring. Please would you give Hon. Atwoma the chance to make his case without murmuring in the background?

MR. ATWOMA: The lost counties question, which came before this Assembly and it was said at the London Conference and we knew the danger because you say, you the British who have brought this problem around, you settle it before you leave us! But they said no, you will settle there when you go back at the Independence by referendum. What happened Mr. Chairman? The 1966 Crisis started because of the counties' issue and today, in this Assembly here, when the Buyaga and Bugangaizi question came up for discussion here, I thought by learning from our past experience we should have settled once and for all this issue. It seems Mr. Chairman, that we have now shelved it again for another trouble ahead! We have got before us here, memorandum from the elders of Bunyoro and it is not a small matter and I hope probably this Assembly will see wisdom at the Reconsideration stage to address this matter more seriously.

Then, the 1962 Constitution embodied within an unholy alliance of UPC /KY. Well, when these things were all being discussed, we stood our ground with the late Ben Kiwanuka, Ben was the most hated man in Buganda then for the principle he stood for at the London Conference, when he said and I quote: "*In the past, blood has been shed for the principle of one man one vote In Uganda, that principle has been implemented, and we did it in 1966, now it is proposed to emphasise to the people of Buganda, there is no legal or moral obligation on the Secretary of State to support this proposal which is in direct conflict with principle of democracy. The Chairman has spoken of compromise, but I would like to ask on what do we compromise now? Like this one, if we have compromise, on what? On the rights of the people, speaking on behalf of the progressive elements in Buganda, I say it will be a great disappointment if any thing less than full democratic elections were agreed to.*" He was speaking to the elected Government of Uganda then. At the time, he was the Prime Minister, he was Chief Minister, when he said, "I must say that myself and my party will not and no African nationalist could support the proposal". He was supported by his ally of DP delegates. Okeny - East Acholi, went to the extent of claiming - Okeny is the very same Okeny now speaking - went to the extent of claiming, that granting this option to Buganda would lead to confusion and bloodshed.

This you can find it in the Book written by Grace Ibingira, "*The forging of a Nation*" on page 208 to 209.

Hence, Mr. Chairman in 1966 as I have already said, the thing blew out - what we were visualising at the London Conference and that was the beginning of the culture of war, death and anarchy in this country which is to our shame today because of disobedience at the London Conference by not taking the right route at the very beginning. I am appealing to this House that let us not repeat the same mistake. Take the mysterious assassination of the notable sons of this country like Andrew Kayira and Professor Dan Mudoola who was the Vice Chairman of the Uganda Constitutional Commission and the obnoxious story of the Seven Wise Men in the smuggling in of Chapter 9 which has now been thrown out, which was revealed to this Assembly by the Minister of Constitutional Affairs, Hon. Sam Njuba, Kyadondo East and we really appreciate him for taking the courage because we were both blind, we did not know what had taken place, we would have taken that Chapter 9 for the truth, but because of the courage, we corrected that and this courage, is what I am appealing for in this House. That each one of us should be courageous and as our prayer also, we are asking always from God!

Mr. Chairman, where is the country going - the assassination of these two sons of ours? Where is the country? As the Police investigations linger around up to now, the country has lost what happened, these are very important personalities, they just die like dogs and nobody cares. A replica of such prescriptiveness or manipulation is the proposal for the extension of the Movement with yet another song because in the 1962, there was a song, "*Yekka, Obote waffe*", today there is a song in the name of "Yoweri Museveni" by the Baganda again: "*kasita twebaka otulo*". What does that mean? It means that, at least we are now sleeping. Now you see, whether you are consciously sleeping or you are up without sleeping with worries within your self, that is the question that we should consider now. Unless, and I tell you, we stop being too emotional and begin to be rational, which has always been taken for a ride, in this respect I will appeal very heatedly and especially to the Acholi and the Baganda to re-discover themselves and amend accordingly. Yes, this is a very serious appeal because - well, you may say what, whether you - but the point here is, you have known how much the Acholi have been misused by whatever Government and how much the Baganda have been misused by all the past regimes and that is why I am calling upon at least let us not be led by emotion, let us be led by reason.

Well, the 1967 Constitution, this was simply a straight jacket cap Constitution to perpetuate UPC in power and all the subsequent amendments thereto, as it was referred to by Hon. Cecilia, was only in pursuance of the power and up today, nobody could say, leave that I am different, no! Well, this has been omitted, and I am very glad those are the type of courage we are talking about by asking the Secretary General of UPC in the person of Hon. Cecilia Ogwal. There is another look on the UPC side in the 1967 Constitution but here, I would like to sound a warning that two wrongs do not make one right and so no one should be comforted by that; that because the UPC had made that mistake, why should they now be allowed about our mistake? No, even you, that had made the mistake, why are you following the foot steps? You should now do the different! But this Constitution, the politics of the country has become militarised with the infamous, protracted state of emergency in Buganda because of the loss of confidence between the governments and the people until the 1971 Coup led by Amin. You see, once you take too much to yourself, you think that you are omnipotent, then do not go with the people, you are running a risk. We are warning you here, my dear die-hard NRM Movementist, please go with the people, do not isolate yourself from the people. Otherwise, you will meet it rough!

Mr. Chairman, this country has already developed a very serious and a very simple type of culture that of the septic politics. If you want to be a politician, you must be a liar and tell as many lies as you can, incompetence, ineptitude, nepotism, dictatorship, going by violation of human rights and freedoms, corruption! I was ashamed yesterday when I was hearing His Excellency before us here speaking that the corruption today is not any worse than the previous one and he was comparing it with the poaching in the National Parks! But Mr. Chairman, if you are really serious, even the child on the streets knows the magnitude of the corruption today in the country. Rampant insecurity has permeated this country and engulfed it and remained. I still remember when we were talking of Atiak, about 250 people killed by rebels. What is all this about?

because of insecurity, because the government has failed to take care of the lives of the people! Imagine if they can march on their foot from Sudan for two or three days, enter into Uganda, do all this havoc without a single finger put by the government, I wonder! What is this government doing? Is it the government of the people? Only to wait when the corpses are there, and they go to shed crocodile tears!

Well Mr. Chairman, I am now questioning the sanctity of the 1986 take over. Was it really necessary? I am saying no, it was not because the Nairobi Peace Accord was already signed and Yoweri Museveni Kaguta was made the Vice Chairman of the Military Council, he could have come here and all the reformation he wanted, he could have done it peacefully without shedding much blood as it is today. Now, who can explain this? I will give him five minutes to do it. Who can justify it? (*Laughter)* - on my time! Well, Mr. Chairman, I am saying, I am only stressing the importance of seriousness, of how we tackle our national affairs and the protracted bush fight. We were all made to believe and to understand that it was for the betterment of the livelihood of the people of this country and I am quoting here what the leader, the War Lord Museveni said when answering a question put to him by a Kenya Paper. He said this: "*Well, they can say what they want but for us, NRM/NRA, we are fighting for principles. If we hear People saying we are ambitious or idiots, some of these Africans are morally bankrupt, so they cannot understand that there are people in Africa who are just committed to principles. We have got aims, one of our aims as African people - I told you that I went to Mozambique in 1968 to fight along FRELIMO, you cannot say that I wanted to be a President of Mozambique or a Minister or a District Commissioner there and as I say this, the dignity of African people means a lot of things in economic terms, political terms, human rights, their democratic rights, that is what we are fighting for.*" This you can find in the Kenya Times of November 3rd, 1985. And he repeated this in the most serious tone in the 3rd Celebration Anniversary of his seizure of power and I quote: "*We are against tyranny in all its ramifications on the patron of restoring sanctity of life, restoring personal freedom, and social and economic conditions for our people.*" And he continued: "*Our ideology is an ideology that opposes wrong politics, it is an ideology that opposes blunder of national security, it is an ideology that ensures the masses are masters of their destiny*". And what are they saying today? - "*and they are not to be manipulated by any wrong interest*" - I am quoting Museveni when he was very fresh, when we thought he was talking us all his heart, but today, what are we seeing, and what are we experiencing in this very Hall?

My dear Hon. Members, we ought to be very serious here! To crown it all, this assurance is entrenched in the famous "*Ten Point Programme*" though now being gradually sidelined. No. 1. of it - I am quoting from it: "*Establishment of popular democracy*". Democracy as defined by one political thinker means, "*government of the people, by the people for the people.*" The only problem is that, rarely do we get governments that are really all these three. There are a lot of mockery of democracy, I do not know what we call this, whether it is democracy or I do know, we can judge it later. Around the globe, in our case, for democracy to be meaningful and not a mockery, it must contain three elements; parliamentary democracy, popular democracy - a decent level of living for every Ugandan. In other words, there should be an elected Parliament, elected at a regular interval and such elections must be free from corruption and manipulation of the population. That you can find in your famous "*Ten Point Programme*" on page and 8.

Now, we come to see the contradiction in terms. Museveni invoked democracy as to justify his authority by unrealistically propagating that Ugandans are so backward, that they cannot choose between pluralism and military oppression. This was stated by Museveni before the Committee of Human Rights of the Association of the Bar of the City New York which visited Uganda in 1991. That political pluralism - that is what he said - is not suitable to a pre-industrial society like Uganda. You can find this in the report, page 5 - which seems now to be the trend of thought by Movementism in this country, even right here in this Assembly. This is ridiculous and calls for serious judgement by this Assembly by deleting this obnoxious Article! The insecurity in this country is the unprecedented corruption, the organised patent of eating by a few and lucky ones to the detriment of the country. People who wish to say that they are the lucky ones, they are the unlucky one in future to come. They are now eating alright, but tomorrow -

Now, coming to violation of the Peace Accord and perpetration of war situation in the country, Mr. Chairman, I have already said earlier on, it is here

above, that there was no need for Museveni to take over the government after having signed the Nairobi Peace Accord and despite all that, the second round of war broke out at Bibia in 1986. That, Mr. Chairman, I am obliged to tell this House, that I offered my own services with other five members, we went to the Bush to try to seek a good will of a mission to discuss peace, the report of which was dropped, and was enjoyed by the government and those who attended the International Conference at Makerere in 1987, raised by Alert International on conflict resolution in Uganda. It stated their findings and their recommendations to the government of uganda. The efforts of the Peace Mission was appreciated and further Missions should be encouraged. "*We endorsed the recommendation put before us by the Peace Mission and we accepted this position, a cease fire, must be linked with a peace packet incorporating political and economic programmes for the North and East. We urged the government* - ***(Interruption)***

THE CHAIRMAN: Order. Order!

MR. ATWOMA: - *To avoid language which would be instituted as inflammatory when addressing the conflict issues, I recommend such mission to find - to identify grievance of the people and suggest remedies.*" This you can find it in A Binding of the report produced by Makerere University. This was implemented by signing the Peace Accord, but only to be breached again and to find it's place now, as I talk Mr. Chairman, you can never trace where the peace Accord signed lies. I think if the proper place Sir, is a dust bin and I have got a lawyer in this House who was drafting the Accord in the person of Hon. Owiny Dollo, that was signed , but it was never respected. Detention therefore, followed thereafter although amnesty was declared, criminal charges were made and that dubious deaths occurred, and Mr. Chairman, I do not want to mention names here, if I am challenged, I have got the names ready, I could even say. Are these the type of agreements you sign but nobody to respect! They signed the Nairobi Peace Accord, nobody respected it, we went to the bush, drafted the report, and the Peace Accord was signed but nobody respected it. Now, how long are we going on, not realising our faults and amending for the better.

Recently, Mr. Chairman, Acholi elders initiated dialogue again with Kony's LRA, negotiation was getting on very well, when President Museveni came in with his ultimatum of seven days to disperse them. That if they do not surrender within seven days unconditionally, he will shoot, and when these people dispersed, that it is the ordinary people that are to suffer because the government does not suffer. It just dispersed them, sent them to the populace and the populace are to face it! Efforts put in place by the Acholi initiated by the Acholi Pacification Committee - it is today that we of the CA and of the NRC and other leading Acholi personalities - we have formed a body known as Acholi Pacification Committee. But Mr. Chairman, do you know, although verbally the President went there and endorsed it - that was a good effort towards the right direction - but when we had budgeted a small amount of money to enable us to execute the purpose of APC (Acholi Pacification Committee) - up to now when the papers were taken to the President's Office, we were told that the papers got lost from there and you can see that kind of seriousness!

Mr. Chairman, the fourth point I would like to make here, are international obligations vis-a-vis the Constitution making now before us. Here, I would like to resound what my Friend Hon. Ssemwogerere, said, he has quoted a number of International Conventions that Uganda is a signatory to. Here, I would also like to add to his voice certain others. United Nations Organisation, we are a member, Article 18 of this body states as follows: "*Everyone has a right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief and freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching practicing and worshiping openly and observing it openly.*" Now Mr. Chairman, if we say here, as by this provision in 94, and 95, 96 and 98, where it says you have got a mouth but do not speak, it is only me who speaks, you must abide, that is what we have been told and now, are we really abiding -

THE CHAIRMAN: Order, order!

MR. ATWOMA: - by this Article of the United Nations? This is the question.

THE CHAIRMAN: Order! Please go ahead, we are not allowing interruptions.

MR. ATWOMA: Article 19 of the same body: "*Everyone has a right to freedom of opinion and*

expression. This right includes freedom to all opinion without interference and to seek and receive and impart information and ideas through any media and regardless of frontiers." So throughout the world you are free and here in Uganda you say no, you have got the mouth, but do not speak! Article 20: "*everyone has a right to be free in a peaceful assembly and association. No one may be compelled to belong to an association.*" Now, what moral rights has the Movement now to tell us that we must all belong to the Movement? What right, Mr. Chairman? I want to hear from him, that is all, I hear we shall hear. Article 21, Clause 3: "*The will of the people shall be the basis of authority of government, this will shall be expressed in a periodic and genuine elections which shall be by universal and equal suffrage.*" Now, underline these words: "*suffrage*" and "equal" *suffrage* - shall be held by secret vote or by equivalent free voting procedure. Mr. Chairman, if I question you here, we have just passed recently with a different type of elections, adult suffrage for men - they go in the campaigns and for the women, it is a different type and here it says, equal. "In the Organisation of African Unity, we are a member, Mr. Chairman and it is Article 1. This is the Constitution we should follow: "*the member states of the Organisation of African Unity party to the present Charter shall reorganise the rights, duties and freedoms enshrined in the Charter and shall undertake legislation and other measure to give effect to them.*" - Not to destroy them, but to give effect. But here in this provision, Mr. Chairman, I think we are not giving it effect.

Article 8, Freedom of Conscious; "*The profession and the practice of religion shall be guaranteed. No one may subject to law and order or be submitted to measures restricting the exercise of this freedom.*" Now, we are trying to make this law to restrict our freedom and that is why we of the Multiparty we do not want to give our rights to be restricted. Article 9: "*Every individual - (Interruption)*

THE CHAIRMAN: Hon. Tiberio, you have taken nearly an hour, are you about to conclude?

MR. ATWOMA: Yes, I am about, since this is an important one, I will ask your indulgence, because probably, I will not make the second attempt to talk over this issue and this is - *(Interruption)*

THE CHAIRMAN: If you could -

MR. ATWOMA: Yes, I am trying to hurry up.

THE CHAIRMAN: Okay. Order, order!

MR. ATWOMA: *"Every individual shall have the right to receive information, every individual shall have the right to express and document his opinion to put in the law."* Article 10; "*everyone shall have the right to free association provided that he is abiding by the law. Subject to the obligations of Article 29, no one may be compelled to join an association.*" Mr. Chairman, all this, as I am putting - is just to emphasise how wrong we are going.

Article 11: "*Every individual shall have the right to assemble freely with others. The exercise of these rights shall be subject only to necessary restriction provided for by the law, and in particular, those enacted in the interests of national security, safety, healthy, and right of freedom of others.*" This Mr. Chairman, we have already provided for without any hesitation and in the Common Wealth, Mr. Chairman, we are true members. I am trying to bring all this to life, Mr. Chairman, to see how far we are isolating ourselves from the international obligation. At the Common Wealth Head of Department Summit in Cyprus, in October from 21st to 26th 1993, Museveni signed together with other leaders, reaffirming their commitment to democracy, fundamental human rights, the rule of law, the independent of the judiciary and just and good Government.

What is remarkable in all these quotations I made Mr. Chairman, is the emphasis that has been attached to the individuality of a human person. It does not mean that when you are many, then your right will be granted as it seems to be in the minds of some delegates here. It is on the individual basis that this right must be guaranteed by the Constitution and that is what we are saying here. Mr. Chairman, if I may remind this House, it is we who have passed these rules of procedure of the CA here. Rule 48 paragraph 17, this rule simply puts that any matter that has been decided upon should not be undone by subsequent amendment and certainly, Mr. Chairman, we have passed Chapter 5, we have passed all the rights and if I may quote Article 1 Clause (4) which I do not want to bother this House by reading, I will probably have this availed to

members, Article 3 Clause (1), prohibits any person or group to take or re-take control of government of Uganda except in accordance with the provisions of this Constitution. And if you want Article 51, Mr. Chairman, it is all very clear, and 59 as it was quoted by Hon. Ssemwogerere, it is all very clear and Article 72. I am calling this because all the members have got it in their files, they can refer to it.

Mr. Chairman, with all these provisions already repeatedly passed by this August House, it will appear absurd for this Article to form part of the Constitution we are making. So, it must duly - *(Interruption)*

THE CHAIRMAN: Order, order, members!

MR. ATWOMA: I am now ending, Mr. Chairman. Now, I am turning to self examination and reconciliation, Mr. Chairman. Mr. Chairman, unless we learn to self examine ourselves, to find out where we have gone wrong and to confess our guilt and to repent, and learn how to forgive, we shall never correct Uganda. This is very true - *(interruption)*

THE CHAIRMAN: I am not allowing undue interruptions, the Hon. Member is about to conclude, please go on.

MR. ATWOMA: So, Mr. Chairman, I was saying that it is time for us here, we are all mature people, we are grown ups, I think here we must learn how to be self-examining, we must examine ourselves and where we have gone wrong, let us not just be obstinate to ourselves, saying no, I do not care, whether I am wrong or not, who has the power there to correct me? You must be able to correct yourself by confession, by repenting and asking for forgiveness. Well, Mr. Chairman, if I may now quote from a Circular that is given to us in this House here by an unknown person, probably it is in our files, where it stated that there is a big gap - a very big gap within the NRA, Mr. Chairman, if I may quote in paragraph (1), it states as follows: *"Maj. Gen. Tinyefuza, Lt. Col. Kiiza Beisgye, both NRA CA Delegates support multi-parties and federalism in the CA Session and Mr. Museveni hurriedly summoned the Army Council to manipulate each against the two CADS." and in his words, I quote: "I decided to call you CA Delegates, just because I sympathise with you and I believe in tolerance and education, should I hear nonsense in CA by the Army delegates, I will not summon any Army Council any more, but just arrest any confusing agent"*. The thing was followed by apologies and the open debating spirit murdered in the broad day light. What an intimidation is that? The NRM secret line, correct line 9. Indeed then how serious is Mr. Museveni in his mouth? It is said in the infamous Mulondo Press release that the President is not happy with the Lukiiko failure to accommodate other peoples view as if NRM respects other peoples views. Mr. Chairman, these are paining and as we are only here to remind the Army in what they have already decided, that they will go by the peoples decision and I think that will do a lot of good for this country.

So, Mr. Chairman, coming to an end, that this crisscrossing of blaming one or another will not help us, it is only for us to face the truth that will correct us and Mr. Chairman, by ending, I would like to call upon my comrades or contemporaries, who are some of them here, like Mzee Adimola, Adoko Nekyon, Paul Ssemwogerere, Ngobi Mathias here seated, and those Mzees who are without this House like Grace Ibingira, Kabeireho, Kazoora J. W.; C. G. R . Obwangor, Lubowa and Wilson Otara, Wacha Olwor and Buchiri, those who are still alive, I would like to urge them to come up, this is the time for all good citizens to come to the help of this country. We have been left behind to see this Constitution through and it must be a good Constitution and finally , Mr. Chairman, I beseech this August House in whose hand the entire population has committed their lives to listen to the dictates of history and salvage this country by deleting this obnoxious article from the Constitution, the provision afore stated herein. Mr. Chairman, I beg to support the deletion. Thank you. *(Applause)*

THE CHAIRMAN: Hon. delegates, with that contribution, we come to the end of our Morning Session, we break for Lunch and resume promptly at 3.00 O'clock, we stand adjourned, thank you.

(The Assembly adjourned for lunch and resumed at 3.00 p.m)

THE CHAIRMAN: When we adjourned for Lunch, Hon. Atwoma had just completed his contribution to the Motion by Hon. Cecilia Ogwal and Paul Kawanga Ssemwogerere to delete Article 94 of the Draft Constitution. I will take other speakers for the afternoon.

MR. OKULA.O. CHARLES (Soroti County): Thank you, Mr. Chairman. You may wonder why I am anxious to contribute to this debate - *(Interruptions and interjections)* -

THE CHAIRMAN: Order, order! There is no problem, that was an opening remark, please go ahead.

MR. OKULA: The reason is very simple, Mr. Chairman. I am the delegate who had the intention - who had asked to move this amendment in Committee 5 and I happened to be a visitor in that Committee, I moved from my committee, Committee 2 and I sat there for two days and I was denied the opportunity to move that Motion for deletion, that is why I am anxious to talk to it. Mr. Chairman, to borrow the words of Prof. Kanyeihamba, the atmosphere in Committee 5 was that of thick political disharmony. I was purely denied to move this Motion in Committee 5 because of intolerance and acrimony, there was totally no agreement in that Committee. One would even say that that is a committee which should not have existed may be.

Mr. Chairman, the reasons for deletion of this article are even more pregnant now than ever before. Mr. Chairman, going by the recent happenings, you would know that that Article is not needed in our Constitution. Fellow country men, and country women -*(Laughter and Applause)*

THE CHAIRMAN: Order, order!

MR. OKULA: Mr. Chairman, I was reminded that whenever I mention men, I should mention women, so I have remembered.

THE CHAIRMAN: Yes, you better be gender sensitive.

MR. OKULA: So, our country is at the cross roads and we are playing a very, very, big role now in making the history of our country. Mr. Chairman, we have a chance now, whether to make positive history or negative. If we follow the advice which was given by the Chairman of the Legal and Drafting Committee and yourself, Mr. Chairman, I would wish that we come out from here, very happy people and, as a tribute to our country, we should not decline or we should not down-grade this House into a laughing stock, Mr. Chairman. I would like to say this, many Constitutions have failed in our country, why? Because they have been associated with doctoring by incumbent governments, there are many names which are associated with bad Constitutions in our history, they have called them Pigeon Hole Constitution, UPC Constitution and Mr. Chairman, we have an opportunity to avoid a Constitution which has a label tag now. - *(Applause)* -

It is a fact, Mr. Chairman, that there is a large portion of our population which do not wish to see the political system spelt out in the Constitution and there are many in my constituency of Soroti County. Mr. Chairman, it would be very good to listen to them and accommodate their wishes but if we rubbish them off, this country will live to regret once again. Mr. Chairman, we, in Soroti County would not wish to see this Constitution converted into a delegates Conference of the Movement. We must not endorse decisions of one interested party only. Mr. Chairman, I would wish that we seek a true consensus in the right meaning of the word consensus, I would pray that when we hear people who have not been coerced into a decision, who are clear minded and without losers or winners.

Mr. Chairman, this Constituent Assembly should not be converted into an arena of seeking for short-term solutions. Let us look for everlasting solutions in our Constitution, we would not like to see the Constitution-making process here, reducing down to a game of numbers. We do not make Constitutions taking into consideration numbers because we know that numbers can be deceptive, today's majorities might become tomorrow's minorities. Mr. Chairman and fellow delegates, let us not use this cherished Constitution of ours for purposes of extending an incumbent government. I would like to assert this. It has been said before that some provisions have been smuggled into our Constitution. Mr. Chairman, let us not allow inclusions and insertions of anything which we would refer to as "Satanic verses" in our cherished Constitution, we shall live to regret it, Mr. Chairman. Let us use Chapter 20 on transitional arrangements for short-term arrangements and leave the main body of our Constitution for something which will stand the test of time.

Mr. Chairman, I am a very, very brief contributor. Finally, I would like to say this. We must not use the UPC scare to deny Ugandans a good Constitution, Chairman. I thank you very much, Mr. Chairman.

MR. WAGIRA (Kibuku County): Thank you, Mr. Chairman. As a preliminary observation, Mr. Chairman, I wish to say that I am only inheriting the seat of Hon. Ben Wacha but the views might not be necessarily the same. Mr. Chairman, it is with reluctancy that I personally rise to express the disapprobation of a proposal for which I am personally obliged, particularly to the Hon. delegates who laid it before us. I wish to point out Mr. Chairman, that I do this from a sense of strong conviction, but more important, to my people of Kibuku whom I have the honour to represent in this Assembly.

Mr. Chairman, I wish to preface my contribution with thanks to Hon. Tiberio Atwoma Okeny. In the first place, I thank him for correcting the record which his comrade-in-arms, Hon. Cecilia Ogwal said that the matter we are handling is not Constitutional, it is an incidental which should be handled elsewhere. I thank him for the words, where in his own words he said that actually this is the pinnacle of the debate. Mr. Chairman, I also wish to thank Hon. Cecilia for that message from the people of Lira Municipality - of course, I do not know how it came with regard to the difficulties of consultation. That was a by-the-way, Mr.Chairman.

THE CHAIRMAN: Order, order!

MR. WAGIRA: Mr. Chairman, having made those remarks in passing, I wish first to start by saying that there was one argument which was raised by an Hon. Delegate that he has a quarrel with Article 94 because among other things, it spells out that during the time the Movement is in charge, political parties shall not do A, B, C, D. May I, by use of this opportunity, implore that delegate and those who might want to believe like him, that if that is the quarrel, let us pass the principle, we can cross that bridge when we reach it. Mr. Chairman, people have argued that by entrenching the Movement, we are restricting freedom of association and conscience but association and conscience is not only by way of parties, in fact, what the amendment seeks to do - the amendment which seeks to delete Article 94 is, in my view, intended to abolish freedom of association to those who believe in the Movement type of politics. Mr. Chairman, in my view, what this Article is intended to do is to spell out guarantees for people to enjoy their freedoms of association under whatever system. I do not think that Mr. Chairman, if we spell out only the right of association by way of multi-party, and delete the rights to associate by way of Movement, we are doing the other camp injustice, Mr. Chairman. Mr. Chairman, in my view, what is spelt out in this Constitution is merely intended to create a conducive atmosphere for Ugandans to enjoy their rights under a system which they will have chosen.

There is also a view, Mr. Chairman, that to abolish the rights to association and to have a conscience of ones own choice by way of parties, which in my view is not the import of this amendment because an argument, Mr. Chairman, has been moved ahead that by entrenching this provision in this Constitution, we are undermining the right of the individual, the inherent right of the individual to associate by way of political parties. Mr. Chairman, I would like to say that if this is unconstitutional usurpation of human rights, it is negating the very fact that these rights are not a handout from the State but actually rights which are granted to a person as of rights. Mr. Chairman, I wish to observe that if that is the case, it is not right for us to sit here in this Constitution, Mr. Chairman, and say that Uganda is just setting a precedent to spell out some basics which should be conformed to by society. Mr. Chairman, you will remember that there are countries where the right to procreation - the right to have children which, in my view, is even more fundamental because it was given to man by God to continue with procreation in his stead but it has been subjected to this kind of review. We are aware of some countries where referenda as to the number of children one should have, have been conducted. Mr. Chairman, more to that, we have had a qualification on human rights even in the most democratic societies. The story of the play - "*The Crucible*" by Arthur Miller, what does it tell us? In this play, Arthur Miller gives an incident where in democratic society of America, people were denied the right to associate by calling it communism and it was treasonable. So, I would like to disqualify the argument that actually Uganda is setting a precedent to review its circumstances and actually spell out some basics which should be followed in enjoying these basic human rights.

Mr. Chairman, what should be our primary goal in making this constitution? I would like, on this occasion to borrow the words of an Indian writer in the names of Gastus Hume in his book "*Towards India's Freedom and Independence.*" He argues, and quite logically, that the highest law of any nation should be the welfare of its people. Mr.

Chairman, Hon. Cecilia has argued that the Movement is actually to administer a slow poison to parties. In this attempt not to have this system in the Constitution, namely, entrenching the Movement in this Constitution, I believe Mr. Chairman, that the architects of this Movement are this time not to use her words of dragging a patient which might be a right of parties. Anyway, they are not dragging this time a patient to the mortuary but are dragging a very healthy baby which Uganda nurses to a grave.

Mr. Chairman, it is important, at this point to reflect on the circumstances which gave birth to the Movement whose fate we are due to determine today. I beg your indulgence, Mr. Chairman, to at least borrow some words from Section three of the Virginia Bill of Rights which sums up all that I intend to say. First it says:" *Of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most secured against the danger of mal-administration.*" In my view, Mr. Chairman, this is actually the quality which the people found in the Movement when they advocated for its extension for the next five years. *(Applause)* I have also a strong reason to believe that actually these circumstances of being a government which has produced a system which is secure to mal-administration have not changed to warrant the change of heart which some delegates want to make us believe that Ugandans have changed their hearts towards the Movement. I will proceed, Mr. Chairman, to quote from the same source for purposes of explaining how this Movement we are discussing today came into existence. The quote goes on to say: *"When government shall be found inadequate and contrary to those purposes, the majority of the community has an indubitable and inalienable right to reform, alter or abolish it in such a manner as shall be judged most conducive to public will."* Mr. Chairman, the people of Uganda did exactly that between the years of 1980 and 86 and the last part of the quote explains the much talked about military option taken by the people of Uganda to change a system of government where Mr. Chairman, life had ceased to be an inherent human right given to people but turned out to be a privilege which was supposed to be handed out to individual citizens by the government. That is what the people of Uganda decided to do in between the years 1980 and 86 when at a time the state had turned into an instrument of terror against the very people it was supposed to protect. That our democrats have never at all, up to this present day, shown any repentance to the above and only instead seek to re-insert themselves. It goes to prove, Mr. Chairman, what one man said that, like in private life, we should be able to distinguish between what a person says and thinks of himself, we should also be able to pierce beneath the colorful phraseology, promises and declarations of parties to actually unveil and discover the real interests behind them. Mr. Chairman, our colleagues - ironically democrats - are threatening to dissociate themselves from this exercise and adopt other means of realising their goal but we should not, at this point, forget the words of what the blind prophet says in the Play *"Antigone"* and he goes to say that "*only a fool is governed by self will. It is no glory to kill and kill again.*"

I would like, Mr. Chairman, to say that you observe this debate with a lot of calm and sobriety. We should discuss this Constitution with a view to saving Uganda the situation which prevailed and which prompted people to go into the events which happened in the 1980s. Mr. Chairman, our friends are talking about democracy and democracy is the most important thing that we chase. We are struggling by way of this Constitution, to build a constitutional order which is democratic in nature. If that is our aim, we should not forget what Sonyinka said that: "*if a child swears that her mother must spend a sleepless night, that child must also be prepared to pass that night without a blink.*" Mr. Chairman, if our friends are committed to the fact of democracy, they should accept the way democracy works and I think if democracy takes its course, I implore fellow delegates really to accept what democracy is. For purposes of today, I would like to be as precise in my contribution as my size but I would - *(Laughter)*- like to conclude.

THE CHAIRMAN: Order! Order!

MR.WAGIRA. M: Mr. Chairman, I would actually like to conclude by extracting just a small sentence from Thomas Elliot's play "Murder in The Cathedral" and this is it: "*You, my friends were called to be free men* - you can add even free women - *but only do not turn your freedom into license.*" I thank you, Mr. Chairman. *(Applause)*

THE CHAIRMAN: Hon. Okalebo.

MR. OKALEBO (Bukedea County): Thank you, Mr. Chairman. I must thank you Mr. Chairman for unreservedly accepting to re-open a discussion of this Article 94 and those other articles which are related to or have a bearing to it. This exercise or this ruling has opened the main political taps, not only in the minds of the Hon. Delegates herein assembled but even in the minds of the people in their respective constituencies so that the political venom that maybe is being allowed to flow into the national container for further examination and disposal Mr. Chairman; so that the drain of whatever feelings we have been having, will leave the minds of the Hon. Delegates, hopefully, fresh to receive the nice spirit of a high quality that we will all accept to take. This is all with the intent of producing a constitution that is consumable to all Ugandans. Secondly, I also feel compelled to thank the Legal and Drafting Committee for its deliberations which led to the reproduction of a soothing report which has tended to open up our minds and making moderate appeals to the Hon. Delegates and suggesting some guidelines which may be considered in our work here. The appeal which this report makes goes to say that we are here to consider the needs of Uganda as a nation, as being paramount vis-a-viz the individual benefits and pleasures. I appeal to Hon. Delegates, Mr. Chairman, to heed to this appeal and I also humbly and respectfully thank the Movers of the amendment on the Floor and wish to register my concurrence with the views and reasons which the Movers have so far expressed and therefore, wish to add my contribution in the following manner Mr. Chairman.

Article 94 and those others related to it or have a bearing to it have been regarded by many Ugandans as a big, hard to break, sharp scrap metal stuck into the big flat political foot of Uganda which is 94,0000 square miles and this metal we have here must be carefully removed by this Assembly so that Uganda and Ugandans will also be able to walk respectfully in political parades both at home and internationally. Let us therefore, discuss this article in principle, see the implications of retaining them, the consequences that are likely to be led and effect thereof and let us do this with more open minds rather than talking about the individuals both present and past. For, these individuals we are always naming here and there maybe remotely connected with what we as delegates would like to see form part of our new national constitution. We say in our place that in a funeral where some of the mourners - whether present or not present - are being suspected to have caused the death of the deceased, the supporters of such suspects may not be happy with the naming and this kind of naming may lead the burial into being an indecent burial because some of the friends have been named as having caused the death of the deceased. Let us not go so far into naming who might have caused what but let us look at what we want; a Ugandan constitution to contain because this constitution is not for the dead, it is for the present and for the future.

Mr. Chairman, I must say here, a lot has been said about human rights, their protection and defence of the same and I have to add here, Mr. Chairman, that there is no opportunism in defending a right and the defence is not for the immediate benefit of or the advantage of the defender but the beneficiaries are both present and future, born and unborn. The defence of a right is never the same as a defence of a variable theory like the Movement concept which tends to give its Members the immediate benefit of power control, Mr. Chairman. Now, we have to bear in mind when we are also discussing this that the Chairman himself made the appeal to the Hon. Delegates that they must be tolerant and accommodative and act on the principle of give and take. If that is to be treated squarely, let us bear in mind the following that I am going to say. That, we ourselves are the makers of ourselves and this is so by virtue of the thoughts which we as Hon. Delegates here, mandated to make a national constitution - choose and encourage to form the basis of our decisions and actions to follow thereafter. The Constitution we should strive to produce is that aimed at producing respect based on the fundamental human rights and freedoms which have already been passed in Articles 12 Clause (3) of the Constitution. The respect I talk of here, Mr. Chairman must be a practical respect for the people, by the people and any form of tyranny in the minds of Ugandans must be rejected. There must be no select group of thinkers that feel that at all times, the other Ugandans are so base and incapable of improving on anything. This one applies to a totally declared medically blind man that is led by somebody else holding the stick ahead of him. This one does not apply to the present Uganda. It is through the practice of this respect that we as a nation, hope to achieve the peace which must coexist with the security in all directions and all aspects of life and living of man and woman. Let us also remind ourselves of the facts that we are not only here as

politicians. This was also stated yesterday by His Excellency the President that when we are discussing these matters of the constitution, let us not be here purely as politicians but as statesmen and women as well, charged with the duty of finding the means of building a happy Uganda. let us also remember that an act is the blossom of thought and that joy and suffering are the fruits. So, shall we jointly and severally *contribute* in the sweet or bitter fruitage of our own husbandry depending on the way we handle the matters before us in this Assembly! Let us also remember that man or woman is a growth of law of nature and a creation of artifice. In that context, shall and do we see that even in a condition of what is considered of most comfort the simplest example being, Mr. Chairman, a very comfortable bed with all the soft bed sheets from America or elsewhere you can think of, put there even 100 mattresses but nature will, in itself tell you that turn from one said over to the other yet the bed is so comfortable! So, now Mr. Chairman, if nature can tell itself to turn over a comfortable bed, who are we now sitting in this place saying that there are those who can tell you and say do not turn because the situation here is very comfortable? That one does not come at all, Mr. Chairman. Nature itself says turn.

People have said for the last nine years - we have heard this one - we would like to turn on to the other side and you say no, no do not turn until I tell you to turn because you are in comfort, what an unrealistic situation this one is, Mr. Chairman! What about in our Ugandan politics today. I wonder where those who advocate for the retention of this article in our constitution get even the moral authority to say that people of Uganda do not have the capacity, do not even have the ability, not even the moral right to change when they deem it so necessary. Evidence of that need to change is clearly on the ground both here in the CA and outside it. I do not need to name the evidence. I do not even need to tell you the sources. These are well known to you. I am saying that in law, finding of guilt or innocence of a person does not necessarily belong on a long list of witnesses. You do not have to produce the whole village to testify so that you find the person guilty or not guilty. But regardless of the numbers and I appeal to the Members here not to apply the number issue - all depends on the credibility of the evidence used. The few witnesses that maybe - and I am saying those of us who are supporting this amendment may be few but have and are still using straight forward evidence, so cogent and credible evidence that Ugandans need change from the NRM administration and the spirit of Article 94 which goes to spoil our intended goal in achieving this objective nationally, Mr. Chairman. *(Applause)* Any Motion, Mr. Chairman, which I think may be brought by anybody which has the semblance of tending to lead this Assembly into rejecting this well intended amendment is like a husband and wife having children and then one morning you wake up and get a summon calling you to a clan meeting that you go and tell your children before the clan whether you are actually their father. The rights are there. They have been spelt constitutionally. We have acknowledged them, we have recognised them, what else do you want to hear? What else do you want to do? What else do you want to do? What else do you want to be told? What else do you want to retain in this Constitution that will not go against the spirit of what we have already done. Should such a thing happen to me Mr. Chairman - but God forbid - I would even decide to send away the wife and all the children and say if you got them from another man, please take them to their father but here we are, we are saying all what we need and what we have accepted has been given to us by the constitution, let us respect it right from the beginning and continue to respect the same and have a united Uganda all the time.

I end up Mr. Chairman, by informing the Hon. Delegates here of a hypothetical report on mother Uganda which was received from a special hypothetical observer. It reads as follow: "Our mother Uganda has been spat on, despised, hated and accused of being barren, being backward, being primitive politically, socially and in any other dimensions but we lived and suffered humiliation from both within and without and we all continued in prayer both traditional and Christian and Islamic and the others for the sake of Uganda. At long last, our mother who was suspected to have conceived while in the guardianship of a volunteer group in the equivalent of an NGO, the doctors attending to her in the antenatal clinic and in the composition of the Constitutional Commission confirmed and at end of about 4 years, it was further found out that the foetus in our mother in Uganda was a male, with one side black and the other one, the right one, was martialed - Here martialed means multi coloured - It was further confirmed that the pregnancy was not the claim of any single man but it was the act and

art of our ancestral spirits very similar to the position of Virgin Mary and the Holy Spirit. It was further estimated that delivery would taken place in five and a half years which time has drawn now and this is said to be in July, 1995. Today, the 14th Day of June, 1995 our mother is in the biggest hospital manned by 284 doctors, headed by the Medical Superintendent who is assisted by a female deputy to inspect - (Laughter) -

This hospital is headed by a medical superintendent who is assisted by a female deputy to ensure gender sensitivity and caring for surgical and gyneacological aspects of the patient. She is in the labour room and in that high bed of fate appearing frightened by the contractions and by the differing opinions of doctors and the attendants. Some are saying it might need a caesarean birth, some are saying it might result into a still birth, some are saying categorically that she will be able to push a live child but difficulties are there and have to be attended to with patience and with caution, Mr. Chairman. In attendance are the doctors both professional and witch doctors. *(Laughter)* Herbalists are there, foreigners are there who have come to see, wise men are there, good wishers and even envious and the bad wishers are all there, children, old men and all sorts of people are there. People seem to be in mixed feelings. Some are excited, some are not, some are in fear, some are in happiness and some are in confusion. There are those who do not know what to say or do; whereas there are those who do not mind what happens to the patient at all. Some are happy because they are of the view that the child that will be born will bear the appearance which they accept that they claim to have the right and correct appearance and the colour of this child. Others are not sure whether the child will have the qualities of their Ugandan ancestors who for so long have wished to have a reminder of that appearance.

Last evening Mr. Chairman, all religious leaders in Uganda prayed a prayer in which they said - *I quote: "Our mother we commit our lives to Allah, God and ancestral spirits and to the hands of the mindful and well guided doctors and administrators. It be our desire that you give birth to our saviour child that will be loved by all of us and who will love all of us so that it makes no cry when it is taken up in the laps of anyone of us for as long as he or she wishes. We shall, by agreement of all concerned, call whom the saviour constitution. So, be it for God and Our Country, Amen."* Thank you Mr. Chairman. *(Applause)*

THE CHAIRMAN: Hon. Professor Nsibambi.

PROF. NSIBAMBI (Presidential Nominee): Thank you, Mr. Chairman. Allow me to precess my remarks by saying that the word *political system* which we are using here misrepresents what is actually being discussed under Articles 94, 95, 96 and 97 because essentially there we are dealing with issues of representation. So, when the policies are very big, every person cannot participate directly in governance. So, you must have representation and therefore, you have to grope for institutions which represent people. The real issues we are really discussing are the democratic institutions for representing people for enabling open contestation and aggregation of interest. When we call it a political system, at least, in political science it is wrong because a political system at least according to Prof. Easton, is essentially concerned with interactions through which values are authoritatively allocated for a society. It is, therefore, a very broad thing. It includes the Legislature, it includes political parties, it includes the Executive and it also embraces the civil society. These are essentially associations which enjoy a measure of autonomy but they do not seek to acquire power and they are extremely important for the democratisation process because they are not dependent on the state but they improve the quality of the state and they countervail the state. So, I would ask the Technical Committee to replace the word "political system" by "democratic institutions". That is what we are discussing actually. For if you are talking about the political system, it would even embrace the whole constitution making process which we are tackling now and therefore, it is a wrong formation at that point.

Now, I come to the issue at hand. There are two issues if we do not handle carefully, we either rake this country or we shall swim. The two issues are multi parties versus, of course, the Movement and the issue of federalism. *(Laughter)* Those are cardinal matters and we have to handle them extremely carefully. Now, speaking as a loving critic of the Movement, I would argue that it has done a good job. It has led us from chaos, autocracy to what I have called "a state led democracy" but we have reached a stage where we now want to enter another period, a period of "society led democracy" and if you want to enjoy that period, you must open contestation of all the groups. *(Applause)* It is an essential requirement of a entering society led

democracy. There is no short cut to that requirement and here I am speaking with a great deal of authority. It is a necessary requirement because when you allow open contestation, first of all, you avoid secondary wars. For if you are to hold a referendum as to whether political parties should exist or not and you won say by 99 per cent and 1 percent wanted to associate, would you disallow them to associate and not cause secondary wars? You would indeed cause secondary war because it is an inherent right to associate. It is a very necessary right and granting it, would save this country from secondary wars and we have fought too many. This country has fought enough and I would argue that the NRM is strong enough now to compete successfully with these other associations *(Applause)* and I am making a passionate appeal to the NRM at this stage now, to allow open contestation because we are fighting unnecessary wars, we might tear the very country we have been building assiduously and so one essential requirement is to forego a referendum on political parties. You have to forego - 94 and 98 go together actually - You forego that secondary war and you allow open contestation and it would be controlled obviously because there must be rules on the ground and those violating the rules must be disallowed using all the mechanisms available. That is extremely important and as I spoke, somebody asked me what is the view of my electorate? *(Laughter)*

THE CHAIRMAN: Order! Order!

PROF. NSIBAMBI: I am happy to answer that I enjoy professional autonomy. *(Applause)* I am also happy to add that the one who sent me here allows freedom of speech and association - *(Applause)* - and that is why he has made contribution to the improvement of the quality of life and what I would dread is to lose that qualitative improvement at the last hour. *(Applause)* Because we have got a saying that "*Obwato bufwa magoba*" - He may actually have done a very good job and he collapses at the last minute and I would dread that one myself because a lot of good things have been done. So, the issues at hand are the issues of open contestation for all the groups and accountability and foregoing a referendum and therefore, there must be that interim period because of course, you will not simply plunge before defining the rules of the game. There must be that period where these issues must be sorted out and that is what I have called the period where you negotiate the extension and then you have automatic resumption and during this period, you must now define the rules of internal democracy, you must ensure that there is responsibility and then having done that, then you go into open contestation. But it would be essential to have that period when you have made it clear that at the end of that period, you will have to have open contestation. So, I want to make a plea to all fellow Ugandans - we have fought enough, we have shed a lot of blood, we have too many unnecessary secondary wars. Let us keep united by defining the rules of the game in such a way that qualitative change we have now enjoyed, we allow for open contestation. I say all these words for God and my country. *(Applause)*

THE CHAIRMAN: Hon. Tumukunde.

MAJ. TUMUKUNDE (Rubabo County): Mr. Chairman, I want to begin by emphasising that today I will speak as a delegate from Rubabo, not in any other capacity that is usually associated with my person. Mr. Chairman, Article 94 has got very little to say, yet very important for all of us here. Some people are saying we want our right of association to be protected; others are saying, no, by protecting your right you deny us our - that is where the whole matter seems to be. Mr. Chairman, I will start by tackling this now over emphasised right of freedom of association. Where were these great advocates of freedom of association when the people of Luwero were dying? Where were these great advocates of freedom of association when opposition members like Sebugwawo were being hacked out of Parliament and murdered in cold blood? *(Applause)* Where were these advocates of freedom of association when our people were being picked in every corner of our country and being murdered for taking just a different view? Mr. Chairman, you know "*panda gari*". Even the just basics of movement being denied the people of Uganda. You are picked from wherever you are, road blocks are everywhere, things are like whatever we cannot imagine and now after ten years, everybody wants to give us an impression that that history was not there and that we should listen to only the current and that if we do not listen, violence will come, war will come, everything will come. *(Applause)*

People are threatening walk-outs, Mr. Chairman. It is very good that today, when you walk out, you indeed walk out of this hall and we remain free. For

us when we had a different view, we had to walk to the bush, to exile. Is that not a fundamental difference Mr. Chairman, for those who are looking for these rights? *(Applause)* Mr. Chairman, we know who started rigging elections in this country. The advocates of freedom of association, when they were rigging elections, what did you actually say? I would also want to ask a simple question. When the Constitution was being abrogated in this country in 1966, most of us who are talking with violence and power here were mature and we were even leaders of political groups, what did they say Mr. Chairman? We cannot continue to be like the Kinyankore orphan of killing your father and marrying your mother and then you say "*ofire tata*" even having murdered your father, he is now your father and you must keep saying yes, yes, yes! We are tired of people disguising situations, appearing brilliant, appearing as if we do not know what is good for this country. We have captured Smith Opon Ochak in open broad day light, he was taken to the judicial system, Smith Opon Ochak, I am sure by now he is free. Was that possible any other time? Why do people not give some piece of credit even when your views are different to a system like ours here? *(Applause)* Because, before we do debate about this freedom, we must access freedom of association which is causing even loss of life. Tackling right of life, we must keep saying freedom of association, that people may die, that others may associate. Let us examine ourselves, Mr. Chairman.

I look at people coming here, you become a Member of Parliament - I was just reading through this book which was given to us yesterday. I was counting the number of DPs who are here, the number of whoever who are here; now that they are sure they have had enough launch to go and prepare for elections, they are condemning some of us who have not even benefitted from this system and they are trying to hang us in open broad day light - *(Applause)* - and that we must continue feeling guilty for them being too clever for us, continue feeling guilty Mr. Chairman! Oh yes, you are right you want your freedom of association, that you may then continue to get more and more ration on your table as we get less and less on ours!

Mr. Chairman, I did not want say anything about the NRA but I hope the NRA is watching this situation very carefully - *(Applause)* of politicians that have misused this our army, caused them death, hacked them into exile that they may continue here eating and counter eating and always changing tables bringing new ones whenever it is appropriate and in their favour! I believe they are watching this situation with a lot of interest. Mr. Chairman, I want to take this opportunity to call this August House to forget their stomachs and first address the things that can advance this country another inch. We have held meetings, I was attendant Mr. Chairman, we held a meeting with the multiparty group and so on. Same position - right, never! Once a right is attacked, then we should never say anything - right, right. That is what they say and the next thing they tell us is international community, where was international community when Ugandans were dying here? I am sure there are some people here in the gallery. I want to challenge them to go and ask their presidents, their parties and their leadership why they did not take interest in Uganda when our people were dying and they must take interest in Uganda when we are doing too well at this time? *(Applause)*

Mr. Chairman, the international community I am sure is looking at Zaire which is dwindling in pieces; they must be looking at Somalia. Why not focus there where they are most needed? Burundi - where people are dying in bits and they must only focus on Uganda when we are an Island of peace in this whole region! Is that International community actually having its judgement clear or not? I am not saying we should not have contacts with the international community but I am saying when this international community is dealing with us, they should not use spectacles like mine that are tinted. They should use a correct, well lensed spectacle and handle every situation on its merits. We cannot, in any way, read a situation Mr. Chairman, where Ugandans have suffered for centuries. We almost captured the capital city here when the international community was praising Obote. It is similar to Rwakasisi in a way "*Nyamuringa! Nyamuringa!*". With all that capacity and machinery to assess a situation, they continued to praise Obote until the man had to crumble by himself.

Mr. Chairman, 94 is a simple thing. We are saying, we have practiced a situation here where everybody has been involved and we have managed to move this country for ten years now in some bit of peace, we are saying that even the multi party line which they are advancing like it is a new experiment here, has been tried here for almost actually more than 10

years and we can use just simple data, simple comparison and tell which way Ugandans have felt very well. If some of us still say when Uganda was okay, that is what we had, let us put it in our Constitution. Who are those to tell us that we should only entrench the times when Uganda was not okay and leave the times when Uganda was okay and that we should not write any history about that time and period? It is good that in this House today, out of the reconciliatory policies of the Movement, we have got NASA agents; we have got people who have convinced their friends in villages like Soroti and Teso, taken them to the bush, caused them murder and come back and said they are heroes! We have them in this House Mr. Chairman, they are fully accommodated! Mr. Chairman, we have got even within our prisons and within our free life people who have killed others in this Movement. Others in this country, we still accommodate them, we allow them to table their case before the freedom of justice. I am continuing to agitate Mr. Chairman, that if the Movement can accommodate all this, why cannot they just accommodate a mere article on the Movement in this constitution? Simply because we spend a lot of time - I had never dealt with politicians except this time - they spend more time on things that do not matter and leave things that matter and they give you an impression that things do not actually matter. They are advocates of obscurantism, confusing people and raising white what is certainly black.

Mr. Chairman, I want to say that for some of us who have been struggling for this peace which is here, let neither side over advance their interest lest they cause us yet another problem. If the Movement - I have seen nothing so bad, the Movement is saying you register us here in the Constitution, we are also here, we did some work, why not - let the Ugandans keep in mind that one time there was a political system called Movement. In case parties mess them again, they have something to resort to. When you tell that to some people, they say do not entrench any political system! Our biggest problem has been on political system, Mr. Chairman and if that is the case, let us continue to give our special attention to political systems and allow as many options of these political systems as can live peacefully in this country so that there is a choice for everybody all the time.

Mr. Chairman, I hear people threatening violence, war, everything. Unfortunately, these people who threaten war, never go to war, they only send others to war! This is correct. I know for sure it is only one leader in this country who has ever said, when war comes, we shall fight and he went! Others have always said here but when the time comes, they say no, for us we want peaceful negotiations even when people are talking, are dying, are being massacred day and night, we still talk of peaceful negotiation so that until they kill him, he will never see the reason for actually reacting to violence when there is actual violence here. We are threatened, our lives were threatened here! People are saying, why did you fight? Why not? We had to fight because we were being fought. That is true and I am sure our great judges that now are recognised - the international community must have realised that in those days, most of our lives were threatened.

So, this idea of people coming here to advance rights and rights seated in Uganda House when people were dying somewhere in this country - I do not know this DP, when people were dying, they were quiet, busy eating money in the so called opposition where they would not express any view! *(Applause)* Now, that they can express views, they are here talking hell and heaven! Somebody tells you that after 9 years, it is now that I have recognised that the Movement is not accommodative, now I must leave, *(Laughter)* Is that not a joke? *(Applause)*

THE CHAIRMAN : Order! Order!

MAJ. TUMUKUNDE: Mr. Chairman, I do not have a good proverb to give to this House but there is a Kinyankore proverb which says that *"Emitima ebengabe, ogwangye gukunde musyo"* which means that hearts are great. A mad man was looking at very good pots and he said hearts are great, mine would have liked all of them broken. This is the so called freedom of expression, association. That even when it is destroying all of us, we must always say hearts are great, they do what they like, they like what they do even when it hurts others. Mr. Chairman, we still recall the people that have died in Mugulu, the people who had died in Luwero, the people that have died in Soroti. Out of nothing but bad leaders that have always caused them problem. Just imagine, somebody coming up saying - oh, you know we can use water and bullets will never touch us and after that, that man is called a hero, the woman is being accommodated in Kenya storied houses in the name of having been a

freedom fighter. Shall we not we Ugandans continue to tell a difference between good and bad, shall we always be tinted by lunch and supper that we must do what is not sometimes very acceptable to the rest of our community? The peasants of this country. People are here forcing us, Mr. Chairman, to sit here as a number of 284 to make decisions on behalf of Ugandans who have clearly said they want to make this decision themselves. When we talk about referendum, people are mad. They are saying referendum to do what? Somebody was giving us an example of a child and a father taking a child to the clan. Yes, if the father has killed the child before, or the child is threatening to kill the father, then you can go to the clan, what is wrong with that?

We are saying here in this case the people of Uganda must keep the right, whether it is in 94, people are saying no you are jumping, let me jump. We are not here for articulacy, especially when it is not beneficial to us. We are here to bring out things that are crucial to our continued survival and co-existence in this country. Let the people of Uganda and especially you people in this House accept that we can all be here and therefore, even be accommodated in this grand legal document. Let us accept that we are no longer very good people in terms of determining the right course for Ugandans because stomachs have really blinded most of us. Let us always go back to the peasants for appeal. At least for them, they are still fair. I look at our arguments here. All of it is lunch and supper. Who is going to do what? We want to share the cake! Government of national unity? National unity means sharing the national cake into quarters. Moshi - all this history, nobody wants to remember. The Moshi conference - The people do not know what transpired in those discussion; we are here waiting for them. They come and draw rules for us, immediately when the eating is no longer smooth, they say throw away UNLF now, young men, let us go back into our parties. Then, when those - oh, my God! *(Laughter)*

Mr. Chairman, some of us are fairly tired of this situation. We therefore call upon our fellow Ugandans this time to wake up and spend more time trimming our interests to fit the rest of this country and once we do that, I am convinced, Mr. Chairman, that even this so called 94 - you can imagine the whole country is now worried; people I met at lunch hour saying we are dying? Dying of what? Just because some opportunists are causing hell and fire, outside there is dying! I do not think there is anything like dying there! The only thing I think we should do is sober down. Write this law for all ourselves and those of you who think your interest must prevail over others, thank God every time one interest has crashed another and I am sure you are about to realise that those interests must all be accommodated. So, 94 is very simple, we also want to be here, I am one of them. We also want to be here, please put us here! Multi- parties when it is time to come here, you are also registered here and - *(Applause)* - guaranteed and any other interest also should be here and all other sophistication - legal arguments, I do not know. All these political rights; rights of yesterday which we started in 86, people are now talking about them as if they have lasted here for a century, Mr. Chairman! Rights, rights, rights, rights! Mr. Chairman, I think I should stop. I am sure some message must have passed. *(Applause)*

THE CHAIRMAN: Hon. Byakika Kasajja.

MR. BYAKIIKA KASAJJA (Bunyole County): Thank you, Mr. Chairman. I rise to support the amendment. Mr. Chairman, we were elected to the Constituent Assembly by the people of Uganda to come and make a constitution that can be acceptable to all the people of Uganda. This Constitution must be projected not as a temporary document but as a covenant to last many years while it still holds its validity. Article 94 seeks to entrench the political Movement system in the Constitution. Here, an assumption is being made that the political Movement system as it is practiced today, is the only ideal system that is suitable for Uganda. This assumption is hypothetical, erroneous and grossly deceptive to the people of Uganda. It is another way of saying that a lasting dictatorship has emerged in Uganda once and for all. Mr. Chairman, the principles underlying the political systems are already entrenched in Chapter 5 and particular in Article 51 (1)b; 59 (1)e and in Article 1 which we have already pronounced ourselves to in the Plenary. Mr. Chairman, there is therefore no need to make provisions in the constitution which tend to derogate the fundamental human rights and freedoms already safeguarded. Political systems should be truly democratic. Whereas, the Movement offers no alternative to those who do not share its programme or priorities.

Mr. Chairman, the advocates of the Movement system have refused to accept that it is a political party yet it operates exactly like a political party. It

has founders, it has co-members, there are insiders and outsiders within the Movement like a political party. Its inner mechanism is exclusive. The Movement system was intended as a combination of social forces committed to resolution of a crisis and so is by nature a temporary system which should not be entrenched into the constitution. The idea was that after four years, having assumingly put the country into peaceful coexistence, the people - *(Interruption)*-

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

MR. BYAKIKA KASAJJA: The people would be free to choose a political system of their choice. Mr. Chairman, even after ten years, the Movement think they have the right of way and must entrench themselves in the Constitution. Mr. Chairman, the Movement is not accountable as a party system where opposition parties tend to keep the government under a close scrutiny or democratic pressure. Mr. Chairman, the Movement does no harm than political parties by creating internal tensions and divisions. An example is a classic exposure of rampant corruption within the Movement government system whereby Ministers and high ranking officials are known to have participated in the embezzlement of colossal sums of money but where government has kept a deaf ear. Even acted positively by promoting such Ministers to high ranking offices. This could not happen if there was an effective opposition to expose such culprits in the Legislative Assembly. Mr. Chairman, it is perplexing to be told that such degree of corruption can be *likened* to the disappearance or reduction in population of elephants and other species from the National Park, when in fact it is a well know phenomenon that continued habitation of the bush by people with guns not only deprived the elephants of their habitat but also recklessly scared them and hence they had to go into exile. Now that there is no more talk of people going to the bush, these very animals have decided to come back to their natural habitat and they are the very same animals, Mr. Chairman.

Mr. Chairman, the people of Bunyole County in Tororo District have vehemently rejected the entrenchment of the Movement system in the Constitution. During the one week consultation I had with them, they mandated me to urge vehemently for a multi-party system of governance which is already provided for in the Articles we have been talking about. They said this is not a matter to be voted on as the fundamental human rights and freedoms are already inalienable. They even think it will be a deprivation of these rights to talk of a referendum over their rights. Mr. Chairman, the issue is not just to delete Article 94 of the Draft Constitution, but to reject any such attempt to have regard to political system to be especially considered as a permanent feature in the Constitution. Mr. Chairman, I therefore, honestly urge all Hon. Delegates to think of the future of this country rather than protect the incumbent power which they think is operating to their advantage. History has yet to tell. Mr. Chairman, I beg to support.

MR. SABIITI(Rukiiga): Mr. Chairman, this amendment calls for thorough analysis. As delegates representing our people, we should examine this amendment by first looking at the past vices that have caused chaos in this country and two, we must look at the current generation which is composed of the young and the old; the old having contributed a lot to the chaos in the past and the young one that has yet to come. Mr. Chairman, now who dearly wants peace and stability? All of us need it but I think, Mr. Chairman, it is my view that this young generation, the generation that has yet to come, needs this peace more dearly. It is this young generation that must guide this future. Some of us have tried in the past and failed, we should therefore give a chance to this generation to guide this future. So, when we are talking of human rights, we are talking of individual human rights. When the multi-parties are demanding the resumption of chaos and instability and destruction, I want to say this, Mr. Chairman, true they want their rights, but also I want to say that we too want our rights. If they had their rights to cause chaos, we want our rights to maintain stability and peace. *(Applause)*

Mr. Chairman, this morning I read a story in the *New Vision* and it said that this story was as a result of a letter which one Ugandan called Obote Milton wrote that "Please keep in Uganda House". When I read it, I felt I was being stung. That the man who was of this country all these years up to this time still talks of blood, chaos, and the rest! These are the old people that have led us and still want their rights! What are these rights? Mr. Chairman, I appeal to those who are demanding for these rights to cool down. It is on record, Mr. Chairman, that the

three systems that we have experienced in this country namely; Multi-partyism coupled with one party dictatorship, ruled over 15 years. This was followed by the military system of government which was again mixed with Multi-partyism. We have experienced about nine years of the Movement System of government. Now let us compare these periods. Where has stability and peace reigned, was it under Multi-partyism, Military system of government or it has been under the Movement system of government?

I was in the village last weekend and I want to state this very, very clearly that people of Rukiga have not changed from the report that was given by the Electoral Commission. They demand and they made it very clear that actually we are wasting time here. That they sent us here to entrench a system which is best suited for this country and that is the Movement System. But we continue coming here because, as some people have put it, to demand for sharing a cake. How many times have we shared this cake? The people - the peasants now want to share the cake. It is not the people in Kampala to share the cake. The masses are saying we must share the cake and they want peace, stability and development. I was disappointed when the Chairman of the Drafting Committee came up with some amendments. He forgot that they were amendments which we had also put in during Committee 5 deliberations. We had said that the people of Uganda are demanding for development. to have this political system fully entrenched in this country. But you see, when people are comparing, that maybe there will be chaos. The majority of the people of Uganda still say that we should have a Movement System of government. I therefore appeal to the sponsors of this amendment to rethink. If they are still thinking about chaos and conflicts which conflict will make them eat, please cool down.

Let us get settled and let us entrench in this constitution a system of government which is going to give us peace. We are not going to borrow from the West, from the American system. At our level of development, interaction, our social systems are completely different. We should therefore, look at the most viable system of government that can unite me with my brothers. If the Multi-partyists were saying that the Movement though good, it is not so open, I would be saying they are talking. If they were saying that the democracy is not much compared to the former Multi-party system, I would say, yes they are talking. But when you are saying that we should revert to the old system, then I am not with you. So, I am saying let us know how to democratise the Movement; let us open it. Let us make everybody more comfortable and make our country peaceful so that we do not go back.

I was given another request by my Constituency that the following two people should not try to stand for these coming elections. That Milton Obote and Hon. Semwogerere. Mr. Chairman, these are the demands from Rwenyanje in Kamwezi where I held a very big rally. They are saying these two people should cool down to leave us alone. We should give the future a chance by giving the young generation a chance also to try. Of course they are Ugandans, they have their rights. They can participate if they want but I can assure you that the people of Rukiga have requested these two people to leave Ugandans alone. We push in with the Movement and then let the future generation decide whether the parties can come or not.

Mr. Chairman, this amendment, to me, I think did not come in good faith and I would request the sponsors to withdraw it so that we embark on major amendments which should enable our people to forge ahead. Thank you, Mr. Chairman.

MR. ATAMVAKU: Mr. Chairman, this is a Motion of destiny. A Motion to delete Article 94 is not an ordinary Motion, it can only be compared in the History of Africa to two Motions. Mr. Chairman, I para-phrase what Dr. Obote said to the World Committee. He said *that if in 68 years of Colonial rule, 68 years of political operation, 68 years of economic exploitation, the British have not prepared Africans of Uganda for self-government for Independence,* what is the guarantee that in fifty years to come they will ever prepare them? I put the same question to those who are crying for the extension of Movement. If in nine years the Movement with a superlative army, a superlative cadre has not successfully prepared the people of Uganda to reasonably and rationally pursue Multi-Party democracy, what guarantee is there that in five years they will succeed? That is why, Mr. Chairman, I say that this Motion to delete this Article from this Draft Constitution is only comparable to the submissions of Dr. Nkrumah and Dr. Obote.

Mr. Chairman, at this point however, one Hon. Member has been ridiculed for the momentous and indeed fundamental action he has taken to protect

our freedom, I will do otherwise. With your permission, I congratulate Hon. Paul Kawanga Semwogerere for his wise and indeed timely action to free himself from the cobweb of a military junta. Mr. Chairman, there is no doubt that many like Hon. Ssemwogere were misled into serving in such a government on an understanding that it was a broad-based government. Without any reservation, Mr. Museveni produced a Cabinet by way of reshuffle which was actually a war Cabinet. A Cabinet tailored to pursue and implement a cross-policy against even the citizens of Uganda. It is therefore, no doubt, Mr. Chairman, that having been appointed Vice President Hon. Dr. Kazibwe become an expert in inciting Moslems. That is not an accident because the broad-based policy of the Movement is amiss. First divide them along party lines, if Parties come closer, if Hon. Kawanga Ssemwogerere can host us for a Party - dinner one time at the beach, then the formula to divide them has not worked. I am surprised that if those so called Moslems arrested in Buseruka happen to be illiterate Moslems, they happen to come from Busoga, I do not know why that Hon. Lady could not refer to them as foolish Basoga. *(Applause)* Mr. Chairman, to extend the Movement for five more years reminds me or it implies that we may be extending the kind of rulership which has been epitomised by Shakespeare. No doubt, under that kind of arrangement, the so-called gender sensitivity is being misused.

Mr. Chairman, I therefore proceed to say that, I contribute in this Debate as a matter of fundamental contribution on behalf of my people. Mr. Chairman, for us, the fundamental and indeed the under pinning premise for deletion of this Article is found in the universal secret value of the right of each and every human person to be free. It is the fundamental right of each and every individual person to enjoy the liberty that he or she has been enjoying with by the Almighty, the Creator. We do not derive our arguments from the international community, No! Because what is right is after all not determined by numerical strength of those who support or oppose it. Mr. Chairman, we have been told often times that the idea, however wrong, of extending the Movement system for five years is derived from the history of Uganda. Mr. Chairman, that conclusion is wrong. So, the history of Uganda has been the history of laughter and tears. It has been the history of laughter and cry. If by virtue of that Ugandans must be fooled into extending the period of five more years, then what conclusion do you draw from a European or any continent that faced wars for several years? Therefore, to draw such a conclusion, Mr. Chairman, I am sorry it is not a conclusion drawn from the history of Uganda as in research written by scholars and professors, but it is a history and retold and then misinterpreted by a secretariat that, after all, has become a dumping ground for those Ministers who have been chased off the Cabinet! A secretariat without any articulate leadership.

Mr. Chairman, we have been told that Uganda is not ready for multi-party democracy because here Parties are not formed along class interest. Elsewhere, Parties are formed along class interest. But I said that that conclusion is not really correct. People always differ for a number of reasons. It could be a class-economic interest, but it could be even a matter of methodology. We are told that the Democratic Party and Uganda People's Congress have the same manifesto. I beg to say that they could differ in methodology. Mr. Chairman, that is where we differ. Therefore, even if the Parties in Uganda have the same manifesto, they definitely differ in methodology. Therefore, they have legitimate right to be two separate Parties.

Mr. Chairman, it is immoral and unethical and imaginable and judicious for us to say that Movement should be extended at the expense of Parties formed by the people of Uganda. At the end of the day, it will not have been extended at the expense of the Parties but at the expense of the God given freedom of the individual person. Parties were formed to fight for the independence of this country, they were formed to fight for the freedom and the liberty of the individual person, which freedom and liberty were denied by the colonialists. These two are the fundamental reasons why the Parties were formed. There is no doubt that the British were forced after all to grant independence, the leader of a ruling party at that time has enjoyed the honour to receive the intrusion of power. This is an event that shall never be repeated in the history of Uganda no matter how many times you go to the bush, no matter how many bushes you go to, you will never enjoy that honour. Mr. Chairman.

DR. KIYONGA CRISPUS(Bukonzo West): Thank you, Mr. Chairman, for having given me the Floor, and I would like to thank delegates who have spoken before me for the very useful contribution that they have put on the Floor.

Mr. Chairman, my contribution will be mainly limited to some aspects of the contributions of Hon. Ssemwogerere, Hon. Cecilia Ogwal because these are the movers of the Motion and also prominent citizens of the country. Hon. Ssemwogerere did say that Article 94 was controversial. While agreeing with him that the Article was controversial, I would like to add that it is innovate; it is a new idea in our country. It is a new form of thinking how best we can manage ourselves. I think that is why it maybe controversial. It is important, Mr. Chairman, that as we review our past, and trying to look for the solution that we be more and more innovate. My elder Brother Hon. Ssemwogerere will allow me to quote an incident where he and myself took part in a meeting. We were in a meeting, Mr. Chairman, and a visiting Minister asked us that you people who are in leadership now, what do you think about the R.C system. In that meeting, there was Hon. Bidandi Ssali as well, Hon. Mulenga and other people. Hon. Ssemwogerere was our leader in that delegation and he said: "*the Constitutional Commission is going around, the people will decide what to do with the R.Cs.*" Then this visiting leader also said, "*but you people have suffered so much. While this Commission is going around, if you as leaders think this experiment of R.Cs is helping, why do you not work for it?*". In other words, this man who was from the Western countries also appreciated that the management of affairs in Uganda, in Africa cannot be as usual. We have to be innovative. We cannot just take slogans wholesale and think that that is going to save our people here. In supporting the Motion, Hon. Ssemwogerere in part used mainly Article 96 in the Draft and I thought really while that was a valid point since 1996 is yet to come, it could not be the basis for deleting Article 94.

Let me turn to my Sister Hon. Cecilia Ogwal who used a very good example of a doctor-patient relationship. She said no good doctor, after working on a patient for a long time and the patient is not yet dead, can just sign a death sentence and abandon the patient. That far she is completely correct. There is no doctor in his right sense that would do that. But in my view, I think what the NRM has done is to take this patient, have dialogue with him and start trying him on some medication while investigating. After that period of eight or nine years, this doctor in conjunction with his patient has come to certain conclusion. They have agreed that a certain prescription should be made. And it is this prescription that we are discussing that Uganda in these nine years has been talking, experimenting an innovation which appears to work; which appears to deliver peace, development, and to move towards uniting people. Indeed to follow the argument of Hon. Ogwal, it could be treacherous for the Movement to just abandon the people because there are calls of multi-partyism.

Mr. Chairman, we in Bukonzo West County believe that we should continue with the Movement System because of the positive results that it has demonstrated. But we do also go further and say, we should not close the alternative system. Even building multi-parties, they should stay under some kind of guard. So, there is no implication in the Draft that Parties are going to be banned. Indeed the Draft is very clear how Parties would be held in case the people decided to go along with the Movement form of political system.

Then Mr. Chairman, there is a question of broad-base. Hon. Cecilia Ogwal, I think did well in trying to demonstrate this. In her belief, the broad-base should be formed from political parties. I agree with her only partially. Because in this country, there are people who do not have political parties as you know. There are those who are in political parties. So, the political parties, yes, should form part of the blocks but not the only blocks which should form the broad-base. In the NRM, we recognised these political parties but go beyond and look at marginalised groups like women and bring them in on their own merit. We look at people with disabilities; the workers and provide for them. In other words, part of the broad-base is affirmative action. So, we go beyond ideology but we also look at other factors.

Colleagues have talked widely about basic human rights and I agree that every leader, every politician should address this issue of basic human rights, but in do so, I would like to remind Colleagues that we here, CA Delegates seated in 1995, passed a provision which we have already said should be part of the Constitution to maintain the death sentence. We have already said, yes, through a court, someone's life can be taken. That is really basic human right for an individual which is God-given to use. But we have decided that the Courts - we have given the powers to the Courts to take an individual's life. So, we should not forget that we have already taken that point. Secondly, elsewhere in the decisions we

have already taken, we have said that basic human rights will be upheld but also vi-a-vis public interest that there can be situations, if Parliament so decides, in public interest that certain basic rights can be limited and not obsolete. So, given those two examples, we have said people's lives can be taken in court. We have also said in public interest, human rights could be limited. All we are saying really is that there are no such things as absolute basic human rights. All these rights are relative in one way or another.

Let us look at the issue of parties as a form of association. I agree political parties are a form of association, but to say that they are God-given and they cannot be taken away is really misleading. Let us look at Europe and the Northern Countries. These are countries that have lived maybe much longer than our own continent, and parties evolved along the way. When those countries were there, parties did not suddenly appear. They came as a way of evolution. So, if it is something God-given why did God not give it immediately we came to be?

To help Colleagues further, let us not forget that we are part of the whole globe. There are other countries like Saudi Arabia, Iraq who also have their own political systems. In Iraq, the Parliament is just picked by the Chief Monarch. In Saudi Arabia, I do not think there is even a Parliament. Those are also going on and their people are living. I do not know whether we could say that they have no human rights.

Mr. Chairman, in Africa we have many countries where multi-party currently is being practiced. We have more than 100 Parties in Zaire. Kenya has a number of Parties; Angola, Mozambique name it, they are already practicing multi-partyism and the question one would wish to ask, can we say objectively that in this countries, it is much better than in Uganda? The Multi-Partyism is there ahead of us. We should be following, but can we say with certainty that the situation in these countries is better? To assist to answer the question, Mr. Chairman, I have a journal which unfortunately a colleague of mine has failed to return, a Journal on Democracy written in Washington where USAID mandated scholars to go to Kenya after elections to see what the results of the elections were and to make some conclusions. In part, the journal says: *"although multi-party has come to Kenya, the future was still uncertain."* So really, if we want to solve problems of our country, we should not just say slogans because other people are saying this is the best, we have multi-party here and we just jump and think we are going to have answers. Even the Northern countries are aware that they do not have the clear answers to our problems in these poor countries.

I now turn to the issue of sovereignty and once again, I am glad that Hon. Ssemwogerere did discuss this subject. He discussed this subjection in relation to a referendum. In his view, if you understood him well, he says if we are to go to a referendum on multi-party or political system, then the only way we can choose one alternative to the exclusion of the other is if the return of the referendum is 100 percent and 0 per cent. That is what Hon. Ssemwogere said. I think that is a good and debatable and my own contribution to it is incidences where referenda have been held. In this country, in 1964, in the so-called lost counties, there was a referendum. It was about association because the people in those areas were voting whether to associate in Bunyoro or in Buganda. As far as I know, the results were not 100 to 0 but at the end of the day, people were told, now you go to Bunyoro including those who had voted to stay in Buganda. This is in our history books.

In Denmark sometime back, there was a debate whether or not they should join the European Union. So, a referendum was held and the majority of the people did not want to associate with the rest of Europe. The action was delayed. This was not a 100 to 0 per cent out-turn. Although later on when it was repeated and the higher majority did accept to associate, the people moved to the Union of Europe. Therefore, really, when you talk about referenda, you are, in my view practicing the highest level of democracy. You are involving all the citizens in taking a very fundamental decision. *(Applause)* As democracy will demand, the majority will have their way for that time until the argument comes back and we get another vote. So, anybody really who supports sovereignty and democracy will be betraying that philosophy if he rejects the referendum. We have been able to involve people in keeping their own security at the village level without having to look at this man because he is UPC, this man is DP, we cannot work with him. All schools have been built, all dispensaries have been built by the people themselves under this way of organizing which had not hap-

pened before, and we are poor people, we want to utilize all resources to be able to move forward. Although people are standing on their own merit at various levels of the RC system, anywhere you go in the country, if you wanted to give people labels at RC II, RC III, RC IV, you will find elements of UPC, elements of DP, elements of UPM and all of them working together under this new innovation, and obviously at the government level despite what Hon. Atamvaku said. The Cabinet cannot be said not to be broad based, it is broad based in terms of ideology. Even now as we speak, there are people in Cabinet who do not believe in the Movement system, they are there. My colleague Hon. Dollo as you know is a believer in multi-party democracy, he is here with us; Hon. Ssemwogerere until last night was with us. So this cannot be denied.

So in summary, to cut the long story short, I would like to make four points that the history we have gone through as a country calls for innovation and not routine slogans as we hear from the capitals of the North. Secondly, the movement has shown that we can have a new approach to the management of our affairs and - harvest benefits. Thirdly, human rights are relative and not individually qualified. Indeed this conference has already decided that an individual can lose his life as decided by a court of law. Lastly, referenda in my view is the highest form of involving people in taking a decision affecting their lives. Any democrat and believe in the sovereignty of the people should accept the concept of a referendum to decide the form of political system that Uganda should have. I thank you, Mr. Chairman. *(Applause)*

PROF. KABWEGYERE(Igara West): Mr. Chairman, I am glad I have a chance also to add on to what has been said regarding the future of Uganda. Mr. Chairman, we have arrived at this point after so many other decisions that have been made. We are now coming to a point where we are deciding how our future will look and I think those who have used very, very high sounding words expecting a fear, expecting doubts, arise in a way because we are really at the very beginning of a new era. I think having been here for a whole year in a national seminar, discussing the future of Uganda, the time had to come that we have to separate our - those who see the future differently from the others. Because, Mr. Chairman, we are not seeing the same thing. I am sorry for being incoherent there, but I am going to explain. If you listen to Hon. Atamvaku, and you listen to Hon. Ssemwogerere, who may be at this point in time in alliance, you still see that these people are far apart. *(Laughter)* I do not see that the chaos that has gone on since 86 which Hon. Atamvaku had experienced inside and outside is really visibly reprinted on the face or the sight of Hon. Ssemwogere in the last nine years. I think we are here looking at different things, and we must be helped by some extra conscience to see the same thing or separate those who see wrong things into one camp and those who see right things in another camp. *(Applause)*

Mr. Chairman, there are things we can take for granted; I can hear the meaning of the word "illustrious" - an illustrious leader as used by Hon. Atamvaku in reference to Dr. Milton Obote. An illustrious leader of Africa in praise of yourself, because "illustrious" is something really to be achieved but if you have failed twice to run the country and you have run into exile twice, and you are still an illustrious son of Africa it means we are - *(Laughter)* - it means we have yet to tell the difference between success and failure and in this country, it is high time we saw what success is from failure.

So, apart from those elementary remarks, Mr. Chairman, I would like to associate myself with the remarks made by Hon. Kiyonga. The changes that have occurred in Uganda did not come from a wish, they came from a wish in addition to an effort and in addition to answering a call from the people. If it is not true, let us understand why we are here in the manner we are, and let us look back and see whether some god had formulated - has produced a formula that brought a similar event like this. So I say, Mr. Chairman, we do not all have to agree that the change that has occurred is enormously fundamental. We do not all have to agree, but at least, let us say that there are certain things that have been done that we can all point to. Mr. Chairman, as Hon. Kiyonga said, I think I am right in saying that Hon. Ssemwogerere has publicly said that the RC system is a good system. I do not think I am wrong in recalling that and I think the RC system has done something which we had not had done before and yet there are people who think that this good thing should disappear, and there are those who are saying that in a system called Movement, there are certain elements that go along with what is called Movement, that you have an RC system that you have a broad base even if you are not included in the

higher ranks of office, but you are included in your RC 1. You can participate in your RC 1, and indeed you can participate in the peace that has been ushered in. Because some of us often tend to think that if you are not a direct beneficiary - because this has been referred to me many times that I am a beneficiary that is why I am supporting this, but certainly, the reason why I am not in exile whether I am in government as a director of external relations in NRM Secretariat or not, if I can now go and teach in Makerere, the place I qualify to teach, I will go there and teach and the world will continue and I think this is what we want. And Hon. Atamvaku is still doing that job.

So, Mr. Chairman, I think let us see the extent to which our country has been galvanized for development by a system that has been involved within our own society. Yet we are now crying for models and the issue is not that you do not cry for models, for heaven's sake, nobody is saying you should not think. Think but think in relation to what you are experiencing. There are people who will come up and say look; the past was so good, and yet when we are going, *"Panda gari"*. Surely I do not want to remember this but some will say, those were good days. And even some will even go to the extent of saying even what we are experiencing is inherited from those early past. So Mr. Chairman, there is something that has been done here that other countries are emulating. I would want to underline the remark made by Hon. Kiyonga, there are many scholars who have come from outside, about a month ago we had an encounter with Prof. Aputer whose books in Uganda are well known to those who have been to school and he was coming here to say, really is there something that could be new in understanding politics - and even many others as Hon. Kiyonga has said. So there is something here, and it is interesting. Many scholars and many countries even go to the extent of saying that the model has been recommended for some other countries but I will not go into that. Therefore, we should not deny a presence of something good here, something good that can produce a variety of all of us to shape us ideologically and intellectually, age wise and so on. This something is good. Now, whether this thing that is good is not produced by us, that should be separated from whether it is good or not. Because I have heard my friend and teacher Hon. Tiberondwa saying that it would be self dilution if a house is built, you know it is good it is furnished, everything is in it, and you are given a key to go and stay in it and he says he would rather stay in a hut because he has built it rather than go into a house however good, even where it is given to him free. Now, Uganda today has been shaped by all of us. Incidently, we are all involved in shaping this country and in that shape, we have produced something that we can call our own. So, the Movement system of government is a Ugandan system of government. I have not heard anybody including the extreme views saying that the Movement system is borrowed from some country. It is something that we have evolved here. Some of us who may not have participated in its origin are still being involved, are participating in it even now. So why don't we call it our own and build on it?

Mr. Chairman, because of that, I have begun to wonder whether some of us have not learnt from history. Mr. Chairman, in 1980, I remember very vividly a Motion moved by Laulance Ssebalu and Chris Rwakasisi calling for the return to political parties at that time in this very hall and soon after the break up of UNLF. I do not remember whether before Ssebalu died - whether he had met again with Chris Rwakasisi to consider the future of Uganda on any event. I now see very good occasion again, a replay of a joint Motion by Hon. Ssemwogerere and Hon. Cecilia Ogwal, a very good movement of closeness - closeness because we have been here together for a long time, but I hope that we are close enough to tell what is good together, from what is bad - *(Applause)* - Otherwise, we can deceive ourselves for the moment and at the end of the day, you know the hyena will be on its part and the goat will be on the other. *(Laughter)* Mr. Chairman, it therefore, behooves us to be very, very clear, to be very clear that we have something born here which has been nursed for nine years, which has the potential to do good for us. Let us hold on to it. Indeed there is even an amendment later on which seeks to put an alternative rather that having a Movement system for years and Ugandans are asked if they feel that it should be changed, they change to another thing, they do so through a referendum. That is still to come whether the Motion is carried or not.

Mr. Chairman, I want to conclude by saying, let us listen to the call of historical logic. I am student of advanced logic, but I am a student of society. I think there is a call to all of us here to say, how can we guarantee stability? How can we guarantee peace, how can we move from poverty to prosperity? We

must do so with measured steps knowing where we came from and where we are going. For me, I would even hesitate, if I were Paul Ssemwogerere, to contemplate being a Head of State of Uganda if I am not so sure where we are going, where we came from, and who to ally with. I thank you. *(Laughter)*

MR. ELYAU(Kalaki): Mr. Chairman, I have been surprised to see people getting divided over a very clear view. Mr. Chairman, our people today, are waiting to see whether we are ready to hand over power or not. The power which I am talking about, we recently passed that the power belongs to the people, and people are expecting, as yesterday the President told us that - yesterday he was inaugurating the last Parliament sitting, that means we are now ready to hand over power to the people. Now, instead of discussing how we shall hand over that power, I am surprised to see that there are very sharp quarrels here on personality instead of discussing the issue whether we are ready to hand over that power or not. Mr. Chairman, this is a very serious matter. According to what I saw last time when we went for recess, I happen to have this amendment, the very one today plus another one which was modified. I took this amendment plus this one which was made by Obiga Kania and his friends, people in my constituency said maybe they do not understand the word delete, they say why delete and which one does he replace with. So they preferred this one where we say there must be the movement political system and multi-party political system including -(*Applause*)- including those who are on private - independent, so that people are free to choose from where they will get their leaders. *(Applause)*

Mr. Chairman, I know how good our parties did from the past because with the British, without the Parties we would have never got independence. I can bet anybody here. It was only the parties which were recognised; we had local movements here, Number 8 and what and what, but they were not qualified to get independence until the Parties were formed. If the previous parties failed, let us pray that we should not fail because now we are getting used to Parties and also has not done anything. Let me refer them - when Tito Okello failed Obote Two, who else could do anything from the Parties apart from NRM? It is the NRM which took power from Tito Okello, that is the power now which is being taken back to the people. So, let us be very conscious because are watching what they are doing, and I am praying that let us not win the day but put the day together. The Movement has done its part, I wish I was in charge of the Movement, I would say we have come to have time to give you the thing and see how you do it. If you teach a child how to ride a bicycle, there is a time when you say, I want to test you, do it when I am watching. I think this is what people are waiting to see; Is the Movement ready to let the child ride the bicycle? This is what we are trying to see, if we are not ready, then that is the problem.

So let us agree that we are all ready to try a new era. After all, now we have to conclude with the constitution we are now fighting for, who will now ride after this constitution is out? That is where we are having a problem, Mr. Chairman. Otherwise I do not see any difference at all. We are all committed for our people, we are all committed for our country. All people are waiting to see from this good House, where they have diversity of opinions, they want to see amicable and harmonious solution. We should not come and show ourselves that we are better than this, than that. Peace has no education, peace did not go to the school, peace remains peace. And once we go to danger, danger has no school, danger remains danger. So we should watch out for these fellows, they have never been to school but they can control us. How many enemies are now facing Uganda? A lot! If we were divided again, we shall run away and see problems. We here should run the country, we here should bring peace and peace is only a matter of agreeing. Let us be compromised. If the Motion is moved and is not good we go back to this one and get a solution. Can we go over, we are now closing the bridge, if we convince ourselves we shall all think.

I understand, Mr. Chairman, people are blaming Parties too much! I know they have done bad things Parties are not people,it is the people who did bad. Even if we do not - even if we accepted Parties, if we do not do it correctly, we shall be blamed also, and even the Movement, maybe today it is good because Museveni is leading but next time you give to somebody who is a rascal, also we shall run away from the Movement anyway! It is true, it is a matter of personality.

So, Mr. Chairman, let us be very very careful as we are approaching the last resort where people are expecting peace, lasting peace and harmony to come back to this country. Let us not fight around

here to win because Movement is better than Parties or Parties are better than Movement, that will not pay us anything it will never pay us. Our people will only reward us when we come out with a good solution because after all, the people who will be using this Constitution are not even born. We are preparing for them, they have a question to challenge us whether we did well or not. So let us be very united.

Mr. Chairman, I think after that amendment, if it does not go through, I will prefer this one which is carrying three because it gives our people alternatives where to choose. Because we are in a classroom, no child will mark another fellow child, it must be a teacher. So we are not qualified to mark one another, it is the people. Okay, people may say that people are not ready, they are ready, I was in Kalaki, they said you bring the constitution matter, we shall put it if you want. They are very clever, they know why peace is there, and they know who could lead them. So people are no longer unpoliticised, they are ready and I am sure Uganda has not deceived itself again. I think let us be wise to bring everybody as players because Movement here is saying why do you push us away, let them come, let the Parties also come, let others also come, then during the election we shall see who has won what. Then maybe from there, we shall know that the playing ground has been good here and there. But if we try to block and rig others, we shall fail. Mr. Chairman, I am very serious let us get united, there is nothing wrong here except to join our hands and produce a lasting result and everybody is waiting for this Article 94, it is very tricky but very easy to go over. I thank you, Mr. Chairman. *(Applause)*

THE CHAIRMAN: Hon. delegates, we have had a number of speakers today on this matter, we have heard 14 speakers on the subject matter, it is about time to adjourn. Unfortunately, whatever the case is, we cannot utilize tomorrow, I think you know why. Tomorrow is Budget day and this Chamber will be needed for that purpose and there is also Cabinet. So, I would therefore like to adjourn the House to Friday morning 9.30 a.m

(The Assembly rose and adjourned until Friday 23rd June, 1995 at 9.30 a.m.)

THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

MONDAY, 19TH JUNE 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 4760]

Monday, 19th June, 1995.

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

NATIONAL ANTHEM

PRAYERS

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

(The Assembly was called to order)

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA.

CHAPTER 6 - REPRESENTATION OF THE PEOPLE.

ARTICLE 94 - POLITICAL MOVEMENT SYSTEM.

THE CHAIRMAN: Hon. Delegates, when we adjourned on Friday, we were debating the Motion by Hon. Cecilia Ogwal and Hon. Semwogerere seeking to delete Article 94 of the Draft Constitution. Hon. Miria Matembe had just made a contribution to the debate and we agreed that we continue with the debate this morning. So, the Floor is open. I would like to urge Members to be rather brief so that we give as many people a chance to speak as possible and so we start. I give the Floor to Hon. Ssemaala.

MR. SSEMAALA (Kyamuswa County): I wish to join the voice of those who have stood for the rights of Ugandans in this constitution making exercise. I need to draw the attention of this August House to the United Nations Declaration of human and people's rights and also Article 59 of the Constitution. All these documents, there is one clear phase - freedom of association. That is why so many people have been coming up in the gallery to witness the resurrection of their freedom of association. This country has been *deceived* by all kinds of leaders who get a dream - their dream is to get into power and choke the opposition and hence remain in power forever. Mr. Chairman, remember that this is a disease which is beginning to be chronic and unless they diagnose the disease and treat it properly, we will be listed among those men and women who depleted the treasure and left the job unaccomplished.

Constitution making for this country is characterised by polarisation of groups ganging up to defeat Motions tabled by delegates regarded to be in the other camp. I read about the constitution making in London and how the document left certain issues unsolved. There was the famous lost counties referendum. Now, again we wish to leave certain issues unresolved because of our self interests! Mr. Chairman, I wish to inform this House for once to close their eyes to personal interests and decide to include Articles which are clear, fair and attainable. As mentioned, political leaders in this country, if for today, not in the very distant past, this country was declared a one party state. During that time, all views that were coming from the opposition were strangled; freedom of association was denied and freedom of speech was unheard of. Our behaviour gave chance for the military to take over. The army was looked at as the saviours who were God sent at the nick of the time. Then, there came Amin with his military junta. The word "freedom" vanished from the territory of Uganda. When the *Wakombozi* came in in 1979, we called them liberators and all of you know what happened next. At the time Ugandans were in a fix by then, coming immediately after the Amin junta, nobody thought anything can be worse.

