



THE REPUBLIC OF UGANDA

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

---

**OFFICIAL REPORT**

---

**CONTENTS**

FRIDAY, 10TH FEBRUARY 1995

---

MOTION:- Consideration of the Draft Constitution of the Republic of Uganda [Pg 3033]

---

**Price Shs. 1080**

Friday, 10th February, 1995

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

### PRAYERS

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

*(The Assembly was called to order)*

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

### CHAPTER 4 - CITIZENSHIP

#### ARTICLE 46 - PROHIBITION OF DUAL CITIZENSHIP

**THE DEPUTY CHAIRMAN:** Hon. Delegates, yesterday Hon. Odur moved his Amendment to include a Clause which will constitute Clause 1 of Article 46 that this Article other than Clause 5 applies only to a person who is not a citizen by birth or descent and he took some lengthy time to explain and justified his Motion. Now it is open for debate.

**MR. OGOLA MICHAEL (West Budama South):** Madam Chairperson, Thank you. The Motion which Hon. Odur moved yesterday which I had the pleasure to second reads as follows: "*Other than Clause 5 applies only to the citizen of Uganda who is not a citizen by birth or descent.*" Madam Chairperson, the implication here is that the question of prohibition of dual citizenship should not be carried out all across the board and on a blanket nature. There are considerations which are compelling enough for us to consider exception to this Rule. Today Uganda as a developing country, has many of its citizens scattered all over the world not necessarily for political refuge reasons, but economic reasons as well. Some of these people left this country immediately after they qualified perhaps in the field of their training. Some are doctors, some are engineers. Some left with young children who benefitted from the institutions of learning in those countries and they have acquired very high qualifications as well. So, both their fathers and the sons, all daughters are essentially Uganda citizens by birth and descent and we are saying that these qualifications that these Ugandan citizens hold are extremely enriching to us. It is necessary that if these people

want to keep in contact with Uganda and indeed as Ugandan citizens by birth and descent, nothing should stop them least of all that they should be barred by the constitution of their own country to contribute this development without encumbrances of the Law. Some of these people, Madam Chairperson, just because they were born there, is not enough reason why we should now confine them to this constitutional quarantine and prevent them from coming freely into this country to invest to work and return where they stay. This is a very different matter from saying that because some people might abuse this provision therefore it should be denied to everybody else. The Law should be structured in such a way and indeed as it was already suggested and I think I heard the Chairman of Committee 4 very well yesterday when he was compounding on this, and the need to register aliens and so on. The Law shall be quite elastic and yet at the same time quite restrictive in a more balanced manner. They would know who exactly is a citizen of Uganda by birth and descent; who is staying in another country because he was born there as well, and that country does not deny or refuse any individual to have dual citizenship. Uganda should not go out of its way to deny this person the chance of retaining Uganda citizenship for purposes as I have said of encouraging him to know his routes to work to develop this country without asking for permission to come. It is true that some people will say, 'property ownership and citizenship should not be confused' But in this particular case we should make a distinction and make it directly here, that those children we are talking about whose parents, although living with them in those other countries, are Ugandan citizens, they cannot just all of a sudden be denied Ugandan citizenship simply because our Law says Ugandans should not have dual citizenship. These are the remarks, Madam Chairperson, I want to put forward and I hope they will be compellingly persuasive as to deserve a greater support so that we do acknowledge the existence of our people and we do not deny them citizenship to the advantage of other people. People who would otherwise have not had all the full advantage but we would have given them free of charge, these kind of privileges and advantages we have in these children. I thank you Madam Chairperson.

**DR. BYARUHANGA FABIUS (Kitagwenda County):** Thank you, Madam Chairperson. Although I belong to Committee 4 which finally came out against dual citizenship, I support the Motion of

Hon. Odur to give dual citizenship to Ugandans who are citizens of Uganda by birth and descent. Because Madam Chairperson, in Article 41 (c) we said: "Every person born outside Uganda after the commencement of this Constitution one of whose parents was a citizen of Uganda at the time of birth of that person shall be a Ugandan citizen by birth." It therefore, means that if a Ugandan goes abroad marries a Ugandan or a non-Ugandan but they continue to live abroad and produce a child in a country where citizenship is automatic when you are born in that country, that child will be a citizen of that country but at the same time be a citizen of Uganda. Therefore, in this Article 41 (c) we have already actually accepted dual citizenship for Ugandans who are citizens of Uganda by birth.

**MR. KABUGO MESUSERA (Nakaseke County):** Madam Chairperson, I would like to be clarified on that issue of Ugandans having dual citizenship. Is it permissible for somebody to have allegiance to two different states? Can he give an example?

**MR. OBUA-OTOA (Erute County North):** Madam Chairperson, I am not convinced by the statement of the Speaker on the Floor. I do not see how Clause (c) of Article 41, grants dual citizenship. It seems to me that the Speaker on the Floor is misleading this House by suggesting that we have already granted dual citizenship under Article 41 (c). Article 41 (c) says: "The following persons shall be citizens of Uganda by birth- every person born outside Uganda." It does not say every person who is born outside Uganda has also acquired the citizenship of the country where he is born. It does not say so.

**DR. BYARUHANGA:** In a number of countries including the U.S.A when you are born there, you are actually their citizen although when you attain maturity, you can renounce that citizenship. So, in Article 46 as proposed by the Committee, the Committee went ahead and said: "Subject to this Article a citizen of Uganda shall cease forthwith to be the citizen of Uganda if on attaining the age of 18 years he or she by a voluntary act other than marriage acquires or retains the citizenship of the country other than Uganda."

