



THE REPUBLIC OF UGANDA

**PROCEEDINGS**  
**OF**  
**THE CONSTITUENT ASSEMBLY**

---

OFFICIAL REPORT

---

CONTENTS

MONDAY, 30TH JANUARY 1995

---

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 2821]

---

Monday 30th January, 1995

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

## NATIONAL ANTHEM

## PRAYERS

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

*(The Assembly was called to order)*

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

**THE CHAIRMAN:** Hon. delegates when we adjourned last week we had approved the formulation recommended by committee 4 with regard to Article 4 Clause (2). We had approved a formulation to the effect that Uganda shall consist of the districts specified in the 5th schedule to this constitution and such other districts as may be established in accordance with this constitution, or any other law consistent with this constitution. We then moved on to consider the contents of schedule 5 as recommended. There were many ideas coming from the Floor by way of amendment, and you will recollect we decided that all the amendments be referred to the Legal and Drafting Committee for synchronization so that when we assemble today as we are doing now, we receive a report and consider those amendments as synchronized by the Legal and Drafting Committee. The Committee makes, and I understand they did receive amendments and so we shall proceed accordingly. For purposes of our work, therefore, I will call upon the Chairman or a Member of the Committee to report.

**MR. KAGGWA SSOZI (Kawempe Division South):** Thank you, Mr. Chairman. The Committee met as directed by this Assembly to synchronize the various amendments that have been brought forward. In all, 5 proposed amendments were considered in relation to Article 4 Clause (2), and the schedules.

The first one was by hon. Kabugo and hon. J. Ssendawula which we found to be similar and we put it together. Their proposed amendment was to make Kampala one of the districts of Buganda Region. The Committee was of the view that Kampala was

the Capital of Uganda, and therefore, belongs to the whole of Uganda and that first constitutions recognized it as such. The Committee, therefore, found amendments un called for and advised against them. The Movers however, insisted to table their amendments in plenary, and this given, the Committee advised them to join and co-sponsor one amendment.

The second proposed amendment was by hon. Kule Muranga Kigoma who proposed an amendment seeking to create 39 districts without tagging some of them to tribal areas. The Committee advised that the amendment be tabled for debate.

The 3rd amendment came from hon. Nsubuga Nsambu who proposed an amendment which thought to create only 15 districts. Namely: Acholi, Ankole, Bunyoro, Bukedi, Bugisu, Buganda, Busoga, Kampala, Karamoja, Kigezi, Lango, Teso, West Nile, Sebei and Toro. The Committee recommended the tabling of the amendment in the plenary as it was a fundamental departure from the select Committee's report.

Another amendment came from hon. Kabugo who proposed to add the words "Ankole Kingdom" after Mbarara in item 13 of the fifth schedule. But in view of the advise given to him, he accepted to delete the word 'Kingdom' and leave it "Mbarara of Ankole".

The last amendment came from hon. Dick Odur who proposed to create 26 districts, and these are: Acholi, Arua, Buganda, Bundibugyo, Bunyoro, Bushenyi, Busoga, Kabale, Kampala, Kapchorwa, Kasese, Kibaale, Kisoro, Kotido, Lango, Mbale, Mbarara, Moroto, Moyo, Nebbi, Ntungamo, Pallisa, Rukungiri, Teso, Toro, and Tororo.

Mr. Chairman, those were the amendments received and reconsidered in the Legal and Drafting Committee. There were other amendments relating to Clause (3); those we deferred because we had not reached that level. Thank you, Mr Chairman.

**THE CHAIRMAN:** Thank you hon. Medi Kaggwa for the report on behalf of the Legal and Drafting Committee. It would appear then that we have to take on the amendments as proposed and I presume the one that we start with which seems to depart furthest from the draft as recommended, is that of hon. Nsambu.

**MR. BASOGA NSADHU:** Thank you very much, Mr. Chairman. would like to object to that amendment. *(Interjections)*

**THE CHAIRMAN:** The procedure is this: we have a recommendation before us from Committee 4. From their recommendation, we have accepted the formulation in the main body of the Draft constitution as article 4 Clause (2). Now we are to consider and approve their recommendation as to the schedule which is referred to in the provision we have approved - that is the 5th schedule. Now amendments are seeking to delete that schedule and replace it with the wording which appears in the amendments that have been proposed to the Legal and Drafting Committee. The one which, if passed, will replace the whole schedule with only 15; namely, there will be only 15 districts instead of the 39 or so. And, so I will call upon hon. Nsambu to move his Motion if he is seconded.

**DR. KABERUKA:** Thank you, Mr. Chairman, I seek your guidance; you are saying that we are going to go on the one which departs furthest from the draft. But as you realize, Mr. Chairman, the draft does not contain schedule 5. So which draft are we looking at now?

**THE CHAIRMAN:** We are discussing the report of the select Committee 4. The draft constitution talked of -

**DR. KABERUKA:** Does not have any schedule.

**THE CHAIRMAN:** But two was replaced by the wording which I read out.

**DR. KABERUKA:** But, Mr. Chairman, as you remember last time I had a problem with that. Because I thought that when we approved the formulation, it was the formulation to guide us as to how we were going to discuss this; but not that we accepted that to replace what is in the draft constitution. I need your guidance there.

**THE CHAIRMAN:** I made it very clear there. We voted and made the recommendation to stand part of the draft constitution as Clause (2), making reference to the schedule. Now, if we do not have a schedule, then we will carry out a consequential amendment of Article 4 (2). If we maintain the schedule - fine. But the schedule has to be approved as an enactment in its own right. This is how Lawyers

read laws. And those of you who are in NRC, as I said the other day, we will correct that when we are approving the Bill. You do the Clauses one by one then they become sections, and then you go on to the schedule one by one, and then you go on to the title and at the end, by the Third Reading you adopt the entire thing.

Here we are now looking at a recommendation in form of a schedule appearing on the distributed sheets by the select Committee 4 and it is that schedule which is being amended by the proposals i.e like the one of hon. Nsambu whom I am proceeding to give the Floor to move his amendment to delete the recommendation of the Committee up to schedule 5 and replace it with another schedule - still number 5 but containing only 15 districts.

**MR. LUBULWA MIGADDE (Katikamu South):** Thank you, Mr. Chairman. I just wanted clarification. Supposing the three proposed schedules, that one by hon. Nsambu, another one by hon. Odur and then by hon. Muranga; supposing none of these one go through, shall we go back to the original one of Committee 4?

**THE CHAIRMAN:** You see if say, for instance, the one of hon. Nsambu is carried, then we disregard the rest. Because if we passed the furthest, it would have replaced everything in between. But we then go from hon. Nsambu's, if it does not pass, we go on until we remain with the original. So we shall come back to it, assuming of course, that the other ones do not pass. But if they pass, then there is no need to go back to it.

**MR. NSUBUGA NSAMBU (Makindye Division West):** Hon. Chairman, I thank you very much for the work you have done for me to clear my way to move this Motion. My Motion is that we delete the schedule of article 4 Clause (2) as recommended by Committee 4, and insert the following new schedule, which schedule showing 15 districts has been distributed to hon Members of this august House. The districts I am referring to are: Acholi, Ankole, Bunyoro, Bukedi, Bugisu, Buganda, Busoga, Kampala, Karamoja, Kigezi, Lango, Sebei, Teso, Toro, and West Nile. I beg to move. *(Applause)*

**THE CHAIRMAN:** It is seconded by hon. Wasswa Lule, hon. Wanendeya, hon. Nabudere and many others. Have you finished talking to the Motion?

**MR. NSAMBU:** Hon. Chairman, the reason why I have moved this Motion is that, these districts will help to unite the fragmented districts; our President which he does not like because fragmentation has been very much discussed not only in this House but even outside it. And if these districts are accepted, they will bypass the discussion on chapter 13 as to the structure of the local governments we should have.

Secondly, if adopted, the districts will be strong enough to handle all responsibilities entrusted to them. They will reduce tribal feelings which have been created since 1966.

Fourthly, the existing districts are very weak financially, and in manpower as I see them. The forum on which the quarrels now existing say the decree between or which existed between Bakiga and Bafumbira will end. Or the quarrel between Batoro and Bakonjo will also end. Or the obstacles which are now existing to obstruct the recognition of the *Omuqabe* of Ankole will also disappear because it is now between Bahima and Bairu and so on. We did have high tribal feeling before the creation of the new districts.

Fifthly, I stated from the very beginning in my maiden speech that, the idea of being occupied is heavily entrenched in some areas of Uganda, and we say that if adopted, the districts I have enumerated above, then the idea of going back to the original will show that actually Uganda was liberated and the people discussing this constitution are free from that occupation.

Seventh; the contract we are trying to make in this House is at the moment voidable; because you cannot expect an occupied man to sell his right for a test of time of the contract it will last that will be unenforceable and voidable in law. So, for that reason, I pray that we make these districts feel free from any other influences as they existed so that they can discuss the constitution without any influence or fear from some other super power which is now prevailing over in this House.

Hon. Chairman, today we are discussing the constitution when the army officers are sitting here; we are discussing this constitution when we are not actually free, the governments we are having which are leading us are not those governments which these 15 districts agree upon. So you find this amendment is going to pave the way to chapter 13, how we are going to handle it. I beg to move.

**MR. BASOGA NSADHU (Busiki County):** Mr. Chairman, I thank you very much for the opportunity. I beg to oppose the Motion and I hope that the Mover has had sufficient consultation with people who come from the various areas that he proposes to form into huge chunks of districts.

If we study the mood in the country right now, we seem to want to create more districts, not to decrease the independency that the present districts have. And this House may wish to recall that there was even a Motion to create more districts, only that it was defeated. I am therefore, surprised that at this point in time, somebody wants to shrink away farthest by decreasing even those which are there and having his unit of 15.

Mr. Chairman, I happen to come from Iganga, we would desire and we do want to maintain that district as it is, with its identity, with its independence, and we have no intention to let ourselves be squashed into some other thing that does not exist.

Even here as we are today, we came from big districts but even these big districts for effective representation were again split based on population, and that is one of the arguments which was brought here for creation of more districts for purposeful and effective administration of services nearer to the people. Mr. Chairman, I oppose the Motion. Thank you.

**DR. KAMANDA BATARINGAYA (Bwamba County):** I strongly beg to oppose this Motion moved by hon. Nsambu. First, of all, in his submission, he gave two reasons for his Motion. One was that it will reduce tribal feelings. Two: he said, the quarrels between the Bamba Bakonjo and Batoro, then Bakiga and Bafumbira, his amendment will cater also for those, they will not be there. Now when I look at his amendment, it is trying to create 15 districts, but all these are based on tribes. If we are then to have tribal districts, except West Nile and Kampala, then we should have 51 according to the ethnic groupings in Uganda.

I do not know whether he took into consideration that, districts are not created on tribal basis but they are created on - not even on geographical, but administrative units. Since he has not bothered to cater for Basaba, Bagwe, Bahehe, Bahororo, and the like to be also created as districts, I strongly oppose his amendment on the simple basis that this has been based on tribal sentiments and not administrative units taking into consideration the population. Thank you, Mr. Chairman.

**MR. WASSWA LULE (Rubaga Division North):** Thank you, Mr. Chairman. I support this Motion irrespective of the fact that units are described as districts, I do not think the title matters very much. But I am right to go along with it. The difference between this amendment and what was proposed by the Committee is the substance of what was proposed by the Committee. As the Chairman of the Committee rightly pointed out, there was a desire that is expressed to preserve certain names of certain areas, and I think this Committee does a better job in that respect. The recommendation of the Committee is of Busoga and that to me is the epitome of - I do not want to call it proverbial air supply but it is equivalent, in that, you have *-(Interruption)*

**THE CHAIRMAN:** Are you talking about the band or you are talking...

**MR. WASSWA LULE:** Those units that are described.

**THE CHAIRMAN:** Because there is a band called 'Air supply' which plays music around.

**MR. WASSWA LULE:** These units that are supposed to be formed. They are units that will only be named in the constitution. Beyond that, they are meaningless, they will never enter on to any map because to enter on to a map you need to have a political identity and they do not. This amendment gives those units a political identity and substantive place on any map, and rightfully so. So this is one of the best differences between that and the other recommendation as brought forward which as I said, I do not think actually delivers anything but a reference point in a constitution; and a constitution as far as I am aware is not one of those documents that is constantly referred to by the general public. It is non discriminatory and creates parity or maintains parity for all the different units. So not one unit will stand out as being materially different from the other because they will be administered in the same way, they have parity, across the nation, and these, if I am not mistaken, are the units that came together to form Uganda at the formation of Uganda when we came together in 1962. These are the original people who joined together. The subsequent breaking up of the units into smaller units came about because of the historical events that took place since that date; but these people who came to join together should be seen to continue to be the original ones that were

together. I am very glad to see a place like Ankole is enumerated in this schedule. Even His Excellency the President I understand from Press reports rightly or wrongly was somewhat concerned about people losing their identity, some of these being called Bashenyi, or - that is what I read in the newspaper. So you know that concern was very serious - my friends here hon. Kaijuka could lose his identity of no longer being a Munyankole. Now it is firmly on to the political map, your identity will be there, you should be happy that you have somebody like me to come and fight for your cause so strongly.

