



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

THURSDAY, 2ND FEBRUARY 1995

MOTION. -

Consideration of the Draft Constitution of the Republic of Uganda [Pg 2881]

Price Shs. 1,970

Thursday, 2nd February, 1995.

(The Assembly met at 2.30 p.m. in the International Conference Centre, Kampala)

PRAYERS

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

(The Assembly was called to order)

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

CHAPTER TWO - THE REPUBLIC

New Article 6: Official Language.

THE CHAIRMAN: Hon. Delegates, you will recollect that two days ago we stood over the question on the recommendation on, not the official language but national language. It should read "National Language" not "official language". We did complete the recommendation concerning - the purpose of the standing over was to enable the Delegates to consult and come up with a compromise, hopefully this has been done and I will ask the Chairman of Committee Four to indicate to us what the state of affairs is on this matter.

MR. KATENTA APUULI (Conservative Party): Thank you, Mr. Chairman. Hon. Delegates, you remember that there was an impasse here in the House with regard to the recommendation of Committee Four to introduce a new clause seeking to have Swahili included in the Constitution and the Chair duly requested Members to go back and sleep over this matter and do some consultation. In the process of this consultation, the Select Committee 4 took the initiative to convene a meeting yesterday of its Members and most Members attended this meeting. We considered this matter purely as an issue of taking initiative. We also considered it under the cloud that this matter could force us into a referendum. We would hate to impose that kind of situation on Hon. Delegates. We really do not wish that this matter should divide us, this is not the issue that we would like to see this House divided on at this point in time. After a long discussion and debate, the Committee decided to request the Chair, if that is technically possible, that the Motion that caused us problems in the first place which reads as follows:

"The National Language of Uganda shall be Kiswahili" - the Committee would like to request if it is technically possible to withdraw that Motion and instead substitute the following Motion to read: *"The State shall promote Swahili as a second official language"* - *(Interruption)*. If Hon. Delegates can bear with me, I can explain why the committee decided on this matter. The Committee realised that the Motion on Kiswahili was passed duly by the Committee with a majority and this House in pronouncing itself on the minority report. That minority report was defeated by the majority and this majority are strongly for a language like Kiswahili to be promoted in our region so that Uganda can relate to its neighbors in the language that unites most ordinary people. However, we are also aware that there is a substantial number of people who do not even want to hear the word Kiswahili. That is why we came up with this kind of compromise position.

Uganda would not be unique in suggesting that we promote a second official language, even among our neighbors. Tanzania promoted Kiswahili as a second official language. Further afield, a country like Canada has two official languages, French and English. In Switzerland, German, Italian, French and a local language, all constitute official languages. In Belgium, both Walloon and a language similar to Dutch and French are both official languages. So it was in this context that we recommended that Uganda could adopt and promote Kiswahili so that at some point in time, when Parliament decides that Kiswahili is sufficiently spoken by most of the people in Uganda, it could be used alongside English. We looked at South Africa, for example, they have eleven official languages. Not everybody in South Africa is compelled to speak either Xhosa or Zulu but if you speak Xhosa or Zulu you can be heard and eventually in time, may be all the people of South Africa in fifty years or so will be able to speak one of the official languages or more of the official languages.

Now, this morning the Committee Four again assembled for a completely different purpose and after we had finished our business, we wanted to consolidate our position on what report we shall bring back to this Plenary. In the process of doing that, an alternative, seemingly compromise Motion, was introduced by one of the Members. Because I did not have the majority Members of Select Committee

Four sitting, I was not able to adopt the second provision as the official position of Select Committee Four, however, if I can have your indulgence I will introduce the suggestion made by a few of the Members of Select Committee Four and they tell me that they have done wide consultation and that their position is more acceptable to most Members as a compromise Motion rather than our official position which says promote Kiswahili as a second official language. This position reads as follows: "*The State shall promote Kiswahili as the common language for Uganda and encourage the development, preservation and the enrichment of all Ugandan languages*". Mr. Chairman, this is merely for information of Hon. Delegates but the official position decided upon by this Select Committee and which we would like to recommend to this Plenary is that "*The State shall promote Kiswahili as a second official language*". Mr. Chairman, I beg to move.

THE CHAIRMAN: First of all, let us get the position clear with regard to the matter before us. The question of a National Language was stood over to allow consultations. We did not specify the forum in which consultation may take place and, of course, there was a general feeling that the better forum would have been the Committee Four itself. Committee Four has reconsidered the matter and has come back with a recommendation, one to withdraw the previous recommendation and two to suggest this new formulation which has been read to you by the Chairman of the Committee. The position, therefore, is that the recommendation from the Committee before us now is the one that has been read just now and that is the one we are to consider. Now, of course, it can be amended and so on and so forth but that is the position now. So we are now going to be looking at a recommendation to the effect that the State shall promote Kiswahili as a second official language. That is the proposition before us.

MR. KIRENGA (Mityana North): Thank you, Mr. Chairman. I am seeking your clarification, Mr. Chairman, on procedure and the effect of what we have done. We have passed Clause 5 (1) which says "*The Official Language of Uganda is English*". Now the clarification I am seeking is whether it would be in order to say something else which is negating that or which is watering that one down.

THE CHAIRMAN: No, I think when you add one to one you do not negative one, you create two, don't you? I think that answers that.

MR. PINTO (Kakuuto County): Thank you, Mr. Chairman. When this matter was stood over, I made extensive consultation and I am sure my colleagues have and it is very evident that the State would like to promote a language that would integrate the people of Uganda in a wider regional context and I believe that this is the main purpose why Swahili is being promoted but what does it mean now, Mr. Chairman, when one says that we should have Swahili as a second official language? Does it mean that Civil Servants will be compelled to read and write Swahili since some of the documents will be addressed in the official language, Swahili? Will it be necessary, Mr. Chairman, that Parliament will record the official document or even debates will be carried out in these two languages? Will this official language be required for employment? You see, the implications are so great. I know that some Members have felt that by promoting Swahili as a National Language - yesterday it was as if we were trying to negate the effect or the development of indigenous languages which was not true. In the circumstances, Mr. Chairman, I propose that the official language remain one and be English and we avoid this ambiguity and that we leave it to the State to be charged to promote the indigenous languages as well as Swahili through the development and training process of teaching it in the schools as part of the syllabus and we should leave it out now from the Constitution. Thank you, Mr. Chairman.

MR. DICK NYAI (Ayivu County): Thank you, Mr. Chairman. I am seeking clarification possibly from you and also from the Chairman of Select Committee Four. I think, Mr. Chairman, when we stood this matter over, the subject was in relation to a National Language. Now we are being fed something about another official language. If we now continue with what the Committee has come up with as of this morning, it means we do not know what to do with the proposed new Article 6 in Chapter Two. Mr. Chairman, I am just seeking clarification whether it would not be in order for us first to resolve the matter of a National Language before we start indulging in matters of a second or third official languages.

MR. AGARD DIDI (Moyo West County): Mr. Chairman, I have circulated an amendment for the deletion. I do not know whether it would not be in order for us to proceed with mine because I believe it departs furthest.

THE CHAIRMAN: I do not have a copy of that Motion.

MR. AGARD DIDI: They were circulated, they are here.

THE CHAIRMAN: What do you want to delete when we have not got a copy?

MR. AMAMA MBABAZI (Kinkizi County West): Thank you very much, Mr. Chairman. Mr. Chairman, I would like to associate myself with the reasons given by Hon. Pinto against the proposition from Committee Four that Swahili becomes a second official language. I really think it was quite clear and I do not have to add much to it. But I think from the debate we had last Tuesday, it was apparent that all Hon. Delegates were in favour of having something for the country. Mr. Chairman, the only disagreement appeared to be what that something should be. The greatest fear that was expressed by those who supported the minority report was that to declare Kiswahili the National Language would mean the killing of indigenous languages. Mr. Chairman, I find this a very strong fear although I have difficulty in understanding the basis of it but, nevertheless, it is a fear that existed among Delegates. So after consultation with a number of colleagues, we have come up with a formulation that meets the desire, the aspiration of Ugandans as expressed by all Hon. Delegates here to have one language that unites us while at the same time addressing the fear of others that if you promote one language, it may be at the expense of the other one. I therefore, Mr. Chairman, wish to move a Motion formally to this effect. Mr. Chairman, I wish to move a Motion to this effect that "*the State shall promote Kiswahili as the common language for Uganda and shall encourage the development, preservation and enrichment of Ugandan languages*". I will give my reasons for it if I am seconded and the Motion is on.

THE CHAIRMAN: Okay, let us first of all get the procedure correct. The Committee came to us with a revised recommendation which was read out to the effect that the State shall promote Kiswahili as a second official language because they thought that their earlier formulation or recommendation was finding difficulty. The Chair was prepared to accept this as a recommendation to be considered by the House because essentially, it will be a question of later redrafting, should it be carried, so that it could have been also incorporated into the one we had already passed but that would be just a drafting exercise really because if we say the official lan-

guage of Uganda is English, we could then say "*and the State shall promote Kiswahili as a second language*", but that would have been a case of purely drafting so I was not really worried about whether it appears as another Article or not.

Hon. Didi attempted to delete but his was incompetent because he was attempting to delete the proposed new Article 6 purporting to introduce a National Language for Uganda. What was on the Floor was purporting to introduce a second official language and, therefore, Didi's amendment was incompetent and the Chair has rejected it. Now there is a problem but let us get clear what is on the Floor first. There is a small problem with the proposition that has come in from Hon. Amama Mbabazi. The problem was essentially one of framing his amendment. Having agreed that we are now considering the recommendation from the Committee read to us this afternoon, the wording of Hon. Amama Mbabazi's Motion should have been that the recommendation stated by the Chairman be deleted and in its place the following be inserted then he should have read out but that was a question of form so - *(Interruption)*.

MR. AMAMA MBABAZI: I have amended my Motion accordingly, Mr. Chairman.

THE CHAIRMAN: And so the formulation would be that the proposed Article 6 as recommended by the Select Committee Four this afternoon be deleted and that in its place the following be inserted: "*The State shall promote Kiswahili as a common language for Uganda and shall encourage the development, preservation and enrichment of Ugandan languages*". Now, that is the formulation that has been proposed, we are not sure whether it has been seconded and if it is seconded, then we can proceed from there. I see, seconded by Hon. Amanyana Mushega, Hon. Kateregga and many others and now the procedure we follow is that we give the Mover the chance to make a statement but Hon. Kirenga seems to have a procedural problem.

MR. KIRENGA (Mityana North): Thank you very much, Mr. Chairman. The point of procedure I have is this, the Chairman of Committee Four made two proposals, one was to withdraw the earlier proposal that "*the National Language of Uganda shall be Swahili*" and then he made a second one. Is the right procedure not to allow him first to withdraw that proposal so that the National Language being Swahili is no longer an issue, because he said he had decided to withdraw it but we have not dealt with that!

THE CHAIRMAN: You see, we had not voted on that Motion. It was before us and we stood it over for consultations, consultations within the Committee, that those consultations took place and the Committee has come back saying we withdraw what we had proposed to you and we propose the following. We do not have to vote on that. What we have now before us is that one which is now the subject of a Motion by Hon. Amama Mbabazi which has been seconded. Now we discuss that and if it carries, then the recommendation from the Committee is destroyed. If it is defeated, then we go back with the recommendation and see how we proceed from there.

MR. ELYAU (Kalaki County): Thank you, Mr. Chairman. The other day when we adjourned, there was no problem about Swahili or what. I remember here when the people who wanted Swahili had a majority of 115 against 85. The problem which remains now is the fear to go back to the problem of having to go up to a referendum, that was the only problem because there were not enough Members to give a two-third. Now, on a point of procedure, I thought today we are coming to vote other than proposing a new thing, Mr. Chairman. Can I be clarified?

THE CHAIRMAN: When the Chairman adjourned, we said we are adjourning to go and consult and come back either in confirmation of that view or with a changed formulation which is acceptable to all of us and that is what we are doing. So there is nothing wrong really.

MR. OBUA OTOA (Erute County North): Thank you, Mr. Chairman. Mr. Chairman, I am getting a little bit confused and I want some clarification. When we did adjourn, we wanted consultation about a National Language. Now Committee Four comes with a recommendation which has nothing to do with the National Language. Instead they are trying to introduce a second official language. We never sent them to go to do such a thing. I am really wondering whether we are seriously talking about something which we never asked them to do. We have already decided about the official language, namely, it will be English. If we wanted a recommendation about the second language, we should decide in principle first whether indeed we need two official languages.

THE CHAIRMAN: Hon. Obua Otoa, you are now debating a Motion which is not on the Floor.

MR. OBUA OTOA: But I am seeking your guidance, Mr. Chairman.

THE CHAIRMAN: So now let us do it this way. They came with that proposition and as they were entitled to do, the matter is on the Floor but it is subject of a Motion which is competently put before us seeking in fact to delete that and more or less come back to the very instructions you think you gave them except that the word "National" is not being used in the proposed amendment and, therefore, what we debate now and I think clarifications are going to lead us into side debates, what we should debate now is whether the Motion by Hon. Amama Mbabazi is worth adopting or not.

MR. OBUA OTOA: But Mr. Chairman, can I move another amendment which seeks to delete the Amama Mbabazi's amendment?

