



THE REPUBLIC OF UGANDA.

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 31ST JANUARY 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 2849]

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Tuesday 31st January, 1995.

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

PRAYERS

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

(The Assembly was called to order).

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

CHAPTER TWO: THE REPUBLIC.

ARTICLE FOUR - THE REPUBLIC OF UGANDA.

THE CHAIRMAN: Hon. Delegates, when we adjourned last night, we had just completed clause two and the schedule thereto of Article Four. Now we are at clause(3) - the boundaries of Uganda.

MR. KATENTA-APUULI: Mr. Chairman and Hon. Delegates, Committee Four considered the provision in the Draft Constitution regarding the territorial boundaries of Uganda and recommended that the formulation that appears in the Draft Constitution should stand part of the Constitution to read: Clause (3), "The territorial boundaries of Uganda shall be delineated in the first schedule of this Constitution". In considering this clause Sir Chairman, a number of issues were discovered with regard to the territorial boundaries and it was recommended that this matter should be revisited by the technical team to make sure that the boundaries of Uganda are absolutely accurate as the Schedule stipulates. The committee did not see a very reasonable excuse to introduce any amendments. Sir Chairman, I beg to move.

THE CHAIRMAN: That one is taken, so we move on to the next. Clause (4).

MR. KATENTA-APUULI: Select Committee number four Mr. Chairman, considered the issue of the capital of Uganda. This matter was widely debated. A number of proposals were made with regard to this clause. Suggestions were made to move the capital away from Kampala to Nakasongola or Kigumba. In other discussions, we tackled the

issue of expanding boundaries of the present day Kampala City mainly because already, the city is congested especially in as far as traffic and design of the roads is out-dated. However, in its resolve, the committee decided to stick with the provisions as stated in the Draft Constitution to read as follows: "The capital of Uganda is Kampala". Sir Chairman, I beg to move.

MR. OKENY ATWOMA: Mr. Chairman, thank you very much. I do not know what is happening with the office of the clerk because I have said in my notice which was to be circulated to the Members. I can read the draft that is before me here. I followed it up this afternoon with the office of the clerk and he said it was being run and I do not see it being distributed to the Members. But the text of it is as follows that: "The capital of Uganda shall be situated at a place prescribed by Parliament". I beg to move.

THE CHAIRMAN: Could you read it again please.

MR. OKENY ATWOMA: I am reading it this way Mr. Chairman, that rather than to be as it is stated by the committee as Kampala and he had already even indicated the congestion that is prevailing today in Kampala, and I think it is the concern of every Member here that we should see that we safeguard against this.

THE CHAIRMAN: No, I had asked you to read the motion again.

MR. OKENY ATWOMA: Yes, the motion is, "The capital of Uganda shall be situated at a place prescribed by Parliament".

THE CHAIRMAN: Now let me ask the Chairman of the committee first before we go into whether it has been seconded or not, whether this matter was discussed because you have given us some guidelines to say that matters which have been discussed in substance in committees should not be subject of

MR. OKENY ATWOMA: Not brought!

THE CHAIRMAN: Could the Chairman tell us please.

MR. KATENTA-APUULI: Thank you Chairman. The Hon. Delegate on the Floor or the proposer of this motion that we are about to consider moved an amendment to move the capital of Uganda to Kigumba and that motion was extensively discussed together with other motions of some other Hon. Member who suggested that the capital of Uganda should be moved to Nakasongola. Both these motions were extensively discussed but they were defeated overwhelmingly. We never had the opportunity to discuss the motion he is bringing up now because it was never presented in that format.

THE CHAIRMAN: Hon. Atwoma, are you not being too clever for us because once you lost the other one, now you have reformulated it.

MR. OKENY ATWOMA: No, Mr. Chairman because as you can see the context in the text of this motion is very different. Just to give an open hand to the future Parliament, to see if they are running the risk of congestion here in Kampala, they can consider moving elsewhere or enlarging it rather than to tie our hands to say that it is Kampala when we are now seeing it ourselves that the congestion is building up day by day. So the text of the motion here is very different. The other one was definitely for Kigumba and it was defeated because of the name Kigumba. But this one now is giving a free hand to future Parliament.

THE CHAIRMAN: Okay, not to waste time, has the motion been seconded?

