



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 25TH JANUARY 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 2794]

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Wednesday, 25th January, 1995.

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

P R A Y E R S

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

The Assembly was called to order

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

CHAPTER TWO ARTICLE FOUR: THE
REPUBLIC OF UGANDA.

THE CHAIRMAN: The Clerk has called the Item No. 3 - Consideration stage. It continues and in this regard as I indicated yesterday, we shall first receive the Report of Select Committee Four on Chapter Two, the Republic and after the presentation of the report, then we shall proceed to consider that report against the original draft as we did with regard to the report of Committee Three, article by article and if necessary, pronounce ourselves on various recommendations in relation to various clauses in those articles. So I will straight away give the Floor to Hon. Katenta Apuuli, the Chairman of Committee Four to present the report in respect of Chapter Two, the Republic.

MR. KATENTA APUULI: Thank you Mr. Chairman. Hon. Delegates, I wonder whether the Chair requires me to lay on the Table first.

THE CHAIRMAN: Yes, you may do that, then go on to present it. You can lay it on my Table or the flat Table, whichever.

MR. KATENTA APUULI: Sir Chairman, let me start by thanking Hon. Delegates for the confidence they put in me to chair Select Committee number four and in the same breath, I would like to thank Hon. Delegates who are Members of Select Committee number four and other Members of other select committees who worked with us to enable me to be able to present this report today. Mr. Chairman, the work that was assigned to select committee number four was termed controversial and the debate has been at times

quite controversial. But I am happy to report to you Mr. Chairman, that it was not acrimonious. We worked together in cooperation with others from other committees and now I wish to present our recommendations to the plenary for adoption to stand part of our constitution.

Chapter Two: The Republic, Article number four, clause (1). Mr. Chairman, after long debate, it was decided that we drop the word "military" from the formulation that is in the draft Constitution. If decision was taken in view of the decentralisation process now going on in the country and the separation of powers between the central government and local governments as contained in the Draft Constitution, we found out that technically, Uganda could not be described as a Unitary State after we divided authority between the centre and local governments. There was strong opposition on the part of some Delegates, mainly from Buganda about the term "unitary" on the grounds that that would prevent them from seeking a federal status for Buganda and other parts of Uganda. That is why we dropped the word "unitary" so that now article four clause one reads: "Uganda is one sovereign State and Republic". Mr. Chairman, I beg to move.

THE CHAIRMAN: What I would suggest you do is you make an overview of the entire report. The Member is proposing that unlike the previous case where we had a general introduction of the whole report then we came to the details, he is suggesting that we go article by article.

MR. KARUHANGA: Thank you Mr. Chairman. Mr. Chairman, having been a Member of Committee Four and knowing that the job we had was not an easy one, to make matters easy for the Assembly, and knowing that most of these articles actually do not relate so much - each one of them almost stands by itself - I would strongly recommend, for the sake of time that we discuss article by article. Thank you.

THE CHAIRMAN: It is quite very simple really. There is nothing to argue about. We could choose - the Member has just given a description as to why they arrived at a recommendation on Clause(1) of Article 4. We could go ahead and discuss that, and then call upon him to go to the next without him having to read this to us and then

we read through it again. Because what I was calling upon him was more or less to read it. But I think Members have read and understood.

PROF. SENTEZA KAJUBI: Thank you Mr. Chairman. I propose that we go clause by clause as the Chairman has ably introduced the first clause. We debate that and then we continue to the next one.

THE CHAIRMAN: Without having to go through the process of reading it anyway. Okay, I think the general view is that we proceed as proposed. Hon. Atwoma, do you have strong views to the contrary?

MR. OKENY ATWOMA: Mr. Chairman, I think I am raising a point of procedure here. In the previous report of committee three, they first presented the general view, how they had reached certain conclusions. Then we started going article by article. And now, this one is even more - twice necessary that this Assembly should be given chance to read. We have just collected this thing this afternoon. *(Interruptions)* - Yes, I collected it this afternoon. It was not there. So Mr. Chairman, I think *(Interruptions)*- Mr. Chairman, I think I need to be protected here.

THE CHAIRMAN: Order, order! Hon. Adimola, you are conducting another conference on the side.

MR. OKENY ATWOMA: Mr. Chairman, I think we are engaging on a very important chapter in this Draft Constitution and definitely, I think if the chairmen of the committees were to go over it and given us the reasons for reaching certain conclusions and then given chance at least for this weekend, people to look at this until Friday and then having understood the reason why the committee has reached certain conclusions, then we can discuss it more reasonably. And even I am told by some of the Members of the committee that their minority report is lacking.

THE CHAIRMAN: Just a moment. Hon. Atwoma is asking for a different approach. What he would like to do is to have a chance to read the whole report over the weekend. But what I understood was really a question of approach, whether we should adopt a situation where now the chairman has presented the first paragraph of

the report. We consider that and then we go on to the next. Now the only other complication is that for instance, the chairman has presented the statement that Uganda is one sovereign State but I understand there was a minority report. Mr. Chairman, could you tell us whether there was a minority report on that one.

MR. KATENTA APUULI: It is not in respect of this item Sir. It is in respect of the language and it is also in respect of whether voting is compulsory or not. It is only in respect of those two items. But I have no problem to present the entire report first or we should go clause by clause. Whatever is simpler to the Hon. Delegates is what I shall be able to follow Sir.

MR. BIDANDI SALI: Mr. Chairman Sir, in view of the limited time we have and also in view of the apparent consensus of the Members, I beg to move that we start discussing this report clause by clause.

THE CHAIRMAN: Anyway, let us take one approach because we are going to spend more time arguing on procedure. This is a short report because it covers a few articles only. It is not as if it is a voluminous one which requires people to sit back and read at great length. I will adopt the procedure that the Chairman has presented clause (1) of Article 4 and the recommendation is that the word - the original draft reads: "*Uganda is one unitary sovereign State and a Republic*". The recommendation is that it should read: "*Uganda is one sovereign State and a Republic*".

(Question put and agreed to)

THE CHAIRMAN: And so we dispose of that. Hon. Katenta Apuuli, will you go on please?

MR. KATENTA APUULI: Clause (2). The committee recommends that clause two be deleted and the following clause substituted for it. "*Uganda consists of the districts of Arua, Bundibugyo, Bushenyi, Kabale, Kampala, Kapchorwa Kasese, Kibale, Kisoro, Kotido, Kumi, Mbale, Mbarara, Moroto, Nebbi, Ntungamo, Pallisa, Rukungiri, Soroti, Tororo, Kitgum and Gulu of Acholi, Lira, and Apac of Lango, Iganga, Kamuli, Jinja of Busoga, Kabarole of Toro, Hoima and Masindi of Bunyoro, Kalangala, Mukono, Luwero Mpigi,*

Masaka, Rakai, Mubende and Kiboga of Buganda and such other districts as may be established in accordance with this constitution except the two or more districts may voluntarily associate for cultural and economic purposes". On reflection Mr. Chairman, this morning we revisited this position and took a number of decisions. One of the decisions we took is that it is not necessary for this list of districts to appear in the main body of the constitution. So it was agreed that this list should be moved to the schedule which is the Fifth Schedule. We also decided to revisit this position and adopt the recommendations that were considered by us and the technical committee which we circulated this afternoon and will be on your desk as a leaf which reads as follows: "*The committee recommends that clause two be deleted and the following substituted for it and that a new Schedule Five be introduced to the constitution as set out and attached*". Article 4 clause (2): "*Uganda shall consist of the districts specified in the Fifth Schedule to this constitution and such other districts as may be established in accordance with this constitution or any other law consistent with this constitution. Two or more districts may voluntarily associate for cultural and economic purposes*".

What the committee recommends Mr. Chairman, is this second formulation. After debating this clause or during the debate of this clause, it was strongly felt Mr. Chairman, that because Uganda has undergone a number of changes as far as district names are concerned and along the way of those changes, the traditional names that were known to the people were lost. The committee accepted requests from Hon. Delegates that these names should be reflected somewhere in the constitution. That explains why places like Acholi, Lira, Busoga, Toro, Bunyoro and Buganda are reflected. It was further requested during our discussions that new districts be created. The committee considered this matter very seriously and referred it to a sub-committee which worked with technical assistance, mainly from the Ministry of Local Government. When they presented their report to the select committee four, it was decided that this matter should be left in the hands of Parliament. During this morning's meeting, Members expressed very strong views that when this matter comes up to Parliament, Parliament should treat it as extremely urgent and therefore should act on it as soon as possible. Let me stop there for the moment Mr. Chairman.

THE CHAIRMAN: Yes, just a moment. Let us first of all get very clear in our minds what is on the Floor. Then we can discuss from there. In your original report that came from the committee, there was a proposal to delete clause (2) and to insert a new wording or formulation as set out on that page. But on the basis of the meeting this morning, that is no longer a recommendation before us in terms of formulation or format. What now is before us is what appears on a circulated document that has two pages to it or two sheets. The Chairman of the committee has just read one which says that "*Uganda shall consist of the districts specified in the fifth schedule to this constitution and such other districts as may be established in accordance with this constitution or any other law consistent with this constitution*" and then in clause (3), "*two or more districts may voluntarily associate for cultural and economic purposes*". Now, before we go to the recommendation under clause (3), we shall first of all discuss and pronounce ourselves on the recommendation under clause (2) which replaces the present formulation in the Draft Constitution. That is what we have on the Floor.

MR. ADOKO NEKYON: Mr. Chairman Sir, I am seeking clarification from the mover as to why he points out places like Kitgum and Gulu of Acholi, Lira and Apac of Lango, Iganga, Kamuli, Jinja of Busoga but he does not point out other places like Bushenyi and Mbarara of Ankole, Kumi and Soroti of Teso, Kisoro and Kabale of Kigezi, Arua, Nebbi of West Nile and so on and so forth.

THE CHAIRMAN: And possibly Mbale of Bugisu.

MR. ADOKO NEKYON: Yes, Mbale of Bugisu is on my list. Will he explain why he is discriminating against these other former states.

DR. ODUR: Thank you Mr. Chairman. The clarification I am seeking actually is very close to what Hon. Nekyon has just asked. Mine is. I would understand that Kitgum and Gulu are districts but when you say of Acholi, what does that make Acholi to be? And if you say Lira and Apac of Lango, what does it make Lango to be? Is Lango also a district? And so on and so forth. So I await clarification on what those names mean now.

MISS NANKABIRWA: Thank you very much, Mr. Chairman. I would like to thank the Chairman of committee four and its Members for this seemingly compromising amendment. However, I would like to be clarified why Kampala is not in the category of the other eight districts of Buganda. I want to be convinced so that I go back to Kiboga and I convince them. They heard of this and they are so much worried. Thank you very much.

THE CHAIRMAN: Order, order! The Chairman is taking down notes and we shall give him the Floor to clarify.

MR. AWORI: Mr. Chairman, I am also seeking similar clarification on sub-section 27 concerning the districts of Buganda. Mr. Chairman, most of us know Buganda as a kingdom. It has a king with its domain called a kingdom. Why are these districts of Buganda not part of Buganda kingdom?

MR. LOOTE: Thank you Mr. Chairman Sir. I seek clarification on a simple concrete concept from the Chairman. What is the philosophy behind this formulation. Because there must be a philosophy behind it. Can we be made to understand that philosophy? Thank you Mr. Chairman.

MR. CHEBET MAIKUT: Mr. Chairman, thank you very much. I am also not convinced of the grounds put forward by Committee Four on the basis of the nomenclature of the districts being attached together as already pointed out by Hon. Members like Nekyon. To me, Mr. Chairman, it appears that this August House is beginning to sow seeds of disunity by *-(Interruption)*

THE CHAIRMAN: Are you seeking clarification or making a statement?