There was mention of tribal units, I would like to correct an anomaly. The anomaly of thinking that they are tribal units, some so called tribes are not tribes but nationalities. To give the example of Buganda; we have various tribes in Buganda that make up the Baganda. This is the collection of nationalities in Uganda being brought together. But not necessarily tribal units. So it is not correct to say that say, Baganda is a tribe, it is nation. Like wise so is Ankole and several other places. With those few remarks, Mr, Chairman, I would like to strongly support this Motion.

**MR. SSEBAANA KIZITO (Makindye Division East):** Thank you, Mr. Chairman. I wish to support this Motion. When the President was opening the CA, he said, our being here is to build the nation Uganda. Uganda has not been built yet, and we are in the process of building it. When the British came here and they made Uganda a territory, they approached various components of Uganda. From Buganda they went to Busoga, they went to Ankole, and there they signed agreements and agreements do exist which were signed by these parts of Uganda to make Uganda what it is today. I do not know how you can forget those, and it is very surprising, Mr. Chairman, that a person of Busoga is against the creation of Busoga.

The districts which we have at the moment, I want to repeat, were named according to villages, and you call a village a district. Now we want to go back to the original, the Americans are coming here to Africa to find their roots, why don't we, we the people of Uganda who are building the nation now go back and find our roots? Our roots are in Ankole, our roots are in Kigezi, our roots are in Busoga, our roots are in whatever districts are mentioned here. Therefore, Mr. Chairman, let us not deceive ourselves that we are Iganga, that we are Luwero, that we are

Mukono, No! We are Baganda, we are Basoga, we are Banyoro, we are Acholi and our forefathers agreed to come together to form Uganda as such, not as Apach, not as Bushenyi, not as whatever district you have which are now named after villages.

I wish to support this -

**MR. ATWOKI:** Point of clarification. Mr. Chairman, thank you. I am seeking clarification from hon. Ssebaana Kizito. He made a statement that our old nationalities came together based on an agreement. But I have a feeling that it was as a result of colonial manipulation. I want further clarification, what agreement was signed to bring these nationalities together? Thank you.

**MR. BASOGA NSADHU:** Point of clarification. Thank you, Mr. Chairman. I beg to ask the speaker to clarify to me when he says that we are going back to the old roots, to tell me whether we shall constitutionalize our totems and clans where we belong. I would like him to argue along the same line so that we know in which direction we are going. Thank you very much.

**MR. SSEBAANA KIZITO:** Regarding the first point by hon. Atwoki, I want to inform him that the word 'Uganda' and the geographical area Uganda was a colonial creation. Therefore, the agreements which were made by the colonialists who were in power at the time were made by colonialists by people who preceded us - our fore-fathers. Therefore, if we can select positive steps and build on them, regardless of whether they were started during the days of colonialism. I do not see any thing wrong with that. Otherwise hon. Atwoki would not be speaking English, because English was brought here by colonialists.

Regarding the totems and clans and so on in which thing I believe very much. I do not think that we should be that small, but I also think that clans and totems and so on can be used as units in our unity. Therefore, Mr. Chairman, I want to say that, let us not constitutionalize small, small portions, the other day there were some people who wanted to make some more districts, and you put that in a constitution. You put the name Lango in the constitution because the Langis are the ones who made the agreements with colonial masters at that time to make Uganda. The only thing, I would like to move an amendment on at a later stage is the removal of Kampala. Because Kampala is part of Buganda.

Therefore, Kampala should not stand on its own. Mr. Chairman, I beg to support the Motion.

**MR. LIIGA (Buvuma Islands):** Thank you, Mr. Chairman. I have heard all the arguments in favour and against the proposed amendment by hon. Nsubuga Nsambu. Mr. Chairman, if I started from the last proposed district, West Nile, to the best of my information there were no colonial masters who entered into an agreement with the fellows called West Nilers, if they are any, to include that part into the rest of Uganda. If I am correct, West Nile has got a number identical tribes and Kings, more than five.

**MR. DICK NYAI:** I hope the hon. Member is not confusing tribes and colonial administration centres. There exists in this country a district called the West Nile.

**MR. LIIGA:** Thank you for whatever it is, but, that does not amount to much. Mr. Chairman, hon. Nsubuga Nsambu argued that this proposed creation will reduce tribal feelings and tensions, and perhaps quarrels, but I think it has been difficult - but I think if he has been living around, he knows that right now the Batoro and the Bamba cannot sit together under a district unit for historical reasons.

Further more, Mr. Chairman, we have had a district called Ntungamo and another called Bushenyi. I know for sure that the fellows from there are called Banyankole, you would be fetching trouble for yourself. Mr. Chairman, I know that we are not here to constitutionalize personal sentiments in that, without labouring much. Mr. Chairman, I am totally against this proposed amendment, and I only move that you put the question. Mr. Chairman. Thank a you.

**DR. CHEBROT STEVEN (Tingey County):** Thank you very much, Mr. Chairman. I can see the desire by hon. Nsubuga Nsambu to preserve the word 'Buganda' in the constitution using this proposed amendment which he has moved. I think it received very, very little attention because it only seeks to cause further social conflicts among our own people. Mr. Chairman, hon. Nsubuga Nsambu's reasons for proposing 15 district, I cannot myself understand them. Hon. Nsubuga Nsambu being a Lawyer, should have expounded the reasons why he wants to create the 15 districts out of 39. Of course, some of the reasons that it will reduce tribal conflicts on the contrary, my view is that it will actually enhance tribal conflicts.

First of all this proposed amendment makes an assumption that there is a group of people which is homogeneous, homo-cultural, and has got one ethnicity. This is not true in this proposed amendment; there are many tribes which live in the areas which he has mentioned which do not necessarily speak the same language, they do not have the same cultures, they are totally friends in their own behaviours, and they would not necessarily wish to be called by those names which he proposes to include in the constitution, and therefore, they have their own rights. The original idea of calling districts by their own towns was to remove these tribal issues. Now if you put it back in the constitution, it means that some tribes will not be recognized although they are recognized so in the constitution.

The other reason which hon. Nsubuga Nsamu talked about is the question of fragmentation. I know the President has on a number of occasions talked about fragmentation. But I think he was talking about land fragmentation; there is a distinction between administration units and land fragmentation which is meant for agricultural purposes. I can see the reasoning for the other one, for land fragmentation because if you fragment too much, then you will not have enough agricultural land for producing food. But if you are administering in order to deliver services to your people - in fact if you are fragmenting to such level up to the household, that is a better fragmentation to me. But not the idea of fragmenting administrative units. I think that it would be much better even to go down to the household; but if you are talking about land, that is a different matter, we should not confuse the issue which has been raised earlier on. Mr. Chairman, with these few words, I would like to oppose the proposed amendment because it will further enhance social conflicts in our society.

**MRS. BAGARUKAYO MAISOTIGALYA (Women Delegate - Ntungamo):** Thank you very much, Mr. Chairman. As I came in and asked the hon. Members here to tell me what was happening, I saw the amendments and I was shocked to find that we are actually going to the colonial days; I do not know if it is a good idea or not. But for me we are looking forward to issues which can unite our country. When I look at these big districts, I do not know whether we are not creating unemployment in this country. Because when we look at Ankole, we have got three (3) districts, which include Ntungamo, Mbarara and Bushenyi, and there we have very many people who are employed. I do not know

where the administrative centres are going to be and on what criteria are we going to employ these people. The other time we were discussing the issue of creating new districts, we failed completely under the guidance of hon. Members here like hon. Bidandi Ssali, as to how we can create new districts. As a Minister for Local Government, I would like to get clarification from him whether these districts are viable financially, economically, socially, and otherwise. Mr. Chairman. And being Members of C.A, I do not know whether we have got the mandate to create these new districts in this country. Under what powers are we operating to have these districts created; I even see some districts are very small like Kampala. How come Kampala is so tiny compared to for instance Ankole, Kigezi - well Buganda may be there, Bunyoro for instance, Bugisu? Mr. Chairman, I just do not understand the whole criteria. Now the issue as we make this constitution, we are supposed to create unity; and as far as the new 15 districts are concerned, this is a source of disunity as far as enforcing tribal groupings in this country which we do not need any longer. We have important issues to discuss, Mr. Chairman. Thank you very much.

**MR. WANENDEYA (Budadiri County):** Thank you very much, Mr. Chairman. First of all the word 'Ugandan' is known in Swahili as Uganda, and it is spelt with 'OU' and it is from Ouganda, the British called the region Uganda and went about colonizing the country. But Ugandans long before the British came were united in their own way and visiting each other; for instance, my ancestors used to visit Teso, long before the British came.

When independence was lingering in 1961 and before 1962, a Manger commission was set up, and hon. Tiberio Atwoma is here, I hope he was one of the people and they went around Uganda and literate groups introduced districts and Kingdoms. Mr. Chairman, I will take as an example after the London Lancaster House, you had the Kingdom of Buganda, Bunyoro, Toro, Ankole, the territory of Busoga, Bugisu, Teso, Karamoja, Lango, Acholi, West Nile, and Kigezi - if I am not mistaken, that was the total. Therefore, when we became independent, these districts and Kingdoms were governed according to the 1962 constitution. And these units were economically viable. We people when we talk about the economic viability and admire the Federal Republic of Germany or America; they are not small units which we have created recently because each one

literally wants to be a small Kingdom in his own area. And, therefore, Mr. Chairman, if we want economic viability, which every human being wants, we should talk of economically viable units as proposed by hon. Nsambu.

Mr. Chairman, you find that in a country like the United Kingdom you have the English, you have the Scottish, you have the Welsh, and the part of the Irish people. But that is now an economically viable unit. Therefore, when we admire the political system, some of these countries which are economically viable, are the ones who have come up with economic viability of their areas. Indeed a country like Germany, two or three years ago was united together because they want economic viability. Therefore, if Uganda is going to be economically viable, we must think of unity - units that say want to unite rather than forcing.

As an example, Mr. Chairman, if you talk of economic viability, Mbale has got coffee. Since 1962, you find that there is nothing that has been put in place in Mbale apart from small handouts and yet we have paid over a billion dollars to the central government. But without anything in place to assist us. Therefore, Mr. Chairman, if people can go to economically viable districts, and this is where I strongly support the Motion, we must move in a better way to develop Uganda rather than creating small units, 39 districts you find that they are not viable at all some of them. Some of them like Kalangala has got about 40,000 people, so is this is the kind of Uganda we want to be economically bankrupt so that a few people at the centre are stealing every penny we have. Mr. Chairman, I strongly urge the delegates to support this Motion if we really love Uganda and we can be united as opposed to being tribalists. I thank you, Mr. Chairman.

**MR. TIBAMANYA (Kashari County):** Thank you very much, Mr. Chairman. I oppose the Motion, I think it is anti-people. It is anti-people because (a). In the country side, people are yearning for services to be closer to the people. This Motion seeks to take away further services to the people. This Motion is against women, somewhere else we have passed that each district will be represented. This Motion seeks to reduce them from 39 to 15. *(Applause)* - which is terrible.

(b); Mr. Chairman, this Motion seeks to reduce jobs; hitherto Ugandans are yearning for jobs so that they

get better living conditions. But this Motion is seeking to reduce the number of DAs from 39 to 15, agricultural officers from 39 to 15, RC 111 Chairmen from - e.t.c. Mr. Chairman - *(Interruption)*-

**THE CHAIRMAN:** Hon. Tibamanya, are you taking information from hon. Nabudere?

**MR. TIBAMANYA:** I will not take information from hon. Nabudere.

**THE CHAIRMAN:** He is not taking information.

**MR. TIBAMANYA:** Mr. Chairman, an argument has come on the Floor - *(Interruption)*

**MR. BWANIKA BBALE:** Point of order. Mr. Chairman, is it in order for the hon Member, hon. Tibamanya to mislead this House by saying that this Motion is reducing the district when in fact the whole thing is reducing the posts of the women in the NRC and DAS, when the motion there is just proposing the structures? Is it therefore, in order Mr, Chairman, for him to mislead us?

**THE CHAIRMAN:** I thought the whole thing speaks for itself, the hon. Nsambu is moving to reduce a number of districts from what we know as 39 to 15.

**MR. BEN WACHA:** Mr, Chairman, hon. Tibamanya says that the Motion seeks to reduce or take away services from the people, by creating 15 districts. What I want to be clarified is, whether it is not possible in an administrative arrangement for services to be centred at county level.

**MR. TIBAMANYA:** Thank you, Mr. Chairman. Definitely it is, and that is why the other day we had a Motion seeking to create more districts. I would be happier with more than 39 districts other than reducing them to 15. Mr. Chairman, there has been an argument on the Floor that we should go back to our roots, and someone has said His Excellency the President talked about the same - about disintegration. His Excellency also did say that these roots in the past did not help us, and we should seek for firmer roots than we have hitherto had, than the traditional roots which were unable to help us against colonialism, Mr, Chairman, I oppose the Motion. Thank you.

**THE CHAIRMAN:** Hon delegates, we have had arguments for and against, we have another set of Motions relating to the same subject more or less. So those Members who may not have contributed to this one might have a chance. I think we better decide whether we support hon. Nsambu or we do not. And so I am going to put the question. The question is that the 5th schedule as recommended to the House by select Committee 4 be deleted and be inserted in its place the schedule in the terms read out as proposed by hon. Nsambu, i.e, replace the schedule with that which creates 15 districts.

