



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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WEDNESDAY, 31ST AUGUST 1994

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Wednesday, 31st August, 1994.

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

P R A Y E R S

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

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: I do not have any Communication as such, except to apologise to Members that we have started rather late. I am sure you had an idea as to what was happening. The Legal and Drafting Committee met until very late last night and I think they finished at around 9.00 p.m., if not after 9.00 p.m. They had to have the various Amendments put together in accordance with resolutions, arrangements and agreements taken within the meeting. So, the Technical Committee was working since last night and this morning to put together the Amendments as synchronized, so as to make our work easier. The Committee considered 42 proposed Amendments and have reduced them to 16 which I think is a commendable job for which you must be grateful to the committee. So, that is why we have started this late, but I think we were facilitating the work of the Constituent Assembly. Thank you.

AN HON. DELEGATE: Clarification, Mr. Chairman.

THE CHAIRMAN: Does it arise from the Communication from the Chair?

AN HON. DELEGATE: No, it is on the proposed Amendment, Mr. Chairman.

THE CHAIRMAN: No, let us go as per agenda, then we shall come to that stage -

AN HON. DELEGATE: Mr. Chairman, I am saying that I do not appear there and yet, I had submitted in a proposed Amendment -

THE CHAIRMAN: We have not reached that stage yet.

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

Chapter 5

THE CHAIRMAN: I will call upon the Deputy Chairman of the Legal and Drafting Committee - the Chairman is down with Malaria. So, if the Deputy Chairman is in, and I think he is, he could give us a report from the committee so that we can proceed from there on this item.

MR. WACHA BEN (Oyam County North): Mr. Chairman, I am Ben Wacha, Vice Chairman, Legal and Drafting Committee. I want to add my voice to yours in apologizing to the House for the delay in starting our business today. You have explained the circumstances, Mr. Chairman, and I do not want to repeat. However, I wish to inform the House that the Legal and Drafting Committee will always do its very best to avail the House with working documents. As you stated, we have been meeting both lunch period and after the Plenary and sometimes as late as 9.00 or 10.00 O'clock in the evening. However, we are sure we appreciate the circumstances under which the Technical and Secretariat part of this Assembly, has to carry out its work. Now, Mr. Chairman, as regards the Amendments for today, we had considered 42 possible Amendments under Chapter 5 of the Draft by you, specifically arising from Articles 50 to 53. With the cooperation of the sponsors of these Amendments, we reduced them to 16. I think this was commendable and I want through you, Sir, to thank the sponsors or their representatives for heeding to the various pieces of advice coming from both the committee and from the other people who attended our meeting in reducing the number of the Amendments. I wish, Mr. Chairman, to emphasise again that our role as a committee is only advisory. We do not, and I repeat, we did not reject any Amendments which were presented to us. We however tried to advice the people on the technical and legal aspect of those Amendments as to whether they should be appropriate in the circumstances. Now, some people send their Amendments through friends, who after discussion with the committee, agree to withdraw such Amendments. The problem which this one brings forth, is that, the real owners of the Amendments may eventually insist that their Amendments should be brought before the

House. Our considered opinion is that, should this one happen, those Amendments should be allowed to be brought before the House. I am saying this, Mr. Chairman, because as of today two Hon. Members, that is Hon. Fiona Egonyu and Hon. Mazima sent their Amendments through Colleagues and these Amendments with other Amendments which resemble them, were adequately discussed before the committee and then those people who represented those two Hon. Members agreed to withdraw them.

However, as of this morning, the Hon. Members insist that their Amendments should appear before the House. We are completely in agreement with them, because that is their right. Now, lastly, Mr. Chairman, I wish to urge Members to be present in person before the committee when it meets. The Procedure which has been adopted by the committee helps to ease and simplify the work of this House and eventually, helps to assist the final drafting of the Constitution. With these few words, Sir, I beg to move.

THE CHAIRMAN: Thank you very much, Hon. Ben Wacha, for the Report you have given for - *(Interjection)*- I am still talking, when I finish, then you can take the Floor. I was still thanking the Deputy Chairman of the Legal and Drafting Committee and his committee Members for having done a good job in facilitating our work and to have obtained the concurrence of movers of proposed Amendments so that they are reduced from 42 to 16. But as he did observe, Members reserve the right to insist, but I think that right to insist should be seen in the context of the general good to the work of the Constituent Assembly, so that we do not have more exceptions outside the general norm. Otherwise, the work of the Legal and Drafting committee will be rendered useless. The Committee has done a good job and we thank them. Thank you very much.

Now, Prof. Nabudere you wanted to clarify something.

PROF. NABUDERE (Budadiri West): I am sorry, Mr. Chairman, for having interrupted you. The Deputy Chairman of the Committee did say that some two people approached them directly through friends. Is it in order? I want him to clarify whether in fact, our Amendments should not first go through the Clerk of the Assembly and then to the Committee or whether it is possible for Members to approach the Drafting Committee directly.

THE CHAIRMAN: I think the Deputy Chairman will comment on that.

MR. WACHA BEN: Thank you, Mr. Chairman. The procedure that we have adopted is that, we call the Amendment and the person or people who are sponsoring those Amendments to present them before the Committee. Now, in respect to these two Hon. Members, when their Amendments were called, they were not present in person to present them to the Committee. However, there were other people who had the same Amendments who did present them to us - that is what I meant by 'through friends' - they were not present in person. So, the procedure is that, we discuss these Amendments and give possible advice as to whether those Amendments are proper or not - and that is the level at which we work. If the people who are sponsoring these Amendments are present, they can help us discuss them. If they are not present, the people who are sponsoring similar Amendments will help us to discuss them, or the people who are sent to represent the sponsors of those Amendments. All the Amendments of course, pass through the Office of the Clerk before they reach us. Thank you.

MR. KIRENGA EMMANUEL (Mityana County North): Thank you very much, I am wondering whether attendance is obligatory and whether the Amendments cannot be considered in the absence of the proposer or sponsor as the case may be. If they are clear, can't they be considered by the committee in his absence?

THE CHAIRMAN: Hon. Ben Wacha, what do you have to say about that?

MR. WACHA BEN: If the sponsors are present, it would be very useful because then, it would cut off possibilities of people saying their Amendments were rejected or were not adequately considered. It would be possible for them to see the other points of the committee in respect to the legal position of the Amendment viz-a-vis the Draft and the eventual Constitution.

MR. MAZIMA ELIPHAZ (NUDIPU): Thank you very much, Mr. Chairman. I am Mazima Eliphaz, one of the people being referred to Mr. Chairman, first and foremost, it is not true that I sent anybody. I went to the Chairman to forward in my apologies that it will not be possible for me to be there because of other commitments. As you all know, the information for the sitting of the Legal and Drafting

Committee was announced around lunch time, with that short notice, I had other commitments. In regard to the process of submitting in proposed Amendments, I did hand in my own Amendment on 25th of August 1994.

Mr. Chairman, the issue I want to raise is to question, although the Acting Chairman is rejecting, the authority they have to reject one's Amendment, because mine had no substitute at all. Their role is to combine certain Amendments and provide alternatives and as far as I am concerned, Clause 4 of Article 50 has no any other alternative. So, I took it as a total rejection of my own Amendment. With that, Mr. Chairman, I beg to propose that my Amendment be included on the day's agenda for consideration of the House because I came here representing a section of people and I am not supposed to be passing through other people and I have a right to send in my apologies if the situation does not allow my presence. Thank you, Mr. Chairman.