MR. CHEBET MAIKUT: Okay clarification maybe. So in short Mr. Chairman, I am seeking clarification from the Chairman of the Committee Four as to what was the basis of giving this kind of nomenclature where you join some districts attached to one name and not mention the other ones. Thank you very much.

THE CHAIRMAN: Are you suggesting that it should have been Kapchorwa and Mbale of Elgon?

MR. CHEBET MAIKUT: No, I am simply suggesting, if I am allowed Mr. Chairman, to move an amendment. I was simply going to suggest that we scrap off this unison of saying Jinja, Kamuli, Iganga of Busoga. We remove this. I have my reasons if I am allowed to speak Mr. Chairman.

THE CHAIRMAN: No, you are now seeking clarification.

MR. MULENGA: Thank you Mr. Chairman. Mr. Chairman, I also want, before I decide on this amendment, to be given reasons why we should stipulate in the constitution districts which may vary from time to time. Is there any reason why we should have a clause that lists, whether in the body of the constitution or in the schedule, districts and then say they may be changed from time to time? Do we need it for completeness of a constitution or can we do without it?

LT. GUMISIRIZA GUMA: Thank you, Mr. Chairman. I am seeking clarification from the Chairman of Committee Four. What would happen suppose Maruzi which is part of Apac, is given a district status and already in the constitution in the schedule, it is Lira and Apac of Lango and yet Muruzi will have been given a district status and yet it is not mentioned as Lira, Apac and Maruzi of Lango? Will it not be part of Lango still although it will not be mentioned in the constitution?

MR. OCHENGH: Mr. Chairman, the proposed Fifth Schedule says the districts of Uganda and there are 27 on the list. The list shows 27. I would have liked the Chairman to explain why they are 27 and not 39.

COL. PECOSKUTESA: Thank you Mr. Chairman. Sir, I beg to move that this Article 4, this clause (2) which was recommended by Committee Four, to be amended by deleting the names.

THE CHAIRMAN: No, I think Hon. Kutesa, you are just one step ahead of us. I have been collecting clarifications. Once you are clarified, then we proceed.

MR. ELYAU: Thank You Mr. Chairman. I wanted clarification from the Chairman. How did these so called new districts which were requested

come about because now in Uganda, there are several sub-districts. In case of Soroti, we have Kaberamaido and Katakwi. I am surprised to see that Katakwi does not appear here. How did they come to that appearance because we have not been given an opportunity to also put a name like Kaberamaido which could be fully a district on its own if it could be given opportunity. May I be clarified?

THE CHAIRMAN: Does Katakwi appear on the list?

MR. ELYAU: Yes, it is there.

THE CHAIRMAN: I think you are reading a document by Hon. Ignatius Malinga of Usuk or of Katakwi but not on the list which we were given by the Committee. So you are reading a wrong document.

MR. KABERUKA: Thank you Mr. Chairman. I rise to find out - because I am slightly confused in that I can see we have had some documents labelled minority report and according to our rules, we should discuss minority report first.

THE CHAIRMAN: Is there a minority report on this one?

HON. DELEGATES: Yes!

THE CHAIRMAN: Anyway, let us get clarified first.

MR. KABUGO: Thank you, Mr. Chairman. Looking at the districts specified on the recommendation of Committee Four, I find that Kibale is left alone and it is not taken into Bunyoro and Bunyoro claimed these two counties in fact to get out of Buganda and this is where the problems of Buganda political crisis started. And these people, among others and Mr. Chairman, the problem started when the people of Bugangaizi and Buyaga claimed to belong to Bunyoro.

THE CHAIRMAN: Anyway, I think you have made your point. No, Hon. Kabugo, you are going beyond the clarification you sought.

MR. KABUGO: No, I want this clarified. Why is it not part of Masindi and Hoima?

THE CHAIRMAN: Okay, exactly that is that. Yes, you have said it. Why is Kibale not part of Bunyoro in this formulation.

MR. TIGWEZIRE KASAJJA: Thank you very much, Mr. Chairman. I am seeking clarification from the chairman of the select committee as to how they came to tag Toro as Kabarole of Toro. I mean I wanted to know, does that imply that we can even say Bundibugyo and Kasese of Toro? That is the clarification I am seeking because it appears, Mr. Chairman, in respect of other districts like Kitgum, they are talking of districts which formerly made up the whole of Acholi. So, does it also apply in our case as the former Toro? That is the clarification I am seeking. Thank you Mr. Chairman.

MR. SSENDAULA: Mr. Chairman, I was almost raising the same issue because other districts have been grouped to form one original district that we knew like the example he has given of Kitgum and Gulu. Here, we have Kabarole and we say Kabarole of Toro. Why do we not go straight and say Toro. What is unique? What is dangerous? What is that we fear to say Toro?

MRS. FIONA EGUNYU: Thank you Mr. Chairman. I seek clarification from the chairman of the committee because as I look at districts which have been grouped for example, Kitgum and Gulu of Acholi, Lira and Apac of Lango, Iganga, Kamuli of Busoga, then we have another lot of Buganda. It appears to my mind that this is an attempt to introduce a regional perspective or a tear. Now the problem I find is that districts are administrative units which reflect on local government structures and given that this amendment attempts to introduce regional tear, what is the practical effect of this with regard to Local Government structures and why has it been done in such a way that while there are bigger districts, Lira and Apac of Lango, they have left out Kumi, Soroti of Teso and others this and that? Why was it done in this particular manner and why were others left and how does this regional perspective relate to our Local Government structures in the long run? Thank you, Mr. Chairman.

MISS NSANGI KAKEMBO: Thank you, Mr. Chairman. I am seeking clarification from the Hon. Delegates who are opposed to the word "of". It seems they are opposed to the word "of"

which we used to accommodate on our position as Baganda because we wanted to put Buganda on the map - *(Interruptions)*- May you protect me Mr. Chairman?

THE CHAIRMAN: Hon. Kakembo, are you answering some aspects on behalf of the Chairman?

MISS NSANGI KAKEMBO: No, I am seeking clarification Mr. Chairman.

THE CHAIRMAN: From who?

MISS NSANGI KAKEMBO: From those people who are opposed to that position of districts of Buganda. How are they willing to accommodate Buganda with its districts, with its people? Because we are looking forward to getting our territory in the constitution. Thank you Mr. Chairman.

THE CHAIRMAN: Hon. Kakembo, yours will be answered in the process of discussion.

DR. NYEKO: I thank you, Mr. Chairman. Mr. Chairman, a lot of clarifications have already been put forward. I would also want to seek a small clarification. I have seen so many districts put together. Do these people have any provision in a situation where one district, say of Gulu, may want to get out of Acholi? Supposing of the nine districts of Buganda, if two or three would want to pullout of Buganda, do they have a provision for pulling out? This is what I want to know from the chairman.

THE CHAIRMAN: Are you saying before we approve or subsequent to the approval?

DR. NYEKO: Yes, as we go along. Have they got a provision for that?

MR. OBWOR JABWOR: Thank you Mr. Chairman. I also need clarification from the Chairman in particular what he had in mind when he talks of Iganga, Kamuli, Jinja of Busoga. Mr. Chairman, when you open any map, you get administrative units which is big and demarcated on the map. You either get a county. Now this Busoga business, what is it? Is it not an air supply Mr. Chairman? I need clarification for that.

THE CHAIRMAN: Okay, I think we have had enough requests for clarification. Let us get clarified on these. If they do not answer questions, then we shall see how we proceed.

MR. KATENTA-APUULI: Thank you Sir, Chairman. A number of clarifications sought by honourable Delegates are similar. Therefore, I would like to request that when I am clarifying, one Member, the other Members who have also sought clarification, please, pay attention. Hon. Nekyon together with Hon. Odur, wanted to know why we are talking about Apac and Lira of Lango, Kitgum and Gulu of Acholi, Kabarole of Toro and the list of Buganda and the rest of it. Now I had explained earlier while introducing this subject matter that Uganda districts used to have these names and these names a long time have been altered, districts have been sub-divided and the traditional names like Toro, like Busoga, like Lango, like Acholi have fallen by the wayside. It is for the purpose of retaining these names, that they should not be lost for ever that the committee accepted recommendations from honourable Delegates that we are seriously concerned with the retention of these names. That we accepted to say Gulu and Kitgum of Acholi, Lira and Apac of Lango, Jinja, Kamuli and Iganga of Busoga, Luwero and many others of Buganda. It was purely to retain the traditional names that were originally names of districts. Now as part of our history -

THE CHAIRMAN: So are you saying that the lumping was done on request?

MR. KATENTA-APUULI: It was done on request of Members who represent these specific areas. Now, other Delegates objected to their districts being named under the traditional names. Any reference to traditional names was rejected. For example, Teso was vehemently opposed by Delegates from Teso. So they do not want to hear Bateso again. They are interested to hear Bakumi Abasoroti, Abakatakwi and things like that. Mbale for example, Bugisu was brought up, however Bugisu was vehemently opposed by the Delegates from that area. So we dropped Bugisu. As far as Bunyoro is concerned - *(Interruption)*

THE CHAIRMAN: Hon. Member, there are numerous points of order. I will take a point of order from Hon. Onegi Obel.

MR. ONEGI OBEL: Point of order! Mr. Chairman, Sir, the argument about getting out of the old names like Teso, Lango are a repetition of what happened, why we have now names of districts by the title of the name of the towns. That was in recognition Mr. Chairman, of the fact that some districts are not homogenous in ethnic groupings *-(Interruptions)*

THE CHAIRMAN: Anyway that is information but it was not order.

MR. ONEGI OBEL: No, no, I have not finished. Order is coming.

THE CHAIRMAN: But you are framing it in a very interesting manner. Go on and complete.

MR. ONEGI OBEL: The complaint was that if you talk of Teso District, you have people who are not Itesot in that district and therefore, to call Soroti was all accommodating. Therefore, is it in order Mr. Chairman, Sir, to introduce anything that looks like tribalism and therefore divisive? Thank you very much Mr. Chairman.

THE CHAIRMAN: No, no! The chairman of the committee is in order. He is reporting what took place in the proceedings of that committee.

MS. FIONA EGUNYU: Point of order! Thank you Mr. Chairman. Mr. Chairman is it in order for the Chairman of the committee just presenting its report to misrepresent to the Constituent Assembly Delegates here present that the Delegates from Teso without naming them refused Teso to be referred to as Teso when actually most of us were not consulted and we understand that he consulted only Teso Delegates who are in his committee and not all of us? Is it therefore in order for him to misrepresent?

THE CHAIRMAN: The Chairman is in order because there was no provision that requires him to consult everybody. The provision was Members of the Assembly were expected to participate in proceedings of all committees at all stages and if by bad luck you were not there, too bad.

MR. OBUA-OTOA: Point of order! Mr. Chairman Sir, is it really in order for the Chairman of Committee Four to suggest that anybody from Lira and Apac suggested that we should be called

Lira and Apac of Lango when in fact no such a request was made to his committee?

THE CHAIRMAN: Are you speaking for Hon. Obuga-Otoa or you are speaking for Hon. Obuga-Otoa, Hon. Dr. Okullo-Epak and all the others - Hon. Lagada?

MR. OBUA-OTOA: Mr. Chairman Sir, the original suggestion as far as I understand is that there was a suggestion that one district for Lango be called Lango District but nobody said there should be Lira and Apac of Lango. Whoever suggested that to Committee Four must have been talking for himself.

THE CHAIRMAN: Okay, the Chairman is reporting that he was or his committee was requested. Let us proceed and hear his clarification. The rest are going to be argument for and against each formulation.

MR. ADYEBO: Mr. Chairman, I would like the Hon. Chairman of Committee Four to clarify to the House as to who has better knowledge and authority to decide on behalf of a district. Is it the chairman and his committee or is it the elected representatives from those districts who should be

THE CHAIRMAN: Hon. Adyebo, those arguments should have taken place in the proceedings of the committee but not now.