*(Question put and negatived).*

**THE CHAIRMAN:** Now there is another Motion by hon. Dick Odur; that one seeks to reduce the districts to 26. The procedure is that hon. Odur will be given the Floor to move his Motion, if it seconded then we shall proceed from there.

**MR. ODUR (Dokolo County):** Thank you, Mr. Chairman. I believe that hon Members already have the working sheets before them, and my Motion is on page 2. The Motion seeks to reduce the original proposal by Committee 4 on the districts which amounted to something more than even 39 to 26. The list is as on page 2, let me go through it very fast. The Districts are: Acholi, Arua, Buganda, Bundibugyo, Bunyoro, Bushenyi, Busoga, Kabale, Kampala, Kapchorwa, Kasese, Kibaale, Kisoro, Kotido, Lango, Mbale, Mbarara, Moroto, Moyo, Nebbi, Ntungamo, Pallisa, Rukungiri, Teso, Toro, Tororo. I beg to move, Mr. Chairman.

**THE CHAIRMAN:** Is that seconded? Hon. Okullo-Epak, are you seconding the Motion?

**DR. OKULLO EPAK:** Yes.

**THE CHAIRMAN:** Okay, can you make a contribution?

**MR. ODUR:** Mr. Chairman, mine is a Motion really to try to solve some problems which I foresee in this country. Let me remind fellow Delegates that in 1962 when we got Independence, Uganda was described as follows: It was consisting of federal states, districts and the territory of Mbale. The federal states were the Kingdom of Buganda, the Kingdom of Ankole, the Kingdom of Bunyoro, the Kingdom of Toro and the territory of Busoga. The districts were: The District of Acholi, Bugisu, Bukedi,

Karamoja, Kigezi, Lango, Madi, Sebei, Teso and West Nile. Now, Mr. Chairman, my amendment has got four principles. Firstly, a number of these administrative units have been together for so long that they have fostered very deep traditional and cultural linkages that actually now bind them meaningfully. Such traditional linkages to me should be facilitated for the very much needed unity of this country. That is why I have introduced the old traditional names such as Buganda, Bunyoro, Lango and Teso as an example.

My second principle, Mr. Chairman, is that I do recognise that since Independence some of the units that were put together have preferred to be apart administratively and I think in trying to make a new Constitution for this country, we should recognise that because it is not going to be useful to group people together if they do not wish to share certain services. In fact, grouping people in that manner could sow seeds of disunity in this country.

My third principle, Mr. Chairman, is economic. Mr. Chairman, as we move into bigger and bigger units in the world, we see that the example of Europe, the European Union and so forth, I think it is only sensible that we should encourage the smaller units we have in Uganda, the districts to come together in order to enjoy or take advantage of economies of scale in as far as development is concerned. For example, I think the district like Buganda if it were passed or Busoga, Teso, Lango and others, they could transform themselves into economic giants of the future as far as Uganda conditions are concerned - *(Interruption).*

**THE CHAIRMAN:** Hon. Odur, hon. Elyau, has been wanting to inform you or to be informed.

**MR. ELYAU (Kalaki County):** Point of clarification. Mr. Chairman, I wanted clarification from my brother hon. Dick Odur that does he appear to know why Kumi came out of Soroti? It was the wish of the people. This demand was put there right from 1962 up to when Amin came to power. I wanted him to clarify whether this decision of districts emanated from the government or from the people. Can he clarify if he knows it?

**MR. ODUR:** Mr. Chairman, I am aware of that and I have told you that as a principle, some of these districts or units, I would prefer to call them units, some of them can be allowed to exist separately.

What I am proposing, Mr. Chairman, is not water tight - *(Interruption)*.

**THE CHAIRMAN:** In other words you do not object to Teso being split?

**MR. ODUR:** It is not water tight but as said I am really keen that we should come with something that is workable, something that is going to solve some of the problems which we know, there is no need to go around problems if we know that they are there.

Mr. Chairman, my fourth principle is consequential - *(interruption)*-

**THE CHAIRMAN:** Why don't we wait until he finishes? Hon. Lubega Waggwa do you insist on having to be clarified?

**MR. ODUR:** I think let me deal with clarification first then can move ahead, I do not mind.

**MR. LUBEGA WAGGWA (Butambala county):** Thank you, Mr. Chairman. Can the Mover clarify to me why he is separating Kibaale from Bunyoro when in 1964 a referendum was held in the counties of Buyaga and Bugangaizi and the people themselves decided that they go to Bunyoro and now without consulting those people who really held the referendum to go to Bunyoro, he is trying to separate them from where they decided to go. Can he clarify that, Mr. Chairman?

**MR. MALIRO (Mwenge County North):** Thank you, Mr. Chairman. The Mover talked of using a criteria of former kingdoms to come together. In the list I also saw Acholi, I do not know when Acholi was a kingdom. I would like to be clarified. That is one. Two, he has created a district called Toro. I remember in 1974 we had Toro Kingdom and it comprised of the present three districts and it was in 1974 that it was divided into Toro, Rwenzori and Semliki which were changed in 1989 to Kabarole, Kasese and Bundibugyo. May I know how he has come to the creation of this Toro? Is this the former Toro or is it a new Toro.

Then, Mr. Chairman, he talks of economic viability and I would like to know what plans he has because he says we should have bigger units for economic viability and I think as a nationalist he wants that viability for the whole of Uganda. Now, in his list I can see small districts like Kasese district, like

Bundibugyo, like Kisoro and the like. What plans does he have to make those ones also economically viable?

**MR. ODUR:** Thank you very much, Mr. Chairman. Hon. Members, what I want you to bear in mind is that I said my proposals were to seek solutions to some of the problems I see we have, so they are not going to be water tight - there is room for improvement. Now, as far as leaving Kibaale out of Bunyoro is concerned, there was an express wish from the list that Kibaale should be left alone, so I am following the List that was proposed. If it is the wish of the people of Kibaale to stay in Bunyoro, I think that would just be excellent. There would not be any problem on that, or Buganda for that matter.

Mr. Chairman, as far as getting Kingdoms to come together are concerned - *(interruption)*

**THE CHAIRMAN:** Hon. Odur, there is a point of order.

**MR. AGARD DIDI (Moyo West County):** Point of order. Mr. Chairman, my point of order is, is it in order for the Mover to change from his original position of 26 districts by beginning to accommodate others when he said he should have withdrawn and then maybe come with a substantive debate? Is it in order therefore for him to come to debate something and then begin accepting concessions which has the effect of changing his own proposals?

**THE CHAIRMAN:** No, he is only giving notice in advance that should there be amendments, he will not oppose them.

**DR. ODUR:** Thank you very much, Mr. Chairman, for that wise ruling. Now, let me put together this question of Kingdoms. I really do not think in my proposal here I read that Kingdoms should come together. Acholi was not a Kingdom to the best of my knowledge although there were many counties there with Kings or Chiefs for that matter and I think some Kings originated from Acholi in Uganda here as far as I do remember.

Now, the point on Toro, the Toro I am talking about is the Toro that exclude Bundibugyo and Kasese; If those units again would like to come together there would be no problems. As I said these were districts that expressed that they did not want to come together. As far as economic viability is concerned,

I think it is only proper to note that there is even been a move to create more districts and we have rejected that move because we have known that they will not be economically viable - some of them. So my own reasoning would be to encourage these smaller units as I said in my remarks for the smaller units to come together because it does not make sense if we are trying to revive East African Community and yet here we are splitting into very small units. I think those were the points of clarification that got to my mind and if I may be allowed to proceed maybe I could just finalise this - *(interruption)*

**THE CHAIRMAN:** Could you conclude please, let the hon. Member conclude then we shall get people from the Floor otherwise he will continue; just conclude and then we shall get comments.

**DR. ODUR:** Mr. Chairman, as I said, my fourth principle was consequential from what I have put above. You will recollect or all of us do know that we have restored traditional leaders in this country to carry out certain cultural activities in their areas. It so happens that in the grouping of districts that I have given, the traditional rulers will now be able to identify their areas geographically on any map of Uganda. This is a consequential principle which arose from my amendment. Now, this last principle, Mr. Chairman, I believe would be a cause of happiness and contentment to a number of Ugandans and I think the purpose of making a constitution would really be fulfilled in a way if we can get our population contented with what we have done.

Lastly, Mr. Chairman, the Constitution proposes that future Parliaments will create new districts if they so wish and if they are economically viable so that in future some of these giant districts that we are creating, if they find it necessary in order to take services closer to the people as some people are mentioning, they can create other smaller units but I do not think that the direction is that way; I think the direction should be to create bigger units which accommodate people who wish to work together, either culturally, economically or otherwise. Mr. Chairman, I beg to move, I thank you.

**PROF. SENTEZA KAJUBI (Kyadondo North):** Mr. Chairman, I rise to support this Motion. Mr. Chairman, before I make my major point I would like to preface my remarks with a very short illustration. There was a great King who was told that in his Kingdom there was a clever man, a wise man, who

could answer any question. The King said, "bring him before me I am going to ask him my question and if he fails to answer it I will kill him. The question I am going to ask him is this, I am holding a small bird in my hand, tell me, is it alive or dead? If he says it is dead I shall let it go and therefore he will be wrong. If he says it is alive I will squeeze it and throw it on the Floor and then he will be wrong." Mr. Chairman, those of us who believe in the creation of larger units are exactly in the position of the man who came to answer the question. If you create a larger unit, they will say you are taking power away from the people, taking away services from the people. I think that was said to hon. Nsubuga Nsambu when he proposed larger units. When you separate Bundibugyo and Kasese from Toro, somebody asked, the Kingdom was composed of three districts, why are you leaving only one? So whatever you do, you cannot win. So, Mr. Chairman, I would like to compliment hon. Odur in trying to find a solution. He moved away from the larger districts which hon. Nsambu had tried to create to finding a solution. These people do not want to be together, put them by themselves. Somebody was asking me that what did the wise man say? When the wise man was asked he said, "your majesty, you are the only one who knows whether the bird is dead or alive." Now, I will say, Mr. Chairman, that it is only this Assembly that knows whether we shall create a Uganda or not. Because I am very pleased it is only this Assembly and I appeal to people in this Assembly to really try to seek a solution as hon. Odur was trying to do of finding something which will bring us together. A Constitution is not a law; a Constitution is an agreement. An agreement is one where people agree, it does not necessarily mean that the majority are the ones who take the agreement. An agreement must be by all parties, the majority and the minority. Mr. Chairman, I am pleased to see in this list that at least hon. Odur has put together those areas which want to be together and I am glad that so far of the people who have spoken, no one has opposed the inclusion of Buganda here because the districts of Buganda themselves want to be together. My view is that those districts which do not want to be together should be left by themselves; those which want to be together should be allowed to come together so that we do not say Kasese is not viable therefore Busoga is too big. So, Mr. Chairman, it is because hon. Odur has tried to seek a compromise and he was quite open to welcome modifications of it so that we shall carry out that function which His Excellency the President charged us with. He said that a Constitution in a

developing country is not creating regulations to run the country but actually it is to create a nation. We are here to create a nation. Some people want to come together to form larger units and they are told they are too big. On the other hand His Excellency, Mwalimu Nyerere, stood here and said "you people you are separating yourselves into small tribes and so on". When some people come together like the people of Buganda want to come together, then they are told you are separating yourselves from the rest of the country. Now, what are we to do? So Mr. Chairman, I would like to end by complimenting hon. Odur in trying to make a conscious effort to find a solution whereby we shall have units which satisfy the aspirations of everybody. Mr. Chairman, I beg to support.

**MR. ATWOMA OKENY (Chua County):** Thank you, Mr. Chairman. In my contribution on this Motion, I think I am rather puzzled because I think what all we are talking about here is rather more of a penitential nature. We are regretting our past, of what we have done in the past and where it has landed us and we are now trying to recede it I think by this Motion. I find it very difficult to say yes or no and I will tell you the reason.

The first Motion by hon. Nsubuga Nsambu, was seeking to unite this country in better, bigger units; that is quite agreeable and anybody with any sensible mind will not go against this - we want unity, that is alright but let us go into our history, what has befallen this country that we have broken ourselves from that state of Acholiness, of Langoness, or Bugandaness? And I have never heard of a district since my birth, of a district called Buganda district. I know of Buganda Province or region and now this is a new creation and, therefore, we must be Biblical if we are to be equal. This brings to my mind the thinking of greater Northern Province, of the Eastern, of the Western if we are to go on par with Buganda. Mr. Chairman, I quite appreciate the Motion that it is in anticipation of federalism of which I stand for but not to go into the way this Motion is trying to suggest.

In the previous report of the Committee it was stated that any district that would wish to come together whether five of them or ten of them they are free. I think that was more rooming. Rather than to restrict ourselves now by being selective. Let us be appreciative, let us be also mindful of other people's feeling. Here in Buganda we have got Baruh who are

complaining of their belonging, to be felt and let us go to Toro, in Bundibugyo, the people over the hill there; if we are to do this we are dictating and I think this is not going to be to the best of our interest - gentlemen. I would rather say if, Mr. Chairman, it was possible, this is a very important issue, I would rather really pray this august House to say this and to let a proper consultation be done because if we do it in a hurry, Mr. Chairman, I am afraid by our sentiments here, by our emotionalism here, we may approve that alright we are going to have it in this way but we shall be inflicting injuries on others or we may disagree but again see that we are not doing the proper job. I think I am going in for a proper consultation over this issue.

