



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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TUESDAY, 14TH MARCH 1995

MOTION:-

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Tuesday, 14th March, 1995

(The Assembly met at 9.00 a.m. in the International Conference Centre, Kampala)

P R A Y E R S

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR.

THE CHAIRMAN: Hon. Delegates, as you can see, we are not yet in quorum and in accordance with our new practice, we shall have to suspend for 15 minutes to give the House a chance to see if we can realise a quorum and so we are suspended for 15 minutes.

(The Assembly was suspended for 15 minutes)

THE CHAIRMAN: Delegates, at 9.00 O'clock or 9.05 a.m. we came in and the numbers were not sufficient to constitute a quorum, we suspended for 15 minutes - in fact slightly more - as required by the rules but I am sorry to say we do not have a quorum. We are 108. Our quorum is 142, we are less than 110. The rules are very clear on the issue, we do not have to argue about it. You wrote the rules yourselves. I will therefore adjourn the House to 2.30 p.m. and hope that this will be the last time we shall have no quorum. We are supposed to have a quorum to transact our business. Members, we discussed this yesterday, the only thing that I am prepared to accept this morning is that maybe some Members had left yesterday when we adjourned so they did not know about the 9.00 O'clock, but we cannot be breaching our own rules when we made them. So the problem has been that, of course we were too lenient at one stage, but this has become a practice.

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

CHAPTER SEVEN: THE EXECUTIVE.

THE CHAIRMAN: Hon. Delegates, when we adjourned yesterday, we had disposed of Article 105, we now go on to 106 and straight-away I give the Floor to the Chairman of Committee Two, Hon. Mulenga

MR. MULENGA JOSEPH (Democratic Party): Thank you, Mr. Chairman. Mr. Chairman, Select Committee Two recommends that Clause (1) or Article 106 be retained to stand part of the Constitution. Mr. Chairman, I beg to move.

(Question put and agreed to.)

MR. MULENGA: Mr. Chairman, the Committee recommends that clause(2) be amended in two paragraphs. First in paragraph (a) to introduce a new paragraph (a) that will read: "A person shall not be a candidate in a presidential election unless: (a) being a person in active service of the Uganda Armed Forces, that person has resigned his or her office." Mr. Chairman, I beg to move. *(Interruption)*. Mr. Chairman, Delegates are asking where is that, it is on page 10 of the report.

LT. COL. GUMA (Bukanga County): Thank you very much, Mr. Chairman. I appreciate the concern of the Hon. Delegates but I feel we should not get excited. This Army is very different in making and in content. I think it should also stay for the next five years and maybe after that, if the Parliament may think of saying your duty is over, if you want to leave the army and go into politics, then you can leave the army but I do not think it is opportune now to stop the Army from standing. The issue of resigning, while I appreciate it, there are some people who cannot be allowed to retire, so what happens?

THE CHAIRMAN: There is a mistake here, there is a minority report.

LT. COL. GUMA: That is what I wanted to point out, Mr. Chairman.

MR. MULENGA: Mr. Chairman, there is a minority report which I think is being moved by Hon. Hashaka which would like to include other people also holding public office that they should resign before standing as presidential candidates.

MR. HASHAKA JACKSON (Kibale County): Thank you, Mr. Chairman. Mr. Chairman, we are quite a number from Committee Two who, somehow as a minority, disagreed with this amendment as recommended by the Committee. Mr. Chairman, we wish to move that "A person shall not be a candidate in a presidential election unless he or she resigns from his or her commission in the Uganda

Mr. Chairman, as per the report, you will find that it is only people from Uganda Armed Forces who are affected and we have already passed that Ugandans at any level should not be discriminated. In the report, it is mentioned that an active armed personnel would, especially in the case of multi-party politics, compromise his or her expected neutrality if he or she campaigns while holding the office and in the case of defeat, he would not compromise with a successful candidate. Mr. Chairman, we have strong civil servants like Permanent Secretaries or Heads of Uganda Missions abroad who after failing in their campaigns would destabilize also the incumbent president by quietly flopping the useful government projects or leak out even government secrets especially in those countries where they are stationed. They are equally dangerous, Mr. Chairman. Like the Committee thought - *(Interjection)*

THE CHAIRMAN: Hon. Hashaka, there is a point of order, give way.

MR. KATENTA APUULI: Point of order! Mr. Chairman, with all due respect to the Hon. Delegate, is the Hon. Delegate in order to impute improper motives on particular groups of people? Thank you.

THE CHAIRMAN: I thought he was only illustrating his case without necessarily saying that they are doing so.

MR. HASHAKA: Thank you, Mr. Chairman, for your wise ruling. Mr. Chairman - *(Interjection)*

THE CHAIRMAN: There is a point of order from Hon. Ssentenza Kajubi.

PROF. SSENTEZA KAJUBI: Mr. Chairman, when discussing the Chapter on Public Service, we already passed certain provisions that a public officer on being appointed to a certain position should resign after being appointed. Is it in order to bring a Motion which contradicts that particular amendment which we have already - article which we have already approved?

THE CHAIRMAN: But these are not the same offices are they?

MR. HASHAKA: Thank you, Mr. Chairman.

THE CHAIRMAN: I do not see the contradiction, I think it is just an extension.

MR. HASHAKA: Thank you, Mr. Chairman once again for that continuous wise ruling. Mr. Chairman, the reason why I am saying that also those people holding public office should resign is particularly not to suffocate this person who is intending to be a president and he is from the Armed Forces. He is also a bread earner like anybody else and employed. After failing to go through, the man comes down, he goes home and suffers because he cannot go back to his work yet this other person holding public office goes back to his job and he starts earning. I do not see why there should be that total discriminatory really, to discriminate somebody else when others are enjoying after failing to go through. Mr. Chairman, the incumbent president may not transfer or relinquish duties of these people as soon as he becomes president because he might feel that the public might feel that he is sacking the former candidates to suppress them of their career and it may depress his position immediately he becomes a president. So, these people will keep - it will not be very easy for them to leave their job, Mr. Chairman, and they are sacked, they will keep enjoying as they were before they went to contest for presidency. Mr. Chairman, if all those intending candidates would resign, even including the incumbent, say president, in case we are going for polls say next year or after five years, the incumbent president should also resign so that the ground is levelled, that if they all lose and one goes through, they go back and hope for the following year - for the following after five years - to campaign hopefully that they may go through.

Mr. Chairman, people in the public service should accept either to go to politics or completely stick to their duties and avoid being double edged. Mr. Chairman, this would reduce opportunists who join politics for trial and error purposes. Mr. Chairman, the recent C.A. elections gave us experience of these people holding public offices. In spite of having stated in the Statute that they should go on leave, this was just a mere joke. Very many officers were using the public vehicles - their office vehicles even with escorts, army and police uniforms, even guns were being worn during the campaigns - *(Interjection)*

THE CHAIRMAN: Hon. Hashaka there is a point of order.

MR. BYARUGABA (Isingiro South): Thank you, Mr. Chairman. Is it in order, Mr. Chairman, for the Member holding the Floor to impute bad motives

on civil servants who stood like any other contestant and followed exactly what the Statute was saying? Mr. Chairman, is it in order for him to impute that civil servants were misusing their offices? Is he trying to mean that there was no Electoral Commission to disqualify them?

THE CHAIRMAN: Hon. Hashaka, if you have been intending to say that people holding public offices abused their offices during the elections, you would be unfair because the Commission should have found out such matters and taken action but that being so, I would still like to urge that you have made your point, your point is quite simple that the recommendation from the Committee is that anybody who is serving in the armed services should resign before becoming a candidate. Yours is to say that that one should extend to public servants as well. We do not need 30 minutes lecture on that one really. So you should wind up so that we can proceed.

MR. HASHAKA: Mr. Chairman, I am going to wind up by saying that we saw very many examples by one person being killed in the process of the so called campaign. Hon. Ruzindana was chased by a gun and this was in fact an Army officer and some other public officers could have used other means. Mr. Chairman, I wish to request and implore Hon. Delegates that we should not discriminate only army officers, army personnel or armed forces without considering also people who hold public offices. Mr. Chairman, I beg to move. Thank you.

THE CHAIRMAN: Yes, the position is quite simple. The recommendation was that the members in active service of the Uganda Armed Service should be required to resign before being candidates for presidential elections. Hon. Hashaka and others have brought in a minority report to say it should extend also to people serving in other public offices and in accordance with our rules, we first dispose of the one of Hon. Hashaka - the minority report first and then we proceed from there.

MR. MALIRO (Mwenge North): Mr. Chairman, I stand to oppose the Motion. The reasons which have been advanced are not convincing at all. First of all, the Movers seem to say that if we include public servants, they will have removed discrimination. I think they do not understand the meaning of the word "public servant". "Public Servant" does not include the people in political offices, it does not include Ministers, it does not include Members of

Parliament, it does not include such other people. I would think that when the Movers give the reasons that the ground would be unlevelled because those people will use public funds or public facilities, it is the politicians who have got more access to public funds and other facilities than the public servants. When you say for example that a doctor who is in Mulago first resigns before he can offer his candidature and after losing then he does not go back to his work, I do not think that is doing him any good. I would think that it is better to ask this person to proceed on leave and then after elections if he has lost, he goes back to the work to serve the nation.

Mr. Chairman, when you talk of including public servants and saying that their remaining on the work would create a situation whereby other candidates cannot compete favourably with them, then - *(Interruption)*

THE CHAIRMAN: Hon. Maliro there is a point of order.

MR. DICK NYAI (Ayivu County): Mr. Chairman, is the Hon. speaker holding the Floor in order to try and confuse this House by talking of something which has not been moved? He is talking about public service. The Motion is talking about public office. I think the two, Mr. Chairman, are not the same. Is he therefore in order?

THE CHAIRMAN: Hon. Dick Nyai, of course we have not come to it yet but if you look at page 122 of your Draft Constitution, unless that definition is changed, I think the Member is right. "Public office" means an office in the public service.

MR. MALIRO: Thank you, Mr. Chairman, for that good and clever ruling and I want to add on that. If he has looked at the page 122, he should see that Public Service means service in civil capacity of the government and district governments or other local authorities. Therefore, it includes public servants. That is actually what it means. Therefore, I am saying, Mr. Chairman, that including civil servants and asking them to resign has got one disadvantage, the disadvantage is that civil servants either will fear to compete in case they lose and the result will be leaving only veteran politicians to compete for the presidency, or perhaps to look for farmers or traders to come and compete because one will not be sure that after offering himself or herself as a candidate, would win. Mr. Chairman I want you to imagine an

honourable person like Prof. Nsibambi from Makerere fearing to stand for presidency because he has to resign. All I want you to do is imagine him resigning his work and then after that he is not free to go back and serve the nation. I think, Mr. Chairman this amendment must be thrown out. Thank you Mr. Chairman.

MR. LUKUMU (Buliisa County): Thank you, Mr. Chairman. Mr. Chairman, I stand to support the Motion. I must in the first place, Mr. Chairman, inform the Honourable House that I am a member of Committee Two. Mr. Chairman, some of us of the view of Hon. Hashaka feel that it will really be unfair not to allow soldiers in active service to stand for this high office of presidency while allowing public officers like Permanent Secretaries, Under Secretaries and the like to contest for this office. It will indeed be a double standard. Mr. Chairman, if we imagine a situation whereby as it is most likely to be or as it is bound to be where a Permanent Secretary contests for a presidency and loses and that Permanent Secretary is allowed by law under this Constitution to go back and serve as Permanent Secretary under the same president he challenged in the elections, I can imagine that this would really make the whole situation very difficult for this president to serve with confidence believing that this Permanent Secretary who challenged him is working without undermining him especially if we come to a situation whereby such a Permanent Secretary under a multi-party system, he is of a different party, he has already challenged the policies of the president and yet he is supposed to be an implementor of these very policies.

It is unthinkable, Mr. Chairman and in any case, Mr. Chairman, it would appear some Hon. Members of this House seem to believe that you are only a politician when you go through elections. Whoever enters the electoral race is already a politician so this principle of separation of powers so that we have the implementors and policy makers, we have neutrality of public officers like the Permanent Secretaries, would really not be any longer carried. It will therefore only be wise to say that if you come to the point of challenging or contesting for presidency, you have now declared your interest as a politician not just as a person who is to carry orders, to implement policies formulated by others. You should therefore remain as such not to be a politician during campaign and then tomorrow when you lose, you are just an ordinary public officer. I do not think you are

serious there because my understanding of a politician at least as far as our Ugandan context is concerned is that you are there challenging openly, policies and views presented by your opponent whether during campaigns or after. So I can not imagine a situation where a Permanent Secretary or an officer of the same level continues to work under a person whose policies during the campaigns a few months or days ago he was openly criticising. It is just unthinkable, Mr. Chairman and as for this, I need not emphasise the point which was raised under our report - that is Committee Two report.