When NRM came into power, most Ugandans embraced them as liberators. In them, people saw saviours who were not only going to untie the yolk of dictatorship but also revive the culture to democracy in this country. There then, they promised that theirs was a transitional government and will rest full democracy within a limited and specified period. This period elapsed. The NRC extended its term and not just for once. Part of the reason given for the extension was for the constitution making exercise, we are now here again debating what to me is another extension, this time forever. If these men and women feel that in 9 years they have not yet achieved their objective, I urge you in this forum that it should not be evaluated by us to give them extra time. It does not require a Constitution, for people realise and agree that NRM need extra time. Once we extend their term, we are in effect saying that Ugandans need 14 years to be taught and understand democracy. All the 17,000,000 or so Ugandans have to be taught for 14 years to appreciate the choice of their choice. All the youth in this country have never had a chance to fully participate in the system of their choice. There has never been any option ever since NRM came in power.

Mr. Chairman, I do not want to be labelled out as an enemy because I do not support the Movement and be termed as a *Kipingamizi*. We have a living example here of my neighbour, my father Hon. Kawanga Semogerere. Everybody here has been hammering him for quitting NRM and I think - *(Interjections)*

THE CHAIRMAN: Order! Order!

MR. SEMAALA: Hon. Delegates here have been hammering Hon. Semwogerere because he quit NRM. Now, it is not only Hon. Semwogerere. There are other people who are going to quit NRM. Now, what are we going to do? Are we just going to single them out as enemies? God! I do not understand this. Mr. Chairman, I had a sleepless night thinking and wondering why at times we are so afraid of competition yet we know that in the world where there is no competitors, efficiency is drastically reduced. For several days now, we are here debating and trying to come out with a compromise. We are here talking about compromising the rights of the people who gave us the mandate to represent them. I know that political parties in this country does not boast of a very glorying past but Mr. Chairman, the principle of pluralism should not be restricted and cacooned into the past. I need to remind members that we are making a constitution for today and tomorrow. I know some of my brothers and sisters here would jump up and say that there is no tomorrow without yesterday, but allow me to add that what went wrong can be rectified. If a jigger entered your toe, you do not cut off the toe, instead you carefully remove the jigger and treat the toe. That is what we should do. That is what we should do and be concerned with. We are busy contemplating, cutting off the toes and disposing it off because we fear there might have been a jigger in it. Let us resolve to do what is right and not what will necessarily benefit some of us.

The current system is not satisfactory at all because it does not provide options. Article 94 asks us to endorse the principle which we earlier rejected. As I have said before, Mr. Chairman, and I repeat it here, Ugandans have a right to elect a government of their choice. This is a poor country. At least where I come from, we cannot afford the privilege of a meaningless referendum. I overheard some people saying NRM has done very well. I cannot comment much on that as my county Kyamuswa is among those forgotten for a long time. Getting there requires canoes, courage, strength and luck. Those in the category of disadvantaged districts have been addressed by special programmes. For example, Karamoja, Luwero, Northern Uganda, Women and the Youth but Kalangala District has just been forgotten. Therefore, I cannot say that NRM has done so well. Islands being so remote can be ignored. I remember there was one NRM supporter who said, after all, you are very few in the Islands, we do not need your votes. In spite of all that, the Islanders have never caused chaos for anyone because we believe that justice will one day prevail. Let us stop calling ourselves, calling each other names and discuss with cool heads. We earlier accepted the principle of freedom of association in Article 59. Let us not waste tax payers' money and behave like chameleons but go ahead and endorse what we had agreed on. This constitution must be able to set institutional arrangements that ensure the survival of democracy.

Mr. Chairman, as you have said that we need to be brief that Hon. Delegates can also contribute, I wish to round up my support for the deletion by saying that let there be pluralism from which one group will emerge a winner. After all, the cream always rises to the top. Thank you, Mr. Chairman. *(Applause)*

THE CHAIRMAN: Hon. Ajiga Abdul.

MR. AJIGA (Obongi County): Thank you Mr. Chairman. I have a very brief contribution to this article. Most of my words have already been spoken by other delegates and Mr. Chairman, I am standing to oppose this amendment. *(Applause)* Mr. Chairman, I am beginning my brief contribution with a quotation from Muslim Scholars from a school of thought and this quotation is not an insult and it says: "*When God the almighty made money for mankind, the evil Satan got excited and laughed for seven days telling God that through this what you have made God, me Satan now will manage to get people of my kind from your believers.*" Therefore, Mr. Chairman, the excitement in this Assembly about the deletion of this Article 94 without thinking of what happened yesterday and what will happen tomorrow, is not different from the excitement of Satan when God Almighty made the good money we are fighting for today. I was surprised to hear from a delegate from West Nile region that in his constituency, it is *taboo* for a non-movement supporter to sit and chat with a Movement sup-

porter. How often does the delegate from West Nile forget the rescue NRM did to ferry back home the orphans of West Nile whose parents were burnt alive with jerrican liquids; the widows whose husbands were forced to eat their bodies before shooting by the government of the party the Hon. Member is praising as if the chance he has to this Assembly is the only one of deceiving voters? Mr. Chairman, what I know as a taboo in Lugbara tradition is - when a person has killed your people for no meaningful purpose, it is *taboo* for the relatives of those killed to sit and eat in the same plate with -*(Applause)* - the killer unless the killer repents by killing a sheep for reconciliation. Now, where and when did the Hon. Member from Arua reconcile with the presence of the parties present?

Mr. Chairman, a good politician is he or she who knows the political history of his country. A politician who is not well versed with the history of his country is always a misleader of the laity. If Idi Amin Dada had known the Uganda political history from the time of Kabaka Mwanga, he would have differentiated the lives of the Acholi and the Lango people with the lives of elephants he killed at Murchison falls. If Obote in his second term of rule as president knew the Ugandan Political history form the time of Idi Amin, he would not have paid back what Amin did to his people with innocent West Nile people and he - Obote would even not bribe the Sudanese soldiers with a sack of Uganda tea leaves to kill late Major Said Abiriga in the Sudan, a retired major whose children have now remained without parents and are scattered all over West Nile looking for good parents to bring them up. If Museveni, now ruling the government knows Uganda history from when we got independence up to 1986 - he should never revisit those mistakes for continuation but rather for correction. If the nominators of His Excellency, the President of Uganda now President Museveni know Uganda's history, they should desist from insulting Muslims about the little education they have - if such leaders knew why muslims went late to school. This is how we can really build up a good Uganda to live in.

Mr. Chairman, history can direct a leader to achieve what the old can appreciate. What our brothers and sisters plus our foreign friends should help us to understand and accept is that the current struggle continuing which started from 1986 is not mainly about the entrenchment of democratic rights but the government in power. The home grown political system - the Movement - is about political stability and peace. It is about creating an environment for peace and political stability so that healthy politics can take place. Uganda, like many other African independent countries, now over thirty years, is still seeking to adopt a good political system for a healthy governance while the present Ugandans in this Assembly know very well that the cause is really beginning of the nation which deserves serious attention from both her citizens and foreign friends but instead we have taken it as a game of politics.

Mr. Chairman, there is a saying in my dialect that when two cocks fight over a hen, it becomes an advantage for a fox to eat them at his own time. Therefore, we should be very careful. Our dream now should be of having a constitution which, by the end of the day, should have a stable Uganda built on justice, peace unity and development. Right now, many Ugandans ask for government of national unity and to me that is very much appreciated but my question to such people is always, if the Movement system which encompasses all the parties is opposed to some Ugandans, what method can we apply to achieve such a government if through multi parties, my story is the man-made funeral we have exhibited for over 20 years which has been the cause for which you cannot convince people to accept it at this very moment? Mr. Chairman, with these few remarks, I beg to ask Hon. Delegates to oppose this amendment without fear and favour. Thank you. *(Applause)*

THE CHAIRMAN: Hon. Atwooki.

MR. ATWOOKI AMBROSE(Youth - Northern): Thank you, Mr.Chairman. I want to begin my contribution by thanking you for the kind of tolerance you have shown in trying to accommodate everybody in this national debate. Mr. Chairman, I must submit that the kind of debate that has transpired so far in this House has been full of acrimony and beneath the dignity of this Assembly. Mr. Chairman, this has further affected the credibility of this House and if not salvaged, I believe the decision which will come out of this discussion will not be respected by the peasants or even the international community. I believe that sobriety rather than sentimental exposition of our country's problems and crises will yield consensus and compromise and we should or we shall avoid the kind of chaos and instability of the past and the present only if we allow reason and not intrigue to prevail in this Assembly.

To discuss the question of which political system is most suitable for Uganda, we the young generation believe Members should stop untexted talk of the crises which we have gone through and what opportunity lies ahead to create a political and social order that can accommodate the various interest groups like the federalists, the multi partyists and the Movementists. I must also add that we must accept that these are forces to reckon with in this country. The question at hand is, what political system? I have seen the Movement system which has been offered as an alternative but I must say, Mr. Chairman, that initially, the Movement was considered by many as a transitional arrangement. A new stance has now evolved during the C.A. deliberations to regard the Movement as an alternative to the multi party system. The question now arises, what is the Movement? Mr. Chairman, as everybody is aware, the definition or description which was suggested by Hon. Lt. Mayombo was a symbol exposing a structure of a one party state and immediately it was withdrawn.

When the Movement was introduced in Uganda, it was portrayed as a concept and not as a structure or structured organisation to run this country. It was a concept that was promoted on the basis of cooperation and mutual tolerance among the diverse political forces in the governance of this country. It was presented as a substitute for political pluralism but not as a way through which the result of political adversaries could work together on a common programme for the recovery of this country. It was in that context that most Ugandans embraced NRM. Mr. Chairman, it was in this same context that the informal ban on political party activities was tolerated to allow for the culture of political tolerance and cooperation to take root. However, Mr. Chairman, ironically, in the course of time, that concept was given less and less prominence from the NRM leadership. Its initiators say, as exposed by the Odoki Commission Report, that multiparty politics and the Movement were mutually exclusive. However, Mr. Chairman, we must observe that the new stand noted above has complicated the drift in this country. Although the Mayombo amendment has been withdrawn after it had been approved by Select Committee V, it served to demonstrate that there are within the NRM mainstream, those who are happy to entrench the Movement as a monolithic system.

Mr. Chairman, I also want to observe that there is no way we can deny that the State is central to all this as it finds itself in a direct relationship with the civil society. Mr. Chairman, as such, the consequences are that political leaders find it difficult to acquire legitimacy and become victims of perpetual extensions. I must say that one of the victims has been the current government. To most observers, the essence of this crisis is the material deprivation of the people in Northern Uganda - we suffer as a result of the inability of government to alleviate its problems effectively. Mr. Chairman, the present crisis concerning the political system with its accompanying deterioration of the existing order provide a special opportunity to restructure our country. It must enable the people of Uganda increasingly to become masters of their own destiny and I must add that the voters through the secret weapon of the ballot should have the ultimate decision that the leadership in the various political groups are better placed to manage the State and this must be done through free and fair elections based on competitive politics. It is therefore irrelevant to think of restricting people's choices of a political system in a constitution. I believe that the provisions of Article 51, 59 especially 1(e) provide a greater latitude of choice and guarantees the right of the individual to make choices.

Mr. Chairman, I must also observe that human nature is that it is always inclined to question the substance and facts in a particular situation and he or she has the alternative to agree or disagree based on his or her rationale judgement. By nature, therefore, Mr. Chairman, pluralism in thinking is a natural character in mankind which drives him or her to identify and belong to a particular political organisation. The influence of tribalism and religion is secondary to this human curiosity. It is important, therefore, Mr. Chairman, to note that the ten years record of NRM is enough foundation to attract enough members who feel the leadership in the Movement still has something to offer this country. We believe, therefore, that they should compete equally with other political groups rather than turning the C.A. into an electoral college to extend their term of office. I must also warn that there is a lot of discord in the countryside and the more NRM is seen to be coercing the people into its line of thinking, the more it will lose the mandate it still has. I must say the lives of the people who died for the cause of the revolution will have been lost in vain. Mr. Chairman, I pray that the Members of the

Movement should discard the attitude that they have all the machinery to unleash their ideology on the population because of the numbers in the C.A. and maybe the army. Mr. Chairman, this will be a respite for chaos and instability and ultimately, the persons seriously affected will be those who have got wealth during the course of this regime and I believe they are not ready to lose their property which they have acquired out of hard work.

Mr. Chairman, I must also say that abuse of power in Uganda, has been the root cause of instability. The tendency is for the ruling political parties or military junta to confine political discourse to very small circles and I must observe that NRM government suffers from this kind malaise. Only the official ideology is permitted in debates and no public discussion of an alternative is allowed. The result of this has been lack of profit and accountability in public office and the ethical dimension of holding office has been ignored. The consequence of this political and social order has made the government remain without legitimacy whose legacy policy benefits a few. This lack of legitimacy has now reached serious and great proportions that it is being increasingly questioned across the country. We believe that the political formula being adopted by countries like South Africa imply that everybody must work together in the interest of national development.

The idea of a government of national unity, Mr. Chairman, must not be on host-guest relationship but based on the strength of the several political groups on the ground. This idea of individual merit, Mr. Chairman, is hard to implement and measure because an individual cannot account for the failure of the greater whole. This is because it takes the effort of a particular group to achieve specifically set objectives for the purpose of realising national development and not individually, Mr. Chairman. If the idea of national unity is a commendable guideline, the idea is commendable as long as it can be sustained without the use of force against the will of the people. However, Mr. Chairman, the supposed broad based arrangement of NRM becomes more questionable if the argument of national unity is used as a pretext to support the official policy that is being question by the citizens. The arbitrary use of power in the North has intimidated the people and made them withdraw from the State. In some rare instance, the people have taken to demonstration or even rebel activities out of pure despair. We are therefore saying, the need to use political power, the need to limit the use of political power must be checked through competitive politics as being called for by the citizens. We are saying, the State-society relationship can be brought into a new and productive mode only if citizens are respected and leaders behave within a legitimate frame work.

Mr. Chairman, we believe that the limitations on the use of power are preconditions for an improvement of Uganda in the years ahead. Politicians must come under great pressure from those who elected them if greater accountability is to develops. Terms of office of the president must be limited and periodic elections to a national assembly of contestants picked by committees of the ruling party as has been the case in many monolithic systems must give way to the practices which allow different political groups to organise freely and participate in open and fair elections at all levels of representation. Mr. Chairman, I must say the problems of strengthening the civil society is a legacy of the type of politics in Uganda. This has evolved as a result of the patron-client relationship based on political relations especially in the NRM government. Mr. Chairman, there are very few members of the Movement caucus in this House and others who do not suffer from the inability to make independent decisions in this House. *(Applause)* Most of them suffer from the Godfather syndrome.

Mr. Chairman, this kind of relationship on the morale front has encouraged leaders to misappropriate public funds with impunity and hide from the public view just how much they can spend on keeping themselves in power. Public enquiries into expenditure on the military and security is a taboo in this country. The newspapers have even more difficulty in their role as public watchdogs. Their editors and reporters have been intimidated to deter them from writing critically about the current leadership. Mr. Chairman, the vital aspect in the realisation of national development of our country is for the government to take serious steps towards removing the limits that now exist on people's rights to express and associate freely within the law. Private and voluntary sectors should be given the constitutional and legal assurance that they need to operate effectively and this can be done by regular dialogue, thereby building mutual trust and confidence and not through constitutionalising a political system, Mr.Chairman. However, I must ob-

serve here that there are rights which will not be easy to negotiate without greater assertiveness on the part of the people themselves.

We believe that popular organizations like the youth movement and the professional associations like lawyers, journalists must develop the strength to challenge intimidation by those in position of power and make them realise that there are concrete costs involved in violating the rights of association and expression Mr.Chairman. The role of intellectuals like my Professor Nsibambi in defending academic freedom at the University which is the only oases of political and popular debate should be recognised. Developing a strong civil society, a climate must be created in which citizens feel free to express themselves without fear of intimidation. Mr.Chairman, newspapers, radios, and televisions must be made accessible to all Members of society. The official media must cease to pay attention to only ribbon cutting ceremonies and other news about the Head of State and his wife and government ministers, Mr. Chairman.

The message to this Assembly is that NRM must make a concession from a position of political strength by abandoning the idea of constitutionalising the political system. In that manner, they will have respected and honoured their comrades who poured blood in the name of fighting for freedom. Mr. Chairman, I am appealing to the youth in Uganda that it will be a crime against humanity and the future if we impregnate our Constitution with the past and present conflict among the old guards in this country by constitutionalising the political system. *(Applause).* Mr Chairman, we must avoid the tyranny of the majority. Durable democracy assumes shifting majorities and crossing loyalties. The minority of today could form the majority of tomorrow and under these circumstances, even the minority would cherish and must be allowed to organise themselves and nourish what they cherish provided that they do not ignore the rules of the game. Therein lies the wealth and poverty of our motherland. Thank you Mr. Chairman. *(Applause)*

THE CHAIRMAN: Hon. Katurcebe.

MR. KATUREEBE (Bunyaruguru County): Thank you, Mr. Chairman. Mr. Chairman, I thank you for giving me this opportunity to talk about this important article in the constitution in relation to the experiences of the people that I represent here. I will endeavor to show beyond any shadow of doubt that the people of Bunyaruguru whom I have the honour and privilege to represent here, have never enjoyed their political rights as initiated in the various international charters that have been cited by the people who are moving this amendment. Let me start by saying this - Hon. Kawanga John said a constitution is not a traits on history. In my view, a constitution is about history. A constitution must take into account the past. In that context, I agree with Mzee Hon. Okeny Atwoma - we must look at the past in order to avoid the pitfalls that we went through. We must look at the present because if you do not look at the objective conditions on the ground now - then how do you formulate the formula for the future? That is what the constitution is about and in looking at the past, I will relate it to our own experiences in Bunyaruguru.

Mr. Chairman, so much has been said of the Universal Declaration of Human Rights and in my view, out of context. The Universal Declaration of Human Rights of the United Nations was born out of the crimes that have been committed in Europe during World War II. These were not crimes that had been committed by Ugandans or by Africans but by civilized educated Europeans *(Applause)* against themselves and indeed Sir, those who have been referring to this should have been able to look at the preamble of that charter. It says: "*Whereas disregard and contempt of human rights have resulted in barbarous acts which have outraged the conscious of mankind...*" - this is the context of the Universal Declaration of Human Rights and the Universal Declaration of Human Rights was not meant to be a statement of absolute rights. It starts by saying it is a standard text of achievements. This is the resolution and I want to put this clear because Hon. Okeny Atwoma quoted at length articles from this text but without putting them in proper perspective. *The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and educating to promote respect for human rights. This is the standard text.* Now, how do we get affected by this? We are talking about representation of the people, we are talking about the right of the people to participate in their government. Someone should have quoted for me Article 21 of this Declaration

that: *"Everyone has the right to take part in the government of his country directly or through freely chosen representatives."* I want to submit Sir, that the people of this country, when they were trying out the parliamentary system of representation through political parties, never freely chose their representatives - never freely participated in government. *(Applause)*

Mr. Chairman, in 1961/62, the people of Bunyaruguru who were more than 90 per cent Catholic were told to support the Democratic Party. The late Basil Bataringaya was elected by the people of Bunyaruguru to represent them in the National Parliament. He had been telling people that the UPC was a Communist Party which will take their children and confiscate their properties to the State. A year after we elected him, he crossed over to the UPC leaving the people of Bunyaruguru without representation, without participating in government and that remained the *status quo* come the 1980s. Many of us said the problem has just not been Idi Amin. The problem was the factors that made the phenomenon of Idi Amin possible - tribal bigotry, religious bigotry, conceit, hypocrisy. These are the things that bred Idi Amin and those should have been addressed by all the people of Uganda under the umbrella of UNLF but we know, again people refusing to look at the objective grounds, the objective conditions on the ground, tore apart the UNLF and the people of Bunyaruguru once again saw the circus that is called democracy. Hon. Prof. Kabwegyere is here. He came to Bunyaruguru and he was campaigning and everybody said this is our man. Then, at the last minute when the democratic party realised that their Secretary General Francis Bwengye, if he stood where he wanted to stand, he stood the chance of being defeated by Edward Rurangaranga, they made a decision that Prof. Kabwegyere should be shifted from Bunyaruguru to go and stand in Buhweju and to make a safe seat for the Secretary General of the Democratic Party. Francis Bwengye was brought from where he wanted to stand and the people of Bunyaruguru were told choose this one. Choose this one because you are Democratic Party supporters, it does not matter who as long as he is supported by the party. Mr.Chairman, Hon.Francis Bantariza is here, he had been campaigning in Buhweju, this is where he was born. He had been told by the party not to stand and for Kabwegyere to go and stand there. *(Laughter)* - Where is the democracy where people are freely choosing their representatives?

Mr. Chairman, that was not the end of the story. The circus continued. Election day came, 12th December, 1980. The people of Bunyaruguru turned up in their numbers which they have and voted for the Democratic Party. The late Prof. Muhanje acknowledged that he had been defeated but what did we hear on the radio? That the UPC had won. Again the people of Bunyaruguru were short-changed by these tricksters that have used what would have been otherwise a good system, to perpetuate themselves in power while twisting about democracy. Mr. Chairman, Hon. Cecila Ogwal said she is a devoted Christian and I have no reason to doubt that but as a devoted Christian, she would also do well to remember the admonition of our Lord Jesus Christ to the Pharisees and the teachers of Law when he said what those who proclaim self righteousness when inside they are full of hypocrisy and wickedness - (*Applause*) To Hon. Cecilia Ogwal, the history of Uganda starts in 1986 with the advent of the NRM. We are too blind to look at the people, so she talks about poisoning democracy - the NRM, as poisoning democracy; NRM as taking people into a mortuary whereas she uses figurative speech there, she is not blind to see that the UPC using parliamentary democracy as it were, actually sent hundreds of thousands to real mortuaries.

Mr. Chairman, this country, since independence, since 1961, what have we seen? Hon. Okeny Atwoma quite rightly quotes Benedicto Kiwanuka whom I take to be a great visionary, when he talked of the system being used to disenfranchise the 4 million people in Buganda, the people of Buganda not being allowed to directly elect their representatives contrary to what is in the UN Charter. But having quoted it, Hon. Okeny, does not quite analyse the import of what he was saying. Did we need another election? Did we need another election or were there again maneuvers to use the system because of not taking into account the objective conditions on the ground to defeat the interests of the people of Uganda? Indeed, Prof. Nabudeere adds another angle to the circus of democracy. I want to quote from a paper by Prof. Nabudeere. It is entitled "*External and Internal Factors in Uganda's Continuing Crisis*" - Dan Wadada Nabudeere - It is produced in a book called "*Uganda Now.*" Mr. Chairman, this is what Prof. Nabudeere writes - this was published in 1988 - he says: "*The crisis that engulfs Uganda today can only be understood if its root causes are clearly understood. In this way, the only force that can*

resolve this broadening and widening crisis is the people of Uganda themselves and for this reason, we denounce interference of foreign powers in the affairs of Uganda." (Applause) Prof. Nabudeere proceeds to give instances where foreign powers have interfered in the affairs of Uganda to bring systems which we do not understand and compound the problem by using them to perpetuate electoral fraud in Uganda. Today, of course, I am told in the National Caucus For Democracy, they were very happy when the American Ambassador issued the statement but let us see what he said, Mr. Chairman. He says: "*Although Uganda formerly regained her political independence in 1962, a very important victory for the people of Uganda, Britain in particular and to some extent Germany have continued to exert pressure on Uganda in order to create new agencies for the safeguarding of their global interests in our country. Those continued interests of Britain in Uganda became a hinderance both to the consolidation of Uganda's independence and to the strengthening of the democratic rights of the people of Uganda to determine the affairs of their country through regular elections. Indeed, in order to safeguard these interests, Britain manoeuvered itself by using the well dusted policy of "divide and rule" to install a government that compromised these fundamental rights of the people of Uganda namely the first Obote Government of 1962."*

Mr. Chairman, I do not know whether Prof. Nabudeere is right or not. If he is here, he can tell us whether he is right or not or his colleagues can now tell him that he is a liar but that is a published work which is available for the world to read and see. Prof. Nabudeere refers to Obote's - we have been told - my Hon. Friend Charles Okullu says do not use the Obote bogey. Obote, probably more than any other politician, has had a great impact on the politics of Uganda, we cannot avoid referring to him as a person who has had two chances to put right things in this country and failed. He refers to Obote as playing what he called "politics of deceit and duplicity". Now, this is a man whom Hon. Cecilia Ogwal goes to Lusaka to consult and to come and to remove this amendment! *(Applause)*

A lot has been said about the resignation of Hon. Kawanga Semwogerere, a person that he knows and I know I have personal regard for. The resignation from a cabinet cannot be a resignation from a whole system. Mr. Chairman, a cabinet consists of only about 40 or so people but there are organs of the Movement. I have not been told that Hon. Kawanga Semwogerere has resigned his seat as a Member of the NRC for the people of Busiro and NRC is one of the important organs of the Movement. He says the people of Busiro may have changed their mind. Of course, they may have. I would like him to take a leaf from a man called Ziritwaula who made a clean break and resigned his seat from the NRC saying he had been told by the people of Kampala Central but of course, the people of Kampala Central elected a representative to represent them, that is somebody else to replace him. So, if Hon. Kawanga Semwogerere does resign from the NRC which is an organ of the Movement and the people of Busiro refuse to elect somebody else in a bye-election, then we shall know the people of Busiro have changed their mind. But again Hon. Kawanga Semwogerere has played a role in Uganda's politics, positive or negative, it is for everybody to judge but I want to return to my good friend, former Minister in the Attorney Generals Chambers, Hon. Nabudere.

He talks of the election fraud of 1980. I have already said we in Bunyaruguru were short-changed. Now, he talks of an election fraud that was perpetuated once again on the people of Uganda and he talks again of foreign influence persuading the Democratic Party and in particular Hon. Semwogerere to accept election fraud and perpetuate it for another five years on the people of this country. Mr. Chairman, this is what Hon. Nabudeere says: *"In the same frame appeared a German element. The Christian Democratic Union in Germany had given aid and support to DP through a foundation. At this crucial moment in the history of Uganda when the opposition should have come out to refuse to give consent to election fraud that had been committed against it, the CDU played a significant role in convincing the DP to accept the dictatorship on the premise that Obote had taken power and since he had offered to "respect a multi party system", the DP should respect and work within the "democratic process"."* This advice was communicated to Dr. Paul Kawanga Semwogerere, the DP leader at the time when the DP Council already had an overwhelming opinion that they should not accept the fraudulent result and should instead boycott the Parliament. The pressures exerted at this time in the DP by these foreign interests became the *determining* factor. He underlines the word determining not only in changing the

position of the DP but also in pressurizing the acceptance of dictatorship in the country.

Mr. Chairman, today, Hon. Kawanga Semwogerere with the appointed Assistant Secretary General - not even elected - of the UPC come here and say delete - delete what? Delete a system that for the first time has give the people of Bunyaruguru a hope of participating in the affairs of their country? People have been saying - Hon. Atwooki says we should not use the majorities here because they will be short-changed, that today's majorities may be tomorrow's minorities. That may well be true but the majorities here represent majorities in the countryside. *(Applause)* We were elected to come here, you now want to say that those of us who represent majorities should now go and tell the majorities that very sad for you, the minorities must win because there are foreign powers behind them? Mr. Chairman, I do not accept that! The people of Bunyaruguru do not accept that.

A question has been asked - what is this thing the Movement? Hon. Kawanga asked this question and others have asked it. Mr Chairman, you can have a system of representation through political parties, the parliamentary system of representation or the West Minister system as you have known it. You can also have a system where people choose their leaders on the individual merit of that person. This is the system that we have been employing, the system that put Hon. John Kawanga in the NRC to speak for the people of Masaka; the system that brought him here in the C.A. to speak for the people of Masaka Municipality and he turns around and says what is that system? That system is there. We know it, it is there! Now, if it is a question of - we do not want to call it political system - call it a system of representation, call it a phenomenon, call it an arrangement or whatever but do not pretend that it is not there. This system is there, we know it and what has it done for this country? Mr. Chairman, let me quote from some of our foreign friends. I have in my possession a document from the Embassy of the United States of America. This is a document that they presented to the State Department. It is entitled "*USA Department of State, 1994 Human Rights Report in Uganda.*" They have something to say about what is going on in Uganda particularly. On Page 9 of this report - and this is what is before the United States Congress and Ambassador Southwick in the accompanying letter says: "*Over the years, in the State department human rights report, I have received broad recognition as evaluation of human rights.*" This is what the United States Congress is now looking at about Uganda. Section 3 on Page 9 - *Respect for Political Rights: The right of citizens to change to their government.* It says: "*Under the 1967 Constitution, citizens have the right to change their government but they will not be able to exercise this right until the new Constitution is in place and presidential and parliamentary elections are held.*" Now, note this - "*In March, the first generally free and fair elections was held to elect representatives to the Constituent Assembly charged with drafting and approving a new constitution. Although political parties were not permitted to sponsor candidates on hot rallies, opposition party Members could stand as individuals for elections and many won seats.*" - This is what is before the United States Congress. Now, when you have a system which they are saying for the first has given the country a general and free elections, is it logical then to say they leave that system? The logical thing would be, let us study it further. Why has it succeeded where the other systems would all fail? This is the logical thing that one should now expect. *(Applause)* Of course this Report makes very significant criticism of the NRM. Your system is perfect. Even the United States have heard of Itongwa; they have heard of Kony, but the important thing is how do they handle that situation! I do not think we should refuse advice from our foreign friends, but we should refuse arrogant statements. We should refuse to be told what to do. But instead, we should learn how they have handled their situation. Mr. Chairman, when you heard this abuse of human rights, the Allies set up international tribunals and major war criminals including political leaders were tried and many executed. The Nazy Party that had tricked a great country to disaster was prescribed as a criminal organisation. Today, a Party that has tricked this country into disaster twice will sit here and gently move amendments with it! Mr. Chairman I do not accept. We have been told by our Friends of the international community that set accept the standard of democracy in Europe. Recently we saw them here, the United Nations was here looking on.

DR. OKULLO EPAK (Oyam County): Mr. Chairman, thank you for giving me this opportunity to express the views of the people of Oyam County South whom I represent 100 per cent. Mr. Chairman, I am characteristically not bent on side-lining

the critical issues of debates but since we started debate on these Motion and particularly on the important issue of political system, a few Delegates have made remarks in an adopted style of debate which unfortunately forces me to say something about those remarks and unfortunately, would divert me from concentrating on the substance of the subject of our debate.

Mr. Chairman, Hon. Tumukunde, Hon. Dr. Mugyenyi, Hon. Sabiiti, Hon. Miria Matembe, Hon. Kanyike, Hon. Kezimbira and Hon. Katurebe said a few things which deserved detailed analysis and response. If I had to do so from this list Mr. Chairman, you would know that it would take most of my time and I would not contribute to the substance of the debate. I am going to summarise my own conclusion of their manner and style of contribution as follows; they were at best diversionary, divisive intimidatory, provocative of hatred, arrogant, contradictory and typically full of lies. Mr. Chairman, I would like to pick one or two cases. I am not a lawyer, but I believe Hon. Katurebe is a lawyer and he practices some Law. I must submit that his contribution transforms this Assembly into a tribunal which we are not supposed to be.

Mr. Chairman, Hon. Matembe did say that during the past bad governments she succeeded in closing her mouth or that her mouth was shut, I must submit and congratulate her that the time her mouth was shut was perhaps her greatest achievement. *(Applause)* That was the best time for Uganda, if that was true. Unfortunately, Mr. Chairman, that was not true. Hon. Matembe as far as I know has been very active in the pursuit of her gender issue. I believe she attended the Mexico Conference in 1975, and I also believe and I am aware that she attended the Women s Conference in Nairobi in 1985. How could she represent Uganda as a delegate in these Conferences when she had not been active in preparations of the national positions? Mr. Chairman, the only thing that I would wish to ask is to ask her to recall what activities on those occasions were. I cannot talk about them.

Mr. Chairman, Hon. Kezimbira did report in details how he went about convincing his Constituency and particularly Buganda and the Baganda that Buganda has now been restored on the Map. By that he meant that the statement we adopted in the Constitution which enumerates a number of districts and then says of Buganda that *"Lira and Apac of Lango etcetera"* to him constitutes the restoration of Buganda on the Map. Mr. Chairman, I would like to believe that the Hon. Delegate probably does not know the technology of Map-making. Mr. Chairman, I also do not wish to say that he lied to the Baganda or rather, through ignorance he fooled them. Those statements do not constitute a basis for making maps that would specify Buganda, Lango, Soroti. To drive it home to him, those statements sound like saying "the long horned animals of Ankole" that has been said many times. I have not found a map which reflected Ankole in that manner. Mr. Chairman, we must speak the truth. The Baganda have not yet got *Federo,* they are not going to get it until they struggle and few persons like Kezimbira keep diverting them and diverting those of us who are for a federal arrangement of governance. *(Applause)*

Mr. Chairman, I would like Hon. Tumukunde to remember this statement. *"The strategy of the guerilla struggle was to cause maximum chaos and destruction in order to render the government of the day very unpopular, internally and externally".* Mr. Chairman, this statement has been made many times by the leadership of the Movement and I think they are also available in record. If that was the strategy and the primary objective of the guerrilla campaign in the Luwero Triangle, then it goes without saying, Mr. Chairman, that the NRA/NRM take absolute responsibility for the destruction of the property and lives in the Luwero Triangle and nobody else! If they do not retract that statement, they carry that burden and if Hon. Tumukunde's blame of DP and Kawanga Ssemwogerere when he asked *"where were you when people were being butchered in Luwero"* was to mean that we should have all joined them in that abominable strategy, then Mr. Chairman, we say sorry and so glad we did not. We are so sorry we could not and we are so glad we did not. I have very strong sympathy and concern with what happened in Luwero Triangle and I think every Ugandan should have the same feeling. They deserve our sympathy, cooperation and we deserve to learn lessons from what happened in the Luwero Triangle and to take stock of the reasons and character of people who contributed to that sort of situation. But Mr. Chairman, I find it completely unacceptable to use that experience as a facility for stirring emotions and hatred amongst Ugandans. I would rather, we use it to feel solidarity, love and friendship in Uganda so that such things do not happen again. *(Applause)*

Mr. Chairman, I would like to go back to what I would like to make as my humble contribution. Mr. Chairman, I have one or two preliminary remarks to make and this relates to Hon. Ssemwogerere and to some historical perspectives of the political affairs in this country. I request Hon. Ssemwogerere to forgive me to make this remark about him for I did not ask for his permission. Mr. Chairman, first I must commend him for the performance in defending this very Motion. When Hon. Ssemwogerere joined the Movement, Mr. Chairman, he became its greatest asset. He took to the Movement virtues it did not have and will probably never have. So no doubt he assisted in establishing the Movement nationally and internationally. Some of us feel we know these facts, but Hon. Ssemwogerere is a man of such high virtue and moral standard that he may never wish to talk about it. Consequently, one could only blame Hon. Ssemwogerere for removing from the Movement the life-support facility which he had provided to it when it still needs it most. Mr. Chairman, the eminent unpopularity of the great Movement following his departure must be a matter of great worry and concern to those who had capitalised on his virtues so much. Mr. Chairman, in the language of the Movement people, rendering a national service and being properly rewarded for it is crudely termed eating and also amounts to enslavement. With that sort of view, Mr. Chairman, Hon. Ssemwogerere is being blamed for not adhering to the table manners and dinner's ethics in Code of Conduct of the Members of the Club, that after he had eaten a lot already, he should not have quitted. According to the NRM, Hon. Ssemwogerere had been completely swallowed and digested and it is now perplexed as to what happened to its - the NRMs elementary system that allowed him to land outside safely and intact. Mr. Chairman, I wish to inform Hon. Ssemwogerere that your multi party colleagues would like to welcome you to their slave free camp to freedom and to sanity. We should provide you with all the support you need and which we are able to provide. *(Applause)*

Mr. Chairman, I now wish to make preliminary remarks regarding the historical context of Parties in Buganda. Mr. Chairman, on my own and certainly not on behalf of any Party, I must admit it is true that Parties, politicians, including the NRM have made a number of mistakes. The Baganda, like my tribe the Langi, have experienced and continue to experience a lot of problems bordering on superstitions in this country. However, I must also completely disagree with those who deliberately want to apportion the blames in the most sectarian style imaginable in pointing an abusing finger forgetting that three of their fingers of the five fingers remain stuck pointing at them, those who want to play on those mistakes and emotions to agitate for hatred and in order to manipulate opinions in the work of the C.A. I also want to disagree with those who wish to use specific personalities whom they may be hating for diverse reasons including those of a rather personal and national nature to intimidate us; intimidate certain sections of our community or intimidate their tribesmen to get them to change to their own lines. Mr. Chairman, my analysis or conclusion on the mistakes and politicians would run as follows: Parties and our politicians practice unfair methods of competitions and end up collaborating with democrats and gunmen who are their actual enemies or end up in persecuting themselves for selfish ends. The second important mistake, Mr. Chairman, was that opportunistic Party Members cross the Floor and therefore, weaken the opposition to the level of sublimation.

Thirdly, Party Leaders, including those of today, succumb to personal *pressures* and to be encircled by a circle of friends and therefore, fail to make correct decisions in time. Fourthly, deserters of Parties turn around to be permanent critics and any means of the institutions they might have well contributed to soiling. They simply decide to walk away from the mess and smell they created instead of struggling to clean it or being patient enough to give their Parties and the situation time. They become militants and decedents and they begin to look for immoral and violent ways of acquiring short-cuts to power. Mr. Chairman, the NRA recently declared its deserters criminals. It may not be farfetched for Party adherents to declare Party deserters and political nomads criminals too. They are our problems.

Now, Mr. Chairman, what is the solution to our Party problems? I submit that the solution does not lie in banning old Parties or their leaders nor entrenching of the concept of political systems or the so-called Movement System; the so-called multi-Party political system. I believe that the solutions lie in the following measures, Mr. Chairman. First and foremost, to ensure the encouragement of creating a responsible civic society who

will act as checks and balances through their various social or professional organisations. Two, making and implementing of a very clear legal instrument on the Code of Conduct for all political organisations and important political activities in this country. Third, allowing for freedom of association, freedom to form political Parties and try one's luck in the field so that the electorate may exercise their sovereignty to throw out the Parties and Leaders they do not want any time. Four, using elections as the best modality for the people to express and exercise their sovereignty and not a referendum.

Mr. Chairman, while I am still on political parties in Uganda, permit me to point out a very frequent accusation leveled at parties and particularly which a lot of us seem to love to flog and would mostly wish it disappears. I say sorry to them that UPC keeps getting stronger. *(Applause).* Parties have been accused of being at each others necks and failing to work together and to create harmony. UPC has also been accused of being responsible for all this and particularly for creating the turmoil in Buganda. I am sorry, I am not a spokesman of UPC nor of Buganda, but thanks to the relations of the past and the present. The multi-partyists or the leaders in political pluralism, and the many Baganda, have now realized such mistakes, and the need to forget *(laughter)* Sorry! Sorry, Mr. Chairman. And the need to forge national unity and stability, and have agreed to work together for now and the future. But, Mr. Chairman, what then do we hear from our detractors and the noise makers? They shout unholy alliance, when and how does a political alliance become holy? Is it when it is taken to the church and blessed by a bishop? Why should a political alliance in Uganda be holy or unholy? Mr. Chairman, the only holy alliance I know of is that of matrimony and a couple's prayer that till death do them part, they will continue together.

Mr. Chairman, such a declaration is not possible of necessary in politics. What else do we hear Mr. Chairman, that the relationship which is now being developed which to me is perfect and good for this country, we, hear people calling them, they have a goat-leopard relationship, will the goat survive? How could any sensible person decide who is a goat and who is a leopard yesterday now or tomorrow, among political opponents who may decide to share a room? In any case, Mr. Chairman, if that room - and that room should actually be Uganda, then how is it that political opponents will avoid sharing this room? Another one, parties have no internal democracies and UPC is being controlled from Lusaka. We have heard but, Mr. Chairman, who is responsible for this state of affair? Is it not in the interest of that person, and the clique that the status-quo continues for it to use as propaganda material? Even then, why stick out an accusing finger when their own camp is bedeviled by the same endemic phenomenon and they are completely powerless to do anything about it? The position of the multi partyists of today is that we have embarked on the fact of love, cooperation, mutual respect and adherence to democratic principle. There is no point of return on this, and the Movementists had better take notice. Your conjury has been exposed and frustrated. The conjurer will not be able to play more tricks. This time you have to play dictatorial and fascist game which I am convinced you know best. We want you to play your game in your true colours.

Now, Mr. Chairman, permit me, I go to the substantive issue on political system. Mr. Chairman, when I get to the substantive issue, I would like to refer ourselves to the first preamble paragraph, to the Odoki's Draft Report which reads; "*recalling our history which has been characterised by political and constitutional instability...*" Mr. Chairman, the significance of this preamble paragraph is to learn the reasons and causes of political and constitutional instability and avoid projecting them in the future, through entrenchment in the constitution. I am convinced, Mr. Chairman, that the entrenchment of the so called political system which is envisaged in the section we are now discussing will do precisely that. We shall be projecting political instability and constitutional instability which this preamble paragraph is calling our attention to avoid. Already, Mr. Chairman, there is a heavy dispute and disagreement here. And if we entrench articles 94, 95,96,97 and 98 as proposed in the Draft Constitution, we shall have succeeded in providing for a rest and fodder for future troubles. Mr. Chairman, in my view, the spirit and the overriding concern of the Motion on Article 94 is not limited to the material of Article 94 alone. It concerns the issue of the political systems as it is conceived and designed or intended to be implemented by the provisions of the articles I just mentioned. The debate is being deliberately misunderstood by mysterious delegates to appear as if it is about who qualifies to advocate for human rights and freedom.

Who qualifies to enjoy human rights and freedom. Who now controls them, and believes he has the custody and the power and right to hand them over, or dish them out at his will whether those persons or institutions which are now being falsely accused of previous bad records on human rights and freedoms should talk about and be allowed to enjoy rights and freedoms. Mr. Chairman, I submit the debate is not about this. I submit that this Motion and the debate is not about any of these questions. It is also clearly not about exclusion of anybody or any political organisations from participating in the political affairs of this country. Mr. Chairman if it were to be so, and for those who are inclined to think that it is so, I wish to remind us that we have already adopted a number of decisions which prevent us from contradictions.

What then is the crux of the matter of this motion, and this section generally? Mr. Chairman, Hon. John Kawanga gave us the best analysis and exposure of the weaknesses of this article and section. I concur with him entirely and I would go further to doubt the sincerity and integrity of any delegate in this Assembly who would not accept those bare technical parts which he presented so ably. Mr. Chairman, Hon. Ssemwogerere and Hon. Atim Ogwal, also dealt most ably with the legalistic contradictions and inconsistencies of Article 94 with regard to the provisions we have already adopted in the Constitution, and with many international conventions which we have already acceeded to. My only addition to their demolition of the article in the section is that, the formulations of Article 94 and all articles in this section, are so clumsy that: (a) one cannot help suspecting its origin, and intentions. (b) one cannot help thinking that it is another ghost insertion or the kind Hon. Njuba referred to when he made his general statement in the CA last year. (c) No one can re-draft, reformulate, amend or add new insertions to this section in any better way. We all remember the clumsiness and nervousness that have come to the Motions that were brought by Hon. Byanyima, Hon. Obiga Kania, Hon. Amama Mbabazi, and Hon. Mayombo in Committee 5, in a bid to save this section from collapsing. I would like to thank Hon. Mayombo for behaving sensibly, to withdraw his article, but we all want to know - *(Applause)* - definitely, we all want to know whether Hon. Amama Mbabazi's Motion is still an issue and in the race. It would do a lot of good to us, if we could be assured that it is not in the race.

Mr. Chairman, the debate of this motion and the concern for the entire section on the thing called here political system, is actually, dealing with three critical issues and these are - whether the rather divisive and false concept of political systems which are embodied in this section and include Movement system and multi-party political system, should be entrenched in the Constitution. Mr. Chairman, the people of Oyam County South, multi partyists in the CA and I believe a number of free thinking movementists in the CA all agree that it is not necessary at all, to entrench them. I think this has been clear, Mr. Chairman. I think we all agree that there is no need to entrench Article 94 and some of the articles I have mentioned *(Applause)*. We are only facing one dilemma Mr. Chairman. We are not able to decide how to derive an acceptable formulation. All the amendments which are applying now, Mr. Chairman, to me and to a number of us, do not do any good or any better, as I said, that the entire concept of political system as envisaged here is in principle clumsy and any formulations to implement it becomes even clumsier. So, Mr. Chairman, my only submission and very serious and humble submission is that, the only thing and the most important thing that we need to make provisions for in this section is to provide for an enabling clause to allow Parliament to make laws to set the rules for political organisations and activities in this country so that we can stop prevent and ameliorate all future political abuses.

Mr. Chairman, the second critical issue concerns whether the movement system of government and therefore the NRM Government, should be automatically and constitutional given an extension for five years, which extension to me could actually end up entrenching a permanent monolithic political system in Uganda. The response - the first and clearest response of the people of Oyam County South is this that the NRM Administration who is the applicant for extension should actually be an applicant for extension. Mr. Chairman, the NRM has for 9 years worked in the field alone, uninterrupted, undisturbed. It has set a lot of records for itself, bad or good. I believe it is now time for the NRM to operate in a fair and competitive manner with all other political parties. And I would wish the NRM to win in a fair and competitive multi-party elections. If it has confidence, as it projects itself, then why does it not do exactly that? Mr. Chairman, the attempt to have an extension and to project the

NRM as a single handed political operator in this country demonstrate its lack of confidence in itself, its lack of confidence in its ability to win a free and fair election, and its abject fear of competition.(Applause). In this regard, the basic questions to ask are, is the CA the right body to grant extension to the NRM or any other government for that matter? Mr. Chairman, I submit that this is not the role of the Constituent Assembly. *(Applause)* The expert on this, which has been doing it quite ably, is the NRC, and the NRC is the organ of the NRM. I doubt whether the CA is the organ of the NRM. (c), Is this the right part of the Constitution to provide for an extension which in the constitutional context is a mere transitional arrangement?

Mr. Chairman, my submission on the question of presidential elections will be based on this. The most important issue of concern to us all Ugandans is that of resource management and access to national resources. In this regard, Mr. Chairman, I would like to submit that the performance and record of the NRM administration on resource management is highly questionable. And I repeat - I am not saying it is bad - I am saying it is highly questionable. In other words, it is a subject of an inquiry. This therefore disqualifies the NRM seriously. Resource management is not a simple matter in this world, Mr. Chairman, and NRM's performance begs a lot of question. I would like to read to you something in this regard. "*Attempts to compare its performance with those of the 60s and the 80s and other developing countries, reveal - figures.*" For your information, in the 60s, Uganda was gradually becoming a developed country and when Amin's disaster struck, we had to go to the UN General Assembly in 1976 and apply to be reclassified as a least developed country in order to benefit from preferential facilities. Ambassador Kinene was in New York at that time, and I was part of the mission. We had to go and apply to be reclassified as a least developed country in order to benefit from preferential facilities. Today, the World Bank in its 1994 Report on Africa which is entitled, "*Adjustment in Africa, reforms the results and the road ahead*" which was featured in the government owned *New Vision* Newspaper of 16th May, 1994 related Uganda as the fourth from the bottom of the world's poorest countries. And in that performance, it dropped from the 12th position where it was in 1987 with the entrenchment of the Movement administration in this country. By 1987, we were 12th from the bottom of the poorest countries. By 1994, we were both from the bottom. That is our progress *(laughter)*. The World Bank report also asserts that it will take a performer like Ghana or Uganda up to 50 years to regain the economic well being that it enjoyed in the 60s and the early 70s. These are serious statements Mr. Chairman, and if we continue at this rate, Mr. Chairman, we are probably going to go back to the United Nations General Assembly and apply for another class of countries. And that will definitely be a class of bankrupt countries and we shall be on top of the list. Mr. Chairman, one then wonders what magic the extending of the movement system for five years, will achieve or change considering that our many economic policy makers and apologists, the World Bank and the IMF do not themselves sound enthusiastic.

Mr. Chairman, people have talked about rights and they have concentrated mainly on political rights. I wish to submit that in terms of resource management, the most important right is right to life, right to education, right to employment, and right to a good living standard. These are the rights in which the NRM has no good track record whatsoever, and the way it proceeds, it will never get it. Its employment policy is retrenchment *(laughter)*. Mr. Chairman, when the President of France was appointed and of all presidents that have been appointed in developed world, their priority statements relate to matters of reducing unemployment. What is ours? First it is nil. Secondly, when it comes, it has to be dictated by donors, and the consequences are that we adopt policies which is not in the interest of our people and certainly, such governments can only maintain themselves in the power by cohesion and by force. Hon. Tumukunde reminded us here the other day that, the NRA and all security leaders, and agents who abound in this Assembly and those who are outside are watching. And I think they are watching to engross and maintain the status quo. Mr. Chairman, the directive from my electorate is that I should never be a party to a constitution that accommodates any provision on the political system the way they were formulated in the Draft Constitution. I was elected unopposed, I shall oblige them. I thank you, very much. *(Applause)*.

MR. BIDANDI SSALI (Nakawa Division): Thank you, Mr. Chairman. First of all, I would like to thank the Chair - even congratulate you, Mr. Chairman, for having allowed us this time to address ourselves to this particular article. And I think

what is coming out in the debate is very, very important for this country. In my own view, Mr. Chairman, 98 percent of the Constitution has already been made. 98 percent of the new Constitution, has been completed by this August Assembly. What is even more important and crucial for us all to appreciate is the fact that, that 98 percent of the Constitution has been achieved in harmony. It has been achieved by all of us together *(Applause)*. Even at times when we have divided in this House, many times you have seen Bidandi there, Kategaya there, Okullo Epak here and Cecilia Ogwal there; you know why am I saying this Mr. Chairman? Because I want, in my view, all members of this Assembly to appreciate the fact that the constitution that matters for this country has been completed. What we are now involved in is politics - that 2 percent is politics. Even to the extent of a whole 3rd Deputy Prime Minister resigning. He resigned, so he says, on the issue of Article 94, that is why, Mr. Chairman, I congratulated you.

Now, Mr. Chairman Sir, there is a mistake being made and that is a statement which is clapped by some people - clapped for and I am correct. I am saying so because through contact, through consultation between and amongst the various Members of the CA, we have come to a position of accepting - almost all of us - that 94 as it is is not proper - *(Applause)* - so what have we done, Mr. Chairman? What we have done is to go to 94 and analyse it. What does it contain? One, it contains an element, as somebody said, of entrenching the Movement as it existed before. You can read it in the Constitution. That is one aspect of entrenching the Movement and many of them are seeing it as the Movement led by Museveni and so on. Then it also contains an element of entrenching a period which period is really a transitional element - transitional matter. Mr. Chairman, it also contains an element of an extension per se. But there is another element which is the system, the movement system as such.

As you know, Mr. Chairman, I led a small group which went to meet Hon. Omara's group to try and work out a compromise. The purpose was to save the 98 per cent of the work done for one and half years almost. Because we had been black mailed some of us, saying if this happens, we are walking out and once we walk out, that will be the end of the Constitution, and we said if any of us did not walk out on the principles, on the articles that matter in the constitution, but only walk out on the question of politics, no,no,no it is not working, so we said, let the issue of the period of extension be discussed under the transition chapter. That is one. Because to some of us, it is a waste of time for wishful thinking for somebody to say we are to debate whether there should be this extension of five years or not. But one thing, we agreed that it will be discussed under the chapter of transition so that we do not entrench in a permanent constitution an element which is of a limited period. We also agreed that just like the Presidential candidate hopeful said - Hon. Semwogerere, and just like Hon. C. Ogwal said there on her submissions, the Movement is a political system, it is recognized and it is accepted by us all. This is what has been obtaining since 1986 to today. It is a political system. But we also recognize that pluralism or multi partyism is also a political system. The only difference is that, at this material moment in time, it is the Movement System which is in place and if we are basing our discussion on the Draft by the Odoki Commission, the people said, the majority of the people of Uganda said that the Movement should continue for sometime after the Constitution has been promulgated. Hon. Semwogerere said, since then the people have changed their mind, he forgot to add "in his constituency" *(Laughter)* because various Members of this Assembly who have been going back for consultations, many of them and the majority of them here still say their own electorate still stand by that. Now, if you come and say that because the electorate of Hon. Semwogerere's constituency have changed therefore we must change, here I think it is not fair.

You recall, Mr. Chairman, that one of my proposed amendment within our Caucus - not for this Assembly - was to do away with the referendum and when we were debating within ourselves and where I got defeated and therefore compromised was that the people of Uganda have seen what has happened under multi partyism and what has happened under Movement, agreed what happened under multi partyism can be attributed more to the individuals that were the heads of these political parties and not to the system itself and I would like to add that even the ills that are being mentioned by Hon. Dr. Epak could as well be attributed to some leaders within the Movement, as opposed to the Movement as a system per se and because the negative effect, the suffering of this country as known by the people has happened more - more has happened during the multi partyism than movement.

If I sat here and decided or took part in a decision that there will be no referendum, we go back to pluralism and by bad luck similar leaders under the multi-party system misuse the system and the people of Uganda are meted with the same suffering and atrocities, this House will be held responsible by the people of Uganda. *(Applause)* But if it happened by a decision by the people of Uganda to turn to multi-party and then the same story happened again, it will be we the people of Uganda to blame ourselves and therefore, make it as a lesson. On that basis, I said okay, I entirely agree now with the need to involve the people of Uganda through a referendum. *(Applause)* But then Hon. Omara knows very well that we were interrupting a question which arose, it is alright even if you talk of a referendum, how do you, after completion of five years, then hold a referendum? How will people know, who will have talked to the people about the positive aspects of the multi-party system? Is that not a way of manipulating the population for Museveni to perpetuate himself in power - or you Movement people? Then during the discussion it was pointed out that no, we agreed that a referendum should be at the end of the forth year and the argument stood that even so, what chance will have been given to those believers in multi partyism to access the people and then the point was noted and going to the other group, I think there was consensus that let there be a full year of those who believe in multi partyism to access the population. That is why the whole year - of the forth year - in other words, after the third year there is a proposal for accessing the population of Uganda by anybody who believes in multi partyism just like anybody who still believes in Movement. And the whole year's access to the population, in our view, would be enough for the people of Uganda to decide and if they decided, a whole year which is a fifth year would be proper for even those who believed in Movement and were defeated to re-organize themselves somehow, either into a party or whatever the case may be, to continue as a Movement in order to bid for power or elections at the end of the fifth year.

Mr. Chairman, why did we go to all this extend? It was to save the 98 per cent of the Constitution for which the people of - players who go to the field to decide whether the field is ready or not, it is not even the coaches not even the team managers but it is the referee who says yes the ground is now proper. Yesterday I was watching a game in South Africa Rugby and I think at one of the finals - one of the semi-finals, there was a very, very heavy downfall. Now, there were people employed specifically to sweep off the water, to drain the water. After that, some players went on to the field and said yes it was okay. But it was not until the Referee came and said we wait for two hours and it will be okay. The referee in the game that Hon. Kawanga Semwogerere talked about, the referee in this particular game of ours, as he called it, are the people of Uganda. *(Applause)* Not the captains of the teams; Hon. Ssemwogerere there, Hon. Ogwal and so on, not even the players; Hon. Atamvaku there and Dr. Okullo Epak there and - not the players but the referee! So somehow, whether my friend there agrees with me or not, the people have got to be brought in as the referee on the state of the field of play whether multi partyism can flourish and that is why, as I said, within ourselves I got convinced.

Mr. Chairman, this question of walking out being manufactured and planned for and connived for up here in the lobby is dangerous to this country. Now, to plan how to walk out not to plan how to reconcile; not to plan how to reconcile but to plan how to walk out and there is a particular programme: number one, so and so will make this statement, if it is not accepted, number two so and so will move this one, if that one fails, number three this one will say this and this and this in writing and if finally this fails, we all walk out - stand up and walk out! Here, up here! Mr. Chairman, this is dangerous. But one consoling position, Mr. Chairman, is that while some were sitting under the Chairmanship of Hon. Nabudere here, to caucus for how to plan to walk out, Members like Mulenga - Hon. Mulenga that is, Hon. Ssekweyama there, Hon. Dick Odur and so on, quite a good number of them really got concerned they said look, what do we do, and they made inlets, they said look there is no question of walking out but how do we solve this? And they made inlets, and with some of them we came to a formula which I have already talked about. So let me inform those mentors of this walk out position that is it not as easy as you think it is. Mr. Chairman, I would like to appeal to some of these Members to cast their eyes a little bit in their history, especially, my dear colleague Hon. Nabudere with whom we were in the UPC as youth wingers. *(Applause)* Yes, some of you are smiling because of mentioning I was in the UPC, I can't regret that period at all, no! But I want him to remember that since 1962 when he and I were youth wingers in the UPC, the only occasion where he has stood for election before the

people is during the NRM period - *(Applause)* and he was elected. Whatever be the case, whether you have your quarrel with Museveni - may be it originated from Dar-es-Salaam where you people were, may be it originated from Moshi but the facts on the ground here in our political history must be recognize that it is now that you have been able to address the people point to point, *Gombolola* to *Gombolola*, publicly to tell people elect me do not elect so and so, and the people listened. That is why those people there are saying, this is a good system because for the first time we have never had a chance of voting for our person we have always admired in our politics. *(Applause)* So before you take a decision to just walk out like that, please reconsider a bit and adjust yourself to the realities objectively not subjectively.

And then my dear friend here Atamvaku - somebody tells me leave that one alone, but he quotes Bidandi Ssali, Kirunda Kiveidhindha, Kintu Musoke, Nabudere - not this Nabudere - I mean Wadada a cousin of my dear friend there. In 1964, he went and advised the President - then the Prime Minister - not to allow the executive committee members to participate in the municipal elections in Kampala, and we went our own way, and UPC lost. I think he was younger than I was, but I want to remind him what happened is that the executive had wanted to hold the elections then in a particular way. For us we wanted fair elections whether we lost or not, and for your information, I stood in Kampala South, remember in Nsambya Barracks that is where I stood. UPC lost in Nakawa, Kampala East then, I think we lost in Kawempe here to Patel, there we lost to Zalibwije but you remember I won. *(Applause)* Now, why am I picking out these, because as early as that, and a simple election like a municipality then, the leadership of the party thought there was no need to go straight and play fair. The municipality had to be won by the UPC at all costs and we resisted, and what followed it is all I told you last time. Remember when I went in and I was voted out? I went in, in that very year, I was elected Deputy Mayor, following year I was to stand as Deputy Mayor under the Mayorship of Negga, the UPC executive decided that they wanted a certain Mehta A.G. Mehta remember the one who died. They summoned the people - the councilors, the councilors refused and when they were about to vote, after knowing that they were going to vote for me as Deputy Mayor, they stopped the election and postponed it to the following day. We said okay, they called members, one by one. I do not know whether my dear friend Awori is up there, those were the days. Following day election, they found there was no way of Mehta coming in as a Deputy Mayor, the election was postponed. The following Monday, an instrument from the minister - I think it was a regional administration then or something - said from now on, the Mayor of Kampala and Deputy Mayor shall be nominated and not elected by the councilors. From that time until the Movement time, a Mayor has always been appointed. In fact, when I was under UNLF as the Minister for Regional Administration, I appointed Ssemaganda as Mayor in my capacity as Minister. So Hon. Atamavaku, that was the story behind our refusing to abide by the methods that were hatched then for a simple election like municipality here. I hope you take note of that.

Mr. Chairman, again talking about these issues, I am now addressing really the statements of Hon. Paul Kawanga Semwogerere if 94 stands as it is. I would like to assure Hon. Semwogerere that none of us is saying 94 stands as it is in the Draft to be entrenched. So that is point number one why you should not walk out. Now he made a very, very important point which I think he did very sincerely. He said, there is now discipline in the armed forces of Uganda. That is a very, very fundamental statement, and he put it in relation to what had been - Hon. Semwogerere and others, the result which we see as disciplined armed forces has been a conscious effort and endeavor on the part of the leadership of the Movement, spearheaded of course by the President and many of those who are sitting behind me and in front of me consciously. You will recall where some of us got perplexed - I mean us who did not go to the bush but they found us here. The UNLF yesterday were being incorporated in the army. The fighters of Kayira were being incorporated in the army, the fighters of Moses Ali, or whoever said he had a force including those of Amin of who, all of them were being said, if you want to continue with your career, just join the army and we said what is Museveni doing - instead doing? These are the very fellows who were going to topple him from within! Much less did we know that the Movement had a conscious plan of re-aligning the principles of the army of Uganda, of re-integrating the army - the armed forces of Uganda. That is why in every submission so far made here in this hall, nobody has repeated our earlier very sensitive position of saying we want a balanced

army, and of course we used to mean tribal. It was a very sensitive matter, every now and then, we wanted a balanced army, balanced army meaning every district or every tribe should be represented there in equal proportion.

Today nobody is talking about it, today Hon. Semwogerere like me, is talking of an improved discipline of the Armed Forces. Today the majority of us, the people of Uganda are taking it for granted, it is already there. But some leaders and many us still feel that if this has been one major element in the destabilizing of the political culture of this country, the gun and the army, there is still a period of consolidation that is required. That is why some of us believe that an extension, not of the Museveni leadership, not of Amanya's Ministry of Education but of the harmony, this togetherness that brought back Nabudere after exile of about more than 10 years. My friend Atamvaku - there was a condition that brought you back, assured you that you are now safe. *(Applause)* It should continue a little bit and I am pleading also for the people of Teso and Acholi. I was there for almost a week in Teso just recently and the people asked me a question, my elders of yesterday, you remember these are the places we used to go to when we were youth wingers and they said look, but why do you want us to leave our parties? Why do you want us to join NRM? I said look, no the question is not to leave your parties to join NRM, please keep you parties, Maama UPC, continue - keep your party and continue to be Assistant Treasurer, but what we are saying is, for the time being let us now try to see what we do after we have suffered here in Teso. And the people of Teso are saying please, give us a breather which you have given to the West, to the Central, to settle before you disturb us again. I challenge Hon. Adio here with who I was, I challenge Hon. Etonu, where I was in his very constituency, I challenge Hon. Akello here, Hon. Elyau there, with whom we went county to county and this is what the people are saying.

There is another fallacy and this is hypocrisy of the highest degree Mr. Chairman. Here in this hall, the multi partyists are together, they are speaking on behalf of the people they represent but down home, their methods are different. Take the multi partyists from Lango as an example, when this business of rebels came in and so on, they were all involved leaders there and elders to throw away every non-Langi who wanted to instigate rebel activity in Lango, and they went and talked to their children in Lango who wanted to join rebels, and they listened. That is why today if you want to buy simsim, just take your Pick Up in any part of Lango and you will not be molested. In other words, the people of Lango are a bit settled, on their small farms in spite of their having suffered trying to rebuild their area. In Teso -*(Applause)*- the leaders, some leaders here and the elders of Teso resolved by themselves to approach their children in the bush and they sent delegations after the delegations until they managed to convince most of them from the Bush, not by delegation from the government. The government's efforts were different but the elders themselves plus some of the leaders here. That is why if you want to travel today, any time of the day or night to any part of Teso, Kumi and Soroti, you will go there unmolested. *(Applause)* And the people of Teso are saying it openly that we are tired, we want a breather. We are now talking about rebuilding our area so that we also have a chance of starting again before we get disorganized.

What is happening in Acholi? The leaders of Acholi who are here plus some leaders who are there - thank you Father! - some leaders of Acholi plus some elders see the need to talk to the rebels - the Kony rebels and so on, and what do they do, they sit they discuss and they resolve that government must negotiate with the Kony rebels and it is very big news that you see, they wanted to talk, then Museveni gave them an ultimatum of seven days that is why they went back. That the rebel activity in the North is being perpetuated by the NRM, it is even the NRM which killed people in Atiak. This is said by some leaders in Acholi! Why don't you sit and volunteer some of you, including your youth because most of them these days are you contemporaries. *(Applause)* You don't need Museveni to do that! If he has not yet done it, why don't you do it? They have done it Lango, they have done it in Kumi, you have not done it, some of you have not done it and any attempt now - the other day the leaders and council of Kitgum and so on went, sat and made some decisions including, we want a breather, let the extension be there for five years. Now some leaders said no, the people were manipulated. They come here to say no that was manipulated, that was never a statement from Kitgum. The Chairman of the district was here two days ago requiring one of the honourable members here to go and explain where he got the statement to the effect that that statement was not from Kitgum, and I volunteered

to accompany him. In my other capacity not as Bidandi CA Delegate. All I am saying is that even the people of Kitgum are saying, please for the time being, let us have a breather! Because that breather has done a lot in Luwero, it has done a lot in the West, it has done a lot in Busoga, it has done a lot where this sort of thing stopped a long time back. It is required, we require it as people of Uganda in Acholi. You leaders of Acholi, it is your responsibility to take the lead. I am saying some of you, whenever I talk of leaders and I am talking about what we have not done. What some of you have not done is what the leaders here and some elders of Lango did. What you have not yet done is what some leaders here from Teso and the elders from Teso, Kumi and Soroti. What they did you have not done. You have insisted on accusations, now is the turning point get involved, let us go to our own sons there. I am told now we know, you may know but I have made an appointment in my capacity on the 7th to go and meet all the RC III Executives, all the council, all the elders in Kitgum. To talk about - invited not forcing myself there, invited there to talk the language that I am speaking today.

What am I saying in all this? What I am saying is that let us as leaders of this country at this moment in time be sincere to ourselves. If you go and see what development is going on in Lira municipality where Hon. C. Ogwal is representing, the boom of development, the boom of building, the air of freedom there, -*(Applause)*- if you go there now, Lira is now more important than Soroti, and Kumi and Karamoja than Mbale. Because now there is internal peace. There things are moving, there is where we buy simsim and so on. Now the people of Kitgum are suffering and we are sitting here drafting with C. Ogwal what to do in order to walk out of this thing! *(Laughter)* Mr. Chairman, I am about wind up but it is important that we lay more importance to the 98 that has been done by us all in harmony and try to use this two per cent remaining to compromise. Because the obnoxious elements that was being planned for people to walk out are already out. Nobody is trying to constitutionalize the Movement in the Constitution! In fact I would like to congratulate Hon. Obiga who came out with his amendment because that is now the position. The position is, do away with 94 as it is, and say do not give - do not talk about the need to constitutionalize the system, do not entrench the right of the people to choose a system, that is all we are saying. *(Applause)* Entrench in the Constitution the right by the people to decide on their own political system, or a political system of their choice. We could have a referendum in actually the forth year, and they decide on multi-party. Supposing they mess again, what chance do they have to decide again to go Movement which they have already seen?

So, Mr. Chairman, this 94 now according to Hon. Obiga is saying, let the people of Uganda have the right to decide on a political system and let us not be misled here by saying it is not a political system the people of Uganda know. They know there is multi party system, they know there is Movement system, and Hon. Obiga also goes further to say, maybe in the future, there could be another system which is democratic and representative. I am talking of the future. So if such a time comes 40, 50, 100 years from now since the constitution is permanent, there is that provision. So the people can choose between pluralism system, Movement system, or any other system of their choice provided it is democratic and representative. Can one walk out because of that entrenchment? Okay, now the few say yes, but if you say yes, I am assuring you, you are not 70, you could turn out to be 15. So you better think twice whether it is worth while walking out on that. Mr. Chairman, somebody is saying even me alone, there is nothing wrong.

THE CHAIRMAN: Hon. Bidandi Ssali those comments have not been directed to the Chair, so you do not answer them.

MR. BIDANDI SSALI: Thank you, Mr. Chairman. Because I was going to remind the Chair that Hon. Matembe the other day said that in one of the greatest countries of democracy in America, whereas one is free to belong to the communist party, but once you are a member, you are not allowed by law to be a lecturer in any University in America, by law I think you are not even allowed to be an Ambassador. Here, America is telling us many civil rights are curtailed by a simple decision of an individual's freedom to belong, to associate as a member of the communist party. So if you walk out to one, no problem. But we shall miss you. *(laughter)*

Mr. Chairman, hon. John Kawanga I am glad my Colleague here has mentioned him, it is really wrong for Hon. John Kawanga to say, that "this thing called Movement". This is alright for debate here and especially when one is eloquent, it is

alright. But when you are asking what is Movement? Movement is that system that brought you here as Hon. Katureebe told you. *(Applause)* And if you are not sure of it, I am 100 per cent sure that if you go back to your electorate in Masaka municipality, the people will tell you what the Movement is! *(Applause)* Because to them, it is the Movement system that has brought the peace that they had not seen in a long time. It is the Movement that has brought amicability, harmony in that area. It is Movement that made them forget the sectarian aspect and Hon. Kawanga John in his right as Kawanga, not as a Catholic, not as a Moslem, not as what, but as Hon. Kawanga, who would be able to articulate their views in the CA that is why he was elected. so those people know what the Movement is. And Hon. Kawanga, the more he reads 94 to 96, the more he gets convinced that we are not talking about a system but an organization, I agree with you. That is why we have changed it to embrace the Hon. Obiga Kania's amendment to remove the element of constitutionalizing an organization as we put it. So we are at par there. So there is no need for your walking out I am sure.

In conclusion, Mr. Chairman, I would like to apologize to those whom I have referred to and perhaps feel that I have referred to them personally, but I felt I should bring out some of these points not from a confrontation point of view, but from a point of view of self criticism, perhaps as advice to each other, but not to come and say I was talking about Hon. Nabudere in a negative sense or Hon. Kategaya here whom I referred to in a negative sense, but rather to say that so far we have addressed the press, so far we have debated and addressed the audience, so far we are steaming off. But remember that the reasons we are bringing and the basis for bringing these arguments no longer hold; 94 no longer holds, 96 no longer holds, these have been recast to turn them into principles for us to go ahead. Mr. Chairman, what now I hope is remaining, the most important part that is remaining is to discuss after we have finished this, the transition. This is where we are going to discuss as some people have put it, government of National Unity, broad based government two or three years election that is coming.

These are the provisions under transition. We shall sit down and also really talk aloud. We will ask, I think, Hon. Semwogerere and may be His Excellency Museveni and I do not know whether Ogwal or Tiberondwa the expectant, the prospective to sit and also give us advice as to how, if one of them won we would form this government of National Unity. Because that is not really within our ambit. But what we are saying is that like we were elected - like all of us, most of us were elected in the CA, is what we are saying should be the best of election for this coming election. I think that even the multi-parties also recognize, it is not a point over which one can walk out. What I have heard, Mr. Chairman, people say that okay, that one we agree but let me be allowed as a member of the UPC to stand on that common ground-common platform and say, I am Bidandi Ssali I belong to UPC although I am not sponsored by UPC. To me that is negotiable there, what is wrong with it? Because even in this past election of CA, where for example, in a constituency, more than four UPCs stood in the same constituency. In the South here, more than two or three Movements stood in the same constituency. So if the point at issue is for one to say I want to be elected, I am so and so I believe in UPC, in DP in a new party whatever be the case, I believe in the Movement, I am sure that is something we can agree to and which cannot be a cause for anybody to walk out.

Now some people are saying let us give two years others are saying let us give three years, others are saying let us give one year, for the Movement to continue. That is debatable and this is the time we are debating transition. But let us finish the document, the two per cent which is remaining in good faith and let us not talk at each other for no purpose except for just steaming off but not to close the two per cent which is remaining in the interest of our country. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Hon. Delegates it is time now we break for lunch and we shall adjourn for lunch to resume at 3.00 O'clock. I can see there is disagreement on the Floor, the position is quite clear. I have seen many hands on the Floor, people would like to contribute. Either we come at 3.00 and give more time to people or you take more lunch time. So we agree on 3.00 so that more people can contribute. We stand adjourned until 3.00 Thank you.

(The Assembly adjourned for lunch and resumed at 3.00 p.m)

THE CHAIRMAN: By the time we adjourned I could still see a lot of interest on the Floor to speak. But in order to plan time, I would like to request if it is not too much Hon. delegates, those who would still want to make a contribution because much has been said, to stand up so that I can count them. Those Members who are just coming in, the figure is 103 that is a lot of people, and I can see some artillery pieces have also arrived on scene by virtue of this method of counting and big and smaller guns are all in the field. So now if we were to take all the Members to speak, it will be very difficult even if we were to say each Member takes 10 minutes, that will be a lot of time.

MR. WASSWA LULE(Rubaga North): Mr. Chairman, I would suggest that because of the seriousness of issues, we give adequate time for at least - let us say - another two days to conclude the debate so that we fully exhaust the ideas of the people, and let as many people contribute as possible. I think it is important particularly for the record.

MRS. MUKWAYA JANET(Mukono South): Mr. Chairman, much as I would want to say what my constituency wanted and many others, but I think we are constrained by the time table. I would therefore, advise that you pick five people from the opposition and five people from to support and then we close the debate.

THE CHAIRMAN: Hon. Ssebaana Kizito, what do you suggest?

MR. SSEBAANA KIZITO(Makindye East): Mr. Chairman, I think you should limit the time given to each speaker. The reason why we made such a slow move this morning is that you gave liberty to many people to speak for a very long time. I think if you gave us fifteen minutes at most, we shall be in a position to expound most of our ideas if not all. Thank you.

MR. DICK NYAI (Ayivu county): Thank you very much. Even the operators know that Ayivu is here. Mr. Chairman, I have a feeling that there are two basic differences and I believe that the Members on both sides belong to certain caucuses. I think we could here agree that for the purposes of having dealt with this matter exhaustively, agree on a deadline as to when to put the question to vote. Meanwhile, then you could put it to the various caucuses to submit names of persons whom they think can fully articulate their views on that matter. *(Interruption)*. I know that Hon. Amanya Mushega will not be selected from the other caucus but that is a different matter.

THE CHAIRMAN: Are you on both sides? But there are also self-propelling grenades who do not belong to these caucuses. Let me hear Eriya Kategaya.

MR. KATEGAYA(Rwampara): Thank you, Mr. Chairman. The practice in the House has been that the Chair is in control of the debate. I think we should allow the debate to go on and in your wisdom, if you think all the points have been made and people are just repeating themselves, then you can call us to an end of the debate and we go to proceed to vote on the Motion rather than trying to give you the headache as who should come in and what time. I suggest that, as you always say, the debate goes on and the points which have been covered and at the end of the day you say now I think we have had enough as we have been doing and we vote.

MR. ETYANG (Tororo County): Thank you very much, Mr. Chairman, you have sought for our guidance and this is my contribution to that. Mr. Chairman, we have been debating this subject since last Monday, it is a week now. By the indication of those who wish to speak even on the basis of fifteen minutes, I think we will have to count on another week before we can conclude. I tend to go along with the proposal that you are in command of the situation and that arguments for and against the amendment have been adduced almost to the extent of giving you the opportunity of pronouncing as to when the debate should end. Mr. Chairman, in addition to what the Hon. Kategaya has suggested, may I add that you could perhaps separate, as it is sometimes done in international conferences when a situation gets to this draw, what might be called the friends of the Chairman, from those who hold opposing views and you consult at that level particularly to give an opportunity to the views that were expressed by Hon. Biddandi Ssali that they have made some contacts which would appear to give opportunity for an acceptable compromise and that failing that, you will have now exhausted all the consultations you have heard from the Floor. You will have the benefit of this mixed group and then it will be for you now to pronounce say

tomorrow that that will be the end of the general debate because, Mr. Chairman, we are repeating ourselves. The same things that I have been sitting here and hearing since last year, some people are actually going back to their main statements that they made at the inauguration. So I would suggest that you put a guillotine to this sometime maybe tomorrow we pronounce ourselves on it. Thank you.

DR. HIGIRO SEMAJEGE (Lwemiyaga County): Thank you, Mr. Chairman. I would like to go along with what Hon. Kategaya has said. If you have listened to us, to those who have spoken, people are just teeming off. We have reached a point where a decision will be made as to what direction Ugandan politics will go because of that it is very sensitive. Every person feels like giving some idea except that many people I have heard they are really not talking on the Motion, they are talking like we are in political campaigns, talking about irrelevant matters and I would imagine that if actually you reduce the minutes and there is a bell there, people will have to go to the point and if they are not on the point, they will lose their time because somebody speaks about twenty minutes and say I have not even come to the main proposition. Mr. Chairman at that point you could or he could just be told that his time is over so that we do not restrain the people, let them see more that when we come around to making a decision, we shall make a decision which we shall all feel that we are responsible for. I would like to go along with you, since we can see that most of the points have been given, have been made and you tell us now, ladies and gentlemen, Hon. Members, let us vote.

MR. OBUA OTOA (Erute County): Thank you very much, Mr. Chairman. Mr. Chairman, I think the sort of the general debate approach has not been very helpful. I can see the House polarizing more and more and I would, therefore, like to suggest that going along with the advice of Hon. Eriya Kategaya and Hon. Higiro Semajege, that people be called to order when they are really rumbling around trying to get themselves heard for nothing. I would therefore suggest that we put a limit of half an hour. *(Interruption)*. I am suggesting this, Mr. Chairman, because we have already been subjected to long, long, speeches by Hon. Biddandi Ssali and other people and it is not fair that we should now be curtailed unnecessarily but at least twenty minutes, Mr. Chairman, would be a reasonable limit. So, I would like to suggest that we use your good offices, you have conducted us very well so far, we use your good judgement and we limit people to twenty minutes. I thank you, Mr. Chairman.

THE CHAIRMAN: Okay, we shall do it this way. We do not have all the time on our hands. The Chairman and his reconnaissance team has a way of knowing the general tendencies on the subject matter and, therefore, we shall continue to conduct a fairly balanced debate. We shall go into tomorrow then tomorrow we should start promptly on time if really people want to be serious on the subject and we do straight up to 3.00 O'clock and at 3.00 O'clock we decide. Then we go home and come back the following day.

MR. SSEKWEYAMA (Mawokota South): Thank you, Mr. Chairman. Mr. Chairman, I would like to start with a point that was made by Hon. Bidandi Ssali - *(Interruption)*

THE CHAIRMAN: But before you go on, please, I am sorry to interrupt you. Let us do 15 minutes at most, to give as many Members a chance to speak as possible and the Clerk will ring the bells when it is ten minutes so that you have the five minutes to wind up.

MR. SSEKWEYAMA: Thank you, Mr. Chairman, as I said I would start by a point that was made by Hon. Bidandi Ssali when he said that 98 percent of the work we are supposed to do here has been achieved and that what remains is a very small percentage and in his view, we are politicking on it more than addressing ourselves on substance. Mr. Chairman, I think that this point could be seen as the culmination of what we have done in that larger part we have covered because if this point would negate the most important and cherished values and principles that must underlie this Constitution, then the 98 percent will have been achieved in vain. From the time we leave this place, we will be just going to tear that entire work so I want him and the people like him to give this point the importance it deserves. Mr. Chairman, I am sorry because there were a lot of irrelevances and fallacies which I would have liked to address but because of the time given I will leave that aside and address myself on the substance.

Mr. Chairman, I think what we are trying to ask here is not whether NRM has done very well or not. I

think for some of us, we do appreciate the achievement the NRM has so far done and I think we are entitled to criticise the areas where we think it has not done that well. Mr. Chairman, the critical issue we are addressing ourselves, should we constitutionalise the political system? The second question, if we do constitutionalise a political system, should that system be the Movement system? And if again you answer in the affirmative, should that Movement system be the NRM or we would then sit down and define what is the Movement system? Can I myself, Ssekweyama, invent a Movement system from my own point of view because I can sit down and come up with an idea which could be superior to the Movement system that we have experienced up to now! I think, Mr. Chairman, these are the pertinent questions.

A lot of things have been said about multi partyism, how it caused chaos in this country and I agree that at a certain point there were problems but that is because there were no ground rules until now, to govern the game of politics as we have been playing it in this country and I think the most important point multi partyist are now conceding to is that we should sit down and draw ourselves a code of conduct and rules to regulate the players. Because, Mr. Chairman, I was old enough when I saw the UPC growing and there are certain people I think with good intention who thought that they can control others by legislation. So, laws like the Detention Act and all these things were started but because the leadership that was then did not allow dissent, even internal dissent. A lot of these people and some of the elders are here who ended up inside, detained for five years without trial, without anything. So for me, I am frightened of a closed system. I think that people should be able to live in an organisation and when they feel that they can no longer be accommodated, they should be free to leave and I think one other important question we have got to ask here is whether the NRM - and by the way, Hon. John Kawanga I think raised these important issues and I think for me we are here to learn. Instead of these issues being addressed, people come up and raise personality issues like my brother Hon. Kanyike. He concentrated the whole of his speech assaulting a man whose achievement, half of his achievement he will never be able to attain in this country.

Mr. Chairman, the point I want to make here is, are we really convinced that NRM is a system or is it a political organisation? Does it fulfil the qualifications of a system? When you read Article 94(f) it says: "*there shall be no constitution or set of rules for the Movement other than as provided under this Constitution and under any law consistent with that.*" Which means that the NRM or the Movement we want to introduce shall be one and the same as the State and therefore, all the organs of the State should be the organs of NRM and yet when you go to Article 98, it says that Parliament shall create the organs of Parliament. So, when you want to understand the Movement system as coinciding wholly with the State, then 98 tells you, no, not quite entirely. The future Parliament will still sit down and create the organs and for some of us who would like to support that Movement, we still wonder what is then the Movement we are adopting? And when we ask these questions, some people answer by abuses, by insults, by reciting all sorts of historical occurrences some of which they participated in committing and abdicate later on.

Mr. Chairman, there is the issue of the broad base and I think Hon. Ssemwogerere addressed this matter very sufficiently but we have not got an answer convincing enough until now. Those of us who appreciate the achievements of the Movement think that it has come around more due to circumstances and the enlightened leadership that there is in place. It is not because of the inherent nature of the Movement, because it has not much stood the test of time. So we do not know, we are still experimenting and I know of the systems which were experimented in Africa for 25 years, only leaders to come around and confess that our intentions were good but we made mistakes and people had suffered terribly. So the broad base here depends on the whims and the good vision of a few leaders but we are saying how do we guarantee it and that is, we want to be assured of that because when the NRM came, those of us of the Democratic Party accepted to cooperate and we even asked that inter-party discussions take place first of all to define the relationship of that cooperation and the mode of cooperation both in the interim and beyond the interim but these talks were stalled because we were asking for certain fundamental answers, up to now to which we have not received convincing replies and this is the whole point of misunderstanding because for us we want to be convinced rationally and logically, not through abuses and insults and arrogance and what not. I think that is not why we are here.

So, Mr. Chairman, we think that the Obiga Kania amendment or the referendum - first of all, as a matter of principle, we are opposed to it because supposing a referendum was held and the multi-partyist received 45 percent and the others received 40 percent, what would have been the solution? It means that for the next five years, since we know there will be another referendum, we shall be bogged down by the campaigns and the discussions of which system is better and which system has made mistakes and all that and it bogs us down. Secondly, when should it take place? Is it at the beginning or after five years? If it is at the beginning, how do we do it even if it were to compromise on that, as I said we do not want to but supposing we did? If it was from the beginning, it means the political parties lie in limbo until four years later then they are given one year to politicise, the fifth year will go into a referendum, the Movement wins and we go back into the limbo and then we go into the general elections , can we have two general elections every year given our financial or economic situation first of all? Secondly, do we see that as fair if one person has been given fifteen years in the field with all the cadres and other government machinery and coffers used to politicise people the other way, is one year enough? And then you go, after that first five years they go into limbo, in the fifth year you unlock them! First of all, it is going to be very divisive because the emotions that will be generated in that one year are going to be too much to be bottomed up after the referendum has been cast.

So, Mr. Chairman, I think a referendum is not useful. I think what is useful is to allow - I am glad Hon. Biddandi Ssali says they are now willing to consider the transfer of the substance of this amendment to the transitional government and there we make ourselves a programme of transition which should include educating people about the workings of pluralism, not only the general public but also the organs of State because until now, for example, our army is used to one monolithic system. Supposing we had a multi-party, they would lose their allegiance to the State. I think there they should also be prepared for a plural society - the army, the police and other state organs like the civil service, then we can agree on the agenda for that transitional government so that after those five years, there will be no necessity for a referendum. People will have been educated objectively, the State organs will have been prepared for that eventuality and I think we shall have averted a crisis which I see unless that option is taken which is definitely bound to come sooner or later. Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you for keeping fixed on time.

MR. OMEDA (Serere County): Thank you very much for giving me the opportunity to talk this afternoon. I was prepared to talk this morning and I do not know how I am going to make it after having lunch.

Mr. Chairman, permit me now to contribute on the Motion on the Floor. I have consulted my electorate enough on the political system and they have given me guidelines and a format that I should follow in deciding on this matter. I have personally been listening to speeches - contributions of other Members in the House and I have seen there is a rift between the two and we really need to bridge this gap here. I have been further advised to convince all the Delegates in this Constituent Assembly to avoid confrontations and look for a compromising position. I have also been directed not to walk out as a sign of expressing disagreement over the matter. They call it an act of cowardice. Mr. Chairman, if we were to come out at the end with an acceptable Constitution, we should completely bury our political, tribal ambitions or any other differences. Above all, avoid arrogance that will lead this country into temptations, that will once more put this country into chaos. We should not behave as if we are foreign Delegates flown to Uganda to make a Constitution for this country. What do we not know about Uganda?

Mr. Chairman, the two systems have been put into experiment in this country. None of the systems is bad except that the behaviour of the politicians in this country is making the systems to appear faulty. Take for example the multi-partyism. This is a most senior and much superior system used almost worldwide, mostly by developed countries. For example, Mr. Chairman, now with the newly introduced system of Movement, this one has also been doing well in Uganda. Now, if somebody comes in and says let us abolish parties completely, you would be behaving as if you are telling us that Uganda has had problems for many years, why can't we reduce the tribes or put the tribes to one tribe so that we do not have problems anymore?

Both systems have their own weaknesses and have all made mistakes such as causing political instability, civil strife, corruption, nepotism, lack of elections. They have also made some remarkable developmental achievements. Multi-partyism through their wisdom at one time built this wonderful Conference Centre which shall be remembered by the generation yet to come. Amin's regime also in its own style made some developmental achievement by introducing Ugandans into business. The Movement has made some progress in economy in this country and their policy of reconciliation is unchallengeable in the whole world. Mr. Chairman, since multi-partyism is an old system being practiced almost everywhere in the world, there should be no question of discussing about partyism in this House except it is now necessary for us to focus our attention on the new system that has been introduced in Uganda and we carefully examine and see how to accommodate it in our Constitution. More emphasis should be placed on how best the two systems can work in Uganda and how do we alternate them.

Mr. Chairman, people have varying opinions, some believe that Party system gives stability to democratic government whereas others believe that dictatorships are stable because they rely on force. It is true that the fundamental feature of a political organisation is discipline, discipline of Members of Parliament through the party organisation. Some people believe that the electorate can easily be linked directly not only with Parliament but with the government. This is what is meant by party systems and it is also believed that parties organise public opinions but NRM which is not a party has also done well on this. Perhaps that is why people advance an argument that NRM is a political party because it has similarities with a Political Party. Parties give stability and cohesion in Parliament. This is not the case with Ugandan politicians who do not respect democracy. Parties educate public opinion; Parties provide the most effective means of changing a government.

Mr. Chairman, we Ugandan politicians are very difficult people to deal with and indeed chaotic. During the time of UNLF, Binaisa Q.C., made an attempt to maintain an Umbrella but, as usual, people of Uganda respected decisions made by some people living abroad. A small group of people at that time living in exile rejected the idea and ordered the Umbrella to be destroyed at all costs giving a way for multi-party democracy. The reality of the matter is, soon after the elections, some people organised themselves to oppose those who ordered the destruction of the Umbrella and assumed they come back with the Umbrella through other means. Mr. Chairman, political causes of poverty are political instability, civil wars, banditry, dictatorship, lack of elections, ethnic nationalism etc. However, my personal experience with what I saw in Angola in 1974, in Nigeria in 1966 and in Ethiopia, surely if politicians hear today how Abubaker Tafewa Balewa who was the Prime Minister of Nigeria in 1966 was whisked out of his palace and remember the words of wisdom he gave to Delegates gathered in his palace for a party, nobody here today would be interested to talk for the sake of talking. We are given all the opportunity to compromise our position but instead because of ambition, we want to pull rocks. This at times is what in Africa forces the army to come and cause intervention. An old man, Haile Selassie of Ethiopia was dragged out of his palace in broad day light without mercy because of poor politics in Africa which at times calls for military intervention.

Mr. Chairman, and Hon. Delegates, let people call me a coward or anything but in the interest of peace, it is necessary to recognise contradictions and build a peaceful Uganda. I will base my decision in the light of considering a concern and ambition of both multi-parties and the Movement in securing State power. I know we are all equal in this House but some people are more equal than others. For instance, a constituency that I represent is equal to others, a constituency that Hon. Maj. Gen. Tinyefunza represents is more equal than others in power because it has ten representatives in this House, their Delegates, and Mr. Chairman, according to the *New Vision* paper of Saturday, Hon. Maj. Tumukunde was quoted as having warned Constituent Assembly Delegates last Wednesday during his contributions to the debate that the National Resistance Army was keenly watching the trend of debate in the House. Now, Mr. Chairman, should things go against the interest of NRM/NRA, what would happen? I do not personally feel comfortable with such statements because I know the behaviour of the armies in Africa. I have read Odoki's recommendation on political systems and my analysis is that Odoki was wise, he did not want to put Uganda in trouble again. Mr. Chairman, politics is really a dirty game. How on earth would you have expected Hon. Ssemwogerere to sit with UPC

today in one chair and fill one tin? I know DP has very poor players, for that matter, I believe they will spoil the game if they join together with UPC. UPC would rather go alone and lose the game honorably, Mr. Chairman. For us who grow cotton, it is advisable not to mix the seeds of SATU and BPA. At the end you will be in trouble of getting a market.

Finally, Mr. Chairman, I am advising the Movement to come clearly with its constitution, it will be accepted everywhere. Now at this experimental stage, the Movement should be given a clear definition so that the people of Uganda understand the system as they do with multi-parties. Any organisation before it is registered, be it a co-operative society, association or a drinking group of *Ajono* must have a constitution first. It confuses people if you say that in Article 94 (f) there shall be no constitution or set of rules for the Movement other than as provided for under this Constitution or under a law consistent with it. Mr. Chairman, national reconciliation should now become a political reality and a peaceful normalisation of the situation in Uganda, it is only possible through the joint efforts of politicians and political forces inside this country.