THE CHAIRMAN: You see, if you move to delete Amama Mbabazi's amendment, you will be now putting us back to the original recommendation of the very point which you do not like.

MR. OBUA OTOA: That is exactly what I want, Mr. Chairman.

THE CHAIRMAN: Then you will be taking us in circles. Let me hear Hon. Patrick Kasajja.

MR. PATRICK KASAJJA (Bulamogi County): Thank you, Mr. Chairman. Mr. Chairman, I think we are really moving in circles and we seem not to be getting the proper procedure because when we departed on Wednesday, actually we had divided ourselves and it is because the vote could not decide which side won, therefore, we went back to consult amongst ourselves so that when we come back, then we would decide on the same issue. Now, when we come here, again we are starting on a different issue. So, therefore, Mr. Chairman, I think it is better that the Chair guides us properly, take us back to where we departed from, we decide from there and then we see where to start from otherwise we are not moving at all.

THE CHAIRMAN: No, that is not the correct procedure. When you adjourned for consultations, the front is totally open. You can consult and come back and say we do not like anything called National Language, would that have been incompetent? If the House came back and said we do not want anything

called National Language mentioned, that would have been the result of consultations. If you consulted and said we think that it is not good for us to have a National Language but possibly let us have a second official language, that is as competent as saying we do not want anything. You could have come back and said we reaffirm our position on the recommendation and let us proceed on those lines. Alternatively, you could have come back and said although we voted against the other proposition of a minority report, let us revisit it and by suspending the rules, we go back and revisit the subject although we declared ourselves only two days ago on it, and that could have been competent so that we did not say that we shall come back with only one answer. It was possible that we could have come back with one answer but negating even everything that had been put before us. So it is wrong for the Members to assume that to come back and say what we sent them to consult about, I think it is not even worth thinking about, let us start anew. That is acceptable as far as I am concerned.

So now what we have before us, the Members should realise that when the Chairman is talking, the rules are very clear, the position now we have is that there is a Motion by way of a recommendation from the Committee who came to us in the first place with a recommendation on the basis of the mandate they were given. When we went away two days ago on the subject, Hon. Patrick Mwendha suggested that in fact the Committee should be the forum for revisiting the subject. Some Members bought the idea, others did not. Those who feared to go back said they had been so embattled that if they went back may be there will be fighting physically but thank God the Chairman of the Committee and his Members resumed consideration of the matter, they have come back without bandages. They have, nevertheless, come with a recommendation that we do not think that the idea of a National Language is acceptable, let us shift to another position. The House is free to disagree with that recommendation and the Member is seeking to disagree with it by proposing that it be deleted and in its place another formulation be inserted. That has been seconded, it is on the Floor. What we do now is to debate that one and then we come to a conclusion.

MR. KAWANGA JOHN (Masaka Municipality): I want, Mr. Chairman, to start debating the proposals on the Floor and, Mr. Chairman, I oppose all the proposals on the Floor, the reason being that

I think the kind of discussion that we have held now should have satisfied us by now that the issue of discussing either a National Language or a second official language or promoting a common language - *(Interruption)*.

THE CHAIRMAN: Could you give way, there is a point of order.

MR. MALINGA: Mr. Chairman, I am sorry to interrupt my brother Kawanga but is it in order for the House to proceed to debate a Motion on which the Mover has not been given an opportunity to address the Assembly?

THE CHAIRMAN: No, the Mover at one stage indicated that the reasons were more or less already given. Not only by himself but by the Chairman of the Committee. I remember this quite clearly and he said so but to take the point of order logically, Hon. Kawanga, let me give the Mover a chance then I will come back to you.

MR. AMAMA MBABAZI: Thank you, Mr. Chairman, and I thank my Hon. Colleague, Hon. Malinga. Mr. Chairman, as I said in my introductory remarks and as you have just said, I think we really had a full debate on this question of a National Language. What I said was that in the consultations that have been made, that I have made myself in these last two days and following the statements of the Delegates on the Floor when we were debating the minority report, it was obvious that there was a general desire to have a language that unite us. There is no doubt, I have never heard any single speaker to say that we do not need a language that unites us as Ugandans. Secondly, those that supported the minority report and who were very many and those therefore that voted for it when we divided clearly expressed the fear that if we declared one language the National Language the effect would be to kill indigenous languages and they did not want indigenous languages to be killed at all. If anything, they wanted these languages to be promoted.

So on consultations, Mr. Chairman, with a number of colleagues, we came up with a compromise formulation that takes care of both interests and this formulation is the one before the House. If I may read it, Mr. Chairman, for the sake of those who have not got it, it reads as follows: *"The State shall promote Kiswahili as the common language for Uganda and shall encourage the development, preservation and*

enrichment of all Ugandan languages”. Mr. Chairman, what this means is that the State is under obligation to teach both Kiswahili and indigenous languages. This means, therefore, that no indigenous language is going to die. However, we as Ugandans are going to have one common language for all of us and this is what I had identified as the aspiration of the Delegates in the debate on Tuesday and I believe even in the general debate. So, Mr. Chairman, without taking a lot of the time of the House, I would like to call on Members really to support this formulation which seeks to unite the two positions that were so firm but opposed to each other on Tuesday. I beg to move.

MR. KAWANGA JOHN: Thank you very much, Mr. Chairman. I oppose that Motion. The reason being that I think the kind of discussions we have carried around now satisfy us that everybody wants to have a language which will be used commonly in this country and that is preferably Kiswahili but, Mr. Chairman, I now think that the Odoki Commission also had a very thorough discussion of this problem and realizing the kind of divisions, dissensions and disagreements that have exhibited themselves on this Floor, they came up with a proposal and they came with a proposal knowing already that in this country, we have already agreed in a White Paper to have Kiswahili taught in all schools and promoted as a language. We are all agreed that we do not want to kill our own languages so they are also going to be taught, not everything must be put in the Constitution to be achieved. Kiswahili need not be put in this Constitution for it to exist. So why do we have to insist to include it here? And it is for this reason, Mr. Chairman with your guidance, that I think that the formulation that exist in the Draft Constitution is the best and we should resort to that which reads: *“Nothing in this Constitution prohibits the use of any other language as a medium of instruction in schools or other educational institutions or the use of any other language for legislative, administrative or judicial purposes as may be prescribed by law.”*

Mr. Chairman, this formulation covers every interest that we want to be covered. Why don't we go back to that one and abandon every attempt that we are bringing to this Floor? For these reasons I oppose this Motion and I move that we revert back to the position that is laid down in the Draft Constitution.

LT COL. KIIZA BESIGYE (NRA Delegate): I thank you, Mr. Chairman, for giving me opportunity to contribute on this subject. Mr. Chairman, I recognise the argument raised by Hon. Kawanga and many other Delegates to the effect that it is not important or necessary to spell out in the Constitution the need for a common language or which that common language should be and that provided by the executive authority or by legislation, all languages are taught in schools, at the end of the day we shall have a common language for Uganda but I think that this argument is either not realistic or it is not genuine because, Mr. Chairman, while we are doing all this, we should realise that a language, apart from being very critical in terms of communications, communication of our people or amongst our people which communication is important for the development of our country, we ought to realise that a language is also central to the culture of our people. At the present, the most propagated language, and we have already passed it without any hesitation, is that English shall be the official language. There is no debate even about English being continued to be taught and to be propagated and, Mr. Chairman, I must remind Delegates that really, over the last many years of teaching English and propagating English, quite a large section of our people has gradually actually become transformed in culture to relate closely to the English culture and, therefore, we ought to recognise that language is central to culture, it is central to heritage and it is central to development and to that extent, I think there is need to have a common language for our people. If we chose that we should not have any other language except English we can consciously do so and know that English will gradually become the common language for Uganda.

Mr. Chairman, we should also recognise that these languages we talk about which we are going to teach and promote and preserve and enrich are really national languages. I think it is important that our people really recognise this fact that my national language is Ruhororo. I want everybody to know my state at the end of the day, my nation is Mpororo. We became Uganda by coercion but at the end of the day, we have nations, we have national languages and we cherish these languages. We cherish this culture but this culture we cannot revert to now, neither can we accept now or in the near future that the language of one nation becomes the language of other nations. Because we have nationalism, I have nationalism for my nation Mpororo and, therefore, it is not possible

even if you enrich another language that I will accept it and hold it dear. It is not possible that even if I enrich my Ruhororo it will become so dear to you that you will adopt it as a national language. Therefore we must recognise that we have different nationalities, we have different national languages and none of those national languages in the foreseeable future is likely to develop into a national language. Therefore since we have a country now artificially created and we recognise this, I think we must and I did say this in my contribution during the general debate, we must take steps to consciously - and painfully no doubt, to create that state and create a heritage for it and a culture for it and, therefore, if we do not now want English to become the common language and ultimately the culture to shift in that direction, I think we must agree on creating a common language for Uganda. A common language which will galvanise our people together and I think, therefore, to say that we keep silent, we promote all languages including Kiswahili and one day one of those languages will become a common language is to miss the point. I think that we should express ourselves and say we should develop a common language and I agree - while saying this I agree - with the arguments that were raised last time about the Kiswahili becoming actually a National Language. I think it is also a bit of a misnomer because Kiswahili is not one of our national languages and, therefore, creating it as a national language is a bit of a misnomer but creating it as a common language, I think it is appropriate like we are creating a common market, like we are creating common services for East Africa. We should create a common language for Uganda and I think that language we should express out very clearly in the Constitution that that common language shall be Kiswahili but we should not miss the opportunity while saying that to also to say that we shall develop, preserve and also enrich all Ugandan languages. I think this is a positive move forward, I think it is a compromise from both moving from National Language and moving from not having anything to a common position which can unite us. I beg all Hon. Delegates to support this central position and we move forward. I thank you, Mr. Chairman.

MR. ONYOK-ETUKU (Moroto County): Thank you very much, Mr. Chairman. I would like to have some two clarifications before I can say anything on this. One, if the chairman of Committee Four could - I know we are now in the Motion - help this Assembly to get reasons that forced Kiswahili to be

dropped out from being a National Language as we proposed earlier. May be this reason could help us to know or it will help us now to support it, to be either a second official language or a common language. Two, I want the Mover of the Motion to clarify to this House the difference between common and national, Mr. Chairman.

MR. KATENTA APUULI (Conservative Party): Mr. Chairman, thank you very much. I wish to inform the Hon. Delegate that in presenting this alternative Motion, the Committee mainly considered the issue of having to force this House into recess of one week and possibly a referendum. Since the Chair directed us to go and consult, we did consult and found that this position that we have presented to you to have reasonable support that would break the impasse that was before us on Tuesday. That is really the reason why we withdrew the other Motion and substituted it with this one because the other one says clearly that Kiswahili shall be which is in itself a command. This Motion merely says promote up to a time when this country will realise that Kiswahili is widely spoken and, therefore, can, along with English, become a second official language. Those were the reasons that we followed. I hope they satisfy you.

THE CHAIRMAN: Hon. Amama Mbabazi you were to draw the distinction between national and common. I presume Hon. Dr. Kiiza Besigye attempted to do so but if you do not share his views you could give us a better formulation or explanation.

LT COL. KIIZA BESIGYE: Well, thank you, Mr. Chairman. I can only say that you can have a national language which is also the common language. But of course you can have a common language which is not a national language. Mr. Chairman, therein lies the explanation of the distinction or the difference between the two because you see, last time - I did not want to be drawn back into the arguments of last Tuesday because, may be I should not go into that because I will be opening a new debate. That is the difference, Mr. Chairman. Thank you.

THE CHAIRMAN: Now, Hon. Etuku, with that clarification, would you complete your remarks, if any.

MR. ONYOK-ETUKU: Thank you very much, Mr. Chairman. May be with the explanation given, though I felt it did not satisfy me, if common language is neither national nor official, it means it is the same like any other ordinary language so there would be no need to use the word common in this country to say this is the common language and which one is not common and which one is not important. We either have the official language as we have passed or we have a national language. If there are enough reasons to disqualify Kiswahili from being national, then I do not see any reason that would qualify it to be common, Mr. Chairman. I thank you, Mr. Chairman.

MR. APUUN LONGOLI (Bokora County): Thank you very much, Mr. Chairman. Mr. Chairman, I want to be clarified on these two points because my conscience tells me that there is something which the Members are hiding behind because we are failing to identify which type of a language should go in for official language. We have failed to identify which language should go in for national language. Now, Mr. Chairman, we are talking of evolution. When we talk in terms of evolution of a language, where does it originate from? Does it originate from Kampala? Can we evolve it from Kampala or from elsewhere in Uganda. Secondly, Mr. Chairman, because if we went into these languages we are talking about, that languages can go on evolving, that means we are still promoting tribal groupings. We want to find out a language which can unite us, which cannot be detrimental to the unity which we are trying to build. I want to be clarified, Mr. Chairman. If so, if people are trying to hide out from this thing, which language can we now propose? Can we propose, Luganda? Can we propose the Luo, which language can we propose so that we can go ahead, Mr. Chairman. I want to be clarified.

THE CHAIRMAN: Who would like to clarify? Now, we have had two Members for and two Members against. I think - yes, we had Hon. Kawanga and Hon. Onyok-Etuku having questioned the Movers eventually came to the conclusion and we had two Members speaking for. Now, let me hear those against the Motion.