**THE CHAIRMAN:** So you are neither for the Motion nor against it?

**MR. ATWOMA OKENY:** That is why I said that my position has been very difficult on this question because I am a supporter of federal and I would like to have a greater say but we cannot compete. Like the Acholi, for instance, if we take it for argument's purposes Acholi to compete with Buganda, the giant Buganda which was a province, Acholi is now narrowed to only a district. Even the West Nile but if we were to be competing in a regional form, in a provincial form that would be understandable, Mr. Chairman, if for economic viability. So, Mr. Chairman, I would say that we are now lamenting upon our mismanagement of the past. The reason why these districts are divided to 39, there are reasons for it and there were complaints from within those areas that the services that were centralised in the district headquarters were not reaching the people. These people have got very genuine complaints also and, Mr. Chairman, we should not overlook them. If we do this in here then I think we are not giving the best of our services to our people. I would very much appeal to this House to stay this matter and let us consult thoroughly over this.

**THE CHAIRMAN:** Okay, we have had two and a half speakers for the Motion. I will give the Floor to hon. Members who are on the other side so that we balance the whole thing. Hon. Richard Kaijuka.

**MR. KAIJUKA (Sheema County North):** Thank you, Mr. Chairman. I wish to oppose the Motion presented by hon. Dick Odur. I have full sympathy in terms of his concern for promoting bigger units that are essentially economically viable and I think

most Delegates would support that view; that is not in dispute and I think I want to say that as a supporter and promoter of regional integration not only in the region but in Africa as a whole, there is no Delegate who would oppose a movement in that direction. However, I think hon. Dick Odur ends up by creating more problems than he is trying to solve and that is essentially why I oppose his Motion. Why am I saying so? One, it is not that we are creating districts for the first time, Uganda has evolved over a time, and there are historical reasons why we have the districts that we have in the first place.

Secondly, it is not that we are creating a Uganda afresh, there is indeed history behind it. Indeed one Delegate has already reminded us that, for example, by splitting Kibaale in his proposal from Bunyoro you are clearly creating new problems when we think today we have solved them. When historically we had occasion for people to pronounce their views on whether or not they wanted to belong to Bunyoro or otherwise. That is number one. Secondly, Mr. Chairman, I want to say that for as long as we have the poverty that we have at village level, as long as we have the poverty that we have, it becomes extremely important and urgent that whatever administrative units we put in place are as close to those poor people as they can and this is the basic reason that we tend to forget much as we want bigger units.

The third reason is that once you have created those units then establish structures that are near them. In other words, what are we talking about today? We have 39 districts and practically with these districts certain structures have been put in place and in terms of economic usefulness of those structures it will be foolhardy I think on our part to ignore that as a strong reason. I naturally sympathise with my neighbour here, hon. Prof. Senteza Kajubi, in saying that it is this Constituent Assembly that must pronounce itself on this issue. It is a fact and we must create Uganda. I rather liked your concluding remark. We have no choice but to create a united Uganda with a common purpose and stop wasting time on matters that are trivial that do not build a country called Uganda and, therefore, Mr. Chairman, in opposing Dick Odur I am saying the nearest that we can do and I also sympathise with the last speaker before me in saying that where we have got to, the nearest we can do is to say let us stick to the 39 districts that we have because you are not going to end up having an ideal situation where all the 17 million Ugandans are agreed. Whether you talk in terms of size, whether

you talk in terms of economic viability, whether you talk in terms of those who, as hon. Odur says, have tradition and cultural linkages, you will continue to have this. There is no contradiction, I want to assure the distinguished Delegates, Mr. Chairman, that much as we have a district of Bushenyi, Ntungamo and Mbarara, we have a great linkage and cultural oneness in Ankole and nobody is going to remove that. I want to assure him, he should not be worried about that. And, therefore, I wanted to suggest, Mr. Chairman, that having had the Motion raised by hon. Nsubuga Nsambu defeated, it is really precisely for the same reason that this will be defeated and, of course, if it was not for us enjoying the intellectual debates and the wasting of time, we would have of course gone straight to 39 and we would have moved. Thank you,

**MRS. SEBAGEREKA (Women Delegate - Mukono District):** I strongly oppose the Motion. Mr. Chairman, I am a Member of Committee Four. This Motion was brought; we tried all ways to make sure that we give people equal opportunities, small, big and medium size districts. I am still very, very, much marginalised as somebody coming from Buganda to be given Buganda as one district. If you look, even the said people who are supporting federal, if you look in the 1962 Constitution, the Schedule, they say that the Kingdom of Buganda shall comprise those counties of the Kingdom of Buganda that on the 8th whatever were comprised in that territory excluding the counties of Buyaga and Bugangaizi. This means that this Buganda kept its counties which now have become districts. Now, I do not know how we can equate the size of Buganda to the size of say a district like Kalangala District. On those grounds, Mr. Chairman, I strongly oppose this Motion. I would like, first of all, to be clarified what is the difference of creating these ones and of naming regions. If we want to come out with regions or provinces let us come out with regions or provinces but we should not say that we marginalise Buganda just because we have to have Buganda on the map. Thank you, Mr. Chairman.

**MR MULONDO BESWERI (Mityana County South):** Thank you, Mr. Chairman. I would like to state right from the onset, that I am a Member of Committee Four and much as I would want to see Buganda as one unit and I still insist I want to see it as one unit, I do not feel I would like to refer to it as a district. Having said that, Mr. Chairman, the formation which we have of the proposed Schedule

Five was reached after a lot of consultations and discussions by Committee Four and it was not an easy job. We had to consult people, to discuss on our own; we discussed on our own and with people who did not belong to that Committee and this was done in the spirit of finding a compromise which would keep us together and definitely I would hate to see that it is tampered with because I think it is giving us a way to come out as a body, to bring us together as a body which we feel Uganda is really in need of. So, Mr. Chairman, I want to say here that I oppose this new proposal of these districts, Mr. Chairman. And I want to appeal to the hon. Members, Delegates of this august Assembly that in the spirit of oneness and togetherness, let us throw this out and in the same spirit I want to ask you to recommend what we came out with in Committee Four. Having said that, Mr. Chairman, I want to humbly beg this House not to consider the other amendment which is about to be tabled immediately after this one - *(Interruption)*.

**THE CHAIRMAN:** Hon. Ssabalangira Mulondo, you are not allowed to anticipate debate. Now, can I now have those for the Motion because we have had three and a half.

**DR. OKULLO EPAK:(Oyam County South):** Thank you, Mr. Chairman. I am in support of this motion on a basic principle that a larger administrative unit is equivalent to consolidation and its strength. I am supporting this kind of arrangement because I believe that the principle of divide and rule which was colonial, smacks of those who want proliferation of administrative units. I am supporting this Motion, Mr. chairman, because I believe that creation of administrative units is a political, social and sentimental matter or function. Quite often this precludes other arguments and technical arguments are only used to back them up:

At Independence we started with 18 districts. Amin was the first President of Uganda to create large scale districts. He did this invariably in response to people who used to demand such districts and had been functioning as sub-districts but in some cases, Mr. Chairman, he did it without the wishes of those people. I can say here for sure that the creation of Lira and Apac Districts was never the wish of the people of Lango. I can say this and I have done studies and consultations on this. I would not even believe that he did this by the agreement of the people of Buganda that they should have had the number of districts which he created except perhaps for Rakai.

Mr. Chairman, therefore, the problem we are facing here is that of the modalities and how to approach them. There would certainly be some areas and people who do not want to be integrated with others and there would be some people who definitely would like to remain as integral units, administratively, culturally and functionary.

There is the third problem, Mr. Chairman, that how do we define these units of consolidation? Do we call them districts, do we call them regions and what not? I think these are the problems we are facing, Mr. Chairman. When Amin created the districts, the biggest argument he used was that he was taking administrative services nearer to the people and I want people to underline this. He said he was taking administrative services nearer to the people. In other words his plans and main objects was to ensure that district headquarters were easily accessible to the majority of the population within that administrative area but what I am hearing here, Mr. Chairman, the argument that the creation of districts means taking services nearer to the people is a bit of a mumble jumble.

If what is being argued here is meant to be delivery of social or infrastructural services then my argument is that it is not a function of administrative units; it is a function of planning and resource availability. With proper planning and availability of resources, services which people need best like water, schools, health and roads, will be taken to them. They do not have to be taken to help educational facilities in the district headquarters, Mr. Chairman.

I asked my people recently in a consultation meeting how many of them had ever been to the District Headquarters of Apac? It was a shocking disappointment to know that hardly any. The only people who put up their hands to show they had been there and I asked them for the reasons, were pensioners and I told them what if pension services were brought up to the sub county level, would they still find any other need to go to Apac? They said absolutely none. So whether you take Apac at the back door or in the front door of somebody, if the services he requires from that District Headquarters are within his compound he will not go there. I want to insist here that delivery of services is a function of planning and resource availability. We can go on creating a thousand and one districts and we will never deliver services unless planning and resources are made available. Mr. Chairman, some of us still do remem-

ber quite vividly when we had Lango District, the record of the delivery and maintenance of services was superb. Since this district has been split, the situation has deteriorated and it is going on deteriorating. What I also know, Mr. Chairman, is that a number of these small districts today cannot even pay their staff.

The third thing, Mr. Chairman, is that a number of the current districts do not have the full range of the departmental heads which they have, so you have some visiting heads of departments to service those. So those who are talking of unemployment are in fact not aware of this situation that if we consolidated these districts we would then in fact have more qualified and sufficient manpower to run the few districts rather than have so many districts which can never get the full compliment of the staff required to run the institution. So, Mr. Chairman, the choice is ours. If we want to remain smaller and miserable, we will have it; if we want to remain big and powerful and useful I think we should make the choice. I chose the latter, Mr. Chairman, in support of this Motion. I thank you.

**THE CHAIRMAN:** Hon. Delegates I think we have had quite a bit of airing on this subject. If of course this one is carried we cannot go to the next one. So the question is in respect of hon. Odur's Motion that the Schedule as proposed by Committee Four be deleted and that in its place a fifth schedule setting out 26 districts as appears on the second page of the working sheet be approved. Now I will put the question.

*(Question put and negatived).*

**THE CHAIRMAN:** Order, order. Hon. Delegates, there is another formulation by hon. Kule Muranga (Busongora North), hon. Olega Ashraf and hon. Kulany Gertrude. It is not a gender question, I thought you are talking about districts. Now, I will call upon hon. Kule Muranga to move the Motion. I can see it is seconded and then we proceed from there.

**MR. KULE MURANGA (Busongora North):** Thank you very much, Mr. Chairman and hon. Delegates. The Motion I am trying to move is that we delete the recommendation by Committee Four and instead we insert in a new schedule which reads as follows: *"The Fifth Schedule: The Districts of Uganda; Apac, Arua, Bundibugyo, Bushenyi, Gulu,*

*Hoima, Iganga, Jinja, Kabale, Kabarole, Kalangala, Kampala, Kamuli, Kapchorwa, Kasese, Kibaale, Kiboga, Toro, Kitgum, Kotido, Kumi, Lira, Luwero, Masaka, Masindi, Mbale, Mbarara, Moroto, Moyo, Mpigi, Mubende, Mukono, Nebbi, Ntungamo, Pallisa, Rakai, Rukungiri, Tororo and Soroti.*" I beg to move.

**THE CHAIRMAN:** This Motion was seconded and, therefore, the hon. Member can give us his reasons and we proceed.

**MR. KULE MURANGA:** Thank you, Mr. Chairman. I have a number of reasons as to why I would like this Motion be moved this time. One is unity. We find that in Uganda today we need more unity than before. In the making of this Constitution we have a lot of emphasis on forging unity for all the people of Uganda who have suffered for a long time because of lack of unity and equality. We believe that all the people of Uganda are equal and, therefore, we should unite. We have the same problems and we should forge unity and fight together. We cannot sacrifice our precious unity on the altar of ethnic sentiments. Our past history has been characterised by a sectarian syndrome which we should do away with in this Assembly. Therefore, I would like to urge hon. Members to support me in this issue.

Number two, our history. Some Members have argued that they wanted to tag these districts because of history. Our history has not been so good, I do not see why we should use it and more so make it to appear in this Constitution which is guaranteed for the present and the future generation and those who want history I believe we have enough historians who have been to Makerere and elsewhere who can write books on history and satisfy those curiosities for that matter. Therefore, I believe we should concentrate on uniting factors rather than those that divide us.

Number three, Mr. Chairman. We passed Article 59 (2) which says that every Ugandan is free to settle anywhere in Uganda. This implies that there is no district in Uganda which is designed by a particular tribe or ethnic group. For example, if you go to Kasese where I come from, Mr. Chairman, you will find that we have more than 30 groups, ethnic groups happily living together, working together and there is no problem and I believe it is the case with Kampala and other places so that people live happily in any place of Uganda.