THE CHAIRMAN: Yes, Hon. Eliphaz, it is true you represent a section of people, you do not go through other people. But we are working together all of us so that we cannot disregard each other. At some point, we have to give ourselves Rules and ways of how we should work, otherwise, we can never finish our work. But if you could send a text of your Amendment as it was, because even the Chairman of the Committee is not saying, he has refused or has rejected your Amendment. What he has said, is that, you have insisted on your right to have your Amendment considered separately from the rest. My own comment was, that we should make that less of an exception to the general Rule rather than it becoming the general Rule and our practice becoming the exception.

MRS. AKECHOKULLU (Women Gulu): Thank you, Mr. Chairman. I am Akech Okullu Betty, Gulu - Woman Delegate. I am one of the people who presented or cosponsored an Amendment together with Hon. Fiona Egunyū. But because we were not there, due to unavoidable circumstances, the Amendment was not considered. So, I wanted to say one thing here that, if somebody appeared before the Legal and Drafting Committee and failed to defend his Amendment, then that Amendment could be thrown out. But if somebody for certain reasons, cannot attend the Legal and Drafting Committee, that Amendment should be left as it is, so that it is discussed in the House. If it is thrown out, when the

person is not there, I think this, will actually prevent some of us from saying what our people sent us here to do. Thank you very much, Mr. Chairman.

MR. RUKUTANA MWESIGWA (Rushenyi County): We authorised the Legal and Drafting Committee to have the discretion, to totally reject an Amendment it does not deem substantial. Having done that, I would suggest that it should be a practice that the Committee can reject an Amendment and in the exceptions of circumstances of somebody insisting, it should record the fact that it had rejected the proposed Amendment, record its reasons and table it before the Assembly. So, that the Assembly already knows that, that proposed Amendment was rejected by the Committee. I think if that was the case, the Assembly would deal with a proposed Amendment with caution.

Secondly, the Member who held the Floor before me suggested that if somebody proposed an Amendment and he was not there, then it should automatically be left or passed - it should automatically be tabled before the Plenary. To me, that is very dangerous because nobody will ever go there. If I want my Amendment to go through, I will simply absent myself. So, that would bog us down even more and more. I would finally suggest, that in order to save time and in order to proceed, the Committee for Rules should have the discretion to decide which Amendment is feasible and which one is not and if it does decide, as a general Rule, nobody should insist. If he does, which should be just an exception, let the reasons be recorded so that the Assembly can look at it consciously. Thank you, Mr. Chairman.

THE CHAIRMAN: Can I hear from the Deputy Chairman, on this one?

MR. WACHA BEN: Mr. Chairman, I thought I was making myself very clear - Ben Wacha again. We do not reject any Amendments which are presented before us. We however, advise and in most instances, people heed our advice. But if somebody insists on presenting his or her Amendment before the Plenary, we have no control whatsoever on that matter.

THE CHAIRMAN: But I think it was also said in the guidelines yesterday that, that insistence to present notwithstanding advice, should be the fact that advice was given and should be disclosed to the House, so that the House knows that it is coming notwithstanding advice.

MR. WACHA BEN: That is correct.

THE CHAIRMAN: So, that the House knows that this is coming notwithstanding advice.

MR. WACHA BEN: Correct. But what I want to emphasise is that, some people seem to have a misconception, Mr. Chairman, that we are the ones to accept or reject. That is not our *-(Interruption)-*

THE CHAIRMAN: I think there is a divided opinion. There are those who are saying that the House should give you that mandate; there are those who are saying no, your role should be advisory. In my view, given the fact that the Members came here to represent particular places and carry some views, the advisory role is much better than the mandatory role. But I think the House should know that advice has been rejected.

MR. KATUREEBE BART (Bunyaruguru County): Mr. Chairman, my name is Katureebe - Bunyaruguru and a Member of the Legal and Drafting Committee. What happened yesterday and before, is that you find two or three people have similar Amendments independently, and one of the people may not come, but the other three come and we discuss with them and this is really what happened with respect to Hon. Mazima's Amendment. It is true he brought an Amendment, I discussed it with him together with the Chairman, but he apologised he had to go. In the course of the discussion, Hon. O'let and two other people had exactly the same Amendment. So, we discussed with them and they agreed that it was taken care of. Now, he comes this morning and says, 'I was not there, or these people were not representing me'. But these people were discussing their own Amendment which was exactly in the same terms as his and we advised but we did not reject your Amendment. You can still bring it, if this is the wish of this Assembly. I would also wish to add to what Hon. Rukutana has said. If we say a Member who does not appear before the Committee to discuss his amendment, is entitled to bring it here, then indeed many people will see no need to come before the Legal and Drafting Committee and you will still be flooded with amendments that have not benefitted from legal advice, redrafting and synchronizing. Thank you, Mr. Chairman.

THE CHAIRMAN: I think we should come to an end with these general observations on our work methods and go now to the real job

MR. KATEGAYA ERIYA (Rwampara County): You did not make a ruling on the discussion which was taking place on the Floor, that is the view given by Hon. Rukutana and Hon. Katureebe, and the other lady who said, if you do not appear before the committee, the matter should be brought to the Plenary. Alternatively I say, no. People should go to the committee and if they do not go then, they do not have to bring their Amendments on the Floor here in the Plenary. I thought you would make a ruling so that we know how we proceed.

THE CHAIRMAN: Actually, I did. What I did say was this, that the House was divided as to whether we should give the committee mandate to reject. Some were saying no and the advice of the Chair was that, given our duties as delegates of various places and institutions, the question of rejection may be a bit too heavy. What we should adopt, is that the committee remains advisory to the Members who have Amendments, but where advice is given or a Member has been called and does not attend or if he fails to attend and there are other people who have adequately discussed the nature of the similar Amendments, then the fact of advice being given and also failure to attend should be disclosed to the House before the Member who is insisting on his or her right to present the Amendment directly does so. In which case, the House will be fully informed that the advice was given and advice was not taken by a Technical Committee and also the Legal and Drafting Committee that we have given ourselves to help us in synchronizing and also re-drafting properly some of the proposed Amendments. That is how I ruled. Well, the fact has been disclosed that your Amendment was discussed with three other similar Amendments, but you are insisting on your right, we shall have it and that fact has been disclosed. So, we shall have it.

AN HON. DELEGATE: Procedure.

THE CHAIRMAN: In respect of what?

AN HON. DELEGATE: I am just refining what you have just stated. Mr. Chairman, why can you not listen to me, I have something to refine what you have just suggested.

THE CHAIRMAN: You want the Chairman to refine or you think you *-(Interruption)-*

ANHON. DELEGATE: No, I am just suggesting a refinement.

THE CHAIRMAN: You see, we have made a ruling on the matter and I would rather we went ahead. If there are any problems, we shall come back later.

ANHON. DELEGATE: Mr. Chairman, why can you not listen to that just one point?

THE CHAIRMAN: You see, we are working together as a team and if you can hear from the Floor

ANHON. DELEGATE: I am trying to be part of that team, Mr. Chairman.

THE CHAIRMAN: I think let us go ahead.

ANHON. DELEGATE: I think what pained Hon. Mazima and his other Friend, was that their names were not included on this sheet. Now, if his Amendment agreed with some other Amendment, which appears here, why is his name not included there? And if we can adopt that Procedure, I think it would solve a lot of problems. Thank you very much.

THE CHAIRMAN: No, that will confuse our work. The names which appear on pieces of papers that are before the Members are names of sponsors of particular Amendments. Now who are co-sponsors if they are two or more. Now, if Hon. Mazima has not discussed with the Committee, it will be impertinent on the part of the committee to include his name as a cosponsor of the amendment. They have not had the chance to discuss with Hon. Egungyu because she was attending a seminar or something and yet, you put her name forward that she is cosponsoring would be presumptuous and therefore, that would in fact, cause more confusion in my view.