We only need to make sure that we do not really contradict ourselves by not allowing members of the Armed Forces not to contest for elections or if they do so, they do not go back to their active military service, it would not be fair. I think we shall be contradicting our own declarations of there being no discrimination of citizens on any grounds be it on professional or other considerations. I realise nobody is challenging - especially from our civilians - nobody seems to be feeling that there is injustice to bar soldiers in active service to challenge or rather to contest for presidency but when it comes to public officers, the majority of whom are in this House, it really gives me the impression, Mr. Chairman, that we are not really serious, we are not making this Constitution for generations to come despite the fact that we have now and again said that this Constitution should stand the test of time. We are only making it for tomorrow. So if we say because I am a DES today only on leave or because I am a PS today on leave so tomorrow I should be allowed to challenge, to contest for presidency, we are not being serious. It just cannot be imagined. A person who will be supposed to implement your policies tomorrow is challenging you today and tomorrow you think he will be seriously serving you! Mr. Chairman, with these remarks I wish to strongly support the Motion by Hon. Hashaka that all public officers, not only in the Army but also all other public officers should not be allowed to contest for presidency unless they resign. They either chose to become politicians or to remain public officers. Who is forcing one to contest for presidency or for any other political office? Thank you, Mr. Chairman.

MR. LIIGA (Buvuma Islands): Thank you, Mr. Chairman. Let me point out from the beginning that I am a member of Committee Two myself. Mr. Chairman, when we were discussing this issue, I was a member in the minority on this particular issue, Mr.

Chairman, on making every public servant who wishes to contest presidential elections to resign from his position before he starts the race. Mr. Chairman I will just get out two little points as a basis of my arguments. We have very many civilians in security organisations and this was very apparent when there was NASA and also General Service. Some of these people acquire such powers around themselves that if it comes to the race with a simple man like me, they will go out to use their positions in those secret service organisations to intimidate and in every way possible make it impossible for these people who do not have these gadgets around themselves and those who support them and follow them to campaign successfully. Mr. Chairman, we also know that soldiers, under whatever capacity and whatever rank, are human beings but they have got that aroma around themselves which if they are still in service, they can always use to intimidate the civilians who may be trying also to stand with them. I will not quote the recent example during the C.A. race but I think it is very fresh in our minds that certain positions were misused by those in power to try and intimidate those who were not in the same positions.

Mr. Chairman, to level the ground and make sure that they all start from a certain level on equality, it is very important that if they want to race for the presidency, they resign whatever commission they are having, be it military or civilian, and come back down to earth so that you all start from a particular point. In fact, Mr. Chairman, if I may bring this one as a last point, we have it that one presidential candidate at a particular time was actually a Minister of Defence and when things did not work out, he got enough from within the Armed Forces to do the needful. Mr. Chairman, that level should be brought to the same rank and then we all start and race and campaign from the same or almost a similar level. In that regard, Mr. Chairman, I fully support the minority position and I go along with Hon. Hashaka fully. Thank you, Mr. Chairman.

MR. KOMAKEC (Aruu County): Thank you, Mr. Chairman. Mr. Chairman, the post of the president of a country is a very important one and should anybody aspire to reach that, he should have what one would call a total commitment and any Ugandan doing any job can actually reach that one so I would like to support the idea that anybody who wishes to stand as a presidential candidate should resign his or her position in any public office rather

than talk about the Armed Forces. I would rather move a slight amendment saying that we should remove commission in the Uganda Armed Forces and replace it with office so that the Motion should read "... *he or she resigns from his or her office in any public office*" because that would remove this idea of whether this person is a civilian or he is an army officer, commissioned or non-commissioned, all of them should actually resign from whatever they are doing because it should show that they are totally committed to serving this nation as being in the capacity of being the first citizen. So Mr. Chairman, I beg to move that the word "*commissioned in the armed forces or duties*" should be dropped and replaced with "*office in any public service*".

THE CHAIRMAN: Does that bring out what you intend to say? Hon. Bidandi Ssali would like to seek information from you first.

MR. BIDANDI SSALI (Nakawa Division): Mr. Chairman, I wanted a clarification from Hon. Komakec whether that requirement in his view includes the incumbent president of the time whom, in my view, I consider the one who is having the biggest advantage. Would he also have to resign first before he stands for the presidency? I just want clarification on that. Maybe he could also add on clarification to tell me where that happens anywhere where there is a presidential elections.

MR. KOMAKEC (Aruu County): Mr. Chairman, I will imagine that if it is a normal elections, the incumbent will no longer be president in any case because the elections should be held six months before that and I think we could in fact require him to relinquish that post while he is campaigning because you will notice that normally, the presidential elections comes at the end of the term of office of the incumbent president.

THE CHAIRMAN: Hon. Komakec your Motion was not seconded.

MR. TIGWEZIRE (Bunyangabu County): Thank you, Mr. Chairman. In light of what has transpired on the Floor, I want to move the following Motion on the minority report: "*A person shall not be a candidate in a presidential election unless he or she resigns from his or her commission in the Uganda Armed Forces or any public office except for an incumbent president seeking re-election*".

THE CHAIRMAN: But the president does not hold a public office unless we interfere with the definition of public office as provided for in the Draft Constitution when we come to it. The office of the President is not an office in the public service so he is not holding a public office. Public office means an office in the public service.

MR. TIGWEZIRE: Mr. Chairman, I am conceding on the part of the presidency so I want my Motion to read as follows - if you allow me Mr. Chairman. That "*a person shall not be a candidate in the presidential elections unless he or she resigns from his or her commission in the Uganda Armed Forces or any public office*" and I stop there, Mr. Chairman. I beg to move, Mr. Chairman.

THE CHAIRMAN: But how different is that from -*(Interruption)*

MR. TIGWEZIRE: Mr. Chairman, the reason is that when you talk of duties, it means the person has not resigned from his office. For us we are seeking that a person should resign totally from his office not only duties, Mr. Chairman.

THE CHAIRMAN: In other words, what Hon. Tigwezire is trying to say is that the minority report should be amended to delete the word "*his or her duties*" and instead say "*a person resigns from his or her commission in the Uganda Armed Forces or his or her public office*", to delete the reference to duties. Is that seconded? Okay, I can see many seconders.

MR. KATUREEBE (Bunyaruguru County): Mr. Chairman, I am not seconding, I am seeking clarification. Mr. Chairman, I wish someone could clarify to me either the Movers or anybody from the Armed Forces what it means "to resign a commission". Is it the same thing as retirement because someone may retire with his rank and he is referred to as rank so and so retired. To resign a commission, does it mean you just become nobody? Secondly, if you are referring to commissioned officers, what happens to the men serving in the Armed Forces who have no commission? Would they not have this clause applied to them? Can someone please clarify to me what it means?

LT. COL. KIIZA BESIGYE: Mr. Chairman, a commission is held by officers of the Armed Forces who have been so commissioned by the President of

the Republic of Uganda and resigning a commission would be resigning from such title or office - of an officer in the Army and in fact, Mr. Chairman, it was for that reason that we had recommended - and I do not know why it was not amended - that word "commission" should be replaced by "office" so that it is "resigning from the office in the Armed Forces" which would also go to include the non-commissioned officers because a non-commissioned officer or even a private can also aspire to become a president and once he does, I think the intention there is that he should also resign from his or her office. So I think if the Mover has no objection and I think he has none because it had been discussed in the Committee to substitute the word "commission" to "office", that is "office in the Armed Forces or the public service".

THE CHAIRMAN: Does a private occupy an office in the Armed Forces?

LT. COL. KIIZA BESIGYE: Yes, Sir. He is a rifle man or he has some office within the Armed Forces. The office is not the premises.

MAJ. GEN. TINYEFUZA (NRA Delegate): Thank you, Mr. Chairman. Mr. Chairman before I venture to explain on commission per se, I would like to first of all understand correctly the spirit of this amendment because I do not know whether the intention is to have this army officer relinquish his office, contest a presidential office, lose and go back to the army or it is to make sure that when this officer or whatever he is or man contests an election and loses, he should never go back to the army. Now if the latter is the case, there is no way you can remove the word "commission", instead we shall actually reinforce it to say "resign from the army". If you mention office, it means I can resign from my office and I go and campaign as a president and then when I lose I resume because I will still be a member of the Armed Forces because office does not constitute my membership as a member of the Armed Forces. Therefore, I think the most important thing here to note is that - why I think the minority report really specifically talks about "commission" is that once a man loses his commission in the Army, he ceases to be a member of the Armed Forces, that is if you are an officer. For me, I would therefore think that it should be a general provision to say that "*he or she should resign from the Armed Forces or any other public office*" so that nobody ever comes back because I find it Mr. Chairman even very interesting

that a man, an army officer goes and campaigns as a president and when he loses he goes back into the Army. How is his loyalty really after talking, after doing what! I think he can no longer serve really and so are these politicians. Even if you are a medical superintendent of Mulago Hospital and you come here and you divulge information how the president, the incumbent one you are decampaigning has failed to curb corruption in there and now you say after you have lost, you want to go back to Mulago and become a medical superintendent! You should go and look for another job. You can never go back there.

MR. BAGEYA (Kigulu North): Thank you, Mr. Chairman. Mr. Chairman and Hon. Colleagues, the Committee was concerned specifically about the Armed Forces. I would like to tell you a scenario of what most civilians feel. I remember very clearly some civilians, when government was captured in 1979, I know of a specific civilian who arrived at the Nile Hotel and went up in the room, he was coming from London and then all of a sudden, when he came down, he was in combat. The reason why specific information is getting on the military - *(Interruption)*

THE CHAIRMAN: I think you have to be clear, Hon. Bageya. When he came down he was in combat now the word "combat" could be in anything.

MR. BAGEYA: Combat uniform, claiming to be an army officer or somebody who was in the struggle. It is a normal process for civilians to feel that they can fit in the shoes of soldiers or the army officers but it is not always clear what their specifications and the job qualification - *(Interruption)*

THE CHAIRMAN: Hon. Bageya, Hon. Karuhanga is seeking clarification.

MR. KARUHANGA: Thank you, Mr. Chairman. I wanted to follow Hon. Bageya's contribution but I have found difficulty. The civilian came, went upstairs, he came down when he was in combat uniform. Does that mean that he was commissioned in the room? It is not very clear, Sir.

MR. BAGEYA: At the time it was fashionable to be seen in a military uniform although you did not have the credentials of a military officer. Therefore this Committee Two have found it specifically important to mention only the military to have to resign - *(Interruption)*

THE CHAIRMAN: But Hon. Bageya, now you are taking us back. We are debating a different Motion. You are talking to the Motion about soldiers being required to resign as per recommendation of the Committee but there is a minority report we are discussing.

MR. BAGEYA: I was developing my point, Mr. Chairman.

THE CHAIRMAN: Well, you better come to it because you are taking too long.

MR. BAGEYA: To go through it quickly, Mr. Chairman, I feel the Movers of this Motion did not know the specific differences between a public officer and a military officer and the intricacy of a military officer is far different. First of all, for a public officer, you are employed through the Public Service Commission. Why was it such that the military officers are not employed through the Public Service Commission? It is because of their specific duties. Therefore, having realised their specific duties, I find it very difficult to be convinced by the minority report that the others can be bundled up with the military officers because their job is specifically different and sensitive and it is for the security of the nation whereas the public officers have very little to do with the security of the country. Therefore, I would like to convince fellow Delegates not to go by the minority report purely because you feel the military officers are just the same as public servants. That is the more reason why most people do not opt to join the army whereas a lot of people would like to go in URA or other offices. Therefore, I would like to maintain the status of Committee Two, the majority report and strongly oppose the minority report. I beg to move.

THE CHAIRMAN: Now, Hon. Delegates, let us first of all be clear as to what we are discussing because we have very many things on the Floor. We have the minority report which seeks to extend from the Army to the public service as well. It was pointed out that the formulation of the minority report seems not to achieve the purpose which it was intended to achieve namely to say that, a member of the Armed Forces who resigns should not go back after he has lost if he contests and loses. Similarly, it does not make it clear by talking about duties as to be requiring that the person resigns from the public office not just the duties but the public office. Now,

a proposition was actually made by Hon. Tinyefunza by the way and it seems to carry the majority view that the formulation should be in those terms namely that he or she resigns from Uganda Armed Forces or any public office. Now, I would want us to agree on the formulation before we debate it because otherwise we are debating very many things as you can see from the Floor. Yes, Dr. Besigye, you have something to add on that formulation before we can move?