With all these observations, I am afraid that deleting Article 94, Mr. Chairman, *Political System*, taking into account some statements made in this House and outside, I would rather advise Hon. Delegates in this House to improve upon that Article instead of deleting it. I am saying this from experience and I know what Uganda is. When we left for Singapore, some people were making a lot of noise in Uganda that what is Amin after all. They were despising Amin, what is Amin after all, what can Amin do? Did we not end in Tanzania with Amin who is a fool? In 1969 when UPC held a Delegates Conference in Lugogo here, there was a lot of clapping that we must have a one party system. When we tried to advise, some people said what do you know, you people you are deciding with Kabaka, Opolot can also go because Opolot was the commander, they said he was the one who was deciding with the Baganda to overthrow the government but what can they do? It is a similar situation, Hon. Delegates, we are driving at. Let us not despise others. We can talk here and say we can fight, we can do what, let me tell you, when the NRA went to the bush, there was a talk by some Hon. Members of Parliament that look, if Museveni overthrows the government, we are all going to go to the bush. A poor Hon. Omeda here went to the bush thinking he was going to be followed. *(Interruption)*

THE CHAIRMAN: Order, order!

MR. OMEDA: Listen carefully. I ended by seeing a disabled person, an old man, Mzee Anyoti, following me but all the MPs ran away, most of them went to Tanzania, others to Kenya, others to other places. Right now, we are trying to brew in problems. Why can we not compromise? We know this system has also been practiced in Uganda, it has made mistakes. Multi-party system also has been practiced in Uganda, they have made mistakes. Why can we not sit and say let us decide the best we can do in Uganda? Why can we not do A,B,C,D so that both sides do not grumble? But should we leave one side leaving this House when they are annoyed, some of you, I am telling you, will never hold a gun to fight. It is the truth I am talking. They will never, Mr. Chairman, know. You have rung the bells but I am giving you my assurance, let us accommodate everybody. You can ignore me, you can tell me you have been bought also by NRM, you can tell me the multi-parties have done this, you will not be elected because of this. Let me not be elected but I have my peace. We disorganised the Umbrella, didn't we see the Umbrella coming in in another form? This is the Umbrella which has come, we call it the NRM now. This is the Umbrella which we rejected at Binaisa's time. This is the thing which has come and we are again told why do we not do this. We are saying no, if it is war, it is war! For me, I am sorry I have fought enough, I have suffered enough. Let me go with my peace, let somebody come and disturb my peace, I will just go to the bush for one person not with the government, that person who want to disturb my peace! Mr. Chairman, I may seem to be joking but it is a reality. Let us accommodate these two groups, the multi-parties and the Movement so that we avoid problems in Uganda but if we think one side is superior, it can go alone or the Movement says I am superior because I have Hon. Mayombo, I have Major so and so, let them go. If the parties think we are everywhere we can go, let them go but you will realise. Thank you, Mr. Chairman.

MRS. ORYEM AKABO(Women - Kitgum): Thank you very much, Mr. Chairman, for giving me this opportunity to express my views and the views of the people of Kitgum who I represent. Mr.

Chairman, I will be brief and precise to avoid unnecessary repetition.

Mr. Chairman, I have been listening attentively to my fellow Hon. Delegates who contributed to the Motion on the Floor. Some of them spoke with a lot of emotions as they recall their bitter experience while in the bush fighting hence intimidating us. Mr. Chairman, I would like to agree with Hon. Biddandi Ssali who said this morning that 98 percent of the Constitution has been made. Mr. Chairman, I would like therefore to equate Article 94 of the Draft Constitution to the last straw if added to the load on the camel's back, it shall break the camel's back. Hence the inclusion of Article 94 is undesirable in the Constitution since this has already been catered for in Articles 12, 51 and 59 as adopted by the Plenary.

Mr. Chairman, adopting Article 94 and the subsequent Articles, that is 95 to 98, is entrenching and extending the Movement system in the Constitution which is against the will and wishes of the people of Kitgum whom I represent. They say there is no difference between the Movement system and one party system. There is hardly any difference apart from the inter-play of words by its demagogues describing the Movement system as a unique initiative and the other one, one party system as a monolithic philosophy. Mr. Chairman, Sir, this is merely aimed at making one system appear better than the other yet they are both one and the same system. Mr. Chairman, I would like to inform this August House that the people of Kitgum have not changed their mind, they stand for multi party system. Mr. Chairman, when the NRM took power by arms, it promised, among other things, to bring about fundamental changes. This included the institution of government-*(Interruption)*-Mr. Chairman, please can you protect me against Hon. Otafire who is interrupting me.

THE CHAIRMAN: Hon. Otafire, please do not molest the lady.

MRS. ORYEM: Thank you very much, Mr. Chairman, for your protection. Mr. Chairman, when NRM government took power by arms, it promised among other things to bring about fundamental changes. This included the institution of government by people, that is an elected government through a multi-party system. This was not to be witnessed after four years of an interim period but there was an illegitimate extension of another five years which was unconstitutional although the reasons given included ensuring total peace in the country. However, it has taken NRM almost a decade to bring peace in Acholi region in spite of the active involvement of the Acholi leaders to bring peace. Mr. Chairman, one therefore wonders why it has taken NRM so long to bring peace in this region yet it claims to have enough capacity to protect Uganda both within and without.

Mr. Chairman, I would like to respond to Hon. Bidandi Ssali. He is one of the few moderate movementists whom I have always respected but I was shocked and surprised this morning. Mr. Chairman, Hon. Bidandi Ssali this morning in his characteristic sensational style tried to provoke unnecessary hatred and bad faith among the people of Acholi, Teso and Lango. His motive was to make the people of Acholi feel that they are being deceived by the people of Teso and Lango who have themselves got rid of rebellion in their areas and leaving the people of Acholi to continue to their own detriment. Mr. Chairman, Hon. Bidandi Ssali alluded that some of the leaders of Acholi have not done much to end insecurity in their area. He compared this with the efforts of the people of Teso and Lango which resulted in the ending of rebellion in their respective areas. Mr. Chairman, I wonder whether Hon. Bidandi Ssali, who is a Cabinet Minister, follows what is happening in Acholi land. I would like to believe that Hon. Bidandi Ssali's knowledge of current events in Uganda does not end at Karuma bridge. Mr. Chairman, if Hon. Bidandi Ssali was aware of what is happening, he should have known that all the CADs and CMs of Acholi have joined hands with all the political, civic, top military leaders and CGR from Acholi to form the Acholi Pacification Committee - in short APC. APC was formed as far back as last year in August under the Chairmanship of the Minister of State resident in Gulu, Hon. Betty Bigombe and her Vice Chairman, Brig. Shelf Ali. Mr. Chairman, I would like to inform Hon. Bidandi Ssali and the whole House that members of the APC have, to date been using their own personal money to mobilise the people against rebellion and encourage the youth to be recruited as home guards and LDUs and these same youth, some have been killed by rebels while protecting their people. They were killed because they were ill-equipped and half baked. A small budget of 800 million shillings was made to facilitate the work of APC but has received no

response from the government. However, for the Teso rebellion a whole Presidential Commission was established with both local and foreign funding. The leaders of Acholi people regret that after all their sacrifice, they are still being accused of not doing anything when last year and early this year they went home almost every week in spite of the roads that are mined. This was done to try to bring about peace and stability in Acholiland. Mr. Chairman, I would like to inform the whole House that if what Hon. Bidandi Ssali alluded is part of the NRM policy, then I am left with no doubt that NRM has bad faith against people of Acholi and their leaders.

Mr. Chairman, political parties have been referred to as divisive elements along tribal groups and religion. Problems caused by parties have been identified, constant reference has been made to them such as killings in Luwero, the *"panda gari"* and the like. Mr. Chairman, the war in Luwero would not have happened if UPM after losing in the General Elections of 1980 did not go to the bush and wage war against the elected government by ambushing vehicles and mining highway roads that is Kampala /Gulu/Arua/Moyo/Lira/Kitgum roads where many people lost their lives. Similarly, the Ombachi killings in Arua in 1981 would not have taken place if the rebels did not attack the government forces. Mr. Chairman, NRM atrocities did not end there. Hon. Delegates you can recall the Mukura roasting of the 67 people in the train wagon in Teso. The Corner Kilak massacre in Kitgum, the massacre of Buchoro in Gulu, the death of lodgers in various prisons in some parts of the country due to overcrowding and the fashionable *kandoya* - the three piece tying which caused a lot of death. Mr. Chairman, the minority in this August House is not here to derail the majority as it was stated by a prominent Ugandan leader last weekend in a fund raising. Mr. Chairman, we are here to discuss, to give and take and come to a consensus hence we are here to make a Constitution which will accommodate the views and interests of all Ugandans today, tomorrow and many years to come, hence it will stand the test of time. Mr. Chairman, I strongly stand to support the Motion on the Floor.

MRS. AKECH OKULLO(Women - Gulu): Thank you very much, Mr. Chairman. Mr. Chairman, I have listened with a lot of interest to the submissions of my Colleagues in this August Assembly. Whereas I have been very influenced by others, I have also been very disappointed by some of them. Mr. Chairman, when submissions are made on the basis of emotions, deception, intrigue and with a view to target personalities which personalities are not even in this August Assembly, then I think we are not debating but we are playing what we call poly tricks. Mr. Chairman, when we go further and we see that some submissions are also made which threatens the people of Uganda saying that some very prominent politicians are willing to go back to the bush or to fight, should they not get what they want, then I think that these politicians are terrible liars. Mr. Chairman, ordinarily, these politicians have used we people of Uganda for their own end, they have deceived the youth of Uganda to go to the bush and fight and die. Meanwhile such politicians have always sat in houses far away from the stage of war, controlling the war from afar while their children actually go to school in exclusive areas.

Mr. Chairman, the people of Acholi have been used and deceived to fight a war for which they have never benefitted. In all these past regimes, the people of Acholi have always been used to prop even the worst regimes on earth. What has been the benefit of the people of Acholi for fighting such wars? It has been blamed. All Ugandans blame Acholi for having massacred them. Talk of Luwero, they will talk of Acholi and yet those who were going to benefit were not the Acholi. The people of Acholi have reaped death, all the youth of Acholi are finished simply because of a few politicians who are so greedy, who want to go to power using the blood or the sons of Acholi people. I challenge those politicians who threaten to go to war to take this war to their constituencies. Never again should politicians use Ugandans anyhow. Go back to your constituencies, say that I failed to achieve what you sent me for and because I failed, now all of us let us go and fight. Let us see if those people from those constituencies will actually accept to go back to the bush.

Mr. Chairman, I also would like to urge all right thinking Ugandans to actually reject such kinds of threats which are being issued to us as of now.

I want now to come back to the real issues which are being discussed. What really is the issue at stake? To me the issue at stake is how best can Ugandans access to power, and how best can all Ugandans participate so that they can access to this power and enjoy the fruits that accrue from such power or from

control of such power. Can we only do it best through a pluralized system or are there other alternatives that Ugandans can look to? When I listened to submissions of my friends, it looks like people think the best way to access to power is only through the multiparty system. Mr. Chairman, I submit that actually there are other methods, democratic methods through which Ugandans can access to power. For me I do not see anything wrong at all with individuals trying to influence the political will of the nation. I do not see anything wrong with that but what I see as of now is that the very people who actually submit that they agree or accept pluralized systems do not want alternatives to be put in this Constitution. If you actually believe and accept that it is through the multiparty system that alternative programmes, alternative policies can be offered the people from which they can chose, why do you not want to accept that we can actually also have alternative method of accession to power? I want Ugandans to be given a fair chance to chose which system they would like to use to access to power. Mr. Chairman, I want also to submit that this system must be democratic, their choice must be democratic and the system must be democratic. But I also want to warn, Mr. Chairman, that democracy in itself is a double edged sword, while it gives with one hand, it takes with the other hand. While it allows for freedom of expression, while it allows for freedom of association, democracy also says the majority rules. *(Applause)*. We cannot decide to accept one area of democracy and then reject the other area of democracy. We must accept democracy whole heartedly in all its implications. I would like to say, Mr. Chairman, that we are all here because we attained the votes of the majority and none of us, actually, ever said, although I attained the votes of the majority, let me not come, let the person I defeated come. *(Applause)* Why did we not do that, but now we want in the CA to reverse the trend, I do not accept this, Mr. Chairman. As I have said before, Mr. Chairman, individual participation, actually, encourages the emergence of rich and varied ideas on the management of society in Uganda, which ideas we may actually distil to form ideologies, to form theories or to form philosophies which we can follow.

Mr. Chairman, let us remember that the various ideologies we follow did not come from a structured system, it came from individuals; individuals like Plato the philosopher whom we know, people like Karl Marx, like Aristotle, like Cicero, like many others. These are people who did not sit first in a group of people and decided to formulate philosophies, they thought about them individually but then they brought them to the group and this was accepted. Mr. Chairman, if we allowed individual participation, I do believe that there are very many people in Uganda with very bright ideas which ideas we can benefit from. But once we go through organised systems where certain people are going to be rejected that they should not stand because certain political systems have refused them to stand, Mr. Chairman, we might miss these very bright ideas which we have. Mr. Chairman, I also look at this system as a system which is a key to the African democracy. In the olden days, our father and forefathers never had opposition on this side and supporters this side. Our father and fore-fathers came together when they had a problem and decided there and then, people would get up and talk in their own rights and people listened to what they said, and they reached consensus, and they would solve their problems. But here we are, we want to have systems where we are going to oppose for the sake of opposition even if something is good. I do not accept this, Mr. Chairman.

Mr. Chairman, when individuals are defeated in elections, these individuals do not have the capacity to go countrywide and solicit other individuals to come and assist in destabilising the system that is in power, it never happens because he does not have that capacity. If I defeated somebody in Gulu, our problem is going to be localised in Gulu on that individual basis, it is not going to be spread throughout Uganda because Akech Okullo was defeated, therefore, all Ugandans must be held at ransom. But whenever we have these organised political system and it does not access to power, Mr. Chairman, the problem is that they will organise themselves, because they have the structures, to destabilise whatever government in power. Mr. Chairman, I think is not a very, very fair way of managing society.

In Africa, we must know that through a multi-party system, whenever somebody wins an election, the reward for winning that election is very lucrative, you can do anything with it, you can even change society because you are the one in power. But whenever somebody loses an election, that is akin to death because we have termed politics to be our only means of survival. Most politicians have done

so, Mr. Chairman, however, I say if Ugandans would like that system - I mean the multiparty system - if Ugandans would like that system which system actually causes that kind of competitiveness, that hatred, that wastage, that redundancy; if Ugandans still prefer it, then I see no reason why that system, side by side with another can be put for the people to chose from. I only want that we allow time and pace for the young ones to decide and make an informed choice. I only would like to say also that our politicians when they go and consult with the people, must tell people the truth. The problem is that many people have never been telling the grassroots people the truth. I was asked when I went for consultation, what is this Movement thing? And fairly and in a balanced manner I told them. The people told me, but Madam, we have been told that when the Movement system is in power there is going to be no election; it means that the present leaders - all of them - will continue as it is! But when I told them that no, there is going to be elections, then the people said, so where is the fight?

Give these people a chance but give them a fair chance, tell them the truth, our people are very bright. If the do not want the Movement system, they will reject it, because they have been informed and they know that they do not like the system. If they do not want the multiparty system, they will also reject it but our problem has been we do not want to tell people the truth, why? Because many of us who are already entrenched in political systems realise that this is the only way we are going to access to power; we access to power through the popularity of our system, not through our own individual popularity. Mr. Chairman, this is the point at issue, and I would like these people who are advocating for this to let us - actually, we will accept if they can go and tell the people the truth so that they also, if possible, are elected on their own merit. I dislike being elected because a system is liked, I like being elected because I have the capacity *(Applause)*. Mr. Chairman, with these few words, I beg to stop. Thank you very much.

MR. OMOLO (Soroti Municipality): Thank you very much, Mr. Chairman, for giving me this chance to talk. I rise to support the Motion - *(Applause)* - but basically, I am going to make some observations in our Constitution making here in this August House. Ugandans are so lucky to have this chance to sit down together to make a Constitution, but unfortunately, the process has lost track. It has lost meaning and it has lost track because of a variety of reasons. One, there has been a lot of external influence; there are delegates at remote control, and most Delegates in the House have resorted to power struggle, and there have been job seekers, and then there is a new science of political bribery. Now, all these factors have brought about mobocracy; people behave in a mob. When the American made a statement that -*(Interruption)*.

THE CHAIRMAN: Order, order! Please, stop murmuring, you are interrupting the speaker.

MR. OMOLO: They were expressing their views as they felt, but people became so jittery; they were making all sorts of noise that why were the Americans coming to influence our Constitution; but, I mean, they were giving their own opinion. Whereas, when the President makes a statement here, despite his not being a delegate, people appreciate what he says so much. In any case, he has nominated his delegates and he should have to consult with his delegates, not to participate directly in making statements that influence the proceedings of the Assembly. I look at this as a direct remote operation in the Assembly. For instance, I would have appreciated the presence of people like Hon. Mayombo and other NRA Delegates for they should have been of big help to us here, they have the experience in military science, they know a situation that can cause war, they know a situation which may bring about peace but unfortunately, they have been denied to talk! Now, one then begins wondering what they were sent here for unless they were sent to articulate one man's views, which they have failed to do, then the other reason for their being here is possibly to increase the number to the current majority. But otherwise, if they were sent here to give views as Ugandans, they should have been given chance to talk so that they direct us in this constitution making.

Most Delegates unfortunately have ended up trying to get shares of power; those outside power would like to get the power, the ones inside power would like to keep in power by fixing in provisions that will facilitate their being in power. A clear example was exhibited by Hon. Tumukunde when he went to the extent of saying they fought, they have existed, NRM is watching! Do we have to put their provisions in the Constitution because people fought? We have to put the provisions because of their merit! For instance, okay, Obote fought to

bring Uganda to independence, do we have to put UPC in the Constitution? Mr. Chairman, please protect me from Hon. Basoga -*(Interruption)*.

THE CHAIRMAN: Order, order. Hon. Basoga, please face this side.

MR. OMOLO: We clearly know that the Chairman of the current Movement participated in 1980 elections because he wanted power, but unfortunately he failed to achieve it so he went ahead to begin fighting in the bush in an attempt to obtain power, which he successfully did. But are we to put a Movement in the Constitution because he just continues in power? That is far from our business, we are not here for that. The other aspect is, Delegates, I think, have abandoned their constituents, they have forgotten about their people completely and are now articulating views which do not belong to their people with hope of getting positions *(Applause)*. A clear example is indicated of the recent appointments, most Delegates who were singing Movement, Movement, were the ones who got it but most Delegates who spoke for what their people wanted never got anything. Mr. Chairman, I will seek your indulgence to allow me give an example with one Delegate's names and I hope I will not be attacked. My sister Hon. Grace Akello, once she was a publicity secretary of UPF and UPA in London, she made demonstrations in London in protest to the NRM government. But after being called by her uncle and she was given a job with Peace Mission, she suddenly says the Movement is so good, what could have happened and in any case what was missing at that time? Hon. Akello contested in Amuria for a CA seat but she fortunately lost - not unfortunately, she fortunately lost - she even missed her parent's votes because she was campaigning on NRM ticket. Now, she comes up to tell that everybody in Teso cherishes Movement, where does she get her views? It is only two weeks ago when she collected RCs to *Lukiiko* in Soroti and they clearly told her that people in Soroti want multi parties, and they re-assured that if she hears us talking here on multi parties, it is a word of our people. Now, how does she come to dispute that here? If it is jobs she was looking for, let her get the jobs but not at the expense of the people *(Applause)*.

There has also been a new innovation of political bribery; it is unfortunate I have been trying to talk to a cross section of Delegates, but I received some statements I could not really accept were generally true. I talked to one Delegate and he told me that his constituents support multiparty and especially his father is a very strong multiparty supporter, and I asked him why he was not just a mere weak multi partyist. He said he could not do otherwise because he got money from the Secretariat for campaigns. Another one told me that he as a person does not support the Movement extension, but his constituents support the Movement extension. When I asked him why, he said no they have been given a facility to suppress their neighbors so they are okay. In case I talk of multi parties, I will be killed at home - you know, who they are. So, these other situations have caused a funny behaviour of Delegates here. You find that Delegates behave like turkeys, they behave in a mob. You know what happens to turkeys when a father turkey attacks a cock, all turkeys rally behind him and chase the cock such that here when an amendment is moved, a Delegate has to look around and he says, oh, what does Hon. Kategaya support, does he support that? *(Laughter)*. So, one sees what Hon. Kategaya supports, whether it is good or bad he has to go by that. A clear example was exhibited here by Dr. Mugyenyi when we were debating on whether elections should be simultaneous or at different times, he supported the Motion very clearly, and if those were the views of his people, I really wonder whether he went to consult them before he changed his mind! But somehow - I am being told he was harassed by Hon. Otafire *(Laughter)*.

THE CHAIRMAN: I am not allowing any interruption, let him make his statement. Order, order!

MR. OMOLO: If that is true, then it was very bad for - I do not think we are here to be harassed. So, my Honourable friend, Dr. Mugyenyi, when we were voting, I cannot tell where he really went, but he disappeared mysteriously. Therefore, Mr. Chairman, I am asking Delegates to look at this Constitution making as individuals who are governed by personal conscience and, maybe, the will of their people, not to keep rallying behind people because so and so is this, I think the amendment is okay, because it has been supported by a,b,c. It is not in order, and several times I have heard people saying that let them move it we shall defeat it. We are not here to defeat ideas, we are here to agree upon ideas -*(Interjection.)*- okay, if they are good. That is why a Constitution is called an agreement but if we are here to defeat ideas, fine, we may defeat the ideas but we may not defeat the brains in final analysis.

We have criticised ourselves here that parties killed, Museveni killed, but up to when are we going to keep talking about this? We shall talk about the same for years, but I think this is time for us to compromise and forget about the past. Let us not talk about the past because we want to raise sentiments, we want to get cheap popularity, it does not help. Let us talk about the past because we want to remind ourselves of what the past rulers did and what failed them so that we correct their mistakes. You see, at times I ask myself a question that before NRM went to the bush in Luwero, was there insecurity in Luwero? *(Applause)* And if in any case it was not there, then I think it is high time we stop behaving like children because a kid goes into a room and breaks a glass, then he merely walks and says a glass is broken, but he cannot say I broke the glass. So, likewise, you cannot go into a bush, you become an insecurity and then you say there was insecurity there *(Applause)*. It is as good as saying somebody was killed and yet it was you who killed him. In any case, when NRA was in the bush, they were using guns and so were the government troops. Now, who could tell which bullet shot who? And in any case, did you tie tags on the people you killed so that you know which ones you killed? Mr. Chairman, help me from Hon. Mayombo he is malicing me.

THE CHAIRMAN: You are protected, please proceed. Hon. Mayombo, please do not harass the Member.

MR. OMOLO: Thank you very much, Mr. Chairman. I will give you a clear example, I stayed in military cells for five months in Soroti, and within the cells, there was a Lieutenant called Kutesa and he clearly told me they killed people in Luwero, he was a soldier in NRA Army, he said they killed people! Now, how do you tell us here it was the UNLA alone which killed people? -*(Interjections)* - No, no! He was telling me that if in any case he reported their whereabouts, they would come and pick him. So, let us forget about these past things. Okay, UNLA killed, NRA killed, but this is the time to reconcile now. But if you keep pulling robes that so and so killed, so and so did this, it will not help us. NRM went to the bush to fight because of mistakes of the first regimes; for instance, rigging elections. But if we are committing ourselves to put this Movement in our Constitution, we shall have rigged our Constitution as well, and I do not know the fate of those ones who rig constitutions. At least I know those ones who rig elections, they are fought and overthrown but as for those ones who rig constitutions, I do not know what happens to them. Several times I have heard Hon. Mayombo in front of me here talking that once we allow parties UPC will take power - *(Laughter.)*

THE CHAIRMAN: Order, Hon. Mayombo. You will get your own chance if you are lucky, let him finish. Please, could you wind up, I think you are running out of time.

MR. OMOLO: If UPC is going to take power, that is his business, it is not our business. We are after freedom of association so that we may form new parties. Now, if you are going to lock us for five years or four years, then you give us only a year, it means you are going back to the old parties UPC and DP, but we have a freedom to form new parties. So, here I am saying, in any case there is going to be a continuation without going to broad multiparty election. I think there should be a transition of some kind and parties should be programmed right from the beginning. Say, during the first year of the transition, parties do one thing, second year they do the other and third year they do another thing altogether, but not saying you keep them in abeyance for four years and then you give the work you have done for 14 years in one year, it is virtually impossible. I have looked at most Constitutions and it is merely stated that citizens are free to associate politically or do anything, but they do not go ahead to specify that Movement, multi parties have to exist - it makes a Constitution very rigged. Now, for instance, tomorrow if you pass that it is Movement, and then we go for an election and Karuhanga may not be cherishing a Movement by then, he becomes a President, what happens to that provision? Now, why put in a provision which is going to slip in a matter of a week's time? So, I think it is better we become clear and put provisions that are worthwhile putting in a Constitution, and not to put in a provision for the sake of it, maybe because it helps Mayombo to stay in power for another time.

THE CHAIRMAN: Hon. Omolo, you have done 20 minutes, please be winding up.

MR. OMOLO: Give me another five please, thank you. Mr. Chairman, extension of Movement in a Constitution or not in a Constitution, I do not think is wise in Uganda for in the course of NRM struggling for power in the bush, people died; in an

attempt to consolidate power in the North and East, people still died, and right now, people are dying. I think it is a month ago when Kony's Army hit the 39th Battalion in the North, bodies were distributed in Teso like relief food. Now, is that the situation we are going to continue having in the country, leave a lone that every morning you hear of a new rebel group being formed? Whether they are rebel groups or highway robbers, this is a sign of discontent. Now, are we going to improve that situation by extending NRM? I think it is better we sit down, get an idea which is agreeable to all people and we see how we can achieve peace in Uganda. Because the key objective is peace and not power. I beg those ones who are out for power to put it aside for the time being, especially, when we are making a Constitution like this one, and let us try and get peace. Thank you very much, Mr. Chairman.

MR. KAJARA (Mwenge County South): Thank you very much, Mr. Chairman. Mr. Chairman, from the onset of this Constituent Assembly last year, I did denounce the notion of formation of marriages and caucuses of convenience. Mr. Chairman, Hon. Basoga calls them circuses, but Mr. Chairman, we all know what the marriage and alliances of convenience, the unholy alliances of 1962, another unholy alliance of 1980, what they have caused to this country. We do not have got to go to Church to baptize some alliances holly or unholy, but any alliance that is not for the good of the people of Uganda cannot qualify to be a good alliance but only can be unholy.

Mr. Chairman, the conspiracies that have come to light especially in the most recent days are that history repeats itself. We cannot, Mr. Chairman, run away from the truth when in 1980 the much cherished UNLF government was torn apart by the same and similar players that are in the game today. Most of us were very unhappy, quite a number of people took up arms and they fought and many lives were lost because of the unholy alliance that we see today being repeated. Mr. Chairman, Members in this Assembly have argued against constitutionalising political systems, if we do not put political systems in the Constitution, what shall we put in that Constitution, Mr. Chairman? Because what I believe, Mr. Chairman, and most Delegates believe that what we are discussing now, what we are debating now is the mother of all articles in this Constitution. At the same time, they are arguing that we do not put it in the Constitution. Mr. Chairman, Article 94 is about entrenching political systems that whoever will go outside that system, Mr. Chairman, will have the rush of Article 3 of this Constitution which provides for the defence of the Constitution that whoever goes against the will of the people of Uganda, dictatorships, one party, any political system that is not democratic or is not representative will have, Mr. Chairman, to be resisted.

Mr. Chairman, a political system in a general sense defines the country's political arrangement in either being multiparty, movement, monarch etc, so I do not see a problem when we say we put a Movement type of political system in a Constitution. We can also entrench other systems but the ultimate decision making person will be the Ugandan to chose a system which he cherishes, a system which he thinks will do the best for Ugandans. Mr. Chairman, a choice of political systems decides how many people organise themselves to effectively participate in their own governance. A choice can enhance participatory democracy like it has done during the Movement system or it can undermine the same, like in the multiparty era, Mr. Chairman. It can also promote strict accountability of leaders of government or weaken such accountability; enjoyment of human rights and stability. It is in a political system that once it has been chosen properly, people will enjoy the stability, people will enjoy human rights or they will not enjoy at all! Mr. Chairman, a type of political system will also determine whether or not there will be peaceful change of government or not. You will recall, Mr. Chairman, the first multiparty government from 1962 was overthrown by force of arms because there was no peaceful channel in which government could be changed. The Amin government which sent the first multiparty government also was overthrown by force of arms because there was no system on how we could change government. Mr. Chairman, I strongly oppose the deletion of Article 94 and I suspect that the only reason why deletion is sought by some multi partyists is their desire to institute and maintain political systems that are exclusive for themselves as against a system that is all inclusive, all embracing of all Ugandans, where all people can walk in and walk out.

Mr. Chairman, a few days ago, Hon. Kawanga Ssemwogerere chose to walk out of the system of the Movement, he is a free man, he has not gone to exile, he has not gone to the bush, but he is still

accommodated and he can still be heard speaking in this House. That is the kind of system, Mr. Chairman, we would want to be entrenched in our Constitution. He also had walked out of Committee 5, I am told, and when he came back, he was welcomed. Mr. Chairman, I was surprised at the onset of this Motion when Hon. Cecilia Ogwal, instead of starting on her Motion, straight away she said my brother Ssemwogerere can start speaking on it. I imagined that Cicy's elder, Milton Obote, also used to address Ssemwogerere as my brother buy you know, Mr. Chairman, what transpired between the two! Mr. Chairman, the system which is receiving a lot of resistance today has had so many detractors, local and worldwide, it has been decampaigned at different fora, lobbies have been set to decampaign the Movement system for quite a long time but Ugandans even in the previous election of the CA saw light in choosing or deciding - even in the Odoki Commission, they decided that a Movement system prevail in this country for another period to give time to the multiparty democracies to develop, to give time to the so-called democratic people to be democratic, Mr. Chairman. The system which envisages participatory democracy right from the grassroots to the uppermost. This morning Hon. Bidandi Ssali gave a few examples where because people were trying to chose their own leaders, a law had to be enacted to say the Deputy Mayor of Kampala shall be appointed because of fear that people would exercise their own right and chose the right person.

Mr. Chairman, what are we trying to protect by seeking to leave this article in the Constitution? What are those people who are trying to delete this article trying to achieve? They are trying to say that the system that would work for the benefit of all Ugandans on the basis of equality should be deleted from the Constitution. Mr. Chairman, they are saying a system that operates on democratic principles in all aspects of life should be deleted from this Constitution. Mr. Chairman, we have seen communication addressed to this House and Members of CA are telling people not to do this or to do that unless they have a go ahead from some quarters abroad. Mr. Chairman, some Members in this House want to abolish a system which is under the control of the people of Uganda as opposed to certain systems which are remotely controlled from areas far and abroad. Mr. Chairman, I do appreciate the need for harmonization of this constitution with the paramount needs of our people. But this, Mr. Chairman, cannot be done at the expense of peace, this cannot be done at the expense of national unity. Mr. Chairman, I do not think there is a contradiction with the human rights aspect in this Constitution regarding the entrenchment of political systems in the Constitution. As Hon. Bidandi Ssali said this morning, all we are trying to do is to find room for each and every Ugandan; find room for people who believe in the Movement system and find room for people who believe in multiparty system, put them in a playground and let the people be the ultimate referees, let them chose a system depending on what good it can do for them and what good it has done for them in the past.

Mr. Chairman, there is a provision in this constitution which guarantees the formation of political parties, and the existence of the same. So, for someone to come and say if you entrench the Movement system, then we shall not have our political parties! If anything, what our Colleagues are fighting about is actually to exclude the majority of Ugandans from the body of this Constitution. I have strict instructions from the people of Mwenge to say in clear terms that the Movement as a system of government that embraces everybody, as a system that is not discriminatory, as a system that is not tribal, has to be entrenched in this Constitution and if at all we have to go out of that system, they should be consulted and should give their assent in clear terms. I believe, Mr. Chairman, Article 94 will be amended to allow Ugandans belong to a political system of their choice. The Movement recognizes the right of political parties to exist, which was not and is not the case with multiparty democracy. With multi parties, if one is playing, then the other must be out of the pitch. Voting for people's representatives, Mr. Chairman, in a movement system is in their own merit and if you read the communication from Lusaka, it was discouraging people from putting their trust in voting on people's merit. If you do not vote people on their merit, what basis then do you have to vote such people?

Mr. Chairman, I am surprised that some undemocratic forces in this Assembly have tried to conspire to get to power by even lying to the people. When people started debating this Motion, I heard all kinds of quotations from the Bible, quotations from the Quran, people speaking about Bible even better than the reverends, and speaking about the Baganda better than the Kabaka. Mr. Chairman, I only wish that this was done in good faith and it was not a

gimmick to arouse religious and tribal sentiments of the weak into a trap. No wonder, Mr. Chairman, when people praise the Lord's Resistance Army which is posing to fight for God's people by first killing them! It is very absurd, Mr. Chairman. I also get embarrassed, Mr. Chairman, when you hear people in this House saying that the NRA went to Luwero to kill people, when it is crystal clear - people like Lt. Col. Ogore who has relatives in this house, some of them this morning have been saying NRA killed people. If you put Ogore anywhere even a child of ten, five, six years will tell you that Ogore was the brother of Lowere. So, Mr. Chairman, such people have no basis for alleging that the NRA killed people in Luwero. Mr. Chairman, no wonder the multiparty stands for such gimmicks to win people's mandate.

I would like, Mr. Chairman, on a concluding note to advise Ugandans to be aware of wolves in a sheepskin. Mr. Chairman, Ugandans should be aware of poachers turned into the game wardens. Since when can a poacher for a lifetime now turn to be a game warden of world life? You cannot trust a poacher to do such a thing! Since when did multi parties become so democratic, so respectful for human rights and more so the right to life which they have been responsible for destroying over the years? I, therefore, Mr. Chairman, strongly oppose the deletion of Article 94 and urge Members that rather than have it deleted, we can have it amended to accommodate the wishes of the majority of Ugandans by entrenching, first of all, all the political system including the Movement and also laying down strict rules of the game. A code of conduct to regulate the operations of political parties where never again Ugandans will be taken for granted, and if they are, then they will have an alternative to go to. With those few remarks, Mr. Chairman, I thank you.

PROF. SSENTEZA KAJUBI (Kyaddondo North): Thank you very much, Mr. Chairman. I would like to begin by thanking you, Mr. Chairman, for the spirit in which you initiated this debated. Mr. Chairman, you appealed to Members of the house to debate this Motion in a calm spirit and also bearing in mind the purposes for which we are here to make the constitution which will guarantee peace, stability and happiness of all the people in this country. I would also like to thank all Members who have spoken in a spirit of reconciliation and common understanding so as to pull our thoughts together and focus them on a common goal rather on polarized different goals.

Article 94 attempts to prescribe the political system under which we should govern ourselves when the new constitution we are making comes into operation. But Hon. Members have taken polarized and fixed positions on this article, and as we debate it, and as Hon. Omeda has pointed out, all are bringing points to prove either this side is right or that side is wrong, and we are adducing points from history to illustrate why somebody now should be right or wrong in spite of what he or she is saying. But, Mr. Chairman, my plea is this that whatever side we support, we should ask ourselves that what is the aim in this constitution making exercise? There is no doubt that on either side, people will agree that the aim of this exercise we are engaged in is to produce a constitution that will provide for peace, stability, development and happiness of all Ugandans now and in the future. We have been independent for now 33 years, but we have had nine different governments, only one of which - can I be protected from my Hon. Friend who has just spoken and his neighbour who are talking so much I cannot hear myself.

THE CHAIRMAN: Hon. Kajara and Hon. Kaijuka, please do not heckle the Hon. Member who is on the Floor.

PROF. SSENTEZA KAJUBI: I am saying, Mr. Chairman, that we have been independent for 33 years, and we have had nine different governments, only one of which has come to power through the ballot box, and that is the first independence government of 1962. The 1980 would have been an elected government but it is true that the votes were rigged (*Applause*). This instability has meant a lot of suffering for our people, particularly the people whom I represent in Kyaddondo North which is part of the Luwero triangle. The NRM administration is a regime which has so far lasted longest, has done a commendable job. I must say it has brought about relative stability, the economy is improving and the physical infrastructure of roads and buildings is being put in place so people are not unhappy with NRM administration. Our trouble in the past, however, has arisen from the fact that those who capture central state power devise all sorts of means, either constitutional or unconstitutional, to try and remain in power for ever.

While people in my constituency have no quarrel as such with the NRM and with the Movement system, their quarrel with Article 94 is this; it says that "*the political movement system in this Chapter referred to as the Movement which in existence immediately before the coming into force of this Constitution shall continue in existence subject to the provisions of article 95, 95 ...*" Now, when I went for consultations, my people asked me, they said that the Movement as we know it today has got a structure, we have appointed RCs from one to RC five and so on, we like those things and they can continue, we have no quarrel with them but they said the Movement has got a Chairman and a Chairman by virtue of the fact that he is the Chairman of the movement is, therefore, President of Uganda. There is a National Political Commissar, he has just gone out, and there are people who are historical and so on, who hold positions and we do not know how they are elected. When you say the Movement which was in existence before - not after - the coming into force of this Constitution, are you telling us that to go and appoint a President is a mockery, because if this Movement is in place, then what are we electing the President for, because by this Movement as it is now, you do not have to elect the President and we have a President and we like him and then you come and confuse us that we are going to elect, what is it? So, Mr. Chairman, I am pointing out this that although we are being told that the people out there understand what the Movement actually is, I would say that not everybody understands because these questions are being asked of us everyday in our own constituencies.

So, Mr. Chairman, Article 94 subsumes Article 96. Article 96 reads: "*During any period when the Movement is in existence, Political Parties shall not endorse, sponsor, offer a platform to in anyway or in anyway campaign for or against candidates for any public election.*" Now, the people of my constituency are not necessarily for political parties, but they are saying that they are supporters of the freedom of speech and freedom of association. They do not want to be told that you are not yet mature enough so that when you are given candidates with alternative programmes, you are not going to be able to select the one that you like. They agree that in the past there has been a lot of wanton acts connected with political party movements, we cut in 1962 people's coffee trees, we cut people's banana plantations, people burnt other people's houses and possibly even tried to shoot others because of political differences. This everyone agrees, but it is also true that in the past, we have fought wars based on religion. When our nation started, we fought wars which involved Christians fighting against Moslems and Moslems fighting against Christians, Catholics fighting with Protestants and Protestants fighting against Catholics. All these squabbles have gone on based on political ideology, religious ideology and also ethnicity has been also a factor in our political systems. Now, is there a solution to ban all these things? When you have tried to build bridges, we have been told that we are making unholy alliances.

In the 1950s when some of us were told that the Democratic Party was a Catholic Party, I personally invited Ben Kiwanuka to Kings College Buddo and I said, explain your Party, we understand your Party is a Catholic Party, make a case for a Catholic Party. He explained the programme of his Party, there was nothing really, in the party programme that will be described as Catholic. So, some people, me included, we decided to join this party, and take Uganda together, and forget the old religious wars *(Applause)*. What happened, my friends like Hon. Kaijuka, I think they could not elect him. Others came to me by night and said Mr. Kajubi, we thought you are a reasonable person, how dare you speak to those Catholics? How do you move with Catholics? Now, how can we build a nation which contains Catholics whom we cannot speak to, and Protestants who cannot speak to Catholics? Now, political Parties brought division, and the UPC was branded a Protestant Northern Party, and DP a Catholic Buganda Party. Now, this was the brand which was used against Political Parties because they were pluralised, they had different programme, but only religion combines them. What do you see, if Ssemwogerere speaks to Cecilia Ogwal, then you see an unholy alliance! When people tried to move the gaps and the hurdles between the individual groups of people, then those who do not want our country to be united forever begin to make these accusations.

So, Mr. Chairman, this as I make an appeal, my people in Kyadondo North are saying; we like the Movement but we do not like that aspect of it which says in Article 96 that during the period when the Movement is in existence, political parties and others shall not be allowed to speak. They say, this one, we do not want. So, this morning, I was pleased when I began to see a little light beyond the

tunnel, when Hon. Bidandi Ssali - and I must congratulate him he spoke well - but especially when he said that if these things which are offensive to the principle of freedom of association can be put into the transition stage, if we come to that stage and say alright, this one which says that during the period when the Movement is in existence, other people cannot speak, Leave that, I think we shall have moved a long way. Mr. Chairman, Hon. Bidandi Ssali pointed out that, 98 percent of the Constitution has already been made. I agree with the Hon. Member who said that by putting in this Article 94, we shall be putting a straw on the Camel's back which will break the Camel's back. It is because my people in Kyadondo North are not against Movement that they do not want to put anything in this Constitution which will spoil the good deeds of the Movement and all that it has done. If one of the most important things that the Movement has done is to say it is a democratic system, then it should not put an undemocratic provision in the Constitution which will try to turn away people.

Mr. Chairman, I would like to send a warning that open discussion is the best way of getting the truth. I am not a lawyer but I am sure my friend Hon. Dr. Kanyeihamba will agree with me that it is a matter of common law that, let each side state its own case is the best way of getting at the truth. If that is wrong, we can now decide so that if each side states its own position, then the referee - the people, can make up. We would not be against letting people make a decision, but if people are going to make a decision, and my own people are telling me this; they say, we sent you into the CA to make a Constitution, and now you are telling us that you come back with the most important things not yet decided, and we must wait for five years, before some of these decisions are decided! People appointed us to make a Constitution, and we should make it now.

Mr. Chairman, I end by saying that the best political system, political democracy demands that the majority should have regard for the minority, and not regard them merely as escorts, as swine, and as what and so on and put them in the rubbish heap. The minority must also be respected. And if the minority is respected, I would also appeal to the minority to have respect for the majority, and to have constructive criticism which is intended to promote peace, stability, order and happiness of our people. Mr. Chairman, I end by supporting the deletion of Article 94.

MR. RWOMUSHANA(Bujumbura): Thank you, Mr. Chairman. Mr. Chairman, there is a serious political contradiction to resolve. If we fail to resolve it, we shall all hang and drown together. The question of strategy and tactics is of a paramount importance. Mr. Chairman, as we follow history, when Bismarck was confronted with a problem of uniting Germany, he had this to say. That the great question of the day shall not be resolved by the speeches and the resolutions of the majority, but by blood and iron. Mr. Chairman, Bismarck saw the need for industrialisation and this culminated in the arms race that they mishandled and the flames of the world war went leaping to the sky. Mr. Chairman, Germany had to pay for this. Their strategy, Mr. Chairman, is what Bismarck condemned i.e. that the great question of the day be resolved by speeches and resolutions of the majority. Mr. Chairman, the laboratory where this was tested is not very far. And the results are at least clear. There were people in Rwanda who account for almost 90 percent of the population, and I am told the Tutsi are less than 10 percent. The contradiction the then President of Rwanda - His Excellency Habyarimana - had was to resolve where the Tutsi had to go back. Which to me, I think was a fundamental right. But the Chairman thought that the glass was full, and he put the question. That "those who want the Batutsi to go back home say Aye". Then he ruled, "the Noes have it". But since war is the highest form of struggle to resolve contradictions if they cannot be resolved by any other means, the Tutsi armed themselves. And one million or more than too extended the borders of Rwanda to Kigoma in Zaire. And they had to create a vacancy of three million, then the Tutsi went back home. You have seen what this kind of tactic can pay. But we can adventure in that strategy. Mr. Chairman, the minority are not subjugated and subdued by the majority. At least for me, Mr. Chairman, even if I am alone, there is no majority that can suppress me. What it can do, it can kill me. But I think, my spirit can still fight on.

Mr. Chairman, when we are debating these serious issues, we should aim at administering justice. The moment we write on a cheque that has been handed over to the bank of justice, that refer to the drawee, i.e. there are no insufficient funds of justice, the moment you begin administering justice, then we

shall fail to know that injustice anywhere is a threat against justice everywhere. Mr. Chairman, I implore you and all Hon. Delegates to observe a simple political pendulum. It swings from the point view of dictatorship to democracy, and then back. Mr. Chairman, as a delegate I have one mandate on the question of political system. That is to extend the Movement. My role as a delegate is simply to act like a telephone. It simply transmits, it does not change the message in anyway. Mr. Chairman, my role is to act like a Radio. It also transmits, it does not edit. And the message is that the people of Rujumbura - the majority of them, want an extension of the Movement politics.

The major objective of forming a political party, Mr. Chairman, is to create an instrument through the people and through the non members of the party. The Parliament of the winning party is indeed the Parliament of the party, as the exhibitive power signed by this Parliament is the power of the party over the people. Mr. Chairman, the existence of many parties escalates the struggle for power, this results in the destruction of any achievements of the people and of any society. Such a destruction is brought upon by the opposition party as the justification undermines the position of the ruling party so that it can take from it. Mr. Chairman, a society torn apart by political struggles; political party struggles are similar to that torn apart by tribal, sectarian struggles. For African Countries that have gone pluralism, this is clear in Kenya, and it is clear in Zambia, where Kaunda whom we thought was going to rest, is going to be given a warm welcome. Mr. Chairman, a Movement - and this is where I have problem because we envisage a Movement which is all embracing and which accommodates all. A Movement is a category which is essentially and by definition, the alternative. The Movement is a typical form of political expression of nationalism and the organisation of protocol of parties. The latter corresponds to a higher subsequent stage in the political struggle. The Movement is characterised by a high degree of ideological non-definition and is inspired by an understanding that brings together the classes and gives priority to all the racial, religious, cultural or political elements which unify a society around minimum national aims - that is: recovery of sovereignty, independence and the struggle against colonialism.

Mr. Chairman, although within the Movement there are trends and groups with special interests, all respect a few central objectives; that have priority of affectionate interests. And this is the problem we have, Mr. Chairman, in the Movement. That we have functional interests and we intend to make them primary over national interests.

I will give a specific example, Mr. Chairman. When we voted here on the issue whether we should vote, whether we should have parliamentary and presidential elections at the same time, the two concurrently, to me, I thought the national objective was to reduce the political parties and political election parties, and to minimise expenditure. But then, there were functional interests. The NRM functional interest was - probably it can help us, to have all our line through and then eliminate our opponents. The other functional interest of the DP and the UPC and whatever and the other caucuses was, we can survive. And what song do we sing here? One functional group tries to make it more primary over the national issue, and we witnessed some people walking out. This is not the line of the Movement. As it is even put down in the programme, Mr. Chairman, the Movement must adhere to the following objectives. One, it must unify the country against the unjust order that must be abolished; Two, modernising the mechanism necessary to resolve contradictions at a political level. And here, the Movement has succeeded. Because apparently, we are here in CA to resolve contradictions and political contradictions at a political level. There we are succeeding. And after reaching in power, making record leap once in power so as to allow for the deepening of internal democracy, thereby moving on from a national movement to a class party in the modern face of the world. If it does not fulfill any of the above, Mr. Chairman, it becomes another instrument of a dictatorship, and another form, name and all plan.

Mr. Chairman, to the elders of the Movement, in other words, those who participated in its formation in the early stages, before we were there, who are steering it, are under instructions to extend the Movement that promotes democracy, and it is the authority of the people, not an authority acting on their behalf. The way we have consulted them on political systems, the way we have sought their views on *federo,* on referendum, to mention but a few, is the way we should consult them when we are implementing structural adjustment programmes. It affects them too much. Mr. Chairman, the Movement should promote people of political power

that covers the whole political process, interest, expression, discussion, decision, drafting, execution and control. For instance, why were the people of Uganda consulted when privatization began? Including this building where we are seated, whom are they consulting! That we only sit to consult them when we are going to have the Movement extended, or we are going to have *federo* out or having liberalization! We must still consult them on these issues that affect them. Mr. Chairman, I have not come here to extend the Movement where some are more Movement than others. This hurts me. I will give an example, Mr. Chairman. If Mr. Chairman, I am to be blamed on this, I have no fear nor favour because I would be the one to remain and defend this Constitution. Mr. Chairman, when we were in campaigns, the Vice Chairman of the National Resistance Movement came to Rukungiri; travelled to Rukungiri all this way to say please, some of you stand down for so and so, because these are more Movement than the others. This is unacceptable *(Applause)*. Mr. Chairman, it was during day light and I said No! Because it was against democracy. Mr. Chairman, the other day, when - Amanya Mushega is here, he came in my constituency, beyond Igara, Bwambala deep in one of my counties, in a Parish called Nyarubale, and the mission was to say, Rwomushana was a Devil -*(Laughter)*. To me, Mr. Chairman, I think those are unacceptable and if there are *Mchaka Mchaka* courses, they should go back for refresher courses.

Mr. Chairman, I cherish a Movement that is multi-ideological. What we have now is mono-ideological, but multi-participatory. Everybody is free to participate, but on individual basis. I feel very happy to be with professor Apollo Nsibambi who is a federalist and I do not believe in it and we build Uganda together. Mr. Chairman, since Parliament is to create organs of the Movement, this secretariat ought either to be changed, to be overhauled or to be scrapped if it is promoting mono-ideology *(Applause)*. Because to me I think mono-ideology is not in accordance with the Movement that I do cherish. Mr. Chairman, when I was reading a history book and even in interaction here in this debate, I have learnt that the 1966 Constitution is partly discredited because the helicopters hovered over Parliament, when they were promulgating it. Definitely, I know that there is no way they would have bombed that building when even Dr. Apollo Milton Obote who wanted his own constitution was there. Therefore, it was intimidation. But, Mr. Chairman, the National Resistance Army is doing much worse than that. And Mr. Chairman, in this Assembly when we are discussing political issues, we need to promote free thinking and free expression. What happens? Hon. Tinyefunza tells you that, in my own view, not the institution, this can bring harmony and the next thing here is, that - Mr. Chairman, to me I think this is an error. Because we would be misunderstood, and you have heard them echo that. And if we are misunderstood, then we shall incur a very big expense to make them understand.

Mr. Chairman, our leaders are not guided by principle. Instead they follow tribal feelings while others are taken by love for power. Mr. Chairman, I am calling for overhauling of the movement. Mr. Chairman, of changing methods. Even God changed his methods when he created Man and Man rebelled, he burnt him in Sodoma and Gomorrah. When Man continued rebelling, there were floods of Noah and Noah survived. Then Man said, let us build a tower and go and kill this God. Tower of Babylon was built. God would have shot the tower for them to perish, but he just simply disorganized them with languages, changing methods. The next thing he did, when Man became a rebel - continued being a rebel, he sent his own part, in Jesus Christ to come and die. He had changed the methods. Even on the Constitution he was not rigged; he gave more than 100 laws to Moses; the next thing was, there will be - and when Jesus Christ Came, he changed them to two. So, God was not rigged. He can change methods to save the situation, why can we not do it? Because people are complaining, the Movement is not good here, is not good there! Let us change method. Mr. Chairman, Steve Marry observed that it was a pity that most African leaders were not upright. All they seemed to care about was their seats and they use whatever means necessary to retain them without giving a dam about the consequences. Mr. Chairman, a sense of direction comes when there is a clear vision and criteria or a standard that governs a decision making, which we have regrettably been lacking.

Mr. Chairman, before I end, allow me use this opportunity to put right what happened in my constituency. I thank you for this opportunity, Mr. Chairman. What happened in my constituency when I went to consult last week, security agencies killed one of my voters alleging that he had a gun, and I have this message. I have even consulted the

Minister for Internal Affairs, and he has promised action, even the Inspector general of Police. Mr. Chairman, governments are prohibited from torturing their citizens.

In conclusion, Mr. Chairman, the foreign comrades whom we hailed on Heroes Day sacrificed their lives for a new Uganda of justice for all, for peace, for tranquility, and for the rest of the people's lives. Sir, to be loyal to those foreign comrades, to be loyal to their fire place of the said foreign comrades, according to Gean Joels, does not mean to keep the ashes of the said fires, but persons is a flame. I oppose the Motion, and I thank you.

MR. OKWAKOL: (Pallisa County): Thank you, Mr. Chairman. Mr. Chairman, I wish to add my voice to those of Hon. Members who have spoken in support of the Motion to delete Article 94 of the Draft Constitution. Mr. Chairman, the Scriptures have stated and I quote: *"God made man, in his own image"*. The personification of God in Man is the Spirit in each one of us. This is what leads man to great achievements in medicine, science, the arts and any other fields he may care to name. Mr. Chairman, according to professor Emeritas Runny Barilay of Thailand, I quote: *"deep down inside each human being, there exists the potentiality of development towards the highest good"*. So, Mr. Chairman, in order to develop in every aspect of human endeavor, it is imperative that man's spirit should not be imprisoned. On the contrary, it should be liberated. Countries of the world have thought to achieve this by entrenching human rights provisions in their constitution. Needless to mention, the previous speakers have already highlighted the provisions in the various international charters and conventions, to which Uganda is signatory, intended to achieve this objective. Mr. Chairman, we seek to do this in Chapter 5 of the Draft Constitution, by enshrining the fundamental rights and freedoms of the individual. Article 51 of the same provides for enjoyment of fundamental human rights and freedoms. To mention but a few: life, liberty, dignity, education, freedom of conscience, religion, expression and the press, assembly of association, etc.

In view of what I have said, I would like to make two assertions, Mr. Chairman. Firstly, Article 95 which was well elaborated, well articulated by Prof. Senteza Kajubi imprisons man's spirit. This in turn totally destroys his potentiality of development and of Ugandans towards the highest good. When this happens, Uganda will degenerate into inter-wars resulting in the disintegration of our country. Posterity will never forgive us, if either of these things came to pass. Secondly, Mr. Chairman, the same Article 51 Clause (2) does make a telling provision. It provides, and with your permission, I quote: "in the enjoyment of rights and freedoms prescribed in the Chapter, no person shall prejudice the rights and freedoms of others in or the public interest." I submit that provisions of articles 94, 95, and 96 of the Draft Constitution undoubtedly prejudice the interests of all those who do not subscribe to the Movement philosophy. I say this because, notwithstanding the provisions of Article 98, Article 94 seeks to entrench the Movement system, as has already been said, in perpetuity. Article 96, Mr. Chairman, ensures that during the process of entrenchment of the Movement, the Parties are killed off. Mr. Chairman, do Hon. Delegates of the Movement honestly believe that the people of Uganda who cherish Parties will simply sit idly by and watch themselves being suffocated to death? It has been argued by Hon. Delegates supporting the Movement line that they too want to safeguard their right to belong to the Movement - why not? They have every right to belong to an organisation of their choice. I would however, wish to advise - and this is a humble piece of advice to the Movement advocates - that the surest guarantee to longevity of their Movement, and indeed any organisation, lies not in being entrenched in a Constitution, but in obtaining the support of the people of Uganda.

The Democratic Party, and the Uganda peoples Congress which have been in existence since 1954 and in 1960 respectively were never provided for in the constitutions we have had since independence. They have flourished and continued to do so on the support derived from the people. No amount of suppression, Mr. Chairman, during the last 10 years by the NRM/NRA regime has diminished their support. On the contrary, it has been consolidated. So, in order to avoid a problem at this eleventh hour of our monumental task, why do we not agree that the Movement and the Parties should be kept out of the Constitution so that they compete for the support of the people under the laws to be made by Parliament? *(Applause)*. Mr. Chairman, the Motion now before this August Assembly is simple and straight forward. It has been brought in good faith, it ought to and should be supported given the high degree of mutual respect for one another

exhibited by Hon. Delegates here. Unfortunately Sir, there is a disturbing phenomenon which meltates against this occurrence, and we have to watch this closely. This phenomenon is - I wish to term it the Obote Scare. This scare is to the effect that, Obote seeks to regain State power in Uganda. It has been propagated by the Movement advocates, perfected by the NRM Secretariat, and skillfully executed by the President. The *New Vision* of Wednesday 14th June 1995 carried a headline story of Hon. Ssemwogerere's resignation from the NRM Government. It is not surprising, Mr. Chairman, that alongside it, was a story by Ofwono Opondo, a confessed NRM advocate, about Obote operating from Zambia by remote control. Of course the story is a pack of lies. However, Ofwono Opondo's mission was, firstly to minimise the devastating effect on the NRM Government of Hon. Ssemwogerere's resignation. Secondly, Mr. Chairman, it was to alert the Baganda to keep vigil so as to ensure that Obote never returns. Now, the NRM Secretariat perfected this Opondo's strategy by going a step further. In a statement issued by the Deputy National Political Commissar and printed in the same *New Vision*, Mr. Jotham Tumwesigye launched an attack on the Parties in general and on the Uganda Peoples Congress in particular with reference to Buganda.

Mr. Chairman, Hon. Delegates, it must be observed that during the last 9 years, whenever government is uncomfortable, it normally seeks to frighten the Baganda Public by issuing statements which announce the eminent return to power of Obote and the UPC. Now that the NRM government is in a bit of trouble, President Museveni has himself had to intervene. Nobody will fail to notice that the President's favourite song these days is *Nyamuruga*. Mr. Chairman, why can we not be serious at this critical stage of our history and plan for the future instead of unduly dwelling on the past? In conclusion, I invite Hon. Delegates to ignore the Obote UPC Scare. I entreat you Hon. Delegates, through the Chairman, to vote for this Motion. This way, you will be making a constitution which will ensure durable peace, stability, and prosperity for our people. I thank you, Sir.

MRS. BYENKYA (Women - Hoima): Thank you, Mr. Chairman, for giving me this opportunity to contribute on this contentious Article 94. The people of my constituency, Hoima District are of the opinion and view that, the Movement system should continue for another five years and then they will be asked, in whatever way thereafter, what system should be followed. Mr. Chairman, the people of Hoima have continued reminding me of the daily experience with political parties way back in the past. They have at times voted for the "wrong" Party and that was the DP and when I always say, the "wrong party", it means the - (*interruptions*) - My people, Mr. Chairman, have also said (*interruptions*)- Mr. Chairman, could you control the House please? (*Laughter*).

THE CHAIRMAN: You make your points, they are listening to you. Order, order! Please give the Hon. Member a chance to make her point. I know Members are getting tired, but I think this subject matter deserves attention. Please give her a chance.

MRS. BYENKYA: My people, Mr. Chairman, have also said that they know how Political Parties operate and of late have had experience with the Movement type of system and know how it operates. By comparison and contract therefore of the social, cultural, economic and political skills in either system, Hoima district supports the Movement type of system. Mr. Chairman, I have listened to the Hon. Delegates who have spoken before me and I have admired those who have been honest enough, but I have blamed some Members for their insincerity, and for their distortion of facts and reality. All the Constituent Assembly delegates here assembled, do you know the bitter truth of our country's political history? And I am requesting each one of us here to be sober and even have the discernment and courage to be honest and sincere. I am against the deletion of Article 94 since it will prevent the necessary insertion that will provide for all of us. That is the multi-partyists, the Movement supporters, and those of any other political system yet to come. Its inclusion in the Constitution is very vital as it spells out the rules of the game. We all know that the political parties of our countries have had players who have spoiled the names of their various things and the system in general. The team players have repeatedly been making similar mistakes and it is high time that they be corrected.

And now going to the issue of the fundamental human rights - because when I hear the multi-partyists talking about it, they are using it out of context. I want to try to highlight them of the correct meaning of the fundamental human rights. The word fundamental as I know it, means: (a) *forming*

a foundation (b) of great importance and (c) serving as at the starting point. I want us now to greatly analyse the phrase "fundamental human rights" viz-a-vis Article 59 of the Draft Constitution which relates itself to the various freedom such as of speech, expression and association. From the formation description of the word "fundamental", the meaning of forming a foundation, in plan that there is something to be constructed or built, while the meaning serving as a starting point is very good, but conclusively indicates that there is more yet to come. The phrase for example, "freedom of association" as a fundamental human right has three connotations and these are; firstly that this type of association is of great importance, secondly, that it is a foundation to other, and thirdly, that it can be developed upon.

Well, the point I wanted to make to the Hon. Delegates is with regard to the quantity of any of the various freedoms. By saying that the freedom of expression is a fundamental human right, one may wish that it is a very inherent right which should appear in reasonable measure capable of being increased. And here, we see that the Movement system as it is, I think has its own track and it just needs a little furnishing up as far as this right is concerned. We also have the press, it has been exercising this freedom of expression, and we see stories appearing in News papers - rather the false or true; but they do appear, and we also see the multi-parties really insulting or abusing the President if they so wish and its cabinet, and they continue walking away as free men and women. And then when it comes to freedom of association as a fundamental human right, again this means that this freedom is very vital to man and should exist in a manner capable of being improved into and modified upon. And today, the mentioned freedoms are with these things as I have already said, in a manner that calls for modification. But I think you are on the track and a right one. Now, If I look at the terminology "Democracy" which in my own right, I feel that, I still need to be educated upon it. Because all along in this House, I thought that we were moving on the road of democracy, well in the lobby, we saw the majority taking the upper hand. But now, it has come to Article 94, I just find that, it now has transformed to mean suffering of the minority. And I just wonder at what is behind all this? Mr. Chairman, I also would wish to implore my friends who are in for the multi-party system of government that whenever they attach figures to a methodology of work, for instance referendum; they should also attach figures to human life. Because we have seen them making figures to a methodology of work for instance a referendum, and it is rather we are saying that something is expensive without a price and in this instance, we have the human life. I just want to conclude by saying that the retention of Article 95 in the Draft Constitution as provided to be modified, will provide for all of us. And you know, I am praying, that we do give our people what they want and what they deserve. Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you. Hon. Delegates, I think let us - I can hear Members are becoming restless. Many of them are not listening. No, I think we better call it a day and we continue tomorrow. But what we shall do is this, we come here promptly by 9.30 a.m. we are started, so that as many people as possible can speak and we take 15 minutes at most. Thank you very much. We stand adjourned until tomorrow morning at 9.30 a.m.

(The Assembly rose at 5.30 p.m. and adjourned until Tuesday, 20th June, 1995 at 9.30 a.m.)

THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 20TH JUNE 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 4802]

Tuesday, 20th June 1995.

(The Assembly met at 9.30 a.m. in the International Conference Centre, Kampla)

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

PRAYERS.

(The Assembly was called to order)

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA

CHAPTER SIX - REPRESENTATION OF THE PEOPLE

ARTICLE 94 - POLITICAL MOVEMENT SYSTEM.

THE CHAIRMAN: I have not said anything yet. *(Laughter)*. When we adjourned yesterday, we were continuing with the debate on the motion by Hon. Cecilia Ogwal and Hon. Kawanga Ssemogerere that Article 94 of the Draft Constitution should be deleted. I have had a number of speakers. I have had three days on the Motion and we agreed that today should be the last day; but we shall see how we proceed. And so the debate continues.

MR. BEN WACHA(Oyam North): Thank you, Mr. Chairman. Mr. Chairman Sir, I mentioned to this Assembly in my address during the General Debate that the provisions of Article 94 of the Draft were unacceptable to me and to the people of Oyam North. Mr. Chairman, the Draft seeks to enshrine in the new Constitution what is termed the "Political Movement" system which was in existence immediately before the coming into force of this Constitution. The words used in this Article is too broad, indefinite and most imprecise. Mr. Chairman, this Assembly is enacting the supreme law of the land. It is not engaged in the drafting of a political manifesto of any political organisation. For any political system which the Article seems to claim was or is in existence to be recognised as such and to be prescribed in the new Constitution, that system must first have been in a legal form, capable of being interpreted and ascertained in the Courts.

Nothing of the sort exists in our law books and no amount of explanation from whatever number of former constitutional commissioners will eliminate this fact.

Mr. Chairman, the little I understand of a political system is that it connotes an agreed and legally provided principle and arrangement for such matters as how a government is formed and replaced, its powers and limitations and the participation in public affairs by the citizens. None of that was agreed or legally provided as principles and arrangements in the period from January 26th 1986. We cannot therefore talk of the Movement as a political system of governance. This is a constitutional fact which the supporters of the Movement must contend with. The Movement as a legal and constitutional concept does not exist. What the country has and has had and still has from the 26th of January 1986, is a government established not upon an agreed principle and arrangement but by an army, the NRA, as is clearly stipulated in Legal Notice NO. 1 of 1986.

In the absence of any agreed arrangements, one is left with no doubt but what the Constituent Assembly is being asked to do is to endorse the establishment of NRM in a permanent form in our body politic. That Sir, is unacceptable to the people of Oyam county.

Mr. Chairman Sir, by being asked to enshrine the NRM as a permanent feature in our Constitution, we are also being asked to enshrine the method by which the NRM came to power in our Constitution. Sir, the usurpation of power by means other than the ballot cannot and should not be a qualification for enshrinement into the constitution.

Mr. Chairman, the most fearful message that is passed to Ugandans by Article 94 and other subsequent articles which derive their existence from it is that enshrining Article 94 to 98 in our constitution is to prescribe for the removal of an entire government and replacing it with another not by the ballot but by the gun. This is so because those articles, like in a one party State, prescribe only for the removal of individual members of a regime but do not extend to the removal of an entire regime as is normal in situations where competitive plural politics is practised. Secondly Sir, as I have stated, no agreements of governance have every been put in place since January, 1986. The stipulation under Article 94 and subsequent articles are simply a device for the continuation by the NRM with the

monopolisation of State power and continuation of its policies of suppression of the various rights of the individual. Article 97 which provides for the dormancy of political parties when the Movement is in power is a case in point.

Up to now, it has been the policy of NRM government to arbitrarily suppress, without any legal backing, the individual rights of association, assembly and expression through the ban on political party activities. The individual's freedom to associate and assemble have been hindered through an administrative ban and this has been unashamedly and rigorously executed. Public meetings convened or about to be convened by political parties or persons whose views are suspected to be opposed to the NRM or on matters unpalatable to the NRM which meetings are to be held outside the NRM fora have been suppressed or broken up by very armed police, the army, NRM functionaries or combinations of them. The freedom of expression for these parties which the NRM tolerates is limited to the issuing of press statements, the contents of which are first totally ignored by the regime and secondly in an unashamed about turn used by the regime as evidence of existence of freedom of expression.

The administrative ban rendered political parties dormant having removed or outlawed direct contact between the national leaders of the Parties and the district constituency and branches plus the individual members of those parties.

The Assembly Sir, is now being asked to enshrine in the new Constitution, the above denial of individual rights and freedoms under the guise of *Movement type of governance.* Article 94(2)(a) provides that *"no Ugandan shall be expelled from the Movement."* This Sir, is a provision for such control and only one party regimes hide behind it. The citizen is first conscripted into the Movement and not allowed any other avenues for expressing his thoughts except through the Movement and even if he detests it, he cannot opt out of the Movement because he has nowhere else to go but his services can be dispensed with at the will of the leadership of the Movement. The Assembly will realise therefore, that Article 94 read together with other subsequent articles closes all doors for the expression of ideas; closes all doors for free assembly and association and for the participation in public affairs of the country except through the Movement. A situation where the citizen is allowed only channel for his participation in the governance of his country cannot be termed democratic by any stretch of imagination. The proposition Sir, that the people of Uganda are so backward and ignorant that they do not know what they want or that only one body of people, that is the NRM, is the depositary of all political knowledge. Mr. Chairman, regimentation as is now proposed in the Draft is the surest way to dictatorship. Thirdly Sir, Article 94 and the subsequent articles are nothing but an attempt to prescribe in the new Constitution the continued rule of a particular set of men.

Mr. Chairman, I was thoroughly impressed by the contribution of my friend Hon. Tumukunde in his debate. He is the only one person who has told this House in no uncertain terms that the purpose of Article 94 is to ensure rulership of Uganda by the group which initiated the war in 1981. The same sentiment is also expressed in the Odoki Report. In paragraph 8.26, the Commission states: *"There is also concern that if the existing top leadership of the present Movement were to be replaced, the Movement system may have as much potential as the party system to permit the emergence of deadly dictatorship."* In other words Sir, methods have and had to be devised to keep the present top leadership of the present Movement in power in order to stop the emergence of what is termed "deadly dictatorship" from emerging. The Constituent Assembly is now being asked to endorse this fraud in the Constitution. This position is unacceptable to me Sir. Mr. Chairman, billions of shillings of our money could not have been spent for the Assembly to establish an oligarchy in Uganda! The top leadership of the present Movement has two options; either to continue their rulership of Uganda in the manner in which they are doing now on account of their having imposed their rule on the people of Uganda as is intimated by Hon. Tumukunde without any constitutional pretensions or, recognise the inherent rights of the people of Uganda and come out and have the acceptability tested in an open contest organised on the basis of policies and not individuals.

Fourthly Sir, except if one participates, I am yet to find one constitution which decides for the people the number of years which a particular political organisation shall automatically extend its rule over the people in the manner in which we are being asked to provide under Article 94. Whether NRM

should continue in office for five, ten or 100 years is an electoral matter which should be determined by the legal votes of the people of Uganda in an open contest with other political organisations. Any attempt to automatic back door license is unacceptable to me and to my constituents.

Before I end Sir, let me make a few remarks in answer to some views expressed in the course of this debate. It has been suggested by some delegates that the Obiga Kania motion which may be introduced after this motion is a solution to all the problems raised by the application of the provisions of articles 94 to 98. I want to state this to my colleagues that this is far from the truth. The Obiga Kania motion is a very clever device by very clever lawyers for tying up the hands of the Members of the Assembly into an omnibus acceptance of all the provisions in articles 94 to 98. Once the motion is passed, the Assembly would have accepted the spirit and the principles contained in the provisions of articles 94 to 98 and all that the movers will do will be to introduce three provisions for; (a) extending the life of the current Movement, (b) determining when referenda shall take place and (c), empowering Parliament to make laws governing the operations of political organisations. This trickery does not improve but only solidifies the provisions in articles 94 to 98. Any person who detests constitutionalising the Movement or any other political organisation should not therefore be deceived that the Obiga Kania motion is giving him options. It is only tricking him into accepting the provisions of article 94 to 98.

Next Sir, the reasons for the not accepting a referendum on the rights of the individual seems not to be understood by some Hon. Members. Mr. Chairman, we have already provided under Article 51 that *"fundamental rights and freedoms of the individual and groups are inherent and not to be granted by the State."* 'Inherent' Sir, according to the Oxford Advanced Learners Dictionary means existing as a natural or permanent feature or quality. It follows therefore, that the rights and freedoms of the individual as provided in subsequent articles to this Constitution, for example to assemble and associate is so personal that even the beneficiary cannot transfer it to another to enjoy. It is so personal Sir, that not even a referendum in which, say, only one person votes to retain this right and freedom of association can be deprived of this right on account of the result of the referendum. Referenda are Mr. Chairman, useful tools for determining the mood of the country in certain instances. The instance which Dr. Kiyonga quoted in the 1962 Constitution dealt with determining where a group of Ugandans wished to be administered locally. It had nothing to do with determining by other citizens, the individual's inherent right as contained in that Constitution. Where Sir, one could determine the mood and wish of the nation in respect of certain matters of government, there is no way one is entitled to deprive another of his inherent rights under the Constitution on account of the results of a referendum.

Mr. Chairman, Hon. Faith Mwondha's quotation from the Common Man's Charter was misapplied in this respect. There, the Common Man's Charter was referring to the right of the majority to govern, not the right of the majority to deprive others of their individual rights and freedoms as contained in the Constitution. The concept of the majority deciding for the minority does not and cannot apply in respect of the individual's personal right. The case for a referendum Sir, being based on this wrong premise cannot therefore apply in this respect.

Lastly, Mr. Chairman, let me comment on various comparisons between the multiparty era and the NRM period. Mr. Chairman, I must state from the onset that it would be a complete misunderstanding of our role if we placed provisions in the new Constitution on account of how we viewed one particular leader vis-a-vis another. It would be even a greater disaster if the goodness of one particular leader or its organisation tempted us into immortalising him by providing a special place for him in the Constitution. Constitutions are for principles, they are not narratives of the successes of one group of people against another group which is left to the realm of history.

A remark was made last Friday Mr. Chairman, that if it were not for the good nature of the NRM and its followers, the UPC and DP would not have been allowed to feature in the new Constitution. It was said, this is so in respect of UPC because of commission and DP because of omission, both of which were occasioned by what the speaker termed their adherents. Mr. Chairman, to lump the tragedy which has befallen this country on two political organisations and their leaders to the exclusion of all others is an attempt at historical perversion. The persons who state the above always try to exhibit NRM/NRA as a paragon of virtue and compassion.

Mr. Chairman, if the wrongs of leaders of organisations should be used to debar these organisations from public affairs, then NRM does not expect the same in their treatment. Numerous evidence abounds to this effect.

Let me end by stating what I have already stated, constitutions should not be based upon the workings of individual personalities. Human beings have the nasty habit of passing away even as a result of a mosquito bite. In the same way, organisations too cannot be a basis for constitutional provisions because organisations tend to metamorphose themselves and hence no one can assume their organisational permanence. Constitutional provisions should be based upon principles. The relevant principle which should be applicable in this sector of the constitution is that individual Ugandans should be free to participate in the affairs of the country at all times, at their own will through political parties and organisations of their choice. The NRM supporters, if they were sincere, would have accepted this concept without paving way for a political fraud. Mr. Chairman Sir, I beg to support the Motion. *(Applause).*

MR. MED KAGGWA (Kawempe South): Thank you very much Mr. Chairman. First of all, I want to thank you Mr. Chairman, for the ruling that we debate this article fully so that nobody feels left out. In light of that and as shown from some earlier speakers, I want to use this opportunity to make some remarks before I proceed on the main subject. But allow me Sir Chairman, to make some remarks on the immediate foregoing speaker. Mr. Chairman, I am greatly surprised that Members including my Hon. Deputy Chairman of the Legal and Drafting Committee, Hon. Ben Wacha are debating as if you did not make it absolutely clear at the opening of this article that no Member in this House supports Article 94 as it stands in the Draft Constitution. They are giving the impression to the gallery that there are Members who are supporting Article 94 as it stands and that is totally not true. Mr. Chairman, Members are saying that delete, but when you delete, there will be nothing to amend. The only point of departure Mr. Chairman, from the movers of this motion is the fact that while the motion seeks to delete this article in total, others are saying, well, we want to have this thing called the Movement put in place since members of the public and the general citizenry have seen it and want it put in the Constitution.

Mr. Chairman, the people I represent call a Constitution *endagaano* - it is an agreement. An agreement is made between parties who consent over certain issues. As far as they are concerned, a Movement is a type of system they have seen and they cherish. Mr. Chairman, I heard Hon. Ben Wacha saying that billions have been spent on Members to deliberate on a Constitution that is going to endorse a Movement system. I am happy to note that these same billions have also been spent on him since he has never declined to take them. Mr. Chairman, I was disturbed when Hon. Ben Wacha gave the impression that there will not be any competition in the Movement. This is not true. At least I have heard three people including Hon. Kawanga Ssemogerere announcing that they are ready to contest the Presidential elections. You cannot say there will not be competition. That is a deceit. Mr. Chairman, the late former President of USA, John F.K. Kennedy once said, forgive your enemies but never forget their names. I interpret this to mean that while you forgive, you should not forget the past if you are to move smoothly in the future and or if you are to forecast the future. Mr. Chairman, I am certain that many Ugandans are God fearing and therefore, have forgiven those they believed, or indeed they believe, are their enemies. But they should not forget their names for purposes of remembering or reminding themselves of their bitter history.

Mr. Chairman and Hon. Members, there is an English proverb that one man's meat is another man's poison. While others are saying that - as indeed they are entitled - that peace is now prevailing, others are saying that it has never dawned on them since 1986 and they too, are entitled to that opinion and indeed it may be a fact. In the language I speak, we have a saying that *"buli omu waali, walabira enjuba"* meaning that the sun is seen by each person in the area where he or she is. As for me, and indeed those I represent, there is no doubt that we have had peace since the NRM came to power and it is for that reason that we salute the government. I should also say that this is corroborated by what one Hon. Member said the other day that people here are saying that *"twebaka ku tulo naye, tunaalya tulo twoka?"* meaning that we sleep peacefully but shall we eat sleep? To me, this confirms that peace and other problems of poverty are another matter which I heard the President say on budget day that are being addressed by PAP, PAPSCA and *Entandikwa*.

Mr. Chairman, I now wish to turn to the motion on the Floor but before I oppose its deletion as I have been saying at the end, I want to pose these questions. What are the working documents of this Assembly? They are, inter alia the Draft Constitution, the report, the index of sources of people's views. If this be the case, are we following them? I should say that we have for most of them save, as I will report later on, some other issues. I agree like one Hon. Member correctly observed the other day that views change. In fact, in my language, there is a saying, *"obw'omuntu si bwonte"* meaning that a human being is not like a cow that the same way it cries today will be the same way it will cry the following day. But even if that be the case as it could certainly be, what is the best way of finding out? I am of the view that it is by giving a chance to the people to make a ruling on a matter and one of the ways is through a referendum.

Mr. Chairman, we have already passed Article 1 which states that all power belongs to the people who shall exercise sovereignty in accordance to this Constitution. To me, the above means among other things that, once there is a contentious matter, it is only fair and fitting that the people be consulted. Many delegates have said that there is no need to go for a referendum over a God given right. I will come to that shortly. But let me for now concentrate on a referendum. What is a referendum? A referendum is a submission of a proposed public measure or actual Statute to a direct popular vote. For the diplomats, it is a note from a diplomat to his government requesting for instructions. Now if the matter before us is such that it is of general concern to the entire citizenry of this country, what is wrong with going to them and saying, tell us what you want? As one Member said, they are the referees. Mr. Chairman, we are here all for the well being of our people and the matter becomes difficult. The only appropriate method of getting out of the impasse would be to go to the people. I have no doubt in my mind that the issue under discussion has not become difficult just out of the blue but arises out of our history and this should not be overlooked.

Mr. Chairman, we have already made reference to the developed countries on many matters. What do they do in difficult situations? They go to referenda. Denmark held two referenda over the Mastricht treaty, it is a developed country, it could have opted to go through an election but it did not. France went through a referendum, it is a developed country, it would have opted to go for election, it did not. Sweden did the same, it had a referendum over joining EEC. Back here in 1964, Ugandans were called to go for a referendum over the Buyaga and Bugangaizi Counties. So, as far as I am concerned Mr. Chairman, this is nothing new and it is there and it should be encouraged if need arises.

Mr. Chairman, I now wish to turn to the so called God given right of association. I happen to have studied some human rights and I know for certain that no right is absolute as I will be shortly giving examples. This is also true where freedoms are given for they are accompanied with the corresponding responsibilities.

The other day, Hon. Wagira gave the example of the communists in America. It is a reality that it is a crime to belong to that organisation. Today in America, the Ku-Klux-Klan cannot do what they please. Why? Because they are misusing the freedom that is given to them and America is a great country but it has not let them do what they want.

Mr. Chairman, let us come to religion. The Moonies in America and indeed many countries are not allowed to practice yet it is religion. Why? Because it has some bad elements. They are regulated. Mr. Chairman, when you come back home here, the *Serulanda,* they are constantly complaining that they are being harassed. Why? Because they profess in a religion that is dangerous to the society. The Nazis in Europe, why are these people not given the opportunity to do what they please? It is because they injure other people in the society. So to start saying that a right is God given when it is going to harm others cannot be acceptable to the people of Uganda, at least those I represent.

Mr. Chairman, let us come back home on this very constitution we are writing. To me, life is the most dear thing a human being would cherish and indeed is God given. Have we left it intact? The answer is no! In Article 52(1) of this very Constitution, we passed a provision saying: *"no person shall be deprived of life intentionally except in execution of a sentence of court of law in a fair trial..."* Even on such important fundamental God given right, we have put limitations. Then how come people are saying, when it comes to association, limitations cannot be put? Mr. Chairman, when we were deliberating on women rights here, I heard many,

especially male Members, fighting tooth and nail to block them. Why? You should have left them to fight for their rights if they are God given; you should have encouraged them but you did not want. Why? Mr. Chairman, these are days of children's rights, yet I have read and heard many complain that the excessive freedoms to children are spoiling them. What is the end result of all the above? That even rights have limitations and nobody should deceive the innocent public that they are without them. They can be lawfully regulated and that will be in order.

Mr. Chairman, we are here as delegates and I am extremely happy that Article 92 forced us into a recess which enabled us to consult over that article and indeed others. I did consult. What did the people say on this article? They said the following: let us be very cautious not to rock the boat; let us be cautious on the parties for black books were talked of during party days though never produced during the Human Rights Commission. They said that they want the Movement type of government to continue for the next five years and thereafter, have a referendum to decide the future. They were emphatic that during the said five years, the concrete programme leading to the eventual active participation of parties be made, that we should not leave this place without a consensus. Mr. Chairman, I know what I am going to say should not come here but since they asked me to raise it, I will use this opportunity also to raise it. They also told me to remind this House of their views on *federo*. They argued that this matter has not been given a fair hearing and should be revisited. They further said that the President had been heard to say that it is the CA to sort out this matter and they so urge it to meet its responsibility. Mr. Chairman, if we are to be democrats, we should put our House in order and democracy must be seen to be practised, not only in parties but also in the Movement.

Some of my constituents argue that the Movement they support has also become intolerant. This must also be addressed. In fact, I am personally happy that there are motions seeking to put guidelines for political organisations. Mr. Chairman, I happen to have been a member of the Constitutional Commission and according to the memoranda collected, there was consensus that the Movement type of government continues after the new Constitution and that is why we put it in the Draft. In fact, some memoranda wanted parties banned totally. We refused this. I now wonder why some Members are opposed to this, is it because the Movement is home grown or is it as Jimmy Katumba sings we despise Uganda-made things? Mr. Chairman, those Members who support the motion that Political System should not be put in the Constitution, I am asking them, who has decreed that it should not? Is it not the people of Uganda who have the right to choose to put in the Constitution what they believe would serve their purpose, since as far as the people I represent are concerned, this is an agreement? Should somebody else tell us what we should put in the Constitution which is going to govern us?

Mr. Chairman, it is not true as some Members would want the public to believe that it is only the entrenchment of the Movement that is catered for. In the Draft and in particular, Article 97 guarantees the right to form political parties. We have also already passed Article 59(e) under Chapter Five allowing the freedom of association including political parties. It is also true that there is another amendment, Hon. Obiga Kania's amendment to improve on the existing text of Article 94. All we are doing here is to expand on what that means and to me, this is quite in order. After all, when the power of the people in Article 1 is to be exercised, it will be in accordance with this Constitution.

Mr. Chairman, Members have been saying that this article favours NRM, who ruled that NRM will always be in power? If it favours it today, let it favour another regime tomorrow! During Obote two, a law called *The Penal Code Procedure Amendment Statute* was made. If you were charged under treason, you were sent to Luzira for 480 days. The law is being applied by NRM Government. It did not make it. Those who made it thought it was a good law and the government of the day is equally using it. So if this entrenchment of this provision as it is argued favours the Movement, tomorrow another Movement will be in force and should be able to apply this provision.

Mr. Chairman, by way of conclusion, I want to oppose the deletion of this article and say that let us have all the systems in the Constitution and we leave the power to decide thereafter to the people as stipulated in Article 1 of this Constitution since this Constitution is for them. Thank you very much Mr. Chairman.

MR. PATRICK MWONDHA(Bokooli North): Thank you very much, Mr. Chairman. Mr. Chairman, before I start on the main debate, I would like to deal with two issues which Members seem to be raising constantly. The first one is the issue to do with peace. Mr. Chairman, some Members in this august Assembly seem to give the impression that peace is only identifiable with the NRM. *(Laughter)*. They seem to suggest that the NRM has a sackful of peace, we must all carry our mugs and they pour it out to us in turn! Not long ago, under the NRM, there was Lakwena in Iganga District. The people of Iganga District rose up and within two weeks, they had flushed out Lakwena - *(Applause)* - demonstrating clearly that peace is a collective effort, demonstrating clearly that peace is not only identifiable with those in power. Just in early April, a whole Cabinet Minister was abducted very near Kampala under this same regime. It took five days of government troops, police, soldiers even shooting at each other in search for this Minister and they were asking the people. The people refused to cooperate and the Minister was never seen until he was returned by his abductors, indicating clearly that peace is a collective effort. No one has monopoly to peace. The way Members keep repeating this here, it starts to sound like blackmail that if tomorrow they are not in power, they are going to go back again and cause the same chaos they caused before they attained power *(Applause)*.

Mr. Chairman, there is another matter I also want to touch. Hon. Kiyonga and Hon. Med Kaggwa have said that by law there is a limitation on life, therefore there should also be limitation on other freedoms. We are not even saying there should be no limitations, but we are saying that nobody should vote to deny another. Is it possible that Hon. Kiyonga is willing to allow us to vote whether he should die? Is it possible that Hon. Med Kaggwa is saying people of Uganda should go to vote, to go to a ballot box to vote whether you should die? There is death after the due process and that should not be mixed up with a referendum.

Mr. Chairman, let me go to discuss the deletion of Article 94. Mr. Chairman, I must from the outset say that the position as portrayed by the import of Article 94 is ridiculous and simply diversionary. The Obiga Kania amendment as now being proposed by the NRM adherents is even more ridiculous. Why do I say so? Let us, Mr. Chairman, go back to a zero situation. That is to say, a situation at the origin where Y is zero, X is zero, Z is zero, J is zero, I is zero etcetera. In other words, a situation where there are no variables. In this particular case, we go back to a situation where there are no Parties. It would be ridiculous to ask people in such a situation to join Parties. It will even be more ridiculous to ask them to choose at all from nothing. What must happen therefore, before anything else, is for someone to start the first Party or for that matter, the first Movement. That individual or group of individuals will then have to sell that idea to others so that the others can join them. If the others find that the idea is acceptable to them, they will then join. That is why they are called adherents in the first place. The word "adherent" gets its roots from the two words, "add" and "inherent". One adds to what is inherent. You cannot be an adherent in a vacuum Mr. Chairman. Now suppose the first Party or the first Movement adopts and enforces an article like 94 and its related articles 95, 96 and 98, that would mean that other individuals or other groups will not be able to start another Party or, for that matter, another Movement. That would mean that no new idea can surface. That society therefore will become a closed and static society. That society in terms of ideas will have become a stagnant pool of water waiting to dry up. All this will be so because the first Party or, for that matter, the first Movement will have denied the rest of the society the enjoyment of the freedom they themselves enjoyed at the beginning during the inception of their first Party.

This is the scenario of Article 94. That is what has been happening in this country since 1986. The NRM came on to the scene and slammed the door, not only to the existing Parties, but more so to the emergence of new Parties. In fact, the greatest expanse of the NRM monopoly in this country has been the inability of the people of Uganda to enjoy the freedom enjoyed by DP, UPC, CP, NRM, UNLP at their respective inception. That has been the one single greatest insult and crime by the NRM to the people of Uganda. NRM has transformed Uganda's body politic into a stagnant pool of water waiting to dry up. The situation has resulted in a weak and docile civility unable to initiate and maintain political action. It has resulted in a non-vibrant politic whose vibrations were last heard of in 1985. A proper setting for a dictatorship. That is why it is important that the door which was slammed by the NRM in 1986 must be opened without further delay. For anyone to insist that the NRM continues to enjoy the monopoly on the

political scene of this country as being proposed by Article 94 is for one to sanction dictatorship. It is on the basis of this that I support the motion to delete Article 94.

In addition Mr. Chairman, Article 94 is discriminatory. It imparts a sense of exclusiveness of the Movement that when the Movement is in operation, all other Parties must be under lock and key. It makes the Movement some kind of monster which, if it is in town, all of us must evacuate. It is not good for our new Constitution to provide for monsters which will devour us tomorrow. Yes! If Article 94 and its related articles 95, 96 and 98 become part of our Constitution, then nothing but disaster awaits us. Hon. Henry Tumukunde said that the Army was watching. Indeed the Army must watch and watch closely because if we do not delete 94, we will sooner or later have to call them to full alert to remove the monster from our midst. In all our turmoil of the past decades, no one has suffered like the Ugandan in uniform. He has been the first target of gunfire; he is the one who must stay out in the cold of the night; he is the one who must be drenched by rain and scotched by the hot sun. He is the one who must sleep in the *"mama ingia pole pole"* while other *mamas* are entering their mansions with dignity. He is the one who must subsist on food ration while others leave leftovers on their dinner tables enough to feed a whole platoon.

In my contributions to the general debate, I called upon the NRA to immediately break their umbilical cord with the NRM. I did say that as we democratise and return power to the civility, it will be contradictory and dangerous for the NRA to continue to be an appendage of the NRM. I said that the NRA must manifest fully as a national institution able to safeguard the State irrespective of whoever is in charge. I said then that the NRM's insulation from political competition is over. Very soon, NRM will be subject to turbulent political weather conditions, some of which will be extremely adverse. I asked the NRA, in the event of such weather, to allow the NRM the freedom to lose or gain on the political plane. The moment of reckoning has now arrived, however, the NRM is now seeking to hide its head in Article 94 so that it cannot be called upon to compete with the others. That is wrong. We must all look for the NRM and bring it out to the arena. *(Applause)*. We must bring it out to the arena to compete with the others and we will do so, Mr. Chairman, by deleting Article 94. The acrimony and attempts to drum the emotions and hatred by the adherents of NRM in this debate are all uncalled for. This matter is straight forward. NRM must come out of its hiding for open competition. NRM has been on the stage for up to ten years now, they have a record of performance. They must submit that record now to the people of Uganda for scrutiny at an election which will be free for all. *(Applause)*. All this talk about a referendum is simply a gimmick. Was there a referendum which brought NRM to power? *(Laughter and Applause)*. Why are they now demanding for a referendum before they can leave? The answer is simple, they must subject themselves to a vote and if the people like them as they have always claimed, they will return them. We cannot continue to muzzle the people of Uganda even in the new Constitution. A constitution is supposed to be a charter of freedom, not a penal code. Article 94 must be deleted. It seeks to turn this whole country into a prison and all of us who are not adherents of the NRM into prisoners and the NRM adherents into our prison warders with President Museveni as the chief warder. *(Laughter)*. Mr. Chairman, one of the qualifications for candidature in the last CA elections was that one must be a citizen of Uganda. By that qualification, I am led to assume that all of us in this august Assembly are Ugandans. If that is so, then all our hope and that of our descendants is in this country Uganda. Uganda is truly our mother. It is not possible to change a mother. What one has to do with a mother is to learn to love and respect her. We all should learn to love and respect Uganda. In doing so, we shall learn to love and respect each other as children of the same mother. Mr. Chairman, I support the motion. *(Applause)*.