MR. ADYEBO: But Mr. Chairman, this is a very serious matter.

THE CHAIRMAN: No, no, we cannot go into debate. The point is this, the Chairman is reporting what went on in his committee. If you strongly object, in fact in which case that argument should have been raised during the proceedings of that committee, to ask whether those Members were competent to speak on behalf of your district for instance. But assuming that you were represented on the committee, that message could have been carried by your representative. In which case, you could also raise it with your representative on that particular committee. Now, what I would suggest we do is that we give the Chairman the chance to complete his clarifications and then we shall allow some form of debate on the recommendation in accordance with our rules then we proceed from there. Otherwise we shall waste a lot of time.

MR. KATENTA-APUULI: Thank you again Mr. Chairman. When I was interrupted, I had reached the point of explaining why Kibale is not mentioned under Bunyoro. One of the Delegates of several Delegates who represent that area objected to their being included in Bunyoro. So we took them out. This was the consensus reached by Hon. Delegates of committee number four and others who attended the meetings, who were interested in this matter. I would like to respond briefly before I go on, Mr. Chairman Sir. Regarding Hon. Odur's and Hon. Adyebo's statements, the Delegates who brought up this matter, the chair assumed that they had the permission of the districts where they come from. There is no way as a Chair I could possibly challenged an amendment and throw it out because I did not have those kind of powers to say I object this because I do not know whether you have adequately consulted or not. But the formulation had been made along these lines. Many of the districts of Uganda had been combined in a number of traditional names but the Delegates who represent those areas objected and we had to abide by their objection and consensus came out with only these few areas that are combined under the old names. That widest consultation was made and there is a record to this because amendments were tabled to the chair and to the Secretariat in writing. So those Members who are doubting that this was not a decision of the committee, we can go and get those records and show them and satisfy them that proper procedure was followed when discussing and arriving at these decisions. These are not the decisions of the Chair of the committee. These are the decisions of the Select Committee number Four.

On Hon. Nankabirwa's question, why Kampala is not listed under Buganda, the arguments on this matter were raised in the committee and because Kampala is the capital of Uganda, the committee accepted the argument that it should be listed as a separate district without mentioning it under Buganda. However, by listing it as a separate district does not take it out of the territorial area of Buganda. Kampala is still where it is and we have not moved it as such.

Hon. Awori wanted to know why we did not mention the word "Kingdom" in as far as the districts of Buganda are concerned. I do not remember whether any Member tabled a motion

to mention the kingdom of Buganda as such. So the committee did not discuss that matter, so we cannot report on why Buganda was not mentioned as a kingdom. Hon. Loote wanted to know the philosophy behind the naming of Buganda, Toro, of Busoga, of Lango of Acholi. I had said in my introduction that the philosophy behind this naming is that the names that were traditional names of these places should not be lost in our history. So the purpose was really to include them in here so that they are part of our history, so that they are not lost because of the changes that had been arrived at in the districts, which did not reflect any of these former names. Hon. Maikut Chebet suggested that this would result in disunity. I do not really believe that it necessarily would result in disunity. If people are bent to become disunited, they will be disunited, names or no names. And if people are prepared to be united like we wish to be united, the names really would not affect us as such. *-(Applause)*. Hon. Mulenga asked that is it really important that the names of the districts be included as part of the constitution? Well, that is a debatable issue that we can table here and discuss and look into the merits of whether the districts are necessary as part of the constitution since they change from time to time and as we develop this discussion, maybe we shall revisit his idea. Hon. Guma Gumisiriza wanted to know if Maruji became a district.

THE CHAIRMAN: Maruji!

MR. KATENTA-APUULI: I was Assistant District Commissioner in Lira so I know what I am talking about. Thank you. I am sorry to divert the attention of Members. If Hon. Members want to use Maruji, I am prepared to use Maruji but I also have heard people of Lango call this place Maruji.

THE CHAIRMAN: People of Apac or people of Lango?

MR. KATENTA-APUULI: People of Apac sometimes call Maruji Maruji. If Maruji became a district, would it still be part of Lango? That is up to the people of that area to determine. In the same way as it is not mentioned as a district now, it may not be mentioned as part of Lango or it may be taken as part of Lango as the time comes when that place will become a distinct district. Hon. Kaberuka I think raised the issue of the minority

report that has just appeared. We will come to that. That is up to the ruling of the Chair as to which report get discussed first. For the information of Hon. Kaberuka, this morning we discussed this issue with hon. Malinga and others who circulated this minority report and at that time, we decided that Hon. Malinga will consult with me and the chairman of the plenary about this matter. As far as I know, he did not consult with me. Maybe he consulted with the Chairman of the Plenary. So he decided to bring up a minority report. But to throw a little bit more light on the issue of the districts, this matter was arrived at by consensus. We looked into whether this Plenary can create districts or not and we subjected that request to a select committee that consulted with quite high placed technical people from the different Ministries. A number of problems arose. Some of the districts that requested to be named as districts by the Plenary do qualify under the criteria to become districts. The others that requested did not qualify to become districts by the criteria set. That is why we thought that this matter should be left to Parliament which in the first place should look at the criteria, either take a political decision to make districts or use the criteria to give districts to those that qualify and be able to make financial provision for these districts because if we sat here and created districts, we would have empowered those districts to become districts whereas government has not made any financial provision for this purpose. We thought that this matter should really be revisited and maybe, should come up in the next budget when new districts will be created so that there is financial provision for them to be able to run.

Hon. Tigwezire wanted to know why we did not mention Kabarole of Toro. Hon. Tigwezire, this decision to do this naming was done at the time when we were still considering the formulation of districts and at that time, Kitagwenda had requested that it be given district status within Toro. So there is a possibility that if Kitagwenda became a district within Toro, then that district would be together with Kabarole and they would be Kitagwenda and Kabarole of Toro. Hon. Sendawula wanted to know why we do not come out straight with the word Toro. Toro is a district that has a number of substantial minorities and some of these minorities express discomfort with our reverting to the old district name of Toro, that

is why we opted to remain Kabarole but then they were willing to tolerate the use of the word Toro, because Toro used to exist. For historical purposes, we retained that word. However, we maintained that Kabarole district remain Kabarole to cater for those substantial minorities. Hon. Egungyu suggested that we were doing it to introduce a regional tier, that is not true, what we are doing is to retain traditional names for purposes of history. The committee did not have the mandate of introducing a regional tier, therefore, we have not sought to do that. I did answer why Kumi was not mentioned, I explained to you that members from that district who represented that district in committee No. 4, objected to Kumi or Soroti or Katakwi and others to be mentioned. Hon. Kakembo expressed concern about why other members are opposed to the word but that will come up in the debate. Hon. Nyeko wanted to know whether a district can secede from the group. I will give the example of Kibale, they immediately seceded before we started. So, if he is looking for secession in the group, I think there is nothing in this Constitution that binds you into a group. Therefore, if Gulu, as he suggested, wanted to get out of Acholi, possibly they could get out, but at that time, there was no sentiment to that effect. An honourable Member wanted to know why we mentioned the word Busoga. I have explained this before, that these names we seek to retain them purely for historical purposes, because there used to be a district called Busoga.

MR. OBONYO JABWOR (Labwor County): Point of Order! Is it in order for the Hon. Chairman of Committee 4, to suggest that I am an Hon. Member when you, Mr. Chairman, mentioned that Obonyo Jabwor of Labwor County? Is he in order not to pay attention and quote precisely what I said and mention my name?

THE CHAIRMAN: The Hon. Member - may be I should draw your attention, he is Hon. Obonyo Jabwor of Labwor County. *(Laughter)*

MR. KATENTA APUULI: Mr. Chairman, I apologise to the Hon. Member, but at that time when he was talking, there were other people talking at the same time so I had difficulty in hearing him at this distance when other people were also talking, no harm meant Hon. delegate. I have come to the end of the questions that were raised at that time, Mr. Chairman.

THE CHAIRMAN: Now, I think some of the questions which were identical are just two sides of the same coin. So, the Chairman was free to combine them and answer them. Now, let us know first of all know where we are before - could members just wait, when the Chairman is summarising, you wait. We have before us a recommendation appearing on the Select Committee 4, sub-report which specifically deals with this particular Clause (2) of Article 4 and in that, there is a recommendation as appears in that document namely, a new formulation within the Constitution and also making provision for Schedule No.5 under which are listed the districts of Uganda and some of them being indicated under historical names. Now, I understand there is a minority report, and I am not sure whether this was a minority report that arises from the proceedings of the committee or it is a report that arises as an afterthought by a number of members on realising that the Chairman was about to present his report. Because our Rules say that there will be a report of the Select committee, but that, a minority report may also be filed to be considered together with the majority report. The particular Rule, if I may refresh the minds of members, is Rule 37. If you look at the general procedure on committees, not those specifically relating to Select Committees, Rule 31, sub-rule 6, "*every decision of a committee shall as far as possible be by consensus, but if there is no consensus, decision shall be by the vote of the majority of the members of the committee, except that the minority of the members of the committee may submit a minority report which shall accompany the main report*". A minority of the members may submit a minority report which shall accompany the main report. Now, it would appear that there is a minority report, but I want to determine the authenticity of this by first asking the Chairman whether there was such disagreement in the committee which gave rise to a minority report being filed.

MR. KATENTA APUULI: Thank you, Mr. Chairman. There was this minority report which is not a reflection of disagreement in the Select Committee, it is a strong desire to try and create new districts, it is not that we disagreed over our decisions. In fact, the issue of new districts, after we received the report of our subcommittee, a decision was taken by consensus that we should refer this matter to Parliament. However - (*Interruption*)

THE CHAIRMAN: Let him finish - you are now trying to make a point of order half way through his sentence. Could you finish your presentation first?

MR. KATENTA APUULI: Thank you, Chairman. However, a number of delegates who supported the creation of new districts felt very strongly that they must be given a chance to ask this Plenary to create new districts. This minority report is tabled here as a means to effect that desire, it is not a reflection of disagreement in Committee NO. 4, but it is a way to ask this Plenary to allow those districts that wish to become districts as a Constitutional decision rather than a Parliamentary procedure.

MR. KUTESA SAM: Thank you, Mr. Chairman. I have the greatest respect for the Chairman of Committee 4, but I think it is inaccurate to say that this decision was by consensus because I attended the proceedings of that meeting and I know for a fact that a vote was taken, and the Motion to introduce these districts was lost! Thus, the necessity of a minority report. Is it in order, Mr. Chairman and I am sure my Hon. Friend has just forgotten what transpired, but if he has not forgotten, would it be in order, when a decision was reached by a vote, for a Chairman to report that it was reached by consensus in light of Rule 31 (6) of these Rules?

THE CHAIRMAN: Any way, I do not think it will help us very much to pursue the correctness otherwise of that. I will take only one point and make a ruling.

MR. AWORI (Samia Bugwe North): Point of clarification! Mr. Chairman, if I recollect correctly, the Chairman Committee 4 made a prejudicial statement to the effect that they could accede to the demands of people who prepared the minority report, because there is no financial provision for the new districts. Am I to understand that all which had been made in this Constitution have already been provided for in any Budget or he is trying to mislead this August House?

