



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 28TH SEPTEMBER 1994

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 2378]

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Wednesday 28th September, 1994

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

P R A Y E R S

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

The Assembly was called to order

REPORTS FROM COMMITTEES

THE CHAIRMAN: Hon. Delegates, when we adjourned on Monday we did refer matters to the Legal and Drafting Committee and I presume the Legal and Drafting Committee has a report to make. I will, therefore, give the Floor to the Chairman of that Committee. Thank you.

PROF. KANYEIHAMBA (Rubanda County East): Thank you, Mr. Chairman.

I am glad to report that the work you assigned to the Legal and Drafting Committee took all day yesterday and part of the evening and we were able to finish all the Amendments that had been submitted on the report and recommendation of the committee itself, particularly in relation to Appendix 2 of the report, which is the base of the discussion.

Mr. Chairman, you know there are 20 Amendments, quite a number of them are being submitted by the proposers against the advise of the committee and I will be relating to that. Because we worked late, Mr. Chairman, only 11 Amendments have been circulated this morning - I hope that every hon. Delegate has a copy of the revised list. I certainly found mine in my pigeon hole. The rest of the article 9, Mr. Chairman, will be circulated during the course of this morning when the Clerk's office finishes typing and photocopying them.

Mr. Chairman, we started with Article 18 of the Legal and Drafting Committee report which is former article 23 in the Draft Constitution, and there was an Amendment proposed among others by Mr. Chango Machyo, hon. Dr. Okullo Epak and others. And they are proposing that we should insert an Amendment, I think, at the end of that article which says that the State shall adopt an integrated and coordinated planning approach. The Committee felt that this improves the structure of the clause and is a good one and we were recommending that, in fact,

with movers having spoken on them, our view was really that this is non controversial and could be adopted by the Assembly without further debate

Amendment two is an Amendment which is being proposed by hon. Komakee and Dr. Okullo Epak. And they are suggesting that article 19 which is former article 24, should be deleted as a whole. They have arguments for that, and the Legal and Drafting Committee thought that this is a matter which could be debated and discussed by this august Assembly.

Amendment number three, Sir, relates again to article 19 and the Amendment is to be moved by hon. Ssebaana Kizito and hon. Lubega Wagwa. They are proposing that the word in that article 'land' should be deleted from it. So, this is article 19 of the report, but former article 24 and the hon. Members are proposing deletion of the word 'land'.

Amendment number four, Sir. Again it is on article 19, this is an alternative to some of these Amendments that I have talked about, that is Amendment No.3, and the movers also concur that the word 'land' should be deleted but instead they prefer that instead of 'land' we should insert 'land reserves' as a replacement. So, 'land' should be deleted but we replace it with 'land reserves'.

Amendment number 5, Sir, is again on article 19 and is to be moved by hon. Byakika Kasajja among others. And they are proposing that the whole article should be deleted and we insert that the State shall protect the important natural resources. Then they enumerate them, and add one or two other words like 'fauna and flora'.

Then Amendment number 6, Mr. Chairman, is again on article 19 and it did attract many Amendments. They say that the word 'control' should be deleted and instead we should put there the words 'rationalise the use of land'. The Committee thought that that also should be a matter of debate by the CA.

Number 7, the proposers have moved it against the advise of the Legal and Drafting Committee, they are Hon. Sebastiane Ssekitoleko among others. The view of the Committee, Mr. Chairman, was that this particular clause which had already been provided for elsewhere would be confusing. Because this particular article 20, otherwise former 12(b) and 22 deals with services which the State can offer to the population or to the citizens of Uganda, whereas

access to land is not the same as services. So, we felt that it should be debated but, particularly, I think in chapter 17. If I remember correctly, the movers insisted that they felt it should be debated here. So, that was contrary to the advice of the Committee.

Number 8, Sir, was also contrary to the advice of the Legal and Drafting Committee. The proposer is insisting that the word 'work' should also be included among the items enumerated in this article. Hon. Chango Machyo was not present at the time we considered this Amendment. However, his listed cosponsor, hon. Komakec was present, and after the Legal Committee discussed this matter with him and he agreed that he would not move this Amendment. However, when Mr. Chango Machyo, arrived and we told him what had happened he insisted that he would move the Amendment obviously as he is entitled to do. So, unless hon. Komakec changed his mind later, nevertheless he agreed with us that the views of the Legal and Drafting Committee which said we should not move this Amendment here were correct. He had withdrawn it, but his cosponsor Mr. Chango Machyo insisted that he would move it.

Amendment 9, Sir, relates to article 27 clause 1 and 2 of page 9 of the Draft Constitution. I want here to correct the original report of the Legal and Drafting Committee - that is original article 27. No, no, I do not want to correct that, Sir. The Movers are proposing that they do not accept the recommendation of the Legal and Drafting Committee as contained in Appendix 2 that we delete this particular section. After further consideration and discussion with Movers of this article we agreed with them - many Members will recall, Sir, that originally the Movers had insisted that it should be free and compulsory education. After discussing with them at length they agreed to drop the word 'free' and said that the State shall promote compulsory basic education. The Legal Committee found no objection in having this as a guideline rather than a justiciable clause. So, we were happy that they should move that instead of deleting article 27. It should stay, provided they do not insist on free and compulsory, but merely compulsory education - *(Interruption)*.

THE CHAIRMAN: But to which proposed article in Appendix 2 does this one refer to?

PROF. KANYEIHAMBA: I believe that this is only referred to in Appendix 1, where we say this article 27 should be deleted. And our reasoning, Sir,

had been that we had already passed a justiciable clause which said that the state and the parents jointly were responsible to provide basic education for every child, and we said that that has been covered. We were not happy with clause 2, because we thought that the state should not be obliged to provide the highest education possible to every citizen in Uganda. However, as I say when the Movers of this Amendment, which really is not an Amendment but it simply seeks to reinstate article 27.

THE CHAIRMAN: But how will it appear in appendix 2 if it was to be resuscitated?

PROF. KANYEIHAMBA: Mr. Chairman, I do not have my report here, but my recollection is that it would not have appeared in appendix 2, it would only have been referred to in appendix 1, that we recommend that it should be deleted; because it is covered elsewhere.

THE CHAIRMAN: But to remain if it is to be saved, then it has to be put in context of - or we leave that to drafting?

PROF. KANYEIHAMBA: Mr. Chairman, obviously, if the Assembly in its wisdom agrees with the proposers of this Amendment, and as I said, the Committee had no objection to it as a guideline, then we would find its appropriate place. I think that should not be very difficult. Sir, we would have to look at the ten articles as guidelines and see where it appropriately falls, Sir.

THE CHAIRMAN: Okay.

PROF. KANYEIHAMBA: Then we move to Amendment 10 which is to be discussed this morning, by Hon. Okeny Atwoma. Again he is moving this Amendment against the advice of the Legal and Drafting Committee. We told him that as presently structured, the article is sufficient to cover the matter he was raising. In any case this is a matter of litigation, and once people have been granted rights which are presently covered by the Draft clause, they can always sue, and we were not happy that we should include negotiations and bargaining to reclaim these educational institutions as proposed by Hon. Atwoma. There was unanimity in the committee that we should advise the hon. Member that he should not proceed with this Amendment; but exercising his right to move his Amendment he insisted that we should include it among those to be moved.

Lastly, Mr. Chairman, on the Amendments this morning, there is Amendment No. 11 to be moved by Hon. Ssemaala Kiwanuka. Again let me emphasise that this was contrary to the advice of the Legal and Drafting Committee. We had considerable discussion and arguments with the hon. Member and we really tried to persuade him that this kind of provision was unattainable in the Constitution that we are contemplating for purposes of Uganda. And we gave all the data and information regarding how even the most advanced states do not have a provision which says that the state shall provide free medical services to all citizens of Uganda. Nevertheless the hon. Member in exercising his rights said that he insists that he would move this Amendment.

Mr. Chairman, these are the 11 Amendments which passed through our hands on which I have the honor to report and as I said the remaining nine will be appearing during the course of this morning and when I have opportunity or any of the Members of the Legal and Drafting Committee we shall report on them. I beg to report, Mr. Chairman. I thank you.

THE CHAIRMAN: Thank you. I must on your behalf thank the Members of the Legal and Drafting Committee for the work they put in yesterday to review the various Amendments that had been moved by Members in respect of Chapter 3 as revised and appearing in the report of the committee at appendix 2. Now, we should proceed and we are being guided by appendix 2, and we are now at page 11 under 18 at the top, and you will see, according to the report, that it is the recommendation of the Legal and Drafting Committee that we take the proposed Amendment of - I know there is a gross mistake on the typed sheet there, it shows Hon. Chango Machyo. I am sure they will apologise to him for this gross imposition. It is Mr. Chango Machyo, Hon. Dr. Okullo Epak, hon. John Ndege and hon. Kiyonga. I will ask one of them - that is Mr. Chango Machyo or hon. Okullo Epak to move the Amendment so that we proceed straight away.

MR. CHANGO MACHYO (Samia Bugwe South): Mr. Chairman, this Amendment was moved here so that it becomes part of the proposed article 18. I had already spoken on it and we met together with Dr. Okullo Epak -

THE CHAIRMAN: Could you speak up please?

MR. CHANGO MACHYO: Mr. Chairman, I was saying that this Amendment was moved here to

be part of the proposed article 18. We met with Dr. Okullo Epak, hon. John Ndege and hon. Dr. Kiyonga and we agreed on the formulation as it appears here. So, I wish to move that clause 1, reads: *"The State shall adopt an integrated and coordinated planning approach"*. Mr. Chairman, I think I am seconded.

THE CHAIRMAN: Yes, you are well seconded.

MR. CHANGO MACHYO: Mr. Chairman, since I spoke at a great length on this issue, I only want to re-emphasise that if we want genuine unity and harmony and cooperation in Uganda, then we must think very seriously of how we can plan and coordinate the national development, otherwise causes of disunity will never be eliminated if we leave things to work on their own. Thank you, Mr. Chairman. I beg to move.

THE CHAIRMAN: Thank you. This matter was a subject of lengthy debate. I think, on Monday before we referred it to the Legal and Drafting Committee. The Motion is that article 18 as proposed be amended by inserting immediately at the top to become clause 1, the formulation which appears on page 1, of the revised list of Amendments which all of you have. Now the formulation and state shall adopt an integrated and coordinated planning approach, which means the other ones become clauses 2 and 3. I do not think the debate should arise out of this. Can I put the question?

HON. MEMBERS: Yes.

THE CHAIRMAN: The question is that the Motion by Mr. Chango Machyo in the terms read out be approved to become part of article 18 of the draft constitution.

(Question put and agreed to.)

THE CHAIRMAN: Now I will put the question on article 18, that article 18 as amended do stand part of the Draft Constitution.

(Question put and agreed to.)

THE CHAIRMAN: Now, the next one is proposed Amendment No. 2. As Chairman of the Legal and Drafting Committee explained, I can see there are a number of proposed Amendments at 2, 3, 4, and 5, I think even 6. Now, within the terms of our rules these have not been arranged in a logical order. Number

2, yes, it seeks to delete the article; number 3, seeks to delete only one word; number 4 seeks to delete one word and insert two words; number 5 seeks to delete the entire article and re-write it; and number 6 seeks to delete one word and insert three others or four. Now, in terms of our rules we shall proceed with the first one which is number 2 on the list, if that one is carried then there is no need to proceed with the others. Should it not be carried, then we proceed with number 5, because we start with those which do extreme prejudice to the existing article or clause. Number 2 deletes it; number 5 re-writes it. And if we re-write it - the question now arises whether we should go through these other Amendments which seek to move a word here and there. That is what I am looking at, unless the Chairman of the Legal and Drafting Committee has other views as to how they arranged it this way. He says no by shaking his head. So, now let us start with (2) and I call upon hon. Leander Komakec to move his Motion.

MR. KOMAKEC (Aruu County): Thank you, Mr. Chairman. Mr. Chairman, the proposed article 19 seeks to provide for the control, management and utilisation of important national resources which include land, water, minerals, oil, forests and so forth on behalf of the people. Mr. Chairman, the Amendment I am moving in support of others seeks that this is unnecessary as it goes counter to the spirit - *(Interruption)*.

THE CHAIRMAN: Have you been seconded, before you go into justification? Yes, seconded by Hon. Wanendeya, Hon. Nabudere, Hon. Ssemaala, I can see hon. Nsambu there, and hon. Ogola.

THE CHAIRMAN: Yes, go on.

MR. KOMAKEC: Well, I move that this article be deleted. I lost my spectacles, so I am asking my cosponsor to speak on this one.

THE CHAIRMAN: Hon. Okullo Epak, you have been requested to justify - now it is difficult to know whether - anyway, we shall take it that Hon. Komakec has moved the Motion without intention to speak on it at length and that Hon. Okullo Epak is making his contribution as a cosponsor. Okay, go ahead.

DR. OKULLO EPAK (Oyam County South): Thank you, Mr. Chairman. Mr. Chairman, although I was listed second here I definitely believe

even the Legal and Drafting Committee is aware that it was myself personally who defended the inclusion of this Motion. So, I do not think that my contribution can be taken lightly, although by the order of listing names, Hon. Leander Komakec, of course, has been given the benefit of moving the Motion.

Mr. Chairman, after my Motion of Monday which sought to delete clause 3 of article 17, I have in the corridors had a number of consultations and discussions with fellow delegates. Mr. Chairman, from those discussions and consultations, I have become increasingly aware of the fact that the effort or the issue I am trying to fight for has apparently not been clearly understood. I am, therefore, through you, Mr. Chairman, requesting and wishing that I could give clarification on what my effort is all about.

The first misunderstanding I get, Mr. Chairman, is that the intention of this Motion is that we are trying to support landlords and land owners at the expense of peasants. I got this information very clearly and I believe that is how people voted on Monday. But I want to make it absolutely clear that as a delegate of Oyam County South and from Lango in particular, it would be a gross mistake on my behalf to misrepresent the interests of the peasants of my Constituency in Lango, and the right of peasantry to fight or the right to own land is a very well known matter, Mr. Chairman. In 1955 when the British chose three or four pilot districts for the introduction of adjudicated free-hold land system, Lango, Bugisu, Ankole and Kigezi were chosen. I would like to inform distinguished delegates here that the people of Lango rejected the interference on land management and land ownership in Lango violently. The District Commissioner then called Mr. Jacob was beaten; the Colonial Minister of Lands, Mr. Mugwanya, then was sent fleeing back to Entebbe; the information officer of Lango then was beaten and his vehicle put on fire. So, I would beg and wish to inform delegates that a person coming from an area with that background would be the last person to fight against the interests of peasants.

The second misunderstanding I got, Mr. Chairman, is that what we are trying to do or what I am trying to do is to impose on the people of Uganda what is claimed to be the backward matter of land ownership in Lango and which has made the people of Lango ever backward and poor. Mr. Chairman, I would like to inform my fellow delegates that the people of Lango like over 99 per cent of the population of this

country hold land under the same tenure system, that is customary land tenure. Over 99 per cent of the people of this country hold land under customary tenure. So, there is no exception to the rest of Ugandans. The variations are as follows: We have customary tenants on mailo land, we have customary tenants on statutory leases of urban authorities and we have customary tenants on Uganda Land Commission holdings. The other variation is this, Mr. Chairman, we have customary tenants who have over the time, and because of population pressure on land have individualized their owning. This is mostly found in Kigezi and high density population areas of Eastern Region and Bugisu in particular. But where you have thin population, like in Lango, like in Acholi or like in Bunyoro, for instance, customary tenure is almost invariably of the colonial time. And I do not see that we in Lango practice any land tenure system which is peculiar to us and which we would like to import and impose on other people of this country. I challenge anybody in this Assembly who will tell me that over 99 per cent of the people of Uganda do not own land under customary tenure.

Mr. Chairman, the position is this what the people of Lango object to is the manner in which public land policy operates, and I am going to inform you in a chronological manner the problems we have been facing in this country on public land policy. This particular article and clause I moved on Monday are not new, these are absolutely old policies; they are not new and, therefore, they are not seeking to introduce a new policy to help us in resolving our land problems. If we do admit that we have had, we have and we are likely to have land problems, then these policies are not the solutions. Because these policies on public land are the very policies which created the land problems we are now facing. Mr. Chairman, I do not think that you solve a problem created by a policy by implementing the same policy. You do not create a sickness by administering the same bacteria to the patient. I am aware that you, actually, administer *-(Interjections.)-* That is an antidote. Okay, I am informed, I accept vaccination, but invariably, Mr. Chairman, that is now what is done, and it would be absolutely strange to try to cure the problems introduced by the same policy by using the same policy, if I have to restrict myself in the field and profession I am familiar with.