**MR. KABUGO (Nakaseke County):** Thank you very much, Mr. Chairman. I seek clarification from the Mover of this Motion whether by splitting this country into small units we shall definitely get unity and we shall identify ourselves by these unknown names of the districts. Can I be clarified, Mr. Chairman?

**MR. KULE MURANGA:** Thank you very much. Actually we have been together, what we are trying to avoid are the ethnic names which assume that maybe some parts belong to certain people. Therefore I believe the names we have for the districts are unifying because they do not belong to any ethnic group or tribe but they belong to places - they are just place names. Thank you very much.

Number four, Mr. Chairman, is the cooperation of districts. We have - *(Interruption)*.

**THE CHAIRMAN:** Hon. Kule Muranga, you have provoked points of clarification from the Floor. There is hon. Eresu and hon. Ndege.

**MR. ERESU:** Thank you very much Mr. Chairman and hon. Kule Muranga, thank you very much for giving way. The clarification I would like to give is to reinforce your argument and to clarify the point raised by hon. Kabugo with respect to national unity given the division that we have which may be too small and fragmenting us. I would like to state to hon. Kabugo that in fact this kind of administrative units being in existence and the one we would like to be adopted in the Constitution justify this existence because of the cost effectiveness, that is why they exist.

Secondly, these units, the districts we have as of now are important to us in a sense that instead of thinking of bigger units, given our poverty as it was put earlier on by the hon. Member on the Floor, it will be more difficult to support bigger units than the ones we have now because of the difficulties we have in infrastructure, the difficulties we have in the manpower to run these places, and all other forms of difficulties that we may have. So for that reason we can not again think of bigger units than the ones we have now, neither can we think of smaller units than the ones we have now because the smaller ones would then become cost ineffective.

**MR. NDEGE:** Thank you very much. When we were discussing *Ebyaffe* and we came to the former

Toro Kingdom, the people of Kasese said the rest of these people, the Bakonjo were being marginalised by the rest of the Batoro so they did not want to be part of them. So we supported the idea on ethnic identity of Bakonjo being different from Batoro. Now, could you justify to us whether it was wrong to give you Kasese and you decide not to be part of Toro because ethnically you are different and if Baganda want to be associated with some districts and remain Baganda or Basoga want the Iganga of Busoga, why it is bad if they want to come together but for you because you are Bakonjo you do not want to be part of Batoro; you said you do not want to be part of the former Kingdom. I want you to tell me how you support not being part of the former Toro Kingdom because of ethnic ways, the way you were dealing with them yourselves, at the same time now you do not want others who want to belong to Busoga or Buganda or somewhere. We should be consistent in our reasoning. Thank you.

**THE CHAIRMAN:** Hon. Babu, did you want to raise a point of clarification?

**MR. BABU:** Thank you, Mr. Chairman. There has been talk about sizes of these units. Local Government units can be of any size especially if those units are going to serve the people. In Committee Four, Mr. Chairman, I think it was passed that the district and the sub-county will be the local government units, meaning that the money which is divided from the centre will go to the district and then the sub county and therefore nearer to the people.

The next point I have to inform the hon. Member on is that the units are irrelevant in size because in Switzerland they have cantons which are smaller than our country. In Germany they have landers which are even smaller than our districts. In United States, Mr. Chairman, they have states which are bigger than our country. Therefore, it really depends on what we are talking about here; we have to be very careful when we are deciding on these units but in any country where the development has been uneven, the nearer the local government is to the people the better. Thank you.

**THE CHAIRMAN:** Hon. Kule Muranga, could you wind up your remarks.

**MR. KULE MURANGA:** Thank you, Mr. Chairman. I would like to give a reply to hon. Ndege about Kasese. I would like to inform him that we did not

break away from Toro because of anything other than lacking the services which we wanted and to make it more so, Kasese does not comprise of only one tribe, there are so many tribes. Of course the most important ones being the three, Basongora, Banyabingi and Bakonjo, but we have more than thirty. If you come to Kasese town, everybody is coming to build a house, so everybody is welcome and they are very many. Therefore do not impute improper motives on Kasese people.

Mr. Chairman, point number four was that - *(Interruption)*

**THE CHAIRMAN:** Hon. Kule Muranga, there is a point of order from hon. Ngobi.

**MR. NGOBI:** Point of order. Thank you very much, Mr. Chairman. Is the hon. Member in order to deceive this Assembly by saying that there was no war between Rwenzururu and Toro on ethnic basis, when I was in government, there was a war which we tried to deal with; it was not on economic basis but it was on ethnic basis, that is the truth, unpalatable as it may be. Is the hon. Member in order?

**THE CHAIRMAN:** My problem is that I did not hear him go to that extent of saying there was no war; all that he said, he gave one reason and then proceeded, but maybe he can clarify to us also for the benefit of everybody.

**MR. KULE MURANGA:** Thank you, Mr. Chairman. It is true there was war, but the war was because there were no services to the people! People had been marginalised and now that we have our own district we are developing at a terrific speed, you can see it, those of you who go to Kasese; and we are not refusing anybody from coming to Kasese, we have so many ethnic groups who are enjoying the fruits of Kasese. Therefore, it is not a question of being tribalistic of development and progress, Mr. Chairman. Therefore, there is a feeling that two or more districts may cooperate. The cooperation should be voluntary, such that Masindi can cooperate with Apac, Kasese can cooperate with Bushenyi, not necessarily being tied by certain ties of tribal bonds *(Applause)*.

Lastly but not the least, you will find that most districts were created from other districts, therefore, I do not see why others are tied and others are not, that means that some are more equal than others which cannot work.

Our country Uganda, I know and all of you know it, that it has the name Uganda which has the suffix 'ganda' connoting that, at least, it involves one of the ethnic groups and nobody has ever complained. So, in the same spirit you should accept to be united without necessarily splitting apart using ethnic names which do not put us together. Therefore, Mr. Chairman, I beg to move. Thank you very much.

**MR. OBIGA KANIA (Terego County):** Mr. Chairman, I beg to support this Amendment; and my first reason is this; I believe the creation of districts is not just a question of political sentiments, but it is a matter of administration, which means before you create a district you must have a lot of statistical data relating to population, relating to income base of that area. In this respect, I am submitting that the Constituent Assembly as constituted here does not have adequate statistics in its possession to create new districts - *(Interruption)*.

**THE CHAIRMAN:** But hon. Kania, we are not creating new districts!

**MR. OBIGA KANIA:** Precisely, Mr. Chairman, I am coming to that. I am supporting this because it is not seeking to create any new district. It is mentioning the districts which exist, and at the same time it is giving power to this very Constitution as we have already passed in clause 2 of article 4; we have given power to this Constitution and other laws in future to create other districts. Secondly, in section 3 of that article 4 we have also said two or more districts may voluntarily associate for cultural and economic purposes. If this particular Amendment of Muranga had tagged these districts to other names, we would have denied these districts the voluntary choice to associate in future for cultural purposes because they will have to associate first and foremost to whatever names we tag them; and in that respect, I am happy with this Amendment because it has left that problem out, it has not created it.

Thirdly, I am also of the view that once a Constitutional provision is made, it is not made for the convenience of my feelings. I am a Lugbara and whatever name I am called, I will remain a Lugbara; but the essential thing here is once we create these districts they must be uniform in some characteristics, and these districts as they are stated here, 39, in my view are reasonably the same in size - *(Interjection)* - I am saying reasonably the same in size, yes; in geographical terms, you may disagree. They are

also reasonably the same on income basis, that is why those who created them saw the wisdom to create them as such. Therefore, my submission is that creating any larger or smaller districts than this will be doing a disservice to the districts that we have created here.

**MR. NDEGE:** Point of order. Thank you, Mr. Chairman. Is it in order for the hon. Delegate to impute that the size of Kalangala and the population of Kalangala is any where near the population of Iganga and the size of Iganga? Could he substantiate?

**THE CHAIRMAN:** I do not remember him talking about the population, but size; are you sure that Kalangala is small? Because it is possible that the islands which are physical are small, but the territorial demarcation in water is up to Kenya and Tanzania.

**MR. NDEGE:** Mr. Chairman, he talked both about the size and the population.

**THE CHAIRMAN:** Hon. Kania, go on.

**MR. OBIGA KANIA:** Mr. Chairman, I said at the beginning of my submission that when you create districts you take a lot of factors in consideration. These factors need not be the same. In regard to the existing districts, some may have a smaller population but they may have large surface area; others may have a small surface area but they may have large population, that is what I am submitting. And I am saying that we as a Constituent Assembly here do not have a statistical base to create districts. The best we can do is as we have already done in 4.2; that is, state that this Constitution provides for the future creation of these districts and those that want to cooperate in future should do so voluntarily, and I am saying that if we tag the names, then automatically we will have tied down the voluntary nature of the cooperation in future.

Finally, Mr. Chairman, I want to say this; we have already submitted in Article 4.3 that two or more districts may voluntarily associate for cultural and economic purposes *-(Interruption)*.

**AN HON. DELEGATE:** It is not yet passed.

**MR. OBIGA KANIA:** My view is that if we take these names of the districts to other names, then we

would be acting against our very rule No.48 section 7 which does not allow us to pass any article which is in contravention of what we have already passed. In that respect, I therefore, support this Amendment and I urge other Members to do the same. Thank you.

**THE CHAIRMAN:** Can I hear those who do not support?

**MRS. ZZIWA (Women Delegate - Kampala):** Thank you very much, Mr. Chairman. I rise to oppose this Amendment. I have heard from this Floor and in many other forums people saying that whilst we are making this Constitution, we should not forget our historical backgrounds. Mr. Chairman, it is a historical fact that tribes and ethnicity existed in this country; we should not forget it. Why people are coming up with the thinking of themselves as what they are is because in instances there are provisions where they do not feel properly or appropriately covered. I will give you an instance, Mr. Chairman.

Over the weekend I had chance to travel to Gulu, and when I got there I met several people, but more specifically the District Resistance Council. Most people when they stood up to talk they were saying "we the people of Acholi" and I recognised that. I want to say, Mr. Chairman, that the districts as provided by this list and as they currently stand leave a lot to be desired; they lack direction in some instances. Take the example of Mpigi, Mpigi in strict terms is some distance South-West of Kampala, and that is the area locally known as Mpigi. If anything, in Buganda it was known as Mbale, and that is where they know the Baganda to come from originally. You find that the people of Gomba who are very far away from Mpigi are known to be in Mpigi District; the people of Kasangati and further on up to almost Bugerere are also known to be in Mpigi District. What does that create? It has really created a feeling of alienation. Some people, when they are asked which their district is, they do not know.

Another example is when people are filling their forms, it is one of the basic problems. You will also realise, Mr. Chairman, that at one time this one happens when we are demarcating our RC Is. Most people are still claiming and complaining that why should they specifically be known by a very small locality, when we are known to be of a bigger locality

and it becomes very difficult to identify where you could be located even at a greater area. If you ask somebody who comes from a small area, it will become harder for him to explain other than to say that he comes from such a big area.

Mr. Chairman, I want to add that at times people are beaten by the hysteria of disunity or unity. Very many people stand up proudly to say where they come from and their tribes. I would say that the fact that you are an Iteso does not mean that you should have disunity with a Musoga, it does not! It is a historical and a natural fact that you are an Iteso, it is not going to change. Even if we erase the word 'teso' from the map, you are going to remain an Iteso. So, let us not be defeated and deceived by just the fact that hysterically we are erasing these words. These words appear, the languages we follow are a product of identity and they are there. What I appeal, Mr. Chairman, is that Ugandans should take it as a fact that we exist and this one does not create disunity; we leave together as people of one country - *(Interjections)*- I am still continuing, Mr. Chairman, but maybe, hon. Wanendeya wants to inform me.

**THE CHAIRMAN:** Well, the Chair has not given him the chance because we want to know how many clarifications we are seeking and then we may find ourselves indulging in a side debate rather than being on the main debate. Hon. Wanendeya and hon. Pinto and then we -

**MR. WANENDEYA:** This is strictly, Mr. Chairman, information which I want to give to my sister, Mrs. Zziwa there. Ugandans are very nice people, and if left alone, especially, the bulk of our folks, they live alone in peace. Take the example of Bugerere, nearly everybody is there; there are known to be Iteso, Bagisu and what have you, but it is we, the leadership who really make things difficult and bring about some of these things! So, as we are here discussing an important document, my information is that we should try to live in accordance with the wishes of our people. You find them in Kiswa drinking together and nearly everywhere. Thank you.

**MR. PINTO:** Thank you, Mr. Chairman. I seek clarification from hon. Zziwa, but maybe, any other member who can assist me in understanding the basis upon which the demarcations and establishments of any of these present districts was made. Is it population, is it geography; because we need to understand the basis, the criteria used in establishing

these districts. That way we will be able to know and debate more intelligently whether the 39 districts as they are now are the only ones we should be talking about and in future when Parliament is going to decide upon creation of other districts, it would have set criteria to follow. I do not know the criteria right now and I am seeking clarification, Mr. Chairman. I am a Member of Parliament but I have failed to get that criteria.

**THE CHAIRMAN:** Hon. Pinto, maybe, you missed one or two sessions last week, because I think one hon. Member who doubles in his presence here, did give us a run down as to what he considers or takes into account when recommending creation of districts, and that was discussed by many Members here last week. So, if we were to go into that we would be beginning to repeat ourselves. I would, rather hon. Zziwa winds up so that we go to another person.