THE CHAIRMAN: I do not think it is necessary for him to answer that. The position is this that we have here a recommendation that we approve the formulation I referred to earlier, the Rules are very clear, when the Chairman is talking - (*Applause*)

There is minority report which has come in from a number of delegates who have ascribed to it. So far, I can see five names. What I want to know is whether they are members of that committee - Hon. Ignatius Malinga, Hon. Haroun Sebi, Hon. Bateganya, Mr. Chango Machyo - he is going to cost us a lot of tape, because we have to keep apologising and reversing ourselves - Hon. Muruli Mukasa; because I was trying to find out essentially because we do not expect non-members of a committee to file a minority report of a committee to which they do not belong. Now, having been satisfied that a minority of members of that committee have so wished to file this, whether it is on this agreement on a substantive question of whether it should be a Constitutional matter or it should be a Parliamentary matter or whether the matter was put to vote and defeated, let us not go into those. Now, in absence of any other formulation which the Chairman has, we shall proceed as follows. The committee is proposing that we delete Clause (2) and substitute it with that formulation. A minority of the members are saying, the content of the formulation should be improved upon or changed so there, there is actually an Amendment in a way but by way of a minority report of what has come to us from the committee. If the formulation of the minority report attracts sufficient support and becomes a majority view and it passes, then it supplants the report of the majority, because it becomes the majority view then. Correct? In other words, if the contents of the minority report are competing with the contents of the majority report, then one of them should replace 4 (2). So, we shall have to discuss the minority report first, if it not carried, then we go to the majority report, if the minority report is carried, then it supplants the majority view and it becomes the provision replacing 4 (2). Are we together? Hon. Elyau.

MR. ELYAU (Kalaki County): Thank you Mr. Chairman. Mr. Chairman, before you proceed, you heard my complaint in advance that, unless the minority report accommodates other peoples interest, we shall be very much welcome to debate it, but if this Clause is excluding others like Kaberamaido, as I mentioned earlier, it is not very useful and it will be very, very harmful. So, I wanted to know whether it can accommodate others also.

THE CHAIRMAN: No, we are discussing - I think the members are - I can see there is still some

confusion on the procedure: 31 sub-rule 6, says, the committee presents a report, 31 sub-rule 6 read with 37, in this case will be a report proposing Amendments to Articles, if you look at rule 37. Look at 31 (6) first that is general, it applies to every committee, sub-rule 6 - the manner of arriving at a decision. Decision is arrived at by consensus or by vote. But a minority of the members may file a minority report. 37 relates to reports from Select committees as well. "*A Select committee may make the proposed Amendments to Articles of the Draft Constitution...*" In this case, the report of the Select Committee led to Article 4, Clause (2), that it should be deleted and replaced in the formulation appearing in the circulated sheets, but because of Rule 31, sub Rule 6, a minority of the members have come up with a report which disagrees with the report of the majority. The logical procedure is to proceed with the minority report first because it is a minority view. But if the Plenary buys the minority view, then it becomes the majority view of the Plenary, then you do not have to waste time with what has become a minority position of the Committee. Is any member still in doubt? Hon. Member - Women for Mbarara Hon. Matembe.

MRS. MATEMBE (Women Delegate - Mbarara): Thank you, Mr. Chairman. For me I am confused may be about the terminology. This Rule 31 talks of submission of a minority report. Is there no difference between a report and an Amendment? Because what I see before me, which is entitled minority report seems to be an Amendment, say Schedule submitted by the original report. What precisely does a report mean, Mr. Chairman, because if these Hon. Members submitted an amendment to the Schedule, and I am supposed to take it as a report, because it is entitled minority report, then, I get confused Mr. Chairman and I need clarification on that one. Thank you.

THE CHAIRMAN: There is a slight difference between a minority report and Amendments on the Floor. Here, in the committee, the Chairman himself has reported that there was a difference of opinion of the question as to whether more districts should be created or not. The majority view was that this matter should be left to Parliament, the minority view was that this matter should be handled by the Plenary and by Constitutional means here. If the minority view is taken, then we shall create districts here. If the majority

view is carried, then we shall not create districts here, but we shall have to decide whether the recommendation stands part of the Constitution. That is the difference. An Amendment can arise on the Floor and we did circulate our attitudes towards Amendments on the Floor, we shall refer them to the Legal and Drafting Committee and we shall emerge from there, if necessary. Hon. Bageya, are you still -

MR. BAGEYA GEORGE (Kigulu County North): Thank you very much, Mr. Chairman. I have been perusing through this minority report, but I am getting cold feet, because looking through it, I do not see Busoga anywhere.

THE CHAIRMAN: No, they wrote it by hand, it was a typing error, I can see it in the copy that I have.

MR. BAGENA: Mr. Chairman, that was my worry because I wanted it to be clarified.

THE CHAIRMAN: It is already there so the issue does not arise.

MR. BAGENA: Because when I saw Bugiri only, which is part of Iganga district, and then I did not see Iganga let alone Jinja and Kamuli, I got concerned Mr. Chairman. Thank you.

THE CHAIRMAN: Hon. Ignatius Malinga, then we shall have to proceed.

MR. MALINGA (Usuk County): Mr. Chairman, I was just going to request members to make that correction after the district of Hoima and Masindi, we should insert Iganga, Jinja and Kamuli of Busoga in alphabetical order.

THE CHAIRMAN: But you agree with my procedure. Hon. Ben Wacha, are you going to guide us better on these issues?

MR. BEN WACHA: No, Mr. Chairman, I was seeking clarification from you in respect to your elaboration on minority and majority reports. My problem is, you say, if the minority report is adopted by the House and it becomes the majority report, then the majority report lapses. I think it is quite correct, but if the minority is adopted, is the House still entitled to move Amendments in respect to the minority report?

THE CHAIRMAN: The minority report - when we are discussing it, you can amend it, except if you do not want to negate it by destroying it because it is an Amendment to an Amendment. Hon. Mulenga.

MR. MULENGA (Democratic Party): Point of clarification. I also want clarification on the sequence of procedure. As I have indicated, I intend to move that Clause (2) be deleted. Would it come before the minority report or the majority report since it departs furthest from the Draft?

THE CHAIRMAN: That is why earlier on the Chairman said, in absence of any other material before him, we shall proceed with the material before us, and the material before us is a recommendation setting out a number of districts but then, also a minority report disagreeing with contents of the majority view of the committee. But that does not preclude a motion that goes to the prejudice of the entire Clause.

MR. MULENGA: The position is this, Mr. Chairman, if I may explain. I did ask - I expected that a report for retaining in a different form would justify the retention. Now, the Chairman Committee 4 has not conceded, but has said it is debatable whether or not it is necessary. It is at this juncture that after feeling that there is no justification for it, that I felt I should move an Amendment to delete it.

THE CHAIRMAN: There is an Amendment to delete and replace, okay. You are saying you want to delete, full stop. Now, if we were to have that Motion on the Floor, the effect of it would be that if it is carried and it deletes 4 (ii), then both the majority and minority reports become of no consequence because there will be nothing to amend. Do the members follow me on that one? Hon. Kutesa, I can see you are very excited on this one.

MR. KUTESA SAM: Mr. Chairman, I would like to be clarified on what Hon. Mulenga's Motion would be. Would it be to delete Clause (2) as it exists in the Draft or would it be to get rid of the majority report because if it is Clause (2), then I agree with the interpretation. Otherwise, if we were to get rid of the Majority Report first, then Clause (2) would still stand and one could still wish to influence it with the Minority Report because it talks about existing districts.

THE CHAIRMAN: Yes, now, I presume what Hon. Mulenga has in mind, he will not say I move to delete the Majority Report, that will be wrong. What he would do is to move that Clause (2) of Article 4 be deleted, full stop. That is what he says he wants. If he does that, then the Majority Report, including the minority one, are thrown out of the window because there is nothing left for them to amend, because they seek to amend the wording in 2, by inserting new wording. Now, the position as it stands now, the Chair has only the Majority Report and the Minority Report. I do not have a "Mulenga formulation" before me. Hon. Members we are wasting time on these matters but I think they clarify our way of going ahead on a very sensitive subject.

MR. OBUA OTOA: Point of clarification! Thank you very much, Mr. Chairman. I am seeking clarification in respect of both the Minority Report and the Majority Report. Mr. Chairman, the title is "*Districts of Uganda*". Now, in both reports, they make references to something which has got nothing to do with districts. If it is a question of tribal names, there is a Schedule in the Draft Constitution which talks about tribal names. Both reports are confusing the two things. I would like that clarified to me Mr. Chairman, why these two reports talk about tribal names, when we are talking about districts of Uganda rather than the tribal names of Uganda. If you want tribal names of Uganda, you can find it in the proposed Schedule 2 of the Draft, Mr. Chairman.

THE CHAIRMAN: Hon. Obua Otoa, those are arguments you will give during consideration of the substance. At this stage, we are discussing procedure.

MRS. MARGARET ZZIWA: Thank you Mr. Chairman. Initially, I wanted to seek clarification from the Chairman on the principle of the procedure, because when Hon. Mulenga came in, he wanted to bring out whether the principle of districts should be debated and later deleted and in the event that he has not moved an Amendment to that effect, Mr. Chairman, I was suggesting that maybe as we go ahead, the Amendment either to delete should come as a subsequent Amendment to this law if the Chairman so wishes.

THE CHAIRMAN: No, we cannot do it that way because if we go ahead and we approve a

matter, unless we waive Rules or reverse ourselves on our Rules, we should not revisit it in a negative sense once we have approved it. So, we cannot proceed the way you are suggesting.

MR. CHEBROT: Point of clarification! Thank you Mr. Chairman. I wish to be clarified on one issue, that is, when this committee was considering the creation of districts, some technical information was provided to the committee and the majority view was that because of that technical information which they had received, they therefore decided that Parliament should be the body which will decide. Now, what I do not know is, when the Plenary is meeting, I do not know whether that technical report will be availed to the members here before a decision is taken; because they can take a minority view without a technical information which was provided to the committee. That is the clarification which I would like to be given.

THE CHAIRMAN: You see, the members listened to the advice from the Technical Committee, you are not bound to take the advice. Some took it, who were the majority on the committee, the minority seem not to have taken it and that is why they are filing their Minority Report. When it comes to considering the contents of the Minority Report, those are the judgements that you advance, it is not a question of seeking clarification at this juncture, whether you think it is wise for us to proceed in view of the advice which was given and if you can sell that to the majority of the members. I am sure they can go along with you, but for the time being, we assume that these members had the technical advice, but they did not take it. Hon. Ngobi.

MR. NGOBI (Presidential Nominee): In view of what has transpired, I suggest that if you accept Mulenga's Amendment of deleting without adding anything, that we deal with that straight away instead of having clarifications on the main report and so on, without tackling the furthest Amendment, what I suggest is that, we proceed to deal with Mulenga's Amendment, which I hope will be very short, because a special committee was appointed to deal with this, we then go to the majority report. Thank you very much.

THE CHAIRMAN: Hon. Ngobi was trying to carry members along with me.

MR. MIGADE: Thank you Mr. Chairman. Before we discuss this Minority Report, I want to be clarified because what this minority report is trying to do is to create new districts. I want the Chair to clarify to me, whether this Assembly is mandated to create new districts. I just wanted to know. Do we have that authority or are we mandated to create districts or not?

THE CHAIRMAN: You see, we are writing a Constitution and what we shall put in that Constitution and when that Constitution comes into force, becomes law and any other provision in any other laws that are inconsistent with it, shall to that extent be null and void and shall be deemed to have been amended or repealed by the new Constitution. So, now, having I think handled most of these - Hon. Magezi it must have to be something new, because I think we are wasting time. Yes, Hon. Magezi, then we proceed.

DR. MAGEZI: Mr. Chairman, I think we must not set a precedent which may make our work very difficult in the future. Hon. Mulenga's amendment is so fundamental that it should have gone to the committee and should have come in as part of a report or even a minority report. I think to start taking in such fundamental amendments on the Floor and if they take precedence over the committee reports, we are going to create a situation which will make it very difficult to proceed. That is why I would beg you, Mr. Chairman and Hon. Members that the business for today was to discuss the report of the select committee 4 in Chapter 2, we proceed with that and the main text, but the minority report, departing furthest from that report, should be discussed and then if it is defeated, we go to the majority report, if that is defeated, and we are back to the Draft Constitution, that it is, may be when you can entertain an amendment from the Floor, Mr. Chairman.