Mr. Chairman, I would like to inform the Assembly of the problems we face under the current public land

policy. An hon. Delegate on Monday pointed out that that kind of policies are trying to solve the problems of the Makindye type. I would like to inform the hon. Delegate that the problem of land tenure and development of Makindye is a product of the current public land policy other than the contrary. I have been involved with the problems of development in Makindye for over 20 years and I am very familiar with the issues at stake, it has nothing and this kind of policy will not help. The public land policy in Uganda was first introduced by the colonial administration after the -1900 agreement, and came by the name of the Crown Land. The 1962 Constitution adopted public land policy but applied different institutional facilities for its implementation. It established the Uganda Land Commission and established state and district land boards which were of equal and autonomous status. The 1967 Constitution abolished the district land boards and established the Uganda Land Commission as a public land authority, and only decentralized its functions to the district land committees. So, what this provision is trying to seek is not only to entrench that policy but to go even a little bit further and add a very strange provision concerning the fact that it says, *'and those resources shall be managed and utilised for the development and welfare of the people of Uganda'*. I am yet to be convinced what the meaning of this terminology is and how the government or the state intends to implement it without nationalization and without participating in public enterprises. I am yet to understand how it can be done. If that was to be so, Mr. Chairman, then we are working against the entire concept and policy of liberalisation, privatisation and decentralisation which we are now very busily promoting and which I hope we would like to carry on with in the future.

The other problem of public land policy, Mr. Chairman, is that it is public land policy which is responsible for the introduction of large scale holdings by private individuals through mailo land and through freeholds. We have official mailo and we have private mailos, the land in Buganda - 50 per cent of the land in Buganda belongs to this category, the remainder, a little less than 50 per cent is held as public land and through customary tenure by the people in Buganda.

MR. ABU MAYANJA: Point of information. Thank you, Mr. Chairman. I would like to inform the hon. Dr. Okullo that official mailo land was abolished under the 1967 Constitution, this was mailo

land that used to go with the occupation or the holding of a particular office. That is to say ministers had land; Saza chiefs had land; Gombolola chiefs had some small pieces of land; but these were all abolished. So, there is no longer any official mailo land in Buganda.

DR. OKULLO EPAK: I wish to thank the hon. Delegate, Abu Mayanja, from Busujju for the misinformation. I believe, Mr. Chairman, that the hon. Delegate is aware and is at the core of the *ebiyaffe* struggle. If the *ebiyaffe* struggle is not at the root of the restoration of the official mailo, at least, to the Kabaka, then I do not know what he is up to. He can confuse himself but not me, Mr. Chairman *-(Interruption.)*

MR. KABUGO: Point of information. Thank you, Mr. Chairman. I should like to inform the hon. speaker, that there is a difference between the official mailo land which used to be shared by Kabaka's ministers, the *Katikiro*, the *omulamuzi* and *omuwaniika*. These used to share 16 square miles to each, and eight miles for Saza chiefs and 49 acres for the Gombolola chiefs. But all these were the ones which the hon. Mayanja representing Busujju county was referring to which were abolished by the 1967 Constitution; and they are no longer there. But the official buildings are there, and any incumbent office holder has no power to levy taxes or get any revenue out of such land. Thank you very much.

THE CHAIRMAN: But I think what Hon. Okullo Epak is saying in response to hon. Abu Mayanja is that as part of *ebiyaffe* 350 square mailos were returned to the Kabaka. The point is that - I think, let us not waste time on this, those who would care to know have just to take a copy of the Uganda agreement, as it is called, of 1900 and read and you will find how the land was distributed. We do not have to argue because we had the distribution for Saza chiefs, Gombolola chiefs, about a thousand chiefs, and then what was granted to the Kabaka in his official capacity and in his private capacity. We do not have to go into all that, I think let us debate the principles of the question of land holding.

DR. OKULLO EPAK: Thank you, Mr. Chairman. I thank this delegate and hon. delegates for their information. The issue I am saying is that public land policy was responsible for that situation and creation of the name and the right of land called mailo, as well as other freeholds which were given to missionaries

and persons of notable characters in the colonial days. Secondly, Mr. Chairman, public land policy is responsible for the land use conflict in Karamoja. I wish to inform distinguished delegates that in 1972 in an attempt to resolve the land use conflict in Karamoja, the entire UN system in Kampala including key departments formed what was called a composed brain team to try to resolve the problem of land use conflict in Karamoja and the main question was, is it the people or the animals? Mr. Chairman, we did not solve that problem up to today, but I would assure fellow delegates here that if the people of Karamoja themselves were asked to resolve that land use conflict it could be done much more easily other than doing it so under the duress of the public land policy. Mr. Chairman, it is the public land policy which has introduced and maintains, and if we keep this article will still maintain the most confusing land tenure system we operate in this country. We have about five different types of land tenure system which makes planning and enforcement of development control in urban areas in particular the most difficult business one would like to engage oneself in. We have mailo which were then called official and private. We have statutory lease which is almost a mailo because it simply usurps the land of former customary tenants and takes it onto the Land Urban Authority without due consideration for compensation to the former owners. We have customary land tenure system; that is what I am saying. We have customary land tenure system which the majority of the people in Uganda practice, and this is further complicated by the fact that you have customary tenure system in mailo land which are terribly at sufferance. And we have got further disadvantage by Amin's public land policy, Land Reform Decree of 1975. We have freehold titles, Mr. Chairman, and we have freehold titles of two types; we have the ordinary freehold and we have the adjudicated freehold titles. So, it is this very public land policy we are trying to promote here which has created confusion for us and made it difficult to operate land tenure system. This is contained in a report which the Commission fairly distributed to delegates, and if delegates would care to read it then they will understand the issue they are dealing with. Mr. Chairman, it is the public *-(Interruption.)*

MRS. KAZIBWE: Point of order. Mr. Chairman, is it in order for the hon. Member who is on the Floor to take us through a whole lecture which in our rules we say that when we are going through the consideration stage we would not take more than 15

minutes. Is the Member in order to take us through a lecture about history, when we are making a new Constitution and a new order. Is he in order, Mr. Chairman?

THE CHAIRMAN: Hon. Okullo Epak will cut short his remarks, but otherwise the subject matter is such that I think we should give him a bit of time.

DR. OKULLO EPAK: Mr. Chairman, I thank you for your protection. I think the matter we are dealing with is not simple, and the variation of land system and land culture in Uganda is such that unless we understand the issue we are dealing with, whatever policy you will come out with will be very difficult to implement uniformly.

Mr. Chairman, let me also say that it is really the public land policy which has rendered what I call the 99 per cent customary land tenants in Uganda, squatters. The implication of the public land policy is that a customary tenant on land holds that land at sufferance and whenever land is required for any other use by government he is asked to quit. All that he qualifies to be compensated for is for whatever development he had put up; since he had no interest in the land he never gets compensated for the land. So, if he has to acquire alternative land elsewhere then he will have to do so at his own expense.

I would like to summarise, therefore, Mr. Chairman, without over indulging distinguished and hon. delegates to the fact that what I am really trying to defend here is the interest of the peasants against unwarranted opportunity for government to interfere in the matter of land ownership and land management. I do realise that government has a role on land matter, but my only concern is that such a role should be restricted to administrative issues, policy issues and adjudication; information and records; and witnessing land transactions between different individuals. But such a right should not be extended to control and management. I even doubt the capacity of government to manage land which is about 400,000 square miles in Uganda when it cannot manage parastatals and it is now disposing of them. I think it is attempting to do the impossible, it had not done so, it is not going to be able to do so. Public land control was intended and expected, Mr. Chairman, to assist in regulating and implementing development control. Instead public land has introduced formidable bureaucracy and corruption in the entire system. So, it now works against the interests of people for which it was intended to serve.

So, Mr. Chairman, I beg distinguished Delegates to agree with me that the cause I am fighting for is genuine, in good faith and in the interest of the peasants if you want them to enjoy their birth right and right of inheritance on land. In fact, they believe and it is written in this report on page 18 that they actually own land, and if you went and told them that they do not they would be highly surprised, Mr. Chairman. I thank you very much for giving the time, I thank the hon. Delegates for listening. Thank you very much. (*Applause*).

MR. KATUREEBE (Bunyaruguru County): Mr. Chairman, I oppose the deletion of this article from the Constitution. Mr. Chairman, the catchword here is 'important natural resources' and we do know that there are important natural resources; we cannot keep a blind eye to them. We have forest reserves and they transcend boundaries between counties, between districts. We have water resources, like lake Victoria and I would like to know what we say about those resources. If you delete this clause from the Constitution here, what do you say about them? Where I come from, that is the county I represent, we have the Queen Elizabeth National Park, I would like to know who is going to protect this. We have lake Edward, I would like to know who is going to protect my fishermen there; we have lake George, Maramagambo forest, Kyambura Game Reserve - these are important natural resources that it is being suggested we delete them from our national objectives and directive principles of state policy. This is wrong, these important resources are there, it is important for us to spell out who controls them, who protects them, who manages them on behalf of our people. Who is going to be responsible for Lake Victoria? Can we just say we leave it open? The Hon. Mover has restricted himself to talking about land, he has failed to talk about the important natural resources that are listed here, and because his concern is about land he wants the whole thing deleted. That is not logical, Mr. Chairman, and I oppose the Amendment. (*Applause*).

MR. LIIGA (Buvuma Islands): Thank you, Mr. Chairman. I rise my voice to oppose this particular proposed Amendment. We have a very big natural resource known as the River Nile, and if we are going to leave that resource to every individual to play around with, we are going to get wars from the Sudan and the other neighbours who depend on the river for their survival. Government must be given an opportunity; government must be left free to control the use

of that water both for our benefit and for the benefit of our neighbours. I am surrounded by water, incidentally, my island is all surrounded by water and we have a problem of encroachment by fishermen from our neighbouring countries. Now, if government does not step in to control the use of the waters of Lake Victoria, we shall be going to the West. This is a very important source of economic dependence and a lot of revenue is got out of it. If we are just allowed to - call it smuggling fish from this country to the neighbouring countries without any form of control, I am sure government will be losing a lot of revenue. Down in the West if we allowed our friends from Bugungu in Bunyoro to simply cross to Zaire with our resources from Lake Albert and what have you, government would stand to lose. I, therefore, oppose this Amendment and pray that - I ask this august House to throw it out. Thank you very much.

MR. OJOK B'LEO (Kioga County): Thank you very much, Mr. Chairman. Article 24 is actually talking of non-renewable resources which need protection and their exploitation should not be left in the hands of peasants. These are resources if left in the hands of peasants will be exploited without them being mindful about the effects of those exploitations. If you look, for example, at the list of these resources you will find that we have land, water, minerals, oil and forest; and it is only proper that the state should protect these resources on behalf of the people if the future generations are going to benefit from the same resources. So, Mr. Chairman, I oppose the Motion.

MR. NASASIRA (Kazo County): Thank you, Mr. Chairman. Mr. Chairman, although I share some of the sentiments that were well elaborated on by Hon. Dr. Okullo Epak his Motion has not left us any option of how the government or the state will control the other important resources. That is the first problem I have with the Motion. Secondly, if this Motion is carried I have a fear that we will find it difficult to keep clause 276 in Chapter 17. The moment we carry this Motion then clause 276 is under threats and if clause 276 is deleted then we have anarchy as far as control of resources is concerned in this country. Mr. Chairman, all the important resources that we are talking about are on land, most of them, forests, game parks, they are on land. I might even say that water is also on land. But whenever we talk about land, and I think what excites sometimes the population is that when you say the state is going to control important resources includ-

ing land, there is a tendency for some people to think that now all the land is in the hands of the state and the owners will not have any control. There are also those who feel that maybe, the state will start shifting people from here to there whenever they have a population problem. I do not think that is the case, and I do not think that is the meaning of this article. The meaning of this article is about *important natural resources*. The ownership of land by individuals will be determined by the tenure systems that we shall chose in Chapter 17, and therefore, the population should feel assured that when we deal with chapter 17 we shall have adequate and proper and acceptable tenure systems by the people of Uganda that will make sure that their ownership of that land is guaranteed. If you delete this article, Mr. Chairman, what happens? Does it mean that when oil is found on somebody's land that oil is his - *(Interjections.)*- But my question is will that oil be his where the well is or you will consider the whole area underneath where oil will be? Who gets compensated? It will cause confusion and unnecessary petitions in the country. Mr. Chairman I beg to oppose the Motion on those grounds.

MR. KISAMBA MUGERWA (Bamunanika County): Thank you, Mr. Chairman, I stand to oppose this Motion. I did not like to disturb the Mover by way of giving information, but I feel he is confusing the administration of land tenure and the control of land by the state, especially, when we talk of other important natural resources. There must be an overall authority to oversee these important natural resources. Land being overall, other natural resources like wet lands which at one time were not in our vocabulary and important are now emerging. If there is a responsible authority as a state then it will be very difficult even to implement such policies. I think the hon. Delegate is so taken up by the 1975 Land Reform Decree which we all detest. Because it has created administrative problems as far as land is concerned, particularly, customary land, which is called public land. By law, the 1975 decree does not recognize those who have customarily set roads by the right of their birth, on the land, which is a mistake. I think this is the issue we shall deal in the Chapter on land and environment. And thereafter, there must be a parliamentary attitude to remove this 1975, decree so that, the ownership of the land, and administration is done by the people in their respective areas. But as they are regarding the overall control of the land, it must be left to the state to take the over fear of these important national resources including land.

MR. NSUBUGA NSAMBU (Makindye West): Thank you, Mr. Chairman. I support the Motion for the deletion of this article. The article is extremely wide, vague, with no exceptions at all. If you look at this, it states that, *'the state shall control the important natural resources including land, water...'* If you do not know to what extent, it wants to control the land, even private land is taken into the same control. Water is not defined - what type of water is being talked about? In the past we knew, it was only lakes, but now, even the same rivers are included in this, if it is only a private piece of land, because there are no exceptions. Minerals, the state should only regulate and receive royalties, but should not take the control of the minerals. Because when I buy land, I buy all the interest and estate therein. And we know that, the principle under which the state works is that, somebody owning land - owning property must be compensated first. But this is not the case. When you come to forests, some people have bought land with forests thereon, but the state says, it wants to control all the forests. And these forests have caused a lot of trouble in the past. Because even when the then colonial government was here, it allowed peasants to go to the forests and collect firewood. But recently, we had a problem when charcoal burning was stopped and the city was without charcoal, and yet not everybody is having electricity. And even those who have electricity, are finding it very difficult to pay for it, because it is very expensive. So, the article as it stands, you find it is too wide and primitive. And, we have already given the state powers to regulate the affairs of land. Today, if we pass this article, definitely the society will know that, we have given a way for their wealth in land. Especially, when you go ahead and you look at article 276 (2), for the purpose of this article, minerals do not include clay, murrum, and all stones commonly used for building or similar purposes. It appears, now a man who is owning a private land or lease, what he is entitled to, is only murrum, stones, sand and clay. And that is not the intention of having land. Because when I buy land, I do not only buy only two feet deep, and probably 15 feet high. I buy land, with all that is contained in it. I maybe unfortunate that there is no oil in it or there is no gold in it, but when I buy it, it is mine. I cannot see why we should say, that such wealth should go to the state. So, you find this article as it stands, really intends to deprive people of their own possessions without compensation, and I have to oppose it.

THE CHAIRMAN: Hon. Sekitoleko, you wanted to say something.

MR. NSAMBU: I have not finished.

THE CHAIRMAN: I think now, we shall take it that, you have finished.

MR. SSEKITOLEKO (Bugangaizi): Thank you very much, Mr. Chairman. Mr. Chairman, I want to thank you for this opportunity. The mover really expects too much in this motion as it stands. Government has come in to control our land; government has come in to control our forests; government has come in to control our minerals. Otherwise, the country will be in chaos. Let me take just an example in these items. Take the example of the forests; if government did not come in to assist us to control the forests, what would happen in this country? Today timber is in high demand, and you can see how our forests are being destroyed left and right. Forests in various districts today, are being destroyed. Soon we shall get a problem of our rivers. A number of districts today are getting stuck, their rivers are drying up, because these forests have no enough control. Mr. Chairman, take an example of land, a number of people in this country are landless - *(interruption)*

THE CHAIRMAN: Hon. Sekitoleko, hon. Leander Komakec would like to inform you.

MR. SSEKITOLEKO: I accept the information.