MR. PINTO: Mr. Chairman, I was going to propose that in view of the developments of the advisory committee Chairman, that the question be put on the substantive recommendation of the committee.

THE CHAIRMAN: No, but let us put it this way. The Hon. Member has come up with a substantially different motion. The motion has been seconded by two Members from Mbale.

MR. OKENY ATWOMA: Mr. Chairman, I think people may be thinking that this is a small motion. But it is a very, very important motion. It is providing for the future, for the good of our children in future. So, Mr. Chairman, I think as the Chairman has said that this motion of transferring or changing the capital of this country has been extensively discussed. I will not really labour very much on it. But I think I would like to impress upon this Honorable

House to be considerate for the future. Now as we step out on our streets here, we can see congestion at the rush hours. People are not moving. Now are we waiting until Mr. Chairman, that we cannot even move in our city? I think this is just to give a free hand to future Parliament to see that it is now necessary rather than to go for an amendment of the constitution which will call for probably a referendum. But this is a free hand. Let Kampala remain the capital for the moment. That is a free hand to Parliament to see whether it is to be changed or otherwise they can enlarge it. We had last night Hon. Ssendaula when he was talking about the concern here in Uganda about Kampala to belong to Buganda. Perhaps this is also another way of trying to put this into consideration in future time.

THE CHAIRMAN: But that matter was rejected.

MR. OKENY ATWOMA: Well, it may be rejected today Mr. Chairman. You never know with the world as it is not stagnant. So Mr. Chairman, I would not like to bother the House with so much. I think this is very straight forward, it is a very humble motion that we leave it to Parliament to think either to move or not to move. I beg to move Mr. Chairman.

MRS. FIONA EGUNYU: Thank you Mr. Chairman. I am seeking clarification from the mover of the motion whether he feels his motion could not be accommodated by having the amendment for Chapter Two - by leaving the amendment of Chapter Two to Parliament so that in future, if the Parliament decides that the capital should move out of Kampala, they can do so instead of trying to write it in here now since he is trying to provide for the future. Could that not be catered for under the amendment of the constitution? Thank you Mr. Chairman.

MR. OKENY ATWOMA: Mr. Chairman, if I am only to clarify to Hon. Member from Kumi, I would really say that is the very trouble and expenses we would like to avoid. If we can provide now, there will be no need for the future Parliament to go to say, now we want the constitution to be amended and call upon the country as a whole. We do not want this document, once we have made it, to be torn piece by piece every now and then by Parliament. We want a document that is honorable and respectable and when it is provided here it will mean that we have given Parliament the duty to look into our affairs that it is necessary today to think of changing the capital or not without much ado. Thank you Mr. Chairman.

MR. WAGIDOSO: Thank you Mr. Chairman. I would like, if it is acceptable to Hon. Tiberio Atwoma to amend the motion to read as follows: "*The capital of Uganda shall be Kampala or such other city as Parliament may by two thirds majority prescribe*". Mr. Chairman, I supported -

THE CHAIRMAN: You are amending Hon. Atwoma's motion. Who has seconded you? Okay, he has been seconded by his neighbour Hon. Wambede. We now stop discussing that of Atwoma unless he accepts the amendment.

MR. OKENY ATWOMA: Mr. Chairman, if anything is so reasonable like this or thinking that we give a free hand to Parliament to think otherwise of our capital, I have no objection.

THE CHAIRMAN: So now the motion should read: "The capital of Uganda is Kampala or such other..." Do you say city or place?

MR. OKENY ATWOMA: "The capital of Uganda is Kampala or such other place as Parliament may decide"

THE CHAIRMAN: Okay, now let us decide on that I think.

MR. MALINGA: I think if we say that the capital of Uganda is Kampala, then that is very definitive. If you want to accommodate the second alternative, then we should say, "*The capital of Uganda shall be Kampala or such other place as Parliament may by two thirds majority prescribe*". I am not taking sides on the motion but I am just putting the formulation.