THE CHAIRMAN: You see, the other day, we used this procedure, the one I have just proposed. Of course, I do accept the concern of Hon. Magezi in that we may complicate our work by accepting situations where the Amendments depart drastically from the reports that have come from our committees. But our Rules, as they stand today, it is a question of discretion really. It is not one of mandatory requirement on the Chair that he must reject each and every Amendment that comes relating to a report that has come before us. Hon.

Mulenga, do you want to proceed with your Motion all the same? Because also there is a danger if you remove it completely. What do you want Uganda to be?

MR. MULENGA: Mr. Chairman, first of all, I wish to say that when I did ask whether this issue was considered, it was to make up my mind. Now, if the committee 4 Chairman says this matter is debatable, it indicates to me that committee 4 did not consider whether it was necessary or not and therefore, this Plenary is entitled to consider that matter and because of the rules of Procedure, that we first consider an Amendment furthest from the draft, that is why again I sought the clarification from the Chair. Do we debate a report first before I move the Amendment? So, Mr. Chairman, I am interested in moving the Amendment because I think it is really necessary. You have put the question, what would I do about provision for districts? Already in the Chapter on Local Government, I think it is the same Committee that considered, there is provision about district, Local Governments, that is where it relates. This Chapter Two is about the Republic, the entire country and I am prepared Mr. Chairman - *(Interruption)*

THE CHAIRMAN: You see, Hon. Mulenga, the weakest point of your argument is that, you are anticipating Chapter 13.

MR. MULENGA: No, that was in answer to your question Sir.

THE CHAIRMAN: Because we have not come there and we do not know whether that will be accepted as a recommendation. What we have here is a proposal that there is such a thing called Uganda and that Uganda is consisting of the following units or shall consist of units of administration as follows. The other one is how those units are going to be administered, but this one is what they are and how they are created. My fear is that, if for instance, Hon. Mulenga's Motion was put here and debated and it was carried, that would be the end of our reference to districts within the structure of the Republic of Uganda and is that desirable?

MR. MULENGA: This is the point I want to persuade the Assembly on.

THE CHAIRMAN: No, I think let us proceed this way, Hon. Mulenga, the only way that would emerge if we are to pursue your line, would be to refer this matter to the Legal and Drafting and advise us as to whether it is bordering on anarchy just to leave the situation as it is and discuss it. I think what we should do is this, let us take one position. Hon. Mulenga, I think your matter can be brought back at the reconsideration stage if you still feel that there should be no mention of districts at all. But for the time being, let us take the Minority Report, discuss it and then come back if necessary to the Majority Report. Agreed? The Minority Report is in the following terms - it is called Minority Report - 5th Schedule of Districts of Uganda. It does not seek to disturb - although they do not say so - it does not seek to disturb the wording that appears in the Majority Report. The wording in the Majority Report, in the main body of the Constitution would be, "Uganda shall consist of districts specified in the 5th Schedule to this Constitution and such other districts as may be established in accordance with this Constitution or any other law consistent with this Constitution". That is the Clause we are considering at this juncture. The Minority Report, although it is silent, one would presume that it concurs with the wording in Clause (2). The Minority Report differs with regard to the content of the Schedule. By the way, Schedules are substantive enactments in themselves. Are they not? Can I get guidance from a lawyer? So the procedure should be that we pronounce ourselves on the wording on Clause (2) in the main body first. Hon. Ben Wacha, do you think so? Okay. And then we go on to discuss the question of the Schedule - the contents of the Schedule. Okay. I do not see any substantive disagreement as to the wording to the recommendation in 4 (2). Hon. Awori, what do you say?

MR. AWORI: Mr. Chairman, on the wording of Clause (2), the difference between "Uganda shall consist of" and "Uganda consists of". If we are to omit the word "shall" and we just read "Uganda consists of..."

THE CHAIRMAN: That is a question for draftsmen, can I get guidance?

MR. MALINGA: Mr. Chairman, as the Chairman said, what the committee deliberated on is contained in the other report, what we have in this sheet is what the Technical Committee rendered,

what the Committee 4 considered. So, this is the advice of the Technical Committee, that is why the Minority Report did not seek to disturb it. It agrees with it because this was drawn up on the advice of the Technical Committee. In fact, the Technical Committee drew up this Draft and it is worthy the support.

THE CHAIRMAN: In terms of legislative drafting, I do not see anything wrong with the formulation as it is. It is a question of whether we accept it or not. I will now put the question.

(Question put and agreed to).

THE CHAIRMAN: On 2, the formulation appearing in the Report, "Uganda shall consist of the following districts..." Now, what is left is discussing the Schedule because Schedules are substantive enactments in their own right although they take strength from the main body; because eventually, we shall have, as members who are in Parliament know, when you are reading a Bill, how do you go? You go through all the Clauses, then through the Schedules one by one, and then you come back to the long title and the short title as well so that everything then becomes part of the Bill; because you do not determine the Title until you have determined the contents and you do not determine the contents of the Schedule until you have adopted the provisions that give rise to it. But when you come to the Schedules, then they become separate, you have to decide whether what is enumerated there should be taken as it is or you can add to or reduce from. okay?

So, the Minority Report and the Majority Report were at one, on the formulation Uganda shall consist of the districts, such and such and we have adopted that. Now, we go on to discuss the Minority Report with regard to the contents of the Schedule, okay?

MR. SSEBAANA KIZITO: Point of clarification! Mr. Chairman, the Minority Report consists of another part which is part III, which says, "two or more districts"

THE CHAIRMAN: No, we have not yet come to that, we are dealing with two.

MR. KIRENGA: I do not know whether this was an omission or whether it was intended. When I look at the Minority Report which specifies the

districts of Uganda, I do not see any reference to Busoga or the districts which make up Busoga.

THE CHAIRMAN: No, that was amended before you came in.

MS. EGUNYU: Mr. Chairman, I want the clarification whether what we have adopted is what is contained in the report of the Select Committee that Uganda shall consist of the districts of Arua, Bundibugyo, etc. which are enumerated.

THE CHAIRMAN: No, the committee withdrew that.

MS. EGUNYU: Okay, thank you, because I have here two conflicting reports. Thank you, Mr. Chairman.

MR. RWABITA: Thank you very much, Mr. Chairman. Mr. Chairman, the 5th Schedule of the Minority Report is more less similar to that of the committee with the exception that, in the Minority Report, you have included six new districts. But then, we have already seen that during the discussion of that committee, it was not only these six districts that applied to be included on the list on this Schedule.

THE CHAIRMAN: No, those will be arguments when we have the Motion before us.

MR. RWABITA: I thought we were discussing the Minority Report!

THE CHAIRMAN: Not yet, you see, I was still clarifying a few things. We have just finished the main formulation within the body. Now, I want to call on the members to adopt or otherwise declare themselves with regard to the proposed 5th Schedule of the Constitution as presented as a Minority Report by the members of committee 4, that is where we are now. Order! - and I can now entertain a few comments and then we declare ourselves on that matter.

MR. PATRICK MWONDHA: Mr. Chairman, I put up my hand sometime back, at that time, I was seeking clarification whether the movers of the minority report did not actually mean to say, Bugiri, Iganga, Jinja and Kamuli of Busoga.

THE CHAIRMAN: Anyway, what I wanted to do is this, we have come to the Schedule of the Minority Report, I have here a number of members who objected. I will ask one of them to make a presentation and justify that Schedule and then we debate and go from there.

MR. MALINGA (Usuk County): Mr. Chairman, I beg to move that the 5th Schedule read as follows: Districts of Uganda: Arua, Bugiri, Bundibugyo, Bushenyi, Busia, Kabale, Kampala, Kapchorwa, Kasese, Katakwi or North Teso, Kibale, Kisoro, Kotido, Kumi, Mbale, Mbarara, Moroto, Moyo, Nebbi, North Nile, Koboko, Ntungamo, Pallisa, Rukungiri, Soroti, Tororo, Apac and Lira of Lango, Buruli, Kalangala, Kiboga, Luwero, Masaka, Mpigi, Mubende, Mukono, Rakai and Sembabule of Buganda, Gulu and Kitgum of Acholi, Hoima and Masindi of Bunyoro, Kabarole of Toro, Iganga, Jinja and Kamuli of Busoga. I beg to move.

THE CHAIRMAN: Now, there was a proposition from Hon. Mwendha Patrick. Do you accept or do you think that the people of Bugiri would be totally shocked if they were included in Busoga?

MR. MWONDHA: I will ask my Colleague Hon. Dick Bateganya to answer that.

MR. BATEGANYA: Thank you very much, Mr. Chairman. It was a typing error, otherwise, it should have been Bugiri, Iganga, Jinja and Kamuli of Busoga, that is what it should have been.

THE CHAIRMAN: For purposes of our debate on this Motion, we shift Bugiri where it is. Will you cross out Bugiri where it is and place it before Iganga in handwriting.

DR. BYARUHANGA FABIUS (Kitagwenda County): Thank you, Mr. Chairman. When this Minority Report was circulated, I asked Hon. Malinga why Kamwenge had been missed out from this list and Hon. Malinga told me that, it was the typist who had missed it out because all along, I thought I was part and parcel of this Minority Report.

THE CHAIRMAN: Okay, Hon. Malinga, what do you say to that? Order! Order!

MR. MALINGA: That is true, I am unable to write, so I did not note in my paper.

THE CHAIRMAN: Are you saying that, that issue should go up by another district of Kamwenge?

MR. OLEGA ASHRAF (Aringa County): Thank you, Mr. Chairman. When I see this Minority Report here, I think these are actually members of the Committee 4 only presenting their cases and when the issue of districts arose, I was one of the members who presented the issue of Aringa. So, when we sat, we had technical advice from the Minister for Local Government. That advice was actually vital, we thought that this issue should have actually been left to Parliament so that technical people would go and see to these areas. Mr. Chairman, when you see North Nile, that is situated at Koboko, this county has a population of 70,000 people only and geographically, it is too close to Arua district. In terms of services, Aringa would qualify, but you find that Aringa here has been omitted because I am on committee III. Is that being really fair, Mr. Chairman? So, I am appealing to the members to have Aringa as one of the districts to be considered on this programme. I beg to move.

THE CHAIRMAN: Order! We have heard two propositions. There was a request from Hon. Byaruhanga that Kamwenge was left out. The presenter says it was a typographical problem. Hon. Ashraf is saying that Aringa should have been included. Now, the text before us is the one with the names shown there, subsequent changes will be by way of Amendment to the minority. Let me hear two members, then we shall decide how we proceed, or speak. I will start with Hon. Lorot. Hon. Lorot, what do you want to say?

MR. LOROT (Pian County): Thank you very much, Mr. Chairman. Mr. Chairman, I happen to be a member of Select Committee IV. When we were discussing the contentious matter of the proposed new districts, there were 17 proposed new districts. As the Hon. Malinga now thinks, in the minority report, I do realise that, 11 other proposed new districts have been left out. Could he please clarify as to how he short-listed - how and why he short-listed these districts, instead of 17 proposed new districts? *(Applause)*

MR. KIYONGA FRANCIS (Upe County): Mr. Chairman, I also happen to be a member of committee IV and I would like to be very, very sincere on this issue which is trying to bring a lot of confusion. Mr. Chairman, after the committee was advised by the expert from the Ministry of Local Government, we all agreed that we were unable to establish these new districts because of the inadequate information which needed to be got for this task. Now, I would like to be very, very, sincere that, this Minority Report tabled by Hon. Malinga is total rigging, the issue of the report was not raised in the committee. We were all not informed and it is very, very, unfortunate that this Minority Report tabled by four delegates is sidelining all the rest who are agitating for this establishment of new districts. So, Mr. Chairman, to avoid this confusion, you have even realised that, most of those who are agitating for their own districts, are ignorant of this Minority Report including the members of this committee. So, I do not know how we can push on this, Mr. Chairman.

