



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

FRIDAY, 12TH MAY 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 4540]

Friday, 26th May, 1995

The Assembly met at 9.30 a.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 - 6

MR. AWORI AGGREY (Samia Bugwe North): Madam Chairperson, I beg your indulgence to ask a question on procedure. Madam, I know why people are worried, I am not going to raise the fear they are worried about. My concern is the question of a circular we received at the beginning of the session from the Business Committee, proposing a work schedule.

Madam Chairperson, among other things we were told that we shall be going on recess about this time of the month. Madam, on top of that there have also been developments in NRC the legislative organ which makes rules, that among other things help us to deliberate here. One of the items they passed recently was the registration of voters. At the moment we are discussing the functions of the electoral commission. Madam Chairperson, only yesterday a group of people who are administrators finished a seminar on the electoral process, which is applicable to what we are discussing here.

I am now told that with effect from Sunday, registration or revision of registration of voters shall commence. We are legislators here, in a way, and most of us would like to participate in this exercise. Our colleagues in NRC have been given the opportunity to participate in this exercise with effect from Monday. Vis-a-vis the work programme we were given by the Business Committee, I wonder whether we are likely to conform to what they gave us, or we are disregarding it. Can we have any hand of advice regarding that matter, especially, in reference to registration of voters commencing on Sunday.

THE DEPUTY CHAIRMAN: Hon. Aggrey Awori, you are informing of us of that, and I thank you for that information. I will consult with the Chairman and the Subcommittee of the Business committee and we shall get you informed. Thank you.

By the time we adjourned, we were debating Article 92, clause (b) on candidates being guaranteed access to communication media. We had quite a number of Motions, one by Hon. Rukutana and improved on by Hon. Awori. We now have another Motion which deviates furthest from what is provided here and that is to delete 92 (b), this is moved by Hon. Kateregga, Hon. Bidandi Ssali and Hon. Batampenda. This is where we stand.

MR. ONEGI OBEL (Jonam County): Thank you, Madam Chairperson. Madam Chairperson, before we go into discussing this Amendment I am asking you or the movers of the Amendment to clarify on two issues, regarding the recommendation by the committee 5 as it stands in their submission.

The first one, Madam Chairperson, is a similar provision we have made under Article 211 on land, which reads: *Land in Uganda belongs to the citizens of Uganda.* In fact, long before that, under article 1 of Chapter 1, we said all power belongs to the people. Now, when we say, that all candidates in an election shall be guaranteed, we are saying that is impossible. I do not understand why it should not be impossible to say that all land belongs to the people, so saying that there are many Ugandans who are not going to have land; just as it is true that there are many Ugandans who are powerless and are going to remain powerless.

I would like also clarified, a point that was raised yesterday against this recommendation, on the question of application. How difficult will it be to get everybody who wants to make use of the media here? Why should it be difficult, if all those who want to use a media send their list to Radio Uganda and are programmed and notified on Radio: Onegi Obel, Jonam County, you are scheduled to use the media on day 'x' and time 'x' Obiga Kania. If you are a Member of Parliament, you are also programmed to come immediately after Onegi Obel. I do not see how difficult that is. I think it can be done.

The opposition of the recommendation of the committee is, I think, baseless. I seek your clarification on these matters I have raised, Madam Chairman. Thank you very much.

THE DEPUTY CHAIRMAN: I think it is the Movers to clarify rather than me.

MR. BATEGANYA DICK (Bukooli Central): Thank you very much, Madam Chairperson. I have not even read my Amendment. What should I start with? I thought I would start by moving my Amendment, and with your permission I would like to move that we delete clause 6 of article 94 as proposed by committee 5.

THE DEPUTY CHAIRMAN: Proceed.

MR. BATEGANYA: Thank you, Madam Chairperson. Madam Chairperson, this article if passed will give our descendants a lot of problems to implement, because the media as we know is a very fluid situation. The people in the media present events depending on their own interests, not usually the interests of the candidates in question.

I would like to give an example of what happened recently. There was an Hon. person in a grave situation, and according to this newspaper, the only point of interest in that vehicle was somebody's under-garments. That shows that the interest of the Press is quite different from what other people's interests might be.

The media, especially, the print media want to sell what they turn out, and the more sensational it is the better for them. Then when we talk of all candidates, to answer Hon. Onegi Obel, in this country we are still limited by space in the studios. We only have two channels of Radio Uganda which is the official media. These studios are not enough to accommodate even those of us who are in this room, leave alone if a national election was going on *-(Interruption)*.

MR. ELYAU: Point of information. Thank you very much Madam. I want to inform the Hon. Member holding the Floor that I remember in 1980 Hon. Adoko Nekyon was scheduled to address a DP rally at the City Square, when Ssemogerere was arriving from either America or Germany.

When it was time for Adoko to talk, somebody brought a letter from the Minister saying that it is

only the President General of the party who will talk. This came as a surprise, because Adoko as a national of this country, had freedom to talk to the Radio. Those are the things we are trying to guard against, and say, why was he stopped? Everybody should have access to the Press, this is what it means. Thank you.

MR. BATEGANYA: Thank you very much for that information; but I would also like to refer to an incident that happened in 1980 during those campaigns. One candidate was quoted as having addressed a mammoth rally of over one million people in Kumi, yet it was clear to all Ugandans that the population of that area does not even come up to a hundred thousand.

These things should be taken with a pinch of salt. The media is very fluid, and we cannot have it equally granted. It is something that is really very difficult to divide, measure and really apportion - *(Interruption)*.

MR. BYAKIKA KASAJJA: Point of information. Thank you Madam Chairperson. I would like to inform Hon. Bateganya that the rally he is talking about in Kumi was not confined to the people of Kumi District. It was a national rally, and Uganda has more than one million people.

MR. BATEGANYA: Thank you very much for that information, but if you read between the lines, you can actually see what happened. What I am trying to drive at is there are too many loopholes in apportioning media to all candidates, and if we insist on passing this law we are really going to have problems in its implementation. There will be too many litigations and I do not think that is what we want to put in our Constitution.

What we want is to provide harmony, unity and development for our people. Not constant discord. The courts will be busy handling petty issues like one candidate claiming, that he did not appear on the front page, yet his opponent 'x' appeared on the front page. We know the format of newspapers, and we cannot all appear on the front page, otherwise, who will appear on subsequent pages.

Madam Chairperson, the case for equitable distribution of media coverage to all candidates may result into a lot of problems, and for those reasons, I would like to urge Colleagues here to abandon that Motion. Thank you very much Madam Chairman.

MR. ADYEBO (Kwania County): Thank you very much Madam Chairperson. I am surprised that Hon. Delegates who have passed several Amendments similar to article 92 (6) are now turning around to delete this one.

Madam, I do entirely concur with Hon. Onegi Obel on comparisons of the articles which we have already passed here. Articles on how power and land belongs to the people, and now we are coming to an article dealing with Public Communication, which actually belongs to the people. It is just in order, Madam, to remove one word which may be difficult to implement, and that is the word 'equitable'.

If we remove that word from the clause to leave the clause to read as: *'All candidates in an election shall be guaranteed access in use of Public Communication Media'* This will go along with the several articles which we have passed. I am, therefore, proposing that the word 'equitable' be removed and then we retain the article. This will be perfectly in line with the several articles we have passed. Madam Chairperson I beg to move.

THE DEPUTY CHAIRMAN: We have really wasted a lot of time on this one. Let me ask Hon. Dick Bateganya, if he feels he is in for deletion and I put the question whether we delete it or not. Then after we have got it out of the way we go back to the original and then we amend the original.

MR. BATEGANYA: Before I say either way, I would like to consult my co-movers of this Amendment so that we see what they say.

MR. BIDANDISSALI: Madam Chairperson and Hon. Members, my seconding this particular Amendment is a result of yesterday's debate, when everybody appreciated the complication of the implication of whatever Amendment was brought in here, and nobody was able to provide a proper Amendment.

I am not even sure whether what my Colleague, Hon. Adyebo, is proposing is implementable from the point of view of litigation, that can arise from a person who will feel that he has not been given access to this public media. I second it on the ground that it will be the Parliament that will be in a better position to put in place laws that will govern these election campaigns including access on the

part of the candidates to the public media, rather than making it a constitutional provision to which anybody can resort to the courts of law in regard to his feeling that he has not been given access.

On the other hand, if it is a law by Parliament, Parliament at any time can amend the provisions of that law in light of the development of the state of the public media which is not static. It was on that basis Madam, that I thought that we should seriously think in terms of providing for Parliament to make laws relating to this, rather than putting it as a constitutional provision here.

MR. RUZINDANA (Ruhama County): Thank you Madam Chairperson. Madam Chairperson, clause 6 is trying to provide for a good principle, but so far we have failed to come up with the right words. The right principle involved in this one is access to the media for those who are not very powerful, for those who are in government and in a situation where there might be competing political positions against them, and that is a good principle to provide for. But then we are failing to put it in a correct language, and I do agree with the last speaker that it might be appropriate to provide that Parliament should enact laws to provide for access to the media for every tendency for every political opinion, and that is, I think, a very necessary proviso.

The principle is a correct one, but we are not coming out with the right words, and we are taking a long time, yet even then we are threatening to kill the right principle. Sincerely, the last amendment of deleting is obviously not the right remedy, because it is now going to extinguish this principle completely without providing for a way of bringing it out even in future laws.

Madam Chairman, I think the previous speaker Hon. Bidandi Ssali rather than supporting this Amendment of deleting should come up with an Amendment to provide for a future Parliament to enact laws. That is the right amendment which we should have, rather than this one which is extinguishing this principle. Thank you Madam Chairperson.

THE DEPUTY CHAIRMAN: Hon. Delegates, let us get on the right track. The Motion on the Floor is for deletion, let me put the question, if it is carried we will carry it, if you feel we should not delete this

one, that one will be decided upon. We can make Amendments if sails through, if it does not that will be that. That has been the procedure. So, I put the question on Hon. Bateganya's Motion that we delete clause 6.

(Question put and negatived.)

MR. NYAI DICK: Point of clarification. Madam Chairperson, I seek clarification on a little differential of usage in 92.6 and 92.7; one talks about public communication media and the other talks about state owned media.

I seek this clarification because our comprehension of public may differ. Media is generally a business venture for public consumption and if the public do not use it, then it not profitable. Now, are we really talking of what the citizen is entitled to, or business concerns where he does not have a claim. I will be very happy to have this clarified, Madam Chairperson.

MRS. MWONDHA (Women - Jinja): Thank you Madam Chairperson. Madam, I feel that there is a difference between public communication media and state owned media. There has to be access to public communication and that encompasses even the private media.

This means that if a candidate wants his programme to be on a public communication, even if it is public, I think he should be availed that access. A state owned media is specifically for the state, and that is why in Clause 7 it was said specifically that in a state owned media these presidential candidates should have equal time, but maybe, we will have to discuss the substance of clause 7 when we come to it.

THE DEPUTY CHAIRMAN: Hon. Delegates, before we proceed, let us recollect what we had reached yesterday. This Motion to delete was superimposed on a Motion by Hon. Rukutana and Hon. Owor. I, therefore, think it is in order, unless if you ask for clarification, for us to go down to the Motion which again departs furthest from what is in the text. If we say we do not want that one, it is then that we should be making Amendments. We should not just throw away the Amendment which we had on the Floor.

MR. AWORIAGGREY (Samia Bugwe North): Madam Chairman, I would like to follow up the

point raised by the Acting Chairperson of Committee 5, on the difference between state owned and public communications. I raised this point yesterday on a point of clarification, but it was not cleared by the committee Chairman, Hon. Kutesa.

When you talk about public communications, it involves more than electronic media. It is not just a matter of UTV. I brought about an example of posters advertising, which are also communication systems and they are public. In Kampala, we have clocks and other facilities owned by the City Council which are used for the purpose of communicating with the public. Particular companies use similar media to send messages.

Madam, before we go into details of how these facilities shall be used equitably by the election candidates, it is very important we draw a distinction not only on how and what these facilities are, but also who owns and what kind of systems are we talking about.

In this case, I believe the people who made this amendment initially, or who put in the Draft Constitution were more or less implying New Vision, UTV and other media like the print media known as newspapers or electronic media known as television and radio.

So, Madam Chairperson, I would like to include a third category called billboards. This is advertising and extremely powerful. Madam Chairperson, if we use clocks and billboards for advertising and sending political messages, are we going to have or to allow all of us Presidential, Parliamentary candidates to put up these things all over the city equitably? It is high time we got a clear distinction between various organs of communication that constitute public communications.

MR. KAGIMU-KIWANUKA (Bukomansimbi County): Thank you very much Madam Chairperson. I would like to follow up what Hon. Ruzindana raised and I think that will solve the problem. As we remember from yesterday's debate, we agreed that it is very difficult to guarantee access in a Constitution because candidates may be as many as two thousand, making it difficult to implement.