LT. COL. KIIZA BESIGYE: Mr. Chairman, I think you should read the whole sentence or the clause which says that "*A person shall not be a candidate in a presidential election unless...*" Now if we continue along the lines proposed by Hon. Tinyefunza, I think we can create a problem because it would mean that unless every person who is wishing to become a presidential candidate resigns from the Uganda Armed Forces, he will not be eligible for election which I do not think is our intention because you may not be a member of the Uganda Armed Forces to start with. So I think if we have to write in that sense, we must say also "*Being a member of the Uganda Armed Forces...*" We would have to start that way so that if you are not a member of the Uganda Armed Forces, you are not required to resign from the Uganda Armed Forces. Mr. Chairman, I think the formulation, if we want it to run along those lines - (*Interruption*).

THE CHAIRMAN: Just a moment, let him finish please.

LT. COL. KIIZA BESIGYE: Mr. Chairman, if we want the formulation to run along those lines, we should say "*Being a member of the Uganda Armed Forces, he or she resigns from the Armed Forces*".

THE CHAIRMAN: If you want to say what you are proposing, it would have to read like this: "*A person shall not be a candidate in a presidential election unless: (a) being a member of the Armed Forces or the public service, he or she resigns from the Armed Forces or the public service as the case may be.*"

DR. KIIZA BESIGYE: Granted, that is alright.

THE CHAIRMAN: That is how it should read.

COL. KUTESA (Kabula County): Thank you, Mr. Chairman. The way I understood Hon. Tinyefunza, what he meant was that not only the

people in the Armed Forces will be affected but anybody holding a big office if he contests, he should not go back to that office. If he contests and loses, he should not go back but then do not stand if you are sure that you are not going to win because I thought it was to make these things as unpalatable as possible so that less people cause confusion. We are saying that if a soldier fails to win, we say it is difficult because we do not know where his loyalty lies but what about the man in charge of civil service, where will his loyalty lie?

THE CHAIRMAN: But I thought he said so, he said so and that is why the formulation I have just read out extends to both members of the Armed Forces and members of the public service.

COL. KUTESA: Then that would be very fine. Thank you, Mr. Chairman.

MR. AMANYA MUSHEGA (Igara County West): Thank you, Mr. Chairman. Mr. Chairman, I am opposed to both amendments so I will start with the minority one.

THE CHAIRMAN: Well, you cannot debate both.

MR. AMANYA MUSHEGA: Yes, I am debating the minority one.

THE CHAIRMAN: Before we debate it, I want us first of all to agree on the text. Hon. Hashaka, we do not want to go through a process of voting on Motions. You are leading the minority report and the formulation has, through discussion, proved to be inadequate for the purposes you intend to achieve. The proposition was made to say that; "*A person shall not be a candidate in a presidential election unless being a member of the Uganda Armed Forces or the public service that person has resigned from the Armed Forces or the public service as the case may be.*" Is that formulation acceptable to you? If it is acceptable to Hon. Hashaka, then that becomes the formulation we are debating now.

MR. HASHAKA: Mr. Chairman, that one covers my intentions because my intentions were - (*Interjection*)

THE CHAIRMAN: Yes or no.

MR. HASHAKA: Yes.

THE CHAIRMAN: Okay, thank you. Now, before we debate, there is some need for clarification.

MR. KINTU MUSOKE (Kalungu East): Mr. Chairman, I would wish to associate myself with this amendment if I was clarified on whether we are saying "public service" or "civil service". Because somewhere else, we have it mentioned that the incumbent President will be standing for elections and yet he is in a public office. I think the presidency is a public office. I want to be clarified whether this will not affect him, then I will associate myself with this one.

THE CHAIRMAN: No, unless you change the definitions again that appear on page 122, Public Service means service in any civil capacity of the government or other local authority and then there is a specific one which says a reference to an office of Public Service does not include a reference to Office of the President, the Vice President, Speaker, Deputy Speaker, Minister and so on and so forth, so that "Public Service" means the *(Interjection)*- Okay, thank you. Hon Amanywa Mushega has the Floor, we are now debating the movers or those in charge of the minority report have accepted the formulation, and so we debate that now - yes, Hon. Ongaria, what's the matter?

MR. ONGARIA: Point of clarification. Thank you, Mr. Chairman. The clarification I wanted somebody to give me is in connection with resignation. Mr. Chairman, examples are many, and through many elections that we have conducted in this country, the Constitution clearly stipulated that if you wanted to stand for a political post and you want to stand as a candidate, you should resign your post but in the past, even in the CA, people evaded that provision and instead they just asked for leave, and the specification in the Constitution is clear *(Interruption)*.

THE CHAIRMAN: No, Hon. Ongaria, you are not right there. The Statute under which the CA elections were conducted specifically said that public officers were eligible but they should take leave so many days before nomination or something like that, and that was all.

MR. ONGARIA: Mr. Chairman, even in the '80s, this practice was there, and I want the Chairman to guarantee to me that it is not going to be abused.

THE CHAIRMAN: It was not in the Constitution, I think it was in the Standing Orders which are subsidiary.

MR. AWORI: Point of clarification! Mr. Chairman, thank you. When we talk about public office, we seem to be totally oblivious or silent on the issue of religious leaders. Why are they not included here *-(Laughter)?*

THE CHAIRMAN: But Hon. Awori, for instance *-(Interruptions)* Order, order! Hon. Awori, I thought you knew - *(Interruptions)* Order, order! I thought Hon. Awori was in the know that he could, for instance, form his own religion tomorrow and become Bishop of it. Does that qualify to be in Public Service? I do not think it does. In other words, nothing stops you as a Cardinal - you can even make yourself a Cardinal of your own religion, and nothing stops you being that, but that does not put you into the Public Service or public office. So, that is why this is narrower. I think now what we have is the formulation before us. I will hear those for and against this Motion now. I have given the Floor to Hon. Amanywa Mushega, then we shall start from there.

MR. AMANYWA MUSHEGA: Thank you, Mr. Chairman. With these so many clarifications, it makes my contribution easier. I am opposed to the minority view of trying to punish people and intimidating them and putting obstacles in their way for running for the holiest and highest office in the land because it appears as if to stand for presidency is a potential crime. Why should we make the running for the office so detestable, are we trying to say that in future, running for the presidency should be made more comfortable for those who are unemployed or those in the private sector? Why put their jobs at risk? I will make two comparisons. At the advent of independence, the administration of the time then, psychologically and by all sorts of orders, made it difficult for the employed and the public servants to go into politics and the majority who went for it was as if it was for those who had no secure jobs or secure business and the consequences are too ghastly to recall. After independence, it was also abused and intimidated potential public servants from running for political office by saying that when you run, you should resign and in the event that the party you stood for did not make it, then it was impossible for you to do any job. I will give a few examples if they are talking of leveling the ground.

Supposing somebody is running a business empire with huge financial resources and is running for a public office, and another one is just a mere Under Secretary in the Ministry of Education - somebody is saying or even a needy student, I do not want adopting that. Who has advantage over the other? Shall we stop this man with his business empire from deploying his resources? Supposing another citizen is running a huge ranch and is slaughtering cows in the evening to all those who come to visit him, is the ground level? On the other hand if you finish school - it could be at 0 level, it could be A level, it could be at P.3, it could be at University, one joins the Civil Service, that is where the employment is, another one becomes a lecturer at the University like my good neighbour here from Arua Municipality; another one becomes a business man; another one is employed in the private sector and another one becomes a clergy man. They are all in different capacities serving the public and making their income and livelihood in those areas, why should we pick out the public servant and leave that one who is running a fleet of buses? You can deploy all your buses to Arua, Tororo, Mbarara to Kabale! So, this question of levelling the ground, if you are to level the ground -*(Interruption)*.

MR. OCHYENGH: Thank you, Mr. Chairman and I would like to thank Hon. Amany for conceding. Mr. Chairman, I have listened to Hon. Amany and I am trying to grasp what he is saying, but I think he is confusing "use" or "misuse" if you want to call it misuse of private resources and misapplication of public resources. When we say somebody should resign from a public office, we are trying to guard against abuse of public resources. But if somebody, a bus operator wants to use his income from his buses, I think that is okay! Thank you, Mr. Chairman.

THE CHAIRMAN: Okay, Hon. Amany Mushega, could you continue and finalise your remarks so that we proceed.

MR. AMANYA MUSHEGA: Thank you, Mr. Chairman. There is a difference between resigning your office and taking leave of absence so that you do not use the office during the period that the campaign is going on. But I see no logical reason why a public servant is not allowed to go and resume his duty - because it is as if when you run for presidency, you have gone to war! Even people who have been to war sign peace accords and become

friends. Germany now is the greatest friend of Britain and United States, but according to this logic it is as if running for presidency is worse than going to war with one another, that if you have run and come back, you cannot be on good terms with the other person who won. I think we are reading our history too much in the future and we are really creating a dangerous precedent and practice for the future of the Public Service because some of the best brains of the land may not necessarily want to go into accumulating a lot of capital in the private sector, and yet they could have the brains to lead the country to prosperity. Therefore, just before this colleague clarified and in the way of debate, I was saying that somebody who is in Public Service is as good or as bad as somebody in the private sector. So, we can legislate against abuse and use of public resources, but to say that after running and failing to win, therefore you were a leopard and you must be sent into a concentration camp and thrown into the world of the unknown, is to make it impossible for some brains - because in my vernacular they say that you feed all the puppies because you do not know who will be a better hunter. You should give equal opportunity to all Ugandans to run for the public office of President, because you never know whether the best person is the Under Secretary, whether the best person is a General in the Army, whether the best person is a Bishop in some Church somewhere or a shade, whether the best person is somebody in a private sector! But now we are trying to make it impossible for somebody who has chosen a career of a public servant to think of ever using his or her experience and human resources to run the highest, and I said, the most noble office in the land. Because when you only look at abuse, abuse, you do not look at the positive aspect. If we want to level the ground, then even a person with many buses should not be allowed to run because his ground is not levelled to somebody who has been an Assistant Secretary in office, and we should not put an obstacle in the way of our public servant from running, and after not winning, coming back to serve the nation because quite often, we do not have as many resources as we think of. I am, for those reasons, Mr. Chairman, oppose to the minority view because it is trying to put obstacles in the way of good brains in the Public Service from ever contemplating for running for the office of the President because the risks are too strong for anybody to contemplate. I thank you.

MR. ONEGI OBEL (Jonam County): Thank you, Mr. Chairman. I have only one argument to

support the minority report. Before I bring the point, I am saying that up to the CA elections, we all knew that every public officer wanting to contest an elective office had to resign. The idea of going on leave was new and surprised quite a few people. Mr. Chairman, resignation means loss of livelihood and all that goes with it. Resignation is important here as a test of seriousness and not as gambling, to say that this is gambling. If I decided to go for the presidency, I should not be looked at as a joker, I should be serious enough to forego anything that might impede me. I should tell the public that I am in to lead if I win, and to suffer the consequences if I lose. That is a commitment that I think is very reasonable as, if I repeat myself, a test of seriousness. Mr. Chairman, I support the minority report wholeheartedly. Thank you.

DR. ODUR (Dokolo County): Thank you very much, Mr. Chairman. I very strongly support the minority report. Persons who aspire for presidency should be above the status of being employed. Mr. Chairman, such persons should be busy organising their political institutions to which they belong, which will be their political base while shaping the destiny of Uganda. However, I realise that there may be some people who do not appreciate the seriousness of offering themselves as presidential candidates, and to me this Amendment is trying to help such people to resign quietly from any small jobs they may be engaged in so as to offer themselves as candidates for presidency of this country. Such persons may, actually, be in the army, in Public Service, but the message to me is the same, they are no longer employable, they are above the ordinary situation we are in. Thank you, Mr. Chairman.

MRS. SSEBAGEREKA (Women Delegate - Mukono): Thank you very much, Mr. Chairman. I would like to support the minority report on the grounds that when somebody is holding a public office, he or she has every wish or ways and means of using that public office to get or to solicit votes from the people. If that person resigns, it means that they will be protecting public property. Like in the last elections, ministers and other people who were holding public offices had to give up the instruments of power of the offices they were holding, but I strongly disagree that members of the Armed forces should not contest the elections. They should remove the uniform, they should not use any instruments of power to assist them to contest the elections. But I feel that whoever is contesting the elections should be as normal a citizen as any other citizen. We

should be on equal basis to contest the elections. Many other things have already been said, but I strongly want to protect the members of the armed forces, at the same time making sure that they will be able to contest like any other private individual. I thank you.

THE CHAIRMAN: Thank you. Hon. Delegates, we have heard just about three or four in support of the minority report. Can I hear those who oppose it?

