



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

MONDAY, 29TH AUGUST 1994

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 1716]

Price: Shs. 5,550

Monday, 29th August, 1994.

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

PRAYERS

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

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE DEPUTY CHAIRMAN: Hon. Delegates, I do not have any specific communication from the Chair other than welcoming you back from the weekend. Thank you.

Hon. Delegates, we gave some work to the Legal and Drafting Committee and I think it would be prudent if we requested the Vice Chairman of that Committee, Hon. Ben Wacha, to give us a brief on what was agreed on before we really get into the business because I think it is important.

DR. JOHN KABAYO (Kassanda South): Madam, Chairperson, mine is a point of clarification. I seek clarification on the correct and proper time this Assembly is supposed to commence business. Each time we adjourn at the end of each session, the time of 8.30 a.m. is announced for the following session to begin. Those who manage to come on time at 8.30 a.m. quite often have to wait for as long as two hours sometimes. I was of the opinion, Madam Chairperson, that the business of this Assembly is a serious matter but this opinion is apparently contradicted by the casual manner in which we observe the business time. Considering that there is a serious time limitation governing the completion of our work, we should not continue to waste more time. If the time table that we agreed on is inconvenient, let us agree on a more practical one so that at least some delegates do not have to waste time here waiting for others to arrive. In any case, let us impose a stricter requirement to comply with the Rule No. 7 of our Rules of Procedure which demands that we should put in at least 32 hours per week. If we continue to come one or two hours late everyday, we will be lucky if we put in 20 hours a week. Madam Chairperson, I make this comment in a spirit of frankness seeking to redress what I consider a serious problem and I am concerned that this Assembly should not be regarded as anything other than serious, attracting a

variety of negative descriptions which may ultimately affect the acceptance of our work. Thank you Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much Hon. Kabayo for your suggestion. As for me I came at 8.30 a.m. I have been checking here every after five minutes, there was no quorum and we had earlier on decided that this is a very crucial stage. I hope that since this is Monday, we will be able to adhere to our own rules we set that we start at 8.30 everyday. Thank you very much.

MR. BABU: Madam Chairman, thank you very much. On Friday when we departed, we gave a time frame to the Legal and Drafting Committee and the Chairman made it very clear that they should bring their report on Tuesday. I would like therefore to ask the Secretariat to give this Committee more time, unless of course if the committee is ready, but otherwise we should continue with the agenda. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much Hon. Babu. Actually I had assumed that most of us received the documentation on amendments to be moved at consideration stage to Chapter One of the Draft Constitution and we have No. 1 as Chapter One, there is a Motion there by Hon. Sekandi and Hon. Byarugaba Bakunda Alex. After we have talked over this with Hon. Ben Wacha, we thought that at least they have something for us but before we look at it, it would be good if they tell us how they came to this, otherwise we would start and then there may be queries as to how this was arrived at. We have some four pages on promotion of Public awareness of the Constitution down there by Hon. Okullo Epak and Rwabita. That was the spirit in which we hoped that even if they are to give us a report on Tuesday, perhaps they can do it earlier than that because we gave them only one Article. Thank you very much.

MR. BEN WACHA: (Vice Chairman, Legal and Drafting Committee) Madam the report I am going to make is different from the report which has been intimated upon by Hon. Babu. On Friday, as I recollect, this House resolved that certain matters be sent to the Legal and Drafting Committee one of which should be reported upon tomorrow and another one of which should be reported upon after seven days. Thus, Madam, is not that report.

Madam, as directed, the Legal and Drafting Committee met on Friday, 26th August 1994 and considered various possible amendments. The number of possible amendments which came before the committee totalled 36. After careful consideration and with the various sponsors of such amendments exhibiting complete understanding and cooperation, we managed to reduce the total number of possible amendments to a reasonable 12 with a number of delegates agreeing to co-sponsor various amendments. Madam Chairman, as you have intimated, details of the possible amendments have been circulated. In the circulated text, Members will have noticed that the number of the possible amendments are not 12 but come to about 14. This is so because over the weekend, one or two delegates, on recognition of the various amendments which came before the Committee, decided to bring other amendments and I, in consultation with the Chairman of the Technical Committee agreed that this other amendment should also appear on the circulated list.

Madam Chairman, I wish to mention two particular amendments or Possible amendments which were withdrawn. There was one by Hon. Egunyū and another by Hon. Kabayo in respect of gender insensitivity of the Draft. We informed the two Hon. Members and I wish, on behalf of the Committee, to inform the House that the issue of gender insensitivity of the Draft has already been drawn to the attention of both the Legal and Technical Committees. The Technical Committee is looking at various Drafting options on how best to make the Draft the Legal Document which we produce, gender sensitive. I am, therefore, appealing to all the Members present, through you, Madam, to exercise patience in respect of such possible amendments which, if we were to consider, would possibly appear in every other page of the Draft Constitution. I am saying this because Hon. Egunyū has come back to me to say that women delegates are insistent that this amendment should be debated and passed on the Floor. I wish to appeal to our women delegates that the matter is receiving urgent attention from our committee and that they should exercise some patience so that we come with a solution.

Madam, I also notice that there are some few mistakes in the circulated document in respect of the amendments. I have discussed the mistakes with the owners and sponsors of the Motion and we have agreed that they should sponsor their Motions as they had indicated and not as it appears in the Draft.

With these few reports, Madam, I beg that the circulated document be adopted by the House.

THE DEPUTY CHAIRMAN: Thank you Hon. Ben Wacha. I think with that report and also the summary paper of the Articles and Clauses combined as seen by the paper that has been circulated to us, I propose that Article Three - (*Interruption*)

MR. ETYANG: Madam Chairperson, just on a simple point of procedure, at the stage at which we are now, we need all to be harmonised as to which document we are looking at. I would like to appeal to the secretariat to simplify the documentation by putting proper references which are easily identifiable. For example, a very important document has been introduced, it does not have any reference on and I do not know whether we are all looking at the same document, and if it is the same, whether it is the same text. It is a matter of procedure, Madam Chairperson, because it is a very critical stage of considering the Constitution and it would be very helpful for all of us if a reference is put on each and every document which is being introduced. Thank you.

MR. BAGEYA: I wanted to advise the Hon. Member who has just left the Floor to use the microphone so that we could hear because some of us did not hear whatever he said. So I was wondering whether it was in order for him to frustrate us.

MR. ETYANG: Madam Chairperson, I did not receive any other complaint from anybody else. I assume my colleague there needs a little bit of hearing aid but I would like to suggest - (*Interruption*).

THE DEPUTY CHAIRMAN: Can you address the Chair please.

MR. ETYANG: Madam Chairperson, I made a proposal on a procedural matter to the extent that the stage at which the Assembly is now is critical, that we are all looking at the same document being introduced. The secretariat is appealed to, cajoled, prayed, to facilitate this particular procedure by indicating on each document to be introduced, a clearly understandable and identifiable reference. I made this point very clearly even before we took off that the Secretariat could just put CA/1, CA/2, CA/3 so that anybody who is introducing a document at this point would say that the document I am referring

to is CA/1 because the document that the Hon. Ben Wacha has introduced is very important, it has no title and yet it is a very important material and we are all going to look at it and my point was, are we looking at the same document? This matter and appeal is addressed to the Secretariat and from me for the third time. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much. I think the Secretariat has taken note.

DR. OKULLO-EPAK (Oyam County South): I am on the Floor to support (*Interruption*)-

THE DEPUTY CHAIRMAN: Excuse me Hon. Okullo Epak but before you proceed, I think it will be in order first to adopt the report from Hon. Ben Wacha. Is it on the adoption of the report?

MREGUNYU: Yes, Please. Thank you. Madam Chairperson. Madam Chairperson, I am seeking guidance in a matter of procedure. A Motion had been tabled on gender sensitive language. I want to know whether the Motion should not have first been passed by the Assembly before the Legal and Drafting Committee can go ahead and implement or take the details thereof. Thank you Madam Chairperson, can I be guided?

THE DEPUTY CHAIRMAN: What I presume the Hon. Ben Wacha was saying is you will find a hundred and one more - that means many of that type. So he was saying that definitely if we agree that in principle we accept gender neutrality, so you accept the principle rather than discussing clause by clause where there are too many. That was his point. Hon. Ben Wacha, perhaps let me not distort your work.

MISS. EGUNYU: Madam chairperson, the Motion was general and it was supposed to be passed in the House and then they can go into the details of authorizing or implementing article by article but we wanted the Motion passed in the House as a general one as you have said in principle that we agree on gender sensitive language then the legal and Drafting Committee can go article by article.

MR. KARUHANGA: Madam Chairperson, the issue Hon. Egunyuu is bringing was well discussed by our Committee and that was resolved that like we are doing in other cases of proposed amendments, that proposed amendments in respect of one section of an article, we advise that it is going to appear through-

out and we have prepared a paper through the Technical Committee, on gender Language. There are five techniques that can be used in modern drafting on gender issues. We still have to discuss and debate and find out which of the five techniques that the Legal Committee will recommend to this House to use. Now, we are advised that those who had brought that were Hon. Kabayo and Hon. Egunyuu, and that they should wait until the legal Committee has come up with a recommendation of what language we can use. So we were just appealing to Members to be patient and to give the Legal Committee time to debate that and together with the Technical Committee, come up, using international experience and relying on what has already been written and presented to us by the Technical Committee so that we can finalise this chapter but if we have got to move now Article by Article where there is "he" we may pass "he/she" when in fact the language we want to use is different and then at the end, we will find that we will have a Constitution which is just confused on the gender language. I think it is important to give us time to come up with a recommendation. Thank you.

MR. BABU: Madam Chairperson, we agreed last Friday, and very clearly here, that most amendments before they come back to the plenary session, will first go to the Legal and Drafting Committee to help us to come up with more technical details before we can debate it. So I think to answer the question of the Hon. Member who posed the question is that we would like most of these amendments to go to this Committee, let them refine them, bring them here and then we can pass them. I think that was the agreement that we made here. Thank you very much, Madam Chairperson.

MR. BEN WACHA: Madam Chairperson, our understanding in the Legal and Drafting Committee is that the issue of gender sensitivity or insensitivity does not anymore arise in drafting of documents internationally. Therefore nobody in his or her right senses would object to any amendment which is meant to make any document gender sensitive. That is basic. What we are now dealing with, Madam, is (a) to try and work as fast as possible taking into account that these issues will arise in almost every clause of the document and (b) try to find out how best to handle it, how to harmonise it in respect to international standard. And we are, therefore, appealing to our other Members that we are quite aware of the problem which has arisen because of the

drafting of this document but we are going to deal with it. So please give us time to see how best to deal with it. That is all.

DR. KABAYO (Kassanda South): Madam Chairperson, I believe we are talking at cross purposes here. I think Hon. Egunyū was referring to the principle of gender sensitivity being approved by this Assembly first before it is put into the Drafting Committee to handle the drafting aspect.

THE DEPUTY CHAIRMAN: So we are agreeing with Hon. Wacha. Because what he is saying is that internationally this is accepted. That means, according to what he has given us, if we approved his report, he has already hinted on that that it will be done. I think Hon. Ben Wacha is agreeing with the principle. So once we approve his submission, we would have approved the principle of gender neutrality. Any query Hon. Egunyū, because you are the two sponsors of the Motions.

MISS EGUNYU: Thank you Madam Chairperson. On that assurance if the House has adopted in principle, I have no quarrel with it.

MR. KAVUMA: Thank you very much Madam Chairman. Having heard from Hon. Karuhanga, I got the impression that there is a report which is going to come to this Assembly with a recommendation of how we deal with that principle and he was pleading for time so that they get their report and we consider the principle. I have no quarrel with that. Then Hon. Ben Wacha says no, the thing is automatic and therefore this Assembly does not need to address its mind on it. I object to that because if there is a Motion, however obvious, we must pass a decision on the Motion and this matter is not a matter that we can assume because it is internationally recognised, this Assembly should leave it like that. I think we must conduct business in an orderly manner and I therefore appeal to Hon. delegates that we allow the Legal and Drafting Committee the time they want to come out with a recommendation on how we properly adopt or reject the principle of gender sensitivity in our constitution so that a formal decision is taken even if only for record purposes. I think that would be the most orderly manner of going about this business. I thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you Hon. Kavuma. I think Hon. Kavuma is saying that we

perhaps give the Legal committee time to come with their proposal having in the background that actually, there is no contradiction to what Hon. Kabayo and Hon. Egunyū were saying. So I think that is out of the way, and so I want to propose that we adopt Hon. Ben Wacha's report.

(Question put and agreed to).

(Report adopted)

We have adopted Ben Wacha's report and taking into consideration the concern of Hon. Kabayo and Hon. Egunyū. Now, we come to the substance of our work and I am saying that I want to propose the question that Article 3 do stand part of this Constitution. But at the same time I note that we have some delegates who have proposed amendments and I think this one, I could call upon the sponsors of the first Motion to take the Floor, that is Hon. Sekandi and Hon. Byarugaba Bakunda Alex. I think they have already agreed who is going to represent them.

MR. EDWARD KIWANUKA SEKANDI (Bukoto Central) Madam Chairperson, I beg to move that we delete the current sub-Article (1) in the Draft Constitution and replace by a new sub article to read as follows:

"For the avoidance of doubt and subject to Clause 4 of this Article, it shall be unconstitutional for any person or group of persons to establish a government or takes seizure of the powers of state or any other institution of state by revolution."

THE DEPUTY CHAIRMAN: Is that one seconded?

DR. CHEBROT: Thank you, Madam Chairperson. I wish to thank Hon. Ssekandi for moving the amendment but the text which I have is totally different from what he is reading and the words which he has put in are not in the text which I have.

THE DEPUTY CHAIRMAN: Hon. Ssekandi perhaps you may read your Motion again as contained in the paper we have.

MR. SSEKANDI: Madam Chairperson, it appears there were two errors made from the Motion we submitted to the secretariat last Friday after meeting the technical Committee. As far as we are concerned it should have read as follows: *"For the avoidance of doubts and subject to Sub Article 4 of this Article,*

it shall be unconstitutional for any person or group of persons to establish government or take seizure of power's of state or any other institution of state by revolution."

THE DEPUTY CHAIRMAN: Thank you Hon. Ssekandi for that correction. Actually you should recall that Hon. Ben Wacha said that there will be some corrections to be effected. Perhaps that is one of them.

MR. KUTESA: I want a debate on that Motion.

THE DEPUTY CHAIRMAN: Are you debating?

MR. KUTESA: Yes.

THE DEPUTY CHAIRMAN: Let us have it seconded. Okay, we have a second sponsor, we can assume that he is the one seconding the Motion. They have to actually talk about it before we can open up the debate. So if it is seconded - can I call upon Hon. Ssekandi to amplify on his submission?

MR. ETYANG: Procedure. Madam Chairperson, I am sorry to come in at this point but I thought we could facilitate our work if we at this point invoked Rule 48(12). If you look at the proposed amendment now that the first one has been seconded, may be the Chair could invite the sponsors of the second proposed amendment which to me appears to have the same intention so that you could appeal to the sponsors to harmonise it. It will save us time. Madam Chairman, if you look at one, two, three - one and two are seeking to have the present text deleted and replaced by their respective amendments.

THE DEPUTY CHAIRMAN: Thank you very much but I think the Delegate has just read the proposal. Would it not be in order for giving him at least one minute to say something why he moved that before we go down, in which case we may, contradict him before he has given us what he has in mind. So let us give him some time to say what he has in mind, because they were two, they were merged they came to an agreement then after that we can come to your proposal that before we proceed we look at the second one, that one is also discussed and then we go concurrently. I think hon. Ssekandi you still have the Floor.

MR. SSEKANDI: Madam Chairperson, this policy behind this amendment is to avoid the disappoint-

ment the delegates here may eventually have if we do not include this particular amendment. We are debating a constitution, we are attaching interpretations but some time, a year, a month or after, we may be disappointed in that when we have a problem, we go to court and the court may attach different interpretations than that we might have in mind now. You may not be disappointed, may be in some years when our court system restores - for instance, last week we amended Article One and we deleted democratic institution. You may find some time when the matters goes to court, the court may draw back these very terms we have today deleted. The purpose for which I have bought this amendment is because I am aware that even when in 1966, when in our constitution that was prevailing then, we had an Article to the effect that the Constitution is supreme, which meant that you cannot do any other thing to the Constitution other than using the method provided in the constitution to amend it, we had a revolution, we had the change of our constitution without adhering to the provisions that are to be followed. When the matter went to court, our court here held that you can effectively establish a legal government by a revolution. That is an abrupt change, unanticipated in the current constitution. As long as you are able to take control of the country, you can establish a government and that government will be upheld by the courts. This is the law. This law was pronounced in the case of Uganda versus the commission of Prisons, ex-parte Matovu in 1966. Again this law was adopted in the case of Andrew Lutakome Kayiira versus Edward Rugumayo and another. The point in these cases was adopted from a decision that was made in Pakistan in 1968, the case of Dosso versus the state of Pakistan although when the case of Lutakome Kayiira came before Court, the decision in Pakistan had been over-ruled by another decision in the state of Punjab and our court was made aware that the decision they had followed of Dosso had been over-ruled, the court here maintained the position as I have said. So since this is a law, that the courts now recognise a revolution as a means of taking a government and getting legitimacy, since I believe we do not want that kind of situation to arise again, we have to expressly say so in our constitution that we do not support that decision. We do not support two thousand men and officers getting APC's, station themselves in Mbarara, in Kampala, Jinja, declare nobody should move, everybody is subdued, nobody comes to oppose, they take control and our court system will say this is a legal government, you have to obey. So I believe we do not now

want coups and therefore, we should support this amendment so that for avoidance of doubt not withstanding the legal position as it is contained in the two binding cases, we now say you do not take government by revolution. Otherwise if we leave it here, the courts are conservative, they want to show consistency, they want to say if we decided in 1966 we should also decide in 1998. That is why I am proposing that we put this amendment instead of the present sub-article. The present sub-article does not articulate this position and I believe this will articulate the position I am advocating for. I thank you, Madam Chairperson.

As for the second amendment following, although I am not the one who moved it, the second amendment is only intended to create the offence of treason. The two are different. Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: Thank you very much. Before we proceed I want to give a chance to the seconder to second his Motion and then we open up the debate.

DR. MUYINGO KEZIMBIRA (Bukoto Mid-West): I just want to get a clarification from Hon. Ssekandi because it seems as if he is replacing Clause (1). I thought he was bringing a new Clause all together rather than replacing Clause (1). Because Clause (1) is being taken care of in the next amendment that I am going to move. (*Interruption*).

THE DEPUTY CHAIRMAN: You are already debating, let us hear from the seconder. Definitely after him I will come to you.

MR. BYARUGABA (Isingiro south): Madam Chairperson, I have one simple reason and for purposes of clarity, I wanted to put it more succinctly as to why I supported and co-sponsored this amendment. You are all aware, Madam Chairperson, of our turbulent history whereby the military or even individuals have, by force of arms, over-run and overthrown governments. This is not something new in our history especially since 1966. This first happened, of course, in that year when Obote staged what he called a revolutionary coup and put in place what he called a revolutionary constitution and when the legality of the legitimacy of this new government arose as it has been properly put by my colleague, Hon. Ssekandi, courts of this country used a theory put forward by Prof. Kelsen. Kelsen's pure theory of law was used to say that under the law, in a

revolutionary situation, such a new government was lawful and of course this laid a foundation for military coups in Uganda. No wonder we have had quite many. If this amendment, Madam Chairperson, is adopted, the ambitious, the habitual bush goers, self-seekers, very adventurous people will be checked. This is the time, it is high time we created, we inculcated within ourselves, a culture of constitutionalism. The other day I refused, with very good reasons, to sign somebody's voucher, to endorse somebody's voucher, he threatened also to go to the bush - that I will have to go to the bush and do away with this kind of staff. I think this constitutionalism should be inculcated within us. Why do We think, of revolutions? Is this the only way through which we can establish a proper government? I therefore would like all of us to support this amendment and have this culture of constitutionalism built within ourselves first and foremost. Thank you very much.

THE DEPUTY CHAIRMAN: Thank you very much. Actually I had given the Floor to Dr. Muiyungo Kezimbira who had some burning issue to start off then I will come to the other Members.

DR. MUYINGO KEZIMBIRA: Thank you very much, Madam Chairperson. Actually the clarification that I was seeking, I thought Hon. Ssekandi was inserting a new clause because Clauses One and Two are going to be taken care of by my amendment, together with two other Hon. delegates. That is the clarification, I wanted to seek from Hon. Ssekandi.

THE DEPUTY CHAIRMAN: Hon. Ssekandi, can you put Your position clearly?

MR. SSEKANDI: Thank you, Madam Chairperson. Last Friday when we submitted this proposed amendment, we suggested to the Legal Committee that we would not mind whether our amendment would be 3(1) or 3(2). We left it to the Committee to decide where they put it and I believe the committee so sensed in putting our amendment where they suggest now it should be. The amendment for Dr. Muiyungo Kezimbira is for creating an offence. The purpose is different really. Mine says the government should never be there, that is to say that whoever participates in such a thing commits an offence. The two are different. Thank you, Madam Chairperson.

MR. BEN WACHA: Madam Chairperson, I am just clarifying on the issue which has been raised by

Dr. Musingo in respect to the numbering of these clauses and Articles. We agreed, Madam, in the Legal and Drafting Committee that the issue of re-arranging the numbering of the constitution should be left to the Technical Committee. We should therefore present our amendments and discuss them on the basis of principles. The technical aspect of it as to whether it is going to be number one or number two and so on, I think it is above this plenary. Thank you.

MR. SEBI (Koboko County): Clarification. I am seeking, clarification from Hon. Ssekandi. I am having a problem with his use of the word "revolution" in this respect. I am getting confused because it seems there is an interchange of the use of this word "revolution" in this respect. I am getting confused because it seems there is an interchange of the use of the words coup, counter coup, rebellion and so on. He is talking of a revolution but a revolution can be a healthy revolution. It need not necessarily be a military or an armed revolution. So I do not know exactly what he is referring to here, whether he is talking of a counter coup, a coup, a revolution. would he please clarify? Thank you very much.

MR. SSEKANDI: When I used the term "revolution", I was not using it in a lay man's language. I was using it as a technical term. The term has been defined and this means an abrupt change, it is an abrupt change, never anticipated in the constitution but as a result of that abrupt change, a new order is established and whoever has established that new order takes control of the Country. It is true that a revolution may be a popular revolution but you could find a situation where it is not a popular revolution but people have managed to subdue the population. As I gave you the example, two thousand men and officers considering in various stations or towns here in Uganda and making an order and an announcement that do not move, we have taken control whoever moves will be shot and people definitely may not be able - although I remember, I think last week-end or so, that the Hon. First Deputy Prime Minister said he does not see any situation arising but you will never know, this may happen. So what I am trying to bring here is that when that happens, two thousand men and officers taking control of the country by their APC's, the courts should never support them by declaring them the effective government simply because they have taken control of the country although the majority of the people are opposed to them. We may not say that you

cannot take control because people will oppose, people may fail to oppose you.