I feel it is better that we put the provision to allow Parliament to make laws such that I beg to move we amend clause 6 to read as: *'Parliament shall make*

laws to ensure that all candidates in an election are accorded equitable access and use of the public communication media.

THE DEPUTY CHAIRMAN: Is that seconded? You are not seconded.

MR. KWERONDA RUHEMBA (Kajara County): Madam Chairperson, before we proceed with Amendments on clause 6, Madam, I still have a problem which Hon. Dick Nyai expressed. I do not understand what exactly we mean by public communication media.

Is Sanyu Television and Capital radio part of the public communication media? You see, people are saying yes, Madam. If that is true and this candidate runs into my studios and I am Sanyu, and he says I want to start politicking on your Television or radio, and I say sorry I do not want your money, what would he do, knowing that we will have inserted this clause in this Constitution? Who do I accuse in a Constitutional Court? Should I accuse the state which passed this Constitution or accuse Sanyu Television?

Madam Chairman, when we go to clause 7, it is very clear that what they mean in 7 by state owned media is media owned by the people through their government, such as Uganda Television, New Vision and such other media as may be developed by the state in future. Before we proceed with other Amendments, I would like to be precisely clear and certain on this issue and I would like to borrow the words in 7 which are state owned media and I put them in 6 for consistency in both clauses.

Short of this, we may be legislating problems for privately owned media by dictating to them that they must give the whole day to the candidates to politic, when actually, they would have made more money by selling commercials on their television and radio. I thank you very much.

MR. NYAI DICK (Ayivu County): Thank you very much Madam Chairman. As a member of committee 5, I would like us to share the feeling behind the proposed Amendment. The feeling is that just like certain parts of our Constitution when we were describing the objective of state, we were saying there are certain principles which should be in our Constitution to allay the fears of the citizens of Uganda.

Maybe, this particular clause may not necessarily have to be justiciable, but it gives the people hope that in the arrangement and organisation and supervision of the election there is a bid to see that something fair is being done. I think that is the basic reason behind this. Through you, Madam Chairman, I would like to appeal to my Chairman of Committee 5, that I have read the Hon. Rukutana and Hon. Owor Amendments and I find that they do not differ and depart very much from the committee 5 recommendation.

Perhaps it would save great time if our Chairman of committee 5 could pronounce on it so that we marry the two and dispose of them at once. Thank you Madam Chairperson.

THE DEPUTY CHAIRMAN: Hon. Sam Kutesa, can you respond to that?

MR. KUTESA SAM: Madam Chairperson, I agree with Hon. Dick Nyai that the Rukutana/Owor Amendment if they are married they are much closer to the intention of the committee. But I also agree with Hon. Ruhemba Kweronda that we should use the same terminology in clause 6 and 7, and it will become clearer if we use state owned media rather than public communication media.

If we can marry the Rukutana and Owor Motion and use the terminology 'state owned' then that will clear the air, because the intention is to make sure that nobody is denied reasonable access to state owned media.

We are not going to compel privately owned media to become a public utility. I think that counters other parts of the Constitution where we guarantee people's ownership of their own property.

THE DEPUTY CHAIRMAN: Okay, before we proceed, I have another problem here; a Motion moved by hon. Dick Odur that all political organisations in an election will be accorded equal access to and use of public media; that is removing individuals and restricting only political organisations.

MR. ODUR DICK (Dokolo County): Thank you very much Madam Chairperson. Madam Chairperson, we are taking a lot of time on this basis principle, simply because we have brought in elements that are not normally considered in this principle; that is to talk of all candidates.

In most constitutions what is intended is to give equal access to all political organisations which are taking part in any particular election so that they can influence public opinion using any public media that is available. So, what we need to do in this clause (6), is merely to state in my Amendment which reads as follows: *'All political organisations in an election shall be accorded equal access to and use of public media.'* After that, you do not need to limit it so much to state owned. There can be some public media which is not state owned, but which are doing public broadcast, not necessarily private but could be an organisation.

The idea is that if a particular political organisation is given time, the law should require other organisations to be given that equal treatment. That is all! And normally the Statute can spell the details of how this is organised, but the principle is a very simple one, is used in many countries and it does no harm to anybody. It is a matter of saying you can have an equal access if you need, and if you don't, you do not even need to apply for that access. I think my Amendment would solve this problem once and for all.

THE DEPUTY CHAIRMAN: Hon. Delegates, we spent the whole of yesterday afternoon debating this issue, he says this is very simple. I want to put the question on that one, and see whether we agree or not and then we proceed.

MR. BAGEYA GEORGE (Kigulu North): Madam Chairperson, I seek clarification from the Mover Hon. Dick Odur, as to what is the fate of single independent candidates would be, because they have not been enshrined in his Amendment?

MR. OBUA OTUA: Point of clarification. Thank you Madam Chairman. I do sympathise with the proposed Amendment from Dr. Odur, but my worry is the inclusion of public media. I think it is not possible for us to put in the Constitution that other privately owned public media should afford all parties equal access to themselves, even if they are private in their ownership.

I think that is stretching it a bit far. If we were to say that this equal access should be given to parties on government or state owned media, then I would go along with him completely. It is impossible for us to constitutionalise the equal sharing of something which is privately controlled.

I beg Hon. Dr. Dick Odur to amend it so that it reads state owned media rather than public media, because Sanyu and Capital and all these other privately financed public media are also public media. They are not like telephones. Telephone is a communication medium but it is private unless you have a public call-box which you can go and use. I want a distinction to be made between public media and state owned media. Thank you Madam Chairperson.

MR. KASAJJA (Bulamogi County): Thank you very much, Madam Chairperson. Madam Chairperson, I also share the views of the previous speaker, requesting the mover of the Motion to remove the word 'public' from his Motion, so that we are left with state.

For instance, Madam, it is going to be difficult in the case of legal litigation if somebody is denied access to a privately owned public media. How will that person take up that case? In this era of liberalisation, it is difficult to enforce this provision, because if you go to a privately owned media and you want, maybe, to broadcast your political message, and he tells you he is full up, where are you going for redress? Besides, who is going to guarantee the hearing of that case, especially, when the principle of liberalisation tells that somebody is free to purchase or not to purchase the commodity.

I would like, because of that, to request the Mover of the Motion if he wants to help us to move fast on this article, that he accepts to remove the word 'public' and then we can debate on the state owned media. Madam Chairperson. I wish to suggest.

MR. ODUR: Thank you very much, Madam Chairperson. I would like to say that I do accept the Amendment proposed by Hon. Obuga Otoa and others, that instead of using public media we state that it will be state owned media. So, the Amendment would read: *"All political organisations in an election shall be accorded equal access to and use of state owned media."*

A question has arisen about independent candidates; I am sure if they are many they can constitute themselves into a group *-(Interjections.)-* no, just a moment. I mean individually they are independent, so you can have a group of independent people and they can be given time equally. Otherwise, an independent person constitutes a party by himself.

Yes, I mean, if you are independent, you have all your policies and you do everything by yourself.

So, an individual could be accorded the same treatment as a political party, but his or her time may not be as long as that accorded to a big party. There is no way you can treat somebody who has decided to be independent, otherwise, my Amendment has been improved by other Hon. Delegates.

MR. KWERONDA RUHEMBA: Madam Chairperson, I would like to oppose this Amendment, not because I do not like Dr. Odur, in fact, he is my very good friend, and not because I do not like parties, because I am a believer in pluralism, but that this Amendment is narrower than the other Amendment.

The previous Amendment by Hon. Rukutana and Charles Owor was inclusive of anybody who has stood as a candidate and he wants to use state owned media. But Hon. Odur's amendment is excluding these people. It is narrow in that sense, and since it is excluding some candidates, it cannot be a good Amendment at all, and I do not think, Hon. Delegates, that we should abandon an amendment which is broader and zero in on one which is narrow. For that very good reason Made, I would like to oppose Dr. Odur's amendment.

MR. OWOR CHARLES: Madam Chairperson, I would like to immediately follow on what Hon. Kweronda has just said. It is true that we need to protect the rights of political organisations and make sure they are given opportunity to state their case before the public. To ensure they are given opportunity to put up their position on key policy issues in an election. I, however, think the highest level of freedom is that which you accord to individuals other than to organisations, because it is individuals that will make organisations.

Madam Chairperson, personally I would have no quarrel with Hon. Odur's proposal if it is to be another clause but not a substitute for the clause that I proposed together with Hon. Rukutana, for a simple reason that in time of an election it is individuals who want to be heard other than political organisation.

Even within constituencies, people are more interested in individuals. That is why we do not vote organisations, but we vote individuals, and we have

already passed provisions that make the election of a President to be based on individual candidature instead of electing parties or electing political organisations that they represent. That, therefore, means the right of the individual is paramount.

In the constituencies for elections of Members of Parliament, much as they will eventually belong to political organisations, I think, everybody at heart wants the public to elect the man that they think will deliver, because the organisation can be good but the man might be wrong. In that case, therefore, we once again realise the importance of giving access to the individual.

I still stand by our proposal which reads that "no candidate in an election shall be denied reasonable access and use" - then I will agree to the other amendment that instead of using public communication media we can use "state owned communication media," because what we are interested in is that the media to which the public has contributed by paying taxes, should be made available to all members of the public including those who want to stand for election.

This in my opinion should exclude other public media which are privately owned, because they are in the business of making money. If you cannot pay for it, then you cannot use it. We cannot contain them to allow you to use it when you cannot pay for it.

THE DEPUTY CHAIRMAN: Hon. Delegates, we have really wasted a lot of time, just going round the problem. It seems we are reaching a compromise position which will satisfy everybody. So, I am not going to put the question on Hon. Odur's Motion, it can stand on its own. Let us clear Clause (6), then we can assume that Hon. Odur is moving another Motion which we can either decide to include or not, and then we proceed. So, the Motion on the Floor is that no candidate in an election shall be denied reasonable access and use of state owned communication media.

(Question put and agreed to.)

THE DEPUTY CHAIRMAN: So, that is number 6 as amended, and I put the question that 6 as amended do stand part of this Constitution.

(Question put and agreed to.)

THE DEPUTY CHAIRMAN: So, now we go to Hon. Odur's Motion. There is a proposal for you Hon. Odur to either accept this to be discussed as an independent Motion or to say that it has fallen by the way side. Can I get it from you?

DR. ODUR DICK: Thank you, Madam Chairperson. I still see a lot of problems in implementing what we have just passed, because -

THE DEPUTY CHAIRMAN: No, you are not debating, that is out.

DR. ODUR: Okay, well, there is still room to have my Amendment as new Clause 7, to take care of political organisations as I have just stated. I think this provision is important, because normally in matters like electronic communication it is not very easy to give every candidate opportunity to appear on television, but one could accord - *(interruption.)*

THE DEPUTY CHAIRMAN: Hon. Odur, we have already passed that one.

DR. ODUR: Yes, but I am developing my argument that one could afford such access to political organisations. So, this is where my amendment comes in, that in case of these expensive media where time is not easily available or too expensive to be available, then we could fall back to my Amendment that all political organisations in an election shall be accorded equal access to and use of state owned media.

MR. S. KUTESA: Madam Chairperson, just to repeat the arguments that have been very ably made by Hon. Owor; he says the highest freedom you can accord anything in politics is the freedom to the individual. Well, I think since we have already accorded the individual that opportunity, when individuals get together they can decide to talk as political organisations.

I think it will be too repetitive to create another clause when we have already guaranteed that the individual will not be denied reasonable access. I am, therefore, opposed to the Motion moved by Hon. Dick Odur, because it is repetitive, and I do not think that it serves any further purpose after we have already catered for the individual. I beg to move that you put the question.

THE DEPUTY CHAIRMAN: Hon. Delegates, I put the question on Hon. Odur's Motion.

(Question put and negatived.)

THE DEPUTY CHAIRMAN: So, we are through with 6. Hon. Kutesa, can we go to Clause 7?

MR. SSEBAANA KIZITO (Makindye East): Thank you Madam Chairperson. Madam, you must be aware that I proposed an Amendment for a new article which I think falls between 6 and 7. It has been circulated; would you allow me to move it?

THE DEPUTY CHAIRMAN: Okay, there is a new Motion by Hon. Ssebaana Kizito. I give him the Floor.

MR. SSEBAANA KIZITO: Thank you, Madam Chairperson. Madam Chairperson, this new article I am proposing reads as follows:- If you have not got it yet, would you please listen carefully- *'Any person holding a public office who may wish to contest a national election shall resign such public office, at least, 60 days before such election.'*

MR. NGOBI (Presidential Nominee): Thank you very much. I have got two points, Madam Chairperson - *(Interruption.)*

THE DEPUTY CHAIRMAN: Sorry, wait, wait, I have to give Hon. Ssebaana Kizito chance to debate first.