**MRS. ZZIWA:** Thank you very much, Mr. Chairman. In fact you have taken good care of hon. Pinto. I wanted to conclude, Mr. Chairman, by saying that let us not suffocate history. If we just go by the dot and you spread it over, you realise how you can ignore other areas. For instance, the water surface where at times it is not catered for in terms of the specific area. When you look at this ethnicity it acts as an identity, and really a source of pride. The Scottish are proud because of being Scottish, the Irish are the same; the English are very proud because of being English. I think we should not run away from fact, I want to appeal to the Members that they support this Resolution and recommendation as brought in by Committee 4, it carries a lot of weight and meaning. Thank you very much, Mr. Chairman.

**MR. KAWANGA JOHN (Masaka Municipality):** Mr. Chairman, I oppose this Amendment. I oppose this Amendment because if it passes it kills the subsequent Amendment which I support; and I think we are working under an original error. This Chapter under which we are discussing this issue does really one function; it merely describes what Uganda is. It does not assign administrative responsibilities; it does not talk about which functions the districts should perform! All it should be doing is to define what Uganda is, and if this country still had that element of tolerance and a sense of historical pride, then perhaps, we would have even gone further than what the subsequent Amendment goes to. We would have been proud of our history and

said Uganda consists of districts, Kingdoms and territories as originally were, and given them the names they held then. It would have been easier then to say that we have a Kingdom of Buganda, of Toro, territory of Busoga as a description of what Uganda is in this Chapter. After that, in the subsequent Chapter which deals with area, we should go into the kind of arguments that people have been bringing in support of this present Amendment. This Amendment, as it does now, buries our history; if you are prepared under this Draft Constitution to have a schedule which mentions the Uganda ethnic compositions as they were on the 1st of February, 1926, and you talk of the Acholi, of the Alur and Bamba, why are you shy to say where they come from and give the names? *(Applause)* A nation which seeks to bury its history is a damned nation; unless you know where you are coming from you will not know where you are going. If you got Baganda people here, say so; if you have got the Acholis, say so, and say where they come from! Because the following day people will be asking for Acholi dancers, and they ask but where do the Acholis come from? Is it not a shame that you do not bear to mention it yourself and you hide it? So, for historical reasons and for the reasons of national harmony we should even have gone beyond what the Committee proposed, but since we are not willing to travel that extra mile, we should not allow this Amendment which buries our history, which will distort our past.

I have heard arguments from hon. Members who say that these kind of arguments cause division, that they bring up ethnic differences; why should we not be honest to ourselves? Because at the end of the day when I look at this situation seriously, even the people who are seeking the districts they talk about, are actually, going to their ethnic background; that is why they are going down to the county, converting it into a district, because the county reflects their tribe. So, Mr. Chairman, for the reasons I have given and for others I would have given in support of the subsequent Motion, if I had it, and for the sake of taking into account the feelings of Uganda, we should not allow this Amendment; we should go in for the subsequent Amendment. Thank you, Mr. Chairman.

**MRS. EGUNYU (Women Delegate - Kumi):** Thank you, Mr. Chairman. I beg to support this Amendment. This Amendment seeks to delete the additions of Buganda, of Acholi, of Lango and even, maybe, of Teso; and I believe that the reasons which

were given for including it initially were that we did not want to lose our tribal identity. A lot has been said about tribal identity, but I would like to point out that schedule 2 of this Draft which caters for tribes, and also I would like this Assembly to remember that during the course of today's debate, it has been pointed out by some delegates that this directly reflects and relates to Chapter 13 which is a chapter on Local Government. So, when we are creating administrative units, if we tag them to regions by whatever name we disguise them, then this will be a leverage for those who want to advocate for federalism to do so when it comes to chapter 13. If our motive was really to *(Interjection)*- I do not accept information. So, if our motive was to unite this country, if our motive was basically cultural and economic in advocating for Buganda, Teso, Acholi, then the subsequent Amendment which the relevant Committee wants us to consider, which provides that districts may unite for cultural and economic purposes, would suffice; but that is not the motive here! The motive here by the Committee, of including of Buganda, of this, the practical implementation, is well spelt out in an article appearing in the *Monitor* and before I quote from that article I would like also to refer you to a submission made by hon. Kakembo in which he asked us that if we do not want to herd off Buganda, how are we going to accommodate Buganda? Now, what is that accommodation you seek to give Buganda; and even just talking of Buganda is not sufficient for it! Now, if we are to accommodate this Buganda, according to how hon. Kakembo made her submission, then we have to look and see what Buganda today wants; for example, Buganda wants federalism, that is the best advocacy. Now, if we create these units and say of Buganda, of this - we are, actually, creating a political entity, that is what most of us are driving at, and instead of coming out clearly and telling this House, we are disguising it. If you look at the *Monitor* on page 12, there is here a provision which says - the *Monitor* of Monday January 30th to February 1st 1995 - I want us to appreciate the political sentiments which are driving us to move this of Buganda, of Teso, of Acholi, and I also want us to bear in mind this federal, UPC, DP alliance we have to be honest to this country if we are going to proceed *(Applause)*. Mr. Chairman, the article is "Bulange warns against Ganda rule." It says, "He said the Baganda understand that there can be a monarch without federalism, but added that asking them to choose between the two, monarchism and federalism, is equivalent to asking them to choose between eating and drinking"

It added that: "The Baganda want the name Buganda restored in the Constitution and it will not stop at that, Buganda recognised as a political entity..." So, we have to be very clear about what we are talking about in this Assembly; let us not say of Buganda, of this, while disguising something! If we want to give Buganda federalism, then we should be very honest and say, we are giving Buganda federalism instead of disguising it under names *-(Interruption)*.

**MR. KAGGWA:** Point of order. Thank you, Mr. Chairman. Is the hon. Member on the Floor in order to impute that people coming from Buganda are not part of this country so that when they ask what they want they are trying to create something they do not deserve?

**THE CHAIRMAN:** I hope the hon. Member will take that into account, that when commenting you would not want to make it appear as if Baganda are not part of us. But I think the real point she is making is that she is exercising her right to comment on what has been put on the Floor. The only thing is that in doing so she should be careful about peoples feelings.

**MRS. EGUNYU:** Mr. Chairman, thank you for your wise ruling. I think I am being more honest to Buganda, by saying that if you want something then demand for it and do not disguise it; if you want federalism ask for it and we debate it that we should be having federalism, instead of trying to smuggle it in such a way that we have disunity and we will have future social conflicts *-(Interruption)*.

**THE CHAIRMAN:** No, hon. Egunyū, I think you are beginning to debate a different chapter; you are debating a chapter we have not come to yet.

**MRS. EGUNYU:** Okay, thank you, Mr. Chairman. I am sorry that I have been derailed but why I did so was that during the course of debate in this House today, various delegates came up and said that if we have Buganda, Busoga, it will help us when we are debating Chapter 13, and Chapter 13 deals with Local Government. I had to bear that in mind; and also this specific Amendment deletes Buganda, somehow there is an overlap. But, Mr. Chairman, basically I am concluding. So, I wish to support this Amendment on those grounds, in that it is a very open, clear Amendment; there is nothing it is hiding and it is taking into account what is happening today. Thank you, Mr. Chairman.

**THE CHAIRMAN:** Now, I think let us get clear on what we are debating first. We have two chapters; there is Chapter 2 which is trying to describe what Uganda as a Republic is, that Uganda is a Republic and Uganda shall be consisting of the following, in form of units; we have chosen to call them districts. There is a Chapter dealing with division of powers and the structure of Uganda Government and governance in Uganda generally, and that is Chapter 13. Now, in our debate today while we are debating Chapter 2 about the Republican structure plus the physical structure of what Uganda will consist, we are discussing the division of powers between the Central Government and those units. I think we should separate the two; at this juncture we are describing what Uganda is. What I had done was, I had asked for two speakers for the Motion and I was going to give the Floor to hon. Kirunda Kivejinja, but clarification first before he takes the Floor.

**MR. WACHA:** Point of clarification. Mr. Chairman, arising from your explanation, I am seeking clarification from you in respect to what we have already passed. The House will re-collect that under article 4.2 we said Uganda shall consist of districts specified in the schedule. That one is already part of the Constitution. Now, Mr. Chairman, we are eventually coming to Chapter 13 which deals with division of powers between the centre and the periphery. The explanation I want from you, Sir, is whether having accepted that Uganda shall consist of districts, it is feasible for anybody, eventually, to bring the concept of regions within the Constitution.

**THE CHAIRMAN:** If at the point where we are discussing the division of powers and someone says there should be a tier of powers and that is carried, then we have to revisit this, because that is exactly why there is reconsideration stage, that you ask, is the document consistent, is there internal consistency, first within the chapters, then within the articles and then within the document as a whole? So, should this House at a subsequent consideration come to the conclusion that in dividing powers, the powers should be divided in a following manner, and that affects the structure in this Chapter and then the House will not abdicate, but come back and reconsider and see how we can combine the two, and most likely we will go to the Legal and Drafting Committee for assistance in that direction. I do not see any problem.

**MR. KIRUNDA-KIVEJINJA (Bugweri County):** Thank you very much, Mr. Chairman. I stand to support the Motion, and I want to be a little persistent. The Draft Constitution had only provided that Uganda shall consist of the districts which existed immediately before the coming into force of the Constitution; and in my earlier submission to Members, I drew the attention that this, actually, should be defined in a form of schedule, because the Constitution must clearly define the districts into which the country is divided and to which power and authority is to be decentralised.

Also one of my arguments was that districts should remain a constitutional and not an administrative problem; so, there was need for the districts to be named so that they are put there, and when there is any being formed it should not be a mere administrative matter but a constitutional matter. I always say that we have got two sides; there is the reasonable part of man and the sentimental part of him. But when you are making a Constitution, we are really going in for the basics and these constitutions as they are, actually, represent the reality of Uganda as we are talking now, and understanding of reality is the beginning knowledge. So, the reality we have is that we have these districts as they are, that is where we are beginning from; and if we start from there, we name them and put them there; for other sentimental regions as to our regions, that one is very well catered for by the Draft. He who is not sure of his origin, of his tribe can check himself against schedule 2, otherwise to me it has always been puzzling! I do not think there is anybody called Kirunda of Lango, there is no way; I have never heard of Ngobi of Rwanda! Let us not be ridiculous, for sentiments - *(Interruption)*.

**DR. SSEMOGERERE:** Point of information. On a light note, Mr. Chairman, I would like to inform my very good Friend that I have seen Nyanzi of Acholi and I have seen Kisekka of Acholi.

**MR. KATONGOLE:** Point of information. Mr. Chairman, I would also like to inform my brother that I am Katongole of Busoga - *(Interruption)*

**THE CHAIRMAN:** Okay, I think he has had enough of that information, otherwise we shall - unless Mr. Ogola would like to say he is Ogola of Budama.

**MR. OGOLA:** No. I would like to add that the Crown Prince of Toro is called *Oyo*. and *Oyo* of

Toro; but *Oyo* is a Luo name; even Owiny, Kitarya, Kirunda himself.

**THE CHAIRMAN:** Okay, hon. Kirunda-Kivejinja, would you wind up?

**MR. KIRUNDA-KIVEJINJA:** Thank you very much for the information and I could only inform the hon. informers that in science we say exceptions actually prove the rule; but for someone who is not scientific they say it improves the rule. So, the mere fact that you have an Nyanzi from Acholi and a Katongole of Busoga, exactly states what it is that this Katongole came from somewhere and settled in Busoga and this Nyanzi whom I know as Semei Nyanzi was an Acholi who was named after a priest who went and converted that family. So, they named somebody. and these are only few but even if he is Nyanzi he has never claimed to be a Muganda; he has never, and all his children go and are named according to Acholi culture.

**THE CHAIRMAN:** Could you stick to the Motion please?

**MR. KIRUNDA-KIVEJINJA:** So, Mr. Chairman, I am just trying to say that let us stick to the administrative districts as they are, and let our sentiments be accommodated where they were. There is no way that we can be misunderstood. If hon. Zziwa is Nantongo, there is no way whether she is married to Kirunda, that she can turn herself to be a Musoga; she will still remain to be a Muganda, and therefore, there is no way you are going to say unless you say Nantongo of Buganda, and she married in Busoga, she will lose her identity, that does not happen in nature, and everybody knows his origin and we do not need to formulate it in form of a district. Thank you very much, Mr. Chairman.

**MR. BASOGA NSADHU:** Point of clarification. Thank you very much, Mr Chairman I would like you to clarify to me a matter which is disturbing me. I have been used to the concept of a district and I know in terms of administration of services who does it, and now we have invoked a bit of history and we are bringing in the administration of cultural rights, and we have expanded the district that I know to say Iganga of Busoga. Who then shall be administering what is being administered at the Iganga District that I know? I would like this to be clear so that before I vote I can explain to the people that now under this arrangement, if you are Basiki of Iganga of Busoga, a man who, actually,

administers services to you is called this; both culturally and, maybe, in terms of rendering services to the people. I would like this to be clarified. Thank you very much.