MR. KAVUMA (Kyadondo South): Thank you very much, Mr. Chairman. I oppose the minority report. I do so because I think it is uncalled for. I do not think anybody should appear to be punished for having opted to become a public servant or to serve in the Army. Mr. Chairman, some of these professions are very dangerous because I have heard people arguing that in order to run for presidency, you must show you are not a joker, but what is more evidence of being determined to show you are not a joker than to belong to a profession where you know that by virtue of your service, you are open to be limited to go to heaven or hell - I think we are being unfair to some of those people who have possibly indicated that they are ready even to die for the defence of Uganda and her people. Mr. Chairman, we the other day passed a very important clause that all political power belongs to the people. I look at the provision like the one proposed in the minority report, and indeed the majority view report, as a fetter on that power we said should belong to the people. Why should we now, after having said that power belongs to the people, why are we putting so many hurdles in the road for those people to exercise their powers? Definitely, if we go to the voters and they hate to see a man in military uniform occupying the office of the President, or they hate to see a Permanent secretary going to that place called the President's Office, they will definitely decide in their wise voting *-(Interruption.)*

MR. AMANYA MUSHEGA: Point of information! Thank you, Mr. Chairman. I just wanted to give Hon. Kavuma and the House some information that we should not underrate the resilience and determination of the African people. Banda was life President, he was trounced by somebody who has never been anywhere near a public office. Kenneth Kaunda had been in power for over 25 years and he was defeated by a Trade Unionist. So, I thought they should know that our population, given an opportunity have the means and will to vote for whom they think is the best to run the country. Thank you.

LT. COL. BESIGYE: Point of clarification! Mr. Chairman, I am seeking clarification from Hon. Kavuma whom, if I am following him, seems to suggest that since it is the whole population who are going to vote, they should be given the opportunity to decide whether to elect a public servant or not, whether he is also looking at the other point which was raised, whether once such a person has been refused he should go back to his office. I think this was the main point. Whether an Army Commander who has been campaigning to become a President and maybe he is heading a political party, once is defeated and his party is in the opposition, could go and become the Army Commander or whether a head of Public Service and, maybe he is a leader of a party, once he has been defeated, should go back and head the Civil Service. I think that was the point that was being raised more than once. I am seeking for clarification to this point, Mr. Chairman.

MR. KAVUMA: I thank Hon. Amanywa Mushega for the information he gave and Hon. Kiiza Besigye, but to respond to Hon. Kiiza Besigye's point, in fact, I think we are even over-stretching our imagination in this Constituent Assembly. Some of these matters are not constitutional matters! If you want to provide in detail some of these things you want to see happen, I think we are providing for a Parliament of this country. This is what happens, this is what happened when we passed the CA statute. The requirement for officers to go on leave was made a provision in the Constituent Assembly Statute. So, we should not be carried away to try to become legislators here. Let us address principles and then we leave the work of legislating to Parliament when it comes. Mr. Chairman, there are very, very many people among the silent majority in our population who are of the view that to be a good and firm and effective President of this small country called the Republic of Uganda, one should have some military experience and skills. At least, in my constituency there are some of those who believe so. Mr. Chairman, a provision like this one is going to discourage people who could be eligible to come and fill this position to the satisfaction of the people's wishes, because they will now have to debate whether - because they will have been discriminated against by no lesser a provision than that of a national Constitution. Mr. Chairman, this experience is also important, we have just provided that the Head of State will be head of government and will be commander in chief. I think it is an added advantage that a man who has some military skills and experience becomes Commander In Chief to

command those people who manage the tools of destruction, and with respect and full honour.

Mr. Chairman, with those words I think these positions are uncalled for, I think they are a relic of colonial thinking. I am aware, Mr. Chairman, that even in countries which are very well developed, you find a President serving a term then after sometime, he can even be appointed to another very important office in public service. I will give the example of a former Vice-President to President Carter in the States who is now currently serving as an Ambassador of his country in Japan. We have people who have a shortage in terms of human resources, and I think we should not put unnecessary handles in the way of people who can have capacity to run our public affairs. I therefore appeal to the House, Mr. Chairman, to see the good reason in rejecting this position. I thank you, Sir.

DR. MUSEKURA (Bufumbira North): Mr. Chairman, I would also like to join some Hon. Delegates who have opposed the minority report. Because to me it is very unfair, especially, more so as far as public officers are concerned. Mr. Chairman, since public officer does not include persons holding political office such as Members of Parliament, Ministers, incumbent President, then the public officers do not have much control over facilities of the media, they do not have much access to public funds and other facilities, and they do not have the necessary power to influence subordinate authorities during elections, because they have to go on leave first and leave the office as well as the attached benefits of the offices behind. Mr. Chairman, I entirely agree with Hon. Amanywa Mushega that Presidential candidates should be among the best brains in the nation *-(Interruption)*.

PROF. KABWEGYERE: Point of information! Thank you, Mr. Chairman, and thank you the speaker on the Floor for giving way. The information I have is on page 123, Article 286, paragraph (c) of the Draft Constitution. I read the paragraph: "*a reference to an office in the public service does not include a reference to the office of the President, the Vice President, the Speaker or Deputy Speaker of Parliament, a Minister or a Deputy Minister, the Attorney general, a member of Parliament or a member of any Commission, Council or Committee established by this Constitution.*" This means, therefore, that the people who are included in the clause proposed are those really whose offices may

not be that dangerous in any case. And secondly, it looks like their target is also on the Army and the insignificance to the service.

DR. MUSEKURA: Mr. Chairman, I am very grateful to Hon. Kabwegyere for that very, very useful information, and I hope Hon. Members have seriously internalised the same. Mr. Chairman, since we want the best brains to be among our presidential candidates, we really cannot afford to eliminate public servants from the contest because what this provision seeks to do is to cause fear among these public servants such that the contesting for the presidential seat will only be left to pensioners, businessmen and farmers or veteran politicians. I think, Mr. Chairman, it is really good for the nation to allow all the best possible brains mentioned to contest for being President of this nation. We should avoid the elimination of young and new aspiring politicians, especially, if they happen to be holding public office. We should all be allowed to participate in contesting presidential elections. Definitely, it is important that a public officer goes on leave before he stands, and then he should only resign after he has been elected. Unlike military officers, actually, I do not even see the danger posed by a public officer, because, Mr. Chairman, even if he loses the election, his services are still needed by the nation. Why should the nation lose the service of a public officer just because he dared to contest presidential elections? Thank you very much, Mr. Chairman.

THE CHAIRMAN: Now, Hon. Delegates, we have taken one and a half hours debating this particular provision. The only thing that I can notice from the debate is concern about the word "resignation". I think that is the main concern. Is it possible to say that a public servant or an Army officer who, having served a long time of say 20 years should be deemed to have retired? Because if you resign - *(Interjections)*- No, I am just throwing this to you. If he resigns, of course, the effect of resignation is that his entitlements go with it. But if an Army officer or a public servant retires or is deemed to have retired regardless of whether he has retired or not, then he can be put on pension and continue living some decent life. Hon. Kitariko can you clarify on that since you are more knowledgeable on public service matters?

MR. KITARIKO: Point of clarification! Thank you very much, Mr. Chairman. I do not believe in the indispensability of individuals. When a public of-

ficer resigns, it creates promotion, of course, for those who want to remain civil servants. So, you create a vacant position and other people go up the ladder, and that is good for public service. Those who want to continue with the public service, who are genuinely interested in civil service carrier should be given a chance to be promoted when a Permanent Secretary resigns - *(Interruption)*.

THE CHAIRMAN: No, but can I get clarification from, what is the difference between resignation and retirement.

MR. KITARIKO: You can resign pending retirement if you are due to retire, you can. Because in 1980, Mr. Chairman, I resigned my position as Permanent Secretary to stand as a candidate in elections. You must be able to - *(Interruption)*.

THE CHAIRMAN: No, no! I think Hon. Kitariko you are not being helpful. We wanted to know the difference between retirement and resignation. Okay, lets us hear Hon. Kaggwa.

MR. KAGGWA: Mr. Chairman, when you resign from public service, you forfeit all your retirement benefits, you do not get any at all!

THE CHAIRMAN: What about if you retire or you are deemed to have retired?

MR. KAGGWA: When you are deemed to have retired or when you retire voluntarily, you get all your retirement benefits with your pension as well.

THE CHAIRMAN: Okay, we can go to the vote. Hon. Mulenga did, you want to comment on that?

MR. MULENGA: Thank you, Mr. Chairman. I just wanted to briefly explain why the committee did not accept to include public servant. The introduction of this clause or this paragraph was on the basis that the Army candidate presents a different situation and if Hon. Delegates look at page 12, they will find the explanation given there. In a note numbered 6.21, we say although the Amendment was opposed on the grounds that it would discriminatory against military officers who are capable of accepting a position to sit like others, and who would suffer undue injustice because of resignation. The Amendment was inserted principally on the following grounds; a military officer campaigning while in active service would be prone to use his or her

position to intimidate other candidates and their supporters, or would be deemed or seen to do so. Secondly, an active military officer would, especially, in case of multiparty politics, compromise his or her expected neutrality if he or she campaigns as such and in case he or she is defeated, his or her loyalty to the Commander in Chief - and I think I should underline that one - Commander in Chief, as opposed to a medical officer going back to Mulago whether he would be loyal to the President, the Commander in Chief - because command in military is very important - would continue to be in doubt. Mr. Chairman, you will see that it is all related to the special position of a military candidate. So, this idea of equalising or levelling ground, would it be better to retire or resign, were regarded as difficult to accommodate, and that is why the committee thought that the Amendment should be restricted to the military candidate.

PROF. SSENTEZA KAJUBI (Kyaddondo North): Mr. Chairman, I beg to support the minority view on the basis that running for presidency is a serious matter. It is like deciding to contract a marriage in Church, it is for good, for better or for worse. If one enters a marriage contract and a spouse leaves him or her, he or she should be prepared to stay alone and not to try another one. Mr. Chairman, it is also similar to waging a resistance war, if you succeed you become President, if you do not you are either dead or in exile. So, running for presidency is a very serious matter. We do not want people who take it lightly, just to try it. You go into campaign, you sling mud on the President *-(Interruption)*.

THE CHAIRMAN: Anyway, I think, Hon. Ssentenza Kajubi, I had asked you to assist me on the other issue, but you have taken the advantage and made your points.

PROF. SSENTEZA KAJUBI: I am coming to that one, Sir. Mr. Chairman, I can see the problem which has been mentioned by Hon. Amanyamushhega and others, that if we say that the public servant or the Army person does not go back, it would mean punishing them. So, I am persuaded by the possibility of saying "...being a member of the armed forces or of the public service should be deemed to have retired..." So, that is a compromise solution I would like to put forward. "...Should be deemed to have been retired from the public service or the army."

LT. COL. KIIZA BESIGYE: Mr. Chairman, having got the information from my neighbour about

the implication of resignation, I wish to propose, Mr. Chairman, an Amendment by inserting the words "or retire" so that he resigns or retires. I beg to move, Mr. Chairman.

MR. AMANYA MÜSHEGA: Point of order! Thank you, Mr. Chairman. Is it in order for my Hon. Friend, Professor Ssentenza Kajubi who stood in 1961 and lost elections for Mengo and remained loyal to the Kabaka and continued to be a useful public servant to the rank of Vice-Chancellor and was eventually re-elected to the C.A., is it in order for him to tell us now that if he had been thrown to the dogs in 1961 he would have been more useful than he is now when he continues with the public service and eventually brought his good brain here? Thank you.

THE CHAIRMAN: Order! Hon. Ssentenza Kajubi is entitled to change his mind as he goes along. We had Hon. Dr. Kiiza Besigye on the Floor. Could you come back to your formulation please?

LT. COL. KIIZA BESIGYE: Mr. Chairman, I was *-(Interruption)*.

THE CHAIRMAN: No, we are not going to allow altercations in view of what has been said, I think you were soundly protected by the Chair. Hon. Ssentenza Kajubi you were protect by the Chairman, the Chair ruled that you are entitled to change your mind from time to time on many views. Is it a point of order?

PROF. SSENTEZA KAJUBI: Yes, Sir. Mr. Chairman in 1961 Mr. Kajubi never stood for presidency, and we are talking about standing for presidency. Is it order for the Hon. Amanyamushhega to drag me in when I did not stand for presidency, nor was I a public servant then?

THE CHAIRMAN: Well, he stands corrected.

LT. COL. KIIZA BESIGYE: Mr. Chairman, I was, in light of the information we got about the implications of resigning, seeking to introduce the words "or retire" in the Amendment as moved in the minority report so that the aspiring person has an option either to resign or to retire. I beg to move, Mr. Chairman.

THE CHAIRMAN: It has been seconded. In other words, to introduce the option of retirement as against resignation. Hon. Dr. Okullo-Epak.