DR. MUSANA: (Buikwe County North): Thank you very much, Madam Chairperson. I think with respect to the explanation we have just had after the clarification, I stand to oppose this Motion because I have got some reasons I am to put forward. First of all, there are some revolutions which are people based and for us who are here, we came here because of a revolution where all of us were involved and the Motion as put - (*Interruption*) - most of us took part and the Motion as put, the context which it is put changes the original text of Article Clause 1. It is not in the same context, may be if it was brought in another context to come immediately after clause one, then I think we would have something to talk about it because this text as put by Hon. Dr. Musingo Kezimbira is more palatable because it is talking of an offence which someone commits but if a revolution is at all to be talked about, then they should clearly define the revolution due to use of arms as being different from the peoples protracted revolution where dictators have got to be got rid of. Otherwise, as it is put now, I think I oppose it and it should not be put.

MR. MAYANJA NKANGI: (Conservative Party): Thank you Madam Chairperson. The spirit behind the amendment is acceptable to me. There should be no revolution to subvert the Constitution but I am saying and I oppose this amendment for this reason that in fact it is more restrictive than the present Article 3(1). It is more restrictive because it simply says do not unconstitutionally, by a revolution only. Suppose someone came, and did this by deceit, I can conceive of someone walking to Entebbe or wherever the cabinet is meeting with the President of the time and saying "Gentlemen, you are surrounded, take this way out of the problem" and actually gets these people away, locks them up somewhere and takes over power by deceit. Now, this amendment does not cover some such eventualities whereas what he seeks to amend is better, it says "It is prohibited to take power except in accordance with this Constitution" Now to me the term "It prohibits" or it is "prohibited" is tantamount to "it is unconstitutional" and therefore I do not see why it should be changed. Secondly, the Hon. Ssekandi is raising the issue of Case Law. I take it that Statute Law is superior to Case Law and, therefore, also the Constitution is superior to Case Law and, therefore, for these reasons, not for the principle, we should reject this amendment.

MR. MALIRO (Mwenge County, North): Thank you very much. Madam Chairperson I am seeking some clarification from Hon. Ssekandi on two issues. One, I want him to make me understand what should happen if a man was elected to power or man or woman as the case was in 1962 when in 1967 we would have had elections, that is during the Obote One government but then a state of emergency was created and there were no elections until 1971 when the government was overthrown. Now, supposing somebody came and overthrew that government, what would happen? You mean another new government or whether a transitional law would not be formed? Would there be a vacuum or should that man who has refused elections which is constitutional be left in power until he dies? I want an answer to that one from the honorable Delegate. The second question for Hon. Ssekandi is, he accepts the provision of clause 4 and Clause 4 permits the citizens to do all in their power to reinstate the constitution. In so doing, Madam, Chairperson, I can perceive a government being overthrown and if the government is overthrown and he is prohibiting even the institution of a transitional government, I wonder how elections can take place when there is no structure in power. So, if could get clarified on those issues, then I will know what to contribute. For that matter Madam Chairperson, I think I stand to oppose the Motion and I prefer to have it as it stands. Thank you very much.

MR. KOMAKEC (Aruu County): Thank you, Madam Chairperson. I would like to move a verbal amendment to this proposed amendment. This is allowed according to our Rules of Procedure. I would like to move this very simple but important amendment that for the avoidance of doubt we substitute for the words "by a revolution" the phrase "by armed rebellion". The reason, Madam Chairperson, I think the spirit behind the amendment from the explanation they gave is that, we have had too many military interventions into Ugandan politics and this one alone - (*Interruption*).

MR. RINGWEGI (Padyere County): Point of order, Madam Chairperson, is it in order for us to allow Hon. Komakec to explain an intended Motion that he wanted to move before it is seconded?

THE DEPUTY CHAIRMAN: Actually that was the second step I would have come to see whether there is anybody seconding that. Is anybody seconding that Motion?

(*Question put and negatived*).

THE DEPUTY CHAIRMAN: Hon. Komakec your amendment is not required. Let us have Hon. Kyaligonza.

BRIG. KYALIGONZA (Buhaguzi county): Thank you, Madam Chairperson. I am opposing the proposed amendment on the following grounds. This proposal of the amendment is a bit tying of the future persons of this country in terms of deciding their rights. Madam Chairperson, the revolution as he states is a circumstantial situation. There can be a healthy revolution and a bad one. Some previous speakers have already indicated that in 1971 - 1975 there were supposed to be some elections and it did not take place. One good Ugandan could mobilise the people in a popular revolution, they rise against this government and it is rejected. A Similar thing is now happening in Nigeria and here maybe it is going to happen, I do not know, as hon. Nekyon says, Madam Chairperson, many revolutions, for example, the Ayatollah one in Iran was popular and it was a revolution. So I am opposing this amendment on a mere small issue that we maintain the existing proposal in the Draft constitution because Chapter One, Clause 3 Sub Section 2 caters for what the Hon. Member is trying to propose because, "any person, who by himself or in concert with others, by violent or other unlawful means, suspends or overthrows or abrogates this Constitution or any part of it or attempts to do any such acts or aids and abets in any manner, such a person commits the offence of treason and shall be punished according to law." Therefore this one covers his proposals. Therefore I oppose his amendment.

MAJ. GEN. TINYEFUZA: (NRA Delegate): Thank you Madam Chairperson. My problem is on procedure. Madam Chairperson, I am sorry to take back the House to what we agreed on last Friday referring to the work of synchronizing the various amendments to get what is acceptable. My understanding, Madam Chairperson, was that the Technical Committee and the Drafting Committee would try to synchronize and get out what they thought was the best while leaving all the relevant Amendments suggested by different Members on record, so that at the end of the day, should what they have recommended as the best synchronized Amendment be rejected by the Assembly, then we have a fall back position. Now, I am finding it a bit uncomfortable that after rejecting what Hon. Sekandi is trying to

move today, we are going back to what would have been done on Friday, by Members saying now what other Amendments should come again. Madam Chairperson, why I raised it as a procedure, some two Members have already moved other Amendments to the same Article. The Hon. Mayanja Nkangi has already said that the Article remains as it is, the Hon. Komakec was moving another one. So, I do not know whether we are really not going back and not solving anything. The reason I want to add on, Madam Chairperson, is that actually I think it is also unfair because I submitted in personally an Amendment to this Article, I want to put it on record just that it was not right leaving this whole proposed amendment. It was as follows: *“It is prohibited for any person or group of persons to take control of the Government of Uganda or any other institutions of State in accordance with the provisions of this Constitution.”* This thing was rejected, it does not appear anywhere and now Members are beginning to say the same thing. Therefore, the Legal and Drafting Committee - I do not want to say I move a vote of no confidence, but I really want to say that Members, Madam Chairman, you should help us that our views are put on record.

Before I finish, Madam Chairman, on procedure I wanted also Members not to discuss things without allowing us to get the real meaning of the terms they use. Because really revolution, when you are talking about revolution, a revolution is, I think I could help some Members, it talks about a great social change, changing of a ruler of a social system by total force, it is a change by force, a revolution. Now, when we are talking about a revolution, therefore, we should have in mind that we are talking about using force, force-shooting. So, I wanted that even procedurally, the people actually who are moving this Motion should allow us to understand these technical words so that when we are debating them, we know where we are moving otherwise, before even I really also object to this, I do not support this Amendment as it is. Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: Hon. Members, I had given him the Floor, but before I do so, I think a major question has been raised with regard to the Legal and Drafting Committee; that one delegate's proposal was not included.

MR. WACHA (Oyam North County): Thank you Madam Chairman. Madam Chairman, the procedure which we adopted in the Drafting and

Legal Committee meeting on Friday was that every Member who proposed an Amendment was given adequate time to give explanation as to the basis for his or her proposed Amendment. The various proposed Amendments which seemed to be dealing with the same principle were presented to the owners and the owners were asked to sit down and try to reconcile them themselves. The Drafting committee did not take part in reconciling or synchronizing these proposed Amendments. Hon. David Tinyefunza's Amendment was brought to us by Hon. Karuhanga, unfortunately, he himself was not there. I do not know whether the principle behind the Amendment was adequately tackled by Hon. Karuhanga, but the issue or the principle behind it seemed to be covering the same principles which were being covered by Hon. Ssekandi and Hon. Alex Byarugaba's Amendment. So, the three were, therefore, handed to those three gentlemen in the presence of Hon. Karuhanga, for them to try to reconcile (*Interruption*).

MR. KARUHANGA: Point of information. Thank you very much, Madam Chairperson. Madam Chairperson, the Amendments proposed by Hon. Maj. Gen. Tinyefuza were handed to me when we were going to sit in the Legal Committee, and he emphasised that his interest was on the words “or any other institution of State” I did dutifully take his Amendment and handed it over to the Chairperson, the Chairman, of our committee, and we found in the meeting that his Amendment plus Ssekandi's Amendment, plus Hon. Byarugaba's Amendment could be synchronized, and we asked those three Movers to go aside and debate but obviously Hon. Tinyefuza was not there. I was able only to express what - I was only a deliverer of the document. I am pleased to inform him, though, that in that Amendment Hon. Ssekandi and Hon. Byarugaba were good enough to accommodate his Amendment, and if you look in this very Amendment, it is there, because the last but one sentence reads: *“or takes seizure of power of state or any other institution of state...”* So, in fact, Hon. Tinyefunza's Amendment was well taken care of, and I think he should be grateful to me (*Laughter*).

MR. WACHA: Now, following that information, Madam Chairman, I wish to state here that our mandate did include forcing of reconciliation or synchronization. Any Member who insisted on having his Amendment come to the Floor was allowed to do so, and that is still our mandate, Madam. Thank you.

MR. ERESUELYANU (Kaberamaido County): Thank you, Madam Chairperson, for having remembered me. Kaberamaido is my place. As per this Amendment I oppose it on the following grounds: First, I think it is in the wrong place, I would think this Amendment would perhaps come in the second Clause of the Article. Because if you put it in Clause 1 of the Article, it is so restrictive, and by the way, we could also ask another question, who is there to judge whether the revolution he is talking of is only going to be Army revolutions which change governments? There are other forms of revolutions which are not necessarily armed revolutions, and they can change governments. Two, we are tying the hands of the future generation of this country to dictators, who will have been well assured that they can, after all, remain dictators because they have been protected by the fact that nobody will carry an armed revolution to remove that dictatorship. Thirdly, I would like to say also that who is going to judge that all revolutions are bad and, therefore, should not be encouraged even where they should be there? So, I think, Hon. delegates, with your indulgence, we reject in total this Amendment, and instead retain what is in the Draft.

THE DEPUTY CHAIRMAN: Okay, Hon. Delegates, let me make an interjection here. According to my tabulation, it seems people who have already spoken are rejecting and it may just go on and on. May I see those people who are supporting so that we get some kind of balance.

MRS. EGUNYU: Thank you, Madam Chairperson. Madam Chairperson, I rise up to support the proposed Amendment, and further to move an Amendment to that Motion in the following terms: delete the word "revolution" and insert the following words: "or retain powers of government by force of arms or other unlawful means." Madam Chairperson, the proposed Amendment to the Motion now would read: "*It is unconstitutional for any person or group of persons to establish a government or seize powers of state or other institutions of the state or retain powers of government by force of arms or other unlawful means.*" Madam Chairperson, in our history, the problem has always been armed overthrows and revolutions, and I would like to say that the term "revolution" should not only be looked at in light of the NRM revolution. Even in 1967 there was said to be a revolution -(*Interruption*).

AN HON. DELEGATE: Point of order, Madam

Chairperson, is it in order for the Hon. Member to tell the House that she supports the Motion and at the same time bring in an Amendment? My understanding is that she is trying to amend what she supports, and I do not really understand that. Is it in order, therefore?

THE DEPUTY CHAIRMAN: My interpretation is, she is supporting the principle but she is improving on that principle by a word, which I feel is in our rules, and she is quite in order. Because, actually, she would not have written this earlier on. So, I thought she had the Floor.

MR. ABU MAYANJA: Point of order. Madam Chairman, if I understand the purpose of the Amendment proposed by the honorable Lady, it is really included in Clause 2, as it stands. Is it, therefore, in order for the Honorable Lady to bring an Amendment which will make Clause 1, read like Clause 2?

THE DEPUTY CHAIRMAN: Anyway, that one is not a point of order, you should have given her information that, actually, this is already in Clause 2; that was not a point of order, but you have given her the information.

MRS. MATEMBE: Point of order. Madam Chairman, we are discussing an Amendment raised by Hon. Ssekandi and we are discussing it the way it is. Hon. Members are either supporting it or not supporting it. Now, the current Hon. Member on the Floor is introducing an Amendment to that resolution, is it therefore, in order for her to proceed to do that, when she is even not seconded for that new Motion she is bringing. Can she continue to discuss a new Motion in a motion already on the Floor, is she in order. Madam Chairman?

THE DEPUTY CHAIRMAN: Okay, thank you very much. I think, Hon. Eguny, you are not supporting the Motion substantially.

MRS. EGUNYU: Madam Chairperson, I support the principle of the Motion and I would like to amend it so as to save that motion. The only procedural requirement I can see which we overlooked was that there was no seconder, that is all. Otherwise, I believe I am proceeding according to the rules.

THE DEPUTY CHAIRMAN: This Motion was seconded by another Member here. Okay, let us clear one thing, I think even if there is a Motion on the

Floor, she is improving it, if it is seconded let somebody talk and then we put it to the vote and we clear it immediately. That will solve a lot of problems and not to gag people. If there is no one seconding, then it gets out. That is Hon. Egunyū's to improvement on Hon. Ssekandi's Motion. Let us hear somebody who is seconding it.

MR. KARUHANGA: Madam Chairperson, if anybody wants to make an Amendment on somebody else's Amendment, they must get the consent of the person who has moved his or her Amendment. So far, Hon. Ssekandi and Alex Byarugaba have not accepted that their Amendment be amended or improved upon, they are insisting on the Amendment, let us deal with it and when we finish it, anybody who wants to bring another Amendment is free to do so. So, why should we delay the debate? I think Madam Chairperson, you should rule.

THE DEPUTY CHAIRMAN: Then let us hear somebody else who is supporting the Motion.

MR. BYARUGABA: Madam Chairman, I am in total agreement with the current speaker's Amendment on our Amendment, and I seconded it earlier on, actually, as she was talking only that I did not have a speaker. I stand to second her. Thank you.

MR. BAGEYA: Point of order, Madam Chairman, is the Hon. Byarugaba in order to keep shifting positions, when actually he seconded one Motion and he has shifted to another Motion, can he make up his mind?

THE DEPUTY CHAIRMAN: Okay, let us get a procedural issue here.

MR. KINTU MUSOKE: Madam Chairman, if the Hon. Member holding the Floor wishes to change positions, I think what he has to do is to withdraw his original Motion and accept the second one but he cannot keep on changing from side to side or from one side to another (*Applause*).

THE DEPUTY CHAIRMAN: Let us get the information here and then I will make my ruling.

MR. KAYONDE: Point of information, Madam Chairperson, I wish to inform the Hon. Delegate who has moved this Amendment, that when you look at Clause 3 of that Article which states: "*This Constitution shall not lose its force and effect even*

where its observance is interrupted by a Government established by the force of arms; and in any case, as soon as the people recover their liberty, its observance shall be re-established and all persons who have taken part in a rebellion or other activity which resulted in the interruption of the observance, shall be tried in accordance with this Constitution and other laws consistent with it." In other words, this Clause recognizes the fact that the use of arms to remove a dictator who has violated the Constitution will have to be removed by force of arms and his Amendment is removing the use of arms. So, his Amendment is not consistent with the provisions of Clause 3 of that article.

THE DEPUTY CHAIRMAN: Okay, let me go back to my earlier question. I had asked that do we have anybody supporting Hon. Ssekandi's and Hon. Byarugaba's Motion without Amendment, that is the person I want.

PROF. KABWEGYERE: Thank you Madam Chairperson. Given what has already been on the Floor, I move that the question be put (*Applause*).

THE DEPUTY CHAIRMAN: Okay, while appreciating that there was also another person who wants to support the Motion unchanged, before we come to that let us give him a chance. We want a balanced scale, let us give him a chance, because he is the only one supporting the issue. We had about six people rejecting and now we want to hear on the side of the - I know we do not have time but that is necessary.

MR. CHEBET MAIKUT: Thank you very much, Madam Chairman. Now, I know revolutions are or can be healthy (*Interruption*).

PROF. KANYEIHAMBA: I am sorry, Madam Chairperson, but once a Motion has been put that the question be put, then there is no other debate that can take place, the Motion must be put first (*Applause*).

THE DEPUTY CHAIRMAN: No, I think the Chairman has his or her discretion. This is a very important issue, we are trying to balance the scale. People have spoken against and I asked can we have somebody for, so, we should give that person for, to talk and he was already on the Floor anyway.

MR. CHEBET MAIKUT: Thank you very much, Madam Chairman, for your wise guidance, because

rule 48.7 states that when all delegates who wish to speak on it have spoken, the Chairman shall put a question for a decision by the Assembly. So, in that respect, Madam Chairman, I thank you very much for your wise guidance in protecting me. I think I proceed to support the Motion as moved by Hon. Ssekandi. I have simple reasons why I am in total support of that Motion. Madam Chairman, it is known historically in this country that groups of persons or any person can assume power through unconstitutional means, and we have heard clearly when Hon. Ssekandi was giving his reasons for moving this Amendment he did state that when any group of persons have assumed state power they will naturally legalise it, legitimacy can come automatically through the legislature and the legal men. In other words, Madam Chairman, I have always had a quarrel with members of the legal profession who have been known historically in this country for giving legitimacy to regimes that come to power unconstitutionally. I will give a few examples of some of the Learned Lords. In 1966, when Obote overthrew and abrogated the 1962 Constitution, Sir Wudoma who was a Chief Justice by then was the one who swore in Obote as the President of Uganda. In 1971 when Idi Amin, again by force of arms, took over power, a Chief Justice in the names of, I think, Wako Wambuzi swore him in. In 1979 (*Interjection*) - let me proceed. In 1979, when the late Yusufu Lule assumed power he was sworn in again by these Learned Friends. I will not repeat the story, but maybe, let me give one example. In 1980, the Chief Justice by then, Mr. Yafesi Masika, swore in the late Paul Muwanga as the Chairman of the Military Commission and therefore, Head of State, in fact, during the voting, during the so-called election of 1980. So, to me, I am saying that we should include this provision in the Constitution so that now that we have got sanity in Uganda, if any person or group of persons wishes to assume power unconstitutionally, it must be provided for properly in our Constitution. It is in light of that that I second the Motion, very strongly, moved by Hon. Ssekandi. Thank you very much, Madam Chairman.

MR. TIBAMANYA (Kashari County): Thank you, Madam Chairman. I support the Motion. There is a problem in this country ever since 1966, when the government that came about with the force of arms was recognised by the courts, and since then, anyone who shoots his way to power is recognised and the courts have no power to say "no, your government is illegal" and we are trying to say that the courts

have power to say 'no.' This is what this Amendment is about (*Applause*). It did happen also in Rhodesia at the unilateral declaration of independence, and the same thing happened, the Judges recognised there was a Resolution. But we must give strength to our Judges, like one did in Rhodesia who said "No, I have sworn to uphold the Constitution that was written, this you have brought about and you call it a Revolution. I ought to have no power to say yes it is a legal government". We are creating a situation whereby all governments should come about in accordance with this Constitution. If we leave a loophole, then we are wasting time here because we shall elect a President next year and after three months, someone will shoot his way to power and the courts will have no power to say 'no' because he will have come about by a Revolution. Let us give power to our courts to say "no" if someone has come through shooting his way to power. Thank you very much.

THE DEPUTY CHAIRMAN: Thank you very much. What I wanted is to hear a different view.

PROF. KABWEGYERE: Thank you, Madam Chairperson. I move that the question be put.

AN HON. DELEGATE: Madam Chairman, was it not proper for the Mover to be given an opportunity to wind up and clear -

THE DEPUTY CHAIRMAN: I think we have really had enough debate, the Motion has already been moved, and I propose that the question be put.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: I now put the question that the Amendment be made part of the Draft Constitution.

(Question put and Negatived)

MAJ. TU' UKUNDE: Point of procedure. Madam Chairman, I wish to suggest that we take care of procedures which will assist us to move at quite a pace. Madam Chairman, you will notice that in this whole Amendment, there is nothing new. Madam Chairman, I mean to say that all we have been discussing, there was nothing new or like lawyers say, there was nothing useful to add. The only thing which is new in the whole two Amendments is "and any person aids" which is also fairly covered also in

this very Article. So, Madam Chairman, I was suggesting that although the Legal and Drafting Committee does not have the mandate to insist that somebody deletes his Amendment, when it does not make sense or it does not add anything new, I do suggest that, at least, it be brought to the House that the Member was advised that there is nothing new he is introducing, and he insisted to have to bring it to us. Because all along, we have been trying to go around something which is well covered here. The first Amendment limits the whole thing he is trying to amend, the second one is very well covered in that there is a treason case already covered here. So, I think we shall do a lot more work if we stick to introducing new things rather than to -

THE DEPUTY CHAIRMAN: Thank you very much but with due respect, the Members had their right to be heard, because it was their proposal. So, I think now there is again another Amendment by Hon. Musingo Kezimbira, Augustine Ruzindana and J. Mulasanyi. Okay, let us hear procedure here and then I will come to you.

MRS. EGUNYU: Point of procedure. Madam Chairman, we would like guidance on procedure, because under rule 48(13) it appears that an Amendment to an Amendment on the Floor is allowed and that it should be disposed of. We would like, before we go on to debate the next proposed Motion, to be very clear on that, because apparently, there is no clear direction in the House as regards amending the Motion on the Floor. I invite you to look at rule 48(13).

THE DEPUTY CHAIRMAN: Okay, I think, Hon. Egunyu is bringing that in light of her own Amendment. Then there was somebody who amended and what have you, but I wonder whether really it will improve or change the essence of what has been passed. Anyway, let us hear from Hon. Tinnyefuza.

MAJ. GEN. TINNYEFUZA: Thank you, Madam Chairperson. Madam Chairperson, mine is a clarification, I am seeking some guidance from the Chair whether at this moment it is possible to reintroduce a slight Amendment on Article 3.1 although Hon. Tumukunde said that there was nothing substantively new, I still feel very strongly that adding the words after "Uganda" in 3.1 "any institutions of state" is very fundamental because this article, as it stands, prohibits any person taking control of the government of Uganda. Now, government is not what

constitutes the state or rather institutions, and at times it is Presidents who have taken over institutions of state, like when a President takes over the Judiciary or even the Army. The Army is not part of government, it should be an independent institution. So, Madam Chairman, I want clarification whether it will not be useful to add on that and move it as a Motion, that Article 3.1 says: "*It is prohibited for any person or group of person to take control of the Government of Uganda or any other institutions of state in accordance with the provisions of this Constitution.*" Thank you, Madam Chairperson.