MR. ABU MAYANJA (Busujju County): Thank you, Mr. Chairman. This Motion is really no more than an attempt to force Kiswahili as a National Language of Uganda and there is no justification earthly, heavenly or ethereal for that proposition.

Mr. Chairman, in my other capacity, you and I in our other capacities are Members of the National Resistance Council. There, we changed the Standing Orders some eight or nine years ago to make Kiswahili a language of debate at par with English. According to the Standing Orders of Parliament today, you can make a speech, you can debate in Kiswahili. Mr. Chairman, since I have been a Member, I have not heard any one debating in Kiswahili. Mr. Chairman, I hear some Hon. Delegates asking me why - *(Interruption)*

THE CHAIRMAN: There is information are you taking it?

MR. MAYANJA: Certainly, Mr. Chairman, if you allow it I will give way.

DR. MAGEZI (Jinja Municipality East): Thank you very much, Mr. Chairman. Mr. Chairman, I would like to inform the Hon. Member on the Floor that I, Daudi Subi Magezi, Member of NRC representing Jinja Municipality East did debate articulately in Swahili in the National Resistance Council.

MAJ. KATEREGGA: Thank you, Mr. Chairman. Mr. Chairman, I want to inform the Hon. Member holding the Floor that it was not only Swahili which was allowed to be used in NRC but also other local languages if you warned the Chairman in advance and you get in an interpreter and secondly, I want to inform him that in the Army, the common language is Swahili but it is not a national language.

MR. ABU MAYANJA: I thank the Hon. Members for the information. Of course it is not for me to doubt information given to me in this August House by an Hon. Member but I can tell you quite frankly and clearly that I have been in the House, I have heard Hon. Daudi Magezi speak - if I have heard him once, I have heard him a thousand times, I have not heard him speak in Kiswahili. I think he tried and he found he could not make it and gave up the attempt from that day onwards.

THE CHAIRMAN: Hon. Abu Mayanja, you have provoked Hon. Babu to disagree with you.

MR. ABU MAYANJA: I will not take information from Hon. Babu. Mr. Chairman, because it seems to me that I shall not make any debate if

THE CHAIRMAN: Okay, please go ahead.

MR. ABU MAYANJA: Thank you very much, Mr. Chairman. Really what are we trying to do here? The other day we heard Hon. Kagimu Kiwanuka defining to us what a national language was. We are telling the people who sent us here that we cannot agree on a Ugandan native language, a language spoken by the people of Uganda, the national language. We want to go and *-(Interruption)*.

MR. AKURE: Point of order! Mr. Chairman, is it in order for Hon. Abu Mayanja to mislead this House by saying that he has never heard anybody in NRC talking in Kiswahili and yet the Vice Chairman of the National Resistance Council has always been complaining of his absence in the House, is it in order therefore, for him to deceive us?

THE CHAIRMAN: Hon. Abu Mayanja continue.

MR. ABU MAYANJA: Mr. Chairman, I thank you for that ruling. Mr. Chairman, this question of a common language in which we can be understood, I am more than 60 years old and I can tell you, Mr. Chairman, that Ugandans as of now, as of today, are conducting their businesses with fellow Ugandans throughout the length and breadth of Uganda. At no time has anybody ever had a complaint that the people of Uganda cannot understand one another because of language problem. People have talked about communication within East Africa, but again we have been able to take up with such interaction as has been politically possible. I shall not repeat the arguments which were so graphically given by the Hon. Kintu Musoke the other day but, Mr. Chairman, when I was in Kenya I had this experience. I met two families, one was a Luuya family husband and wife were Luuya, and the other were a Kikuyu family, husband and wife were Kikuyu, they were my fellow teachers in a secondary school and these people at home were talking to their children in Kiswahili in order to enable the children to learn some Kiswahili so that they can have some sort of a start or some kind of familiarity with the language. Mr. Chairman, people of Kenya in spite of speaking some considerable Kiswahili do not understand one another as we know. Politically, there is a lot of political dissensions. So, I would say that if we want to promote a common language, having adopted English as official language, now another language will be for what purpose? Will it be for greeting husbands, will it be for serving food, will it be for

making love, for Church prayers, for what? And do we want this to be done in a foreign language, Mr. Chairman?

So, the people of Busujju, whom I went there and consulted, want to tell this August House that if we want to have a national language in addition to English which is the official language, which we have already accepted, let it be a Ugandan language and the Ugandan language which presently has some claim to be adopted as a national language is called Luganda. If out of political malice or misunderstanding, this House is not prepared to accept Luganda, let us not have Swahili forced upon the people of this country. Mr. Chairman, I oppose the Motion.

MR. WASSWALULE (Rubaga Division North): Thank you very, Mr. Chairman. Mr. Chairman, I beg to oppose this Motion, and I am a bit concerned about the Movers for a common, official, national, second official language. I get the impression that they do not know where they are coming or where they are going. They cannot even make up their minds as to what to call this thing that they want to bring in and the reasons are very flimsy.

I am not one like the preceding speaker who would like to press strongly for a Ugandan language, as one of these three things, I do not believe that we need a second language. Looking at the reasons, the Mover Hon. Mbabazi said, there is a general desire to have a language that unites us. Now, we have English which is our official language, what is it about English that English has failed to unite us that Swahili will be able to do and at what cost? That is a very important issue to address. What is it that *-(Interruption)*.

MR. KOMAKEC: Point of information! Thank you very much, Mr. Chairman. The information I would like to give to the Hon. speaker on the Floor *-(Interjections)*- Mr. Chairman, I am being heckled here by Hon. Kutesa Sam, can you please protect me?

THE CHAIRMAN: Hon. Kutesa, please do not interfere with the freedom of Hon. Leander Komakec. It will be unconstitutional, please.

MR. KOMAKEC: The information I would like to give here is that a common language does not necessarily unite people, otherwise our neighbour-

ing countries in the West or South-West, would have all been united, although they all speak the same language. The second information I would like to give to the Hon. Member on the Floor is that the introduction of a foreign language as a common language would undermine the development of Ugandans as true human beings because a child - (*Interjection*) - information is that for a human being to be developed fully, it has been found psychologically and in education circles that the person should be instructed and be allowed to communicate in a mother tongue.

PROF. KABWEGYERE: Point of information. Thank you, Mr. Chairman. I would like to inform Hon. Wasswa Lule that English has a problem of being a common language in Uganda. One, that it needs to be studied formally for it to be acquired more than the example of Kiswahili. Secondly, that as we speak now, there are more people who did not go to school formally who speak Kiswahili than those who speak English and never went to school. Thirdly, the need for a common language is simply for communication purposes that for a person who has been in different parts of Uganda, one has a difficulty in communicating to the local people who do not know the local language. Therefore, having a language of communication would help him and anyone of us communicating to other different communities. Lastly, the word common in the English dictionary means "occurring often", "belonging to more than two or more people", it means "general." Therefore, common language may have those attributes which English does not seem to have.

MR. LULE WASSWA: Thank you very much, Mr. Chairman. I have listened to Hon. Kabwegyere's statistics and unfortunately he quotes no source and it is my sincere belief that they are somewhat dodging. When it comes to saying that Swahili has been learnt by people without a formal education, so have other languages in Uganda, not all of them I think, are necessarily taught in school, but they are also learnt without formal education and the other thing as well that they are saying that English has to be taught, when you constitutionalise a language, you have got to understand that the government will spend money to teach people. So, I do not know what the problem is there. The other one is that to overcome communication problems, if the government has been successful in teaching people English, then the question of communication would not be there. But it is most unfortunate that our government is

unable to provide primary education and yet is embarking on a venture to teach the young, the middle aged, the old and greying Kiswahili so that they can talk to each other.

It is a very unfortunate thing which brings me to the question of priorities. We do not seem to understand our priorities! What is more important, primary education for all in Uganda or this thing about a common language, a second official language, a national language, something which they cannot even make - some people cannot even make up their mind what to call it! Our priorities, 284 people sitting here and debating for two days on a subject that is really not that important, that could even send us to a referendum and we call ourselves serious! Is it a very important thing, after having taken the risk last time of getting near a referendum, we come back and bring the same thing to our people, are these the things that they said we should go and fight over and be contentious to these things, issues like a national language? I do not understand what is the big thing about this thing.

One of the reasons Hon. Katenta Apuuli gave was that we can communicate with our neighbours, this thing about communicating seems - how many people of Uganda, the percentage of the people in Uganda, have ever crossed the border and gone into Tanzania, how many have ever crossed the border and gone over into Kenya, how many have ever crossed the border and gone over into Zaire? Right, as a percentage, to say that you will now go and teach the whole country Kiswahili as a priority rather than, for example, teaching them math at primary level. What is more important? I would rather that, if we really had our priorities right, to say that every child in Uganda shall be taught the official language, right? Because now the official language we are not making it compulsory to be taught, but this one is now going to become law and we are going to translate ages of people who do not go to learn whatever the language is and that is why I talk about *de-prioritization*. I think we have got hold of the wrong end of the stick. Our official language is there and yet we do not give it the same priority. Can we afford the exercise, because you are developing something from scratch, you need the text books, you need the teachers, the infrastructure, all of these will be added onto our national debt.

Now, when I talk about these costly things which we come here and discuss and constitutionalise, I think, as a debating forum, we should take some of these

things seriously. The example which I can give is things like referendum. When we are debating here, we do not think about the cost of administration, the cost of implementing some of these issues, and whether it is worth engaging in that cost. It is easy to debate with words, we are all being paid here, so we do not mind debating but at the end of the day when we come to implementing these things, somebody somewhere is going to pay, and it is the tax payers or it will be an addition to the national debt. So, we constitutionalise these things and make them compulsory and we fall into them. We are here concerned about the possibility of a referendum if we reach a decision that is not quite a substantive majority but when we were legislating for that thing, did we know that it will cost some seven million dollars to effect a referendum? Do we know that it will cost a substantial amount of money to teach people Kiswahili as a priority? Mr. Chairman, with those few remarks, I really oppose these national language, second official language, common language, all of them. I think they should be out of the Constitution, they have no place in our Constitution. Thank you very much.

THE CHAIRMAN: Okay, can I hear two for the Motion?

LT. COL. SSERWANGA LWANGA: Point of information! I thank you, Mr. Chairman, for allowing me to give this information to the Hon. Members and to you, Mr. Chairman. I was a member of this commission, the Odoki Commission, we traversed this country, and we found out on this issue what the people of Uganda had. The people had their fears - in fact, what we found is that they were three major fears on this issue. Maybe, before I come to the fears, I must also report that the people are committed for having a national language, but they have their fears! In fact, I am being frank to you. I am not being biased or whatever. The first fear they have, especially, those within the Central Region, the people fear that if you declare Swahili as a national language, you are suppressing their Luganda which is spoken widely, that fear is there, you can dismiss it or you can take it. But when we interacted with the people, the masses, leave alone these intellectuals around and the elites, but the people themselves had that fear. Another fear outside, from other areas of Uganda, was that the Baganda want to declare their language upon us and we become under Buganda colonialism again, somehow somewhere. There was also another genuine fear, the third one, which was that - the people fear that if Swahili is declared then all our

indigenous languages shall be suppressed. This issue was very, very difficult for the Commission, and Mr. Chairman, I will take you to the report of the Commission where they gave the assessment on this view. It is on page 80, and I will read "*There is a general commitment in the people's views to having a national language as an instrument for nation building, but views differ over which language. We believe that this is an issue that may not be solved by statistics, but should be cautiously handled. Although views were expressed widely, the debate over the national language was not controversial, but premature attempts to select a national language may well turn the issue into a major controversy.*" (Applause). Mr. Chairman, this is the Commission, and I still stand for these words because I am a party to this Commission.

Mr. Chairman, I want also to remind the Members that in 1985 General Idi Amin Dada, VC, DSO, MC, sat in this very Conference Centre, here, he declared Kiswahili a national language, but after 20 years, where are we? Mr. Chairman, Hon. Members, when we are deciding on this issue, let us as be cautious. I thank you -(Applause).

THE CHAIRMAN: Order! I do not count Hon. Sserwanga Lwanga's contribution as being either for or against. He informed the House. So, I want those for the Motion.

MISS BYANYIMA (Mbarara Municipality): Thank you, Mr. Chairman. Mr. Chairman, I support the Motion, and I would like to ask my Colleagues to reflect back to when we came to begin this work here. The President articulated to us what he felt was our historical mission, that of modernisation through industrialisation. Mr. Chairman, if we are going to achieve any level of modernisation through industrialisation, Mr. Chairman, it requires that we have fluidity of goods, services and labour. Our people must be able to traverse this country, go from one corner to another seeking opportunities to improve their lives to modernise their country. Mr. Chairman I am being heckled from behind that this is being done now. I disagree with that.

Today, Mr. Chairman, an entrepreneur from Mbarara is not likely to go to seek an opportunity in Lira and language will be one of the constraints why he will not go to Lira, language will be cited as one of the constraints why he wants equal opportunities there, that is a fact. So, it is not only a fact, it is one of the facts -(Interruption).

MR. NEKYON: Point of information! I want to inform the Hon. Member, my niece, that for many years many Banyankole have gone to Lango, not just Lira, to herd cattle there without knowing Swahili - *(Laughter)*.