DR. OKULLO-EPAK (Oyam County, South): Thank you, Mr. Chairman. I wanted to attempt to explain the issue of retirement. Mr. Chairman, as far as I am concerned, I think retirement from a service, or public service for that matter is governed by different rules or regulations altogether and it has got specific conditions for one to have to retire from that service. It could be that at the time someone is intending to stand for the position of President, he does not qualify to retire, and the only option he will have is to resign. So, I think we should not mix up retirement which is a technical requirement on the terms and conditions of service of an individual, with obligation to give up that office in preference for a higher ambition, and I think someone who is really wanting to be a President of Uganda should not be debating whether he should resign or not from the public service. This is a higher ambition and ought to be able to fulfill it with all the consequences. So, retirement to me, I think, is a more technical requirement which has got its own specific terms and should not be accommodated in this arrangement, Mr. Chairman, in my own view. I thank you.

CAPT. BABU (Kampala Central): Thank you very much, Mr. Chairman. The most important point here is, where is the best brain of Ugandans? Today, with our changes, the best brain that we have is even found in our public service, and if it is in the public service - *(Interjections)* - Mr. Chairman, I would like to be protected, some people are getting excited but I think we should give each other a chance. The best brains, Mr. Chairman, are still found, mainly now, in the public service and the private sector is just beginning to take off and taking a few of our people. Now, one thing we must be very clear about is that the job of the President should not be a job for people who have retired, it is a job that we retire into. We should be able to have a wide spectrum of our people as possible, and people should be given a chance, especially, as yesterday you put the age at 35, people should be given a chance and these people even if they are in the public service, as long as they have the capability of standing for this post, they should be given a chance to resign. For a gentleman of about 35 or 40 to get out of the public service would be a punishment. It is therefore important that we must agree that even in other countries, people have got leave of absence from their work, they have gone for this and when they have failed, they have come back and taken up their employment. It is, therefore, very important that we do not cut out the best section of our society

to compete for this election. They should be given a chance, they can ask for a leave of absence without pay, and they can go and stand for these elections, and if they go through, they totally resign from their post but if they do not go through, they can re-apply and go back to their job and some of these people are very, very capable of being a President of this nation. I can see a tendency of those who have retired from service having a bit of a problem with the young contestant, but do not worry if you are really good, regardless of your age, even young contestants you might beat them. So, it is very, very important that we give a wide spectrum, as wide as possible to be able to stand for these elections, and if you do not wish the people in the public service to stand with you when they are still getting privileges, then you can add on their resignation other factors where they will not get any of these privileges, and they can stand against you. With the Army, Mr. Chairman, I have no problem, those ones should resign from their positions. Thank you.

THE CHAIRMAN: Okay, Hon. Delegates, let us do it this way. Hon. Dr. Kiiza Besigye moved a minor Amendment to the minority report to add the words "or retire" so that the person has the option, if he is of the age of retirement, to seek to retire, but if the person does not attract such privileges as retirement, can resign. I am just talking about the Motion, now we can decide on that one first. Let me hear from Hon. Ssekweyama and then we close the subject.

MR. SSEKWEYAMA (Mawokota South): Mr. Chairman, from the explanation that Hon. Dr. Epak gave us that retirement is a technical aspect, I would like to attempt to improve Hon. Dr. Besigye's Amendment to add on the words "whichever is applicable". I beg to move.

THE CHAIRMAN: Anyway, the rest is drafting - if you accept the principle, the rest can be a matter for drafting. So, let us first of all decide the fate of Hon. Dr. Kiiza Besigye's Motion. You see, I have allowed debate on the matter, and you have taken nearly two hours on this.

MR. ABU MAYANJA (Busujju County): Mr. Chairman, thank you for the opportunity. I would like to advise the Hon. House that we are really backing up the thing. When in the 1960s the then Chief Executive misused the armed forces, he was not a member of those armed forces, and it is perfectly possible, because it has happened, for a

person who is not in the Army to misuse the Army. Therefore, what we are striving to achieve by these Amendments, whichever way we shall want them, is I think unachievable. Secondly, the most important positions would be allowed to stand for presidency when they are still holding their jobs. Those are the incumbent President, the Vice President, Ministers, Parliamentarians and so on. Now, we are backing up - the other people, really, I think civil servants, teachers, why should we bother about them? So, really, Mr. Chairman, we should leave this thing alone and let everybody stand and take his chance for the presidency.

MR. KATENTA APUULI (Conservative Party Delegate): Mr. Chairman, I thank you for giving me the opportunity. The idea behind this Motion was to find level ground. This Motion does not achieve level ground, this Motion is not part of our draft, I think, with your permission and permission of the House that paragraph (a) of Clause (2) of Article 106 be deleted. Mr. Chairman, I beg to move.

THE CHAIRMAN: You see, Hon. Delegates, the position is this that Motion would have been helpful if it had come at the beginning. We have spent two hours debating, and our rules are very, very clear. We normally start with the Motion that is farthest. Had this Motion been moved at the right time, we would have discussed it and decided on what is in paragraph (a). But now, actually, we have spent two hours discussing the other Motion and we now come back to say this is not acceptable. I think that will be an abuse of procedure really. So, I would like to proceed as follows; let us first of all - now that we have spent our time debating these aspects - first of all decide on the proposed Amendment by Hon. Dr. Besigye, whichever way it goes, then we come to the other one, and until we can reach a *concesus* but not to debate for two hours, and then having wasted time you turn round and say we reject the whole thing, and then we debate that one as well for another one hour. So, let us first of all proceed on Hon. Dr. Besigye's Motion.

The Motion by Hon. Dr. Besigye seeks to introduce words "or retire" and then the rest will be polished up by draftsmen. Here we are talking about principles. I put the question on that one.

(Question put and negatived.)

THE CHAIRMAN: So, we are now *(Interrup-*

tions)- order, order! The question of retirement has been negatived and we now go to the question of resignation and this resignation applies to both - that is the interest of the minority report applies to both military and public service. This is the Motion which is in the minority report, I was only clarifying. So, the Motion by Hon. Hashaka as a minority report and as polished up along the way, would seek, if passed, to cause members of the Armed Forces and members of the public service to resign if they were to stand for presidency. So, I will put that question.

(Question put and agreed to)

THE CHAIRMAN: (Interruptions) - Order, order! There are 69 Members standing, and in accordance with our rules, we proceed for division. Those in support of the minority's report will be to Chairman's right, and those against the minority's report to the Chairman's left and those who are abstaining come to the centre here.

(The Assembly went in Division)

AYES

- 1.Hon Abaliwano Albert Brewer
- 2.Hon. Abu Winotiya Dominica
- 3.Hon. Adiima Betty
- 4.Hon. Adimola Andrew Benedict
- 5.Hon. Adio Winifred
- 6.Hon. Amandrua Paul
- 7.Hon. Atare Ajai James
- 8.Hon. Atim Ogwal Cecilia
- 9.Hon. Atwoki Ambrose
- 10.Hon. Awori Aggrey Siryori
- 11.Hon. Bageine Bajura-Shem
- 12.Hon. Bagen Anthony M.S
- 13.Hon. Byakika-Kasajja
- 14.Hon. Chepsikor Muhammad
- 15.Hon. Dhugira Esther Opoti
- 16.Hon. Didi Agard Cyril
- 17.Hon. Egunyu-Asemo Fiona Lucy
- 18.Hon. Ejoku Samuel
- 19.Hon. Elyau Mike Juventine
- 20.Hon. Engola Sam
- 21.Hon. Eresu Elyanu John
- 22.Hon. Eswau Charles Aperu
- 23.Hon. Etiang Orono Paul
- 24.Hon. Etonu Benedict
- 25.Hon. Hashaka Jackson
- 26.Hon. Kabugo Mesusera
- 27.Hon. Kagimu Kiwanuka Maurice

28.Hon. Kajubi Senteza William
 29.Hon. Kanyike Anthony William
 30.Hon. Karuhanga Elly
 31.Hon. Katumba Robinson Mathew
 32.Hon. Kawere Sempa Pius
 33.Hon. Kibirango Gyagenda (Maj)
 34.Hon. Kigaye-Billyawo Eriya Paul
 35.Hon. Kiiza - Besigye
 36.Hon. Kintu Musoke
 37.Hon. Kinyata George Stanley
 38.Hon. Kirunda Kivejinja
 39.Hon. Kitariko Robert
 40.Hon. Kiwanuka Sam
 41.Hon. Kiyonga Francis
 42.Hon. Kiyonga C.W.B
 43.Hon. Kizito John Ssebaana
 44.Hon. Komakec Leander
 45.Hon. Langoya Timony
 46.Hon. Liiga Aloysius
 47.Hon. Lokeris Samson
 48.Hon. Lorot John
 49.Hon. Lukumu Fred
 50.Hon. Lumala Deogratius
 51.Hon. Matovu Byatike David
 52.Hon. Mushemeza Elijah Dickens
 53.Hon. Mutagamba Lubega Mary
 54.Hon. Muyiisa John Chrizestom
 55.Hon. Mwaka David
 56.Hon. Mwebesa Francis
 57.Hon. Mwondha Patrick John
 58.Hon. Naburri Lorika William
 59.Hon. Nacha Lorika Rose
 60.Hon. Nsubuga Nsambu Yusufu
 61.Hon. Nyai Dick
 62.Hon. Nyeko Jack Pen-Mogi
 63.Hon. Onegi Obel
 64.Hon. Obonyo Jabwor Clement
 65.Hon. Obua Otoa James Nagai
 66.Hon. Ochyengh Dan Michael
 67.Hon. Odur Dick
 68.Hon. Ogola Akisofeni Michael
 69.Hon. Okanya James
 70.Hon. Okeny Tiberio Atwoma
 71.Hon. Okullo Epak Yefusa
 72.Hon. Okwakol Nathan
 73.Hon. Okwonga Latigo Onesimo
 74.Hon. Olega Ashraf
 75.Hon. Olet Charles Christopher
 76.Hon. Olwa Ben
 77.Hon. Omara Atubo Daniel
 78.Hon. Omeda Hebron 'Max
 79.Hon. Omolo Peter
 80.Hon. Omute Julius

81.Hon. Oneti-Batia Samuel
 82.Hon. Pinto Manuel Xaverio
 83.Hon. Rainer Kafire Juliet
 84.Hon. Ringwegi Sam Fiesta Surf
 85.Hon. Semajege Higiroy
 86.Hon. Ssekandi Edward
 87.Hon. Ssekweyama Wagaba Anthony
 88.Hon. Ssemaala Saaka Steven
 89.Hon. Ssemogerere Kawanga Paul
 90.Hon. Ssengoba Andrew Ben
 91.Hon. Ssentongo Theopista
 92.Hon. Tibamanya Urban
 93.Hon. Tigwezire John Kasajja
 94.Hon. Tirusasira Katongole Difasi
 95.Hon. Tumukunde Henry
 96.Hon. Wacha Ben
 97.Hon. Wagidoso Madibo Charles
 98.Hon. Wanendeya William Giboni
 99.Hon. Tumwine Polly Katahwa

NAYS

1.Hon. Adyebo G.Cosmas
 2.Hon. Akech Okulo Betty
 3.Hon. Akure H.Peter
 4.Hon. Amama Mbabazi
 5.Hon. Amana Mushega
 6.Hon. Aniku Jacob
 7.Hon. Babu Edward Francis
 8.Hon. Bagarukayo Janet
 9.Hon. Bageya George Patrick
 10.Hon. Baguma Isoke Matia
 11.Hon. Bamwenda Toterebuka
 12.Hon. Bantariza Francis
 13.Hon. Batanyenda Gaitano
 14.Hon. Bateganya Mukuve Dick
 15.Hon. Bidandi-Ssali Jaber
 16.Hon. Bikorwenda Ida Rubale
 17.Hon. Bwambale -Walembe Ivan
 18.Hon. Bwambale Biira Loice
 19.Hon. Byarugaba Bakunda Alex
 20.Hon. Byaruhanga M.Fabius
 21.Hon. Byenkya Beatrice
 22.Mr. Chango Machyo
 23.Hon. Chebet Maikut
 24.Hon. Gumisiriza Guma David
 25.Hon. Jurua Alex
 26.Hon. Kabayo John Patrick
 27.Hon. Kaberuka William
 28.Hon. Kabirisi Luberenga Hope
 29.Hon. Kabwegyere Tarsis Bazana
 30.Hon. Kaggwa Ssozi K.Medi
 31.Hon. Kahecbwa Fox Johnson