MR. NGOBI: It is a point of procedure, Madam.

THE DEPUTY CHAIRMAN: Okay, if it is a procedural matter I can agree.

MR. NGOBI: Yes. Thank you very much Madam. I think that it will be better for the plenary to finish (7) which concerns public media communication and then come to this. Now, to put this one in between the two, would be, I think, a bit out of order. I mean, it would be quite illogical. I request, Madam Chairman, that Hon. Kizito moves this after we finish matters concerning communication. I think it is more reasonable that way.

THE DEPUTY CHAIRMAN: Hon. Ssebaana Kizito, can you justify why you thought it would be better placed between 6 and 7?

MR. SSEBAANA KIZITO: As a matter of fact, Madam Chairman, where you put this new article

is not of much consequence to me. I would, if you so rule, agree with the procedural matter raised by Hon. Ngobi and postpone debate until we finish the next (7) then after that I will introduce debate. But if you so wish I am ready to proceed right away.

THE DEPUTY CHAIRMAN: No! Let us not derail ourselves. Hon. Ssebaana Kizito, you will come later. Okay, Hon. Sam Kutesa.

MR. S. KUTESA: Madam Chairperson, clause (7); the committee recommends that clause 7 be retained as it appears in the Draft Constitution to read: *'In particular, all Presidential candidates shall be given equal time and space on the state owned media to present their programmes to the people.'*

THE DEPUTY CHAIRMAN: Okay, no problem. Can we proceed to 8?

MR. KARUHANGA (Nyabushozi): Madam Chairperson, I want to remove the words *'in particular'* in 7 so that the phrase would begin *'all Presidential candidates,'* because the words *'in particular'* are serving no purpose there.

If that is agreed upon, then I would also like that while the Presidential candidates are having equal time and space on state media, they should also be allowed a day to jointly debate in the state media.

MR. KUTESA: Madam Chairperson, I think there are certain matters as Hon. Karuhanga knows, that are supposed to be included in this Constitution and matters that are really administrative or subject of -

MR. KARUHANGA: I withdraw that.

THE DEPUTY CHAIRMAN: He has withdrawn. But have you even withdrawn the motion to delete the words *'in particular'*.

MR. KUTESA: Madam Chairperson, I think all that is drafting matter and the Technical Committee can handle it. We are here discussing the principle.

THE DEPUTY CHAIRMAN: Okay, let us take into consideration that there is a possibility of having the words *'in particular'* dropped. We shall be advised on that. Okay number 8.

MR. RWOMUSHIANA: Point of procedure. Thank you Madam Chairperson. Madam Chairperson, there is an Amendment which has been circulated, moved by Hon. Jack Sabiiti, and it is to be put between clause 7 and 8. On a point of procedure, I wonder, whether we should go to 8 before we debate the said Amendment.

THE DEPUTY CHAIRMAN: I do not have it here, can I have it?

Okay, Hon. Sabiiti, I think your Motion is in the same category as Hon. Ssebaana Kizito's, because it is talking about funds and not the media. Clause 7 is on the media.

THE DEPUTY CHAIRMAN: This should come after 8. Because here we are talking about campaigning freely, which again is part of information dissemination. Yours being on funds, can just come as number 9.

MR. KUTEESA: Madam Chairperson, Clause 8. The Committee recommends that, Clause 8 be retained as it appears in the Draft Constitution to read *Subject to such reasonable limitations as may be imposed by any law which is consistent with the existence of free and democratic society reasonably necessary for the maintenance of peace and order, the candidate shall have the right to campaign freely.*

MR. ATWOKIAMBROSE: Thank you Madam Chairman. I question some of the qualifications which have been given in this article, in as far as campaigning freely is concerned. I am not comfortable with some of the words, in this provision, like reasonable and such phrases like "which is consistent with the existing of a free and a democratic society."

Madam Chairperson, I would be comfortable if we re-drafted this provision to address the aspect of free campaign and not putting unnecessary qualifications like reasonableness, consistence with the existence of free and democratic society. These are some of the concepts which we cannot define. We do not have the yardstick for a free and democratic society.

Allow me, move an amendment to suggest that, we remove the word reasonable, we also go ahead and remove the sentence "which is consistent with the existence of a free and democratic society," so that

the whole sentence reads: *subject to such limitations, as may be imposed by any law, of this Constitution and necessary for the maintenance of peace and order, the candidates shall have the right to campaign freely.* Madam Chairperson I beg to move.

THE DEPUTY CHAIRMAN: Is he seconded?

MR. ATWOKI AMBROSE: Madam Chairperson, let me read it again. Subject to such limitations as may be imposed by any law of this constitution and necessary for the maintenance of peace and order, the candidates shall have the right to campaign freely.

What I seek to remove, are the words like reasonable, and also sentences like which is consistent to the existence of a free and democratic society. My contention is that, the concept of a free and democratic society can be interpreted according to one's wishes.

I propose that, in order to be more concrete, we should just substitute such provision or phrase with the word this constitution. Thank you Madam Chairperson.

MR. ABU MAYANJA: Madam Chairperson, I find myself, unable to entirely agree with the proposed amendment. In my opinion and in the view of good people of Busujju, this clause 8 is an infringement on the right of the candidates to campaign.

We have been able to campaign without any such law there. In fact, I do not know of it. The ordinary laws against sedition, laws of libel and slander, laws against incitement all the criminal and civil laws are sufficient to protect other candidates and the public interest. And there is no reason, Madam Chairperson, to impose a clause like this, which is so complicated.

I mean, who knows what the reasonable limitation may be, in the existence of a free and democratic society. Among ourselves, we disagreed about what constitutes democracy. I have said that, some people understand democracy as government of the people, by the people, for the people; as defined by Abraham Lincoln. Others argue that democracy is the government of the people, by the politicians, in the interests of whoever, happens to be in power.

There is not going to be any common agreement on these things.

Besides, who is going to impose it and why should people presenting themselves to the electorate be subject to such unknown and unknowable conditions to be imposed in the future.

Madam Chairperson, I submit that presently if you incite people to violence, you commit a crime. If you speak against the government or the state, whatever the matter, as defined by section 41 of the Penal Code, you have had it; if you go on and defame somebody else, he can sue you.

The law as it is, is absolutely enough and adequate to regulate the parameters within which free campaigning can be held and would therefore, I move for the deletion of Clause 8. I thank you.

THE DEPUTY CHAIRMAN: Is it seconded?

MR. KUTESA: Madam Chairperson, the arguments that have been put forward by Hon. Mayanja are fine. But what is this Clause seeking to do? And let us consider what he means, when he says delete it.

When you delete it, it means that, this constitution is silent about it. And if this constitution is silent about it, then Parliament could easily change the laws he is talking about, and make limitations that are not reasonable. Wait a minute, you better consider this alternative.

In this clause, we are saying, subject to such reasonable limitations. If you are silent on it, Parliament could sit, any parliament, particularly the one which envisages, a democracy as by Benedito Musolin, where it is in the interest of the leader. That Parliament can pass a law imposing unreasonable limitations, which are not consistent with anything that we know as democratic in any society, and may even not be necessary for maintenance of peace, but for the interest of his Musolin Type and then the candidates cannot campaign freely.

If you read this Clause, you will find that its purpose is to stop anybody legislating and bringing into play, unreasonable limitations. If you are silent about it, Parliament can go ahead and make its own laws that are going to stop people from campaign-

ing freely, even if the limitations they are imposing are unreasonable.

And when you say, we do not know about what democratic society is, we know there are a number of internationally known articles about human rights in the UN Charter. Those would be the guiding philosopher even when you intend to impose the limitations. But if you do not cater for it this way, there is noway, you are going to stop Parliament having its way.

For example, we did not have such a Clause in the Statute and the regulations under which we campaigned for CA, and someone came up and said you cannot go and campaign on your own. You can only move en-mass and appear on the same platform. That may be good or bad but still Parliament had the power to do so. But if you have a clause like this, then when Parliament is making any new legislation relating to whether you can campaign freely or not, it can only do it within arm-pits of this clause.

I would, therefore, like to ask Hon. Members and Hon. Mayanja, when he talks about deletion, to reconsider his stand, unless he has got something more useful to put here. But if he leaves it empty, then you leave Parliament free, to make any laws without any limitations.

MR. OMARA ATUBO: Madam Chairperson, the argument of the chairman, Sam Kuteesa, is that if we remove clause 8, it will create a vacuum which Parliament can negatively exploit to suppress freedom relating to free campaign. I totally disagree with him, and I think this does not create any vacuum.

What is this issue of freedom of campaign? What freedoms are involved? What are we talking about when he says somebody campaigns freely. We are talking of the following freedoms. One, freedom to move freely, freedom to hold your own opinion, freedom of your consent, freedom to associate to call meetings, freedom to disseminate. These are the freedoms we are talking of.

These freedoms are fundamental human rights which we have already enshrined under the Chapter on Fundamental Human Rights and Freedoms. Hon. Sam Kuteesa, was one of the brains who brought out the general derogation clause relating to this Chapter or Clause on fundamental human

rights. So, the freedom to campaign freely is not a special and unique freedom. But it derives directly, from the general freedoms of individuals which we have already enshrined in the constitution. Therefore, we do not need to provide for it specifically.

If we include this clause, Madam Chairperson, we are simply repeating ourselves, and creating a dangerous precedent by allowing Parliament to specifically legislate for this freedom of campaign. The Mover of the Motion on deletion, has been very clear on the area of peace and order, security and so on. These are already covered by the Penal Code law and the Police Act is there.

MR. KARUHANGA ELLY: Thank you Madam Chairperson. I want to inform Hon. Omara Atubo that, article 86, in fact supports imposition, because it has already taken care of this situation by making one of the functions of the Electoral Commission to ensure that, there are regular, free and fair elections and that, they organise, conduct and supervise free and fair elections.

This right here, is really subject to limitations of laws that have come, is only taking away that power of the Electoral Commission from organising a free and fair election. So, I think that, hon. Atubo's point should not be taken lightly by the committee chairman.

MR. OMARA ATUBO: I thank Hon. Karuhanga for that information. To conclude my remarks, this provision in clause 8, apart from being superfluous and unnecessary is also dangerous. It is giving Parliament power which it should not have.

I, therefore, urge this House to support the proposal to delete, and have Clause (8) completely deleted. Thank you Madam Chairperson.

MR. OWINY DOLLO: Thank you, Madam Chairperson. I find myself totally in consent with Hon. Abu Mayanja and Hon. Omara Atubo. I would have loved to contribute at length, if it had not been for the exhaustive contribution by Hon. Omara Atubo.

Madam Chairman, if this provision were left in The Constitution, it would be used more in the abuse, than in respect. We will have given Parliament the power to use this important piece of legislation to favour a candidate, or one can come out with a

thousand and one reasons to invoke this dangerous provision.

We enshrined the freedom of expression and come promulgation day, it will be law. That is really the central freedom we mean, when we talk of campaigning, because campaigns are done by communication. If one is to enshrine the freedom of expression in this Constitution, by the right hand, you cannot today, seek to curtail that freedom by the left hand. I would urge Hon. Delegates to agree with my two colleagues and myself, that this provision intended to be put in our constitution does not find support in this House, and should be rejected. Thank you.

PROF. KABWEGYERE TARSIS: Thank you Madam Chairperson. Madam Chairperson, I am rather surprised that Hon. Mayanja who started the contribution by saying the good people of Busujju, could doubt the usage of the word, reasonable. In courts of law, there is a lot of talk about the reasonable man on the street, besides, even as we talk here, we always make some jokes or some remarks of reasonable arguments. Therefore, the word reasonable is in common usage and has a message.

Madam Chairperson, I also wonder why the words "a free and democratic society" should appear to be so meaningless, when the whole constitution we are trying to do, we are working on, is supposed to establish a free and democratic society where democratic principles and values and norms are hopeless.

The argument presented by Hon. Omara Atubo, and indeed Hon. Owiny Dollo, that Parliament may take advantage of this Clause and create laws that will be unreasonable, seems to defeat the very argument that is presented. If there is such a statement like subject to such a reasonable limitation, you can have ground to challenge any law, because if the limitations are unreasonable, you will have a provision where you can go and challenge any law.

Rather than have an amendment as proposed by Hon. Atwoki, where you remove the word reasonable and you remove the words democratic society, we should keep the phraseology as we have it today, so that when there is any abuse, we have a provision, on which the judge in a Parliament or indeed anybody can base.