What we have now. - *(Interruption)*

MR. CHANGO MACHYO (Samia Bugwe South): My name is here on this sheet but I do not appear on this one or have they not come?

THE CHAIRMAN: No, they have only distributed the first and the second pages.

MR. CHANGO MACHYO: Yes, but mine was to amend 51 (a), and I see some people who are amending 51 here but mine is not here.

THE CHAIRMAN: 51?

MR. CHANGO MACHYO: There is an example, Hon. Cecilia Ogwal, 51 (a).

THE CHAIRMAN: The only Amendment on 51, that I have, is 51, Clause paragraph (D) and 51 Clause 1, Amendment of (a) does not appear on here.

MR. CHANGO MACHYO: That is what I am asking. My name is down on the other list but it is not here.

THE CHAIRMAN: Hon. Wacha, there is Mr. Chango's problem. When it comes to Mr. Chango, one has to quickly change his -

MR. WACHA BEN: Mr. Chairman, during our meeting, there was some intimation that Mr. Chango wanted to move an Amendment in respect to 50 (a) or something, but we looked for his Amendment, and we could not find it. So, there was no basis for discussing his Amendment, I think other Members of the Committee can assist me on this matter. We looked for it. Some people were very insistent that it had been circulated in these pigeon holes, but it was not with us.

THE CHAIRMAN: So what we do, is that we put Mr. Chango in the same category as Hon. Mazima and Hon. Egungyu and let him produce a text of his Amendment.

MR. CHANGO MACHYO: No, they got it and circulated it. I gave it to the Clerk.

THE CHAIRMAN: Is it a clear case of subversion?

MR. CHANGO MACHYO: I understand God took it away.

THE CHAIRMAN: Hon. Delegates, we are now starting on Chapter 5 and Chapter 5, relates to fundamental rights and freedoms. The first Amendment that appears is on page 19; that the title of the Chapter should be deleted and I think this one is being moved by hon. Cecilia Ogwal. Go ahead and move your Amendment.

MRS. CECILIA OGWAL: Thank you, Mr. Chairman. Before I move the Amendment, can I get clarification from the Legal and Drafting Committee

why they left out the word "Human" Was it a technical correction over my submission or is it just a typing error?

MR. WACHA BEN: Mr. Chairman, when we were discussing this Amendment, Members indicated that the Amendment fell on the same basis as the heading just above Article 12. The emphasis which Mrs. Ogwal wanted to place on the heading of Chapter 5 was the protection and promotion of the rights which are specified in Chapter 5. According to my recollection, I think it was me and Hon. Bart Katureebe, who directed our minds to this heading and thought - it was our considered opinion - that if we move this heading of the Chapter, it would suffice for our argument and that is the basis on which this heading came, the way it did. Maybe Hon. Katureebe could assist me on this matter.

MR. KATUREEBE: Thank you, Mr. Chairman. It is true, the idea was to bring the heading from Article 12 and bring it to head Chapter 5, because it appropriately talks of what we really want to do, to protect and promote human rights and that is the decision that was made and agreed to. So, probably the omission of the word, 'human' is probably a typographical error. Our intention was to uplift the heading as it appears under Article 12 and put it as it appears on 12.

THE CHAIRMAN: Now, Hon. Cecilia Ogwal wanted the word human included.

MRS. OGWAL: Not really, Mr. Chairman. I had left it to the Technical Committee to word it appropriately in consistent with what Bart Katureebe has just explained.

THE CHAIRMAN: So, you would like to proceed with it as it is

MRS. OGWAL: I would like to proceed, Mr. Chairman.

THE CHAIRMAN: Okay

MRS. OGWAL: Mr. Chairman, I beg to move that the heading of the subject title of Chapter 5 be amended by adding the words *'protection and promotion of'*

THE CHAIRMAN: Sorry, could you repeat your motion - because I was listening to another Member on some urgent matter

MRS. OGWAL: Mr. Chairman, I beg to move that the heading of the subject title of Chapter 5 be amended by adding the words, *'protection and promotion of'*

THE CHAIRMAN: This is like it appears on the other one. I guess this is seconded. Okay, you can speak on your Motion now.

MRS. OGWAL: Mr. Chairman, the heading of this Chapter is not relevant to what we intend to achieve. In this Chapter, we are not aiming at the general concept of human rights or the general principles, but we are specifically targeting on the subject of how human rights can be guaranteed and upheld in the Constitution. The aims and objectives of this Chapter is the protection, promotion and enjoyment of human rights. The foundation of freedom, justice and peace is the recognition of the inherent dignity and of the equal inalienable rights of all the people - rights and freedom are not given but the Government is charged with responsibility to ensure that the rights and freedoms are not violated and therefore, protected and guaranteed in our Constitution.

Mr. Chairman, I would like the title to mirror the objectives and the aims of that particular Chapter.

Finally, Mr. Chairman, since Uganda is a signatory to various international Charters, its commitment to those covenants is judged by the manner in which its Constitution provides for the protection and enjoyment of the rights which are universally acceptable. We should aim in this Chapter therefore, to provide safeguards to avoid violation of human rights in our country.

Mr. Chairman, I therefore beg to move that the Title be changed and made relevant to the subject under discussion. Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you.

AN HON. DELEGATE: Thank you, Mr. Chairman. Is it seconded?

THE CHAIRMAN: No, no, go ahead, it does not matter, the Seconder does not have to speak immediately.

AN HON. DELEGATE: Mr. Chairman, I rise to oppose the Motion. The Amendment as tabled to me,

actually delimits the scope of Chapter 5. Chapter 5 does not only protect and promote fundamental rights, but it does other things like, it guarantees, it defines, it delimits enjoyment of human rights. I think by mere saying protection and promotion, we are delimiting the scope of the Chapter. Why do we not leave it as general as it is so that it can comfortably cater for what it contains now and for what is likely to be added on, on Amendment. Thank you, Mr. Chairman.

MRS. WANDIRA KAZIBWE (Kigulu County South): Mr. Chairman, I want to support the Motion as moved by Hon. Cecilia Ogwal, on the grounds that one of the problems we have is that, we take things for granted. We do not give guidance on how something is going to be done. Mr. Chairman, while we agree that this Chapter goes beyond promoting and protecting, how do you guarantee if you do not promote and show people that rights and freedoms are a movement - it is something which is on-going and every Government must look at it that way. The problems we have been having, have not been because people do not know the fundamental human rights and freedoms, it is because within our day-to-day life, nobody is bothering to promote the teaching of these rights and freedoms, nobody is bothering to make sure that after the teaching, protection is put in place.

Mr. Chairman, I want to ask the Hon. Members to look at the heading of something being dressed in the way the person would like it to be taken. I know many times we do not judge a book by its cover, but it is the cover that attracts you to buy that book. Mr. Chairman, every Ugandan must know that rights go with responsibilities and if we do not promote and protect the teaching and inculcating the rights and freedoms in our every day life, there is no way they will be guaranteed. Guaranteeing is a consequence of promoting and protecting. I beg to support, Mr. Chairman.

MR. KIRENGA (Mityana County North): I am opposing the Amendment on three grounds.

i) The aim of a title is actually to indicate what it is all about you do not define but the proposed Amendment is a kind of definition and infringes against the rule of brevity which should be a guideline in making a Constitution. We should be brief, otherwise, we shall be faced with a very bulky book called a Constitution if we go on putting in unnecessary words.

ii) What the honourable Mover is seeking to put in the heading is catered for in Article 50. When we read Article 50, it says, the fundamental rights and freedoms of the individual enshrined in this Chapter shall be respected, upheld and - actually it is not only promotion and protection, this Chapter goes further than that.