MR. KARUHANGA(Nyabushozi): Thank you very much, Mr. Chairman for giving me this opportunity to contribute to this important debate in my country. I also feel privileged for the opportunity. Mr. Chairman. I want to start by thanking you and the Deputy Chairman for the manner and conduct and exemplary levels that you have attained in steering the ship of the CA. And I think you have brought our country to a level that it will be proud that we had you and the Deputy Chairman in that seat at this time in our history. Indeed it is a good example that also our President has a Vice-President who is a lady steering the ship at another level. It is even more interesting these days when we see Hon. Cecilia Ogwal walking together hand in hand with Hon. Ssemogerere and saying 'my elder

brother Ssemogerere' and I hope this is very good for our country and I really think there is an olive branch being waved by God on our country and we should take it.

Mr. Chairman, I oppose the motion because I support the amendment of Obiga Kania and indeed I am one of his seconders. I wish to make in my contribution, some general remarks on why I think the Movement is something we should preserve and wish to make remarks on why I think the multiparty system, pluralism is a good thing for us to preserve. I wish to make a contribution on why I think it would be wrong to delete Article 94. I wish to submit that the referendum giving the power to the people of Uganda is a necessary condition to democracy and passing the power back to the people and I wish also to contribute on whether the rights of association is absolute and I will submit that it is not. Mr. Chairman, if I have a chance, I will pray for the nation. Now, my contribution.

Mr. Chairman, the definition of democracy has been ably put to us and to the whole world, I think I would like to use the words of Abraham Lincoln which he spoke at his Gatesback address on November 1863, when he said: "*We here highly resolve that these dead shall not have died in vain, but this nation under God, shall have another birth of freedom and that the Government of the people by the people, for the people, shall not perish from earth.*" I wish to submit that Article 1, of our Constitution which has given power to our people is in line with this definition; it is not the Government of the Party, by the Party, for the Party; it is the government of the people, by the people, for the people. *(Applause)*.

Mr. Chairman, I wish to submit that the Parties have been good and they are okay elsewhere in the world but even elsewhere in the world, I had submitted here before, and I am still on America, that it is not true that these Parties, when they were making the Constitution, they were popular. In fact in the words of George Washington, in his farewell address which he gave, which you can find in Readings of *World Politics* on page 563, when Washington said this of Parties. "*Friends and citizens, I have intimated to you the danger of Parties in the States, with particular reference to founding them on geographical discrimination. Let me now take a more comprehensive view and warn you in the most solemn manner against the painful effects of the spirit of the Party generally, the alternate domination of one faction over another, sharpened by the spirit of revenge with different ages or countries has perpetrated the most horrid enormities, is itself a frightful despotism.* [That parties are despotic]. *But this leads to a more formal and permanent despotism. Sooner or later, the chief of some prevailing faction turns this to the purpose of his own elevation on the ruins of public liberty. The common mischief of the spirit of the Party are sufficient to make the interest and duty of wise people to discourage and restrain it. I submit you are the wise people.*" Mr. Chairman, he concluded, "*Parties are a spirit not to be encouraged.*"

Now, Mr. Chairman, I wish also while still on America, to point to you that somebody said a long time ago that one of the States in the United States of America does not accept Political Parties in its system. The State of Nebraska, you can find this in the *Book of State,* 1988-89, Volume 27 on page 89, it says: "*the State of Nebraska, one of the 50 or so states in U.S.A took heed of the cards and rejected multi-partyism.*" Nebraska is governed without political parties and is a non-partisan State. That is a fact. *(Applause)* Mr. Chairman, I wish now to quote the words of Lord Denny - they are very apt. Lord Denny is one of the most distinguished judges, we lawyers know him very well. He says this: "*The freedom of the just man is worth little to him if he can be preyed* [preyed in terms of being eaten] *upon by the murderer or a thief. Every society must have the means to protect itself from marauders.*"

Now I go to Europe. The Council of Rome in their latest report, the *Global Revolution* recently published on the question; which form democracy we are searching for and whose purpose it is intended to serve, in the way democracy is practised today, it is not necessarily well equipped to tackle our difficult present and future problems. The activities of political parties centre so much around election dates and rivalries that Parties sometimes undermine and weaken the democracy it purports to foster. The continuous quarrels give the impression that the self interest of Parties are highly valued than national interest; political strategies and tactics appear more important. These are the Europeans. Now, our situation here.

The people of Uganda told the Odoki Commission that they want the Movement to continue for another five years. Every delegate here has that

report. Therefore, I submit that it is necessary that the Movement system continues in place. *(Applause)* I also wish to contribute now and say that I also think that multi-parties should also be enshrined, pluralism should be enshrined in our Constitution. *(Applause)*. We must join other people of the world, Mr. Chairman - *(Interruption)*

THE CHAIRMAN: Order, order!

MR. KARUHANGA: Mr. Chairman, I wish to return to the contributions and I have had to leave a bit of it. I wish now to turn to the contribution of Hon. Ben Wacha in particular, and I wish to help this House, with the research that I have carried out in the High Court, in a case in which Hon. Ben Wacha was the Advocate. It has been argued that Article 94 violates the fundamental rights to associate and assemble as already passed by this Assembly in Article 51 (b) and Article 51(d) and (e). That it violates fundamental, democratic principles, because it de-enfranchises Ugandans who do not wish to join the Movement, that therefore, the Movement should be taken to the mortuary. Many other arguments have been made in support of the deletion, but the fundamental question in my opinion is whether the Article 94 violates the fundamental rights and freedoms of Assembly and association. Fortunately for us, this often hiked issue has received authoritative judicial considerations by the Constitutional Court in the Attorney General, versus Dr. James Rwanyarare and two others in Constitution case No.1 of 1994. Some Hon. delegates are familiar with the facts in this House and the circumstances of that case, but for the benefit of many other delegates, I will briefly outline them with your permission.

In 1993, as we were busy campaigning for the CA elections, some members of Uganda Peoples Congress, namely Dr. James Rwanyarare, Haji Badru Wegulo, and Mr. Makarius Asubo filed an application in the High Court of Uganda against the Attorney General contesting inter alia, the constitutionality of certain rules as contained in the Constituent Assembly Rules. They contended that Rule 11, Rule 12, 13 and 36 of the Election Rules violated the fundamental rights and freedoms of the Assembly and association and as contained in Article 82, and Article 617, 18 and 20 of the 1967 Constitution which is at par with what we have just passed.

In other words, from this very Article, the UPC has gone to court on it, to seek a declaration. Under these rules, elections were to be non-partisan and candidates were voted for on personal merit; the use of political party, tribal or religious or other sectarian grounds, as the basis of personal candidature, was prohibited by Rule 11; candidates could only address meetings organised by Returning officers and candidates were prohibited under Rule 12. At the insistence of the Attorney General, the application was referred to a Constitutional Court, composed of three judges of the High court, namely: Justice Kityo, Justice Bahigine Mpagi and Justice Tabaro. In their separate judgement, all three judges held and concurred unanimously that the fundamental rights and freedom of Assembly and association are not absolute -*(Applause)*- and this was a point which hon. Ben Wacha, who was one of the Council of the applicant, conceded in his submission before court which he has not done today.*(Applause)* In a concurring judgement, Justice Mpagi Bahigine, considered the limitations to the rights of freedom of assembly and association as contained.

Mr. Chairman if I had time, I would read Justice Bahigaine' s quotation. According to these limitation Clauses, it is clear these rights are not absolute, but relative and must be exercised in subordinate to public good and order. I do not need to go on because of the time.

Mr. Chairman, on the question of whether the Movement which uses the merits as the criteria is acceptable in law, this is what the Judge who led the other Judges - Justice Kityo - said; the applicants freedom to assemble freely to the procification of his interest as enshrined in Article 18 (i) is being eroded according to Ben Wacha by this Constituent Assembly.Now, this is the judgment of the Justice Kityo:

"Therefore, the test of personal merit, in my view, is bound to involve the greatest number of reasonable members of the community but stating in the exercise and we also include those members with partisan interests or group allegiances as some other groupings."

It was ruled by Justice Kityo, that partisan or non-partisan or personal merit groups are two categories which are not exclusive of each other, because personal merit grouping, include partisan groups as

well. Therefore, all reasonable aspirants are subject to the same case in the Rules now in issue and therefore, the Rules cannot be regarded as being discriminatory but apply to all for the good of all, equally. Therefore, our courts have ruled in a Constitutional court, that the Movement is in place, and does not discriminate and Article 94 need not worry you - we can limit it.

Having said, that, Mr. Chairman, I wanted to prove now that the question of referendum which is being referred to now, as a problem, is also not actually a problem and that the research that I have made, which research by the way, these papers I have, I will be circulating them to you, for the benefit of time, so that others can speak. You will find my paper on referendum which is just a two page paper, useful for you. The conclusion of it, is that the fundamental justification for referendum is a sovereignty of the people. If the people are the ultimate repository of power, there are certain important situations which may not be taken without their direct approval through a referendum. The sovereignty of the people is proclaimed in Article 1, as already approved by the CA.

Mr. chairman, I want to talk about whether we can delete article 94. We want to delete 94, but if we vote for the deletion of 94, we will not be allowed to discuss the referendum, to discuss multi-parties, to discuss the Movement or to discuss any other system that Ugandans would want. Therefore, we should reject the deletion and go on with the Kania Amendment, I want to submit. Now, Mr. Chairman, the international law, is in conformity with what our Constitutional court has also said. I will read to you ,Mr. Chairman, the Convention on Human rights, freedom of association. "Every one has a right to associate freely or ideologically' - this is Article 16, freedom of association the American Convention on Human rights. 'Everyone has a right to associate freely for ideological, religious, political, economic, labour social and culture reasons.

iii) . the provisions for this Article do not bar the imposition o[legal restrictions, including even deprivation of exercise of this right of association to members of the Armed Forces and the police." Therefore, people who are disturbing hon.Mayombo, that he has been gagged by the Army Council, are not right.

The other Convention, The Universal Declaration of Human rights, is an important one and I will want to refer you to Article 21 on the freedom of association. It says, " no restriction may be placed on the exercise of this right, other than those which are prescribed by law and which are necessary in the democratic society in the interest of national security, public order, public good, public protection of health, morals, protection of rights of freedoms of others." Therefore both locally and internationally, the CA will be making no mistake whatsoever in law, if you enshrine the political parties in our Constitution, the Movement in our Constitution and any other system in our constitution. It will note that argument that we should delete because it is against the law, is not correct; and I would like to submit that hon. Wacha was not being honest to this House. In fact, hon. Wacha was thanked by the Judges and this is a rare thing to happen; he was thanked by the Judges and I could even quote to you where he was thanked: "lastly Justice Bagaine said,'I desire to place on record my appreciation to both Okumu Wengi and Ben Wacha for the wealth of authorities cited for assistance and to all Council for the supreme diligence and dedication, with which the matter has been handled'." *(Applause and Laughter)*

Mr. Chairman, while we were busy campaigning, while we were busy looking to establish the CA, some members in this House were busy trying to stop it. Now, they are busy trying to stop us from going on to making Uganda, making the next step towards freedom. I pray, I submit, that we offer an olive branch of friendship to our friends and we ask you not to go out, but to stay in; if you go out, you have no basis in law to do so, either locally or international. Therefore, I really pray that our country be given another chance of freedom and I believe that we will cross the road. Thank you.

MR. D. SAKWA (Bungoko South): Thank you very much, Mr. Chairman. Before I tackle my own ideas which I wanted to share with you, Mr. Chairman, I feel that I should comment on a few statements. One is statement made by my Friend and old boy, hon. Medi Kagwa. He went around quoting clans in America which do funny things, organisations which are criminal and he says he should limit their association. I do not agree with him more than that, but I want to remind him that he is a lawyer and he should know that there is criminal law to handle criminals therefore, if anybody associates and in the process of associating, he becomes a criminal, there is law. The fact that you become a criminal, does not make your freedom of association itself

criminal; it is the way you behave and the law will handle you. Hon. Elly Karuhanga, very good at citing things and he cited great, great books and lawyers and judges. He comes up with a good connotation of a Government of the people, for the people, by the people - not a Government of the party, for the party and by the party; he forgot to say, not the Government of the Movement, by the Movement, for the Movement!

Having said that, Mr. Chairman, I want to say that I am going to say very little on 94, because so much has been repeated. I am going to concentrate on ourselves and they way we do things. Mr. Chairman, as we discuss 94, I would like to express my disheartened opinion about the nature of politics in this country of ours - Uganda. As we discuss this Article, I find myself repeatedly reminded of the false nature of democracy we have chosen to practice since we attained independence 33 years ago. We have a permanent power fever, we are clean when we are out of power, but we are dirty as soon as we are in power. We champion peoples rights when we are struggling to grab State power and we become the thinkers for the people as soon as we are in power. We preach clean leadership and recognise sovereignty when we are looking at the people for support but we immediately build platforms for rigging ourselves into perpetual power and as soon as we are in position to abuse State machinery. We seem to be guided by the desire to continue to eat, even if it means that the people are driven to extreme poverty or murder in the name of liberation. We have had so many liberation wars and there seems to be no genuine liberator as all have turned round to tell the liberated, to shut up and listen to the gallant sons of Uganda, who have sacrificed their lives to liberate us. Interestingly, Mr. Chairman, non of these liberators ever held a consultation with the people to get their mandate to liberate them - but the people of Uganda are very good, they have been always patient, waiting for a possible real liberator. What I have noticed, that the liberators have actually been liberating themselves, because of this culture, we are not ashamed of calling wrongs rights, and rights wrongs; we are not ashamed of distorting history in order to achieve our goals, we are not even afraid of misrepresenting the electorate if this is the only way we can eat. As I speak here, now, Mr. Chairman, there are some delegates in this House who cannot go to their constituencies, because they can longer consult, they have changed their positions. *(Applause)*

Mr. Chairman, I am not here to defend political organisation, because this is not the platform to do so. I am here to discuss the logic of constitutionalising Article 94 and its subsequent Appendix. I will disagree with any organisation when, I think it is wrong, and I will agree with it when it is right. So, Mr. Chairman,I have been sitting here, and I have listened both to the Movement, the multiparty delegates in the House. We have all witnessed the barrage of ills, and evils committed by both the multiparty and Movement supporters in the country. Even people who came in this House on a multiparty platform and have since changed, will tell you how bad multiparty is. Interestingly, they do not tell you how bad their party was. In order to achieve the goal they have chosen to attribute all the evils of the past party leadership to multiparty. In order to create a scarecrow, you hear people talking about Obote, as soon as you talk about multi-parties. Who said Obote owned these multi-parties? Multi-parties is a phenomena which Obote found in this world. *(Applause)* Fellow delegates, I do not remember any one voting a person or a group of persons called multi-parties to rule this country in the past. How then, do we continue to attribute our past ills to multi-parties?

There is now a concerted effort to make this Article an issue of UPC/DP Alliance. There is even a bigger drive to sound an alarm to Buganda to watch out for UPC/KY Alliance. In this respect, I would like to recall hon. Bidandi Ssali's contribution on this Article. He said many things which transpired in his youthful days with the UPC. I have no reason to challenge him on these issues because he faced them and as a result, he is where he is now. Hon. Bidandi Ssali was later to part ranks with UPC, purely on principle, I guess. So, when he was in agreement with UPC, he was an active supporter of the party, when he disagreed with leadership, he refused to cooperate as he said yesterday; and he was expelled and I think this is good. You should disagree on principle even if it means being expelled. It then defeats my imagination, when a person exercised his will to cooperate, is the same one castigating UPC and DP to cooperate. Who told you that you have the monopoly to decide who should cooperate with who? If you think you cannot cooperate, let others decide on their own will. The constant reference in this Assembly to UPC/KY does not do the NRM any good. Many peasants in Buganda have put it on record and I want to be challenged, that NRM used them to support a war,

and forgot them as soon as the war was over. We know about the Luwero funds and in this respect, the people of Mbale district contributed a number of millions. The contradicting statements from Government is an indication that the truth is not all coming out. The more you talk about Alliances, hoping that you are creating a case for yourselves, the more you remind those whose most recent alliance was thrown in the dustbin, that you are not any better. So, when delegates come here and derail us by confusing logic with sentiments, I am ready to tell you that all the issue they claim to be the monopoly of one camp, can be seen in their own camp.

Fellow delegates, let us agree that we have had a bad history, let us agree that the so-called liberation struggles which were supposed to relieve ourselves are bad history and bad past; logic will then dictate that we seek a solution that cures the ills of the past without creating a new ill for the future. *(Applause)* - From what has happened so far, we are doing exactly the opposite.

My Friends in the Movement and I dare say, I have many of them there; in my view, are now simply occupying the same beds of those they hid to blame on, they have not even bothered to change the bed sheets. If this was not true, tell me, how someone who went to the bush to fight dictatorship, someone who went to the bush to fight election rigging, somebody who went to the bush to fight abuse of human rights, etcetera, should be the same one telling this House, where were these agitators of freedom and association, when our people were being killed? Where were they when we were fighting for freedom? Is this what you mean by creating fundamental change? While he was not in power, it was good to fight for freedom, now that he is in power, nobody should talk about freedom; while he was not in power, it was not good to rig elections, now that he is in power, it is okay to propel himself to power through a pre-election using the Constitution. Why does anybody imagine that he or she has the monopoly of deciding when the people of Uganda need freedom? Why should a freedom fighter call upon the same Army, which fought for freedom, to be on the look out for those people who are asking for freedom, freedom, freedom? *(Applause)*. Are we saying that in this country, the culture is going to continuously be, I fight and after fighting, you can go to hell, the rest of you do not matter; or we are saying, we have fought, we stop fighting and we begin working on logical solutions? My elder, hon. Bidandi Ssali said, that article 94 as it stands is not going to be part of this Constitution, because he does not really support the contents. He also talked of several agreements being reached with regard to transitional provisions, in particular, he dwelt on the matter of NRM not being what dictation is all about. My question to him and the others holding similar views is one; If Article 94 is not what he supports why not delete and introduce his new 94? It has been done before, we have deleted provisions and made new formulations - it is on record.

If NRM as a political organisation has no self interest in extension, but it is a matter for the people, why do we talk of the NRM position?

Having said all this, I have come here to inform both the Movement and my fellow multiparty supporters, that non of these phrases or words is a political system; political systems do not compete for State power. Systems form platforms against which organisations seeking state power lay their cards. *(Applause)* - If the Movement was a political system, it could not have won the last CA election, it is clear that the Movement you are talking about is a political organisation, which sponsored candidates and won many seats. The declaration to this effect is public knowledge, it is both on the tapes of Radio Uganda, on Television and the newspapers. All those who keep coming here and talk about the first free and fair elections - good! If you had one in your area. For those of us who participated in the last elections without the blessing of the Movement, you had to do a lot of conjuring to convince us that the Movement is non discriminative, it is non-partisan and is good for us all. I live hardly 8 km from Mbale town, my constituency surrounds the Municipality of Mbale, my results took three weeks to come out, reason: - a lot of doctoring was being done! Those of you who talk of free and fair elections, I do not have enough time to tell you what I went through, but I can give you a write-up. You have to explain to me why those Returning officers, the DES, who did not ensure that some of us lose elections, were called names, some lost jobs and others were transferred.

Political systems vary according to how rulers acquire their power. In the case of a military dictatorship, the system is armed competition. The players draw their armoury, the winners of the

battle lose, until he either gets moved through the same platform or he says, I have had enough and gives up power. In the case of an executive monarch, the system is a traditional autocracy, where the field is so narrow, that one clan alone decides on who should rule the rest of the country; the power is derived through the acceptance of God's endowment, of the power to rule on the King/Queen or whatever title one has.

In the case of the peoples sovereignty, the system is democracy. In this system, those who wish to gorvern the State, present themselves to the people for judgement at regular intervals, the judgement is passed on several contenders who must convince the people that they will rule them properly for an agreed period of time. At or before the end of such time, depending on how the rulers have performed the platform is then set again for fresh judgment. I therefore wish to say to this Assembly and pass a message to the people of this nation, there is no such a thing as multiparty or Movement system of Government; both the Movement and the parties are political organisations that are asking the judges, the mandate to run the country. This Assembly has already passed the political system for Uganda, this was done the day we passed Article 1; Article 1, Clause 1, clearly says, "power belongs to the people, who shall exercise their sovereignty through this Constitution." Article 1, Clause 4, "the people shall express their will and comment on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives." *(Applause)*

First of all, what do we mean by who should govern them? Obviously, these will be the human beings who present themselves for judgement by the people.

Secondly, what do we mean by how they should be governed, the how arises from the different programmes or promises that the power contenders present to the electorate. Now, the Movement has a Ten Point Programme and I hope it will change or improve during the next election campaign as some of the Ten Points should have been disposed of by then. The various parties will also present their 'How to rule' Scenarios. Any attempt to by-pass provisions of Clause 4, is to do exactly what the NRM fought against. I therefore call upon the Movement supporters not to fail the test before they sit for it. Let us play the game according to the rules you set; you set these Rules, when you stated your reasons for going to the bush; among them:-

i) You went to the bush to fight election rigging.
(ii) you went to the bush to fight dictatorship.
(iii) you went to the bush to fight suppression of human rights.

Now, these rules are good and that is why you got support from a wide section of the population; you did not tell the population in any of your pronouncements that you went to the bush to fight parties; if you did, you never told anybody. I am quite sure, you would have got a very negative reaction. You do realise that even after parties have been quiet for 9 years, they have not lost all their membership. In one of his statements to the nation in 1993, President Yoweri Museveni, is quoted in *selected reminiscences of President Yoweri Museveni*, to have said, and I quote:
We hope that the new Constitution will establish a truly democratic system of Government, where peoples participation in Government will be unfettered which will guarantee fundamental rights and freedoms and entrench principle of accountability and transparency by holders of public office" and I think this is a fantastic quotation. Now, how more supportive of my position is this one? You can only be accountable when people can check what you promised them during campaign, you can be transparent when people are able to challenge the way you implement what you promised. Why then are we arguing about the obvious? We have seen parties - in fact, we have seen one party in power, we have seen the Movement in power. If we are genuine about liberating Ugandans, this is a time to ask them to freely choose who and how they should be ruled.

Ladies and Gentlemen, I am not a Constitution expert, and many of us are not. But, I have never seen a Constitution which dwells on the divisions or differences of its people. Most Constitutions I have seen emphasise a common good amongst its people.

My mission here was meant to seal the causes of the past provisions and set forth the platform for transparent, free and fair politics and when I see this Article in this Draft, I immediately remember that we have not come here to build a platform for permanent division and confrontation. I know someone is going to stand on the Floor and tell this

House, that the people of Uganda want the Movement to continue for X years; this is all nice to say, when you want to use it without analysing the resulting consequences. First of all, you should ask yourself, who are the people? Secondly, you should ask, how did they arrive at this recommendation?

Thirdly, you should ask yourself whether in implementing the so called peoples wish, we are acting intelligently.

Mr. Chairman, fellow delegates, a struggle for political freedom characterised this country with instability. If any of our past struggles found a solution acceptable to all, we would not be here. Since independence, we have defined people as those Ugandans, or human beings who agree with all policies or practices of the Government of the day. Ugandans who differ with the Government are not people and must therefore be ignored, even when discussing a matter of human rights. That is why we have changed not only Governments, but Armies and Intelligence Agencies each time we get new leadership. So, Obote I had his people, Amin had his people, Obote II had his people, now Museveni has his people. For how long are we going to change the people? As long as you define the people in the way I have said above, you are bound to get the type of constitution we are trying to write today; the people want it and so the other substances can keep quiet.

I submit, Mr. Chairman, that with this type of argument on the right to associate, is the same thing as asking five hungry people to vote on who among them should be killed for a meal. The result may be that three or four or all of them say, let us kill (A), since you are talking of majority vote,even when considering exterminating ones life, we will go ahead and kill(A). Mr. Chairman, I cannot buy the rope which will be used to hang myself.

On the issue of how people arrive at recommendations, I would like fellow delegates, to think about these two questions I am going to pose:

Question No. 1. Would you like to spend your next holiday in Mbale or in Kampala?

Question No. 2. Where would you like to spend your next holiday?

The above questions are all about where to spend your holiday, but they will definitely yield different results.

On the issue of political systems, people were given a question similar to No. 1. It can be argued that the framing of the question was deliberate, and designed to yield the desired result. I remember it saying; considering the history of parties in Uganda, which one would your prefer? *(Applause)* Why is this true?

THE CHAIRMAN: Order, order.

MR. SAKWA: First, we are told over and over that people are backward; this implies that they are not even reasonably able to exercise their own judgement independently. Secondly, people received Constitutional seminars before they answered these questions.

THE CHAIRMAN: Hon. Sakwa, you should be winding up, you have gone beyond ...

MR. SAKWA: Mr. Chairman, I will be. There was also the famous *chakamuchaka* the influence of these two factors cannot be ignored in the results of the Odoki analysis; worse still, if I had had time, I had a computer analysis of the so-called index of peoples views and you will b amazed at the method used to arrive at conclusions. You will go to Kapchorwa with a population of 116,000 people, the number of memoranda is about 30; you go to Mbale, the population is 740,000, the memoranda turned out at 60, what a ratio! And when you go to Masaka, the population is nearly 1,000,000 the results are even lower, but that is for future consumption.

Now, Mr. Chairman, what I do not understand as I conclude is, people have not changed if people are saying so. I think some people have changed, but we have been told that people have not changed. If people have not changed, the people who elected Sakwa and hon. Karuhanga and hon. Birimumaso are still there, they cherish the Movement, they hate parties, why do you not go to them today, go to them today - *(Applause)* - if you really think the situation has not changed, as hon. Karuhanga said, the report says so. I was going just to give him a little note that the people said so, in 1988 and 1991 and if they said five years, if you count, you re left with only very few to go. But that is not the issue now. Mr.

Chairman, fellow delegates, as I conclude, I am saying let us not create a Constitution that promotes and cements division; let us not fuse the Constitution to legalise our past errors, we have referred to past leaders who have created problems, and we do not want now to use the Constitution to create the same problems which past leaders produced. I thank you. *(Applause)*

BRIG. MATAYO KYALIGONZA (Buhaguzi County): Mr. Chairman, as it has always been said, history repeats itself. Mr. Chairman and hon. members, you may recall when we first came to this Assembly, we were subjected to a general debate which was intended to cool down our tempers which had built up during the campaigns. It is the same story now which I believe is happening. Having stayed here for almost one year, interacting among ourselves, creating better friendship, interacting with my niece, Cecilia, and even getting closer to her, I have now realised that we are toward the end of this exercise of Constitution making. Mr. Chairman, you will realise that we are trying to cool down the tempers and as many members have also expressed, I will not cheat myself, not to thank you for your innovation that you have inculcated into our heads, when you said that you are not going to entertain any interference during these deliberations.

Mr. Chairman, as you may notice, many of us have been discussing matters, which in my view, many have called very important matters. It is true they are important and we have even diverted our methods of debate. Hon. Bidandi took it to himself to hold a discussion; he was reminding hon. Delegates of some past histories, occurrences that used to take place in their political gimmicks. Today, we are also doing the same.

Those fellows who have tried to do a bit of science, we have got what we call the theory of Alfred Wanner; this Alfred Wanner theory is a theory of valency. Mr. Chairman, the noises of the *Kikadlo* type of deliberations have been silenced by you and I am one of the surprised members, especially by myup bringing as a soldier, I am surprised when I see hon, Members giving warnings and counter accusations, pointing fingers and counter warnings as to the consequences of what will take place if we falter with the making of this Constitution. It is true Mr. Chairman, tempers are a natural matter, one is bound naturally, to become annoyed, to express his dissatisfaction, and when one makes a lot of demands for peace or freedom,the most expensive expression in life is sometimes to resort to violence. One opts for violence when all other means of discussion have been failed. Now, Mr. Chairman, many hon. delegates here, seem to have capacity to remember the histories of the Boston Tea Party and are unable to remember the histories which have taken place only 30 years ago in our country. It is true some people could have long memories, but they could also suffer from short memories.

A theory of tolerance is embedded even more in the Biblical metaphors, where some tables had to be turned over, when the house of prayer for peace was turned into a market place and a den of thieves. I quote this to indicate that our Lord Jesus who was one time and up to now, assumed to be the Saviour of Mankind from our sins, got annoyed and turned over all the tables when he found the Synagogue that is supposed to be a Holy place, a place of peace, being turned into a market place and a den of thieves. Now, Mr. Chairman, I am therefore privileged to make some pertinent comments and react to some of the deliberations of some members which have been given, in view, as a result of either reaction or they want to genuinely express their opinions; or they want to be heard somewhere. They are entitled to both. But, I want to caution hon. Members. I have seen countries which have got divergent political groupings - a good example is Israel. They have quite a number of political organisations. When it comes to politics, they fall apart; but when it comes to national issues, and security, the Israelites behave as one people.
To my surprise, our Ugandans, up today, despite the 30 years of bananas, up to today, have never realised that there in need for us to act and behave in a manner that treats all Ugandans equal and give the sanctity of this nation as important. Mr. chairman, it is a fact that members who have given hating and sometimes obnoxious statements, have now made me to believe that our priorities and capacities to interpret this text we are now discussing, is really still wanting. I fail to perceive what relevance - there is to talk about struggling, and slowly giving political poison, while the eyes, noses and ears are all wide open and forcing them into a mortuary. Mr. Chairman, we have a definite Chapter on fundamental human rights, and freedoms. Clause 59 (e), covers these interests of these seemingly slowly dying citizens. Therefore, Mr. Chairman, Chapter 6, Clause 94, of the Draft is about the representation

of the people, with its sub-heading of Political system. The interpretation of the clause, go into details and interpreting what the political Movement system will be; and how it will operate. The interpretation goes on to describe other political systems. If I am able to tolerate your Clause 59 (e), I do not understand why you think I have no taste for article 94 and with many alternative rooms to stay in, that is, accommodation especially the renovated room of hon Obiga Kania.

Let us look at article 94 simultaneously, Mr. Chairman, with 95, 96, 97 and 98 so that we have a realistic package. Mr. Chairman, it is a fact that there is a Movement system; this one we cannot deny. It is a fact as it is true that there is a political ideological system and it is true of multi-party systems. It is true also that there are other systems including feudalism, and many others, even fundamentalists; all these are systems, which we are living with and which must be there. But I have listened to many members here, and it is my strong belief that most of us are not realistic and sincere, to the worst, some are hypocritical. You cannot ask me to abandon the Movement unless I am convinced and it is true . I cannot ask you also to abandon your political ideology, unless you are also convinced.

But why I am saying, Mr. Chairman, these political schemers are just like a tale of the Arab and the Camel in the tent? You know the Arab allowed his camel to put in one nose and then it continued pushing, until the Arab was pushed out! So, this is exactly the schemes which I believe some of these fellows are trying to play here. You cannot believe after the expansion of the NRC in 1989, some hon. Members were questioning what these Historicals were and today, Mr. Chairman, similar members are all asking - what is this Monster called a Movement? There are two things here about the evils which have bedeviled this African politics. Most of our African politicians are bedeviled by being over ambitious, and being selfish. These cannot go to fit in with what I started with in my opening remark; those friends of mine who did some elementary Chemistry will find that there was a person called Alfred Wanner who developed a theory. This theory was a coordination theory. It recognised that many metallic salts have the power of combining with other salts, with water or ammonia or other molecules. The compounds formed in this way, had not been filled in any theory of valency. Valency here - we could even call it unitary Government in politics - in Chemistry is the property of an element that determines the number of other atoms with which an atom of the element can combine. But Mr. Chairman, the property is not a simple one; as you know many of us have failed to obtain a clear understanding of the nature of valency, which led to the disassociation of the concept into several view concepts. These include: ironic valency, oxidation number, coordination number and corresponding to different modes of interaction of atoms.

Now, if you wish, Mr. Chairman, you may call them multi-partyism, Movement, federalism, and if necessary, even fundamentalism. Now, which are these voices of the people which I have been hearing, of Oyam North, Lira Municipality, Arua Municipality, Kitgum - Women, Bungokho, Pallisa, Kyadondo North, what are these voices of the people? Which are they? I know better, for instance, the Kyadondo North voices. I have lived in Kyadondo for about three years, and I can definitely challenge my Prof. Senteza, because he does not know Kyadondo very well! I know his Kyadondo so much that, he has never lived in any of its forests, but I have lived there for three years. So, I know it much better. So, I know that when you are talking about our people, it is very interesting to realise that it is an individual thinking. I can challenge hon. Prof. Senteza Kajubi, that what he is saying, that the people of Kyadondo North, are interested in multiparty, I can assure you, if you went nearer Matuga, or somewhere, you will be stoned if you talked of multiparty; they will stone you because they do not want anybody who disrupts their peace.

Mr. Chairman, I am also proposing that deletion of article 94, is the most irresponsible attitude and I call it dangerous to ourselves. There is no reason why you feel okay with 59 (e), and feel uncomfortable with article 94. I call this selfishness! You can play around with your political slangs, but do not abrogate or destroy the spirit and concept. We should put to rest humanely this Amendment of deletion and retain a patient likely to cure if he has no contagious disease as hon. Matembe was telling us the other day.

I will not keep the new fashion of para-philosophers who have been making a lot of quotations in their debates. Many of them have quoted some *emisota muntaamu*, condoms, pythons, pots, boats nearing

the shore and so on. How sweet is it to be able to be a party to this atmosphere of freedom? How important and delicious it is, to behave the way you are behaving now? Abusing, calling all sorts of names and you do not call this one freedom of expression and peace? To me, I am giving a credit where it is due.

Hon. Kawanga may recall when he was in the opposition, there was a conference which I was delighted to be told of by one of my friends that there was a conference which had been called by some German friends. This Conference invited my hon. Colleague Kawanga and he was so kind he invited His Excellency, the benevolent son of Africa by the names of Obote, son of Okaki of Lango Akokoro. This gentleman was not even ashamed to give an example, as I am told - that he gave an example to hon. Kawanga and thanked those friends who had come to participate in the discussion with the democratic party which was in the opposition then, to say that in the African culture, it is important,you first visit a man and then a man will be the one to invite his wife to come and discuss in the family. Now, I was wondering according to him, who was this man? And who was this wife? So, all these are matters which we seem to be forgetting very quickly and I will definitely also remind - since we are also becoming philosophers of some culture. I would also remind our Luo friends which language I happen to have some knowledge about; I would remind them that there is a saying in Luo which says *koko pa diang obedo nyero pagwok* - or *esanyu lyembwa, ge maziga g'ente* and the Banyakitara would say *Owakire butini nebaseka, owakimazi nibachura* - All these have got relevant meanings. I would say the whole purpose of these sayings is simple. That if you want to continue claiming that you are very powerful, you are strong, you are what and so on, the only power that lies in this country are the people. If you think you are so powerful and you can challenge the wishes of the people, then you are doomed. All these so called countries which are assumed to be developed countries, when you read their histories they have nothing other than revolution.

When you talk of North America, South America - these people did not have the political parties, they had groupings. There was the Southern Group which was mainly dominated by the slavery, with agriculture and then the north which was industrial. Each of them was struggling to destroy the other and at the end of the day, they were transformed into political groupings. Now, these revolutions are the same process which Ugandans seem to be going through. Formerly who could you be to abuse a whole Lt. General of the army, a brigadier of the army - who would you be? Today, you are able to abuse them - say anything. This is the democracy you are now enjoying. *(Applause)* Do not think that when you make a lot of noise shouting - the people are watching. You are telling them that the killing of Atiak is a crocodile tear. These people will one time ask you - *Mzee,* tell us, is it true that our people were not killed by this Lord Resistance Army? Because the people are there, who went through the horrors of the massacre, they are there. My elder, my Mzee, really I would call Tiberio my father because I am 51, you are able to produce me; but I remember one time I met you somewhere in Mbuya - you were in a hide-out, you were hiding for your life and I was calling you out, talking to you, encouraging you to please struggle on -*(Interruption)*-

THE CHAIRMAN: Hon. Kyaligonza, you address Members through the Chairman. You do not begin attacking *Mzee.*

BRIG. KYALIGONZA: Okay, I subdue to that Mr. Chairman. Mr. Chairman, I only want to remind ourselves -*(Interruption)*-

THE CHAIRMAN: Could you please wind up.

BRIG. KYALIGONZA: Mr. Chairman, I am only reminding our hon. Delegates that politics is business and you need to have the qualities of a good salesman. So, the pre-requisite of a successful business man or woman is being a good salesman.

A number of presentations and amendments have since flopped due to reckless and adventurous approach and I shudder when I hear my aspiring leaders saying that if you do not give us and so on, we shall not give you peace and so on. What I am saying here, Mr. Chairman, is that peace as hon. Bidandi was challenging, is a collective effort. People in Buseruka refused war, they exposed trouble causers. People in Soroti did the same and I sometimes get surprised when I see people here who were captured and were forced to surrender, they say we were fighting for peace, we came out to bring peace - you were captured. You do not tell

people that you came out to bring peace. No, do not tell us that but -*(Interruption)*

THE CHAIRMAN: Hon. Kyaligonza, I think you should be winding up.

BRIG. KYALIGONZA: Okay, Sir, I thank you very much. Those who have heard the voices of the Bahaguzi as that synagogue which was sold by the traders in the Bible, they are the same Ugandans who will reject you if you force them in a situation that is not acceptable to them. Let us consult them, let us get their mandate, let us accept a referendum, if any, let us accept other parties and other organisations if they can be imbedded into the constitution. *Asante sana Mzee.*

THE CHAIRMAN: Hon. Sam Njuba.

MR. NJUBA (Kyadondo East): First of all, I would like to thank you for recognising my request to contribute on this Motion. Mr. Chairman, the effect of Article 94 and other related articles is to entrench the Movement in a constitution which many people see as a temporary measure. These fears are real and I will turn to them briefly. But before I do so, I would like to react very briefly to the able contribution of hon. Katureebe regarding his former representative in Parliament - Basilio Bataringaya. I think it was good that he reminded us about this man and the story must be completed. For those of you who do not recall, Basilio Bataringaya was a Member representing Bunyaruguru County in Parliament in the early sixties. He was the leader of the opposition and he was also the Secretary General of the DP. Unfortunately, towards the end of the sixties, he - as hon. Katureebe rightly points out - crossed to UPC. I agree with hon. Bart Katureebe that his people of Bunyaruguru missed a representative and lost their voice in public affairs. I have my sympathy with these people. I wish to add that when this hero son of the soil of Bunyaruguru turned villain to UPC, the people of Bunyaruguru suffered mentally and psychologically. The people in Buganda, however, and surrounding area, were the main recipients of his venom. As Minister of Internal Affairs, he turned roots and detained as many people as long as his hand could continue sending detention orders.

I may also add that in the process he also detained Benedicto Kiwanuka, his former President General. Many of these detainees never returned home. They perished.

Mr. Chairman, the people of Bunyaruguru are lucky today to have hon. Katureebe. Their voice, I hope or their voices are being heard but the phenomenon of changing political platforms or mandate is not only something of the past nor is it confined to party politics alone. Today in the nineties as yesterday in the sixties, many members have changed and abandoned the platform or the mandate of the people who sent them in the C.A. To the shock of those electorate and the country at large, I have one example you all know here and I will cite without apology. Hon. Mulondo, publicly declared in this House how he had abandoned federal which he was mandated -*(Applause)*- by the people of Mityana South to vote for. He embraced decentralisation. Now, where is the difference between this prince and the Late Bataringaya's acts? *(Applause)*

In my own submission, it is only a question of time.

Secondly, how was the decision received by this august House? To the majority of you in this House, he was a hero. If he had died then, or even now - God forbid - he would have curved himself a place at the Kololo Heroes' Cementary *(Laughter)*- beside Yusuf Lule or Ignatius Musaazi. Your guess is as good as mine.

What of the reaction of the electorate in Mityana? Did he carry them along? My submission again is that he did not. As a lawyer, we act on evidence. When he invited the NRM heavy weights to Busimbi Gombolola headquarters in Mityana, the official media reported that there were a mere three hundred people in attendance despite the free transport provided by the then *Ssabalangira.* Mr. Chairman, for the record, hon. Besweri Mulondo, a friend of mine, in the last election of the C.A polled 16,261 votes out of a total of 30,924. He defeated four other candidates in the process. Now, the question is - where were all these supporters on this great occasion? I will leave it to you to judge whether he carried his electorate along with him. The point is he crossed and left behind his people. Only time will show.

Thirdly, this situation of the Movement, of a man abandoning his people is worse than a party member abandoning his electorate in the new constitution we have just passed. I will explain. Under the Provision passed by this C.A. - a man or a woman when he or she crosses from Party A to Party B, he or she is required to resign his or her seat and seek new mandate. What about in the Movement? No

such a requirement is provided because - and I am giving a reason - the Movement is considered all embracing. Now, if we entrench the Movement system in the constitution, the people of the area concerned will be worse off than the people of Bunyaruguru.

What is the lesson to be learnt from this? There is a lesson to be learnt. If what hon. Katureebe wanted to convey to us was that in this C.A, the entrenchment of the Movement was the best solution to ensure that people's views are heard, then with respect to my very Learned Friend, he failed miserably. The answer, it is my submission, is to choose carefully who you send to represent you in Parliament.

Now, I turn to the fears. Those of us who have fears of entrenching the Movement in the Constitution - let me confess that I have had a privilege of associating myself with the Movement for the last or so years. The Movement I knew had the following outstanding characteristics:
1) It was all embracing of tribes, creed and philosophy. Amanya Mushega has just passed here; he reminds me of his communistic views. He was welcome as much as Mayanja or the two Mayanjas who are both federalists and ultra conservatives. They were both in the Movement.
2) The Movement I knew was tolerant of all views.
3) The Movement I knew was welcoming to all people of Uganda.
4) The Movement I knew was not discriminative.
5) The Movement I knew was not sectarian.
6) The Movement I knew was understanding of the people's views, requests and opinions.
7) The Movement I knew was flexible.
8) The Movement knew believed in open criticism and discussion. 9) The Movement I knew was intended to be interim.
10) The Movement I knew was inclusive of everybody.

Today, the Movement has fallen short of almost all these points. I repeat. The Movement now has fallen short of almost all these points. It is an exclusive club. Like the Communist Party, it is a club of elites. It is seeking permanency, not temporary. It no longer believes in open discussion or criticism. It is no longer understanding of other people's views and opinion and I would like to add - it is arrogant. *(Applause)* The Movement today, is discriminative as I said. It is also sectarian. It is no longer welcoming to the Ugandans. It is not tolerant.

Today, the NRM Caucus is the policy maker of the Movement. Before that it was the NEC. Now, in my view and in view of the people of East Kyadondo, it is a total transformation. Please note, I am not saying these things because I was sacked as a Minister. I repeat. I am not saying these things because I was sacked as a minister. In fact, those who have cared to follow my speeches, I have not criticised the government. I have criticised the performance of the Movement in the C.A. I have criticised the Constitutional Commission in its performance because I know what happened in Government. I know, with regard to the policies of decentralisation for example, it was agreed that during the C.A., all constitution issues would be openly examined. On this matter, in C.A., therefore, I am not answerable to collective responsibility. All I did and I still do, is to convey the views of the people of Kyadondo East - my constituency.

Finally, Sir, on this matter, the fear continues that besides the characteristics I have referred to, the Movement has no hard and first rules and regulations of operation. The goal posts could easily be moved around and about to the disadvantage of those who hold different views.

For example, federalists are labeled rebels and associated in one way or the other with Itongwa. They are blackmailed. Multi-partyists are labelled national enemies who are working for the return of Obote and who want UPC to rule. All these and other charges I believe are false and they are open blackmail. Enter UPC, you are a person of Obote. UPC destroyed Buganda. The question - Obote destroyed Buganda. The question is, was he alone?

Recently in the NRC, sitting on the Front Bench, the hon. Member of Nakawa stood up and declared that he joined the UPC Youth Wing so that he may destroy Mengo. I was shocked, not because I did not know this fact but that the hon. Member had at this time, in our reconstruction and reconciliation the guts to so declare. The *Hansards* are there for everybody to read. Every Muganda and anyone who cares to read the history of Uganda knows that the destruction of Mengo means the destruction of Buganda. Everybody knows that Paulo Muwanga was Number 2 in the UPC. We also know what was his greatest admirers and political students, later on products.

For example, we all know that when Paulo Muwanga was arrested by the NRM government for capital offenses and despite the fact that these guys were members of cabinet, they attempted to obtain bail for him on these charges. We have a saying in Luganda that *'Embwa teyerabira yajoola'* Yet today, *(Interjections)* if I can literally translate it, it means a dog will not forget he who trained it.

On a lighter point, these people were the pole bearers at Paulo Muwanga's death. Yet, today, some of these and the top leadership are of the Movement. They are the chief architects of the NRM Policy. They are not alone of course - look at almost the leadership of the Movement. It is full of former UPCs. Admittedly, some were sacked but not before the horrors that took place in this country. Others held membership until Idi Amin shook their hands and they had to take to their heels. Others up to now still hold UPC tickets. I have yet to hear or learn when these fellows or whether these people ever repented and apologised for their part while in UPC. *(Applause)* Yet, it is these very people of UPC or call them the UPC products who are shouting at the top of their voices that UPC is a villain. It is these people who see the unholy alliance between, I quote 'Blind Baganda' and the 'UPC of Ogwal'. Baganda are lectured - you must not deal in any way with UPC. You must not talk to Cecilia Ogwal. Sir, Cecilia Ogwal is a criminal according to some quotas. She has been to Lusaka. Yes, she has been to see Obote, I am told, but Sir, she has also been to see His Excellency, The President in Rwakitura several times with her team *(Applause)* and nobody has raised a voice when she was invited to Rwakitura. Most importantly, however, is that Cecilia Ogwal and her likes in this C.A. were directly elected by the people of Uganda of their areas to come to the C.A. and tried to build a new Uganda through peaceful negotiations and discussion. This is often forgotten by our people. The people of Acholi land, the people of Lango, the people of Karamoja, to mention but a few are Ugandans by right. Some of them may hold differing views but they are entitled to be heard. *(Applause)*

With the changed attitude of the Movement, where are these other people supposed to go or to do? Mr.Chairman, I wish to propose most earnestly that the question of the political system - to the interim be totally abandoned. *(Applause)* That the idea of entrenching either the Movement or the political parties be rejected in total. *(Applause)* Let us merely stick to the freedom of Association as it is enshrined in the Constitution.

I have heard people say that there are no absolute rights. I entirely agree. This is the first lesson for a constitutional lawyer like myself. But when you shut the political parties for a period, the freedom of association, you are not only abridging, you are abolishing for the time being, curtailing that right.

My Learned Friend Elly Karuhanga has quoted George Washington, the Wapakhabulo Sir, of United States - 200 years plus and he said many things against parties. I would like to inform him that if he had completed his reading he would have discovered that political parties today form the pillar Of the American politics -*(Applause)*- and governance. France, Charles De Gaulle, a gallant soldier of the French people, after the war rejected political parties and he claimed he was too big and he was above political parties; yet before he died, the political parties were fully operating and the irony of it is that there was one named after him.

Nearer home, Kenya for a long time had a defacto one party state. Tanzania too, was a one party state. Let this not create a one party state here by entrenching the NRM in the constitution but rather if the NRM participated with other groups - parties and even alliances and won it, it will have the morale right to lead this country into the next century.

I said at the beginning of this C.A, as day follows night, political parties would return because Uganda cannot be a single island in the whole world. I,therefore, suggested then and I suggest now, that while the going is still good, we should make sure that we put in place laws and regulations that will ensure that the parties are properly run and democratically true. This will, in my opinion, exclude among other things, the absent leaders like Obote.

The people of Kyadondo East whom I have the honour to represent in this House want a guarantee of their freedom of association. They see Article 94 and related articles as contrary to that strong belief and conviction. Mr. Chairman, I support the Motion to delete. Thank you.
(Applause)

THE CHAIRMAN: Hon. Fiona Egunyu.

MRS. EGUNYU FIONA (Women - Kumi District): Thank you Mr. Chairman. I speak with the authority of the people of Kumi District whom I have consulted at district, county, sub county and parish levels and what I am giving here today is the sum total of their wisdom and that is that both the Movement and multi party systems be provided as alternative systems in the Constitution. *(Applause)* Mr. Chairman, the stability of nations and their development depends on the ability of political systems to deliver on the social, political and economic fronts because whatever the structures and procedures, it is performance which counts.

Mr. Chairman, there is a crisis in multi party political systems. There has merged a tendency of comparatively a small percentage of the eligible voters participating in elections, a clear sign that people have lost confidence in the system.

For example, in Great Britain in the early 1980s, when Margaret Thatcher won a landslide victory, only 33 percent of the eligible voters had voted in Britain. Indeed, political thinkers in Denmark, Great Britain and other countries are studying alternative political systems.

It has already been pointed out and clearly so, by hon. Karuhanga that in Nebraska,an American State, is non partisan state. I would also like to remind you that Perot, a candidate for American presidential elections stood as an independent, non aligned to any party. I would also like further to point out that the Jesse Jackson rainbow coalition sought to rally all Americans irrespective of political affiliation. What does this tell us? It tells us that people are looking for other alternatives of how they can realise democracy. Indeed, just recently, Ghana sent a delegation to Uganda to study the Movement Political System and see how they could adopt it in their country and it must be agreed that there has been a trend in African countries of recent, of people going to multi party democracies but also a member of the Kenyan Parliament - You will all recall Kenya recently had multiparty elections. A Kenyan Member of Parliament for Kisumu rural constituency, Onyango in a magazine *African Demons* of March, 1993, pointed out that countries, where there is no peace, no minimum order where ethnicity and religion have been politicised, we need Museveni more than multi party democracy and he used Museveni in a symbolic sense to mean the Movement political system which embraces all shades of political opinion irrespective of ethnicity and it is multi ideological and accommodative.

I submit that there is need for alternative political systems and the Movement is such a system. The Movers of the Motion to delete Article 94, argue that it contravenes the right of association and sovereignty of the people. This argument is ferocious and out of context. The sovereignty of the people requires that the right of individuals to association must be subjected to the sovereign way of the people. In the context of democracy, it is the majority will and this may be expressed either in elections or referenda. There is also no justice in a minority denying the majority who want to associate under the Movement Political system, the right to do so. Where is the justice in that? The right of association which has been talked about in this House can be realised in the following ways: Participation in governance; the exercise of the political right to vote; the right to make or choose between alternative policies and programmes amongst others and the right to elect individuals to implement this.

Having outlined the right of association, I then now, proceed to analyze whether the Movement system denies Ugandans the right of Association. I submit that the minimal requirement for democratisation is the Voters' Act of choosing political leaders. This is the very essence of democracy and the Movement system is committed to holding regular, free and fair elections.

Where then, is the contradiction? It has also been argued that the Movement denies Ugandans the right to choose between alternative policies and programmes and I would like to say this. Even political party manifestos giving programmes and policies are on the main drawn at party headquarters with hardly any participation of the local population. *(Applause)* In that regard, Mr. Chairman, the Movement political system offers the people abetter alternative because through participatory democracy in local councils, the people not only choose but they initiate and formulate programmes and policies and priorities or draw up implemental strategies according to the needs and requirements of that particular community and I think this is something which is healthy and is much more preferable to a system where policies and programmes are handed down to you sometimes irrespective of your needs and without prioritising according to them.

It has also been argued that the Movement system is not as broad based as it claims and that certain categories of Ugandans are discriminated against. I would also like to point out on the other hand, the weaknesses of multi party democracies or plurality elections. These have tended to marginalise women and minority groups in terms of direct representation. The movement system has, on its part, as part of the broad based policy, brought in the women, youth, disabled and workers and even Members of political parties -*(Applause)* are participating.

Further more, the Movement political system elections based on personal merit cannot be said to be discriminatory because even those individuals who are members of political parties, ought to have some merit, some qualification, some attributes which the people can use as a basis to judge and elect them to office. Where then is the discrimination or are those who are seeking to delete this article trying to tell us that it is not fair for all of us to be judged according to our merit and attributes and qualifications for public office equally for all?

I further point out that we have a problem here in this country. A system is broad based as long as we are in that system. When we are out of the system, we start talking about the ills of the system. How it is no longer broad based and often at times those of us who are removed from the system are removed in order to accommodate even other sections of society. So, I do not see any contradiction.

I would also like briefly to react to the accusation that some delegates have been bought by the Movement. I would like to make this observation - I also know that for example, in my place Teso, where I come from, there has been a tendency to say that this is not our government. We are not represented in public office. So many claims showing the people that actually the government is not inclusive but that at the same time, should government appoint anyone from Teso to any public office, the same people who were complaining that we are not represented, will turn around and say now so and so has been bought. Where is the honesty in all this? There is -*(Applause)*- also a tendency and I have proof of it for some delegates who either lost jobs or have a personal grudge against the government to now turn that grudge and use it to de-campaign the Movement Political system and use their people in their own personal wars against the government and therefore, the Movement system. They maintain that their people want political parties now whereas in other cases the people have said let us be accommodative,recognise that the majority of Ugandans want this at this time and we move ahead and forge a nation.

I would also like to talk about the fact that plural electoral systems which we are now installing here also have problems. Sometimes you have had a situation where a party imposes a sole candidate on the electorate. Can you say that electorate has exercised its right to vote? I do not think so. This is disenfranchisement of the people because even amongst the party members, the people should have an alternative to choose from X and another person. Why must it be that you impose those candidates on the people? I am trying to say in other words, that the advocates of multi party political systems should know that democracy is not exclusive to them only and that it may be attained through other forms.

There has also been in this House a tendency of equating the Movement to a one political state and people have been deceived and told that the Movement system intends to ban political parties and this is not case. In one party states, the party does not recognise any other political parties. Whereas in the Movement, the political parties are not only recognised but also work within the system. The only difference is that their operations during the time of the Movement is limited.

The advocates of multi-partyism argue that all that all that is needed is a Code of Conduct but if their argument is that the right of association is absolute, I would like to tell them this. Even a Code of Conduct to regulate political parties imposes limitations on that very right of association. Where then did you get your argument that the right of association is inalienable. *(Applause)*

I recall in this House we voted on the death penalty and some of the advocates of multi partyism who now want to make us believe that fundamental human rights are absolute,inviolable are the same people who were among those who voted for the death penalty. The right of life is much more important even than the right of association because from life is where you can get the status to associate. It does not come vice versa. So, I am trying to say that there are no rights which are inalienable and that all rights must be exercised

with a view not only to realise your rights as a person but also taking into regard the community.

Now, I talk about the planned walk out. The people in Kumi have noted with concern that many people use the Mukura massacres to justify the multi party system but they have this to say to you. We did die in the wagons in Mukura and our pain in Mukura cannot be said to be more painful than the pain suffered by the people of Luwero and in other areas of this country. So do not use us. Everyone has suffered in this country. It is painful to us, it is painful to Luwero, it is painful to you and it is painful to everybody. So, now what we should do is to realise that we have all suffered and it is painful to all of us, and to come to our senses and try to find out a way of coexisting. They also note that since 1960s, wars have been fought in Uganda to try and resolve political conflicts and it has not solved our problems. They are saying that the Constitution making gives us a good chance to resolve our political conflicts and they want us to use this chance to build a united nation. So they are saying that any provisions which will recognise both the Movement and multi party systems to them , is the ideal solution because it recognises everybody and it takes into account our experiences.

I would like also to point out that in this Assembly the federalists lost federal but they did not walk out. The Army was very adamant on the question of the name of the army, even on the question of double jeopardy. They lost. They did not walk out. Where then is the moral right for some of us to dictate that now the rules are operating to our prejudice, we must violate them; while knowing all along even when multi party system was in governance that democracy was equated to the majority will and then we accepted it but today we do not want to accept it.

Mr. Chairman, I therefore, strongly oppose the deletion of Article 94 and prefer an amendment to recognise both the multi party political systems and the movement political system. Thank you very much Mr. Chairman.*(Applause)*

THE CHAIRMAN: Hon. Joseph Mulenga.

MR. MULENGA (DP Delegate): Thank you Mr. Chairman. Many statements have been made, questions asked which in my humble opinion do not help us to advance. While it is useful to recall our history, it does not help us to dwell on it in this exercise. It does not help us for example, to answer hon. Tumukunde that when the people were being butchered in Luwero, today's advocates for human rights were watching helplessly or that they were advocating human rights without being heard. Nor does it help to continue wondering how come that yesterday's violators of human rights are today's advocates for the protection and observance of human rights. Whether or not they are genuine converts, may be a question in point but what they argue should not be ignored because it is advanced by them. Mr. Chairman and fellow delegates, it is for that reason that I am not impressed or even moved by those who keep referring to what they consider as UPC, DP alliance. Let us listen to the ideas being advanced and choose what ideas are better.

To my mind the real question that should or we should be concerned with now, is whether we are making a good constitution or not. Mr. Chairman, I believe and the constituency I present here believes that a national constitution should consist of two broad comments. First, it should articulate and entrench the principles and ideals on which the state is founded. Secondly, it should set out and establish the organ of state through which the state is to be governed . Mr. Chairman, constitutional provisions should be devoid of day to day political considerations which are subject to frequent change. *(Applause)* In this regard, we have up to this juncture done fairly well in articulating the principles and ideals on which the state of Uganda should be founded and in entrenching provisions to uphold and protect them in Chapters 1, 2 and 5.

We have also in Chapters 4, 7, 8, 10 - 17 and the first part of Chapter 6 set out establishment of organs through which the state shall be governed. We have set out principles and rules by which the components of state shall rate to each other and shall be protected. As hon. Bidandi Ssali said yesterday and I agree with him - we are now in this part of Chapter 6 faced with the Odoki Commission proposals which relate entirely to politics - that is, power politics. I submit that this is necessary and that is my first ground for supporting the Motion that Article 94 be deleted. *(Applause)*

Political Organisations can exist on the basis of the freedoms we have enshrined in the Chapter on human rights and in particular the freedom of

association. If the Movement is a political organisation, it is guaranteed existence under the same principles.

My second ground for supporting the amendment arises from the conceptional problem caused by the Movement which seems to be this. To my mind, the proponents of the Movement appear to have failed to make up their minds on whether it is an organisation or a non organisation. That is why it is interchangeably called a Movement system or the no party system. In practice, however, it has faetures of an organisation. *(Applause)* It has officials and it has organs. It has a membership; although it has no Members register - we know as a fact that there are three categories of Members. First there are the founding members. Second, there are the joining members, that is, those who call themselves now both in the C.A. and outside the Movementists or movement people. Third, we must recognise there are the assumed members, that is, the rest of us. *(Laughter)*

Although the Movement has no constitution, and seeks to have none, it has articulated political objectives. Mr. Chairman, it is in this regard that we asked if indeed, it is an organisation, why should there be special constitutional provisions for it as opposed to the others? *(Applause)* Why should it be provided that when the Movement is in power, the rest of the political organisations should be in abeyance, should be restricted in their operations. This, is a blatant discrimination that cannot be justified rationally.

On the other hand, it is not an organisation but a no party arrangement where either the political parties are filled with non partisans or political parties are banned or wound up and cease to exist. Why should it have these tenets of organisation?

Mr. Chairman, what I am getting at is this - initially those of you who have read the short paper I circulated yesterday, will have some idea of my conceptual problems. Initially, when the movement was introduced in the politics in this country, it was portrayed as a concept that allows for political organisations and political forces to work together and minimise tension and conflict but that they were all components of it. Today, I think I can take a leaf from what hon. Njuba was saying - the Movement today that has been discussed in this Assembly is very far different from that original concept.

Then there is a third possibility when you take the name or the description no-party system. That possibility to me, would be an easier system to compare with a multi party system. What I envisage is that you have no political organisation at all, neither DP nor UPC nor NRM, nor CP and people just hold regular elections on the basis of individuals, you abolish that political association. You say the freedom of association shall not apply to political association. Then, we would be in a better position to compare those two. We would be in a position to say - is there value to be derived from organised systems of political parties, of foundations of political whatever, or is there not? But this is not what we are doing. But when we are comparing today, is a multi party system where you have different political systems, political organisations on the one hand and a system where you have only one giant organisation which you call a Movement and say everybody belongs to it. That is not a no party situation. I need not dwell on this point but suffice it to say that in the Movement present and envisaged for the future, we have a chairman, a vice chairman, a National Political Commissar and Deputy Directors - Mobilisers. Then you have RCs - *(Interjection)* - please do not preempt me, I will come to that. You have those organs which are claimed as organs of the Movement or are they branches. So really we cannot talk of a Movement that is not a political organisation.

Mr. Chairman, in his contribution hon. Kiyonga did refer to an incident in which he, hon. Bidandi Ssali, hon. Kawanga Ssemogerere and myself participated when we were asked by a British Minister - I believe it was Geoffrey Howe then Foreign Secretary - what we think about the new system. One point that hon. Kiyonga did not relate to you was my personal answer and that was that in my opinion the RC system was a good system and we were going to try and maintain it. It should not surprise anyone that to the present day I belong to an RC Committee called RC.3 Nakawa and that is why I was disappointed when I read the report of the Odoki Commission which stipulated in brief that we cannot merge what is good in multi-party system with what is good in the Movement system. I think the Commission did not give thorough thought. Because I see RCs as peoples council. RCs can coexist in my opinion with a multi-party system. I have said this is my opinion and I believe it sincerely but what I understand to have bothered the Odoki Commission is the fear that if you have

political parties in operation they will want to dominate or to turn the RCs into their branches. This I would concede would happen if there is no guideline, if there is no law in place that governs RCs as it governs Parliament. If there is no law in place that governs the operations of political parties. So, Mr. Chairman, in my opinion we have had a problem of co-specialising our organs, what we want to put in a place. I would not be a party to anyone who says that in order to have multi-party system in place, we must abandon everything that smells NRM or Movement and vice versa. I am contributing as a Delegate of the Democratic Party, I am not answerable to what was said by anybody else anywhere else.

Mr. Chairman, considering the constraint of time, let me make reference to other points I made in my short paper that I circulated yesterday and that is about contradictions. We must write a Constitution that is devoid of contradictions.

On the issue of rights and freedoms, Mr. Chairman, it has been said by eminent lawyers in this Assembly whom I respect as well as non-lawyers whom I also respect, that the rights and freedoms are not absolute. I agree. Only a while ago hon. Fiona Egunyu made reference to the fact that in the part we have passed, the right to life has been abrogated or derogated from in the place of maintaining or retaining the death penalty. I cosponsored with her a Motion or an amendment that would have abolished the death penalty. It was defeated but it was defeated with parameters in place. It is only when you are sentenced by a competent court for a given crime that your life may be terminated.

In the instant case, what are we saying when we say that the Movement once in power would automatically mean violation or limitation of the rights of others, rights of association? What trial, what offence will they have committed?

Mr. Chairman, I think this is going to be my last point, namely, the accusations that are made against political parties en masse. It is said that because political parties in the past made mistakes, then they should be either abolished or put in limbo and here, again, I have a problem because people are arguing but the Constitution will say that the parties can remain there only having headquarters and publishing newspapers but political parties are not established for that, they are not journalists. The purpose of a political party is to get mandate to lead the country or to participate, at the very least, in the governance of a country. Now, Mr. Chairman, if that is accepted, then it is absurd to say you may exist but you may not operate - let us be serious, let us be sincere, let us say either they are abolished completely at the risk of contravening or contradicting the provision on freedom of association or to say you may exist but you must clean yourself. You must operate properly, you must avoid the mistakes of the past and in this regard, Mr. Chairman, I personally and the constituency I represent have, for the last four years, been pursuing the idea of having a code of conduct for political parties. The first re-action that we got was "oh! no, such a code of conduct cannot be enforced." We stressed if it is law it can be enforced. So why can we not concentrate on identifying the mischief, the problems that have marred our politics in the past because of this system and remove them. I think it is possible, Mr. Chairman, if we were all agreed that there is such a need.

Mr. Chairman, I have to obey the time, I have to stop here but I wind up saying this, I appeal to all of us to reflect, I want to join in the call of hon. Bidandi Ssali that we should not wreck this exercise or torpedo it and yet if we continue to disregard each others views, we may torpedo it. Mr. Chairman, let us avoid politics in the exercise or in the Constitution making exercise. Let us do it for our people, for our country, and we shall do politics after the Constitution is in place. I thank you.

THE CHAIRMAN: Hon. Delegates, hon. Mulenga says that he has taken seriously the proposal which was made by the hon. Bidandi Ssali that may be there should be a way of finding a compromise. How are we likely to find that compromise through continued speeches? I think let me know from Hon Bidandi and Hon Mulenga how we can arrive at what they advocate through speeches.

MR. MULENGA: Mr. Chairman, we have spent a lot of time on this Motion but my mind is not convinced that it was necessary; it appears to me from the speech of hon. Bidandi Ssali yesterday and from others who have contributed after him that we are all agreed Article 94 shall go. Article 94 as it is on the Draft must go and then the difference is that some have said there should be a substitute, others have not said that there should or should not be because the ones who have moved to delete 94 have said delete without substition.

Mr. Chairman, yesterday hon. Bidandi Ssali did hint to some amendments that were going to come later but, unfortunately, they were not synchronised. When hon. Kanyeihamba reported, he said he had only synchronised two amendments but what hon. Bidandi Ssali said yesterday was much more. My view, Mr. Chairman, is that even if we lose another afternoon or so that there is some way of getting to know what lies ahead, people might understand better and let in some compromise. I thank you.

MR. BIDANDI SSALI (Nakawa Division): Mr. Chairman, Sir, I will perhaps start my comment where hon. Mulenga started. Let us remember that we are debating original article 94 as presented in the draft. I do hope that after that is completed then we will go back to the report of committee five. That is what I assumed, Mr. Chairman. In which case the amendments that I referred to are coming in respect of amendments of Committee Five report after we have dispensed with Article 94 as presented in 94 original Draft.

Mr. Chairman, we have said again and hon. Mulenga has said it that we are not opposed to the Motion of Cecilia Ogwal of deleting 94 because we want 94 to remain as it was provided in the Draft, No! We are opposed to it because if it is passed then elements for which we have prepared a compromise position will have been shut out forever and, therefore, when we attempt those amendments later, the quotation will be our regulations that this is already dispensed with. Mr. Chairman, it is on that basis that we are opposing this particular Motion of hon. Cecilia Ogwal not because we want to entrench 94 as provided for by the Odoki Commission. That is one point.

The second point Mr. Chairman, most of the time this morning my chair has been empty and that of hon. Mulenga simply because we were as he said trying to find out how not to torpedo, as it were. Now, one point he has made and which I think all of us may wish to think about is Movement; because he has said and I think I took note that for him when he hears Movement, he understands an organisation with a structure, with a secretariat and so on in which case he compares it with an organisation called political party. If by Movement we meant non-party political system then it will give a different picture to him and this is where I would say, Mr. Chairman, that all of us I think should recast, forget about our earlier positions, our positions are very clear and, as far as I am concerned, this Motion is going to be lost; but that is not the essence, the essence is the ultimate of what we are seated here to do.

Let us say, for example, if you said Movement and either, in bracket after that, put non-party or under a Chapter that gives the interpretation provision, if under interpretation by the word Movement we mean non-party then it will I think go a long way in bridging the gap according to what we have been exchanging ideas on the issue of preventing a torpedo.

So in short, Mr. Chairman, I agree with you that perhaps the continued debate in the line of attacking who, attacking what happened there and so on may not create what we want but I think if for example hon. Cecilia Ogwal and hon. Kawanga Ssemogerere appreciated what all of us have said that we are not intending to entrench 94 as it is and say withdraws that and we now, together with them, discuss the alternative for the purpose of not torpedoing this process I think we shall go a long way in trying to bridge the gap hon. Mulenga has been talking about. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, my reason for asking was essentially to see whether it is useful to continue with ping pong or to find a mechanism, taking advantage of the position taken or publicly stated by hon. Bidandi Ssali that there could be room for an understanding. Hon Mulenga said that he is fascinated by that statement and so my question was, if those two appear to be so, do we facilitate that line through speeches or is there a way where we can actually find that we agree that 94 as it is it is not acceptable to both sides. That is clearly agreed. So how do you then go to the next stage? We can do a number of things. We can continue debating and we vote or we can formulate ourselves into may be a fresh contact arrangements - *(Interruption)* - just a moment, that was not a ruling so you do not have to complaint against it, it was not a ruling - but at the same time I do not take the interpretation of hon. Bidandi Ssali of what we are doing to be what he suggested that we agreed that we go with this text and then move this way. What we did was we said let us have a set of amendments of article 94, let them be synchronised and let us dispose of them in accordance with our rules and we have before us the hon. Cecilia, hon. Ssemogerere amendment and then I know of two others, there is

hon. Obiga Kania amendment and there is hon. Ssekandi amendment. Hon. Ssekandi's amendment has not gone into the hands of the Chairman of the Legal and Drafting Committee. So essentially by our own methods of work which we said we have only these two. For me I have no problem, we can continue debating and we vote. But I had seen a ray of hope in the statements by those two. We are losing time, we cannot advance ourselves very far. *(Interjections)* Is it to comment on my observations? Let me hear hon. Ogola.

MR. OGOLA (West Budama South): Thank you, Mr. Chairman. Mr. Chairman, you have asked a very good question and you have not received the answer in my opinion because I feel that we are tied down because the Movement is in a dilemma. *(Interruption)*. The dilemma is this that if the Movement does not want Article 94 as it exists at the moment and if their intention is to move what would appear to be or acceptable as a compromise Motion, how will that compromise Motion if accepted fit in the Constitution if Article 94 they do not want to delete is still there. Therefore we have to agree to delete Article 94 first *(Interruption)* and thereafter any other amendments can then be considered for purposes of compromise and this compromise, Mr. Chairman, will have to be arrived at in the manner you suggested that the contact groups consisting of both wings hammer out that compromise first before it comes here. Without that, Mr. Chairman, we will continue, you will have to put this matter to the vote and the vote of the Movement is that it should stay because if they refuse to vote for the deletion, it means they want it to be retained in the books. So how are they going to handle their dilemma, Mr. Chairman? This is my position.

THE CHAIRMAN: Okay, I can see a lot of hands and angry people. Let me hear from hon. Kawanga Ssemogerere.

MR. KAWANGA SSEMOGERERE (Busiro South): Mr. Chairman, as a co-sponsor of this Motion I take seriously your observations. I think it will be irresponsible of us as Movers and those I suppose who have not supported the Motion not to welcome some breathing space to allow us, for instance, on my side to confer with some of my colleagues after knowing what is being proposed seriously on paper by hon. Bidandi Ssali and others and then after a break, a reasonable break - it does not have to be a week or two days - then you will get to know exactly the final position. That is my comment that a break would help. If on one hand we just proceed, then the plural relationship shall remain because as a Mover of this Motion I have many questions which have not been answered to satisfy what I have been demanding but on the other hand if there is a break then we can look at it, see if the proposal by hon. Bidandi Ssali makes any change. Thank you.

MR. OMARA ATUBO (Otuke County): Thank you, Mr. Chairman. I think we have got to look back at why we have arrived at this stage in order to plan properly for how to move ahead. Mr. Chairman, first of all I want to recognise the fact that after hon. Mulenga had used the word *"Torpedo"* you have personally got concerned that after a year or so of being in that chair, you would not like to preside over the death of a baby which you have been so ably conscious to see that it lives. We are all with you, Mr. Chairman and I think the question you have posed is timely and important. Mr. Chairman, I do agree to a large extent that mere ping pong may not bring us to arrive at a constructive and objective position as far as the issue of political systems is concerned. But, Mr. Chairman, as I said, the reason why we have reached this stage is purely because a week or so ago the two tendencies, the political parties and the Movement, did recognise that open debate on this issue here will not take us very far and they did form two contact groups, one led by Bidandi Ssali himself and the other one led by myself and we had very useful discussions which proved to be fruitless and eventually, Mr. Chairman, we have reached this stage because three issues are uttermost in the minds of whether you are multi-partyist or whether you are Movement. One, should we constitutionalise the political system in the Constitution and if so, which political system. Two, should we have a referendum and if so when. Three, Mr. Chairman, how political parties - this was a very serious question between the multi-partyist and the Movement during the discussion - are political parties and the Movement so mutually exclusive that there is no way that they can cooperate.

Now, Mr. Chairman, after we have had all this discussion as I said, useful as they were, they proved fruitless and therefore we have arrived at this position and I want to say that with the statement from hon. Bidandi Ssali somebody could say yes, I think we are becoming a little bit wiser and

more realistic and, therefore, if that is the case one poses the question which you have posed, can a small break bring us to some success? *(Interruption)* I am putting this question. Mr. Chairman, I am saying this because if the small break is merely to look at the two amendments before us, the amendment of Cecilia Ogwal and Ssemogerere on the one hand and the amendment of the hon. Obiga Kania, then that break is useless; but Mr. Chairman, if hon. Bidandi Ssali has as sometimes they say a new trick in the hat, he has come out with a new trick in his hat and he would like to sell it to us, then let him come out very openly with a new amendment but if the situation is that of Obiga Kania then Mr. Chairman we are having this ping pong because some of us want to be on record for our last will in this Assembly so that the nation knows what we have said and we leave the position as it is. But if there is a ray of hope in what hon. Bidandi Ssali has said that he has something in his hat, let him produce it and we have a look at it. Thank you, Mr. Chairman.

THE CHAIRMAN: We shall have to proceed this way *(Interruption)*. I started with hon. Mulenga, I gave the Floor to hon. Bidandi Ssali and until I am told he has changed side, I think he articulated the other position - *(Interjection)* - he didn't, may be hon. Amama Mbabazi can articulate the other side because I was being told that I had not chosen the other side.

MR. AMAMA MBABAZI (Kinkizi County West): Thank you very much, Mr. Chairman. I am in principle sympathetic to what both hon. Mulenga and hon. Bidandi Ssali are suggesting. However, I would like to state very clearly that the debate on this Motion over Article 94 as contained in the Odoki Commission is nothing but politicking. Its posturing we are seeing being exhibited in this Assembly because everybody knows that Committee Five deliberated over this and there were clear positions put. The Movement position if I may use this opportunity to re-state it was to amend article 94. We rejected the Odoki article 94 as it is in the Draft Constitution. That is very well known and the multi-partyist walked out on that.

Mr. Chairman, the Committee Five report does not recommend the retention of Article 94 as in the Odoki Report.

In addition to that, hon. Obiga Kania has taken the trouble even where it was doubtful that he was required to do so, to present an amendment of article 94 to re-state the Movement position. So this question of deletion is nothing but posturing by those who wanted to re-claim their faces which they had lost. Mr. Chairman, I am ready to be challenged to substantiate it but I know no one will dare challenge me. Mr. Chairman, - *(Interruption)* - can you protect me from hon. Cecilia Ogwal?

THE CHAIRMAN: She is so far away that I think you are not in any danger. Please go ahead.

MR. AMAMA MBABAZI: Thank you for your protection. Mr. Chairman, so therefore in light of that I think we should follow the following procedure. Complete the debate on this Cecilia Ogwal/ Kawanga Ssemogerere Motion and then when we come to the Obiga Kania Motion we can continue with the contact group Bidandi Ssali/Omara Atubo contact group to see if the other side has another view which they want to sell. But for us to be bogged down because of politicking or posturing I think is unacceptable. Thank you.

THE CHAIRMAN: I think we really have had enough ideas on the Floor. It would appear it is causing more problems to try to take other lines. Let us do it this way, we continue with the debate and then we decide at what point in time we shall make a decision. That is not worth arguing about, what I have said is, let us continue with the debate.

MR. AMANYA MUSHEGA (Igara County East): Thank you, Mr. Chairman. If I may comment just briefly, I think we are blowing this amendment out of proportion and creating a storm in a tea cup. If we follow our normal programme which is to deal with the amendment which departs furthest and when we are finished with it, then we come down to the amendment which is compromising otherwise we shall be - *(Interruption)*

THE CHAIRMAN: Hon. Amanya Mushega you are wasting your time and we will not give you more time for it.

MR. AMANYA MUSHEGA: Thank you. Mr. Chairman, I go straight to the debate but I have people who argue strongly for multi-partyism and their performance. I have a document here and I would like to read some parts from it. I will jump others because they mention foreign dignitaries and countries. It is *"Secret proposals for strategy*

before, during and after elections". "Proposal one. The elections should be stopped. Comrades, you will all appreciate that even the acceptance to hold elections under the present state of affairs in Uganda must at best be a farce. Our party is opposed to elections and we only accept the prospect of holding elections at the greatest of pains. I do not need to remind you how much the Baganda hate me personally nor do you need to be reminded about the demonstrations that followed Lule's fall. All this means that it will be impossible for us to win a single seat in Buganda at this time of our history. We must do everything possible to see that the elections are not held on the 30th of September as proposed. Even if it were not for lack of support in the country at the moment, our party would simply not be ready by then". I will leave other parts which are not so palatable and then read others. - *(Interjection)* "Ssemogerere is a man who could be easily dislodged. We need to infiltrate our men into the D.P. to study his character but his leadership of the party is only a compromise. It would be easy to cause tribal wrangle within DP." This document is dated 12th August 1980. I will read some other parts as we go along. It was written by one of the leaders of our parties of the time.

Mr. Chairman, I am politely but firmly opposing the Motion as it is. I say politely for two reasons. Two weeks ago, two week-ends ago to be exact, on the 10th I was in Lira Municipality where I associated with the hon. Member of the Lira Municipality, hon. Cecilia Ogwal. In Lira I found her warm, polite, kind hearted and smiling at the microphone. So I would like to say that I oppose her Motion politely because of the way she hosted me.

While I was in Lira I was rather sad when we were at the function, towards the end of the day at around 7.30. We were seated and there was a DPC about three meters away from me in civilian clothes and my friend who was hosting me came to him and said *"why have you not arrested me today? Is it because the Minister is here?".* I got an impression that she was disappointed that week-end because it was ending without having been arrested.

Secondly, I am opposing it politely because the cosponsor, hon. Kawanga Ssemogerere, has been for the last nine years my boss and I have a lot of respect for him - my boss and friend. I say firmly because this Motion is characteristic of UPC anti democracy tendencies and undermines the sovereignty of the people which we have already enshrined in part One of this Constitution.

Before I proceed, let me take a jibe at hon. Mwondha who was this morning busy inciting the NRA to riot. Let me remind him that an uprising he talked about was backed by UPC. Their calculation was arithmetical, the argument was *"Museveni went to the bush with twenty-seven people and five years later captured power, so if we go with forty thousand people it will be a matter of hours and we are back in State House".* They stopped the people to participate in RCs and when they failed, some leadership in UPC started killing the RCs, in Tororo District in particular. They asked people not to join RCs, they asked people not to register for the elections of 1989, they stopped people from participating - all these are documented - registering for the CA elections, they called upon their members not to participate in CA elections and now they are busy telling our people not to have a Constitution and calling upon the NRA to riot.

Hon. Mwondha as a leader of UPC, you have no right what-so-ever to speak on behalf of the people of Busoga who rose in arms jointly to stop the Lakwena menace which was sponsored by the UPC leadership.

Mr. Chairman, the UPC/DP alliance. This alliance is in its early period of gestation and I hope it does not abort, if it is arrived at democratically, if it is genuine, if it can work and it is workable, then that in itself is a sort of a Movement and it would solve over 70 percent of Uganda's political problems and animosity among our people. But let me give a word of caution here, we should not only listen to the words that wise men and women of the old parties say but look at their recorded and unrecorded history. What is practised, Mr. Chairman, is more telling, compelling and all repelling than what is said or theorised.

What has been the practice of our famous parties that now talk about democracy, tolerance, accommodation, give and take, no use of numbers and God given or inherent rights? We are not talking about what parties or how parties have operated in Europe. We are not talking about how parties have operated in the United States and other countries but what they have done to the people of Uganda in general and the people of Igara East in particular.

The English have a saying that once beaten twice shy; that the goodness of the pudding lies in the eating.

The Bible says, to my christian friends, 'you shall be seen by your fruits.' What are the fruits of these trees - and you know Jesus cut the tree which had refused to bear fruits. Mr. Chairman, we are looking at these records as I demonstrated briefly.

In 1962, we had the Lancaster Conference. The students of history know what happened. In 1961 we had a brief government by D.P. Where was the accommodation of UPC? In 1962 towards Independence we had the biggest opportunity to bring the people of Uganda together as we were emerging from the fangs of colonialism but what did we do in defence of this immense problems? Mass crossings and other things I do not want to talk about.

In 1969 UPC banned other parties including D.P. Between 1963 and 1971 under the UPC leadership not a single election, even of a *Mutongole* was conducted in this country, not even a by-election. Instead they instituted a system of the Minister nominating people from the *Muluka* up to the district, all of them UPC even in the areas which were predominantly D.P. Between 1980 and 1985 no single election was conducted.

I have a fundamental question, Mr. Chairman, to ask. In 1971 when Amin overthrew a so-called system of multi-partyism, the opposed danced with a tiger. In 1985 when the Okellos overthrew the multi-party government where there was an opposition, the parties of the day again danced with a tiger. My fundamental question is, why is it that when a government of multi-party is overthrown, the parties rejoice and dance and wine with those who have tampered with a God given right? Because in my vernacular, Mr. Chairman, I say *"Enyina emwe zifukana nezolekana ebiina"*; that when brothers are wrestling - wrestling is between hot words and solving disputes in a friendly manner - they wrestle showing each other the pit. When you are wrestling with your brother and you see a pit you say no this is a wrong side, you fall on the other side so that at the end of the day both of you survive, but when parties are wrestling in Uganda that is what my people of Bushenyi are worried about; they throw each other over the cliff, that means what they say is democracy, what they practice is winner take all and anarchy.

Mr. Chairman, there is a saying that history repeats itself. As a student of history, it does not repeat itself. It is foolish people who refuse to take lessons from history, that repeat the mistakes of the past and blame it on history. This House, Mr. Chairman, is not made up of foolish people; it is made up of wise men and women and I hope we do not repeat history, the mistakes of the past and blame it on the history. We have an opportunity not to repeat the mistakes of the past.

Hon. Njuba referred to hon. Bidandi Ssali, my old friend and adviser, that he had joined UPC to destroy Mengo. I never heard hon. Bidandi Ssali say this. He said he had joined UPC in order to destroy the alliance which had denied the people of Buganda an opportunity to participate in, to exercise their democratic right and elect their people directly as they have done now under the NRM Government. That he stood bail for Muwanga. This is wonderful that a cabinet Minister goes and stands bail for his old friend who was trying to overthrow the same government and he is still participating. I am sure under the glorious persistent multi-partyism, not only would he have lost his cabinet seat, he would have also joined his friend where he was at that time. So this is a credit to the Movement system.

The same thing hon. Mwondha said of my good friend, Grace Akello, that she was a rebel and now she is in the Movement. It si wonderful that one who was heading rebels is now dining and wining with the people, promoting unity in the country. It is great because some people believe that once you are in the opposition you must perish there. So when Mzee Idi Amin Dada overthrew the UPC Government from 1971 to 1979, parties failed to work together to overthrow the fascist order. In actual fact the UPC leadership was saying that Amin overthrew UPC Government therefore it must be UPC to lead the fight against Amin and this led to a lot of problems in the country. In fact the current leadership of NRM - and hon. Nabudere knows this - refused this concept of the UPC leadership. The argument was let anybody who has any grudge against the Amin regime come irrespective of his political party and remove this monster from our midst. We united briefly in 1980 but the parties united to break up UNLF. What followed then is too fresh to be repeated. Parties have never united to fight bad rule but are always ready to temporarily unite to destroy any force that seeks to unite the people of Uganda on principles. They agree on the break up of Uganda but always disagree on how to share the spoils. The UPC ideology is of *eating*, they have no concept of work.

Before you talk about *eating* you must talk about work. St. Paul said clearly in one of his epistles that 'no work, no food'.

The UPC believe that they have better tricks than D.P. The D.P. believe that they have the numbers and the people of Uganda suffer in the process.

I mention this brief history, Mr. Chairman, and hon. Delegates, because it is this grim background of the performance not the theory, the performance of parties in Uganda that frightens this dismal frightening background; that pro Movement people ask what guarantee are there that not only has the leopard shed its spots but has changed its habits and the same disastrous behaviour.

Hon. Atamvaku posed a question from one of what he called the illustrious sons of Africa, that if the British had failed to guarantee these things in fifty years, how sure would they do it in another fifty. I pose the same question to him and the people of Igara East have been asking this question. Parties came to wreck the country and were overthrown by semi-illiterate leaders. They twice tried, they failed. What guarantee do we have that when they are given the third round they will not repeat the same thing again? They have not answered us and it is a fundamental worry of the people of Uganda and I hope that when we meet over tea, hon. Atamvaku will be able to answer me because I have been answering him once in a while. It is the same actors who are on the stage. Can you teach an old dog new habits? Can you put this new wine of tolerance, accommodation and democracy in spite of its shortcomings in the old wine bottles? Parties, especially old ones, need to stay in quarantine for a while longer for the virus to be wiped out.

My good friend, hon. Cecilia Ogwal, talked of being released from the hospital - hon. Matembe answered very well but I have this simple question to put. One time there was a rumour in Kampala that a man with Ebola had been released from Mulago. How would she have felt if she was to be told that actually this man now was in Lira Municipality? It is irresponsible and dangerous to release a patient who has not recovered especially when he is suffering from a disease that has destroyed many before and has the intention of claiming more. When you compare the performance of the parties and that of the Movement, you look at the record of tolerance of the Movement, its accommodation, the soldiers with civil manners, election of RC, elections of the NRC, the recently well held elections in which hon. Sakwa's results were announced late while they were performing acts of conjure and witchcraft on them and he is here; these are some of the things that make our people say for the time being let them keep the Movement.

An old woman in my village was asking when we were campaigning for the CA elections, she asked one of my friends that when you have been trying to open a door, you have many keys on a bunch, you have been trying to open a door, you try key one, it fails; key two fails; key three fails; you put in key four and the door opens. Do you go on to test key five? That was the wisdom of an old woman. If the thing has worked, what is your problem? Improve on it.

There have been three spurious arguments. The first argument is that we should not use numbers. What is democracy without numbers? That it will divide the people. What is the purpose of elections? I thought you go for elections to count people. Once you have an election you count. The one with the highest number proceeds. In my case I got over twenty thousand votes while my good friend, nephew and brother-in-law, hon. Tiberondwa got around nine thousand votes - under just one-third of the electoral votes because there was a third one. Now should he come also and sit here for the one-third while I sit for the two-thirds? In the meantime he waits for the next round. That is what democracy is all about.

Why have we been voting all along? All these clauses we have been voting, even the Nays and Ayes is voting. Why did the National Caucus for Democracy stand up when we were voting on this thing of whether the elections should be on the same day or not? This caucus is neither national nor democratic, it is neither national nor democratic and it is filled with people who have no background, nor practice and no theory of democracy what-soever.

Mr. Chairman, it is the first time in the history of civilisation and in the history of democracy that a minority view is being advocated to prevail and suppress a majority view in the name of democracy and God given human rights. Those who claim to be popular fear the people, fear a referendum in the name of inherent rights. It smells of apartheid, Ian

Smith and Verwood. While praising the people in their speeches, they despise them in practice. They do not trust that we had people. For example, we know that in the elections of 70s the few we had and 80s, there was this question of English test. Hon. chango Machyo failed English and Okello passed it. They had the 12.00 noon rule that you must register by 12.00 noon, then you are held at a road block and at 12.00 noon the DC walks away. In fact in this document there is a saying about the DCs that remove all the DCs who are unfavourable to create a good atmosphere for that - it is there in this document. I could read it for you. "In case elections have to be held, the Chairman of the electoral commission has to be a party sympathizer. I have in mind our friend who I do not name who should be suitable. Subsequently all returning officers should be our sympathizers. It will necessary, therefore, to find a way of eliminating those District commissioners who stubbornly refuse to go with us." Then they mention so and so will do this job. And you know what happened in 1980, those DCs were handled cleverly. The Road Block and the letter I have read to you written by a prominent party leader, and at the end of the letter it says; "...these proposals have been circulated only by the party President and you are required not to divulge this information to anybody. Any suggestion regarding the same should be given to the Party President, the Chief of Staff and chairman of the commission."

So hon. Kawanga Ssemogerere, my old boss and friend, he says when you have a referendum it divides people but elections are okay. Don't elections have people standing against one another? Of course once you have an election, people divide temporarily to make choices, but at the end of the day, they go back to their fields and work.

The second spurious argument Mr. chairman, is that. But parties started in the 1950s in the case of Uganda. Where were our people,what was so inherent in the 1985 military coup? Rights are not given ,they are not inherent, they are fought for. Those of you who are familiar when the American constitution was made, slaves who were brothers and sisters were not allowed to vote. They had to fight for the vote. Apartheid in S. Africa, our brothers and sisters were not allowed to vote until recently, until they fought.

Hon. Njuba, my good friend said that but the parties will come; yes we are not against parties,we are not at all. That is why we are proposing in the amendment I will be referring to that parties be put in the constitution and other systems and give the Ugandans a right to choose them or not choose them - *(Applause)*

The third spurious argument is that we should make a constitution to stand the test of time. Mr. Chairman, distinguished delegates, to be alive tomorrow, you must survive today. To reach University you must pass to primary; to become an old man when you are young, you must survive the infant mortality rate. So for this constitution to stand the test of time, it must be able to start today, survive tomorrow and the week after. In short to make this constitution, we must take into account our history, our reality, our present circumstances in order to be accommodative to tomorrow.

As I have already said,history does not repeat itself, it is those who refused to take lessons from history like my old friend Sebaana Kizito who is now dancing and enjoying his new marriage with the party,and I hope it is not a marriage of convenience. The multi-partyists have been preaching compromise, accommodation, tolerance. But what is contained in their speeches, threats, war, insults and calling for break-up when they are not agreed with. So what compromise are we proposing? Hon. Kania - because we have been talking of compromise, we want to reject the Motion from hon. Cecilia Ogwal and then accommodate the hon. Kania amendment. Because this accommodativeness, it recognizes parties, it recognizes movement and if the movement is not good, the people will reject it,and it enshrines the fundamental rights of our people and their sovereignty that it is the right to election and referendum. Mr. Chairman, we are not calling for a referendum because we think NRM will win it. It is because our people will win and keep their right to decide on crucial issues. We have no right to sit here and conspire against our people and hijack their democratic right of choice. *(Applause)*

We did not start the movement out of fashion. It was an answer to our problems of hatred, exile and strife. The people of Igara, Mr. Chairman, are asking for their democratic right which they fought for, a right to choose and change their leaders or systems peacefully, democratically and by the ballot; and they told me that if we were in doubt, let us go and ask them through a referendum and I call for a referendum now for the people of Uganda to choose what they think is suitable for them.