MR. KOMAKEC: Point of information. Thank you, Mr. Chairman. I would like to thank the Member on the floor for giving way. The information I would like to give, is actually on what he is saying here that, forests and other natural resources are being destroyed now. But the information I want to give is that, that in fact the government is in control and yet these resources are being mismanaged, are being destroyed, when the law is there and the government is there. That is precisely the reason why the government is running away from running industries and other things, because they cannot control them. What we are saying here is that, the control of these resources, the government may regulate, but not control. *Control* means, they are the ones going to manage it. So, people are opposing this Motion for a wrong reason, we are not advocating for - *(interruption)*-

THE CHAIRMAN: Now, you are going into arguments.

MR. KOMAKEC: So, the only information I am giving is that, in fact the resources are being destroyed now, when government is in control.

THE CHAIRMAN: That is the information I think you wanted to give him. If you go beyond that, you are indulging in counter arguments.

MR. SSEKITOLEKO: I thank you, Mr. Chairman. The other point I was trying to make, more specially on land is that Government must come in and take at least some control, some assistance. Because I have in mind a number of people today, who are suffering in Kibale District. In the whole of Kibale district today, people are regarded as squatters. And these are under the mercy of only 30 people who own the large pieces of land. You find a person with 30 square miles, controlling almost two constituencies in other areas. Now, you can see these problems. Government must come up and assist us, government must come in and give directives. I thank you, Mr. Chairman.

MR. OLWA (Kole County): Thank you, Mr. Chairman. I think the issue which we are discussing, is very, very important, because for any nation that develops, it will depend on how its natural resources are managed. It is therefore, very important for us to decide precisely who should manage our natural resources. Mr. Chairman, my view is that, our natural resource was actually being managed by government, and government has failed to manage these resources effectively. History will tell us, Mr. Chairman that, for example Karamoja was a very, very wealthy and a very rich part of Uganda, and it was contributing positively to the economic development of this country. But because the resource of Karamoja were mismanaged by government, now, we have the problem of developing Karamoja, which is now, under developed. If the management of the resource in Karamoja was left in the hands of the people of Karamoja, I believe Karamoja would have been equal to most parts of Uganda.

Mr. Chairman, in Masindi we have for example -
(*interruption*)

THE CHAIRMAN: Hon. Olwa Ben, there is an hon. delegate with some information.

HON. DELEGATE: Point of information. I thank you, Mr. Chairman. I would like to inform the hon. Member that Karamoja was not mismanaged by

government, but was mismanaged by people who were taken there to take care and develop it.

THE CHAIRMAN: Order. Let us proceed.

MR. OLWA: Mr. Chairman, I take note of that information. But I realise on that information that, those were actually sent by government. And that is the point which I also want to develop. I want to develop another point that, for example in Bunyoro District, we have a number of forests there. The trees from that forest are being cut from Bunyoro and they are sold outside Bunyoro without the people of Bunyoro benefiting. And yet the area is being degraded to the disadvantage of the people who live in Bunyoro. Mr. Chairman, I think this is very, very important. If we are going to avoid that problem, what do we do. In my own view, Mr. Chairman, I think we must allow the people in that area to control the resources near them, so that they will know the consequences of better use or misuse of that resources. I think it is in the spirit of this proposal, Mr. Chairman, that we cannot allow government any more to control our resources. And that is why, I really believe that, this amendment should stand. This particular provision should be deleted.

We have, Mr. Chairman, parts of the lost counties and there we have citizens staying in land which they do not even control. They are actually squatters in their own homes, and forever and ever, they will continue to stay there, illegally. Mr. Chairman, I think this is unfair. People by the way have a right to stay there, because that is where they live, that is their land, they must have a right to ownership.

Another point which I would like to put to you is the problem of decentralization. I believe that this Assembly has taken up decentralization, in whatever form, as a precedent course of action. Now, if this is true, it will mean that, it will have to be taken by decentralised areas, whether districts or regions or whether *federo* or otherwise. Now, if they are going to be decentralised, I think they must be given the full judgement of the areas under control to them. Somebody has mentioned Mr. Chairman, these resources like minerals, water, oil and so on but these must first of all be learned in order for these areas to exist. There is no forest in the air. The forest exists because there is land surface. So, unless that land surface is first of all controlled, then there is no way the resources, whether it is mineral or water or oil, can be controlled. I support this amendment, Mr. Chairman.

DR. MUSEKURA (Bufumbira North): Thank you, Mr. Chairman. Mr. Chairman, I would like to oppose the motion. Important natural resources, must be controlled. These natural resources, apart from land, include minerals, oil, forests and water, and nobody should be allowed to monopolize the management and use of these resources. Mr. Chairman, these important natural resources must be properly utilised and managed so that all Ugandans can benefit from them. We must not encourage the confusion and chaos that will develop if all these important natural resources were not controlled by the state.

So, Mr. Chairman, the state should have sovereignty over all the natural resources with only the exception of land. Land should belong to the people who till the same. The other natural resources should be managed and utilised for development and welfare of all the people of Uganda. Mr. Chairman, I beg to oppose the Motion. Thank you very much.

MR. SAKWA (Bungokho South): Thank you very much, Mr. Chairman. Hon. Chairman, fellow delegates, I rise to support the amendment to delete this article. When we begin talking of government to controlling what it cannot use, I begin to fail to understand what we are actually talking about. We have just passed an article, Mr. Chairman and Hon. Delegates, authorizing government to regulate the social justice, the acquisition of land ownership etcetera. Now, if we are going to leave all the land in the hands of the State under the control of the state, when they are not utilising it effectively for development, then we are getting lost.

Consider the question of owning say a factory. When somebody brings up his factory, he owns the factory, but the government somehow, passes laws through which they tax this owner for the benefit of the nation. I would imagine that we should leave land, under the control of those who can manage it, and therefore, the people, and also put in place policies to derive income from what the individuals get out of the land. This policy of allowing government to control land is under the guise of natural resources, is responsible for the lack of development in many African Countries, Uganda inclusive. There are, maybe, individuals in Uganda who have the capacity to explore minerals. But if they are being told that the land is under the control of government, or the State, then they will fold their hands and wait for the State to go looking for funds in the form of grants and loans to explore the

minerals. Why do you not allow those people who own the land to control it and therefore, explore it, and when the minerals are eventually mined, the State takes a big chance in a form of tax.

So, Mr. Chairman, in line with what is going on today, of divesting ourselves as a State, for managing even the smallest industry, I do not see the logic of trying to manage the bigger one. So, I support the Motion to delete that article. Thank you, Mr. Chairman.

MR. KAJURA (Bugahya County): Thank you, Mr. Chairman. Mr. Chairman, if I understood the purpose of the Motion by the Honourable, I think his trouble was with the tenure system. That Uganda was having a tenure system which was causing problems, it had caused some inequalities in some communities, and I think what is important is that, the land tenure system in Uganda should be rationalised. If that is done, then we shall have met the objectives and the views and suggestions made by hon. Epak. This is what I seem to have got from him.

THE CHAIRMAN: Hon. Sakwa would like to clarify something.

MR. SAKWA: Point of clarification. Mr. Chairman, I am sorry to interrupt the hon. Member holding the Floor. My position in this article is against the entire concept of public land policy, and I simply narrated the problems it has created in the tenure system amongst others. Thank you.

MR. KAJURA: Thank you, for the clarification, but I do not just understand the policy and tenure business. Because what matters, is how land is held and I think this is the concern of most people here. Now, Mr. Chairman, we have a very big problem in conserving what we have today, the extent of degradation, the extent of cutting of forests; and the natural resources are in a mess. Now, it is one thing to say that the government is not doing it well, and another to say that the system should be given up. It is like saying that because the Police cannot arrest every criminal, we should forget about the Police Force. Then we will have chaos. These natural resources which we have, are all being run down, and if they are handed over to the public today, and with no control from government, in five years time, we would have a difficult issue in this country. *-(Interruption)-*

THE CHAIRMAN: There is information on the Floor. It is from hon. Elyau.

MR. KAJURA: Yes, I will take it, Mr. Chairman.

MR. ELYAU (Kalaki Soroti): Point of information. I want to inform the Member holding the Floor that, if the public in Uganda were encouraged to know that there is a policy, so that people themselves take care of these forests, there will be no carelessness at all. Because if the property belongs to them, and they know that out of that scheme they get money, nobody would destroy the forest. But since the forests were left entirely on the government's land, people did not know who owns these forests. Therefore we should encourage the public to make sure that they plant the trees, in which case, they will fell the timber, and even get information on how they can fell it then forests will be preserved.

MR. KAJURA: Thank you, Mr. Chairman.

THE CHAIRMAN: There is further information from hon. Nabudere.

PROF. NABUDERE (Budadiri West): Point of information. I would like to inform the hon. Kajura that the destruction of the environment is poverty. Poverty has been caused precisely by the policy we are recommending, of dispossessing the peasant of his land. Giving the peasant only a right over clay and sand or things like that, is precisely what has made our peasants become marginalised and poverty ridden, and therefore, resort to cutting trees and destroying the environment. I think the policy must be versed in order to make sure that the peasant becomes more responsible towards the environment.

THE CHAIRMAN: Hon. Kajura, you should be winding up your contribution.

MR. KAJURA: *-(inaudible)*

THE CHAIRMAN: You are not on air, hon. Kajura. I think hon. Nabudere has taken the phone away.

MR. KAJURA: Mr. Chairman, we are blaming the government, but who is the government? Most of us here are in government, we are involved in Government, and if we ourselves, not only stop, those who are unfortunate in terms of education and exposure, encourage them, and indeed do ourselves participate in destroying the environment, then who is going to protect it. So, I think this is our responsibility, all of us. If this country runs into bigger problems in terms

of the environment, it is a responsibility of all of us. And I do not think people will move into forests, people depend on rivers because rivers belong to everybody. If a river flows in a particular area, it belongs to all the people. If we are to say that, a river belongs to the catchment area, or belongs to Helen who controls it; and this pit is held by peter to distribute water available to the people down stream.

Now Mr. Chairman, if forests serve the entire country, not only do they provide timber, but they are essential to the country, and they also have an effect on climate, you cannot leave a thing of this magnitude in the hands of private people. Private people are welcome to plant forests, we are encouraging them to do so, and indeed it is the law on the environment which will be coming soon, which will require every Ugandan if it is passed, to plant trees. Many of our educated people even in this House, are more interested in cutting trees, rather than planting them. Instead of saying that, for every tree that I cut, I plant five, we are only involved in just cutting down trees and destroying them. So, we cannot leave these resources just like that. The government must come in and conserve these resources. Otherwise, over a period of time, this country will turn into a desert. We all know how quickly *-(interruption)-*

THE CHAIRMAN: Hon. Member, I think you should be ending.

MR. KAJURA: So, Mr. Chairman, I oppose any suggestion whatsoever of amending this clause. On the contrary, I call for the strengthening of any measures which conserve other resources. And I would like to think that, the proposal which comes on page 25 is a very good one *-(interruption)-*

THE CHAIRMAN: Please, let us not debate on the other ones. we shall come to them.

MR. KAJURA: So, every support must be given Mr. Chairman, to conserve and control the resources of this country.

MR. OKWAKWOL (Pallisa County): Thank you, Mr. Chairman. Mr. Chairman, this is probably one of the most important area we shall ever have to deal with in this constitution. I say so, because it is basic, it touches every person and ought to be respected. Mr. Chairman, the most important policy is to support he who tills land and he should control it. If you go by that policy, Mr. Chairman, then we

may not go wrong. He who tills the land should own it and control it. In the 1970s, Mr. Chairman, Idi Amin, nearly gave land to Libya, under the pretext that government wanted land to be utilised by people who know how to handle it. There is talk, Mr. Chairman, current talk that, maybe those can better handle our resources are the middle class. I fear that, the peasants are going to be sidelined, the peasants are going to be marginalised, under the pretext that, there is a group of people who can do things better. Because it is quite possible that one of these days we shall wake up to find, that, government thinks that the multi nationals are in a better position to organise this country than we ourselves here. And then, under this cover of controlling the land, all the land will be taken over, and the *wananchi* will have nothing. Let us ponder over this issue.

THE CHAIRMAN: Hon. Okwakwol, a point of clarification by hon. Urban Tibamanya.

MR. OKWAKWOL: I will take the information, Mr. Chairman.

MR. TIBAMANYA (Kashari County): Point of clarification. I would like hon. Okwakwol to clarify to me, what he means when he says he is a Ugandan, or indeed what he means by Uganda? Does he not mean, Uganda is composed of land and therefore, collectively as a state, we have a claim to each and every inch of Uganda. When we go to war, are we not defending indeed the land of Uganda? If the land belonged to hon. Okwakwol, why do we go to die because he has been attached and he is at the border? Are we meaning that government must have control over land (*Applause*)?

THE CHAIRMAN: Hon. Okwakwol, conclude your remarks.

MR. OKWAKWOL: Mr. Chairman, to answer that question, I will say this. Capitalism has been stated to be more dynamic than socialism, that is why socialism or communism is disappearing, and capitalism prevailing for the simple reason that, capitalism attaches importance to individuals first, individuals owning their property. I am saying, that we must address the issue of the individual, having done so, the whole will take care of itself.

Mr. Chairman, there is the issue of cutting down of forests. You know the peasants are cutting down forests because they do not feel that these forests

belong to them. There is a tendency in the villages for people to say that, that forest is government property, and the peasants will be selling that property and destroying it. But I challenge anyone to inform me of any villager or any peasant who will let anyone just go to destroy his forest or garden without that person being challenged. I am saying that, if we leave the individuals to control property, we stand a better chance of conserving nature. I therefore, support this amendment.

MR. ONGARIA: Thank you very much, Mr. Chairman. Mr. Chairman, I find it very difficult to support this Motion coming from an area which is almost a desert, an area where the whole president of this country went two years ago to inaugurate the planting of trees, an area where the whole Minister responsible for environment was recently again to follow up what the President did sometime back, which actually goes to demonstrate the seriousness of desertification in my area. Mr. Chairman, sometime back, before the Colonial Government my area was rich in forestry and all other things that go with it. But recently due to anarchy that befell this country, forest reserves disappeared because the government lost control. And I therefore, if the government can loose control in the control of the forests, during the time of the anarchy, I find it very difficult, now that, we have a similar situation, to allow individuals who actually have failed in my area to control the natural resources as stated here. I would have perhaps given or lent support to my Friend hon. Okullo Epak, if he had spoken as he did extensively entirely on land. But this is the complex article which actually talks on very many things; water, mineral, forest and so forth. So, I find it very difficult to support him. The other thing, Mr. Chairman, was that, land especially in my area which was rich in animals, and I must say that, I went to school because my parents had animals and because of loss of control of government on the environment, we cannot graze the animals because the catchment areas have been destroyed. As a result, people have become poorer and poorer. So, Mr. Chairman, because of this, I really find it very difficult to support the Motion, and I appeal to my Friends, to see the importance of the Government controlling and regulating the environment in the country. Thank you, Mr. Chairman.

MR. ANIKU (Dokolo County): Thank you very much, Mr. Chairman. I would like to support the amendment very strongly for the following reasons:

(1). The manner in which public land operates today in Uganda, tends to violate a lot of peasant's human rights particularly, in the North where we have customary holding. Whenever the government has a need for land, say for settling refugees, it just looks around where people are scarcely populated, tells them to move, and the land becomes a refugee settlement. Let me illustrate this policy with another example from my area. In around 1960, when the government wanted to establish a number of game reserves, it came around in Madi, saw some areas where people were scarcely populated, and declared the whole area a game reserve with people inside it. And that game reserve was for the White Rhino. Now, the white rhinos are gone, and during the war, many people went to Zaire. When they came back, the game department told the people not to go back to their homes, because the area was a game reserve. So, you can see that, we approved a lot of human rights; the human rights are the rights to association, the rights for speech, the rights for other things - why not protect the rights of the individuals particularly peasants to own land?

Mr. Chairman, if the clause in the draft is left as it is, we are going to have a lot of problems. The people who sent me here, are keenly looking at this particular clause. If we leave it as it is, the government is now opposed to rehabilitating the Game Reserve, by importing White Rhinos and putting them there, and chasing us away from the land we have been tilling for hundreds of years. Now, our people think we should not become a tourist attraction; we should own the land that belongs to us. So, Mr. Chairman, I would strongly support this amendment so that, the government does not go around pushing people out and giving the land for projects that it wants to carry out. Thank you very much, Mr. Chairman.

MR. LUBEGA WAGWA (Butambala County): Thank you, Mr. Chairman. I rise to oppose very strongly this Motion, moved by hon. Okullo Epak. And the reason I am giving is that, this Chapter we are handling is to guide any future government to put in place good policies. And if we leave out this article, we are going to miss a lot especially when you consider the way the water hyacinth is eating away the lakes. If we leave this in the hands of the private people, then who will handle this? It is the government which has to handle this. And the mover and others who are near the lakes, have complained that, they cannot do anything now. Now they are appealing to government to assist them to fight the water

hyacinth. So, we have to leave the government to handle this important work.