THE CHAIRMAN: Could you speak through the microphone. I think that microphone is defective.

MR. KIRENGA: This Chapter goes further than promotion and protection, in that as it is stated in Article 50, there is also upholding - the element of upholding.

iii) If we look at Article 59, there is enumeration of several fundamental rights to which the Ugandans are concerned. So, in addition to protecting and so forth, there is also stating them. This Chapter also enumerates what those fundamental rights and freedoms are. So, it states, defines, and then lastly, it also limits. There are some fundamental rights which are not allowed, although they are allowed elsewhere but they may not be allowed in this Constitution. So, the purpose of this Chapter is to limit them, to restrict them. If we say it is only for protection and promotion, then we shall not be defining what we are going to do adequately, something will be left out. So, I am opposing it, Mr. Chairman.

PROF. NABUDERE (Budadiri West): Mr. Chairman, I would like to support the proposed Amendment. If the argument of the last Speaker was right, and I agree with him generally that the title to the Chapter should be indicative of what is contained therein. Then, I would point out that the heading to Chapter 8 does give more explanation as to what is contained in that particular Chapter. For instance, under "The Legislature" there is a sub-title there which says, "establishment, composition and functions of Parliament". Again, when you look at Chapter 10, "Judiciary", there is administration of justice. It gives a little more meaning to the heading of the Chapter than the mere heading of Judiciary. So, I would myself feel that since this Chapter is very, very, important to the whole Constitution, it is important that it should be headed in such a way that children at school who are taught about this Constitution can clearly see that the contents of this particular Chapter is intended to protect, promote and you can add whatever you like, guarantee the fundamental human rights and freedoms. I think the Amend-

ment by Hon. Cecilia Ogwal is a good one and we should support it. Thank you, Mr. Chairman.

MR. TIBAMANYA URBAN (Kashari County): Thank you very much, Mr. Chairman. I oppose the Motion. With due respect to the last Speaker, a title is only indicative - it is not a definition and its use is to provide short reading so that at a glance, you can find out what you want quickly. I would locate very quickly after reading the word 'fundamental human', then I know we are talking about human rights. But if you are going to 'promotion, protection,' you are already subtracting from my mind where to go quickly when I want something.

Secondly, Mr. Chairman, titles are not part of the law. In law, the law is contained in a particular Article. You do not read a title and say that, that forms part of the law. So, it is defined in a particular Article and Headings are only enabling to find where the law is. And on that ground, I oppose the Motion. Thank you.

KITAKA GAWERA (Bbale county): Thank you very much indeed, Mr. Chairman. Kitaka Gawera - Bbale, Mukono District. Mr. Chairman, I am prompted to support the Motion as suggested by Hon. Cecilia Ogwal; not only because we are both born-again, but because - *(Laughter)* -

THE CHAIRMAN: Order, order.

MR. KITAKA GAWERA: - but because, Mr. Chairman, this is indeed a very important Chapter and her proposals give the importance to this particular heading. It gives emphasis to the heading and thirdly, it gives the gist of this very important Chapter. You just have a glance at it and then you are encouraged to read more. I entirely agree with Prof. Nabudere that if this proposal or Amendment is agreed to, it will enhance and in fact, it will encourage the children who will be reading or studying this proposal to take it as a very important one. I, therefore emphatically urge the other honourables to support this very important Amendment overwhelmingly.

MRS. SEMPA VICTORIA (Women Luwero): Thank you, Mr. Chairman. I am Esther Victoria Sempa Luwero. I am also in the opposition of the suggested heading. As some Speakers have put it, I find there is a lot of subtraction in the heading. This is like a topic for an essay. You need not congest the

whole topic all what you want to write in the essay. What you do, is to put the main points in the heading then you go on elaborating your essay. So, I think we should adhere to the proposed heading in the Draft Constitution. This one would work like a sub-heading for probate purposes. So, for that matter, I beg to oppose the proposition.

MR. NSUBUGA NSAMBU (Makindye Division West): Mr. Chairman, I support the Mover of the Motion on the ground to amend the heading as it stands for the following reasons: The title must always be attractive and informative. When you look at the Chapter itself, you will see that eight sub-headings where the word protection has been used, in other wards, even the draftsman was conscious about the protection - however, he was a person who never wanted to use a long heading and left out that word 'protection'. But, we want to have a heading which a reader will look at immediately and see where he is going and what is contained in the Chapter.

Secondly, we have always been saying that we want a document which will be understood by everybody holding it. So, by adding such a word, we are making it easier for everybody on the street to understand the contents and objectives of the Chapter. So, I second the Mover.

MR. KWERONDA RUHEMBA (Kajara County): Thank you very much. I am Kweronda Ruhemba, Kajara. I stand to oppose the Motion as proposed by Hon. Cecilia Ogwal with the good reason that the Motion as given by the Draft Constitution, was simply spelling out the theme. And under that theme, we see what is contained. What is contained, is not only protection but also respect, enjoyment, defending, guaranteeing and enforcement. You cannot bring all those in the theme. And because you cannot, that is why the Draft Constitution suggests that 'fundamental human rights and freedoms' should be the heading. Hon. Tibamanya correctly said that headings are not enforceable, but Articles are enforceable and for that matter, therefore, Mr. Chairman, I wish to appeal to Hon. delegates to reject the Motion because it is confining us and it is covered in Article 51 and the rest of the Articles. Thank you very much.

DR. ODUR DICK (Dokolo County): Mr. Chairman, I stand to support this Amendment because it will make the title very appropriate. It summarises

the role of the State and its organs, with respect to what we expect them to do with human rights and freedoms. I would like to say that our fundamental problems in Developing countries, regarding human rights is that they are not promoted and they are not protected and therefore, in order to emphasise the role of the State, a title such as has been suggested in the Amendment would be very appropriate. Furthermore, we have a misconception by most of our communities that human rights and human freedoms are actually given by the State and not protected as such. So, we would be going a long way to emphasise that human rights are not given by the State, they are not the benevolence of any organization. What the Constitution does, is to recognize those rights and once those rights have been recognised, then the Constitution goes ahead to spell out how they should be promoted and protected. So, Mr. Chairman, I think that the title is very appropriate, and it goes a long way to emphasise the principle of protection of human rights and freedoms. Thank you, Mr. Chairman.

MR. OBIGA KANIA (Terego County): Thank you, Mr. Chairman. My names are Obiga Mario Kania - Terego County. Mr. Chairman, the proposed Amendment is action oriented, it talks of promotion and that is not the only action which could be taken on human rights and freedoms. Because there is also the action of enjoyment which is not necessarily by the State but by the individuals. That is my first ground for opposing this Amendment.

The second ground, Mr. Chairman, is that the title as it stands: "Fundamental human rights and freedoms" states the art - the rights and the freedoms. What is to be done on them, and by whom are spelled in the sub-headings as stated on the sides notes - protection, enjoyment, rights per se as they state. Lastly, if you look through the whole Draft, that is the format of the Draftsmen. They have stated the subject per se and what is to be done and what is not to be done are contained in the body. If we amend these, to be action oriented, then probably even in Chapter 1, where it says "The Constitution", we should also put a qualitative adjective and so forth. Because of these reasons, I stand to oppose the proposed Amendment. Thank you.