Mr. Chairman, democracy cannot be imported, it develops, it is a culture and develops over a time through practice, and it would be wrong for us to sit in this honourable House and take away these rights.

I would like to refer my friends to the Bible, you read Samuel 1, especially chapter 16 - the story of Samuel, Saul and David. To cut a long story short, Saul ruled but he became a hopeless ruler and God told Samuel that for how long are you going to mourn for Saul, I am fed up. Go to a certain home of Jesse and choose a new leader for our people. They brought these sons the Abnego, the Shamas; they ignored the little fellows,until they went to the bush and saw a little boy grazing goats and sheep - David. Samuel came and said that this is the one, and he was fought by Saul and the establishment. So I want to assure those people who have seen this little David from the bush who is now killing Goliath, and the people of Uganda are seeing that, David has killed thousands of thousands while Saul has wounded only one thousand. Obviously Saul will be annoyed there is no doubt about it but the right will prevail.

As for hon. Ogwal and Atwoma, I have this for you, you who preached that you are serious christians. I refer to the letter of John, chapter 4 verse 19 *"We love because he loved us. If anyone says I love God yet hates his brother, he is a liar. For anyone who does not love his brother whom he has seen cannot love God whom he has not seen, and he has given us this command. Whoever loves God must also love his brother."* These statements you have been making calling for war, dividing our people in the name of christ you must go to the Purgatorium. *(Laughter)*

Mr. Chairman, we have put under the Kania amendment, rules guiding how the President should conduct himself. Rules how the Judiciary should conduct itself, rules how the Army should conduct itself, Local government, Public service, Teaching service and now we are saying when we come to one of the monsters that has anarchy to our people that is the political systems, then we say we leave them intact. That is why we should reject this Motion and proceed with the Kania amendment and the other rules that govern how the movement should conduct itself, other rules which govern how parties should conduct themselves, and how the other system should conduct itself when another system is on course. Because the movers of this motion have been behaving as if this chapter is in isolation, this article 94,as if the Committee did not report,as if there are no other amendments on the Floor. They are debating in total seclusion, in a cocoon of article 94 yet we know the amendments of article 94, of 95, of 97 about parties, about movement and about how parties should conduct themselves.Once you delete, then you have no opportunity to make the compromise hon. Mulenga and hon. Bidandi Ssali are talking about. So we reject deletion and we go for amendment.

Finally, Mr. Chairman, once you put down regulations, there are people who will fail to meet those standards, those who talk of a right to associate,once you say voting is 18 years, they are brilliant children of 16 much brighter than men of 70. But once the rule is 18 years and you are a bright child of 17, you wait for 18 years. Once the rule says that in order to associate you must not do 1 2 3, we want you do 4 5, you do not. So the moment you talk of regulations, it means you disqualify some people,you cannot set an example which everybody passes. That ceases to be an examination. It becomes something else. So with these remarks, Mr. Chairman, our call and hon. Kania is, reject the hon Ogwal hon. Kawanga Ssemogerere amendment.

It is an amendment to hoodwink us and deny the people their democratic right. We must reinstate the right of our people to choose through elections or referendum.

I would like to make one small allusion as I conclude because one of my good friends tried to drag my name in his problems. Mr. Chairman, I went to Rujumbura having been invited by the NRM secretariat to address the *Chakamuchaka* course organized by the RCs of Rukungiri,and that is what I precisely went to do; not as a delegate from Igara East,but as a resource person to talk to these friendly Bakiga who were doing the *Chakamuchaka* course. So hon. Rwomushana was not right. I never referred to his name, or called him a devil. My words were of advice to you hon. Rwomushana , that one: do not start wars which are not just. Two: even if the war is just, do not start the war you cannot win. *(Laughter)* You are a liar and you suffer from schizophrenia and you need treatment. I wanted just to mention what had taken me there because the young friend of mine tried to drag me in his wars and I do not want to be involved. I thought I should make the reference in order to make the record clear.

Mr. Chairman, with those many words and with my friend hon. Cecilia Ogwal, and my old boss hon. Kawanga Ssemogerere who has been referred to here that he is an easy target, I call upon you to withdraw this Motion so that we can proceed with amendments that will make compromises that will make the constitution not only to stand the test of time but which must take into account a reality and live today in order to be there tomorrow. I thank you very much for this honour. *(Applause)*

MR. NYAI DICK (Ayivu County): Mr. Chairman, a lot of irrelevancies have been made here, and the emotional temperature of this august House has been raised in name calling, in verication, and self righteousness. People have pretended to Godliness while equating their friends to the devil, and Mr. Chairman, I think this is a very sad day for Uganda. It is sad in that, the people of Uganda, the 18 million or so by the projections were hoping that after 33 years, we who say we are educated, we who say we are leaders could have learnt their lessons, could have learnt the lessons of the last 33 years and found a way to take this country to a better future.

I would like to start by taking on my good friend Col D. Kahinda Otafiire, when he likes to say what are the objective facts on the ground. The objective facts on the ground are that certain people who disputed the results of any election in 1980, went to the bush to fight for the freedom of the people of Uganda. My good friend hon. Sam Kutesa of Mawogola, who at that time stood in Nyabushozi had the distinction of defeating some young man who is now the President of this country, and he gave the cue to those people to go to the bush. Sam Kutesa remained in this town; he did not dispute or say that he rigged the elections, he sat in Parliament until such time that General Tito Okello Lutwa recognized his great talents and appointed him Minister of Justice and Attorney General.

There are people here who talk about how they suffered and one of them really disappointed me in that is my good friend hon. Kanyike, who took a deliberate, superfluous and scandalous swipe at hon. Paul Kawanga Ssemogerere. In my understanding it looks as if hon. Kanyike is acting like a jilted lover, he is angry because Paul Ssemogerere now shares the same sentiments that other Members of Uganda Peoples Congress share. I know that hon. Kanyike who variously is referred to as William, at times Henry, had a tremendous love with great Members of Uganda Peoples Congress; in fact they had a company, they formed Omega enterprises with the Late Obolla Ochola, a very renown member of Uganda Peoples Congress, Dr. Dick Odur, CA Member here present, His Excellency Ambassador Obua Otua, elected here unopposed, and they did very well.. Then when others ran into exile I am quite sure hon. Kanyike knows what happened to the bank account in the Ottoman bank. *(Laughter)*

Mr. Chairman, I am disappointed by the amount of confusion, of conceptions which are crowding the discussion of article 94. These confusing statements go as follows: One; that NRM is very popular everywhere - I will come back to that - two; if parties are allowed to operate then they will immediately assume power and cause chaos. Now these two statements are absolutely contradictory. If NRM is so popular, when parties begin to operate, how then do they come to power; they will be defeated by NRM. Why don't we see this lucidly.

Another view is that the NRM is a system which is so different that it can only operate in isolation. But I want to submit like other Members have submitted here that NRM has branches in the parishes in the *Mulukas,* in the *Gombololas* up to the county level, it elects members to the District Resistance Council and they elect Members to the NRC. It operates like any other political party. The only difference between NRM and other political organizations, is that NRM members can afford the luxury of not paying the annual subscription or membership fees. They insist that a tax payer must pay those.

The other tremendous difference between the NRM and other political organizations is rather a sad one. The NRM is supposed to be a political organization, the political wing which has a brother, the military wing - the National Resistance Army. Unfortunately in their formulations, the NRM is subservient to the NRA in that the decisions of the High Command of the NRA override all decisions in the NRM. This is the trouble. Do we now at this stage, having provided for regular elections, say that we now institute and entrench a movement which is guided by the Army into our constitution. Because without the NRA it looks like NRM collapses.

The other point which is being perpetuated here is that Members came here to fight for certain fixed

positions and I was very intrigued when that statement was made by the Deputy National Political Commissar of the NRM. Because when I came here last year in May, some of us had differing opinions about the chapter on the National council of State, but apparently we managed to arrive at agreeable positions in that in chapter 3 there are certain justiciable parts while others are not justiciable and we threw out of the window the National Council of States. But now if we have fixed positions - and he was answering when he was asked whether the departure of Hon Paul Kawanga Ssemogerere, from the leadership of NRM would change matters in the CA, he said no, the Members here know what they are fighting for. Now this means that because we have our numbers we will refuse all that is reasonable and back ourselves by numbers and say that any suggestion made by a multi- partyist must be rejected because it is not from a movement person. I am not saying this only for one thing, Mr. Chairman, I moved a brilliant Motion, seeking to save this Nation in current costs the equivalent of 5 billion shillings, if we have Parliamentary and Presidential elections on the same day. That Motion was defeated.

Another occasion, Mr. Chairman, the Uganda Peoples Congress realised that it had made a great error in 1966, it had a york on its neck, in having refused Federalism to the Baganda. In 1994 the UPC went into a retreat,rethought itself, and said; look, we have carried this burden too long, there is a constituent Assembly, let us go to the constituent assembly and ask those reasonable Members that this matter has caused so much trouble for Uganda; let us jointly bury this york, and allow Federalism for Buganda and for all other parts of Uganda who may want it. When that burden was brought to the CA, my great friend, hon. Mulondo, then *Ssabalangira* said no,no,no you bring this burden here I on behalf of National Resistance Movement will carry it. Do not give federalism to anybody. Now me a member of the UPC, I know how heavy that burden was, I hope the Movement has the capacity to carry it for another 30 years.

There is a serious attempt here, Mr. Chairman, to confuse the people of Uganda that the referendum is their birth right while elections are not. There are two things we should separate. I believe in the Uganda Peoples Congress. My good friend hon. Amanya Mushega, who went to my old school, Kings College Buddo, very many years later believes in the Movement. Now this is the funny thing, they say let us go to a referendum to find out whether the people of Uganda want Movement or they want Multi-parties. When they say they want Movement, then there is no Multi-party. The equivalent is as simple as this, we say you people of Uganda let us have a referendum. Do we all go to Rubaga Cathedral or do we go to Namirembe. When the majority,when the 51 per cent or 50 percent say let us go to Lubaga, then all those who opt to go to Namirembe Cathedral should shut up and yet in my experience in our parishes, the protestant church of Uganda does exist,they have churches there, they have buildings, the Catholic church has buildings, and other churches of other religions, they all exist with Mosques in the same parish. But when it comes to matters of national governance we are told; no, no, the Movement is a very delicate baby, you allow it to stay alone. Because if it competes with others it may not feel very well. But I would like to say that, in my view what we should be doing here, Mr. Chairman, is to review our history and learn lessons from that history,and from those lessons we should be placing in our basic law, rules and regulations that can ensure that this and future generations of Ugandans are saved from brutality of fellow men by fellow men.

In our Uganda, the practice has been that laws are disregarded and security organs and agencies convert themselves into the judicial system. Arresting, prosecuting and sentencing law breakers or persons they imagine are law breakers. That should be the responsibility of this august House. I know that hon. Amanya Mushega is mindful about tomorrow, he is mindful about immediate advantage, but those who know how to do long distance running know that if you start it at sprint hoping to gain the immediate advantage you will collapse before you finish that race. I am convinced that it is in our nation's best interest that this august House together with other responsibilities we shall give to Parliament, should make rules and regulations under which all political organizations should operate. *(Applause)*

Among those rules and regulations, Mr. Chairman, I think we have succeeded in the separation of powers. I would like us to have an Army which is not subservient to a political organization; I understand somebody is shouting they are not, but the proof seems to be different from the presentation of

hon. Maj. Tumukunde,but that is neither here nor there. I believe , Mr. chairman, that if we allow all people who want to guide this Nation politically, open and free contest within those rules now that we have seen that Dick Nyai can associate with hon. Robert Kitariko and there is no problem, and I think the whole of Uganda has learnt this lesson that war is expensive,it is counter productive and there is no winner. If we put those in place then we avoid exclusion.

The accusation is that in the past parties have behaved badly, they have believed in winner takes all. I could not agree more. But in my one year here, the healthy thing which came out for Uganda was consensus which was beginning to form, that the winner takes it all formula should be discouraged. If that is my conception and the conception of most of us here, then I do not see why we cannot allow all the parties to compete. At the end of the day we say hon. Amanya Mushega still got 50 per cent, hon. Med Kaggwa his team was a little sluggish they were reading too much, they got 30 percent then we find a system of accommodating each other. But, Mr. chairman, if we say that Dick Nyai in 1966 your father killed people therefore, in 1995 Dick Nyai you are a killer I am not unmindful of what Amanya would like me to say,but I am saying that the party is a dynamic component which grows. There are members of UPC now who were not there in 1962.

Mr. Chairman, there is one argument I would like raise here which I would like to commend to my Colleagues. If we write into our constitution periodic referendum, we are providing for a basically unstable society. That kind of periodic referenda will discourage foreign investors. Because they are normally on a 50-60 year time scale, not your 5 year time scale. So what are we trying to achieve? Are we trying to say that we do not want foreign investors here? I know we are very noisy and very valuable; we do not want interference from outside countries in our business, but hon. Colleagues, I do know in my practice that if you go to a bank and borrow money for a certain business concern, instead of using that money for the business concern, you are not making payments on the principle, nor are are you looking after the interest and you are marrying further wives or spouses, the bank will have her rights to come in and say what are you doing with my money. This country owes a lot of money to other countries and it is the interest of the other countries to see that they have not invested in something which will go down the drain. It is for this reason, Mr. Chairman, that I believe that we should not attempt at all in this constitution to make provisions for certain sections of the Uganda society to try and attempt suicide. In our laws attempted suicide is a criminal offence and those who are creating it, will also be guilty.

What do I mean by committing suicide? All of you, particularly hon. Amanya Mushega who is very versed with the Bible know that Jesus Christ, son of God was arrested and he was crucified; he was buried; in three days he rose from the dead with the absolute help of his most powerful Father. What about these human political parties: UPC, DP CP, you say let us bury you for five years and then see how you resurrect,will bones resurrect? If the purpose here is to say, we want prescribed political parties in Uganda, I think the only honest thing is to say so rather than go around it by tricks and manipulations.

There are people who are talking very volubly that there is a compromise in the Obiga Kania proposed amendment. Let me disabuse you. The Obiga Kania amendment reads that the people of Uganda have the right to adopt a political system of their choice through a free and fair referendum. Mr. Chairman, there are certain basic words which Members may not be aware of. When you 'adopt' you cannot disadopt,and when you adopt one system, then the rest are in abeyance forever. Because you have not given me a choice of adopting several systems, you are saying I have one political system. So if we are so clever and we think we are going to move goal posts and tie the people of Uganda in bondage, because we fought - and I remember hon. Amanya Mushega saying rights are not given but they are fought for. If it is accepted wisdom of Uganda that everybody must fight for what he wants, then hon. Amanya Mushega, I pity you, and I am very sure the people of Uganda will condemn you and your ilk completely. Because we have come this far hoping for a compromise.

I was very pleased about hon. Bidandi Ssali 's contribution. He narrated a very nice story; he even said that some of these things can be contained in transitional arrangements. These are political matters which I believe we can handle in transitional arrangement. As a member of the Uganda Peoples Congress, I have had intercourse with a lot of delegates here and we agree that any system, any

governance of this nation with immediate promulgation of this constitution,cannot ignore the fact that the National Resistance Council exists. We are aware of that, I think we would doing ourselves a lot of good if we took advice from a very simple English saying 'live and let live.' Let the NRM exist, let the parties coexist.*(Applause)* I thank you, Mr. Chairman.

MR. NASASIRA(Kazo County): Mr. Chairman, the mover of this Motion, hon. Cecilia Ogwal and the seconder hon. Kawanga Ssemogerere, want a deletion of article 94 of Odoki draft constitution. In my own opinion because of two reasons. Mr. Chairman, the first reason is that article 94 introduces a political system that is monolithic, as you know democratic structures, it is very difficult to understand, and they have themselves failed to understand it. Point number two is that the article 94 if passed will deny the people of Uganda their rights of association, assembly e,t.c. They have gone ahead to say that these rights are inalienable invariable and God given,and this point is made clear in the universal declaration of human rights of 1948. The International Covenant on civil and political rights. And several articles in our draft constitution, especially 59.

Mr. Chairman, I will first deal with the issue of political systems. First and foremost, we should realize that we have already handled over 90 percent of the political system of Uganda which we have done in many chapters, and that we have already passed in this respect over 90 percent. I would like to take this opportunity to congratulate all of us for the work that we did jointly together, where we disagreed or agreed in opinion. Mr. Chairman, what article 94 and the proceeding articles up to 100 are addressing are issues related to political system on representation and governance. Given our political history, since Independence, the issue of a type of political system on representation and governance is a serious matter in my opinion. We should therefore, not discuss this Motion as if we are in a court room trying to win a case or on a political campaign platform trying to win votes. The way we handle possible systems on representation and governance will determine the pace for the process of state formation. A process that has eluded Uganda for a whole generation.

As I said in my contribution to the general debate, a future is inseparable from the present,and the present cannot even be uprooted from the past. This point holds as we discuss this Motion. Mr. Chairman, systems all over the world, through evolution come and go, and maybe come again. The multi-party system the multi-partists think is the only way to have governance here, started around the 17th Century. There were people and countries then and to imagine that there is no any other system apart from a system which is only 3 centuries old, is an imagination I cannot describe. Multi-party system and representation and governance was tried in this country twice and failed twice with severe repercussions for the people of Uganda. This was before the advent of the Movement system of representation and governance.

Why did this multi-party system fail twice here? One is that the political leaders in this country have tended to think that politics is a job market,and they will fight tooth and nail just for jobs. But let me warn you, Mr. Chairman, for those who think that politics is a job market. The part of the constitution that we have finished has made all jobs especially, political job electible. So one has got to go and compete to win that job. The only job that people might be fighting for and whenever governments of national unity come up, you hear parties even with one, two members saying we want to present our names for appointment on ministerial jobs. But these jobs that might have caused us a lot of problems in the past, have also been brought to size. We have decentralized functions of many areas from the central government to the district. Public enterprises have been privatized;we have constitutionalized the office of the IGG and established a leadership code in this constitution. The freedom of the press has been guaranteed and recently benefits of ministers including houses have been monetized. So please, I want to urge you that you better pause, all that glittters is not gold.

Mr. Chairman, the second reason that the multi-party system failed is that, UPC's governance which has dominated a multi-party system for the two failed terms in 14 years out of 23 years, sings one thing in campaigns and as soon as it is in charge of government it abuses all rights of the people, especially the right to life, liberty and security of persons. UPC in its governance time introduced another right, the right to lie to the uninformed peasants of Uganda. The causes of failure also have been helped by some parts of the DP leadership who always react whenever UPC acts. But you should

know that whenever you react when somebody acts then that somebody is leading you. At the end of the day, the DP leaders found themselves in a similar disaster.

Mr. Chairman, who has taken political parties to the mortuary? The mover of the Motion was saying that we cannot accept to be taken to a political mortuary. It is the UPC itself that has taken the political parties to the mortuary twice . In 1969 it took DP to the mortuary first,and it followed DP in the political mortuary in 1971. In 1985 it took itself again to mortuary. Why do I say this, Mr. Chairman? We have twice had two governments under a multi-party system under whose two terms we have never had any elections - we do not know what happens. But at the end of the day, Mr. Chairman, the people in charge of the affairs of Uganda depart from governance and abandon the people of Uganda without notice. Twice a government chosen under a multi-party system leaves governance without notifying Ugandans as to what has happened. What could then Ugandans do? The Ugandans could not continue asking questions in despair forever. They have evolved an alternative system of representation and governance and that is the Movement system. I do not want to list all that this system has done, but I would want to highlight a few.

The Movement system in my own opinion has opened the gates of political mortuary and released the multi-partyists. That is why they are here fighting for their cause. If this system had not been opened, and they had not had freedom, the Mover of this Motion, hon. Cecilia. Ogwal could not freely fly to Lusaka to see her President of the party and come with pictures for her party paper and put them in the Newspaper and continue living freely; and yet it is known that the Party President is against the Movement system. What kind of freedom can Ugandans ask for?

During the year 1980/81, a representative of the Movement was sent here to negotiate with government to bring peace; I am afraid that representative sent never returned - he was murdered here. I cannot imagine a situation in Obote II regime where you could freely go and meet somebody opposing the system outside and come back even with the picture of that opposition leader and continue to live. Today people contact their leaders in exile and say it publicly without harassment.

Mr. Chairman, the Movement returned the power to the people. It reinstated the rights and freedoms of individuals and has returned the dignity of Ugandans here and abroad. I am sure ugandans now walk with confidence here and abroad and they can identify themselves as Ugandans. Mr.Chairman, it is this system that has held free and fair elections. Why do I think they are free and fair? Hon Atamvaku told us the other day that in Arua municipality, the Movement is a taboo; and that is why he won. How else can you want elections to be free and fair if in an area where a movement is a taboo an opponent of that movement is allowed to win? I want to tell hon. Atamvaku that that is what we mean by movement politics. Where you are elected because of your popularity.

Mr. Chairman, the movement has set a road for constitutional governance,and I want to admit that I was impressed when hon. Cecilia Ogwal asked whether we should lose what we have achieved since 1988. I am happy that she also changed because the organization she belongs to has tried to frustrate the constitutional process since 1988. For her to realize and appreciate that we should not lose what we have tried to achieve since 1988, is a welcome change, Mr. chairman.

Let me now turn to the rights and freedoms. The documents that have been quoted ,among them is the universal declaration of human rights. I would like to quote the proclamation by the General Assembly for the proclamation on the universal of human rights, and it reads as follows *"This universal declaration of human rights has a common standard of achievement for all people and all nations to the ends that every individual organ of society keeping this declaration constantly in mind shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and International, secure their universal and effective recognition and observance, both among the people and Members of the State themselves, and among the people of the territories under their juridiction"*.

Mr. Chairman, it is clear that the general assembly was straight on this that people will strive and by progressive measures it will be important for us as a country, knowing our history to assume that we are going to achieve each and every human right in its totality without striving and without doing it progressively.

Article 29 of the same chatter (2) states *"... in the exercise of these rights and freedoms, every one shall be subject only to such limitations as determined by law for the purpose of securing due recognition and respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order, and the general welfare of the democratic society."*

Clause (3) of the same article reads: *"these rights and freedoms may in no case be exercised contrary to the purposes and principles of United Nations."*

Mr. chairman, what are the principles and purposes of Uganda? Should we accept rights to be exercised contrary to our purposes and principles? Mr.Chairman, I want to refer to this issue of God given rights. What are god given rights? There is a saying that 'God helps those helps themselves.' The universal declaration of human rights which are declared as God given rights was in 1948, centuries after people had lived and I am sure God had been existing. God or no God you will not get the rights unless you strive for them.

I want to make one small comment on the issue of walk-outs. I find it extremely unfortunate that the Mover and organiser of a walk-out is no other than hon. Nabudere who walked out of this country on a ticket of UNLF anti dictatorship. He walked out of this country on a ticket of UNLF anti-dictatorship. I am happy that he walked back when he saw the conditions were secure and there was no more dictatorship. *(Applause)* But I am saddened that the man and hon. Member who claims to be a secretary of a caucus called *The National Caucus for Democracy*, mobilizes some of his Members to walk out when a democratic decision is taken and they defeated. I do not think that caucus can be a caucus for democracy at all. That you walk out on a decision democratically decided.

Before I conclude,I did not want to get into arguments and no arguments about who is performing well as a government, who is eating which money. But I felt obliged to answer the comments of hon. Okullo Epak. Hon. Okullo Epak yesterday wanted the NRM government investigated because he feels that the NRM government has wasted resources. But I think he was using figures and facts that were assumed by World Bank Report because by 1986 there were no figures of any kind to use since no figures had been kept since between 1981 and 1985. And as you well know it has taken NRM government five years to audit books of government that had been in stores for the previous five years. But there are other facts to see of performance.

As a government in power then, or which he supports publicly, departed from governance in a hurry again, it had established an institutionalized clique of gangstars. It left a collapsed economy, infrastructure and social fabric. It left a debt of 2.5 billion with less than 15 million dollars as financial reserves for our country,and worse still it left 72,000 bottles of Mateus Wine in State House.

Mr. Chairman, in conclusion, and in recognition of comparing both systems of representation, the people of Kazo have given me strict instructions that they support the system of representation and governance that has brought them this democratic freedom to continue for another five years. The people who now have been given power should be asked to change that system,and they notice that the leadership manoeuvres of parties that took place in 1979 is back in CA here. Fortunately, those who keep the rights to lie they are uninformed, and have got informed people than in 1979. So, Mr. Chairman, what do we do from here? First we should reject the Motion moved by hon. Cecilia Ogwal for deletion because it provides no alternative,and secondly we think it is important that we consider articles 94 to 100, More-or-less concurrently so that we can get a clear picture of what systems we want to place and how we are going to operate. Mr. Chairman, as long as we consider those articles, and we guarantee the following:One; the freedoms of political association and assembly, in accordance with party law that will be enacted by the next Parliament. Two; provide for an alternative political system of representation and government. Three; guarantee the people of Uganda whom we have given this power one fundamental right and that is the right to choose, whether to join political parties or not. And secondly the right to choose what political system of representation and government should be in place at any time; then we would have reached a compromise and we will have saved this country from further calamities. Mr. Chairman, I beg to oppose the Motion.

MR. OMARA ATUBO (Otuke County): Thank you very much, Mr. Chairman, for this unique opportunity. Among the many hands up, I want to

thank you for choosing me. Mr. Chairman, I was sent by the people of Otuke to make a good Constitution for them and I came with a lot of hope, Mr. Chairman, and I would like to assure this House that I have not yet lost that hope.

We have talked a lot in this House and at some stages we risk being derailed from the real issues that confront us in the Constitution making. I do agree with various speakers that in order to make a good Constitution, we have to look at our past, present and to plan for the future. But, Mr. Chairman, what I disagree with them about, not all of them but most of them, is that they think that the history of Uganda ends with the NRM coming to power. They have poured a lot of venom and abuses on past regimes, on our history but they have been totally incapable of what has happened to this country since 1986. I have no time, Mr. Chairman, to dwell on that but in all honesty if we have to make a good Constitution, we have to look at 1986 up to now, as I speak, as part and parcel of the great history of this country. In all aspects, economic, social, political, military and otherwise.

Mr. Chairman, we have spoken and we have said that 98 percent of the Constitution has been made as hon. Bidandi Ssali has said and that only 2 percent remains to be done and that if we are not careful, the whole process may be torpedoed. Mr. Chairman, I fully agree with this remark and while quoting from a Lango proverb which Cecilia Ogwal has already quoted that to bring a pot of water you run the risk of having it broken at the door step. I also want to give you another proverb that the water well can be polluted by only one frog. Mr. Chairman, it is with this view in mind that in order to assist this august gathering, this august House which has a very difficult task, I intend, Mr. Chairman, to divert a little from the political perspective and share with my Colleagues what Prof. Nsibambi could say, a professional opinion on the human right issue especially on the issue of freedom of association.

Mr. Chairman, to begin with let me quote from a very active and well known human rights activist, Mr. Ivor Duchachek. He said *"the dynamic force behind all constitution making with bills of rights or human rights provisions is primarily political. However legalistic a national constitution as a supreme law of the land may sound, it basically deals with hard core of all politics, namely: who leads whom, with what intent, for what purpose, by what means and with what restraint."* Mr. Chairman, this is a very important quotation to us and to me personally because the stage of 98 percent of the Constitution we have reached is dealing with this question of who lead, and I do agree with my Colleagues especially hon. John Kawanga and hon. Mulenga who have said the provisions dealing with the powers of the people, the supremacy of the people, the provisions dealing with the methods of election as well as Electoral Commission, the various organs of government, how the President, Parliament and the Judiciary are well entrenched in this Constitution. But, Mr. Chairman, what we have now reached is answering a political question. Who lead? If you want to lead this country, in what type of political organisation should you belong? The question of acquisition of power, the question of retention of power and the question of relinquishing the power, Mr. Chairman, are supreme in the minds of the people of Otuke as much as in the minds of the people of Uganda, because I believe that the call of making this Constitution lies in providing good governance and good governance in this country has eluded us because the methods we have adopted in the acquisition of power, in the retention of power and in relinquishing this power, has been basically violent and undemocratic. If this Constitution is to mean anything to the peasants of the people of Otuke and to the people of Uganda, it must address this issue, how well and how soon somebody who acquires power goes back to the people, competes and the people passing judgement and it is up to the people to say it is so and so we want.

Mr. Chairman, as I said, I intend to share with my Colleagues here the issue of human rights and the issue of human rights, Mr. Chairman, has been narrowed down by my Colleagues in this House to one of non-recognition of historical contributions of the global community. What stage have we reached in this area of human rights? What are the people of America, the people of Russia, the people of South Africa contributed to this struggle of human rights in a global sense to which the people of Uganda cannot ignore? We may pretend that we are making new discoveries but, Mr. Chairman, to me it is pretention. We can improve on what various declarations and conventions have already achieved but for us here to say that we are not recognising this because we are making our own discoveries and that our systems are unique, that the

people of America, the people of Britain are only relevant to us in so far as they give us their dollars and pounds but when it comes to the people of Uganda trying to find out how best to do this, why have the Americans reached this stage? How do they achieve this? How do they make those great dollars and the British make those great pounds which sometimes they give us freely? Then we say, no, no, we do not want to learn from you how your system works and the money you produce and how you produce it. You see in Uganda we are very innovative, we do not want to learn from you, we are only borrowing but the methods you use for the production of those dollars and that wealth are irrelevant to us. I think this is hypocrisy of the highest order.

Mr. Chairman, as I said, I intend to share with this House the stage that the human race has reached in the field of human rights and I will quote attentively and I start by saying, Mr. Chairman, that available history shows that by 1680, European political elites had clearly started the process of dividing their world into nation stages, having tired of war, of slaughtering each other in the name of religion; they decided on the principle of territorial supremacy. Thus arose the principle of national sovereignty which was a result of religious wars and then the peace of West Asia of 1648 was intended to produce international peace. As a by-product, the doctrine of national sovereignty entails the notion that how a state treated those within its territory was a national not international matter. What is now called human rights was not an established part of world politics for more or less 1648 to 1948. By 1980, Mr. Chairman, human rights had become a serious issue of world politics and foreign policies, life, good governance, democracy, war, famine; in other words, Rwanda cannot be an isolation in world politics. What happens in Somalia,, what happens in Sudan, what happens if famine comes somewhere in the world, is part and parcel of international politics.

By 1980, International Law on human right had been adopted and was legally in force for many nationals and several international agencies existed for the specific purpose of keeping an eye on the observance of human rights. The beginning of international attention to human rights at least from the stand point of international law can be traced either to slavery or to war. In 1864 the major states of the west of that era wrote the first Geneva Convention for victims of armed conflicts. The states were persuaded to adopt the 1926 Convention outlawing slavery, a treaty that was supplemented in 1950s. The League of Nations made attempts to protect human rights between 1919 and 1939 and compassing primarily minority rights, labour rights and rights of individuals in mandated territories.

The greatest stride and achievement in the field of human rights have been cored in the end of the World War II from 1945 and the major documents are one - the United Nations Charter of 1945.

In this respect, I just wish to quote Article 68 of the United Nations and it says *"With a view to the creation of conditions of stability and well being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of people, the United Nations shall..."* and the emphasis, Mr. Chairman, is "... shall promote..." and the relevant part is (c) *"...shall promote universal respect for and observance of human rights and fundamental freedom for all without distinction as to the race, sex, language or religion."*

Mr. Chairman, this promotion of universal rights declaration is the Universal Declaration of Human Rights of which Uganda is a signatory and in the preamble, the first preamble says *"Whereas recognition of the intent, the inherent dignity, and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."*

Mr. Chairman, I am saying that even in Uganda internally if we are to achieve any peace and stability, the foundation has got to be based on our rights. And, Mr. Chairman, both hon. Nasasira now, and hon. Bart Katureebe did quote the proclamation of the United Nations but in quoting it they were saying these are mere standards, we can do without them but let me read really what that provision says. It says: *"The United Nations members proclaim the universal declaration of human rights as a common standard of achievement for all peoples and nations and shall strive by teaching, adoption, respect etc., by progressive measures..."*. I do agree, Mr. Chairman that we have to take progressive measures but I disagree that what we are doing here in Article 94 is the progressive measure, it is a backward measure which we cannot

accept. By the United Nations saying we are going to make progressive measures, they are not talking of retrogressive measures. They did recognise that nations can take such steps but those steps have got to be in keeping progressively, not only within the domestic laws of a country but also in recognition of the international procedures.

Mr. Chairman, that alone should convince us that as part of the global community, we have a lot to learn and to make progressive measures but we have also got to recognise like in Article 18 of the United Nations Charter, it says that every one has a right to freedom of thought, conscious and religion and Article 19 also says; Every one has a right to freedom of opinion and expression; and in Article 20, everyone has a right to freedom of peaceful assembly and emancipation but more importantly, Mr. Chairman, no one may be compelled to belong to an association.

Mr. Chairman, what we are doing here through this Article 94 is to compel the people of Uganda to belong to an association called the National Resistance Movement. I intend to also mention to this gathering that some arguments have been put forward that human rights are not absolute. I do not think, Mr. Chairman, that anybody really has strongly argued that human rights are absolute. What we have said is that you cannot derogate human rights like freedom of association to the extent that it is non-existent. Mr. Chairman, others have said that the right to life is such a fundamental right and yet it is derogated. I disagree with them and I think hon. Mulenga has sufficiently answered that but I want to mention, Mr. Chairman, that if you look at Article 52 of our Constitution which we have already passed, it says, *"no person shall be deprived of life intentionally except in execution of sentence of a court of law in a fair trial in respect of a criminal offence under the laws of Uganda of which he has been convicted."*.

Mr. Chairman, even Article 6 again of the International Covenant on Civil and Political Rights, clearly says that States can adopt this. For example it says *"Every human being has inherent right to life. The right shall be protected by law. No one shall be arbitrarily deprived of his life"*. It goes further and says *"...In countries which have not abolished the death penalty..."*. Now, you are deprived of your right to life which is the highest right by law because you have committed an offence; in most cases it is a serious offence, either you have killed somebody or you have committed treason but here we are saying that you are basically being deprived of your right of association. If an association like UPC or D.P. has committed an offence then the law is clear in the Penal Code, the law is clear in other laws. Why do you not take those measures? What we disagree about fundamentally in law is to say "you cannot therefore, associate in this manner". We are not asking in this Constitution that UPC should be included in the Constitution. We are not asking that even D.P. should be mentioned in the Constitution as much as we are saying that a political organisation called the Movement should be mentioned in the Constitution. We are saying what has already been provided for in various provisions are sufficient. People organise themselves, if your political organisation is deemed by law to have committed offenses then the responsible Minister, the responsible person in enforcement of the law will come in place; but to come in the Constitution and say this is the only right of association under this political organisation, Mr. Chairman, is a fundamental derogation from what we have already provided.

Mr. Chairman, the Communist party in America, Ku Klux Klan in America has been quoted as an example for the derogation of crisis in issue but surely do you not understand what communist party ideology which is a contradiction to the very basis of American ideology of life? The Ku Klux Klan is an illegal organisation killing people, which is racist. Therefore, if the American Constitution or the American law cannot allow Ku Klux Klan because it segregates against the blacks, because it professes something, then the law is very clear on that. The Communist Party in America is a very anti-thesis of the capitalist ideology just as much as the communist ideology in the former communist countries was the very anti-thesis of the capitalist ideologies. Looking on the other side of the communist world, the capitalist system itself was proscribed. Now, if the Americans believe that the communist ideology undermine their society and that their society is based on a capitalist ideology and they proscribe it, what is wrong with that but here we are saying proscribing an association by name is different from proscribing a right and I think this is a fundamental difference.

Let me deal very briefly because of time constraint on this issue of the rights of the minority. It bothers

me, Mr. Chairman, and I believe, many others both here and outside to think that the majority has a right to dictate automatically over the minority or the minority have a right have a right to decide for the majority. Mr. Chairman, on this issue, how could a minority group in a democracy be protected against the majority? Surely, the 51 percent might claim legitimacy for operation of the 49 percent but, Mr. Chairman, democracy is about more than the majority. It is about the right of every individual to freedom and justice. About the dignity of each individual, his right to choose and his duty to serve; and if you look at our Constitution here we are talking about individual right to freedom. The emphasis is on the individual rights. This right, Mr. Chairman, has been argued to be God given, created, inherited by birth and not given. There are rights which have been evolved and upheld across the centuries by our rule of law, a rule of law which safeguards individuals and minorities. A rule of law which is the covenant of a free society. It is in recognition of this basic truth that our new Constitution in the making provides in Article 12(1) and Article 59 which has already been quoted. Mr. Chairman, what happens if an elected Assembly like ours here without constitutional restraint, and I do not think we have those constitutional restraints, elected by democratic procedure as this C.A, decides by a majority vote to deprive a minority or an individual of his right to vote or to free speech or to life itself because they are the majority? Is that democratic? Put in these terms, Mr. Chairman, it is clear that democracy must mean more simply than the rule of the majority. Certain freedoms, freedoms of expression, of association, of conscience would seem to be essential for ensuring that democracy does not destroy itself. Mr. Chairman, I say this because if we extend derogation of rights too far as we are doing in Article 94, we are destroying democracy itself. Mr. Chairman, the oppression or the right of the majority is sometimes called the tyranny of the majority and this aspect was dealt with by a well known political scientist, John Stewart Mills in 1869 and he said *"like other tyrannies the tyranny of the majority was the first and is still vulgarly held in dread but replacing persons perceive that when society is itself..."* and this is a very serious argument on this point, that *"...when society by itself becomes a tyranny, when society becomes a tyrant either through referendum or otherwise to oppress the minority, the society collectively over the separate individuals who compose it, it means of tyrannizing and is not restricted to the act which it may do by the hands of political functions."* Society can and does execute its own mandate. If it issues a wrong mandate as we are trying to do in Article 94 instead of right or any mandate or things which ought not to meddle in like the right to freedom of association, it raises a social tyranny, through referendum more formidable than any kinds of political oppression. There is a limit, Mr. Chairman to the legitimate interference of collective opinion within individual independence and to find that limit and maintain it against encroachment is as indispensable to a good condition of human affairs as protection against political oppression.

Mr. Chairman, it has been argued here that parties have been hospitalised and the Movers of the Motion said that the parties have been hospitalised and they should not be allowed to come out prematurely because it might be having a terrible diseases which can infect the people of Uganda. Mr. Chairman, I look at it in this way that the hospitalisation of political parties is a deliberate move. Who is this, who has hospitalised the political parties? Have the political parties gone to hospital on their own volition or they were injured, captured and seated there? Mr. Chairman, the parties have also been told that nobody is going to kill them but they can restrict themselves in their headquarters and public pamphlets and so on. Mr. Chairman, to me this is impracticable. I can only compare it with a situation of marriage, where a couple do marry, their parents give them the right to marry and then they are told, 'yes, you may marry but do not have children.' What sort of right is this and I do not know whether Mrs. Matembe who is not here with me today could agree with that right, with that sort of limitation. You say yes, you have a right to marry but please *(Interruption)*.

THE CHAIRMAN: Order, order. Hon. Omara Atubo you should be concluding.

MR. OMARA ATUBO: Mr. Chairman, let me now come to the last part of the conclusion of the people of Otuke. Mr. Chairman, the people of Otuke as I said initially are very conscious about the political problems we have gone through in this country. They have suffered. They border the district, as some of you know, the district of Karamoja to the east, to the other part we have Teso and to the north Agago in Kitgum. Mr. Chairman, because of insecurity, the people of Otuke have

suffered especially since 1986; they have lost their wealth, many of them have died, they also recognise that the Movement is a political force we have to reckon with, they are not against the Movement. They recognise the Movement as existing. They say the system is their operating but they are saying they see the Movement as a political party in its own right and they wonder why the Movement cannot contest election in its own right, the Members who are in Otuke, who support the Movement will vote for it as even one person contested against me in his own right as a Movement supporter and he got some votes, 680 out of 20,000. I think that is good enough for the Movement and there is nothing wrong with that.

Mr. Chairman, people like hon. Ssemogerere who have today come out to declare themselves in their own political right, we recognise what they are, but I think the people of Uganda should not look at this in another context, in a context in which this House has seen it. I think the breed of Ssemogerere are very few. Today people are saying you know a man like hon. Ssemogerere is too humble, he is not aggressive, he does not have an army of his own, he can be overthrown within twenty four hours, as hon. Otafiire said. Paul Ssemogerere does not have his army, so how can he rule? Mr. Chairman, these are the very reasons why the people of Otuke are saying that the time has come for us to have people who are humble in this country, people who do not have armies to dictate over us. We need those leaders, the leaders who do not have armies. Those who are having ranks, we need leaders who have not killed. These are the leaders we need. Those who have killed are going to come for our votes and we shall ask them, Sir, whether you are a General or a Sergeant, what is your best qualification? We may ask you how many people you have killed to qualify you to continue to contest these elections and hon. Ssemogerere will be asked how many people, how many armies and I think the greatest credit he will have is that he has killed none, he has caused no death, he is a humble man, he is a civilian and we congratulate him for that.

Mr. Chairman, the people of Otuke would wish the Movement as a party long life and they only wish to have their own right to select leaders in a competitive multi-party democracy and that is why they support the deletion of Article 94. I thank you, Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, yesterday we agreed that come 3.00 O'clock we decide; but the field is still very full of guns. What I will do is this, I shall take two either side and then we decide. Do not forget that we are running out of time and depending on what comes out of this Motion, either we shall continue with the debate on a different amendment or we decide and we proceed. So people should not take it as if the whole world has collapsed. What we should do is to take note of the fact that this is one of a series of Motions and we can continue debating a number of Motions in this area because even if this Motion was to be carried there are some other aspects of that Article or that Chapter which can generate a debate more or less of this nature so that Members contribute on the subject matter, not necessarily for or against only this Motion. So we shall do it as follows, let me get the hands of those who are for the Motion. I will take hon. Nekyon and hon. Ringwegi; then those against the Motion. I will take hon. Kanyeihamba and then the Member for Kigulu South. Now, I give the floor to hon. Kanyeihamba because the previous speaker was for the Motion.

DR. KANYEIHAMBA (Rubanda County East): I thank you, Mr. Chairman. Before I make my little contribution, I would like to thank hon. Members for the courtesy and the hospitality they have given me as Chairman of the Legal and Drafting Committee on all sides including when we judged on this Motion; people have said how principled and fair I was as Chairman of this Committee which we elected.

I want to take the first few minutes in detailing the principles about human rights which seem to have figured prominently in this debate, because at least I have some credence in wanting to talk about them with some authority. Mr. Chairman, the reason I say that, is that I have been in the field of human rights for more than thirty years; some twenty years ago I represented Uganda at the International Conference for Review of Human Rights and I was one of the signatories to the United Nations Charter on Human Rights; and when we were formulating the Human and Peoples Rights for the Organisation of African Unity, I was among those who were consulted. I have continued to get these instruments, Mr. Chairman, and I want to start off by saying that there has been a confusion about what we mean by human rights and their very nature.

The concept of human rights is in three generations, Mr. Chairman, and lawyers will agree with me. The first generation is one that many Delegates have tended to parade here namely: individual basic rights and fundamental freedoms which include the right to life, the right of movement, the freedom of speech among others. These rights, and Delegates are absolutely right and hon. Omara Atubo was right, that they are exercised by the individual by nature of his being a person. They are not granted by the state, they are inherent and inalienable. That is correct. That is the first generation of human rights.

Then, Mr. Chairman, there is the second generation of human rights which include the freedom of association, the freedom to assemble, to elect and be elected to office. Those rights are not inherent as it has been suggested. Those rights were created in 1966 by the United Nations and they are called social and political rights. I want you to remember that. So when you are talking about the right to assembly, the right to associate, the right to determine your leaders, you must know that you are talking about the second generation of human rights which were created in 1966.

I have this book which I got recently entitled *United Nations Human Rights, Status of International Instruments*, it was published in 1987. Our Government had been in power since 1962 but they had never ratified this Convention. The book is here, you can read it. Uganda is absent in 1987 from those who ratified that position. Up to today I do not believe it has because I might think that here hon. Ssemogerere may help us; when I was Attorney General in 1990 this matter was brought to my officers in the Attorney General's Chambers that we had not ratified the Convention on Social and Political Rights which everybody is now talking about. I advised my Colleague, the then Deputy Prime Minister and Minister of Foreign Affairs, Paul Ssemogerere, that he should go and ratify this Convention. There are others about the protection of children; about freedom from enslavement and others which Uganda had not ratified and I advised my Colleague to do so. Maybe he can confirm later that he did take my advice but if he did not then the rights you are talking about are not part of Uganda system. The political parties that have been before us have never, never, ratified them for reasons best known to themselves. So let us know what we are talking about, Mr. Chairman.

Having said that, Mr. Chairman, these rights, the second category of rights which are about the right of assembly, the right to associate, cannot be exercised by individuals alone. You have to participate with someone, you have to assemble in a certain place with others; so please, let us not be misled by saying that these are individual rights which are inalienable. What does that mean? It means that the state must facilitate your exercise of these rights. How does the state facilitate them? By creating them in the Constitution, by creating mechanism for you to assemble, to vote and so on and so forth. So I am completely baffled by anyone saying that to say the following political organisations which are structured in this manner shall exercise these rights in accordance with this Constitution. So that is the second category of human rights.

The third category, Mr. Chairman, is what is known as the third generation of human rights. These consist of such rights as a right to education, right to employment, right to leisure and sport. These rights can only be exercised and enjoyed if some state or some other person does some overt act that enables you to exercise them. You cannot say that the right to employment is inalienable and is inherent when no employer is prepared to employ you or he has no job to offer you. We must be very clear about this. So please, having explained that which I hope was for the general consumption of Delegates and, therefore, is not to be detracted from my time, I go to my point.

THE CHAIRMAN: No, that is not accepted.

DR. KANYEIHAMBA: Okay, Mr. Chairman, I take your wise decision on that. Mr. Chairman, hon. Omara Atubo has made very important fundamental statements. He has said that political organisations and political parties are about power. The definition of a political party is an association of persons who are united for one common purpose to achieve some objective in the state and he is absolutely right. Now, it seems to me that that power is to be exercised to affect beneficiary or adversary, that is, the people of Uganda. Now it seems to me that it is illogical to say that I want power to govern you but I do not want the Constitution to speak about me. I do not want anybody to say I exist or I am a party or I am a Movement, but my aim is to govern you. It seems to me that is not very logical. Mr. Chairman, many have given the impression that this Article or this Constitution is

only intending to entrench the Movement type of system and others have been banished. With your permission, Mr. Chairman, let me read what is in this Constitution. This is the Draft Constitution. Article 97. *"Subject to the provisions of this Constitution, the right to form political parties is guaranteed.*

(2) Subject to the provisions of this Constitution, a political party is free to participate in shaping the political will of the people of Uganda, to disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for election to any public office.

(3) Every political party shall have a national character, and membership shall not be based on ethnic, religious, district or other sectional divisions."

The article goes on to describe other characteristics of a political party, how they are to be registered and how they are to be monitored by the Electoral Commission. It is in the similar vein that we are attempting also to say the Movement shall have the following characteristics and shall have the following in nature, its leadership shall be open to competition and so on and so forth. In other words what is being provided in Article 94 which is being opposed, has got a parallel in this Constitution similar to that for multi-party politics. The Obiga Kania amendment which is presumably to be debated later does guarantee the right of Ugandans to determine the political system under which they should be governed by referenda. We can argue whether it should be only by referenda or whether it should be by a free and a fair election. I will be arguing if that amendment comes that we should also include 'determinable by free and fair elections'. I do not know why we should not accept that as a method of changing the position but it goes further to say that the people of Uganda shall select their political system from the ones we know and any others which may come up in future. They say, they may decide that for five years they will be governed by the Movement type of government or they may be governed by the multi party system or indeed any other system that has been prescribed by the Constitution, provided it is democratic and representative of the people of Uganda. So this is what the whole farce is about and you can say, is this Constitution being fair in providing for multi-parties and in providing for the Movement and other systems which in fact we even do not know? My humble answer would be yes. So why is it that everybody has zeroed on the Movement? Many people say they do not know it. Even hon. Paul Ssemogerere has in so many words said he does not know what the system is all about but for some five or six years he was the spokesman of this Movement abroad, describing its policies and what it was doing for Uganda. At one time, in fact, I accompanied him. But let us say that it does not work, let us agree that nobody knows it but the fact of the matter is that it works.

The British do not have a written Constitution, their Constitution is an amalgam of decided cases, conventions and acts of Parliament. Never-the-less it works. So it is the question of how the people of Uganda conceive this Movement which has been in charge of their affairs for the last ten years. If they think it works, let us look at how it works and let us provide for what the people of Uganda want; not what the leaders of the Movement or the leaders of the multi-parties want.

You know one of the things that has really baffled me, some arguments have been unfair. If Museveni is in power now, let tomorrow be Ssemogerere and after that it should be Kanyeihamba. Are we discussing this Constitution for the leaders of Uganda or for the people of Uganda? In my view, this Constitution should reflect the opinions and aspirations of the people of Uganda, not of multi-parties, not of the Movement, not of leaders because if you do that then remember we as African nationalists, we have condemned the Berlin Conference of 1884 where the leaders of Europe met in Berlin and decided, oblivious to the interest of the Africans that we know best what the Africans want than themselves and, therefore, we are going to divide Africa in this manner. You Germany take, France you take this and so on, it would be the same. So that is why I accept that for us to change any political system in this country to allow any political organisation to govern us, it is imperative that the people of Uganda must be consulted first which may be in a referendum or which may be in a fair and free election depending on what has been decided.

Having said that, Mr. Chairman, there have been arguments and counter arguments as to what should be the content of this Constitution. Many people who have supported this Motion have said that we

should not constitutionalise the political Movement but I want to go back to my hon. Friend, Omara Atubo, that political parties and how they get power is a fundamental issue for Ugandans. It is a very important national issue as to how we are governed and how we have been governed in the past.

One day I asked a British Parliamentarian - I taught in their universities for nearly two years - I said, why did you provide in the Constitution, first, that in Britain there is the freedom of religion and yet by the Act of Settlement, 1701, incorporating the provisions of the Bill of Rights 1688, they said that any one who is a Roman Catholic cannot go to the throne of Britain. You cannot be a king or a queen of Britain unless you are a Protestant. That is in their Constitution. I said why did you put it in the Constitution. He said at the time the Englishmen felt very, very strongly about the Papacy and how Rome was influencing our affairs. So they decided that forever they will put it in the Constitution so that they will never govern them again. Similarly you must agree whether you like it or not that Ugandans have been baffled and have suffered under multi-party politics and you can also argue and the Movement. Therefore, this is a matter which is fundamental to them and it is essential that this Constitution must reflect those organs and how they are to be allowed to govern them in this country.

Mr. Chairman, you see some of the multi-partyist admire various constitutions. They admire the German constitution, they admire the European constitutions; whether it is France, Finland or so forth. Now, let me tell you, I have studied all the Constitutions except as I told you at the beginning, except that of the two Koreas and the reason I have not studied them is that they are written in their own language - I could not understand it. Now, let me tell you. The Finnish Constitution does provide that Presidential candidates may be nominated by political parties thereby incorporating and enshrining parties. However, they knew that many Finnish people did not want to belong to parties, they may wish to belong to the Movement or some other organisations. So Clause 2 of that Article in the Finnish Constitution provides *"candidates may be nominated by twenty or more electors as individuals"*. ***(Interruptions)*** I do not know whether that is the first bell or the second one, Mr. Chairman. It is the first.

The second Constitution is that of Australia. We have emphasized a great deal that the right of assembly, the right of association, the right to determine your leaders is inalienable and nobody should force you to exercise it or not to exercise it. In Australia and other countries, voting is compulsory which obviously is a derogation from your freedom to vote or not to vote.

The German Constitution contains a provision whose effect is that no political party can be registered or operate in Germany if its purpose is to undermine the Constitution or to destroy the German Republic. That is the German Constitution from which many of our politicians draw inspiration and support.

Mr. Chairman, so for me, I have no qualms whatso-ever, no problem that the Ugandan people deserve these institutions to be spelt out because if you have a right to govern me, I have a right to know your nature, where you come from and who inspires you. That is my fundamental right as well.

I agree with hon. Okullo Epak that everyone has suffered. In the north, in the south, almost in every district but that is what has brought us here to try and heal those wounds and make a constitution that will endure and make sure that it provides for everyone. Someone has said that the freedom of association is something that we cannot derogate from. I have already enumerated examples of Constitutions which derogate. However we have already derogated from it in a Chapter that we have passed. We have said that in the time of emergency or the time of war or during the time when it is in the public interest, these rights, including the right of association can be derogated from.

I was in Committee Two when we discussed this and almost all my colleagues there accepted that derogation. Ultimately people were not happy with it, the Legal and Drafting Committee revisited the area and we came up with a simulation of a derogation from all the articles and it was accepted. So please may be we should remember what we are enacting.

Mr. Chairman, there are only four rights we have enumerated as being absolute and inalienable. That is freedom from torture and inhuman and degrading treatment, freedom from slavery and servitude, freedom for a fair trial; and I can not remember the

other one but they are only four. Those are the ones that we have said you can never derogate from, all the others we can. What have the people of Uganda said? They have said that in public interest we accept multi-parties, we accept political parties, we also accept the Movement. However, we have enjoyed the period of peace and tranquillity under unity and reconciliation, where Museveni can work with Ssemogerere, Kitariko can work with them, with Kanyeihamba advising them - this kind of politics is good and we want it to stay for a while.

By the way if you read the Odoki report, they had suggested they wanted ten years. However, in being fair, the Odoki reduced this to five years and we have all agreed that five years is okay. Incidentally in my talk, unless they have been deceiving me, the multi-partyists and everybody is happy that the Movement could stay for five years. I agree that we should put it in the transitional period. For me I have no problem with that, the reference to five years. Once we agree that those parties from which the people of Uganda can chose include multi-parties and Movement, I have no problem in saying that five years shall be government of the NRM or the Movement type of government which is broad based should only last for five years, I have no problem with that. But let me tell you something. For me I would have thought that this provision is in favour of those who want to remove the Movement from power because if the constitution says you are to be here only for five years, after five years, I will come here and say 'you see, five years are up and so you must go'; but suppose there is no Constitutional provision for that, where there is a reference for removing those who may wish to stay in power, so there must be some other ulterior motive which me, as Kanyeihamba, I do not understand.

Having said that, we come to a referenda. I hope that one will also be discussed. Again I think there are many people in Uganda who would want to change our political systems by referenda and we must support that because referendum is the best and most important method for involving every Ugandan in the decision making process. But I also wish that we preserve the right to determine through fair and free elections and I have no problem with that. Then during the Movement period, we can use a referendum to change certain things; but if the multi-partyists love so much of shall we say, free and fair elections, then we can use that, no problem. The Constitution will be giving an alternative choice during the various points.

Mr. Chairman, there is need for us to reconcile on certain issues. One thing I have noted as a politician is that we change. I not want to quote personalities, but one of our important leaders who has now changed is hon. Nekyon for whom I really must congratulate. Over the period he has metamorphosed into a democrat, because I was reading - for me, you see, I do some homework before I come here - I was reading the *Hansard* of 18th November, 1966 on page 1170 and hon. Nekyon said then: *"Sir, let me say this, that in Africa where democracy is new, in which I do not believe, sincerely, I do not believe in democracy, it is all rubbish; I can tell you that I am talking from the bottom of my heart, you can criticise me and say, Nekyon you are not a democrat; I am not, this is a fact."*
But that is what I said that I am glad he has changed his mind and now he is a true democrat and I believe he is. The point I am making is that do not believe in a system you have, as it was brought here by the sanctity of God. Movement has come here, the people have gone to it; hon. Mulenga has talked how he is Chairman of RC III in Nakawa and so on and so forth. So, why do you not want to give us a chance to see whether it can evolve into something worthwhile and from time to time when parties are tired of government, the Movement can come back and govern, we have provided the choice of how people will determine who should govern to them.

So, Mr. Chairman, I want to summarise by saying this: that there are no constitutional or legal premises upon which anyone can refuse institutionalising political parties or Movement in the constitution and their nature. Hon. Omara Atubo has hammered a very well and shall we say almost effectively the point that we should derogate from what we have said.

I want, Mr. Chairman, everybody to recall the 1967 constitution, there was a very important derogation. After that constitution had been passed by a Parliament which was largely UPC dominated, they made a provision which said that notwithstanding the provisions of this constitution, the Members of Parliament who were elected prior to this constitution and the person who was President before that shall be deemed to have been elected for another five years, and so it was.

Another derogation, Mr. Chairman, after monarchies had been abolished, it was provided in the Constitution - I have always wondered why it was there - for the avoidance of any doubt monarchies or traditionalists are hereby abolished; these were not necessary, they are transitional, never-the-less they were included in the Constitution. So, what is good for the goose is good for the gander.

Mr. Chairman, the reason I am opposing this Motion is that if we are to pass it in its entirety, it would deprive us of the chance to debate the contents of article 94 and replace it with an amendment that would be acceptable to all the Delegates and the people of Uganda. In the name of the people of Uganda, I oppose this Motion. Thank you very much.

MR. RINGWEGI (Padyere County): I thank you, Mr. Chairman. Allow me to add my voice to the people who have supported the Motion moved by hon. Cecilia Ogwal and hon. Paul Kawanga Ssemogerere to delete article 94 of the Draft Constitution.

Mr. Chairman, I have a very big procedural point on this particular Motion. I had earlier on, Mr. Chairman, tried in vain to catch your eye so that I could raise this procedural point with you. Now, that I have the opportunity, Sir, allow me to say this: The Motion on the Floor, Sir, is seeking to delete the provision of article 94 in the Draft.

Mr. Chairman, the provisions of article 94 in the Draft is talking about the political movement system which in this chapter referred to as 'The Movement' which was in existence immediately before the coming into force of this constitution shall continue in existence subject to the provisions of this and of article 95, 96 and 98 of this Constitution. Then clause 2 continues to say what would apply to the Movement. The Movers of this Motion, Mr. Chairman, are saying we do not need to provide for a political system in a constitution. Arguments have been advanced here, Mr. Chairman, by so many hon. Delegates from different camps, all of which amounted to one thing, that the provisions of article 94 as it appears in the draft now is not acceptable to any of them. Now, Mr. Chairman, my procedural point is; if it is not acceptable to any of the camps here, what do we do with it before we move to debate any other provision? Do we not have to delete it first and then substitute it with another provision *(Applause)*? Our rules of procedure, Mr. Chairman, allow that if a provision in a draft Constitution is not acceptable to the august Assembly, Members are free to move a Motion to delete that provision and then substitute with it. Now, the Motion on the Floor, Mr. Chairman, is saying we should delete, the Motion does not debar any hon. Delegate here now present to come on after deleting this provision to say that we bring a new provision reading in this manner. So, Mr. Chairman, as far as I am concerned, we have wasted a lot of time for nothing, because we have all agreed that the provisions of 94, the way they appear in the Draft must be deleted. Mr. Chairman, enough of the procedural point, let me proceed now, Sir, to submit why I think some hon. Delegates are insisting that the political movement system should find a place in our constitution.

In my humble submission, Mr. Chairman, people who are asking for the constitutionalisation of political systems in our constitution are only in search of identity. Some of these people, Mr. Chairman, had belonged to various political associations before. They have now since deserted those political associations and they have found new political associations. For these associations to take root, for their identity to be recognized and for their identity to be accepted, they must, therefore, seek a permanent place in a national constitution. It is that search of identity that is now bothering this august Assembly whether or not we should, actually, put in our Constitution political systems. Mr. Chairman, there are so many dangers wrought with this kind of thinking. What are we trying to do if we think we should constitutionalise present political systems as they are known or as are being advocated for. We should then be prepared to start listing: monarch, feudalism, political military coups - all these are political systems and they should appear in our constitution because for sentimental reasons these must be there; makers of military coups will also want to appear in a constitution because there is a possibility that they can one day come on the political scene and rule; is that what we want to achieve?

Mr. Chairman, hon. Prof. Kanyeihamba has submitted, and he told us that there are three generations of human rights; the first generation is the inherent right, and that freedom of association and assembly belongs to the second generation of human rights; and that Uganda has not even ratified

the social, political right which he calls the second generation of rights. True, Uganda may not have ratified the political and civil covenant but I am very much aware that Uganda, actually, ratified the social and political right in 1966. Why do I say this? Uganda has gone even further by adopting and enshrining these rights in its constitutions; you only have to look at article 18 of the 1967 constitution - that article talks about human rights and freedoms. Now if we had enshrined that in a domestic constitution it should not bother anybody whether we had ratified the International convention or not; the fact is that domestically, we have recognised that such rights are vital for our society. I would like this august Assembly to recognise one thing, that the right to associate has also a corresponding right to disassociate - we saw it here when this hon. Assembly conducted debate on whether or not Parliament and Presidential elections should take place on the same day. Voting took place and hon. Delegates who felt that they were not happy with the results of the voting at that time felt obliged that they should disassociate! And what did they do? They, actually, manifested that right by walking out of this Assembly! This is a fact. They walked out of this Assembly so that they could disassociate with those who wanted to remain in this Assembly. Now, why should it bother anybody now, that some people are even intending to disassociate themselves from the proceedings of this Assembly when they feel that their rights are not being accommodated? Why should it bother you so much?

Hon. Delegates, I said the that the inclusion of political systems in this constitution is a very sentimental thing being expressed by people who are looking for identity. I have got examples. There are a number of times when people who have professed military careers, particularly, people who have engaged in guerrilla war and successfully achieved political power would want to prove to the world that they are not only guerrilla leaders but also that they have political philosophy. This happened in China, the late Mao Tsetung was a very successful guerrilla leader, but he was not contented only with that; even after ruling China he wanted to leave a legacy, he wanted to prove to the world that he had political philosophy apart from the military career, and what did he do? All his thoughts, everything was written in the red book and it became a decree that all Chinese should recite it before going to bed, at every meal, and that is really what these guerrilla leaders want to do. We also want now to say that His Excellency, President Yoweri Museveni was not only a successful guerrilla leader, but he has a political philosophy so that when the Movement as NRM came as an organisation which fought for political power and achieved political power we were not satisfied with that, we want now to stress that particular fact to a political philosophy. Now, what do we say, we said NRM practices broad baseness, that was a concept, but now what do we hear, broad baseness is now being abandoned but now we are slowly going into a system that NRM is only not broad based, but there is something called a Movement system.

Hon. Prof. Kabwegyere, a learned professor, who right now is even in the NRM Secretariat confessed in the august Assembly that professors from Netherlands, professors from Europe are still coming here to find out what this Movement is; up to this point in time, nobody seems to know what the Movement is; the thing is still in a laboratory, people are still researching! Why is the hurry that we should now put something which is not known in a Constitution? *(Applause)* Mr. Chairman, why can the learned researchers not give themselves time, adequate time and say that look please, hon. Delegates, as you make your constitution be mindful that in future you might come with a successful laboratory test about what is called a Movement so that if it is necessary, we may then have to include it in a constitution. Why are we so obsessed with having political systems in the constitution; what do Ugandans gain by mere prescriptions of the word 'Movement, political party' in a constitution; what material benefits do our people derive from such prescriptions? I would like hon. Delegates here present to answer that.

Mr. Chairman, hon. John Kawanga, Delegate for Masaka Municipality raised some pertinent questions here which have remained unanswered even when the debate on this particular matter has dragged on for almost a week. These pertinent question are: if we constitutionalise the Movement system as is being echoed here, and then by some bad luck we get somebody voted into the Presidency of Uganda who does not believe in the Movement, are we putting a legal trap deliberately so that when he goes there and does not practice the Movement ideology as is known by only a few, that person will be alleged to have broken the Constitution? Is that the legal trap we are trying to put here? Hon. Delegates, Mr. Chairman, we are behaving as if the

verdict of the people of Uganda has already been given. This Assembly is behaving as if Ugandans have given them the power to become an allocation committee; we have now given ourselves the power to allocate to a particular group that you must remain in power for five years; we sit in the conference centre and say we have by majority agreed that NRM has been extended by five years! What an allocation committee! Mr. Chairman, I have heard a lot of talk on the Floor of the House about what people glorify as their performances, their records and what have you. I am not opposed to any of those; what I fail to understand and appreciate, Mr. Chairman, is only this. If anybody really thinks his track record is so clean, is so fantastic and he believes in the innermost part of his heart that people of Uganda also share the same belief that he has such a good track record, why can we not go to the people of Uganda in an election and say, look, I came on the scene in 1986, and my name is National Resistance Movement; before I came on the scene, you were not sleeping; before I came on the scene your sisters, your daughters, your mothers were being raped by these unprincipled backward regimes; before I came to the scene, Kampala was only built on seven hills; before I came on the scene we did not have this fast growing economy. The people of Uganda will be listening. Now you give this other person who throughout his time was bent on killing people in Luwero, was busy raping women in Luwero and all other parts of Uganda to also go and face the same people in his own name; he should not now go there under Movement, he should go and say; I am UPC I am here. Do you not think the people of Uganda have the ability to say, UPC how can you have the guts to come and tell us here that you raped our sisters, our daughters and now you come to look for votes? That is what we are looking for; we are saying nobody should be excluded, we should all go in under our right names; if you are movement go and say you are movement; if you are UPC, go and say you are UPC. I do not want a situation whereby we have an athletics championship organised in a stadium. Now the organisers of this athletics championship are there and they say we have all the rules. What we are doing is this, when we are going to run 100 metres, you competitors you know we are going to run as a movement; and in that stadium you have so many spectators who are armed, they are armed to the teeth, they are watching the championship. Now, people say okay even then let us go on the track. They go and they are six of them. When they say on your marks, the organisers say, no the rules have been changed, before you fire the gun to start the race, we want people to know all these who are going to participate, the six, should know that they should allow this man who made it possible for the championship to be held to run first of all for 50 metres before you people start; and these other competitors, because they are seeing all these armed spectators around they say well, if it is a race, we shall see, but to allow this man to run first of all 50 metres and then start after him when we are only running a hundred metres, I do not know what will happen. So, what happens eventually, this man is put 50 metres away, in essence he is not running one hundred metres but 50; the gun is fired and then he runs and he reaches the tape. What does he say, he says he has won. You see how victory can be sweet! This man knows that he run the race alone but now he is saying that he won!

Fellow citizens, Mr. Chairman, let us be serious about the future of our country; so many of us have spoken here how we should be as selfless as possible; how many of us can really afford to that selflessness so much so that we can really embrace the true Movement spirit, that spirit of not excluding anybody; that spirit of moving like a train - I think a Movement should be like a train so that people should sit, whether they are in third class or first class, they should arrive at their destination together. Now, what happens in the Movement that we are seeing? The train started from Kampala Railway Station to go to Gulu. People like hon. Ssemogerere were put in the first class, but they were denied the opportunity to either tell the station master whether at a particular station the train should stop so that they go out for short calls or other things; but they were told, let us continue because you are on the train. Now, hon. Paul Ssemogerere found a convenient time when he should jump out of that train; people are already complaining. Why? You wanted a man imprisoned in that train which is not even reaching? For us in Padyere we also look at the Movement like a biological animal called amoeba; this thing is single celled, I am told, and it keeps on moving in different directions; it moves this way, it moves the other way, and each time it wants to swallow other cells. So, is the NRM behaving like that biological amoeba; is that the intention of the Movement? If it is a question of mutual co-existence, brothers and sisters in Uganda, let us recognise the fact that we are different people. I will illustrate this point, why I say we are different people; so we cannot all think and behave in a similar manner.

During the military regime of Idi Amin, the people of Uganda in most areas of this country were fed up with the regime, they did not like the regime at all! But what did we hear? I think, around 1975 some wisdom came from the elders of Rukingiri who sat and met and deliberated as to how wonderful the military regime was doing. What did they say? They said this has been the best time in our history, we have been let down by these other regimes, the most enlightened regime which has given the people of Uganda economic power, has given the people of Uganda freedom, is under Field Marshal Dr. Idi Amin Dada, VC, DSO, MC, CBE; now, we must not only make him President but life President, and then that recommendation of the elders of Rukungiri was acted upon by the Defence Council of Uganda. Imagine if they were writing a constitution, life presidency would have been embodied in our constitution today.

Why are we talking about concepts which vary with time? We all agree that people change their mind, ideas change, why are we trying to insist on putting things which are transitory in the constitution which you all agree must last the test of time. I am not proud if I hear any multi-partyists agitating that we must enumerate multiparty in a Constitution; why should we overload our constitution with concepts which we are going to abandon tomorrow and adopt new ones. Is it just sentimentality? Hon. Delegates, let us avoid being sentimental.

Mr.Chairman, I would like to touch very briefly about alliances. When hon. Paul Kawanga Ssemogerere whose qualities or civility and understanding are to me not easily equalled by all the people of Uganda here; I want to echo the words of hon. Omara Atubo. When hon. Paul Kawanga Ssemogerere sits and dines with Paul Lutwa, people accuse him, why did you join that military junta? When he sits and dines with Lt. Gen. Yoweri Kaguta Museveni, Maj. Amanya Mushega, Brig. Eriya Kategaya, Col. Kahinda Otafiire, that one is okay. Now, when hon. Paul Kawanga Ssemogerere decides to leave that alliance and then starts dining with sister Cecilia Ogwal, it is labelled unholy alliance! Now, Mr. Chairman, who ordains himself the authority to baptize an alliance holy and another one unholy? Mr. Chairman, are these not the very, very people who have been feeding Ugandans on only one thing saying that political parties are very divisive; UPC and DP have made our people fight, have made our people kill each other; now, if the very architects of DP and UPC are dining together, are shaking their hands, they are trying to bring unity, you say it is unholy alliance; what a contradiction! *(Applause)!* Do you want the acrimony, the division in UPC and DP to continue forever? I know why you want it to continue forever, because you do not have political identity and you want to benefit by playing against DP, by playing this faction against the other faction! But the people of Uganda, the people of Padyere in particular, have said; for us we have recognised one thing that people come in the name of liberation and they come and preach unity when in actual fact they are preaching divisionism and they go riding on the division of UPC and DP. For once let us resolve, Mr. Chairman, allow me to say this, that for once let us resolve that DP and UPC should unite and throw out political nomads who have fled from DP and UPC to form the Movement *(Applause)*.

Mr. Chairman, allow me to wind up on one issue of the referendum. Mr. Chairman, there is nobody in the multiparty camp who is opposed to a referendum for the sake of opposition. What are we saying? We are saying the issue is not whether referendum cannot be used to determine certain national or local issues of governance; but rather the issue is whether you can use a referendum to deprive the individual of his rights; not that we are opposed to a referendum, but we are opposed to a referendum which will deprive the individual of his rights.

I want at this juncture, Mr. Chairman, to refer to the Odoki report. A lot has been talked about exceptions and derogations from rights; true indeed, even the Odoki commission noted this with a lot of concern. On page 161 of their report, they have under this recommendation 7.108 on fundamental rights and freedoms, they say thus: "*The enjoyment of the rights and freedoms in the new Constitution should be limited only by the requirement to respect the rights and freedoms of others; the demands of public interests and morality and the need for law and order in a* society..." Now, by putting in article 96 a restriction on political freedom, on freedom of political parties to present themselves to the electorate; will you be respecting the rights of the minority? Is that in the report; is that in conformity with the wishes and aspirations of the people of Uganda as they are presented to the Constitutional Commission? Mr. Chairman, they even went further in paragraph (b) -

THE CHAIRMAN: Hon. Ringwegi, you are running out of time.

MR. RINGWEGI: I am much obliged, Mr. Chairman. I am about to wind up. They say in paragraph (b) that exceptions which are considered important for the guidance and protection of rights and freedoms should be included in the Constitution to make it very clear that besides those exceptions, no person or law can infringe on those rights, and lastly they say none of the exceptions or limitations of the rights should ever deny or negate the essential content of the right itself; nor should it aim at any particular individual or a group. It should be a general application and apply only where clearly necessary. Mr. Chairman, with all the submission by the people of Uganda to the Constitution Commission, about derogation of their rights, what further mandate do we seated here, as hon. Delegates have, to say that for five years we are going to leave the field alone for the Movement, when the field should be open to all political groups?

I want to also correct this impression created by submission by hon. Fiona Egunyu that Perot stood in America as a Movement, he did not stand as a Movement, he stood as an independent candidate and he did not by standing as an independent candidate bar political parties from participating! Even in Uganda, we want people who do not belong to UPC, who do not belong to DP, who do not belong to NLP, who do not belong to National Resistance Movement to stand as independent; but at the same time allow the parties to stand in their own rights; these are the rights that we are insisting on *(Applause)*. Mr. Chairman, I have only seen that we are not here to be convinced by reason or logic; we have made up our minds that numbers will do the game for us. I wish those who have the numbers the best of luck, but I want through you, Sir, to tell you that the people of Uganda never expected us to come here and boast of numbers. Mr. Chairman, I have said the little that time has allowed me to say on this important debate; given that, we must all delete article 94 from the Draft Constitution and have another formulation which may be acceptable to the people of Uganda. I would like to implore the whole Assembly through you, Sir, that sanity come amongst us and we delete article 94; let hon. Obiga Kania bring his Amendment, let any other person bring his Amendment, but not when article 94 is sitting in this Constitution. Mr. Chairman, I have said all this for God and my country *(Applause)*.

THE CHAIRMAN: Order, order. You are delaying the whole process by talking among yourselves, and let me take this opportunity to warn our members of the galleries and lobbies that they are not expected as visitors here to cheer or talk among themselves, and to clap. So, please hon. Wandira Kazibwe.

DR. WANDIRA KAZIBWE (Kigulu South County): Thank you, Mr. Chairman. I wish to remind hon. Members that whereas we have been sitting here for over one year, the people of Uganda have since 1988 been waiting for the fruits of their labour, the product of their ploughing, having slashed, sown and they are waiting for the harvest. Mr. Chairman, as we sit here, it even becomes more apparent that it was right that this exercise was put back to the people so that we get a feed back from them on what they feel about the most crucial issues that affect their lives, which issues from their history, from their experience should become part of the basic foundation of the laws that will guide them to prosperity. Mr. Chairman, some of us are old enough to know that if you bite hard enough anybody, be they from Karamoja, Busoga, Buganda, Ankole, they will feel the pain and they will bleed. So, Mr. Chairman, this issue of political systems in the Odoki report is the issue which generated a lot of debate, indeed I think I am not wrong to say that while this debate has been going on, the gallery, the visitors' lounge has not been as full as it is today; when people know and want to find out whether what we have been talking about is empowering them and indeed we are beginning to practice what we have already passed; but the sovereignty is with the people.

The role of leaders in my opinion is that a leader should know what the vision of the people she or he leads is, and the job of this leader is to translate this vision into reality. Our mission as we sit here is to make sure that we write this mission in the words that Ugandans understand, a mission which clearly states what they have been going through, and also charts out where they are going. So, while we sit here and we see people talking about the goodness of this party or the other party, the badness of the system or the other one, some of us who are not traditional politicians feel hurt, in that we are tired of going to cut off people's limbs because of the problems of politicians who sit and talk, who bite but cannot chew and then they take off when things get very hot.

Mr. Chairman, I believe that many of us sitting in this hall have read history and that democracy is not new to many of us; democracy means government of the people for the people and by the people. But, Mr. Chairman, many of the proponents of democracy, and I would like to give credit to them for the role they played in giving us paper independence, we think the role is different now. Those who are retiring, indeed they should retire because we are fresh with energy to carry on the management of this country. Mr. Chairman, I would like to quote one democrat who talks for the rights of people; who in the 1966 when I was in primary 6 said to the Speaker, and this is the hon. Adoko Nekyon: *'Sir, let me say this, that in Africa where democracy is new, in which I do not believe sincerely, I do not believe in democracy, it is all rubbish'* and this is him because I remember, hon. Members. Hon. Adoko Nekyon even in Parliament the word 'rubbish' is pregnant in his vocabulary. He continues, Mr. Chairman, and I quote: *'I can tell you that I am talking from the bottom of my heart, you can criticise and say Nekyon you are not a democrat, I am not, this is a fact; I can say that in Africa personality pays a big role in our politics; policy is there but it is personality in every district, there only a few districts where you can take anybody and just put him there and he will go through in elections, maybe, in Lango my constituency..."* - which means maybe he is a nobody there - *"... but if I go to Busia and stand as a UPC I will have to fight like hell to go through, because personality still plays a big role and if personality is playing a big role as many of the Members will recognise, this has been a point of contention and debate in this Assembly, they will say, if one is to say that six personalities are going to defeat so many personalities, he will be ridiculous and I do not think that anybody is just going to be fooled in the village that you are stronger because you know that when you start from six persons fighting against 70 persons, it will be difficult and may be impossible..."* That is hon. Adoko Nekyon in the year 1966, before I even became a teenager, Mr. Chairman; now, I am in the Constituent Assembly, a big woman with four children, a mother of twins and I would not want to see such statements appearing in future *Hansards* in this country. But I want to dwell on the point, *'it may be difficult for six persons to fight 70 persons'* this is a believer in no democracy but who accepts that when you are in the minority you should indeed give a chance to the majority to carry the day.

Mr. Chairman, we talk about human rights and the right of association. As a woman, when people talk about human rights, sometimes I even ask the men and women sitting in this Assembly, if we were to make the basic yardstick for human rights, even in our own homes we would not have the moral authority to talk in this Assembly; and when we get beaten in our homes, when we are cheated in the market, within the political parties, we go quarrelling on the roadside. Mr. Chairman, I would like us to practice what we preach; the people of Uganda have the zeal to practice democracy through doing things, we want to teach them that the road to democracy is slow, painful but sure, just like the labour pains when you give birth to a child. Unfortunately the majority in this august are men; it will be a long time before science gives you the opportunity to know about labour pains.

Mr. Chairman, I would like to say that once we have said that sovereignty lies with people, we cannot back and say that the democracy we want to give the people of Uganda is democracy with government of the party for the party and by the party; I think that is really ridiculing Ugandans of good sense and good brain to know that when we advocate for this kind of democracy, it is not the sovereign, but we are talking democracy of the party for the party and by the party.

Mr. Chairman, I would like to continue further and say that there is debate of the Movement versus the multiparty system, while the Movement advocates are being castigated for being lost sheep, I said earlier that when you have a mission, you must make a strategy; the mission for Ugandans in the '60s was to bring us independence, the mission for us now as leaders is to come up with a system that will lead to prosperity as a country. Independence we have, but how much, or how far have we gone with that independence? So, I want to call upon all those people who fear to venture in what they think is unknown, who fear experimentation - I want to inform hon. Ringwegi that one of the reasons we have problems here is that we do not plan, we live in history because we know multi-parties, that is enough; we do not do research, and I was to submit that social research is done by application, and I believe when I come to Padyere to help you to internalise it, we shall come up with the right statistics at the end of the visit.

You talk about the right to associate vis-a-vis the right to disassociate; we have said in the Constitution that the people are sovereign, if you think that the rights to associate go hand in hand with the right to disassociate then we must in this constitution give an opportunity to the Ugandans, we give them a way out to disassociate from a system they do not want and to associate with the system that they think will lead them forward. So, putting us through verbal jargon will not take us very far, if we have not really looked very seriously to know that the people said they must be given the opportunity to chose the political system that they want.

Mr. Chairman, I would like to quote Mr. Onama, again the *Hansard* of the year when I was in primary six; again, they were talking about the amendment of the electoral law; so the late Onama - the good thing with modern technology is that words do not die, so, his wisdom lives with us up to today, thanks to the *Hansard* and all the sons and daughters who have kept this alive. *"So, we are going to examine gentlemen..."* - I doubt whether ladies were in his mind at that time - *"...whether the East or West, like it or not, they are not going to play a part in our examination of the system we are going to follow in this country."* They are not going to play a part - *'we are going to examine a system ourselves'* - denial of the people of Uganda to examine a system. This is inherent, it is a fundamental fact; it is a disease that has been part of these people who have been propagating the non constitutionalisation of options for the people of Uganda. We are going to frame the system, we are going to our people afterwards to say, do you like the system?

Mr. Chairman, the late Onama even goes further to say that indeed the action taken by the President then beginning February last year a system which was framed from within Parliament without consulting the people, that he was going to go throughout the corners of Buganda to tell the people that they are with them. Mr. Chairman, but *Mzee* Onama goes on to say, after asking the people they say no, and he says *'yes, the representatives of the people in the region and other Kingdoms sat and discussed and sent congratulatory messages to the President for the prompt action he took to save Uganda from tragedy'* and, of course, the Members went on *(hear! hear!)*. And he continues and says; *"...and this same President is going to sit with his Colleagues to examine the best system that will fit with Uganda. We do not want it to satisfy London, we do not want it to satisfy Peking, we do not want the system to satisfy Washington, Moscow, no! Rome, Paris, Berlin, never! no! we do not want that; it is our responsibility to satisfy anybody outside Uganda that this system is ours. So long as our people say that this is a good system even if the Kremlin says this is bad, it is good for us. Whether Washington says this is bad we say you mind your own business in Washington, whether Rome says so, whether London or Peking, it is going to be the system for the people of Uganda."*

Mr. Chairman, before I started quoting, I said I will give due credit to all the sons and daughter who have been participating in the debate; the issue of a political system is not new. Hon. Sam Ringwegi we were at campus together during Idi Amin's days, it was not an issue; you were also in P.6 somewhere, so I am not surprised that you do not know that the issue of a political system has been on the top of the minds of progressive leaders in this country and they have been saying, let us ask the people for the system that they want, the system where their sovereignty is with them; and the leadership of the political parties have been denying them that opportunity, and the Movement has come in to reinstate the people's sovereignty; believe it or not, in line with what hon. Adoko Nekyon said in 1966. The situation then in our rural areas has not changed much, it is the same! Our people will choose Adoko Nekyon as opposed to me, because they believe in him; let us float hon. Adoko Nekyon as Adoko Nekyon; let us put him as a Presidential candidate, not to elect Adoko Nekyon through hon. Kawanga Ssemogerere because the UPC has said let us put one candidate, a Muganda in the name of Ssemogerere so that we fish the votes in Buganda, put a candidate in the West in the name of Adonia Tiberondwa or somebody else that we decrease the votes of the Movement there; we put another one in the East in the name of hon. George Masika - if you do not know, you are a Presidential candidate for the East, hon. George Masika. Mr. Chairman, like many say, when you get elected you know that your people have seen something in you; we are here to negotiate for something, a system that will bring our people closer together.

I know that a lot is being said and a lot has been said over the years, but I would not like to finish my quotations before I quote for you our father of multiparty democracy and one party system, *Mzee* Milton Obote. Again in 1966, hon. Members that

here was a wonderful year. That is the year this country through its parliament hatched a new constitution for the country. Dr. Obote said, Mr. Chairman, " *There are various views about elections, and elections are not simple matters. We will have to progress by our own experience, let us not think that any one method is good for us, just because it has worked in another country. Let us make trial of our own method and the period I have indicated should be the period for thinking and I hope that, hon. Members opposite who are so much interested in bringing this Motion practically every year, should now begin to think of some way in which Africans used to elect their representatives.*" In Busoga, Mr. Chairman, while hon. Bidandi Ssali was being lambasted for standing surety for an old friend, I would like Members of the Uganda Peoples Congress to also respect that they were fathered by a man who had a vision which was may be cut short. And that, whatever they say now, they are still in his footsteps, and it will be some time, before we really come up with somebody who will have a thinking head like *Mzee* Obote, because he really screwed each one of those who were under him. We must give him credit for that leadership, for producing examples for us to see, so that we reject the likes of those who follow the likes of Milton Obote.

Mr. Chairman, as I said that, as a woman and a mother, sometimes it hurts me to see the way people are continuing to want to divide us. When I went to Buseruka, Mr. Chairman, I went there in my capacity as the Minister of Gender whose role is to have gender desegregated in this country, so that I know which policies to put in place, to enable each Ugandan of whatever tribe, of whatever religion, able bodied or disabled, to make sure that the policies of government touch them to exercise their potential, so that they participate in the development of the country.

Now, Mr. Chairman, hon. Atamvaku goes ahead in this House, to say that, I called Muslims illiterates. Atamvaku is one of the reviled muslims who are advocating for Arabic being the system of education. Hon. Atamvaku, Arabic is a language like Lusoga. It is a language like French, like English. You are the people who go on telling our sons and daughters who are muslims that, education through secular schools is *haram*. And I repeat, it is *haram* for me as a leader not to point this out. And I will continue pointing it out and to fight those backward elements like Atamvaku, who want to make our issues metaphysical. They are out on a campaign to de-campaign me in the eyes of Muslims. I want to inform hon. Atamvaku that, where I come from, I am the only Catholic in my clan. My uncles are muslims, protestants, traditionalists; so your divisive politics will not work. Same as Dick Nyai coming to tell us that, hon. Kahinda Otafiire is a dedicated Catholic. This is the type of politics you are championing, to start dividing us saying; there is an NRM leader, she hates muslims, she says they are illiterate. There is an NRM leader who is anyway Catholic, and this government is now promoting Catholics. Mr. Chairman, I want to call upon all able bodied and able minded Ugandans to fight the likes of Atamvaku and Dick Nyai, who want to continue dividing our people. That is why, those of us who are progressing, will continue to speak out in the names of those who are advantaged, the women, the illiterate, the muslims who are in the minority in this country and they want their leaders to continue keeping them a minority, so that they become the only ones to be recognised, to be given jobs, while they keep their brothers and sisters in the background and they carry the day all the time. I am not going to allow this. And while I am still alive, whether I go back to Mulago, I will continue talking about it.

Mr. Chairman, we are here, to come up with a system that is going to reconcile our people. The multi-party advocates came from the other side of the wall and said, we do not want a system called Movement to be put in the constitution; staunch Movement people came from the other side and said, we do not want to hear about multi-party, indeed in the Odoki report, most of the people were saying, let multi-partyism lie down for 20 years. The report collected for the women that were consulted through the Minister of Women in Development, talked about 30 years. Odoki Commission came out with 5 years. We came here to negotiate. And, Mr. Chairman, those who are advocating for confusing us in the legal jargon; one thing people do not know that, some of us are jacks of all trades. In our professions you learn about technology, you learn about law, and we are taught to listen so that lawyers do not confuse us - the likes of Sam Ringwegi. We know what we came to do here. We came to negotiate, we came to leave the opposite of the wall so that we meet in the centre there. The multi-partyists want a multi-party system. The movement advocates want a movement

system. But the retrogressive in the multi-partyists are saying, if we cannot get married to this man, let us kill him and we miss him, all of us. That is your style of management. Mr. Chairman, those of us who would like every Ugandan to test a bit of everything - to have *ekitobero* have said come to the table multi-partyism, through the Obiga Kania amendment. We have also said, let us have a movement. And if Ugandans say that monarchy is democratic, and representative, they will have it, if they want it. If they come up with any system in future that is going to help them to move, let them have it too.

Mr. Chairman, I wish to ask my sister, hon. Cecilia Ogwal, that it is in this system where people come on merit that she has seen the front bench of a representative body. Otherwise, you are in the backyard, and continuing to sing slogans. It is in this system where my sister Kulabako whom I went to see in Luzira one time, can after all those problems come, have, go through a normal judicial system and is free. She comes and sits here and sees her sisters deliberating for a better cause, this time. Mr. Chairman, I want them to be aware that, there are also many women who have been responsible for shaking the destiny of this country, in either direction, and we are advocating for them to join us in the right directions. Mr. Chairman, without taking up a lot of people's time, the hon. Delegates have been here for these days, looking at this issue of the movement and multiparty, we have been accused of not levelling the ground. I want to urge hon. Members that, we renegade this retrogressive amendment which wants to cancel before it builds, which wants us to forget that it is due to political systems that we have ended up the way we have. That it is because we have not asked the people to choose the system. The people of Kigulu South - Iganga District, and having the mandate of speaking for the people of Busoga as the *Kyabazinga* for development, I want to ask all of you, hon. Members to reject this amendment, so that we go to negotiate, reconcile and the Members who truthfully are here to tell the truth that what they are talking about is indeed what they believe in, will be best for the people of this country. Let us move in the right direction to a point of reconciliation. Because that is the only mark that would move us forward. Mr. Chairman, I thank you and hon. Delegates.

MR. ADOKO NEKYON: Mr. Chairman, I would like to start by speaking in my own style. But because, some Members have become so panicky, that they decided to quote me out of context; I will therefore, start by dealing with them briefly and precisely.

The hon. Kanyeihamba and hon. Zibwibwe quoted me as having said -*(interruption)*-

THE CHAIRMAN: Hon. Nekyon, we do not have a person by that name here. We have hon Kazibwe.

MR. NEKYON: They are very similar. Hon Kazibwe quoted me as having said in 1966 that I did not believe in democracy, and that it was rubbish. But she quoted me completely out of context. 1966 was a year of crisis. In London we agreed on a constitution which provided for rules of the game. But in that year, other groups decided not to follow the rules of the game. And if you are playing football and somebody does not follow the rules of the game, you will of course throw the ball out of the pitch in anger. Therefore, I will say, I confirm to them and to this House that, yes I have changed *(Applause)*. And the very foundation of Party democracy is to provide a change, because a change is a fundamental part of human nature.

In the Bible Sir, there was one man called Saul. Saul later on turned into Paul. And no other person in the world expressed Christianity as did Paul; so change is good. *(Applause)*. All the disciples of Jesus Christ: St. Peter, St. Andrew, St. John, St. Luke; all these people changed from Judaism to Christianity. They changed.

Sir, coming closer home here, the hon. Kazibwe was in DP, she changed against DP and against the Parties to NRM. The hon. Rugunda, the hon. Bidandi Ssali, hon. Kivejjinja, all have changed from UPC against parties, and they are now for a one party system called NRM. They have changed. Sir, above all, His Excellency the President, Lt.Gen. Museveni, not only changed, he has gone through a metamorphosis. He was in DP first, then UPC, then FRONASA, UNLF, UPM, NRM, and I do not know what next *(Laughter)*. But according to his lieutenants, Adoko Nekyon must not change! I have changed Sir, because I have grown. And I want Kanyeihamba and Kazibwe to grow and to change *(Applause)*.

When I made that statement, the hon. Vice President Kazibwe, says she was still in Primary. Now she is grown up, she has many babies - I will not ask her how she got them - but I want her to change for the well being of her children.

Hon. Kazibwe stated at one time that Muslims were fighting in Hoima, because Muslims are uneducated. It is on record, in a Government Newspaper. She wants to differ, but it cannot be. If anybody who fights guerilla warfare is uneducated, then those who are ruling us today are the most uneducated *(Applause)*.