- 32.Hon. Kaija John Wycliffe
 33.Hon. Kajura Henry Muganwa
 34.Hon. Kakungulu Shannon
 35.Hon. Kalema Rhoda Nsibirwa
 36.Hon. Kalikwani Irene
 37.Hon. Kamanda Bataringaya Cos
 38.Hon. Kamuron Peter
 39.Hon. Kanyeihamba George
 40.Hon. Karusoke Constantine
 41.Hon. Kasajja George Patrick
 42.Hon. Kasangaki Pantaleo Kaahwa
 43.Hon. Kasujja Aziz
 44.Hon. Katenta Apuli
 45.Hon. Kateregga Livingstone (Maj)
 46.Hon. Katurcebe Bart Magunda
 47.Hon. Kawooya Anifa
 48.Hon. Kayizzi Asanasio
 49.Hon. Kazibwe Specioza Wandira
 50.Hon. Kiraahwa Monica
 51.Hon. Kirenga Emmanuel
 52.Hon. Kisembo Muleju George William
 53.Hon. Kitaka-Gawera Elijah John
 54.Hon. Kiwagama William Wilberforce
 55.Hon. Kulany Getrude
 56.Hon. Kule Muranga
 57.Hon. Kweronda Ruhemba
 58.Hon. Kyemba Henry
 59.Hon. Lagada Amongi Beatrice
 60.Hon. Lubega Damiano
 61.Hon. Lubega Wagwa
 62.Hon. Lubulwa Migadde Umar
 63.Hon. Magezi Daudi Suubi
 64.Hon. Maliro Gaston John
 65.Hon. Masiko Winfred
 66.Hon. Mateke Philémon
 67.Hon. Mavengina Akumu Catherine
 68.Hon. Mayanja Abubakar Kakyama
 69.Hon. Mazima Eliphaz
 70.Hon. Mbura-Muhindo Jerome
 71.Hon. Mugenyi Posiano
 72.Hon. Mukiibi Benigna
 73.Hon. Mukisa Solome
 74.Hon. Mukwaya Abbey Hafez
 75.Hon. Mukwaya Balunzi Janat
 76.Hon. Mulassanyi David
 77.Hon. Mulenga N. Joseph
 78.Hon. Mulindwa Birimumaaso
 79.Hon. Mulondo Besweri
 80.Hon. Musana Sophy
 81.Hon. Musekura Thaddeus
 82.Hon. Musumba Isaac Isanga
 83.Hon. Kavuma Steven B.K
 84.Hon. Mwesigye Ruhindi Hope
 85.Hon. Nakyanzi Maria Veronika
 86.Hon. Nsangi Kakembo Mary
 87.Hon. Nsibambi Apolo
 88.Hon. Obiga Kania Mario
 89.Hon. Okorimoe Janet
 90.Hon. Okula O. Charles
 91.Hon. Okwir Betty
 92.Hon. Ongaria Steven
 93.Hon. Owor William
 94.Hon. Pulkol David Bwangamoe
 95.Hon. Ruzindana Augustine
 96.Hon. Sabiiti Jack
 97.Hon. Sakwa Darlington Nanywaka
 98.Hon. Sebagereka-Kakoko Victoria
 99.Hon. Sebalu Kennedy Mike
 100.Hon. Sekitoleko Sali Sebastiane
 101.Hon. Sempa Victoria Esther
 102.Hon. Seruwu-Bakoja Beatrice
 103.Hon. Ssemakula Nakabugo Kiggundu Hawa
 104.Hon. Turyahikayo Alice
 105.Hon. Wambede Seth Massa
 106.Hon. Wamulongo Wahibi Alupakusadi
 107.Hon. Wandera Ogalo Dan
 108.Hon. Zziwa George William
 109.Hon. Zziwa Nantongo Margaret
 110.Hon. Sebi Data Haroun

THE CHAIRMAN: Delegates please, could you resume your seats so that we announce the results of the division? Could the Members please control themselves so that we proceed! Hon. Delegates, the vote was in respect of the Motion by a group of Members of the committee by way of a minority report, in respect of a paragraph that was being introduced or so to be introduced to us by the Select Committee. The minority report sought to extend the requirement to resign to not only the members of the Armed Forces, but also Members with Public Service. We attempted a consensus and this was the ruling of the Chairman who was successfully challenged in accordance with the Rules and went into division. Now, the rules provide that, if you went into a division - for the benefit of the Members again - the proposition that is in this case is that for the minority report to be adopted, for it to be carried, it would have required not less than two thirds of the delegates present and voting. And, it shall be deemed to be lost if it gets less than the votes of the majority of the Members, and then if it gets more than the majority but less than two thirds, shall be deemed to be contentious. And then, the question will arise to what you do.

Now, in this case, there were 209 Members present.

there were no abstentions, the results of the vote were those against the motion 110, and those in favour of the Motion 99 - *(Applause)*. That being the case, 99 is less than half of the members present. It is less than 50 percent of the Members present and that being so, the minority report as a Motion is lost. *(Applause)*. But I am asked to say that the Chairman, can say that, his ears are pretty very good, because the difference between the "Ayes" and the "Nos" is pretty small - *(Laughter)* So now, it means we go to the Motion - to the recommendation of the majority. Now, the majority report is one which now seeks to introduce paragraph (a) in the wording in which it appears on page 10 of the Report. Hon. Katenta Apuuli attempted to move a Motion to delete but that was premature as you can see. We were at a stage discussing the minority report, but not paragraph (a) as sought to be introduced by the committee. So, I will call upon Hon. Mulenga to say something about paragraph (a).

MR. MULENGA: Mr. Chairman, I have already read to the Assembly the text that is recommended by the majority. I have even outlined the reasons or rationale behind it. On procedure, however, Mr. Chairman, I wanted to comment that, it does not seem to me correct to move a Motion to delete. Delete we usually do it when we are deleting from the draft. So, I think this one should be - a question could be put. Because most of the arguments have been made. It will be defeated or not defeated, there is no need for Hon. Katenta Apuuli to move deletion. Because the effect is the same.

THE CHAIRMAN: That is what I was in fact going to say. That on this matter, at the point at which we are, we had to start with the minority report, because we want to hear the arguments of those who are in minority. But during the discussion of the minority position, we canvass the arguments for and against in fact the whole matter. So, that is not really - it will not be good management of our time for us now to begin rehearsing the argument for and against the substance of the recommendation from the committee, whether by way of disallowing the recommendation or deleting it. In fact what we do is that at this stage, we either accept it or we do not. Agreed? Now, could members give the Chairman a chance to put the question first! The question before us is that, a new paragraph (a) be introduced that would provide that; "a person shall not be a candidate in a presidential election unless being a person in active service in Uganda Armed Forces, that

person has resigned his or her office." I will put the question.

(Question put and agreed to)

MR. MULENGA: Thank you, Mr. Chairman. Mr. Chairman, having deleted the first paragraph, the committee recommends that the original paragraph (a) which was recommended as (b), be amended by deleting the expression "and designating the person to be his Vice President in the election."

THE CHAIRMAN: No, I thought we still have paragraphs.

MR. MULENGA: That is the original paragraph (a) Mr. Chairman, which had been recommended to be (b). Mr. Chairman, it is appearing on top of page 11 of the report. Mr. Chairman, again there is a minority report on this one which seeks to retain the paragraph as it is in the draft. In other words, not to delete the expression I have just read. The import of it, the import of the majority recommendation is to avoid or remove the need to have a running mate for president. I think Hon. delegates, I understand what the difference is.

THE CHAIRMAN: So, now, like our past practice, we shall start by deciding on the question of the minority recommendation which is that the draft provision as it appears in the draft constitution should be retained and that the recommendation from the committee should not be accepted. So, we decide that one, depending on how we resolve, then we proceed from there.

MR. MULENGA: Mr. Chairman, the minority is led by Hon. Ben Wacha on this item.

MR. WACHA: Thank you, Mr. Chairman. Mr. Chairman, as Members will realise, a decision on this clause will affect fundamentally other articles which follow in respect to succession of the presidency under this constitution. And therefore, Sir, I am craving the indulgence of the Chair and that of the House to give me some little time to explain why some Members of the Committee have found it fit to differ with their other Members of the Committee and disagree with recommendations of Committee 2. Mr. Chairman, I move that, article 106,(2)(a) as it appears in the Draft be retained and stand part of the constitution. The provision as Members are aware, states as follows: "*A person shall not be a candidate*

in a presidential election unless (a) he submits to the Electoral Commission on or before the day appointed as nomination day in relation to the election, a document which is signed by him, nominating him as a candidate and designating the person to be his Vice President in the election".

Mr. Chairman, the amendment seeks to retain the concept of a running mate as a condition for nomination for a presidential candidate. I am aware that Members have read the Odoki Report, and in the report, it is indicated that while people want a direct participation in the election of the president, the majority also want the Vice President election on the same ticket as the president. Mr. Chairman, the function of the Vice President is to deputize for the president in the absence of the president. This would, of necessity involve carrying out of executive powers of the nation. And this is in respect of whatever time that period could be. It could be a long period of time, it could be a short period as two days. But still, the Vice President would be carrying out executive powers of the nation. In effect therefore, in the absence of the president, the Vice President, assumes the Chair of the President. It is the wish of the people that, a person who will be called upon to carry the mantle of the presidency, should be known to them in advance.

The argument here Sir, is that, the person who is holding the top most office of the land, for whatever period of time, should have been scrutinized by them, in advance. The note of the Committee here, on page 14, seems to me, to have missed the point. The Committee says that the minority report is based on the argument that, a Vice President who is appointed by the president, could be dropped by the president any time and that is why we are against this concept. That is not the point. The point is that the minority report is following up on the wish of the people that the president and the Vice president should have been scrutinized by the people, before they assume the office, the various offices which give them executive powers in this land.

Secondly, Sir, the mark of a good leader is seen through the selection of his assistants. The choice of a running mate therefore, would be a good barometer to the people as to what sort of people people should expect as the president's lieutenants rather than being seen as an incumbrance or as a beefing up mechanism as has been stated in the report. The choice of a running mate should therefore be seen as

an indicator whether the prospective president is a good team player or not.

Now, thirdly Sir, argument has also been advanced that, if a president chooses a running mate in advance, then the presidential elections will be tribalised. I find this argument difficult to follow. Because first of all Sir, there is no mechanism anywhere in this country where a person can de-tribalise himself. Now, arguing that if a president stands on his own, by that factor alone, he would have de-tribalised himself and therefore, de-tribalise the election, I think he is missing the point. Secondly, Sir, Uganda as we all know, is composed of so many tribes. Now, any election where there are two or three candidates, cannot be seen as tribalising the elections. What I think the majority of the committee meant, is that, the elections are bound to be compartmentalised. This is a fact because we have defacto regions in Uganda. Now, if we do not want to regionalise these elections, it is even more important that people who are not from the same region as the president or from the near region as the president, should be involved in the elections from the very beginning, and that can only be achieved, Mr. Chairman, I think by the appointment in advance of a running mate from another region. Thirdly Sir, it has been argued by the Committee that, indicating a running mate from the beginning might compromise merit for other considerations. I think the reverse is true. Because if you indicate who your running mate is, at the beginning, then the electorate will scrutinize the merits of that running mate and your own merits too. But if you are given the lee-way to choose at the end of the day who is going to be your Vice president, then you could compromise merits for other considerations. Other considerations like, whether my Vice will now accept what I say without question might come in rather than the merit of the person who should now be leading the country when called upon in the absence of the president.

Now, lastly Sir, an argument also has been floated by the committee, that it might be necessary for a running mate appointed by the president to be appointed from another party if there is need for a coalition government in respect of elections which might be tied up between various parties. I find this one difficult to follow. I find it is a political myth. Because to me, coalition governments like any other government is based upon the principal that the group who have the majority support should direct the affairs of the nation. It is inconceivable to me, Sir,

that the majority group could deliberately give the second most important to another group knowing very well that second most person could any day be called upon to lead the country. Now, I have left deliberately the issue of succession, other people will comment on it. The emphasis of our group is that, anybody who is going to hold a mantle of power even for one minute must have the acceptance of the people of Uganda. He must not come to that office through the back door. Mr. Chairman, briefly, this is the basis of our report. I beg to move.

THE CHAIRMAN: Thank you. The motion is in respect of the minority report and it is now open to the Floor.