MISS. BYANYIMA: Mr. Chairman, I thank my Honourable Uncle for that information, but I do not describe herding as industrialisation, there is a difference, Mr. Chairman. A herdsman is a peasant, he is parochial, he is in an industry of his own, he is not competing out there in the labour force, he is isolated. A peasant life cannot be compared to a modern industrial life where you must work, own a factory line with others, take orders, be organised, take quick instructions and so on. It is certainly not the same. Mr. Chairman, I also would like to inform this House that, actually, the fact that there has not been a common language has even led to hostility and even the death of those very herdsmen that my honourable uncle is talking about. I would like to inform him that I was talking to the representative of Bbale County recently and he confirmed the rumours that I have heard, that those very herdsmen who have been nationalists, who have taken for granted the pastures of this whole country and not respected district boundaries and moved everywhere with their cows, that today in Baale county they are under threat of death because they are called foreigners, they speak a foreign language. Four of them have been killed mysteriously at night, this is a fact, all because they are considered foreign. Consider if they were all speaking the same language, they would not be considered foreign, they would be considered all one people.

Mr. Chairman, language is one of the reasons - *(Interruption)* Mr. Chairman, I would like to advance my argument.

THE CHAIRMAN: She is not taking the information and she is not taking clarification either.

MR. KINTU MUSOKE: Point of order! Mr. Chairman, is the Honourable on the Floor in order to tell this House that those nationalists who went to Bbale are being killed because they are not speaking a common language, whereas I am sure she knows that even Bahutu and Batusi in Rwanda are killing each other although they speak a common language?

THE CHAIRMAN: I do not think she was asserting, she was attributing that information from a Member for Bbale, is it Hon. Kitaka Gawera?

MR. KITAKA GAWERA: Thank you very much indeed, Mr. Chairman. Although I have a bad voice because of the flu, I will try as much as possible to put the fact clear. I remember very well that I talked to the honourable lady on the Floor, a niece of my Friend Hon. Adoko Nekyon. I do not recall to have informed this honourable Lady that the people - or for that matter the Banyankole or the Bahima or the Banyarwanda in Bbale are being killed because they are incapable of talking the local language. Mr. Chairman, I have told you on many occasions that Bbale is a United Nations of Uganda, and therefore, this question of not being able to talk a common language does not, in any case, arise. I will explain, this has given me the opportunity to explain what has been going on in Bbale. We have had this problem in Bbale of some murders and this has come as follows: One, we have people who immigrated from Teso called Bakenye, and these people are farmers as well as fishermen. The Banyarwanda, Banyankole, Bahima are herdsmen, and they have quite a lot of cattle in the area. Now, the Bakenye have their shambas along lake Kyoga, and the Bahima or Banyankole cattle go through these shambas and the problem arose. I remember one of the Munyankole or Munyarwanda who was killed was as a result of this misunderstanding between these two communities. Because late Lutwama's cows traded on a Mukenyi's shamba, and that has got nothing to do with language. I thought that this things has been coming, Mr. Chairman I should enlighten members on it. As a second point, Mr. Chairman, why there has been this - because she has mentioned this killing, and I think this is an opportunity that I enlighten my Colleagues here - *(Interruption)*.

THE CHAIRMAN: No, no! If we let you continue, we shall be debating as to why there is a conflict in your county. I think for us what we are discussing is the question of language. You have denied that you ever said that and I think that is enough.

MR. KITAKA GAWERA: Mr. Chairman, that this conflict is not as a result of the language.

THE CHAIRMAN: Okay, full stop Hon. Byanyima, please.

MISS. BYANYIMA: Thank you very much, Mr. Chairman. I welcome that information that the conflict may be about natural resources, but that often such conflicts over national resources manifest themselves also on ethnic differences, and that when

people see each other as people of one family, speaking one language, sometimes mild avenues for resolving these conflicts are used, violence and deaths are avoided. So, I still argue that a common language may have been one way to minimise those conflicts and to avoid murder. Mr. Chairman, Swahili belongs to none of us, at the same time, it belongs to very many of us in as much as it consists of very many words from many of our languages. So, Mr. Chairman, it is neutral, it can be our common language while at the same time we protect our other languages. In fact, I did not even see such need for these other words about preservation and so on of Ugandan languages to be in the Constitution, but we have put it there in order to appease those who have the fears that their own languages will be lost because of the promotion of a common language. But let me say, I cannot understand why some people are so haunted by the idea of a common language. If we do not have a common language, how are we going to be one nation? We have said that the Odoki report says that we want to have a President who seeks the mandate from all the people of this country, how is the President going to be a President for all of us when everywhere he goes he is going to talk in English, through four intermediaries and so on? Psychologically, this person can never be really accepted as the leader of the whole nation! If we speak one language, it is one way to get acceptance of our leadership. It is one way, it is not the only way, but it helps towards gaining that credibility, that loyalty from the population. I am not saying it is the only way, but it is one way.

Mr. Chairman, very many people who argue that promoting Swahili will kill the indigenous languages, are not being even sincere, because so many of us can be so articulate in English and yet we may even admit that we are not as articulate in our local languages. Why is this, Mr. Chairman? I think that we the elite ourselves have got a complex about the superiority of English to our own languages, I hasten to say, if we are convinced about the equality of our languages and the value of our languages, there should be no conflict, one could learn even 40 languages and still one would have their mother tongue and use it for those purposes that they need it for. Mr. Chairman, I do not like the idea of us being foreigners in our own land, the sooner we can speak one language the better, and English cannot be that language! We have been learning English, we have been independent for more than 30 years, but still more than half of our population have not had seven years of primary

education, and they come out without even a grasp of the English language. So, Mr. Chairman, our population *-(Interruption)*

MR. MULONDO: Point of clarification! Thank you very much, Mr. Chairman, for letting me to seek this clarification from the member on the Floor. Now you are advocating for Kiswahili, and in my opinion, Kiswahili is as foreign as English. Now, tell me how are we going to have our population learn Swahili so that you can communicate when you go to Lango or when you go to Bushenyi? How do we communicate?

MISS. BYANYIMA: I was coming to that. Kiswahili can be learnt at school, Kiswahili too can be learnt outside school which is not so for most people who would like to learn English because Swahili is a language that is used very extensively in the commercial sector, in social life, in the markets everywhere. It is a language also which has many words from the languages of the minority of Ugandans. So, for those reasons, Swahili is a language which you can pick, which people can learn even if they drop out of school. Mr. Chairman, if we can speak one language, if we accelerate the pace towards becoming a nation, it is worth spending some money on teaching Kiswahili to our people. It is worth paying a price for Swahili, to me, as it is to teach English in school. Because after all, how many people are going to use English? But so many of our people will use Swahili and will make better lives for themselves and find more opportunities for themselves by learning Swahili. Mr. Chairman, I strongly urge the Members of this House, the C.A. Delegates here that let us not lose this opportunity to accelerate to nationhood and to modernisation and support this Motion. I thank you, Mr. Chairman.

MR. KAMURON (Kongasis County): Thank you very much, Mr. Chairman. I would like to support the Motion by Hon. Amama Mbabazi. We have found it very difficult to get a compromise about a national language, the reason is that before colonization, Uganda consisted of different nationalities developing at different times. For example, Buganda, Bunyoro, Ankole and other areas were ahead of other societies in development both politically, socially and culturally. And each nationality had its own degree of governorship, each degree was self conceited. We in Sebei had our own language; had our own culture, had our own political system which sustained ourselves until when we were bound

together as societies which had not evolved from the centre like these others I have mentioned. Now, to get a national language out of this diverse different nationalities has proved very difficult here. This is what I can see which has developed into a kind of impasse in search for a national language. So, the Amendment by Hon. Mbabazi is actually a very compromising Amendment to both nationalities or different nationalities. In other words, those which had not developed to a centralized stage and those which had.

So, to say that we can get a language which is common to all societies is impossible. For example, Luganda cannot be a common language among the Lugbara people or among the Karamojong, for example. In my opinion Runyoro-Rutoro or Runyankole-Rukiga cannot be a common language in other different societies, it cannot be common because in those societies, they have their own national language. The Sabinu people have their common language as a small nation in Uganda. So, you cannot in any way try to introduce another national language in Sabinu community or in Sabinu nationality, it is not easy. So, what Hon. Amama Mbabazi is saying is that now can we look for a language which can be commonly spoken by all the nationalities of Uganda, and for some reasons, he has found that Kiswahili can be one of those languages which can be embraced by all diverse nationalities with their own national languages. Hon. Dr. Besigye had put it very clearly and in a very scientific way that we cannot just stay like this. This is the moment we must try and develop a kind of a language which can be used to embrace all the people of this country. There is no other time because there will not be another time for this nation or this country Uganda to call for another Assembly like this one. Hon. Wasswa Lule is talking about expenses or putting infrastructure in order to develop a common language if it is agreed. We are not saying we are going to start it immediately, we are making a Constitution for posterity, we know when resources are available then infrastructure can be put in place. So, I would like to appeal to Members who are still at this time in the 20th century, they are still looking back very strongly to their societies and try to become parochial that this is not the time you can do that, Uganda is moving very fast, we have got to take decisions now and if we do not do it, we are doing a disservice to the generations to come. Thank you very much, Mr. Chairman.

DR. SSEMOGERERE (Busiro South): Mr. Chairman, every year we have a Budget session in the NRC where we decide on our priorities and how much money we are going to spend on various items, and this debate appears to be more for the NRC than for the Constituent Assembly. I thought that after one of the commissioners enlightened us on why they came out with a kind of recommendation on the language issue, that it was so clear that we should not belabour the point much longer. But new ideas have nevertheless persisted to be brought to really show that the commissioners were right, that this issue is extremely controversial and that it is not even necessary to put it in the Constitution even if we want Swahili promoted in this country.

We have been informed in this Draft Constitution paragraph 5.2 that takes care of any requirement to encourage Swahili, but the question is, do we need this to be in the Constitution? This is the question. Now, I respect the Hon. Kiiza Besigye, *(Interruption)*.

LT COL. KIIZA BESIGYE: Point of clarification! Mr. Chairman, I am grateful to Hon. Ssemogerere for allowing me to ask for clarification. I recognise the attention he has paid to the remarks made by the Commission on this matter and the recommendation they made. I do not know whether that respect is influenced by the fact that there were different commissioners when it comes to the political system.

DR. SSEMOGERERE: Obviously, the two have nothing in common, Mr. Chairman. Rather I would have just said everything which was recommended calls for no debate. Mr. Chairman, to be serious, nobody who is opposing this Motion as I do, is denying the NRC the right to debate for promoting Swahili and making possible, money for the purpose. So, many of the good points which have been made for Swahili by various speakers including one speaker, Hon. Byanyima, can be accommodated by a mere policy of government of the NRC. On the other hand, it is too much to expect that merely by inserting a clause in the Constitution that Swahili will be a common language, that all those expectations would be made! At the same time, we must bear in mind that when we do that, we may just start new controversies in this country. Mr. Chairman, we should be aware that even our neighbouring country Sudan today is locked up in a war and part of the reason is language. I am not saying that we are going

to have war here, I am just pointing out how sensitive this issue can be, and therefore, the wisdom of not giving this opportunity to such controversies.

Mr. Chairman, reference has been made to the necessity of having a common language, that when you have no common language, you are not a nation. But committee Four, Mr. Chairman, gave us a number of countries which indeed have several languages. One of them is Switzerland, and nobody can say that the Swiss are not united because they have got different languages; some speak Italian, German, French but they are very united. A point has been made that without our own language which is not English, we cannot be nationalistic, but we know that the Black power Movement in America uses English! We know of people like that late Tubua, they were using English to fight the English cultural homogeneity. So, it is quite possible to have an official language which is not native, and at the same time remain yourself to have your identity, and I think the Ugandan people have demonstrated that very well. Uganda is one of the few countries in Africa with very strong cultural identities, and still I think one cannot attribute our problems just to lack of a language.

Mr. Chairman, why are we in this Constitution making process? I think we are trying to look at the problems that we have had since our independence and address them. We have had the 1960 crisis, we have had the turbulent years of Idi Amin; we had problems in 1979/80; we had an armed rebellion in 1980 to 1986 and none of these has been attributed to a lack of a common language. We have a report of the Human Rights Commission which enquired into the violation of human rights in Uganda since our independence. I do not remember them having come to the conclusion that those violations were a result of the absence of a common language. As it has been pointed out before, there are many countries even in the neighbourhood here, with a common language, with a lot more disunity than Uganda. So, while Swahili must not be locked out, there is no justification for us to spend a lot of time here trying to force it into the Constitution. The good that Swahili can bring to the people of Uganda, in terms of professionalism, in terms of industrial communication, can be achieved without Swahili being part and parcel of the Constitution. So, with those observations, Mr. Chairman, I oppose this Amendment.

MR. MWAKA (Nwoya County): Thank you very much, Mr. Chairman. Mr. Chairman, all of us

assembled here will recall that this is one very important national matter that has been hanging in the air since independence. Whereas from independence many neighbouring countries took very bold and decisive measures on this issue, we did not, and ignore that 30 years after independence we are still talking about it today. But let us solve this problem today and now, once and for all instead of leaving it hanging in the air for future generations.