PROF. KANYEIHAMBA: Thank you Madam Chairperson. I am just seeking clarification from the Chair, if you look at these Amendments that we have been discussing, 1 and 2, they do not differ in substance with what is written down in the Draft Constitution. So, presumably those who are objecting to the present wording do not like the wording, and if they could tell us why or what precisely is it that you object to in the present wording, when in fact, the text is the same - the substance is the same, maybe we would be aided, because the substance is covered and if you look, Madam Chairman, in fact, the proposed Draft is much better, because it talks about acts being unlawful and that is more meaningful than saying unconstitutional, because everything which is unconstitutional is not necessary illegal. But everything which is illegal is certainly unconstitutional. So, I think we better be very careful in accepting these Motions without really going into the substance of the matter. So, I would like one of the Movers to tell me why, if the present Draft contains all the principles that he is trying to sell us, he is objecting to it, and then I will be persuaded. I thank you, Madam Chairman.

MR. D. LUBEGA (Rubaga Division South): Thank you very much, Madam Chairperson. The procedure Hon. Kanyeihamba is labouring is non-existent. In the first place, if the Amendments are tabled, the only way of dealing with them or disposing of them is by a Member who proposes an Amendment tabling that Amendment, it is supported then we debate it, and a decision is made on it. The alternative, if the Members wishes, that Member can withdraw. Hon. Kanyeihamba has been labouring to call upon Members who have tabled Amendments to explain to him, that procedure is non-existent, to explain to an honourable Member. I think, if the Members are not convinced that they withdraw their Amendments, let us deal with them and make deci-

sions on them as we move along, that is the only procedure.

BRIG. ALI (East Moyo): Madam Chairman, I am proposing some difference that there are two more Amendments left on Article 3. Clause 1, and I am saying that if what we are discussing now goes through, then our Amendments will be preempted, and I am proposing that ours is straight forward, but very, very important, that let us finish it and whatever happens with Amendment two will then include it or leave it as it is, because we only wanted to insert one word in the existing article. The word is "retain". That one, I think, will leave the Article as it is, and then the Article we are trying to discuss now will then come and either sweep the whole thing out or leave it as it is. I think this will save the time of the House. Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: Is that Motion seconded, that we consider the insertion of a word in the original before coming to the substantive Amendment?

MAJ. GEN. TINYEFUZA: Madam Chairperson, I am really sorry, I did not want to bring this point of order against the Chair, but it was the only way for the chair to see my hand. But is it in order, Madam Chairperson, for you not to clear my mind, because I asked to be clarified on a point whether it is possible to reintroduce that slight addition in that article, where we do not only forbid seizing government, but also any other institutions of state, which has been happening, for instance in Somalia. The Somali people are not talking about government, everybody is seizing banks and so on. In Nigeria, the same thing is happening. People can take an Army and you will get a faction and you call it the Nile faction and so on, not that it has happened but Madam Chairperson, I seek an explanation so that if I am allowed then I table a Motion on how it should be, and then, maybe, it would be seconded and then we proceed. Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: Hon. Delegates, just one moment. Now, you see the problem we have, we are back to the original Article, and I feel that if you cleared No. 2, because it is completely changing the whole essence, then you could go back to the original to see how we improve on that original rather than moving in an haphazard manner, considering issues which are not tabled and leaving out those which are tabled.

AN HON. DELEGATE: Thank you, Madam Chairperson. Put the question on Article 3.1 whether it should stand part of the Constitution, and in light of that, the Amendment by Hon. Tinyefuza and the Amendment by Hon. Moses Ali could be entertained. It is allowed in the rules, Madam Chairperson. So, I was requesting that instead of moving to Article 3.2, we first entertain the Amendment by Hon. Tinyefuza as it is accommodated by the rules. Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Because that will be even similar to what Hon. Moses Ali is requesting. So, those are two.

BRIG. MUHWEZI (NRA Delegate): Madam Chairman, I would like to inform Hon. David Tinyefuza that his worry is taken care of by Article 3.2 where it says, "Any person who, by himself or in concert with others, by any violent or other unlawful means, suspends or overthrows or abrogates this Constitution or any part of it..." because any other institutions he has in mind, be it the army or any other institution, will be provided for in this Constitution. So, if anybody seized it, he would have contravened this subsection. Thank you.

MR. S. KUTESA (Mawogola County): Thank you, Madam Chairperson. I think we seem to be moving without sticking to the rules. It appears to me, Madam Chairperson, that the established procedure is that, there is this Draft which we have all had, Amendments to that Draft have been proposed, they have been submitted to the Drafting and Legal Committee, there has been synchronization, a number of them have been brought and others have been kept away. Madam Chairman, my understanding would be that it is in order of these Amendments as they have been brought to us from the Drafting and Legal Committee that we should be moving. We have just finished one Amendment, it is true that while an Amendment is on the Floor the rules accept an Amendment of that Amendment, that is correct. But having disposed of it as we disposed of Hon. Ssekandi's and the other lady's, I would have suggested that now we move to the Amendment proposed by Hon. Muyingo Kezimbira and Hon. Augustine Ruzindana and dispose of it, rather than going into circles, adopting Hon. Kanveihamba's procedure of saying tell us what is difference between your amendment and the Draft. Yes, there is something difference, that is why the Motion is here. If we find there is nothing different, we dispose of it

and reject it and keep the original text. Madam Chairperson, I thought that would be the best way we could proceed and be a little more expeditious. thank you.

THE DEPUTY CHAIRMAN: Thank you very much for that comment. I concur with you that we proceed, and that after getting this out of the way, we may go back to the original and Members can transform them if time allows. So, now I call upon the three Members, to at least select one to be the proposer, then the second one will be, perhaps, the seconder and we proceed in that order.

MR. MIYINGO KEZIMBIRA (Bukoto Mid-West): I thank you very much, Madam Chairman. I wish to move that Article 3 Clause 1, be amended by inserting the word "legitimate" before "government". Originally, myself and my Colleagues had wanted to merge 1 and 2, but we have thought otherwise, we have left clause 1 in place but add the word "legitimate", because Clause 1 prohibits the offence that would have been committed by the wrong doer, but then we have changed and amended Clause 2 to read as follows: "Any person or group of persons" *(Interruption)*.

THE DEPUTY CHAIRMAN: Excuse me, according to what I have, you have Article 3 Clause 1 so, we assume that you are on Clause 1. Are you making a correction? Read your paper, please. If you read the paper on which we have our Amendments, you are amending Article 3 Clause 1, page 1, and you are saying delete the whole of clause 1, and insert the following new clause. Now, we are jumping to clause 2, I do not know - unless you really clarify.

MR. MIYINGO KEZIMBIRA: Let me begin over, Madam Chairperson. I would like to move that I amend clause 2 -

THE DEPUTY CHAIRMAN: You have to withdraw your - you are three people, so you have to withdraw the one on paper before you can be allowed to move another one. You have something on paper, you have not withdrawn it, and then you are proposing something else!

MR. MIYINGO KEZIMBIRA: No, Madam Chairman, it is not on the list, but we changed - we made a little Amendment on the amendment we sent...

THE DEPUTY CHAIRMAN: Then withdraw the one in clause 1, so we dispose of clause 1, before we go to clause 2. You see my point? You are going to clause 2 before we have disposed of clause 1. So, withdraw your Amendment to Article 3 clause 1 so that we finish it and then we move to the Amendment of Article 3 clause 2 and then we shall give you the Floor.

MR. MIYINGO KEZIMBIRA: But, Madam Chairman, we have an Amendment on Article 3 clause 1 that is legitimate. Can we finish that and then we can move to clause 2? It is not in here, but we have made it.

THE DEPUTY CHAIRMAN: Okay, let us here can see a problem -

MR. RUZINDANA: Madam Chairperson, this Amendment which we were making was not properly put on this paper. Originally, it was combining both Article 3.1 and 3.2, that is how we presented it, but on the paper it shows it as only 3(1). Now, on reviewing our Amendment, we found that it might be more appropriate as 3(2), and 3(1) remains virtually as it is with the addition of that word "legitimate" otherwise, I think for the business of the House, we may leave it for 3(2) and we proceed to discuss those which concern 3(1).

THE DEPUTY CHAIRMAN: Thank you very much, but there is one point of order raised.

PROF. KABWEGYERE: Point of order. Are the movers in order. Madam Chairperson, to try and introduce a word "legitimate" when in that clause the words "in accordance with the provision of this Constitution" are already there? Could we have an legitimate government according to the Constitution? Are they, therefore, in order to put another word "legitimate" when already the Constitution can only support a legitimate government? Really, Madam Chairperson, I think we are going in circles.

THE DEPUTY CHAIRMAN: Hon. Members, let us, actually, be more serious. We had requested Hon. Kezimbira to withdraw their proposal from 1 to 2, now, we are saying that, there is another No.3 by Hon. Moses Ali then after that, because now we have gone back to the original, that is when we shall come back to your proposal. I think that is really the proper order. So, I think now - you hang on, I think for record purposes, we agree that you withdraw

your Motion on No. 1, that you are transferring it to No. 2, that we continue with those people who are on the list to go back to the original proposal. then after that, we shall move from there. So, Hon. Moses Ali now.

BRIG. ALI (East Moyo): Thank you, Madam Chairperson. I am speaking on behalf of both of us, that is myself and Hon. Okalebo, because we agreed to merge our previous Amendments in accordance with the advice of the Legal and Drafting Committee and this is what we have now agreed on and I beg to move that Chapter 1 Article 3 clause 1, on page 1, delete "take control of" and insert "take or retain control of" then the rest of that could remain. The reasons are that some people, when they take power tend to forget later on that they should again go for fresh mandate. Secondly, people who might get power may create excuses for various reasons of delaying themselves in that power. So, such people who retain that power illegally, not in accordance with this constitution, should be found guilty and a way of handling them in clause 4, should take charge. So, I beg to move (*Applause*).

MR. OKALEBO (Bukedea County): Thank you, Madam Chairman. I am the one who seconded this proposed Amendment to Article 3, clause 1, and our Amendment is so precise, very effective and very clear. The context, as it stands now, prohibits any person or group of persons taking control of government, except in accordance with the provisions of this Constitution, but then there are those fellows or some persons who are rightly elected into government, then later on they become trespassers by demanding to remain thereon without the mandate of the people. For example, now you see what is happening in Nigeria. Someone is in authority, elections are held, results are popularly known then somebody refuses even to declare the results for the sake of wanting to remain in power. So, such fellows who retain power unconstitutionally should also be tried and charged of treason, that is why we are saying that any person who takes control of government or even retains control of that government outside the provisions of the Constitution should be guilty of treason. Thank you Madam Chairman.

MR. OBIGA (Terego County): Madam Chairperson, I beg to support that Motion for one reason, that as the movers have said when a government has been taken, for example, as per article 3, subsection 3, when the citizens have resisted an illegal government

and have overthrown it, it is possible for somebody to continue to retain that government outside the provisions of this Constitution on the basis that he resisted an illegal government. So, in order to avoid that, such a person should be forced to make sure that he can only retain it by going back to the people, through the process as established in the Constitution. Therefore, I support the Motion in order to force such leaders to go back, and as soon as possible, to the provisions of the Constitution. Thank you.

MR. MALIRO (Mwenge County North): Madam Chairman, I support the Motion that the word "retain" be inserted because the problems we are suffering today could have resulted from the retention of power after the time had expired in 1967 and that was a government which was democratically elected. Also we had Amin who had made himself life President. So, if we had a provision like this one, then any person who goes beyond the period which is stipulated, then that person, when he leaves office or by whatever means, we get him out. This person can be taken to court and charged with treason. So, I support the Motion and propose that the question be put Madam Chairperson (*Applause*).

THE DEPUTY CHAIRMAN: Yes, but we want also to look at the other side of the coin, I think that is fair because if there is a hand up and, actually, we should not gag people. At least, let us have one on the other side, those who do not support. No one? Okay, that is fair, and now I propose that I put the question.

(Question proposed)

(Question put and agreed to)

MR. ZZIWA (Kawempe Division North): Madam Chairman, I would like to make a further Amendment to that one - (*Interruption*).

THE DEPUTY CHAIRMAN: Before you do so, we have two others which we had suspended, which we had said that they come in clause two. So, hang on to yours until we have cleared those which were already floated. You see, what I am saying is that we have those who had already put in their request. We have Hon. Kezimbira, we have Hon. Tinyefuza who are working on the original, which now we have reverted to, that is where we are. Let Members be patient.

MR. MIYINGO KEZIMBIRA: Thank you very much, Madam Chairperson. I wish Madam Chairperson to withdraw the Amendment of "legitimate".

THE DEPUTY CHAIRMAN: Okay, thank you very much. The Amendment of legitimacy is withdrawn.

MAJ. GEN. TINYEFUZA: Thank you, Madam Chairperson. I feel very strongly about inserting in that phrase of "any other institutions of states" for two specific reasons -

THE DEPUTY CHAIRMAN: Let us have it seconded first.

MR KASAJJA: Seconded.

MAJ. GEN. TINYEFUZA: Thank you, Madam Chairman. Madam Chairman, this Constitution sets out to create a balanced and well thought out separation of powers. It is not new that the powers that be, including even the people in charge, do usurp the functions of some of those separated powers, thus causing confusion in the country, and I think, for instance, if today we separate the Judiciary from the Government and there is a Judicial Service Commission, and then the President actually disregards, for instance, the powers of that Commission, what happens? If you look at what is happening, for instance, in Liberia today, it means nobody would be charged with treason in that country because there is no government. Or if we talk about Somalia for that matter, it is even clearer, maybe there is no government to talk of, people are plundering the country, everybody has seized part of an Army, and as far as they are concerned, if we do not include that there is nothing treasonable, for instance about Al-Mahdi or Ayideed or whoever. So, I feel very strongly, Madam Chairperson, that we insert, after Uganda, any other institutions of state so that Article 3, clause 1, reads: of course taking into account what Hon. Moses Ali also did put in which I will not comment on, but it says: "*It is prohibited for any person or group of persons to take control of the government of Uganda or any other institutions of state except in accordance with the provisions of this constitution*". I beg to move, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you, very much. The seconder also, briefly, expand on that.

MR. KASAJJA TIGWEZIRE:(Bunyangabu County): Thank you very much, Madam Chairperson. I stand to second the amendment, of my Colleague for one reason that we have had and we have known of governments without various institutions, operating as a government, but hence some institutions are taken up by other people. We have the living example, of Liberia. Liberia claims to be having the army as a government institution. Yet what we see now is that, the army is not with the Liberian Government. The two are different. Then they should be serving to re-enforce each other. So, our understanding of institution is not necessarily that institutions are government institutions. They may be outside government because there is what we call a government and a state. So, we have to differentiate between what belongs to the state and what belongs to government. So, when we allow some people to declare governments without institutions, we should be careful in future, so that, whoever takes over any institution of the state, will have also committed a treasonable offence. Thank you, very much, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you, very much.

MR. BATEGANYA MUKUVE(Bukooli Central): Before I support or oppose the Motion, I would like to know in detail what institutions we are talking about here? Thank you, very much.

THE DEPUTY CHAIRMAN: Can you respond? Any among you, the two?

MAJ. GEN. TINYEFUZA: Madam Chairperson, a state has many components, government is the administrative arm of a state. There are other state organs which help to govern the people's affairs. These include things like the Armed Forces, that is part of an organ of state which is not part of government. There is for instance the Police - Security Organs, if I put it like that. There is for instance the Judiciary, which is not part of government, but it is also an organ of state, or somebody is talking about Radio Uganda, of course later on also, Radio Uganda if it is free. But I do not think that, that is important. So, Madam Chairperson, there are about five pillars of state clearly known that help the government run the businesses of society. So these are the ones we are really talking about. Thank you, Madam Chairperson.

MR. WACHA: Point of clarification. Madam I am getting more and more confused. Is it possible for any person or group of persons to take control of government, without taking control of those items which Hon. Tinyefuza has just indicated?

PROF. NABUDERE: Point of information. I think it is clear from the reasoning of Maj.Gen. Tinyefuza that, it is possible to take one arm of the state without necessarily taking the whole administration and the case of Liberia is a very clear one. That it is possible for one group of people to divide up the army for instance without necessarily succeeding to receive power at the centre. They can have a garment at the center but they can have various institutions of the state divided up by illegal bands of people.

MR. RUZINDANA: Thank you, Madam Chairperson. I wish to support this Motion. I found on second thoughts that, it looks reasonable. Yes, if you take the example of Noriega for example in Panama, he was never a president or Prime Minister or anything. But here is the most powerful person and head of government, and he was just head of the army. In Somalia for example, the people the US is quarrelling with are not the nominal heads of government. It is those who are holding actual power, and I would not like to talk about African governments but Ugandans. Our African Governments, we have had somebody called - what did they call that lady in Malawi? She was holding actual power and some other person who was the governor of the Bank of Malawi - both of them were exercising actual power. So, this is a possibility and I wish to support this Motion, Madam Chairperson.

MR. KAIJUKA: (Sheema North): I intend to oppose, Hon. Tinyefuza's Motion for simple reasons that if you look at this provision article 3 (1), if you read it properly, at the end, you are saying it is prohibited for anybody or any group to take control of government of Uganda, except in accordance with the provision of the constitution. In other words, the arms you are talking about or the pillars, whether it is the army, whether it is the police, whether it is the judiciary, they are part and parcel of that government. In other words, should you as a group go and take over one arm of the army, there is no way you can claim not to have abrogated the constitution. In other words, this is all embracing, so to try and put in this amendment, we would be in fact negating the whole ethics of one government that we are trying to

talk about. So, I would like to appeal to my friend Hon. Tinyefuza, that I think we should stick to the wording of these provisions.

The second point is this, look at Liberia that you are talking about. If a group successfully takes over one arm of those pillars you are talking about, you end up perhaps in the end not having a government, or having abrogated the constitution, or there is a debate whether there is a government viz-a-vis one of those institutions. So, to me I think it may be dangerous to insert this clause where you say, "any other institution of state" as if you are having a state within a state. In other words, you are making a global law or the constitution for the whole country. And immediately you tamper with one of the arms, whether it is Judiciary, whether it is the army, it has a bearing on the whole government. So, please I would recommend that, you agree with me and we drop and move. Thank you, Mr. Chairman.

MR. OGOLA (West Budama South): Madam Chairperson, I take the Floor to concur with Hon. Kaijuka without reservations. Madam Chairperson, the amendments by Hon. Tinyefuza actually talks about illegalities not legalities. What we are trying to form here is a constitution for a legal government. The examples we are being given are examples of illegality, and they do not help us - does not solve our argument here. As a matter of fact, that amendment would help the converse of the situation namely that, it could be conceived that, say the army could refuse to obey the government. That they do not recognise the government that has been put in place legally. Because government is an employee - just an employee of the people, which you regard as the state. And while they have put a government in place which is legal, then I do not conceive of any situation in which that government can fail to take control of anyone or any institutions under it. And if such institutions say, rebel and refuse to obey that government, then actually we have a rebellion and we have provisions in this constitution how to deal with it. And therefore, that amendment is misplaced. I think it would completely deselect us, and we may end up with a bad constitution actually which is also inconsistent with our purpose here. Thank you, very much.

PROF. NSIBAMBI: (Presidential nominee): There are some institutions which are supposed to be independent of government. In fact when we speak of a civil society, we refer to such institutions, and

these institutions include NGOs, Professional organisations, and so on and so forth. And one basic requirement of increasing democratization is to strengthen the civil society i.e. the institutions which are supposed to be autonomous and act independently. But if someone wanted to capture some of these institutions, it would not necessarily be unconstitutional. The issues being referred to specifically here refers to really institutions of the state. And I would like to reluctantly oppose the Motion because if we supported it, it would not be professionally correct. So, I would like to oppose it.

MRS. MWONDHA: Thank you very much, Madam Chairperson. I am here to oppose the amendment to the draft constitution provisions as provided by Hon. Tinyefuza for only two reasons. As one person wondered, I also wonder how one can think that a dictator can come and take over government, and then he doesn't takeover the other arms or organs of government. And I find it difficult to believe that, the judiciary as said by Hon. Tinyefuza is an institution of the state. This is one arm of government which serves the state, it is not an institution of the state. So, that is wrong. It is a misdirection of the House. And secondly, even if one may think that a dictator can come and takeover a country, - takeover one arm of the organ of the state, in Uganda I think the situation is different. I think we should come down and really look at the circumstances in which we are operating. In Uganda, that kind of situation is too far fetched, so it cannot come to a reality. So, I feel that, this amendment, first of all it is redundant and I will not support it.

MR. KARURANGA:(Nyabushozi): Madam Chairperson, I would like to Move that we put the question, for the sake of moving on. Because now we are on the third article, we have been on the third of the first page for three days and if we do not consider the 120 days, they will never finish. So, can you put the question please?

THE DEPUTY CHAIRMAN: Before I put a question, there is a call for clarification.

MR. ERESU: Point of clarification. In light of the amendment in question by Hon. David Tinyefuza, I would like to raise the following for clarification from the House. One: we have experienced in our history since independence, situations of personal armies or situations where persons in government have other armies, people they recruited whom they

refer to as their army, within a National Army. How do we avoid such situations in the constitution. Two, we have situations and we have had situations in our country, where we can have an army within a National Army. How do I approach such situations where some commanders will proceed and take control of the government. I think the amendment Hon. Tinyefuza has brought brings into question what I have come up with. And I seek clarification, before we go into putting the question. Thank you.

MISS. BYANYIMA: I thank you, Madam Chairperson. I would like to oppose the amendment of Hon. Tinyefuza for the same reasons that Hon. Kajuka and Hon. Ogola have given, and I beg that you put the question. We have had a lot of debate on it, we must think about the time that we have, we must use the time efficiently. I beg that you put the question. Thank you.

AN. HON. DELEGATE: Madam Chairperson, I would like to oppose the Motion. Because I feel that, the amendment is already covered under Clause 2. Because here it is provided that, "*any person who by himself or in concert with others, by any violent or other unlawful means, suspends or overthrows or abrogates this constitution or any part of it or attempts to do any such act or aids and abets in any manner such a person commits an offence of treason and shall be punished by law*". You cannot take over any institution of government without abusing that part of the constitution. There is no way once you seize the army, you seize the Civil Service, because we are providing for all those institutions here. So, the moment you take it, you abrogated the constitution.

THE DEPUTY CHAIRMAN: Okay, thank you very much. Now, it is suggested that, I put the question.