THE CHAIRMAN: But Hon. Atwoma is leaving out the two-thirds majority. Anyway, Hon. Atwoma, what do you say, "*The capital of Uganda shall be Kampala or such other place as Parliament may prescribe*"? Is that what you want it to be? Okay now, the reasons for wanting to shift in future have been given. We do not want to have to go further into general debate. I will put the question. Okay? Because you see, there is no need now for the amending motion to be spoken to. The mover has accepted and essentially, the reasons do not change except to say - because he was saying that Parliament should be given the option in future. He was prepared to take Kampala for the time being. So in substance, there is no difference really. So, I want to

put the question. We have got here a recommendation from the committee saying that the capital of Uganda is Kampala. Hon. Atwoma, assisted by other sympathizers is moving to say the capital of Uganda shall be Kampala or such other place as Parliament may prescribe. So now if Hon. Atwoma's motion passes, then the formulation in the text does not arise. That is the effect. So we decide first on Hon. Tiberio Atwoma's motion.

MR. R. KAIJUKA: Mr. Chairman, I am seeking clarification from Hon. Okeny Atwoma the mover of this motion. I would like him to clarify for me whether or not he has in mind movement of a commercial centre capital or any other place just like many cities emerge. Because the reason why I want that clarification is that once you have a capital like Kampala, it does not stop this country from developing another city around Kigumba or nearer his home. In fact the sooner the better. I sympathise with his concern.

THE CHAIRMAN: No, no, I think Hon. Member for Sheema North, you are taking us backward. We had reached a stage where the Member had given his reasons. You are now reading into his reasons other things which do not exist in his mind. At no time did he say that he wanted the capital of Uganda to be near Chua County. *(Laughter)*. He did not say that. Further clarification? No, I think we are going to go backwards.

MR. MALIRO: I am seeking clarification Sir.

THE CHAIRMAN: From who?

MR. MALIRO: From the mover.

THE CHAIRMAN: I think we had reached a stage where we had passed the clarifications stage. We were not going to vote but if we insist on clarifications and explanations, it will be just re-opening debate. I am sorry Hon. Maliro, we have gone beyond that. So now, let me put the question. The question is on Hon. Atwoma's motion.

(Question on the motion put and negatived)

THE CHAIRMAN: Well, if there is a challenge, the rules are clear. Now, we go back to the text. What we have is a text before us that the capital of Uganda is Kampala because it was challenged and there is a need for us to pronounce on it.

(Question put and agreed to)

THE CHAIRMAN: I now put the question on Article Four as amended. The question is that Article 4 as amended do stand part of the Draft Constitution.

(Question put and agreed to)

AN HON. DELEGATE: Thank you, Mr. Chairman. I am sorry, I may have to draw you back to Article Four because I believe we have skipped something.

THE CHAIRMAN: What?

AN HON. DELEGATE: Select Committee four had recommended a formulation which included the provision that two or more districts may voluntarily associate, and so on. And we had agreed not to talk about it. I apologise. I withdraw the order.

THE CHAIRMAN: The boundaries of Uganda, that was presented.

AN HON. DELEGATE: There was a misunderstanding between me and his motion and I am sorry to have interrupted.

THE CHAIRMAN: You see, we do not have to pronounce ourselves on clauses unless there is an amendment to a clause. The thing that we pronounce ourselves eventually to is the article because our rules say we go article by article. However, we go through clauses. If a clause is called and the Chairman sees that the Floor has no objection, we do not have to vote on it. But in this case, because the capital of Uganda was challenged, we first had to dispose of the challenging motion saying it should be amended and then to confirm our position on the original. We had to vote on it. Having done so, I went back to the entire article. Now Hon. Kabayo is trying to raise another matter which does not appear in the report.

DR. KABAYO: Mr. Chairman, it does. I have a copy here. I believe it was skipped.

THE CHAIRMAN: Yes, you see, what had happened was that the original report did not have it but the re-formulation of clause (4). There was to be interposed after (2) a (3) before we went to the one on territorial boundaries. Now when I called upon the Chairman of the committee, he talked about

territorial boundaries and he went on and his main concern there was that Uganda should quickly sit down with others to clearly mark our boundaries which I think is sensible. It happens that in many countries, they are still marking them. Even I think between France and Britain, when they discovered oil, they had to go through a process of remarking them. Now there was apparently a formulation to say after the word "districts", "two or more districts may voluntarily associate for cultural and economic purposes". But I thought here we were describing Uganda and the question of powers are in another chapter. Here, you would be introducing a question of what districts may do, where we are simply describing what Uganda is and what it consists of.