MR. BAGEYA (Kigulu North): Thank you very much, Mr. Chairman. I have been perusing through this document. It appears the Mover of the Motion probably may have wanted to remove some section

in Chapter 3 which we have already left to the Legal and Drafting Committee to synchronise and probably put them wherever they belong. Having observed that, I feel Chapter 5 - "Human Rights and Freedoms" would have been sufficient enough. Now, going to adding on more about protection and promotion, I think will make everything look a little longer than necessary. I, therefore, stand to oppose the Motion moved and proposed, Mr. Chairman. It is my wish that you put the Question.

THE CHAIRMAN: No, we shall allow a few more Speakers. I will allow Hon. Wasswa Lule, then I will go at the back there. I am now coming this side, then we conclude.

MR. WASSWA LULE (Rubaga North): Thank you very much, Mr. Chairman. I would like to support the Motion. I feel that the Amendment to the title emphasises the essential ingredients in the Chapter, namely: Promotion which would involve education and campaign for human rights' protection, which are the safeguards. These are the most important elements in the Chapter and I feel that the Heading as amended places due emphasis that is required. On that note, I would like to support the Motion. Thank you very much, Mr. Chairman.

MR. OMARA ATUBO (Otuke County): Mr. Chairman, if Members go back to the 1962 and 1967 Constitutions, you will find that these are the phrases which were used there, namely: protection and promotion of fundamental human rights and freedoms and *(Interjections)* - this is just historical information. The second one, Mr. Chairman, is that if we look at Article 12 *(Interruption)* - I thought all of us agreed that we can refer to our history, however negative, in order to lay a better foundation for the future.

THE CHAIRMAN: I think you should go ahead.

MR. OMARA ATUBO: Mr. Chairman, if we look at Article 12 of the Draft Constitution, it says that fundamental rights and freedoms and individuals and groups are inherent and not granted by the State. Mr. Chairman, it has now become a practice all over the world that fundamental human rights and freedoms are presumed to be inherent and inalienable. Therefore, whatever we are stating in this Constitution, it is not necessary that you are giving anybody fundamental rights and freedoms - you are not giving me my fundamental rights and freedoms

My fundamental rights are inherent and inalienable and therefore, what States are asked to do or in all these conventions and other International fora, is to provide, in their domestic legislation provisions for protection and promotion of these fundamental rights and freedoms which are inherent. *(Applause)*

Therefore, Mr. Chairman, the emphasis here in Chapter 5 is not simply enumerating fundamental human rights and freedoms but the emphasis is on protection and promotion. Mr. Chairman, in Article 51 *-(Interruption)-*

THE CHAIRMAN: Hon. Omara Atubo, there is Information on the Floor.

MR. OMARA ATUBO: Let me finish first, he is interfering with me. Mr. Chairman, if we look further in Article (50), Clause (1), the marginal note talks of protection of fundamental human rights and freedoms but if you read that Clause (1) - it says *'The Fundamental Rights and freedoms of the individual enshrined in this chapter shall be respected, upheld and promoted..'* No word of protection is used there and I think this is a very serious omission. In fact, the word *protected* should come before *respected*. Therefore, this strengthens my argument that, if we are ready to look at the human rights as inherent and inalienable and not granted by the State, all that the Constitution is doing, is to emphasise protection and promotion and it is in this spirit that I strongly support this Amendment. Thank you, Mr. Chairman.

DR. MUGYENYI (Isingiro North): Mr. Chairman, I stand to oppose the Motion on the ground that, as many Members have stated, it has only picked a few elements of the chapter. Whereas it talks about promotion and protection, the chapter has got other areas like enjoyment. If you read Article 51 (b) - it talks of freedom of conscience. Who is there to promote or protect my conscience? I am enjoying my conscience, it does not have to be protected or promoted by anybody. So, Mr. Chairman, I think this Amendment is only picking a few elements of the chapter and is not including others. For that reason, Mr. Chairman, I stand to oppose the Motion.

MR. KAWERE (Mukono County North): I would like to raise the attention of the honourable Delegates here, that under the Law of Construction of Documents and interpretation of Statutes, headlines are made to be very brief and to indicate what is

contained in the main body. What Hon. Cecilia Ogwal has done is to transplant the marginal notes, the explanatory notes and turn them into a heading. We better leave them where they are and we leave the heading as it is. This shall be law. Thank you for listening. *(Applause)* Will you put the question now? *(Laughter)*

THE CHAIRMAN: The Chair is not keen on Members who finish their remarks and then gag others.

MR. ZZIWA (North Kawempe): I would like to oppose the Motion on the following ground. If you go through it carefully, the Chapter has quite a number of other things apart from protection and promotion. It has a mechanism of the protection i.e. Article 76, 77 and 78. It has limitation, that is in case there is an emergency, that is Article (7). It has categories: protection of children; women; disabled; and culture. The heading does squash all this in a very intelligible heading and makes one to believe that all the Chapter is doing is just to protect and promote. Therefore, Mr. Chairman, I would strongly oppose the Amendment. Thank you very much.

MR. OWOR (Aswa County): Mr. Chairman, I would like to point to honourable Delegates what a Constitutional document does. A Constitutional document is not merely a Legal Document. Besides being legal, it is a document that inspires certain values: a document that states the aspirations of the people. And when you are reading it merely as a Legal Document, you may think certain things are not important and it is already being pointed out. I believe that in this Chapter, you are not just pointing out what the fundamental human rights are but you are saying, - as a country what do we stand for? It is saying, therefore, we stand for the protection of these rights. We stand for the promotion of these rights. And I believe that these two words *protection and promotion* are over arching. There is nothing about human rights that is written here which does not fall under one of these. Either, it is being protected or it is being promoted and Hon. Chairman, I believe that it is very important that these words be put here if they are to inspire these values because it is no use us pending this in our courtroom - these are the fundamental human rights if we have no inspiration to protect them and to promote them through our institutions of government. I beg to support the Motion.

THE CHAIRMAN: Honourable Delegates, we have had a very broad survey of the subject matter. The question is the Heading to Chapter (5) be amended in terms of the proposal of the Mover by adding the words - so that it reads *Protection and promotion of fundamental rights and freedoms*. I think we are at a stage where we can pronounce ourselves on this matter by our usual method of consensus seeking. I, therefore, proceed to put the Question. Those in favour say Aye, to the contrary No.

(Question put and agreed to)

THE CHAIRMAN: Hon. Delegates, now that we have completed at least one item of today's business, I have something to announce. Hon. Delegates, news just received by the Chair is that Hon. Sam Sebagereka has passed away. I, therefore, request that we stand for a moment of silence in honour of the late Minister.

(The Assembly stood for a moment of silence)

THE CHAIRMAN: May the Lord rest his soul in eternal peace.

HON DELEGATES: Amen!

LT COL. KIIZA BESIGYE (NRA REPRESENTATIVE): Point of Clarification. I am seeking clarification from the Chair. On the consideration of the Draft we are undertaking. When we considered Chapter (1), I noticed that we did not consider the heading. I do not know whether it is the practice we are going to follow to consider the headings and maybe the sub headings so that we adopt them because we have not adopted those of Chapter (1). In the rules we have under the consideration stage, I noticed that they only mentioned the consideration of the Articles. I seek for your clarification, Mr Chairman.