Secondly, I want to concur with hon. Sekitoleko. When you look at the forests now, they are being destroyed, and I want to appeal to the hon. Delegates to be careful, because when the government is not empowered, is not given this control over the forests, the future generation will laugh at us. It is the government now, which has to come to our rescue. Otherwise, the future generation will really laugh at us.

Lastly, Mr. Chairman, I would like to talk about the oil. It has been said, and it is true that, there are many places in this country with oil - quite a number of places with oil - and it is the government which has to control or exploit this. So, I do not think an individual person without the assistance of government, can handle this. This is for the good of our future generation. Thank you, Mr. Chairman.

MR. OBUA OTOA (Erute County): Thank you Mr. Chairman. Mr. Chairman, I support the Motion. I have a big problem with the wording of the article as it is now. Because it talks about, '*the state shall control...*' My understanding, Mr. Chairman, is that, state control in this context - I do not know whether my Colleagues who are opposing this motion realise that, state control in this context could mean nationalization. Yes, it could mean nationalization, because otherwise, I do not know what you mean by the state controlling oil, the state controlling forests, the state controlling actually everything.

Mr. Chairman, the clause we passed on Monday which talks about the state being given the right to regulate - given ownership, read together with this present article. We are talking in fact about nationalization. Is that what we want? We want the state to nationalise the land? Mr. Chairman, I am here to protect the interest of my constituency, and I will not permit any introduction of nationalization by default. I thank you very much, Mr. Chairman.

MR. LOKERIS (Dodoth County): Thank you, Mr. Chairman. Mr. Chairman and hon. Members, I stand to propose the motion. I would like to inform Members that Karamoja today is in a status that famine has become so common. One of the factors has been due to desertification. Most of the forests have been destroyed by the people, not by the government. I have not heard of a policy where the

government has asked people to destroy the forests or cut trees. And in the constituency I come from, they have two forests. Kimu forest has also been destroyed, and it was good that government, through the Minister for Environmental Protection, came up to protect that forest. We also have Kidepo National Park. Most of the Delegates here or half of them, may not know what is an elephant physically. Because, maybe they see it through pictures and so forth. But areas in which the government had no control over like Kidepo National park, our people have always gone poaching into the National Park, and if we did not have such a policy, I do not think tourism would be booming now in Uganda. So, if we are going to remove this control of the National resources by government, that means we are already destroying our own environment and even the country. So, I strongly oppose the Motion, and people should not assume that the Karimojong are dying of famine because they are lazy. It is because we, the Karimojong, ourselves have contributed to the destruction of our environment. Thank you very much.

MRS. LAGADA (Women Apac): Thank you Mr. Chairman. Mr. Chairman, I stand to oppose the motion on several grounds. When we talk about government, what are we talking about? I thought government was empowered by the people of Uganda to protect the interest of the people of Uganda. And when an Hon. Member stands up and says we are trying to nationalise the land - if in fact government came and utilised this land, I imagine the people of Uganda will stand up and overthrow that government. Mr. Chairman, for us to stand here and say that the use of natural resources should be left to the individuals, I think it is a mistake. Because I am imagining that I buy a piece of land which has forests on it, my greatest interest will be to get as much timber as possible because I want the money. Now, if I destroy that forest, what is the effect on other people of this country? We are simply trying to destroy our country and our children, if not us, will be the sufferers tomorrow.

I come from near a National park. Every other day, somebody will be killed in the park because they are trying to poach. Supposing there was no government policy protecting the park, do you not think, we would very soon have no animals left? And then, what about our grand grand children of tomorrow, what will they have? Supposing the control of the rivers, was left - (*Interruption*) - I am not taking it Sir. Supposing the control of the waters was left to

individuals, and then we allow the individuals to catch all the fish, using all sorts of nets and we finished all the fish in the lake or in the waters, what will happen to our children tomorrow? I think if you are talking about protection of natural resources, we are talking of government looking at Ugandans and protecting the interest of all Ugandans. We have recently heard that there is some mineral which has been found somewhere in Karamoja. Now, if all that mineral which has been found, when it is exploited, belongs to the people of Karamoja alone and not to other people of Uganda, and yet some other place of Uganda has nothing, maybe it has no forest, maybe it has no rivers, maybe it has no minerals, what will government have to develop the other areas of Uganda? Are we trying to break up Uganda into small pieces or we want one country which one government can cater for all the people of this country? Mr. Chairman, I oppose the motion.

MR. KUTESA (Kabula County): Thank you, Mr. Chairman. I stand to oppose this proposed Motion. But my emphasis is on the word land. There is a proposed amendment, I think the third one, which is talking that - (*Interruption*) - What I am saying, Mr. Chairman, is that, I do not think these people who are opposing the State to control the natural resources including land are right, because all those natural resources are on land, they are not in air. I do not think that without control, as many people have pointed out, these resources will ever be equitably utilised by the people of Uganda, and as Hon. Lagada has said, the government is the people of Uganda. I do not know whether this government is going to come from heaven and then mismanage these resources. This government is going to come from the very people of Uganda, they are the one to decide who is supposed to rule them, and they are the one to decide that government is supposed to do what the people want. So, I really oppose this amendment. Thank you, Mr. Chairman.

MRS. KULANY (Kapchorwa): Thank you Mr. Chairman. I stand to oppose the Motion. Mr. Chairman, I will give a living example of what happened on Mt. Elgon. Without the intervention of government. Mt. Elgon forest would not be there at the moment. Many people had encroached so much on Mt. Elgon forest, and as a result, we experienced rivers drying, rivers which used to be permanent had started getting dry. And people were suffering as far as water was concerned. So, really, government has to come in for the sake of conservation. We also

know that these game parks or the ecosystem is really to serve mankind. Now, it will leave just at the mercy of our people, and we know it that most of our people are ignorant of the importance of the environment. So, if government really leaves this in the hands of local people, we shall have no trees, we shall have no animals, and very soon, the Sahara will be with us. Now, where shall we go, if no government is there to intervene? So, Mr. Chairman, I oppose the Motion.

MR. KULE MURANGA (Busongora North): Thank you, Mr. Chairman. I stand to oppose the Motion because you find that there are so many things, for example, which are in Kasese District. We have Kilembe mines which has been serving the whole of Uganda and if the people of the North say that, it is ours, nobody should share from it, what would happen? Two, we have Hiima, for example, which is serving the whole nation. So, you find that these are the things which are for everybody. Now we have Rwenzori Forests, which is the source of the rains which serves the whole of Uganda because all rivers end up in River Nile. Now, if we allow our people to exploit all the mountains forests, then what will happen? I believe there are so many other similarities which are there like minerals and what not, which are there for every Ugandan. Therefore, I believe, if we allowed individuals, then there will be nothing left for the development of our country. We can only work together as a country and not as individuals. Thank you, Mr. Chairman.

MR. NYAI (Ayivu County): Thank you, Mr. Chairman. Mr. Chairman, I support this Motion, for very different reasons. Mr. Chairman, the practice has been to devolve power to the people and in a contradictory note, I said devolve power to the State. Because Mr. Chairman, it is not only bad manners, it is also bad practice. If power had to go to the people, I propose, Mr. Chairman, that we should leave the people to have sovereignty over their land.

Secondly, Mr. Chairman, if we are going for divestiture, we are reducing government, and we come here and we sit to give it more powers, I think we are not being honest to the future generation of Uganda. The third reason, Mr. Chairman, I am supporting this amendment is that, some of my colleagues in this Chamber here tried to kneel themselves to the State because of immediate advantage. And I think, Mr. Chairman, that is dangerous.

THE CHAIRMAN: Order! Order! Hon. Dick Nyai, our rules do not allow Members to impute improper motives on the part of other members.

MR. NYAI: Mr. Chairman, my understanding might not be correct, but I think in Uganda, when we talk of transparency, let us be honest to one another. It is on the basis of that, and very clean heart, Mr. Chairman, I am making that. I am not imputing any bad motive to anybody. But if somebody is hurt, my apology. I would like us therefore, Mr. Chairman - *(Interruption)*-

THE CHAIRMAN: Hon. Dick Nyai, there is information from Sabalangira Mulondo.

MR. NYAI: Much as I respect Sabalangira, I think he can allow me to conclude my remarks and then make his own substantive one. I think, Mr. Chairman, when we are making a positive statement for the development of Uganda, and we agreed the people were sovereign, then let us not derogate from that position, let us uphold and please support this amendment. Thank you, Mr. Chairman.

MR. TIGWEZIRE KASAJJA (Bunyangabu County): Thank you Mr. Chairman. Mr. Chairman, I stand to oppose the amendment for one simple reason. Some people are seeking to protect our peasants but they do not know that if you give the peasants a lot of power which they may not understand, then it may be a sell out. *(Interruptions)*. Let me continue. State control is control for the peasants. That is the way I understand it. For example, if I have my *kibanja* and under my *kibanja* there are minerals, then somebody knows there are minerals there and he wants to buy it so cheaply, then I have sold out the minerals so cheaply. Our people have not developed up to the level of even negotiating with foreigners who may want to come and invest here. So, if we do not protect our natural resources and we just leave them to the peasants to negotiate with whoever wants to buy, then we shall be selling our country cheaply.

So, my fear is that we should not allow people to control the natural resources, which natural resources they can sell off cheaply because they cannot determine - some of them are not in position to determine actually the value of these resources. If I have a square mile and under that square mile, I have gold, I do not know the value of gold, I decide to sell that square mile to an investor who already knows

that there is gold down there, then I will have sold the resources of this country. So, any efforts to try and give such powers to people who may not understand them will be a total sell out of our country. So I oppose the motion Mr. Chairman. Thank you.

MR. SSEMAALA KIWANUKA: Point of clarification. Mr. Chairman, I would like to seek clarification first. Rule 48 sub-rule 14 states that *“The consideration of any article may be postponed unless upon amendment moved or the question put from the Chair”*. Chapter 17 which deals with land and environment, article 27, states something contrary to what we have or what we are discussing. Sorry, 271 - I do not know whether this is preempting the Chapter on land and environment or we should go ahead and discuss and dispose of it. I would like to be clarified Mr. Chairman.

THE CHAIRMAN: Could you say again what you are making reference to. Which rule?

MR. SSEMAALA KIWANUKA: Rule 48 sub-rule 14. I would like to propose, if possible, to postpone this amendment. We shall have considered the Chapter on land and environment.

MRS. LUCY EGUNYU (Kumi County): Thank you Mr. Chairman. Mr. Chairman, I wanted to draw your attention to 48 (17) in regard to a matter which has just been raised by an Hon. Delegate, which says that *“No amendment shall be made which is inconsistent with any article or any decision already agreed upon by the Assembly”*. Mr. Chairman, I bring this out in light of what we are just discussing. Should we pass this article as it is and give the State control, then we would have preempted and are bound by that decision when discussing land and also when discussing decentralisation. Because in decentralisation, that is where we are supposed to delineate what should be controlled by government and what should be controlled by districts. And in light of that problem that this touches on land, and it also touches on decentralisation, I beg your indulgence that you revoke rule 48(14) to the effect that consideration of any article may be postponed. I think this is a good case why we could invoke that. Thank you Mr. Chairman.

THE CHAIRMAN: That is okay, let us put these ideas together first.

MR. KIRUNDA KIVEJINJA: Point of order! Mr. Chairman, I am raising a point of order. Is it in

order for the Hon. Member who has just given us that elaborate explanation, being a Member of the Legal and Drafting Committee and who has been advising us as to how to proceed, to bring this advice at this late hour having misled us all through?

THE CHAIRMAN: I do not think the Member has misled the House. The Member has drawn the attention of the House to the existence of one rule together with another. Hon. Ssemaala Kiwanuka sought clarification as to whether there could be a postponement and Hon. Eggunyu was making reference to a particular article. Which article is it?

MISS. EGUNYU: Mr. Chairman Sir, there is an article 271 on land which talks of regulating by Uganda Land Commission which is actually government for that matter. Then there is also the fourth schedule dealing with what should be delineated or under the control of government and what should be under the control of the districts. Because during the general debate, it transpired that the people of Uganda wanted to control their land through their districts. I do not know if we could postpone it.

THE CHAIRMAN: But are you suggesting that 271 stands in contradiction to 24?

MR. RINGWEGI: Thank you Mr. Chairman. In fact, Mr. Chairman, when your eyes caught me, I was only trying to elaborate a point thinking I would not get an opportunity to say. Mr. Chairman, I think the House should be very grateful to Hon. Eggunyu for having drawn our attention to this very serious matter. Mr. Chairman, we seem to be getting excited about passing the provisions of this Draft Constitution without giving it some serious thought. The point that Hon. Eggunyu has drawn the House's attention to is actually a very important matter. We are discussing control of land and other important natural resources and if we pass this article, although it is one of the direct principles of State policy, we have already made it part of our constitution. It is part of the constitution. That is the most important aspect of it. Now, when we get to Chapter 17 and we are discussing land, we may find that we are going to regulate the control of land and give it to the people and yet under this article which is 24 now, we shall have given control which amounts to ownership of land to the State. These are the contradictions that I can see and I think Hon. Members should look at this contradiction very, very, seriously and if we do not take the position that Hon. Eggunyu is advising, we are going to find ourselves in that problem of how

to solve that contradiction. So I would go along with Hon. Egunyü that the debate on this particular article be referred.

MRS. NTABGOBA: Thank you Mr. Chairman. We have had a lot of deliberations and I am getting worried now that we are being diverted without even voting. I would like to express my views on what we are doing. We are making principle objectives of the government and since all of us agreed from the beginning to discuss these principles against some opposition - you remember some Members had proposed not to deal with Chapter Three and we all, most of us, accepted to debate it as principles. My views are that we can have principles as we are discussing in Chapter Three and at the same time, in other articles to follow, we can clarify article by article, what we have decided in principles. For that matter Mr. Chairman, I beg to differ from Hon. Egunyü. We can decide on the article we are dealing with, pass it and at the same time, when we reach the other articles inside dealing with land, we clarify them as befitting whatever article we are dealing with.

THE CHAIRMAN: Okay, anyway the point is this, I think we are wasting our time. The point being raised for clarification presumes that we have approved the motion on the Floor which we have not. The motion on the Floor is that this article be deleted. If it is deleted, then the issue does not arise. There will be no contradiction. It could possibly be amended. It could be approved. In which case then we begin seeing how we can handle the situation from there. But otherwise, we shall be presuming that we have passed it. (*Interjections*). So now, the amount of debate we have had on this one is so extensive that it would be - so let us decide. Even if this motion were to be defeated, that is not the end to the nature of article 19. If this one is carried, it is deleted and that is the end of the matter. If it is not carried, then it remains as it is and then other amendments can be made to it if there are any. So there is nothing really to say that we will be closing the door. That was presuming that we are going to finalise the matter. I think we should make a decision on this one now. Okay, let me put the question on the motion and then we see how we go from there. The question is that article 19 be deleted.

(*Question put and negatived*).

THE CHAIRMAN: The position is this that now

we proceed with - Order! There were five amendments proposed. We have just disposed of number two and as I pointed out earlier, we have got a number of other amendments. Now the next amendment which will be moved on this article is number five because that one goes beyond. If that one is carried, then I do not think it is necessary to consider the rest. If it is not carried, then we go into the smaller ones.

MR. BYAKIKA KASAJJA (Bunyole County): Thank you Mr. Chairman. Mr. Chairman, I move that the proposed article 19 be deleted and replaced by the following: "*The State shall protect important natural resources including land, water, wet lands, minerals, oil fauna and flora on behalf of the people of Uganda*". Mr. Chairman, we have compromised on this amendment with my co-sponsors Hon. John Ndege, Hon. Aggrey Awori and Hon. Nankabirwa. Mr. Chairman, the sub-head which reads "*The sovereignty of our natural resources*" is proposed to be deleted and replaced with protection of natural resources. Mr. Chairman, the proposed article 19 had not considered the protection of wet lands, fauna and flora. It only had the word forests to include all biological creatures which form natural resources. On wet lands, Mr. Chairman, I need not over-emphasize the need for the protection of wet lands in Uganda. They do not only control and prejudice our rainfall pattern and intensity, but they are a major factor in the consideration or conservation of water in the soil. Because of the vegetation and decomposing humus in wet lands, the sponge like medium is formed and this sponge network helps to absorb, imbibe and retain water tenaciously such that it does not flow away so rapidly and so easily to the sea. In so doing, the retained water in the sponge is gradually absorbed into the lower layers of the soil giving effect to the high water tables in the earth's crust.