MR. BIDANDI SSALI: Mr. Chairman, you are quite right. I am a Member of Committee Four. It was precisely for that reason that we preferred or we advised technically that this will come in when we are discussing Chapter Thirteen and definitely that particular provision is going to be part of the report on Chapter Thirteen after technical advice.

THE CHAIRMAN: Because my concern was that if we introduce this here, you are beginning to introduce a question of functions and powers and what they may do together or not do together when in fact what we are doing in this particular chapter is to describe what Uganda is. So I would personally discourage it.

MR. AMAMA MBABAZI: Thank you Mr. Chairman. Mine is not a new idea. I agree with what you have said that obviously this does not fit here but I thought we took a decision on it because what happened was that all the amendments that were proposed were defeated. So we eventually came back to the formulation from the committee which we adopted. Which means therefore that this Assembly has already taken a decision that two or more districts may voluntarily work together.

THE CHAIRMAN: No, no, that is not correct. What we did was, we received a report and the proposals were (2) and (3) in the re-formulation; of (2), there was added (3) and then we said, let us send (2) and possibly (3) if there are any amendments, to the Legal and Drafting Committee. The Committee came back with recommendations on (2) particularly on the schedule to (2) because we had already taken a decision on the formulation of Clause (2) as

it is now on this amending sheet and then gave us the authority to discuss the schedule which we agreed to. We should have come to consider the proposed three which came from the committee, but we skipped it when this afternoon we began with (3) which appears in the text and my attention has just been drawn to the fact that we should also have taken into account the recommendation from the committee that we should have (3) to say "two or more districts may voluntarily associate". So we never took a decision on that particular three and I am saying that really it does not belong here because it is beginning to talk about functions and powers and yet there is a chapter specifically for the distribution of powers between centres, both central and others, in Uganda and what those other units which form Uganda can do. Now I was advising that we just keep this one.

MR. ETUKU ONYOK: Thank you Mr. Chairman. I do not concur with Hon. Amama Mbabazi unless I may be clarified. When we passed 4(2) yesterday, I thought it had "Ugandan districts" and towards the end of it, he says "and such other districts as may be established in accordance with this constitution except that two or more districts may voluntarily associate for cultural and economic purposes". Does it not cover that or that was omitted when we passed it yesterday?

THE CHAIRMAN: No, what we passed the other day - anyway can we get that clear? What we passed yesterday is on a piece of paper which was distributed. We had first of all adopted the two parts before (2) which talked about, "Uganda shall consist of the districts specified in the fifth 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." That is what we had adopted last week before we went on to consider the schedule referred to in 4(2) and that schedule is found on the attachment and they set out Hoima, Masindi of Bunyoro, then Kalangala and so on of Buganda at number 27. There are no additional words to the effect that you have said. They appear as (3) on this sheet but we have not actually pronounced ourselves on it because when we finished the schedule yesterday, today we came to Clause (3) appearing in the text and my attention was not drawn to the fact that there was a proposed (3). Now my attention has been drawn that maybe we re-open the subject. That is what Hon. Kabayo was trying to say and I said, in my view, having had a quick look at it, it is misplaced and my advice was

that we leave it. If that is the agreement of the House then we proceed. Okay, now we have pronounced ourselves on (4). I now call upon the Chairman of the Committee to talk about (5).

MR. KATENTA-APUULI: Thank you Sir Chairman. The committee considered Article 5 clause (1) regarding language and found that Uganda is not yet in a position to adopt any other language as the official language. So the committee recommends that we adopt the formulation in the Draft Constitution which reads: "The official language of Uganda is English". Thank you, Mr. Chairman and I beg to move.

Clause (2): We considered clause (2) and found it as a motion following the adoption of English as a language and we recommend that we stick with the formulation which is in the Draft Constitution to read: "Nothing in this Constitution prohibits the use of any other language as a medium of instruction in schools or other educational institutions or the use of any other language for legislative, administrative, or judicial purposes as may be prescribed by law". We realise that many of our people in Uganda are not yet fluent in the official language and therefore, they should be permitted to use their native languages for purposes of education and attending to court and matters of legislation. Sir, Chairman, I beg to move.