MR. WANDERA OGALO: (Bukooli South): Mr. Chairman, I was in the minority because we were not convinced by the reasons given by the majority. In the first place, Mr. Chairman, Hon. Delegates, I would wish to refer you to the very first article we deliberated here, that power belongs to the people. We gave the power to the people. Now, the people through the Odoki Commission made it very clear and there is no question about it. It is on page 335 of the Odoki Report that the majority of the people in Uganda want to know who is going to be their Vice President. For us here to depart from the majority of the views of the people, we should have very good reasons to do so, we should have very good reasons to depart from what the majority of Ugandans want. Now, the reasons advanced by the majority in Committee, the first one was that a presidential candidate should be judged by the electorate on his or her own merit without being incumbered by a running mate. Mr. Chairman, it is my humble contention that choosing a running mate is in fact a means of judging a presidential candidate on merit. It is one way of knowing whether this presidential candidate is meritorious to lead this country. So, I find the argument advanced by the majority actually acting in favour of having a running mate. Mr. Chairman, the other argument which was raised was on the ground of tribes. And if I may read, it says - just the end part of it that other tribes and regions would feel marginalised if a running mate is not chosen from that particular tribe. Mr. Chairman, I think we should credit Ugandans with some higher level of intelligence than this. There are so many tribes in Uganda, I do not really expect that, all these - every tribe would expect that a running mate must come of necessity from that tribe. We surely do not expect that every tribe will say "okay,

if we are not having a running from our tribe, we are therefore, not interested in these elections". I do not believe so. I believe we are intelligent enough - Ugandans are intelligent enough to realise that, they can choose a running mate from anywhere without necessarily taking these tribal sentiments in place.

Mr. Chairman, it was also argued that, if a presidential candidate is obliged to name his or her vice president ahead of elections, that candidate is likely to compromise merit in favour of other considerations. Now, Mr. Chairman, merit here was not defined by the majority, we do not know what it means but if other considerations are regarded by the majority of Ugandans as being superior to what is considered by merit by the majority committee, so be it. If these other considerations are so important that they overwrite what we call merit here, I do not know what it means by merit here. Then let the will of the people prevail. Mr. Chairman, it was also argued and I found this very difficult to assimilate - it is reasoned for that although according to Odoki Commission report, majority submissions to the Commission favoured the running mate system, the underlying desire was that a potential successor to the presidency, should be known to the people well in advance. But that this could be achieved through other models. I have thought of other ways, of how Ugandans would know who their Vice President is going to be in advance without naming a running mate. The argument is here that, there are other procedures through which Ugandans will know who their Vice President would be. Which are these? Which are these models? I found this argument really difficult to comprehend. And the majority - the people who argued failed to satisfy us the minority about the way in which the country would know their future Vice President, if he was going to be appointed after the Presidential elections and after the president is through.

Mr. Chairman, lastly, there is a reason advanced, to the effect that automatic succession to the presidency should always be avoided and that the people of Uganda should be given an opportunity to elect the president whenever the need arises. In other words, Mr. Chairman, the majority report is saying automatic succession is not acceptable. We should always have presidents elected. But Mr. Chairman, Hon. Delegates, later on when you look at one of the proposals by the committee, this is at page 29 of the report, Article 112(3), the committee recommends, in a way, automatic succession because it says: "if a

President dies or when there is a year still, then the Vice president automatically becomes president.” So, I do not see this argument about automatic succession working here and then this is double standards, Mr. Chairman. You are using it here, and then later on, you are throwing it out. Mr. Chairman, we in the minority felt that Hon. delegates here would see the importance of this, and would give the people - the views of the majority of Ugandans effect, so we decided to come to seek your support and we are hopeful that you will endorse the view of the majority of the people. Thank you.

MR. SAKWA: Thank you, very much, Mr. Chairman. I rise to support the minority report. Mr. Chairman, I would be really surprised if members did not support this minority position. Mr. Chairman, the importance of the office of the president does not need further emphasis. We have just spent nearly two hours convincing each other how serious the task of becoming the president of this nation is. We have been trying to make it as difficult as possible to become a president of Uganda. Therefore, it surprises me, as I said, Mr. Chairman, that we can spend so much time to define who should become even a mere candidate for presidency and then accept to smuggle in a Vice President without him being tested by the people. Why should we allow who ever succeeds as president to smuggle in anybody of his choice after making that person go through a rigorous test to become a president? That creates a situation which I find difficult to swallow. Mr. Chairman, in the report as already alluded to, there was an overwhelming desire by the people to have the Vice President elected. My support for this position therefore is based on two very brief reasons. One is that, the naming of a running mate creates an indirect election in that the person who is aspiring to be a president will be given votes for himself and also a reflection of the person he or she names as a running mate for vice presidency. Therefore, you will have gone a long way in trying to satisfy the desire of the people. You are not fully electing the vice president because maybe it would be very expensive to hold two such elections. But by naming the running mate, definitely the votes you get as president will depend also on the person you have elected as a running mate. Therefore, you will be having an indirect election of the Vice President.

Secondly, Mr. Chairman, there is need for us to guide against the possibility of a successful presidential candidate appointing a rubber stamp VP or somebody who is like an item for display in the

shopping window. We know this can happen politically. And since this person is open to the office of the president either through an acting position when the president is out or through succession when the president should be for some reason removed from office, or unfortunately happens to die, I think it is only reasonable that we should pick the best material for this office so that whoever is in the line waiting to become the president for whatever brief time should also be a person whom the people of Uganda have confidence in, whom the people of Uganda have given a mandate through the running of an indirect election. Mr. Chairman, for those reasons, I beg to support the minority report and I would urge fellow Members, to do the same. Thank you.

THE CHAIRMAN: Hon. Delegates, we have heard two in favour of the minority report. I want to have another one or two in favour of the minority report.

DR. MAGEZI: Thank you, very much, Mr. Chairman. Mr. Chairman, I am not a member of Committee Two but I do support the minority report. Mr. Chairman, the reasons are several and many of them have indeed been zeroing in on page 13 as the reasons that have been presented for changing the Odoki position. But I find that, having pronounced ourselves very clearly on the presidency of Uganda that the president of Uganda shall be the head of state, head of government and commander in chief of Uganda Armed Forces, I find it extremely important that should the Vice President at any time assume the office of the presidency, that person should enjoy a strong mandate to rule this country preferably through universal suffrage. The alternative to this which the committee is presenting, means that the Vice president will be elected with approval of parliament. And I wish to cast our thoughts back that probably, parliament would be like an electoral college. So, the system would be Vice President elected by an electoral college vis-a-viz universal suffrage. Mr. Chairman and Hon. Members, very many Members of this August House contest and I think rightly so, when they say, they have a strong mandate in their constituencies than Members of the National Resistance Council. This is because they were elected by universal adult suffrage. There are very many examples insight.

There is a county called Kashaari County, I think it is in Ankole. In this county, the distinguished CA Delegate was elected on universal adult suffrage with landslide majority. However, come the NRC

elections, where there was just an electoral college of a handful of voters, he lost miserably. Now, would you wish to hold the office of the President of the Republic of Uganda on the pretext that you are elected by an electoral college which can easily be probably manipulated, let alone panel beaten? For that reason, I think even the office of the Vice President must be seen to be enjoying universal adult suffrage through election when the president has declared the running mate. If the Vice President demerits the presidential candidate, then the Vice President - *(Interruption)*

DR. BYARUHANGA: Point of information! The information I wanted to give to Hon. Magezi is that, when we go for presidential elections and this presidential candidate has a running mate, when we vote, we are really voting for the president. Because, Mr. Chairman, in some cases, you can get these running mates actually reducing on the number of votes the presidential candidate would have got. But then this presidential candidate going on to win -

THE CHAIRMAN: That is not information. You are indulging in a statement of argument. I think let him finish his contribution, then we shall proceed.

DR. MAGEZI: Mr. Chairman, I think that point is two edged because if your running mate demerits you, you drop that running mate and you pick the one whomerits you. This is politics. What we are talking about is politics. Now, the point that there would be tribalism, I think we cannot just wish away these tribal problems we have in Uganda, but I would like to assure you that if the presidential candidate picks a very clear headed running mate, take the case of Doctor Specioza Wandera Kazibwe as a possible running mate, she goes, she casts across the whole country, I have not heard a single tribe being pluralised because a Musoga was elected to be a Vice President - *(Applause)* and I know that, as a consequential amendment to this position, is to be that the Vice President in case the President resigns or he is impeached or leaves office, automatically when the Vice President has been a running mate, should have the mandate to continue ruling Uganda until the expiry of the term of office of the President without necessarily saying we must have another election prior to the end of the term of office for which the president was elected. Mr. Chairman, I beg to strongly support the Minority Report. I thank you.

THE CHAIRMAN: Another person who is in

support of the Minority Report?

MR. OKANYA: *(Butebo County, Pallisa):* Thank you very much, Mr. Chairman. I rise to support the Minority Report, because in a sense, the Report seeks to revolutionalise politics in this country. And it also seeks to go further into solving some of the problems we have heard in this country. I for myself see no fear in disclosing and actually fielding a running mate though it may have its own disadvantages, as some Delegates fear. We should not be blind to the overwhelming good of the idea. The act in itself goes a long way in improving and strengthening the aspirants card. We are seeking to revolutionalise this aspect in this country. If the majority in the Odoki Commission sought to know who their Vice president is before they go to vote, it is only right for us here to endorse it, and I see the minority report going further into ensuring that we actually give the people what they want. We should not be secretive about the affairs that concern all Ugandans. In the earlier chapters of this constitution we are making, we agreed that power belongs to the people. Now, the only way the people can exercise their power is by electing somebody they want, somebody they know, and subjecting him to all the rigours of an election. We are making a constitution that should stand the test of time, what might be offensive today, may be a nobel tomorrow. It is essentially a healthy process that I would like Hon. Delegates in this House to accept. I believe a running mate is somebody that should be known well in advance to enhance the process of democratization in this country. I thank you, very much, Mr. Chairman.

THE CHAIRMAN: I will hear those against the Motion.

MR. KATUMBA: Thank you, Mr. Chairman. I stand to oppose the minority report for one reason, that is if the President has got to appoint the running mate as his Vice President, that means the running mate will also be accountable to the people. So, when he becomes a non-performer, it will be very difficult for the president to discipline him. Secondly, even if the Vice President undermines the president, with the view of discrediting his name, he will not be able to sack him. So, I oppose this Minority Report.

DR. KAKUNGULU: *(Presidential Nominee):* I

stand to oppose the Minority Report. I like the encouragement from the House so soon. Mr. Chairman, in medicine, appendages to a normal organ, however good looking they may be, may be disadvantageous and at best a liability. I am speaking as a professional. For instance, if you had a third ear, however beautiful it looks, it will be a liability. We have the appendix inside the abdomen, in most cases it is a liability because when it gets sick, probably you could lose your life. Hence, I would rather prefer someone to stand on his own integrity and his own capability and stature and he must stand out in his own unlike in this business of standing with someone. I liken this to a husband who is deficient academically and he starts using his wife's CV so that he can go through on a job that because I married a professor for a wife, I am capable of leading or going for such a job.

THE CHAIRMAN: There is information from Hon. is it Kania?

DR. KAKUNGULU: Welcome.

MR. KANIA: Mr. Chairman, I thought I wanted to contribute.

CAPT. BABU: Point of information. I just want to inform the Hon. Speaker on the Floor that when we talk about the Presidential System of Government, we talk about an entity, not an individual - (*Applause*). And when you are electing, you are not electing an individual, you are electing an office which consists of two people.

DR. KAKUNGULU: I thank Hon. Babu for that very useless information because he is the very one, some time ago, who said that why should we adopt systems from America, why should we adopt systems from Britain, why do we not ever create something new? So, Hon. Babu, I am grateful for that very useless information.

THE CHAIRMAN: Hon. Kakungulu, are you taking further information?

DR. KAKUNGULU: Welcome, this is a democratic society.

THE CHAIRMAN: There is Hon. Eresu.

DR. KAKUNGULU: He is welcome. I am not after the personality, I am after the information.

MR. ERESU: Point of information! I would like to

inform Hon. Kakungulu that we are not adopting a system from America, we are only expressing a wish of the people of Uganda as indicated in the Odoki Report.

DR. KAKUNGULU: Thank you, Hon. Delegate, who has just informed me. Could I please respond by saying that at the beginning of this constitution making process, the people of Kumi were very opposed to the extension of the Movement system for another five years, but of late, they have changed. So, probably people can change with time. Mr. Chairman, this business of having a running mate creates rivalry from the onset in that it creates owing of allegiance by the Vice President, not to the President, but it will only be to the people. Hence creating another centre whereby we have a lot of plotting behind the back of the President which is extremely dangerous, if we are to run a system which is efficient. Mr. Chairman, with those few remarks, I beg to oppose the minority report. I thank you.

MR. OBIGA KANIA (Terego County): Thank you, Mr. Chairman. Mr. Chairman, I see in the draft and also in the Report of the Committee that there are no substantive functions of the Vice President other than merely waiting to deputize for the President in his absence. And I think to me that is deliberate because the Odoki Commission and indeed the Committee wanted to avoid an issue of conflict because they know that the person who is active in the performance of duties after the election is the President. And in the circumstances therefore, I find it very difficult to believe that the election of a person to the office of the President should be hinged on the goodness of a good Vice Presidential Candidate. Because if you choose a good Vice Presidential candidate, then you will be elected, this is what the argument goes. But I am saying that argument, even if it was correct, and it resulted in new elections, the person who is going to perform the duties is the president himself while the Vice President will merely be waiting in the shadows to deputize for the President, or as is assigned. This is what I read in the draft. Secondly, Mr. Chairman - (*Interruption*)

THE CHAIRMAN: Hon. Kania there is information on the Floor.