Mr. Chairman, when this matter of vegetation is removed, there is rapid flow of rainfall water which merely runs off the surface of the soil into river Nile and subsequently into Egypt. Mr. Chairman, this has resulted into very low levels of water table in the bore holes. Some of them have dried up completely during the prolonged drought.

Mr. Chairman, examples of bad results of intensive swamp reclamation have been seen in Kabale, Kibimba Rice Company, Doho Rice Scheme. In Kabale, swamps which used to be covered with papyrus and other water plants have now been

rendered infertile and less supporting of crops and animals because of excessive drainage which has resulted into a high degree of soil denudation. Moreover, Mr. Chairman, excessive reclamation of swamps in Kabale has had a marked and drastic drop in rainfall. The climate which used to be temperate in the 1950s and 1960s is no more. It is now as hot as Mbarara and other places of Uganda. I could give many examples Mr. Chairman but suffice it to say that Kibimba Rice Scheme which was giving a bumper crop when the Chinese first went there can hardly give enough yield to justify the cost of production of rice. The same problem is being experienced in Doho Rice Scheme where Bunyole's white gold is harvested notwithstanding the rich alluvium and silt that settles there from the mountains though rivers Manafa and Namataala. It has often been stated Mr. Chairman, that our river banks are being rapidly eroded because vegetation has been cleared up to water and rivers. There is therefore need for the protection of wet lands.

Mr. Chairman, on fauna and flora, I do not have to labour to explain why I have preferred the word fauna and flora to replace the word forest. As a natural resource, forest harbors both plants and animals. If we are going to protect, for instance Mgahinga forest, we have special interest in the mountain gorillas which are an endangered species. We have forest monkeys and squirrels which can be of immense tourist attraction. Mr. Chairman, in the national parks, we have animal species both on land and in the lakes and rivers which must be protected. If we were to enumerate in order of preference, the features of attraction in our National Parks, I do not think that elephants, hippos, lions, leopards, kobs etcetera, would be left out in preference to the thorny shrub and grassland in the park.

Mr. Chairman, because of the argument advanced above, I am equally proposing that the sub-head of this article be replaced by the new sub-head, "*Protection of natural resources*" to replace "*Control of natural resources*". Mr. Chairman, I beg to move.

THE CHAIRMAN: Thank you. The reference to the side note does not really have to worry us because that is for the technical committee. We only go in for the substance.

MR. JOHN KAWANGA: Mr. Chairman, I support this amendment. It is a very progressive

amendment, it improves the text and in fact it falls in line with this Chapter with which I am not extremely in support. To me, this chapter is a chapter of social, economic and political beatitudes. At one time, I thought like calling them platitudes. They being the kind of beatitudes that they are, we are reciting the kind of things that should be done by future governments. So the language here is permissive. It removes the word "control" which has worried so many Delegates who have been speaking before. I think their objective was the control of land and I think as it follows the earlier clause which had given government right to regulate, this one I think puts the minds of many Delegates to rest with regard to the question of land. And I think with this in place, it caters for the kind of opinions that have been expressed about government being involved in the preservation of our natural heritage which nobody would be opposed to. Mr. Chairman, I support this amendment and I hope other Delegates will support it. Thank you very much.

DR. JACK NYEKO: Thank you Mr. Chairman. I would like also to support this amendment and I would also like to say that although earlier on we had proposed an amendment for inserting the word and reserves, we did this in respect to the word "control". We thought if we are going to say the State controls land, then we could limit it to the land reserves. But now, with this amendment talking of protection, I think I beg to support this and withdraw the word "reserves". Thank you. (*Applause*).

MR. HENRY KYEMBA: Thank you Mr. Chairman. Mr. Chairman, the question of land is very sensitive to the people I represent and many of them feel that this natural resource must be properly protected. But people are very much concerned also on the question of over-governance in matters that affect them. We should, in my view Mr. Chairman, provide for the proper protection rather than the over management of these resources and I am standing to fully support the amendment which gives power to the protection of these important resources. Once we provide for its protection, for the protection of these resources, then Parliament can pass the necessary legislation from time to time regarding what kind of protection must be provided for their proper management. I therefore fully support, Mr. Chairman, the amendment that is being proposed. Thank you.

PROF. KABWEGYERE: Thank you Mr. Chairman. Before I make my position clear, I would like

the movers to clarify the following. In the proposed amendment, they said the State shall protect important natural resources including land and then they go further to talk of wet lands and it is also part of the land. Secondly, when it also says, would protect minerals, fauna and flora in the original clause, you are talking of forests. I wonder whether you can protect forests without protecting the bird, the animals that live in them.

THE CHAIRMAN: Anyway that is possible because you can have a forest purely for its own sake and leave the animals to their own devices.

PROF. KABWEGYERE: Okay, I have very little quarrel with the amendment if only those are clarified because if there is fear of the word "control", if the word "control" means nationalization in the minds of people, certainly let it go although Mr. Chairman, you control this House and I have not seen ourselves as nationalised by you. However, if it should be -

THE CHAIRMAN: I think the context is different.

PROF. KABWEGYERE: Yes, but at the same time Mr. Chairman, when amendments are made and they clarify the ones they are amending, then we have no problem. So, if the word protect is the most important that we are talking about, I would, myself, not be worried if we talked of, "*The State shall protect important natural resources including land*" and we just put the word "protect" to replace "control" in the original amendment and then we have the rest. But if it is so important that the new amendment must take the form it is, let us support it on the basis that we avoid confusion where confusion is not even called for.

MR. KIWANUKA KAGIMU: Thank you Mr. Chairman. First of all, personally, I would have been comfortable if this article came under or next to article 17 on page 13. If we looked at page 13, for example, article 27 clause (3), the legal and drafting committee could synchronize and then you look at article 27 clause (4) and clause (5). I personally think that we would not add all these problems if this article had come under this.

THE CHAIRMAN: I think the concepts are different.

MR. KIWANUKA KAGIMU: Because article (3), Mr. Chairman, 27 clause (3) talks of for instance,

"The State shall take all possible measures to prevent, minimise, damage and destruction to water resources resulting from pollution. It will promote public awareness ..." Then you find on clause (5) that "*The central and local government will create, develop parks, reserves, recreation areas to ensure conservation of natural resources, plants, fish, to promote national use of natural resources and safeguard their capacity for renewal of generation and stability of the ecology*". Now in view of this, I wonder how that article, I wonder whether it could not be synchronized with this and brought under this section. Thank you Mr. Chairman.

THE CHAIRMAN: I think the concepts are slightly different.

MR. OKALEBO: Thank you Mr. Chairman. I must say Mr. Chairman, that I feel very much relieved by this proposed amendment because when I was listening to the one which has been defeated. I was with a fear that if it was carried, we would have created a vacuum in this particular respect and that would have been a dangerous precedent. Here I am saying protection is a more acceptable term than control because the extent of protection can be determined by legislation. And the fear which I had seen in the amendment which was proposed and defeated was that the word control is wider in application than protection. So here control would even include general land tenure systems which the movers of that amendment had fear in. So in this one here Mr. Chairman, I do not mind even the wording as it is because flora and fauna would give the equivalent of forest and I would accept that the amendment be supported as it is and simply go ahead with it. Thank you.

PROF. SENTEZA KAJUBI: Thank you, Mr. Chairman. Mr. Chairman, I beg to support this motion very strongly. I would like to point out that during the time before 1967 when the local governments were very strong, the land was greatly protected through the local chiefs by laws. For example, people were required to plant grass along contours so that soil erosion was reduced. Everybody would remember that in Kigezi, the terraces used to be maintained and it was very beautiful so that Kigezi was known as the Switzerland of Africa. But when the system of local government dropped down, the soil also began going to Egypt all the time whenever it rained. It was allowed to go. There is a problem of the fragmentation of the land where government

could take particular steps to prevent the fragmentation of the land by sub-divisions so that the plots become too small to be meaningful and viable.

Mr. Chairman, there is also the problem of the tree planting. Our local governments could enforce or promote tree planting local forests. This should be done but under the earlier clause in the draft constitution itself. If you plant your forest, then it was up to government to control it and manage it. So this would discourage people from tree-planting and developing artificial forests.

Mr. Chairman, there is a problem of the disposal of wastes. Everybody sees now in town so many *biveera* being thrown all over the place and ruining the land - including condoms I must say - ruining the land, so that government can protect the land by passing by laws which would prevent the destruction of the land through these wastes.

Mr. Chairman, I would however, like to suggest a smaller amendment in this amendment so that after the word *water*, we add the word *forests*. Particularly I would like the forests to be mentioned. Somebody will say forests are part of flora. Yes, but they are so important that they should be mentioned specifically in this clause, in the same way as we have mentioned oil. Oil is a mineral but we have pointed it out specially to draw attention to it. So if the mover does not mind, I would like to propose an amendment by adding the word forests after water. Mr. Chairman, with those few words, I beg to support the amendment.

MR. AGGREY AWORI: Mr. Chairman, before I come to the proposed amendment, let me also support the amendment in general terms. First and foremost, I would like to clarify the point raised by hon. Kabwegyere. He wanted to know the difference between a forest and flora and fauna. I would say the latter is a more generic definition of plants and animal life while the other one is specific and confined to a geographical area. That is number one Mr. Chairman.

Number two, Mr. Chairman. This amendment is long overdue and it should have even been made a law already in this country. Mr. Chairman, we already have a problem on lake Victoria. For lack of protection of our waters, some scientists 30 years ago came here with certain types of fish to breed it in the lake. As a result we have got *empuuta* situation.

THE CHAIRMAN: Could hon. Senteza Kajubi desist from heckling the Member on the Floor?

MR. AWORI: Mr. Chairman, not only has *empuuta* been a problem to small fisherman -

MRS. SEKITOLEKO: Point of order. Mr. Chairman, knowing that *empuuta* called Nile perch is an indigenous fish of Lake Albert which is in Uganda, is the speaker holding the Floor in order to misinform this House by saying that *empuuta* was imported? Thank you Mr. Chairman.

THE CHAIRMAN: Now you have informed him. Please go on. (*Laughter*).

MR. AGGREY AWORI: Mr. Chairman, I appreciate the information but I doubt its accuracy. As far as I know - (*Interruption*).

MR. ODUR DICK: Point of clarification. Mr. Chairman, I am seeking clarification. I have problems with the wording of this particular amendment. I would have liked to see the situation where people are involved with the State in the protection exercise particularly when you come to things like wet lands and forests. Now, I want to be clarified whether with this kind of wording, people will be involved with the State in the protection of these natural resources.

THE CHAIRMAN: Can I give a bit of experience. If we pass this and assuming for instance that we are to enact a new law relating to national parks and management of them, the agreed policy is that you set up joint management committees between the people and the government. That will be within the legislation which comes to give effect to this. But of course the State should take the initiative. That is how I understand this one to be. In doing so, the laws should take into account as it is now, I think it is an accepted practice that the State cannot manage most of the things alone. So that for instance, under the present arrangement, all the national parks are being managed jointly between the national parks administration together with local communities of the area through joint management committees. So that sort of thing would come in legislation rather than be put in here. That is how I would understand it.

MR. DICK ODUR: Well if that is the case Mr. Chairman, then I would like to support the motion. Thank you.

THE CHAIRMAN: No, let hon. Awori continue first. Unless he takes clarification.

MR. AGGREY AWORI: Mr. Chairman, I will take clarification soon after I have finished the list of problems which can come under exploitation of natural resources without protection of the State. One other problem Mr. Chairman - although I took hon. Balyejusa's information which I doubt - according to my information *empuuta* was imported from Lake Malawi in 1958 to be exact by some *mzungu* scientist. But anyway Mr. Chairman, my point is that the same problem persists.

THE CHAIRMAN: I think behind you, there is somebody who seems to know better.

MR. LUKUMU FRED: Thank you, Mr. Chairman. I am very, very near Lake Albert. By the time my father was born in 1924, *empuuta* was already in Lake Albert. Therefore I would like to refute the information given by hon. Awori trying to refute the correct information given by hon. Sekitoleko who is the Minister of Agriculture.

THE CHAIRMAN: No, hon. Sekitoleko is here as a Member for Butembe. But I would like to suggest to hon. Awori and others that may be a seminar on the origins of *empuuta* can be arranged outside here and then we continue with this one please.

MR. AWORI: Thank you Mr. Chairman, I appreciate the proposal and I hope the hon. Sekitoleko in her other capacity organises such a seminar.

Mr. Chairman Sir, I would also like to include another problem which is developing but as I said, this should have been by law already. As we know, we have a strategic mineral called cobalt in Kilembe. This mineral is now being processed. Mr. Chairman, the chemical system which is being used is definitely harmful to our environment or hazardous. And I would say that this kind of amendment and addition to our constitution will guide future governments so that we are properly protected.

MR. KAJURA: Point of information. Thank you Mr. Chairman. I do not know where the hon. Member holding the Floor has got information. Mr. Chairman, before the process of extracting cobalt was established, all these facts, procedures and processes were thoroughly examined locally, internationally and it was established beyond reasonable doubt that the process being used has no harmful

effect.

THE CHAIRMAN: Hon. Aggrey Awori, you may begin to wind up your remarks.

MR. AGGREY AWORI: Mr. Chairman, I do not want to go into another seminar but I will accept hon. Kajura's information in his capacity as a Minister of natural resources. But Mr. Chairman, I would like to wind up my remarks by saying -

MR. KULE MURANGA: Point of information. Mr. Chairman, it is true that Kilembe Mines is spoiling our environment and it is this very copper product which is spoiling our environment.

THE CHAIRMAN: Anyway I think we should not then generate the debate to lead to another seminar. I think let the hon. Member finalise his remarks. I think the Minister can go and discuss with the Member for Busongora north.

MR. AWORI: Mr. Chairman, I would like to accept hon. Senteza Kajubi's amendment to add the word forest. I beg to move.

THE CHAIRMAN: Okay, let us take it this way. Hon. Kajubi is suggesting that we should add the word forest after water so that it reads, "...including land, water, forests, wet lands, minerals, oil, fauna and flora..." and so on. We shall have to ask the proposers whether hon. Byakika Kasajja is in agreement.

MR. BYAKIKA KASAJJA: Thank you Mr. Chairman. As I told you, we are four of us who were cosponsoring this amendment. I accept as hon. Aggrey Awori has already done that we incorporate the amendment brought in by hon. Kajura to include forest. Thank you very much.

THE CHAIRMAN: Anyway, I think the argument was that the word minerals has even been further clarified by specifically pointing out oils when in fact they could have been taken in that and he wished that forests are so important that they should be specifically mentioned in this amendment notwithstanding the mentioning of fauna and flora. It would appear from the mover that that is okay. Now let us first of all agree whether this is okay or not. If I do not see consensus, we may have to vote on it by having it moved specifically. The general is that it is okay. I can see a lot of silence here. I give the Floor to hon. Kakungulu.

DR. KAKUNGULU: I am glad that special mention has been made of the word flora. For a long time in this country, it has been taken for granted but I would like to bring to the attention of this House that up to as much as over 60 percent of all medicinal drugs are derived from plants naturally growing in tropical forests of the Amazon in South America and Tropical Africa. Scientists from the developed countries disguised as tourists have been coming here, harvesting these plants without any government interference, taking them out of this country, carrying out research on them, purifying them and then sending them back to us at very astronomical prices. Mr. Chairman, it is now high time the State is empowered by the supreme law to take special control of this most important natural resource. We could get billions of dollars out of exploiting our flora. I thank you Mr. Chairman.

MR. CHEBET MAIKUT: Thank you very much Mr. Chairman. Mr. Chairman, first of all, I wish to differ from the insertion of the word forest having used the words fauna and flora. Mr. Chairman, this is a repetition. So to me, I will go in for the word fauna and flora because if we come to the word forest, flora in a sense is a generic interpretation which includes all the big plants including the trees up to the micro plants and so I happen to be a forester by profession and an environmentalist. Mr. Chairman, I beg to request the movers of this motion that if we specifically want to stress the importance of the word forest, then we better change the word to say and the other fauna and flora. But otherwise if we leave it as it is, it is going to confuse us, Mr. Chairman.

I want to point out that in 1988 for example - first of all this provision is very important. In 1988 in the Mt. Elgon by then a forest reserve, which is now a national park, a group of some people from Japan under the guise of research, did take very, very important plant species from that mountain. It is only endemic. They took it to Japan for research and we were told later that this is a plant which fetches a lot in the pharmaceutical industry. So I entirely support that motion as moved by Mr. Kasajja and his group. Thank you very much Mr. Chairman.