THE CHAIRMAN: But the way it is written, should we say nothing in this constitution prohibits or are we trying to narrow down on (1) which says "the official language of Uganda is English"? And you are now saying, having said so, it does not mean that you cannot use any other language for official administrative - or are we saying the whole constitution does not prevent an instance of Lugisu being used in CA. That was for purity of drafting but really it does not matter. I think that one, we can take as it is.

MR. RWOMUSHANA: Mr. Chairman, I would like to seek clarification from the Chairman or the mover on clause (2) of Article 5. When they say there is nothing in this constitution that prohibits the use of any other language for legislative etc, etc, does this one allow a person to move an amendment or a motion in the future Parliament in Luganda or in Swahili or Lunyankole or any other language? And will it be feasible? Do you not think it will bring some chaos there and *katogo*?

THE CHAIRMAN: I think that is what it exactly says because some future Parliament may decide that they should use Luganda and they put that in their regulations. What is wrong with that? This would then allow that.

MR. RINGWEGI: Thank you Mr. Chairman. Mr. Chairman, I think the concern expressed is not for nothing. If we left the provision as it is now to state that "*nothing in this constitution*", we are saying that even the provision we had passed that the official language is English should be ignored. Then we can use any other native language as an official language. I would have been comfortable if we had started the phrase with "*notwithstanding the provisions of this article, any other native language can be used as a medium of instruction in schools or for legislative purposes*". That would accommodate the fact that the Constituent Assembly officially recognises English as the official language of the country and then it does not prohibit the use of any other native language for certain specific purposes. But left the way it is Mr. Chairman, definitely there is some concern. I thank you, Mr. Chairman.

MR. MALINGA: Hon. Delegates, the formulation here is quite proper. It takes care of the fact that instructions in certain government institutions is carried out in languages other than English. Our school curriculum allows the medium of instruction in I think the first four years of school to be the vernacular of the area concerned and then in the Armed Forces, Police and Prisons, part of the medium of instruction is Swahili. And then in other places also, other languages may be used. And then in Courts, the Magistrates Courts Act 1970 provides that proceedings in any court can be carried out in vernacular provided the magistrate produces the record in English. So it is to make sure that the 1970 Act, for example, is not rendered invalid by the provision of the Constitution. That is what all this provision seeks to do and I would recommend to my Colleagues that we accept this formulation as it is.

DR. CHEBROT: Thank you very much, Mr. Chairman. First of all, I would like to seek clarification from the chairman because I see many texts arising out of the use of many languages. I would like to know, when it comes to interpretation, especially in legal language, which text will be regarded as authentic. Is it the English one or is it the other languages? Because we should have one standard language which will be authentic because when it

comes to interpretation, there can be a lot of confusion on which one is the authentic. So I would like to seek that clarification.

THE CHAIRMAN: But I think Hon. Malinga answered that because he said that the Courts, particularly the Magistrates Courts or even the High Courts, if they are trying someone who does not understand English, he -

DR. CHEBROT: Well imaginarily. He did not explain exactly what I wanted.

THE CHAIRMAN: They reduced the record, the official record is the English version because if an appeal arises from a Magistrates Court, they would like to see what he wrote down as his proceedings. I do not know whether that problem would arise.

MR. ELYAU: Thank you, Mr. Chairman. You see, I think the provision here protects all languages because some people were fearing that some of their languages - there are some private languages some people have never heard spoken around in the streets. So this one caters for such languages in case they want to be taught in schools in those rural areas. Some people were fearing that by introducing a national language, other languages would not be considered and catered for. So I think this provision looks after all other languages.

THE CHAIRMAN: I think let us get it clear. I was not challenging the usefulness of this particular provision. I was only worried about the way it is written but I think from the explanations given, really we do not have to interfere with it. But it was not the substance that I was worried about.