(Question put and Negatived)

DR. MAGEZI: Thank you, Madam Chairman. I seek your indulgence, in view of Hon. Kezimbira's withdrawal, of his intended amendment. I am convinced, Madam Chairperson, that we need to qualify the government of Uganda we are talking about in article 3(1). It has to be the legitimate government. I have been reluctant with this amendment because I thought that, under article 286 in interpretation, we could have said there that, "Government" means the legitimate Government of

Uganda. But that we would find a problem when we come to article 3(3) second line where the government we are talking about there is an illegal government. It is therefore, for that reason that I know that, article 3(1) second line says the legitimate Government of Uganda. I beg to move.

THE DEPUTY CHAIRMAN: Is that seconded? Your Motion is not seconded. So, Hon. Damiano Lubega, clearly try to quicken and -

MR. LUBEGA: Thank you very much, Madam Chairperson, in light of the definition of the word "Government" under the interpretation in article 286, that the "Government" means the Government of Uganda. Is it not enough to keep the word "Government of Uganda" under article 3(1), does it not suffice to only maintain the word "government", so that even in subsequent provisions, we do not encumber the constitution with "Government of Uganda", we just use "Government" since it is properly defined? I seek clarification Madam Chairperson.

MR. BIDANDI SSALI (Nakawa): Point of clarification, Madam Chairperson, it is just an observation in form of a clarification, Madam Chairman, I mentioned it earlier and I am mentioning it today and I think many other delegates have been mentioning it. If we turn a disciplinary body into a drafting body, we can never end even if we are given a full year, especially so where a thing like this is brought up. Not that it is harmless, but in my understanding, when we set up the Legal Drafting Committee, I had a feeling that, we had absolved ourselves of the technical aspects of drafting and now if we turn ourselves to the point of raising amendment, raising clarification where a comma would go, which word should start first and which paragraph should do what, I think Madam Chairperson, with all due respect to my Colleagues, and I am sure many, some of them do share my views, I think let us just address ourselves to the substance of the provisions in the different Articles. I mean our Drafting Committee will go into the technical aspect, even the lawyers themselves know that, not all of them can become draft lawyers. So, let us address ourselves to the substance and then we leave it to the committee we have all anonymously set up for them to draft the articles. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much, Hon. Bidandi Ssali. I think actually I should put the question. I heard somebody saying excuse me.

MR. ZZIWA: Thank you very much Madam Chairman. On a number of occasions, delegates have expressed fear whereby somebody takes over government illegally then retains power legally, or where somebody takes government by force of arms and retains power. A situation arises where this power continues to be used badly and a revolution has to be taken - I am using the word revolution referring to the previous speakers - whereby it becomes necessary for people to carry out a popular revolution to get rid of this dictator. We are asking, what happens if all revolutions or all steps taken to get rid of a dictator are illegal? And for that, matter, Madam Chairperson, I wanted to move an amendment on to the amendment brought up by Brig. Moses Ali, and say that, if somebody takes over power and he is prepared to hand over - you know, to save the situation of dictatorship, and does not maintain it but tries to hand it over to the people who are sovereign, within a reasonable time, can that situation be allowed? And I am therefore, suggesting that, an amendment to Brig. Moses Ali's would go that, "...when somebody takes and or retains control of government..." That is my amendment.

THE DEPUTY CHAIRMAN: Is that seconded? Your Motion is not seconded. I think I better put the question?

AN. HON. DELEGATE: Madam Chairperson, I think that, at the consideration stage, we approve article by article not clause by clause. I therefore think that we should approve all the three clauses, whatever they are, and then the question on the article be put.

THE DEPUTY CHAIRMAN: No, you see - Okay, I think you are right. On article 3(1), Hon. Moses Ali brought a Motion which we have carried. Others have been bringing in, so we have to make a conclusion on 3(1) and then we move down, otherwise we cannot leave 3(1). I now put the question on Clause 1 as amended.

(Question put and agreed to)

Clause 3(2).

THE DEPUTY CHAIRMAN: Now, here we have a technical problem which we need to bear. We have Motions which were on the Floor before us, that is by Hon. Adoko Nekyon. But then we also have a transfer by Hon. Kezimbira and Hon. Ruzindana but I think Hon. Kezimbira's on this perhaps will come later on or we consider it to be carried first before we go to Hon. Nekyon's Motion.

MR. OMARA ATUBO: Point of procedure. Madam Chairperson, I have looked at the few amendments of Dr. Muiyingo and Hon. Nekyon, and they are really the same, except that, Nekyon wants to introduce "suspend" and "amend" which words do not appear in Hon. Muiyingo's amendment, that is really the basic difference. And I remember when we met on Friday, I had assumed that, Nekyon had agreed that, if introducing "suspends" and "amends", would actually be included in the major amendment, so if Nekyon and Dr. Muiyingo agree, it is simply a matter of inserting the words "suspend" or "amend" somewhere before "abrogate" and we have one amendment which we can deal with at ago. Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you, very much.

MR. RUZINDANA:(Ruhaama County): I do agree that the two amendments can be merged in the way suggested by Hon. Omara Atubo, but the information I am giving is that, our amendment in addition omits the words "in any manner". The differences which he mentioned are not of any differences. We also omit the words "in any manner" on the third line of the original copy and I will defend the omission of those words, if we merge the two amendments, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much. Hon. Nekyon.

MR. NEKYON: Madam Chairperson, I was not aware that I was asked to merge my amendment with that of Hon. Muiyingo, Justine Ruzindana, and Mulashanyi, so when we left the committee, these three were found to be in the same route and were asked to sit aside to merge their amendments. My amendment was accepted as being separate and passed by the committee without any opposition. So, certainly I think I should proceed with my amendment and then those people who do not know where to fit their amendments come later, because they are just wondering about it.

THE DEPUTY CHAIRMAN: Order.

MR. KEZIMBIRA: Point of order. Madam Chairperson, I thank you. Madam Chairperson, is it in order for Hon. Nekyon to impute that, we did not know where to put our amendments when his amendment is just to add one word and ours is fundamental?

THE DEPUTY CHAIRMAN: Actually his ground was on that, you had said you are amending one not two, but you ended up amending two. I think that is what he is saying.

MR. KEZIMBIRA: Madam, that was a typing error.

THE DEPUTY CHAIRMAN: Okay, then that is understood. But we also have a provision in our rules where the proposers, if I think they are so close, are given time to go and iron out their differences to the short one, and then they come back. Rather than actually opening at this small thing, to talk and talk and talk. But Hon. Kezimbira and Hon. Nekyon really go and compare notes, and see what we can do. Yes, are you answering my question?

MR. KEZIMBIRA: Yes, there is there is a difference between us. In my amendment, I am keeping rest as it is, and inserting only "amends". But here, they are going to legitimate which is not there, and then they are going to remove them in any other manner which is going to take a long time, these are different things really.

THE DEPUTY CHAIRMAN: Okay. So, I think Members, let us dispose of Hon. Nekyon's simpler problem.

MR. WACHA: I want to draw your attention Madam, to rule 48 sub-rule 11 which says "*The amendment which in the opinion of the chairman, departs furthest from the text under discussion, shall be debated and disposed off first.*" Madam in my opinion, the amendment proposed by, Hon. Ruzindana and Dr. Muiyingo, would depart furthest from the text of article 3(2), those of Hon. Nekyon are not too far from the original text.

THE DEPUTY CHAIRMAN: Okay, thank you very much. In which case, then, if you follow that line, then we give the Floor to Hon. Muiyingo, Ruzindana and Mulashanyi.

MR. KEZIMBIRA: Thank you very much, Madam Chairperson. I wish to move that article 3 Clause 2 be amended to read as follows: "*Any person or group of persons who unconstitutionally overthrows or attempts to overthrow the legitimate government of Uganda, or amends or suspends or abrogates this constitution or part of it and any person who aids or abets any such act, commits the*

offence of treason and shall be punished according to the law." In moving this amendment Madam Chairperson, we have considered a number of things. One, we realise that Clause 2 as it is put in the Draft Constitution is supposed to be prescribing a punishment for the person who overthrows the government in Clause 1, but then this is not mentioned in Clause 2. So, we have introduced the word, legitimate government to prescribe the punishment for Clause 1. Clause 2, actually prescribes the punishment for overthrowing of the constitution. Then as mentioned by Hon. Ruzindana who will speak for it, we have also removed the word "in any manner" and Hon. Ruzindana will explain why we have done that, when he seconds the Motion. We have included the word "legitimate". I agreed to remove the word "legitimate" in clause 1, but I think we should retain it in Clause 2. Because in Hon. Moses Ali's amendment, if we had included the word "legitimate", it would not read well at all. But I think the word "legitimate" should be retained. As one Hon. Member also said, we could be able to differentiate between a legitimate and illegitimate government. Madam Chairperson, we have also shortened very much this Clause 2, by including the words "overthrow" and "constitutionally". So, Madam Chairperson, I beg to move for that amendment.

THE DEPUTY CHAIRMAN: Thank you, very much. Can I have a seconder.

MR. BIDANDI SALI: Point of clarification. I just want to be clarified by the mover whether there can be a constitutional Uganda government which is illegitimate?

THE DEPUTY CHAIRMAN: Let the Member answer first but perhaps it can be answered by the seconder.

MR. RUZINDANA: If I may start with the clarification, it is true that, a constitutional government would have to be legitimate. But we have also foreseen a situation where there should be a government which is not legitimate. For example, we have seen governments which may retain power without being constitutional, and we are trying to deal with them here. I do not know whether that clarification is good enough but I would like to second this Motion. Madam Chairperson, as we said earlier, originally we had wanted to merge 3(1) and (2) *(interruption)*-

THE DEPUTY CHAIRMAN: Let him complete, then you will ask for your clarification. They are talking on the same issues

MR. RUZINDANA: We had originally tried to merge the 3(1) and 3(2), but eventually found it more appropriate to deal with 3(2) only, and that is what we have dealt with and my Colleague has dealt ably with the main article. Let me deal with the words "in any manner", and why originally we had wanted them removed. These words "in any manner", gives license to a government which might want to become a repressive to do whatever it may have wanted to do, and oppress people, particularly those who may want to change the constitution, who may feel seriously that the constitution should be changed, and they want to change it, and they go ahead to mobilise people to change the constitution, and the government says, you are doing things which the constitution prevents. And therefore, in order not to tamper with the freedom of speech, and also with political activity in the future, I think it is good that we removed these words. Madam Chairperson, They do not do any harm to the article if they are removed but if they remain, they are so general and undefined, that they may prove dangerous at some time in the future, and that is how we found them quite offensive. Otherwise, Madam Chairperson, this sub-article is not in any way controversial. I would like to urge the Assembly *-(interruption)-*

THE DEPUTY CHAIRPERSON: Proceed. Are you through?

MR. BAGENA: (Bufumbira East): Thank you, Madam Chairperson. I move to support the Motion for these reasons. This constitution we set is supposed to contain words that the lay man will read and understand, it is supposed to be as brief and precise. The amendment of Hon. Ruzindana of 48 words is precise, accurate and understandable. The other one which it is supposed to replace is 58 words, which words make it even more confusing. So, in the interest of clarity, in the interest of a language to be understood by all, not only by professional lawyers, I would like to support the amendment. Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you.

PROF. KABWEGYERE: (Igara West): Thank you, Madam Chairperson. I initially wanted to seek clarification from the Mover whether even if for repetition, when you talk of unconstitutional overthrow, is there anyway you could overthrow a government constitutionally, that is one? Secondly, - because if overthrowing government and all that, a vote of no confidence will be within the constitution. So, that is not unconstitutional alright but then

you are talking of unconstitutional overthrow of a government, and you are talking of overthrowing a legitimate government. Three, in this constitution, I do not see how we can have the word government, protected in the constitution which is legitimate. So, I think there is too much use of unnecessary words and including words like any person or a group of persons who overthrow, or attempt to overthrow the government of Uganda, or abrogate would even reduce the size of what you are talking about. Because I think we must look at other parts of the constitution, and see which parts also cover what we may want to cover in article one, we should be very worried that, we seem to be saying that the whole constitution should be in page one of this constitution. So, I am wondering whether in fact given what we said in the actual draft, and what is now being proposed, whether it is not better to keep with what is given in the draft. Because either we want to have our names on some of these things, or we are really serious about something, I am getting a bit worried.

MR. NASASIRA:(kazo County): Mr. Chairman, I have tried to read this amendment and compare it with this in the draft, and I see no much difference, except as expressed by Prof. Kabwegyere. I personally find the existing draft better than the proposed amendment, and I oppose the amendment.

THE DEPUTY CHAIRMAN: Where is the clarification.? Okay.

DR. MUGYENYI(Isingiro North): Point of clarification. Madam Chairperson, the clarification I am seeking from the mover of the amendment is this, while in the draft the essence of the sub-article is to prescribe the punishment to whoever abrogates the constitution or any part of it, in the amendment, they are limiting it to overthrowing the government and yet the government does not cover the whole constitution. So, I would imagine that this amendment has left out other areas of the constitution, which are not part of the government. And I think I find the one in the draft better understandable and therefore, I think Members let us propose it.

THE DEPUTY CHAIRMAN: You did not indicate your name?

DR. MUGYENYI: My name is Doctor, Mugenyi, Isingiro North.

THE DEPUTY CHAIRMAN: Clarification? Who wants clarification? Hon. Kanyeihamba?

AN. HON. DELEGATE: No.

THE DEPUTY CHAIRMAN: As I had said, I will come to you later.

PROF. KANYEIHAMBA: Thank you Madam Chairperson. I am also finding myself in a dilemma on how really we perceive these amendments because they are diluting what we already have in the Draft Constitution, and I am not sure that this is the intention of the mover of these amendments. For example, they are using the word "legitimate government", instead of using "legal government". Now, legitimacy is judged by political consideration, not legal. On the other hand, they are saying, that someone commits treason. Treason has ingredients of law, so you are creating problems for the future interpreters of this constitution. I therefore, would like to caution, that really, we should be very, very careful not to leave out certain principles which we need to have in this constitution and therefore, I would share the question of Hon. Kabayo and others, and oppose this amendment.

MR. KUTEESA: Thank you, Madam Chairperson. Madam Chairperson, I am also inclined to oppose this Motion. Mainly because I think the existing draft, covers larger areas than the proposed amendment. And secondly, because the import of the whole article is not to prevent anybody abusing the constitution. It is to make it uninteresting for him. We expect that there will be someone to overthrow this constitution, but what are the consequences if he does so? I just made the import of all this. Nobody is saying that he will never, nobody will ever overthrow a government, or nobody will ever overthrow this constitution. What we are trying to do is to provide for the events of a gentleman or lady who is a bit fool-hardy and decides to do so, the consequences that we should put in place. In fact Madam Chairperson, the first statement of anybody who dares to overthrow this government or this constitution, the first act is to offend this provision. The most important part of this section or this article is the one which retains the individual rights of the citizens, even after he has suspended it. That when they regain control, that man is triable. We are not saying that nobody will overthrow, there will be no people in future who will try it. Or there may be people who may not be so mad, but who may think, they are full of themselves. The import of this full article, is to try and cover a situation where and when a constitution is overthrown. And when the people of Uganda

regain the ability to try that man. Even earlier in the debate, we had the amendment proposed by Hon. Ssekandi. For him he was trying to deny recognition by the courts and presumably by other states. Recognition sometimes is merely declaratory, it is not constitute. If a man in reality has taken power, he has taken it. It is when we regain the ability to control him, that we are trying to get an offence and to make him punishable. So, in light of this broad import of this whole article, I find that the current text covered a much larger area than the proposed amendment. And I therefore, oppose the amendment. Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you, very much.

MRS. SSENTONGO (NOTU): I also add my voice to those who are opposing the amendment on the Floor, for the reasons given by Hon. Kuteesa. And with all that, I would suggest or I would move that you put the question, and then move to the other amendment by Hon. Nekyon. Thank you.

THE DEPUTY CHAIRMAN: Okay, let me give a chance to Hon. Kezimbira.

MR. KEZIMBIRA: Whereas I could be persuaded by some of the submissions by Honorable Members, I would like to request the proposal eventually decided on the Motion, the punishment for the person who breaks Clause 1 of article 3, could be prescribed. I have attempted to prescribe the punishment by including what is committed in 1, unless the House eventually decides to change it.

THE DEPUTY CHAIRMAN: Let him complete. You complete.

MR. KEZIMBIRA: Then that word should be retained as my amendment.

THE DEPUTY CHAIRMAN: So, which word did you want to retain? Be clear.

MR. KEZIMBIRA: Government. The word government should be included - overthrow of government in Clause 2.

THE DEPUTY CHAIRMAN: Okay, now, let us hear from Hon. Karuhanga.

MR. KARUHANGA: Thank you very much, Madam Chairperson. Madam Chairperson, the im-

plication of the amendment proposed by the Hon. Movers in Clause 3(2) as I understand it really keeps the whole text as it is, but introducing the following words, "or amend", which was actually the amendment of Hon. Nekyon and the most important amendment they have made is the dropping of the word after the words "abet in any manner". Me, I think that is actually where the crux of the amendment is. Now, in Nekyon's amendment, which has now been brought in by Dr. Kezimbira, the word "amend" may be can be left for him to move later, so that he can ignore their Motion on that. The word "legitimate", use it for "legitimate government" would mean that, throughout and everywhere we meet the word government, we shall have to add the word legitimate. Therefore, it becomes unnecessary, and can not be used because we are going to use government so many times in this constitution. So, that can also be dropped. But the words "in any manner abets and aids", they would like us to drop in the text. Now why should they like the words "aids and abets in any manner" to be dropped. My understanding of it is that, this should be a good thing for us to do. To drop these words "in any manner" because, if you have a very fearful government, a government which fears people, anytime you go to a seminar and say you know, I think that, article 3(9) should have to be abolished, I would like to ask my representative to go and do this in Parliament. They say, yes here you are trying to amend the constitution, and you are aiding and they are getting. Yes, it is possible that the bad governments can pick on this and run around you the whole day and the whole year. And the Police can start harassing you. So, if they want to limit themselves to that, then I am quite happy myself.

MR. WAGIRA: Point of clarification. Thank you, Madam Chairperson. Hon. Sentenza Kajubi, quoted us a poem called the "mini skirt", that it should be short enough to allow the interest, but long enough to cover the subject. If you are going to look into this one

THE DEPUTY CHAIRMAN: Can we have some order please.

MR. WAGIRA: Madam Chairperson, before we suspend *-(interruption)-*

THE DEPUTY CHAIRMAN: Order.

PROF. SENTENZA KAJUBI: I said, that the good tissue should be short but long enough to cover the subject. Is the Hon. Member in order to suggest that I said a skirt?

THE DEPUTY CHAIRMAN: Okay, you have noted the correction. Thank you very much.

MR. WAGIRA: Thank you Madam Chairperson. I have taken the correction but I understood him to be paraphrasing what Nturu says in his poem "The Mini-skirt". Anyhow, I was saying, before we suspend this Clause in its totality, we should consider some elements it is trying to advance to achieve that goal - preciseness and clarity. For example they substitute these words "by himself or in concert with others" with the words, "any group of persons". This serves a double purpose: In the first place, if you are to retain the original text the way it is, it presupposes that, only men will be able to conceive the idea of overthrowing the constitution which in itself has negative gender connotations. And secondly the phrase "by himself or in concert with others" is longer and has many more words in number compared to "group of persons". So, while I do not agree with the amendment in its entirety, I suggest the Legal and Drafting Committee has something to benefit out of the wording of the amendment. Thank you madam Chairman.

MRS MATEMBE: Madam Chairperson, I do not support the motion. If there is no principle offender in this case, I cannot see where a situation which Hon. Karuhanga for instance is bringing forward, that you go to a Court - I think this Article is not good, then the bad Government arrests you, no. That one cannot be on its own like that. Therefore, I think the Mover, *(Interruption)* - No, I am not accepting, I am finishing my contribution, yes - *nimanya toyine ebyokungambira* - because Madam, when you take this thing the way it is, "abets in any manner", we would improve in fact, it improves and strengthens our law. In other words, when somebody is charged of abetting or aiding somebody who has already done something, he will not escape because whatever act he will have done which tends to conform to the acts of the one, is suspended or abrogated, will fix him. Definitely, those words are good for us and they should remain. Thank you.

MR. RUZINDANA: Point of clarification. Thank you Madam Chairperson. My original concern was actually, those words "in any manner", but because we were required to merge our Amendments for those who had Amendments in the same Article, then we came together and had to put everything together. Once somebody agreed that we omit those words, I agreed to the rest of the wording that was proposed

by my Colleague and that is where the problem of Procedure comes in. Now, my clarification concerns the last Speaker, that these words "in any manner" are too broad and can be interpreted very broadly. For example, somebody who is on his way to overthrow this Government or any other Government, if he stays in your house and you did not know that he was on the way to overthrow the Government, you may be arrested for having abetted the overthrow for example, or any other broad interpretation and that is why I do not want to give license to Government to interpret these things very, very broadly in any manner. We are not removing any person, no. We are saying those who overthrow, abrogate, attempt, and so on, and aid and abet such a person, just omitting those words, any manner and I do think that it is appropriate that we remove them in the interests of freedom of speech, because peoples' freedom of speech may be curtailed in the future. Political activity may be curtailed under this "in any manner", that is what I wanted to clarify. But the other one is on Procedure, Madam Chairperson, that although we asked the Legal and Drafting Committee Madam Chairperson, I was saying that there is still a problem of procedure. When we request people who have Amendments to get together, it is still going to cause a problem of Procedure and I would like to revert the argument of Maj. Gen. Tinyefuza that putting a Legal department should actually bring us something that is already synchronized so that we deal with one thing rather than having to go through all these 14 Amendments which are before us. Thank you Madam Chairperson.

MR. SAKWANANYWAKA (Bungokho South): Thank you very much, Madam Chairman. I would like to oppose the Amendment on the following grounds: One, I look at it as an attempt to just shift around words and omit the most important aspect of the provision as it appears in the Draft. Two, the idea of deleting the words, "in any manner", makes the provision even more prone to bad interpretation to suit a situation of those who may commit the crime. This will include a situation where somebody overthrows the Constitution and then turns round and says, I did it for the sake of the interests of the people and therefore, he defines his overthrowing of the Constitution as being in the cause of the people, therefore escapes punishment. So, for us to be able to punish every wrong doer and to cultivate a spirit of constitutional change of Government or change of laws, we should punish people who commit these

offenses in any manner which the Courts can prove. I do not share the view raised by some delegates that by inserting this provision, you are giving freedom to wide interpretation because after all, we shall have Courts of Law which will prove whether or not an act is lawful or otherwise. So, Madam Chairperson, I beg to oppose the Amendment and I pray that this House sticks to the original text to put the question. Thank you.