I am against this particular Motion, and I am giving the reasons. Let us agree today to adopt a national language that will unite us all, apart from the official language which we unanimously adopted a few days ago. We all value our mother tongues, every single one of us here will give many pertinent reasons in favour of their various vernaculars. This is why, not long ago, a prominent citizen of this country was on official visit to Hoima of Bunyoro and addressed the Banyoro in his own vernacular and he said that was the language that should be adopted as a national language, so they had all to learn that language. Ask me what I think about my language Luo *(Interruption)*.

MR. BAGEYA: Point of clarification! Mr. Chairman, I would like to seek for clarification. Is the Hon. Member on the Floor talking on the Motion or he is talking about a national language which we have already discussed and finished with? Because we are here talking about a common language and he either opposes common language and we go ahead or he supports it. Because we are taking up a lot of time on what I consider a none issue.

MR. MWAKA: Mr. Chairman, if Hon. Bageya has been patient, he would have got it from me that I am not in support of the use of the word "common". I was saying, Mr. Chairman *(Interruption)*.

DR. SSEMOGERERE: Point of information! Mr. Chairman, I assume that the Hon. Member holding the Floor, without mentioning my name was referring to me, and if that assumption is correct, I would like to give the following information.

MR. MWAKA: No, Mr. Chairman, that prominent citizen of Uganda was not Hon. Kawanga Paul Ssemogerere *(Interjection)*- There is no need, I think, Mr. Chairman -

THE CHAIRMAN: Please proceed.

MR. MWAKA: Thank you very much. I was saying *-(Interruption)*

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

PROF. SSENTEZA KAJUBI: Point of order! Mr. Chairman, the Hon. speaker on the Floor has made reference to a prominent citizen who went to Bunyoro and spoke in his own language and said it should be the national language. Mr. Chairman, if I remember reading in the press, if he is referring to His Excellency, Dr. Samson Kisekka, when he went there, he gave an option to the people "may I speak in English or in my vernacular language" and people themselves said "speak in your vernacular, we can understand". Is he in order to suggest that the former Vice President imposed his language on the people?

THE CHAIRMAN: But you see, Hon. Ssentenza Kajubi, you put words in his mouth and then concluded that - *(Laughter)*.

MR. MWAKA: Thank you very much, Mr. Chairman. I was saying, ask me about my mother tongue which is Luo, I will say it is the best; ask Hon. Lt. Col. Dr. Kiiza Besigye, he will say his Ruhororo is the best; ask my very good Friend sitting opposite there, Dr. Tadeo Musekura, and he will say his Rufumbira is the best *-(Interruption)*

THE CHAIRMAN: But I do not think you referred to him correctly, maybe, he can tell you how he pronounces his name *-(Laughter)*

MR. MUSEKURA: Thank you, Mr. Chairman. He was almost correct, but the correct pronunciation is Dr. Musekura Ndaruhutse Baruhire Thadeous - *(Laughter)*.

MR. MWAKA: Thank you, Mr. Chairman. No doubt, Mr. Chairman, we all attach very great importance to our tribal languages. Not many of us here will be prepared to abandon or play down our own mother tongues and pay more attention to another tribal language. With this dilemma, what do we do in order to solve the problem without raising any dust at all? If Hon. Abu Mayanja is still in the House, I would like him to hear this: "Mafikiri yangu ndiyo bora, nawewe unafikiri kuwa yako ndiyo bora, sasa tufanyaje?" Meaning, Mr. Chairman, if I think mine is the best and you think yours is the best so now what do we do? The people of

Nwoya County would like us not only to talk in terms of common language, but a national language in addition to the official language. The Hon. Abu Mayanja said something to the effect that - okay, he mentioned a language - the people of Nwoya County would not like Kiswahili simply to be referred to as a common language to be used along with our tribal languages, but they want us to adopt Kiswahili as a national language *-(Applause)* But this does not mean that we are going to abandon our tribal languages. We would like to encourage people to write in their vernaculars so that those books can be graded and sent to school to be used by our children. I, Mr. Chairman, do not support this Motion, it is vague. I would like to request you, Mr. Chairman, to put the question and let us bury this Motion and go back to the original.

THE CHAIRMAN: Now, order, order! We have debated this for nearly over two hours now, and we are going around in circles on the same subject now. Just a moment. I think we have had speakers and I have been counting how many, we have had equal numbers for and against. And the last speaker did in fact more or less move a Motion, but of course it is not very good for you to finish and then you say, others should be stopped. But from the Chairman's counting, we had more or less really exhausted the discussion of the matter. A proposal was made to move some amendment but I think we shall get ourselves into even greater confusion, concerning where we should place this matter. I would like to suggest that, I think it is about time we really decided and we go on to other business. No, if we re-open, whether for clarification or otherwise, we can never end. I am in two minds whether to proceed by a method we used the other time or start by voices. The point is this, if we go by the numbers of last time, they were enough to cause us to go to a division. And so if we go through these stages of voices, then to a division, we shall be just be wasting time. So, what we should do is, go straight and divide.

Those in support of the Motion, will go to the Chairman's right and sit in those red chairs there. The Motion by Hon. Mbabazi which reads that: "The State shall promote Kiswahili as the common language for Uganda and shall encourage the development, preservation and enrichment of all Ugandan languages". Those against the Motion, on this side, those abstaining remain in the centre seated please.

(The Assembly went in Division)

NAYS

1.	Hon. Abaliwano Albert Brewer	Bugabula South
2.	Hon. Abu Winotiya Dominica	Women - Moyo
3.	Hon. Adiima Betty	Women-Arua
4.	Hon. Adio Winifred	Women - Soroti
5.	Hon. Ajiga Abdul	Obongi County
6.	Hon. Akech Okullo Betty	Women-Gulu
7.	Hon. Akello Grace	Presidential Nominee
8.	Hon. Amanyanya Mushega	Igara County East
9.	Hon. Amama Mbabazi	Kinkizi County West.
10.	Hon. Amandrua Paul	NOTU
11.	Hon. Ali Moses (Brig.)	East Moyo
12.	Hon. Akure Peter	Jie County
13.	Hon. Apuun Longoli Patrick	Bokora County
14.	Hon. Aronda Nyakairima	NRA Delegate
15.	Hon. Atwoki Ambrose	Youth - Northern Region
16.	Hon. Bagarukayo M. Janet	Women - Ntungamo
17.	Hon. Baguma-Isoke Matia	Buyanja County
18.	Hon. Bamwenda Toterebuka	Buyaga County
19.	Hon. Basaliza Henry Araali	Fort Portal Municipality
20.	Hon. Bidandi-Ssali	Nakawa Division
21.	Hon. Bateganya Mukuve Dick	Bukooli Central
22.	Hon. Bikorwenda Ida Rubale	Women-Bundibugyo
23.	Hon. Bwambale Biira Loice	Women - Kasese
24.	Hon. Bwambale-Walemba Ivan	Bukonzo County East
25.	Hon. Byakika-Kasajja G.S.	Bunyole County
26.	Hon. Byarugaba Bakunda A.	Isingiro South
27.	Hon. Byaruhanga M. Fabius	Kitagwenda County
28.	Hon. Byanyima Winnie	Mbarara Municipality
29.	Mr. Chango Machyo	Samia Bugwe South
30.	Hon. Chebet Maikut	Kween County
31.	Hon. Chebrot S. Chemeiko	Tingwen County
32.	Hon. Chepsikor Muhammad	Youth - Eastern Region
33.	Hon. Dhugira Esther Opoti	Okoro County
34.	Hon. Elyau Mike Juventine	Kalaki County
35.	Hon. Eswau Charles Aperu	Kasilo County
36.	Hon. Eresu Elyanu John	Kaberamaido County
37.	Hon. Etonu Benedict	Amuria County
38.	Hon. Gumusiriza Guma David	Ibanda County
39.	Hon. Hashaka Jackson	Kibaale County
40.	Hon. Kaberuka William	Ndorwa County West
41.	Hon. Kabirisi Luberenga Hope	Women-Bushenyi
42.	Hon. Kabwegyere Tarsis B.	Igara County West
43.	Hon. Kaheebwa Fox Johnson	Bujenje County
44.	Hon. Kaija John Wycliffe	Kibanda County
45.	Hon. Kajara Aston Person	Mwenge County South
46.	Hon. Kalikwani Irene	Women-Kamuli
47.	Hon. Kamanda Bataringaya	Bwamba County
48.	Hon. Kamuron peter	Kongasis County
49.	Hon. Kandole Clement	Kyaka County

50.	Hon. Kanyeihamba George	Rubanda County East
51.	Hon. Karusoke Constantine	Ntoroko County
52.	Hon. Kategaya Eriya	Rwampara County
53.	Hon. Katenta-Apuli Stephen	Conservative Party
54.	Hon. Kateregga Livingstone	Nakifuma County
55.	Hon. Kibirango Gyagenda	NRA Delegate
56.	Hon. Kigaye-Billyawo Eriya	Budaka County
57.	Hon. Kizza-Besigye	NRA Delegate
58.	Hon. Kimera Ndikabona Rashid	Bunya South
59.	Hon. Kinyata George Stanley	Kinkizi County East
60.	Hon. Kiraahwa Monica	Women-Masindi
61.	Hon. Kirunda-Kivejinja A.M.	Bugweri County
62.	Hon. Kitembo Muleju G.W.	Burahya County
63.	Hon. Kiyonga Chrispus	Bukonzo County West
64.	Hon. Kiyonga Francis Adamson	Upe County
65.	Hon. Kulany Gertrude	Women - Kapchorwa
66.	Hon. Kule Muranga Kighoma J.	Busongora North
67.	Hon. Lagada Amongi Beatrice	Women-Apac
68.	Hon. Lokeris Samson	Dodoth County
69.	Hon. Lorot John	Pian County
70.	Hon. Lukumu Fred	Buliisa County
71.	Hon. Malinga lo'Ojulla I.	Usuk County
72.	Hon. Maliro Gaston John	Mwenge County North
73.	Hon. Masalu Musene Wilson	Manjia County
74.	Hon. Masiko Winfred	Women-Rukungiri
75.	Hon. Matembe Miria	Women-Mbarara
76.	Hon. Mavunjina Akumu C.	Women -Nebbi
77.	Hon. Mayombo Noble	NRA Delegate
78.	Hon. Mbura-Muhindo Jerome	Busongora South
79.	Hon. Mugisha Muntu	NRA Delegate
80.	Hon. Mugenyi Posiano	Isingiro North
81.	Hon. Mukasa Buruli Wilson	Nakasongola County
82.	Hon. Mukiibi Benigna	Women-Kibaale
83.	Hon. Mulassanyi David John	Rubanda County West
84.	Hon. Mulongo Simon	Bubulo County East
85.	Hon. Musana Sophy	Buikwe County North
86.	Hon. Mushemeza Elijah D.	Sheema County South
87.	Hon. Mwaka David	Nwoya County
88.	Hon. Mwondha Faith	Women-Jinja
89.	Hon. Nabafu Jennifer Robina	Women-Mbale
90.	Hon. Nabudere Dan Wadada	Budadiri West
91.	Hon. Naburi Lorika Rose	Cwekwii (Kadam)
92.	Hon. Nasasira John Mwoono	Kazo County
93.	Hon. Ngobi Mathias	Presidential Nominee
94.	Hon. Ntabgoba Jeninah	Women-Kisoro
95.	Hon. Nyeko Jack H.	Presidential Nominee
96.	Hon. Obiga Kania Mario	Terego County
97.	Hon. Obonyo Jabwor Clement	Labwor County
98.	Hon. Odoy-Asoka Alfred	West Budama North
99.	Hon. Ogwel-Loote Sammy	Moroto Municipality
100.	Hon. Okalebo Hensley	Bukedea County
101.	Hon. Okanya James	Butebo County
102.	Hon. Okeny Tiberio Atwoma	Chua County

103.	Hon. Okorimoe Janet	Women-Kotido
04.	Hon. Okula O. Charles	Soroti County
05.	Hon. Betty Okwir	Women-Lira
06.	Hon. Okwonga-Latigo Onesimo	Omoro County
07.	Hon. Olega Ashraf	Aringa County
08.	Hon. Omara Atubo	Otuke County
09.	Hon. Omute Julius	Kumi County
10.	Hon. Ongaria Steven	Tororo Municipality
11.	Hon. Ruhakana-Rugunda	Kabale Municipality
12.	Hon. Ruzindana Augustine	Ruhama County
13.	Hon. Rwabyomere Joan	Presidential Nominees
14.	Hon. Sebi Data Haroun	Koboko County
15.	Hon. Seruwu-Bakojja Beatrice	Women-Mpigi
16.	Hon. Ssentongo Theopista	NOTU
17.	Hon. Tigwezire John Kasaija	Bunyangabu County
18.	Hon. Tirusasira Katongole	Bugabula North
19.	Hon. Tumukunde Henry	Rubabo County
20.	Hon. Tumwine Polly Katahwa	Youth-Western Region
21.	Hon. Turyahikayo Alice	Women-Kabarole
22.	Hon. Wacha Ben	Oyam County North
123.	Hon. Wagidoso Madibo Charles	Bulambuli County
124.	Hon. Wambede Seth Massa	Bungokho North
125.	Hon. Wamulongo Wahibi A.	Bunya East
126.	Hon. Wanjuzi Wasieba S.	Bubulo County West
127.	Hon. Zziwa George William	Kawempe Division North