THE CHAIRMAN: Now let us clarify the question of forest. Hon. Chebet Maikut who has professed his qualifications says this is an area where he is knowledgeable. He is saying it will confuse them if we just said forests and then went on to say

also fauna and flora. He is suggesting the wording which would be, *protect natural resources including land, water, wet lands, minerals, oil, forest and other fauna and flora*. Okay unless the movers object. Hon. Awori, do you agree? I can see that he was not particularly in line with what you were saying because he was being heckled by the Member for Kampala Central.

MR. AGGREY AWORI: Mr. Chairman, I will use the Floor to - but definitely *and other* will not be consistent.

MR. BYAKIKA KASAJJA: Thank you Mr. Chairman. The word fauna is inclusive of all biological animals including the minutest in the soil and the largest. And the word flora also does include the forest, the fungi up to the big trees like mvule. Mr. Chairman, these two words are covering everything you can find in the forest. I do not see why we should insist that the word forest should be mentioned in there because forests can mean a plantation where you just plant certain species of trees. For instance we have forests made up of eucalyptus trees. We call them forests but they are only specific. You can have forests made up of other species but specific. It can exclude a lot of other biological animals and plants.

Therefore I think in my opinion, Mr. Chairman, using my profession as an agriculturalist, I think the two words are more extensive than the word forest. But if the confusion is on inclusion of oil in addition to minerals, if hon. Kajubi is worried about the repetition of oil as far as he refers to minerals, then we can decide to remove the word oil and just leave minerals and then the word forest will also be out.

THE CHAIRMAN: So it would appear there is no divergence of minds between the sponsors at least the two of them and the argument is that we would be just doing violence to the provision if we begin adding so many of these things which should be taken for granted because of the wide nature of the words fauna and flora. That is what I can get from hon. Kasajja. I think really let us decide, let us leave the provision as it is. It does not do any harm to leave it as it is. At least all of us know what fauna and flora is in terms of meaning.

MISS KABIRISI LUBERENGA: Thank you Mr. Chairman. I need clarification Mr. Chairman. I agree with the changing of the word control to protection but the problem I am having is, we are

completely eliminating the second half which says that those resources shall be managed and utilised for the development and welfare of the people of Uganda. Does the new amendment automatically assume that whatever happens, these resources will be utilised? I am worried that we could ever have a situation whereby you could have a government deciding that for example, Kilembe Mines is utilised for the benefit of the people of Kasese only or Lake Victoria for the people around it. So can the movers clarify to me if their amendment automatically means that those resources will be used for the benefit of all the people of Uganda. Then I will have no quarrel with their amendment.

THE CHAIRMAN: But I thought that you would see that the last leg of that provision is quite clear. It does not say on behalf of the people of the particular areas where they are located. It talks of *on behalf of the people of Uganda*.

MISS KABIRISI LUBERENGA: But Mr. Chairman, to me that looks like only the protection where *protect* in English means to keep safe from harm or injury. But what about the utilisation?

THE CHAIRMAN: Utilisation will be in specific provisions as we come to them.

BRIG. KYALIGONZA: Thank you Mr. Chairman. Mr. Chairman, mindful of our security situation, mindful of the importance that we attach to our environment, Mr. Chairman, I am seeking clarification from the movers whether in their view, air space would not be part of the item included in this to be protected.

THE CHAIRMAN: I think here we are talking about natural resources. The other one would come under the environment.

BRIG KYALIGONZA: Air is natural Mr. Chairman.

THE CHAIRMAN: You are talking about air space, not air.

MR. JOHN MUYIISA: Thank you, Mr. Chairman. I would like to support this motion very strongly. First of all, I would like to inform this House that I am one of those delegates who come from a place which is completely surrounded by water and this water is very important as part of our

environment. My people have been very worried of recent whereby government has been licensing people to come and plunder their lakes without their own consent. For example, we have got some Chinese fishermen who are fishing just in our lake, the lake which is supposed to be utilised by the local fisherman. With the former article as it stood, when control is in the hands of the central government, this is really very dangerous. I would also like to allay the fears of hon. Lubega Wagwa who was thinking that government has got to control the lake in order to fight the water hyacinth. Actually in fighting the water hyacinth, it would be really protecting the environment, the lakes.

In Kalangala, we are also having another problem of some investors who are earmarked to come and invest in our district. These are the Afro-Americans who want to bring a project there which is worth almost billions of dollars. Actually if we leave the control in the hands of government, I mean in furtherance of social justice, it can come and take over the islands and give them to the foreigners. With those few remarks Mr. Chairman, I would like to support the motion.

THE CHAIRMAN: Now we have debated this motion so much that really I think we should pronounce ourselves on it.

LT. COL. KIIZA-BESIGYE: Mr. Chairman, I would like to move a small amendment. My amendment is in respect of an area which is under economic objectives. I think if the proposed amendment by hon. Byakika is taken as it is and I am grateful for his movement of the original clause. But then if it is left as it is, it would definitely be best suited under the section of environment because it would only be talking about protection. I think what was envisaged in the original clause was not only protection but relation to the economic objectives because it is under the economic objectives to that extent.

Mr. Chairman, I think that it is relevant here not only to talk about protect which I totally agree with but talk about the use of those natural resources. I think it can only be fitting that we talk about the use of natural resources under the economic objectives. And therefore I would like to move a small amendment to the effect that, "*the State shall protect and regulate the exploitation...*" - the rest remaining the same. What I am seeking to do here Sir is, if we talk about simply protecting oil, what it means is that the

oil may be protected but we are not offering our objective on what will happen to its exploitation. If we are talking about forests how they may be protected but what will regulate the exploitation of that resource. So I think it is best fitting under the economic objectives to refer to the manner of exploitation. I beg to move Mr. Chairman.

THE CHAIRMAN: It has been seconded and the arguments have been given. But let me also give some parallel. At the moment the government has protected areas called national parks and they are being used for economic purposes but what appears is protected areas. They are protected from people called poachers and the rest and then it is used for tourism and so on. But anyway there is a motion on the Floor. It was seconded.

LT. GUMISIRIZA GUMA: Thank you Mr. Chairman. I stand to support the amendment by Lt. Col. Kiiza-Besigye because personally, I had moved an amendment on our hand out because what I have in mind the resources including land, and waters as they have been named are not merely supposed to be protected by the State; they are protected fine, but the exploitation and rational use for the benefit of Uganda is the case in point in my opinion. So, I think hon. Besigye's Amendment caters for my ultimate aim of the use of the resources to benefit the people but not simply to protect a status quo that he is not suiting the economic objectives of the people. Thank you, Mr. Chairman.

DR. KABAYO PATRICK (Kassanda South): Thank you Mr. Chairman for giving me this opportunity to support the latest proposed Amendment by Col. Kiiza Besigye. There has been improvements offered by hon. Byakika and others, which were welcome, but the word control has been lost out of that.

THE CHAIRMAN: Do you want to re-introduce it?

MR. KABAYO: But if Col. Kiiza Besigye's Amendment is accepted, then the programme about controlling may be somehow catered for. Mr. Chairman, the word 'control' was I think lost for the wrong reasons; because people seem to think that control means the Government actually getting involved. If we put the Police out in charge of traffic and ask it to control speed, it does not require the Police to drive the cars. And Mr. Chairman, there are

many aspects in which the Government would be controlling. Taxation is one of them. If Parliament sat today and looked at the nature of our environment and legislated export of timber, that will be a level of control also. If there was drought, Mr. Chairman, and we thought that there was one Lake in one specific area and we legislated against the use of water for watering plants while animals and people had nothing to drink, that will be a form of control. Mr. Chairman, I do not know whether the delegates are justified to oppose the word *control* or an aspect of it, because it is a very important aspect of the dimension which we are debating now.

Mr. Chairman, another problem with this Amendment in seeking to protect fauna and flora has in-built technical problems because, I do not know whether we will be required to protect pests such as mosquitoes and tsetse flies and weeds and so on, because that is also a form of protection. So, there is a problem there by introducing those words; unless we take care of that technical problem. Mr. Chairman, I see that we should revisit this proposed Amendment, formulate a very nice one to cater for those dimensions. Thank you, Mr. Chairman.

MISS NANKABIRWA SSENTAMU (Women-Kiboga): Thank you, Mr. Chairman. Mr. Chairman, I feel very very comfortable with the word 'protect'. Because if the State comes in to protect these natural resources, I do not think it is just going to protect and leave it there, for it is to fulfil its natural resources. It has to protect them on behalf of the people, to assist the people, to maintain the beautiful climate, to promote tourism and of course it will be getting some income to fulfil its goals. So, Mr. Chairman, I think Dr. Besigye's fears are well catered for in this Amendment. Thank you very much.

MR. NDEGE (Luuka County): Thank you very much, Mr. Chairman, as a cosponsor of this Amendment, we looked at this wording and the wording which we had originally used to assist to utilise them for the development and the welfare of the people. In other words, Government might protect and also assist the people for the development and welfare of the people of Uganda, but then we saw that it was so repetitive by the fact that the State is protecting all these resources, the owner might be the State. For instance, the State controls public land and obviously the objective is that it will use this public land for the economic benefit of the people. The Govern-

ment might own Forest Reserves or Natural Forests or Game Parks. If we go on trying to expound something in detail, this is just a principle, but when we come to the detail aspects - when you look at article 276, it talks about protection of the environment. Then it goes into detail in article 278, and also says that Parliament by law shall provide measures. So, all these details are left to Parliament to provide the details. For instance, on land, we are saying, Government should protect, whether it is customary land, whether it is public land, whether it is Mailo land, whether it is what, it will protect that interest of the people under which this land was held before this Constitution going to be inaugurated. So, I think, while I sympathise with hon. Kiiza Besigye, that they always want the Government to do everything for the people, the idea now is, the Government assists the people to help themselves, not just the people to sit there and wait for Government to give them things - give me a bus, give me a road, give me what. So, if we are to choose or if we have to amend it, then we go back to our original position that, *assist them to utilise for development and welfare of the people of Uganda*. I think that one, makes it neutral; makes it both good for Government and for the people to utilise these resources. So, the whole thing is a combination of efforts by the people and the Government in governance of their own resources. It is not a one-way traffic.

MAJ. GEN. TINYEFUZA (NRA Delegate): Thank you, Mr. Chairman. Mr. Chairman, initially, I had wanted to raise this problem of regulation from the fact that, when you read what we have already passed in Article 17, (iii), we are already saying, although in a different context, in furtherance of social Justice, the State may regulate the acquisition ownership or use and disposition of land and other property. But we did introduce that aspect of regulating land by the State. Therefore, abandoning it here, and then merely mentioning protection, in a way, will be inconsistent with what was envisaged here; because I would take it that and actually I think it is even under this Rule 48, 17 (*Interruption*)

AN HON. DELEGATE: Point of information. Mr. Chairman, when we use the word protection, it is in consistence with Article 278, protection of the environment and on land. Because Article 17 (III), is in accordance with the Constitution.

THE CHAIRMAN: Okay, anyway, hon. Tinyefuza could you finalise your remarks; because I think we have -

MAJ. GEN. TINYEFUZA: Thank you, Mr. Chairman. I have listened to the information carefully. I was really commenting on something which is already passed under Article 17 and I thought it was more important than something which is going to be debated. But anyhow, Mr. Chairman, I do support this latter Amendment. First of all, I find it unacceptable to introduce the word control as it appears. I think it is not useful, Mr. Chairman, when you are talking about objectives of State, you know, these are Management Principles for future Governments. Now, I was wondering what the objectives of these Governments are what do we have in mind? Are these objectives intended to strengthen the State, to interfere with the resources of the people or to divest itself of these cumbersome responsibilities it cannot fulfil.

So, Mr. Chairman, I think that as a long-term objective of State management, we should be looking at the State relinquishing some of these obligations it is now holding and in that spirit. Therefore, I do not think that we should reflect on this matter just according to the present situation, but to the future expectations of our people. Therefore, I do not really like to support that term 'control' because in future, we may find that it is not necessary to control certain aspects of this of land, even minerals, we may find that it is cumbersome to go and control all gold and all that. After all, even when you find gold on your land, you must always get a license to exploit it and should Government by legislation, find that there is something of national importance, they may not grant you the Import license and Exploitation License. So there is somehow a way of Government controlling and this is reflected in regulating.

Therefore, I would like to support hon. Kiiza Besigye, that we do introduce the word, regulate to reinforce protection, but abandon control. Thank you, Mr. Chairman.

THE CHAIRMAN: Could hon. Kiiza Besigye read his Amendment again - he has not given me a written portion - so that we know what we are debating properly.

LT. COL. KIIZA BESIGYE: Mr. Chairman, the Amendment seeks to introduce after *protect*, in the first line, between *protect* and *important*, the words, '*regulate the exploitation of*'. So that it reads: '*The State shall protect and regulate the exploitation of important natural resources, including land, water, wet lands, minerals, fauna and flora...*' and so on.

THE CHAIRMAN: After the word 'protect', add the words, 'and regulate the exploitation of.'

Hon. Tinyefuza, you had completed your contribution?

MAJ. GEN. TINYEFUZA: Thank you, Mr. Chairman. Mr. Chairman, I had left out some slight Amendments I wanted to ask hon. Besigye to consider. If, instead of exploitation, we introduced the word, *utilisation*, I thought it would be more acceptable, Mr. Chairman.

THE CHAIRMAN: Does hon. Besigye mind that?

LT. COL. KIIZA BESIGYE: I accept the Amendment, Mr. Chairman.

THE CHAIRMAN: OKay, the word is 'utilization' instead of 'exploitation'.

MR. SSEMOGERERE KAWANGA (Busiro County South): Mr. Chairman I am in conformity with the way we have more or less - the way Mr. Tinyefuza has improved on hon. Kiiza Besigye's Amendment. As you may know, the main Amendment by hon. Byakika, I think has been well supported for very good reasons, that focusing the attention of Government as to what its role should be, to protect. Regulation of course, implies that just as a way to indicate that, that role of regulating is there and utilisation of these natural resources.

I think that Uganda is always claiming to have wonderful resources and doing nothing really to protect these resources. I do not want to belabour the House on this matter. It has been well articulated and I support the Amendment of Dr. Kiiza Besigye of the original Amendment. Thank you.

MR. RUKUTANA: Thank you very much, Mr. Chairman. I wish to support the Amendment by hon. Kiiza Besigye. Because I had intended to move exactly a similar Amendment and the grounds, Mr. Chairman, are that, whereas we want the Government to protect, Government may find it very difficult to protect something it does not own. I agree that the Government should not control (*Interruption*)-

THE CHAIRMAN: Are you suggesting that the word 'regulate' equals ownership?

MR. RUKUTANA: No, I was continuing to say I agree that Government should not own or control,

but definitely, if it is to protect it should be able to make laws to regulate the use or the utilisation of the natural resources. Without wasting time, Mr. Chairman, I support the Motion.

MR. SSEBAANA KIZITO (Makindye East): Thank you, Mr. Chairman. Mr. Chairman, with the Amendments of hon. Byakika, I was about to withdraw my own Amendment, because hon. Byakika's Amendment talks about protection of land that one, I accept. But when it comes to regulating, I do not. I do not think that the Government which is now bent on privatizing everything and I think this would be so for the future Government as well, I do not think one should allow Government to interfere in ownership of land. This question of land ownership is being nibbled about; we are nibbling on the ownership of land from here up to the Chapter when we are talking about land. So that by the time we reach talking about land, we shall have nothing else to protect - we must protect the land which belongs to the people against Government interference, Government exploitation. Once the Government gives the protection, as it protects our lives, it does not own our lives, it should protect our land and not own the land nor regulate its use. We are clever enough, we have got enough brains in us. Ugandans are brainy people, they are capable of using the resources which they have on their own and land is one of the factors of production and these factors of production can be utilised by the people who own them not by Government. Thank you very much.

MR. AMANYA MUSHEGA (Igara County East): Thank you Mr. Chairman. I am supporting the Amendment to the Amendment. By regulating, it means you are enabling the Parliament of the day to pass laws which will take into account popular feelings and latest information in the use of land. Sometimes, we discuss as if we are the last group of popular nationalists to be elected. My own view is that, if you enable Parliament at the time to legislate, we are providing for democracy. The Parliament of the day will be elected, they will be taking into account latest, available knowledge in the area of science and technology and utilisation of land and of course, taking into account the popular feelings of the population of the day. I think the Amendment is very useful

My area, Igara East, is quite hilly, we have been having situations as hon. Kajubi said earlier, where persons make gardens from the swamp up to the

peak of the hill. Obviously, if Government comes in to make a law, that in utilising your land, you should provide terraces, there should be broken pieces of grass to protect the soil, I do not think they are taking over your land, you are just being told how to scientifically use the land, so that it is protected for future generations. But the proposal by my old good Friend hon. Ssebaana Kizito, that you must be free to do anything you want with your land, irrespective of the damage, yourself, and future generations, is to put capitalism to extreme use and some of us may take a leaf from the United States which is a citadel of capitalism. I do not think in the United States you can use the land the way you want, without Government regulation or is Michigan owned by people or River Mississippi. So, there must be a law governing how the waters of L. Victoria will be utilised and even how private land can be utilized. If you look at the development of Muyenga, it will tell you how terrible it can be when you take private ownership to its extreme.