THE CHAIRMAN: You have two things open to you. One, you can vote against it when we come to voting, or you can amend and include as many districts as were proposed.

DR. KAKUNGULU (Presidential Nominee): Thank you, Mr. Chairman. Maybe I could shed some light on some of these issues. I was privileged to have been the Chairman of the sub-committee that handled this whole issue. During the sittings of my sub-committee meetings, we held them in conjunction with the experts from the Ministry of Local Government. We had set up certain criteria by which we would judge whether a district qualifies for that status. These included among others, a population of not less than 350,000 people which would give a taxable base of at least 70,000 people. It included infrastructure in form of communication, buildings and utilities available at the time. It included asking for the political will of the people who wanted to secede and even the people from whom they wanted to secede and it also required on-sight visits for verification. We could not do that in that short time we were given. So, we made a recommendation that this was not the right forum and time to establish such a political time bomb. *(Applause)* We came to a compromise and we voted and it was defeated. However, certain disgruntled people including the movers said, "*come what may, we shall move it*

in the plenary". This is not being sincere with us. Thank you Mr. Chairman.

MR. BIDANDI SSALI (Nakawa Division): Mr. Chairman, I also happened to be a Member of Committee IV and I happen to have participated in the discussion of this particular subject. I would like to say, Mr. Chairman that Hon. Members should not be driven by personal political sentiments to decide on this issue. Awhile ago, I was asking Hon. Malinga why in his list he had excluded Kampala, Nakawa Division. That Nakawa Division should also have been part of this added number of districts *-(Interruption)-*

THE CHAIRMAN: But it could not be Nakawa Division though.

MR. BIDANDI SSALI: By implication, Mr. Chairman, I was saying that on the Floor here, anybody can add any area and because of the way some of us are taking it lightly, we can pass something here which, immediately tomorrow, will create a problem in the rural side. *-(Applause)-* Mr. Chairman, I would like to use the benefit of my experience in another capacity to say that the creation of a district involves a study that is initiated or requested by the people concerned, the people who are requesting for being considered as a district. Now, technical teams are sent in these areas to consider things like the population, the size in relation to communication, the viability in relation to tax base, definitely, the people's views and what will happen when the new district is created to the remnant district. Now, after all these have been considered, the matter is forwarded to Cabinet with recommendation in respect of all those who are applying, Cabinet considers then recommends to Parliament and finally Parliament says yes or no.

Now, the way this is being moved today - for example when you talk of Bugiri - right now, except the person from Bugiri, you do not know which sub counties and counties constitute Bugiri District and what will be the result of the part that will remain. You do not know what will be the reaction of Pakwach whose application has been lying somewhere for a district. Aringa, Kitagwenda. So, Mr. Chairman, I would very fully request the movers of this Minority Report to please accept the advice we gave earlier and that is - all these requests for new districts are. I

know, somewhere in the Ministry of Local Government with technical fellows - some have already been covered, others to be covered - the results of which will be presented to Parliament through Cabinet, instead of appearing to be taking decisions that may not augur well both politically and even in the seriousness of this House, the way we are supposed to be taken. Thank you Mr. Chairman. That is all I wanted to say.

MR. CHANGO MACHYO (Samia Bugwe South): Point of Clarification! I wanted to seek clarification from Hon. Bidandi Ssali. Is this a new method or is it the method which has been taken when you were establishing Ntungamo, when you were establishing Kapchorwa and Kalangala and all other districts? Is it a new method - Kasese, Bundibugyo and all these others?

THE CHAIRMAN: Let Hon. Bidandi Ssali clarify on that point. I will listen to two speakers - one for and one against and then we shall have to pronounce ourselves on that. Let Hon. Bidandi Ssali answer the questions raised by Mr. Chango Machyo.

MR. BIDANDI SSALI: I would like, Mr. Chairman, to confirm that the procedure I have outlined was followed in all the districts which are being talked about which Mr. Machyo is talking about and I remember in the majority of them, he was part of the cabinet and he was part of Parliament when they were being created. Thank you.

THE CHAIRMAN: Now, let us proceed this way. We are going to waste a lot of time. I will have two Speakers. One for the Motion to adopt Schedule 2 as presented by the minority members of Select Committee IV and one against that. Hon. Kuteesa Sam, He is speaking for.

MR. KUTEESAS. (Mawogola County): Thank you Mr. Chairman. I have heard so many statements made by the Chairman of the Select Committee IV and the Chairman of the Sub Committee in Committee IV, Hon. Kakungulu and the submissions of Hon. Bidandi Ssali who, in his other capacity, acts as Minister for Local Government. All these arguments that have been presented Mr. Chairman, have tried to verify the intentions of the movers of this Motion and I think this attitude is wrong *-(Interruption)-*

THE CHAIRMAN: I did not hear that, I did not hear that. Did hon. Bidandi Ssali verify you because *-(Interruption)-*

MR. KUTEESA S: The arguments they made had the effect of verifying the intentions of the Motion. The point is that the failure has been in the Ministry of Local Government *-(Applause)-* and let us put blame where it is. The problem is, that there has been failure in the mother districts allowing services to go to remote parts of their districts. The failure has been in a given criteria. What is a criteria? Hon. Kakungulu says they have a criteria of 350,000 people, Kalangala is a district of 16,000 people. What criteria is that? Then they talk about Kalangala being inaccessible because of water. There are water boats but there are inaccessible areas without roads! We talk about money - there are areas where people pay 10,000/- in graduated tax and they can be a million. There are places where you are 40,000 who pay 80,000/= and they may end up paying more than the 1,000,000 - they have that money.

What has come here, Sir, why this Motion is moved - there has been a political paralysis. The members that moved this Motion believe that this is the only forum in which we can resolve political problems that have failed elsewhere *-(Applause)-* and it is not right to shut them up. You may shut them up now but if you do not do your work and you frustrate people from getting services, they are entitled to say we shall not be part of you, we shall not pay our taxes to you as long as we do not get services from you. Mr. Chairman, this Motion may not receive the majority support of this Assembly because they are technical things. I have searched in the Ministry of Local Government for a study that created Apac, I have not found it. I have searched for a study that created Bushenyi, I have not found it. I challenge the Minister to show it to me. There are no studies on all these - they may have gone through cabinet but there are no studies *-(Interruption)*

THE CHAIRMAN: May I correct you, are you throwing a challenge to the Minister so that we send it to the Parliament? *-(Laughter)* Because he is not here.

MR. KUTEESA: I am sorry that he is not here but I shall reach him where he is. The point is this Mr. Chairman, they may have gone through Cabi-

net, they may have gone through Parliament.

MR. A. MAYANJA (Busuju County): Mr. Chairman, would Hon. Member for Sembabule speak in the normal, usual volume of his voice - *(Laughter)*.

THE CHAIRMAN: He is not a Member for Sembabule, is he? He is a Member for Mawogola. Mawogola of Sembabule - probably that. Hon. Sentezza Kajubi, what is it?

PROF. SENTEZZA KAJUBI (Kyandondo North): I would like to give information to Hon. Sam Kuteesa that he has a lot of sympathy from those of us who believe in the federal system of government. I could also say that he has a lot of sympathy from Mengo Lukiiko. The argument he has made that there is no sympathy from the parent district has completely changed and I can assure you that if this Assembly rejects the Motion, they are rejecting on their own *-(Interruption)*

THE CHAIRMAN: Hon. Sentezza Kajubi, according to the information available to the Chairman, you are representing Kyandondo North. I do not think you are representing Mengo Lukiiko here. *(Applause)*

MR. KUTEESA S: Mr. Chairman, I shall just wind up my comments on this matter. I am sorry that I have not been able to speak to Hon. Mayanja's taste of volume. Many times I get difficulties knowing when he is saying "S" or "H" but that is human failure. As for the information from *-(Interruption)*

THE CHAIRMAN: No, no I do not think you should go - I think you are wasting our time. Could you finish your presentation.

MR. KUTEESA S: I want to thank Hon. Kajubi for the support they are giving. Unfortunately, it shall bear fruit to me but not my friend Hon. Malinga and his area because the same failures I have pointed out in the Ministry that should have studied these situations are there and they exist unless those are dealt with and unless there is a clear indication to try and take services to the people. This persistent search for districts and even *-(Interruption)-*

THE CHAIRMAN: Hon. Sam Kuteesa you might lapse your time.

MAJ. GEN. TINYEFUZA (NRA Delegate): Point of Information! Thank you Mr. Chairman and Hon. Sam Kutcesa. I would like to inform the Speaker and the House that for instance, the people of Sembabule approached the Member from Nakawa Division who happens actually to be Minister for Local Government in his capacity, as far back as 1989 with written recommendations, a study was made, the place was found viable, it went further in political circles, it involved politics of whether Sembabule wants to secede from Buganda to Ankole, he was aware of all these difficulties he himself in that capacity preferred that we could deal with Sembabule after electing C.A. - now I am stating factors which have been going behind doors - Now, some of these matters have come to the notice of the government and it has failed to act on them for the last seven (7) years and now, people are saying we should go back to the same person who has failed to act on our case for the last seven (7) years. Now, I want to inform therefore the Speaker that, actually, we have tried all local remedies available to us in the circumstances and that is why we have come to this C.A. as a final political solution of this political paralysis. Thank you Mr. Chairman.

THE CHAIRMAN: I am not going to hear any Point of Order and information. Let us first have order on the Floor. Members should stop being rowdy. *-(Interjections)* But that is not a license for becoming rowdy. The position is that Hon. Kuteesa did give the Floor for information. The Information, some of it should have been admissible, if it was a Court of Law. for hearsay and other considerations but that is a different matter and Hon. Sam Kuteesa also has spoiled our record by appearing to thank Hon. Senteza Kajubi for carrying a message from the Lukiiko.

MR. KUTEESA S: I was only saying that because it may help me but I am still appealing for this Assembly to help people of Katakwi because the Lukiiko will not help in the case of Katakwi while it may help my case. I was only using it to plead for further areas in Uganda which are in the same position that have been boxed in.

THE CHAIRMAN: So, what we shall do is give Hon. Kuteesa very limited - one or two minutes to

finish his remarks, then we continue with the - *(Interruption)*

MR. KUTEESA S: I want to appeal to Hon. Members here to look at this matter not because this will be the most appropriate forum to resolve but because all other fora that should have been opened to them to resolve these matters have failed and the blame lies squarely on those who man them. I beg to support.

THE CHAIRMAN: We have a Member speaking for the Motion. I want to hear a Member against the Motion. Hon. Adyebo let us hear you.

MR. ADYEBO (Kwania County): Thank you, Mr. Chairman. I am in no way trying to undermine the voice of the minority. I do sympathise with the voice. I do more so sympathise with the last Speaker, Hon. Sam Kuteesa but Mr. Chairman, two wrongs can not make a right. If mistakes were made in curving or creating some current districts in Uganda, we should not repeat the same mistakes now. The idea of having more districts for those areas who want it, is a matter of human rights but Mr. Chairman, human rights should not be hurriedly implemented, or put in a Constitution. There is need, definitely to have more districts. There are many counties I know in Uganda, that I personally visited, that qualify for being districts. Counties like Aringa, they are very large. Counties like Kaberamaido, they are very large. I can mention Omoro in Acholi - they are very large. There are many counties that qualify to be given district status but Mr. Chairman, I do agree with Hon. Bidandi Ssali who actually advised us here and gave us a free technical advice that in order to do what the people want - in order to satisfy their human rights, to give them the districts they so wish, we should do them through thorough studies. There is no crime in that but if that is too far to satisfy the people's need. Mr. Chairman, I

need to propose that we study a decision and let us be given statistics about those proposed districts so that maybe during the consideration stage, then we can deal with the matter. But to do it now. Mr. Chairman, we are going to do two wrongs.