THE CHAIRMAN: Normally, pieces of legislation are divided. If it is a Constitution, it is in Chapters and Articles and smaller divisions of the Chapters. If it is a piece of Legislation like a Statute, you have the long title and then you have got parts in which it is divided and then those parts are also divided - the whole thing is in sections but you have parts relating to particular subjects. As it is the case with the Constitution, you have the long title of the Constitution, the chapters, the articles, the clauses

and so on and also the sub chapters. Now, my understanding of interpretation of a document at this one, is that the headings assist the courts when they come to addressing interpretation of the particular matters in those parts. It is the side notes, which have no legal consequence. Those are usually disregarded by the courts as having no consequence. Now, in this case, like we do with the Statutes, unless someone addresses his or her mind to a particular provision relating to the heading, we just take it as it is, we do not have to adopt it because what we do is that we shall do all the Articles, then do the schedules, then go back and do the long title to the document, if we have it, which would be the preamble in this case so that you complete - because you will have settled the terms of the document. But the heading, unless addressed by way of Amendment, remains as it is taken. This is normal practice even in passing pieces of Legislation in the NRC.

MR. ERESU ELYANU (Kaberamaido County): In view of the sad message the Chair has just delivered, I seek clarification from the Chair as to whether it would be inappropriate for a Motion of Condolence to be moved by the House to the bereaved family and the nation at large. I beg to move.

THE CHAIRMAN: Of course, our rules did not expect that in our work we would receive news of this nature but the truth is that it has been received and if the House so wishes, the Chair has no objection at all. It is just a question of who would like to move it.

MR. ERESU ELYANU (Kaberamaido County): I beg to move that the House resolves itself to express its condolences to the family of the late Hon. Minister, the wife who is also a member of this august House, relatives, friends, government and the nation. I beg to move.

THE CHAIRMAN: The Motion is that this House sends condolences to the family and to the people of Uganda and to the friends for the tragic loss of Hon. Sam Sebagereka, Minister of Public Service. The Motion has been moved.

MR. ZZIWA (North Kawempe): I second the Motion.

MR. ZZIWA: Mr Chairman, I would like to second the Motion on the Floor because Sam Sebagereka has been a great friend of almost everybody in the Civil Service. He has rendered com-

mendable work to this nation right from the time he was a Minister of Finance in the Late Government up to the present time. We are all missing him and we would like to put his family in the hands of the almighty to give them strength and courage to go through this difficult time. Thank you very much, Mr. Chairman.

MR. WANENDEYA (Budadiri East): Thank you very much, Mr. Chairman, for giving me the opportunity to contribute to the Motion on the Floor of the House. Mr. Chairman, I have known the late Sam Sebagereka since 1963. He was a very exemplary Ugandan. One of the best human beings and a close friend to me. This country has lost one of its dedicated sons and one of the hard working and honest people. The best that I can do is that we send our condolences to the family, all the friends, all Ugandans and even friends outside the country who knew him when he was working, for example, with the East African Community as Commissioner General of Income Tax. Mr. Chairman and all Members, it is needless to say that we all support this Motion and may my dear brother Sam Sebagereka's soul rest in eternal peace.

AN HON. DELEGATE: Thank you, Mr. Chairman, for giving me this opportunity. I would like to speak on behalf of the broad caucus of Women Delegates, Workers Delegates, Youth Delegates and the Delegate of people with disabilities. At this moment we are very sad to receive the news of the death of the Minister, Hon. Sam Sebagereka. We recognise the loss that this is to the whole nation. At this moment, our hearts go out to Hon. Victoria Sebagereka who is a Member of our Caucus and who is also a Member of the Working group of the Caucus. We are conscious that she has tried very hard while nursing her husband to also play her part here in the Constituent Assembly and in our efforts as a caucus. I remember, too, that during the elections, she suspended her own campaign to go and travel to Kenya to nurse her ill husband. This spirit of selflessness on her part is a challenge to us and to the nation too. We also recall that in the last week or so, she was with us as we were trying to put together the first meetings of our caucus despite the fact that her husband was ill. So, at this moment we are paying tribute to her and our hearts go to her, we are with her in spirit and in prayer and also to the rest of the family of the Hon. Sam Sebagereka. Thank you very much, Mr. Chairman.

MR. BYAKIKA (Bunyole County): Thank you very much, Mr. Chairman. I want to join other Delegates in conveying my condolences to the family of late Sebagereka. I have known Mr. Sebagereka since early sixties. He was first appointed Accountant General in the East African Community and because of his ability to work, he was then made Commissioner General of Income Tax. I have known him to be very a diligent and devoted worker. In addition to his work, he has been a man of the people. He has been very friendly to everybody. Mr. Sebagereka could not annoy anyone. He liked society. He liked joining those who meant to be good. I, therefore, would like to ask all the Delegates here, to join in conveying these condolences to Mrs. Victoria Sebagereka and the family and to wish that God provides him good rest in eternal life.

MR. KARUSOKE (Ntoroko County): Thank you, Mr. Chairman. Mr. Chairman, I am shocked at the death of late Sebagereka, a man whom I went to see in hospital just last night and today I am here to support the Motion for his Condolence. Mr. Chairman, I knew Hon. Sebagereka a long time ago, not as a friend but as a statesman. He is one of those Ugandans who have been very well trained and has been a veteran civil servant from various capacities and a long serving politician. The late Sebagereka has spent all his adult life serving his fellow mankind until his death. There are very few of us who are going to have this kind of chance to serve our fellow men up to the end of our lives. The Late Sebagereka was a very dedicated Ugandan. I remember during his life as a Minister in this government, he has been in my constituency twice much as it is a very difficult area for most of us to visit. It is difficult for a Minister to visit a constituency like Ntoroko twice but he has been able to do that and the people of Ntoroko will never forget him. I speak and mourn him in the spirit of service to this country and on behalf of the people of Ntoroko. I wish to extend my condolences and theirs to the family of the Late Sebagereka and more especially to his dear wife who is a Member to this august House. May his dear soul rest in eternal peace. Thank you.

MRS. KALEMA (Kiboga County East): Thank you, Mr. Chairman. First of all, I would like to amend the Motion of the Condolence of the Late Sebagereka to read like this, *This Constituent Assembly sends condolences to Hon. Victoria Sebagereka and all members of Sebagereka family and friends.* - because the original Motion said just

the family. The reason I am saying this is because Hon. Sebagereka is a Member of this Constituent Assembly herself and she was with us even last week and I think it is necessary for us to single her out, direct the condolences to her and then add the family. Secondly, I also want to join in the mourning of the Late Sam Sebagereka. I am not intending to say very much because a lot has been said and more will be said. All I say is that I seem to have known him for a very long time. During our school days he was with me at school. He was younger than I but he was in a lower class - I have known him for over 40 years. So, I have been enjoying having someone my age in the leadership of this country. We shall really mourn him and, of course, I would like to say that he represents the area where I am born. It is only two miles from my mother's home to his home in Bugerere where perhaps we may lay his body to rest. May God rest his soul in peace.

PROF. SENTENZA KAJUBI (Kyadondo North): Thank you, Mr. Chairman. I would like to second the Amendment moved by Hon. Rhoda Kalema. In doing so, I would like to point out, Mr. Chairman - *(Interruption)* -

THE CHAIRMAN: I think for purposes of our discussion, the Hon. Mover did not have the chance to reduce that Motion into writing but now that Hon. Rhoda Kalema has written it out with slight modifications, it is not a contentious matter. We shall take that as the text of the Motion and that is what we shall send to the family. Please go ahead.

PROF. SENTENZA K: I would like to support the Motion. It is not long ago that we have lost two other ministers within a very short time. So, I would like to associate myself with those who have spoken before in sending condolences to Mrs. Victoria Sebagereka and the members of the family and also to the nation. In doing so, I am also thinking of Members of the cabinet, His Excellency, the President and Sabasajja Kabaka Mutebi - who have lost a dedicated citizen at this critical time when Uganda is trying to renew itself. Sebagereka has been a nationalist. He was associated with opposing the dictatorial regimes right from the 1970s and up to the time of the movement in trying to establish democracy in this country. His death has robbed us of a dedicated son of Uganda and in concluding I would say, that in this House - I am also very sorry to add that in the country, we have lost a citizen of Uganda and a Muganda who supports the federal system of Government. May his soul rest in peace.