So, In our proposed Article 46 which the Hon. Mover of the Amendment is trying to amend, we said: "Subject to this Article a citizen of Uganda

shall cease forthwith to be a citizen of Uganda if on attaining the age 18 years, he or she by a voluntary act other than marriage acquires or retains the citizenship of a country other than Uganda." Therefore if you acquire the citizenship of another country but through marriage, you continue to enjoy dual citizenship. Now, following that argument, as we make this Constitution I thought that we had already agreed that all citizens shall be equal under the Law. I do not know the particular Article. But we have already passed that Article that all citizens of Uganda shall be equal under the Law. Therefore, Madam Chairperson, my submission is that if we allow this Article 46 to remain as it came out of our Committee we shall be making a very grave error. We shall have actually opposed our own bill of rights in this Constitution. It is therefore, in that spirit having noted this problem, that I concur with the Hon. Mover of this Amendment that we accept this Amendment which gives this dual citizenship to others since we have already given the dual citizenship to those who will receive some other citizenship through marriage. Thank you Madam Chairperson.

**MR. DICK NYAI (Ayivu County):** Madam Chairperson, I would like the Hon. Speaker holding the Floor to just make one clarification. He has said very clearly that we want all citizens of Uganda to be equal before the Law. We are already saying that those who become Ugandan citizens by registration must renounce their other citizenship. Is it therefore, logical that we say a native Ugandan can have two citizenship while the other one who is applying for registration should only have one. Is that equality before the Law Madam Chairperson?

**MR. DIDI AGARD (West Moyo County):** Madam Chairperson, I want to stress that the sentiments behind this Motion are understandable. It is sensible for the country to owe an apology for those of their sons who have made it and who may be very successful outside and the only way to show gratitude is to try to woo them back. But to woo them back it will be unfair to expect them to renounce may be what they have now. Unity is something we may all wish, but we cannot achieve it over night. But for that to be accepted the question needs to be completed. If you have got permanent residents, already we are encouraging residents to participate in lower, RC system. It is a fact that very many countries as the highest form of incentive to develop, allow citizenship for people who produce certain considerations. It ranges from cash - countries like

the United States, Canada, most of them have got them. Now in our region the commission which we are building in the Eastern Central African Region is a necessary building block towards African Economic Integration which eventually we hope to transform into African Economic Unity. So, for purposes of re-location, where somebody wishes to settle in a particular area and having settled there to allow him to participate in the affairs of that country is I think a national right for that person. So, I was going to suggest to Mover that the reason why we are giving a special category of people is because of qualification by account of property. Not everybody in the village in Moyo wants to be a citizen of Kenya. So, I think it is more of a qualification and I hope the Mover will accept that to be more encompassing. He should not only limit this Amendment of dual citizenship to the Ugandans whom we are trying to woe back. But I think it should also apply for those who we want them to bring money to our country. Now, there will be rules which will govern this. If somebody has brought in an asset worth half a million dollars, and if tomorrow we want to withdraw the citizenship from him because he has misbehaved, probably it would be better to deal with him when he is already in the country. So, I would like him to make the Motion more accommodating for people not only citizens who are outside who have property abroad whom we would like to give time so that when they come here, they come to feel that there are changes and they should be part of the changes. But during the time we allow him continue what he is doing there. But I think this should apply not only to the Ugandan citizens by birth but even those by registration. Thank you.

**MR. KAWANGA JOHN (Masaka Municipality):** Madam Chairperson, I oppose this Motion. I have the objection to dual citizenship. It is a luxury this country cannot yet afford. I have every sympathy with the suggestions that have been in support of this Motion. But as we speak now, we are not even clear as who the citizens of Uganda are. Even before we have achieved that, we want to go around and start giving certain people dual citizenship. It is only very developed countries that I know of that enjoy the luxury of dual citizenship. I think we should not have short memories. This country has suffered from people who had dual citizenship because all our borders are open. People keep crossing from Uganda to their various neighbouring countries, and we cannot be sure where their loyalty belongs. We do not have the mechanism to control these

people. Therefore, it will be terrible at this juncture in our history to allow people to be belonging to other countries yet belonging to this country without having very good reasons for this. Madam Chairperson, I think as of now, it is necessary to build the country called Uganda.

**MAJ. GEN. TINYEFUZA (NRA Delegate):** Madam Chairperson, I would like to seek clarification from Hon. Kawanga who seems to see catastrophic consequences in holding dual citizenship. I would like him to give me some idea on how he intends to handle the case of the Asians who have come back and are citizens of Uganda, but also hold British citizenship. Secondly, does he know that currently there are Ugandans actually here by birth who hold dual citizenship; British citizenship and Uganda citizenship. What are you going to do and what catastrophic consequences have these had so far on Uganda?

**MR. KAWANGA JOHN:** Madam Chairperson, for the Ugandans of Asian origin who are Ugandans and still continue to consider themselves Ugandans, let them remain Ugandans. But those who denounced Ugandan citizenship and acquired new citizenship, let them retain their other citizenship and they are free to operate in Uganda because they are already citizens of other countries. Now, as regards people whom I know are Ugandans but hold citizenship of other countries I also say let them remain other citizens of the countries they have acquired. I have a sister-in-law who is a Canadian. She lives in Canada but her children are Ugandans. She has chosen to remain a Canadian but the children she born of a Ugandan are Ugandans, and she comes here and behaves like a Ugandan and goes back and enjoys the citizenship of the country she has acquired. This is the matter of choice. If somebody chooses to be one, let him be one. Thank you, Madam Chairperson.

