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THE STAR,
P.O. Box 9362, Kampala.

NRC IS TOO FLEXIBLE

SIR,

ODOKI's Draft Constitution has rained cats and dogs. The emergence of the abrupt Constituent Assembly (CA) Bill has thrown our nation into a political disorder. The Baganda have a saying that 'Enkuba eryookanga n'etonna'; because with a heavy down-pour of rain, huts would leak, beetles, crickets and frogs would abandon their traditional hiding places, while certain other plants will withstand the hail-stones. Similarly, the Constitution Commission after collecting proposals from the public, has come out with the long-awaited draft of the proposed cardinal law of the land. Presumably, acting from leakages of a Constitutional brief Report, (allegedly sent to the Government), the heavyweights and all the moguls, have excitedly sprung out with utter greed to kill two birds with one stone. The situation is further made complicated by the outspoken CA BILL which is accused of being treacherous, and which might need Prof. Byaruhanga's panel-beating. For this kind of spectacle, I hasten to lay complete blame onto the National Resistance Council (NRC) for being too flexible, neglect and inconsistent in some cases; ^{and} as a consequence, the rampant confusion has arisen!

WHY BLAME NRC?

- Legal Notice No. 1 of 1986 (Proclamation),
Section 2 (i) says: "The National Resistance Council shall have Supreme authority of the Government is hereby established".
Section 7 (ii) says: "The NRC may regulate its own procedure including the conduct of its members".
- In principle, the government has three main organs, i.e. LEGISLATURE, JUDICIARY and EXECUTIVE. The Executive, are the policy-makers and implementers of all directives whether originating from NRC, Judiciary or from their own executive circles. Since the NRC is the Supreme body, it is normal to expect the government to honour all directives, resolutions, advices, etc from it. NRC can discipline the Executive without further questioning. The government participation can be regulated or stream-lined by the NRC.
- But in spite of this omnipotence, NRC has failed to exercise its supremacy, thereby creating factors which might render the government incapacitated.

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- The NRC as a body, comprises Ministers, Historicals and Originals, NRA nominated, President's nominees, etc. To all these, we can add about 300 people's representatives. When this body has made a directive or a resolution, no other organ can courageously throw it overboard. Bearing in mind that, the President is the Chairman of NRC; whichever ^{action} ~~mistake~~ the Executive wing could have ^{taken} ~~made~~, can either be ratified or dismissed by the NRC, just with a stroke of a pen.

- We must also appreciate that Mr Museveni is not a dictator yet, but has his official advisers. It would therefore be a political error to blame him straight off, since his, is not a dictatorship action; he could have been misguided. Even a dictator, does not do all things single-handedly, but does so through his advisers and henchmen who can be disciplined on instructions from the NRC. The Government is therefore to be exonerated from this prevailing political discord, especially the Constituent Assembly affairs.

THE FUSS ABOUT CONSTITUENT ASSEMBLY BILL

Dr Kanyeyihamba and Capt Babu are partly correct in their arguments: (a) The Law says, (we are told), that it is the NRC and Army Council who shall ^{form} ~~form~~ a body to be called the Constituent Assembly. How could somebody draft the CA Bill when that provision is still in place, and who could have instructed the Attorney General to draft the Bill without the knowledge of NRC? (b) How is the NRC going to pass the CA Bill without a study of the likely expenditure? (c) Capt Babu claims that the cost of constituting a Constituent Assembly can be prohibitive, which is quite likely, since no one knows for certain what the cost is going to be, whereas our National Budget for 1992/93 has a deficit of about 70 per cent! (d) It is also very unfortunate to presuppose that the 1992/93 Budget could adequately service both the Constituent Assembly and the teaching of Kiswahili in primary schools as was presented incognito in the Education Bill! (I have not overlooked the existence of the Consolidated Funds).