MR. MULENGA: Thank you, Mr. Chairman. Mr. Chairman, I will start from the point, what is official language? When we say such a language is an official language, what are we aiming at? We are saying all official communication and records shall be in English. Now, if I am correct, I would not have minded saying that this does not apply to medium of education because that may not be, strictly speaking, official work when you are teaching primary one, two, three and so forth. But where it brings a problem is when you refer to legislative, administrative and judicial purposes. If you say Parliament may, in future, permit someone to move an amendment or even a Bill in Kinyarwanda, in Swahili, then you are bringing a problem because someone can

insist. So Mr. Chairman, I think what Hon. Onegi was saying should be examined. If we can say that "*notwithstanding that provision, Parliament may by law prescribe...*", if you want to say even in legislature, you can permit people to speak but not to move a motion, there would be an Act of Parliament which permits a person to speak because he cannot express himself in English perhaps, but not to leave it generally to cancel the effect of one by saying nothing in this Constitution prohibits the use of any other language in any matter. Then, I think Mr. Chairman, your original observation was correct. You are negating the effect because by prescribing what is official language, you are prohibiting use of other languages officially. This is how I would understand it.

MR. SABIITI: Thank you, Mr. Chairman. Clause (1) as we have already passed here talks of official language. My worry is on the latter part of two starting "or" - "*...or the use of any other language for legislative, administrative or judicial purposes*". Now, I see this is likely to cause more problems particularly in government institutions, take the Ministry of Justice or Ministry of Local Government or whatever, if we start using "*any other language*" in decision making, I find really this is likely to cause problems in government institutions. So, may I know from the Chairman of the committee how this problems is going to be sorted out! If we started communicating in Rukiga, Langi and whatever, letters written - decision making in different languages, how will this work?

MR. SEBALU: Thank you very much, Mr. Chairman. I wanted my clarification from Hon. Mulenga when he was submitting because already, we are providing for local councils and I suppose some of them may be having, to some extent, legislative powers. And you find that in those local areas, some councillor for instance, may be elected and they cannot speak English. I thought maybe that kind of arrangement would be able to accommodate such situations. But Hon. Mulenga was of a different view. So I wanted him to clarify on that.

THE CHAIRMAN: But I think Hon. Mulenga was confining himself to the wording here, that the way it is, it negates number one. But it can be worded such that say, "*notwithstanding the provisions of clause (1) of this article, nothing prevents one, two, three, four*" and we can leave it for any other purpose or we can enumerate them. Because for

those of you who are acquainted with various editions of Uganda laws, I know that there was the edition of 1935, on one page they would have in Luganda *etteeka*, something something, on the other page it is Luganda translating the other. But it is stated that in the event of a misunderstanding, the English text will take precedence because the official language was English. So, really I think they are providing, they know you have bye-laws and you want to translate them, you want to use a language to communicate. But my concern was formulation really rather than the substance.

MR. BIDANDI SSALI: Mr. Chairman Sir, in light of that, personally I would like to propose that this is a technical matter which can be handled by the relevant committee. Because at the moment, by law in the lower councils, any local language can be used. In schools, any local language can be used by law and yet the official language is English and I think that is what all of us want. But the question is how to put it.

THE CHAIRMAN: No, I think to enable us to proceed, can I suggest this, Hon. Delegates, we are not disagreeing on substance. It is just formulation and I would like to suggest that we have a technical committee composed of legislative draftsmen whose job is to write this thing. Let them go and formulate it. When we get the chapter printed out, we can have a look at it in view of the doubts which have been raised. Because we are not disagreeing on the substance at all. It is purely the way this thing is written.

MR. PAUL ETYANG: Mr. Chairman, I generally agree with what you say but I have a problem even on substance. From the explanations given either by Hon. Malinga or by Hon. Joseph Mulenga who is suggesting that perhaps Parliament could be given the authority to add some other languages as it may deem fit, and Hon. Malinga whom I heard as saying that already in the courts, there is a provision for "*native languages*". My quarrel with this is that it opens Chinese, Japanese and all other foreign languages to be possible to be used in our courts as of right. Is that our intention?

THE CHAIRMAN: Yes, in some cases because if you are trying a Chinese and he cannot speak English, what language are you going to communicate with him?

MR. ETYANG: Well Mr. Chairman, that is an exception rather than the rule. I have never known where we could actually anticipate each and every situation at the level of the Constitution. I think we should actually confine ourselves to what is practical. If I could offer a possible solution, the OAU has a formulation which confines it to use an African language but where that is not possible, then you could resort to these other foreign imperialist languages. But for us now, 30 years after independence, to provide in the Constitution a possibility of cultural invention by all these other languages which is outside Africa, I think it will be unfortunate.