**MR. CHEBET MAIKUT (Kween County):** Madam Chairperson, I rise to support the Motion moved by Hon. Dick Nyai and supported by Hon. Odur. Madam Chairperson as already pointed out, the question of dual citizenship is something very strange to Uganda, but it is applicable in a number of countries. Madam Chairperson, the Motion that dual citizenship may create some social, economic and political problems for this country is to me a colonial hangover which has been equated with communism and socialism which are now on the

virtue of collapse the world over. Madam Chairperson, few years ago I am sure none of us in this august Assembly could anticipate that at one time or the other we will all be accessible to the dollars situation is pertaining to our country. So, this is exactly the same perception the kind of thinking which some of our Delegates still have fears in respect to granting double or dual citizenship. *(interruption)*

**MR. WANENDEYA WILLIAM (Budairi East County):** Madam Chairperson, is it in order for Hon. Chebet Maikut to mislead this august House by saying that those who were acquainted with colonialism and he is in a former British Colony of Uganda and then he comes in and says with communism and two, that communism and capitalism were not meeting. Are those people in former Soviet Union and also British Commonwealth not entitled to have their views at all because they were former Colonialists or former Communism. The two are mixing up. So, is it in order for Hon. Maikut to confuse the two issues in connection with citizenship.

**THE DEPUTY CHAIRMAN:** You are planting words in his mouth. He did not say so. That is your own interpretation.

**MR. CHEBET MAIKUT:** Thank you very much, Madam Chairperson, for your wise ruling. Madam Chairperson as already pointed out also by some Hon. Delegates, Uganda should not remain behind in the quest for development, more so putting ourselves in the position of developing countries where we aim at achieving a higher income for our people for the citizens of this country. So, Madam Chairperson, in that respect I believe that once we open our gates. *(interruption)*

**BRIG. KYALIGONZA MATAYO (Buhaguzi County):** Madam Chairperson, I am seeking clarification from the Hon. Member holding the Floor, what he would imagine if a person had a dual citizenship and committed an offence here and his first citizenship would take precedence. For instance, if we had a British citizen in the name of Patel and he committed an offence here either economic or criminal, or civil whatever it is, and this person is required to be tried in Court, but because we do not have an extradition treaty with those countries and the former country requires him to be sent back for trial, what would happen for your security here?

**MR. CHEBET MAIKUT:** I thank Hon. Kyaligonza for information he gave while seek-

ing clarification. I have this to say in response to what has been raised by Hon. Kyaligonza. First of all the question of one committing a crime and going away with it, having more than one citizenship cannot arise. I will give you an example. There has been a Ugandan business tycoon and at the same time also a British National in the names of Virani. Virani is reported to hold more than three citizenship of different countries. This man was involved in a bank fraud case in U.K. Here you can see for yourself that the Law could not exonerate him from his acts of committing a crime. However, on another simpler note, one can establish extradition treaties. Even if the treaty is not there as of now but I believe extradition treaties can be established between different countries which can allow a person who may commit a crime and runs away to another country where he is also a citizen of that country. So, there is absolutely no way one can run away from a crime having been committed in one country and thinks he can do away with it.

**AN HON DELEGATE:** Point of Clarification. I am seeking clarification from Hon. Maikut. What if a person who held dual citizenship belonged to a neighbouring country. Take for example, he has citizenship for Kenya and also for Uganda and one of the duties of a citizen, which we might approve here, is that one is supposed to defend his country in case of a war between the countries. I wonder which country he would defend and how do we get sure of him in such a circumstance?

**MR. CHEBET MAIKUT:** Madam Chairperson, by trying to bring those extreme examples, we are not looking at the positive side of having a dual citizenship. We are only trying to look at the question of having a dual citizenship from the negative point of view. It can be argued equally that somebody with dual citizenship at time of maybe a country being hostile to one another can use that kind of dual citizenship to extract or get good information and take it to his other country. So, let us look at the coin from both sides not only from one point of view. Madam Chairperson, it was said, I think by Hon. Tinyefuza, that whether we outlaw dual citizenship now or accept it in principle right now, you cannot do away with it, it occurs in this country. It was pointed out by Hon. Tinyefuza that right now a number of Ugandans who are even citizens hold dual citizenship of other countries. I need not go far by giving you examples. The recent outflow of the Rwandese refugees is one of such clear examples. The late Maj Gen. Rwigyema was holding a Ugan-

dan Passport and at the same time he was the person of the Rwandese origin.

**MR. WAMBEDE SETH (Bungokho North County):** Madam Chairperson, in my other capacity as immigration officer, is it in order for Hon. Chebet Maikut to say that the current Law allows dual citizenship when the immigration act clearly stipulates no dual citizenship in Uganda? Is he in order?

**THE DEPUTY CHAIRMAN:** You are giving him information. That is what he knew.

**MR. CHEBET MAIKUT:** Madam Chairperson, when we are writing this Constitution, I believe Hon. Delegates are not trying to look at the present laws as they are and stick to the principles enshrined enough various laws in this country. But I believe we are trying to seek and rectify where there have been problems and come out with the Document that takes care of most aspects of the lives of our people in this country. So, in summary, Madam Chairperson, I urge Hon. Delegates to support the question of giving dual citizenship not only to Ugandans who may be living abroad but even going beyond doubt and extending it to some other persons of good integrity who may bring development to this country. It happens in Ghana, for example, and various countries. Therefore I urge Hon. Delegates to accept the Motion moved by Hon. Dick Nyai and adopt the question of dual citizenship to our country. Thank you.