AN HON. DELEGATE: Mr. Chairman, on behalf of the National Caucus for Democracy, we wish to associate ourselves with the sentiments which have been expressed on the Floor and support the Motion sending our heartfelt condolences to our comrade in arms on this Floor the Hon. Delegate who has lost a partner and her family. We also continue to associate ourselves in solidarity with the family for the loss they have suffered - the great freedom fighter and a defender of democratic principles. Mr. Chairman, we shall miss him. We send our condolence to the family and also to His Excellency, the President who has lost a hard working member of the cabinet. May his soul rest in peace.

MISS. KABIRISI LUBERENGA (Bushenyi District): I would like to join other Delegates to convey my condolences to the family, friends of the Sebagereka family and all Ugandans in general but especially to the widow, our Colleague Hon. Victoria Sebagereka. My heart goes out to her at this terrible time and may Hon. Sebagereka's soul rest in eternal peace. Thank you, Mr. Chairman.

MR. KYEMBA (Jinja Municipality West): Thank you, Mr. Chairman. I would like, Mr. Chairman, to associate myself with the Motion which you have kindly allowed to be moved in our special circumstances. Mr. Chairman, to lose one minister is bad enough but to lose three ministers in the kind of the space that we have, is devastating and to lose the kind of person of Hon. Sam Sebagereka is particularly devastating. He has been a great personal friend, a hard working minister, freedom fighter and a gentleman above all. I remember, Mr. Chairman, visiting Hon. Sam Sebagereka in Nairobi when he collapsed during the CA campaign and he said, "Henry, I am in great difficult but you can only go to the CA if you are alive." That is why he eventually came out in full support of one of the candidates who fortunately is here with us in the names of Hon. Dr. Nakyanzi. Even during that difficult time his wife, Hon. Victoria Sebagereka was oscillating between her Constituency and Nairobi to give him comfort. I think, at this very difficult time, it is only fit and proper, Mr. Chairman, that we should all associate ourselves with this very appropriate Motion and wish the family, the people of Uganda and the government all the best in this very difficult circumstances. May his soul rest in eternal peace.

BRIG. MOSES ALI (East Moyo): Mr. Chairman, I would also like to add my voice to those who have spoken before me to express my deep and

sincere condolence to the bereaved family and the relatives and friends for the loss of our brother, the Late Sebagereka. I had opportunity to work closely with Sebagereka and I found him as one of the most nationalistic and a fine man. He respected views of his friends and if you convinced him, he would accept. There are very few people of this type. I agree with people who say we should extend our condolences to the country for having lost three able sons who had been serving this country and indeed to His Excellency, the President and his cabinet. May his soul rest in eternal peace.

MR. NEKYON (Maruzi County): Mr. Chairman, I would like to join the voices that have been speaking on this sad occasion. This morning when I woke up, the first thing I told my wife was that she should drive straight to Mulago and see Mrs. Sebagereka and check on Sebagereka. I came here and tried to wait for the meeting to start but when the meeting failed to start, I decided to drive to Mulago. As I arrived at the door, a nurse told me your friend has just passed away. When I walked inside, I found two Hon. Members of the CA stranded there with a lot of women. Hon. Rhoda Kalema was there and Hon. Sekitoleko Sebastiane was there.

I have known Sebagereka for 43 years. We were schoolmates at King's College Buddo and by coincidence when I became the House Prefect for Australia House, he was appointed the Assistant Prefect to me but at that time he was known as the Monitor and in the same house was Mr. Kintu Musoke under my leadership. *(Laughter)* From that time, we became friends and we have remained friends up to today. Not just a classmate and assistant to me in Buddo but really very close friends. At time he became a *Mulokote* or a born again person - I do not know whether he moved back, but I thought that, that was the right place for him because his behaviour was actually that of a *Mulokote*. Then we went to exile together in 1980 and remained there until 1984 when I left for Denmark. I came back here in 1986 and we became Ministers again together from 1988 to 1990. But above all, when my wife was Secretary General of the Uganda Council of Women, his wife was elected as the Chairperson and they became very great friends independently of our friendship. So, we have been family friends for quite a long time. That is why I asked my wife this morning to go and check on him. But the friendship can be expressed in the following terms. One time, I asked him and Sebaana Kizito

who was also with us in Buddo - the meaning of *Muganda wange* and they said it means *my brother*. I said no, *Muganda wange* means *my Muganda*. It means I own that Muganda. He said no, I have never thought about this. So, I said from today both of you are my Baganda - *Baganda hange*. So, whenever we meet I would call them *Muganda wange* and they call me *Mulango wange*. So, we have been living like that. So, when I walked in this afternoon, about 12 O'clock and found he had just died 3 minutes previously, I felt very bad. I really support this Motion and I want personally to convey the feelings of my people of Maruzi to the family of Mrs. Sebagereka, to the government of Uganda and the entire people of Uganda on this very sad occasion.

DR. NAKYANZI (Ntenjeru South): Thank you very much, Mr. Chairman. Mr. Chairman, fellow Delegates, allow me to add my voice to Members of this Constituent Assembly who have expressed their condolences over the loss of Hon. Sam Sebagereka. Hon. Sam Sebagereka, as an elder and somebody with whom we come from the same village, I have known him since I was a child. He has been a symbol of unity, a symbol of nationalism and has instilled in us, particularly the youth and all the people of Ntenjeru, a spirit of nationalism and working towards unity. The loss of Hon. Sam Sebagereka is a great one to the nation at large but has a left a gap which is difficult to fill for the people of Ntenjeru. He has been bringing together and has done a lot for us and we do not know how we are going to fill it. His nationalism and sense of responsibility has never been shown more than when he was admitted in Nairobi in March when he fell sick. He did what most people would have found difficult to do by relinquishing what he had thought or believed in to be quite his aspirations to nobody other than me who is now addressing this House. Hon. Sebagereka has been a great adviser, a great Mentor to me and his death leaves me feeling naked. I pray that his soul may rest in peace and may all of us work together to achieve what he was aspiring to that is a good Constitution for the whole of Uganda which will bring together people of Uganda to live together in peace, stability, and united in diversity. May his soul rest in eternal peace.

PROF. NSIBAMBI (Presidential Nominee): Thank you, Mr. Chairman. I want also to associate myself with those remarks made. I met Hon. Sebagereka at Ndeje where we handled issues of

education under very difficult circumstances. He was bright enough to make it to King's College Buddo. Hon. Sebagereka was functionally versatile, proficient and he was also a nationalist who did not desert his cultural roots. His marriage was an example of trans ethnic integration. He will be greatly missed. May his soul rest in eternal peace

MR. KIWANUKA MUSISI (Buikwe South):

On this very sad occasion, I would like to join all those who have expressed their sorrow on this untimely death of Hon. Sebagereka. A lot has been said and perhaps what I can add, not only as a Delegate from Mukono but also the RC V Chairman of the district is that Mukono has lost a stalwart. Mukono has lost a leader, Mukono has lost one of its Council Members, Mukono has lost an elder. Before Hon. Sebagereka became a Minister, he served as the first RC V Chairman of the district in this NRM Administration and his performance was outstanding. The district accepted missing him because he was moving for higher responsibility but we have been missing him in our district activities because of the very invaluable contribution he had made. But all the same we were consoling ourselves that although we did not have him at the district, he was serving the whole nation. At this moment of sadness, I would like to extend the condolences of many of us who are here, and I believe many will not have the chance to talk, many of us from Mukono to our Colleague Hon. Victoria Kakooko Sebagereka, to the family, and to all the friends of the Sebagereka family. We would also like to extend our condolences to His Excellency, the President, the cabinet, the National Resistance Council and the nation at large. May his soul rest in peace.