**MR. BABU (Kampala Central):** Mr. Chairman, I would like to thank you very much, and I am going to start off on this note: One, the past *-(Interjection.)* I am sorry, Mr. Chairman, are you going to clarify that before I continue?

**THE CHAIRMAN:** Well, it is so, but the position is quite clear. In Chapter 2 we are not assigning responsibilities, I think that must be made very, very clear. In Chapter 2 we are describing the nature of Uganda, full-stop; and then the others will come in Chapter 13.

**MR. BABU:** Mr. Chairman, thank you very much, in fact, that was my first point, thank you. Mr. Chairman, we have already been informed by hon. Kawanga about the description of this nation and the powers of the Local Government are spelt out in Chapter 13 very clearly - who will have what power. Now, when that one has been done, even administrative power has clearly been spelt out, we must clearly differentiate between Local Government power and the powers of administration. But after we make that, Mr. Chairman, we will not run away from the truth that the past will make the present and the present will make the future - you will not run away from that. A lot of people have this tendency to try and sweep this under the carpet, you cannot sweep certain things under the carpet; because if you do they go through the carpet and they come out.

Now, one time, Mr. Chairman, I was in an aeroplane and I had an Englishman and I had an Indian, and the Englishman said that he was English and the Indian said he was also English. The Englishman said, "no you are British and I am English." I think this makes it very clear that there are some people who are always what they are and you cannot change them. In Britain today, Mr. Chairman, England is there, Scotland is there, Ireland is there, but they still have local administration units; and these units are clearly spelt out, they have counties, and they have different units, and this has never stopped England from moving forward. So, this argument which has been put forward, of describing our ethnicity is totally false, our people should be proud of their culture, where they come from and what they are. This has been the biggest problem, Mr. Chairman, in coun-

tries like United States where people have lost their culture, they do not even know their roots. In fact, it is causing such a big problem today that certain cultural respects and aspects should be retained. What we are saying here, Mr. Chairman, is that we do not want to retain tribalism but we want our posterity to know where certain ethnicity started from. I would like somebody 20 years from now, 50 years from now to *-(Interruption.)*

**REV. FR. BATANYENDE:** Point of clarification. Thank you, Mr. Chairman. I would like the hon. Member holding the Floor to clarify to me the use of schedule 2, which has got Uganda's ethnic composition? Is he proposing that it should be removed from this Constitution; what is the use of this Schedule 2?

**MR. BABU:** Mr. Chairman, one of the biggest problem that came up when the Constitutional Commission was going throughout Uganda was the description that foreigners were in the Army and were also in the powers of government, and one of the reason why that list was made was to describe the ethnicity that was in this country by the time Uganda was made a nation; and in 1926 those were the tribes which were in this country and, therefore, those were again to describe and dispel certain fears that had been raised by certain people in this nation. I therefore, would like to inform the hon. Friend of mine further that, actually, that description of those tribes was brought about by our very differences and distortions that we have formed over the years, and therefore, forming part of our report of the Constitution and, therefore, our Draft Constitution. To continue, Mr. Chairman, *-(Interruption.)*

**LT. COL. SSERWANGA LWANGA:** Thank you, Mr. Chairman. The reasons given by hon. Babu that it was because of the foreigners in the Army are not correct *(Applause)*. Mr. Chairman, you see that schedule is on citizenship. When the Commission went around, the people would ask you who is a citizen of Uganda, and you would say as per chapter this of the Constitution; then they would ask you that is a Muganda a citizen of Uganda, then you would tell them that it is not indicated; then they would say are Bateso citizens of Uganda; the Constitution does not say so. So, the people recommended and said that this time take the indigenous people who were there and put them as an appendix so that when I open the Constitution I check; are Baganda there, yes the Baganda are there; are

Banyoro there, yes; that is why the Commission put that schedule, Mr. Chairman.

**MR. SSENDAWULA:** Point of information. I was not on the Commission at all, but I only want to throw more light just by way of information. While I am not disputing what the commissioner, the hon. Sserwanga Lwanga has said, at the same time, I do not see any contradiction. Schedule 2 gives you the list of tribes in general, and all that now the 5th Schedule is trying to do is to identify in some cases where these people are! So, there is no harm, when you read the schedule then you will find where these people are - very simple.

**MR. BABU:** Thank you very much, Mr. Chairman. I would like hon. Member who gave me the information to refer to page 103 of our report, and in that it does define the ethnicity of this nation very clearly. Instead of coming up with new concepts which are not in our report, I would like to propose that page 103 does clearly present the problems we had with immigration in this country, and therefore, the description why the cut-off point of Uganda was the 1926, and how it came in 1926 after we had got West Nile and Kisoro as the districts which were presented to the then King of England.

Let me continue, Mr. Chairman. What I was trying to say here is that geographically there is nothing wrong in having a name like Buganda on the map, there is not. If it is not going to have administrative powers and it is going to describe an area in Uganda, it only gives the impetus that it deserves. I did not agree, Mr. Chairman, with the motives which were imputed by one of the hon. Members *(interruption)*- that hon. Member refused clarification, refused information, I think she deserves the same. Let me continue, Mr. Chairman. I wanted to get one point very clear here that in this country we have come here and we were sent here as delegates, and when we were sent here we came here to try and accommodate each other. One of the things, Mr. Chairman, that we have to talk about is consensus building, and that consensus building is going to depend on good will, and that good will has to come from every corner of this country. If that is going to be the point, Mr. Chairman, then some of us were sent here with a certain mandate, and that mandate was for us to come here and request our friends to allow us and accommodate us, and the accommodation as long as it does not rock the boat I think should be acceptable.

Looking at the proposal given by the Committee 4, all the 39 districts are included; all we have requested for - in fact, I wanted to ask the mover of the Motion to accept that the Committee 4 recommendation does take care of his Amendment. All the Committee 4 is seeking is to accommodate certain people here who have requested that they be accommodated, and I think, Mr. Chairman *-(Applause and Interruption)*.

**MR. KARUHANGA:** Point of information. Thank you very much, Mr. Chairman. I am grateful to hon. Babu for giving way. I have been following the debate with a lot of interest. What is going on now in the plenary did take place in our Committee in an even much more explosive fashion. I think we spent four weeks debating this very point; and it became so apparent that a certain section of the population of Uganda want to have their historical names on the map of our country *-(Applause)* - and we found out that this was apparent and was almost unanimous in certain sections of our population. The Delegates from those areas, especially Buganda, were so strong about wanting to see the name of Buganda on the map of Uganda, and they felt that they should start by asking for things like federal which was then rejected and they moved on and said okay if you have rejected federal now give us our name; and we had to extend our imagination to see how we can accommodate these people without - and the word 'of Buganda' turned out to become so innocent. The only problem was that the Baganda were the only ones who were going to appear in the description of the districts as Buganda and they would be singled out and stand out as a unique case. As soon as we said Buganda is okay, then some other people, having consulted over the weekend, came and said that they would also like to have their historical names added to the population to join some of the people in Buganda, and leading in this crusade were our brothers from Lango, our brothers from Acholi, our brothers from Busoga, our brothers from Bunyoro and our brothers from Toro. At one time I was very sorry for our Chairman, because the meeting was almost becoming too difficult to run, until we agreed that we adjourn and Members who come from certain areas do meet and consult each other and if they get consent they can then bring their name. Some of us who come from Ankole were very interested in having the name Ankole on the map; I went round and consulted my Colleagues, they said they do not want the name Ankole, and therefore, since there was no consensus from Ankole, people who wanted to have Ankole could not push because

some of the people from Ankole were not interested in having the name Ankole. But I think it would be very wrong, and our Committee thought so, that those who do not want to be called what they are should stop those who want to be called what they are! (Applause) So, Mr. Chairman, our Committee went to great length to accommodate all Ugandans and their interests, and those who had a strong interest not to be known historically have been accommodated and are not going to be called of Ankole or of anything. So, we should leave those who want to be called of something to be called of something, it is so innocent, it is descriptive, it gives no power and I would like to urge Members for purposes of compromise to really listen to hon. Babu's contribution.

**THE CHAIRMAN:** Hon. Babu will you wind up please.

**MR. BABU:** Mr. Chairman, I would like to conclude with a point that I was trying to make earlier on. In the Amendment which has been proposed by Committee 4, they have proposed that eventually the district would be the unit for the local government in Chapter 13, and the Gombolola; with that one described clearly on local government in Chapter 13, I am willing to accept this recommendation they have given us as a sincere description of what this country is and what it should always be and the people should know that this is not United States where people came from nowhere; that these people belong to this country. Thank you very much, Mr. Chairman.

**MR. AMANYA MUSHEGA (Igara County East):** Mr. Chairman, I am opposing the Motion, and I want to build my argument on the recommendation from Committee 4 on the understanding that the technical draftsmen will find a suitable place for that Amendment.

The first one, Mr. Chairman, is that we are still involved in the process of nation building, and when you are building a nation there are complete bricks and there are also broken bricks and the builder finds a way of using as many of those pieces as possible so that there is no waste.

Secondly, I do not believe that in the world you have people who are totally of no sentiment at all! I would not like to live in a society of people with no sentiment at all, but at the same time they should not be ruled by sentiment. There is a time to give a small corner

to sentiment and the biggest to reason. I think all of us are sentimental at one stage or another, as long as sentiment is; not commanding the situation all the time, once in a while it has its small corner. When you look at the Amendment of Committee 4, there is the element of Bunyoro, of Toro and of Buganda, but there is a more serious recommendation that districts which wish to associate can do so, and I want to go straight to that point. I will give three examples.

In the past, even currently, some people think when you cooperate, it means only Buganda, I just want to advise those who are not aware that the world is wider than Buganda. The districts of Masaka, Mbarara, Rakai, Bushenyi, Kabale, Rukungiri and Kasese have been meeting regularly to coordinate their social-economic and political programmes. This has been taking place even without this Constitution. I was in my constituency over the weekend and there has been some aspect of robberies in these districts and the DPCs and the Chairmen and the CGRs are meeting as we talk now - of the districts of Mbarara, Kasese, Rukungiri, Bushenyi, Ntungamo, Kabale and Masaka, to discuss how to coordinate and minimise or wipe out insecurity in the area.

Only last year I also had occasion in my other capacity - there was a meeting of the districts of Moroto, Kotido, Kitgum, Lira, Soroti, Kumi, Mbale, Kapchorwa to discuss the question of security, peace and development in the region; they had a whole week at Makerere and they have been meeting in the areas. So, constitutionalising such a matter that those who want to meet and discuss matters peculiar to them are free to do so, no constitution should prohibit such a practice, because this practice has been very, very useful. But for those who are sentimental and they think that when you say freedom, it only means your family, they are mistaken because once you give your children freedom, they befriend and are free and associate with children not of your clan. So, this freedom to associate and to attend to security, economic and political issues is wider than the sentiments you would like us to believe. I would also like to use this occasion to mention that, if you are in a Movement like our own of Uganda of building the nation, you are moving with people who are not ready at the same time. There are those who are already internationalists, there are already those who are trying to be nationalists, and those who will not be nationalists even by the time they die. But they are also entitled to be Ugandans. They are there. There is no doubt about

it. They may be professors, they may even heads, they may be CMs, they may be CA Delegates. But people do not move at the same time. Hon. Matayo Kyaligonza will recall this vividly; that when you are moving it is not in this marathon race. When you arrive alone you win. But you are moving in a long journey, you may have pregnant women, you have those with broken lips, you have those whose hands are tied. You try as much as possible to move with all strength as far as you can. And when you find some cannot, then you may look for homesteads in which to leave them. But that must be after you have tried to move with as many as possible. So, I think this is not going too far to allay many sentiments, only this little corner, and use this opportunity also; that this is the furthest we can go, allowing Kitgum to be mentioned, Buganda to be mentioned, may be Ankole to be or not be mentioned. So that we can move as far as possible together and not further than this. So that those who want to push us then a little bit further, later on, we can say, now, we have really accommodated enough of you, it is high time we put you elsewhere to rest and be treated. I will take the information, thank you.

**MR. BIDANDI SSALI:** Point of information. Mr. Chairman, I thank the hon. Member to give way for my information, which has been itching me and it touches on a point he has just mentioned; but which was used as a very strong point by hon. Egunyu earlier on. And this was to the effect that, within this particular proposal, there was a hidden agenda of bringing in regionalism or federalism. I wanted to inform the Member on the Floor and by so doing, also inform those who took that as a major point that, I stood here in Buganda. About two thirds of the electorate are Baganda in my constituency. I said, that anybody who wanted to vote for me, in order for me to come here and argue for federalism for Buganda should not vote for me. That is on record.

On the other hand, it is on record that I am one of those who moved the amendment or the proposal to say, these districts of Busoga, of Lango, of Buganda and I am very, very strongly attached to it. I believe in it. Therefore, I am not supporting the idea of Buganda, of Busoga, because I know later on, I am going to use it to bring in federalism. But I am supporting as hon. holding the Floor says, the question of Busoga, of Buganda, and also supporting Ntungamo, Kasese and so on. Because we came here to create harmony. We came here to reconcile. We came here to accommodate and therefore, since

I am saying in case of Buganda, that I am not in for federalism and the reasons I gave, and the reasons have been very apparent.