If the argument was, that we should not have anything to do with the candidate freedoms, because freedom is provided for, we should not have passed clause 6 on access to public media, since this should already be established as Hon. Karuhanga observed. Indeed we should not even be bothering about clause 7, where we have talked about the presidential candidates having access - having equal time. After all, the Electoral Commission already exists. It should have been it to do the job, but it was felt necessary that, this should be pointed out because of the importance. We are talking of the procedure of the election. The free and fair election, must follow certain norms, of democratic procedure so that everybody involved has a fair chance.

Madam Chairperson, thank you for being firm on your ground, and keeping the interruption off. I am concluding but I am being interrupted. I, personally think, free campaign makes a lot of sense, and necessary action for the maintenance of peace and order is within the concept of reasonable man. A democratic person must be reasonable, and I therefore, oppose the idea or Motion of removing this clause from the Constitution. Thank you.

MR. MULENGA: Thank you Madam Chairman. Madam Chairman, I am in agreement with a Motion to delete this clause as it is. But I would like to remind the House on a point made by the chairman Select Committee 5, that in absence of any provision, Parliament would have the right to Legislate and could legislate to provide for limitations.

Indeed, he did remind us of the Statute of CA which imposed a limitation on campaigning. Some people liked it, others felt it was very restraining, because one could only campaign through the candidates meetings. It is then that we started coining phrases like consultation. If we were going from house to house, that was not called campaigning, but consultation.

In reality, however, I doubt very much whether that law would have been challenged as un-constitutional in absence of any provision prohibiting it. So, while we remove this, as I urge the House to do, for the reasons that have been given, I think we should substitute it with some other provision. Something to the effect that, Parliament may not pass a law, limiting the candidate's right to campaign freely in accordance with the law. We can coin it later after deleting this.

So, that would be protecting that right, the freedom of the candidate to campaign freely. But I want this motion to delete the existing one to be passed first. I think that is the proper procedure, before we debate more on the substitute. Thank you Madam Chairman.

THE DEPUTY CHAIRMAN: Hon. Delegates, I think it will be an amendment to 8. After we delete. So, Let us do like this, rather than wasting time. What we are saying is, we are calling for the deletion of clause (8) because of the way it is structured. But we have some Motions which are trying to improve on this one. And I think it will save more time, and we will reach consensus better when we critically look at the two proposals.

So, let us call upon Hon. Rwomushana who had an amendment, and one other so we see, how we agree.

MR. RWOMUSHANA: Madam Chairperson, I would like to amend the apparent 8, by improving on it to say that, 'subject to the provisions of this constitution, all candidates shall have the right to campaign freely,' because it is a bit difficult to measure what reasonable limitations are, going by the original version.

Madam Chairperson, there is a proverb, that if you do not want heat, do not go to the kitchen. So, if you do not want to be soiled, you do not join politics because will be exposed.

Like Hon. Abu Mayanja said, there are laws like that of sedition. If I am a presidential candidate, to fight against the incumbent, and I know the incumbent has committed a few mistakes of immorality, and I know that if I revealed it to the Public and supported it, I would hit him why not use it? And if I use it, do not charge me with sedition. So, with some of the existing laws, by implication you are saying, I should always think of the incumbent as good. How then will I defeat him?

My view is that, if there are to be any limitations on campaigning, for the good of order and peace, let them be within this Constitution. For instance, we are about to pass a clause on, political pluralism, multi-partyism and movement. If this motion is passed as it is in the recommendation of the committee, we shall have limitations on political parties.

By implication it will mean that, a candidate will not campaign through a political party. And to me, I think this is enough limitation, when passed that way. The other day, stopping people from demonstrating were passed, but you would find a Minister in a neighbouring constituency carrying out demonstrations and a small man like Rwomushana in another constituency has his supporters stopped from mere clapping.

Madam Chairperson, there are times when we held meetings with say 10 peasants, in a room somewhere over local beer, and then you would hear of police deployment alleging; 'we have heard there is security risk here and you are about to overthrow the government.' To overthrow government without even stones!

So, Madam Chairperson, why I have moved this amendment is that, if we are to institute any limitations against future political candidates, let it be within this constitution. We should not risk ourselves putting it before the next Parliament. Let it be here and -

MR. ABU MAYANJA: Madam Chairperson, could I hear his formulation again, please?

MR. RWOMUSHANA: My formulation is that, "subject to the provisions of this constitutions, all candidates shall have the right to campaign freely."
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MR. ABU MAYANJA: Madam Chairperson, should we not delete the other one first, that -

THE DEPUTY CHAIRMAN: Anyway, what I was saying is, let us try to improve on this one. So, we just say that, we have amended it. Because if we delete it, that means you are even deleting the principle.

MR. ABU MAYANJA: Okay, I will accept, Hon. Rwomushana's Motion.

THE DEPUTY CHAIRMAN: At least Hon. Mayanja has said that, we do not delete clause (8), but to improve upon it.

MAJ. GEN. TINYEFUZA: Thank you Madam Chairperson. Madam Chairperson, having listened to the contributions of the previous speakers who really were seeking to delete this clause, and to what Hon. Rwomushana calls an improvement, I still

want some clarification. I do not know whether we are not just repeating ourselves, whether this provision is not really redundant in its entirety, as it appears.

I do not think that, it is a good one and I think it should be deleted. I do not even think it should be improved upon. Because having passed what we passed, like Hon. Karuhanga did tell you, in the Electoral Commission, we invested the right to organise a free and a fair election which includes ensuring free campaigning of candidates. And then, initially, we had passed article 87, actually as it appears in the draft, that is on page 32, we only inserted the word independent. So that the Electoral Commission is independent, in the performance of its functions which include ensuring free and fair elections and of course campaigning of candidates.

The Electoral Commission shall not be subjected to the direction or control of any person or authority. So, I think this right of a candidate to campaign freely is already enshrined. In article 87, it says; *except as provided in this constitution or in any other law which is consistent with this constitution.* So, I do not see even a future Parliament passing any law which will be inconsistent with the entrenched right of the Electoral Commission, of supervising a free and a fair election. I see no requirement to improve this provision in clause 8. I think it would be better to delete the whole thing and we proceed, madam Chairperson, because I do not think it is necessary.

MR. KUTESA: Thank you Madam Chairperson. My worry is, that the amendment as proposed by Hon. Rwomushana is really creating anarchy. Because if we say, there should be no limited limitations, we will go back to the days of throwing eggs, shouting, chasing 'mubungus,' and saying DPs are like this or that. - I think there should be some limitations so that there is peace in the campaign. Thank you Madam Chairperson.

MR. KOMAKEC LEANDER: Thank you Madam Chairperson. My problem is, I do not know whether it is right to ask Hon. Abu Mayanja to allow this Motion to be deleted. I do not know whether we can amend a deletion motion.

I think what we should do is that, we should ask Abu Mayanja to withdraw the Motion, so as to allow

Hon. Rwomushana to move his amendment to the original. I think he should withdraw rather than allow it to be amended. You cannot amend the deletion of a Motion.

THE DEPUTY CHAIRMAN: Hon. Abu Mayanja consented.

AN HON. DELEGATE: Thank you Madam Chairperson. I want to share one thing to ensure that nobody is interfered with. At least there should be another clause replacing this one, if we are to delete it, so that we are assured of a free and fair campaign. I am aware that, sometimes, some people may campaign beyond requirements, in case of Rwomushana when he campaigns with a bigger person. It is very funny to hear a small man causing problems about the bigger person, so, normally things tend to look obviously bad. But at the same time, in a campaign, one cannot tolerate an abuse such as beyond requirements.

Recently, Madam Chairperson during the candidate's meeting, opposition was very, very most welcome even by the voters themselves. Previously in 1980, you find DP somewhere, go to another place, it is UPC, the result of which is to confuse the voters. Sometimes you utter nonsense, not even politics. So, I think we should have to accept that, there must be a well polished kind of standard campaign which will make people follow the campaign. So, I think this House should seek freedom, but that freedom should be well polished so that when people are campaigning, they behave like, Hon. Men and Hon. Women.

I think if we modify that amendment properly, and include a little of limitation also, I would agree with Rwomushana.

THE DEPUTY CHAIRMAN: Hon. Delegates, let me look at it like this. We have taken a lot of time and I see the hands. Hon. Mulenga has a proposal. Just hang on.

Hon. Abu Mayanja consented that, instead of deletion, we improve. And we are trying to get the best improvement. So, let us have them. I know Hon. you had your Motion. But let us also hear from Hon. Mulenga and then we shall see, where we are. I have a Motion here, by Hon. Mulenga. It reads -
(interruption)-

MR KWERONDA RUHEMBA: Madam Chairperson, many more Motions are coming onto the Floor, but before Hon. Mayanja noted his Motion, I thought there was a very good Motion by Hon. Atwoki. It was scampered over and we lost it before even we defended it, although it had been seconded.

The Motion was reading, "subject to such limitations, as may be imposed by any law or this constitution, and necessary for the maintenance of peace and order, a candidate shall have a right to campaign freely." I thought that was neutral. It was very neutral. It was not like Rwomushana's which is opening a Pandora box. And now, we seem to have abandoned it.

THE DEPUTY CHAIRMAN: Okay, I agree to that, but also those are two. Let us hear what I am going to read and see how it compares. Because everyone who moves a Motion thinks that, his is the best. Hon. Mulenga is saying, Parliament shall not pass a law limiting the right of candidates to campaign freely in accordance with the law.

Is it seconded? That one is not seconded. So, Hon. Rubemba you have this Motion which was moved by Hon. Ambrose Atwoki, and I can see him seated near the Chairman. May I request the view of the chairman of the committee? It seems he has been consulting.

MR KUTESA: Madam Chairperson, I am the last person, who would want to curtail freedom to campaign. I think it is sensible that people should be free in their campaigns. However, in a civilised society there must be rules, that for example; will stop what my neighbour here Hon. Kuteesa was talking about; rules of throwing eggs, in some places. I know this at least in the elections of the 60s, people were going further than stones, and throwing worst things. That surely cannot be the method that we must accept, that is not what we ought to accept.

So, Atwoki's amendment which says *subject to such limitations as may be imposed by any law*; I think should be changed a bit. It should be "subject to such limitations as are imposed by this constitution or any law which is not inconsistent with this constitution and necessary for the maintenance of peace and order, the candidate shall have the right to campaign freely." I think that, if there is any other law that is made in future and it is not inconsistent

with this constitution, then that should be fine. I am modifying the wording of - imposed by any law - and saying that, law also ought to be consistent with this constitution.

I think that Atwoki's Motion, if amended that way is a better replacement than this long-winded one. It removes uncertainties that were being talked about by Hon. Mayanja, who asks, who knows what is democratic? It is not contained here, but what it preserves is the fact that, we must have law and order.

Secondly, whatever laws are made for the maintenance of law and order, must be consistent with the provisions of this Constitution. So, Madam Chairperson, I would go a long way with this proposal.

MR. ABU MAYANJA: Madam Chairperson, I had consented to withdraw my amendment in favour of the amendment by Hon. Rwomushana, which I had listened to very carefully as a lawyer. Now, I see that you are going very far. I, therefore, beg your indulgence to withdraw my consent to Hon. Rwomushana's Motion so that my original Motion to delete this one is voted upon first, and then afterwards, we can put whatever we need to put. Thank you very much.

THE DEPUTY CHAIRMAN: Hon. Delegates, as things are, I think we are just going around the problem, let us do it this way. I put the question on deletion, then any member can move a new 8, whether it is a different principle or not. So, I put the question for deletion. There is no contradiction. If it is carried, or if it is negated, anybody will still be free to move a new Motion. Hon. Sam Kuteesa, is that out of order? (*interruption*) Just wait, we are not here to dictate.

MR. KUTESA: Madam Chairperson, we have been brain storming. A number of Motions have come to the Floor and now that, we are going back to what is formal, I would accept that we vote on Abu Mayanja's Motion which seeks to delete. Because it departs furthest from the text, we vote on it, we get to know its fate, and subsequently we shall consider others.

THE DEPUTY CHAIRMAN: Okay. Now, I put the question on Hon. Abu Mayanja's Motion that we delete this article.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: Hon. Delegates, the Motion as I have ruled is okay. Those people who protested are only 29. So, after that deletion, we are saying if one can move a substitute well and good.

MR. SABIITI JACK: Thank you, very much Madam Chairperson. There is no doubt that, the rationale behind the committee 5 amendment was to give freedom to all candidates to campaign without any hinderance and I believe that, this is an enshrine a right which a candidate should have. So, the Motion moved by Hon. Rwomushana which reads that: *subject to the provision of this constitution, all candidates shall have the right to campaign freely*, should be discussed as I seconded it. By that, we put in this constitution that all candidates have a right and freedom to campaign.