AYES

	Delegates	Name of Electoral area
1.	Hon. Atare Ajai James	Kilak County
2.	Hon. Awori Aggrey S.	Samia Bugwe North
3.	Hon. Babu Edward Francis	Kampala Central
4.	Hon. Bageine Bajura Shem	Ndorwa County West
5.	Hon. Bagenya Anthony	Ndorwa County East
6.	Hon. Bageya George Patrick	Kigulu County North
7.	Hon. Bantariza Francis	Buhweju County
8.	Hon. Basoga Nsaju	Busiki County
9.	Hon. Batanyenda Gaitano	Presidential Nominee
10.	Hon. Bwanika Bbale A.	Katikamu North
11.	Hon. Didi Agard C.	Moyo West County
12.	Hon. Ejoku Samuel	Ngora County
13.	Hon. Etuku-Onyok David	Moroto County
14.	Hon. Kabayo John Patrick	Kassanda South
15.	Hon. Kabugo Mesusera	Nakaseke County
16.	Hon. Kaggwa Ssozi K. Med	Kawempe Division South
17.	Hon. Kagimu Kiwanuka M.P.	Bukomansimbi County
18.	Hon. Kajubi Senteza W.	Kyadondo North
19.	Hon. Kalema Rhoda Nsibirwa	Kiboga County East
20.	Hon. Kanyike Anthony William	Buikwe County West
21.	Hon. Kakungulu Shannon Dr.	Presidential Nominee
22.	Hon. Kasajja George Patrick	Bulamogi County

23.	Hon. Kasole Bwerere Lwanga	Buwekula County
24.	Hon. Kavuma Steven B.K.	Kyadondo South
25.	Hon. Kawanga John Baptist	Masaka Municipality
26.	Hon. Kawere Sempa Pius	Mukono County North
27.	Hon. Kayizzi Asanasio	Kassanda North
28.	Hon. Kayonde Israel	Gomba County
29.	Hon. Kazibwe Specioza W.	Kigulu County South
30.	Hon. Kimera Vincent	Bukoto East
31.	Hon. Kirenga Emmanuel	Mityana County North
32.	Hon. Kitaka-Gawera Elijah	Bbale County
33.	Hon. Kitariko K. Robert	Democratic Party
34.	Hon. Kiwagama W.W.	Bunya West
35.	Hon. Kiwanuka Sam	Busiro County South
36.	Hon. Kiwanuka-Musisi G.	Buikwe County South
37.	Hon. Kizito John Ssebaana	Makindye Division East
38.	Hon. Komakec Leander	Aruu County
39.	Hon. Kutesa Sam K.	Mawogola County
40.	Hon. Kweronda Ruhemba	Kajara County
41.	Hon. Langoya Timony	Lamwo County
42.	Hon. Liiga Aloysius	Buvuma (Islands)
43.	Hon. Lubega Damiano	Rubaga Division South
44.	Hon. Lukwago Gabriel	Kooki County
45.	Hon. Lule Wasswa	Rubaga Division North
46.	Hon. Lumala Deogratius	Kalungu West
47.	Hon. Lutalo Kanya Jamil	Ntenjeru North
48.	Hon. Magezi Daudi Suubi	Jinja Municipality East
49.	Hon. Lubulwa Migadde Umar	Katikamu South
50.	Hon. Masika George Jafeth	Mbale Municipality
51.	Hon. Mateke Philemon	Bufumbira South
52.	Hon. Matovu Byatike	Entebbe Municipality
53.	Hon. Mukwaya Abbey Hafez	Busiro County East
54.	Hon. Mukwaya Balunzi Janat	Mukono County South
55.	Hon. Mukisa Salome	Women-Iganga
56.	Hon. Mulenga N. Joseph	Democratic Party
57.	Hon. Mulondo Besweri Kiwanuka	Mityana County South
58.	Hon. Musekura Ndarihutse B.T.	Mityana County South
59.	Hon. Musobya Lubega Godfrey	Kagoma County
60.	Hon. Mutagamba Lubega Mary	Women-Rakai
61.	Hon. Musumba Isaac Isanga	Buzaaya County
62.	Hon. Muiyisa John Chrizestom	Bujumba County
63.	Hon. Mwesigwa Rukutana M.	Rushenyi County
64.	Hon. Mwondha Patrcik John	Bukooli County North
65.	Hon. Nakyanzi Maria Veronica	Ntenjecu South
66.	Hon. Nankabirwa Sentamu Ruth	Women-Kiboga
67.	Hon. Njuba Kalega Samuel	Kyadondo East
68.	Hon. Nsangi Kakembo Mary	Women-Kalangala
69.	Hon. Apolo Nsibambi	Presidential Nominee
70.	Hon. Nsubuga Nsambu Yusufu	Makindye Division West
71.	Hon. Nyai Dick	Ayivu County
72.	Hon. Obua Otoa James	Erute County North
73.	Hon. Odur Dick	Dokolo County
74.	Hon. Ogola Akisoferi Michael	West Budama South
75.	Hon. Okwakol Nathan	Pallisa County

76.	Hon. O'let Charles C.	Erute County South
77.	Hon. Omeda Hebron O'max	Serere County
78.	Hon. Omolo Peter	Soroti Municipality
79.	Hon. Oneti-Batia Samuel	Maracha County
80.	Hon. Oryem Akabo Alice	Women-Kitgum
81.	Hon. Pinto Maneuel Xaverio	Kakuuto County
82.	Hon. Rainer Kafire Juliet	Women-Pallisa
83.	Hon. Ringwegi Sam	Padyere County
84.	Hon. Rwomushana Charles	Rujumbura County
85.	Hon. Sabiiti Jack	Rukiga County
86.	Hon. Sakwa Darlington	Bungokho South
87.	Hon. Sebalu Kennedy Mike	Youth-Central Region
88.	Hon. Semajege Higirot	Lwemiyaga County
89.	Hon. Sempa Victoria Esther	Women-Luwero
90.	Hon. Ssekandi Edward	Bukoto Central
91.	Hon. Ssekweyama Wagaba A.	Mawokota South
92.	Hon. Ssemala Saaka Steven	Kyamuswa County
93.	Hon. Ssemakula Nakabugo Hawa	Women-Mubende
94.	Hon. Ssemogerere Kawanga P.	Busiro County South
95.	Hon. Ssendaula Gerald	Bukoto South
96.	Hon. Ssenooba Andrew Ben	Kyotera County
97.	Hon. Wandera Ogola Dan	Bukooli South
98.	Hon. Zziwa Nantongo M.	Women-Kampala

ABSTENTIONS:

1.	Hon. Elly Karuhanga	Nyabushozi County
2.	Hon. Kintu Musoke	Kalungu County East
3.	Hon. Sserwanga Lwanga	N.R.A. Delegate
4.	Hon. Tinyefuza David	N.R.A. Delegate
5.	Hon. Wanendeya William.	Budadiri County East

THE CHAIRMAN: I would like to communicate the results of the division. We have the results of the division ready now. The position is as follows: There are 230 Members in the Chamber; 5 abstained from the division; those for the Motion were 127, and those against the motion are 98. But in order for the Motion to be carried, the Members should have to be 153 Members. But instead, they got 127 but 127 is more than half of *(Interruptions)*- Please give me moment, I check the figures with the Secretariat. The Secretariat has clarified the position now, and their figures agree with mine. Those for the Motion have got more than half of the presence here which is 115. But what they have got is not two thirds, so the matter is not carried. It becomes an impasse *(Applause)*.

LT COL. BESIGYE: Mr. Chairman, I considered that this motion was a motion to amend the motion of Hon. Katenta Apuuli which was the Motion of the Committee Four, and we are not amending the

Constitution yet, it is not any Motion that this will be part of the constitution. And I take that a Motion to amend a Motion, should be carried by half, according to our rules. And then subsequently we would take a vote on this Motion becoming part of the constitution. In other words, amending what is in the Draft is what would need two thirds. I seek your clarification, Mr. Chairman.

THE CHAIRMAN: Could I ask the Chairman of the Legal and Drafting Committee to give us his guidance on this matter before the Chair makes a ruling.

PROF. KANYEIHAMBA: Thank you, Mr. Chairman. According to rule 27, the procedure, Mr. Chairman we have described is correct and it says that, where a matter has been put to a vote on to a division if it is not carried by two thirds majority of those voting and forming a quorum, the matter will

not have been carried. But that is not the end of the matter. Mr. Chairman, Rule 27 provides that where that decision is on the Draft Constitution, or any amendment to it. Now, Mr. Chairman, I think that there is ambiguity in that because as I understand it, the provisions on this particular matter relating to language was passed and this was an introduction of a new matter all together by the committee. It was not an amendment of the Draft Constitution, or an amendment amending the provision on that Draft. So, I think there is an ambiguity here, Mr. Chairman, I cannot as of now, Mr. Chairman, pronounce one way or the other and my own opinion would be that, this needs interpretation by the Legal and Drafting Committee. Was this really an amendment? So, I am not calling the question that it is lost. That one, I have accepted, it is lost. But the question of how do we proceed later, I cannot determine that unless we can say that this was an amendment to the Draft Constitution. But it was a new idea introduced. So, I would suggest, Mr. Chairman, with your permission, that this matter be held over until the Legal and Drafting Committee has precisely interpreted whether this amendment which has been lost is covered by the rule 27. This is what would be my suggestion, Mr Chairman.

MR. MBABAZI: Thank you, very much, Mr. Chairman. Whereas I concur with the interpretation given by Hon. George Kanyeihamba, I think I concur with him that it is a good idea to give the Legal and Drafting Committee time to study because - *(Interruptions)*- allow me to make the point. Because, Mr. Chairman, there is rule 27, and there is Rule 28, Mr. Chairman. For those who have copies of their rules of Procedure, there is Rule 28 also. Rule 28 covers decisions on matters which are not of the Draft Constitution. Mr. Chairman, I think this introduces a new element. I would like therefore, to support the idea raised by the Chairman of the legal and Drafting Committee, that we give time to the Committee, may be tonight, they go and study this matter, they study these rules and advise us on a technical ground which rule applies.

MR. WASSWA LULE: What I would like to draw *(Interruption)*-

THE CHAIRMAN: No, I had given the Floor to Hon. Magezi first.

DR. MAGEZI: Thank you, very much Mr. Chairman. Mr. Chairman, I would like to beg the

indulgence of yourself and the House, to my understanding of "amendment". "Amendment" means addition, subtraction or alteration of the text being considered. Consequently, there can be no way, you can consider the proposed amendment by Hon. Mbabazi, that it was not an amendment to the Draft Constitution. Because it came in to alter what had been reported - requested by the majority committee on this particular Chapter. Consequently, had it been carried, it would automatically have replaced the report and the text and gone straight in the constitution, to be considered as part and parcel of our pronouncement on the constitution. Consequently, there is no other way out except to go by page 16; 27(2) (3) which is very clear. *"When voting is required, the following provisions shall apply. Voting shall be by division in the lobby, each Delegate shall have one vote, the Chairman shall have neither an original nor a casting vote. The Motion shall be carried if it obtained the support of not less than two thirds of the Delegates voting. The Motion shall be lost if it is supported by less than the votes of the majority of the Delegates voting. And the matter shall be regarded as contentious if the Motion is supported by the votes of the majority of Delegates voting, but not obtaining the support of two thirds of Delegates voting in each of the two votes conducted in accordance with sub rule 3 of this rule"*. Sub rule 3: *"After the first vote on the Motion, a period of at least one week of recess shall elapse, before the second vote is taken. During the recess, the Delegates may consult with other Delegates and with voters in their respective electoral areas or as the case, may be with persons or bodies who of which elected or appointed them on subject matter of Motion"*. Consequently, Mr. Chairman, the rules are very clear and precise according to the engineers *(Applause)*.

MR. WASSWA LULE: Thank you, Mr. Chairman. I would like to go even further back in the Rules to the beginning of rule 27 Clause (1) because there was an argument here as to whether an amendment is considered a motion and whatever. The heading there states, *"with regard to decisions of the Assembly, and the provisions of the Draft Constitution, or any amendments to it..."* All these rules that we are quoting relate also to amendments and it was specifically stipulated in the rules. When you go from 27 Clause(1), you go to Clause (2) which says, *"where voting is required, under Sub-rule 1 of this rule..."* it also includes amendments, and we then proceed to paragraph (f) which describes what a contentious

issue is, which makes the issue which we have been debating contentious. I think it is very clear and we should not require even to refer to the Legal and Drafting Committee because it was put in the heading, and that, the word Amendment was put just right.

MR. OKALEBO: Thank you, Mr. Chairman. Let us appreciate the seriousness of the matter before us, and let us also appreciate the task ahead of us in making this constitution. The Legal and Drafting Committee is the standing Committee of the Assembly. We have given it the authority to perform certain acts on our behalf. And if we can agree on the interpretation of the rules, let the matter be referred to this committee and they come back with their ruling or with their finding. I would therefore, say we would not be in a position to discuss this matter, but regard it as sub judice, and therefore, grant an adjournment and allow them to come with a ruling. Rather than sitting here trying to interpret the rules by ourselves, Mr. Chairman. I shall therefore, move that, an adjournment be granted and the legal and Drafting Committee handles the matter, Mr. Chairman.