THE CHAIRMAN: No, but you see, Hon. Etyang, what is here actually is what you are saying that let us leave it to Parliament and that is what exactly he is saying, "*for administrative, legislative or judicial purposes as may be prescribed by law and prescribed means prescribed by Parliament or other competent authority*". So really we are wasting time.

MR. ETYANG: I have no problem with that.

THE CHAIRMAN: Yes it is there but still we should be careful because if we begin talking of languages as if the languages we know are all the languages in the world, tomorrow, Uganda may want to sign a contract with some country which is or insists on theirs and we may find it difficult to enforce in our courts a Chinese contractor some contract in Japanese. So I do not see any problem.

MR. ETONU: Thank you very much, Mr. Chairman. Whereas the clause appears as it was in the Draft Constitution because we have not amended it yet, it will cause a lot of confusion particularly where it says "*as a medium of instructions in schools*". I would like to be clarified. Shall we be setting examinations in our local languages also? And in doing that, are we not reducing the standard of education?

THE CHAIRMAN: No, that is a question of argument really. But I think Hon. Delegates, you are wasting a lot of time on this. I did mention even - although the fear was raised by Hon. Paul Etiang, he was in Parliament for instance when we passed or adopted the agreement for setting up the Islamic University in Mbale - the agreement was in various texts, in Arabic and in English except that we said, in the event of this, the English text is going to prevail. So that this is permitting the use of languages in

situations as can be foreseen. We cannot force here all of them but I think it was well written to say that for legislative, administrative and judicial purposes. What was of concern was the inter-relationship between clause (2) and clause (1) from a point of drafting and I was saying we leave this to the technical committee and then we proceed.

DR. ODUR: I am sorry to take your time Mr. Chairman. But I think I have a bit of problem here because the text, for example, in 1967 was stating that the official language of the government of Uganda was English. But here we are saying official language of Uganda, not of the government of Uganda, is English. Now I think lawyers could guide us on this if it does not mean differently now.

THE CHAIRMAN: Hon. Mulenga, since you were in the Attorney General's Chambers at the time the Constitution was being written -

MR. ADOKO NEKYON: No, I am not trying to do the work of lawyers. I want to raise an issue so that he can answer together with that of Hon. Odur. In my opinion, what was being expressed in this text is that any language can be used for administrative, legislative and judicial purposes for local affairs, nothing to do with international relations. For instance, if I want to address a council in Apac where most of the people understand Langi, I should speak in Langi. Whether I go to my village and we are discussing something to do with judgement of a clan court, it should be in Langi. I think this provision is dealing with only local issues. So what we need is to add for legislative, administrative and judicial local affairs in local councils or in local governments. That is what I think.

MR. CHANGO MACHYO: I think Mr. Chairman, improving on what my Friend Hon. Adoko Nekyon has said, supposing I go to Buganda and I can express myself in Luganda, there is no need for me to speak English when I could speak directly to the people in whatever place I go to. So I think it is proper that if you go to a place and you can express yourself in the language of the people, you do not have to speak English simply because it is the official language but you can speak to the people directly in their own tongue. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Thank you. That one is within the spirit of this wording.

MR. MULENGA: Mr. Chairman, in answer to Hon. Odur, I lay emphasis on the word "official". If we stopped at clause one that the official language of Uganda is English, I do not have to add Government of Uganda because we know what is official. It excludes my communication at home, in social affairs and so forth. That one I think is clear. But the purpose of two is to make or not to cover those cases which are not official but rather to provide for use of other languages for communication and records. And that is why I have said we should rather expressly say that Parliament may prescribe circumstances when any other language other than the official language can be used for official matters. And as we send the matter to the technical committee, I think we should give them that guideline. The purpose of clause (2) is to say there may be circumstances where in official business you may want to use other languages.

THE CHAIRMAN: But that is what it is saying except that it is just a question of wording and using the word as prescribed by law.

MR. MULENGA: Yes, I am appreciating Mr. Chairman, but as observed, the immediate impact of that framing is as if we are saying Parliament may forget about clause (1). Nothing in clause one prevents.

THE CHAIRMAN: I agree with you and I am saying the formulation should be really a drafting matter if they have taken the instructions we have given them.