MR. BIRIMUMASO: Thank you Madam. I will not contribute much because my Friend has already suggested you put the question. I go with him Madam Chairman. I propose that you put the question because time is against us. Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: Is that seconded? I now put the question on Hon. Kezimbira, Ruzindana and Mulasanyi's Motion.

(Question put and negatived).

THE DEPUTY CHAIRMAN: So, Article 3 (2) remains as it is so far. Now, we go to Hon. Nekyon's Amendment.

MR. NEKYON: (MARUZI COUNTY): Madam Chair, my Amendment is very simple and straight forward. I am merely seeking to amend this Clause by inserting two words, "or amends" immediately after the word "abrogates" in the second line. Members can look quickly. The reason being - *(interruption)*

THE DEPUTY CHAIRMAN: No, no, let us not gag, honorable Members. I know we have run out of time, let us not gag the Mover because of the record purposes. We have to justify. So, justify your-

MR. NEKYON: I am going to be brief because it has to be on record. The reason is that somebody may not suspend the Constitution, he may not overthrow it, he may not abrogate it, but he can mutilate the whole Constitution by making Amendments outside the provisions of this Constitution and this has happened in this country. We know that the results have been disastrous. So, this is all I am trying to prevent by adding the words, "or amend" I beg to move.

MS. ADIO WINIFRED (Women Representative - Soroti): I am in support of the Amendment as moved by Hon. Nekyon Adoko. My reasons are: Example of Amendments is the 1967 Constitution which has undergone a lot of Amendments and I believe it is one reason why the honorable Members are in this august House, because that Constitution has been amended several times therefore, we are not satisfied of that Constitution. The other is that, we have had people who come in to amend in form of Decrees in favour of their rule. An example of this, is Amin's time, when Amin made a lot of Decrees in form of Amendments. Therefore, Madam Chairperson, I stand in support of Hon. Adoko Nekyon's Amendment.

MR. NABUDERE (Budadiri West): Point of clarification. I would like to support the Motion, but I am not quite clear as to how an Amendment of the Constitution can be legal because it would seem to me that what is possible to abrogate or overthrow or suspend illegally. I cannot see how the Constitution will be amended legally because the Constitution is there to provide the manner in which the Amendment has to be carried out unless you mean to say that "illegally amends this Constitution" or "unlawfully amends this Constitution". But I think unlawful means suspends or overthrows or abrogates. I think it will still be the same - abrogates. I just wanted clarification from Hon. Nekyon.

MR. NEKYON: In reply to Prof. Nabudere, I would like to say that here in the text, it is provided, "any person who by himself or in concert with others, by any violent or other unlawful means suspends or overthrows or abrogates this Constitution or any part of it..." So, unlawful is already there, you can amend the Constitution if you are in power or by pronouncing a Decree or by proclamation, and then there is something different, it is called an Order. So, even if there is Parliament, there are certain provisions which are made here in the Draft to the effect that Parliament may amend it with the approved concurrence of the District Council. But somebody may use only Parliament and ignore the District Council, that will be an unconstitutional Amendment. So I am trying to plug this hole. Thank you.

THE DEPUTY CHAIRMAN: Thank you.

MAJ. GEN. TINYEFUZA (NRA Delegate): Madam Chairperson, just like the previous Speaker

Hon. Nabudere. I find it rather confusing as to how there would be an illegal Amendment of the Constitution without overthrowing the Constitution because we are talking about really the same thing, because in this Constitution, we are going to specifically lay down procedures through which every Article or Chapter or whatever shall be amended. Those which are contentious shall be requiring even to go to districts, others may be required by two thirds majority of Parliament and so on and so forth. Now, in that civic society where there is democratic governance, I find it very strange that a person would rule by Decree and therefore, I find it rather - it is absolutely unlikely that there would be an illegal Amendment of a Constitution which does not in itself therefore actually amount to overthrowing the Constitution. Therefore, I think it is unnecessary. I would therefore, not really bother to disturb Article 3(2). I think it is good enough without amendment. Thank you, Madam Chairman.

MRS. MWESIGYE (Women Representative - Kabale): Point of clarification. Thank you Madam Chairperson. I would like the Hon. Mover to clarify to me whether his proposed Amendment is in substance, different from what is in the Draft? Because when I look through it, it looks like it is just a change of words, and really driving us to what Hon. Bidandi Ssali had talked about turning us into a Drafting body than a debating one. Thank you, Madam.

MR. NEKYON: No, if the Hon. Member would care-(*Interruption*)-

THE DEPUTY CHAIRMAN: No, Hon. Nekyon, you listen to another person first because we have run out of time.

MR. NSUBUGA NSAMBU (Makindye Division, West): I support the Motion and the past examples we have had is that the 1967 Constitution could not allow ones property to be taken without compensation. But when Amin came, he issued the 1975 Land Reform Decree whereby peoples property was taken without compensation. Today, in this Draft, we are being asked to retain the same Decree. So, you find if Hon. Adoko Nekyon's Motion is adopted, it will be giving us a clear way of challenging, in Courts of Law, the authenticity of such acts and Decrees. So, I support the Motion.

MISS. KABIRISI LUBERENGA (Women representative - Bushenyi): Thank you, Madam Chair.

I wish to oppose the Motion on the grounds that, as I can see, I do not understand how you can unlawfully amend a Constitution without actually overthrowing it which is already being provided for in the current Clause and I would also like to bring up what Prof. Kabwegyere brought up earlier on, that we are tending to get Amendments for the sake of getting ourselves on record and wasting this Assembly's time and I would therefore like to say. - (*Interruption*)

THE DEPUTY CHAIRMAN: Hon. Luberenga, I think you are being unfair. Each delegate here comes with their heads clear.

MISS. KABIRISI LUBERENGA: I understand that Madam Chair, but when we get Amendments which are actually not making a substantive difference in what is being proposed, I think it is unfair to this Assembly. I would therefore like to propose that we keep the Article as it is in the Draft Constitution. Thank you, Madam Chair.

BRIG. MOSES ALI: Point of order. Madam Chairperson, is it in order for Hon. Kabirisi to impute or to intimidate or to scare people because even one does not understand how can you Amendment without your name being associated with that Amendment. And who is going to determine that Amendment which is not meant for the name of a person to be mentioned? And why is she using Hon. Kabwegyere's words? May be Kabwegyere has some charms or something. Is it in order? - (*Laughter*)

THE DEPUTY CHAIRMAN: Hon. Moses Ali, I think the Member has taken note in addition to mine. Order, Hon. delegates, let us be mindful of the time.

MR. MUSHHEMEZA (Sheema County South): Point of order. Is it in order, Madam Chairperson, for Hon. Moses Ali to impute that Kabwegyere's head has some charms? Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: That does not arise.

MR. RWABITA DEO (Ibanda County South): Madam Chairperson, I stand to support the Amendment of Hon. Nekyon and the reasons are these that anyone who overthrows a Government, especially here in Uganda, in the process of overthrowing the

Government, he normally uses or misuses the Constitution to legalise his action by amending it illegally. Therefore, it is important that we stop such actions. You remember when Amin took over, before he announced, they normally put either a legal Notice or a Decree so that the Constitution supports them or they are supported by the Constitution. Therefore, I think to stop such acts, Madam Chairperson, it is advisable that we put this word "amends" so that nobody can, at any time, just take it for granted that he can amend a Constitution, make a Decree, or Legal Notice without Constitutional law.

MRS. RHODA KALEMA (Kiboga County East): I stand to oppose the Amendment, particularly that word "amend" because Madam Chairman, we should be careful when we are going to amend Article by Article, to look at the rest of the Draft Constitution. The Amendment process is already taken care of, in Chapter 19, in Article 287, 288 to 289, but in Article 290, which reads "A Bill for an Act of Parliament to amend any provision of the Constitution other than those referred to in Articles 288 and 289 of this Constitution, shall not be taken as passed unless it is supported at Second and Third Reading by the Vote of not less than two thirds of all the Members of Parliament". Already, Amendments is being taken care of. So, the dictator who will want to take over Government will already have violated and abrogated the Constitution. So, I think the Draft by stopping at "overthrowing" and "abrogating" the Constitution is quite adequate because by the time we get to amending it, they will have already overthrown the Government. I do not think the Amendment is necessary there because, as we go along, we may find ourselves having to go back once again in the first Chapter when we come to Chapter 19 and discussing and debating and amending the amendment process. So, I would like to - *(Interruption)*

THE DEPUTY CHAIRMAN: Okay, conclude. Are you through Madam?

PROF. KANYEIHAMBA: Point of information. Thank you Madam Chairperson. I wanted to inform the Hon. Member on the Floor, that she is absolutely right, because "unlawful means, attempt to amend the Constitution" is actually abrogating the Constitution. If it is unlawful, then you are abrogating the Constitution. I thank you.

DR. KIIZA BESIGYE: (NRA Delegate): My understanding of Procedure we said that the proposed Amendment should go to the Legal and Drafting committee to harmonise them, but also to educate the Movers on the necessity of their amendments. The fact that this Amendment was proposed and went to the Legal and Drafting Committee and was approved to come to the Plenary, I would expect it would have been approved as having an additional input into that Clause. I am now surprised to hear from the Chairman of the Committee, that "amend" is redundant, it is already taken care of by "abrogates".

THE DEPUTY CHAIRMAN: Point of order to the Chair or to the Speaker?

AN. HON. DELEGATE: Madam Chairman, I am sorry to intervene at this amendments time in this manner but I do not know whether you are having difficulties seeing us here. I have been raising my hands, and I am not given a chance to speak. Are you finding difficulties seeing us, Madam Chairperson? This is a matter of clarification if you are having difficulties seeing us, then you know, I would appreciate the problem you are - *(Interruption)*

THE DEPUTY CHAIRMAN: I do not have problems with my sight, perhaps you would have said, seeing you in particular because when you say "us", so many people have already spoken.

DR. OKULLO-EPAK: Do you have difficulties seeing me from your position Madam Chairman?

THE DEPUTY CHAIRMAN: Okay, you can speak what you want to speak.

MR. OKULLO-EPAK: Thank you Madam Chairperson. I want to thank you for the honour and the recognition - *(Interruption)*

THE DEPUTY CHAIRMAN: Order, order.

AN. HON. DELEGATE: Hon. Kiiza Besigye had raised a point of order and was interrupted. I think this is a proper way to move. Let us have the order of Kiiza ruled upon by you before we take the other point of order.

THE DEPUTY CHAIRMAN: Okay, if I can recall, I thought actually it was not a point of order as such, but it was clarification.

DR. KIIZA BESIGYE: My clarification, if I may wind up, was - I was seeking to know whether the Legal and Drafting Committee is not meant to assist us in precisely determining which proposed amendments are of no consequence to the Articles they propose to amend so that those are dropped at that stage and if they are allowed to come, then the debate on whether they are useful or not useful would have been got rid of them. I thank you Madam Chairman.

MR. KARUHANGA: Point of information. Madam Chairperson and distinguished delegates, I would like to inform you that the Legal Committee at the moment has no power to stop any of you from moving an Amendment which you want. The only mandate we have to so far is to try and synchronize your amendments so that they can take some shape when you bring them. However, we are going to have a meeting, we will be coming out with - it seems to me, there is a feeling in the House that what Hon. Besigye is asking be done - we are going to come out with guidelines and we propose a Motion here in the House which we will debate and if you pass and you want to give us that power, we shall welcome it and we shall exercise it accordingly. Thank you.

MR. NEKYON: Point of clarification. I would like to clarify the point raised by Hon. Besigye and others. When we went to the Committee, this Amendment was put forward and there was no position against it from anybody in the committee. Unfortunately the Chairman of the committee was not present, the meeting was chaired by Hon. Wacha and they accepted it as a good technical Amendment. So, maybe, lawyers have got different points of views when they are here and when they are inside the committee. But, the point at stake is, I am surprised to hear Members really closing their eyes to what is taking place in this country. We have had Legal Notices amending the Constitution and everybody who has come to power in this country unconstitutionally, has proclaimed on the first day that the Constitution remains intact, but later he brings it back as the Constitution under which he is operating and then he proceeds to issue Legal Notices amending the Constitution every other month, or every other sitting of Parliament. I have seen this, and for us now to say that you have to abrogate the Constitution or overthrow it before you amend it, there has been amendments even when the Constitution had not been overthrown, it has been kept. There has been Amendments when everybody is saying everything is normal. This is what I have seen and this is

what I think is the key issue to plug a hole which has been misused by so many regimes in the country.

THE DEPUTY CHAIRMAN: Okay, the gentleman who raised hell, I give him the Floor and that will be the last one.

DR. OKULLO-EPAK (Oyam County South): Thank you Madam Chairperson, but Madam Chairperson, I take exception to the reference that I raised hell. I think I have my right to be given an opportunity to speak on behalf of the people whom I represent here and I think also that I am right that if I am not being noticed, for more times than I think is justifiable, to draw your attention to this part and it does not amount to raising hell. Madam Chairperson. I think my delegation would like to maintain a very peaceful and reasonable relationship with the Chair all the time and I would not like to be thought of as a person who can raise hell in the Assembly. I thank you Madam Chairperson and then I wish to move to make my statements on the Amendment moved by Hon. Nekyon. Madam Chairperson, it is my view that Hon. Nekyon's Amendment is quite good. At least, it has gone ahead to solve those aspects of the gender difficulties we are having in formulating this constitutional provisions. As you will notice, he substituted the word "singly" instead of "himself" which would have asked other female delegates to wish to raise addition of the word "herself" and for that reason, I think this formulation, is good. But Madam Chairperson, as you will notice down below at 5, I was due to move Amendment to the present Clause to the effect that the words "violent or other" preceding the word "unlawful" be removed. I would like to request Hon. Nekyon that if he could accept the removal of the word "violent or the other" which to me, really are repetitive because, I am assuming that violence is already an unlawful means. I would go along and support his Amendment without any problem. Madam Chairperson and I thank you very much and Hon. distinguished delegates.

CAPT. BABU FRANCIS (Kampala Central): Thank you very much, Madam Chairman. First and foremost, I would like to appeal to you and to all the honorable Members that there is a method of giving a point of order or information. You only give these two to somebody who is on the Floor talking, you do not give order to the Chair and we must respect our Chairman and if you have any complaints to make, there is a better method of approach and that better

method probably to give respect to our Chairman, is to go and meet the Chairperson in her Chambers. I would like, therefore, to request very strongly that to give the right signals to everybody, that we do follow the Rules that we have laid ourselves and we respect you, Madam Chairperson. I am very strong on this one, I am a Member of the Discipline Committee and insist and request very strongly that we do follow the Rules. After doing that Madam Chairperson, I oppose the Amendment. I oppose the amendment on the grounds that if you make a mistake in amending the Constitution, the whole Parliament that has made a mistake will face treason, because that is what the Article says. I would, therefore, like to propose, whilst I agree that we must have a safeguard on Amendments, that we take that safeguard in Chapter 19 and we put it there and make it very clear that if you do not follow the method laid out by this Constitution, you will be punished in a certain way. But you cannot make a mistake in Parliament because you have not consulted the District Council and the whole Parliament faces treason. Now, I would like to propose that in Section 19, we can move an Amendment there giving the methods of safeguarding the people from the unnecessary Amendments to the Constitution. Lastly, Madam Chairperson, I would like to refer to Article 4(a), (b), where the people have already been given the power and they are told that, once the people who have abrogated the Constitution have been removed from the power, we go back to the status quo. It is therefore important that already in this Section, the people have been given that power. I would therefore like to propose this Amendment, which I do accept, of safeguarding the Amendment to be moved to another area. That is all I am saying. But before I end, Madam Chairperson, it is such a simple thing I would like to move that you put the question. Thank you.

MRS. EGUNYU ASEMO (Women Representative - Kumi): Point of clarification. Madam Chairperson, I would like the following clarification from the Honorable Delegates from the House, because it relates directly to the statements that have been made by honorable Delegates opposing. Article 290 has been cited to cater for Amendment by Parliament. But I would like to draw the attention of the House to a situation like under Amin's regime where all powers to make laws were vested by Amin in himself and there was no Parliament as such to legislate and he proceeded to amend the Constitution by Decrees and Orders etc. Then also I would like

us to look at the word "unlawful amendment". There are delegates who have said that there can be no unlawful Amendments. Madam Chairperson, according to the provisions of the Draft, there are provisions to be amended by referenda, others by getting the majority of two thirds majority in Parliament and others requiring the support of the District Councils. Now, in circumstances where those provisions of Amendment in the Constitution are not followed, I believe that amounts to unlawful Amendment. Now, the other is Hon. Babu's assertion that to include the word "Amendment" would net the Parliament that has failed to consult District Councils. I would like to draw the attention of the House that the words, "aids or abets", which are in this provision would still net such a Parliament. Thank you Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much. I think we should have the last one and that is Hon. Atubo.

MR. OMARA ATUBO (Otuke County): Madam Chairperson, I support the Amendment of Hon. Nekyon for one simple reason, that it is going to plug a possible lacuna which can arise from the interpretation of this provision because if you see what the Constitution is providing for, it is providing for sort of an overthrow, an abrogation, and a suspension and all these have drastic measures. You overthrow the Constitution, you are overthrowing the whole thing, you abrogate the Constitution, you are abrogating the whole thing, you suspend the Constitution, or any part of it for that matter, you are doing that job as well. But what the history of Uganda has shown is that somebody comes to power by unlawful means and he still claims to respect the Constitution because I want to differentiate between unlawfully overthrowing the Government and acquiring power of the State and still somebody is saying, I have not overthrown the Constitution. You see, somebody comes to power by unlawful means, generally or normally by a Coup or by the gun, and then the first thing he does is to stand in front of Parliament and say, "I swear to protect the Constitution of Uganda", the next thing he does is signing Legal Notice No. 1. "I suspend Parliament, I suspend the following provisions" and so on and so on and certain provisions like provisions on human rights will remain and the man says, I am here, I swear to protect the Constitution of Uganda, save the following provisions. So, I think the Amendment of Nekyon which was accepted during the discussion in the Legal and

Drafting Committee was really specifically to plug this lacuna and our history is very clear, people come and do, exactly that. So, I think it does no harm for us to accept the Amendment. Thank you. I accept the information, Madam.

MR. KUTESA SAM: Point of information. Thank you Madam Chairperson and I thank Hon. Omara Atubo for yielding the Floor. The information I want to give Hon. Omara Atubo is that, the moment you take into account Article 1, which we have passed, which talks about the overthrow of the Parliament by unconstitutional means, If you go ahead, and begin amending the Constitution, you are compounding the treason you have created. There is no treason squared or treason to the power three, treason is one, by the fact of overthrowing of that Constitution, whether you go ahead and amend or not, or by the fact that you have taken Government by unlawful means, you have already committed treason and when you talk about amending, which has been happening most times, people who take over power amend the Constitution after they have taken over power against the provisions of the Constitution and if we have already provided that if you overthrow this Constitution, or you over throw any Government by unlawful means, you commit treason, when he amends, it may be treason to the power two, and if he suspends sections, it may be treason to the power three but you do not need that. It is treason the moment he has taken Government by unconstitutional methods.

MR. ERESUELYANU (Kaberamaido County): Point of clarification. We are making a Constitution also for the future. Given a situation, a Government may also be legally elected and therefore, it will be constitutionally put in place, but such a Government with event of time, may begin to amend a Constitution to extend itself beyond a mandated period. I think it can use Parliament which has now pocketed, it can use any other method, then what would we do to protect the interests of the people in such circumstance?

THE DEPUTY CHAIRMAN: Actually, I think I should put the question because we have run out of time, we have really discussed this issue for long enough.

MR. ATAMVAKU ZUBAIRI (Arua Municipality) There is really a reality we are running away from. It is true a Government can be legitimately,

legally and indeed constitutionally constituted where the Parliament is functioning normally, but when you look closely at the proposed Amendment on the first line, we read the phrase, "or attempts to do any such act". So, even if it was possible that there cannot be any illegal Amendment, there can still be any attempt at any illegal Amendment. The impossibility of any act does not preclude any attempt to commit the act. So, at least the Amendment here holds water. So, in a properly constitutionally constituted Government, any attempts can still be made and in fact the act can be committed. For instance, Members have been citing some safeguards against illegal Amendment or improper Amendment, such as Article 290 and so on and so forth. But that safeguard in itself can be tampered with. For instance, at a given moment, a Government can flood the compound of Parliament with Pick-Ups, members can be promised that you are going to have these. So, this kind of act or influence can be used, it can be used to turn away the minds of the Parliamentarians so much so that, they will tamper with their safeguards against improper Amendment and in that way, Madam Chairman, any attempt at any illegal, or even any illegal Amendment can be done. Madam Chairperson, I call for protection.

THE DEPUTY CHAIRMAN: Go ahead, but you summarise, we have run out of time.

MR. ATAMVAKU ZUBAIRI: I will therefore summarise by saying that, any mind which is not cheap does not resort to improper Parliamentary method of answering me. Thank you.

THE DEPUTY CHAIRMAN: So, what is your conclusion? Are you supporting him or not?

MR. ATAMVAKU ZUBAIRI: I definitely support the Amendment.

THE DEPUTY CHAIRMAN: I think now we put the question.

(Question put and agreed to).

THE DEPUTY CHAIRMAN: So, Hon. Nekyon's amendment is carried. Now, I beg Members, we came here late, we have to sacrifice. Let us get 3(2) out of the way. We should be mindful because we are meandering on and on. Okay you go ahead. What is the problem?

MR. BAGEYA GEORGE (Kigulu County North): Point of Procedure. I was just pointing out a point of Procedure when you were supposed to put a question, you did not put the question, but you went straight to the second question. Can you kindly put the question before we can come to the conclusion? Thank you.

THE DEPUTY CHAIRMAN: I thought the thing was so obvious. Okay. I now put the question that those in favour of Hon. Nekyon's Motion say "aye" to the contrary "nay".

(Question put and agreed to).

THE DEPUTY CHAIRMAN: Hon. Members, we have the problem of the - *(Interruption)*

MR. WACHA BEN (Oyam County North): Point of Procedure. Madam, we are supposed to come back in the afternoon. Today, is Monday, but some of us have to have a meeting during Lunch Break. On a matter of Procedure, is it not procedurally correct, Madam, to break off now so that we have lunch and come back for further business in the afternoon.

THE DEPUTY CHAIRMAN: Okay, thank you very much, if you are going to have a meeting, but Members you should also be aware that if you lose one and a half hours in the morning, you should be able to compensate for that time. So, we shall be coming back in the afternoon, but when I prolong because definitely, we have really - I was merely pushing, not to cut what we have started discussing in the middle. Otherwise, we would have started on square No. 1.

MR. ETYANG ORONO PAUL (Tororo County): I was just waiting for you to decide on 3 (2) before we get on to whether to rise now or not. We have passed an Amendment, but I am not aware that we have actually adopted 3 (2) as amended.