MR. KOMAKEC LEANDER: Madam Chairperson, I find a problem. Is it in order to allow the Hon. Member on the Floor to discuss a matter that has just been settled through deletion. Because the idea -

THE DEPUTY CHAIRMAN: Do not confuse us Hon. Komakec. The contents of (8) have been removed, but we are saying that you can have anybody else bring a substitute. That has been in order. Then you throw it out, or vote against it and we move.

MR. MULENGA: Thank you Madam Chairman. Madam Chairman Hon. Komakec and others agreeing with him must have missed the statement you made before you called for a vote. There were so many amendments floating, and you said that, we should take the one of Hon. Mayanja first, and if it is carried, then the others would be considered, Hon. Kuteesa agreed with you. That was a ruling from the chair for the situation we were faced with.

We cannot start going back. Let us consider the amendments one by one.

THE DEPUTY CHAIRMAN: I do not see any contradiction as far as what I have said is concerned. Making a substitute is in order. Moreover, we should even vote on Hon. Ambrose Atwoki's Motion. This is a new motion, it is not an amendment. Forget about (8). This is a new insertion on

from Hon. Rwomushana, that subject to the provision of this constitution, candidates shall have the right to campaign freely.

(Question put and negatived)

THE DEPUTY CHAIRMAN: So, that is thrown out.

DR. OBUA OTOA: Thank you, Madam Chairperson. Madam Chairperson, I am not sure of what has just happened. Because I thought that if new Motions were going to be brought, whether they are insertions, or changes on the theme which we have just dealt with, we would at least be allowed an opportunity to debate them.

THE DEPUTY CHAIRMAN: But this Motion was debated. Hon. Abu Mayanja consented, and we debated it. Somebody else brought another one, Hon. Mulenga said, "no I go for the original." For how long are you going to be here.

DR. OBUA OTOA: Sorry. I did not realise that the one you have just put to the vote, had already been discussed, Madam Chairperson.

THE DEPUTY CHAIRMAN: Where were you?

DR. OBUA OTOA: Madam Chairperson, I did not even hear the Motion that you were putting on the Floor. There was so much noise down here. I have been here all along as you have been seeing. That is why you have recognised me, Madam Chairperson. Thank you.

DR. MUGYENYI: Point of procedure. Thank you Madam Chairperson. Madam Chairperson, we should study the mood of the House, that the overwhelming support to delete this Motion, clearly indicates, that the Hon. Delegates do not want anything in the place of the provision.

Even in our rules, the rules we have been using, when a deletion has been suggested, it is usually taken first because it means that once a deletion is carried, all other amendments to that provision fall by the way side. *(Applause)*

I, therefore, think that all these amendments which were on the Floor, for example, Hon. Atwoki was trying to amend clause (8), same with Hon. Rwomushana. By virtue of taking the furthest

which is a deletion, all these amendments fall by the way side and we have voted to leave nothing in 8, so we should proceed. I thank you. *(Applause)*

HON. DELEGATE: Correct.

MR. NGOBI: Thank you, Madam Chairperson. I am seeking the indulgence of Hon. Members to give chance to other Members so that this matter can be properly concluded. Normally what we would have done is that, one would seek deletion and substitute therefore, whatever proposals.

Now, we also had a ruling from the chair, that we split this to delete and then seek for anybody who wants a new article inserted. That ruling was made, and we accepted it. After acting in accordance with that ruling, everybody now says, that we are out of order. I think that objection should have come before the voting. We accepted your ruling Madam Chairman and voted in absolute confidence and trust that, this was going to be the procedure.

I think it is not fair that people should be muzzled after voting in the confidence that we delete and then seek to insert a new clause. Remember they would be in order to reject a new clause, but I think it is not proper to say that, they are now prohibiting any delegate from proposing a new clause.

THE DEPUTY CHAIRMAN: Hon. Delegates, let us not confuse ourselves. If we look back in all the reports from the committees, they have a proposal, delete and insert. Sometimes, they are combining two articles into one, other times they are just changing the wording.

Why have we not been refusing, those delegates that have sought to delete what is in the draft and insert new clauses when actually the principle is the same? I do not see why we should really try to twist the rules, when that is exactly what we have been following.

MR. NGOBI: Sorry, Madam. I would like to continue and conclude. Thank you very much. Now, my point is this. This question of campaigning. We have had elections, during the last 30 years-

THE DEPUTY CHAIRMAN: But there is no Motion on the Floor, Hon. Ngobi.

MR. NGOBI: I would like to propose one. The reason I would like to read this one, is that, I have seen during the course of time, people using unfair means against others. Therefore, the question of law and order is a very important one.

We cannot have a campaign where everybody just does what he wants. I would like to take the formulation which was suggested by Hon. Atwoki and improved upon by the Chairman of Committee 5 as follows: *subject to such limitations as may be imposed by this Constitution or by any law, consistent with this Constitution, and necessarily for the maintenance of peace and order, the candidates shall have the right to campaign freely.* And I am seconded.

MR. KATENTA APUULI: Madam Chairperson, it appears that, when Members voted they were not very clear about what they were voting. However, according to our rules, if we voted on a matter that sought to delete, I do not think that, it is possible for us to go back to that matter straight. I would like to propose that, since you have not put the question on the article, it is possible for us to re-visit this matter if Members strongly feel that this principle should not be lost.

Therefore, I would like to propose that we move as follows: either we suspend the rules and re-visit this matter and we retain the principle, or those Members who are strongly in favour of this principle which includes, myself, re-introduce this matter at reconsideration. But as things stand now, we could only revisit this matter if we suspend the rules and I would like to move that, we suspend the appropriate rule, so that we can be allowed to re-visit this matter. I thank you Madam Chairperson.

THE DEPUTY CHAIRMAN: Hon. Delegates, you see I fail to understand, when we try to make possible things impossible. We said that, we are removing clause (8), and once you remove (8), somebody is free to move any new Motion. So, what is the problem? Have we not been doing that? So, this is a new Motion, even if it is contained in the same principle.

MR. OBUA OTOA: Thank you very much Madam Chairperson. Madam Chairperson, I am seeking guidance from the Chair. The motion just proposed by Hon. Mathias Ngobi is essentially the same as the one we have just rejected. There is very, very little difference between Hon. Ngobi's amendment

or Hon. Atwoki's amendment and the one we have just rejected.

Is it in order for us to actually talk about it again? Because I see no difference since the other one we deleted was also talking about limitations being imposed.

I am being harassed by the Hon. chairman of committee five but I am addressing myself to the Chair. Madam Chairperson, I would like your considered ruling on this matter. Are we really in order to again debate something, which in every sense has been rejected by the Abu Mayanja amendment? I thank you Madam.

THE DEPUTY CHAIRMAN: Hon. Delegates, what we had agreed is that we remove 8 as it was. If we feel that we are also not in favour of Hon. Ngobi's motion, we will exhaust the list and we delete it completely, rather than really suspending things. So let me put the question on Hon. Ngobi's Motion.

(Question put and negatived)

THE DEPUTY CHAIRMAN: So as things are, it seems we are not ready to understand what this provision is about. So we leave it at that, it is deleted. But should we want to introduce it, it can come again at reconsideration.

It is quite in order because we spent the whole of yesterday and today on this issue, and it seems we have failed to agree on any of these. So we are throwing away the baby with bad water. So that is that and it is our own decision.

Clause (8) is deleted, because we put the question long ago and there is no new motion in place that has been accepted. So now I go on to Hon. Ssebaana Kizito's motion. Placement is no problem. We have these first.

MR. SSEBAANA KIZITO: Thank You very much Madam Chairperson *-(interruption)*

THE DEPUTY CHAIRMAN: Wait! wait! I think to be orderly, we should start with a motion jointly moved by Hon. John Sabiti, Maj. Gen. Tinyefuza, and Hon. Kasaija Tigwezi which is on campaigns. It will flow better.

MR. SABIITI JACK: Thank you very much Madam Chairperson. Madam Chairperson, I move that this august House entrenches in this constitution a provision which shall read as follows: "No candidate shall use public funds, property or office during election campaigns." Madam Chairperson, this is a provision intended to level the ground for all candidates and to ensure that the tax payer's money is not misused by those entrusted with public funds, public property and public office.

Madam Chairperson, we have already provided for certain measures to ensure free and fair elections. We have for example, provided for an independent Electoral Commission, we have in clause two of article 88 provided for demarcation of constituencies free from past practices of gerrymandering and we have addressed ourselves to the use of public media which should be fair to all candidates. It is my view Madam Chairperson, that we should go further and level the ground for all candidates so that all candidates start from the base line.

In the past, Madam Chairperson, a number of Ugandans who happen to have been occupying government institutions such as the civil service, the Cabinet, the Army, the intelligence agencies have always had unfair advantage over other candidates. As we all know, the taxpayer's money or public funds are for collective use on areas that affect the public. It is unfortunate that those who occupy public offices and who later become candidates access themselves to public funds, public property and public offices for personal use during campaigns.

This is an outright abuse of office and we need to look into this and devise the cure. This situation creates unfair competition. It is unfair to the taxpayer and it is indeed very unfair to those candidates who have no access to public funds and public properties and public offices. Take for example, if there is a farmer in Rukiga County who has regularly been paying tax and he has declared his interest to plunge into politics; if he is a candidate and he is going to compete with a person in a public office as a Minister or civil servant, such a candidate will surely have problems. It will be unfair for such a candidate especially where a public officer uses government vehicles, uses government fuel, he uses or even donates iron sheets.

I, therefore, move that we put a provision in this Constitution to protect public funds and public property to make sure that we level the ground for all the candidates during campaigns. I therefore beg to move Madam Chairperson.

FATHER GAITANO BATANYENDE: Thank you Madam Chairperson. Madam Chairperson, I sympathise very much with this motion moved by Hon. Sabiiti, but I would like him to clarify certain issues. I find this amendment a bit difficult to implement. If we say no candidate shall use public funds, property or certain institutions, suppose there are Presidential elections or campaigns, now the incumbent goes to campaign. When he goes to campaign, he is still the President of the nation, and surely he is entitled to move with his escort and other benefits as a President. Is the amendment saying that if there are other candidates for the Presidency, when they go for campaigns, they should also be accorded the same escort as the President and be given the same facilities as the President?

It is also difficult to demarcate when somebody is going for campaigns unless here we mean open campaigns going into a rostrum or a platform. But suppose I am a Minister and I go to Kabale in an official vehicle, using government fuel. I might not go to campaign publicly, but I may call all my chairmen or campaign managers; meet them, give them a programme and I will be campaigning as well. How will you determine whether somebody is campaigning or not? Who is going to police under the circumstances, because you might provide for the police to arrest that Minister. But before the Minister comes or when the policemen come, they salute before they arrest him.

Madam Chairperson, I foresee a problem. Suppose I am standing against Mr. Sabiiti, and he thinks that I am using public funds and public property, to win evident popularity in my constituency, there is a likelihood that because of my popularity, he will go to court and say "Father Gaitano is using public means to campaign."

There is a litigation and if you get so many litigations, this might delay the elections taking place. So Madam Chairperson, while I sympathise with the principle behind it, at the same time surely I am against someone going in a helicopter for campaigns. But to implement this, is rather difficult. So I request clarification, before I support or oppose this amendment Madam Chairperson.

THE DEPUTY CHAIRMAN: There are many clarifications. So what I will do, I will go around and I think Hon. Sabiiti will compile them.

MR. BYARUGABA: Thank you Madam Chairperson. I greatly sympathise with Hon. Sabiiti's amendment. Hon. Sabiiti is, as I talk today, a civil servant just like myself, therefore a public officer but just on leave. I also know for sure that there were provisions to the extent that before a public officer goes in for elections, he or she had to proceed on leave.

As an administrative officer in Mbarara District, where I also stood for the CA elections, I found it a problem to separate myself from the Alex who is an administrative officer and the Alex who is a candidate. In most cases as Father Batanyende has said, wherever I passed, all the district administration officers, administration police officers would line up behind me, salute me and escort me. Not necessarily that I had called them. All the chiefs would automatically say, oh! this is our boss. Hon. Delegates, I want you people to tell me how such an individual like I experienced, would separate himself from that real person in office and that person who has declared his candidature?

Unless Madam Chairperson, Hon. Sabiiti is talking about resignation, that would have some sense. If he talks of just facilities, I want to tell you it is very, very difficult to police. It is very, very difficult to separate and it is unrealistic. Hon. Sabiiti knows for sure that he was one of those people accused of using his office to campaign in Rukiga, not that he was actually campaigning but he was just using his office to help the people of Rukiga when he was still an Under Secretary. But that alone was used against him. The amendment is unrealistic, and it is difficult to implement. I oppose that amendment.