Members of NRC should not be allowed to participate in the Constituent Assembly elections, because the majority of them are ageing politically! NRC is a legislature with a pre-determined function (full-time). The NRC is the the Supreme body to give the final verdict. The Constituent Assembly though ad hoc, is supposed to sit full-time for some six months un-interrupted. We shall not be able to get the Draft Constitution carefully discussed with NRC members breaking off to attend to their normal sessions.

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The Venues are to be adjacently organised: The Assembly shall proposedly meet in the Main Hall of the Uganda International Conference Centre, (making the exercise more safe but expensive). Members of NRC might greedily hijack the Assembly by fraudlently using public funds for registration and because of their hidden-agenda coupled with their boastings, frustration cannot be ruled out.

Those wanting to know why the people of Uganda have lost confidence in the present NRC, can refer to THE STAR of Nov. 17th, 1992 p.3 where more details were provided under title "POLITICAL IMBROGLIO".

SABOTEURS

Certain political parties had earlier criticized the composition of the Constitution Commission. They had declared that they shall not honour the material produced by ODOKI's team, though eleven out of twenty-one commissioners, are lawyers. More dissidents had earlier boycotted constitutional seminars, only to realize that the exercise was becoming popular and soon closing. They woke up at the eleventh-hour and started participating in meetings organised by the Foundation for African Development.

My personal fear is, that, this category of late-comers had only been watching the drafting through the windows, but now when we get to the Constituent Assembly, we might come to irreparable situations because of planned confrontations whereby fresh demands based on principles shall be advanced.

FALSE CLAIMS

- The claim that the present NRC is most indispensable, is just hood-winking. We have got a good stock of intellectuals in the Country, and can hopefully make up a new team which can be respected and expected to deliver the goods safely to the House. The debates are likely to be hot and meaningful, therefore fresh and clean brains are a necessary requirement.

- The opportunists view the Constituent Assembly as a possible conveyor-belt to 1994 national parliament.

- Elsewhere in the World, a man becomes prominent in parliament simply because of his being alternately returned to the House by the same electoral college. We should never fear elections. For fresh elections we must always expect new faces, and we know for certain that today's top-brass in the House were also just green at their first attendance.

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- The claim that certain experts were not consulted when drafting the Constituent Assembly Bill is just rhetorical and apparently arrogant. Some of such claimants had been dropped in a recent government reshuffle, who knows what was the reason; they may have lost weight !


- To claim that the establishment of a Constituent Assembly is a creation of a second House to NRC (both allegedly doing same job), is just lack of explicitness: the NRC is a legislature and a Supreme Body of the Nation so established, full-stop.

The Constituent Assembly is a consortium to do an ad hoc job whose tenure shall come to end before that of the (extended) present NRC. By the way, why fear two legislative Houses, if any? Certain nations have Lower and Upper House, Senate and Congress, House of Lords and House of Commons.

- To argue that the present NRC is the only competent body to receive the Constitutional draft from the Commission, study it thoroughly, debate it normally and ultimately do the enacting without alternately going into closed sessions, is just jealousy, egotism and egoism due to missing ^{the} double allowances. NRC with its normal business, cannot undertake an exercise which will take six months sitting full-time. At present, there are about six Bills in the pipe-line, while the House may adjourn sine die.

-- The claimants are saying, (if not arguing), that the present NRC has already bred parliamentarians who are exceptionally conversant with debating procedures, etc. If you take parliament to be a technical school, it is time you go and do some field work using your testimonials. The following came about because of your (NRC) ineffectiveness:

The economy is in doldrums. The Country is number 13 on the list of poorest nations of the World. Seventy parastatals are due for sale without clear stand on this issue from the NRC, Mr Museveni had rightly branded these as 'dens of thieves' (who is responsible)? Extravagancy is on the increase. Makerere University Students' boom is now a dream. More than 115 lecturers had abandoned the campus causing a brain-drain, NRC has no ideas to curb this. Commissions of Inquiries never materialize. NRC Select Committee on Custodian Board, the Report is a hidden weapon, see New Vision Dec. 16, 1992 p.1. Pajeros and double-cabin wagons have some bearing on the performance of NRC.


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