MR. KITAKA GAWERA (Bbale County): Sir, of all the honourable Delegates here, I am one of them who are most bereaved in the sense that both of us Hon. Sebagereka and I were born in the same place, that is Galilaya in Bbale County, Mukono District. Late Hon. Sam Sebagereka was of the same clan as me, that is Rhinoceros and he has been the leader of our clan in Bugerere. On the 6th of next month, I and other members leaders of the clan were to have met him at his office but alas, satan has taken his soul. *(Interjections)* Mr. Chairman, I will reverse that - God has decided to call him and I am quite sure that his soul is now in heaven. Mr. Chairman, we have known each other with the Late Sam Sebagereka when we were still very young. When he went to Ndejje, I went to Bishop School Mukono and there-

after, met at King's College Buddo. He was a very good person. As Hon. Nekyon has pointed out, a very good person and in fact, it was during that time in Buddo that I also got saved and that was in 1952 and by then we used to meet as 'Balokole' in the house of Mrs. Kalema Rhoda who was a 'Mulokole' and she is still now a 'Mulokole'

Mr. Chairman, I have quite a lot to say. The late Hon. Sebagereka was very exemplary, a model human being. He was one of the first Chartered Secretaries (just as it is the same case with me) to be qualified in this county. He has played a very big role in the development of this country. He has held very many important posts and he has been one of those few Ugandans who took over from the expatriates. Quite a number who have talked now, have in fact enumerated some of these roles which he played but as a member of our clan, and as a person who comes from the same place, people in Bbale have lost tremendously. He has been the champion of our place. I would like to reiterate that Bbale is one of the places which has been rather marginalised but Sebagereka has been struggling very hard to ensure that Bbale comes out and gets recognised. Now to lose such a person, to lose such a leader, Bbale is really mourning very greatly. Not only Bbale, but Mukono District as our Chairman has rightly pointed out. He was a model chairman. The first Model Chairman of RC V. He did so well and we were so proud of him and when His Excellency, the President visited Mukono District after a very short while he was elevated to a Ministerial Post. Just imagine losing such a person, I, personally, I have lost a good friend, I have lost somebody who has been inculcating, somebody who has been encouraging me. And even I would not have stood but because of him, he encouraged me. Mr. Chairman, I would have said quite a lot, but this is a great loss to our clan, this is a great loss to Bbale, Bugerere. This is a great loss to our district. This is a great loss to Uganda as a whole. This is a great loss to His Excellency, the President. He has had quite a lot of confidence in him and anything that was to be dealt with Mukono District, he was a confidant. Mr. Chairman, I would have said a lot, but I think I better stop here. But we have really lost a great son of Uganda. May his soul rest in peace.

Before I end, I would like to say that recently when we had a crusade in Lugogo stadium, he was one of the great people, one of the Ministers who came and gave a sermon and the 'Balokole' have lost a great

'Mulokole' who is irreplaceable and I can say that the 'Balokole' who are here including Cecilia Ogwal, (Applause) and the rest, we have really lost a great person. And for the Buddonians, we have lost a great leader.

THE CHAIRMAN: Please, could you conclude your remarks.

MR. KITAKA GAWERA: Thank you very much indeed, Mr. Chairman for having given me this opportunity.

MR. MULONDO (Mityana South): Thank you very much, Mr. Chairman. This is a very sad occasion and I would like to join all the Delegates here in supporting the Motion. I would like to say, this morning when I reached my office, one of my people in the Office told me that Sebagereka had died. So, I came with the news here but I was reluctant to tell the news because I thought it was better to check with the authorities in the hospital. When we went there with the Right Hon. Prime Minister and other Ministers, Hon. Sebagereka was still alive but he was between life and death and the doctors had no hope. I want to say that Uganda has lost yet another important person. Mr. Chairman, Hon. Sebagereka has been a struggler for peace for quite a long time. He has been one of the hard working Ministers and he has been struggling to rebuild our civil service and his loss will be greatly felt by the civil servants and the country. Hon. Sebagereka has been adviser to the Kabaka of Buganda and he has also been adviser to many of us as far as Buganda affairs are concerned. So, he is a great loss to us. One of the Accountants in the country this morning said to me like this, 'Hon. Sebagereka was one of the few qualified Professional Accountants in this country'. At this stage of development, the Professional Public Accountants shall miss him greatly. I hope that another probably Professional Accountant will be born soon.

I would like to send condolences to His Excellency, the President and the Government especially at this third and sad time of losing, yet another Minister in one month. The condolences go to Kabaka of Buganda, Mrs. Victoria Sebagereka and family. And finally, Mr. Chairman, I would like to thank you and the House for giving this time to the Hon. Delegates to recognise the services and the existence of this Hon. Member of the Community of Uganda. May his soul rest in eternal peace.

THE CHAIRMAN: Well, I think we take it that the Motion is by acclamation adopted and the text of the Motion will go out to the family - Hon. Victoria Sebagereka and the family under the hand of the Chairman of the Constituent Assembly on behalf of the Delegates of this Assembly.

I may say just one little word that, I knew Hon. Sebagereka first when he was the Commissioner General - I was a junior officer and he was a senior officer of the East African Community and subsequently together as Ministers here. We were personal friends; close friends. Therefore, it is a big loss to me and the family to see that Hon. Sebagereka has departed in a very untimely manner. The Government and people of Uganda definitely have lost an illustrious, humble and hard working Ugandan. May his soul rest in eternal peace.

Before we close, a suggestion was being made that in accordance with African custom, we should, as individuals, those of us who can make a contribution so that we can take the Mabugo to the family. For this purpose, the Clerk will open the Mabugo register at his office today and tomorrow so that Members who are able to, can register and indicate the amount and if possible pay so that this money is collected and given to the family to assist at this very difficult time.

Honourable Delegates, that brings to a close the time we have had to devote to say farewell to our Friend and husband to a Member of the Assembly. Turning to our business we have already run out of our time.

We had begun on Chapter 5. There is enough work for us to do tomorrow. The Legal and Drafting Committee has produced enough material to keep us busy the whole of tomorrow and I suspect the following day. This Chapter should not be really very controversial because, essentially, it is a reproduction of the accepted rights and freedoms given in various international documents to which Uganda is a party. Therefore, I would urge Members that we accept a quick survey of various Amendments and then move on and finish. Here we are not going to really invent the will. We are just going to polish the will so that it shines.

DR. KANYEIHAMBA: Mr. Chairman, we have agreed in the Committee that we hold another meeting tomorrow after the plenary. So, we do not have a meeting today but tomorrow after the plenary we shall have a meeting here in the Conference Hall.

THE CHAIRMAN: Are you going to indicate by circulation Members who should attend?

DR. KANYEIHAMBA: As I said yesterday, we dealt with articles 50 to 53. Tomorrow we will indicate, as we are breaking, the subsequent Articles that we will be dealing with. But it would be good if Members who have Amendments, immediately after article 53, knew that they will be required to attend this meeting tomorrow.

THE CHAIRMAN: With that I would like to adjourn to tomorrow and we stand adjourned. The Constituent Assembly stands adjourned to tomorrow morning at 8.30 a.m. Thank you very much.

*(The Assembly rose and adjourned until 1st
September, 1994, at 8.30 a.m.)*