THE DEPUTY CHAIRMAN: No, we have not because, that is why I had come and said, can we not dispose of 5, by Hon. Kabayo and Okullo-Epak just to delete the words, 'violence and other'. If we had got rid of that one, then we would get rid of No. 2, that is what I was driving at. But Members are insisting that they have to go for their lunch. So, I think *(Interruption)* - let us hear from Hon. Sserwanga Lwanga.

LT. COL. SSERWANGA LWANGA (NRA Delegate): Thank you Madam Chairperson. Madam, I am sorry to take you back on your ruling but the consensus was not clear and in view of that, I would request you that we invoke Rule No. 28 under our Rules of Procedure which says that, with regard to the decision of the Assembly which are not decisions on the Draft Constitution or any Amendment to it, the Chairman may make a ruling that the matter be resolved by voting in accordance with this Rule because Madam Chairperson, a consensus was not clear.

THE DEPUTY CHAIRMAN: I actually had seen some Members stand up and then they sat, so I thought they had withdrawn.

MR. BIDANDISSALI (Nakawa Division): Point of order. Is it in order for the previous Member to imply that the consensus was not clear when the Chair, it was very clear, and it was declared by the Chair that the "ayes" had it? *(Applause)*

THE DEPUTY CHAIRMAN: Anyway, Hon. Sserwanga Lwanga says there is a provision that if Members are not satisfied, they stand up. Are they 50 or 20? But nobody stood up, but then you sat down in which case, you had given up. So, I waited and that is what it was. *(Applause)*

THE DEPUTY CHAIRMAN: Okay, now we are resolving the issue on whether to adjourn or to clear No. 2. I think Members, we would rather clear this one and then I will give some extra time because I think it is a simple matter. You mean you want me to put that one on the vote? Okay let me put the question. Those who are in favour of going for lunch, say "aye" to the contrary "nay".

Hon. Delegates, we are reconvening at 3.00 O'clock, usually we take an hour. Thank you.

(The Assembly adjourned for Lunch and resumed at 3.00 p.m)

THE DEPUTY CHAIRMAN: I call the House to order. Let us proceed from where we stopped and I request Hon. John Kabayo and Hon. Dr. Okullo-Epak to give us the last amendment on the motion which has been passed.

MR. JOHN KABAYO: Thank you Madam Chairperson. I beg to move that the words "violent or

other" in article 3 Clause 2 of chapter 1 be deleted. We delete "violent or other". I propose that amendment in the spirit and interest of achieving a concise document which is devoid of all redundant words and expressions. In my view, "violent" means unlawful means. Secondly, when we single out "violent" as an unlawful means, we inadvertently give it the effect of over shadowing the gravity of other unlawful means. I beg therefore, Madam Chairperson, to propose that in that article, the words "violent or other" be deleted so that the article reads as follows: "any person, - and I am told they are going to correct for gender sensitivity - *who singly, or in concert with others by any unlawful means, suspends or overthrows or abrogates or amends this constitution...*" That is the end of that article. Thank you Madam Chairperson.

PROF. APOLO NSIBAMBI: Thank you Madam Chairperson. I support the motion on a number of grounds. First the verbosity is expensive, not only in terms of numbers, but also in terms of underestimating the intelligence of the people. People who are over-articulating, people who are over-explaining first of all are underestimating the intelligence of the people of Uganda. And speaking as a teacher who has been in the field for 28 years, I want to affirm that the people of Uganda are intelligent and we should not underestimate them by having redundant statements. Furthermore, when you attempt to over-explain what is obvious, in fact you open a *Pandora's Box* and you make matters worse. So I am pleased to support the Hon. Member to request other Members to put the question right away.

AN. HON. DELEGATE: Thank you Madam Chairperson. As one of the persons who have co-sponsored this motion, I do not think I want to be verbose. My concern was that unless somewhere else violence is to be found as lawful, the word unlawful really covers all these things "violent or other" and therefore, we should not put in too many words which are serving no additional or useful purpose. I thank you Madam Chairperson.

MR. KAVUMA: Thank you very much Madam Chairperson. I oppose the amendment on the ground that - you know our history. These violent means have been the most ordinary means employed to abrogate constitutions and taking over power unconstitutionally. Madam Chairperson, I am comforted to see that after "violent" as it is indicated here, we are also talking about other unlawful means which

covers both situations. So for purposes of clearly putting the message in our constitution which is going to be our political Bible so that everybody knows what the thinking of this country is, there is no harm by adding that one word exactly saying that we have suffered from violent means of usurping power and we do not want it and then we also talk about the other unlawful means Madam Chairperson. The fact that we are going to be verbose, to me does not hold much water because we are making a constitution for nation building, not nation management. That means that if our colleagues who are in other developed societies can keep with their very short constitutions, it does not mean necessarily that we should follow them because our political development has not reached that far. In any case, I do not see much difference one makes by removing only one word "violent" and then you claim you are avoiding being verbose. Madam Chairperson, with those remarks, I oppose the amendment, let us be clear, let all our people be able to see that we have suffered from this violent means of usurping power and we put it there, then everybody who reads this constitution will understand. Thank you very much Madam Chairperson.

MR. KITAKA-GAWERA: Thank you very much indeed Madam Chairperson. I as a Delegate of Bbaale, where people have really suffered this violent sort of take-over which we completely abhor, there is no harm whatsoever in emphasizing and even over-emphasizing that word violence. It is evil, it is devilish and therefore it must be included that anybody who will take over by violent means, we detest him or her as the case may be.

MRS. LAGADA BEATRICE: Thank you madam Chairperson, Madam Chairperson and Hon. Members, I believe that we will be doing this nation a disservice if we do not very clearly, put in our constitution that we do not want anybody, ever in future to usurp power violently. Therefore I oppose this motion. I think we should make it very clear indeed. What we are trying to do now, we are trying to put a new start for Uganda by making this constitution and we are making it and we hope that people afterwards will try to live by this constitution. So, if anybody wants to take over power, they should do it constitutionally and the best way of taking over power which is unconstitutional is usually violently. I do not see how you are going to usurp power by just sitting down and doing nothing. You are bound to be violent about it and I do believe we are really tired of

violence. So whoever wants to have power, he should do it properly. So I stand strongly to say the words "violent or any other means" must remain in this constitution. Thank you.

MR. HASHAKA: Thank you Madam Chairperson. Madam Chairperson as you see the reactions from most Delegates, the word "violence" has been a scar in the minds of Ugandans. I therefore beg to move that you put the question. Thank you.

(Question on the amendment put and negatived).

THE DEPUTY CHAIRPERSON: So the words "violent and other" remain in the clause. I am assuming there is no more amendment on -

LT. COL. KIIZA-BESIGYE: Madam Chairperson, I have heard several amendments moved seeking to change the word "himself" to "singly" and it seems that change has suffered because of other subsequent amendments that were included in the movers motion. I think in the interest of gender balance, that word is a better word than "himself"

THE DEPUTY CHAIRMAN: Just hang on. At the beginning of our deliberations today, we agreed that anything to do with gender will be dealt with technically. So that is why that was neutralised.

AN. HON. DELEGATE: Madam Chairperson, I want to inform the speaker that it was actually not left out because we passed the amendment of Hon. Nekyon and that word "singly" is part of that amendment.

THE DEPUTY CHAIRMAN: Okay, that even makes it better. But should the Drafting Committee find another neutralising language, it may not do as if even that word is changed because we adopted the principle.

MR. OWINY-DOLLO: Madam Chairperson, permit me, without notice, to propose an amendment to the amended draft as it stands now. Madam Chairperson, my problem is with the word "unlawful" Madam Chairperson, as Hon. Delegates will appreciate, all overthrows, abrogations and suspensions are in themselves unlawful. For us to leave the draft as it stands now although amended, that still refers to "unlawful" suspensions, overthrows and abrogation that will render the very Draft or the law, when it is passed, to be ridiculous. I should therefore

propose that the amended Draft be further amended to bring out the word "unlawful" and insert it between "or" and "amend" so that "amendment" is referring to unlawful amendment. The rest will now be suspension, overthrown abrogations without the word unlawful before them.

THE DEPUTY CHAIRMAN: Is that seconded? Who is seconding it?

MR. CHARLES OWOR: I am seconding the amendment to the amendment because I think I agree entirely that when we use the word unlawful means of suspending or overthrowing or abrogating, there is a contradiction in terms. The best way to draft this would be to say, "any person who, singly or in concert with others by any violent means or other means suspends or overthrows or abrogates or unlawfully amends the constitution..." and then the rest follows. I would say this would be the best way of drafting. Sometimes, these things seem simple but when it becomes a contentious issue in court, that is when we begin to realise that such oversight will be the cause of a lot of controversy and unnecessary misunderstanding.

MR. KARUHANGA: Madam Chairperson, I wish to oppose the amendment. The proposed amendment, on the face of it, looks innocent but in the rules of interpretation, it will cause problems. If you remove the word "unlawful" from the beginning, unlawful means suspends, abrogates, overthrows or amends. All those are unlawful but if you remove "unlawful" from where it is to the end, then it becomes only for amendment meaning that the other things, suspends, overthrows, abrogates stand without it. Now, where is the danger? First, we agreed in the morning that the drafters are going to look at this. It is a question of drafting. What the Members are arguing out here is to bring a drafting contention in the plenary and we are going to spend a lot of time having legalistic arguments about rules of interpretation which not very many people here are very conversant with. I would like to ask the mover and the seconder who is a member of the Legal Committee to wait and bring this type of juggling in there because, as it is, I do not accept for example, the amendment and to waste your time in this matter will be very expensive and at the end, we may pass something which is not the correct one. Please let us take the advantage of the services that are available to this Assembly. We have a technical team, we have a legal committee, the Members who are moving it are Members of it. Let them come there. Thank you.

DR. MUGYENYI: Thank you Madam Chairperson. Madam Chairperson, I would like to concur with the previous speaker and to add on my voice that it is not actually an amendment, that shifting of the word from one place to another because it holds meaning when it comes just before “amend” but it is meaningless if it comes before suspend, overthrow or abrogate. I would therefore beg to move that we request the Legal and Drafting Committee to take care of this word and find where to put it and then we move ahead Madam Chairperson. And Madam Chairperson, can I request that you put the question on this issue? Thank you.

MR. BEN WACHA: Madam Chairperson, mine is just a request. I am requesting Hon. Owiny-Dollo to withdraw his amendment so that it can be handled appropriately elsewhere.

MR. OWINY-DOLLO: Madam Chairperson, unfortunately, the deputy chairman of the drafting committee does not tell me why I should. But if the Legal and Drafting Committee is going to look at this issue of where to put the word “unlawful” because it is so important that it changes the meaning of the draft or the clause, I have no objection. It is not a small matter at all.

THE DEPUTY CHAIRMAN: So I should now put the question? (*Interruptions*) I thought you had withdrawn. Where is the problem? He said he does not mind as long as our drafting committee will take care of it. To me that was as good as consent. Hon. Members, if you want to speak, put up your hand because if everybody speaks, I find a problem. So may I know what the problem is now before I put the question?

MR. BAGEYA: Thank you Madam Chairperson. What we wanted to be clear is whether you are putting a question on what has been completed or you are putting a question as to whether this sub-article should remain as it is?

THE DEPUTY CHAIRMAN: If he has withdrawn, then the putting of the question on his amendment does not arise. That was my interpretation. Because now I want to conclude that too. Let us be together. We are discussing the amendment of 3(2) and before we go to 3(3), I was putting the question, then you say yes and then after that, I would put the question that this article remains part of the constitution as amended. Now what is the problem?

(Question put and agreed to)

THE DEPUTY CHAIRMAN: You see when the mind is thinking faster than the tongue, usually that happens. So at least we have disposed of 3(1) and 3(2). Now we move to 3(3) and 3(3) is indicated in item 6 on your paper of the amendments. This was moved by Hon. Malinga and Hon. Migade Lubulwa.

MR. MALINGA: Thank you Madam Chairperson. Madam Chairperson, I propose -

MR. SSEMAALA KIWANUKA: Thank you Madam Chairperson. I submitted an amendment which I wanted to go between 2 and 3 and I was wondering whether we can work on that before we go to 3.

THE CHAIRPERSON: Unfortunately I do not have it on my paper. That is why I read what I have.

MR. SSEMAALA KIWANUKA: But I am sure it has been circulated.

THE DEPUTY CHAIRMAN: Let us hear from the Secretariat. In fact I do not have it. They seem not to have received it.

MR. SSEMAALA KIWANUKA: Yes but I have received my copy. So has everybody else I think.

THE DEPUTY CHAIRMAN: Did you pass it through their office? Because I do not have a copy.

MR. SSEMAALA KIWANUKA: Yes, I did. All these people have a copy.

AN. HON. DELEGATE: Point of information. Thank you Madam Chairman. I think what the Hon. Member is talking about is the paper they have put in the pigeon holes. Some people have been there, others have not. So I do not think it has been circulated in the plenary. Thank you.

MR. KARUHANGA: Madam Chairperson, we agreed that all these amendments should go to the Legal Committee. This amendment, we have not seen it there to be able to give it some attention and I was suggesting to the Hon. Mover to give it to the Legal Committee this afternoon and in any case, it can stand and be placed since we said numbering will take place at any time so that we can be able to move with those that we have already prepared for. I

suggest that the Hon. Mover should accept to draw back his request until we move one.

MR. SSEMAALA KIWANUKA: May I request if it can be brought in without notice?

THE DEPUTY CHAIRMAN: Usually we prefer a motion without notice if it is coming from something that has already been tabled. That is something completely new.

MR. SSEMAALA KIWANUKA: Yes, this is new Madam but it fits within what you are talking about.

THE DEPUTY CHAIRMAN: Yes, but if it is an insertion, even after considering the others, it will not do any harm. I still believe we should agree with our drafting committee that you hand it in, they look at it and then when you come, it will be just a matter of fitting it in. After all, it will be a different item altogether. It does not touch what we are going to do.

MR. SSEMAALA KIWANUKA: Yes, Madam we would have passed this stage.

THE DEPUTY CHAIRMAN: No, that is numbering. Even if it becomes number 5 down, still it will be considered as long as you table it properly. Thank you very much.

MR. MALINGA: The next two amendments, actually the 7th one, is incorporated in 6. You can deal with it together with 6. I think it was a secretarial mistake to include 7 because 7 is incorporated in 6. What we seek to achieve by this amendment is to replace the expression in the event there was an expression in 3(3) that "this constitution shall not lose its force even where its observance is interrupted". We want to change it to read that. "*This constitution shall not lose its force and effect in the event where its observance is interrupted by the force of arms*". That is the first amendment as proposed by my colleague Migade. And then mine is to change or to add the expression "*or by any other constitutional means*" after the expression "*force of arms*". And then there is an expression in the text further on which says "...its observance shall be established and all persons who have taken part in any rebellion or other activities..." We have replaced it to read *that any person who took part in any rebellion or other activities...* It is just a question of changing words. But I will make a substantive amendment about addition of words as proposed in

7 which are incorporated in the text I have just read in 6 that is to say that if the interruption is by force of arms or by other unconstitutional means - because it is possible to interrupt the operation of a constitution by means other than arms. We have heard cases where Presidents have been removed from office by either withdrawal of diplomatic recognition by a powerful ally or by just a mere radio announcement and you can also be removed by an uprising of the general public. They rise up and protest against the government, the government is overthrown and the constitution is overthrown and a new order comes in. So that is why I am adding that "*or by any other unconstitutional means*". That is why I am seeking to add that it is important that we add that so that it is not only when it is interrupted by use of force of arms because other means other than force of arms could be used. Actually the expression "force of arms" really imports that you are using fire-arms. It could be violent without using fire-arms. So I beg to move accordingly.

MR. BART KATUREBE: Point of clarification. Madam Chairperson, it would appear to me that his motion is actually the opposite of what is provided for in 3(3) because 3(3) is talking of people who participated in the rebellion which led to the suspension or interruption of the observance of the constitution. He is talking of those people being freed. Can he clarify for me what really he is talking about?

MR. MALINGA: Thank you very much. It is a typing error. The word "freed" should be "tried". I am sorry, that is a typing error.

THE DEPUTY CHAIRMAN: Can you be more specific as regards your correction.

MR. MALINGA: In the last line but two, there is an expression, "shall be freed in accordance with this" so, it is, "shall be tried". This is as it is in the text. I did not wish to change that. It is just a typing error and I am sorry about it but thank you for pointing it out.

MR. KITAKA-GAWERA: Point of clarification. Thank you very much Madam Chairperson. There is again in the same context, a typing error and I would like the Mover to sort of clarify. This word "re-established" but in his submission he said "established". Is that a typing error again? - "*its observance shall be re-established in the draft constitution*" - but in his submission, he says "*its observance shall be established*".

MR. MALINGA: What I am really changing are only those things I spoke about, that is the word "even" to replace it by "in the event" and then the addition of "by other unconstitutional means" and then replacing the expression "took part in the rebellion or other activities". Otherwise the rest of the things remain as they are. I am sorry about the typing errors which cropped in.

MR. KARUHANGA: I wanted the Hon. Malinga to clarify to us what in effect his amendment really has brought because the words "in the event" and the words "by other unconstitutional means" are all already covered in 3(2) which we have passed. Because "by other unconstitutional means", we have done that in 3(2) and the constitution is read together. So I just wanted to know whether he is looking at this as an isolated article or he wants to read it together with the ones that we have already passed. If he can help me before somebody else.

THE DEPUTY CHAIRMAN: Hon. Moses Ali, what I was proposing is that give the seconder a chance to second the motion. Then perhaps as he seconds, you will be clarified because actually you have not given them time to finish explaining what they want to say.

BRIG. MOSES ALI: Point of order. Is it in order for the Member of the Legal and Drafting Committee who had discussed this draft with the movers yesterday he has just walked in today?

THE DEPUTY CHAIRMAN: I think this is a proof reading problem. All of us had not detected it.

BRIG. MOSES ALI: Madam chairperson, the speaker is a Member of the Legal and Draft Committee and I left him there with the movers. I am sure this question he raised must have been raised there already. So, they should have helped us instead of also getting into confusion.

MR. KAVUMA: Thank you very much Madam Chairman. I think when Hon. Karuhanga was talking about this amendment, he was talking about the content, trying to find out whether there is a difference in terms of content with what we have in the draft and to me, our Legal Committee has no mandate to come here and keep quiet because they are Members of the Legal Committee. Is the Hon. Moses Ali in order to try to urge the Legal and Drafting Committee to usurp the powers of this Assembly?

THE DEPUTY CHAIRMAN: Anyway, we said that is a proof reading problem. Let us leave the honourable member to second the motion. We have noted the two points of order and I am saying the problem is proof reading.

MR. MIGADDE: Thank you Madam Chairman. I want to second the motion. Actually the word "even" as it appears in the draft, to me it sounded as if it was not all that good. Actually, that is drafting. It is not very important. We thought that "in the event" looked much better English than "even". That is basically our consideration. And secondly, the second amendment is that by adding the phrase "or by other unconstitutional means", I think it covers us more because as it stands here in the sub-article, it is restricting "the interruption of the observance" which means government established by force of arms. But if we added that phrase, then we have a wider coverage of the interruptions. Basically those are the reasons.

MAJ.GEN.TINYEFUZA: Thank you Madam Chairperson. I would like some clarification from the movers. I basically find that the only thing of substance they are trying to bring in is to enlarge other means other than force of arms, which are illegal. The rest like "even" or what, I think is not of much substance. But if we read this sub-article, it is actually not restrictive. Have they looked at it? For instance, it says, "...established by force of arms and in any case, as soon as the people recover their liberty, its observance shall be re-established and all persons who have taken part in any rebellion or any other activity which resulted in the interruption of the observance..." I think this is wide enough actually and read with the above, the force of arms, it does solve actually their worry. So I do not see any necessary thing of adding in any other thing because it is not restrictive. It is restrictive only if you read the first two sentences but if you go down, I think it is wide enough and therefore, I would not find this necessary. So maybe they could clarify if they had looked at the whole thing in entirety. Thank you Madam Chairperson.

DR. MUSANA: Thank you Madam Chairperson, I stand to oppose the motion for amending article 3 sub-section 3 for the simple fact that the words which are being added are already catered for in the entire sub-article. So if it is a matter of adding in words for the sake of adding in, it is unnecessary and that at this point in time, I beg that you put the amendment to question and we proceed instead of having to -

MR. KWERONDA RUHEMBA: I thank you very much Madam Chairperson. I stand to oppose the amendment in respect of the fact that it is not bringing in any new import except that it is even confusing the whole meaning. And I wish to take this opportunity maybe also to caution those people who may intend to move amendments that it is not a fashion to move amendments for the sake of moving amendments or it is not a question of moving amendments so that your name can be heard or you can be written in the newspaper - *(Interruptions)* Yes, Madam Chairperson, we have lost a lot of time - *(Interruptions)*.

MR. MWONDHA: Point of order. Madam Chairperson, is the Hon. Member in order to impute improper motives on behalf of other Hon. Members who have, I think, moved amendments in very good faith, very much fulfilling their duty as Delegates in this Assembly? Is he in order?

THE DEPUTY CHAIRMAN: Hon. Delegates, definitely each Delegate here has his or her perception. So if the Member - that is how he or she perceives it. *(Applause)* No, no, do not misunderstand me. Do not clap because I have not finished. What I am saying is that Hon. Kweronda is out of order actually. *(Laughter)*.

MR. KWERONDA RUHEMBA: I thank you very much Madam Chairperson for your defence and I wish to conclude by saying that the amendment does not bring in any new substance and therefore I beg to move that you put the question. Thank you.

MR. OWINY-DOLLO: Madam Chairperson, I find that this proposed amendment brings in substantial new material whereas in the original draft, the makers of the draft appear to have limited interruption of the constitution by a government. The proposed amendment widens the net. One may have a situation, Madam Chairperson, where the constitution is not actually interrupted by anyone in government but one who is merely aspiring to be in government. We had a situation in 1985 and 1986 when those who are now in government had actually interrupted the constitution without being in government. We have a situation like in Somalia, Liberia where there is really no government as such to speak of but the constitution has been interrupted. So the proposed amendment covers a wider area than *what appears* in the draft. I support the proposed amendment on those grounds.

MR. HASHAKA: Madam Chairperson, since we have had very few respondents in proposition of this amendment, I would wish to beg for the sake of moving on, to put the question Madam Chairperson. Thank you.

(Question on the amendment put and negatived).

THE DEPUTY CHAIRMAN: So we are through with item 3(3) and therefore I propose that I put the question on 3(3). I can see immediately after clause 3 what to me is a new item. So that means number 7 was the last because it was within number 6.

(Question on sub-article (3) put and agreed to)

THE DEPUTY CHAIRMAN: So now we go to 3(4) and I will have an amendment sorry, it is a new clause between 3(3) and - immediately after clause 3(3), they want an insertion of a new clause by Hon. Omara Atubo and Hon. Okullo-Epak. So can either expound or give us their motion?