MR. KWERONDA RUHEMBA (Kajara): Point of information. I want to inform the Speaker on the Floor that because the Government regulating the land in areas like Katwe and Makindye is absent and missing, and very thin, the situation has taken place and it has been reported in the newspaper to the effect that many families, were yesterday left homeless in Mubaraka Zone, Makindye near Kampala, after a fire gutted several houses and destroyed household property worth millions of shillings. This is because people have been building houses without plans; therefore congesting them, such that, when fire comes, it does not destroy one house, but it destroys a number of houses, thus destroying people's property. Thank you very much.

THE CHAIRMAN: Hon. Amanyanya, could you finalise your remarks please?

MR. AMANYA MUSHEGA: I thank the hon. Ruhemba for his information, but I would conclude for example, hon. Colleagues, if you go to Kololo and you see where the land was used according to regulation, there is no problem with where the power lines pass or sewerage system passes and where the electricity passes. If you go to Muyenga where the land was used according to how the private owners feel, you cannot even get an address. And to get access to house (Y), you may have to climb over house (Z). So, I think we should not be over sensitive and deny the future generations opportunity through

popular laws to regulate the utilisation of the resources in public interest including the interest of the private owners. I support the Amendment by hon. Dr. Kiiza Besigye and hon. Maj. Gen. Tinyefusa and I hope that hon. Byakika, my good Friend will see the sense of it and accept it. Thank you.

MR. ONYOK-ETUKU (Moroto County): Mr. Chairman, my fear seems to be that we seem to be bringing the discussion of the entire Chapter 17 on this policy - national objectives. Hon. Byakika's Amendment which provides for protection of land on behalf of the people of Uganda, we thought it was a very comfortable and very compromising Amendment. Now, the fear which is being expressed by hon. Besigye and maybe hon. Kabayo on economic policy and control to me, is a provision which has already been given in Article 277, e, f, and g. If I may read a bit: '*Parliament may subject to the provisions of this Constitution make laws providing for: (e) the control, possession and transfer of land by non-citizens; (f) the imposition of taxation; which Dr. Kabayo talked about on land, and (g) any other matter connected with or touching on land*'. To me, Mr. Chairman, I felt that hon. Besigye should have been free maybe to move a new Amendment on economic policy if he intends to have it there. Because I recall hon. Byakika sought for a change in the Title of the Article. He had proposed that the Title should be protection of natural resources. So, I begin to have the fear if you bring in these other Amendments; we may not get very clearly what you are talking about. So, I do not support the Amendment by hon. Besigye.

MR. AMAMA MBABAZI (Kinkizi County West): Thank you, Mr. Chairman. I would like to support the Amendment, because I think that is the least I can do to protect the interests of our society. Mr. Chairman, what is the issue under discussion? The issue is the question of control of important natural resources belonging to Uganda; we are talking about sovereignty of our natural resources of this Republic. Mr. Chairman, I am saying that in supporting Dr. Besigye's Amendment the least I can do, - *(Interruption)*

THE CHAIRMAN: But he is not using the word 'control'.

MR. AMANYA MBABAZI: Because I realise that at this hour, I may not be able to successfully push the word 'control' Therefore, the least I can do,

is support the Amendment to the effect that, it should not be only be protection, but regulation of use as well. Mr. Chairman, here, we are talking about important natural resources; we are talking about L. Victoria, for example. Who is going to own L. Victoria? That is the question being asked. Mr. Chairman, if we do not answer that question or we answer it by the way this Amendment has come up, only providing for protection, then it means if we pass hon. Byakika's Amendment as it stands one Amanyā Mushega would may be fulfil his life-long cherished desire of controlling L. Victoria. Would this be in the interests of our society? It is possible that if one Amanyā Mushega owned L. Victoria, the State could protect the Lake for the use by this gentleman - (*Interruption*)

MR. AMANYA MUSHEGA: Point of order. Mr. Chairman, is it in order for hon. Amama Mbabazi to tarnish my name by imputing that I have desires to own L. Victoria? (*Laughter*) Is it in order for him to impute such wild views on my honourable name?

THE CHAIRMAN: I understood hon. Mbabazi to be giving you a compliment as an ambitious man who intended to own - (*Laughter*)

MR. AMAMA MBABAZI: And thank you very much for your wise ruling, Mr. Chairman. Of course, I did not mean this Amanyā Mushega; there are others.

Mr. Chairman, what I was saying, is that, we are now talking about important natural resources, the kind of resources that really affect our lives, as a society. Now, if we cannot collectively - because when we are talking about the State, we are talking about the collective will of our society - of this Republic. If we cannot collectively own them at least we must regulate their use. I think that is the least we can do in order to protect the interests we have. So, Mr. Chairman, I support very strongly the Amendment by hon. Besigye.

There is a point which was made by a number of people, making reference to provisions of this Draft Constitution which we have not reached yet. According to the provisions of Rule 48, sub-rule 17, the consistency is of an Article or a clause that we have already passed. It is not an Article that we are due to consider; because we cannot anticipate the debate, we cannot anticipate the decision on that Article. Therefore, I think if we pass this, that means that

when we come to Chapter 17 or the Chapter on land, we will have to take the decision we have taken now into account when we are taking the other decision. So, Mr. Chairman, I would urge Members in the interest of society as a whole, in the interests of this Republic, to support that Amendment as the least we can do, to protect ourselves. Thank you.

ATWOKI AMBROSE (YOUTH - NORTH-ERN REGION): Thank you very much, Mr. Chairman. Mr. Chairman, I think the confusion arising from this debate is a conceptual meaning of the word 'protect'. I think there is no way Government can protect important natural resources without subsidiary legislation. The word 'protect' generally means to shield from and to shield an infringement on any natural resources would mean, Parliament would make regulations from time to time which will enable us to utilise the environmental resources rationally. So, I really do not see the need for that Amendment. As far as I am concerned, I feel that the words *protect important natural resources*; is enough, is all-embracing, to cover all other rationalization processes which might come from time to time. With that one, Mr. Chairman, I beg you put the question.

THE CHAIRMAN: I think there is still a bit of - hon. Lubowa.

MR. LUBOWA PAUL (BUDIOPE COUNTRY): I also do not see any need for the inclusion of regulation because to regulate, brings in the element of control. If you are going to involve control on the side of Government, then, I feel it will not be in the interest of the local people. So, let us have it as hon. Byakika has put it; everything is okay.

MISS KABIRISI LUBERENGA (WOMEN BUSHENYI): I wish to support the Amendment move by hon. Kiiza Besigye. As you recall earlier on, I had that worry of leaving this *protection*, because when you look at the little meaning of protection, it means to keep safe from harm or injury or to shield as hon. Atwoki put it, but you can shield something without necessarily regulating its utilisation. That is why we have to take into consideration that unlike what hon. Ssebaana Kizito said that the people of Uganda are clever - we might be clever, but we do have our limitations. So, it is absolutely necessary to make a Constitution that spells out clearly what it is we are trying to do for the people of this nation and my view is that adding what hon. Kiiza Besigye is proposing that we add, that *the State*

regulates the utilisation of important natural resources is very important for the people of this nation, for whom we are trying to make this Constitution. So, I beg to strongly support hon. Kiiza Besigye's Amendment. Thank you, Mr. Chairman.

MR. ATWOMA: Mr. Chairman, thank you very much. I did not really want to speak very much on this, because - I think the subject matter was very clear: we are talking about land and the land that belongs to the people. But what I can see here, Mr. Chairman, in this august House, is that we are very suspicious and we have no confidence in the government. That is the expression I have got. And secondly, we probably have not mastered the meaning of Government, because if the Government belongs to us, and we are the Government, I think we are the people who are going to protect, control, regulate how we use our land. But because we are missing all this confidence in ourselves, it makes us very suspicious of one another; the Government suspects its people, the people suspect their Government. That is the situation in which we are and Mr. Chairman, I will only say, the word protect for the Government of a country is quite enough. Why are people so suspicious? (*Applause*) To say that we have not given enough power to the Government to do this, what does the Government want to do with the land, Mr. Chairman, if it is not for protecting it for the good of the country? So I think the word 'protect' is quite humble and quite reasonable and I support it very strongly.

And, Mr. Chairman, having discussed this, I would pray your good Chair to put the question. Thank you.

MR. KASANGAKI (BURULI COUNTY): I support this Amendment. But while the Government should protect the natural environment of this country, I think it should also be its duty to control its top agents who are charged with the responsibility of protecting these natural resources. I happen to come from a place which is full of natural resources, land, forests, water and so on. It is so disheartening to find that the top Government officials are the very people who destroy this environment. You find for example, Forest officers giving licenses to cut down the trees, even registering people to do pit sawing while the duty is to protect. I support the idea of protection by the Government, but the Government should have strict control on the officers who are letting down our resources very first. We have the weed in our place

there, it is all covered with this weed and it appears Government has not taken collective action to do something which is spreading very rapidly in the rest of the waters.

Last week the hon. Minister for Agriculture, explained in the House Parliament House (NRC), that for the last three years, the Ministry had tried to make enough budget for the control of these weeds, the Government had not taken care of that and you can see the results today. People living in Entebbe today, are not getting water constantly because of the weed which is now spreading very fast around parts of Entebbe. So, I think we support the Motion and think the Government should take - appear to be taking collective action to protect our natural resources. Thank you, Mr. Chairman.

MR. RWABIITA DEO (Ibanda South): Thank you very much, Mr. Chairman. Mr. Chairman, I want to support the Amendment by hon. Kiiza Besigye for these reasons. Mr. Chairman, the importance of this Chapter, especially economic objectives, is that the present Government and the future Governments should have programmes to develop our resources. Now, the Amendment made by Byakika and his Friends is very good, but when you say we protect our natural resources, we protect them for what? They must be developed. Therefore when you bring in the element that the gunmen should be seen to organize these resources and develop them, I find that this addition is adding more meat to the Amendment of hon. Byakika.

Mr. Chairman, Uganda is fond of singing a song of development by its leaders, that we have plenty of natural resources. What have we done with them? Nothing. The lakes have been there for centuries, the mountains, the gold, everything is there, but past Governments never had programmes to develop these resources. Therefore, Mr. Chairman, it is important that subsequent Governments must regulate the utilisation of these resources for the benefit of our people and in addition to this, I would request members to add that the word forest remains in this Article. Because the word flora is too wide. We must protect our forests so that our climate can improve, so that we can get more timber, so that we can get more firewood by even planting more forests. So, when you specify forests, which will give us the impetus for our society to build a culture of planting more forests and utilising them properly, Mr. Chairman, I support the Amendment.

MR. RINGWEGI (Padyere County): Mr. Chairman, I would like to oppose the intended Amendment by hon. Kiiza Besigye. We are seeking to smuggle back the word control into this very beautiful Amendment proposed by hon. Byakika and company. Mr. Chairman, we are trying to deal with economic objectives and we are trying to give some guidance to future Governments on how they should go about promoting the objectives of the people of Uganda in as far as the control of these resources is concerned. Mr. Chairman, we are talking about sovereignty over natural resources. Now, this sovereignty should not be contradictory. If we have already agreed in principle, that the people of Uganda are sovereign, their sovereignty should be exercised on the resources. There is no other way of exercising that sovereignty if the control and management of the natural resources is divested from the people themselves. That is why, when you bring in the word 'legalize', you are trying to say, you are legalising what you control. I do not see how you can regulate what you do not control. That is why I have fears with the word with re-introduction of this word regulate.

Mr. Chairman, I want to go further and agree with what hon. Ambrose Atwoki said. When you are talking about the word protect, we should not look at that word in a very narrow sense. When you are protecting, you must protect in order not to destroy - you have already given the power to protect. Then, which Government will deviate from that responsibility? Will the Government sit by and see an individual mismanaging the land when it has the power to protect? You can only protect it from destruction. I do not see what we are really fearing in this sense; we have already given the State the power to protect, it will protect - the protection also includes destroying pests which go to destroy the natural resources.

Therefore, hon. Dr. Kabayo's fears that if we talk about the word protect and we include the word fauna and flora, we are also encouraging the protection of - any way the point I am discussing here is that, we should look at the protection that we are given. Are we giving protection to the State, which protection is synonymous with control? If we are clear in our minds about what we are giving the State, then the word protection is sufficient in this case.

Mr. Chairman, therefore, I beg the hon. delegates to look at this Amendment as moved by hon. Byakika

and Company and disassociate themselves from the re-introduction of the word 'control' to use the word 'regulate'. I therefore, oppose the intended amendment to the Amendment. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. delegates, see where we have reached - we have taken the whole day on one Article, but the importance of it cannot be overestimated. The Motion was moved by hon. Byakika and others to delete Article 19 and substitute it with the words: *"The State shall protect important natural resources including land, water, wet lands, minerals, oil, fauna and flora on behalf of the people of Uganda"*.

Hon. Dr. Kiiza Besigye, seconded by a number of others moved an Amendment so that the end result would be if it was to be carried, *"the State shall protect and regulate the utilisation of important natural resources including land, water, wet lands, minerals, oil, fauna and flora on behalf of the people of Uganda"*. Now, the process is this, we shall first pronounce ourselves on the Motion of hon. Dr. Kiiza Besigye. If it is negatived, then we go back to the one of hon. Byakika, if it is carried still, we have to go back to hon. Byakika's, because it does not negate it completely; it only amends part of it.

Now, I will put the question on hon. Dr. Kiiza Besigye's Amendment and I request that I made a definite ruling and that ruling was challenged and therefore, we have to vote on it now, by division. Now, as we did say the other day, the division requirements will be that when you go into lobbies you sit down; that will make it faster and also more orderly.

Those in favour of hon. Dr. Kiiza Besigye's Motion will go to the lobby on the right of the Chairman and sit in those chairs there and those against that Motion will go to the lobby to the left of the Chairman, and sit in those chairs there.