MR. URBAN TIBAMANYA: Thank you very much Madam Chairperson. I have sympathy with this motion but unfortunately, it is tying our own hands. It is not open enough. By way of an example, the State may want to facilitate all Presidential candidates in one way or another. This motion rules that one out completely. The State may want to give security to all Presidential candidates, this motion says no, because you will be using State funds, property and institutions. So the motion is too closed.

It is also not practical, because it should be in the interests of the country say to have an incumbent President protected. So this motion says no! You cannot go around with guards, you cannot go around in a State car and that is dangerous.

I think, the best way to handle this issue is to leave regulations to be made by Parliament so that there is a way to say we can facilitate in this manner, but not in the other. We shall have solved the problem, by referring it to a future Parliament. I thank you.

MR. SEKWEYAMA: Thank you Madam Chairperson. The tendency I had was to support this Motion until the most recent speaker raised some points which I think should be considered. But Madam Chairperson, going by the experience of the recent CA elections, I think we need something in place to limit some of the abuses we witnessed during that time, by people we contested, who were holding public offices.

DR. BYARURANGA: Point of information. Thank you Madam Chairperson. I would like to inform the Hon. Member that the CA Statute was very clear on the subject. Whatever we saw was not due to the lack of a law but it was due to the failure of the Commission to enforce the law.

MR. SEKWEYAMA: Well, I am grateful for the information Madam Chairperson. But I think the movers of this motion, in view of that failure in the last elections by the Constitutional Commission, needed the reassurance. A Constitutional reassurance, a Constitutional guarantee that such abuses can be contained in future.

While I realise the points raised by Hon. Urban Tibamanya, whereby some candidates like the Presidential candidates may need to be facilitated and yet the motion is not very specific about that, I would personally recommend that the principle of the motion should be taken seriously. We may also need to look at it again and have a different formulation that will take into account such exceptions, otherwise Madam Chairperson, I think that we had enough experience during the last elections to warrant some guarantee against abuses of offices and public property, to the disadvantage of other candidates. Madam Chairperson, thank you.

MAJ. GEN. TINYEFUZA: Thank you Madam Chairperson. Madam Chairperson, I just want a

few things clarified. I see about three or four factors which I would like the Members here to address.

First is the concept of levelling the ground which everybody has been talking about. How do you level the ground if you do not level the resources? That is one way. So I want us, whether we resolve this issue or not, to take the responsibility for failing to resolve it, and nobody should therefore go out next day and say the ground is not level.

This is so because you do not level the ground basically if you do not level the resources. I think that was why we needed the concept of saying that before you stand for a public office, you need to resign from the initial office you are holding. It must have been an implied provision to level the ground, to say 'you man, if you have decided to take on this new responsibility, then vacate your office so that you do not incumber government departments to run your personal adventures as an aspirant for whatever office.'

Another problem is to, what extent? Like some Members rightly argue, I think I agree that it is a bit too general when you say property, State institutions and so on. For instance, what happens in United States? In United States (*interruption*)-I am seeking clarification from the movers, so you cannot ask me to clarify.

Madam Chairperson, in the United States, when you stand for Presidential candidacy, like President Clinton did, you are provided with security. It is immaterial, whether you are the incumbent President or not and those security forces, FBI and so on, are counted on public funds.

We can also make it a policy, because it is not only the incumbent President who is in danger. Any such a figure who claims that he can rule this country as a President is of necessity in danger and, therefore, if you are talking about security, he should also be protected.

As a principle, I would like the House to assure me that it is only the incumbent who is in danger and the one opposing the incumbent is not in danger. If he must be in danger of any sort, I think the chairman of the committee implies that he is in worst danger if I heard correctly, then we do not need to disarm the Presidential candidate, like the incumbent President and so on. But don't you think we need

to address this fact of the other person who has also put himself in that position?

Madam Chairperson, I would like the mover to clarify the extent to which we can say that this law, since it is not easily enforceable, it should be ignored and therefore we should not put it in our Constitution? I say this, because I would like to agree with Hon. Dr. Byaruhanga who said that the CA Statute was very clear about misuse of public office and using public funds, yet as you all know, church services in some places were interrupted by noises of some things.

When things reach that extent, don't you think we need a provision where we say no, whether you do not resign or you resign, at least you should not be seen in the public eye to be misappropriating public funds. We should empower the Electoral Commission, because there is always a prima facie case where you say no, this man has actually become too much. One candidate here actually took a plane and distributed pamphlets around Mbarara Town, but that was a privately hired plane I hear. But if one used another one which is not privately hired, then that is an obvious case of abuse. Why should the House not think about this instead of just merely throwing out this motion?

I understand the limitations in this amendment, but do you not think it is better to improve on it to address these abuses than just burying our heads in the sand? Thank you Madam Chairperson.

BRIG. KYALIGONZA: Thank you very much Madam Chairperson. I am equally sympathetic to the mover of this motion, but given the contradictions of various situations in our society, I caution ourselves as future intending candidates to stand during the times when we are all hopeful to have the best future. A time when the air of election will be free and fair, people will have been sensitized, they will no longer be misunderstanding the throwing of eggs and rotten tomatoes and so on.

Madam Chairperson, I sometimes get confused when Hon. Members intending to rule or become leaders of this country always look at themselves as incapable in terms of material and capacities. If you want to rule people, you must be in a position to provide for yourself, and be capable of competing with that person whom you are always looking at as somebody using money. If I have capacity to stand and I know I am standing against a rich man, I

should use my resources either of common sense, reason and then I use that facility of reasonableness to defeat that rich person.

Politics is a game of semantics. If for instance you are talking about - Hon. Father Gaitano gave a vivid example - a country going for elections, you are not saying all government machinery will cease to exist. A Minister will not be barred from standing, but he will only resign or take leave without pay as many other public servants will have to do.

When I look at these cries of Members saying people are using government facilities, public funds and so on, it appears to me, we are even encouraging these people of doom. A man today declares himself as an intending candidate by opening up a party. Tomorrow, this person has no capacity even to mobilise two, three vehicles to go and address a rally in Wakiso or somewhere. He will rise up and say, the incumbent Presidential candidate is using State machinery. We will have passed this law and because the law is so soft, anybody opens up, he says I want to be a Presidential candidate, no capacity and so on and we start encouraging his type of cries.

I believe, if we have said any person who is standing as a candidate should be or have a public status, he should not be declared bankrupt. Then this person should only be given, as Hon. Tinyefuza is putting it, there should be some minimum requirement, for instance, security if you are given police protection. That is an obvious issue. Police is supposed to protect every citizen of this country.

But when we start talking of somebody who has been a President, he is moving with Presidential escort, he is still a President; you are talking about somebody who is a Minister, he has not been dismissed but the time of campaign comes, he comes in his co-owned Pajero and then you start saying this person is using State facilities, that is wrong. We should start accepting facts. If you are a poor man, do not stand. Stop. If you cannot compete with somebody, stop it. So Mr. Chairman, I think we should start also considering that this business - *(Interjections)* yes, we should call a spade a spade. Once you have to be a public person, you must have capacities.

If you do not have money, you must be prepared to defeat this person because of his incapacity. People are there to judge you. These Members who are

complaining like a Member from Mawokota, who was narrating his experience, for him it was bad because somebody he was competing against was using State machinery, but he defeated him. Why is he here? How did he come? Rwomushana did the same. Therefore this business of using these examples may not mean much, I should say people should be given chance to prejudge. If a person is misusing, somebody goes with a helicopter somewhere and people are busy seeing him misusing this facility, naturally they will not vote him in. And somebody is using a plane to go and throw pamphlets. If they find this plane has actually been hired and has not been used badly, somebody has used her or his own money, then this person will be voted in. There we are. Another one will use a wheelbarrow, he will walk, he will ride a bicycle and then he will go through.

So Madam Chairperson, I am saying once we start putting up this business of cries, somebody's rich, these things are likely to happen. The politics we are going into is politics of capacity. Everyday here people are waiting outside. They are looking for money, they are looking for what and why are you doing this? So Madam Chairperson, I propose that Hon. Rwomushana as he managed to come in with his bicycle and he was voted in, let us continue with the way we are and give people the chance to decide whether they are voting in a correct candidate who is going to deliver in terms of services, in terms of discussions and so on. Thank you very much.

MRS. LAGADA BEATRICE: Thank you Madam Chairperson. Madam Chairperson, I want to associate with the sentiments which my neighbour Hon. Brig. Kyaligonza has just expressed. Madam Chairperson, when I look at this amendment, it presupposes, at least to me, that during an election campaign, government will have ceased to exist, yet I know that there is not any one time in the country where you do not have a government in operation.

Madam Chairperson, unless the movers of this amendment want a situation where the people who are running government during an election are exposed to danger. Maybe you have the particular President or the incumbent President getting assassinated. I do not think it is right to say that no property of State should be used during an election.

We have very many examples in the last election which we can draw from. In North Uganda where

I come from Madam Chairperson, we have quite a few Ministers who stood in the last election and I can assure you they had government vehicles but they failed to make it. So what is this argument we are presenting here? Do people vote in Pajeros and aeroplanes or what? I thought people voted in yourself as a material they think can represent them well.

If anything Madam Chairperson, I think people in positions like Ministers and the President are disadvantaged, in the sense that people will be looking at the property they have, the vehicles they have and the voters may even resent this saying we sent you there, you had all this at your disposal, and yet you did not do enough for us. Such people are likely to vote in somebody else who is riding a bicycle or who is even walking on foot.

I mean it has happened, and we have seen it. So Madam Chairperson, I stand to oppose this motion. We have too many examples like Ruhama county in the west, and many others in the north. Let us argue on something else but let us not say that people get voted in because they are using State machinery. We must protect our government and allow a government to hand over to another one smoothly without endangering the people who have been running government. I thank you.

MR. ETONU: Thank you very much Madam Chairperson. I support this amendment on the following grounds. If we allow going by what the last speaker has just said, if we allow Ministers or all government officials to use properties of the people, those Ministers and those public officers will not stand a chance of being elected.

We have just been told that they lost and therefore I suggest that to allow the public to assess or to choose candidates of their choice, we should all go, all the intending candidates should go to the electorate equal. If you do that, you will definitely allow the public to choose correctly. There is this issue of the public officers or people holding Ministerial posts using public money to buy the owners of the money. That principle is wrong.

I will therefore suggest very strongly that the public money should be left alone. After all, if you are vying to become the President, why can you not use your own properties? Even if you are holding a public office, you should be having a vehicle at

least. You should be having money, and you should use your own money so that you are proud that you used your own money to get what you have acquired. Why should we hide behind using public funds for us to cheat the public?

I would like to add that our electorate today is not of the 1960s where you can deceive them with that property and you think you will be elected. We have heard many examples in the country here and even elsewhere. We have known of Ministers, even Presidents losing their seats or not being re-elected. I do not see any danger of not using public funds or public property during the elections.

I strongly support this amendment and go by saying that in fact today in Uganda, if you are associated with using public property which is people's property, you will lose an election. Thank you.

THE DEPUTY CHAIRMAN: Hon. Delegates, before we proceed, I have a proposal that we go express because I have a bad experience that whenever we adjourn on Friday, people do not come back. Yes, we always do not have a quorum for four consecutive weeks now. So I am saying rather than releasing ourselves and then we do not come back, let us put in another hour and adjourn at 2.30 and we call that a day. I am trying to avoid wasting time. I know if I release you, very few will come back.

LT. GUMA GUMISIRIZA: Thank you Madam Chairperson. I am Guma from Ibanda. Hon. delegates, the idea of levelling the ground is really good and I would really support it if it was attainable, for everybody to campaign freely with equal opportunities so that at the end of the day if Mr. X or Mrs X loses, then you do not complain.

But as Hon. Tinyefuza said, I really don't understand the concept, because although he said that they had earlier on wanted government officials to resign, even if they did resign before the official campaigns begin, because in my opinion, I think that even now there are really effective campaigns that will culminate in the final exercise.

So those of you who intend to stand in the next race, if you have not started campaigning and you are now saying they just withdraw public resources when the campaigns have begun, this is just fallacy because the campaigns are on now. I consider these campaigns effective and by the time the declaration

is made that no public officer occupying a public office shall use public resources, it is not really very correct. Secondly, I do not believe that -

ANHON. MEMBER: Point of information. Thank you very much Madam Chairperson. And I thank my neighbour to accept to give him information.

Madam Chairperson, the information is that for those supporting the motion, it is not the taking of the public funds or using public utilities that we are worried about. The problem is that whether you use the public funds and lose or use public vehicles and lose, the most important factor here is that we are discontented in the nature that first of all the public funds should not be used.

We do not care whether you lose or you win or whether you have even started using government vehicles now, but the fact is that why do you use the public funds and government vehicles even before and during the election campaigns?