MR. KANIA: I will take it.

DR. MAGEZI: Point of information. I would like to inform the Member on the Floor that actually, if the Vice President is able and knows what he is

doing, the Vice President can have two or three other roles. And in normal circumstances, one is the Vice President and a Minister in the government. You just do not have a portfolio that you are just a Vice President on your own as the Hon. Member seems to imply.

MR. OBIGA KANIA: Mr. Chairman, where is that one spelled in the Draft Constitution? Is it going to be brought later? Mr. Chairman, we have known positions of - I know during the campaign, that an enlightened electorate is going to pay more attention to qualities of the individual who wants the presidency, not the Vice President. The Vice President will merely be somebody at best who can act as a campaign manager for the president. And in that respect, whoever is to be the president should be allowed to choose at any given time whoever will manage his campaign.

THE CHAIRMAN: There is a point of order, give way.

MR. ERESU: Point of order! I would like to give a point of order to the Member holding the Floor. He states that the Vice President at best would be a campaign manager for the president. Is it in order, Mr. Chairman, for the Member holding the Floor to confuse the House that a Vice President that we are talking of as a running mate is indeed a campaigning manager for the President? Is he in order therefore?

THE CHAIRMAN: I think Hon. Eresu, you are calling upon the Chairman to rule on a hypothetical situation. We have not yet had a president campaign with his running mate. You never know, that could be true. Because at this juncture, we cannot rule.

MR. MULENGA: Point of information. Mr. Chairman, I just wanted to inform the Hon. Delegate on the floor or to answer his question which he said, where else is it provided that the Vice president could get other duties other than deputizing. If he looks at page 27, Clause 3(b), It is recommended that the Vice President shall carry on such other functions as may be assigned to him by the President.

MR. OBIGAKANIA: Thank you, Mr. Chairman, he has answered his own question, it is still the president giving duties at his pleasure. Mr. Chairman, the opposite is that, in fact with a running mate, and because of good qualities of a running mate, Ugandans could elect as a person, a president who is

not on his own right adequately qualified to be a president. They could elect a mediocre because of the good qualities of a Vice President. Yes, the Vice President I said, becomes a sales person, or the Vice Presidential Candidate becomes a sales person and if he does good salesmanship, then you could end up electing a mediocre who in fact will assume the duties and delegate the Vice President to the shadows. And therefore, you will find a very difficult situation where the country will be mis-administered by the mediocre President, while the Vice President remains idle to wait for duties at the pleasure of the president.

MR. ETONU: Point of information. Thank you, very much, Mr. Chairman. I would like to help my colleague holding the Floor to put this information that actually, a running mate as a Vice President can become a big liability to a Presidential Candidate in that in America, Jimmy Carter lost because he had Mr. Eagleton as his running mate and he had to lose. He lost because of him. And I imagine also, if Amin had stood for presidency and he had Adirisi as his running mate, he would have lost in Uganda.

MR. OBIGA KANIA: I am glad for that information which in fact supports my argument. That a person should be seen in his own merit. I therefore, strongly state that we do not need running mates for presidency, let us judge them on their merits. Thank you very much.

MR. KWERONDA RUHEMBA (Kajara County): Thank you very much for having identified my long hand. Mr. Chairman, Article 102 states clearly that, the executive authority shall be vested in the president, and it is him or her to exercise that executive authority. If the drafters of this constitution had wanted, they would have actually said that the executive authority shall be shared between the president and the Vice President. But they were wiser than these people who are trying to support the minority report. Mr. Chairman, I belong to Committee Two *-(Interruption)-*

THE CHAIRMAN: Hon. Kweronda Ruhemba, there is information, are you talking it.

MR. KWERONDA: But I am trying to inform whoever is trying to inform me, Mr. Chairman. I think he can wait. Mr. Chairman, I belong to Committee Two and we spent a lot of time on this article. We saw dangers if the President mentioned

or declared his Vice President just at the outset. The dangers were in pluralization of votes in this country. This country we all know it, it has its problems, problems which we are willing to live with, but it is not good to put obstacles in the way of the president by saddling him with a Vice President. Here we gave an example, that for instance, supposing the president chooses a Vice President from a certain region, just because he thinks that region has got numerical advantage, that may, Mr. Chairman, bring about the two other regions to pluralize against the president. Why call for this pluralization when actually this pluralization could have been avoided? So, we saw it as a road block, put in front of the president and those who supported the majority view here were actually after removing any possible road block to the candidate who is aspiring to become a president of this country or any possible road blocks to any candidate who is aspiring for the presidency.

Mr. Chairman, we saw in another incidence that a good candidate could be pulled down by the Vice president just because a block of people in the name of a region or in the name a religious organisation or in the name of tribe could impose somebody and because the candidate needs this block of people, this block of votes, he decides to succumb. This again we saw that it could deprive him of the votes. And this is another road-block which we are trying to avoid. We have also said that merits could be compromised in the sense that a good candidate, if he is saddled with a poor Vice President, a poor candidate in the name of the Vice President, this again could bring his votes down because of this kind of character. Then Mr. Chairman, we said that this Vice President whom we are trying to -

THE CHAIRMAN: Hon. Kweronda Ruhemba, there is information.

MR. KWERONDA RUHEMBA: Mr. Chairman, I had refused information. (*Interjections*)

THE CHAIRMAN: Order, order! he is entitled.

MR. KWERONDA RUHEMBA: I think I am entitled by the rules of this House Mr. Chairman, to reject information. Mr. Chairman, the Vice President whom the minority are trying to impose on the electorate is not going to be elected on his own merit. He is just jumping on the band wagon. This Vice President to be Mr. Chairman, will simply be riding on the popularity of the President. If he was voted by

himself, he would not have polled any votes at all but because he is saddling behind the President, he also supposes to be a Vice President actually when he should not have been. For those who are trying to say that the Vice President should be elected by the majority, that they want to know whom they are going to elect and who is going to be their Vice President, certainly our people would have also liked to know who their Ministers are going to be. Should we also ask the population to elect the Cabinet, the Ministers?

MR. BAGEYA: Point of information! Mr. Chairman, I would like to inform the Hon. Member holding the Floor that in the constitution, we are talking about a Vice President who will act as President. There is nowhere in the constitution we have said that the Minister will act as President but we are specifically talking about a Vice President who is a possible candidate to be President.

MR. KWERONDA RUHEMBA: Mr. Chairman, I was trying to point out to those -

THE CHAIRMAN: Are you going to take clarification and further information? Because you are taking so long that you may have to hand back the Floor to me.

MR. KWERONDA RUHEMBA: I was about to wind up but they can inform me.

MR. WANENDEYA: Thank you very much Mr. Chairman. I would like the Hon. Member on the Floor to clarify to us as to whether or not the Presidential candidate does not have the choice to pick a running mate. Because at some stage, he said that the prospective Vice President will write on the merit of a Presidential candidate. So can he just pick up anybody? Does he not have the choice to pick the right running Vice President or is Hon. Ruhemba just talking for the sake of getting this point across? I thank you Mr. Chairman.

MR. KARUHANGA: Point of information! Thank you Mr. Chairman and I thank Hon. Kweronda for giving way. Just to buttress the point being made where they say that the Vice President should be known in advance so that when the President is away or dies, the people know who is going to lead them, that argument cannot be sustained because if the Vice President also dies, the President will have to appoint a Vice President when there is no election.

Secondly, the speaker of Parliament, in the absence of the Vice President or the President, the speaker of Parliament becomes even the President or acting in the absence of the Vice President. And when the Vice President takes over the job of the President, the Vice President nominates through Parliament the Vice President. Therefore, the argument that the people of Uganda have to know the person of the Vice President before the election can certainly not hold water. - (Applause). Secondly, to say that -

THE CHAIRMAN: No. but you are now debating.

MR. KWERONDA RUHEMBA: I thank Hon. Wanendeya for raising that point and Karuhanga for answering it.

THE CHAIRMAN: And could you wind up please.

MR. KWERONDA RUHEMBA: I am winding up Mr. Chairman and in fact in the committee, Mr. Chairman, some people were of the opinion that if the Vice President was so important that he had to be elected, that maybe some people should also stand and be elected as Vice Presidents in their own right. In fact one of the Members at one time suggested that maybe we should have three vice-Presidents and that was actually in consideration of the fact that Uganda has got problems and that polarisation can take place when you try to nominate the Vice President before elections. Mr. Chairman, I wish to wind up by saying that some Members were actually of the view that if the President was a man and he elected a lady as his Vice President and they started trotting around the country looking for votes, that actually they could be misunderstood. Mr. Chairman, that again may even compromise the votes of the President. Mr. Chairman, lastly, the majority had a view that an elected Vice President can actually be a nuisance to the President, that he may keep reminding him that he has got a mandate, that actually the President may not have made it without the votes which were solicited by the Vice President and therefore, he can be a nuisance in the office and that actually they could have internal squabbles in the office of the President there. And for these reasons, we rejected the minority view and I stand here to defend the majority view and to reject the minority view. I thank you Mr. Chairman.

MR. TIBAMANYA (Kashari County): Thank

you, Mr. Chairman. Mr. Chairman, we are really at cross-roads, and wondering which way to take. There are good reasons for having a running mate and good reasons against it. In taking our decision Hon. Members, I think we should bear in mind the conditions that prevail in this country. Mr. Chairman, are we looking for merits in the Vice President or are we looking for vote catchers? If a running mate does stay, a Presidential candidate will be looking for a vote catcher, one who could win him votes and definitely not merit. And I would invite Hon. Members to debate this article having in mind the recommendations of the committee under Article 11 found on page 26 of the report where it says, "*the President shall, with the approval of Parliament by a simple majority, appoint a Vice President.*" This is with regard to someone who said that the President shall just appoint a rubber stamp. There is some way the committee thought that this Vice President should be subjected to some scrutiny so that at least merit comes in. If the running mate is retained, small tribes like Bakonjo and so forth, they will never have a Vice President because we shall be looking for those two from big tribes so that we catch votes whereas under what is proposed, some persons with merit may be considered. Someone gave, awhile ago, an example about myself and Kashari county. I am not a believer in electoral colleges, correct they are manipulable but there is a way really we can test the merit of the Vice President and under what is proposed under article 11, at least some merit can be found in the person of the Vice President. Lastly, it is more of a problem to polarize this country if we pass that a Presidential candidate should be having a running mate. Someone has already commented and said Uganda will be divided in regions. This is a fact in Uganda. We should not overlook it while making a decision on this matter. Regrettably, I have to oppose the minority report and go for the majority report. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, we are not receiving any new ideas from the Floor now. Let us declare ourselves on the question of the minority report. The minority report is that the provisions of paragraph (a) in Clause (2) of 106 should remain as it is. That is the minority report recommendation. Now, we are going to decide on whether we accept the minority report or not depending on that and then we see how we proceed. I will now put the question.

(Question on the minority report put and negatived.)

THE CHAIRMAN: Those standing are 38, the

requirement is 51. *(Applause)* Hon. Delegates, I think before we adjourn, let us do the last paragraph.

MR. MULENGA: Thank you Mr. Chairman. Mr. Chairman, the majority recommendation is that paragraph (b) now (a) should read that, *"A person shall not be a candidate in a Presidential election unless (a) he submits to the electoral Commission on or before the day appointed as nomination day in relation to the election, a document which is signed by that person nominating him or her as a candidate."*

(Question put and agreed to)

MR. MULENGA: Mr. Chairman, there is proposed amendment to paragraph (c) and it is a slight amendment to substitute 100 for 1000 to read: *"the nomination is supported by 100 voters in each of at least two thirds of all the districts in Uganda."* Mr. Chairman, I beg to move.

(Question put and agreed to)

THE CHAIRMAN: I think this is the appropriate

point for us to break and resume tomorrow. I am going to adjourn properly. Hon. Delegates, I have not adjourned yet and so it is inappropriate for Members to begin walking out. But before I adjourn, I have sad news. I received information from Hon. Wanendeya that one of our Members Hon. George Masika lost his father last Sunday and two other relatives. They were shot by thugs at their home in Bubulo county. It is a pity and the clerk will be opening a book of condolences and we shall follow the usual procedure where we receive such sad news. But I think the police has managed to arrest some of the culprits. We shall know more as time goes on. Hon. Delegates, we stand adjourned until 9.00 o'clock tomorrow morning, promptly 9.00 o'clock. Thank you.

(The Assembly rose and adjourned until Wednesday 15th March 1995 at 9.00 o'clock)