Another issue, Mr. Chairman, which is related should be the idea of putting these two districts also as a tyre. Mr. Chairman, if you could recall on the 13th of July, 1993 when we were dealing with the "Ebyaffe" Bill, I was one of those who

strongly said give "Ebyaffe" to those who so wish but Mr. Chairman, I do not like the method of getting things like the Arab and the Camel. Now, to drag Apac and Lira and call it a tribal name of Lango without even consulting people like me and so on who come from there, it is an insult. I would recommend -(*Interruption*)-

THE CHAIRMAN: Hon. Adyebo, you are now crossing the line. The situation was clarified.

MR. ADYEBO: Going back to the minority voice and because the minority voice also includes this thing which has provoked me, Mr. Chairman, for which I apologise, I want to say that we were advised by Committee Members like Hon. Kiyonga from Karamoja who even said that Hon. Malinga smuggled this document here and yet in fact, we are out of order to discuss this thing which was smuggled here, if that is the case. I would, therefore, propose that we put the question to vote and we throw out this Amendment. (*Applause*)

THE CHAIRMAN: I will do it this way. As far as people who are putting up their hands to speak for are concerned, I can see if we go on like this, we shall not finish but there has been a standing request from Hon. Nekyon, then I will hear Hon. Maliro and then we see what we will do from there. I am balancing.

MR. NEKYON (Maruzi County): Mr. Chairman, I insisted on putting up my hand because I feel that before us is an issue which is crucial to our nation. This nation was created not long ago and from that time, we have had many instances of friction which has led to the creation of districts. We have had the question of Sebei being a district out of Bugisu because they could no longer live together. We have had the struggle in the Rwenzori Mountains which led to the creation of these other districts. Now, for us to discuss this matter as a light laughing issue and brush it away when you know the question of existence or of self determination is a matter that goes to the foundation of our nation, I think it is not fair. I have heard Sir, with great surprise, the views of the Hon. Member from Nakawa saying that he has a technical team who must survey the request and carry out a feasibility study before a district is granted. I also heard a Member of the Committee saying - that is Hon. Kakungulu - saying that they had a criteria for determining whether an area should be

a district or not. I, therefore say, if those criteria were actually used, then these reports should have deleted certain old districts because they fall out of the criteria but if you retain Kalangala, Kibale, Kiboga, Kisoro and then you say others do not qualify, then you must say that you have no criteria whatsoever.

THE CHAIRMAN: Hon Nekyon, are you ready to be informed.

MRS. MUKIIBI (Women - Kibale): Point of Information! Thank you Mr. Chairman. I wish to inform Hon. Nekyon who is holding the Floor that Kibale District has a population of more than 300,000 people. So, it is viable.

MRS. KALEMA (Kiboga County East): Point of Information! Thank you Mr. Chairman. I would also like to add to that information of Hon. Mukiibi that Kiboga is today 150,000 people (*Interjections*)- Mr. Chairman, I would like the Hon. Member to give me a chance. What Hon. Kakungulu has explained and what the Minister of Government, who happens to be the Minister for Local Government, Hon. Bidandi Ssali has explained is the procedure which has had been followed. So, there is not only the population to consider, there are many criteria to be considered. So, I would like to inform Hon. Nekyon that, as he is putting his argument across, it will be difficult for him to satisfy his case if he gives his examples when he can only mention population. Although, Kalangala is a district, anyone who is sensible can see that Kalangala could not be governed by Masaka when it has got 84 islands. It was just impossible, unless the government was prepared to forget those people. I would like to inform him further that the procedure was followed, a study was done, all the information needed to make a district viable was obtained from the various districts, the Ministry of Local Government and finally a White Paper was made to the Cabinet and finally the Cabinet sent a resolution to Parliament and finally, the Parliament approved and in the same breath, Mr. Chairman, I would like to inform him and to inform all others that since this is the Committee which also discussed Chapter 13, Local Government, we would like to know what they decided on Article 203 which says "Parliament will create Districts". Thank you Mr. Chairman.

THE CHAIRMAN: No, let us not anticipate that. I thought you were going to say that Hon. Nekyon voted for the creation of Kiboga but you did not go to that extent.

MR. NEKYON: Mr. Chairman, I would like to thank the two Members for having given me the information. If I were them, I would not have given the information because the information is destructive to them. First of all, the criteria which has been mentioned is specific: population, surface area, peace, payment of tax and political. I think most of the creations which have been done over the last five - six years have been purely political. There is nothing to do with population, there is nothing to do with land surface. 150,000 which is being mentioned for Kiboga, of course there are many other counties or two which have got much greater number. So, it is not a justification whatsoever. If you talk about land surface, indeed, Karamoja is almost bigger than Eastern Region. You could have had four or more districts there. So, the creations have nothing to do with land surface and then if you see all the new districts have been concentrated by Parliament in a particular area - Kiboga, Kibale, Kisoro, Kalangala, Kimutugamu *-(Laughter)* All these - *(Interruption)*

THE CHAIRMAN: Are you creating another one of your own?

MR. NEKYON: All these go to illustrate what I have said persistently in Parliament.

THE CHAIRMAN: Hon. Nekyon, there is a point of order from Hon. Kabugo

MR. KABUGO (Nakaseke County): Point of Order! Thank you, Mr. Chairman. Is the Hon. Member who is holding the Floor, in order to come here in the C.A. to start criticising the work that he had done as a Member of Parliament and then now come to mislead the House? He was once a Cabinet Minister and took part in the discussions of those districts. Is he in order, Mr. Chairman?

THE CHAIRMAN: We shall regard it that he has changed his mind if he ever supported the ideas. *(Laughter)*

MR. NEKYON: Mr. Chairman, I would like to inform all those who had forgotten that more than

once, I publicly declared that the districts were created as a matter of rigging the elections. I have said this and I am on record because I have illustrated, all these districts which had been created - *(Interruption)*

THE CHAIRMAN: The Hon. Member is only reporting what he said elsewhere, there is no need to raise Points of Order on it here.

MR. NEKYON: Sir, I want to say - if there was a criteria, as we are being told there are experts in the Local Government Ministry, we have had in our country certain areas which have been sub districts for many years - Kaberamaido has been a sub district I do not know for how many years - since 67; Koboko, Busia; but all these sub districts were set aside when new districts were being created and the experts in the Ministry of Local Government were there. Were they born after the creation of these new districts or were they employed yesterday? Let us face the facts that if people want self determination and they qualify according to criteria which are set, let them be given that opportunity but let us not think that other people will not see the truth and then they can be muzzled and pushed aside. Mr. Chairman, I think that if we are genuine and the criteria which the Committee looked at disqualify even those districts which had been created. They should have been struck out of this list which now is being brought here to be passed, then I will know that they are genuine, but they are bringing even districts which are existing but are disqualified by the criteria and that criteria is qualifying only these new districts. That is illogical and unacceptable to the people of Maruzi. *(Applause)*

MR. MALIRO (Mwenge North): Thank you Mr. Chairman. I happen to be one of the Members of Committee IV and also I happen to have been on the task force Committee which studied this question and fortunately, I happen to be the Secretary who wrote the report and I have this information to give. Mr. Chairman, before we set ourselves to make the recommendation, we first looked at the criteria which we were given by an expert from the Ministry of Local Government and for your information, I will read a few of them. One of them was economic viability, another one was necessity for effective administration in that area, another one was size of the district - physical and population wise, another one was means of communication, another one

was geographical features which may hinder movements in the area, another one was effective public participation. Also we were given figures that of population of 350,000 which could generate 70,000 tax payers as a satisfactory minimum.

Mr. Chairman, we received the reports from all the 14 districts. Initially, 17 applications had been made but only 14 were able to bring the criteria which we should follow. Now, when we looked at their reports which they had submitted, we found that only six of them had the knowledge of the area of the district - only six. The rest did not have, that one we failed to use. When we went to look at the population, most of the districts did not have the population figures, so we went to the population statistics of 1991 and used it to determine the population of those areas. Using that population and using a formula which we were given, then we tried to find out how much they would raise in form of tax. Now, I cannot read out all the figures but only Bugiri could raise 351,000,000 but this is only on graduated tax - *(Interruption)*-

MR. BIDANDI SSALI (Nakawa Division): Point of Information! I am sorry, Mr. Chairman, but I thought it was important information that the Bugiri being sought in this particular instance contains part of what Busia is also claiming in this particular instance. That is information.

MR. AWORI (Samia Bugwe North): Point of Order! Is the Hon. Member on Floor in order to mislead this House that Busia is claiming Bugiri District? He said Bugiri.

THE CHAIRMAN: Anyway, he said that what Bugiri - that the figures read out, the 350,000,000 or so shillings were raised from a population part of which would be in the area in which the proponents of Samia district are also saying should be part of it. I think that is what he said but it is either yes or no but we do not have to argue about that. Hon. Bateganya, do you think you can help us in this argument?

MR. BATEGANYA (Bukooli South): Thank you, very much Mr. Chairman. I would like to point out that one of the reasons behind moving this Amendment to have Bugiri to be made a district is to forestall such claims on Bukooli. *(Applause)* We have had arguments from the

other side of Busia i.e. across the border with Bukooli. Some Delegates here have claimed some parts of Bukooli or Iganga District and up to date, those claims have been withdrawn by those who are fronting such claims. So, if you granted us a district of Bugiri it would exist without any claims from anybody. Thank you very much, Mr. Chairman.

THE CHAIRMAN: So, that clarified the situation that Mr. Chango Machyo and Hon. Aggrey Awori have dropped their claim to parts of Bukooli. *-(Interjections)* Maybe I can help by saying that Mr. Chango Machyo has not withdrawn his claim on parts of Bukooli. Let Mr. Chango Machyo reinstate his claim and then we proceed.

MR. CHANGO MACHYO (Samia Bugwe South): Mr. Chairman, it is completely wrong to say that the people of Samia Bugwe have withdrawn the claim that they want to unite with their brothers across the colonial borders. It is not true to say that they have withdrawn. Indeed, that is still their argument. They want self determination.

MR. MALIRO: Thank you Mr. Chairman. I was saying - I am trying to be brief. Generally, the problem we had is not that we did not want to permit formation of the districts but the information which we had in terms of the criteria, the criteria which was set by Local Government after it had set up a task force - Local Government had set up a task force after realizing that the districts which had been formed earlier without strictly following those statistics had started failing to be viable and they were trying to look for support from the Central Government and they had been warned that with decentralisation, if we permit formation of districts which are non-viable, then they will be an economic liability to the central government and fail to function. So, following these criteria which we received from all the 14 districts which submitted, we found they had some reasons. For example, Mr. Chairman, in all cases, they had a political question that there had been marginalisation in terms of services which were being given to the people but again that one notwithstanding, it was not possible to tell if this area has been marginalised. If it was given a district status, will it be able to sustain itself economically or not? So, we said since we cannot get all the criteria, let us leave it for the Parliament

so that Parliament in collaboration with Local Government can then set up a task force which can go and visit these areas and ascertain the criteria in terms of maybe finances and other reasons why they want the districts and then they could be formed and then we made a very strong report that the whole matter should be referred to Parliament which should expeditiously study the problem in collaboration with Ministry of Local Government and dispose of the problem once and for all. What we had sought is that his August House would perhaps make a recommendation to Parliament so that this matter is looked into and solved. Mr. Chairman, I am worried because if we are going to form 14 districts now, what if in the long run they are found not to be viable, shall we not be found responsible for that failure? Thank you Mr. Chairman.