**MR. CHARLES OWOR (Aswa County):** Madam Chairperson, I would like to add my voice to those who see the strong merit in the Motion currently on the Floor. Madam Chairperson, there are a number of things that get into our systems and we begin to believe them without analysing whether it is true to believe them or not. One such thing is the idea that we should make coming into our country and settling into our country as difficult as we possibly can irrespective of the consequences or the implications. I would like us fellow Delegates to consider the issue of dual citizenship more objectively. There are Delegates who seem to speak as if the granting dual citizenship will cause further chaos and they speak as if this thing has never happened anywhere else. I would like to say there are many countries that allow the concept of dual citizenship and it has done no harm.

**MR. APUUN PATRICK (Bokora County):** I would like to be clarified on this particular point. In Uganda when we talk about Banyarwanda people. Now we are talking of dual citizenship. Can I be clarified by Hon. Owor what he talks about Banyarwandas in Uganda.

**MR. OWOR:** Madam Chairperson, I am sure anybody can see the lack of logic in the question is because I have not mentioned anything about Banyarwanda and I think the question is being actuated by ill motive. I therefore, would like to disregard it. Madam Chairperson, I was making my point regarding the occurrence of dual citizenship elsewhere in the world. It is of economic benefit to the nation that practices it. I would like Delegates to think of the Caribbean countries who have a lot of their citizens living in Canada, United States and in the United Kingdom. Madam Chairperson, a lot of those citizens have property in the country where they are residing and holding citizenship and they remit their savings to their country of origin with all the confidence that they can walk into those countries and be received and enjoy all the benefits that a citizen enjoys. That has brought a lot of economic development to those nations and I do not think that when we open our gates to our citizens who are living elsewhere and holding citizenship there, we are going to have only those who are criminals in those coming back to Uganda. I would like therefore, to encourage *(interruption)*

**MR. ERESUELYANU (Kaberamaido County):** Madam Chairperson, I would like to be clarified by Hon. Owor on this particular point. Madam Chairperson, it seems the main point for those who urge for dual citizenship is the economic reason and that economic reason is the transfer of funds into Uganda. Now, the question that I would like to be clarified on is this, supposing that person who holds Ugandan citizenship apart from the citizenship of that other country, runs bankrupt would he lose his citizenship because by that it means he is no longer having that economic power to justify his continued being a Ugandan Citizen. *(Applause)*.

**MR. CHARLES OWOR:** Madam Chairperson, that is another point upon which my dear friend should do more thinking because we are only saying that one of the reasons for which we support dual citizenship is the economic benefit that it brings to the country. We have not argued that it will be a criteria for allowing somebody to hold dual citizenship. We

are only saying that in principle if we allow this provision that is citizens of Uganda to hold citizenship of other countries, the general benefit to this nation will be that economic progress will proceed from that. I would also like to add as I wind up, that in this era that we are in, the best thing that any nation can do or any region in the world can do is to promote integration of people. Integration of people can best be promoted if you allow people to move and settle freely wherever they feel like. I believe that if we allow dual citizenship in our Constitution, we are going to see the best of everything that the world offers and all this will come to Uganda. This Madam Chairperson, is my reason for supporting this Motion. Thank you.

**MR. WAMBEDE SETH:** Madam Chairman. I think we should not be fascinated by saying dual citizenship will bring in development or investment. That one we should totally forget. Let us consider situations. Why should we issue dual citizenship? What is wrong with someone who has interests in Uganda renouncing the citizenship of the other country and becoming the citizen of Uganda? In any case if he renounces it does not bar him from going back. He can equally renounce our Ugandan citizenship then he goes back. But let us look at our resources. Can our resources accommodate all these people? They will come here definitely and will depend on our resources. Do we have them? Are they enough? Ask yourself why for a country like U.S.A. getting a visa itself is a problem despite the fact that you may be going there for only a week. We should not just relax with our country. We must protect our resources. We must protect our security here. They have pointed out one funny creature - some funny man who had so many citizenship. It was extremely difficult to prosecute that fellow. I do not know under what law, we are going to prosecute that one. You arrest him he says I am not a Ugandan I am a Kenyan. You take him to Kenya he says I am not a Kenyan I am a Zambian. Now how are you going to prosecute such a person? We should not be tempted to say these people are going to bring us investment, it is not so, Madam Chairperson. We can give years to somebody who is coming to invest here. Why not give a residence certificate for ten years until he invests and keeps renewing. Rightly Hon. Eresu pointed out, supposing this man - the so-called angel or the investor runs bankrupt what are you going to do with him? So, I totally oppose it and I would implore Hon. Members here not to accept this. The reactive to Hon. Tinyefuza that there are Indians here

holding Ugandan citizenship, Madam Chairperson, if they are there, it is illegal and I would request Hon. Tinyefuza and maybe other, who could be knowing such persons to assist me in my other capacity and we crack down on such personalities. Thank you.

**MR. KATUREEBE BART (Bunyaruguru County):** Madam Chairperson, the citizenship of the country is a very serious matter. It is not something that can be taken or given for convenience. It cannot be convenient to you to invest in Uganda, such that when your business fails you look for citizenship elsewhere. We must avoid making our citizenship so cheap. Madam Chairperson, being a citizen does not only confer upon your rights. It also confers upon your duties. When the country is in crisis you are expected to stand up for your country and be counted. You must resolve. Are we talking of citizenship with a view to someone who only enjoys the rights and when need arises to defend the country, he conveniently takes on the citizenship of another country. We must resolve this. Madam Chairperson, I am opposed in very strong terms to granting dual citizenship in our Constitution at this time. I thank you.