Then she went to Gulu and said, the Acholi are manufacturing manure out of their chunks; then she went to Kyambogo to address the Youth and women and said, " Northern youth, do not follow your men who have decided to die." She is a Vice President of a sort. And leave her *(laughter)*.

Mr. Chairman, when the people of Maruzi asked me to come here, they were under the impression that we were going to write a constitution by consensus, and this was the primary duty given to the Commission. To draft the constitution which will be agreed upon by consensus. To us consensus meant that we were going to discuss the Constitution amicably and reach compromise on fresh governance of this country. And to reach a consensus we thought that, we were to forget all our past, all the ills done to us; we sit together here, we have wronged each other, we have pain in our hearts. Because we have all done wrong. But we agreed to come here, because we thought that we are going to make fresh beginning on a clean plate and what do we hear now?

In the beginning, I was wondering whether UPC was right or not in refusing to send delegates here. But now, according to what I have heard, they were right to have refused to come here. Why do I say that? I say that because hon. Matembe, a Lawyer, said if it were not for the good heart of NRM, UPC should have been banned. In other words the consensus that we were going to look for here is one which would submit UPC into mercy position. A position of mercy; not a position of equality.

Then the hon. Sabiiti came up and said, Obote and Ssemogerere should be banned from standing for any election. In other words, UPC were expected to come here to witness their being banned and to witness their leader being banned from standing for any election in this country. So, they were right for having not come here.

Sir, the hon. Sabiiti said, we should not adopt from other people - from Western power system. But a system of Government is technology. And transfer of technology is good in developing a country. But he forgot to say that we can borrow everything else especially money. Okay, let us borrow everything, except the political system. Why? Because political system involves power, and what people are fighting for is power. We have got it, we must not surrender it. It must be pulled out of our mouths by force, until our teeth are broken.

Then what do I hear; hon. Kanyike sounded a declarial call to the Baganda. Baganda and Ssemogerere must not work with UPC. Because of our history. He says yes. That is why I am saying it is actually yes. But Movement is a broad based system which includes all parties, according to them. Which means, under NRM, UPC and DP must work together. But outside NRM, they cannot work together because of our history. These are Members of Constituent Assembly, 1995 speaking! If we must not work together because we cannot forget our past, then let those Members bring a resolution here now, that we partition Uganda in small units, where already those who can work together can leave, so that we go home as different nations. This has been done in India. India was partitioned to India and Pakistan constitutionally, because they felt they could not leave and work together. And this is what we are hearing here. The Baganda must not work with UPC at all - they are tricky. DP must not work with UPC. Actually the hon.Member concentrated more on trying to stop Ssemogerere from running for the presidency. He was campaigning against Ssemogerere in advance. He is in a hurry. But why should Baganda not work with UPC or any other party? Nearly all these parties were formed by Baganda themselves; UPC was formed by a Muganda called Musaazi. And Abu Mayanja was our secretary general. And I joined it as a young boy at Buddo. I think our problem here and what is making us fail today is that, we are concentrating on finding who is right, who is wrong, instead of finding what is right, and what is wrong? *(Applause)* We thought that, we would come here to create new ground for governance. I did not know that we were coming here to open old wounds. But we are now opening even all

scars. UPC is very bad. Because force *Kabaka* into exile did not bring back the body; and did not even console the Baganda.

But let me tell you; there is not only one pandora box in Uganda, there are many of them. And Kanyike said, the Baganda loved their *Kabaka* very much. They do. But, when *Kabaka* Mwanga was chased from Buganda, he went to Bunyoro and joined Kabalega and they both ran to Lango. And who received them there? It was Obote's grandfather, Akaki Nekyon. Akaki refused to hand Mwanga and Kabalega back to the British and the Baganda who were following them. It was a Muganda General called Kakungulu who managed to capture Kabalega and Mwanga; and Mwanga was forced to go to Ssese Islands in exile and he died there. So, the Baganda loved their *Kabaka* very much.

But my clan of Dyuyima, as a result of that episode was almost wiped out by the thousands of troops taken by the British. Most of these troops were the Baganda and Nubians. They almost wiped my clan out, the Dyuyima. Now, you cannot say that, you love that Mwanga more than mygrandfather. Mwanga was first over thrown because he plotted to take all the Christians and muslims to a remote island in lake Victoria, and abandon them there, without canoes, so that they die of starvation. Then later one, we have these shrines at Namugongo. Those shrines were not built in honour of the performance of multi-partyists, but the Baganda still loved their *Kabakas* in spite of all that.

When Kiwewa succeeded Mwanga, he was overthrown, after having been in power for six days only, he was succeed by his brother, Kalema. To make sure that nobody would ever throw him, because to overthrow a *Kabaka* in Buganda, you needed to have a prince to replace you. Kalema collected all the princesses and princes of Buganda and burnt them alive, just to guarantee that nobody would overthrow him, but still the Baganda loved their *Kabaka* very much. Some of those who were to be seen, that only they loved the *Kabaka*, never abandoned the *Kabaka* in his stream. They say, he must work with them, because they have made him a king. But he is swinging in the clouds without a kingdom. A king without a kingdom! How can there be a king without a kingdom? That is a new phenomenon, a fundamental change.

Kabwegyere said, we must put NRM in the Constitution because it is home grown. There no growth from outside like other systems, like multi-parties. Sir, this statement is from a university lecturer. But it is meant for the consumption of those who have not opened any book. The NRM system, this thing called RC system was not grown in Uganda. A long time ago, India adopted a system called *Punchad*. This is now the RC system, which is supposed to have grown here locally. The Jews in Palestine, they have got the Kibbutz. Then we had the Ten Cell System in Tanzania; I was with Museveni in Tanzania for 9 years, in exile and we lived under a system which the UNLF brought here. Now, we are being told by the Professor that is a home grown thing, which must be inserted in the constitution. What we are saying is that, we want a multi-party system of government because we have ever tried it; it has not been perfected yet, but it is so far the best system, the world over.*(Applause)*. No question about it. When we want to borrow money, we run to borrow money from a country with multi-party system. And we are lucky.

The hon. Karuhanga made quotations today. He spent the whole time quoting others - he did not make any speech *(laughter)*. He said, Abraham Lincoln said, " we want government of the people, for people and by the people." And it has been repeated by hon. Kazibwe Vice President excellency. But when he did that, he should have continued to say, the ultimate system which came out of that speech, the famous speech, was a multi-party system for the united States of America; not a movement system. And he made himself more funny. He said, in America, there is one state called Nebraska, which adopted multi-party system, so we must follow Nebraska. One state has opted for non multi-party system out of 50 states. He wants us to follow one example out of 50. I think the hon. Member is not in business, he would lose money very fast.

The main charge which has been brought against parties, is that, it brings wars, it brings fighting, chaos.

I will ask; what chaos have we seen here caused by multi-partyists? Only one, the war in Luwero. And the war in Luwero was caused by those people who are now shouting about NRM. If you create a war, you must know that people are going to die. You cannot win a war a without people dying. So, those who started war in Luwero should not now shout that they were being wronged. Sir, the truth is that, people suffered all in areas where there was guerilla

warfare. Where there was no guerilla warfare, nobody else suffered.

Then the Professor said, that under NRM, there is tranquillity, peace. But we have had wars in Acholi, which are still going on under NRM. We have had wars in Teso under NRM. So, war does not need to be connected with the system of government. War comes because of discontent which we need to address immediately. That is why I am saying, once you have a very acute discontent, there has got to be war. Multi-party or no multiparty, movement or no movement; war is going to be there.

Freedom of association, we have said is God given. Somebody said no, it is unalienable, it is not God given. God gave freedom of association and multi-partyism is only one of them.

Originally, God created Adam alone and seeing that he was lonely, created Kawa, saying they could associate. We are being told that this question of multi-partyism is a national phenomenon, and nobody will stand against it. Everywhere, where we started with one party - in India Sir, they started with one party - the International Congress; in the last election, there were 70 parties. In South Africa, they started with one party, ANC, now there are many. Here we started with one, UNC; now they are many. This is a National phenomenon. Human beings change their minds, and when they change their minds, they want to move somewhere, and there must be somewhere where they can move, and still participate in the affairs of state.

We are told that the major argument here is that, the people of Ugandans ask that NRM be in power for the next five years; this is what is being hammered thoroughly. I want to react that the people submitted the memoranda and ended up by 1990. They were under the assumption, then the making of the constitution after that, will take only about three to four weeks, as it happened in London. So, the five years they were talking about was from 1990; now it is 1995, it has expired *(laughter)*. To follow logic. If you say that, what they meant was that, from the end of the constitutional making, irrespective of the time it takes, it will mean that, even if the constitution is to be concluded in 20 years time, NRM will still need five years - that is illogical, far fetched, and criminal. Sir, multi-party system provides for an alternative system of government. We want a permanent arrangement, where the parties prepare governments in waiting, ready to take over. Just for the time people change their minds, that they do not want the government in power. We do not want a loose system where succession is not assured. And this is what we are crying for. For alternative system of government where the parties prepare the candidates for office, and this is what we are crying for.

And then we want a system where people can point out the weaknesses of the government. Everything has got two sides and it must be pointed out. It is only under that system that it can be done. If Galileo lived at that time when there was multi-party system, he would not have been hanged by the Catholic Church. He said the world was round and everybody came on his neck said, why do you say the world is round? It is flat. And the flatness slaughtered him. But the church apologised to him only two years ago. We want competition because it is cheap, and it produces the best material. Multi-party system does not preclude personal quality. If anything, if you are going to be adopted as a candidate for a party, you must have very high quality. Because no political party will want to put up a candidate who cannot win the constituencies. Nobody will like to do that. So they get the best possible material and put it against others.

We have here, just outside the city a constituency for this Assembly, where hon. Mugwanya stood against a very distinguished lawyer - Kasule. In an area where people are highly enlightened. But they elected Mugwanya. Mugwanya has not made a speech in NRC for five years. He was elected here under NRM, he made only one speech and disappeared, even up tonight. Because he cannot follow the proceedings of this House.

The core of debate is this, we want NRM to agree to become a political party which it is now, to remove itself from using public funds for its own benefit. And then to compete with the other political parties, from time to time. But what do we hear? NRM really says there is one girl in the village, and all the boys won that girl. Let us go together and let the girl see us dancing and then she chooses. NRM says no, me I am so handsome, yet I have got to dance with you. You go and dance and the girl will choose me.

Once upon a time, when the Lake Victoria was created, the fishes went there first, then the frogs

followed, and they grew there. And then, the crocodiles also went and the snakes followed. Outside there were hippos, buffaloes. But one day fire came, and swept the shores of the Victoria and the hippo ran for cover into the Victoria. And when he reached there, because of his size, he said now, everybody under me, you are all hippos. The tilapia said, I cannot be a hippo, you cannot be a fish. He said, you are a hippo, you are still growing. According to the hippo, even a tortoise is a hippo.

Sir, the so called referendum is ridiculous. NRM comes to power, ties the hands of the multi-partyists for 9 years, breaks up their meetings, harasses them, and then says, we go to referendum. Who is so stupid, cannot know what we are talking about? The story of the doctor, that does a doctor take somebody who is alive to a mortuary? We have been told many times, but I want to say, that unfortunately, the doctor himself is a patient. Bidandi said, NRM has been levelling the ground by stopping others from participating, stopping others from addressing rallies. A ground which he thinks she has labelled the roughest political ground I have seen. Sir, the Referendum is exclusive. It says that, as long as the Movement is in power, the parties must go silent. Otherwise! They must go silent. When the parties are in power, then the Movement must go. We are saying, let an end come and stand with us. If they win the election, which they should win because they say, they are perfect, they are not sectarian, they have not stolen money; they will support them for five years. After five years, we go back to election, we provide for this. People change their mind. That is why we had to provide for five years - two terms for the president. Because people change their mind; even if they love you, after five years, they may not want to see your face. And this is what is happening today; people want change, and they want a smooth change without violence. We want a system of government which changes power without violence, without fighting. NRM is specialised in the repair work. And it has done well, it has repaired all our roads; most of them. Because they are in the right direction. They repair some schools, my brain child, Kinyara factory is being repaired. Okay, but they have done 9 years, and we have provided now in the constitution that 10 years is maximum. So, the beloved president should not be going out smoothly and peacefully, when the going is still good. Let them leave some repair work for other parties, which know only how to repair, and they are still being born. As we talk here, NRM is asking for extension, but all our borders are washed with troops. We have problems on the border of Kenya, problems with the border of Zaire, problems with the border of Sudan, only little Rwanda is our friend. *(Laughter)*. Because of bad foreign policy, and yet we are being asked to extend the life of a war monger *(Applause)*.

We know NRM has performed very well in selling public assets. Public Assets have been sold, including this Conference Centre, which was making profit, it has been sold to Arabs. We were told here by the President only two days ago that, NRM found 12 million dollars as reserve, now it is 350 million and we clapped. But 12 million dollars excluded the assets which were still intact, minus 2 billion dollar loan debt. Today, we have sold all the assets and remaining with 350 million dollars; with 5 billion dollar debt. That is not worth clapping for. They have sold enough, let them leave so that others can sell the rest.

Here, we have got surplus corruption. We have even begun exporting corruption as a commodity. The most corrupt minister is proposed for international service *(laughter)*. And the international community are supposed to buy such commodity free of customs duty. Even State House, has failed to account for how it has spent 400 million shillings to the Public Accounts Committee. What moral ground has it got to order the other people to make accounts properly, when they cannot account at the State house? Meanwhile, the President is always in the air, visiting this country, that country. If not in the air, it is because he is expecting a visitor who is in the air *(Laughter - Applause)*. So, he qualifies now as a consultant on global trotting.

We are told that, parties need five years, that we need five years to learn from NRM; we do not need to learn from NRM, because NRM knows to swim only free stroke, no other way of swimming. And we cannot learn by watching, we have to jump into the water. That is the only way. Many of these NRM people were in the parties. They go to the bush, and then they come out to teach us. A bush is not a school -*(Laughter)*- NRM to just say, we need five more years to train more cadres, to reach about 3 million so that we can rule by force forever and ever. This is what they should say. Why beat about the bush? We know what it is all about. You want time for training more cadres. Churchill was

fully tricked by Hitler. Hitler was drilling troops, but Churchill thought, may be Hitler was just joking, until the whole Europe woke up, when Hitler was running one country after the other.

The policy in Karamoja is the best illustration. The Karamojong are allowed to keep guns, military guns, AK rifles, whatever they have; they are allowed to keep by the government against the law. Last week, Lokeris made a statement saying Karamojong must not wear military uniform, but they can keep the guns. Which one is more deadly? The uniform or the guns? And then he said, yes, you can keep the gun in the bush, if you are crossing the road, you must not have the gun. But if the Karimajong is going for a funeral right on the other side of the road, how will the gun cross the road without being on the back of the Karimajong? That is a riddle. And now, the government is asking for 48 billion shillings to stop the Karimajong from rustling, when they are allowed to hold guns. And the guns which enable them to rustle animals from other tribes. The government now needs 48 billion to stop the Karimajong who are armed - 18 billion. Even if it is I billion. The concept is what matters. You allow somebody to be armed against other people, then you need money to stop them from going there instead of disarming them. Katureebe told us, listen to the voice of the people. I am speaking for the people of Maruzi; these are people, they are not cows *(laughter)*. You know, it is typical for some of us to understand, why Katureebe had to say, we should listen to the voice of the people. In Ankole they used to call their king Rubabazi. The ruler of the whole world. To a Munyankole, Ankole was the whole world. So, he thinks when I am speaking for Maruzi, I am not speaking for the people.

Finally, I have heard with great surprise a statement made by my long term friend, hon. Bidandi Ssali; who attacked the legislators from Acholi for not doing much to stop rebellion in Acholi, and this has been dwelt on. But the truth is that, the responsibility for maintaining law and order is that of the Executive. Not the Legislature. The Executive must account to the legislature, to parliament, if they have failed. If these people undertake the work, that Bidandi Ssali wanted to undertake, then they cannot be accounted to. They will become part of the operators. So that was unfair. If NRM has failed to control the rebellion, let it say so.

Then Bidandi Ssali decided to threaten us. He said, in America if you join the Communist Party, you lose your rights, and those who will walk out will be treated as the communists of America. I want to say loud and clear tonight that, nobody will intimidate me into some meeting, into the forces of evil. I stood against the colonial power and I never submitted, and nobody is going to intimidate me or buy me into submission *(Applause)*. My instructions are clear for Maruzi - not from Mbarara or elsewhere. That if the Assembly insists on putting something which they know is not for the best interest of the country, I should walk out. And I am going to walk out in broad light when Bidandi is going to see me *(laughter)*.

Sir, in conclusion, my judgement is that, this constitution which we are making has lost trend, it is no longer for consensus, and it is going to last only about five years. Because it has failed the very purpose for which we were called. Mr. Chairman, I support the Motion. *(Applause)*.

THE CHAIRMAN: Order, order. Could you ring the bell for Members to keep quiet. We have had our last four speakers, two for the Motion; two against the Motion. I remind the house, the Motion is co-sponsored by hon. Cecilia Ogwal and hon. Paul Kawanga Ssemogerere to the effect that Article 94 of the Draft Constitution as handed to us from the Odoki Commission be deleted. We have had four days of extensive debate, indeed it was our estimation that, today by 3.00 O'clock, we would have reached this stage. But as you know, we have taken longer than we anticipated. But now, we have to make a decision.

Along the way, there was an attempt to see what other direction we could take. But as you know, eventually this House has to operate within these rules and statute. On the basis of the debate, I am sure Members have now made up their mind. I will therefore, proceed to put the question. I will put the question. Let us take the voices first. The question before you is that, Article 94 which falls under Chapter 6 and relates to political system, that that article be deleted. Now, I will put the question.

(Question put and negatived)

THE CHAIRMAN: May the clerks proceed to count those standing, and if the number is secured, then we shall go into the lobby. And now we

proceed to divide. But before we do, we have to go through the processes we gave ourselves the other time. We shall start by the Clerk ringing the bell for five minutes, after the bell has been rung and the gates have been locked, we shall roll-call all of you and you stand up so that you are ticked and then you will get further instructions after that. We will not start roll-calling because if the bells are still ringing, there is a possibility that someone whose name has been read and he is not here could arrive.

MR. ABU MAYANJA: Thank you Mr. Chairman. I was humbly suggesting that as we are tired -*(Interruptions)*- No, no, wait.

THE CHAIRMAN: Order, give him a chance. Why do you oppose him before he says it?

MR. ABU MAYANJA: Since this new method of doing things was decided upon in this House, that instead of taking the roll-call, why do we not vote when we are being called so that when they call Abu Mayanja, I say Aye or Nay and my vote is recorded at that time.

THE CHAIRMAN: No let us put it this way. Hon. Delegates, we are operating under a Statute and our Rules. The Statute talks definitely about lobbies and that would be changing the law. I do not think it is right. If it were mere rules, we would have suspended them but these are requirements of the law. Hon. delegates, take your seats. Doors have been locked and the clerk will proceed to call you alphabetically and please, stand up and say as they tick so that we have the real numbers present before we divide. Please, take your seats so that we can go through an orderly exercise.

(Roll call of the Delegates was taken)

THE CHAIRMAN: Hon. Delegates, we have received the results of the roll-call. There are 269 Members present, 15 absent and that gives a total number of 284. We now go to division and in an orderly manner without interrupting or trying to kidnap. We will proceed. The motion is being moved that 94 be deleted. Therefore the affirmative position or the proposition is the one now on the Floor. The Chairman's ruling that the Noes had it was successfully challenged. So the division will go as follows. Those who are for the motion will take the lobby on the Chairman's right and please get seated in the chairs so that everything is orderly and you are counted quickly. It is getting a bit late. Those who do not support the motion will take the lobby on the Chairman's left. Those who have no side, this place will be cleared by the Press. They will come and sit in the pool here.

(The Assembly went in division)

THE CHAIRMAN: May I get the members attention please. We have received the results of the division. I would like to announce the results while the Members are in the lobbies and then you take your seats. The results before I read them, I will remind you of the rules relating to divisions, on matters relating to the text of the constitution or amendments to it. In other words, the rules do give a distinction between a division on matters of procedure and division on matters of substance. This is a division on matters of substance and so far it relates to whether or not an article of the text should be deleted. And particularly rule 27 as you do recall provides that if there is a proposition before the House like this one which says that article 94 be deleted, for that motion to be carried, you need to obtain the support of not less than two thirds of the delegates present and voting and the motion is lost if it is supported by less than the votes of the majority of the delegates again voting, i.e. get less than half or less than 50 per cent. But of course as you know the matter becomes contentious when it gets more than a half but it does not get two thirds of the Members present. There it becomes contentious and then other procedures follow. We do not have to go into those until we know the results. So with that in mind, the position is as follows: There were 269 Members, 2 Members abstained from voting and you can see where they are. Those voting for the motion were 68 and those voting against the motion were 199. Since 68 is definitely less than half of 269, the motion is lost and therefore the proposition to delete article 94 of the draft constitution has been negatived. *(Applause)*. Now could the Members take their seats so that we proceed to adjournment. The marshal will open the doors. Hon. Delegates, it is now getting to 8.00 o'clock. It is not that I am complaining, I think we have done very well. We have made use of the day. As you know, we now go back to the text of article 94 following the results of the division and so tomorrow, we shall be discussing the text of article 94 and any amendments in the pipeline that may be there.

MR. MULENGA: Thank you Mr. Chairman. Mr. Chairman, I beg your indulgence to make a brief statement. Mr. Chairman, I need your protection.

THE CHAIRMAN: Order, order, you see, it is not fair not to hear what he has to say. If you have not heard it, how do you oppose it? *(Interjections)* You want to make a brief statement?

MR. MULENGA: Yes, Mr. Chairman.

THE CHAIRMAN: It has to be very brief.

MR. MULENGA: It will be very brief Mr. Chairman and I would ask fellow delegates to at least know the gist of it. Mr. Chairman, I wanted to make a statement on behalf of the National Caucus for Democracy to state Mr. Chairman, that in view of what has transpired, we intend not to participate in the deliberations on this question any further. *(Applause).* Mr. Chairman, we have attempted in the last four days to convince our Colleagues that we are basing our objection to this article and those that follow on principle. Mr. Chairman, we have so far received negative response. In the course of these deliberations, we have had two attempts to get some consensus evolved; first through the contact group and then yesterday, when we had some indication that there could be some opening, we tried to pursue that.

This afternoon, Mr. Chairman, you will recall that there was even an attempt by you, Mr. Chairman, to see whether a small break could result into finding some way out but the attitude from the Assembly even for that was very negative, that is why you abandoned it.

Mr. Chairman, as I have said, the statement is brief, we are explaining that we intend to stay away from discussion of this amendment because they are the only ones which have been made available to us, they also seek to entrench the movement in the constitution, a movement which we have explained through the debate that would prevent or frustrate the existence of other political parties. And therefore any provision that is intended to do that will have to be taken without our participation. However, Mr. Chairman, I want to finalise this way that we are aware of two things. One, we are aware that there is 98 percent, if I may borrow that percentage, of the constitution that we have participated in. We are also aware that there is in our procedures, reconsideration stage and therefore, Mr. Chairman, we shall stay away only for the duration of that part but we still will return for the rest. *(Applause).* Mr. Chairman, there is always hope that even at reconsideration, there may be change of heart. There is also hope that while we stay away from the deliberations, we could get some opening from either those who have opposed or from elsewhere. Mr. Chairman, I want to thank you for giving me this opportunity to explain the reason for this move on behalf of my Colleagues. I thank you.

THE CHAIRMAN: Hon. Delegates, the rules that apply to our proceedings have been applied fairly and fully. The debate has taken place in the normal manner and so there is no need to debate the statement that has been made. So I will only give the Floor to hon. Bidandi Ssali and then we adjourn.

MR. BIDANDI SSALI: Mr. Chairman Sir, I am making this small statement as Bidandi Ssali, Constituent Assembly Delegate for Nakawa. I would like to correct the Chair in one respect, that the business that follows tomorrow is the amendment that followed as arranged by the technical committee and that is the Obiga amendment which they are going to start with tomorrow.

Secondly, I would like to express my regret that the Delegates who came here were not representing the National Caucus for Democracy but they were representing their individual constituencies, most of them elected by the people. Therefore I would like to register my disappointment that people who were sent here to articulate the views of their individual constituencies come here and now walk out because the so called National Caucus for Democracy has dictated to them in this particular hall to walk out. Lastly, Mr. Chairman, I would like to regret that what is happening today as announced by hon. Mulenga is actually what was planned as long ago as three or four weeks ago. So one cannot say that these people have reached this as a result of the voting today. I am speaking this as Nakawa delegate, in my own right as a Member of this Assembly to express my regret in the words I have expressed. Thank you Mr. Chairman. *(Applause).*

THE CHAIRMAN: I will give the Floor very, very, briefly, to hon. Mwaka.

MR. MWAKA: Thank you very much Mr. Chairman. For the last three days and today was the

fourth, I have been trying to attract your attention to give me an opportunity to make a statement regarding the matter that is before us. But you never gave me that opportunity. But I would like to say here ,Mr. Chairman, that I have not walked out of this Assembly, not because I support what has been passed here. The people of Nwoya county that I have the honour to represent in this House directed me not to walk out but to remain here and state their position as I have always done. *(Applause).* Mr. Chairman, yesterday, hon. Bidandi Ssali who I understand is a Minister of Local Government of the Republic of Uganda made some derogatory remarks about me as Chairman of the Acholi CA Delegates Group; he referred to a Press coverage that appeared in a number of papers recently emanating from Kitgum following a seminar we had addressed in Kitgum. What I would like to say Mr. Chairman, is that I am glad that hon. Bidandi Ssali in his capacity as the Minister of Local Government will be visiting Kitgum apparently on the invitation of the Chairman of Kitgum DRC and probably the CGR Kitgum. My request to hon. Bidandi Ssali is this: when you go to Kitgum, do not only address the DRC but address rallies in those four counties in Kitgum District. Go to Lamwor county, address a rally there and hon. Langoya will be there to accompany you and act as your interpreter. Do the same in Chwa county and hon. Okeny Tiberio will also be there. Do the same in Agago county as well as Aruu county and tell the people of that district how wonderful the NRM system of governance is and try to persuade them to support it and get their response. I promise you Mr. Chairman, that that is the only time hon. Bidandi Ssali will be in a position to know what the people of those four counties think about the movement system of governance.

I was called names, I was in the paper, they stated that I, David Mwaka, CA delegate for Nwoya county in Gulu District and Chairman of the Acholi CA delegates group had written a letter to the Chairman of Kitgum DRC informing them that we have already agreed as Acholi CA delegates group to give the NRM five more years in power. That was not true. When I wrote an open letter and I am sure many of you read that letter in the *New Vision* and other papers, I pointed out that the Chairman of Kitgum DRC and the CGR of Kitgum displayed over-enthusiasm by even misrepresenting the views of the people of Kitgum. True, we had a meeting with the people of Kitgum and they agreed and I have a copy of the resolution - it is here. They agreed in one of their resolutions - and remember, let me correct it - those who attended the meeting were just about 200 people and by the time they passed a resolution, they were less than 100 and these people who had remained there passed resolutions as follows: One...

THE CHAIRMAN: Hon. Mwaka, I do not think you should go into a full fledged statement. Maybe you will make it when we go to the next stage in the motions, because we have gone back to the text. You can take the opportunity to make a full statement on the matter. But I think what is important is, you have asked the Minister to take into account the ideas you have suggested where he should visit and address meetings and then as I suggest, when we go into the next stage, definitely you will be very high on the Chairman's agenda for you to have a chance. Because we are going to continue debating article 94 - political systems - given the results of the division and I am assuming you are going to be present.

If that be the case, then you have even better time to be able to state your case.

MR. MWAKA: Thank you Mr. Chairman. I will be here until the end of the constitutional making process. *(Applause).* And since there are people who are saying lies about my remaining in the House, I hope Mr. Chairman, you will give me an opportunity to make a statement on this matter in detail so that you will all know the truth, who is telling the truth and who is not telling the truth. Thank you Mr. Chairman.

THE CHAIRMAN: Okay, we shall do that tomorrow.

MR. ERESU ELYANU: Mr. Chairman, I have remained in this House in the spirit that we must have a consensus when we are writing a constitution. Mr. Chairman, some people may feel disturbed as hon. Amanya Mushega is but I want to say this; when we started discussing article 94, I have been very quiet because I wanted to listen and I wanted to understand. I plead Mr. Chairman that we lost track right from the beginning when we started having contact groups in which I had a lot of hope. But now since that is a gone case, what remains is, I appeal to those inside and those outside to exercise a high degree of statesmanship. It is not my duty to tell them to come back because we all

represent different constituencies and I believe very strongly that whatever our differences, we are Ugandans and I believe whatever our political positions are, we shall still remain in this country. I think the best way out is for us to put aside some of our very acrimonious thinking and resort to the spirit of understanding for the sake of our children and our children's children. Thank you very much.

THE CHAIRMAN: Hon. Delegates, we have had a long day. We have gone back to the text and for one, what I know is that a motion was moved, a motion was debated over a period of four days in accordance with the rules; due care was taken to balance the debate as far as the Chairman and the Deputy are concerned and eventually we had to apply the only tool left to us, namely to pronounce ourselves on the motion. Therefore I take it that starting tomorrow, we continue with the other text. It is unfortunate that a section of us may wish not to be party to further proceedings on this matter but I hope in your informal way, you can continue to contact each other and that hopefully we shall go back to the position we were at this morning. But from the point of view of the Chair, we shall take it that the rules were applied, a decision was made and until it is reversed, it is the decision of this Assembly and we shall apply the rules as rigorously in fairness as we can be.

Thank you for having taken this time to work so long. We now stand adjourned, tomorrow we will continue with consideration of article 94 of the draft Constitution as handed down to us from the Constitutional Commission. I therefore now adjourn the Assembly to 9.30 a.m. tomorrow. Thank you very much.

(The Assembly rose and adjourned until Wednesday 21st June, 1995 at 9.30. a.m.)

THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 21ST JUNE 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 4869]

Wednesday, 21st June 1995

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

PRAYERS

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

(The Assembly was called to Order).

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA.

CHAPTER 6 - REPRESENTATION OF THE PEOPLE.

ARTICLE 94 - POLITICAL MOVEMENT SYSTEM.

THE CHAIRMAN: Hon. Delegates, when we adjourned last evening, we had just completed consideration of a Motion by Hons. Cecilia Ogwal and Hon. Paul Kawanga Ssemogerere to delete Article 94 of the text. That Motion was negatived and so, we go back to article 94 in the draft text. But Delegates, will recall that last week we had commissioned the Legal and Drafting Committee to receive and synchronize Amendments to 94. The one we disposed of was one of them, but the Chairman of the Committee did indicate that there were a number of Amendments. So, I will give the Floor to the Chairman of the Legal and Drafting to the Committee to guide us as to how we should proceed in this matter.

PROF. KANYEIHAMBA: (RUBANDA COUNTY EAST): Thank you Mr. Chairman. It will be recalled that the Legal and Drafting Committee had been asked to synchronize amendments on 94 and when we last met the Chairman, there were two Amendments. One was disposed of yesterday, the next which we synchronized and which I reported on, was moved by Hon. Obiga Kania Mario and Hon. Amama Mbabazi, which Mr. Chairman, to recap, reads as follows:- Article 94 *(i): The people of Uganda have the right to adopt a system of their choice through free and fair referendum;* then there was Clause 2, that *the political systems referred to in Clause 1, of this Article shall include the Movement political system, the multi party political system, or any other democratic and representative political system.*

Mr. Chairman, from that report of ours, pointing out that Amendment, I have since received two other Amendments, which are a variation of the Obiga Kania Amendment. One, Mr. Chairman is from Sekandi seconded by Hon. Semajege Higiro, among others and it simply wished Article 94 to read, that *the people of Uganda should have the right to adopt a political programme for their governance through free and fair elections or referenda.*

Mr. Chairman, although the Legal and Drafting Committee did not have opportunity, because of the debates that have been following on, to synchronize this Amendment, acting on behalf of the committee, after consulting one or two of our members, we believe that this Motion by Hon. Sekandi, departs furthest from the original 94. Therefore, it could be debated first, with your permission Mr. Chairman. We suggest that Hon. Sekandi's Amendment be considered first, before the Kania Amendment.

There is another one, which was shown to me this morning, Mr. Chairman, by Hon. Dr. Magezi, again with a variation on the same theme, but he tells me that he is not ready for it, because it is being typed. It intends to read that *the people of Uganda shall determine the choice of political system for their governance through regular and free, fair Parliamentary elections.* That is another one in the offing, which I understand may be presented. Our Rules, Sir, do allow us to debate Amendments presented on the Floor, which are a variation on other Amendments which may have been synchronized by the Legal and Drafting Committee. I beg to report, Mr. Chairman.

THE CHAIRMAN: After looking at 94, as formulated - by Hon. Sekandi, and also the amendment by Hon. Obiga Kania, you are saying that the one of Hon. Sekandi departs furthest. In what aspects? What leads to that conclusion?

PROF. KANYEIHAMBA: Mr. Chairman, the Sekandi Amendment, instead of adopting a political system, he is saying it should be a political programme. Then he re-introduces that it should be through free and fair elections or referenda, whereas the Kania Amendment simply says that you can only determine your political system through fair and free referendum, those are the two differences. So, one is political programme, instead of political

system. That is what he wants to introduce and the other one, is that it should be free and fair elections or referenda, instead of simply referendum.

THE CHAIRMAN: Could it have been possible to synchronize this, so that we have one. Should we go through the process of discussing one text and then coming up with another? Can I get some guidance from some Members on the Floor? Hon. Magezi, I can see your hand.

DR. MAGEZI (JINJA MUNICIPALITY - EAST): Thank you Mr. Chairman. Mr. Chairman, as indeed the Chairman of the Legal and Drafting Committee did say, I am in a process of moving an Amendment to Article 94 (i), however, I would seek your guidance and the guidance of the Chairman of the Legal and Drafting Committee. You see, in Chapter One, we have recognised the sovereignty of our people and we have in particular stated that the people shall express their will and consent on who should govern them, and how they should be governed through regular, free and fair elections of their representatives. This is in compilation of the Chapters which have passed.

Given, that position, I wonder if by amending 94 (1), either as Hon. Sekandi is proposing or Hon. Obiga Kania, we would not be inconsistent with what we have already passed. If we are not going to be consistent, then I will go on to complete my proposed Amendment. It is really a repetition of this particular position we have taken in Chapter 1.

THE CHAIRMAN: Hon. Kanyeihamba, are you looking at what is going to be Chapter 2? I do not know whether there are any changes in the text. It is in Chapter 2, as we passed it, it reads: *all power belongs to the people, who shall exercise their sovereignty in accordance with this Constitution;* then 2, says without limiting the effect of Clause 1, of this Article *all authority in State, emanates from the people of Uganda and people shall be governed through their will and consent.* 3, says, *all power and authority of government and its organs derive from this Constitution, which in turn derives its authority from the people, who consent to be governed in accordance with this Constitution and;* in 4, *the people shall express their will and consent on who shall govern them and how they should be governed through regular, free and fair elections of their representatives.*

Hon. Kanyeihamba, this is what is in the text that we have approved, not what appears in the Odoki text.

PROF. KANYEIHAMBA: Yes, Mr. Chairman. The Committee, had looked at those provisions which indeed the Constituent Assembly has already pronounced itself upon, but we do not see any inconsistency between those provisions and what is suggested, by Hon. Obiga Kania and indeed the Amendments now proposed by Hon. Magezi and Hon. Sekandi. In the first instance, Mr. Chairman, what you have read out and what we have passed, does assert the principle of where power lies.

But when we come to these Amendments which are contained for the Chapter we are now discussing, *the representation of people,* the Amendment is about the choice of a political system. And, therefore, we move from the general principle to the particular; the particular here, is that the people of Uganda shall have the right to determine the political system of their governance and the conditions described here, in either of the tree Motions I have described. So, it is illegitimate, Mr. Chairman, to consider Article 94 as a follow-on from the Article you have read and there is no inconsistency, Mr. Chairman. We can legitimately debate these Amendments.

THE CHAIRMAN: My view of it is that when you read 26, what now will be 26, because we have re-formulated the text, says that, all power belongs to the people, that is the basic statement or principle; that all power belongs to the people, who shall exercise their sovereignty in accordance with this Constitution, that is to say, the provisions of the Constitution, whether under this Article or elsewhere. Without limiting the effect of this power to exercise the sovereign rights of people throughout the Constitution, all authority of the State emanates from the people of Uganda and people shall be governed through their will and consent. Again, it is just a statement of principle.

Then he says, *all power and authority of Government, and its organs derive from this Constitution, which in turn, derives its authority from the people who consent to be governed in accordance with this Constitution.* So, again, it can be a provision under this Article or elsewhere within the Constitution and the people shall express their will and consent on who shall govern them, and how they should be

governed, through regular, free and fair elections of their representatives without necessarily being exhaustive because, if you only took this, as the only source of authority, then the idea of a referendum would not be available.

But because there is reference to the Constitution that the people can express their will through the Constitution, this is one of the ways through which they can express their will as to how they should be governed without saying that it is exhaustive. Therefore, the idea of a referendum cannot be entertained. I concur with the view of the Chairman of the Legal and Drafting Committee, that we can competently consider those Amendments. Now, Hon. Terego.

MR. OBIGA KANIA (TEREGO COUNTY): Thank you Mr. Chairman. Mr. Chairman, I just want clarification from the Chairman of the Legal and Drafting Committee. I am not challenging his opinion, but I thought I could get more direction. I do not have the text of the Sekandi Amendment here, but from what he has read, the essence is that, it replaces political systems in my Amendment by political programmes and it adds the word election to my Amendment of referendum. Doesn't he in his opinion, seeing that a political system would produce programmes and, therefore, in that respect, a political system would, in my opinion, be the furthest within which programmes could be produced, so that this Amendment that I have moved would take precedence over Hon. Sekandi's amendment. I just want his guidance over this matter. Thank you.

THE CHAIRMAN: Let the Chairman of the Legal and Drafting Committee come out with his response, unless you would like to wait, then - no! Let us get Prof. Kabwegyere's view first, before the Chairman can come in.

PROF. KABWEGYERE: (IGARA COUNTY WEST): Thank you Mr. Chairman. I entirely agree with the interpretation by Hon. Kania. When you look at the Sekandi proposal, it is talking about something like a Manifesto; the people of Uganda shall have a right to adopt a political programme for their governance. That political programme is like a Manifesto, and that is expected. In any case, when you have a general election, you have a Presidential candidate, a party, it can present a programme for enlisting our support.

When you are talking about a political system, if you have, for example, a multiparty political system, you will have different programmes presented by the different parties. In such a case, there will be a choice between one of the many programmes, but all will be sub-sets within the political system. I think, really, the Kania Amendment is furthest from the original, and that would be my view.

MR. PULKOL (MATHENIKO COUNTY): Mr. Chairman, I think it is important for members not to confuse between programmes and systems. I think systems, as Hon. Kabwegyere has put it, are a set of this body with a common structure, and functioning the form that political processes or institutions or political democracy in a political system will be conducted within a set of principles, functioning in a particular manner in a state of orderliness.

That complex hall constitutes what will become the political system at a given time, be it Movement system as an option, or multiparty system. But of course, inside these systems will be independent programmes, like for example, under the Movement now, we have a political programme called a Ten Point Programme. Now, also under multiparties, each party will come with its own Manifesto, its own Programme, on the basis for which it will be elected and its performance will be judged. I think, what we should provide in this Constitution, Article 94, should be to provide for the alternative political systems. That is what the multi-partyists did not want us to put here yesterday.

They want us to take it as a God-given right, that there is only one option. One political system option, and that is multi-partyism as a God-given right. But there are those of us who would like to see the Movement option work and succeed. We want it nurtured as a viable option, so that at any one given time, we are either under a Movement system or it could be under a multiparty system, adopting a structure which will help us to attain objectives at a given time.

So, I think what is important is, a political system to be determined, and the will and consent of the people to be determined by referendum. A political programme, in that kind of political system, will then be the will and consent of people, which will then be exercised through an election.

MR. SAM KUTESA: (MAWOGOLA COUNTY): Thank you Mr. Chairman. Mr. Chairman, we ought to draw a distinction between the merits of the Motion of Hon. Obiga Kania and the merits of the Motion of Hon. Sekandi on one hand, and also to determine which of the Motions departs furthest from existing Article 94. What I have heard from Hon. Kabwegyere and Hon. Pulkol, which I support, in my opinion is arguing the substance of the Motions.

But when you look at what we have as Article 94 in the Draft, I think the opinion of the Chairman, of the Legal and Drafting Committee is correct, that Hon. Sekandi's Motion has words that do not exist in this text that we have. While the Hon. Obiga Kania's Motion, also departs very much from the current text, it shares certain words with what is in the text and in that case, I think that the Motion by Hon. Sekandi departs furthest and should be debated first.

Perhaps the way forward, would be Mr. Chairman, to ask Hon. Sekandi, first of all, to see if he insists on the term programme, given the background of what has been said, and shown that a programme is in a Manifesto and is probably just a sub-set of a system. I would suggest, that we allow Hon. Sekandi, having heard what has been said, to address his mind to this. May be we could overcome the wording and then we synchronize these two Motions, then we would not have to debate them so separately. Thank you Mr. Chairman.

THE CHAIRMAN: My view is that notwithstanding what has been said by Hon. Prof. Kabwegyere and Hon. Obiga Kania, the judgements in fact, show, that Hon. Sekandi's Motion departs furthest from the text, because whereas the text is talking about political system, this other one is talking about a programme. Should we debate programme and approve it, then you are precluded from coming back to try to insert political system because the text is about political system.

The Amendment by Hon. Sekandi is about a programme. You will have chosen a programme as a basis of peoples choice as against choosing between political system. And may be Hon. Sam Kutesa, can be guided by Hon. Sekandi on whether he still insists that we should proceed with the formulation of 94, with the word '*programme*' in it, instead of political system in view of what has been said on the Floor.

MR. SEKANDI (BUKOTO CENTRAL): Mr. Chairman, my suggestion is that all those who have Amendments, should sit together and we synchronize our Amendments before we start the debate.

MR. TIGWEZIRE (BUNYANGABU COUNTY): Thank you Mr. Chairman. Mr. Chairman, I am failing to understand why the Hon. Sekandi cannot assist us and agree that a political programme is a sub-set of a political system. It comes out of a political system. We cannot debate a political programme. All of you know that political programmes keep changing. What we are supposed to debate here, is political systems. The programme, comes after we have agreed, and may be it will come as a guided programme out of the principles we shall state down, after agreeing on the political systems.

Therefore, in my opinion, unless Hon. Sekandi changes and tells the House, that what he meant by political programme was the political system, then I can along and say that we debate his, but as it stands now, it departs furthest from the text. I am appealing that we deal with Hon. Sekandi first, if he does not want to change, dispose of it, then we come back to the principle.

THE CHAIRMAN: We could do it this way. We could ask Hon. Sekandi to agree to drop the word programme and allow political system to be there and then, seek to amend the Obiga Kania formulation to include fair elections. We can then debate system but with the reservation of the right to propose an Amendment to the Obiga Kania one, and then we debate whether we should have a referenda and elections, because those are the two areas which Hon. Sekandi included.

The two texts agree on one thing, that the people of Uganda should have the choice. The first variance is political system and programme, and the second one is elections. But on referenda, the two agree. I was thinking that to make us go forward - Order, order, Hon. Sekandi.

MR. SEKANDI: Mr. Chairman, this Motion was not only by me. I have to consult other delegates with whom we formulated this Amendment.

MR. JACK SABIITI: (RUKIGA COUNTY): I think Hon. Sekandi should accept that these are two different Amendments. Programmes really connote policy, so programmes emanate from policies, and there is no way we can entrench such a statement in a Constitution like this one. However, Obiga Kania's Amendment, since it is talking about the political system to replace 94 as put by the Commission, we could discuss this Kania Amendment.

After discussing that Amendment, if Hon. Sekandi feels that programmes should also be enshrined in the Constitution, then we can propose a new Article after Kania's Amendment. So, I would suggest we debate the Kania Amendment and then his Amendment can be added on later.

MR. KISAMBA-MUGERWA (BAMUNANIKA COUNTY): I think to help Hon. Sekandi, all that he has to do, is to realise that a system refers to structure and it should have organs, and a programme refers to a set of activities or actions. So, what he is proposing to be undertaken under the programme, we should look for a structure to do that.

I think there is no need for him to meet his co-sponsors, because it is just Technical. When we talk about programme, we will be talking about activities, when we talk about structure, we are talking about a system, organs of systems. Whatever sets of activities he wants to achieve, we can look for the structure under which these programmes can fit, to execute those programmes.

MR. NGOBI (PRESIDENTIAL NOMINEE): Mr. Chairman, although I am not a lawyer, I am not comfortable with the position that Hon. Sekandi's Motion departs furthest. I think what we should do, is for Hon. Sekandi to assist us by agreeing that a programme is really much smaller and it is a different level from that of a system.

If he feels so strongly that it is not quite so, I think the best way for us to proceed, would be that Hon. Kania moves the Amendment and then Hon. Sekandi will move an Amendment to that Amendment, by proposing that we delete the word system and replace it with programme. That way, the whole Plenary House would apply itself to that idea. If we think that the programme is better, we shall so vote, if we think otherwise, then we will proceed.

The next Amendment will then be, to include the word elections which is not appearing in Hon. Kania 's Motion. That again, can be achieved by moving an Amendment to include the word elections and in that way, we shall make progress. Mr. Chairman, it is proper that Hon. Kania moves the Amendment and when that is formally on the Floor, Hon. Sekandi if he so feels strongly, can then move to amend that Amendment. That is within our Rules and it will not do any harm.

I think rather than us spending time to say, what do we do first and so on, it would not be proper for Hon. Sekandi's Motion or that portion of it to stand on its own. You can achieve it by amending the Amendment that is on the Floor.

This is subject to what he is saying, may be there are other matters that will come after that, but that particular section could be handled that way. Mr. Chairman.

MR. SEKANDI: Mr. Chairman, after consultation with Hon. Obiga Kania, he has agreed to include elections and then we debate his Motion with inclusion of elections. We drop the issue of Programme.

THE CHAIRMAN You have dropped programme, then we have synchronized the Amendment to be. So, having achieved that, Hon. Delegates, now I give the Floor to Hon. Obiga Kania to move his Amendment to Article 94 of the text.

MR. OBIGA KANIA (TEREGO COUNTY): Thank you Mr. Chairman. Mr. Chairman, I move that the provisions of Article 94 Clause 1, be amended to read as follows:-

Clause 1: *The people of Uganda have the right to adopt a political system of their choice through a free and fair election or referendum.*

Mr. Chairman, we have added the word election to compromise with Hon. Sekandi. Article 94 *(ii) the political system referred to in Clause 1 of this Article shall include:-*

(a) The Movement political system
(b) The multi-party political system,
(c) any other democratic and representative political system.

Mr. Chairman, I beg to move.

THE CHAIRMAN: Could you justify your Motion, since I can see a lot of secondment on the Floor?

MR. OBIGA KANIA: Thank you Mr. Chairman. As all members will recall, this is one of the Amendments which has stayed on this Floor for almost a year. Mr. Chairman, many things have been said about this Amendment, but first, I want to talk about the intentions behind this Amendment.

Yesterday, I think it was Hon. Ben Wacha, who said, that this Amendment was a tricky way to entrench a political system. I want to state from the beginning that there is nothing tricky about this Amendment. It is true we intend to entrench political systems, not just one, in this Constitution.

Mr. Chairman, in this Amendment, we also intend to correct what we believed was something missing in the original Draft of the Odoki report. If you read Article 94 as it starts, the Odoki report immediately wanted to talk about the Movement political system. It says "the political Movement system in this Chapter" and so forth ... that to us, appeared not a satisfactory position, because in our opinion, there should have been a general word about political systems and how they relate to the people of Uganda. That is why we thought this Amendment is necessary.

The intentions about this Amendment are very clear, and there is nothing hidden about it. We want to correct that drafting position and at the same time, entrench all political systems that we could think of in the Amendment. We did this, in the belief that in the process of making this Constitution, Ugandans must have identified a problem, they must have said, there is a problem and we want to solve it by making a new Constitution. To us, that problem was not social, was not economic, even if there were socioeconomic illuminations. The problem in our opinion was political, such that it created political problems which reverberated into social and economic problems.

Mr. Chairman, the people of Uganda since the colonial days, have experienced what we believe are many different political systems. During the colonial days, they were ruled under a system that was brought by the colonialist. May be they had very little understanding, or they did not even participate in the formulation of that system, but they were ruled under that system. Since independence, we believe the political systems under which Ugandans have gone, have been many.

In 1962, when the colonialists left us with the instruments of independence, we had many parties -you could describe that system as a multi-political system party system. This system somehow was transformed or modified in 1966 and subsequently in 1971, when the military ceased power. We also believe that the military administration was a system in its own right. Then in 1979, Ugandans got rid of the military system, they replaced it with something that was called a front. About 22 groups met in Moshi in Tanzania, and in their wisdom found a way of trying to solve the political problem in Uganda. They christened themselves a Front.

Again, in 1980, Ugandans went back to the experiences of the multi-party system. In 1985, they had what others described as a military junta, or a Coup or a military administration and so forth, and then in 1986, another system took over. Mr. Chairman, this system was called the Movement. In our Amendment here, we are not seeking to allot blames to any of these systems or credit any of those systems. We are saying, these are systems through which Ugandans have gone, through which Ugandans have had experiences and since we are making a Constitution, the Constitution must be a reflection of our past as well as an experience of the present, for the benefit of the future.

It is necessary that we mention these systems and leave the rights to the Ugandans to choose. There have been different experiences, some sweet to some people, some bitter to others through all these systems, but that is not the essence of this Amendment. The essence of this Amendment is to give Ugandans a right to choose out of this multiple of systems. There have been arguments made on the Floor that this Amendment would negate human rights, some of those which are said to be inalienable and God-given. But I think by yesterday, this Assembly had agreed that there are no such things as absolute human rights.

All human rights are relative, because they must exist in society. Human rights are dictated by society, and if society says you can do this, so be it, and you will be able to do it. If society says you should not do that, so be it and it shall not be done. Human rights, some say are God-given, I say

human rights are given by a society in which they exist. When you accept the concept of governance in society, there must be a Government and you can no longer talk of absolute human rights which would mean that each individual does what he wants. That will not be a coercive society, so we do not agree that this Amendment negates any human rights and more so, referring to Article 1 in the Draft, which we passed.

In that Article, we gave sovereignty to the people; and what does sovereignty mean? Sovereignty in my understanding means, the rights for the people in their composite association to choose, to determine, their political, social and economic affairs the way they prefer, and the moment we have given that sovereignty, it is not right for us to take it away. We can only enforce it, and this Amendment precisely seeks to do that. It seeks to enforce the right of the people to determine for themselves a political system.

There have also been arguments that when such decisions are taken, a method must be found. It is my humble submission that in conformity with the sovereignty of the people, to determine such a mighty thing as a political system, there is no better method than a direct referendum. Many have said, a referendum would divide this country, in the sense that there will be those who will loose and those who will not loose. That is true. But there is the function of democracy. That is exactly how democracy works.

For Example, when the Americans were making their very famous Constitution, they said in the opening words: We the people of the United States of America, they were using the word 'we'. But we know that in that Convention, there were no Negro slaves, but there were Americans. We know that many States in the South abstained from that Convention, but they were Americans, and they were able to make a Constitution that we say today has lasted the test of time and the votes were taken to adopt the American Constitution. In New York, only 30 delegates voted for the adoption of that Constitution, 27 voted against it. In New Hampshire, 57 voted for the adoption of that Constitution, 47 voted against. In Massachusetts, 189 voted for the adoption of that Constitution 168 voted against. In the State of Virginia, 89 were for and 78 against.

But as I have already said, the Preamble of that Constitution says, "we the people of the United States." It does not say, we the majority of the people of the United States. In fact, there are many others, including Rhode's Islands which abstained from the voting, and it took many other States three years before -in fact it was only 9 out of the original 13, that adopted the Constitution.

What I am saying is, a referendum will definitely produce minorities, but, that is the process of democracy. The minority must accept and must be prepared to accept the rules of democracy. That is why they are spelt well before, so that when you go through the entire process and the result is produced, you accept it. In my Amendment, I have put the word political system. I am constrained to define that phrase precisely; and I ask myself whether it is really necessary. For the sake of my argument, a political system to me, would mean any arrangement by which the people are going to manage their political affairs. That would be good enough. I know Hon. Prof. Apollo Nsibambi might give a better definition, but the essence of it, is that, there is an arrangement by which people are able to determine and participate in the management of the affairs of the nation. Take for example, what we call the multi party political system, from our experience, there would be many parties that is, more than one; each party will campaign and contest for political power, each party will have its own programme, each party would have its own method of work, that is a system.

What about a Movement? Again, I am constrained to say whether it is necessary to define it, but we can talk about it. Yesterday, somebody quoted an animal called an amoeba, and before that another delegate had said, that you cannot have a system where there is only one unit because, a system must be composed of many parts, but look at the amoeba, it is an animal, it is a system, it is a shell, it is all composed in one. That in my view, is what the Movement is about.

It is a unit in which all the others are functionally fused to perform the necessary management of society. We have got the spirogyra this is another plant. You are told that it is a unitary tree, or a plant biologically. It performs all the functions that your hands will perform, or even what your head will perform. It is able to perform all of them. What I am saying is, if you are interested in the differences, between a multiparty political system and a Movement system, a multiparty political system is like a human being with different systems of the arms,

visibly different, the head, visibly different, the legs visibly different. But, a Movement is a fusion of all these in one without differences.

I have also tried to take care of the argument and allegations that you cannot be exhaustive of all political systems in a country. I agree with that argument, because in that issue, we are looking at the future and the future is never 100 per cent predictable. Therefore, if it is not predictable, I am saying, Ugandans could also be given the opportunity in future to choose any other democratic and representative political system. That is why I have put subsection (c), in Clause 2 of my proposed amendment, to give Ugandans chance to choose any other systems, that will be determined in future.

I want to talk a little more about the issue of a referendum. When you look at this amendment, it may be necessary for you to ask yourself, will a referendum be held every other five years, every 10 years and so forth? In the substance of this Amendment, the essence of my Amendment here, is not the timing for the free and fair referendum. Any other person could bring that Amendment when we come to the particular Chapter on Referenda, because you may argue that too many referenda is bad, too few referenda are bad or too frequent referenda are bad.

I am saying, that let us agree on the principle and say, the people should be given the right to choose a political system that they want, through the use of a referendum and my Colleague, Hon. Sekandi has introduced the element of election. I am sure, he will be able to state more on that issue of election to your satisfaction. So, in brief, in this Amendment we are preferring any system, and the argument of bad or good does not arise. The argument that arises is, are these systems which Ugandans have experienced? Yes. May be to day, they will not want the Movement, let us give them the option to choose multiparties; may be they want multi-parties or they want Movement, let us give them option to choose that, that is the principle. The issue of good or bad will be determined when they vote in the referendum, that will be the time when the people will say, the experiences we had in these places, the experiences in other systems were bad, or good. With those, very few words, I beg to move, Mr. Chairman.

THE CHAIRMAN: Now, I will take contributions from the Floor but because I can see many hands, I will suggest that we take 20 minutes at most each. The Bell will ring at 15, then we do another five and we go on.

MRS. SERUWU-BAKOJJA (WOMEN - MPIGI): Thank you Mr. Chairman, for giving me the Floor. In my submission, I am going to be brief and pertinent. Mr. Chairman, I stand in support of this Motion, because it encompasses the various political organisations from which the people, who have now got the ultimate power, to exercise the right to vote the system under which they should be governed. Mr. Chairman, I have heard some Delegates, here, arguing that democracy is God-given and so forth. I would like to enlighten those delegates who hold that school of thought, that democracy is not God-given, -

THE CHAIRMAN: Order, order.

MRS. SERUWU-BAKOJJA: What I think is God-given is the right to life and the right to live, Mr. Chairman. That cannot be negotiated definitely, but with democracy, you have to strive for it, if you have to achieve it. People of Mpigi district delegated me here to advocate for a broad based political system, and the Kania Obiga amendment seeks to entrench that in this Constitution. The reason advanced by the people of Mpigi opting for a broad based political system, was that it has advantage of bringing the people of Uganda together.

It embraces people of different ideologies, to be part of Government and enables them to have influence in the political, economic and social decisions. In otherwords, they work together, hand in hand regardless of their political, ethnic or religious ideologies or beliefs. People with varying affiliations participate right from the village level up to national. Here we are, today in this august Assembly with diverse ideologies working hand in hand to promulgate a Constitution for the good of our nation, regardless of our personal ideology, and I would like to take this opportunity to commend Hon. David Mwaka and Hon. Elyau Eresu for the spirit of nationalism exhibited by them. *(Applause)* They have shown us the loyalty they have for their people, or for their constituencies, because they came here to negotiate and compromise to have a consensus and they have done just that.

People like Hon. Mwaka did not come here to achieve personal achievements, but they came here

to promulgate a Constitution for their children and great grand children which will make them live comfortably and at peace with other fellow Ugandans. Mr. Chairman, if you can allow me to digress a little, yesterday we witnessed the walking out of some people who were advocating for federal, and they walked but when it came to political systems, these people showed us their turn. I am wondering whether they were really genuine on the federal issue. I have already indicated to you and Hon. Members that the Kania Obiga amendment -*(Interruption)*-

THE CHAIRMAN: Order! Order please! It appears there are many other conferences taking place on the Floor.

MRS. BAKOJJA: Mr. Chairman, I have already indicated to you and Hon. Delegates that the Kania amendment gives the people the right to vote. Some people want to deny the people this right on the context that it is expensive, but Mr. Chairman, democracy cannot be expensive. During the C.A. elections, the people of Mpigi District and Uganda as a whole realised that these were the only free and fair elections they have ever had. Hon. Eriya Kategaya, if I may quote him, said that the quality of members and debate in this august Assembly is much higher than that in the NRC.

This, Mr. Chairman, is due to the fact that people were given the right to vote for the most able and besides on merit. There was no cheating and as a result we have an able assembly. I know that even the next parliament will produce better material. The people I represent feel strongly that if their Delegates in this august Assembly cannot resolve under which political system they should be governed, then the matter should call for their judgement because it is their fundamental right and prerogative to decide their destiny.

Alright we have already passed in this Constitution, in the making. Mr. Chairman, what is important for Uganda and Ugandans is the delivery of services, irrespective of who delivers. Therefore, we should allow a broad based type of system which accesses people of different views and merits to operate in an auspicious atmosphere to implement the new Constitution for the development of this nation. Mr Chairman, with that humble submission, thank you for rendering me your attention. *(Applause)*

THE CHAIRMAN: Hon. Chebrot.

DR. CHEBROT (Tingey County): Thank you Mr. Chairman. First of all, Mr. Chairman I would like to thank delegates here present for rejecting the deletion of Article 94 yesterday. They rejected it overwhelmingly, and demonstrated to the people of Uganda that they do support the Movement type of politics. I thank all of you for doing that.

Mr. Chairman, I rise to support the Obiga Kania amendment. This amendment, in my view, and in the view of the people of Kapchorwa, seeks to make a compromise. It gives the people of Uganda a hope, and a choice to make between the various political systems which are in place. This is a compromise position. Where was the compromise of the multi parties group? Was their compromise to walk out of this House? Mr. Chairman, this is not corporal compromise, and I would like to submit that as I walked in, I saw the multi partists signing the registration books.

I am aware that there are no committees which are taking place, and I will not be constrained to go to court. If after 7 days they are not here, they should answer why they are signing those books and why they are getting allowances when there are no committee meetings taking place as of now. *(Applause)* Many things have been said about the Movement. The multi partists have said that this Movement is a political party. Now, Mr. Chairman, I want to pose a scenario; If I say that my name is Chebrot but the other says no your name is not Chebrot, your name is Cecilia Ogwal. I say I am not Ogwal, my name is Chebrot. There are differences between me and Ogwal although we may be of the same height.

What right do you have to call me Cecilia Ogwal. I am not Ogwal, I am different. The Movement is different from political parties and we have said it and this should be very clear and it should be made very clear. Mr. Chairman, in Kapchorwa in 1962 we supported UPC and we had only one Member of Parliament representing us, unfortunately he died in 1966. Mr. Chairman, under that democratic system, when he died, there were no by-elections held in Kapchorwa upto when the UPC government was overthrown - five years later. Is that the system you can call democratic?

The history of Uganda is very clear and I would like Hon. Delegates to cast their minds back to the early 1980s when many of us had sleepless nights, when many shops had to close at 3.00 O'clock in the afternoon when many people with shops had to carry their belongings from the shops back to their homes. Let us remember when Sheraton Hotel had been turned into a toilet. When these premises we are sitting in including Nile Hotel had been turned into torture chambers. Yes, we are right to sell them off. Why should we not? Mr. Chairman, whereas in the West they call Obote *Nyamurunga,* for us in Kapchorwa we call him *Temetike* meaning somebody with a big head.

We have a very interesting story there. Many of you have seen a cat -when you are dining on table and you have food on the table, and a cat comes around if it is hungry - you know the noise it makes. It makes a very good noise so that you give it food. The moment you give it food, and you try to take it away from the cat, you know what the cat does. It frowns at you as if the food belongs to it. UPC is like that and I pity my friend Semwogerere. He wants to give the food to the cat, but the moment the cat gets the food, it will never give it back to him and he should know that position.

Mr. Chairman, the Movement is not a political party. The Movement is a non partisan organisation which brings Ugandans together. People have complained that supposing I do not want to belong to the Movement, therefore, my human rights are violated. Many of them are in this House, enjoying their human rights. Many of them are spitting fire at the Movement using the most vulgar language you can ever hear. I went to West Nile in 1986 when the people of West Nile had just returned from exile in very poor shape. For Zubairi to say that when he mentioned the Movement in West Nile, it was a taboo, this is not possible unless he himself has poisoned the minds of the muslims in Arua Municipality.

You know this politics is like polio. If you catch polio when you are not immunised, you will be crippled forever. You will be crippled like the Zubairi's because they have not been immunised to understand the political situation in Uganda. Many of us have suffered enough in exile. Yesterday, when we were sitting here, I looked around and saw very many people who have just returned from exile with the effort of NRM. These people who have returned, the people whom we talked to when they were in exile, and we even gave them tickets, were too scared to come under multi party.

Take for instance, Hon. Nabudere - for your information, you know Nabudere originally comes from Kapchorwa. He is actually my relative. Nabudere from the beginning is just a trouble maker. Under multi party, he ran away. He could not live here with Obote. We persuaded him through his brother, and he came back here. We had hoped that he would see sense and join the politics of sense, but Nabudere will never grow up. I do not know how many of you have read this book called *Animal Farm.* There is a character in there called Squealer, always wagging his tail.

Mr. Chairman, we should be very careful. I am not surprised what he is doing. He is putting Uganda into more problems, but this time we should be very careful. This time, Ugandans have known him and they will take precaution to ensure that what happened in 1980 will not happen again. All of us are determined to ensure that we safeguard the democracy which we have brought. If NRM was so undemocratic, would they be airing insults against the President of this country? I know no leader who can accommodate, or who has the capacity to listen, despite all the things he has done, to the vulgar words which are being spit out by the *Zubairi* group.

Mr. Chairman, many of us in Kapchorwa suffered under this multi party because we were a minority group. The UPC thought that because we were a minority, we did not deserve attention at all. We never participated in government at all. We were forgotten. We had only one road then, by the way, and even that one road was denied us and we were moving on the backs of donkeys under multi party. Now, you are telling us to support that kind of system! We rejected it. We divorced them in 1966 upto now and nobody can ever tell the people of Kapchorwa to join that kind of system which in my view, was very chaotic under UPC. It was a very undemocratic system.

Incidentally, although it referred to itself as a democratic system, it was a military system since that is a time when we had the highest number of road blocks in the country. That is the time when we had Kitgum boys everywhere. You go to Luwero and see the walls - what is written on the

wall -Kitgum boys. You tell us that was democratic? Even where there was no war, they made it appear as if there was war there. Mr. Chairman, UPC should never talk of democracy because it demonstrated violence, it demonstrated repression, it demonstrated dishonesty. It was corrupt, unfair and intolerable to criticism.

Nekyon was speaking yesterday, but if we gave power to Ogwal today, the first person to go into exile will be Nekyon even when I am still here. Yes. Give Ogwal power now or bring Obote back, the first person who will go to exile, in my view, will be Nekyon because of his extreme views. Nekyon and Nabudere will go to exile even before Museveni goes. They will be the first group to go. They will be the first group because of their extreme views. You give these Nekyons power for one minute, all of us will go to exile.

Now, these groups of, Ogwal, Nekyon, Nabudere can only exist under NRM because that is the only organisation which can tolerate their extreme views *(Applause)* and they should not speak. I was in exile with Nekyon when Obote was here and that is his cousin. Now, I am even confused. I do not know which party he belongs to now. I do not know whether he is in DP, because apparently he is not very close to Semwogerere. Often I see him moving to Ogwal but I do not know whether they are even close. Now, which party does Nekyon belong to now? Is he UPC, or is he DP? Or he is both now, since he has changed? Mr. Chairman, this type of leadership should be rejected completely and they should not be allowed to confuse the people of Uganda.

This Kania amendment is very clear. The people of Uganda are being asked to make a choice. Now, who can refuse a choice? If I go to a hotel and ask for food, they bring me a menu or ask Chebrot, what would you like to eat? I say I would like to eat this and this. They bring the food and I eat. Now, the people of Uganda are being asked, could you please make a choice between these political systems? We are not entrenching the Movement alone in the system. There is the multi party system provided for there. There is Movement provided for there and any other system, which any political grouping can form. The Movement is a new political philosophy. Why do people not want to admit it?

The other day, I went to one of the cities in the United States and I was surprised that actually the councilors in that city resolved themselves that their mayor would be non partisan. They did not want a partisan mayor in their city. Why? I asked. Actually one of the mayors there, said you see we do not want partisan people because they will even refuse to collect rubbish from one party of the city which supports say the Republican Party. They then resolved as a team that as a city, they were going to elect anybody as a mayor if he is non partisan. This is good. This is a new political philosophy which is being copied or at least we copied it, and it seems to be working very well.

Mr. Chairman, I would like to underline the need for those who support the Movement to be steadfast, to be strong. This is your country. You have every right to abide by what you believe and you stick to it. Those of us who come from Kapchorwa, are steadfast and we shall give the Movement 98 - 100 per cent support without a single regret. *(Applause)* Mr. Chairman, I do not want to talk too much today. I would like to appeal to Hon. Delegates that let us dispose of this 94 as amended by Hon. Kania and we go to other business. I thank you.

THE CHAIRMAN: Hon. Musobya.

MR. MUSOBYA (Kagoma County): Thank you very much Mr.Chairman. Mr. Chairman, I thank you for this opportunity of allowing the people of Kagoma to raise their support to Obiga Kania's amendment through me but maybe Mr. Chairman, I want to make some observation. When God made an effort to pave a second road for the salvation of man through the cross, he called all those who were burdened and exhausted to the cross to be liberated. Few responded to this voice, not withstanding the miracles he was making through Jesus Christ.

It is no surprise that some people walked out of this room of the cross yesterday. In his book, *Betrayal In The City,* Francis Mbuga the Kenyan playwright said, '*The outside of one prison may be the inside of another*' and if this is the very betrayal we saw in the city of Uganda yesterday, we pray for each other, Amen. Mr. Chairman, since the inception of modern politics in Uganda, Ugandans have experienced different situations as far as the various systems of managing the society of Uganda are concerned. Uganda has seen a variety of political systems; multi party, military dictatorship, a front, the Movement and to some extent the Monarchy.

However, if these systems were food items on the menu in a hotel, there are some food items that could be left untouched in that hotel, given the fact that those who had tasted it first, had a problem of political indigestion.

I am welcoming Obiga Kania's amendment because it can be a yard stick to measure the best systems of Uganda, and these principles are representative and democratic. The mode of representation and democracy has been further enriched in this amendment by channelling it through the very people who have tasted the bitterness or the sweetness of any given system. Those are the people of Uganda to choose the system they need through a referendum. The people of Kagoma, whom I represent, internalised the meaning of the first Clause of the Draft Constitution which gives them power - that all power belongs to the people. If they are denied the chance to choose the political system they want, this power will be regarded as air.
Mr. Chairman, it is also good that the political menu has been enriched by providing 1) The God given right of multi party system 2) The politically baptised and circumcised system which I may call the Movement and any other system which may evolve because of the dynamism of society. This amendment does look balanced, given the diverse interests of my people in Kagoma. Even those who walked out yesterday have been catered for, because multi party is there.

Mr. Chairman, due to these fundamental issues; that the sovereignty of the people of Uganda has been put in mind and the two principles of representation and democracy are catered for, this amendment looks so fair and in fact it is God given. It has even embodied the small God given right of multi partyism. So, Mr. Chairman, on those issues, I beg to support the Obiga Kania amendment and I beg all Members to support it. Thank you Mr. Chairman.

THE CHAIRMAN: Mr. Kayizi.

MR. KAYIZI (Kassanda North): Thank you very much Mr. Chairman. Allow me begin my contribution Mr.Chairman, with the following remarks; As from Odoki's report, this august body is mandated with the task of determining the political system suitable for Uganda, and as I speak today, we say there are two alternative political systems. Secondly, Mr. Chairman, Article 94 is referring to the people of Uganda whom we have already given the power in Chapter 1, and these are the very people to exercise their rights during the referendum.

Furthermore, Mr. Chairman, minority rights cannot supersede the majority rights as it has been. Just to remind the Hon. Delegates, it is now a complete year and over but our friends we defeated have never had even a single minute to sit here or share of our administrative arrangements. Infact, many of the Speakers who have contributed to this Motion have clearly indicated the problem of entrenching this system in our Constitution, and it is on this note that I would like to inform them that if at all anything is to go wrong after here, the people of Uganda are the ones to have it.

Therefore, let this Hon. House give the people chance to decide on their fate, and Mr. Chairman, if the numbers decide so here, I understand very well that it would be a reflection of what is happening at the grass root. It is just a matter of time to go and test the ground for confirmation.

Mr. Chairman, there is also continued fear of being swallowed. I would like to be informed on who is swallowing who? In any case, if there is need to be swallowed, which is more likely to be swallowed? A snake or a rat? Mr. Chairman, it is actually unscientific and unbelievable for one to hear of a rat swallowing a snake. Therefore, here if the snake is seen swallowing the rat, it should be considered normal and fair. That is to say, the majority taking over the minority. With these remarks, I happened to consult my people over this weekend and they made it clear to me that they still stand by their desire and inspiration to have the Movement in this practice for the next five years.

Odoki's response makes it clear that the people of Uganda cherished this Movement, very much, when they indicated that political parties should be under custody for even more than 20 years. We are now saying, that we reduce it to five years and thereafter a referendum. Mr. Chairman, much as we are trying to protect this fundamental human right to associate, the people of Uganda should be given the option to decide whether to associate or not, and with whom to associate. Therefore, I strongly support this Motion moved by Obiga Kania to provide for the basic alternatives of the political system. Thank you very much.

THE CHAIRMAN: Hon. Mulindwa Birimumaso.

MR. MULINDWA (Bukoto West): Thank you very much Mr.Chairman. I personally have benefitted from this debate since it started. I have heard people citing human rights, but privately they say other things; like 'you are eating alone,' or other words like that. Then, you wonder and ask yourself when did we start knowing about human rights? Probably Prof. Apollo Nsibambi would tell me 40 years ago, but there was a right for the people of Buganda to choose their leaders but here people talk of human rights as if it is we who have reached this stage that should really care about human rights of association.

There are so many other rights but people who would be talking about them are silent about them. The rights of the child, the right to education, the right to medical care, the right for the street children but because we have made it here, human rights of association, is very paramount. Mr. Chairman, we have cited our historical experience for and against systems. Yes, it is not bad to talk about how we have suffered in Uganda; who is responsible and who is not responsible, but I do not think that is enough.

A system is not made up of one person at the top. A system is made up of so many people from down upwards. You cannot blame Obote alone and leave the youth wingers, the UPC Chairmen and the rest. You may actually find that the people who are blaming the system today, are the very people who sustained it yesterday. We have debated in a spirit of appealing to the international community. You listen to a person giving out what you would call bright ideas, but in a private talk he talks of something else. Because there are some diplomats listening, he debates as if his customer is the International Community.

Then we have also debated giving simplistic ideas. I was attending a Think Tank seminar in Masaka and Hon. John Kawanga said that if we can use videos, if we can board aeroplanes made by Europeans, if we can board trains, why can we not adopt their political systems? I fell short of asking him that if he had said if we can make aeroplanes, if we can make trains but he did not go further just because one judges the audience he is talking to and determines what they can consume and just tells them that. The same way Hon. Njuba yesterday talked of my grandfather here, and he gave a proverb in Luganda that *embwa teyerabira misitamiro gyayo* to suggest that Mulondo's move was no surprise, he could not have forgotten his NRM. Somewhere, however, the same person confessed that he had been in the Movement for 14 years. Let me hope he is not going to betray the multi partists because he cannot forget the one who fathered him - the NRM. (*Applause*)

We have debated as if we are expressing self dissatisfaction. Someone comes, gives out seemingly good ideas but when you unveil what is behind, the man is fighting a personal war. I sympathized with my youngster Rwomushana - he really fought a personal war here. So, unless we sit here and go beyond citing experiences, having academic confusion, let us go deeper and decide why people prefer one system to the other. I think I agree with some people who in a simple definition just say that a political system is an arrangement of governance where participation, and representation are ensured, and all that is determined and I think most of us would like to see a democratic political system.

I think there are some parameter that we can use to determine that a system is democratic. In my view, a system to be democratic, must be for the general good of the majority of the people. It must ensure stability of the people and peace. It must create an atmosphere that is enjoyed by majority of the population. Secondly, Mr. Chairman, a system must be as open as possible for as many people to participate as they would like. If a system is open such that whoever wants to participate is free without hindrance, then, we can judge and say that system is democratic.

Mr. Chairman, it must be representative of the majority of the people that since all of us cannot come up in this Constituent Assembly - 17,000,000 to discuss this Constitution, there must be a way that the system of representation is as fair as possible to reflect the views of the people being represented. Mr. Chairman, this system must be simple and clear and it must answer the aspirations of the people of that particular time in history. But Mr. Chairman, when we concentrate much on democracy, I think democracy in my view, is not absolute.

The American society can talk about democracy, the British society can talk about democracy in

another way. The South African community can talk about democracy, the Ugandan Society can talk about democracy but democracy is relative. It is really relative though they are parameters to gauge that a society is tending to be democratic, but it cannot be absolute. What I have observed here in Uganda and probably in other societies, it is very difficult for democracy to thrive in an environment where poverty is the order of the day. It is no wonder, that some people aspiring to take over political offices, may not want to rig but rather to survive.

That is why today it is not surprising that some of those probably praising NRM here, when they lose cabinet posts, they may run into the opposition. I heard Hon. Njuba saying "after serving for 14 years, I saw there was no democracy in NRM." Hon. Abu Mayanja and so on the list is endless. One then wonders what is wrong. Then you may not also be surprised that someone who has been really shaking his head, keeps quiet when he gets the cabinet post. So, we have to go down and ask ourselves - how far can we exercise democracy, when the will to decide independently is curtailed by the economic perspective? We need to understand this, because we may be seated here without knowing what the factors that shape society are.

You may not be surprised to know that in another twenty years, we may again sit here and make a Constitution. So, much as we may think about human rights, or democracy, we must gauge the level of our economic development. In Luganda we have a saying, and this is an old saying that *akutwala okulya, akutwala omuluka.* The one who most likely determines how you eat, is the one who is likely to lead you in your parish.

The other time I was discussing with Ken Lukyamuzi, on our way to Masaka for a Seminar, and I asked him; "you have been saying that you support federal because our money from Buganda is being taken by Banyankole, but how many bags of coffee did you leave at home for me to sympathise with you that when you sell this coffee, the money is being eaten by other people? The man assured me that he does not have even a single tree there. He survives by shouting federal, federal and that is how he collects his daily income. I want to ask you; "if such a person is going to come into leadership how democratic is he going to be?

So, Members, the level of our economic development is going to determine how democratic we are going to be. This is given by so many other examples. Look, why is America more stable than probably other regions? Why Botswana is probably a bit democratic. Botswana is one of the countries that is having a relatively stable economy, although it has been one party in power for the last 30 years. So, you must take note of that.

Mr. Chairman, for democracy to survive, I am grateful to this Assembly that there is a culture coming up of *Atamuvaku* shouting at the top of his voice, abusing you here and then you walk together. A culture of someone freely disagreeing with you. I think that culture is very important. For how long have we been having this democratic culture of accepting defeat, of accepting competition, of accepting that one can have a different view from yours? This culture is not in born, it is not inherited, but it comes out of civilisation and this civilisation comes out of people interacting culturally and intellectually.

If you grow up in a society whereby someone, talking a different view is your enemy and then you have to fight, of course, after five years, you cannot say you will accept democracy, or defeat. If you have grown up in a culture of only winning - we either win or they lose- then when you are defeated you walk out. We cannot say you are democratic when you cannot even have a democratic culture. A few people just disagree with you, and then you tell my grandfather Ssabalangira not to step in Bulange again, because he has not agreed with us. So Ladies and

Gentlemen, *(Interjections)* and Hons. we must take these factors into consideration.

THE CHAIRMAN: No, they are all Hons.

MR. MULINDWA: Mr. Chairman, let us accept our society as it is. Look at an organisational structure that fits within our people. I see we are having two problems here in Uganda; we have the elite group that want to rule, whether through the Movement or through multi partyism. People are looking at how to come to power? It would not be bad if we sit here, design a way of how we are sent to power, but also there is another group that will never step in state house. That is the group that produces the wealth that we thrive on. I just beg Members to look at a system that makes the grassroot people as peaceful, and stable as possible and we

find a way of how we can fight power without causing conflict down.

That is why I personally, say a Movement system in that respect is better off than multi parties. If we can even design a system that can restrict people who want parties to only people of a certain income with a certain education, then we can adopt that, but to allow the mixing of people sent to power by whatever means, even if it means the death of the people who will never go to State House, it is dangerous Mr. Chairman. I just appeal to Hon. Delegates, to go deeper than reciting our experiences and history, to the causes of the way we behave now. Thank you Mr. Chairman.

THE CHAIRMAN: Hon. Hanifa Kawooya.

MRS. KAWOOYA(Women - Masaka): Thank you Mr. Chairman. I rise to support the Motion. This is an opportunity to settle the political crisis that has gripped this country for the last 30 years. With your permission, I ask to extensively quote Hon. Patrick Mwondha' s words during his contribution to the general debate, he said *'Mr. Chairman, I likened this moment in time, to the biblical times of the Messiah which resulted in the new spiritual order known today as the New Statement of the Holy Bible. The New Statement summarises Jesus' Mission* - well, he did not mention Allah's Mission on earth - *The reconciliation of man with God and the reconciliation of man and his fellow man.*

Let us agree that our mission in this Assembly is to reconcile a Ugandan with his fellow Ugandan. Uganda needs a new covenant; a covenant which will awaken all Ugandans to feel and love one another. A covenant which will enable Ugandans to live in harmony, A covenant which will usher in sustainable peace, unity and prosperity.

On the 9th of October, 1962, Uganda attained her independence. This meant that from then on, Uganda and indeed Ugandans had attained the right to self organisation, self determination and self-governance. Ugandans had attained the right to self organisation, self determination and self governance. The process of Constitutional making which we are now revisiting, encompasses these three aspects. The people of Uganda should be able to organise themselves, determine their destiny and govern themselves.

Mr. Chairman, it is a pity that Hon. Mwondha's long memory has really in a short time declined into a short memory. However, I am very happy that Hon. Obiga Kania's amendment has taken into consideration the views and wishes of the people of Bukhooli, because like Hon. Patrick Mwondha was contributing at that time on behalf of the people of Bukhooli, Ugandans have got a right to determine how they want to be governed and the destiny of this country. Mr. Chairman, it is a pity when we look at these politicians of the 1960s and we who have joined in the 1990s. They are driving us backwards in their reverse gear to think the way they were thinking in 1962.

I am really perturbed and I wish to confirm that as the Hon. Delegate from Kigulu South said, there is fresh blood coming in to neutralise this old blood. Ladies and gentlemen, Mr. Chairman, the existence of a political system depends upon the political structure and organisation and of course, if society is its environment, it is the environment that determines the political system. There is no boundary for any political system. It constantly changes. It sometimes expands, and at other times it contracts and this is what we are saying in this country.

Although the political parties which some of us have read about in history are contracting, if there is a virus in something, as Hon. Cecilia Ogwal said, we are not sending a person to a mortuary. We first diagnose and if we find that this person has got a chronic disease, we just put the person aside until he or she waits for her death certificate herself and this is what we are saying. We are not banning political parties. We are only saying they have a chronic disease but we cannot say we will not live with the person.

We are saying we can give the person some food until this person passes away. I agree that freedoms of associations like freedoms of opinions and expression are fundamental human rights, but like any other fundamental human right, submitted yesterday by Hon. Kanyeihamba and others can only be exercised to serve a legal end. They must be formed and operated peacefully in a constitutional manner and this is what exactly the amendment of Kania Obiga is saying. *(Interruption)*

THE CHAIRMAN: Hon. Ngobi what is the problem? Just a moment.

MR. NGOBI: I would like to get your guidance. Is it in order for Hon. Members to begin answering the debates of the Motion that was declared yesterday when in fact now, we are considering this amendment which says that the people should have a right. If somebody does not agree with that, that is what he should do. Secondly, on the issue whether it will be election or by referendum; are Members in order to distract us from this amendment that is on the ground and take us back to answering yesterday's questions and debates on a different Motion? I am asking for your guidance. Is it in order?

THE CHAIRMAN: You see, yesterday's Motion was that the Constitution should have no mention of political systems. The Motion by Hon. Obiga Kania is saying the Constitution should mention political systems and particular systems are mentioned, Multi party, Movement and any other democratic system. So, it is just one other side of the coin. It would be difficult to debate without having reference to the argument which had been advanced in the previous one. That is why the Chair is allowing these sort of proceedings.

MRS. KAWOOYA: Thank you Mr. Chairman for your wise ruling. Unless the Hon. Member was not attentive, otherwise, I am talking of the political systems, how they are formed, how they operate. My reference to Hon. Mwondha was the way that the people want to shape the destiny of this country. Mr. Chairman, my contribution is in line with Hon. Kania Obiga's amendment and I am not going off track.

Given our past political history, there is need for a political consensus and this consensus can only come about by involving the people of Uganda to participate in their governance and in return benefitting from this system. There have been at least three elections. Those who participated in them and the last C.A elections as specified by Hon. Members and the International observers, were the true elections where Ugandans participated freely - a sign of true democracy which is now prevailing in this country.

Mr. Chairman, permit me Sir, with your permission and that of Hon. Members from Masaka to discuss the political system in line with the teams in Masaka District -a district which I represent Mr. Chairman. I shall begin with the captains of the team. I am doing this to confirm that what I am submitting is what is on ground in Masaka district and it is in line with this amendment that we are discussing.

We have got Hon. Kintu Musoke as a delegate in this Constituent Assembly and he is the Right Hon. Prime Minister of Uganda in his other capacity. We have got Hon. Mayanja Nkangi Minister of Finance and the Conservative Party President in his other capacity. We have got Hon. John Baptist Kawanga Chairman of Uganda Railways Corporation, a DP Member and NEC Executive in his other capacity. We have got another team, which has not fielded in its captain. They are still waiting for Hon. Cecilia Ogwal's instructions as from Lusaka. Mr. Chairman, the goal Keeper there is Hon. Hanifa Kawooya. The woman is in the goal posts.

Mr. Chairman, as I speak now, in this Assembly, there is a team of 11 and with 3 Members on the reserve namely; Hon. John Kawanga, Hon. Kagimu Kiwanuka and Hon. Lumala. This testifies that the people of Masaka wish to see political systems entrenched in this Constitution. The majority of the people of Masaka have sent me here to strongly support the entrenchment of political systems in the Constitution and to support the first five years under a Movement system. They want their right to periodically determine, choose, and adopt a political system to be protected under this Constitution.

The women of Masaka and I am sure the women of this country *(the majority)* would be happier to see this new baby of theirs - the Movement going on for more years uninterrupted. Mr. Chairman, a system that is in the political history of Uganda which has addressed the issue of gender in demonstration and has granted the women of Uganda full participatory democracy, is the system the women of Masaka would like to see. Here, they give their credit to the NRM government which has demonstrated this, and they say that at least NRM will not be in the black book by addressing women issues.

The women of Masaka look at the Movement system as a system that sets for a strong competent society as submitted by Hon. Betty Akech, a system that recognises human rights and the interdependence of the judiciary -a system that recognises economic and development aspects. Mr. Chairman, I have listened to a number of submissions suggesting that without multi party systems in this country, there is no democracy. Others have

gone to the extent of submitting that by entrenching the majority people's views as expressed in this Odoki report, we are entrenching an NRM system or an extension of the Movement.

Mr. Chairman, in my own opinion, an initiative of the Movement or the NRM to recognise the people's views, to give them their right to determine the way they want to be governed, I am sure is a credit on their side. It is a pity that Hon. Atamuvaku compares this freedom, the respect, the recognition this government has really given to the people of Uganda to the satanic verses. May the almighty Allah help Hon. Atamuvaku to see sanity. Mr. Chairman, the fact that the multi partists or those who advocate for parties did not see any democracy in the past thirty years, does not mean that the people of Uganda do see the same.

Mr. Chairman, we all agree that at this time every Ugandan knows what is good, every Ugandan knows, out of the two political systems tested, which one to choose. I wish to say something about these parties. In African countries, political parties mainly exist because men and women disagree on those who are for old policies and new policies, and Mr. Chairman that is what is happening in this country. There are those who are agreeing to those old policies of 1962 where we cannot accept to be controlled under a remote control gentleman to give instructions on a remote control. We are saying the people of Uganda should participate.

Since, Mr. Chairman, what depreciates the political parties, is their political structure and methodology, the principle which motivates the parties is to have no ideology. The policy which unites them is to win as many votes at the time of election and to capture power, no matter how and since public policy is party policy, democracy is party democracy and so many other things; I do not see why these very nice political parties cannot live under one feather. Because there is a saying that birds of the same feather flock together, and if I was these political parties, I am sure they would have chosen a Movement where they could settle their differences.

This reminds me of what one scientist defined political parties as and I like always quoting it that *neither party has any principle or any distinctive quality. They are like two bottles empty of contents but bearing different labels* and this is what we saw here yesterday. In winding up, I would like to say something on minority representation. Mr. Chairman, so many Hon. Members have submitted on minority representation. I wish to submit that Mr. John Stewart Neal was the first great advocate of minority representation and his book *Representative Government, he declared 'It is an essential part of democracy that minorities should be adequately represented.'*

He agrees that the idea of democracy according to its definition, is the government of the people, for the people and by the people but Mr. Neal, and I am sure Hon. Kawanga Semwogerere and the rest admit that such democracy does not exist any where. Mr. Chairman, I wonder whether it is in the name of democracy to hear the cries of those who advocate for pluralism and then we ignore the majority cries of the people of Uganda who are saying we want to see this Movement entrenched in this Constitution.

On holding referenda, I have only this to say, that the duty of a representative consists of obeying the mandate of the people from their constituencies. It is the people who have supreme power as far as representation is concerned. Saying that this country should go to political Parties is an undemocratic way of turning this country to where it came from. Mr. Chairman and Hon. Members and those who have got the views of Hon. Atamuvaku in his fundamentalist way, I am sure if he was here he would have taken this leaf which I took also from a quotation, and it says, *'if the minorities are not willing to abide by the majority, then there is a possibility of this country falling back to where it came from.'* If on the contrary Hon. Members of this Assembly prove willing to see concessions, then this Assembly might show Africa the way out and then we shall be an example to true democracy. Mr. Chairman, I thank you and strongly support this Amendment. Thank you.

MR. MASALU MUSENE: Thank you very much, Mr. Chairman. Mr. Chairman, at this time when we are debating on the political system in our Constitution Making, I would on behalf of the people of Manjiya and indeed Uganda, mention the name of the late Natolo Masaba, a Ugandan, born in Manjiya, who has since Colonial times been associated with the struggle for power to the people. The late Natolo Masaba was associated with the Uganda National Congress right from its inception.

In the 1960s, he was associated with the struggle against oppression and undemocratic forces in this country and he was later among the founder Members of FRONASA which was struggling for power to the people. It was, Mr. Chairman, on the basis of the popularity of the late Natolo Masaba that I was elected to this Constituent Assembly to continue with the struggle which started against oppression. I am, therefore, playing my historical role and mission to support this Amendment of Hon. Obiga Kania.

Mr. Chairman, yesterday in his contribution, Hon. Mwondha posed a question as to whether a referendum was necessary before N.R.M. came to power. One would pose another question as to whether N.R.M. came to power through elections. But Mr. Chairman, what Hon. Mwondha and others like him, forgot was that there is nowhere in the world where a revolution has come about as a result of elections or referendum. A revolution, Mr. Chairman, is a natural reaction to the forces of oppression or dictatorship and it is inevitable as a historical response to such forces.

Like the French Revolution, which was brought about because of the oppressive policies of the French Monarchy, the National Resistance Movement Revolution was inevitable as a fundamental change in the Political History of Uganda, and inevitable to correct the imbalances and sufferings the people of Uganda have undergone. Therefore, Mr. Chairman, when Hon. Sakwa castigated Speakers who have referred to the history of this country as not being realistic, he was himself unrealistic. Mr. Chairman, the purpose of reviewing the history of this country is not to over emphasize the mistakes of the past, but it is to provide a historical record which will help Ugandans appreciate their history in order to develop a better out-look.

The history of Uganda, without repeating what others have said, is characterised by, say, after independence between 1962' and 1971, and then 1980 and 1985, Multi-Party Democracy, and between 1986 and 1994 the Movement System of Government. The people of Uganda have experienced all these systems, and the experience of the Parties is that it can be traced to the religious allegiances formed during the 1880s and 1890s with the advent of colonialism in Uganda.

It is clear and common knowledge that Ugandans, Mr. Chairman, were persecuted in the past and had their properties destroyed by supporters of rival Parties. The people of Uganda have experienced all this as opposed to their experience under the Movement System of Government.