LT. GUMA GUMISIRIZA: Madam Chairperson, for me I contend that effective campaigns are on and there is no way you will tell Hon. Amanywa Mushega, for example, that you should not go to Igara East to see a few schools. He can go there and talk to people just on his official work. But in the mean time he can make a few political inputs.

How will you really substantiate that? Hon. Delegates, I think we are deceiving ourselves. I have a government vehicle, and on my way to Ibanda, probably for official work, I can do campaigning there. By the time you declare that government resources should not be used in an election, people will have really achieved much. So I do not see how you can effectively implement this law.

MR. SAM KUTESA: Madam Chairperson, I would like to get clarification from the current speaker and maybe the movers of the motion. We are all talking about levelling the ground, but levelling the ground does not necessarily mean that you must cut the ground. You can elevate it.

In future, we may find that the country may be able to facilitate Presidential candidates to carry out their campaigns by raising the ground rather than levelling it downwards. If we tie our hands now with a constitutional provision that says nobody shall ever use State facilities, and tomorrow our

economy is a little better or all of us begin to realise that Presidential candidates need support, particularly those who are not incumbents and would like to be facilitated, what shall we do?

Is this not a point to consider and agree that we should make a provision that enables Parliament to regulate the use of public funds? This Constitution should only contain a clause that empowers Parliament to regulate the use of public funds and public facilities. I have seen in the newspaper today, that there is a man who has started a party. He obviously wants to run as a Presidential candidate, but he has no chance in hell against the incumbent, given the facilities.

You may find that in running for these public offices, a time will come when we shall facilitate Presidential candidates. People have been quoting the examples of Germany. I am told political parties get subvention from government for them to be able to campaign. A stage may reach in our life time where we might be in position to say okay, if we really want to level the ground, and levelling the ground means making sure that every candidate covers the whole country, not that every candidate should cover what he can afford.

I seek to clarification on whether this is the right place for this provision, or whether this motion should not be only to empower Parliament to determine from time to time how government resources and facilities should be utilised. I would like the current speaker and probably the mover of the motion to enlighten me, because I think that to tie the hands of future parliament and say nobody shall ever use government facilities, is a dangerous provision because you may never be able to change it without amending The Constitution.

LT. GUMA: Hon. Sam Kutesa is in fact also contributing. That is not clarification. I know and I appreciate the extent to which resources can influence an election. But it is not completely true that someone defeats an opponent in an election primarily because of the resource command.

Hon. Nekyon here told us that the government used all its weight in Maruzi to defeat him, to ensure that he should not come here and finance his opponent, but Hon. Nekyon defeated that candidate who had got all the government backing. I do not know whether it is true. He said it. If it is true, I do not know.

Madam Chairperson, infact I agree with Hon. Kutesa and I wanted to propose an amendment which reads as follows, that "Parliament shall legislate a law regulating or prohibiting the abuse of public resources." Not funds but just resources. I want resources because a car is also money. I beg to move.

THE DEPUTY CHAIRMAN: Is that seconded? Hon. delegates, from my judgement of the atmosphere on the Floor, there is an agreement that there is some gist in Hon. Tinyefuza's submission, that the motion as it stands is too restrictive. But also there is another view that what the Members are saying in their motion is right.

We are now trying to find a way of bridging that gap so that we reach a compromise which will satisfy both sides, not completely tie our hands but also not to leave it open-ended that anybody can use public funds anyhow. So that is the purpose of the motion on the Floor. The wording may not be right.

So may I request the House to work towards getting a language that will assist us to reach that level other than working backwards.

Do you have something new Hon. Sabiiti? Okay, let us hear Hon. Guma's motion but read it slowly.

LT. GUMA GUMISIRIZA: Madam Chairperson, I said that the amendment should read as follows: *Parliament shall legislate a law regulating or prohibiting the use of public resources during campaigns*, because how do you implement that before campaigns?

THE DEPUTY CHAIRMAN: So that is Hon. Guma's motion. Can we have reactions on that one? Okay, let us hear from the mover.

MR. SEKWEYAMA: Madam Chairperson, the principle on which my amendment really hinges is protecting public resources as Guma has put it and the way he has framed it. If he can put in the last part of his amendment a sentence like election campaigns, I think it will cater for my interest. I therefore have no objection.

MR. SEBI DATA: Thank you Madam Chairperson. Madam Chairperson, I would like to request Hon. Guma, if he could drop the word *prohibiting* and let us make do with the word *regulating* instead

of prohibiting. My reasoning is that there could arise a situation where you might need the use of public resources.

For instance, you could be campaigning and a security situation arises which necessitates the use of security personnel. You might have to go to the police and you request for police escort. You are not a presidential candidate, you are not a public officer, you are a private candidate but you are a national figure already, and there is need for you to be protected.

Madam Chairperson, some Ugandans are very primitive. If you disagree with him, he would want to eliminate you and I think this is primitivity. We should run away from this culture of trying to eliminate our opponents, on grounds that they do not agree with us. So you might need to be protected by the police or by the army during campaigns and I think this is proper.

I do not know whether Hon. Guma will agree with me. His amendment is good, only that he maybe should drop the word prohibit.

MR. RWOMUSHANA CHARLES: Thank you Madam Chairperson. Madam Chairperson, I also find a problem with the word "prohibiting" the use of public resources. For instance -

LT. GUMA: Point of information. Madam Chairperson, let me read the amendment correctly. I have said that Parliament - it is true originally there was the word prohibit- but in the second reading, I have said that Parliament shall make laws to regulate the use of public resources and I would like here to make another correction, that *Parliament shall make laws to regulate the use of public resources or institutions during election campaigns*. My particular example, I had a problem with the church, they used the church as an institution against me.

THE DEPUTY CHAIRMAN: I think that is agreeable. So Hon. Guma is saying that Parliament shall make laws to regulate the use of public resources and institutions during elections campaigns.

(Question put and agreed to).

THE DEPUTY CHAIRMAN: So I will have a new 8 moved by Hon. Sabiiti and amended by Hon.

Guma. I put the question that it does stand part of this constitution as amended.

(Question put and agreed to).

THE DEPUTY CHAIRMAN: Thank you very much.

MR. SEBAANA KIZITO: Thank you very much, Madam Chairperson. My motion as has been circulated to you all is seconded and it reads: *Any person holding public office who may wish to contest in a national election shall resign such public office at least 60 days before such election*. The idea behind presenting this motion is similar to the idea behind the previous motion which we passed.

People in public offices do want to contest for elections on a national scale and it is a good intention for them, but if they do want to do so, they should not be in these public offices so that they can avoid using the public money and public institutions in order to further their campaigns.

We have got several examples of people who have been in public offices and who have used these public offices to further their campaigns. Therefore in the quest to make these campaigns free and fair, we need to make all people equal. I am saying national elections, because I want to distinguish between national elections and local elections. This amendment does not intend to bar people in public offices from contesting local elections.

I am only referring to national elections like to Parliament or to Presidency. Therefore the reasons behind are very clear in the sense that, if you are making a campaign for a national office, it is necessary for you to devote a lot of money and a lot of time and a lot of effort. You cannot be campaigning and at the same time occupying public office. If that is the case, it means you are cheating on the public, by not serving them as well as you can. You will be devoting most of your time in campaigns.

THE DEPUTY CHAIRMAN: Hon. Sebaana, I can hear so many people want clarification on this issue. So, let us start with Hon. Tinyefuza so that, we get them at a ago.

MAJ. GEN. TINYEFUZA: Thank you Madam Chairman, and thank you Hon. Sebaana Kizito. I

am seeking clarification from Hon. Sebaana on whom he is really targeting? Is he clearly focused? I want him to re-assure me that he is targeting correctly, because public office, means civil servants, you are targeting these small fish, but Ministers are not included in this Amendment and they are the people with the money and you know public offices. Therefore, whom are you targeting exactly?

MR. SEBAANA KIZITO: Madam Chairman, I have got an example - *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Sebaana Kizito, to save time, let us hear from Hon. Medi Kagwa, Hon. Kiwanuka and Hon. Ambrose Atwoki, then you will answer. Okay, and Hon. Amanyamba Mushega in that order.

MR. MEDI KAGWA : Point of clarification. Thank you Madam Chairman. I want clarification from the member on the Floor, as to whether what we have just passed does not cure the problem he had wanted to cure by bringing this Motion.

MR. KAGIMU KIWANUKA: (BUKOMANSIMBI COUNTY): Point of clarification. Thank you Madam Chairman. It is similar to this.

MR. ATWOKI: Point of information. Thank you Madam Chairman. I want to inform my Mzee, Hon. Ssebaana Kizito that the provision which was passed previously, I believe covers what he intends to cover.

As an enabling provision, this one will not allow Parliament to find out whether the issue of a Public officer resigning from the office is important in making the elections free and fair or not. It is covered under that subsidiary legislation. Thank you.

MR. KARUHANGA (NYABUSHOZI): Thank you Madam Chairman. I seek clarification on two issues. If this is meant for Civil servants, then it really means to punish the good civil servants who would like to make an attempt into politics and then we keep to the type of people whom we have always had in politics. People who have no job, unemployed and are just looking for jobs in the Public affairs and then they end up becoming our leaders.

If it is meant for politicians, like the President and the Ministers, then it makes the country have a vacuum of leadership. If the President resigns two months before he goes to campaign, then the country is leaderless, he may say the Vice President will take over; what if the Vice President is also standing?

I think Hon. Ssebaana had a good intention before we discussed the previous Motion and amended it. But the way it was amended by Hon. Guma, should satisfy Hon. Ssebaana and I think that without going too much into insurance, since he has been insured here, by that previous amendment, I think he can withdraw this Motion.

MR. SSEBAANA KIZITO: First of all, I want to thank the people who have given me the information.

The first question was, whom am I targeting? I am not targeting anybody. I am only bringing a principle which I think should apply without any body in mind.

Hon. Elly Karuhanga asked whether I want to punish civil servants? I want Madam Chairman, to give an example, which I know very well. In 1980, I was Managing Director of National insurance Corporation and in 1980, we were going for elections. The regulations at that time, were that, public officers who want to engage in elections, should resign. I resigned, as did other people like Hon. Kitaka Gawera who resigned from Lint Marketing Board.

What I want this for, is that, people should concentrate. If they want to go into politics, they should have calculated properly. They should not be gambling, they should know what they are going to do, and if they are careful, they will win, if they are not very sure, they better not join politics. I am not saying that civil servants should be punished, or civil servants should not engage in politics. Civil Servants should engage in politics, but if they do, they should resign and choose between politics and Civil Service.

However, Madam Chairman, I have been assured by lawyers around me, that the provision which we have just passed, which prohibits or which gives Parliament authority to regulate the use of Public funds and public institutions, for election purposes

would take care of my Amendment. Therefore, assuming that - I want to be assured whether this is correct and - if I am assured that this is a correct way of advising me; and since the reasons for me to move this Amendment was an attempt to protect the public against exploitation by people who may be in offices, but out of offices, I would like to be allowed by the Floor to withdraw this Motion. *(Applause.)*

THE DEPUTY CHAIRMAN: Okay, that Motion is withdrawn. Hon. delegates, it seems unless there is another Amendment, we have disposed of 92, except with one and 2. A paper has been circulated, on 2, but we have not been able to study it, so I propose that we leave that one for next week. Let us go and read the papers and see what the Technical Committee advised. I think everybody has that paper.

We had put the question on the individual Articles as we were going along amending. So I do not have to put the question on the whole Article, because we have 1 and 2 still pending. But also take note that we have included some other new provisions. There is article 93 which I think is not contentious and I think we can clear it, and then we shall stop there. So, Hon. Sam Kutesa.

MR. SAM KUTESA: Madam Chairman, Clause 1, of Article 93, the committee recommends Clause 1, be retained as it appears in the Draft Constitution. That was the recommendation of the committee, but by going through the report, I wanted to add the following words at the end, *using the one ballot box*.

So, the recommendation is that, *at the public elections or referendum, voting shall subject to the provisions of the provisions of this Constitution be by secret ballot using one ballot box*.

MR. MWONDHA: Point of clarification. Madam Chairman, I want a clarification, because if we simply say, one ballot box, may be we are meaning one ballot box at a Polling station! Because if it is one ballot box for the whole country, - *(Laughter)*

THE DEPUTY CHAIRMAN: Hon. Kutesa, moreover, that is a better interjection I was expecting something worse.

MR. SAM KUTESA: Madam Chairman, I am as relieved as you are. I also suspected something worse. *(Laughter)* But just to clarify on that, when we say one ballot box, we do not mean nationally, even when we say by secret ballot, to say, at each Polling Station, I see no harm in that.

MR. OMARA ATUBO: Madam Chairman, I support the idea of the very principle of using one ballot box in a Polling station. It is a very important practice and it has to be there. But the way it is drafted and put there, looks clumsy for a Constitution.