**MRS. WINNIE MASIKO (Women Delegate - Rukungiri):** Madam Chairperson, I strongly oppose the idea of holding the dual citizenship. Madam Chairperson, we have got to look at this, it is very difficult, even impossible to have dual citizenship in our country. It is very difficult to be loyal to one and to the other equally. You cannot divide your loyalty equally to two different things and you perform properly as it should be. Madam Chairperson, it is unfair for most people who have left the country to look for greener pastures and despised the people of Uganda saying that they are poor; they are not politically stable and not advanced to go out and enjoy the fruits there and after that when there is something they need from here they come and share it with those people who have not been outside the country equally. I think that is not fair from the human point of view. People should say we want this, you stay with me during the good times and also bad times because that is the only way you can uphold your country.

Madam Chairperson, if you look at the duties of the citizen of Uganda, that we shall own and promote the prestige and good name of Uganda, and other things, that you should protect and preserve like public

property. Madam Chairperson, I find it very difficult to see how a person can say that she is going to protect and preserve public property when actually she is not there. I am sure that if you like the place, you should be in that place and protect it and preserve it rather than saying that you can preserve different things at different times.

It is difficult to predict the future of Uganda. But it is true that in future Uganda might be one of the advanced countries. You cannot rule that out. Suppose it becomes one of those advanced countries in a few years to come. This is going to attract people who can come here just to benefit or sometimes to just take away the riches of Uganda because they will be protected by the law that they are citizens of Uganda. So, since we cannot rule that out, I think it is really impossible to have someone who can protect and who will look after Uganda and who will be able to defend Uganda even during hard times when he has somewhere else to run to. So, with those few points I really think since we cannot divide the royalties we should not allow this dual citizenship and I support that the Motion on the floor which states: "*A Ugandan citizen shall not hold the citizenship of another country concurrently with his Ugandan citizenship.*" Thank you very much.

**MR.ODOY-ASOKA (West Budama North):** Thank you Madam Chairperson. I support the motion. Most countries which have achieved significant economic development and attained political stability have done so due to their citizens' ability to achieve economic emancipation and multi-cultural cross pollination with other nations overseas. Due to the fact that we have thousands of Ugandan citizens by birth or decent abroad who have or will acquire viable economic goals. As well as critical skills in various fields which are badly needed in this country, makes it imperative that we should not shut the door on the face of our own citizens, merely because they have acquired citizenship of other countries abroad where they have been staying. This category of Ugandans Madam Chairperson should be in fact encouraged if necessary, even by design to go out of the country, amass wealth and property and return here and contribute to our economic emancipation. Madam Chairperson, we are now living in a modern world where physical boundaries will soon disappear only to be replaced by free flow of human mobility and choice of residence. That means, we would be encouraging our people to go out and venture in viable economic pursuits which they

would repatriate back here for the good of our own country and improvement of the quality of life of our people. I therefore support the motion Madam Chairperson. Thank you very much.

**MR.KARUHANGA ELLY (Nyabushozi County):** Point of procedure. Madam Chairperson, in light of the fact that this matter has received sufficient debate from both sides, I move that you put the question to vote and proceed with the business.

**MR.HENRY KYEMBA (Jinja Municipality West):** Thank you Madam Chairperson for giving me the opportunity to say something about this important motion. Madam Chairperson, I can well understand the Hon. Delegates' expressions of love for our country. This is what we are all here for and I think the question of citizenship is very important and basic for all of us. Madam Chairperson, I would like to appeal to my Hon. colleague here about the implications and the extent of enforcement that this kind of law is really going to provide. We know only too well, Madam Chairperson, that a number of countries provide for dual citizenship - dual or multi citizenship. They do not care how many citizenship you require because there is no method provided for renunciation of your citizenship once you have got it. Once you are born an American, you are always an American whether you like it or not, and there is no method of renouncing that citizenship. What are we in Uganda going to provide for in case we say, once you acquire Ugandan citizenship, you cannot hold another citizenship. Is it his own handwriting or it is some other document we are going to insist on. I would hate to see a situation, Madam Chairperson, where we are going to constitutionalize a situation ourselves here only against ourselves when we cannot enforce it elsewhere. I would like therefore, Madam Chairperson, to say that, if we are going to provide for this kind of situation, there must be some kind of responsibility involved. Otherwise we are going to legislate only against Ugandans once they acquire another citizenship, Ugandans will be the only ones to enforce it. I do not think that is what we are trying to provide for our citizens. I think the important thing, Madam Chairperson, is for us to make the acquisition of Ugandan citizenship particularly stringent as far as we would like and as hard we would like to make it. But once you have acquired it, then that is it and I think sufficient for you remain a Uganda citizen. But to make laws that we cannot enforce but we can sit here and say because we are so important here we are going to pass a law which

nobody is going to recognise elsewhere, and is a waste of time. I do not think that is the right thing. Thank you Madam chairperson.

**MR. KWERONDA RUHEMBA (Kajara County):** Thank you very much. Madam Chairperson, I rise to support the Motion. As you know Madam Chairperson, in my own capacity I travel a lot, and I meet Ugandans abroad. And just last December, I met Ugandans in Europe, in America, and Canada and they gave me a message to bring here and the message was to the Members of the Constituent Assembly. The message was, those Ugandans should be allowed to hold their citizenship which they are currently holding there in Canada and America and also to be recognized as 'Ugandan citizens here by birth.' *(Applause)* Madam Chairperson, they enumerated a number of advantages. The advantages are, one; *(Interruption)*

**MISS BYANYIMA WINNIE (Mbarara Municipality):** Point of clarification. Thank you Madam Chairperson. I am just seeking clarification from Hon. Kweronda before he advances his argument. I would like to know whether he represents the people of Europe, Ugandans in Europe or whether he has another constituency here in Uganda. Thank you Chairperson.