Mr. Chairman, in 1985, when Tito Okello Lutwa overthrew Obote, I was in Busoga. I will just tell you of one or two examples which leave a lot to be desired as far as Multi-Party Democracy is concerned. Mr. Chairman, the late Wako who was a Member of Parliament for Kaliro and Chairman of the U.P.C. was killed with a pit saw, and the D.P supporters killed him while singing U.P.C. slogans. The late Bulolo who was Chairman of Iganga District hailing from Busiki, was tied on the Land-Rover by the legs and then as they drove through Busembatia town, the D.P Supporters were jubilating as his head kept knocking on the tarmac. Even when he died and was buried, other people from other parts of Iganga, exhumed his body and beat it. They were not sure that the late Bulolo had died.

Mr. Chairman, it was a terrible experience, even Hon. Bageya here will agree with me that in Nawandala, his Constituency, people were cut to pieces with pangas, houses were burnt and property was destroyed. That Busoga experience and that of many other parts of Uganda including Bugerere, shows that Multi-Party Democracy, if resorted to immediately, will leave a lot to be desired. These memories are still fresh in the minds of the people.

Mr. Chairman, the people of Manjiya in Mbale District have said that enough is enough. They are saying that let us have a change; let us try another system whereby everybody irrespective of whether you are a catholic or protestant, U.P.C or D.P. should come together, so that a person is elected on his personal merit and performance plus his association with the ordinary people other than the Parties.

In Uganda today, we need a new error of tolerance and co-existence of all groups and nationalities based on the recognition that we all belong to one nation. All Ugandans must be free to settle and trade and feel at home any where in Uganda. This, Mr. Chairman, is the philosophy behind the Movement System of governance, which the people of Manjiya say should be included in the Constitution as an alternative political system. Mr. Chairman, we need a unity based on mutual acceptance and enriching values of our diversity.

In his Book, *Imperialism and revolution in Uganda*, a copy of which I have here, Prof . Dan Wadada Nabudere, on Page 317, states that the people of Uganda must support a new democratic revolution that enables them to develop along a new path that is independent and democratic. He goes on, Mr. Chairman, to hail the people's initiative in organising themselves under the banner of the Uganda National Liberation Front as positive and called upon all Ugandans to unite in the broadest possible basis now and for the future.

He goes on, on Page 342 an excerpt which I want to quote for the benefit of us all. *'On 25th March, 1980 during the anniversary of the U.N.L.F., Binaisa declared that the elections would be held in December 1980. He pointed out that the NEC had proposed to .N.C.C. that these elections be held under the umbrella of the U.N.L.F. These proposals were debated for three weeks by N.C.C. and were finally approved overwhelmingly. The umbrella resolution meant that all legally qualified Ugandans, without exception would be eligible to stand for any public office. This was because the old political division and social economic conditions prevailing in the country could not permit multi-party activities.* He went on to state, *'These decisions were overwhelmingly opposed by Obote'.*

Mr. Chairman, I am quoting Prof. Nabudere, who was still living in Tanzania. Obote who had himself unceremoniously banned all other political parties during his ten year rule, now became the champion of political party freedom. Actually his hostility was to the front which he did not control politically, and his manoeuvre now intensified to destroy it so that he could re-introduce his divisive politics of the old days which would enable him to rule through force of arms again.

Mr. Chairman, this is the same Prof. Wadada Nabudere who is now the champion of Multi-Party Democracy which he was condemning in 1980. Now he is altogether spearheading the very people whom he was cursing at that time. I wish to add, Mr. Chairman, that in fact Nabudere together with the late Natolo Masaba were the very people who were opposed to the oppressive policies of Obote in the 1960s and together they founded the Uganda Vietnam Solidarity Committee of which Nabudere was Chairman and late Natolo Masaba was his Vice. But now that Natolo Masaba has died, Nabudere abandons.

If I had the power Mr. Chairman, I would have cursed him on the grave of Natolo Masaba for abandoning his long time Colleague. Mr. Chairman, the people Manjiya have embraced the National Resistance Movement, because they see the National Resistance Movement as building and consolidating National Unity. They have seen practically that it has encouraged the true spirit of reconciliation by the return of exiles from outside, despite their various political background. For example, Mr. Chairman, Col. Wilson Toko has returned and is peacefully settled in this country despite his struggle against the Movement Revolution in the 1985.

Gen. Mustafa Adrisi, who was a Vice Chairman of the murderous regime of Idi Amin is now back in Uganda. In fact he has now had the opportunity even to go school which he never did under his regime. He is now in Primary four, Mr. Chairman. I do not forget Masete Kuuya a son of the mountains. So, the people of Manjiya Constituency are saying this is a true gesture of reconciliation which has been showed by the National Resistance Movement and, therefore, it is worthy pursuing and continuing with this type of Government or political system for the betterment of our country.

Lastly, Mr. Chairman, the National Resistance Movement system of Government has empowered the disadvantaged groups, namely; the rural population and the women. There has never been greater affirmative action in the history of our country than during this National Resistance Movement administration. Right from the village level, sub-county level, District and Parliamentary level, women are represented. The same applies to the Youth, the disabled and other people. The level of women emancipation, therefore, and empowerment is not questionable and this is positive in the development of any country.

Mr. Chairman, I wish to take this opportunity to implore the Youth, Disabled, Disadvantaged, the Aged, the Professional and all able bodied men and women of Uganda to support the Movement System in the interest of peace, national unity and prosperity of our nation. I, therefore, support its being embodied in the Constitution as an alternative political system for the people of Uganda themselves to choose what is better for them through a fair referendum. I thank you Mr. Chairman.

MR. DIDI AGARD: Mr. Chairman, in supporting the Amendment of Hon. Kania, allow me to start by saying that yesterday when we witnessed a second walk-out by the D.P., we wondered how a Constitution can be made by those who fail to face the realities. I am glad as the previous Speakers have said, let the majority of Ugandans remain in this House.

It is important, Mr. Chairman, to explain that our rules were definitely misrepresented to the public. Because drafting and deletion and substitution are separate, and since our rules require that you cannot talk about substitution unless you defeat the Motion to delete, the attempt by the group of yesterday who walked out to give an impression that the opposition to their Motion were for retaining the whole of 94 was deceptive. That impression has unfortunately been given to the reading public, but the truth is that even Committee 5 had already substituted Article 94.

It is, therefore, important for the reading public to be told that the question yesterday was not an opposition, for Article 94 to be entrenched as appears in the Odoki Draft. This is important for those who must understand that for the several years of the N.R.M. what has happened has been an attempt at alternative systems. So, for people like Hon. Wacha who say that there has been no legal frame work for the Movement to have existed for all these nine years, we are asking; is this not the right time when we are writing a Constitution to put in practical terms what has been done and is described as illegal?

Since we are writing a Constitution, it is partly to answer the ambiguities that the likes of Ben Wacha tried to cause. When people like Hon. Kawanga try to bring arguments about words like systems and organisations, the practical thing to do was to say, words apart. What we want is this.

Hon. Ssemogerere went ahead in his Motion, to say that parties actually made mistakes. The nine years he has been in the Movement he has seen the opposite. If you are saying that those who belong to the Movement are blind, why do you not say as our mirror that the mistakes of the Movement are x, y, z, so that while Ugandans are pointing out the mistakes of the multi-parties, they can say likewise the mistakes of the Movement are these.

That way, when we come to say let us put both systems in, the critics of either system will be available to raise those objections. We want to make sure that what we write is accommodative of both. So, this has not been done merely to influence the donor community in believing. I was happy that one of the foreign representatives was here throughout to see that no coercion was made. This is the first time that Ugandans have had people elected from the grassroots.

When another forum calling itself a caucus for democracy, comes and tells elected representatives, not asking them what their mandates are but to say, you do this and that, it is not worthy. Let the majority remain here. That is the majority of the people elected by all Ugandans. It is, therefore, for all to see that the rejection of the Motion was by a majority from all works of Uganda.

Mr. Chairman, when people like Hon. Okulo Epak go to the extent of ridiculing poverty, I want to take you to the contribution by one Hon. Member. He was speaking from practically experience. I for one, am speaking from practically experience. It is true there is poverty in Moyo. But this is the poverty caused by previous wars. Therefore, the experience of the Moyo people is clear to me and the ones who are able to stay in Uganda.

Any alliances based on unprincipled alliances of the past which we saw, like that between Kabaka Yekka, U.P.C., and between Northerners. One time even Obote gave Amin a wife, they danced together because it was temporary. It was not sustainable, and it broke. In my contribution in the general debate, I gave an example of how one time the then President after touring West Nile, in a vain attempt to make an alliance between Acholi and Lango. he said this, 'I have been there (pointing at West Nile). I did not see one grave. Here I do not know where to start. I put my foot here, I am standing on the grave.' He tried to build an alliance between the Acholi and Lango. He was overthrown by Tito over eating. So, you can find that what is important is that we should avoid these unprincipled alliances, as a basis over a sustainable Uganda of tomorrow.

You will find that in the past, opponents were either killed or kept in jail. The few lucky ones managed to escape. It is against that example or experience that I want to give you my experience under the

N.R.M. System. In 1986, if you went to fire brigade, Naguru Social Centre, these -places were full of displaced people. These displaced people were mainly Northerners. The population had risen against these people. It was during the N.R.M. Government that assistance was given.

I remember this, because within the first week of the N.R.M. Government taking power, they asked certain northerners to advise on the crisis. I do remember Hon. Cecilia Ogwal was fighting with a former ambassador over a House. I quote her words to the President during that Northern Consultive Meeting. This Ambassador told her 'you see this is our chance to get rid of these ugly northerners forever.' I was present and went to the House of Cecilia Ogwal in Bugolobi.

The population was going wild. But here is a Government which said, no, if we are going to have a united Uganda, there are Law Courts. Cases like this one where somebody is trying to remove Cecilia because the Government is being overthrown, let him go to the Courts. It was in this same N.C.C. I do remember Mr. Rutara from Kitgum, he made a personal appeal to the President. This is what Cecilia Ogwal said: *'We do not want the way these Acholi are passing through Lango. We want N.R.M. to liberate Lango and when you reach Kitgum, you can make your peace with them.'*

This is a true story. You can verify this and there are people whom you can consult. For example when Tito came and overthrew Obote, we knew it was not a surprise. So, it is again in the N.R.M. Government that I have seen accommodation. Today you find sometimes toleration is too much. An Hon. Member of this House tells the public about the massacres in Atiak. During the first recess, I went to Nebbi. The people were there, but their representatives had never appeared there and I was able to discuss with them.

I said since I am from West Nile, I can listen to their problems. We made sure that in our respective villages in Moyo, whether the Government had reached you or not, traditionally our elder councils are responsible for keeping peace in the villages. Moyo was the area N.R.M. reached last, almost two months after the fall of Kampala. We had made contacts with people like Moses Ali. The soldiers were there waiting for the arrival of N.R.A. So, the role of the community elders is vital, as a result West Nile generally remains a very peaceful part of Uganda. I, therefore, think the appeal by Hon. Bidandi should be understood in this context.

It is against those grounds, therefore, that the appeal for all Ugandans to come and live in peace and together is an opportunity. All that is through the N.R.M. arrangement. So, if we are now making a Constitution, what is the primary responsibility of a Constitution? A Constitution that addresses national reconciliation, tolerance, peace, living together. If this is a time to make a new Constitution, then it is our responsibility that these issues must be addressed in this Constitution.

Mr. Chairman, we always talk about power sharing. The other day, Hon. Ogwal was saying, 'oh, now Ssemogerere has left, therefore, there is no D.P.' Now these are the same people who say, what is the Movement without Museveni. Because they have built political parties around their leaders, they think that if the leaders are not with the party, therefore, you are denied. I am glad that she was correctly replied to by a Presidential representative from Buganda, who made it very clear to them that the N.R.M. is a mass movement. To me, the question of proportions should be with regard to make our differences more ethnical than this question of parties which has been used.

So, now if you say, let us have a Government where all these trouble units are represented, somehow the balances of religion and other minorities can be reflected. I think the provisions that we have already passed, ensuring that the President faces a national mandate must address all that, because in the end the President is a President for all. He must be able to balance this question of minorities and other special interest groups. Since Parliament is going to approve, then there is enough safeguard with regard to that.

Therefore, this question of proportion as is being argued by some forces especially the caucus, is because this so-called caucus is composed of leaders who want to negotiate for individual positions. It can even be the solution to Uganda's problem. It is true that we should share, and to share let us all be catered for. When a school is complaining about a bad headmaster, it is not the students of another school who complain, those very students go on strike. So, why not join the Movement so that even internally you can replace the leadership?

When a school wants to go on strike for food, do they go to another school? So, if you are saying that the Westerners are eating, let us all go in the dining room. Because who can sit quiet and then go hungry when another group is eating? So, I believe that the question of eating can best be addressed if we all say, let us cook together. When you are cooking matooke, I will say, no, you have not put millet there so that all the cooks are represented.

Mr. Chairman, since my time has run out, I want to once more repeat that this is our opportunity to write a Constitution. Let the people outside, our friends, watch what we are doing. In their own countries they judge their own measurements. Let this Amendment be passed. Thank you.

MR. KWERONDA RUHEMBA: Mr. Chairman, the right to associate by fragmenting the people of Uganda has been granted by Article 51 and 59, which we have already passed. But if we do not register Article 94, as amended by Hon. Obiga Kania, I will have problems with my Constituency. In Kajara, Mr. Chairman, there were 37 thousand registered voters, 35,000 voters voted. Out of those voters, 10,000 voted for one who said he wants multi-party system. 25,000 voted for me and some other person who were advocating the Movement type of politics.

So, in essence, I represent 35,000 voters. 25,000 told me to come and make sure that the Movement is recognised as a system of governance in this country. If I went at the end of this exercise and told them that you 25,000 people who won, have lost to the 10,000 who did not send their representative, I think they would hang me. I am sure we have already pleased the ten thousand by approving Article 51 and 59. To please both we must also recognise Article 94 and write it in this Constitution.

Mr. Chairman, the right to associate by uniting the people of Uganda has not been granted and Hon. Obiga Kania's attempt to do so is very much appreciated. Hon. Obiga Kania does not only stop on that one alone. It also attempts to untie our hands which we tied using Clause 4 of Article 1 which reads, *The people of Uganda shall express their will and consent on who shall govern them and how they should be governed through regular free and fair elections of their representatives.*

That Clause ties our hands. It is, infact, saying that having elected their representatives, the people should stop at that and their representatives then should choose a system of governance. So, Article 94 is trying to say that the people should not stop at electing their representatives and the representatives do the rest. This is to say that in addition to that, they can also go to a referendum to choose the system if there is need.

Mr. Chairman, the people should determine their own fate. The people of Uganda have tested unity and they want to unite. They want to defend this unity if need be. The people have tested peace and they want peace to continue. There is no other way they can continue to keep peace which they are already doing through their training of L.D.Us and so on. If you do not give them that power to exercise it, nothing is good. The people have tested the measure of development and they want to develop, and the only system which has so far organised them in this direction is the Movement type of politics.

If we do not register the Movement type of politics in this Constitution, then we shall in essence be saying, you people of Uganda, cannot directly participate in politics. Because now there is direct participation in my language what they call *'okwekwatiramu'*. They are directly participating. When it comes to peace keeping, they are the ones keeping peace in the village, because police stations are very far.

The nearest police station in my Constituency is about 20 miles. If we had to go by the fact that only the police should keep peace, the thief will have run another 20 miles in the opposite direction. But the people through their R.Cs, have chosen who should train they are holding the guns in their own localities. This N.R.M. system is the only system which has given them this chance. It has given them this direct participation, and Peace keeping is now becoming a culture.

On the question of unity, again the Movement type of Politics has ushered in unity of purpose. People are uniting to fight their common enemies and despite that ignorance, poverty, they are digging roads together. In other words they are interested in what they are doing and they are electing leaders to lead them in doing this. I think this is direct participation. I thought this was a big essence of

democracy. Democracy means that you are in the game. Once you are not in the game you are a spectator.

Democracy amongst 22 players of football is that this ball is passed from one person to another. All of them are participating except that one is called a captain and another one is called a goal-keeper, but all of them are pushing a ball forward to score a goal. The only system which has given them a chance to participate directly like footballers participate directly, is the N.R.M. Now, to take away that direct participation, is to say you people should spectate.

I want to say that this country has remained backward, and has failed to develop because people have been spectators, since 1962. We were spectating during Obote I. When Amin came in, we remained spectators. During Obote II, the people of this country were spectators. We were being promised schools and hospitals. Instead of drumming up people to dig their own road, you are simply giving them false hopes that you would bring a road, and that is why this country has been retarding. This system, however, has woken up people. They are identifying their own priorities and when they are about to start running, you say no, take away this system! I think Hon. Obiga Kania's Amendment is a land mark in our history and this land mark must be registered so that people, 20 or 30 or 40 years from today, are still able to say, this was a turning point in Uganda's politics.

Mr. Chairman, I do not want to waste a lot of time. Many, people have spoken on this issue and others want to speak. But I wish to conclude by saying that the Movement should be registered in this Constitution as a viable alternative to multi-partyism, or any other system that may emerge in future, so that when people lose direction under multi-partyism, they have got some known alternative which they can turn to. With those few words, Mr. Chairman, I beg to support the Motion. Thank you.

DR. RUHAKANA RUGUNDA: Mr. Chairman, I would like to add the voice of Kabale Municipality to those who have expressed support for the Obiga Kania Motion. Mr. Chairman, I support the Motion mainly, because it proposes to entrench the right of the people of Uganda to choose and adopt a political system that they consider most appropriate for their history, country and for the realities on the ground. Secondly, it gives an even opportunity to both the multi-party system and the Movement system, and for that matter any other democratic and representative system that may be considered at a later stage. It, therefore, guarantees if passed, and I hope it will be passed, the people of Uganda their right to determine their own destiny. Mr. Chairman, the principle task that we have is to ensure that this C.A. consolidates the political gains that have been scored by the different freedom fighters that have been struggling for independence, against colonialism, and against the dictatorships that we have experienced in our country.

Mr. Chairman, some of the Speakers yesterday and before, scornfully talked about people who had talked about the history of Uganda. Mr. Chairman, if you forget our history, then you will end up building a house without a foundation, with just a roof. Fortunately the representatives of the people here are serious and determined to make sure that the Constitution that we have and we are going to have will take into account all these historical experiences and realities and build on them.

Mr. Chairman, I have been amused by people who claim to be champions of democracy, the multipartists, because what they are fighting for is to impose dictatorship on the people of Uganda. They are saying the people of Uganda, should, without question accept multi-party system as the political system. They are trying to deny the people of Uganda their rights to choose a political system that they consider appropriate.

These so-called democrats tried to sabotage the C.A exercise. When they realised that this was a popular exercise and that they could not stop it, they had no choice but to jump on to sabotaging the exercise from within. Mr. Chairman, you denied them the opportunity to sabotage the exercise by the exemplary manner in which you and your colleague have conducted these meetings. They have tried to look for the slightest loop-hole on which to jump and say, aha! things are going wrong we will go out, but fortunately this opportunity they have not had. So, after being frustrated, they decided to sit about a month ago, and systematically planned how to walk out -an absurd story.

Mr. Chairman, I believe that the people of Uganda, especially those who voted for the multi-partists that have walked out need to know the facts, and

they need to know how they have been misrepresented by the people that they elected. Infact, I want to salute my brother Hon. Mwaka for being consistent and being resolute and insisting to represent the people who elected him inspite of intimidation. *(Applause)* That is the calibre that Uganda needs. People who will stand firm and be counted.

I was rather disappointed that my friend John Kawanga who only a few months ago vowed not to walk out was yesterday pulled along and walked out with his other fellows. I think the people of Masaka Municipality were not amused by this type of action. Mr. Chairman, if the multi-partists walk out when they have been so thoroughly defeated, they got 58 and those who opposed the Motion got 199, the majority was overwhelming it is a sad issue. Inspite of that heavy defeat they wanted to impose their minority, very minority will on the people of Uganda. If they had a chance to have a majority in this country what would happen? I do believe that the conscious people of Uganda will deny these few democrats an opportunity to have majority in Uganda for many years to come.

Mr. Chairman, we have witnessed incidents where these elements go about telling stories that are not correct, and building cases out of these false stories. I will just illustrate this with a few examples., of things that are not correct. Hon. Epak the other day said that he will not be party to a Constitution that entrenches the Movement system in this country. Mr. Chairman, if the people of Uganda in a referendum or election for that matter, decide that the Movement system shall be the system of government in Uganda, who is Okullo Epak to say he would not be party to this Constitution? Is he imposing his minority will, his lonely voice on the people of Uganda? Mr. Chairman, this is an example of latent dictatorship that the people of Uganda will definitely not tolerate.

A few other cases were raised; the other day Hon. Dick Nyai the word Honourable must be jealously protected. In fact I think Ndugu Chango Macho was perhaps right to say Mr., because really honourable means that you must live up to that great honour. But if some Members calling themselves honourable, come up and say the NRA was responsible for killing people in Atiak, and you say you are honourable, really then we must reconsider our usage of the word honourable and even should consider withdrawing that title from those who clearly misuse it.

In several speeches given in this House and outside, there have been persistent attacks by the multipartyist forces against Muchaka Muchaka. They look at this as a monster. They are really fatally afraid of the people of Uganda being aware of their history of their politics of their geography. Mr. Chairman, sectarian politics thrive on ignorance of the people. They are right to be afraid, because when the masses have their political consciousness sharpened, then the sectarian forces will lose fertile ground which they have been using to manipulate the population and tell them lies.

Muchaka Muchaka has helped the people of Uganda to be immunised against manipulation, against cheap politics, against various levels that form the foundation of sectarian politics. Therefore, we should as usual, Mr. Chairman, stand firm and resolve to ensure that education of the masses is not only continued, but is intensified. This is the only sure way to ensure that the people of Uganda will always consciously determine their destiny without any manipulation.

Mr. Chairman, again these very forces who say they are great democrats and claim that they believe in the rule of the people are the very ones who are very scared of a referendum. They say they are democrats, they believe in the people deciding, when you say let us go to the people they say no! no! no! we can't. What democrats are these. I think we will have to get a more appropriate terminology to call them, because democrats is clearly a misnomer.

The Movement is a summation of the historical experiences that have been accumulated by the people of Uganda, from the struggles for independence where we had Semakula Mulumba, Ignatius Musaazi, and many others, to the period when the 27 grand sons and daughters of Uganda spear headed an armed struggle for peace, sanity and stability in this country. All of us, including C. Ogwal, Kawanga Semogerere, Tiberio Okeny and others are enjoying the fruits of this struggle. This experience that we have accumulated has clearly shown that the Movement works.

As for Kabale, Mr. Chairman, the Movement has worked. The people, previously, were at each others throat instead of engaging themselves in development; they were destroying property instead of creating more and more wealth. The Movement has provided the medication for this backward divisive politics. So it will take a lot of

work to move the people of Kabale from the Movement. In fact they have accepted the Movement and they are not ready to release it.

When they sent me to this august House, they had actually wanted the Movement to take charge of the country for an indefinite period. However, in the usual spirit of compromise, and reconciliation, I went back to them and said, "I have gone to the House, I have found other forces who do not want the Movement to be there for as long as that, what do we do?" They said okay, we can give the Movement five years, after which we will have the referendum and demonstrate to them and the rest of the world, that actually the Movement is indeed supported by us in Kabale and the rest of the country.

Mr. Chairman what has been the national experience? The national experience in Uganda has been that we were used to sectarian politics. Politics where the ruling party, and in case of Uganda inspite of being a multi-party country in name, was always UPC. UPC would not only take everything, but dismiss other people who were suspected not to be strong UPCs. So the Movement has brought broad based politics, which has brought together the different political leaders. It is this broad base politics, and the open methods of work that cater for the marginalised groups the liberation and emancipation of women, that has brought this sanity this stability. This also explains why we have been able to score high rates of economic growth.

I think Uganda has now scored an unprecedented 10 per cent annual growth in our economy. All this is attributable to the sanity, the solidarity, the unity that has been brought by the Movement which has liberated the previous latent energies into production. given more time, the economic growth is even going to be clearly higher than the percentage that we have so far scored. My elder and respected Colleague -respected as a person, Hon. Kawanga Semogerere, unfortunately is out. At the moment, other Colleagues would like to convey a few words, which hopefully will reach him and may be helpful.

Mr. Chairman, Hon. Kawanga Semogerere was showered with praise in the last few days. He was a star performer, he was called the greatest asset to NRM, he was said to be the life support for the National Resistance Movement, and he was promised an equivocal and total support by UPC. Mr.Chairman, in fact him and Adonia Tiberondwa another Presidential aspirant were together in a premature campaign at Makerere. I am not sure whether they were campaigning for each other, or whether Tiberondwa was campaigning for Semogerere or vice versa. Mr. Chairman, the position is the same, even in this House, C. Ogwal gave the Floor and said I want my brother to be the one to speak before me. This is unprecedented and deceitful respect.

I would like my elder Colleague to watch out. While he is being showered with praises in Kampala, Milton Obote is instructing and rebuking the Presidential Policy Commission for being associated with Semogerere. While he is being showered with praises, he needs to be reminded that it was under Obote I regime that Semogerere was imprisoned for years, and he had to be rescued from prison by dictator Idi amin. While he is romancing with our UPC friends, he should remember that it is that very same party while in power that banned DP in 1969. And in fact, as Hon. Musene said this morning, Hon. Wadada Musani was himself detained by the same regime, and the group that he led -Uganda Vietnam Solidarity Committee- sorry it was Nabudere. Hon. Nabudere who was Chairman of Uganda Vietnam Solidarity Committee he was himself detained and his organisation banned.

I say this with authority, because I belonged to Uganda Vietnam Committee as a member of the Executive Committee. Mr. Chairman, it is the same UPC that rigged Semogerere out of state House in 1980, and told him that if he says anything about election results he would pay a fine of I think half a million shillings then, and face imprisonment for five years.

Mr. Chairman, I am also being reminded that he could even face both. So, as somebody has said, the English say, once beaten twice shy. Hon. Semogerere and his democratic party have not been beaten once, not beaten twice but beaten many times. They are not even shy, so I do not know where they are going to end up, perhaps this time they may end up being completely wiped out by the very bosom friends who they are now embracing. Mr. Chairman, they also say that, when you are bitten by a snake you must avoid holes where snakes often find themselves. But it seems our DP friends are even going more deeply in the holes where the snakes reside. This time they may find vipers and that may end their very existence.

A few last words, Mr. Chairman, on foreign concern. Uganda, Mr. Chairman, is a member of the International Community. Inevitably we must continue to share the experiences of other countries, and they will in turn share our own experiences. At the end of the day we may take some of their experiences and adopt them to our own conditions, especially , in the area of science and technology. We have been told by Hon. Adoko Nekyon and Hon, Omara Atubo that if we are accepting dollars from the West, why don't we also accept multi-party.

Mr. Chairman this is really a lop sided way of approaching the matter. The people of Uganda must decide what is right for them. They must determine their own destiny, and we are not going to choose multi-party simply because these guys give us dollars. After all, they do not give us the dollars, a lot of these dollars are being borrowed with high interest which we are going to pay back. Our future generation will have to pay back. Mr. Chairman, we have to watch, not to be too pressurised because what we see in Burundi today is a result of an unabated experience of multi-party system, that was pushed on those fellows by the International Community. This was done without taking into account their own experience.

In conclusion, the people of Kabale give support to the Obiga Kania Motion, because it entrenches the fundamental right of the people of Uganda to choose any system of their own and adopt it, and also because various forms and various systems are being given equal ground from which the people of Uganda will choose. Thank you Mr. Chairman.

THE CHAIRMAN: We have had ten (10) speakers since morning, do we have any contrary view?

MR. MWAKA DAVID: Mr. Chairman, since this morning I have been listening to similar songs and we have been dancing to similar tunes like, *Ekizino, Ekitaguriro, Bakisimba, Tamanaiboga.* Hon. Agard Didi was even singing moreless songs for *Dimola* dance from Madi district. Mr. Chairman, let me change the tune and instead bring you a different song with different rhythm -the Raka Raka, and Ding-ding.

I have, since morning, listened to contributions from Hon. delegates who have spoken and have condemned the walking out of the multi-partists. I would like to submit, Mr. Chairman, that any word of condemnation of the advocates for multi-parties, and a vicious attack on personalities will not serve us any use or purpose. Walking out in protest is one of the ways of expressing one's dissatisfaction for anything one does not want. Even in diplomatic service, when we meet ministers or some senior government officials of countries of accreditation, while discussing something, we show dissatisfaction by walking out in protest. So let us not condemn them they have expressed their views in that manner.

I have remained here, because my people gave me a clear instruction, sit there and state our position. They have walked out because their people directed them to walk out in that manner. Mr. Chairman, we have already discussed and passed many important articles in this august Assembly. One which will shape the destiny of this nation or create chaos in this matter we are discussing now. I pray Hon. Delegates not to allow a Motion to carry us away and blind us from seeing things in their true perspectives.

If we want this Constitution to last for many generations to come, let us not base our arguments and take decisions merely from the historical perspective or just on the prevailing circumstances. Keep in mind at all times that we are writing a Constitution for posterity. As we advance a point to be embodied in our new Constitution, let us ensure that it will still be relevant in 50 or 100 years to come. That should be our goal; to write a Constitution that will last, and not something that will last only a few years and then be abandoned.

Mr. Chairman, I want to address this issue from a position of principle rather than strategy. Some of my good friends here who have spoken before me are only looking at strategy but not the principle involved here. One cannot separate, political pluralism from democracy. It is impossible. If you genuinely want people to enjoy true democracy and to exercise their democratic rights, you will not restrict their freedom of association and freedom of assembly. These are fundamental human rights that can not be subjected to a referendum.

I must be free to enjoy my God given rights at all times so long as I do not break any law of this country. The law enforcement offices should not be sent to disperse people belonging to a political,

or any other organization who have assembled in a place peacefully to discuss matters concerning their organization. Those in positions of authority must never interpret the law for their personal interest or convenience. Before the law, all people must be treated equally. Why send policemen or troops armed to the teeth to disperse people who have gathered at a rally to be addressed by Ken Lukyamuzi or the Conservative party, or Michael Kaggwa of the Democratic party? Why send security personnel to stop a consultative meeting being addressed by Cecilia Ogwal of UPC, yet Hon. Winnie Byanyima or Hon. Elly Karuhanga of NRM are free to address a rally of any size in this country without any harassment by any of the security organizations?

I salute Hon. Winnie Byanyima for coming up boldly to express her concern when police stopped a consultative meeting in Lira recently. This is an example of a politician who wants fairness in politics. Mr. Chairman, the most durable political system today, is the one that does not intimidate people belonging to different parties political groupings, and allows opportunities to compete in free and fair elections for political leadership. The parties in opposition, with their 'Cabinet' will make the government in power work very hard and will ensure that development projects, or the national cake is equitably distributed to capture more votes in the next elections.

The spirit of competition, Mr. Chairman, is very important in politics and other activities. As members of the human race they always must compete. Human interest is unlimited and varies from time to time. What is popular today may not be popular tomorrow; what is considered a minority today may become the majority tomorrow. This is dynamism in society, and this is why people must be left alone to decide what they want at a particular time, by organizing at regular intervals free and fair elections without stopping any political party from participating.

Some of the political parties we hear of here only exist by name. Why stop them? Let them participate in free and fair multi-party elections and let them be defeated, then they will sobber up and know that they actually do not have the support of the people. If they win elections, fine, let them form a government,and the rest of us will be in opposition and wait for another opportunity.

Mr. Chairman, many countries of the world where organized opposition was considered unhealthy, are following this principle today. The then Soviet Union, Eastern Europe, Malawi, Zambia Angola, Mozambique, Ethiopia, Kenya, Tanzania they have all adopted this principle. Even China and North Korea, are heading for the same in the very near future. Why do we want to adopt a system which is abandoned, or has already been abandoned by many of these countries that once followed that particular system. Political pluralism is the order of the day everywhere today.

Why are some people are so afraid of competition in politics? We should be able to see and differentiate between good and bad. Personal interest should not impair our sense of judgement, otherwise this Constitution will not last at all, and what will you do? Today we did not want to move with the Movement, ignore them because you imagine they are a minority. I want to commend Hon. Kweronda Ruhemba. I think the name is pronounced something like that. He spoke very honestly and said in his county out of 25,000 people who registered for the last CA elections 10,000 of them want multi-party democracy, and that is the case everywhere in different parts of Uganda. Yes, everywhere without any exception. Even in Kabale, the municipality of my brother Dr. Ruhakana Rugunda, there are multi-partyists there. Same for Ntungamo, everywhere they are there, all of us UPC - *(Laughter)*-.

Mr. Chairman, it is not right to constitutionalize the Movement system of government. The Movement we are talking about here is a political party like the Conservative Party, DP, UPC, NLP, and there is one which was inaugurated recently. But NRM is one of them, there is no difference whatsoever. Mr. Chairman, the other day, in this very House my brother and friend Hon. Maj. Tumukunde frightened us in this House and tried to incite the army against those of us who did not subscribe to his political system. One would have thought that was typical of Amin's regime. Amin used the army to flatter his regime. But today we want to use the ballot box to settle any political differences, not the gun.

As I said, I have listened to contributions by some Hon. delegates and I got really alarmed and even abashed by some of their utterances. We are here to negotiate, under a peaceful atmosphere, in order to come up with a Constitution acceptable to both

sections of our populace. Intimidatory remarks similar to those of Hon. Maj. Tumukunde, of Rubabo county will not serve us any useful purpose. If anything it will only serve the suffering people, who did not support its political ideology even more bitterness and anxiously the debate for the day will come to an end. The people of Uganda today need more peace stability unity than ever before in order to forge ahead with the task of rehabilitation, reconstruction and development.

Mr. Chairman, I would like to very briefly, if you can give me more time, say a little bit about what my brother the CA delegate for Nakawa division, who doubles as the minister of local government referred to the other day. His insinuation implied that I was a double dealer. That all the people of Kitgum had passed a resolution saying they want the Movement or rather the NRM to continue for five years, and this has appeared in some papers. The chair may not know that the RC had tried to tell lies by saying, that as Chairman of Acholi CA delegate group I had written a letter to him saying that all of us CA delegates from Acholi had agreed to give NRM five more years, which power we do not have. We do not have the power to do that kind of thing. Our power derives from the people from our electorate.

We had a meeting in Kitgum, true, and we had about 200 people in that hall, and by the time we asked people to vote whether to give the Movement system of governance five more years in power there were about 100 people in that hall and the results were as follows; 18 people wanted multiparty, Democracy or multi-party elections to be held soon after the promulgation of the new Constitution. Non was for the Movement system continuing for five years without referendum, and extending after every other five years provided for in the Odoki draft.

Those who said okay give the Movement system of governance, not necessarily the NRM as it is today, but that kind of arrangement that brings in all the different political parties five years to continue, were 82. It was looked at as a transitional government of national unity lasting a period of five years. In the event of publicising this, the CGR of Kitgum did not salute the conditions these people gave. There are three very important conditions. The people said, this must not be a Constitutional matter, but an administrative arrangement outside the Constitution.

Secondly, they were of the view that during that five year period, political activities must be allowed. That political parties must even be allowed to organize delegates conferences to elect their leaders or discuss any matter of interest to them. They then concluded that soon after the five year period, no question of a referendum, but a straight switch to multiparty election. These were the conditions that the people of Kitgum gave and which the CGR of Kitgum and the Chairman of Kitgum DRC in their efforts to try to impress the NRM secretariat how hard they are working decided not to mention. This was misleading, and besides I had never written any kind of letter to them. Later on when I sent an open letter, the Chairman of Kitgum DRC turned round and said, no it was not you Mwaka who wrote but your publicity Secretary. Publicity Secretary for the Acholi delegates' group. I have requested the Secretariat to organize enough copies of the letter signed by publicity secretary of the Acholi CA delegates' group and you will find them in your Pigeonholes. Read that letter written two weeks before we went to Kitgum. It was not saying anything to the effect that we had given five years to the Movement.

But that is the letter they were saying, I had written, and that is why I was saying, to my brother Hon. Bidandi Ssali that it could be good for you to go to Kitgum. Do not only address the DRC, because you will not get the true picture of the situation there. Address rallies, in both counties there. Then my Colleagues the CA delegates from Kitgum Hon. Oryema Akabo, Hon. Tiberio Okeny Hon. Langoya, and others in their respective counties. And you will come back with the true picture of the situation there. I would have even liked, Mr. Chairman, if my brother Hon. Bidandi Ssali had checked with me to confirm whether what had appeared was true or untrue.

Mr. Chairman, in conclusion, one of the most fundamental human rights is the freedom of association and assembly as I have already said. We must be free to choose what is good for us at different times. Let all those who want positions of leadership in this country prepare to compete in free and fair elections. I have already said, that the Movement system of governance should not be constitutionalized as if it was a concept which is very unique or very special. It is not unique.

We should go to the people with manifesto from our various political organizations and sell them to the people. Give them the opportunity to discuss them freely with the leaders of those political parties or their agents without any threats whatsoever to enable them compare them, and make free and independent decisions in free and fair multi-party elections. Let the DP supporters sing in their rallies that DP *Egumire."* Let the President of the democratic party Paul Kawanga Semogerere address rallies freely at the City Square or in Kabale or Lira Municipality, without policemen being sent to disperse people who are assembled there peacefully.

Let CP, UNP, NRM do the same,let me be free to go Nwoya county and tell the people there that I am UPC, because that is what I am, and we sing our great song; Congress of the people, and say UPC everywhere. Dr. Ruhakana Rugunda UPC, Hon. Bidandi Ssali UPC, Hon. Prof. V. Mwaka UPC, all of us UPC. Let us handle that freedom here. That is dynamism in society. Freedom to choose what one considers most appropriate at different times.

I had requested The Chairman to give me a few more minutes, because I am the only orphan here. Let my brothers and sister in the Western region sing their songs, and I join them with great enthusiasm and we sing and dance together. At the end of the day, we will realise that parties are the most attractive programme. Let me complete now, Mr. Chairman. Finally, for the sake of peace, stability, unity and social justice in this country, let us give the people the opportunities to choose their leaders through free and fair multi-party elections at regular intervals. Thank you very much Mr. Chairman.

THE CHAIRMAN: I would like to be a bit gender balanced. But in doing so I ask for you people to use ten minutes only so that we can spread around.

MRS. NTABGOBA: Mr. Chairman, let me start by congratulating our respectable Hon. Mwaka for letting off his steam so well, and exciting all of us into the songs of Nyamurunga. I start by assuring him that in Kisoro district, we have got people who sing similar songs. One of them is my dear Colleague Hon. Mateke who is not here this evening but who did not walk out. *(Applause)* I am sure he is away for a good purpose. I thank him and congratulate him very much. He is a known man as a multipartyist, but he knows very well that he is a delegate of the district which asked him to champion for Movement type of politics and he did it so well.

I also congratulate our Chairman who has tolerated a week of tension. Tension from all sides, multipartists and Movement proponents together. I congratulate members of committee 5 who suffered quietly without bitterness. *(Applause)* These are the Democratic reasons we want among our people. The Committee kept quiet because we were moving towards solving a problem not only for our people, but Uganda as a whole. I congratulate all of you Members who are here. We are here to solve future problems. We are here to solve future chaos as some people have been singing and threatening that the case will be created when we do not follow their, request.

My contribution today is to tell them that the opposite will be achieved. The walk out will cause chaos, especially from those areas whose delegates have championed their own needs and desires other than that of their people back home. Let me tell you something that brings us together in Uganda; it is chaos. Chaos brings Ugandans together, multipartists, Movementists, name it, we are all brought together by chaos. An example is during those bad years when we all used to run, not knowing where we were running to, or why we were running during those days of pandemonium. Many of you remember how people started running from Mengo through Wandegeya, towards Mulago running not knowing why they were running, just because there was a sound of gun somewhere. Once you asked one why he was running the answer would be, 'why are you asking, you run too; there is trouble.' We were all running, and none of us said that is a UPC, that is an UPM. We were all running and that was chaos.

On Friday there was a power cut in this Hall, why? We were all quiet listening to a Member contributing but it was chaos and we were all confused. There was tension, there was silence, we became inadequate. That was chaos but we were together in this hall. Now when a good governance says please, you are not allowed to campaign, then Hon. Mwaka comes to challenge that and says that it is wrong, that is unfair. We are looking for governance where you keep unmoved, where you obey your leaders if they say do not do this please, do not do it, we have to obey our leaders.

Time came when we were in confusion. For us who were outside this country, we were being told that we were Baboons who could not decide on anything or even solve our problems. We were being told all these things. Inside Uganda, people were feeling bitter; they were saying may be God had forgotten Uganda. Churches were full of people praying until God listened and came to our rescue and brought the army which some people prefer to abuse. That army saved the situation. We all got pleased and we are all enjoying.

Mr. Chairman, I am confused and disappointed when I hear some people say in Luganda "*Tubakooye Ba Movement.* 'In other words they say, they are fed up with the Movement. My question is; do you prefer the chaos, do you want to go back to the chaos we were in? Mr. Chairman, I had wanted to tell Hon. Cecilia. Ogwal yesterday, that although she says that Movement is putting a slow killing poison to parties, it is better to die tomorrow than die today. Because overnight an antidote may be discovered to neutralize the poison and then somebody might live much longer. I also want to challenge those who say freezing parties for a while is a wrong thing, that if meat could talk to you, it could tell you that it is better to have it frozen in a freezer so that you get it out when you want to cook it and it is still fresh. If it was to speak, meat would not prefer leaving it to rot the following morning.

Mr. Chairman, the people of Kisoro district then say the article we have retained is what they wanted because it assures them of a better future. It assures them that those who were in parties as well as those in the Movement will be allowed to choose what will save them from the dictatorship, from the lies, from the hatred which they are fed on all the way from the city centre. They will decide on their own and I congratulate all of you who kept this article intact. I kept wondering why after passing so many articles, we reach an article which people want and then people turn around and say no, we are fed up. Fed up with what? You are fed up with what people want? People want to choose the system under which they should be governed.

Mr.Chairman, we have to be careful because when things get out of hand we cannot put them together again. Like a can of worms if you open it and let it down, worms will spill all over the place and you cannot gather them again. They will move everywhere they can reach. We, therefore, have to be careful because when we do not listen and champion human rights which we do not even understand, or even follow, Mr. Chairman, we will be saying, we are violating human rights as Movementists.

Those would be double standards, Mr. Chairman. Because the rights are not absolute, rights can be and must be controlled and regulated to suit people. There is a right to eat, it is an inalienable right. You do not see a child picking an insect because he wants to eat it and leave that child to eat that insect. You control that child as a parent. The right to choose and the right to leave; you do not leave somebody to ring himself in a rope, just because he has chosen to die. We have to be careful the way we understand these rights, Mr. Chairman, and I will end up by urging all of you, even those who are outside to come back and we support the Kania Motion. Thank you Mr. Chairman.

MR. OWINY DOLLO. Mr. Chairman, I had very much wanted to contribute before the voting yesterday, but I was not fortunate enough to catch the King's eye, so the King's spear did not fall on me. I will not then cry over spilt milk I will put it by way of observation, because I cannot really say I am opposing or supporting the Motion as voted against. I mean having voted in favour of that and successfully against yesterday's Motion.

Mr. Chairman, my observation is not lengthy, Mr. Chairman, I am personally, a very late entrant in the CA race. Many did read in the NewsPaper that I had specifically said, I will not stand for the CA. If *Ejakait* Akabway had not extended the period for registration, I would not have been in this House. Well, I would like to explain that I did accept to stand for CA, and I am saying this to explain why I have not walked out. An old man who unfortunately died in July last year, who called himself RC.10 in my area, said he was RC 10 because he would not belong to RC 1, he would not belong to RC V since the people sitting there will not understand how he talks. He called himself RC 10 because as an elder he wanted to have a place in the RC system where when everybody had failed they would still go to him.

Now this old man also calls himself Lacan Mami which is literary interpreted as a poor man who is foolish. This man told me he would be aggrieved on my part not to come to the CA, and then Alai said

that what I feared to mention there, I would best do by coming here and presenting before my colleagues and that is still what I had wanted to do before the vote yesterday. I was totally disappointed, and I think the problem is not in the CA, the problem which we are now having, Mr. Chairman, was actually contributed by the National Resistance Council in the CA statute. Other than articulately providing for consensus building, they rushed in their characteristic manner and provided for above all else, numbers.

I talked at length during my contribution and general debate, and I would not want bore Members. We can go back and read what I said. Today, our debate has been derailed. We are subjecting ourselves to soliloquies, because if we all belong to the same House and we purport to be debating, that is no more debate now. We are just subjecting ourselves to soliloquies and then at the end of it all we pretend to the vote, vote over what when we only say the same thing. Mr. Chairman, whereas I said I came to CA knowing that at the end of it all, the rule of majority take all, will prevail. I came here knowing I will either benefit or suffer under this rule. Yesterday I suffered under that rule, although with my tongue in my cheek, I am here.

Mr. Chairman, I am saying this because it is not too late. I want to tell my colleagues here, that the stake in this matter is much higher than satanism either for Movement or for Parties. The stake here is much higher than that. You will notice, Mr. Chairman, that on many occasions I refuse to vote under this grouping of Movement or parties and I earned a terrible name from some of my Colleagues because I still believe, it is my personal conviction that the stake here is not whether I am more UPC than Obote or whether Dr. Mugenyi is more Movement than Museveni, that is not the issue really. The stake is much more than that.

Mr. Chairman, if reason had prevailed we would not be engaging in these courses now, we would have gone a long way into building bridges, into coming to the type of resolutions that would have the type of consensus, that would have left Uganda a much happier place than we are going to witness. Mr. Chairman, I prefer to belong to the voice of reason. I do not say I am alone in this. There are many of us who would want to belong to the voice of reason and not the voice of fanaticism.

Mr. Chairman. Napoleon Bonaparte the great, when he was exiled in St.Helena, if my European history still serves me right, when asked what he considered his greatest contribution to France, whether it was the several battles, the blitz quiz, the artilleries he said "no, all those went with the battle of Waterloo, my greatest contribution to France," and history has proved him, "is the code Napoleon." I would have loved my brother who sits infront of me, Maj. Gen. Mugisha Muntu, only to say the battles I won in Kapeka, Patongo, are not my greatest contribution but my greatest contribution is the 1995 Constitution of Uganda. I would have loved to hear this.

Mr. Chairman, many people have said my Colleagues who walked out, with whom I am at variance in methodology because I have not walked out, are insignificant. Mr. Chairman, the same Napoleon said that what broke his back was not the winter miscalculation in Russia, it was not even Waterloo, it was not the other battles which he suffered but what he called the Spanish ulcer. I am asking my brothers in the Movement who are enjoying the equivalent of Napoleon's might in terms of number, that these multipartyists who suffer a very ridiculous minority today, could be your Spanish ulcer tomorrow.

I am not threatening anybody, I just want to be on record that if you allow reason to prevail, there is still a possibility to accommodate one another. Let us not be carried away by you know UPC did this, or NRM did this. Historians will tell us that we do not have the moral justification to criticise one another. We are all thick either to our waist or to our legs with blood. All of us are blood soaked, let us leave it to historians to tell us. I have heard my brother, Kweronda Ruhemba, saying that the Movement has made mistakes and we should learn to correct that.

As a multipartyist, as my brother has said, the same can be done about parties. I do not know how if tomorrow President Museveni leads a party which wins then for the reason that he is now a leader of a party, he fails. I do not know whether if Milton Obote came back and led the Movement he would abandon drinking. I just do not understand. I do not understand it that if the Delegate from Kigulu, Hon. Kazibwe, were to be Vice President in a political party she would now stop insulting Acholi leaders. I just do not understand whether being in parties or

being in the Movement would change anybody. The issue is not political parties. Political parties have been victims in this country like the Movement can very well be a victim. The moment you begin castigating victims of an accident then you are losing sight of the problem before us .

I would have thought, Mr. Chairman, that we would have concerned ourselves here with the ways and means of putting in place these rules that would disable any political leader tomorrow whether in the Movement or in political parties from again abusing the people of Uganda. That is what I thought we would have concerned ourselves with, other than wasting time on this political system, that political system. The people of Agago are disappointed. Mr. Chairman, we should concern ourselves with the internal democracies of whatever political systems we are going to choose, not fighting for three days over the choice of this or that.

I for one when the time comes, I think it is about to come, I will move a Motion which will allow any Ugandan, if you are in the D.P. and you think the internal democracy in UPC falls short of whatever we shall put in this Constitution or Parliament - whatever laws Parliament will pass, you should be competent to move the court of law to declare that such and such a thing in UPC is unconstitutional. Yes, because when UPC is in power you will either benefit or suffer under them, or when the Movement is in power you will either benefit or suffer under them, Mr. Chairman.

Mr. Chairman, my brother Wagira said democracy should take its course. I want him to know as a student of poetry, that it would do some good to hear that he said democracy should take its toll and when it could take its toll. Mr. Chairman, if we agree that the internal democracy of these political organisations is the issue, then how can you argue that you put political parties which are a reality at bay. My eldest statesman, Eriya Kategaya, said some few months ago, I am a multipartyist. I want to believe him. Do you not know that parties will rule Uganda whether today or in a hundred years time? How can you afford to put them in limbo. If you really love the children you produced then you are in the best position today using your majority position to put right what led the political parties fail here. If tomorrow, we the party members are in the majority and you fail to use this opportunity, do not cry if we put in place such rules that will perpetuate the things you fear.

Mr. Chairman, my chairman in the Acholi C.A. Delegates group has said what happened in Kitgum. Let me also add that I was totally disappointed by the turn of events, and I say this alongside because we have received all forms of accusations. I will ask just for three minutes, Mr. Chairman, for which I will thank you. Accusations have been levelled against the Acholi leaders, and Acholi people, about what is happening. I want to introduce it and explain what happened recently in Kitgum about the Movement government, no referendum and what have you.

I want to tell this august House and the people of Uganda that the acholi people were the first people to fight and defeat insurgency in this country. While the war of insurgency only ended in Teso two or so years ago, in Acholi it ended in 1989. At least, my President has said that but some of these leaders out of ignorance will continue to say the Acholi have been fighting them. Well, when you are a politician you have to say something to remain in power. Mr. Chairman, the elders and the clan leaders in Acholi effectively ended insurgency and let me say that during insurgency, the bulk of the Acholi population were behind NRA.

I stand to be opposed by anybody who says to the contrary. We should ask ourselves, how can people who have been with the government all this time still have insurgency or insecurity in their area? Who really is to blame? We should ask this question. I do not like apportioning blame because it never helps me, I like discussing ideas with a view to reach some settlement. Teso and Lango who my brother Bidandi Ssali, whom I respect a lot because he has got a clear mind although he erred yesterday in respect of the Acholi people, Teso and Lango do not share any international border.

Mr. Chairman, let me say this, the Acholi, for purposes of the present insecurity share a common border with the Sudan. Whereas they ended insurgency in their area, and as I talk now there is not a single rebel base in Acholiland because of the geopolitical nature of the present conflict some of us, my brothers and sisters can afford to call us names. I would have thought that at that high office, he would know that there is a place in Acholi where you would not know if you are standing in the Sudan or standing in Acholi. This is something which even if the Acholi leaders were to take lessons from some of these people they would not by themselves be able to contain.

The responsibility is squarely on the government, and I am part of that government, to ensure that the present dimension of the conflict in Acholiland is not a matter for the Acholi people, because the Acholi people have done all they could. We expect appreciation, we expect understanding from those who claim to be our leaders. My brother Hon. Chebrot referred to Kitgum boys, if it is because Kitgum boys were in the UNLA, that you think the present might in Acholiland should be used to cite your animosity towards the return of parties, that is a grave mistake. What is happening in Acholiland today could happen in your own country tomorrow. I would want to come and weep with you, not to insult you, just like I would want you to come and weep with me because it is a national issue.

Mr. Chairman, I would like to first say that the first Army of Uganda in the post-independence period was more than 90 percent Acholi. They believed that it was service and the Acholi will always believe that serving the government is a very honourable thing. They were all butchered to the man, because they could not understand that your own brother could come and kill you. Then UNLA came, there were wars in Luwero, there were wars in Arua. I will never say atrocities were not committed, but the moment you say these atrocities were committed by Kitgum boys I will ask you, if these people have got this tendency, why did they not butcher people in the 60s, before Amin butchered them?

I came across His Excellency President Museveni's contribution to the Constitutional Commission on the army. I would like to quote this, Mr. Chairman. He had this to say about the army. That in the Army, the Muganda is a businessman - this is on record, you can just go to the Research Section, you will get it. The Munyankole is rebellious, he does not follow orders. An Acholi man is a very good soldier but he thinks all his life should be in the army. I could not agree anymore. Who has got the capacity to commit atrocities? The man who loves soldiering or the man who is rebellious or the man who is a businessman?

I should like to think they should have left the job of the army to the Acholi people only, and there would be no atrocities by the army. It is because other tribes have infiltrated in a job which was honourably only Acholi people that we hear of atrocities. Mr. Chairman, I would like to say this with a very heavy heart, because I think once you begin to attribute national problems to Acholi, you should know that it is the Acholi people to weep in Atiak today. I also know that some of my brothers say NRA, or the government committed atrocities in Atiak.

I tell you because I come from there. I lost relatives, and it was never the NRA, it was never the government but if you use the plight of the Acholi people either to criticise NRA, NRM or even to tell the world that, you know the people who want to take over from us are the ones killing people in Acholi then both of you want insecurity to continue in Acholi. As long as it continues in Acholiland, you can afford to tell people that if we leave power today those people who are killing people will take over. You can afford to tell the International Community that do you see how bad NRM is, they are killing people in Atiak both of you are birds of the same feather. Amidst all this, the Acholi people continue to suffer, but like the Spanish ulcer, it could well spread to any part including Kapchorwa tomorrow and I will come to weep with you.

Mr. Chairman, if you want to know one other aspect why insecurity continues in Acholiland, it is because my elder statesman in the Secretariat will never accept to appoint government representatives in Acholi who are not illiterate. I will tell you, there are about ten Acholi people who are CGR or something like that and they are serving elsewhere. The literate ones will never serve in Acholiland, except one. It is quite surprising! actually it intrigues me, when we make efforts like the one my Chairman, David Mwaka was citing, those illiterates who think the carpet is being removed from their feet and they should frustrate these efforts.

Otherwise, there was nothing greater to me than the resolution we made on Good Friday in the presence of Monsignor Odong, on the best way out of the impasse. The people of Kitgum have seen what bloodshed is, some of you speak here, you have heard you would speak about insecurity as a matter of hear-say but you do not know what it is. They said, look! if Uganda will settle only after the feared parties have democratised, and re-organised themselves, according to the new thinking in the new Constitution, then there is nothing wrong in the Movement governing for five years while we do this. At the end of the ten years, you open up.

I thought that was the most wonderful thing. I thought the people of Uganda should have given the people of Kitgum a standing ovation but your

illiterate D.A's and what have you thought, oh! we wanted to be in this thing and close others away, see what it has caused us. Mr. Chairman, I am sorry, I have spoken with a very heavy heart.

I had wanted to say this before the voting of yesterday but I am saying, before I close, that the obligation is not with political parties, the obligation is with the majority Movement to put aside fanaticism for Movement. Sit back and say look, how can I contain the single man whom I can beat numerically? Habyarimana did not heed this lesson. I would not want us to follow the footsteps of Habyarimana. Thank you very much Mr. Chairman.

MR. KAIJUKA (Sheema County North): Thank you very much Mr. Chairman, for giving me this opportunity to make a brief comment on a very important topic and debate, which we have been having in the recent days. I had hoped that I would have a chance to have a factual rebuttal or conceptual rebuttal vis a viz comments that were made by various speakers yesterday, but I see that perhaps it is a waste of time repeating what many Colleagues and Delegates have already commented upon. I choose instead to go straight to conceptual areas that may help us to perhaps deepen our debate before we vote.

Before I do, at least permit me, Mr. Chairman, to make a comment in connection with only one man, a distinguished Delegate, Hon. Mwaka. I come from an area where we had UPC sang everywhere, every year, -Bushenyi and that is where I come from. I want to assure you that in fact none of us who are seated here, if you go back in our history, perhaps in one form or another belonged to different parties. In other words the Movement has been made up of people who were in parties. That is what it is all about. The Movement, that I understand, is about peoples positions. If you go to Bushenyi now, there is no contradiction. Much as Bushenyi was always known as Nyamurunga's base, every one is behind the Movement and that is why you see Kaijuka speaking firmly and convincingly.

I would have wanted to talk about people who call themselves Distinguished Delegates, instead of coming here to insult and abuse heads of state. I wish they would make them outside this House, and not live under the cover of immunity of this House. Let me go straight to my areas of concern.

We are here to establish a Constitution that will stand a test of time. What do Ugandans look forward to, beyond Delegates that are seated here? I am mindful about the very poor people in the country-side. I have often been touched while touring all over the country, by the poverty that prevails in our society. It is something we ought to be ashamed of, and whatever we do let us focus into giving these people permanent peace and stability. They look forward to good governance, and unless you have good governance you cannot have stability; you will have no peace, no security, and no tranquility. They look forward to having an enabling environment, where they will be able to dig and do their businesses at peace. They look forward to having nothing but an opportunity to enjoy themselves in a peaceful Uganda.

Why is it that we do not see this and instead we come here to polarize the situation? That is the question. I listened this morning to Hon. Birimumaso from Masaka, and I was very pleased to hear him emphasize one point; that he is bothered about the behaviour of elites, the educated groups like ourselves, whatever we do we are talking about sharing positions in the government and it appears we are really not addressing the issues on the ground. I am convinced, Mr. Chairman, that unless we take that attitude we would have failed our Ugandans. People of Sheema North, Bushenyi and Ankole that I know closely, are saying, for goodness sake, we have looked at systems, the little we have seen of the Movement makes us wish to move forward in a Movement system. That is what Ugandans are saying, right from the days of Odoki. What we are failing to see, however, Mr. Chairman, is whether it is a system. If it is a system, is it democratic in every sense? Has it failed in many ways? If so, my submission is this that this is a time for us to be realistic and actually perfect this system. It is a question of self-appraisal, self examination, so that we move forward.

You can talk convincingly at any level, any time at any stage about the Movement without fear of anybody. I think that is where we have been missing. In other words, the reason why I was saying I have a new approach to this topic, is not that the people do not like the Movement. Ugandans have overwhelmingly said we shall go for Movement but you still have people who do not understand the Movement. Why? Because in fact we in the Movement have failed the people, and let us admit it if we have.

What am I talking about? What I am saying is this, if we were saying that this is a no party democracy, it presupposes that within a Movement you have all the federalists, the republicans, the communist, the socialists, anarchist, you talk about anybody. In other words it is all embracing, that is why I have no quarrel. Hon. Chango Machyo can have his ideas and I have mine, but we belong to this great Movement and there is no contradiction. Now, it has ideals that we all focus or look forward to being with. Ideals that are flexible, that mean non-sectarianism. A system that is tolerant, non-discriminatory and aims at minimising conflicts and peace. May be we are failing. If we have failed within the last nine years in one way or another, is this not the time to talk about what we should be perfecting? Unless we do that, we will have failed to distinguish a political system from an organisation, my submission is that if we create a system right from RC.1, and that is the point I was giving hon. Cecilia Ogwal, in your village, you are part and parcel of this Movement. I told her this behind here, and I was saying even if, for example, your goat goes and roams in the neighbours garden, you have no choice but to bring this to order by going to the R.C. whether you want it or not.

In other words, the RC system based on the village level up to the top should be a system that should be part of a state organ. You will have a system that is not an organisation. In other words, when you talk about RC.1, it is part of state machinery. That is where we have failed to distinguish systems based on state and, therefore, everybody belongs so that you will not be surprised when you come to Parliament and we have NRC, you will have NEC, National Executive Committee, but you will have someone of NEC with a D.P. background, but he is there.

This means that the Movement brings in everybody. For example we have a state organ called the Secretariat in that system. If you think it is irrelevant you may even want to abolish it, in otherwords, everybody belongs to it so that even one who says he is a multipartyist, by the nature of choice of the people that is a secondary question. The difference between the multiparty system and perhaps the Movement, is that in Hon. Obiga Kania's Motion, we are empowering the people, and giving them the sovereignty to choose which way forward, whilst the multipartyist would like us to believe that you must be confused with a number of organisations. We are saying that the experiment before us now is that we bring everybody together for the people. It is only after we have done that people in other countries will come and learn from us. We will have established systems as opposed to organisations. If we do not take that direction I want to submit, Mr. Chairman, we might as well now get a party called Movement and allow parties and it will take a different form. We will continue having people disturbing us day and night.

If people have said we should have one Movement, and you do not want to be part of the RC.1 that is your business. It is a democratic choice, and that is what democracy is all about. You do not deny anybody access, but you will have ensured at every level that you are democratic. For goodness sake, do not discriminate. Base your elections on personal merit, you can be tested on every angle nobody will accuse you. You will be tested over time if we resolve to have a system that we can move on with. If we do not, then I am afraid, I do not understand the concept and the way forward.

Mr. Chairman, unless we do that, I have even more conceptual reasons why we must move for a Movement. This Uganda belongs to one of the least developed countries. It is so poor that in terms of amenities, access to water, access to housing, some of the people do not live in structures that are worth human habitation and so on. My submission is that for us to get out of this poverty, although we have achieved tremendous progress within the last six or seven years, even with the ten percent Gross Domestic Product we made last year, we are reminded that we are far behind, we were better off twenty-five years ago. In other words, for us to move dramatically and achieve double digit development, that is to me reason enough that we should have no luxury of people shouting D.P. or UPC. Will that help the people?

Have a system in place to move, otherwise the danger is that, if we do not, you may have to face the far eastern style, where you become authoritarian, get everybody working and then you talk about democracy tomorrow. You can not have it both ways, I am afraid. I could talk for hours on end but I want to end by saying one of the reasons why I am convinced and that is why even when they talk of political parties you do not see people talking about very different economic policies. I have not heard Hon. Ssemogerere or Hon. Cecilia Ogwal, planning

to have central planned economies as a programme. Are they saying so? In other words, we are just mixed up; we are dealing with poverty basically.

How do we reduce poverty so that twenty years from now, Uganda can move from the least developed countries to the middle income? That is what I would like to see in place. If we fail our people, we will have failed them irrevocably. Thank you Mr. Chairman.

MRS. KABIRISI LUBERENGA (Women - Bushenyi): Thank you Mr. Chairman. Mr. Chairman, I rise to support the Obiga Kania motion which proposes to entrench the Movement political system as an alternative political system for this country. Mr. Chairman, our job here is to ensure that the wishes, hope and aspirations of our people are put in this country's Bible, the Constitution. our job here is to lay a firm foundation for our country. There is no way you can lay a firm foundation for this country without putting an alternative political system in the Constitution, in view of the turbulent history this country has had.

It is a pity some People are opposed to having the Movement political system as an alternative system in the Constitution. According to the Odoki Report and according to our individual contact with our people, the majority of the people in this country have said in no unclear terms that they would like to have the Movement political system as a permanent alternative system under which they can be ruled, Mr. Chairman.

Mr. Chairman, we know our history. To many people in this country, the Movement signifies peace, unity, stability and development. I, therefore, fail to see how any clear thinking Ugandan can oppose such a beautiful thing. Mr. Chairman, we have heard many multi-partyists stand up one after the other and say that we women blindly support the Movement. To me, Mr. Chairman, as a woman of this country this is a terrible insult and it is an insult to the intelligence of the women of this country. We women are intelligent enough to know a good thing when we see it.

Many people have stood up and told us that we women do not know what we want. Many people including honourable, actually I agree with Hon. Ruhakana Rugunda, because some times I hesitate to use the word honourable before some names. Hon. Atamuvaku sat in this House and said that we should not follow the Movement type of system and put it in this Constitution, because it is led by somebody who once stood and lost an election. I would like to say that I am very proud to be associated with such a Movement whose leader was man enough to try and stand for an election, while their party leader has never ever stood for an election and is still ruling them from the exile.

We must give credit where credit is due. We women of this country are very grateful to the Movement, because it has brought us out of the kitchens and we have been put in positions where we can participate actively in mankind decisions for our country. Mr. Chairman, as we all know, at least some of us who are parents and some of us educationists know that children learn by example. We are, therefore, very grateful that we have a system which has got out. It is crucial for the women of this country and I personally promise that we women who have made it are going to do our best to pull our sisters out of misery, so that together we can join our men and develop this country.

Mr. Chairman, supporters of the deletion of Article 94, yesterday, argued that it was not necessary to entrench the Movement political system in the Constitution, because their interests were already catered for by Article 59. In short, what they were saying was that because the wishes of the minority have already been entrenched in the Constitution, why bother with the majority. Mr. Chairman, these very people have stood here and urged us to make a Constitution where there will be no winners and no losers. They have urged us to be accommodative but to me, democracy and accommodation Mr. Chairman, according to these people simply means the majority's wishes being ignored in order to humour the minority. How selfish, Mr. Chairman.

This minority has gone as far as threatening that there will be trouble and chaos if they do not get their way. Mr. Chairman, and Hon. Delegates, in my view it would be very unfortunate if a minority decided to cause trouble because their demands were not met. It would be especially painful, because it would mean inconvenience and possible death for the peaceful loving Ugandans, but in my view, it would be more catastrophic if we ignored the majority wishes in order to humour the minority and ended up having the majority causing trouble

in this country. In short, if we must chose between two evils I will personally settle for keeping the majority happy and reap the minority's anger rather than please the minority and end up with a restive majority.

Mr. Chairman, in an interview with Capital Radio this morning, Hon. Cecilia Ogwal said that by rejecting her Amendment we ignored the wishes of 7 million Ugandans. I do not know whether these figures are correct, but according to the last census this country had we have 17 million Ugandans so even if Cecilia Ogwal's figures are correct and we did ignore the wishes of 7 million Ugandans we who stayed and supported the Kania amendment, have 10 million Ugandans behind us and to me 10 million is greater than 7 million. We are, therefore, firm in our resolve as long as we have the majority of the people of this country behind us. I do not think we have any reason to be nervous.

Hon. Kawanga Ssemogerere said there should be no referendum because people change their minds. But how would we ever know that people's minds have changed, if they are not given a chance to say so in a clear, open, free and fair referendum? That is why I am for the Obiga Kania's amendment. I would like the people of this country to be periodically given a chance to personally choose which way they would like to go. He further argued that peoples' minds have shifted. I agree. Indeed the peoples of Bushenyi's mind have shifted.

Several years ago when we made our contribution to the Odoki Commission the people of Bushenyi wanted the Movement to be given another ten years followed by a referendum, but since then they have listened with mounting horror and unease to submissions from multi-party lovers in this House. They have listened to people who were party to the misdeeds of those regimes tell us to forget the deeds of those regimes and entrench multi-partyism in our Constitution without the consent of our people. After I have extensively consulted them and, since we came here I have been back home to all my subcounties more than once so I know what I am talking about, my people are saying that they would like the Movement political system to be put in this Constitution for ever if possible. They, however, want to be periodically given a chance to put another stamp on that thing.

My people feel insulted. It is true that many people think that Bushenyi benefitted, and infact many people were very surprised that Bushenyi District brought a team of Movement supporters to this House. According to them we used to benefit from the Nyamurunga days, but I want to put it on record on behalf of my people that much as it is true that a few people benefitted from Bushenyi District, the majority of people of Bushenyi District suffered. Some used to be made to carry rids from the hilly sub-county of Kyabugimbi on their heads to take them to Bushenyi to make arches for Nyamurunga every May. My women recall with bitterness the role they were given by the so called democratic leaders, like making beds, singing and dancing.

Thank God the Movement came and we women have other jobs to do apart from laying beds, and singing for the leaders. My people recall with bitterness how every time May 27th approached, members of the opposition, that was D.P. at the time, used to be rounded up and put in prison, and that is the system these so called democrats are telling us to return to this country. Mr. Chairman, the people of Bushenyi are begging the proponents of the so called democracy to stop insulting us by telling us to cover their ills, and to say nothing happened and return multi-party to this country.

Hon. Cecilia Ogwal cautioned us in her submissions the other day. She told us that pots have a tendency of breaking near the door-steps. We people who are sitting in this Assembly are carrying a pot on our heads indeed. This pot contains our peace, our unity, our stability, our democracy and it is up to us to deliver this pot intact. I would like to assure the people of this country that we are going to deliver this pot, and that today we are going to entrench the Movement system into the Constitution of this country, so that from now on our people will always have a choice.

Hon. Damiano Lubega sat here and wondered what will happen to this country if in a referendum the Movement got 70 percent and parties got 30 percent. Here, I would like to ask Hon. Damiano Lubega; he stood in Lubaga South and according to the Constituent Assembly Elections 1994 Official Report he got 13,984 votes out of a total of 45,831 votes. In short he only got 30.5 percent of votes to come here. Has he not been speaking for Lubaga South? And indeed, did he not walk out in the name of Lubaga South? So, Mr. Chairman, once you have alternatives no matter the percentage, we would be comfortable if the Movement got 70 percent in a referendum. Even if the Movement got 50.1 per-

cent, and the multipartyist got 49.9 percent I can assure this country that we would manage to rule this country and nothing would happen.

Mr. Chairman, I beg to finish by saying that as many Ugandans are anxious to see what will happen here, it is true that we would like to have consensus but we have failed in that scheme. Those of us who are here are a majority in a way, so we have a consensus. It is true that we love our foreign friends. It is true that we need them, but when all is said and done, these are fair weather friends. We must all recall that when we were having bloodshed in this country, our friends deserted us. We must never forget that should we allow trouble to come back here, these friends will bring their BOEING and pack their nationals and get out of here.

We must do what is good for this country, and we hope our friends are going to stand by us. We should make our decision and that decision, Mr. Chairman, in my view, should be that we entrench the Movement political system alongside multiparties into the Constitution of this country so that our people will always have a choice. It should be so, so that, should our people ever decide to bring multiparties back despite their deeds, they will have nobody to blame but themselves. Mr. Chairman I beg to support the Obiga Kania Motion.

MR. MAYANJA NKANGI (Conservative Party): Thank you so much. Mr. Chairman. Sir, the terms of this amendment do not require anyone to attack or defend the Movement, or even to attack or defend multi-party system or any other system. The terms only want us to assert or deny that the people of Uganda have a right to adopt a political system of their choice. Mr. Chairman, for that reason, I shall be very brief and to the point. I submit that a people, -any people including Ugandans have the right to choose or adopt a political system to live under, through free and fair elections. This is why I want to talk about it. It should be subject to the right of association to be observed under that system which is chosen.

Sir, I am talking about the right of one person or two people, at least, to hold their own view against the whole world if they have got something to say. I am saying we should not adopt a system through sheer numbers, which in the end negates the right which is given through the people in this Constitution. The right of association and the right to associate is not a right that you associate with the majority. It is a right to associate with someone, at least one person. Why do I defend this right? It is because I know history is full of cases where one person, two people, have saved a nation through what they say or do or have done.

In Uganda here, there was a time and I think I am right when I call him just Museveni Yoweri. He stood alone, to begin with, against a whole government. He stood alone with an idea then he became one, two, three, a thousand and now we have this change of circumstances. We have got to defend that right of our people to think alone, to associate two people, three,four, provided they do that under the law. Therefore, I am saying, Sir, that although I concede the right of Ugandans to adopt a political system of their choice, that choice must not be oppressive, that choice must not take away the right of a few to associate provided they do so under the law.

Now, this Constitution of ours, in Article 97 says the right of association, the right to form political parties is guaranteed. What would become of that guarantee if a system chosen through sheer numbers was abrogated? This Constitution says in Article 59 (1)(e) which I could probably read "All persons shall have the right to freedom of association...." Now, if we are to chose a system tomorrow, be it multi-party, which in effect detracts from the right of a few people to associate under the law for the purpose of putting together their thinking on the political issues to help this country to move forward, that right should never be taken away by whatever we do.

I want to say this, that some people have said that the right of association is inalienable. I say for myself that that is a societal right. People alone in Kalangala, somewhere in the islands, alone by themselves, those cannot enjoy, those cannot claim freedom of association by definition. One person can not claim for that right, it is only when you become one or two or three people, then you can talk about freedom of association. So I say that freedom is societal. It is given by a community. However, I continue to say that right should never capriciously be attacked or taken away by the majority.

I am asking this august Assembly, and this nation, to remember never, never, to take away the right of

the people to think alone, to think for the goodness of our country. So I give this amendment a qualified support. I say, if the right of association is guaranteed. Thank you Sir.

MRS. SEBAGEREKA (Mukono Women): Mr. Chairman, thank you. Mr. Chairman, I want to congratulate you for having steered this august House through the 99 percent of the Constitution making process. In the same breath I want to thank all the Hon. Members who have contributed to this Motion, the Obiga Kania Motion, both for and some against. I support the Obiga Kania amendment, Mr. Chairman, and I have this to say.

Mr. Chairman, fellow Delegates, I appeal to all of you to forget our personal differences and deliberate in the spirit of nation building. If you have been hurt by political parties or by the Movement, please first put that personal hurt aside and present the views of the people who sent you here. For example, Mr. Chairman, during the debate on the federal system Hon. Eresu moved an amendment to reintroduce federal and yet the mandate given to him was based on unitary. In taking this course of action Hon. Eresu was influenced by multi-partyists. On voting, the amendment on the federal system was defeated and the multi-partyists did not stand up to challenge the Chairman's ruling nor did they walk out.

When I asked them why they did not walk out, they said that they were only trying to help the Baganda but it was not what their electorate sent them to do. Hence, fellow Delegates, when we are deliberating in this august Assembly we do so representing the peoples views, not our own views as illustrated by yesterday's Walk out by the multipartyists, who came here not on party tickets but to represent the peoples views.

Mr. Chairman, fellow Delegates, I want us to make a distinction of what we think the Movement is. I think it is a political system which is unique in the whole of Africa but man being what he is we want change and I would like to suggest that if the name "*Movement*" which to me means an all embracing system is not wanted, let us call it like one gallant son of Africa said that we call the Movement the multiparty.

I want to appeal to all of us here as Africans that we should nurture our own kind. If there is any way we can improve on the Movement, this is the time we should do it but it has given everyone a chance of belonging. Every one from the grass-root up to a cabinet minister is acceptable or he is accountable for his or her leadership to the people she or he represents. Mr. Chairman, politics is local and my electorate has instructed me that they have had enough of the political parties. Mr. Chairman, the people of Mukono District say that they gave their recommendation in the Odoki report and it still stands.

Hon. David Mwaka quoted the numbers of the memoranda sent by the people in Acholi. I would like to quote the numbers of the memoranda sent by the people of Mukono district. The figures are as follows: "36 memos were for those advocating for multi-parties. 46 memos were for the Movement and 19 memos were for combined people and these memos were from parish upwards. The ones for individuals and for schools were 126 memos that wanted the Movement. The people of Mukono say, since they are now used to having the representatives of their own choice, as opposed to party representatives, they want to hold on to that power.

Mr. Chairman and fellow Delegates, the majority of the people I represent say that when they compare the two systems, they have been more peaceful and have practiced real participatory democracy under the Movement governance than they had during the multi-party governance. They abhor the feeling of divide and rule which bedeviled their past. They are threatened that Mukono District will be turned into the battlefield of UPC because of its geographical endowment and they do not want that. I want to echo the words of Hon. Betty Akecho when she said those who want bloodshed let them go to their own constituencies.

Mr. Chairman, on foreign influence, the people of Mukono have this to say; that for the first time in the history of Uganda let us be original. Here, Mr. Chairman, I would like to quote a Nigerian writer Chinua Achebe when he was talking about foreigners. If you took Africa seriously as a continent of people you would listen. If you accept that Africans are people you can not possibly say that a tiny minority of white people should impose their will to the extent of depriving others of even the elementary right of self expression. And Mr. Chairman in Luganda there is a saying that *"Omugenyi aba mugeyi"* which means a visitor is a critic. They went on to say that the multi-party is a foreign ideology while the Movement is a home grown ideology.

Like all other previous speakers have mentioned, the parties and the Movement have made their errors. To err is human, to forgive is divine. The multi-partyists have never changed their leadership, those are the errors. They have committed atrocities since Independence, but the Movement has no Constitution. the Movement has killed like as alleged by some speakers. Mr. Chairman, what we have to entrench in this constitution is not multiparty or the Movement, it is the right of the people to choose their own representatives and the system of government through election or through a referendum, not the winner take it all attitude or the walk out.

The people of Mukono District cherish the federal form of government. They still feel that they will get it in peacefully through a democratic process, and they still endorse what they recommended in the Odoki Commission of the Movement carrying on for the next five years but they never walked out when they got defeated. Mr. Chairman and fellow Delegates, I would here like to quote the words of J. Cohen, the Executive Director of Global Coalition for Africa as far as democracy in Africa goes. I quote "There are places where we need Museveni more than democracy, whatever the structure and procedure performance is what counts". What have the multipartyists offered in their two terms of governance?

In conclusion, I am supporting Hon. Obiga Kania's amendment, because it is all inclusive, it is flexible, allowing both elections and referendum for the people to choose a system which is viable at that material time. To sum up, Mr. Chairman, the moment of truth has come, we have to choose between peace and chaos. Those who shed blood all of us, multi-party, Movement, everybody has shed blood here in one way or the other, to bring peace do not relax. All of us in our own way have shed blood, we should not be over comfortable. We have to safeguard this Constitution with the spirit of accommodation, tolerance and acceptance. I thank you Mr. Chairman.

MR. KIMERA NDIKABONA (Bunya South): Thank you, Mr. Chairman. First of all, Mr. Chairman, I would like to inform you and through the entire House that I am one Member who has not been caucusing in this House, that, Mr. Chairman, I have maintained my stand as per my submission in August 1993. I took this stand because I am here to make an agreement between the leaders and the led and these are the instructions from my electorate. Caucuses, have caused us some problems because it ended up may be in one or the other indoctrinating the Members, hence the quarrels that we were subjected to since this Chapter was started.

Mr. Chairman, whereas all this has been going on, I have been trying to listen, to assimilate and I think it is time now that I can eject out what is considered unnecessary. Mr. Chairman, as we tackle this important issue which to me is the turning point in our political sphere, we should be guided by revolution. First, Mr. Chairman, a revolution is basically meant to bring about changes in the political, economic and cultural spheres, and for this matter it is that very aspect that everybody expects to achieve and benefit. Limited political and economic space in which only a few may be able to act to the exclusion of others is usually the cause of a revolution. The narrowing of space causes strife and the dominators and the dominated stand to lose in the long run, as this may tear the state apart and whatever gains may be realised are usually short lived.

It is for this reason that I call upon those who have access to those lost sheep. Those who have access to those who walked out in this House to try and call them back for the good of our mother land Uganda. Mr. Chairman, the people of Uganda have since independence gone through traumatic experiences that left nothing for them, but to re-think about their future. Mr. Chairman, it is just very unfortunate that albeit the many experiments gone through, we still seem to have learnt nothing out of them. When the National Resistance Movement waged a guerrilla war against the dictatorial UPC government, their victory was generally greeted with approval from most quarters of this country. With time the NRM proclaimed their seriousness to chat out a new democratic process, by embarking on the exercise to make a Constitution that would bring about fundamental change in the system. This would bring fundamental change in the system of governance and mark a fresh start from dictatorship to a democratic process.

Mr. Chairman, those who never believed that it would materialise, are the very people who have left us behind. A lot of resources have been spent or sunk into the process which is yet to be accomplished. At the end of it all Ugandans and the world

at large are waiting and expecting a Constitution which is positive, democratic, pro-people, and for that matter capable of influencing the behaviours of Ugandans, particularly, those in the shadows of power. Mr. Chairman, we all await a constitution that will bring unity, development, prosperity and above all lasting peace for all Ugandans.

We are making a document in which most of the political actors may wish to balance their interests, but this cannot be achieved once we resort to a democratic principle of tyranny. What we need to do is simply to apply the attitude of give and take, if then this fails, then the most important consideration is the establishment of an equilibrium capable of facilitating the realisation of the aspirations of all concerned. The Motion by Hon. Kania and company exactly does this.

Though many of us are of diverse political trends, of varying strength, none of us is capable of existing without the other. Mr. Chairman, this explains why we need to entrench all systems into the Constitution for the big and small. Mr. Chairman, it is not easy for me to give a formula as to how an equilibrium can be attained, since by so doing I may be viewed as idealistic. However, what should guide us here, Mr. Chairman, is the history of our country and not mere sentiments. If we properly put our history to use, we must be future oriented, compromising and above all sober in our utterances, if we are to be able to register an equilibrium in diversity.

Mr. Chairman, it is here that I do not entirely agree with those people who do not want history revisited and used. It is only through this that we can achieve whatever we want on behalf of our people. Mr. Chairman the haggling as was seen going on here, was actually, between those who ate, the ones eating, and then the few who are asking how and when to eat, but as we work to achieve our own goals we should remember the silent majority who await a document they expect to bring about long lasting peace for everybody in Uganda and those visitors to come. It is going to be a very big disservice to the people of Bunya South and even those in Arua, in case we fail to do exactly what is likely to bring about peace, in preference of our own interests.

As I said, I have been listening since this Chapter was started on. What I gathered most was that we still have some Ugandans who are cunning and who cannot be ashamed at all! For instance, how could someone stand to tell us as elderly men and women, and more so, of our calibre that during their hey days with their so-called illustrious leader, in the names of Obote, things were okay. It is not only unwise but even immoral for any normal person to try and tune some of us to such rhetoric. Mr. Chairman, whereas during those 'everywhere' days some of us were languishing outside our own homes, we could not be allowed to meet with our relatives. Today, however, some Ugandans leave Uganda for Lusaka to consult with exiles. They are in turn saying NRM is the worst, what a phenomenon!

As if they cannot get satisfied with that, they go on telling us how good Obote is, as if Obote is in Zambia on a state visit. If so, Mr. Chairman, when is he coming back so that he can address us as his nationals? Having said that, Mr. Chairman, I wish to say that I do support the Motion, not withstanding the fact that once the Movement is entrenched into the Constitution for avoidance of doubt, it should be clearly defined by this very House.

I have always argued and I continue arguing that the Movement is democratic at the grassroot, but the more higher it goes it becomes closed to the governed, hence the need to be overhauled. This Motion should be fully supported since it caters for choice which democracy is all about. Let us have all the systems entrenched into our agreement; that is the Constitution, and then give the people of Uganda a chance to make a choice. Mr. Chairman, I beg to support the Motion. Thank you very much.

MRS. OKORIMOE (Women - Kotido): Thank you Mr. Chairman. Mr. Chairman, you may excuse me, I may not be very clear because I have flue. Mr. Chairman, I feel so happy and proud to speak, especially, when this chaotic mzee who has always been harassing me is not around. Mr. Chairman, I support the Obiga Kania Amendment.

Mr. Chairman, this Amendment is a good compromise position because it seeks to entrench both political systems in the Constitution. It provides for both Multiparty and Movement systems out of which the people of Uganda will have to choose the one that is appropriate to them. Mr. Chairman, yesterday's walkout by the multipartists was uncalled for, because they knew very well that there was this Amendment by Hon. Kania that was

accommodating both systems in the Constitution. Unless they were telling us that they want to exist alone in the Constitution!

This Amendment is clear and well balanced. It does not seek to impose any particular political system on the people of Uganda, but it gives people the right and freedoms to choose from the list of political systems a system which they think can protect them, and that can benefit them. Mr. Chairman, we have lived to see all these regimes and their systems, Multiparty, Movement. Every Ugandan will have to compare and contrast the two systems and then truly come up with the right systems for themselves.

I solely agree that we entrench both systems in the Constitution, although I know in my district or region multiparty will get the poorest call because of the great atrocities they have committed in Karamoja. Mr. Chairman, if I may cite a few of these atrocities committed by multiparty regimes through their tribal ruthless militia; in 1982, there was a planned murder of the Karimojong by the government in power, a joint military operation by the UNLA, the Kenyan Air-force and Ugandan Air-force was mounted in Karamoja in which the Army killed so many people!

What a cold and feeble welcome the people will give to such a government that joined with a foreign Army to kill its people. Mr. Chairman, other atrocities committed were, for example, on the route from Kotido to Kitgum whereby the Karimojong were detected on pronouncing particular words like the people from Kitgum, but unfortunately for the Karimojong, because of the *'th'* in their vocabulary sometimes they cannot pronounce such words like Kitgum people. So, if you failed to pronounce a word like an Acholi you were killed. Mr. Chairman, people's mouths were being opened in road-blocks like mouths of grass-hoppers, whereby they were looking for those who knocked out one tooth to confirm that they were Karimojong. If you were found with a tooth missing, they would kill you for being a Karimojong.

So, Mr. Chairman, people have suffered in road-blocks, they were pulled out of vehicles and killed. They were killed in various peace-talks. For example, allow me to quote an instance where the Karimojong leaders and elders were invited for peace talks in Wera in Teso, that was in 1982, and instead of using the words of peace to welcome them they instead shot some of them dead and one of the Hon. Members of this Assembly, who was a minister in that government was found rejoicing and celebrating after the killing of these prominent leaders. Anyway, we do not blame him for having rejoiced and celebrated, perhaps, that is how the Iteso mourn when a Karimojong dies.

Mr. Chairman, it is only the Movement government that has been able to put in place a development programme for the Karimojong. Other governments have only added murder programmes for the Karimojong, and the choice of political system will, therefore, depend on the performance of each of these political systems. So, to be fair enough let both political systems be entrenched in the Constitution, but I believe in the long run one system will only be escorting the other, but it will never be a boss.

Hon. Adoko Nekyon yesterday told us that when there is a dance for a man called Multiparty and another man called Movement and the dance is intended to let the girl to choose the best dancer, in the dance the multiparty man dances so well, but NRM said to the girl that even if the multiparty man dances so well and I NRM did not dance but choose me, which meant that the NRM was forcing people to choose them against their will.

Mr. Chairman, in this Kania Amendment this is not the case. There is no way one party is going to force the girl to accept him, because the girl has been given the freedom to choose. We want Hon. Adoko Nekyon who is baptised multiparty to dance together with Hon. Eriya Kategaya baptised Movement in the same hall called the Constitution so that the girl called Ugandan can be able to choose the best dancer *(Applause)*. Of course, I know Hon. Adoko Nekyon in the end will spoil the dance.

People have advanced on this Floor that some people came here on the ticket of removing the Movement government from power. Now when they have seen that this system cannot be removed, but is instead being constitutionalised together with multiparty, they have decided to walk out because they are now ashamed of what to go and tell their people, because they had promised that they were going to remove the Movement. That is why some people have walked out. Mr. Chairman, walking out is not a solution to a problem, but people should learn to fight problems on the Floor like men.

Mr. Chairman, let us leave out personal sentiments -when I say men I cover women too- Let us leave out personal sentiments, petty jealousies and hatred by wanting to exist alone in the constitution; let us exist together in the Constitution and allow the people to choose which political system they want through a peace and fair referendum.

I should end by saying that the people of my district and Karamoja in general, support the Movement system of government and they are in support of its extension by five years. Although, Mr. Chairman, people have been talking in the corridor that the Karimojong are supporting the Movement because they have let them to stay with the guns, this is not true. We know why we are supporting the Movement. It is because it is the only government that has given us development programmes as opposed to other regimes that had only murder programmes for us.

The Karimojong should be given credit, because although they have the guns they have never fought any government, but there are those tribes who do not have the guns and they have been fighting the government. Mr. Chairman, these guns which people have been singing of I should tell them today that these guns are being registered, so that any gun that causes chaos in future is going to be charged against its owner..

People have also talked of cattle rustling in this Assembly, like Hon. Atamvaku said here the other day that when you talk of extending the Movement, you are also talking of extending the cattle rustling of cows from Teso, Lango, Acholi, et cetera. Hon. Atamuvaku does not even know that cattle rustling by the Karimojong is getting to the lowest level and soon it will be a story of the past. People like Hon. Atamvaku just depend on rumours they gather from Kampala here. They do not know what is on the ground and, therefore, they use rumours to support their arguments. So, Mr. Chairman, without wasting time, I support the Terego Amendment, and I thank you very much for giving me the opportunity.

MR. CHANGO MACHYO (Samia Bugwe South): Mr. Chairman thank you for allowing me to make a short contribution to the on-going debate on article 94 of the Draft Constitution as amended by Hon. Obiga Kania. Mr. Chairman, if I over step my time, however, it is because I had expected more time then you cut it.

Now, I want to deal with one point which has been raised but it seems nobody took attention of it. This is the question of the system against organisation.

I wish to support the argument put forward by the Hon. John Kawanga and later by Hon. Sakwa about what we are talking about or concerned with in this debate. Is it the political systems or political organisation? I think I agree with them that our concern is about political organisations and not systems. Why? Because the system is a totality of the social order, it includes economic structures and institutions, economic or production relations of, who owns and controls means of production and who works to cause instruments of production, to produce wealth, who is the employer and who is the employee; who is a capitalist and who is a worker, who is a landlord and who is a tenant?

It includes the way and method of the distribution of the national incomes, then it includes the ideas or philosophies that develop from the real experience of the people depending on the position they occupy and the role they play in the production system and their share of income which determines their conditions of living or being. It, therefore, includes what is called a super structure -the desires, wishes, the earning and norms of the different classes of people. When these desires, wishes, yearnings and longings are translated into a political action then they form an ideology, that is why it is said that ideology is a philosophy in action.

You can compare a social system to the digestive or circulation system in the body. It consists of many parts each performing a different function, but all interrelated and interdependent. Political organisations, therefore, exist to operate and operate within a social system. Now, a social system. There have been as many as five social systems known to mankind; the communication system which was a classless society; a slave society based on master and slave; the feudal society based on landlord and tenant; the capitalist society based on the capitals and the worker and the socialist society which is the working class and the peasantry as the dominant class. Political organisations under these various systems take different shapes and characteristics.

Organisations, as long as they are not organised, however much people may wish, they cannot achieve their social objectives. The organisation consisting of people that mind, people sharing a common ideology is established to champion their

political cause, is either called a Movement or a political party. A Movement is a political organisation. According to Webster's new international dictionary, a Movement is defined inter-alia as a series of actions taken by a body of persons to achieve an objective, and (b) a body of persons taking part in such series of actions.

I am not a political scientist, Mr. Chairman, but my personal understanding of the Movement in a political action is that it is a political organisation with a common objective that caters for popular demands, wishes, yearning, longings which transcend ideological differences and, therefore, class differences; or an objective which touches and concerns all who feel adversely affected by removing or establishing a particular order in society for the benefit of all regardless of their class position.