I do not know whether we would find a better way of putting it, or since it is a practice which the Electoral Commission implements and laws being passed and - *(Interruption)*

THE DEPUTY CHAIRMAN: But you are not providing for any better version.

MR. OMARA ATUBO: Also, I do not know whether it is really - some day we have got to constitutionalise - *(Interruption)*

THE DEPUTY CHAIRMAN: So, you have your reservations and that is all.

MR. KARUHANGA ELLY: Madam Chairman, the intention behind the addition of the one ballot box is noble and is meant to correct the mistakes of the past. It should be supported.

Somebody wanted to know what mistakes. Madam Chairman, I am still going on. I am not saying that, I am leaving that, only I wanted to tell him the story that I understand the students of Calcutta University went on strike because they were not allowed to cheat. Now, this will stop them of course from doing that.

I want to say that the point Hon. Omara Atubo has raised is valid. The way it comes out in the reading of it, is very clumsy. I would like to ask the Chairman of the committee to make the wording in such a way that it comes up with the meaning it is meant to make and is written in a good and constitutional way - *(interruption-)*

THE DEPUTY CHAIRMAN: Can we leave it to the Drafting Committee or the Technical Committee?

MR. KARUHANGA ELLY: That is what I am proposing.

THE DEPUTY CHAIRMAN: So, we agree in principle and we can put the question on it. So, I put the question that 93 (i) be amended by adding using one ballot box at each Polling station, and the language will be polished by the committees concerned.

(Question put and agreed to).

MR. SAM KUTESA: Clause (2). The committee recommends that clause (2) be retained as it appears in the Draft Constitution to read: *immediately after the close of the Poll, the Presiding Officer shall proceed to count at the polling station the ballot papers of that station and record the votes cast in favour of each candidate or question.*

MR. SEMAJEGE HIGIRO: (LWEMIYAGA): Madam Chairman, I would like to add somewhere after record that, and announce the results of the votes in - *(interruption)*

THE DEPUTY CHAIRMAN: Can you read the whole thing as you want it? We are on clause (2), page 23.

MR. SAM KUTESA: Page 24, clause 4 (b), will take care of his concern.

MR. KARUHANGA: Now, Madam Chairman, at the risk of being misunderstood, I just want to raise the question of this word Presiding Officer. You see, throughout the text, we are meeting this word for the first time. This worries me. Who is a Presiding officer in this Constitution? He is not yet described.

I would rather we say, the Electoral Commission or the election official, but I think the way it is, - the Presiding officer shall proceed alone, to count all - at the polling station alone, the ballot papers of that session alone, and record the votes cast in favour of each candidate alone, and clear alone. I am being ridiculous but *(Interruption)*

MR. SAM KUTESA: Madam Chairman, if the concern is about being alone, I would like to refer Hon. Karuhanga. Let him ask whether the definition of Presiding officer is in the interpretation section, but that is a separate matter from being

alone. If he wants to know what the Presiding Officer is with others, he should wait for 4 (a).

MR. KARUHANGA: Madam Chairman, I want the Electoral Commission which are handling the election to appear. I am not too happy.

HON. MEMBER: I think you want to rig?

MR. KARUHANGA: I do not have an answer now.

THE DEPUTY CHAIRMAN: So, if you do not have an answer, better be satisfied with the provision. So, we assume that

MR. KASANGAKI PANTALEO (BURULI COUNTY): Thank you Madam Chairman. In this clause, I am not so sure of the last word or question. What does it imply? Can we get clarification.

MR. SAM KUTESA: The words or questions refer to; if there is a referendum, because on referendum you are determining on a question. You will see that in Clause 1, we talked about re-election or referendum and so, there will not be a candidate in a referendum; there will be a question.

THE DEPUTY CHAIRMAN: I think that is well cleared. So, (2) is agreed on. Clause 3.

MR. SAM KUTESA: The committee recommends that clause 3 be retained as it appears in the Draft Constitution to read: *A candidate is entitled to be present in person or through his or her representatives or polling agents at the polling stations throughout the period of voting, counting of the votes, and ascertaining of the results of the poll.*

THE DEPUTY CHAIRMAN: There seem not be any problem.

MR. SAM KUTESA: The committee recommends that clause 4 of Article 93 be amended to read:

4. The Presiding officer, the candidates or their representatives and in the case of a referendum, the sides contesting or their agents if any shall sign and retain a copy of declaration stating:-

(a) the polling station.

(b) the number of votes in favour of each candidate or question, and the Presiding officers shall there and then announce and the results of the voting at that Polling station before communicating them to the returning officer.

Clause 5. The committee recommends that Clause 5 be retained as it appears in the Draft Constitution to read.

Subject to the provisions of this Constitution, an issue for determination by a referendum shall be taken to be determined by a majority of the votes cast at the referendum.

MR. RWOMUSHANA: Point of clarification. Thank you Madam Chairman. Madam Chairman, I have a problem on this. You may call for a referendum and the referendum appears to be very unpopular. For instance, it happened in Central Africa, where less than 10 per cent of the population participated.

If you call for a referendum to determine the issue of the whole nation and people boycott it, and less than 10 per cent participate and then you have a majority of the 10 per cent declaring. Does it still qualify as a national issue? Does it become a national decision? I would like to have clarification on that. Apart from that, supposing the results do indicate that 51 per cent want it, 49 per cent do not want it. How do you therefore cater for the other 49 per cent?

MR. SAM KUTESA: Madam Chairman, Hon. Rwomushana will recall that we all objected to compulsory voting. We have provided against compulsory voting. Although we have imposed a civil duty, to allow people to register, we have all voted against compulsory voting. So, you cannot say that on this one, everybody who is registered must turn up and vote.

If it is a matter of national importance, I think the parties or the contesting parties should be able to drum up sufficient interest in the population to turn up and vote. As to who wins of 51 per cent, and 49 per cent, the one of 51 per cent obviously wins. It reminds me of what the late Sir, Harold Wilson said, when he won with the a majority of only three people. They asked him, how he intends to run Government. He said, "leave that to me, the British electorate has given us the mandate."

THE DEPUTY CHAIRMAN: Okay, so it seems ...

MR. KAGIMU KIWANUKA: Point of clarification. Thank you. I am seeking clarification from the Chairman of the Committee. When we were moving on page 18, about grievances, we said that anybody aggrieved by a decision, can appeal to the high court. There, we referred to page 18, Clause (3), it says that a person who is aggrieved by the decision of the and so on, may appeal to the high court and so on, and there, we referred to clause 1, and Clause I was also referring to paragraph (e) on page 12.

Now, paragraph (e), on page 12 was refers to complaints before and during polling. Now, I am asking for clarification. If a person is aggrieved by a decision of a Presiding officer, under clause 4 on page 18, and page 24 and referendum. Is it provided any where that he can appeal? I seek this clarification from the chairman of the committee.

What I am asking of the chairman of Committee is, assuming a person is aggrieved by a decision of a Presiding officer, it provided that he can appeal or is it obvious, because what we passed, as I have explained, only covers complaints before and during, it does not cover after. I am seeking clarification from the Chairman, such that if it is not covered, then he allows me to move a Motion.

MR. SAM KUTESA: I have lost Hon. Kagimu. If I understand him correctly. His question is, if you have a problem or a complaint to raise before and during polling, then you are able to raise it, that he is satisfied with, then he says, what do you do if the complaint arises after polling?

I do not know what he means by after polling. If you are at a station and you are satisfied with the methods of polling, the votes have been counted, your agent or your self have signed and you have a copy of the results, I cannot understand what other complaint can come after there. If it does, then you go and file a petition to the high court as it was against him, but he successfully defended himself.

DR. MUGYENYI: Point of clarification. Thank you Madam Chairman. Madam I just want clarification from the Chairman. On clause 5, it is restricted to the results of a referendum. I wonder from the Chairman why it is subject to this simple majority to any other election. Why did the committee think of only making that determination on

results of a referendum and not on other elections. Supposing you are having Parliamentary elections and I contest and I get a simple majority, does that provision declare me a winner or not?

MR. SAM KUTESA: There is no weighted voting. In other words, you do not require as a member of Parliament a two thirds majority over your opponent or even an absolute majority. That was so, I think during the 1989 NRC elections. I think there was requirement for absolute majority, but according to our current, law, it is simple majority, and I think that will be taken care of in the electoral law.

THE DEPUTY CHAIRMAN: So, that is No.5. Do you have anything else on this Article?

MR. AWORI (SAMIA BUGWE NORTH): Madam Chairman, I once again seek your indulgence on grounds of procedure. At the beginning of this Session, this morning, I requested that we adjourn sine die.

THE DEPUTY CHAIRMAN: Let me put the question on the provision. Your matter does not concern the elections, let us be patient. I was expecting you to be talking about Article 93. I should attend to you after this.

MR. KARUHANGA: Thank you Madam Chairman. I want the chairman of committee 5, to assist refresh my memory. If the elections for Parliament are of a simple majority nature, that means, when nine people stand in a constituency and they are 10,000 people voting, the one who gets the majority, it could be just 900 votes, wins. Now, what about the Presidential elections. I wanted to be clarified on that. Do we have a second round of voting? I just wanted to be - *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Sam Kutesa, can you clear the mind of Hon. Karuhanga? He may have the answer, but he wants to get it from you.

MR. SAM KUTESA: I think I may probably request Hon. Mulenga who dealt with the executive to remind us, I am not aware. I am sorry to seem to be catching on your way, I do not know exactly what was decided on whether the President requires a simple majority or absolute majority or 51 per cent.

MR. KARUHANGA: Madam Chairman, my question which Hon. Mulenga could answer is, if it is decided that for Presidential elections, if we are to say there are 9, 10 or 20 people standing for Presidency and non of them gets the majority or 51 per cent, then it is assumed your Committee decided we have a second round of voting until we get a President who enjoys 51 per cent majority. If that is the case, and we want you to confirm that, then the Amendment we are just about to pass, which only requires the 51 per cent for referenda, would then also be required to indicate an additional bit on the Presidential elections.

MR. SAM KUTESA: Madam Chairman, I do not think that is necessary at all. If indeed in the executive we provided that for the president, he need 51 per cent, that is the provision of this Constitution. This particular provision relates only to referenda, so there is no inconsistency. You can say in the executive, we are not making a clause that covers all elections, whether Presidential, referenda or Parliamentary in one Clause.

If, in the executive, we said that the President will be chosen after he wins 51 per cent of the votes, that is taken care of in the Chapter on the executive, and it has absolutely nothing to do with what is contained here. I do not see why Mr. Karuhanga wants to get an omni-bus clause.

THE DEPUTY CHAIRMAN: Hon. delegates, I think we are through with 93, noting that No.1 is to be improved on. I think really I should put the question on these provisions. Hon. Kasangaki and that is the last one.

MR. KASANGAKI: Thank you Madam Chairman. In Clause 1, does it include local elections like RC 1 elections, - the public elections?

THE DEPUTY CHAIRMAN: Does it include RC 1 elections, he is going back to No. 1? ...

MR. SAM KUTESA: What is the purpose of having passed it?

THE DEPUTY CHAIRMAN: He wants to be clarified, he has gone back to clause 1. whether RC 1 elections require a ballot box.

MR. SAM KUTESA: The way we have passed it, it will require one.

THE DEPUTY CHAIRMAN: Okay, I put the question on 93, that as amended in 1 it does stand part of this Constitution.

(Question put and agreed to).

THE DEPUTY CHAIRMAN: So, we have disposed of 93. I promised that we stop at 93 and then we come back on Monday. I have some announcements. I request that the following information be passed to Hon. delegates who have agreed to her Excellency, the Vice President's invitation to a Fundraising tomorrow. The vehicles will be leaving this Conference Centre, Saturday, 27th May 1995, at 7.30 a.m. for Iganga. It takes two hours to Iganga.

I therefore request that interested delegates register today with Mr. Wanjusi Wasike Wasieba or the office of the Chairman. Please keep time, the vehicles will depart at 8.00 a.m. I hope Hon. Wanjusi is here, he had wanted this read before but I did not want to interrupt the debate. These are the announcements given at the end. But Okay, I am very sorry, I should have done it earlier, but I did not want to disturb the flow of the debate. Thank you.

Another is from Hon. Aggrey Awori. A Motion to Adjourn sine die. I do not have to read it. I do not have the mandate. It is the mandate of the Business committee. We will come here on Monday, you can ask the Business Committee to see it and we see what to do. I have to consult, otherwise, I cannot make a decision and we cannot make a decision here. It is not an issue for debate. We adjourn until Monday 9.30 a.m.

(The Assembly rose and adjourned until 9.30 a.m. Monday, 29th May 1995)