**MR. KWERONDA RUHEMBA:** Madam Chairperson when the Constitutional Commission - the commission was gathering information, I carried the draft to America and Canada and Europe, and there was an input which these people gave me and I brought it and I gave it to the Commission. So in that capacity I was representing them. Even the other day when I went am just telling you that - gathered a few ideas which ideas I am trying to deliver here. So formally you can say am representing their views since they have no chance of sitting in this constituent Assembly.

**MR. OBUA OTOA:** Point of clarification. Madam Chairperson, I am seeking clarification from the speaker on the Floor. I want him to tell me supposing this Motion had not been moved, how was he going to deliver the message. *(Laughter)* Secondly, Madam Chairperson, I have lived in very many countries abroad, I was in America, Germany, England - I was a student in England, I have met a lot of Ugandans abroad, and a good number of them retain their nationality feelings about their country, and they do not want their citizenship made so cheap. Is it fair for

Hon. Kweronda Ruhemba to represent the views of a small minority of Ugandans who are abroad to the complete neglect of the views of so many other people who may not have had a chance to meet him.

**MR. KWERONDA RUHEMBA:** Madam Chairperson, if this Motion was not moved, I was going to move it. If there is a chance that you can move a Motion on the Floor. Secondly, I wish to inform the - Madam Chairperson, let me also take this opportunity to inform the House and Hon. Obua Otoa that in America alone among Ugandans have carried out a census amongst themselves and they have discovered themselves to be 30,000 and I met 1,200 of them and 1,200 were representing those 30,000. In Canada there are 15,000 Ugandans and in Europe there is also a large number of Ugandans, -

**MR. RWOMUSHANA CHARLES (Rujumbura County):** Point of order. Madam Chairperson, thank you. Madam Chairperson, I am rising on a point of order. Rules of procedure observed by the Assembly state that every delegate shall attend the business of the Assembly on a full time basis, and I know the Hon. as representing Kajara. Then where does he get the time consult the Americans, those in America and those in Britain, and then consult Kajara and then come here which means he is lying. And I rise on a point, is he in order to lie that he has been to America and Europe?

**THE DEPUTY CHAIRMAN:** He is not lying, Hon. young man - *(Laughter)* - Hon. delegates, I am calling him young man because he is a young academic. If you know what research means, you do not have to be there in order to do research, he was doing his research. So proceed.

**MR. KWERONDA RUHEMBA:** Madam Chairperson, those numbers - Madam Chairperson when these people were giving me their sentiments regarding this particular Clause and article. They expressed a number of advantages if they were allowed to hold their citizenship of the countries wherever they are, and their right of birth in this country. One of the advantages was that, they are earning quite a lot of money, and they are remitting good monies to this country. Therefore, there is no loser, the country will not lose if we recognize their right of birth, and they will not lose because they will continue to earn monies and remit some of the monies here. Secondly, Madam Chairperson, these people are tied down by

mortgages is that why some of them are actually still clinging on to American and Canadian citizenship. They entered mortgages when the country was still insecure, they are battling to pay off these mortgages and some of them want to sell off the mortgages to come and invest in this country. They said this is an advantage and we should not disown them at this material time when they are actually trying to wind up to come back. So that is one advantage. Second advantage is that, Madam Chairperson, I agree that to become a citizen of this country, we should put stringent measures, but I am sure if somebody becomes a citizen of this country again the country does not lose much. This country - this gentleman who want to come here or lady, he may invest here thus again causing resources to flow in. Countries which have developed, Madam Chairperson, they have done so because they have been able to borrow technology from other countries, I will give you an example, Madam Chairperson. At the end of the second World war, America was in a hurry to rush into Germany to capture those people who were engaged in the experiments of the rocket, and they did so. Soviet Union arrested some of them and took them to Soviet Union. America captured a few of them and took them to America, in fact they entered very seriously through this place called Elipasol, and those people captured from Germany during the 2nd World War, they were the people who have helped America to advance the space technology. They are citizens and they were given citizenship. So through allowing people to become citizens of Uganda, we can capture their technology Madam Chairperson. And allowing Ugandans to hold on to their citizenship abroad, we can use these Ugandans to acquire technology. Other countries have used this method, and they have risen to greater heads in technology and science and we also can use the channel to get to those heights. The last advantage is that, these people can actually help us to penetrate certain markets. Markets where we can buy cheaply and markets where we can sell expensively. And these Ugandans have met in Europe and America and Canada, many of them are very good Ambassadors for Uganda. They are busy, some of them in a small way, they are busy selling our products in those countries. Others are busy showing us where to buy cheaply, and others are busy selling their good name of this country. They hold very high sentiments of this country, every year they hold cultural practices to make sure that their children do not forget about their culture and others. Madam Chairperson, others are busy writing about Uganda and fanning Uganda

cultural groupings. So, Madam Chairperson, I believe that in passing this Clause, there is no loser. Our sons and daughter abroad will not be losers and this country will not lose either. So with those few - to wind up, Madam Chairperson, all we are saying in this amendment by Dick Odur, is that, we should not own - we should not disown our sons and daughters abroad. Secondly what actually is implied but is not said in this very amendment is that, there is no way you can enforce that somebody should not hold two citizenship, there is no way. Because I have seen some people, one of these fellows for instance who was abroad and who holds, the citizenship of that country, he came here he reached the airport, he pocketed the Uganda passport and he said he was an American. When he reached here, he showed Uganda passport, and there is no way you can deny him that he is not a citizen of Uganda. Therefore, citizenship is difficult to enforce, Madam Chairperson we may as well keep quiet about it. Thank you.