MR. OMARA ATUBO: Madam Chairperson, I beg to move an amendment which reads as follows: "It is prohibited for foreign governments, international organisations and individual persons to recognise or enter into any agreement, transaction or dealing with the government referred to in clause 3 of this article and such agreement, transaction or dealing is null and void". Madam Chairperson and this august House, we have very successfully passed articles 1 and 2 which deal with sovereignty of the people and the supremacy of this constitution and I beg to observe that one of the very innovative provisions in this draft constitution which was not in previous constitutions is this provision dealing with the defence of the constitution. I do recognise that we have done a very good job in trying to get the people of Uganda to defend this constitution. But I also wish, in the same breath, to say that Uganda does not live in isolation of global or geopolitics in this world, and that we may make indeed a good constitution and that indeed the people of Uganda may struggle hard to defend their constitution. But all these efforts may be fruitless because of the international interferences that we may have. Madam Chairperson, Uganda and Ugandans indeed are aware that most of the violent changes we have had in this country have had indeed very direct or, if not indirect, interferences or even direct sponsorship by foreign agencies, leave alone foreign governments. And therefore, by proposing this amendment, we are doing two or three things. One, Madam Chairperson -

AN. HON. DELEGATE: Madam Chairperson, is the Hon. Member on the Floor in order to expect or to request this Assembly to pass laws governing foreign governments?

THE DEPUTY CHAIRMAN: He has not finished reading the motion which has not been seconded. You better withdraw honourable. That one, you are out of order by the way. Let the Member finish his work.

MR. OMARA ATUBO: Madam Chairperson, I was going to deal with that point because somebody may argue that we cannot legislate for a foreign government or against a foreign government. There is also this other thing that people learn in law about doctrine of succession of government in power. I was going to deal with that very briefly. So if you will give me time, I think I am very aware of the implications of this clause. As I was saying, I had in mind Madam Chairperson, that interferences from foreign governments do happen and that they can even go ahead and impose a government against the will of the people of Uganda.

MRS. SEWANYANA: Point of order. Madam Chairperson, my point of order is that the procedure has been that the proposer or mover reads out his amendment, it is seconded, then he goes ahead to argue the merits of it.

THE DEPUTY CHAIRMAN: I has assumed that if there are two names, one is the proposer, one seconds and to save time, you leave one and then I will call upon Hon. Okullo-Epak to give his presentation. That was my interpretation.

MR. OMARA-ATUBO: Madam Chairperson, you are very well aware of our past history. We are making this constitution well aware of what Uganda has gone through of the foreign interferences that have even imposed very hostile anti-people governments on us. And if there was time, I could quote many cases in Latin America, in Asia and so on and that some of these governments, when they come, they are even maintained in power by these foreign forces and the people of Uganda will find it very difficult to even overthrow these governments. But what are we trying to do by having this clause? We are trying one, to send a message to foreign governments and international organisations; the UN, Organisation of African Unity, the World Bank and so on, that we have a country called Uganda and we

have a country which is being governed by a constitution approved by the people and that in this provision, we have a way a government comes in power. If a government comes into power other than as provided by the constitution, anybody who deals with that government will do it at his own risk. When the constitution regains its legality and a government which is constitutionally in power comes in, most of the things done by that government will be rendered null and void. It will be subject to a complete sort of renegotiation and this message is important also in another aspect. That if a constitutional government is overthrown, those of you who can get out of Uganda and are in exile will have strong position to argue their case. You will be able to go into international fora and say that according to the constitution of Uganda, that government which is in power and which you are relating yourself to is unconstitutional and therefore, you can mount a very aggressive international campaign against such a government because you have international provisions to protect you. Madam Chairperson, I am looking at this from the angle of the fact that because of the global prevailing situation, we can make a beautiful constitution but if we do not direct our mind to the international implications, you may find that actually, the constitution we are making will be completely unsuccessful. So with this Madam Chairperson, I have combined two things. I have warned as somebody has said, possibly legislated against foreign governments and international organisations but the second leg of the proposal renders it null and void. Those transactions and agreements that an unconstitutional government in power has undertaken during its life - and I wish to mention this that some of these undertakings by the unconstitutional governments may be really not cautioned, may really be anti-people, may really be exploitative so that when people regain their power, they should not be burdened with debts, with money, with huge loans to buy armaments, with big loans which were entered into by the previous governments that really did not benefit the people of Uganda but benefitted the foreigner. So I beg you to accept this amendment in view of our history as one of the very innovative provisions which we should put in our constitution. I thank you Madam Chairperson.

DR. OKULLO-EPAK: Thank you Madam Chairperson. I have co-sponsored this motion mainly for the following reasons. Madam Chairperson, it is a great innovation in the constitution that we include a principle on the defence of the constitution. What has

been provided in the draft and what we have looked at or considered in the past so far towards that end obliges us, as the people of Uganda, to fight on our own to confront the offender. Madam Chairperson, when I discussed this provision with my constituents, they were very happy but they kept asking one question, is this not like the story of the cat and rat? They discovered very good means of conquering or deterring the cat from being a menace to them by belying it, but when the question came, who will keep the bell, none of the rats volunteered to do it. Madam Chairperson, we shall always be faced with similar situations particularly if we happen to lack continuous access. Therefore, if someone takes over the power and we have to confront him, who has all the means, we are bound to fail. It would be fair for us to look for alternative possible solutions or interventions. Madam Chairperson, it was also my view that in defence of the constitution, we should look for as many deterrents as possible especially those deterrents which do not invite one form or other violence. So far, all the deterrents we have adopted point towards using force to overcome the situation. I find this provision quite a soft one provided it is possible to implement. Madam Chairperson, I also believe that invariably in our experience now, most foreign governments have used peaceful means in order to frustrate a government they do not agree with. And it will only be in our interest that we indicate to them in our constitution, the areas which they will find easy to support us in the government we do not support. Therefore I find this provision fairly reasonable to that extent. Madam Chairperson, it is also my view in supporting this amendment that from our own experience, a number of illegal governments are often supported in their effort by foreign governments and these foreign governments, for whatever purpose, will therefore ensure that they continue to support such a government. But it will be appropriate for us in the constitutional concept, if we made a provision which scares those who will be supporting governments or from supporting a bad or an illegal government. I think the spirit here is to include as much deterrence as possible, including those that pertain to ourselves and if it was possible, those that could be externalised and then we will have better possibilities of interventions to overthrow such a government. I thank you Madam Chairperson.

DR. MUGYENYI: Madam Chairperson, I am seeking clarification from the mover and the seconder of the motion because the motion implies that

if the Government is legitimate and it enters a transaction with a humanitarian organisation like UNICEF and any other humanitarian organisation like Red Cross, to assist people who may be trapped between two warring factions and to assist them for any medical care. Now, if you say, this is illegal, are you punishing the Government in power or you are punishing the people? Thank you Madam Chairperson.

CAPT. BABU: Madam Chairman, thank you very much. I would like to thank my Colleague Hon. Omara Atubo for this Amendment. Unfortunately, I stand to oppose this Amendment. Mr. Chairman, like he has said rightly, we cannot legislate for foreign countries, we cannot tell foreigners what they should and what they should not do. We can however, join organisations, which forums we would use to reach these friends of ours and we are already Members of those organisations. We are Members of the OAU, we are Members of United Nations, we are members of so many International Organisations which forums we could use to put forward these points. In fact, I am a little bit surprised, Hon. Omara Atubo was a Minister of State for Foreign Affairs, he would have known these particular conventions I am talking about. We have tried to go through these conventions. Mr. Chairman, since this Government came in power. One of the first submissions I remember in the OAU made by our President was that the time has come for OAU to interfere in some of the local issues in the African countries. One of the issues today in Africa, is that, we should have an Army - Continental Army. There are issues in United Nations. Unfortunately, whenever we go to these meetings, the very Heads of States, and some of these members who are speaking now, have been to these meetings and there are Clauses in those international Conventions which say there should not be interference in the local affairs. Therefore, I would like to propose that we have a section in this Constitution which will be talking about foreign affairs. We must strengthen our policy on foreign affairs, we must have and we must try, when we go to these International fora, to push this point which today is being even pushed by International organisation like the World Bank, IMF, and many others to try and bring about democracy in the world. But we cannot sit here in Kampala and say that foreign countries should not do this or that. They are our friends, we must keep this friendship and we must not try and abuse that friendship. Mr. Chairman, even as I talk now, there are people who oppose this

Government, who are sitting in foreign Capitals like New York, like London, like Washington and going to these foreign countries to try and ask them to put pressure on this country, to try and bring about democracy. Therefore, if we pass this Amendment, what would we be doing to such people? It means that we do not want to have a forum where we can accuse even a bad Government which might come in power in this country. Therefore, we must be very careful and we must not bring academic exercises here. Somebody called it innovation, it is indeed innovation. In innovation, in the sense of academic exercise, we must look at the world around us practically and we must respect other peoples' independence and not tell them what they should do and what they should not do. Thank you very much. Madam Chairman.

DR. KAKUNGULU (Presidential Nominee): Thank you Madam Chairman. I am Dr. Kakungulu, Presidential Nominee. I stand to oppose the Motion on a number of grounds. It is extremely presumptuous to think or even propose that the Ugandan Constitution will be read by all countries all over the world. I do not think such an exercise is possible because even such great countries like America, apart from during this Constitution making exercise, many of us have never bothered to look into any of those Constitutions. So, how can you assume that they are going to look into the Ugandan Constitution before they deal with Uganda? Enforceability is extremely difficult. Who has the power to ensure or to enforce such a stand? It will be almost impossible. Let us make a document that will not be a laughing stock of the world. Thank you Madam Chairman.

MR. MUSUMBA ISANGA (Buzaya County): I want to support the proposed Amendment for the following reasons. In my view, this is an innovation as it has been called, which has come up and which sounds a very, very, sound warning to anybody outside Uganda who wants to deal with the Government here. First of all, to know what kind of Government he is dealing with and what kind of legal validity such a Government has. Now, in law, it has been mentioned here, there is what they call, Carrison's Theory and all these other theories related to succession of Government. In my view, someone can sit outside Uganda and because there has been a Coup, and established authority, that is enough to warrant him to say that there is a legal Government in Uganda that is in charge and so he can deal with them and even after we have established democracy

through the system put in place today, we will have to continue to pay debts or obligations that we entered into at a time when we did not support the existence of that government. Now, I want to tell Hon. Kakungulu something about people who deal with Uganda. Rest assured honorable, that the people who deal with Uganda, say, for instance, who lend money to Uganda, do know more about the Laws in Uganda than ordinary Ugandans. They take extreme care to study the Constitution, to study the Laws and be able to say no, but you do not have authority to borrow this kind of money. They have told us more than once before in my other ordinary offices. So, as far as I am concerned, this is a very good warning so that if we enter into these loans because Major General X has overthrown this government by force of arms, then when we have a regular return to sanity through democracy and this Constitution which we are making with the people of Uganda, we should be able to say - Look here, the world, even if it means going to International Courts of Justice, look here, the world, as far as we are concerned, we have a document here and this document says - this government was not legal and we have it printed all over the text. I support the proposal. Thank you very much.

MR. SABIITI (Rukiga County): At the first glance when you look at this Proposed Amendment, you first think it is not a serious Amendment but when you read it and re-read it, you start getting a feel that there is a grain of truth. I have come to accept it after Omara Atubo's explanation. I think this innovation requires that Delegates' deeper consideration. When we look at the past events in this country, what most of us have gone through, we know the problems we have had to convince the international community about the bad and illegal governments that have been brutalising our people. Now, if we insert this Clause in our Constitution, it will work as a prohibition or a reminder to any government that really, it is not necessary to be with an illegal government. So, I would request the Hon. Delegates to give this closer scrutiny and see whether we should really include it in our Constitution. It is not correct as an Honorable member said that our Constitutions are not read. Normally, International Organisations and governments which want to invest in this country, such countries do read these Constitutions and if you want to come in and you want to prop up a regime and you know very well it is illegal, surely, I think you may not move as fast as you would have moved. I, therefore, support this Amendment.

THE DEPUTY CHAIRMAN: Hon. Zziwa. You see this corner has been neglected because of this water jug.

MR. ZZIWA: (Kawempe North): Thank you very much Chairperson. I support this Motion wholeheartedly. The Motion is so clear, it is establishing an innovation which we accountants call, cutting of procedure. It really says, at a particular point in time, when a government which is illegal takes power all our transactions thereafter, are null and void. And this is very important. We have seen governments coming in power and find heaps and heaps of loans which they do pass on to the citizens without lifting a finger to say no, we cannot take these loans on and I do not quite understand when people say it is not enforceable. It is enforceable in Uganda and this is the interest we want to protect. We want to protect our interest in Uganda, that nobody should give loans to a government which has taken power by force. Madam Chairperson, I would also like to correct the Delegate who said that foreign countries do not read our Constitution. This is not true. When a government is giving out a loan or is taking on an agreement, the first thing it would do, is to read through the Constitution of the country it is going to deal with. Just like one would read through a Memorandum and Article of Association of a Company. So, I support this Amendment except that I feel, when Hon. Atubo said - the government referred to in Clause (3), that we should precisely say that a government which has taken on power by force without saying we refer to Clause (3) - just a matter of clarity. Thank you very much.

THE DEPUTY CHAIRMAN: The gentleman in the black coat. I am trying to get those who have not spoken since morning. After him, then I will come this way.

MR. KARUSOKE (Ntoroko County): Madame Chairperson, I appreciate the spirit in which Hon. Omara Atubo moves this proposal. He is sincerely and deeply touched by the behavior of some of our people who usually grab power by force of arms, they go around capitals of the world, seeking recognition and in the end, they manage at the expense of the people of this country. However, Madame Chairperson, I am not in the least persuaded by this proposal because in the first place, supposing we passed this provision in the Constitution and then tomorrow someone grabs power and he is recognised by country X, what do we do? Do we have a way of taking that country to Court? Supposing that

country goes ahead and gives that illegal government loans and so on and medicine for the suffering people of Uganda and then the people of Uganda take this medicine and, maybe food and second hand clothes and repair our damaged roads, what happens in the end? Are all these null and void? Supposing that country which has given us loans, insists that we pay that loan although it dealt with an illegal government and when we refuse, it persuades the international community to sanction us economically. Who stands to gain? Is it the people of Uganda? Madame Chairperson, governments and organisations have their own interests which they have to protect and whenever they are dealing with others, they are guided by their own interests, not by interests of others. In the first place, whenever we have a military coup or any kind of coup, it is first of all these foreign capitals that announce, before we even know here that our governments have fallen. The foreign capitals are announcing on their radios what is happening in Uganda. Therefore, they know very well that the announced government has come in illegally. But somehow, they have their way of defending their own positions. They would go ahead and deal with these illegal governments whether we like it or not. Therefore, legislating it here in our Constitution has no binding at all on these countries. I, therefore, think it would only serve to intensify the suffering of our people here which will not affect the government in power at all. Therefore, Madam Chairperson, I oppose this Amendment.

THE DEPUTY CHAIRMAN: Some one wants clarification.

COL. KUTESA: Point of Clarification. I wanted clarification from the mover and those who are supporting this Amendment. I want to know when will this recognition and agreements with that particular government be null and void. Is it during the tenure of office of that government or is it after? If it is after, I think it is a wastage of time because after all, as some people have commented, when the Arabs were doing trade - buying and selling Africans, they did not wait for a Constitution but those governments we are talking of have their interests. They do not mind which Constitution is there and they know how they would defend it. There is no way we can stop them from doing business. Thank you very much.

MR. SSEMALA: (Kyamuswa County): I would like to thank Mr. Atubo for this brilliant innovation and I would like to support the Amendment - *(Interruption)*- I think what we must do is, we must

make this when governments realise that we are not just people with no destiny. That we can make our own rules or even if we can win person but there are rules, nevertheless, that they deal with us according to the way we present ourselves. If we present ourselves as weaklings who cannot determine our own destiny, that is how the traders normally gave these people the mandate like to rule over us, which they do incidentally. It is because we do not have any say in what we do ourselves. They always give us their money on conditionalities. I think it is about time we gave in conditionalities of our own. In the whole, all these countries that loan this money, they want it back but as soon as they know that they might not get that money back, perhaps they might not loan it to us after all. What we are trying to do is to deprive these self seekers of collaborators. Every time they come to power, they always find a collaborator who helps them to sustain themselves in power and I think this Amendment will deprive or starve these people of these collaborators. Thank you very much Madam Chairperson.

LT. COL. SERWANGA LWANGA (NRA Delegate): Thank you Madame Chairperson. I stand to oppose the Motion. Madame Chairperson, I sympathise with Hon. Omara Atubo and Epak Okullu for these sentiments. These sentiments are not new. Even when the Commission was going around collecting views, if you bothered to read the report on Page 739 of the Report of the Commission, these views were expressed that let us appeal to the International Organisations, let us invite the Queen, let us invite Clinton, all these were given. However, if we go ahead and put it here, it will just remain a scare-crow. The government of Uganda cannot enforce this thing. In fact what could happen is that if we lobby properly, we cannot get political pressure from the other organisations to enforce this act and not the government of Uganda and when we are assembled here, we are legislating for Uganda, not for international organisations, not for OAU and secondly, Mr. Chairman, this thing has got some legal implications. Hon. Babu has told us that even the Charter of OAU clearly talks of non-interference and now we honourable Members, who are assembled here, when we know this, we even go ahead to do a thing which we know is illegal. What will the *Wainchi* think of us? Madame Chairperson, I would say that Ugandans are quite capable of developing adequate safeguards and a mechanism to protect and defend *(Applause)* the Constitution of Uganda. In my language, we have got a saying that

“*Omuggo oguli ewa mulirwana tegugoba ngo*” That “a stick which is at a neighbour’s place will not protect you when the leopard attacks you in your house”. So, we Ugandans who are assembled here, let us put the stick in our house and we protect the Constitution ourselves. Madame Chairperson, *(Applause)* I oppose the Amendment.

MR. ADYEBO (Kwania County): Madame Chairperson, I have gone through the Proposed Amendment by Hon. Daniel Omara Atubo and Hon. Engineer Okullo Epak. I really had no quarrel with the content, with the form of the Amendment. I do agree, it is an innovation but my fear is, this is an innovation which is a bit too ambitious. My fear is that it is going to be a mission near impossible for implementation. In my language, in Luo, they say “*lot abor pe neko twol*” meaning, “a stick from far away cannot kill a snake here”. *(Applause)* Now, to the best of my knowledge, let us concern ourselves with the Constitution of Uganda first and foremost but to think that we are going to be in a position to write a Constitution which shall be implemented by foreign bodies and International Organisations, is a mission near impossible. Why am I saying this - the other time during the cold war, the Americans and the Russians were quarreling ideologically. In the American Constitution, which is now over 200 years in existence, one of the most, actually, stable document ever in the history of the world. There, you find that the Americans do not want to hear about communism but during the cold war, they were going for a war ideologically but behind the scene, they were trading with the Soviet Union. Similarly, with China, the quarrels that were, that are, are just quoted but if you go there, even now, Chinese are sending electrical gadgets to America for their economy. In fact, I will say that, even the IMF you are mentioning here *(Interruption)*

MR. MUSUMBA: Point of Order. Is it in order for a member of this Assembly to confuse this Assembly by confusing the issue at hand. When people go on quoting in all languages of this country, the proverb to the effect that the stick which is far cannot kill a snake here, when in fact *(Interruption)*

THE DEPUTY CHAIRMAN: That is not a Point of Order. So, hon. Adyebo you can continue.

MR. ADYEBO: Thank you very much Madame Chairperson. I am very surprised he is raising the Point of Order today but I have been hearing so many

quotations from Ankole - Runyankore. Rukiga prov-
erbs he had never raised a Point of Order. So, I really
do not know, whether he is in order to even put me
out of Order. *(Laughter)*

MR. BABU: Point of Information. Madame Chair-
person, I just want to give information to the Hon.
Adebo. that during the period when we had the
military government here from 1971 to 1979, there
was an embargo against this government, but the
same countries would trade with the same govern-
ment and they would sell them equipment that killed
Ugandans and on the outside, they said they were not
dealing with the country but at the same time they
were selling these equipment from the same country.

MR. ADYEBO: Even coming to this talk of IMF/
World Bank conditionalities. The IMF do not come
here on their own. You do not need to control them
by Constitution. They can do without Uganda but
Uganda cannot do without IMF at times. You try it,
you will end up printing your money. Last time you
were there, you tried and you were to report back. In
fact, it is very easy to talk against government when
you are outside the government but when you are
inside government, you find that you cease to talk.
(Applause) Mr. Chairman, I am saying this because
even in the present Uganda, the people who are now
criticizing the World Bank conditionalities are the
ones who initiated them. World Bank conditionalities
were initiated way back during Obote II to tell you
the truth and at that time, those who were inside
government never criticised. But now if we are
implementing, and I must tell you without fear or
favour, the present economy of Uganda, it is because
of some better conditionalities *(Interruption)* which
I am not saying all of them are too satisfactory or are
very satisfactory to the whole sectors of the economy
but I am only saying *(Interruption)*

MR. SAKWA: Point of Order. Is the Hon. Speaker
on the Floor in order to divert us from the debate on
the Draft to discuss the current government Policy on
the IMF, etc.?

THE DEPUTY CHAIRMAN: Referencing is
allowed. Honorable, you should be winding up.

MR. ADYEBO: I am just confining myself to what
is in the Amendment because it is touching on
relationship with foreign governments, international
organisations like the IMF and so on. I do not think
that I am outside, only that I would like to wind up

by saying, let us concern ourselves with the Consti-
tution of Uganda first. Any attempt to write a
Constitution for International Bodies, foreign
governments, is actually a mission near impossible to
implement. Then I will conclude by saying in my
language - "*Lut abor pe neko twol*", and I hope you
will not put me out of Order, my brother. I thank you.