Up to today in the CA, I am saying that, let us as we refuse to say federal, as we refuse to say this, move ahead, beacon areas like Busoga, Buganda to move with us, by saying if these districts we have said, should exist along with any other districts, belong to the area called Buganda or Busoga, and it has nothing to do with distribution as Mr. Chairman, you said, of power and this goes to make the people of Busoga, the people of Buganda, feel that they have been accommodated in this constitution, then we go in for that. Mr. Chairman, I would like to once again thank the Member holding the Floor for having given me that chance of giving that information. Thank you.

**THE CHAIRMAN:** I could say, you have more or less, concluded his remarks.

**MR. MBABAZI:** Thank you, very much Chairman. And I thank the hon. Amanywa Mushega representing Igara East for giving way. I just wanted to give him information on this point about sentiment. Because he was talking about a little corner. I think it is apparent, it is clear from what everyone is saying, is that, the main sentiment in this amendment is of Buganda, mainly there are others. But Buganda mainly. And I would like to inform the hon. Amanywa that when you closely examine the causes of the sentiments of Buganda, then you will discover that, since 1966, and in fact, until NRM took power in 1986, Central Governments in this Republic have unleashed violence and terror against Buganda in particular. And of course other areas as well. In the vain belief that Buganda, or Buganda Nationalism would be tamed. Mr. Chairman, the Baganda therefore, for that long, have lived their lives in permanent humiliation. What they are seeking now is to shed themselves of that humiliation so that they can catch up with the rest of Uganda.

**AN HON. DELEGATE:** Point of order. Thank you, Mr. Chairman, and thank you hon. Amama Mbabazi holding the Floor. Mr. Chairman, my point of order is very simple. Hon. Amama Mbabazi has said that Central Governments have unleashed violence on the people of Buganda. Historically, I do know that the gallant sons and daughters of the National Resistance Army, also fought in Buganda. Did they fight with eggs? Mr. Chairman, is that statement therefore, true?

**THE CHAIRMAN:** That is a point of argument really. Please go on.

**MR. AMAMA MBABAZI:** Thank you, very much, Mr. Chairman. I was about to finish. But I will just answer him that, the NRM took arms in order to free the Baganda and other Ugandans from that permanent humiliation (*Applause*). So, Mr. Chairman, the simple demand by Buganda is the restoration of their lost glory, and there may be some who are demanding more than that. But this is just demanding for the restoration of the name Buganda on the National Map (*Applause*). What harm does that do?

**THE CHAIRMAN:** Hon. Amanyanya, I do not think you have much time left. You surrendered all your time to -

**MR. AMANYA MUSHEGA:** May I take this opportunity to thank hon. Amama Mbabazi and Bidandi Ssali, for the assistance. So, I was concluding my remarks Mr. Chairman, with some comments; because some people think that to accommodate once is to accommodate all the time. And I advise my friends the hon. Delegates from Buganda region not to push their luck too far and it is good manners to know your limits and stick to them. These amendments make us accommodate without abandoning our hope, without abandoning and compromising our principles. For example, I am Amanyanya Mushega representing Igara East, I am a renown republican. But this has not stopped us accommodating monarchies where they are popular and opposing them where they are unpopular. So, where this sentiment is two faced; this is a fact, it is no double standard, when you have a weighing scale, and you weigh, you ask: are you 10 kilos or you are not? When something is 10 kilos, you put it on this side, the one which does not make the weight, you put it on the other. It is a similar standard; those who do not make it cannot say, if you put an exam, you say grade I is at 70. Those who make 60 cannot say also accommodate us. You do not make the grade, the standard is the same. So, we can use the same principle to accommodate sentiments where they are and they make us move together, without abandoning sheep. So, we are advising, Mr. Chairman, that this is a bottom line, let us die a little in order to move together and live longer, and let us spend a penny in order to save a pound. I oppose the Motion for the reasons that are accommodated in the amendment from Committee 4 and I call upon my fellow nation-

alists and republicans to oppose this amendment and take on the recommendation of Committee 4, and then we shall move together and see - (*Applause*) - whether when it comes to other issues we can also accommodate. I thank you.

**THE CHAIRMAN:** I am going to put the question. Because I think we are reaching a stage where we would repeat ourselves. The Motion is by hon. Kule Muranga and hon. Olega Ashraf and hon. Kulany Gertrude; deleting the schedule and inserting in it instead a schedule of which sets out the present 39 districts, without reference to the idea that appears in the recommendation of Committee 4. I now put the question.

*(Question put and Negatived)*

**THE CHAIRMAN:** Now we go to the recommendation; and really, hon. Delegates, what we have done is that we have been debating both really. And unless, there is very strong feeling that we should repeat ourselves, I am inclined to put the question. What happened was that, when we came to this recommendation, we said let us refer it to the Legal and Drafting Committee for amendments to be synchronised. The amendments came. And one by one, they have been defeated. Now, we go back to the original recommendation. And we have been debating in fact if you listened to what was coming from the last speaker, he was more or less debating this motion rather than debating even the one which was before us. You see, there is an attempt to amend this Motion. I think really, we are being unfair. The amendments were to go to the Legal and Drafting Committee. But some Members did not take advantage of that. Now, let me put the question. - (*Interruption*) - Yes, are you speaking on behalf of the Legal and Drafting Committee?

**MR. MEDI KAGGWA:** Thank you, Mr. Chairman. Mr. Chairman, when I reported on behalf of the Legal Committee, I said that, there was an amendment to include Mbarara or Ankole. This amendment was there, and nothing has been said about it. So, it will be unfair to those people who brought it and we said we would bring it here.

**THE CHAIRMAN:** It does not appear on the document which was circulated to the Chairman. But if we are being advised by the Legal and Drafting Committee that, actually they did receive a Motion that, those issues of Ankole or something...

**MR. KAGGWA:** You must be fair to them, they brought the thing.

**THE CHAIRMAN:** Yes, hon. Byanyima, what is it?

**MISS. BYANYIMA (Women Delegate - Mbarara):** Thank you, Mr. Chairman. Mr. Chairman, I beg your indulgence. I was not here a few days ago with your permission. Mr. Chairman, I have very strict instructions that, the districts of Mbarara, Ntungamo and Bushenyi be called districts of Ankole and I beg to move, Mr. Chairman.

**THE CHAIRMAN:** Is that seconded?

**MISS. LUBERENGA (Women Delegate - Bushenyi):** Thank you, Mr. Chairman, with all due respect to my sister hon. Winnie Byanyima; I am from Bushenyi District and I have no instructions as to what hon. Byanyima is talking about. She can speak for Mbarara, but she cannot speak for Bushenyi in this particular case. Thank you, Mr. Chairman.

**MRS. BAGARUKAYO MAISOTIGALYA (Women Delegate - Ntungamo):** Mr. Chairman, I am a Member on the Committee 4, I am representing Ntungamo District, and some Members on that Committee from Mbarara and Bushenyi rejected that proposal. It was something which was agreed upon by the delegates on that Committee. So, as far as we are concerned, Ntungamo District has nothing to do with a connotation of Ankole. And those are the instructions I have got from Ntungamo District people.

**THE CHAIRMAN:** In view of these varying instructions and conflicting instructions, let us pronounce ourselves on the original text.

**MISS. BYANYIMA:** Procedure. Mr. Chairman, if Bushenyi and Ntungamo do not form part of Ankole, Mbarara does, according to my constituency. So, I would like to move that, Mbarara District is a District of Ankole. I beg to move.

**MR. HASHAKA:** Thank you, Mr. Chairman. Mr. Chairman, as you have seen sentiments rising, the problem is that, as we compose or we come from a similar district, on most of these amendments we were not consulted. And it should be people from the district to agree. You will create more problems in our district, by creating more Rwenzurus. Yes, I am telling you the truth.

**THE CHAIRMAN:** Hon. Hashaka, on Wednesday, we did adjourn and I announced in the open forum, that people who want to make changes to the schedule as recommended by the Committee, should meet the Legal and Drafting Committee. There was nothing hidden, no hidden agenda, nothing. The Deputy Chairman of the Legal and Drafting Committee, called a meeting of that Committee for Friday morning I think. And so every member was free to go and either add Toro or remove Toro. The only situation which I was listening to as hon. Byanyima who said was not here, but as soon as she mentioned, there are other factors also which came in. And it becomes very, very clear that, there are problems. However, there is still a stage called reconsideration stage. I think let us discuss this schedule as it is and then people can come back and reconsider. I think let us vote.

**MISS BYANYIMA:** Procedure, Mr. Chairman.

**THE CHAIRMAN:** No, there is not a question of procedure now.

**AN HON DELEGATE:** Mr. Chairman, before we vote, there is a very important information for the Chair.

**MR. SSENDAULA:** Point of procedure. Mr. Chairman, on that same sheet for amendment is my amendment which is number 4, I do not know at what stage it is going to be considered.

**THE CHAIRMAN:** Yes, there is an error here, there is an amendment which is sought by hon. Ssendaula and hon. Kabugo to transfer Kampala from where it appears on the schedule, so that it appears immediately after Kalangala. Let us give the hon. Member a chance to move his motion.

**MR. SSENDAULA:** Mr. Chairman, just like last time, I thought this House was debating on procedures like those of Parliament; that when you adjourn, you start with a Member who was on the Floor. When we adjourned, I was on the Floor moving a Motion, to request that Kampala be transferred to number 27 where you have Kalangala, just between Kalangala and Mukono. And I have reasons. One: we decided to write a constitution in order to address *(interruption)*

**THE CHAIRMAN:** You been seconded by hon. Nankabirwa and hon. Ssebaana Kizito.

**MR. SSENDAULA:** Thank you, very much, Mr. Chairman. I wish to move that Kampala be moved to that position, for one: in our 1962 Constitution, if you check article 121, it is very clear that Kampala was under the control of both the Central and the Kabaka's Government, and no doubt when we talk about this, we are talking about Buganda. And when you look back into the agreement of 1900, the colonial government was paying a fee of 1 pound as rent to this area. We are writing a constitution principally to clear and improve on the anomaly. There is nothing wrong, the capital does not change, when you say that Kampala is part of Buganda. Because this is exactly what we have been stating time and again. We have very different sentiments over issues. What we are saying here is Buganda, has its history and all historical institutions are right here in Kampala, and areas like the Kasubi Tombs, the Lubiri here, which we are not moving and the Bulange itself, all of these are within the boundaries of Kampala. And obviously even when we meet as Buganda caucus, the CA Members from within Kampala, cannot identify themselves with any other members, because they entirely know that, they belong to Buganda.

Two: we have to think about the future, as we are writing this constitution, we are looking at the boundaries of Kampala today, that is not going to be the end. In the year 2000, we shall need to expand - to enlarge the city which is the capital. So, either you accommodate and say, Kampala is only a capital city, we leave it at that level, and when we come to describe districts, you exclude it. But if you are describing it along with the districts, naturally when it comes to expand, other districts like Mukono which border with Kampala will not allow Kampala to get in there. They will say, they will be creating their own urban areas. In the same way, Mpigi will do the same, and so on. So, in order to avoid all this, let us put Kampala where it belongs and there is no problem for one to say, this area is part of Buganda. What is happening with us; can we not reconcile ourselves and appreciate that the issue of this group or the other group is not the most important point. But what is important is that, we are trying to build a nation. A nation which must have history. So, there is no way, one is going to say, the capital was constructed here; most of these things started here, and this place is within this Buganda. Does it hurt anybody? So, with that, I request that hon. Members consider very seriously that, we put this Kampala where it belongs. And I will quote. *(Interjections)-*

Mr. Chairman, I do not interfere other hon. Members when they are addressing this House, even when I do not like what they have to say, and in that respect, I think I should be protected.

Mr. Chairman, on page 86 of the Constitution 1962 with which we gained our independence, if you read article 121, sub article 3; *'there shall be for Kampala a joint advisory Committee which shall consist of 9 members of whom 3 shall be appointed by the President; 3 shall be appointed by the Kabaka's government and 3 shall be appointed by the Municipal Council of Kampala.'* Which clearly shows you that, from the very time when we got independence, it was acknowledged that Kampala was part and parcel of Buganda. There is that simple submission that I am making, and I am only requesting; they are not talking that when it becomes part of Buganda, it ceases to be the capital; it is still the capital, but we only want to put it where it belongs. Thank you, very much, Mr. Chairman.

**DR. KAKUNGULU:** Given that we have heard so many arguments over nearly the same issue, I beg that you put the question, Mr. Chairman.

**THE CHAIRMAN:** I now put the question by hon. Ssendaula that, you transfer number 5 appearing on the schedule recommended by committee 4, from where it appears at 5 and it appears immediately after the word 'Kalangala' under number 27.

*(Question put and negatived)*

**THE CHAIRMAN:** Now, let me put the question on the Schedule. The Schedule as recommended. I now put the question.

*(Schedule agreed to)*

**THE CHAIRMAN:** With that we have come to the end of Clause 2 and the Schedule thereto of article 4, and we proceed from there tomorrow. I would like therefore, to adjourn and we resume tomorrow. We stand adjourned until 2.30 p.m. tomorrow.

*(The Assembly rose at 5.30 p.m. and adjourned until Tuesday, 31st January, 1995 at 2.30 p.m.)*