(The Assembly went in Division)

AYES

DELEGATE	NAME OF ELECTORAL AREA
1. ABALIWANO ALBERT BREWER	BUGABULA SOUTH
2. ADIIMA BETTY	WOMEN - ARUA
3. ADIMOLA ANDRW BENEDICTO	GULU MUNICIPAL COUNCIL
4. AJIGA ABDUL	OBONGI COUNTY
5. ALI MOSES (BRIG.)	EAST MOYO
6. AMAMA MBABAZI	KINKIZI COUNTY WEST
7. AMANDRUA PAUL	NOTU
8. AMANYA MUSHENGA NUWE	IGARA COUNTY EAST
9. ARONDA NYAKAIRIMA (MAJ.)	NRA DELEGATE
10. BABU EDWARD FRANCIS	KAMPALA CENTRAL
11. BAGUMA-ISOKE MATIA	BUYANJA COUNTY
12. BAMWENDA TOTEREBUKA BONEFACE	BUYAGA COUNTY
13. BANTARIZA FRANCIS	BUHWEJU COUNTY
14. BASALIZA HENRY ARAALI	FORT PORTAL MUNICIPALITY
15. BATANYENDA GAITANO (REV. FATHER)	PRESIDENTIAL NOMINEE
16. BWAMBALE BIIRA LOICE	WOMEN - KASESE
17. CHANGO MACHYO	SAMIA BUGWE SOUTH
18. CHEBET MAIKUT	KWEEN COUNTY
19. DHUGIRA ESTHER OPOTI	OKORO COUNTY
20. ENGOLA SAM (MR.)	PRESIDENTIAL NOMINEE
21. GUMA FRANK (LT. COL.)	BUKANGA COUNTY
22. GUMISIRIZA GUMA DAVID (LT.)	IBANDA NORTH
23. HASHAKA JACKSON	KIBALE COUNTY
24. JAMWA TEZIRA	WOMEN - TORORO
25. KABAYO JOHN PATRICK	KASSANDA SOUTH
26. KABIRISI LUBERENGA HOPE	WOMEN - BUSHENYI
27. KABWEGYERE TARSIS BAZANA	IGARA COUNTY WEST
28. KAHEEBWA FOX JOHNSON	BUJENJE COUNTY
29. KAJA JOHN WYCLIFFE	KIBANDA COUNTY
30. KAJARA ASTON PERTERSON	MWENGE COUNTY SOUTH
31. KAMURON PETER	KONGASIS COUNTY
32. KASUJJA AZIZ (MR.)	PRESIDENTIAL NOMINEE
33. KATEREGGA LIVINGSTONE	NAKIFUMA COUNTY
34. KIBIRANGO GYAGENDA (MAJ.)	NRA DELEGATE
35. KIGAYE-BILLYAWO ERIYA PAUL	BUDAKA COUNTY
36. KIZZA- BESIGYE	NRA DELEGATE
37. KINYATA GEORGE STANLEY (DR.)	KINKIZI COUNTY EAST
38. KIRAAHWA MONICA	WOMEN - MASINDI
39. KIRENGA EMMANUEL	MITYANA COUNTY NORTH
40. KIRUNDA-KIVEJINJA ALLY MUWABE	BUGWERI COUNTY
41. KISAMBA-MUGERWA WILBERFORCE	BAMUNAKIKA COUNTY
42. KITAKA-GAWERA ELIJAH JOHN	BBALE COUNTY
43. KIWANUKA SAM	BUSIRO COUNTY NORTH
44. KULANY GERTUDE	WOMEN - KAPCHORWA
45. KULE MURANGA KIGHOMA JOSEPH	BUSONGORA NORTH
46. KUTESA PECOS ONESSMUS (COL.)	KABULA COUNTY
47. KUTESA SAM K.	MAWOGOLA COUNTY
48. KWERONDA RUHEMBA	KAJARA COUNTY

- | | |
|--------------------------------------|------------------------|
| 49. KYALIGONZA MATAYO | BUHAGUZI COUNTY |
| 50. LAGADA AMONGI BEATRICE (MRS.) | WOMEN - APAC. |
| 51. LIIGA ALOYSIUS C.M. | BUVUMA (ISLANDS) |
| 52. LOKERIS SAMSON | DODOTH COUNTY |
| 53. LUKUMU FRED | BULIISA COUNTY |
| 54. MALIRO GASTON JOHN R. | MWENGE COUNTY NORTH |
| 55. MASIKO WINFRED | WOMEN - RUKUNGIRI |
| 56. MATEMBE MIRIA R.K. | WOMEN - MBARARA |
| 57. MIYINGO-KEZIMBIRA LAWRENCE (DR.) | BUKOTO MID-WEST |
| 58. MUGISHA MUNTU | NRA DELEGATE |
| 59. MUGYENYI POSIANOR (DR.) | ISINGIRO NORTH |
| 60. MUKASA MURULI WILSON | NAKASONGOLA COUNTY |
| 61. MUKIIBI BENIGNA | WOMEN - KABAALE |
| 62. MUKWAYA ABBEY HAFEZ | BUSIRO COUNTY EAST |
| 63. MUKWAYA BALUNZI JANAT (MRS.) | MUKONO COUNTY SOUTH |
| 64. MUSANA SOPHY (DR.) | BUIKWE COUNTY NORTH |
| 65. MUSHEMEZA ELIJAH DICKENS | SHEEMA COUNTY SOUTH |
| 66. MWEBESA FRANCIS (MR.) | PRESIDENTIAL NOMINEE |
| 67. MWESIGWA RUKUTANA MUGASHA | RUSHENYI COUNTY |
| 68. MWESIGYE RUHINDI HOPE (MRS.) | WOMEN - KABALE |
| 69. NABAFU JENNIFER ROBBINA (MISS) | WOMEN - MBALE |
| 70. NABURRI LORIKO WILLIAM | C'WEKWII (KADAM) |
| 71. NASASIRA JOHN MWOONO | KAZO COUNTY |
| 72. NGOBI MATHIAS (MR.) | PRESIDENTIAL NOMINEE |
| 73. NTABGOBA JENINAH | WOMEN - KISORO |
| 74. OBIGA KANIA MARIO | TEREGO COUNTY |
| 75. ODONG JEJE | NRA DLEGATE |
| 76. OKORIMOE JENET (MRS) | WOMEN - KATIDO |
| 77. ONDOGA AMAZA (MAJ.) | NRA DELEGATE |
| 78. OWINY-DOLLO CHIGAMOY ALFONSE | AGAGO COUNTY |
| 79. OWOR WILLIAM CHARLES | ASWA COUNTY |
| 80. PULKOL DAVID BWANGAMOE | MATHENIKO COUNTY |
| 81. RUZINDANA AUGUSTINE | RUHAMA COUNTY |
| 82. RWABIITA DEOK. | IBANDA SOUTH |
| 83. SABIITI JACK | RUKIGA COUNTY |
| 84. SSEMAKULA NAKABUGO KIGGUNDU HAWA | WOMEN - MUBENDE |
| 85. SSENTONGO THOEPISTA | NOTU |
| 86. SSERWANGA LWANGA | NRA DELEGATE |
| 87. TIBAMANYA URBANK | KASHARI COUNTY |
| 88. TIGWEZIRE JOHN KASAJA | BUNYANGABU COUNTY |
| 89. TINYEFUZA DAVID (HAN.) | NRA DELEGATE |
| 90. TIRUSASIRA KATONGOLE DIFASI | BUGABULA NORTH |
| 91. TUMUKUNDE HENRY | RUBABO COUNTY |
| 92. TUMWINE POLLY KATAHWA | YOUTH - WESTERN REGION |
| 93. ZZIWA NANTONGO MARGARET (MRS.) | WOMEN - KAMPALA |

NAYS

- | | |
|-----------------------------|--------------------|
| 1. ADIO WINIFRED | WOMEN - SOROTI |
| 2. ANIKU JACOB R.F. (DR.) | MADI-OKOLLO COUNTY |
| 3. APUUN LONGOLI PATRICK | BOKORA COUNTY |
| 4. ATAMVAKU ZUBAIRI NASSEEM | ARUA MUNICIPALITY |

5. ATIM OGWAL CECILIA (MRS.)	LIRA MUNICIPALITY
6. ATWOKI AMBROSE	YOUTH - NORTHERN REGION
7. AWORI AGGREY SIRYORI	SAMIA BUGWE NORTH
8. BAGARUKAYO MAISOTIGALYA JANET (MRS.)	WOMEN - NTUNGAMO
9. BAGENA ANTHONY M.S.	BUFUMBIRA COUNTY EAST
10. BAGEYA GEORGE PATRICK	KIGULU COUNTY NORTH
11. BALYEJJUSA VICTORIA SEKITOLEKO	BUTEMBE COUNTY
12. BASOGA NSAJU	BUSIKI COUNTY
13. BWAMBALE -WALEMBA IVAN	BUKONZO COUNTY EAST
14. BYAKIKA-KASAJJA GERESOM SAMSON	BUNYOLE COUNTY
15. BYARUGABA BAKUNDA ALEX	ISINGIRO SOUTH
16. BYARUHANGA M FABIOUS	KITAGWENDA COUNTY
17. EGUNYU-ASEMO FIONA LUCY (MRS.)	WOMEN - KUMI
18. EJOKU SAMUEL	NGORA COUNTY
19. ELYAU MIKE JUVENTINE	KALAKI COUNTY
20. ERESU ELYANU JOHN	KABERAMAIDO COUNTY
21. ESWAU CHARLES APERU	KASILO COUNTY
22. ETONU BENEDICT	AMURIA COUNTY
23. ETUKU-ONYOK DAVID	MOROTO COUNTY
24. JURIA ALEX	VURRA COUNTY
25. KABUGO MUSESESA	NAKASEKE COUNTY
26. KAGIMU KIWANUKA MAURICE PETER BEN	BUKOMANSIMBI COUNTY
27. KAJUBI SENTEA WILLIAM	KYADONDO NORTH
28. KAKUNGULU SHANNON (DR.)	PRESIDENTIAL NOMINEE
29. KALEMA RHODA NSIBIRWA	KIBOGA COUNTY EAST
30. KANYIKE ANTHONY WILLIAM HENRY	BUIKWE COUNTY WEST
31. KARUSOKE CONSTANTINE	NTOROKO COUNTY
32. KASANGAKI PANTALEO KAAHWA	BURULI COUNTY
33. KASOLE BWERERE LWANGA EDWARD	BUWEKULA COUNTY
34. KATENTE-APULI STEPHEN	CONSERVATIVE PARTY
35. KAWANGA JOHN BAPTIST	MASAKA MUNICIPALITY
36. KAWERE SEMPA PIUS	MUKONO COUNTY NORTH
37. KAWOOYA ANIFA	WOMEN - MASAKA
38. KAYIZZI ASANASIO	KASSANDA NORTH
39. KIMERA VINCENT	BUKOTO EAST
40. KIMERA NDIKABONA RASHID AMAN	BUNYA SOUTH
41. KITARIKO K. ROBERT	DEMOCRATIC PARTY
42. KIWAGAMA WILLIAM WILBERFORCE	BUNYA WEST
43. KIWANUKA -MUSISI G.	BUIKWE COUNTY SOUTH
44. KIYONGA FRANCIS ADAMSON	UPE COUNTY
45. KIZITO JOHN SSEBAANA	MAKINDYE DIVISION EAST
46. KOMAKEC LEANDER	ARUA COUNTY
47. LANGOYA TIMONY	LAMWO COUNTY
48. LUBEGA DAMIANO	RUBAGA DIVISION SOUTH
49. LUBEGA- WAGWA SWAYIBU	BUTAMBALA COUNTY
50. LUBOWA MOSES PAUL	BUDIOPE COUNTY
51. LUBULWA MIGADDE UMAR	KATIKAMU SOUTH
52. LULE WASSWA	RUBAGA DIVISION NORTH
53. LUTALO KAMYA JAMIL	NTENJERU NORTH
54. MAGEZI DAUDI SUUBI	JINJA MUNICIPALITY EAST
55. MALINGALO OJULLA IGNATIUS	USUK COUNTY
56. MASALU MUSENE WILSON	MANJIA COUNTY
57. MASIKA GEORGE JAFETH	MBALE MUNICIPALITY

58. MATEKE PHILEMON	BUFUMBIRA SOUTH
59. MAVENJINA AKUMU CHATHERINE (MRS)	WOMEN - NEBBI
60. MASIMA ELIPHAZ	NUDIPU
61. MULASSANYI DAVID JOHN	RUBANDA COUNTY WEST
62. MULENGA N. JOSEPH	DEMOCRATIC PARTY
63. MULONDO BESWERI KIWANUKA LUSSE	MITYANA COUNTY SOUTH
64. MUSEKURA NDARUHUTSE B THADDEUS (DR.)	BUFUMBIRA NORTH
65. MUSOBYA LUBEGA GODFREY	KAGOMA COUNTY
66. MUSUMBA ISAAC ISANGA	BUZAAYA COUNTY
67. MUTAGAMBA LUBEGA MARY	WOMEN - RAKAI
68. MUYIISA JOHN CHRIZESTOM	BUJUMBA COUNTY
69. MWAKA DAVID	NWOYA COUNTY
70. MWONDHA PATRICK JOHN	BUKOOLI COUNTY NORTH
71. NAKYANZI MARIA VERONICA (DR.)	NTENJERU SOUTH
72. NANKABIRWA SENTAMU RUTH (MISS)	WOMEN - KIBOGA
73. NDEGE JOHN JOSHUA	LUUKA COUNTY
74. NGOBI MATHIAS (MR.)	PRESIDENTIAL NOMINEE
75. NSIBAMBI APOLLO (PROF.)	PRESIDENTIAL NOMINEE
76. NSUBUGA NSAMBU YUSUFU	MAKINDYE DIVISION WEST
77. NYAI DICK	AYIVU COUNTY
78. NYEKO JACK H. PEN-MOGI (DR.)	PRESIDENTIAL NOMINEE
79. OBEL ONEGI	JONAM COUNTY
80. OBONYO JABWOR CLEMENT HENRY	LABWOR COUNTY
81. OBUA OTOA JAMES NAGAI	ERUTE COUNTY NORTH
82. OCHYENGH DAN MICHAEL	KAPELEBYONG COUNTY
83. ODOY-ASOKA ALFRED	WEST BUDAMA NORTH
84. ODUR DICK	DOKOLO COUNTY
85. OGOLA AKISOFERI MICHEAL	WEST BUDAMA SOUTH
86. OGWEL- LOOTE SAMMY	MOROTO MUNICIPALITY
87. OJOK B'LEO	KIOGA COUNTY
88. OKALEBO HENSLEY EPHRAHIM	BUKEDEA COUNTY
89. OKENY TIBERIO ATWOMA	CHUA COUNTY
90. OKULA O. CHARLES	SOROTI COUNTY
91. OKULLO-EPAK YEFUSA (DR.)	OYAM COUNTY SOUTH
92. OKWAKOL NATHAN	PALLISA COUNTY
93. OKWONGA-LATIGO ONESIMO	OMORO COUNTY
94. OLEGA ASHRAF	ARINGA COUNTY
95. O'LET CHARLES CHRISTOPHER	ERUTE COUNTY SOUTH
96. OLWA BEN	KOLE COUNTY
97. OMARA ATUBO DANIEL	OTUKE COUNTY
98. OMEDA HEBRON O'MAX	SERERE COUNTY
99. OMOLO PETER	SOROTI MUNICIPALITY
100. OMUTE JULIUS	KUMI COUNTY
101. ONETI-BATIA SAMUEL A. AB.	MARACHA COUNTY
102. ONGARIA STEVEN	TORORO MUNICIPALITY
103. RAINER KAFIRE JULLIET	WOMEN - PALLISA
104. RINGWEGI SAM FIESTER SURF	PADYERE COUNTY
105. SAKWA DARLINGTON NANYWAKA	BUNGOKHO SOUTH
106. SEBI DATA HAROUN	KOBOKO COUNTY
107. SSEKANDI EDWARD	BUKOTO CENTRAL
108. SSEKWEYAMA WAGABA ANTHONY	MAWOKOTA SOUTH
109. SSEMOGERERE KAWANGA PAUL	BUSIRO COUNTY SOUTH
110. TURYAHIKAYO ALICE K. RWAHWIRE (MRS.)	WOMEN - KABAROLE

111. WACHA BEN	OYAM COUNTY NORTH
112. WAGIDOSO MADIBO CHARLES	BULAMBULI COUNTY
113. WANDERA OGALAOA DAN	BUKOOLI SOUTH
114. WANENDEYA WILLIAM GIBONI	BUDADIRI EAST
115. ZZIWA GEORGE WILLIAM	KAWEMPE DIVISION NORTH

ABSENTIONS.

1. ABU WINOTTYA DOMINICA	WOMEN - MOYO
2. AKECHO OKULLU BETTY (MRS.)	WOMEN - GULU
3. BYANYIMA WINNIE KARAGWA (ENG.)	MBARARA MUNICIPALITY
4. KAMANDA BATARINGAYA COS (DR.)	BWAMBA COUNTY
5. KAYONDE ISRAEL	GOMBA COUNTY
6. MUKISA SOLOME (MRS)	WOMEN - IGANGA
7. SEMAJEJE HIGIRO	LWEMIYAGA COUNTY

THE CHAIRMAN: There were in the Chamber by the time of the division, 215 Members; seven Members abstained; and the remaining Members voted for and against. The result was that those for the Motion were 93, and those against the Motion are 115. Given our Rules, the Motion by hon. Besigye was negatived; it was not carried. *(Applause)*

THE CHAIRMAN: We therefore now vote on hon. Byakika's Motion. Let me put the question.

MR. BEN WACHA: Mr. Chairman, in view of the vote which has been just announced, do we need to vote again?

THE CHAIRMAN: Yes, because there were two Motions. There was a Motion by hon. Kiiza Besigye to amend hon. Byakika's Motion and hon. Kiiza Besigye's Motion was defeated. And therefore, the wording of hon. Byakika's Motion remained as it was and what we are doing now, is to decide whether one replaces article 19, that is the Motion. Okay let me put the question.

(Question put and agreed to).

THE CHAIRMAN: With this showing, I think we cannot go to the division. I will ask the hon. Member to sit down. Order, order. Our Rules provide for dignified clapping but not this sort of thing. Now, in view of this result, - and they are 51 and more, I am unable to call a division. Thank you very much, a decision has been taken. *(Applause)*

The position is that, as a result of this vote, if you look at Appendix II, Article 19 has been replaced by the Amendment as moved by hon. Byakika and others and that is the position with regard to that Article. Hon. delegates, you see what time it is, and it has taken a long time, all day actually, we have done only two Articles. But I think this was a very important Article and it had to take the time it did. With that, therefore, I would like to adjourn the Constituent Assembly to tomorrow morning at 8.30 a.m. We stand adjourned, thank you.

*The Assembly rose and adjourned until 8.30 a.m.
Thursday, 29th September, 1994.*