MR. MALINGA: Mr. Chairman, the Rules are so clear as not to refer to any interpretation. The constitution is that we now need to proceed to 7 days adjournment to enable a second vote to be taken. If you do not want that, there is only one way out and that is rule 17, otherwise, the rules are quite clear. I do not see what a rules committee or Legal and Technical Committee can come up with. It is very clear, a vote has already been taken for record.

MR. KUTESA: Thank you, Mr. Chairman. The provisions governing this kind of procedure are either rule 28 or 27, and the issue to be determined is whether what we have just been voting on is a decision on the provisions of the Draft Constitution, or an amendment thereto. But decisions on matters other than the provisions of the Draft Constitution, where there is no consensus, that would be covered by rule 28. Mr. Chairman, I think it is not necessary even to go to the Legal and Drafting Committee. It is up to you to decide whether the matter we have been considering is part of the Draft Constitution or an amendment thereto. And if it is, then rule 27 will apply. If it is not, then rule 28 will apply, and therefore, under rule 28 (2)(b), this Motion would have been carried. But should it have been a matter of the Draft Constitution and an amendment thereto,

then we are faced with a problem of having to go under rule 27 in which this Motion will be lost and the only saving grace as Hon. Malinga says is rule 17.

THE CHAIRMAN: Hon. delegates, just a moment. I am trying to consult as widely as possible from my learned friends.

MR. MASALUMUSENE: Thank you, Mr. Chairman. Mr. Chairman, I do not know have much to add to what Hon. Sam Kutesa and Malinga have stated, only that rule 17 can not assist at this stage. This is because rule 17 provides that a Motion or an amendment may be withdrawn at the request of the mover. Now, it is too late to withdraw when we have already voted. So, the only provision Hon. Delegates, or the only rule which can assist us, Mr. Chairman, is rule 43 subrule (1). That is the only rule, which we can now evoke to assist - otherwise not 17. I thank you.

THE CHAIRMAN: Hon. Delegates, let me intervene a bit as he said. While we have been making references to the rules, I would like to point out that really, the provisions which appear in the rules were picked from the statute, and we cannot actually suspend them. We have no powers to suspend, only the NRC can amend the statute. What we did was, we picked a portion of the Statute and put it in the rules. And the Statute says exactly what is written in the Rules except in Section 17 subsection 5 relating to the manner which we have just done, and the results being ascertained apply only to the decisions of the Assembly on the provisions of the Draft Constitution referred to in paragraph (a) of Subsection 1 of Section 8, or an amendment to it. And 8 is making a reference to the functions of the Assembly to scrutinize, debate and prepare a final draft of the Constitutional text prepared and submitted to the Minister by the Uganda Constitutional Commission. But it goes on to say, "*or any amendment*". So, there was a Motion to amend by inserting an additional article. That one was to be amended. The unfortunate thing which was not made clear is that, we should not have the rules and a Statute, it should have been only distinction between amendment for or amendment of the text. Now we are being caught, when in fact the decision was, do we accept Hon. Mbabazi's attempt to change what came from the Committee or do we not? And if we do, then we accept it to form part of the Constitution. But then, because all the other Motions are that we debate it, you can get a series of

amendments, you start with a distant one, and work backwards. But under this one, if we passed one which had prejudice to the other one, then we could have carried and made an insertion into the constitution. But at the same time, if it does not carry, as it has not carried, then we should ordinarily have gone back to the original text. But the drafting of the law was not tight enough to envisage that situation. So, we have now found ourselves with - the Motion has failed to amend the one which was before us and yet we cannot accept that it has failed, because the procedure is that, we must now go and consult. And yet, it is not a matter where the Chairman can make provisions for it because it is by Statute, it is not by rules which enable the Chairman to apply, whenever there is a lacuna.

MR. BIDANDI SSALI: Mr. Chairman, as you know, I am not one of your friends.

THE CHAIRMAN: I thought you were.

MR. BIDANDI SSALI: No, but *-(Interruption)-*

THE CHAIRMAN: You mean learned? You are my educated friend but not learned friend.

MR. BIDANDI SSALI: Thank you for that. Mr. Chairman, if in my own lay man's language or understanding what is now being interpreted is correct, then this Motion must have been illegal to be debated in this Assembly. Why? Because the day before yesterday, we ended up with the same situation and somehow, we allowed, as it were, the mover of the Motion then - that is the chairman of the Committee - to withdraw and bring in a new amendment.

THE CHAIRMAN: No, I will cut you short. We did not vote on that one. There were two reports before us. The majority report and the minority report. We voted on a minority report which was rejected and the members did not even get a half as was the case today. So, that one was properly rejected. But then, what we did not do is, we did not go on to vote on the majority report. We said that, and I did point out that, the figures before us if we voted, they would have given us this sort of result. So, we said, let us go home, think about it for two days, come back and see if we can get a better result. As it turns out, even with increased numbers, we have still gone to the very thing we wanted to avoid two days ago. That is the difference.

So, when the Chairman went, as part of that mandate because we had not pronounced ourselves on the matter at all, he went and came back and withdrew it as they were entitled to. But then, there was an amendment to their new proposal. It has led to a situation where we now want ourselves to frame the question. How do we frame it if we are to? Because if we go on and postpone it for one week or more, come back and vote on it and we get the same result, we would be forced now - I would be forced to say, but is it a matter of national interest, and I presume the question of a national language can qualify. Now, in the event of that happening, then we have to tell the Minister for finance to look for something like 7 million dollars to go and conduct a referendum on this text. And the question to be framed, may be they will be framed in a number of ways, but I can see one saying, that there was a proposal that we should have a second language - a second official language. That proposal before it was decided, Hon. Member so and so moved that, actually we should have a common language called Kishwahili but also develop your languages. Now, what do you think? Should we have this common language or should we not? And then we shall go on to converse at a very great cost. That is why I am saying the law is a bit faulty somewhere. Hon. Kaggwa, then we shall make a decision.

MR. KAGGWA: Thank you, Mr. Chairman. Mr. Chairman, the issue here, and the major issue that was to be determined and I think you have determined it, was whether the matter under consideration was a matter other than the provision of the Draft Constitution or an amendment. And if I understood you correctly, you ruled it was an amendment. And if it is an amendment, then the provisions of section 27 of our rules do apply. And if they do, this Motion has been lost.

THE CHAIRMAN: I mean nobody is disputing that. It has been lost, but what next?

MR. KAGGWA: In that case, Mr. Chairman, then rule 17 will have to apply. That will be the next reasonable option.

THE CHAIRMAN: No.

MR. NASASIRA: Thank you, very much, Mr. Chairman. Mr. Chairman, this is not the first time, since the CA began its work that we have found ourselves in this situation. When we found ourselves

in a similar situation, we did ask ourselves a few questions as to whether it was worthy going all the way adjourning for a week, going all the way to our constituencies for consultations, coming back and may be never agreeing. In fact some of us were envisaging this situation and that is why we had moved an amendment that we delete that article 6 of the amendment which unfortunately was ruled incompetent. We were trying to avoid this situation.

THE CHAIRMAN: How, could you have avoided it?

MR. NASASIRA: We wanted to delete *(Interruption)*-

THE CHAIRMAN: But supposing there was a deadlock on the deletion?

MR. NASASIRA: No, we had consulted enough and found out that that was the basis of consensus.

THE CHAIRMAN: Because that is what we were also told when the other was being introduced that enough consensus had been generated. Because if you were to seek a motion to delete and you get the same situation, you would be forced eventually to go and ask the people. Some of us did not want Kishwahili, others wanted it. Some of us wanted to delete that thing which was suggested, which read like this, and then the others said "No". Let it read like this. What do you say? Should we delete it, or should we leave it there? You see, the whole thing was loosely written.

MR. NASASIRA: I would like to conclude my remarks. Now that we have reached here, my proposal is that, I do not think it is worthy a cost to this country to spend another week without CA deliberating, come back, and may be most likely find ourselves in the same position, and as you said, to go back and call a referendum where a number of issues will have to be asked since we did not agree on a language, we thought we should have a common language and so on and so forth, I would like to suggest to the mover to invoke clause 17 of our rules and save us, and save this country, so that we can go on.

THE CHAIRMAN: Hon. Delegates, let me make one correction here. The other time when we took a different line, when we were in a similar situation, the circumstances were different. That time we were

coming on an impasse as to where Chapter 3 should be placed, whether it should be at the end of the book or at the beginning of the book. And we thought it should have been nonsense to go to ask the *Wairainchi* we are writing a constitution, we do not know where to put Chapter 3, what do you think? Should it be at the beginning or at the end? That one was easy. Here, we are talking about the question of, in what language should Ugandans talk to each other, I mean what language should they talk to each other? I know Hon. Kanyike had suggested that we delete, but we should have run into the same problem or we shift, it would have run into the same problem. Now, do we really have anything useful to add, or we can proceed?

MR. MULENGA: Thank you, Mr. Chairman. Mr. Chairman, whether it was a question of shifting a Chapter from one side to another, or it is about what language should be used, it goes to do with the amendment to the constitution. And that time, we agreed that a mover can, before a second voting withdraw. So, if the mover of this amendment can withdraw on arguments that were advanced by Hon. Nasasira, I think Mr. Chairman, we can do so, as the other one did last time. The situation is the same.

MR. DIDI: Thank you, Mr. Chairman. I believe Sir, that since the Motion was lost, if the other Motions had a similar tendency, otherwise, we go back to the original draft - I mean the original proposal of the committee.

THE CHAIRMAN: Yes, we are dealing with a procedure which is set up in a Statute, we are not just dealing with our rules. You see this whole problem.

AN HON. DELEGATE: Point of order! Mr. Chairman, I have heard repeated references to this Motion as lost, which is not really in line with the provisions of our regulations. Our rules provide that, the Motion shall be lost - if you look at Rule 27- "*a motion shall be carried if it obtains the support of not less than two thirds of the Delegates voting*". (e) "*the Motion shall be lost if it is supported by less than the - I think there is a mistake here. (Laughter)*" Yes, Mr. Chairman, it simply reads "*the Motion shall be lost if it is supported by less than the votes of the majority of Delegates voting.*" Now, this Motion was not supported by less than the majority, it was supported by the majority of the Delegates voting. Therefore, it was not lost. And (f), "*the matter shall be regarded as contentious, if the*

motion is supported by votes of the majority of Delegates voting, but does not obtain the support of two thirds." This motion is contentious and not lost.

MR. KINTU MUSOKE: Mr. Chairman, while appreciating yours and the Assembly's effort to find a solution to this problem, I am worried that one of the causes of instability in this country, is where leaders have got into situations and have tried to bend the rules in order to meet the situation they want to achieve. When we took the decision to either go to vote, we knew there were rules, and we knew the consequences of what we were doing. And if the case was to go and consult, I perceive that you must go and consult, instead of bending the rules. Because this is the beginning of rigging, the beginning of all that. If the rules say, we must go and consult, we should go and consult and come back, and hope that when we come back after consultation, we shall have a solution for this problem.

CAPT BABU: Mr. Chairman, whilst I am sympathetic to the Hon. Prime minister, none of us is trying to bend the rules here, we have agreed entirely with the rules in the Statute, we have agreed with the rules in our Standing Rules, but we do have, Mr. Chairman, in your chairmanship of this House the collective wisdom of all the people I see here, the 230 of them. Sometimes when we sit together as leaders, as Hon. Kintu Musoke has said, we can decide on certain issues in the importance of their merit. And really an amendment to a proposal from a committee, Mr. Chairman, is an amendment that can be considered by us collectively, not to cause an expensive exercise of about one week. Therefore, through you, Mr. Chairman, I would like to appeal to the mover of this Motion who is Hon. Mbabazi that, to avoid the delay - because we are not talking about the content of the word Kishwahili, we are really talking about an amendment, an amendment which talks about, more or less what 5 (2) here talks about, with an addition of the word "common", I would like to request that Hon. Mbabazi reviews very carefully, by looking at 5(2) which we have in the text, and by looking at the amendment which was moved by the committee which does not take away the word "Kiswahili", but does take away the development of that language. That we, as a collective of the organ of the CA under your Chairmanship Mr. Chairman, can review this one and consider a better option without going away for a week. We are already late, and would like to continue with other parts of this Draft Constitution. I would like therefore, to re-

quest, Mr. Chairman, that the mover does consider what is already on the Floor and the text itself, and find if it can be accommodated and we go on. Thank you.

THE CHAIRMAN: Okay, let me also seek guidance from the members of the House on another provision of our rules. How does one interpret sub-rule 3(a) of rule 27 - and (b) as well?

MR. RUKUTANA: Mr. Chairman, the way I see it, it says "*the following provisions apply to the votes referred to in paragraph (f) of sub-rule 2 of this Rule.*" That is the provision providing for contentious matters. (a) "*after the first vote on the Motion, a period of at least one week of recess shall elapse before the second vote is taken.*" What is envisaged now - like now we have taken the first vote, we are expected to take the second vote. Now, if - the question is whether an amendment can be withdrawn at this stage, my interpretation is that there is nothing now to stop the amendment from being withdrawn because we have just taken one vote. We have not fully taken a vote as is envisaged by the provisions of rule 48, sub-rule 15 would threaten us. But then, on looking at it, the first says, "*an amendment or a new article may be withdrawn at the request of the mover by leave of the Assembly before the question is fully put on it, if there is no dissenting voice.*" Now, I am submitting that the question has not been fully put. Here, when you look at rule 17, sub-rule 3(a), it envisages that, in contentious matters, a question is not fully put until we have had two questions put. The first one which we have done today, and then consultation, and then a second one, as long as we have not put the second question. The question is not fully put as envisaged by rule 48. So, if the mover so wishes, there is nothing stopping us from withdrawing the amendment. And I would take this opportunity to urge him very kindly to save us and withdraw this amendment. Thank you very much.