**THE DEPUTY CHAIRMAN:** Hon. delegates, would we like to waste the whole of this afternoon, because I do not want to lose the Membership as we proceed. I think we should pronounce ourselves on this issue. The question before us - I want to put the question.

*(Question put and negated)*

**MRS. ATIM OGWAL CECILIA (Lira Municipality):** Madam Chairperson, I would like to get clarification from the Mover of this - may be the Chair would like to help me. I am seeing a double edged situation here, when you hear the argument on both sides of the debate they sound very convincing. And therefore, I would like to find out whether we could find a position that would save the situation. I am looking at it that we could allow Ugandan citizens - *(Interruption)* -

**MRS. MATEMBE MIRIA (Women Delegate - Mbarara):** Point of order. Madam Chairperson, is it in order - Madam Chairperson, you have put the question, we have responded, you had not pronounced on the question as we responded. Is it now in order to start opening a debate by way of raising a query or whatever it is? Is it in order for Hon. Cecilia Ogwal to begin opening up the debate before you give your ruling in the question? Thank you, Madam Chairperson.

**THE DEPUTY CHAIRMAN:** My ruling is, the 'Nos' had it, people were not satisfied so she continues.

**HON. DELEGATES:** No, she cannot.

**THE DEPUTY CHAIRMAN:** Wait, you see the problem is - just hang on - the question I had put was whether I put the question or not, and there was overwhelming 'NO'. People were not yet satisfied, they wanted to be clarified. So, I would not want to vote when people are not clear.

**MRS. OGWAL ATIM:** Thank you very much, Madam. I just wanted to save the situation because I see some very positive points in the argument for granting dual citizenship. But I also do realise that this is a very sensitive matter as we have seen. So would it be possible for us to allow acquisition of dual citizenship after seeking permission from the country of your birth. In other words, there would be a situation of transparency where you would have disclosed your nation the purpose for acquiring the dual citizenship. Rather than using the optimistic approach of acquiring the dual citizenship for the purpose of economic advancement. So, I would seek clarification there because I see a very difficult situation where a Ugandan as parent here and he is European and he has acquired citizenship in Europe, and how do you bar such a person from holding Ugandan passport or identifying himself as a Ugandan. So, I am just trying to find a middle cause where we can solve both problems. Thank you.

**MR. KATENTA APUULI (Conservative Party):** Thank you, Madam Chairperson, I had put up my hand really to contribute to this debate not necessarily to address myself to Hon. Cecilia Ogwal's request. However, if you allow me, I could start with that and then go on to make a little contribution. Hon. Cecilia Ogwal, there is merit in what you are saying that permission be first sought with your country so that they know what you are up to, when seeking dual citizenship instead of getting the dual citizenship on one hand and pretend that you do not have it or letting us know about it. I think there is merit in what you are suggesting. However, Madam Chairperson, I was not quite ready to answer the question. So, I had not really put my thoughts and mind about it. But for the benefit of Hon. Delegates, let me give some examples of countries that are using dual citizenship. Even here very close to home; take say example the country of Nigeria, Benin, Ivory Cost, Senegal,

Gabon, Central African Republic, all these countries are taking on dual citizenship in the same way as countries like the United States, for example, in the United States if you can pay one million dollars and create 10 jobs, you will get a green card, in Canada if you can pay 300,000 dollars, you will be considered as landed, in Poland it is as low as 100,000. All these countries are doing these kind of things to attract specialized types of people, either investors, or people with specialized knowledge. The fashion Hon. delegates that we are getting into, is this fashion of dual citizenship. We may be a little bit resistant now like sometimes when we have been resistant for example to selling off assets that belong to government but which are not performing. There has been resistance, internal resistance here that we should not sell our parastatals. But the style of the world as we go into the next century accept selling off assets it accepts dual citizenship. Take for example this country alone, many of our nationals abroad are remitting, substantial sums of money. The country of Cape Verde, its nationals who live abroad are much larger than those who live inside Cape Verde, and most of their earnings come from these nationals who live abroad. The country Sudan is one of the countries that is dependent upon its nationals who work abroad to remit money into Sudan, the same is true with Egypt, the same is true with Somalia, the same is true with Pakistan. Now let us-

**DR. KABERUKA WILLIAM (Ndorwa West County):** Point of order. Is it order for the Hon. Member to really deceive us that because these people earn a lot of foreign exchange from outside countries, that these people have dual citizenship when he really knows that actually they hold the citizenship of their country of origin. Is he in order?

**THE DEPUTY CHAIRMAN:** I would not rule on that one because I do not know who is right. We can do our homework later.

**MR. KATENTA APUULI:** Madam Chairperson, I think the Hon. delegate-

**THE DEPUTY CHAIRMAN:** There is another point of order from Hon. Sabiiti.

**MR. KATENTA APUULI:** If could defend myself on that first point of order, Madam Chairperson. The statement by Hon. Kaberuka settles, whether actually the statement - he did not quite understand me.

**MR. SABIITI JACK (Rukiga County):** Point of order. Is it in order for, the Chairman of committee 4 who has presented this report and he is asking us to support him, now he is opposing his own amendment. Is it really in order.