MS AKELLO (Presidential Nominee): Madam
Chairperson, like some Speakers before me, I have
a lot of sympathy with Hon. Omara Atubo and his
Colleague who proposed this Article because I can
understand that they have externalised the pains that
Ugandans went through because of support by some
external donors or some governments which have
actually helped kill the people of Uganda. For
example, the Idi Amin government and the interna-
tional joke that Uganda became when he was in
power but I really do not think that I can support this
Amendment to the Constitution because we can put
it here and say to ourselves - right those people will
not interfere in our internal affairs at all but of course,
they will because they have different reasons for
wanting to come to Uganda. Their interests in
Uganda are not necessarily the interests of Ugandans
and their first interest is the interest of their own
countries, their own companies, their own busi-
nesses and I think that as Ugandans, we should be
very clearly aware of this. When we have external
agencies, even some who are well disposed towards
us, they do make business even out of the aid that they
give us. So, therefore, we as Ugandans must take
control of our own destiny. The point is that we must
try to ensure that we can develop our country and we
do not have to depend on external people. I thought
I should just emphasise this point, although some
people have said it before me. Now, Madame
Chairperson, there is another question. We can cry
and cry but who is going to be the international
policeman to police this and make sure that poor,
little Uganda is protected from greedy sharks from
the external world? There will be nobody. Even the
OAU has not got this power. Even the United
Nations does not have this power. So, I think the
most important thing for us is to make sure that inside
here - *(Interruption)*- I am not accepting any
information, it is very little that I have to say and I
have waited all day to say something and this is my
chance. Perhaps, we can say in sympathy to this that,
instead of putting this onus on foreign government,
we should put it on our own leaders that, any
government in control of Uganda, should not enter
into foreign deals which will make the people of

Uganda indebted and if it does so, then it should be prosecuted at some points. Thank you Madame Chairman.

MR. NASASIRA (Kazo County): I also have sympathy with my friend Hon. Atubo and my Colleague, Dr. Okullu but let us start by a situation where the government takes over power by force of arms. First of all, we are saying that we want that government until the people have regained their liberty. So, one would first imagine that while that government is there unconstitutionally, the people are organising to regain their liberty. Now, if you start straight away by saying, do not deal with this unconstitutional government, automatically, you are disqualifying yourself, if you are fighting, to regain your liberty by dealing with outsiders in whatever form. Because if the outside community cannot even deal with a legal government, you people who are fighting to regain your liberty, have got to know even the slightest way to deal with foreign organisations and foreign governments. Now, the fight to regain your liberty might not necessarily be within the boundaries of Uganda alone. That is the first point I thought Hon. Atubo should understand. Secondly, I think we should try and concentrate on how to make sure that we do not have those unconstitutional governments within our own Ugandan means. Not depending on whether America or Britain or India is going to help us - like I see this President of Haiti. Everyday, they are telling the people, leave. They are threatening with blockades that their father is still in Washington waiting for America to get time and give him back the Presidency and we see the Haitians training with sticks and so on to fight the American invasion. I think we should concentrate to know and make sure that it is impossible for anybody to take over government by unconstitutional means and if he does, we internally fight him, until we remove him. Thank you very much. So, Madame Chairperson, I oppose the Amendment.

MR. OKANYA (Butebo County): We have talked quite a lot about this Motion of the International Bodies which accept to deal with an illegally instituted government. We all know very well that it is very difficult to cause such collaborators to rescind their moves. I believe that there are enough guidelines and checks to control such collaborations. In as far as we are concerned, we are seated here to make a Constitution for Ugandans and not for outsiders. For example, during the days of the Gulf war, the Americans, the British, the Germans and all those

western powers, which we are assuming would work hand in hand with the regime that comes to power in such a way, there were people from those nations which dealt with Iraq by selling arms and spares to the regime in Iraq and still everything went normally for those countries. It is the interests of those countries which are of priority to them. They do not concern them, so they will always deal with anybody - for commercial or geopolitical reasons. I, therefore, do not think it is proper for us to legislate anything that comes to that. At this stage, since we have talked quite a lot on this issue, I would like to request you to put the question. *(Applause)* Thank you very much Chairperson.

MR. ATUBO: Point of Clarification. I thought I have been slightly misunderstood and I thought I should really clarify, Madame Chairperson. As I said, we are not legislating for any foreign government because we are not competent to do that. What we are trying to do is that in another arm of trying to defend the Constitution, and trying to protect it, in the process of protection of the Constitution and to ensure Constitutionalism, we are trying to look *(Interruption)*

BRIG. ALI MOSES: Point of Information. I want to inform the Mover, Hon. Omara Atubo, that some three or four months ago in NRC, we passed the Cotton Statute. We rejected a certain Article and the Minister for Trade and Industry insisted that that was a cabinet decision we could not change it but we said that it is not impossible. Sectoral Committee on Agriculture refused that Article but he insisted we pass it on and becomes a Statute. It was sent to Washington because there was a certain Law on cotton awaiting that Statute but when it arrived there, those bosses and pay masters checked and said what about this. They sent it back here. We were summoned. They found us in recession but we were summoned, specifically to remove that Article. Are we not going to be embarrassed tomorrow to be summoned to remove this particular Article? *(Applause)*

MR. OMARA ATUBO: Madame Chairperson, there has been this misunderstanding that we are legislating for a foreign *(Interruption)*- government. Madame Chairperson, all I am trying to say is that an illegal government in Uganda, an unconstitutional government in Uganda should not be given International Legal effect. That is all I am trying to propose here and to that effect, Madame Chairper-

son, some people have said, we cannot legislate on certain things which cannot have international effect and so on but let me draw good attention of this House, as a Point of Information, on Article 185 (2) which says that "Government shall not borrow or raise a loan on behalf of itself or any other public institution or authority except as authorised by or under an Act of Parliament." This is a provision under our Law here. It is a provision in the Finance Act. So, a foreign government (*Interruption*)

MR. KOMAKEC: Point of Order. My Point of Order was actually directed at the piece of Information that was given by Hon. Moses Ali whose effect was that Ugandans were legislating under duress and they are not independent enough to make decisions. Is it, therefore, in order for the Hon. Member to suggest that we Delegates to this Constituent Assembly are not independent, that we are debating and we must always dance to the tune of foreign interests?

THE DEPUTY CHAIRPERSON: He was in order.

LT.COL. SERWANGA LWANGA: Is it in order Madame Chairperson, for Hon. Omara Atubo to go around his Motion and say that he is not legislating against other foreign governments, when indeed, his Motion says "It is prohibited for foreign governments and International Organisations..." Now, he is saying that he is not legislating for these governments. Is it in order for him to go around and not support his Motion?

THE DEPUTY CHAIRMAN: Actually, you are asking for Clarification and that is what he is doing. Perhaps he can add on that one as he clarifies.

MR. OMARA ATUBO: Madame Chairperson, I am aware that this Amendment has provoked very exciting debate in the House and I think it deserves that level of discussion because we know that most of our suffering in this country, has not been duly confined to Ugandans but by interference from outside. Now, I am very happy that we have exercised our imagination and we are about to come to a solution whether you accept this Amendment or not, something would have gone on record somehow. So, Madame Chairperson, if I can be given time to state a Clarification for the interest of this House, that in fact, foreign governments do have their standards. For example, an American Government,

may not necessarily recognise a government in Rwanda and a government in Uganda but they will say that if a government in Rwanda does not meet these standards, an American Government will not recognise it. For example, in one of their Legislation now, most of the Western countries will not have foreign relations nor even give aid to a government which does not meet the standard of Democracy and Human Rights. They are not legislating against that government but they are telling foreign governments that if you do not meet the following standards, we are not going to have relations with you and the obvious thing in Uganda - and what I am trying to propose is that, in defence of our Constitution, we are telling foreign governments that if a government in Uganda is illegal and you have relations with it, and we regain our Constitutionalism, we are not going to recognise, we are not going to meet the obligations you entered with it. (*Interruption*)

MR. KWERONDA RUHEMBA: Point of Order. Is Hon. Omara Atubo in order Madame Chairperson. First of all, he is given a chance to introduce his Motion and he was given a lengthy time to defend that Motion. Now again, I can see he is rebounding on the same Motion. Is he in order Madame Chairperson?

THE DEPUTY CHAIRPERSON: Hon. Delegate, he was requested to clarify. Thank you very much.

MR. MULASANYI: (Rubanda West) I have reason to oppose (*Interruption*)

PROF. KABWEGYERE: Point of Procedure. There was a Motion on the Floor calling for the Question to be put and seconded and the Mover of the Motion has been given another chance and he has wound up. I think Madame Chairperson, in terms of procedure, we cannot now have another person contributing. I think it is out of Procedure.

THE DEPUTY CHAIRMAN: Okay, while I agree - if a Member was requested to clarify, then he clarifies, you cannot count that one as if it is on his own accord but let us give a chance at least to the Member on the Floor to finish because I had already given him the Floor. It would be very absurd if he had started talking and then I gag him.

MR. MULASANYI: Thank you Madame Chairperson. I rise to oppose the proposed Amendment because (*Interruption*)

MR. BASOGA: Point of Procedure. Thank you very much Madame Chairperson. I wanted to draw your attention to Rule 21 about putting the Question. This is about closing the debate. Rule 21 (1) and Rule 21 (2) were very clear - That "*a Delegate may move that the Question be now put and unless it appears to the Chair that the Motion is an abuse of these rules, or an infringement of the Right of any Delegate, the Question that the Question be now put shall be put forthwith and decided without Amendment or Debate*". (Applause) Madame Chairperson, if we look at the time we have taken debating this Amendment, all of us are satisfied that we have given it due treatment and we are desirous that you put the question and we sort it once for all without inviting us again to debate on this same Motion. Thank you very much. (Applause)

THE DEPUTY CHAIRMAN: Yes, I understand and I wholly agree with you but I am saying that I am infringing on the rights of the Member whom I had given the Floor and we are gaging him. He would have finished if you did not interrupt. So, Hon. Mulasanyi complete, then I put the question. Let us not please waste a lot of time, the Member was midway.

MR. Mulasanyi: I wish to oppose the Proposed Amendment because the Hon. Mover, although denies he is actually legislating for the foreign governments. I would like to buy his Amendment though when he withdraws the first part of recognition and leaves the other part of entering in agreement and transaction with the illegal government to warn such foreign governments that if they risk entering any agreements with such an illegal government, then they will not be recognised, and they risk making such governments. After that, Madame Chairperson, I move that you put the question.

MRS. EGUNYU: Point of Order. Madame Chairperson, is it in order for the Assembly to continue discussing this matter when it is apparent

that we are not quite well informed on the matter? I was going to suggest that we refer to the legal and Technical Committee because the various (*Interjections*) Statements, yes, Madame Chairperson, protect me. Madame Chairperson, it is an order and it is on a matter of Procedure. Under International Law which has been quoted by everyone and it has been quoted out of context - One, you cannot prohibit a foreign government from taking a certain action but you can refuse to recognise that action and there are court cases under the International Court of Justice. there are International Law books on the matter. Why can we not refer this matter to the Legal and Drafting Committee and they do research on it so that we make an informed opinion? Thank you Madame Chairperson.

THE DEPUTY CHAIRMAN: Is there anybody seconding that? Your Motion is not being seconded.

MR. BIDANDI SSALI: With all due respect, Madame Chairperson, I wanted to remind the Chair that you sort of ruled in favour of the previous Speaker behind me here, completing and then putting the Question to us. I just wanted to remind the Chair Madame Chairperson, with all due respect and then the other Member can come up with her proposal or her Amendment later. According to our Rules which we all have.

THE DEPUTY CHAIRMAN: Thank you very much. She had raised a Point of Order but then she moved a Motion. Actually, she was out of Order.

(Question proposed)

THE DEPUTY CHAIRMAN: Now, I put the question.

(Question put and consensus not reached)

(The House went into a division).

NOES

DELEGATE	ELECTORAL AREA
Hon. Abaliwano Albert Brewer	BugabulaSouth
Hon. Adyebo G. Cosmas	Kwania County
Hon. Akech Okullu Betty (Mrs)	Women - Gulu
Hon. Akello Grace (Ms)	Presidential Nominee
Hon. Ali Moses (Brig.)	East Moyo
Hon. Amama Mbabazi	Kinkize County West
Hon. Amanya Mushega Nuwe	Igara County West
Hon. Aronda Nyakairima (Maj.)	NRA Delegate
Hon. Babu Edward Francis	Kampala Central
Hon. Bagarukayo M. Janet	Women - Ntungamo
Hon. Bagaine Bajura-Sheem	Ndorwa County East
Hon. Bagana Anthony M.S.	Bufumbira County West
Hon. Bageya George Patric	Kigulu County North
Hon. Baguma-Isoke Matia	Buyanja County
Hon. Bamwenda Toterebuka Boniface	Buyaga County
Hon. Bantariza Francis	Buhweju County
Hon. Basoga Nsaju	Busiki County
Hon. Batanyenda Gaitano (Rev. Fr.)	Presidential Nominee
Hon. Bidandi Ssali Jaber	Nakawa Division
Hon. Bikorwenda Ida Rubale	Women - Bundibugyo
Hon. Bwambale-Walemba Ivan	Bukonzo County East
Hon. Bwambale Biira Loice	women - Kasese
Hon. Byanyima Winnie Karagwa	Mbarara Municipality
Hon. Byarugaba Bakunda Alex	Isingiro South
Hon. Byaruhanga M. Fabius	Kitagwenda County
Hon. Chebet Maikut	Kween County
Hon. Chebrot S. Chemeiko	Tingey County
Hon. Chepsikor Muhammad	Youth Eastern Region
Hon. Engola Sam	Presidential Nominee
Hon. Guma Frank (Lt. Col.)	Bukanga County
Hon. Hashaka Jackson	Kibale County
Hon. Jamwa Tezira	Women Tororo
Hon. Jurua Alex	Vurra County
Hon. Kabayo John Patrick	Kassanda South
Hon. Kaberuka William	Ndorwa County West
Hon. Kabugo Mesusera	Nakaseke County
Hon. Kabwegyere Tarsis Bazana	Igara County West
Hon. Kaheebwa Fox Johnson	Bujenje County
Hon. kajja John Wycliffe	Kibanda County
Hon. kajara Aston Peterson	Mwenge County South
Hon. Kajubi Senteza William	Kyadondo North
Hon. Kakungulu Shannon	Presidential Nominee
Hon. Kalema Rhoda Nsibirwa	Kiboga County East
Hon. Kalikwani Irene	Women - Kamuli
Hon. Kandole Clement	Kyaka County
Hon. Kanyeihamba George	Rubanda County East
Hon. Kanyike Anthony William Henry	Buikwe County West
Hon. Karuhanga Elly	Nyabushozi County
Hon. Karusoke Constatine	Ntoroko County

Hon. Kasole Bwerere Lwanga	Buwekula County
Hon. Kasujja Aziz	Presidential Nominee
Hon. Kateregga Livingstone	Nakifuma County
Hon. Katumba Robinson Mathew	Kiboga County West
Hon. Katureebe Bart Magunda	Bunyaruguru County
Hon. Kavuma Steven B. K.	Kyadondo South
Hon. Kawanga John Baptist	Masaka Municipality
Hon. Kawere Sempa Pius	Mukono County North
Hon. Kawooya Anifa	Women - Masaka
Hon. Kayizzi Asanasio	Kassanda North
Hon. Kayonde Israel	Gomba County
Hon. Kazibwe Specioza Wandira	Kigulu County North
Hon. Kibirango Gyagenda (Maj.)	NRA Delegate
Hon. Kigaye-Billyawo Eriya Paul	Budaka County
Hon. Kiiza Besigye	NRA Delegate
Hon. Kintu Musoke	Kalungu East
Hon. Kinyata George Stanley	Kinkize County East
Hon. Kiraahwa Monica	Women - Masindi
Hon. Kitaka-Gawera Elijah John	Bbale County
Hon. Kiwagama William Wilberforce	Bunya County West
Hon. Kiwanuka Sam	Busiro County North
Hon. Kiwanuka Musisi G.	Buikwe County South
Hon. Kiyonga Chrispus W. C. B.	Bukonzo County West
Hon. Kizito John Ssebaana	Makindye Division West
Hon. Kulany Gertrude	Women - Kapchorwa
Hon. Kule Muranga Kighoma Joseph	Busongora North
Hon. Kutesa Pecos Onessmus (Col.)	Kabula County
Hon. Kutesa Sam K.	Mawogola County
Hon. Kweronda Ruhemba	Kajara County
Hon. Lagada Amongi Beatrice	Women - Apac
Hon. Lubega Damiano	Rubaga Division South
Hon. Lubega-Wagwa Swayibu	Butambala County
Hon. Lubowa Moses Paul	Budiope County
Hon. Lubulwa Migadde Umar	Katikamu South
Hon. Lukumu Fred	Busiima County
Hon. Lukwago Gabriel	Kooki County
Hon. Maliro Gaston John R.	Mwenge County North
Hon. Masiko Winfred	Women-Rukungiri
Hon. Matembe Miria R. K.	Women - Mbarara
Hon. Matovu Byatike David	Entebbe Municipality
Hon. Imazima Eliphaz	NUDIPU
Hon. Miyingo-Kezimbira Lawrence (Dr.)	Bukoto Mid-West
Hon. Mugisha Muntu (Maj. Gen.)	NRA Delegate
Hon. Mugenyi Posiano R. (Dr.)	Isingiro North
Hon. Muhwezi Jim Katugugu	NRA Delegate
Hon. Mukasa Muruli Wilson	Nakasongola County
Hon. Mukiibi Benigns	Women-Kibaale
Hon. Mukisa Solome	Women-Iganga
Hon. Mukyaya Abbey Hafez	Busiro County East
Hon. Mukwaya Balunzi Janat (Mrs.)	Mukono County South
Hon. Mulassanyi David John	Rubanda County West
Hon. Mulindwa Birimumaaso	Bukoto West
Hon. Mulondo Besweni Kiwanuka Lusse	Mityana County South

Hon. Musumba Isaac Isanga	Buzaaya County
Hon. Mutagamba Lubega Mary	Women-Rakai
Hon. Mwebesa Francis	Presidential Nominee
Hon. Mwesigwa Rukutana Mugasha	Rushenyi County
Hon. Mwesigye Ruhindi Hope (Mrs.)	Women-Kabale
Hon. Mwondha Faith (Mrs.)	Women-jinja
Hon. Nankabirwa Sentamu Ruth	Women-Kiboga
Hon. Nasasira John Mwoono	Kazo County
Hon. Ndege John Joshua	Luuka County
Hon. Ngobi Mathias	Presidential Nominee
Hon. Nsibambi Apolo (Prof.)	Presidential Nominee
Hon. Nyeko Jack H. Pen-Mogi (Dr.)	Presidential Nominee
Hon. Obiga Kania Mario	Terego County
Hon. Ogwel-Loote Sammy	Moroto Municipality
Hon. Okanya James	Butebo County
Hon. Okeny Tiberio Atwoma	Cua County
Hon. Okorimoe Janet	Women - Kotido
Hon. Okwakol Nathan	Pallisa County
Hon. O'Let Charles Christopher	Erute County South
Hon. Ondoga Amaza (Maj.)	NRA Delegate
Hon. Owiny-Dollo Chigamoy Alfonse	Agago County
Hon. Pinto Manuel Xaverio	Kakuuto County
Hon. Ruhakana Rugunda	Kabale Municipality
Hon. Ruzindana Augustine	Ruhama County
Hon. Rwabita Deo K.	Ibanda County South
Hon. Sebalu Kennedy Mike	Youth - Central Region
Hon. Sebi Data Haroun	Koboko County
Hon. Semajege Higiroy	Lwemyaga County
Hon. Sempa Victoria Esther	Women - Luwero
Hon. Ssemakula Nakabugo K. Hawa	Women - Mubende
Hon. Ssendaula Gerald	Bukoto County South
Hon. Ssengooba Andrew Ben	Kyotera County
Hon. Ssentongo Theopista	NOTU
Hon. Sserwanga Lwanga	NRA Delegate
Hon. Tibamanya Urban K.	Kashari County
Hon. Tinyefuza David	NRA Delegate
Hon. Tirusasira Katongole Difasi	Bugabula North
Hon. Tumwine Polly Katahwa	Youth - Western Region
Hon. Zimula Mugwanya John D.	Mawokota County North
Hon. Zziwa Nantongo Margaret	Women Kampala

AYES

Hon. Adimola Andrew Benedict	Gulu Municipality
Hon. Adio Winifred	Women - Soroti
Hon. Adoko Nekyon	Maruzi County
Hon. Atamvaku Zubairi Nasseem	Arua Municipality
Hon. Atim Ogwal Cecilia (Mrs.)	Lira Municipality
Hon. Awori Aggrey Siryori	Samia-Bucjwe County North
Hon. Bateganya Mukuve Dick	Bukooli County Central
Hon. Egonyu-Asemo Fiona Lucy	Women - Kumi
Hon. Eresu Elyanu John	Kaberamaido County
Hon. Etonu Benedict	Amuria County

Hon. Etuku-onyok David	Moroto County
Hon. Kagimu Kiwanuka M.P.Ben	Bukomansimbi County
Hon. Kamuron Peter	Kongasis County
Hon. Langoya Timony	Lamwo County
Hon. Lule Wasswa	Rubaga Division North
Hon. Malinga Lo Ojulla Ignatius	Usuk County
Hon. Kitariko K. Robert	Democratic Party
Hon. Mateke Philemon	Bufumbira South
Hon. Mulongo Simon	Bubulo County East
Hon. Musana Sophy (Dr.)	Buikwe County North
Hon. Musekura Ndaruhutse B. T. (Dr.)	Bufumbira North
Hon. Mushemeza Elijah Dickens	Sheema County South
Hon. Musobya Lubega Godfrey	Kagoma County
Hon. Muyiisa John Chrizestom	Bujumba County
Hon. Mwaka David	Nwoya County
Hon. Mwondha Patrick John	Bukooli County North
Hon. Odur Dick	Dokolo County
Hon. Ojok B'Leo	Kioga County
Hon. Okula O. Charles	Soroti County
Hon. Okullo-Epak Yefusa (Dr.)	Oyam County South
Hon. Okwonga-Latigo Onesimo	Omorokoti County
Hon. Olega Ashraf	Aringa County
Hon. Olwa Ben	Kole County
Hon. Omara Atubo Daniel	Otuke County
Hon. Omeda Hebron O'Max	Serere County
Hon. Omolo Peter	Soroti Municipality
Hon. Omute Julius	Kumi County
Hon. Oneti Batia Samuel A. B.	Maracha County
Hon. Rainer Kafire Juliet	Women - Pallisa
Hon. Ringwegi Sam Feester Surf	Padyere County
Hon. Sabiiti Jack	Rukiga County
Hon. Sakwa Darlington Nanywaka	Bungokho South
Hon. Ssekweyama Wagaba Anthony	Mawokota South
Hon. Ssemaala Kiwanuka Kirundu K.	Kyamuswa County
Hon. Wacha Ben Oyam	County North
Hon. Wambede Seth Massa	Bungoko North
Hon. Wandera Ogalo Dan	Bukooli South
Hon. Wanendeya William Giboni	Budadiri County East
Hon. Wanjuzi wasieba Sylvester	Bubulo County West
Hon. Zziwa George William	Kawempe Division North

ABSTENTIONS

Hon. Atwoki Ambrose	Youth-Northern Region
Hon. Byenkya Beatrice	Women - Homa
Hon. Elyau Mike Juventine	Kalaki County
Hon. Magezi Daudi Suubi	Jinja Municipality East
Hon. Owor William Charles	Aswa County