MAJ GEN. TINYEFUZA: Thank you, Mr. Chairman. I have been looking at the current statute under which really, these rules were drawn and it does deal with how to go about this voting and the matter being contentious. But the parent statute is slight, as to the procedure of going for recess. Going for recess is only contained in our Rule, not in the parent statute.

THE CHAIRMAN: It is there.

MAJ GEN. TINYEFUZA: I have looked at the amendment itself.

THE CHAIRMAN: It is section 17, sub-section 4, introduced by amendment number 8 of 1994. It talks of one week recess. But I think the point I thought you were pushing or going to follow was that, having said so, the statute does not say that the matter cannot be withdrawn in between.

MAJ GEN. TINYEFUZA: Mr. Chairman, I wanted to first of all make this one of going to recess as was amended, after the first vote on the motion - a period of one week and so recess can elapse and so on, then the consultations and so on. First of all, the Statute does not specifically deal with the matters of withdrawing the Motion. Secondly, rule 17 itself is not definite on that issue as to when a motion can be withdrawn actually. So, it does not specify, it is wide enough to accommodate withdrawal of a motion, whether it is being voted on or not, as far as it is silent. Because I do not see anywhere where it says that, a Motion cannot be withdrawn after it has been voted on. It is not anywhere, neither in the Statute, nor in the rule. No, rule 48(15) does not -

THE CHAIRMAN: Okay, what really is emerging I think is this, that we have a statute saying, this is how you make your decisions on matters of substance and this is how you make your decisions on matters of procedure. That do not touch the text of the Draft Constitution or amendments in it. But in order to reach a deadlock on the matter - if you can make a decision quickly by consensus, fine. You can choose to vote, and having voted on the first round, you may not make a decision. So, the Statute gives you a second chance. But the Statute does not say, you must take the second chance. It gives you the right to get a second chance. It would appear, when we were making the rules, it was carefully considered, and that is why you find rule 48(15) saying, if the matter had not been fully put, because you cannot withdraw it, if it has become a decision.

MAJ GEN. TINYEFUZA: Mr. Chairman, I had not completed. Following that argument, what I was saying is that, while the statute is quiet on this, and rule 48(15) the one which says that the question can be withdrawn whatever, it is still in the powers of this House to suspend this very rule. This house can suspend 48 (15) even if it was contradicted. Because some members are not clear with Rukutana's submission whether the thing is fully put or not. If that

was the case, we can suspend this rule, under our rules since the statute does not bind on this, and then the mover can still withdraw this motion under that. So, we have two alternatives.

THE CHAIRMAN: So now, anyway, let me take it on from there. I was saying that, the statute gives us two opportunities on matters of substance, actually three. You can choose to try a consensus straight by the Chairman's request or the Chairman can try a consensus and he is challenged by 51 members, and he is forced to go to a division. Whatever way you go to a division, you go to a division and you make the first attempt, and you disagree, that is, there is a deadlock as it is now. Then the Statute gives you a second opportunity. But the Statute is silent on the question of whether that motion must continue up to the second opportunity or those in ownership of it, that is, the House can choose to have it withdrawn. That is why 15 is not giving the mover the automatic right to withdraw it. It says, "*an amendment, or a new article*" and by the way, 48 is on consideration stage of article by article. We are talking about discussing article by article. So, if an article or motion before the house, or an amendment to an article, and this was an article being proposed, by the way, before us. If it has not been fully put, then the mover, by leave of the Assembly, may be allowed to withdraw the motion. But to do so, it can be blocked, that can be blocked by one voice. The only way you can stop - Hon. Nabudere - stopping the mover withdrawing is by suspending that part of the provision, which allows one Member to block it. You can do that. If you did that, and the mover is so disposed, then the House can allow him to withdraw.

MR. RUKUTANA: Mr. Chairman, the idea of the one voice only comes in after we have concluded that the question had been fully put, otherwise, if it had not been fully put, the idea of a dissenting voice does not arise. So, we have now to decide whether there is a dissenting voice or not, whether the question was fully put and I earlier submitted with this contentious procedure. What is envisaged is that, the question can only be fully put after two votes. The first one and the second one. So, talk of the dissenting voice now, would be to rob us of the advantage of utilising this particular provision before the question is fully put on it if there is no dissenting voice. So we must first and foremost decide whether the question has been fully put.

THE CHAIRMAN: I do not agree with that but anyway you are entitled.

PROF. WADADA NABUDERE: Thank you Mr. Chairman. That line of argument of Hon. Rukutana will not take us anywhere. The only line that will take us somewhere is what you had said, following upon what Hon. Tinyefuza had pointed out that the concept of withdrawal of the motion does not appear in the Statute itself. That is very important. Since it does not appear in the Statute and it is created by rules under the Statute, it is possible to suspend that part of the rule which is not directly mentioned in the Statute itself. And therefore, your observation that if we suspend sub-rule 15, then we have now no basis on which we can withdraw. That is our dilemma now.

THE CHAIRMAN: No you could say that - the mover would say that I wish to move that so much of the rules be suspended as would prevent the House authorising the withdrawal of motion so and so. It is actually rewriting the rule the other way.

MRS. MIRIA MATEMBE: Thank you very much Mr. Chairman. Mr. Chairman, for me, I am a bit scandalized at the way we are trying to twist these laws and rules after we have discussed in details. We adjourned, we gave it a thought, we discussed this national issue, an issue of national importance. And Hon. Serwanga informed this House precisely why the Commission did what it did. Within the wisdom of this House, they thought it was necessary to discuss a motion and we spent time discussing it and rules were followed and we reached where we reached and it is clearly stated in (f) of Rule 27 that this matter had become contentious. Now having become contentious, we try to look out rules because we think it is not to our convenience. Sincerely, is this how we should conduct business. I shall be dissenting when it is done in that way. I thank you, Mr. Chairman.

ET. MAYOMBO: Mr. Chairman, you are calling me very late when *-(Interruption)*

AN HON. MEMBER: Point of order! Is Hon. Matembe in order, having been a party to the drafting of these rules, to ignore the provisions of rule 48 and rule 15 and being a Member of the Legal and Drafting Committee to deny this House the service of her legal education to interpret what we actually mean by being fully put. Is she in order?

THE CHAIRMAN: Hon. Matembe - and I will be very direct - was not in order. This House is entitled to interpret the rules it gave itself. We have interpreted rules on the question which arose whether the motion or subject of rule 27 can be withdrawn before the second vote. That interpretation has attracted the provisions of rule 48 sub-rule 15 and also the provisions of Statute and the silence of some matter by the Statute. We should not be afraid to interpret the law when the time comes because we shall be accused of bending rules. I think we have had enough discussion on this.

MR. WANENDEYA: Point of order! Thank you, Mr. Chairman. Is it in order for us to go on interpreting these rules and sections of the law when we have got a Legal and Drafting committee? I would request Members and you Mr. Chairman that the Technical and Legal committee goes back, looks into the matter seriously, comes back here and then gives us their view on the matter and that is the way we can proceed. Mr. Chairman, this matter as Hon. Serwanga Lwanga gave us -

THE CHAIRMAN: Yes but you have made your point. Now you are beginning to make a speech.

MR. WANENDEYA: Motion now, Mr. Chairman and the motion is that I propose that the matter be put - we adjourn and the matter be put to the Legal and Technical committee to come up with interpretation as to the way we should proceed.

THE CHAIRMAN: That is dividing us.

MR. KINTU MUSOKE: Mr. Chairman, in pursuance of my earlier contribution, I would like to say that even if - for example, the question of withdrawing was gaining any credence and any purpose, it could only be achieved, the dissenting voice could only be availed through consultation. I am sure if we went out and we thought that idea had any credence in it, we could be able to talk to our committee and say, please, do not dissent and therefore I insist Sir, Mr. Chairman, that we follow the rules and go into consultation.

THE CHAIRMAN: But you say there are several policy considerations mixed up. But first and foremost, let it be clear that if for instance Hon. Mbabazi was to seek the leave of the House to withdraw and indeed withdrew, it would leave on the Floor the motion as brought by Hon. Katenta Apuuli because

it is not allowed to withdraw that one before we finish the other one. Then we would go back and now it would not be forced into a mandatory recess of the subject matter but we can consult among ourselves and then come back and see whether we accept the motion by Hon. Katenta-Apuuli or we proceed either way. This would be the effect of withdrawal. It does not mean that it automatically then makes the other one pass.

MR. MALINGA: Point of order! Mr. Chairman, is it in order for this House to speculate whether or not Hon. Amama Mbabazi wishes to withdraw his motion and seek for ways of giving him opportunity to do so when he has not requested or even intimated that he will be willing do so?

THE CHAIRMAN: Hon. Mbabazi, I understand you are causing us a problem by allowing us to argue in a hypothetical manner. Do you have something to say?

MR. AMAMA MBABAZI: Thank you Mr. Chairman. I have been patiently waiting for this House to take a decision from the interpretation of the rules and for the Chairman to make a clear ruling that for example, rule 17 can apply at this stage or not.

THE CHAIRMAN: Rule 17 is of general application. It applies to general motions generally. Rule 48 sub-rule 15 is more specific and as you know, where you have a specific provision, it more or less excludes the general and therefore we would proceed if we were to want to move the House for permission to withdraw. You would not proceed under 17 but you would proceed under the specific provision relating to one, consideration stage and three, decisions to be taken as to whether the matter should continue or not on articles being considered one by one. That is specific. 17 is general.

MR. AMAMA MBABAZI: Secondly Mr. Chairman, I was also patiently waiting knowing that there were people who were trying to move a motion to remove any possible impediment, to move the motion to amend rule 17 in order to allow for a withdrawal of rule 48 sub-rule 15. But if there is a ruling and I can move and I am being asked to move

THE CHAIRMAN: The only way we can do it is this, you could move that you would like to withdraw your motion and we look at it. If there is a dissent,

then the House can move to suspend so much of the rules as would prevent you proceeding notwithstanding.

MR. AMAMA MBABAZI: Okay, thank you very much Mr. Chairman. In light of what has happened, I think this is an important debate obviously. It is a very critical debate but the fact that we have failed to get sufficient support to carry the motion, in view of the dire consequences of insisting on it, I beg my Colleagues in this House to allow me to withdraw this motion so that we revert to the original motion and see how we can go about it. Thank you. - *(Applause)*

THE CHAIRMAN: Is that seconded? Now I will put the question. The question must be unanimous.

MR. DICK NYAI: Thank you Mr. Chairman. Mr. Chairman, I would like to quote rule 43 sub-rule (1) and ask for the indulgence of your consent as Chairman to suspend the following words in Rule 48 sub-rule 15 if there is no dissident voice. I am quite sure Mr. Chairman, you can give me your consent and we proceed whether there is a voice of dissent or not

THE CHAIRMAN: How do you word it, Hon. Dick Nyai?

MR. DICK NYAI: Mr. Chairman, I move that the Chairman invokes rule 43 (1) and having given his consent that this Assembly suspends the following words, during this proceeding, of rule 48 sub-rule 15 and the words in question are -

THE CHAIRMAN: Okay, the motion is that so much of rule 48 sub-rule 15 be suspended as would prevent the House proceeding notwithstanding the provisions of that rule to grant permission to withdraw the motion. That is how it should be framed. I put the question.

(Question of the suspension of the rule put and agreed to)

THE CHAIRMAN: So much of the rule has been suspended and Hon. Mbabazi, shall we now put the question on your motion? I will put the question on the request of Hon. Mbabazi in view of the suspension of the provisions of 15 of 48. I think the general view is that we should put the question.

HON. MEMBERS: Yes.

THE CHAIRMAN: If the House has said we put the question, then the Chairman has no choice but to proceed to put the question. I put the question.

(Question put and agreed to)

THE CHAIRMAN: The position now is this, we have Hon. Katenta Apuuli's motion.

MR. KATENTA-APUULI: Thank you Hon. Chairman. Let me take this opportunity to inform the House and give a little bit of background as to how this motion came about and I will be very brief. This motion was already contentious in the sub-committee. The voting was as follows: Those in support of the motion to introduce Kiswahili were 20. Those against were 18, abstaining were 4. On those grounds, I would like to request the House and the Chairman to invoke rule 17 and withdraw this motion. *(Applause)*.

THE CHAIRMAN: Order, order. I put the question.

(Question put and agreed to)

THE CHAIRMAN: Order, we have not adjourned yet. Tomorrow, we shall continue with the Chapter on citizenship and the report will be presented. We shall pronounce ourselves on that chapter and any other business that will come. So I adjourn until tomorrow at 2.30 p.m.

(The Assembly rose and adjourned until Friday, 3rd February 1995 at 2.30 p.m.)