**THE DEPUTY CHAIRMAN:** Hon. Katenta Apuuli is in order because in debating he has been convinced.

**MR. KATENTA APUULI:** Madam Chairperson, let me start with this last point of order. In the last point of order Madam Chairperson, as the Chairman of a Committee, I do not participate in debates, however, I am entitled to debate as a delegate of the conservative party here. Therefore, I am in order to even - (*Interjection*) - because this Motion seeks to add to the report we presented, it is not amending anything that we presented here; it is making an addition. Therefore, I think I am not out of order to debate. However, Hon. Kaberuka to say that I am lying about these citizenship I am speaking from authority. I would like to inform the Hon. Member that I am speaking from authority in respect of Nigeria, Benin, Ivory Cost, Senegal, Gabon, and Central African Republic, I know that citizens of these countries allow dual citizenship. However, I had now moved away from dual citizenship and I gone to remittance of funds, I think the Hon. Member did not follow, I was now justifying dual citizenship on the strength of the remitting funds, and I included Uganda. And Hon. Member knows that Uganda does not allow citizenship until this Motion passes. So, I was not really out of order and, therefore, you Hon. Member should not have called me a liar. Ugandans who live abroad have been quite useful in some measure, and they are seeking to have dual citizenship really stems from the advantages they derive by retaining the citizenship of the other countries. Take say for example, the citizens of Uganda that live in the United States that either have a green card, or citizens of the United States, their kids can be educated free, and that is a serious consideration some of you who are parents here know what it costs to educate children. If you have a country educate your children free, that is a serious consideration. Secondly, many of them are tied into mortgage, some of these mortgages range from five years up to 30 years. They are not about to lose property in which they have invested so much money merely by relocating and coming here and losing those areas in which they have invested. In United States like I informed you the other day, social security is not

given free, you buy into it every time you get pay cheque some of your money is cut off as social security, and it goes toward your retirement benefits. Now if you lose your citizenship or green card status you also loose this money. So those are the reasons why sometimes Ugandans do not want to lose the citizenship of those other countries. Hon. Kweronda Ruhemba already told you about the contacts that these people make- contacts for us which are very positive. Hon. Delegates finally, I would like to request you to behave in a mature way, and let us get a way from the inside versus outside syndrome. In 1979 here when Idi Amin was tabled, there was this syndrome against liberators, some of us were complaining that liberators were getting better benefits and us who stayed here and suffered under Idi Amin defended this country, that syndrome was there. In 1986 this syndrome surfaced again exile versus bushmen. Those who were in exile had come back now we are enjoying everything and we who had gone to the bush we are not enjoying as much please, let us get out of this syndrome and evaluate things for their own true value rather than getting emotional. I thank you, Madam Chairperson.

**MR. SSEMAALA SAKWA (Kyamuswa County):** Thank you very much, Madam Chairperson. I strongly support the Motion as tabled. Because of the following reasons. First of all, giving an example - first of all, I am giving an example of the late Ssemaala Kiwanuka, he was holding a dual citizenship which he was forced to denounce because of this august House. But before he announced it, he really contributed a lot in the Islands, and he is the one who really using that citizenship of America really did a lot. He started up an AIDS organisation which has never been thought of starting in the Island not until he spent all those too many years and getting the citizenship then he managed to come back here and study. Whereas there are some very good Ugandan citizens who could not do it. So I do not see any problem with someone who can really do the development in his country like Hon. Member pointed out that you cannot serve two. But for sure there are some people who can do it, and it does not really mean that getting a citizenship is that easy that you go to America two years you get it, it takes quite sometime. It takes almost 16 years to get American citizen. So, with that point, Madam Chairperson, I strongly support the holding of double citizenship. Thank you very much.

**THE DEPUTY CHAIRMAN:** I think we have had enough few extra debate for and against. Now I put the question. Who has a point of order?

**MR. ODOY ASOKA:** It would appear that we do not really form a quorum, and therefore, this is very important point that we should not just force it through. So I move that we do not take a vote because we do not form a quorum, Madam Chairperson. I beg to move.

**THE DEPUTY CHAIRMAN:** let me, ask the Clerk to count let the Clerk count meanwhile Hon. Dick Bateganya.

**MR. BATEGANYA DICK (Bukooli Central County):** Thank you very much, Madam Chairperson. I would like to suggest the following; that even if we do not have a quorum we invoke rule No. (1) to suspend rule 9 just as we did last time when we had a problem with Swahili so that we can continue debating. Thank you very much.

**MR. OKANYA JAMES (Butebo County):** Whereas Hon. Dick Bateganya believes that we suspend rules, I believe it is a very wrong act because

even when we passed the article on the National language, there have been complaints. I would suggest that, in the absence of a quorum, we continue discussing this issue because there are still very many people who want to talk on it. Now since I hold the Floor, I would like to contribute.

**THE DEPUTY CHAIRMAN:** Before we proceed Hon. delegates, we are 99, so we can continue debating so that when we come people are convinced, they will only come on Monday to vote. Because we have a whole hour which we would not like to waste.

**MR. KWERONDA RUHEMBA:** Point of order. Madam Chairperson, since there is no quorum and you have confirmed that there is no quorum, would beg to move that you adjourn this Assembly.

**THE DEPUTY CHAIRMAN:** If it so the wish of delegates, once the issue is raised, I have to oblige, so I adjourn until Monday.

*(The Assembly rose and adjourned until Monday, the 13th of February 1995, at 9.30 a.m)*