THE CHAIRMAN: Okay, Hon. Delegates, I think I do not see any other fresh arguments coming on this matter. Now, I want us to make a decision. We want a decision to be made on the Minority Report. I can see there is an attempt to add Bunyole on the list and I think Budadiri but I think there would be so many amendments. The position is this: There were apparently 17 requests made. The Members eventually discussed 14. It would appear, for whatever reason, other Members did not pursue their interests into the Minority Report. Those who were vigilant have brought their Minority Report mentioning a number of districts that they proposed should be added. This is what constitutes this report. We have been discussing it, Members have expressed their dissatisfaction that they were left out but they should have been vigilant enough to pursue their cases because in equity we say "*equity assists the vigilant*". Now, let us decide whether we take this or we do not. I want to put the question. *(Interjections)* What procedure is that?

AN HON. DELEGATE: Mr. Chairman, with due respect to the Chair, I do not want to drag into a new debate but I am really worried that considering this Minority Report, our concentration has been on the new districts and we have not looked into other things that we should otherwise have discussed and I am worried that does it mean that if we vote now, whatever else there is in this report will be taken to be correct? *(Interjections)* I am only asking!

THE CHAIRMAN: The Chair is not here to suggest to Members what to say when they are making their contributions to the Motion. For me, I give a Member the Floor to make a contribution to the Minority report. If you choose to confine yourselves to the question of new districts, that is not for the Chair to worry about really. The question is quite simple, there is a Minority Report before us - either we adopt it or we do not and I put the question.

(Question put and negatived)

THE CHAIRMAN: Hon. Delegates, the Minority Report has been negatived. The Schedule as presented by the minority is not accepted. What we have before us is the Schedule as presented by the majority. Now, I do not see the need for us to indulge in lengthy arguments since most of the arguments have been given. Hon. Sendaula, what do you want to say?

MR SENDAULA (Bukoto South): Mr. Chairman, now that we are back to the original report, I would like to discuss the list as provided. Mr. Chairman, in the list of the fifth Schedule as provided by the Committee, item 5 is Kampala and under 27 we have districts mentioned; Kalangala, Mukono and so on of Buganda, I am concerned that Kampala is part of Buganda. - *(Interjections)* Mr. Chairman, I beg to accept to be heard. I am entitled to my view. Mr. Chairman, Kampala geographically is part of Buganda and the mere fact that Kampala happened to be the capital of Uganda does not geographically remove it out of Buganda. So, there are many national institutions, there are many national structures that we have everywhere in this country. They are not going to be isolated from their areas of origin. So, as a matter of importance, Mr. Chairman, I beg to move that Kampala be moved to number 27 so that Kampala is part of Buganda. I beg to move Mr. Chairman. Mr. Chairman, as I move that Motion, I wish to state this that there will be no way Kampala is going to expand if we are only looking at it as it is today and create it as a district on its own because wherever it will go, the boundaries elsewhere are within Buganda. So, if we left it geographically where it is, there will be no problem in expansion should we think of expanding Kampala. So, I wish that Hon. Members see this point of view and indeed, accept to move Kampala and add it on to the rest of the districts which form Buganda. Thank you very much Mr. Chairman.

THE CHAIRMAN: Was that seconded? *-(Interjections)* It was seconded by Hon. Mutagambwa and Hon. Apolo Nsibambi and Hon. Nsambu. Hon. Eresu what is your problem? I will soon summarise the situation.

MR. ERESU (Kaberamaido County): Mr. Chairman, in view of a very important Motion on the Floor moved by Hon. Sendaula and also that in view of my observation that Members are getting less and less in the House, I beg that this Motion be deferred for the next debate and therefore, I think on the question of quorum - I think we do not have quorum to discuss that Motion.

THE CHAIRMAN: Hon. Members may wish to recollect, if I may comment on that, that our agreed adjournment time should be 6.30 - 2.30 to 6.30, that is what we agreed and also yesterday, the Chair did advise Members that the Chairman has been authorised by the Business Committee not only to withdraw the book after a given time but if the adjournment is not honoured, to introduce a book to be signed by Members only at the time when the House has been adjourned. *-(Applause)* We still have 25 minutes to go to adjournment time but I can see many Members have moved out. Hon. Sendaula was moving an Amendment which has been seconded but it is not in writing yet. Hon. Leander Komakec has his own Amendments. *-(Interjections)* No, the Amendment of Hon. Sebaana Kizito is on a different Clause I think.

I will do it this way. We have disposed of the Minority Report. This is a very important subject. I can see there are many attempts to move Motions on Clause (2) when Members should have done so in Committee but we did agree that should Members come up with amendments that we think should be considered other than those that have been disposed of already, then we should have them looked at by the Legal and Drafting Committee. Now, how many Members would like to move Amendments to Clause 4 (2)? Hon. Leander Komakec, your Amendment is overtaken by events because we voted on and agreed on the text under 4 (2). What we are considering is only the Schedule. So we cannot go back to that one. So, Hon. Members who think that they would like to move amendments, they should be amendments only in relation to the Schedule and not in relation to the main wording in the body of 4 (2) because

that we have already adopted the formulation, it is only the Schedule. Now, how many amendments on the Schedule? Now, they are about 11 Amendments. Some of them may be repetitive and including even the Deputy Chairman of the Legal and Drafting Committee and some of the Members. The Chairman of the Legal and Drafting Committee is not here. What I will do is say that Members who have amendments on this Schedule should present them on Friday to the Chairman of the Legal and Drafting Committee and presume the Deputy Chairman of the Legal and Drafting Committee would disqualify himself at the correct moment when considering his own Amendment so that they come back to us and we finalise the Schedule. Either we recast it, we add or reduce but of course, adding had just been rejected, so it will be unacceptable procedure that you come with new districts. So, it is a question of rewording the Schedule - if the people of Lango want to remove Lango - that sort of thing or the people of Pallisa and Tororo or Bukedi - if they want to add that sort of thing. That being so *-(Interjections)* - and if there are any amendments on Clause (3) as well, if there are any amendments on this question of two or more districts to voluntarily associate, could the Members bring those also to the Legal and Drafting Committee. When the Committee sorts that out, then the matter will come to us and we move faster instead of spending time arguing as we are. Hon. Kaberuka.

DR. KABERUKA: Thank you Mr. Chairman. I am seeking guidance because my understanding was that when we adopted the formulation in 4 (2), it was not to say that we passed 4 (2) as it is. I thought we adopted it as wording for the Schedules but not necessarily that it has been passed.

THE CHAIRMAN: No, no! I think I made it clear from the beginning that in considering legislation, the enactment in the main body and the Schedule are taken as substantive enactments separate from each other although one takes authority from the other. That is why we dealt with the other one first and the Floor was quite clear on that issue. So, that one is finalised. What is now left is the Schedule and it is only the Schedule we had a Minority Report on which they have just rejected. So, we go back to consider the schedule as it was presented to us. If we adopt it, then it stands part of the Draft Constitution together with 4 (2) as we amended it.

AN HON. DELEGATE: Now, what is the fate of the present draft format as it is in the Draft Constitution? Has it fallen by way side or it is still valuable?

THE CHAIRMAN: Yes, it has fallen by the way side. It has now got the formulation as it is in the Report except for the schedule. Should we reject the schedule, then we may revisit to go back and see what happens. Hon. Members, I am told some of you would like to travel upcountry for NRM celebrations. That might affect our quorum on Friday.

AN HON. DELEGATE: Considering the fact that many Members would like to travel upcountry for celebrations, it is most unlikely that they will be here even to present their amendments to the Legal and Drafting Committee. I therefore, propose, Mr. Chairman, that we adjourn until Monday.

MR. MULENGA: Mr. Chairman, I am opposing this suggestion. Friday is a working day. I happen to believe that not half of the Assembly will go upcountry. I believe - the other one is also a believe. I am particularly, Mr. Chairman for Committee 2 which has a lot of work to do. We cannot afford to lose today and then again tomorrow and then Friday. So, I am anxious that at least that Committee continue. I know the Members of Committee 2 are anxious to continue. Thank you.

MR. KAGGWA: Mr. Chairman, I would want to oppose the adjournment until Monday because we should be aware that we already asked for an extension and you Mr. Chairman, you told us here that the Minister responsible for Constitutional Affairs allowed us four months. The public is watching with keen interest and their views are that we come here to collect allowances. Some of us are really offended. So, when we see Members not wanting to come on Friday and it has not been declared a public holiday, I really find it very, very unbecoming. I therefore, oppose this.

MR. NWONDHA: I would like to advise my Colleagues to desist from the diseases of the NRM of extending, extending. The public holiday is only for tomorrow. It should not be extended to Friday. Mr. Chairman, we should all be here on Friday to attend the business of the Assembly. Thank you.

MR. NASASIRA: Mr. Chairman, although I support us being here on Friday, I wanted to also inform Hon. Mwendha that you cannot extend a disease, it will kill you. Having said that Mr. Chairman, we really have a serious business to finish and I am totally convinced that not many people will go upcountry where they cannot return. It will be pointless to assume we will not be here on Friday and find most Hon. Members in town, at Kololo, in other social gatherings celebrating the day, then we do not do business on Friday. I propose we come back on Friday after celebrations tomorrow. Thank you.

MR. MUKASA MURULI: Mr. Chairman, I am also of the opinion that we should get down to business on Friday after the celebrations tomorrow. Not many of us will go upcountry. So, those few who might go can actually go and then let it be upon them to come back in time after all, we hope plenary will be in the afternoon. By afternoon they should have arrived here. So, really we should get down to business on Friday and move ahead, Mr. Chairman.

MR. BABU: Mr. Chairman, I was just going to say that we should come on Friday. We have some Committees that actually have to continue because we have a deadline of the 31st. I would like therefore, to request very strongly that we should come. But the disease of extension started in 1966, Mr. Chairman. I wanted us to put on record that the disease of extending was actually initiated by a particular group. Thank you very much.

DR. NYEKO: Mr. Chairman, I think we must also be realistic. Some of these people who talk for record purposes, they are also there. When it comes on Friday, they will not be here. The rest of us will be here, there will be no quorum we shall hang around doing nothing. So, as we talk we must consider the practical aspect. Thank you.

THE CHAIRMAN: The position is that we have this very important schedule which comes up for discussion at the next plenary. We have asked that questions on the schedule plus the formulation of Clause (3), if there are any amendments, should be presented to the legal and Drafting Committee on Friday. Now, I would like to ask the Deputy Chairman of the Legal and Drafting Committee whether he thinks he can be ready in the afternoon during the plenary so that we proceed logically or we can ask him to skip that.

MR. BEN WACHA: Mr. Chairman, I would like to call the Members of the Legal and Drafting Committee for a meeting at 10 O'clock on Friday and hopefully we will have something for you by the afternoon.

DR. MAGEZI: Mr. Chairman, my contribution is not very different. But I am saying that there is now a lot of pressure. The pressure now is on the Committees and since there could be a question of quorum, I would like to request that let us leave Friday for Committees to meet because their deadline is on 31st of January, and it is easier to realise the quorum in the Committees than in the Plenary so that we can give the whole Friday for the Committees to meet in the morning and then in the afternoon to finish their work in time Mr. Chairman.

THE CHAIRMAN: Anyway, let us do it this way, as we still have not changed our position, we expect to have the Committees finish by Monday. There is one Committees which thinks may go slightly longer. I would like to propose, like Hon. Magezi, that we give also the Legal and Drafting Committee the chance to meet, they do their work on the schedule and on Clause (3), they prepare a Report which must be ready by Monday. The other Committees meet on Friday and if Committee 2 which is slightly behind wishes to continue in the afternoon as well, it can do so. So, I would like to adjourn the Plenary to Monday, but Committees to meet on Friday.

(The Assembly rose at adjourned until Monday, 30th January 1995)