Movements, therefore, usually come into being at a time of national crises. For example, war, emergencies like famine, threats to national independence etcetera. A movement can also come up to champion a common demand, for example, anti-imperialist movement, anti-colonial movement. In Britain, for example, there was what was known as a movement for colonial freedom. It included all those British citizens regardless of their party affiliation, who believed in and supported independence movement in the colonies.

In the middle ages there was the Protestant Movement; today we hear of the gender issue movement. This touches and concerns all those who oppose the oppression, the degradations and the exploitations of women. It stands above ideological and class interests. A movement, therefore, includes all those who can be united for a common cause above ideology, ethnicity, religious differences or regionalism. It consists of all ideological shades, that is why it cannot be based on membership. It is based on personal commitment to the common cause. Those of us who believe in the Movement do so because we must work to establish attitudes which are conducive to proper politics as a debate of social ideas, and not personal vendetta, character assassination, outright lies and corruption.

A political party is an organisation of like minds. People who share common, social-economic ideology and decide to embark on a political action to achieve their ideological objective. Strictly speaking, a political party stands for the interest of a class. Anyone opposed to such interest cannot be allowed to join it. Any member who fundamentally disagrees with the objectives of the party must either resign or be expelled. In a genuine political party, vertically, divergent, ideological differences are not allowed. As Nkrumah put it, you can compromise on tactics but any compromise on principles is as good as giving up the struggle for the cause.

The party, therefore, dies once it compromises on its principles and its ideology. That is what happened in the former Soviet Union and Eastern Europe, while in Uganda UPC died because the progressive popular democratic objectives inherited from the UNC were abandoned. Multipartyism is a manifestation of multi-ideologies. The party manifestos and programmes reflect these multi-ideologies, they are irreconcilable. As it has been clearly stated, real politics is a class struggle and politics is, therefore, not a dirty game but a debate of ideas between opposed classes and opposed interests.

In history this politics has been reflected in the struggle of the slaves against the masters; the peasants against the aristocrats; the landlords, the workers against the capitalists and in the colonial situations, the colonised against the colonisers. Now, movement and African liberation: We wish to assert that in Africa it is the movement political organisation which fought against imperialism and achieved the so-called independence we got in the 1960s. That anti-colonial movement was launched by Pan-African Congress held at the city of Manchester in Britain 50 years ago. It was from Manchester conference that what the British Conservative Prime Minister, Macmillan called the wind of change, began to blow across Africa.

Now, in Uganda again the seeds of modern anti-colonial struggle were planted by the movement politics; that movement was called the Bataka federation or the Federation of Bataka. The issue was the return of the peasants land the British had expropriated and used to bribe Baganda chiefs to champion rendering economic oriented Buganda in particular, and Uganda in general. The Bataka movement was, therefore, described as a struggle between the have nots' and the haves. In time, the Bataka Federation gave birth to the Uganda Farmers Union which in turn translated itself into the Uganda National Congress in the footsteps with what was happening of Africa.

Uganda National Congress was a movement in the real sense of the word, as was KANU in Kenya, TANU in Tanzania and ANC in South Africa. Let me also say that contrary to what one delegate stated here, Obote did not fight for independence. The comrades who fought for independence or *okwefuga* as it was called at that time, were the late Y.K. Musaazi, Ssemakula Mulumba, Jolly Joe Kiwanuka, Dr. Kunuka, Yokesofati Engulu, Abu Mayanja, C. Obwangor, Balaki Kirya, Matiate of Mbale, Wasukulu of Bunyole, and in my area Yakob Malaba and Olweba Goma to mention but a few. Then the ex-service men or abaseveni.

When Obote came to the scene because Engulu was in prison charged with sedition, the independence issue was already a foregone conclusion. But as the Basamya Bagwe have put it *sisili ecanga mukosi* it is not consumed by the one who worked for it. Political parties, Mr. Chairman, I wish to strongly assert that the emergency of the so-called political parties in Africa was essentially an opposition, with aim of frustrating the objectives of the movement for national unity and imperialism, independence and African unity. In that way they served neocolonial objectives.

A look around the whole of Africa clearly shows that it is the so-called political parties with negative objectives against real national independent which plunged Africa into the post colonial turmoil degradation and suffering of the popular masses. The reason is that these so-called political parties were sectarian, highly selfish and, therefore, subjective. These were means of individuals supported by foreign interests to fall into things at the great expense of the popular masses and the country as a whole. The leaders of these so called parties believe in the motto as the Basamia say *'omukwesa akwesere wayi'* whoever pulls towards his or her side. That is, the earlier national motto was 'For God and my stomach' and from the speeches we have been hearing in this august Assembly, that spirit is still very far from disappearing in the minds of most of us.

Now, the origin of parties in Uganda is this, Mr. Chairman. When one objectively examines the origin of so-called parties in Uganda, he quickly finds out that they were not based on any ideological, social objectives, they were prompted into being by sectarian consideration. First there was the Democratic Party; this party was not founded to champion any national cause, behind it were the missionaries who feared the UNC which they labelled Communist. The missionaries wanted the formation of Christian party to challenge the UNC. The Catholics and Protestants in Buganda could not unite, instead the Baganda Protestants founded what was called Uganda Progressive Party which never took off.

The immediate cause of the formation of the DP was the struggle at Buganda Lukiiko -Mengo for the election of the Katikiro. The Protestants outwitted the Catholic delegates and a Protestant was elected. The Catholics were infuriated at their marginalisation inspite their majority. The way out was to form their own party to champion the cause of Catholics in Buganda. DP was spread outside Buganda by the Catholic missionaries and what was called a Catholic Action Group. The Uganda Peoples Congress was not formed to champion any national cause.

UPC was a reaction to the arrogance of the Mengo establishment towards the rest of Uganda. UPC was formed out of two groups of non-Baganda members of the legislative council at that time. These two groups were the Uganda Peoples Union from the West and the Uganda National Congress from the East and North. The Uganda National Congress plus Uganda Peoples Union equals Uganda Peoples Congress. Its guiding ideas were anti 'Bugandaism' and a good Muganda is a dead one, Obote its leader is reported to have stated.

The Kabaka Yekka is self-explanatory *'-ebyaffe'*. The unholy marriage between UPC and KY was bound to break up as it did with the suffering that the popular masses have experienced since then. It is obvious, Mr. Chairman, that the attitude of these parties will never change since as they have demonstrated here, they are incapable of admitting their past mistakes. They will continue to be sectarian, subjective and violent. Let us also state in passing that ideological pluralism leading to multipartyism evolves, it is not imposed from outside society. It evolves from within as dictated by economic positions and roles different people occupy and play.

Our so-called parties are artificial and superficial, hence one crossing from one part to another is very easy. Our so-called parties are, therefore, bogus parties not genuine political expressions reflecting the real demand, wishes, yearnings and longings of

the popular masses. This is because the elite who established them lack any sort of even water-down social ideals, they only imitate and echo from Europe and America while their guiding motto as I pointed out is for God and my stomach. Now, parties have actually no complete case against the Movement.

Mr. Chairman, anyone who has been objective by following speeches in this Assembly, will agree that the multipartists have nothing to say that can really discredit the Movement organisation of politics at this stage of our country's development, and level of our peoples consciousness and understanding of the real issue. The multipartists have proved beyond any reasonable doubt that they are not debating issues, but they are more concerned about personalities. They have not been and are not concerned with issues like the effects of Structural Adjustment Programmes because for them these are not issues; divestiture, liberalisation, privatisation, retrenchment, cost-sharing, children dropping out of school, increasing infant mortality rate, deepening poverty, marginalisation of women and escalating of crime and thuggery; the things all of us are highly worried about.

In other words, Mr. Chairman, they have no alternative social-economic programme despite the outburst by the Hon. Nekyon yesterday. That is why they have to resort to name calling and character assassination of individuals. Their sole concern is power to administer the grants that are left over by the foreign exploiters. Mr. Chairman, that character on part of multiparty elites should not be surprising because what Franz Fanon said about them is true. He said that the national middle class has nothing better to do than to take on the role of managers for Western enterprises. In this practice, it sets its country as a brothel of Europe.

Indeed men who are shouting sky-high against political education for the popular masses have foreigners carrying out the same for them, among the middle class at Sheraton Hotel and other false places. The fact is as Fanon stated, all of Africa has turned its back more and more on the interior on the real fact of its underdeveloped country and has to look towards the foreign mother country and the foreign capitalist who count on its obliging compliance. They see their role, therefore, as managers and not captains of industry; that is why there is no progress for the popular masses.

It is for that reason that Fanon asserted that when this class has vanished by its own contradictions, it will be seen that nothing new has happened since independence was proclaimed and that everything must be started again from the scratch. Our Uganda experience is a clear proof of this. That is because that case has done nothing more than take over, and change the legacy of the economy, the thought and the institutions left by the colonialists. It is contented with playing the role of agents for multinationals and that is why it can only about starting from where it left off - no change. That is why what the multipartists are saying here does not reflect the grim reality the people of Uganda are experiencing, and would wish to see removed.

Mr. Chairman, which way Uganda, which way Africa and by what form of organisations, means and method of work can we successfully struggle to reach there to achieve our objective of real liberation, independence and progress. For as they say united we stand divided we fall. Now, about democracy and human rights, Mr. Chairman; a lot has been said about democracy and human rights. The impression one gets is that without multiparty pluralism there is no democracy, there are no human rights. NRM has, therefore, been accused of being a dictatorship, and then that multipartyism or pluralism is rooted in the human rights of freedom of association and expression.

Mr. Chairman, neither democracy nor human rights are alien concepts to practice in Africa. The white imperialists did not introduce - I am about to conclude - democracy and human rights to Africa. They destroyed it. Colonial rule was the highest form of dictatorship. Neocolonial rule merely inherited colonial dictatorship. The truth was very well put by Fanon when he said, the bourgeois dictatorship of undeveloped countries draws its strength from the existence of a leader. We know that in a well developed country the Bourgeoisie dictatorship is a result of the economic power of the Bourgeoisie.

In the underdeveloped countries on the contrary, the leader stands for moral power in whose shelter the thin and poverty stricken Bourgeoisie of the young nation decides to get rid. That is why as we have noted in these debates, more attention is paid to the question of leadership than to that of the principles which must determine and guide the leadership. Mr. Chairman, if I had time I would

explain how democracy both in concept and practice originated from Africa.

African pre-colonial government was based on participatory democracy. The aim was to ensure proper wealth for all. Indeed it was based on the motto 'one for all, all for one'. It starts from family meeting and welfare to the clan, to the nation. There was complete freedom of speech and expression. There was no question of fear in search for favours or malice. The aim was to reconcile and compensate. That democracy was brought to an end by colonial rule.

Accordingly, the RC system, Mr. Chairman, is not an alien system to Africa. It is indigenous to Africa. In terms of human rights, African traditions had very genuine and high respect for human rights. Again time has not allowed me to demonstrate this. It is imperialists who introduced in Africa the gross violation of human rights the African had never known. For example, *kibookos,* prisons... all these were introduced by the imperialists.

The Germans murdered thousands of Africans in Namibia, Tanganyika, Rwanda and Burundi. So did the Belgians in Zaire or Congo. The British did the same in Nigeria, Ghana, Kenya, Zambia and Zimbabwe. The whites butchered Africans in thousands in South Africa; the French in Algeria and Cameroon; Americans massacred millions of Red Indians; what about in Vietnam, have the British forgotten the camp massacres in Kenya? Germans forget the millions of the Jews which they butchered in Europe?

In fact, Europeans categorically deny the fact that Africans also were entitled to any human right. A French statesman called Judes Ferry, quoted Professor Lueni Dumu declaration on July 28th 1895, that the degeneration of the rights of man was not written for the blacks in Equatorial Africa. That is why another Frenchman called General Meyan wrote more honestly that, *'From the first day of their encounter, Europeans had firm principles of their superiority over the blacks race, they force the Africans to slavery, justifying it on the basis of superior strength; to open markets for their trade in America they have stamped out the last vestiges of the American civilisation. If one compares their methods with those of the barbers, and even the Arabs to this day they have not favoured the Europeans".*

How then, Mr. Chairman, can such people have the guts to preach to us about human rights, they violated and which we are struggling to rebuild? Can a leopard advise a goat on how to protect its crowd? The multiparties want us to copy their murderous practices in the name of development, civilisation and progress. Imperialists, as someone has even said here, are fair weather friends. What about the children and women dying daily -

THE CHAIRMAN: Mr. Chango, I think, you should wind up.

MR. MACHYO CHANGO: Yes, I am winding up, Mr. Chairman. What about the children and women dying daily under such regimes. Are they not entitled to human rights? What about retrenchment? The truth is, Mr. Chairman, they talk about democracy and human rights when it suits them, when it serves their vested interests, in the same way. As long as African dictators violate human rights to protect the imperialists interests they turn a blind eye to it, but the moment the oppressed and the exploited demand their rights to be recognised and upheld, force of every kind is used to suppress such just demands.

Human rights in Europe were not handed to the oppressed on a sliver plate. People had to struggle for them, they were not God given, our superficial independence was through prayers and empty speeches. The principle of self determination was not a free gift from imperialists. All these were the results of the anti-colonial struggle through movement political organisation. Those of us in the Pan-African movement are already aware of the process of recolonization being imposed under the guise of economic recovery or rehabilitation. The truth is Africa is being systematically recolonized.

The demand for democracy based on pluralism and, therefore, multipartyism is part of the struggle of divide and rule. Therefore, with movement organisations our chances of resisting recolonization are great. Once we fall apart and sink into superficial pluralism we are finished, and it will cost more blood shed to recover our independence. The issue, therefore, Mr. Chairman, is, let me state it very clearly, it is whether we are going to take back our people to the dark days of turmoil, fear, scare and insecurity they have experienced for the last 30 years as a result of backward, sectarian politics of for God and my stomach, or we have to strive to

create conditions which will enable them to appreciate the needs for each other, and thus be able to forge real unity on the basis of mutual trust and respect. Otherwise, you will merely create conditions most favourable to recolonization.

The people of Samia Bugwe South say that *enjuha ni'a kulumaho, nobona embakala noduuma,* that if you were ever bitten by a snake if you see a lizard you jump. Now, Mr. Chairman, in 1986 and 1987 many people died in Samia Bugwe because of the DP and UPC conflicts, they accordingly strongly feel that with our bitter past experience, let us adopt a form of political organisation that will enable the people of Uganda to live and work together on the basis of genuine brotherhood, friendship and unity based on equality, mutual trust and respect for each other. A system that will foster genuine harmony and cooperation.

Accordingly, they support the provision that the Movement should continue for the five years after coming into force of the Constitution and then that at the end of five years a referendum be held to decide on what should be done next. Finally, Mr. Chairman, the people of Samia Bugwe South want to see the people of Uganda move forward in a single line abreast each other without anyone being left behind, or moving ahead of others. I support the Amendment. Thank you.

THE CHAIRMAN: Thank you. It is now 15 minutes to 7, I do not think we can proceed to the stage of voting, but I think there is a quorum. We will continue with a few speeches in the morning and then we decide by midday. So, if you come on time and you take ten minutes each, we will be able to cover those whom I have noted down here, who put up their hands so that we -*(Interjections.)*- those who spoke on the other side of the coin should not put their hands. Can the Clerk count how many they are so that we work out - I can see some hands being raised by people who spoke the other day. Hon. Bidandi Ssali's hand was coming up and yet he spoke. Kiyonga's was also coming up and yet he spoke. This is not possible, we cannot have 76 speakers! Can I see those who are volunteering to give up? Yes, can you suggest Hon. Nyeko.

DR. NYEKO: I want to suggest, Mr. Chairman, that we have discussed this thing for a long time, me by nature of my training, I do not withstand a lot of repetitions. For that matter, I am not going to contribute on this issue. I would request fellow Delegates, although you have not given your contribution, if your point is not going to be any different from what we have heard over and over, please let the Chairman put the question at an appropriate time either today or tomorrow, first in the morning, and we move ahead. We have a lot of issues to discuss. Thank you Mr. Chairman.

THE CHAIRMAN: Thank you.

MISS. NSANGI: Thank you, Mr. Chairman. I only wanted to say that I will speak first in the morning tomorrow. I thank you, Mr. Chairman.

MR. MUSHEMEZA: Thank you, Mr. Chairman. I have been listening for the last one week, very attentively, and in my view this subject has been exhausted. I would like to move, Mr. Chairman, that you put the question now.

REV. FR. GAITANO BATANYENDE: Thank you Mr. Chairman. Actually, many Members would like to contribute on this Motion, and they would like to be heard, maybe, by their Constituents. Now, the way we are debating, it seems we are discussing a topic which we repeated yesterday, because some Members wanted to contribute on that Motion which we defeated yesterday. What they are doing now, is they are reading their speeches or their contributions as if it is on the Motion that was lost yesterday.

What I am suggesting, Mr. Chairman, is this, tomorrow when we come you give each Member who wants to speak five minutes. Those who cannot make it in five minutes, have got this evening to regulate their speeches, because as some Members have just mentioned, we are just repeating ourselves. If you give them five minutes each, by midday you should be in position to put the question and we decide on this Motion.

MR. MWESIGWA RUKUTANA: Thank you, Mr. Chairman. I agree with these people who say that we have had enough discussion of this topic, and to me I would not have minded even putting the question now. I have not talked, but I do not think I have anything useful to add. I, however, wish, Mr. Chairman, to put the Hon. Members on notice that tomorrow I will have a slight Amendment, maybe, for record purposes and for requesting the Members to sleep on it, that Amendment will be seeking

to delete the word *election*, so that we have *'the people of Uganda have the right to adopt a political system of their choice'* I will give my reasons tomorrow, but I thought it was imperative to give notice to Members so that they can think about it as they go away from here. Otherwise, Mr. Chairman, I am agreeable to putting the question immediately after debating that Amendment.

DR. CHEBROT: Mr. Chairman, I am not trying to be selfish because I have spoken, but I would like to make a suggestion to those Members who have not yet contributed; that if they could, let them submit their speeches to the Chairman so that they are put there for record purposes. That is the only suggestion I wanted to give, Mr. Chairman.

MR. MUSUMBA: Thank you very much Mr. Chairman. Mr. Chairman, to my mind it has already been stated that this article we are debating is really political. It is important in my view for as many of us to put on record what we actually have been sent here to say, and we think for posterity.

Mr. Chairman, I know time is not on our side, but in your wisdom you could allow many of us say something possible, and then ten to 15 years from now the hansard will be there and no one will stand to say numbers were rigged or driven in one corner as to defeat a Motion or to put this country into a straight jacket. Let me, Mr. Chairman, end by requesting your indulgence that we have even if it is a minute. This idea of written speeches, Mr. Chairman, is derailing us. Let people say in precise terms what they think about this Amendment without going in too much history. That is my proposal, Mr. Chairman.

THE CHAIRMAN: Well, there is a difference in style between tax collectors and political scientists.

MR. RUZINDANA: Thank you Mr. Chairman. Mr. Chairman, I think we have debated enough on this Motion. I have not spoken but, nevertheless, I do not think there is much we can all add. The purpose of the long debate we have had was to try and see whether we could reach consensus. Now, the people with whom we wanted to reach consensus are largely not here, and I do recall that in my general debate I said that one of the purposes this CA could serve is purification process. A purification process of all of us and in the whole country. Now, here we are fairly homogeneous, and I really do not see that every speech that supports this Motion serves to improve on the Motion and also on the environment within the Assembly and, therefore, Members should put their view in writing. I have done the same, I put my views in writing and I have circulated them and they have appeared in the Monitor newspaper of today. I am sure very many other Members can still do the same, and we shall read them, and we shall comment on them in the press even when we make speeches here.

Mr. Chairman, we are running short of time, and as you said there are some 76 other Members, I had not put my arm up so it would be 77 and another one who is not here, and that is a very large number. Even if you gave five minutes to 80 people that is 400 minutes, how many days are those? Therefore, Mr. Chairman, I do think that those who have improvements on the Motion should bring them forward and then we debate those and finish the Motion. I have improvements on the Motion to make myself on the wording.

For example, the current wording emphasises adoption of a political system rather than a choice and I would like to move at a later stage that the right wording would be; *'the people of Uganda have a right to choose and adopt a political system of their choice,'* you cannot adopt before you choose. You choose first and then you adopt. That is just mere wording and it will not raise a lot of debate. I think now let us improve on the wording and so on and then we adopt this Motion and move to the subsequent articles that derive from this one. That way we shall finish our job, perhaps, within time. Thank you Mr. Chairman.

THE CHAIRMAN Can I get some guidance; are there some other matters that arise beyond the Obiga Kania Amendment within that article?

MR. BIDANDI SSALI: Mr. Chairman, I also intended to move a minor Amendment, which I consider significant in clause 2 of that article where we specify the political systems that we mean, and as you know, we have Movement political system and then multiparty political system. What has caused a problem is a failure to distinguish between the NRM and the Movement as a concept, and I intend to move that after Movement, maybe, in bracket, we put non-party.

What has happened, Mr. Chairman, since 1986 is that we have said that parties should not operate, in order to allow a none party system which has existed up to now. Now, if we include this in bracket, or when the Drafting Committee come to polish it up, it would be, maybe, under interpretation. But the effect of it is non-party, not no-party, but non-party political system. That will also give us a chance to say that during the time when there is non-party activity then this should happen or this should not happen.

That is the basis for my wanting to move that Amendment, and it will go a long way also to remove the impression which some people here are making, actually, to give that what we are trying to do is to put the Movement in the Constitution. Already one Member has indicated another Amendment to the effect that if we keep the expression that nobody will be expelled from the Movement, then automatically you are implying an organisation rather than the system. So, I think we should have more amendments like that of Hon. Rukutana to give ourselves time.

Let us remember, Mr. Chairman that, by the end of July, we should have completed this document. The matter in 98, for example, is closely related. So that the arguments which are being given now, for example of extension, is coming up again in 98. Some aspects are coming up in 97. The same arguments we are bringing now. So that, even if you see, two or more people and so on. Others will give the same reason in respect of (a), the other articles we are going to go to, when we go back to the report of the committee because, Mr. Chairman, we only allowed 94. For the rest will go back, I hope, to the committee report. And the same argument more-or-less, extension of the movement whether it should be in transition or not. The same arguments.

So, I agree with the idea that, we save time by now debating the amendments to this. Because in effect, the majority of us are not opposed to this particular amendment, that is why we debated the other one, in order to accommodate this one. So, it is my view, but I give notice for that particular amendment.

THE CHAIRMAN: Hon. Rwabiita then Hon. Kabayo. The thing really I am trying to find out is whether we should go through a process of 76 speeches.

MR RWABIITA: Mr. Chairman, I thank you very much. Although I have not spoken, my advice would be that, tomorrow you select a few people who have not talked and then we make a decision on article 94 (1). Then the rest of those who have not talked, can utilise their contribution in clause 2. Because it is the same argument really. So, those who have not talked, since you know them, or they can even give in their names, when we come to clause 2, should have a chance to present their case, Mr. Chairman.

THE CHAIRMAN: Is clause 2, to be saved where it is? Is it intended to retain it in the area in which it is? Not clause 2 of the Obiga Kania amendment, but clause 2 of the text.

MR RWABIITA: I mean Kania's amendment, because we are also going to discuss it.

THE CHAIRMAN: The amendment of Hon. Kania seeks to amend clause 1.

MR RWABIITA: But in his amendment, he has got clause I and 2. So, when you are discussing 2, many people can contribute.

THE CHAIRMAN: Hon. Rukutana would you -

MR. RUKUTANA: Mr. Chairman, what I know is that, clause 2 in the original draft has been subjected to some minor amendments. At least that is the position as we heard it at committee level, and at caucus level. But to my understanding, there is no controversy in the amendments that come under clause 2 of the original draft.

THE CHAIRMAN: But it is intended that, it be retained where it is.

MR. RUKUTANA: No! Mr. Chairman.

THE CHAIRMAN: Because once you have talked about political systems, how do you then go on to describe the nature and character of only one in the same article.

MR. RUKUTANA: Well, Mr. Chairman, there has been an arrangement to strike a balance. It is unfortunate that, we have not yet tabled the entire proposals. But I know as a matter of fact that, there has been a rearrangement which leaves the proposals in the original draft slightly amended, and in

light of the fact that, there are not very many people in opposition, I do not foresee much controversy regarding those articles.

THE CHAIRMAN: You see, we are having a competing interest. Yes, Chairman of the committee. Are you going to clarify on something before I say whatever I intend to say?

DR.KABERUKA: Mr. Chairman, Hon. Rukutana is quite right. But the proposals that will be coming forward are that, article 94 (2) original, will be covered under article 95. And article 95, the numbering will move on accordingly.

THE CHAIRMAN: The conflicting interest is the desire by many members to bring their messages on this very important article. At the same time, we have had extensive debate and I wish one of you was here to hear the same music, as Hon. Mwaka put it. We have just been lucky that, we have not found ourselves collapsing over this. I mean the debates are interesting but the meaning is the same. So, I do not know. We shall have to find a way. Since we are going to have a debate on other matters related.

You see for 94, if you carry the Kania amendment, my understanding is that, we are just setting this first step in discussing other aspects more-orless relating to the same subject. So that, even if one does not speak on this 94 (1) amendment, one can actually raise the same issues and matters on the other one. Now, what the chair will do, is I will get the list of those who have spoken, so that I become discriminatory, as we proceed through this chapter to give chance to those who have not. So that they can bring their messages, relating to the same subject. If that be agreed, then tomorrow morning what we do, is we do the amendments to the amendment, so that we dispose of that matter, and go on to the other matters. Is that agreed?

So, we shall have a few contributions. Sorry! I think yesterday's example was very, very clear. If it is going to be a minority opinion, is it only for the record? Is Hon. Kabayo trying to raise a minority opinion as well?

DR. KABAYO: Thank you Mr. Chairman. The first one is by way of a proposal. We are handling Hon. Kania's Motion, which I believe is the very introduction to the aspects of political systems. I wanted us to attempt, to synchronize all their amendments between 94 and 100 and be allowed to look at them all together. So that even when you are proceeding clause by clause we are aware of what else is available, or what else is coming. That way, will prevent the possibility of debating the same Motion.

Secondly, Mr. Chairman, I wanted to observe that, there has been a tendency to violate our rules, specifically the rules concerning the consideration stage. Rule 48, sub-rules 3, 4 and 7; in my view have been some how severely violated. Sub-rule 3 says, *That at the consideration stage, the Assembly shall not discuss the principles of the Draft Constitution, but only its details.* My belief is that, there has been a lot of general debates which may have been missed at some stage, but should not be allowed again.

Subrule 4 says that *a delegate speaks more than once to any question proposed, but in any event, shall not speak for more than 15 minutes, on any occasion.* There has been a tendency for delegates to speak for as long as even one has powers. Subrule 7, Mr. Chairman, says that *when all delegates who wish to speak have spoken, the Chairman, shall put the question for decision.* In many aspects, there has been a situation where some delegates still have new ideas to put but there has not been an opportunity. So, Mr. Chairman, I wondered whether there is a possibility of somehow coming back to these rules and may be looking at 94 to 100 together.

THE CHAIRMAN: But using the rule, you have just read that, after all the Members who wish to speak... If we did that, then we should finish this Constitution next year. Because if we are to take all the people who wish to speak on every issue which is before us, it would take forever. I think the House decided that the Chairman having seen whether a situation has emerged, can reasonably give way to the decision being made to be made. Then he should be able to do so. Otherwise, it would be absolutely impossible for us to finish our proceedings on time.

But, what I am suggesting is that, I will have a list. Let us tomorrow proceed quickly to other amendments, then that gives us a chance to start new areas, although related, which will give a chance to others also to make contributions as we move along. But the point you suggested about having the amend-

ment, I presume the Chairman of the committee has heard and he will be able to advise on what can be done. I think with this, let us adjourn to tomorrow morning 9.30 a.m. We stand adjourned. Thank you.

(The assembly rose at 5.30 p.m. and adjourned until Thursday 22nd June 1995, at 9.30 in the morning)



THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

THURSDAY, 22ND JUNE 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 4921]

Thursday 22nd June, 1995

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

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

PRAYERS

(The Assembly was called to order)

CONSIDERATION STAGE OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA.

CHAPTER SIX - REPRESENTATION OF THE PEOPLE.

ARTICLE 94 - POLITICAL MOVEMENT SYSTEM.

THE CHAIRMAN: Hon. delegates, when we adjourned yesterday, we were still debating the motion by Hon. Obiga Kania seeking to amend Article 94 of the Draft Constitution. We had agreed that we would entertain some amendments this morning. I do not know whether we are ready. But meanwhile, we can start with brief contributions as we go along and please, make it ten minutes so that we accommodate many.

MR. OLEGA ASHRAF(Aringa): Thank you, Mr. Chairman. Mr. Chairman, I thank you for giving me the Floor to express the views of the people of Aringa on the motion seeking to entrench the Movement political system, multiparty political system. Mr. Chairman, I am only going to be very brief because most of the points have already been exhausted. Mr. Chairman, I wish to add my voice to that of the Hon. delegates who have so far supported Hon. Obiga Kania's motion on the following grounds.

Mr. Chairman, learning from our history, the people of Uganda have attached great importance to the political systems. A political system in general sense defines a country's political arrangements. The political organisations can bring about stability, enjoyment of human rights, peaceful change of government or the opposite. Mr. Chairman, Article 94 is not in any way depriving anybody of his or her inalienable human rights as alleged by some people. Mr. Chairman, I also do not share the view that parties or the Movement are God given and therefore, people of Uganda through their delegates have no mandate to entrench them in the Constitution. Mr. Chairman and Hon. delegates, although a constitution is the supreme law of any country, it is the people who are called upon to make it. I therefore believe that Ugandans have a right to adopt any system or organisation that suits their conditions. Mr. Chairman, let me take this opportunity to reiterate that this august Assembly has enshrined the sovereignty of the people in Chapter One, Article 1 of this Constitution. Mr. Chairman, if indeed the people of Uganda are the ultimate authority, what is wrong with the entrenchment of the political system if it is the wish of the people of Uganda? Mr. Chairman, in my consultation meeting with the people of my constituency on Article 94, the majority view was that it should stand as part of this Constitution with some amendments to cater for future interests because society is not static. I think Hon. Obiga Kania's amendment is appropriate.

Mr. Chairman, democracy is not only about multiparties. There could also be other systems or organisations through which democracy can be exercised. The Obiga Kania amendment is telling us that there is also the Movement system that has also been tested by Ugandans. Mr. Chairman, the people of Aringa recognise the right of political parties to exist but recalling our history which has been characterised by political instability, they strongly recommend that Movement system deserves entrenchment in the Constitution for those Ugandans who might opt for it when the need for a referendum arises. To me, it seems that Hon. delegates who spoke before me did not reflect the achievement of the Movement which has earned it credibility nationally. Mr. Chairman, the Movement has to some extent brought about national unity. For instance, when you look at the NRC you find all categories of people and this has percolated down to the Resistance Councils. You do not have to be a member of any Party or any camp to become a councillor. Members of the District Councils are elected on merit. I am astonished to see that a Delegate of Ayivu is conducting himself as if he does not know about the Movement. In fact Dick Nyai up to today is a member of Arua District Resistance Council and also as a member, he has served Arua very well.

Mr. Chairman, this free interaction in all the levels of councils has united the people of Uganda and has caused a lot of success in the developmental sector. Some areas of achievement for the NRM include arranging for the return of exiles from diverse groups. For us in Aringa, we came back immediately after NRM took over power in 1986. Therefore, the government which has brought our people to their land cannot just be brushed aside. Mr. Chairman, the people of West Nile and the people of Aringa in particular do not see the advantage of multiparty political system the supporters of multiparty system are boasting about from 1980 to 1985. Because the UPC government turned Aringa as a battle field. As a result, many people lost their lives and property, houses and schools were demolished. Mr. Chairman, the Aringa have not even recovered from that destruction. I was not surprised when Hon. Atamvaku Zubairi praised Obote as one of the greatest sons of Africa because in the 1980's, he was recruited as a Youth Winger and most of us know what the Youth Wingers have done to Parties. Mr. Chairman, in my view, Ugandans have all along been fighting for power and wealth. Some Ugandans would always want to be close to the position of power so that they can control resources of this country. To me, that is not correct because we will have saved this country a lot of trouble if Hon. Members and Ugandans refrained from the habit of placing personal interests before national interests. Mr. Chairman, I would like to take this opportunity to disagree with Hon. Atamvaku of Arua Municipality who is not here, where he said that it is a taboo to be called a "Movementist" in Arua. That is absolutely false because during the CA campaigns, the likes of Atamvaku sat in Arua and adopted a strategy to de-campaign the candidates who said that the Movement has also done some good things for this country but they failed to dislodge me and that is why I am here. Atamvaku was lucky in Arua Municipality for he had somehow very weak opponents who did not articulate their views properly to the electorate.

Mr. Chairman and Hon. Delegates, I wish to take this opportunity to inform Ugandans that there seems to be an impression being propagated by some negative forces and stranded politicians in my district and even beyond Arua that since the majority of the people of Aringa are Moslems and the constituency being near the Sudan border, would collaborate with the Sudan Government - the neighbouring country to import islamic fundamentalism in Uganda. Mr. Chairman, many Ugandans who have not lived with the Aringas do not know how good these people are. It is not true, to me that is a very grave allegation. The Aringas are Ugandans who know what is good for Uganda and who know what is bad for Uganda. So the idea of saying they are likely to collaborate with other people is out because we know our nation has to progress and if we are to progress as a nation, we must be united. Therefore nobody should look at us with suspicion Mr. Chairman. Mr. Chairman, to substantiate my remarks, right now we have Sudanese refugees totalling to about 30,000 in my constituency. These are refugees from Sudan and yet we are hosting them because we know they are Africans, they are our brothers. There is no way you can leave them out to suffer. Mr. Chairman, the problem of Aringa is that the people around, the neighbours have very preconceived ideas about them. That is why you find those rumours about the people of Aringa and yet these are Ugandans who are very hard working. You find the cotton which is being grown in West Nile comes from my constituency. These are the people who need our support Mr. Chairman.

Mr. Chairman, it has become a habit when somebody supports the Movement because of its good policy it has actually adopted since it came to power, many people seem to believe that such people are bribed or they have been given something. It is not true! We support a government because of its records and as a delegate, I am supposed to articulate my people's views. So there is no way one can be bribed in order to get material things. So my people are saying the Movement should continue.

Lastly Mr. Chairman, considering the recommendation of the majority of Ugandans on this Article 94, it will be convenient to entrench both systems in our constitution. I thank you Mr. Chairman.

MRS. BETTY OKWIR(Women - Lira): Thank you very much, Mr. Chairman. Mr. Chairman, I wish to start by thanking all the speakers who have spoken before me on this amendment and I do add my voice on theirs in support of the amendment. Mr. Chairman, we have deliberated upon and adopted many important provisions on our Constitution ready for the consumption of our people. Mr. Chairman, it is true that what we are left to do is to agree on the institutional framework that shall be the agency for governance of this country. The

choice is between the Movement framework and the Multiparty framework. Mr. Chairman, at this juncture, allow me to agree with what Prof. Nsibambi said on the proposition that the heading of that chapter is badly captioned. Mr. Chairman, I should think it should be reworded to read: "*the political framework for governance*". If the amendment has not come yet, I wish to forward it soon. If it has come, I do second Hon. Nsibambi.

Mr. Chairman, the institutional framework we adopt to man the political and good governance of this country must accord well with the historical experiences, cultural background and behavioural pattern of our society. Mr. Chairman, I come from an area which had only one party in the name of UPC. I did not have opportunity to see or hear others. Mr. Chairman, if the environment was conducive, maybe I would have heard of Hon. Tiberio Okeny in 1984. But unfortunately, when he went there to launch his Liberal Party, in fact as soon as he arrived - no sooner had he arrived than he lost his hat and flag and he disappeared. Since then, he has never gone back again and the other day I was talking to him about what we can do together and he said we should sit down at a later date and discuss. I hope he will not walk out on me again when that time comes as he did the other day. And in the same year, Mr. Chairman, I could have had opportunity to hear about DP policies and the rest of it but unfortunately I did not. I had the experience when one time Hon. Ssemogerere went there for a religious function where we all attended and the function was Comboni Day at Comboni College on Ngetta hill where there is a Catholic Mission. Mr. Chairman, the occasion was very good that at that time, some members thought Hon. Ssemogerere had gone there to launch DP. After he had left, for us who went to pray, eat and drink, we had a rough time and some of the organizers lost their jobs and we never saw DP or any person like Hon. Ssemogerere again in Lira. So I even missed that opportunity.

Mr. Chairman, I wish to share with the delegates a disturbing experience. I call it disturbing because of what happened the other day. Mr. Chairman, I had known UPC as a movement in the 1980s. I do not know whether some of you had the same knowledge. My statement Mr. Chairman, is confirmed in the words of the Party President in 1980 in August. I quote: "*UPC is a living movement. It is a party of the people. It is a party with three important components; peasant farmer, worker, youth...*" Mr. Chairman, he said this to delegates to a women's seminar. Now, what is disturbing and I see it as defeating logic is, if UPC is a living movement and now we are talking about entrenching a political framework of government in our Constitution, and multiparty supporters and a group of UPC members walk out, then I do not understand what they want Mr. Chairman. If the party leader had an idea in mind which had to be perpetuated by the followers and the followers did oppose it, then the situation can only be referred to, as by my Hon. Colleague Mayombo, as a mutiny in the camp. Now Mr. Chairman, it is only good that the NRM and the followers are still holding on to each other and Mr. Chairman, if you use the language of mathematics, that statement of the Party President gives the impression that a Party is a subset of a movement. Now it is us here to see how to go about it.

Mr. Chairman, I see that the Movement accommodates religion and as far as the UPC movement was concerned, it also carried out a ten-cell system which is not far away from the present RC system. Now Mr. Chairman, in conclusion, if Uganda has to have a settled future, it is important that Uganda's background should be used for the betterment of the future otherwise I see that Uganda must have a revolutionary system of governance called "Movement". I agree with Members who said that Movement is in the first stage of experimentation. So the only way we can justify it is to give it time to mature. Mr. Chairman, I am aware that Ugandans have problems in that they are impatient most of the time. No sooner has a government come to power than they are hurrying it off; be it Multiparty, Military, now Movement, it seems as if we have that problem by nature in Uganda.

Mr. Chairman, Members have already talked a lot about what is happening in Africa. It is not only Africa which is looking for a framework like Movement but the women and youth are yearning for a system which recognises the important role played by them in nation building, a system which places them at round-tables to discuss national issues, a system which mobilises and assures them of the big share. Mr. Chairman, the women and youth of Uganda are a majority by number but the power they have is a cold power because of their educational, economical and traditional background. So I am calling the women and youth of Uganda that at this time, we need you to use your votes to the best of your ability and you choose the

right person to govern our country. Mr. Chairman, I support the amendment because it gives room for yet another innovation other than Movement to come in. My people in Lira do support both multiparty and Movement which is in the amendment of Hon. Obiga Kania and I do at this juncture, Mr. Chairman, call upon my Colleagues from Lira District who have walked out to consider what they have just done. I appeal to them to be flexible and have the spirit of compromise. They should be prepared to move at least one step further in order to come to an understanding. It is a give and take position. We have to learn to be flexible like elastic otherwise, if you were like a stick, you break if there is too much pressure. But in our position, if you are elastic, you will be able to withstand the pressure. I thank you and I beg to support.

DR. KAKUNGULU(Presidential Nominee): Thank you, Mr. Chairman. I rise to support the amendment by Hon. Obiga Kania. Mr. Chairman, this amendment seeks to harmonise the existence of all the democratic systems that have been tried in this country since independence and those that may arise in the future. We are struggling towards the salvation of democracy but some of us do not seem to know our roles and the ultimate purpose of political systems. Mr. Chairman, we must learn to synchronise our efforts but respect appropriate differences in our approach to democracy. We must learn to trust and care for each other, communicate clearly and not with unnecessary verbosity or venom like our Colleagues demonstrated the other day and we must make measurable contributions to the overall coexistence in this country which, though small in geographical size, is however large enough politically to accommodate all the different political ideologies. Mr. Chairman, we have completed nearly 17 chapters out of the 20 in the 13 months we have been deliberating here and so, no one serious and intelligent enough can afford to undermine this exercise that has been so costly to the Ugandan people. Mr. Chairman, to some of us, this exercise has been financially crippling and we can ill-afford any further extension of the constitution making process. We want to get through with it and go back and do our things since someone described us as farmers and others as traders. Some of us want to go back and do our trade.

Mr. Chairman, for every leader or politician, there comes a time when the common good and the people's aspirations take precedence over any other consideration and such a time has come for all the delegates of the CA. Permit me to end with a small story in a biology classroom. There is only one bright boy in that class so whenever the teacher would ask a question, it was only this boy who was ready to answer all the questions and this boy in 1962 was Milton Obote. So when the teacher asked, could you give me an example of an amphibian? And as usual, it was only one man who could answer this question. So when the teacher looked around, it was only one man who could answer the question he asked. Okay, give the answer to an example of an amphibian. And he replied, a frog. So all the other pupils who were stupid clapped that what an intelligent boy! Come 1980, again the teacher asks in this classroom, could someone give me an example of an amphibian? Again only one bright boy came up. So in anticipation, everyone waited to see what kind of answer this boy was going to give. And you know what answer he gave? Another frog, that was another example of an amphibian. This time, are we ready again to hear of only one example of an amphibian to be another frog? I think this is time to know that there are other examples of amphibians like mutes, salamanders and in this we say it is not only multi-parties that can be included in the constitution. Mr. Chairman, I beg to support the amendment. Thank you.

MISS NSANGI KAKEMBO(Women - Kalangala): I thank you, Mr. Chairman, for giving me the Floor to speak on behalf of the majority of Kalangala District. Mr. Chairman, I want to inform this House and the public that the majority of Kalangala District, the people of my district are tired of singing songs of underdevelopment, singing songs of "NRM has done nothing for us". They say through me Mr. Chairman, that they want to join the Movement to do something out of it for themselves. Mr. Chairman, my people want to support the amendment as proposed by Hon. Obiga Kania. They say it is high time they get the alternative to the multiparty system which they think has done nothing or has not done to their expectation, it has not performed to their expectation. I agree and I admit that I have multiparty supporters in my district who are effectively represented in the National Caucus for Democracy and apparently Mr. Chairman, I am the only voice to speak for both "movementists" in my district and "multi-partyists" here. Mr. Chairman, the Basese are good students of history which has been re-

peated here by so many Hon. Members and they say it is high time to learn today and never repeat history. Mr. Chairman, they want to support wholly the inclusion of the Movement - I am saying the majority of my people want to support wholly the inclusion of the Movement system in the Constitution we are making and they are ready to fight and defend the Constitution Mr. Chairman. They also sent me to say that they want peace, stability and development.

Mr. Chairman, I agree partially with one of my Colleagues who said NRM had done nothing for Kalangala people. But at least it has established peace, stability and development which they do not want lose Mr. Chairman and they are ready to support this alternative for the first five years. Mr. Chairman, on the referendum in the first place, my people were reluctant to support a referendum after five years for the return of multiparty system, but Mr. Chairman, as they have been analysing the works of the CA here, they have listened to so many Members who have been here for 30 years, 50 years, they say there is a problem in Uganda and it looks it is us the people to decide. Mr. Chairman, I do not know what they meant there, whether they want free and fair elections which has been here to determine the political system of this country because I understand during 1980, there was a free and fair election to determine the political system of Uganda and by that time, there was no referendum and that is what happened. Mr. Chairman, they say I that if we added a referendum, it can improve the political system of this country. I thank you, Mr. Chairman.

DR. NAKYANZI(Ntenjeru South): Thank you, Mr. Chairman. Mr. Chairman, allow me to begin by appreciating the spirit of consensus shown in this House since yesterday. I think since we came into the CA, this is the first time within a year when we have agreed to agree because Mr. Chairman, since yesterday, I have not heard a single dissenting voice. And therefore Mr. Chairman -

THE CHAIRMAN: I think you are being unfair to Hon. Mwaka. He is a voice.

DR. NAKYANZI: I therefore Mr. Chairman, inspite of Hon. Mwaka's voice, I would like to thank the Hon. delegates and also to pass on my congratulation to the Mover of this Motion Hon. Obiga Kania for having concocted such a panacea to the problems of the constituent Assembly. Thank you very much.

Mr. Chairman, the people of Ntenjeru are strong pro-Movement people and they have sent me here to ask that the Movement should continue. Mr. Chairman, they want to reserve the right to choose, they want a referendum and they have reason why they want a referendum to which I will come later. Now, maybe the point would be, when should there be a referendum? Mr. Chairman, the people of Ntenjeru strongly support the Movement and they have reason why they support it. They argue that the Movement is broad-based, it is all embracing, it is non-exclusive, it is non-sectarian and it is non-discriminatory and it is on that background that they support it. They argue that because of those characteristics, the Movement is capable of including each and everyone and in such a case, since everybody is included, then everybody will be working together towards the prosperity of Uganda. And they sent me here to tell you that if we are really - what we mean by the Movement in this constitution is that, then they are highly being - when my people suffered a lot during the 1980s and Ntenjeru formed a sort of watershed between the Luwero triangle proper and the government area proper. This is an area where you had - I do not know if all of you have heard of prison cells created arbitrarily where people could be subjected to hot pepper as a way of extorting money and gifts from them, this is the area and this is the area which experienced more *panda gari* than any other part of Uganda and they do not want that thing to come back. It is with that kind of situation that they ask us here to make sure that we do not create a situation which will bring back such a situation.

Mr. Chairman, on the point of a referendum, they had several options. They think that the Movement we create herein should be all embracing. It is meaningless for us to put there a Movement where other people are outside because it will not bring in peace and therefore it is our duty here to make sure that the Movement we create should include everybody voluntarily and everybody should be ready to work with us to make sure that there is peace in Uganda and security. It does not matter really whether there is development or not. People can somehow catch up but we should make sure there is peace and if I were to be more specific, they are not really interested in any movement. They have been so keen about what movement - they have

been strongly behind the NRM and if only it could be allowed here, the NRM headed by Museveni - Mr. Chairman, I one time asked them that supposing in the forthcoming elections *Nyamurunga* took over or won the election and became the President of Uganda, would they be happy to be in that Movement? They said, God forbid. They could not imagine a Movement being headed by Nyamurunga because for them, they are sure that within a year or so, it will have been turned into a one party State and they are concerned about that.

We must make sure that whatever we put here can never be abused by a bad leader by changing from a Movement to a one party State. Because Members, you have to admit that the division line between the Movement and a one party State is so thin that it depends on the good will of the leader. With the good leader, the difference is so big and shining that everybody will be able to see it from a distance. With a bad leader, it is so arbitrary that it almost completely disappears. Therefore when we are constitutionalising it, we must make sure that we are not creating trouble for our people because they would not want us to get a one party State. They suffered under a de facto one party State and they do not want a repeat of the same. Mr. Chairman, my people want a referendum and they have been really opposed to some views which have been going around about forming a transitional government and a gradual come-back to multiparty straight away after five or so years and they have a reason. Mr. Chairman, this referendum is going to give people a chance to decide what they want. Secondly, it is going to reign in the administration or the leadership. When somebody knows that after five years he is going to sit for an exam to determine whether to stay or he is going, that person will perform well. All of us have gone through schools, if you know that you are going to sit for an exam at the end, you really concentrate and read because you want to stay whereas if you know there is no exam, you can go and do all sorts of things.

So if we say that at the end of five years we will automatically go to multiparty and the Movement will become a Party or become whatever you talk about it, it would mean that even the Movement, instead of concentrating on developing the country and consolidating national unity, it will work to consolidate itself as a Party which our people do not want. It is the reason why they want a referendum and I think the right to choose is really a fundamental human right. I do not think the right to multiparty politics is a fundamental human right but the right to choose should be. And Mr. Chairman, the right to make an informed choice is even more fundamental. I think if we talk of a referendum, whatever the time, it must be only fair to allow those people, the interested parties, to speak as loudly as they can so that the public who are the judges can listen and decide what they want so that at the end of the five years, the public should be able to make an informed consent. I find it morally wrong for the Movement to want to talk for the next five years, gagging the Parties moreover it will be using State machinery and coffers and then give the Parties which are not even facilitated by State funds, six months. So Mr. Chairman, my view is that we continue with the Movement for these five years meanwhile the Parties are left free to talk. Let them shout at the top of their voices, let them exonerate themselves of the crimes they are being accused of. They use whatever time they have to tell the Ugandans that we are not guilty of this or we are guilty of that. Meanwhile, the Movement will also be telling them we are so good, we did this, we did not do that. At the end of five years, people should be able to choose. Let us trust the wisdom of the Ugandans and I am sure they will be able to make the right choice.

Mr. Chairman, Members have been quoting history and I think they have a right to do so but in my view, I think nobody has a right to distort history. History has interpretation and it depends on who is interpreting. Even in these armed conflicts, somebody can interpret it depending on what he wants his audience to come up with. So if I were the one, I would really hesitate to quote Luwero triangle, Kony, Itongwa or whatever. Depending on how you look at that thing and how you interpret it, you can come up with very different interpretations and since we did not come here to interpret history, I would rather avoid it. In my view, I think all armies once provoked can react in similar ways and I could quote two examples. Mr. Chairman, during 1987/88, I had a brother who was studying in Soroti S.S. When he came back here one time, we were in Bugolobi and he saw people jumping on the army trucks. That time there was not enough transport. So he was so shocked, and he said "come on, how come civilians can jump on military trucks?" I said well, it is. He said no, in Soroti it is impossible. First of all, a military man seeing you looking at him, he will question you and beat you and ask why you are

looking at him. If you avoid looking at him, he will again beat you as to why you are not looking at him and that was almost a similar situation during the days when we had *"panda gari"* in Mukono. And that was 1988/87 the days of NRA but because that army was under siege, that is the way it was reacting. Just recently, the Saturday following the Friday when Hon. Makumbi the Minister of Health was abducted, a road-block was put opposite Mpoma Satellite station in Mukono. My Friend, what those army men did in one day! The road block was put up at 5.00 a.m. and it was removed at midday but whoever passed that roadblock, if he came here to give a testimony, you would wonder if it was not an *Anyanya* army. So I think when the army is under siege or provoked, it will be just the same or it will react the same and let us avoid trying to put so much blame here or there. Let us just try to solve our problems and then we will create a constitution which will help us.

Mr. Chairman, I would also wish that delegates showed less venom towards Hon. Ssemogerere's stand and I think even the reaction to the walk-out by the National Caucus for Democracy does not deserve all that attention. You see, the more you keep on castigating them, it can be interpreted like we were so hurt by their action that we cannot exist without it. Why? They walked out, why do we have to keep on referring to them that they resigned, they did this, they are traitors, they did this! I think we should avoid that. It is not taking us anywhere. Another listener may interpret it instead as sour grapes instead of what it should be. I wish we could avoid it altogether.

Lastly Mr. Chairman, I would also like to pray Hon. Delegates to learn to respect the views brought by their colleagues from their respective constituencies. Yesterday, I think I heard a certain Hon. delegate - possibly it was Mwaka or whoever, I do not remember, he presented views from his people and said my people said this and the whole House jeered at him. My Friends, are you sure you know his constituency better than him? You respect his views! Maybe some of you have managed to go there and address a few people and you think that it is more representative. He has been carrying out consultations in the whole constituency. So to me, I think he has the views better than all of us. And anyway, he has the mandate and that is the prayer I would like to give to all of you and please, I ask that in this House, we come up with something that will protect the peace and security we have in Uganda so that in the next five years, we concentrate on development rather than trying again to fight secondary wars. Thank you, Mr. Chairman.

MR. URBAN TIBAMANYA(Kashari): Thank you very much, Mr. Chairman. Mr. Chairman, in support of this motion, I will perhaps start by saying that the countries of the world have not always been ruled along multiparty lines nor are they today - all of them - ruled along multiparty lines, Uganda inclusive. In Europe, you will recall the days of Emperors and Kings, In Uganda before the onset of colonialism, you will note that the mini-states we had here, none of them was governed along multiparty lines. Even today as we talk, if we were to go back to those mini-states, a few of them would wish to adopt the line of multiparty politics. In other words Mr. Chairman, political systems evolve and they do so because of necessity, because of the needs and aspirations of a particular people at a particular time in history. Mr. Chairman, this is true whether the people live in Europe, in Africa or in Saudi Arabia and perhaps we should emphatically recognise that the human rights, including the rights of association have not always been around here on this globe. They have been recognised from time to time in history. So what we call birth rights, God given human rights are derived from a premise which we call "vox populi, vox Dei" - the voice of the people is the voice of God and I implore Hon. delegates also to recognise that the voice of Ugandans ought to be the voice of God and if you want to use the expression, you will say "vox Ugandan, vox Dei" and it works.

Mr. Chairman, when new ideas evolve, particularly those that tend to shake the old establishment, people become reluctant to exploit them. This is true and instead of studying, examining and improving on the system, they are in a rush to have it rejected and destroyed. For instance, I have heard it in this House that the proponents of this new idea, the Movement system of government are rigid. So for that matter, I will make up the case of the two positions, the Movement side and the multiparty side. Now, on the highest level you have the diehards for both sides; the Movement diehards who are saying we want the Movement to be the system that governs Uganda, on the other side, you have multiparty diehards who say no, it is the multiparty system that ought to govern Uganda, there the level is equal. But the Movement goes

ahead and says, we have a qualification, the people through the Odoki Commission have told us that they want us around and this has been admitted by Hon. Kawanga Ssemogerere and others with the only exception that they say, aha! that was five years ago. I wish it was the same on the other side of the multiparty. If it was they whom the Odoki Commission had said that the people want them, maybe you would not be around talking and being listened to. So on the other side, there is no qualification. Now when we go lower, the Movement states that despite the people's verdict that they need us around, we know that political parties exist, so do not go into limbo. You can exist but partially and on the other side, multiparty diehards say, although it is known that people do not want us around, we want to be freely around to force ourselves on the people. No concession whatsoever. On the side of the Movement, they state you could be elected on your own merit even if you are a multiparty supporter. There is no problem, you join and be elected on your own merit but on the side of multiparty supporters, they say individual merit is bad, we want group merit. If it was merit, you have two or three people belonging to a particular Party and they all stand and then we have no chance there. We want somebody chosen by a Party whether he is meritous or not, to stand in that particular constituency. Very rigid indeed!

On another level, the Movement says, you multiparty supporters, let us include you in the constitution also as a sign of our recognition that you exist even if people do not want you around at this particular time. And you know what the multiparty diehards say, they say no, do not include us in the constitution because to do so would mean including yourself which would be very bad. No compromise whatsoever. On another level they say, although people want us around - that is Movement - let us give ourselves five years and then ask the people again. Really fair compromise. Even if they want us, we have given ourselves five years and we shall ask the people again. The multiparty supporters say no, you must not ask the people because to do so could send us into oblivion. So very rigid indeed.

And lastly, democracy entails being listened to, being allowed to give your views and if at the end of the day there is a vote and you lose it, then you ought to accept it. The multiparty supporters say no, whether the vote is against us or not, we shall walk out. Now, who really in Uganda has let down the people? I do think the Movement has compromised, it has given concessions and in my opinion, the multiparty supporters have let down the people at this particular time. Mr. Chairman, it has been argued that freedom of association is a birth right and it has been articulated here to look as if the multiparty political system is the birth right God gave us. But the other day, somebody gave an example with regard to America where communism is outlawed. America is the champion of freedom of association and I say, if they can outlaw freedom of association along communism lines, then in Uganda it ought to be okay also. If people say we do not want our comrades to associate along multiparty lines, surely why should it be wrong?

Mr. Chairman, this is my last point. The choice of a political system in this country will have their central theme evolving on the guarantee of peace, harmony and stability in Uganda. My people in Kashari say that guaranteed those three, they would be in a position to work and develop their full potentialities and that is all they are asking from any political system; guarantee them peace, harmony and stability, then you can have the rest. We have always been peasants but if we are given these three, they are enough for us. We have had a political party ruling Uganda for 15 years and as Hon. Kawanga Ssemogerere did say, they were perpetuated by bad campaigns, permanent political hatred and discrimination, permanent deprivation of freedom of speech and the Press, permanent censor and in some cases, abolition of papers, murder and intimidation of opponents, lack of seriousness of leaders to tackle local problems, not even at village level. Now, subjecting the people to such governance again would be taking them from a known position where they have had peace, stability and so forth, to something they do not know now, to something they will say, maybe this time the political parties will work, maybe there will be good campaign, there will not be hatred maybe. And we have rejected this and we say we are not about to move from a known position, a known system that has guaranteed peace and harmony to an unknown system of wishful thinkers, may be it will work.

Mr. Chairman, maybe time will come in future when we shall be in a position to say that multiparty politics can guarantee good campaigns, can guarantee political accommodation, can guarantee lack of political discrimination. But at the present, the

majority of my people do not foresee that time coming. They therefore demand that the Movement as well as other political systems be written into this Constitution for future generations to choose from as to which type of system they want to govern them from time to time. I thank you, Mr. Chairman.

MRS. RHODA KALEMA (Kiboga East): Thank you, Mr. Chairman. I am a Member of Committee Five. Mr. Chairman, I rise to support this amendment Hon. Obiga Kania that the people of Uganda shall have their right to adopt a political system of their own choice through free and fair elections or referenda. Mr. Chairman, I support this amendment because I believe that all the problems our country has gone through since independence have basically been due to the political regimes, political systems which were never generally accepted by the people at the beginning. People did not know what they were doing, the leaders did not know what they were really all about. The led - the citizens of this country did not really know. People just followed because these systems and regimes came. Chairman, for instance, I will give an example of the 1962 elections. I voted Kabaka Yekka, and when the Constitution started to be implemented, little did people know that after voting and even if their own parties - or in the case of Buganda we had 21 Members, none of the Parties and Buganda indirectly elected Members who could form a government, just to find out that whoever was to form a government was to be by coalition and as we all know, this was one of the beginning of our problem.

Mr. Chairman, we are writing a constitution that should stand the test of time and this has been reiterated by a number of Hon. Members. It is a constitution that should provide peace, stability and tranquillity to the people of Uganda and to make Ugandans really proud. After all, it has been extremely expensive in time and money. Let me remind everyone and quote the words of His Excellency the President during his opening of this Assembly on the 18th of May, 1994. This is what he said: "when people talk of writing constitutions in more advanced countries, they are talking of constitutions to run their countries. When we talk of constitution making in Africa, we are talking of creating, building or consolidating countries. Therefore constitution makers in backward countries like ours and advanced ones face different tasks, nation building and nation running respectively." Mr. Chairman, I too have a firm belief that the constitution we are making is not for running a country, it is not for running Uganda but rather for building or rebuilding. I think we can rebuild because it was once on the upward trend and then it was destroyed. So I feel that this article is very, very crucial in the materials of this construction.

The factors which show that we are really building are very many and obvious. I will give you example of the very high rate of illiteracy, approximately 50 percent - if I can be corrected - are illiterate. The high rate of infant mortality, the high rate of school drop-outs and the excessive poverty amongst our people. We also have a country of citizens who are not sufficiently aware of their nationhood and so we are not a nation yet in the real sense because you can see that even the values of those who seem to be leaders are very conflicting. Because even the political education, for instance, which is being carried out to sensitise and make Ugandans aware of what is necessary for them to be able to run their country is detested by the multiparty supporters. We also still need much more to be more united to foster the unity NRM has promoted during the nine years of its leadership.

Mr. Chairman, as some Members have already said, the people of Uganda have tested and experienced several types of governments and regimes since independence. This was not through their choice although some of them came to us as liberators. I can see only one which came, in my opinion, as a patriotic exercise. These regimes have been coming after our great suffering and for that reason, we were able and were ready to welcome them. In 1962, we had multiparty and coalition government for eight years and then we had a military government and when the military government came, it was embraced by a big part of the country because they were ridding - this military government was ridding them of a government they believed was not good. So it was welcomed. Now the Front came after defeating Amin in 1979 which lasted for 20 months. This was very much welcome. It was Uganda National Liberation Front. I personally welcomed it, I joined the National Consultative Council by choice in order to see that we forge ahead the unity and peace this celebrated government had brought. We all know the outcome. Now, in 1980, the multiparty system came after those people who came from Moshi and

had already agreed that when we get to Uganda, we shall not introduce elections before two years and in any case, election should be under the "Umbrella" for some time. Now, after they re-grouped here, of course the multiparty supporters were defeated by the vote whereas we, in this very room, 50 of us voted for an "Umbrella", the 19 of them later on, with the power they had behind them, there was late Muwanga, there was late Oyite Ojok, and there was Dr. Obote, we all know what happened. Now, then we got the Tito Okello Government in 1985 which was also welcome by some people because they thought they had got rid of a bad Government. Finally, we got the Movement.

All I am trying to say, Mr. Chairman, the Movement which was welcomed, the Movement which I believe is still the most popular today if I may use this word, if some people say that even the Movement is bad, any way, I would like to say, the Movement is the best of the bad lot and it is better to take the best of the bad lot where everything you look at is bad because you have to choose. Mr. Chairman, this Amendment is just giving a menu to all Ugandans, who have experienced these various Governments, these various types of rule to see which one they can have, which one they can choose.

There has been a great emphasis and opposition on whether the Movement is a system or an organisation. In fact, the multiparty advocates believe the Movement cannot be described as a system, it can only be described as an organisation. Mr. Chairman, this disturbed me a bit because I fail to understand how an organisation - simple organisation could keep a country together for the past nine years - approximately 9 years and achieve what it has achieved. Just last week, we were told here in this very room by the Minister for Finance that when the NRM came to power in 1986, the foreign reserves stood at $12 million dollars and today, it is $382 dollars. Is a mere organisation able to achieve that? Is a mere organisation and not a real system able to do what this Movement has done? Mr. Chairman, I believe the Movement is a system and the Movement has really worked. It could be strange, but it is unique. The important thing here for us to appreciate and our friends to appreciate is that it has worked.

Mr. Chairman, in relation to this I would also like to react to two communications of the former leader of this country, Dr. Milton Obote, who appealed to the British MPs by asking his Party supporters in London to identify and canvas MPs who can make their Government - the British Government to push Uganda to return to multiparty politics after the new Constitution is promulgated. It is possible, although it is correct, that the British Parliament debated and approved the Uganda Constitution in 1962, Dr. Obote who has no regard for democracy, unfortunately still believes his advice can still work today. Mr. Chairman, this former leader has, in addition, decided to participate in the CA while in Zambia by sending a circular letter to his PPC but which landed in my pigeon hole as well whereas I am not a member of PPC, and in this Circular letter, he objects very strongly to the elections based on personal merit. All the worst negative adjectives are used to describe elections on personal merit. Mr. Chairman, I cannot express that absurdity of this view from the former leader, who aspires to lead this country once again in 1996. He says; "*the personal merit elections is definitive and discriminatory; it is deceitful and fraudulent; it is cynical and chicanery, it is contemptuous in regard of the citizens of Uganda, it is oppressive of natural justice to the victim.*" I do not know what this means actually. "*It is cynical, and an usurpation and suppression of the fundamental rights and freedom of the individual citizens, it is diabolical, it is a heinous perversity to conceal and entrench military rule.*" Mr. Chairman, most of us have a copy, but all I want to say is that, well if this is the majority, if the will of the people would like to choose a multiparty system, that is democracy! All we want to say, let Ugandans be given a chance to choose how they want to be ruled. Mr. Chairman, I end by supporting this very suitable amendment which provides a very good choice for all Ugandans to be able to choose. Thank you, Mr. Chairman.

MR. KAHEEBWA FOX (Bujenje County): Mr. Chairman, thank you very much for giving me this opportunity to add my voice and that one of the people of Bujenje to those who support this amendment. Mr. Chairman, I must say, I am in a dilemma. If this amendment does not go through, members of my constituency will never forgive me for the rest of my life. Mr. Chairman, permit me to thank you again, with your Deputy, for having steered this great Assembly to the satisfaction of both the local and international communities. Mr. Chairman, allow me to observe that one of the cardinal problems we have had in this House is failure to accept reality. Seeing reality but refusing deliberately to accept it

and that is what caused the drama we saw the other night. May God Almighty bring those who went out to realise reality, Amen!

Mr. Chairman, other delegates have alleged that NRM has a hidden agenda but Mr. Chairman, I personally see no hidden agenda since we are advocating for both multiparty and Movement political systems. To me, Mr. Chairman, the agenda would be hidden if we talked of Movement and Movement alone. One Hon. Delegate expressed fear in his deliberations that a referendum is likely to bring results with divided opinions. Yes, it is true, Mr. Chairman, inevitably we have to be divided as others support or reject certain ideas. Mr. Chairman, barring Ugandans from a referendum is a mere symptom or political malaria to those who oppose it and will mean imposing ideas and decisions on Ugandans hence ceasing the meaning of Chapter 1 of this Constitution where all power is given to the people to decide on the kind of governance they prefer. Mr. Chairman, while deliberating on this amendment, we must not reason on the basis of those on the streets but those peasants on the ground who are the chief sufferers at the time of turmoil and whom I am highly convinced that I have seen an experience, the difference among all political systems they have gone through including the Movement. Mr. Chairman, it is wrong not to realise the good things these other parties have done, but it is more disastrous, more uncultured and more unrealistic not to realise the good things the Movement has done. Some delegates do not want to hear of the past, why not Mr. Chairman? It is important to remember and review the past so as to correct the future and this is what we are exactly doing.

In brief, Mr. Chairman, what do the people of Bujenje want? The people of Bujenje want a Constitution which will guarantee power in their own hands and to achieve this, it supports Kania's amendment. With this, thank you very much, Mr. Chairman, thank you Hon. Delegates for listening to me.

THE CHAIRMAN: Hon. Delegates, we have had eight speakers on this and it would appear this morning, the line is the same. We agreed yesterday that there are some amendments in the pipeline. A copy of one of them was sent to me, I think Hon. Rukutana had some amendment, I do not see him now, he was here. Then Hon. Bidandi Ssali also had an amendment but I was wondering how we should handle three amendments separately if for instance there were such amendments as the mover would not object to, and a number of other amendments I can see them coming in. Is there no way of those who are seeking to amend the Motion by Hon. Obiga Kania to get together with him and sort them out so that we have an agreed amendment and we debate that one, instead of debating one by Hon. Ruzindana and another one by Hon. Bidandi Ssali, another one by Hon. Rukutana and I can see Hon. Kabayo is also coming up with some amendment so that we do a clean job instead of having a series of amendments. Hon. Ruzindana, what do you think?

MR. RUZINDANA (Ruhama County): Mr. Chairman, I wholly agree with you since in the essence of the amendment, we do not seek to change the essence of the Motion. I think it is best that we get together with the Mover of the Motion and then harmonise the wording. Mine is about the wording not the essence and I think the rest - I do not know about Hon. Bidandi Ssali's amendment, but Hon. Rukutana's is also the same and I think we can get together and in five minutes, we agree on something without adjournment.

THE CHAIRMAN: I would suggest that we proceed as follows. The people mentioned that have amendments could form a small caucus somewhere - either in the lobbies outside or while we continue with members contributions, then they come back to tell us how far they have gone. I think that will be better so that we do not have to adjourn to give them the opportunity. So, could our friends with amendments including Hon. Kania Mario of Terego join them? They can choose a Chairman among themselves, then they come back with some text which we can look at, then we proceed from there. Yes, Hon. Kaijuka, what suggestion do you make?

MR. KAIJUKA (Sheema County North): Mr. Chairman, I was suggesting that in order to save time, those delegates that may have amendments could at the same time be assisted by some members of the Legal and Drafting Committee so that we have a well, articulated position after synchronising. Thank you.

THE CHAIRMAN: But the Chairman of the Legal and Drafting Committee is not with us. Is he? He has set up a small caucus on - I think he should

chair that meeting so that we come up with some formulation quickly while we continue and any member who has an amendment could go and join that small caucus for Drafting then we can continue with the general debate. Hon. Matovu.

DR. MATOVU (Entebbe Municipality): Thank you, Mr. Chairman. Mr. Chairman, I support the amendment because I feel it is offering the Ugandans an opportunity to choose from more than one political system, at least to choose from other systems. Mr. Chairman, we had the multiparty system, the so-called pluralised system, it messed up Uganda and Ugandans did not have an alternative to turn to constitutionally, hence the Army came in to fill the vacuum created by the rejection at that time of the multiparty system. Mr. Chairman, I think to avoid that vacuum, when the one system has been rejected, let us have a choice of alternatives, let us have Movement, the front etcetera all provided for in the Constitution made by the Ugandans themselves for Uganda. On a lighter note, Mr. Chairman, I feel we have not run out of paper, so there is room for everybody in the Constitution.

Mr. Chairman, the Movement has been described as monolithic but I feel some of these concepts, it depends from which angle you look at them. The other day, some members were criticising Maj. Tumukunde for having said that the Army or the NRA is watching, they looked at that as an intimidation of some sort. But Mr. Chairman, how many times have we been reminded by fellow delegates that the whole country and the whole world is looking at us, following what we are doing? Do they mean to say that the whole country and the whole world is intimidating to stone the delegates to death, should we stumble him at the Assembly? I do not think so. They were not intimidating. So, Mr. Chairman, I think it all depends on from what angle one looks at the concepts of monolithic versus pluralised systems as regards some ideas. So, Mr. Chairman, some of us find the concept of pluralism better depicted in the Movement system whereby the catchment area for and utilisation of ideas is much wider if as many people as possible stand for elections on their own merit, rather than the Party vetting and choosing candidates for the electorate. Hon. Katureebe illustrated this point very well. Mr. Chairman, this business of the Party executive fielding a candidate regarded by them to be the best man to advance their call, but not necessarily with the best ideas, should be seriously reviewed in the so-called pluralised multiparty system.

Mr. Chairman and Hon. Members, believe it or not, we have had the story of the Sebirumbis in the past put forward as candidates for Parliament. Mr. Chairman, this is a man said to have given, when asked - he is said to have given his Constituency as his name and his name as his constituency. That was the Party candidate put forward. So, Mr. Chairman, I can probably talk of the NRC where we have been for some time now. The NRC, a Movement organ has had a colossal number of brilliant individual with hardly any influence from any ideological group. We have been associating freely Mr. Chairman. Mr. Chairman, I can illustrate this with a simple example. It was not unusual to have a scene in the NRC whereby an idea say, originating from Hon. Kanyomozi who is UPC, to be modified by Hon. John Kawanga who is a DP, polished by Prof. Kanyeihamba who is a Movement supporter and accepted by Hon. Mayanja Nkangi who is a CP and the whole idea ending up with a resounding *"Aye"* by the whole House. What is wrong with such a system, Mr. Chairman? That is pluralism I am talking about, that is what Uganda needs, let us give Ugandans an opportunity to choose a system from a rich variety of systems. That is what this amendment is offering and that is what I am supporting, that is why I support the amendment. Thank you very much, Mr. Chairman.

MR. MUSUMBA (Buzaaya County): Thank you very much, Mr. Chairman for giving me the opportunity to add my voice to those who support this Motion. Mr. Chairman, some of the reasons that I am going to put forth have already been given but Mr. Chairman, I have no apologies for repeating them. Mr. Chairman, the Movement has given the people of Buzaaya an opening they were not expecting and an opening they did not get in the previous regimes. Mr. Chairman, the people of Buzaaya - and to a limited extent I will also talk on behalf of the people of Kamuli. In the 1960s, they did vote and cherished the UPC, they voted the UPC in over whelming numbers. However, the UPC as a Party gave them treatment that was not to their taste and when there was a second round of voting - when a second opportunity presented itself in 1980, they overwhelmingly voted DP, they took refuge from the disastrous politics of Dr. Obote Milton and company, and hoped that the DP under

its leadership of Dr. Kawanga would provide a watershed for them. Unfortunately, Mr. Chairman, the DP instead of shielding them from the rows of mal-administration and bad governance of the UPC, instead joined them in the harassment. All the MPs that were elected on a DP ticket in Kamuli, in Buzaaya, crossed from DP to UPC without even telling them and did everything possible to join those who oppressed them under the UPC administration. The people suffered, they were left helpless, they were very unhappy and it was with a sigh of relief that they embraced a new leadership under the Movement. They have also instructed me - I was there on Sunday - to give notice to Dr. Ssemwogerere that they have heard he is willing to stand as a leader, as a Presidential Candidate, but that due to the disappointment they suffered when he could not - he and his Party could not protect them, they are unwilling to give him any support whatsoever. Mr. Chairman, for them they say they have good reason to support the Movement and for them, they are also saying that the two - the Movement kind of governance and multiparty kind of governance cannot coexist, cannot be merged to run an administration at the same time. They say, the Movement to their understanding embraces aspects like the RC system.

The day before yesterday, Senior Councillor, Hon. Mulenga said that as far as we are concerned, we multiparty supporters, we can get a good element like the RC system from the Movement and we incorporate it in the multiparty. The people of Buzaaya do not think so. They think that actually the RC system is an anti-synthesis to the multiparty arrangement because the elements of the RC system as we all know them, they involve electing people on their personal merit. Once you introduce Parties, then people will still be lining up behind (X) because (X) belongs to that Party and not because that person, regardless of his shade of political opinion, can actually deliver the goods and services in that particular area. So, under a Multiparty system, you cannot have RCs with all the beautiful things RCs have helped our people to achieve.

Another example Mr. Chairman, is the RC Courts. For them, the people of Buzaaya believe that the system of RC Courts which has been doing very well for them in their area will not be able to work if there is multiparty politics because when there are 9 RCs seated and five have to make a finding in respect of the one - I will say the accused - then, if I did so, quite often it will be interpreted as having been done on Party basis. Even the LDUs, Mr. Chairman, five LDUs and all of them belonging to different political parties, armed with guns! We are grateful that they are now being given better equipment, instead of using these guns to protect their people, they will instead use these guns and turn these guns on to and amongst themselves. So, Mr. Chairman, the elements and the beautiful things within the RC system will be destroyed with the introduction of multiparty political system.

Mr. Chairman, in Buzaaya recently with the advent of the Movement, there has been a lot of work that has been done on a community participation basis. We have opened up new roads, we have built schools, we are now boasting of almost no grass thatched school in Buzaaya, this is because of Community participation and that is a spirit that has been introduced in the umbrella of the Movement. Every one works there without hoping that Party (X) will benefit if such work is done. Again, Mr. Chairman, this is a positive aspect of the Movement and they would want you to continue.

Mr. Chairman, they have also appreciated the massive recruitment in the Movement that has been made. Better brains and abilities are coming up hitherto undiscovered because people themselves are free to look around and choose whoever they want as against dictates coming from either Johnstone Street - or it is no longer Johnstone Street or some other Party Headquarters - to decide that the person who is going to stand is (X). They are very happy with this kind of arrangement and they believe this kind of arrangement cannot happen in a multiparty system. They also say that there has been a feeling that all the things that have gone wrong have gone wrong because of the Movement. The people of Buzaaya think that on the contrary, things which have now helped to come up, economic development, social economic advancement, they have been able to come up because of the one single most important thing that the Movement has brought to our people and that is unity. Our people are happy under the Movement, all the divisive elements have been put aside and they would want this to continue. They have therefore asked me Mr. Chairman, in brief to entreat all members here, that for us, ours is not simply to sing a song of "everywhere", ours is a much dedicated role of ensuring that our people emancipate themselves from political subterfuge, from economic

imprisonment, and under development to emancipate themselves from social backwardness. They have asked me further entreat members here that yours is a noble cause, fight on to ensure that the entrenchment of the Movement system of Government is made in the Constitution and that if it is the wish of the majority, then let it be. They have said that they know no situation where two people stood for elections, one got 10,000 votes, another one 300 votes, and the one of 300 votes went to represent the 10,000 in a given Assembly. They therefore say the rules of democracy must continue. Thank you very much, Mr. Chairman.

MRS. IDA BIKORWENDA (Women - Bundibugyo): Thank you, Mr. Chairman for allowing me also to speak on behalf of my people on this amendment. I stand to support the amendment. I support it because my people also supported it. When I went for the recent consultation with my people in relation to the Movement type of government, if it can be entrenched in the Constitution or not, they asked me one question, they asked me if the Movement type of government has not really existed in Uganda and if it has been existing in Uganda, administered the society of Uganda, why are we burying our heads in the sand as if we did not see it deliver any goods? Now, if it has to live, how do we make sure that it is securely and legally surviving in the society that has believed in it? They advised me that the Movement type of government should be entrenched int he Constitution and then, the principles which - the reason of its occupation should be debated by Parliament which will set out the rules of its operation.

Mr. Chairman, during the Commissioners' collection of views, the support of the Movement was the majority. Then why should we stand here and be suppressed by the minority and make the Movement be swallowed up as if it never existed at all?

Mr. Chairman, my people in Bundibugyo are saying, they still have the fresh wounds they got from the Movement when they got their district and it is only high time that they should be given time to recover and try to develop. They recommended the five years of the extension of the NRM type of government when the Constitution is promulgated. They asked me, if this type of government is not entrenched in the Constitution, and we are talking of an interim period of the Movement, when the Constitution is promulgated, will the Movement still exist if it is not entrenched here? I told them that an interim is not something which is permanent, then it means it will also go! They really indicated here their worry of what they support. They asked me if there is room to protect the Movement that does not show any division, any sectarianism or any type of discrimination at all, it should be protected in this Constitution and they were happier when they knew that there was a clause that is supporting - I mean which is recommending that the political parties should be also entrenched so that the people are used as they receive, to decide where to go.

And also Mr. Chairman, they also recommended a referendum. In the recommendation of the referendum, they appreciated government because it shows the popular participation which has been exhibited by this government only. We are so proud that the present government is respecting them other than the other previous governments where you could see people roving all over the country looking for peasants votes, but now you have to show your cause of getting their votes; you have got to go back to them and seek their mandate and it gives them time to show who is delivering goods or not. So, they recommended strongly the referendum and if they are not consulted, they say, whoever does not consult them will be considered as a dictator.

Mr. Chairman, people have been talking of eating, that those who are supporting the Movement are supporting it because of eating. I am a mother, and may be a grand mother of so many children. Mr. Chairman, deciding the eating of today, forgetting the dark future of our children, is that reasonable thinking surely? I thought we are trying to make a Constitution that will stand the test of time. Mr. Chairman, to prove that the Movement type of government is supported by the majority of Ugandans, the Chairman RC 1, Chairman RC II, and RC IV, do not get any thing, they are never paid any allowances but they are effectively performing their duties at whatever level they are elected. It is sort of a voluntary service, but they appreciate it. There is law and order where the Movement is supported, wherever it is not supported, it means that the leaders - probably it is only the elite who go to confuse our poor peasants. Surely, if the definition of the Movement is made clear and the intentions of the Movement are made clear to the people, I do not think it could meet resistance.

Mr. Chairman, I have been in the NRC for the past 6 years. I can surely stand and say, I do not know the Parties to which my neighbours belong but we

have conducted business in that House comfortably with no opposition and we stand to pass business and laws principally but if there was opposition and government side, a principle that would be in favour of government would be opposed simply because it comes from an opposition Party. So, Mr. Chairman, my people have said it is high time some respect was accorded to the majority of the population that live in the rural areas of Uganda. The attacks and counter attacks by political leaders here made them fear the outcome of the system of government we might come out with. To them, it seems there is a likelihood of revenge once one group of people is in power. Political leaders should be challenging each other in the amount of services rendered to the people of this society. We need to change into a society of tolerance and coexistence of all groups as people who belong to one nation. We must not be forced to live together, it has to be on mutual acceptance and reach values of our diversity. Ordinary people should not only be recognised during voting, we should make a Constitution that respects local people participation to avoid feeble allegiances to the government of the day.

According to Odoki's report, the majority of Ugandans recommended the Movement type of government, where shall we put them if we really erase the Movement type of government from this Constitution? And in the NRC, during this interim period of government we have been having, the Movement has only survived by amending the Constitution of 1967, why do we not allow it to coexist with other Political systems which are going to be spelt in this Constitution as a terms of reference for all administrative Political groups that will survive in this nation? Therefore, Mr. Chairman, if we cannot respect the peoples recommendations, then we are up to something else here and Ugandans are tired of running, of going to exile! We are seeing some clear light at the end of this Constitution, people are developing, and they are trying to do their level best to educate their children. With the programmes put in place by the Movement, I know we shall soon overcome our problems.

Mr. Chairman, during my consultation, I saw one person - one person came in my meeting who had been living in exile and government had brought him back peacefully. He is developing, he has not had any problem with the security agents of government because he has not caused any problem to government. Which government has done that? And he recommended that the NRM type of government should be extended for the next five years and then a referendum should be held to consult the people if they still need a change or want to continue with the same government. And in that meeting, a Chairman RC II, a very old man, he said everybody is holding his heart to our decision. He is a victim of refugees who came from Zaire and one of the refugees was having cholera and as a cause of his humility and keeping this family - the refugees who were running from Zaire, he lost members of his family at a cost of a war which was in a different country. Why do we not stop all loopholes that are going to lead us to go to a war? Thank you, Mr. Chairman.

MR. BYARUGABA BAKUNDA (Isingiro South): Thank you very much, Mr. Chairman, for giving me a chance to put on record a message of my people straight and clear. Mr. Chairman, I will not waste time, I will go straight. First and foremost, Mr. Chairman, I would like to thank one Hon. Chebrot who highlighted a few ills inflicted on the masses of Uganda during the time when multiparty politics was in place. Mr. Chairman, me I appreciated what he put on the record. It is very necessary if we are to change this country for the good of Ugandans, we should never shy away from the truth, we should never be ashamed of speaking the truth, we should never be ashamed of pointing out the truth, that is Alex, me.

Mr. Chairman, when I was a young boy in the hills of Isingiro, I used to get bedtime stories from my grand mother, some of these stories were educative, some were a bit scaring, yet others provided a lot of fun which I still recall with a great admiration. However, Mr. Chairman, one that still lingers freshly in my mind was that one about bushmen. In the most outstanding show of ignorance, Bush men to date lead very miserable lives. Why? The story goes that, these creatures of the Almighty used to grow crops and live normally but every harvest Mr. Chairman, they would make a very big harvest, eat to their fill and at the end of the feast, with their Stomachs full, they would set all the food granaries ablaze in a hopeless hope that they would never want to eat or even get hungry again. Is there any thing Ugandans can learn from this story, Mr. Chairman? Is it not just about 9 years ago that turmoil and anarchy reigned in this country? Was it not in this very Hall, Mr. Chairman, where we are

seated today, that the UNLF Umbrella was torn apart by some of the Hon. Members with us today? And was it not Mr. Chairman, the empty ambition to go to State House that rocked and wrecked the first chance to achieve unity in this country?

In a contribution by one Hon. Member the other day, he was wondering as to why the honourable delegates in this august House should listen to Museveni who is not a CAD and brush aside a statement from American Embassy. Mr. Chairman, I was mad about that. Mr. Chairman, I would like to beg your indulgence to inform him that Americans made their Constitution according to their priorities and in particular, drawing a lot from their history. These were a people who had come to America from all over different parts of Europe, most of them running from monarchical oppression prevalent in Europe then. This element is prominently clearly put in their Constitution. The American Constitution Mr. Chairman, had a mission. What about our Uganda? We also have a history to learn from. Our most immediate history, Mr. Chairman, is quite revealing and still vivid in mind. Mr. Chairman, in the book "*What is Africa's problems*" written by Yoweri K. Museveni and under the forward by Julius Kambarage Nyerere, former President of Tanzania, he says: "*The world has nearly 207 states and each is unique in its history, geographical conditions, culture or a mixture of culture and its level of economic, social and political development. What right, [Mr. Chairman] has the leadership or the people of a nation, to judge the political structures of policies of another and by what yardstick?*" Are our priorities as Ugandans Mr. Chairman, in the right order of prioritisation?

In his famous book, Mr. Chairman, entitled "*Putting the last first*", Robert Kyemba goes in greater detail to show how developing countries concentrate on non-issues and leave the priorities of their most needy citizens in the last column of their priorities. Why can we not think of the elimination of the six Immunisable killer diseases first from our population? Why can we not concentrate on education for all, health for all, shelter for all, and above all, food for all? Have we not heard people starving to death? Why concentrate on Western model systems for a poor people, a hungry people? Are our priorities put right Mr. Chairman? Mr. Chairman, the Kikagati, the people of Kabuyanda, the people of Nyakitunda, have established a strong bond with the Movement system of government for the following reasons. Number one is stability. For the first time, Mr. Chairman, the people of Isingiro South, can move, work, sleep and sleep peacefully. Gone are the days when the people of Isingiro were butchered, tortured, robbed, humiliated at road blocks situated at Katete, Kabingo, Kashaho and Kikagati. These roadblocks, Mr. Chairman, were manned by UNLF soldiers and UPC Youth wingers. What a credit to multiparty politics!

Mr. Chairman, number two is freedom: Mr. Chairman, for the first time, the people of Isingiro South are free to choose leaders of their own choice. The area Mr. Chairman, was essentially a DP stronghold. Hon. Ssemwogerere and his likes know this very well. At one time, Mr. Chairman, this area unfortunately was represented in Parliament by a Mr. Abas Balinda from Sheema somewhere, just because they could not get a UPC candidate in that area. The situation that obtained in that area, Mr. Chairman, is clearly a similar replica of what obtained in Bunyaruguru, Mr. Chairman.

Mr. Chairman, economic Development: Mr. Chairman, the people of Isingiro South appreciate the Movement system of government for putting in place a conducive atmosphere that has enabled them to get easily the basic necessities like soap, salt, sugar, and paraffin. During the golden ages of multiparty politics as some people would like to believe, these seemingly simple but essential items were regarded as luxuries and therefore, only available to a few. Dear fellow Ugandans, have we forgotten the long queues for the items, the allocation chits from Ministers, especially that one of Industry to buy a kilo of salt, to buy a kilo of sugar or even a piece of soap - not a bar of soap remember, a piece of soap, using a chit from a whole Minister. What a shame! We from Isingiro South, are not prepared to go back to that system until further notice, and please those who are in for multiparty politics, save us a breath, save us, do not come to bother us. Mr. Chairman, the people of Isingiro South are not amused by anybody that tries to push the Movement system to the doldrums. This Movement system that is being pushed left/right and centre has established an organic link with the people. The system was brought about by patriotic sons and daughters of Uganda, they shed blood, they lost loved ones, Mr. Chairman, they sacrificed a lot, they lost a lot! To imagine that this link can just be brushed aside or cut off is just not being reason-

able to say the least. The best that can be done is to strengthen this link and polish it where it needs polishing, people are not prepared to go back to the darkness of the past.

Mr. Chairman, me, I am a Mukiga, and in Rukiga, Mr. Chairman, we have a saying that: *"Akati kukakuteera omurisho, kati hweeza"* literally meaning that, once beaten twice shy. To the DPs this is a very good lesson. I was a DP activist in 1980 while at Makerere, Mr. Chairman. In fact, my first time to fly - or to sit in a plane was when I was accompanying Hon. Ssemwogerere to Arua with Mr. Tom Lukur, Hajji Matovu, Kasule Lukwago-Mukasa, Dragui Opio Oloya, Bosco Oryem and very many others, Mr. Chairman. On our way back from Arua, Mr. Chairman, back to Kampala, we had planned for a big rally in Gulu but unfortunately it was never to be. UPC Youth Wingers were determined not to allow a DP rally in Gulu. Fierce fighting ensued, I almost lost my dear life. Late Engineer Drake lost almost half of his teeth, we crawled and crammed ourselves in Acholi Inn for safety. Hon. Atare who unfortunately moved out, can bear me out and he was there to see what happened. All this, was under the loved multiparty system, did we have rights then, did we have rights really under multipartism? Hon. Ssemwogerere should explain this to the people, his alliance with the UPC stinkers and anybody in his right senses should be able to see this; Hon. Ssemwogerere should remember, I want this to be put down on record properly, he should remember what he promised to the people in 1980, I used to move with him wherever he was. That when some people in Kajjansi asked him, that "Mr. President General, what shall we do if elections are rigged?" Look at what he said, "Safeguards are in place, Americans troops are on the coast and watching the situation seriously." Elections were held, they were rigged, we never saw those troops, I do not know what happened to them!

Mr. Chairman, the culture of tolerance that we see today in Uganda is a direct result of the good tenancy in the Movement system of government, the days of multiparty politics, Mr. Chairman, were characterised by intolerance of the highest degree. I know of one Minister, Mr. Chairman, who could never imagine somebody putting on a green or greenish jacket, dress or whatever and visiting his office, he is not in this House today, she is one of those who walked out! There was madness, fanaticism, Mr. Chairman, almost to the point of painting the whole environment red - you can mention grass, trees, they wanted them painted red! It is unfortunate, and that is the multiparty system, people used to know and unfortunately for the multiparty supporters, people have now to realise that it was no sense, and they detest that kind of system. What is in place today, Mr. Chairman? No more cutting of peoples bananas - this was very common, no more cutting of peoples coffee shambas, no more burning of peoples houses, and most of all, no more baptizing of people with hot water. These things used to happen. Can you imagine being baptised with hot water in the name of cleansing? That used to be a UPC - now we must baptise you, using hot water to cleanse you, now you are a good man, after baptizing you using hot water.

Programmes, Mr. Chairman. Mr. Chairman, the Movement system has proved capable by first and foremost appreciating and recognising great potential and competition the women and youth have in this country. I am glad to see that the majority of women who are really in for the emancipation of their fellow women have embraced this Movement system. As for the Youth, Hon. Atwoki who unfortunately moved out the other day, should know this best, that he is here most specifically because the system he castigates has been monolithic and dictatorial is in place. Otherwise, he would never surface any where, Mr. Chairman. If you are a little bit very critical Mr. Chairman, 90 per cent of the people who have walked out are above the age of 60. Yes, you can mention their names but you know, I do not want to mention the names. The youth and women, Mr. Chairman, are not a priority in multiparty politics. At least here in Uganda, they have proved it and it is a shame. Mr. Chairman, I am calling upon the women and youth of Uganda to reject this. Mr. Chairman, I almost could not believe my ears when an Hon. Member representing Masaka Municipality wondered aloud as to what a Movement system really was. With all honesty, Hon. Kawanga John has served on RCs, NRC and the most of the time as a Deputy Minister in this system which he claims he does not even know. Really, could he not use his intelligence to interpret - to give it an interpretation using his own words and understanding with all the knowledge of law? I just fail to get words to describe that kind of situation! Is it treachery, is it hypocrisy, what do we call it? Mr. Chairman, but unfortunately he knows and cherishes a system that in 1980, when DP