MR. KATENTA-APUULI: Mr. Chairman, concern was expressed in select committee four that Uganda didn't have a national language. Therefore, a number of ideas were advanced to address the issue of national language and proposals were made. The prominent proposal that came to the Committee for consideration was that *Kiswahili* should become Uganda's National language. In discussing this particular subject, the committee extensively debated the issue and in the end, the committee decided to request this August House that a new Article, Article 6 be introduced in the Constitution with regard to the national language. However, the committee was so divided over this matter that it necessitated us to file a Minority Report with regard to the views of a substantial number of other delegates who did not agree with the use of *Kiswahili* as a national language.

Therefore, Chairman, I would like to present the report of the majority which recommended the introduction of a new Article 6 to read: "*The national language of Uganda shall be Kiswahili.*" However the minority who were substantial in number did not agree with that position and we wish that a new Article 6 be introduced to read, "*The state shall promote Kiswahili and indigenous languages for the evolution of a national language.*". They also further recommended that should the Plenary accept this division, this recommendation should move to the objectives Chapter. Hon. Chairman, I beg to move.

THE CHAIRMAN: Let me first of all repeat - Order, order! Let me outline the procedure we are going to follow in considering this. The procedure as you know is that when we have a majority report and a minority report, the Rules simply say that the minority report will be presented together with the majority report to be considered together. That is what the Rules say, but the practical terms are that in considering this matter, one would start with the minority view because should the minority opinion convince this House and be adopted, then it supplants the majority opinion, that is the position. So, I will identify it here. There is another proposition, the minority opinion was signed - at least the one I have on my file - by Hon. Sekwa, Hon. Bagenya, Hon. Robinson Katumba, Hon. Begeya George, Hon. Wasswa Lule and Hon. Dr. Okullo-Epak. These are the ones whose signatures appear on a Minority Report I have on my file and the Chairman of the committee has read out the contents of the minority view which opposes the majority view. I would like to ask one of the Members whose names I have read out to present the Minority Report and then we shall debate that one first. We are still on Article 5 - no, they are proposing a new, an additional Clause. Sorry, Hon. Chairman, of the committee - you are suggesting that what we are not considering is a new Article.

AN HON. DELEGATE: That is what the committee decided that it should be a new Article.

THE CHAIRMAN: It has nothing to do with the language, because for me, I took it to be an extension of (5). I thought it was Clause (6).

AN HON. DELEGATE: According to the Technical Committee, the Technical committee advised that it should be a (d) and they use quite different

terminologies from what we decided in the committee. They say it should be a paragraph to promote *Kiswahili* and indigenous Ugandan languages for the purpose of evolving a national language for Uganda, that is what - (*Interruption*)-

THE CHAIRMAN: Okay let us consider this - I am sorry I must take you back a bit. Let us first of all then pronounce ourselves on 5, because we skipped it. I thought this was just Clause 6. So, now I will put the question on Article 5.

(Question put and agreed to)

THE CHAIRMAN: Now, what we have and which has been introduced, is a new Article 6 and I read out the names of the members who propose the minority view and we shall start with the minority report first. Hon. Malinga I do not see your name on the list.

MR. MALINGA: Mr. Chairman, I seek your indulgence and that one of the Chairman of Committee Four - that the national language was passed, but that it was decided that other languages also be promoted and this Motion was equally passed by a majority of the committee but it suggested that it should be put into the objective Clause but it was not to say that it was in opposition to the first one, that was my understanding. Dr. Mugenyi moved the Motion and he supported us on the other Motion as well. So, I seek clarification on this point and indulgence to put the record right. These two Motions were both passed in the committee by a majority of the members present and voting, it was not a reflection of a minority view of those members who were opposed to the first one. That was my understanding of the proceedings of Committee Four.

MR. KATENTA APUULI: What Hon. Malinga is saying has some truth in it. However, I would like to give some background as to how a committee could pass two seemingly conflicting decisions. After the minority were defeated on the question of *Kiswahili* as a national language, they insisted on putting their own Motion which the committee accepted and we debated the issue of other languages including *Kiswahili* and passed it a separate Motion. My understanding of that decision is that it would appear to be presented here to the Plenary as a minority report because there was no way we could have possibly passed two Motions that conflict. But for the committee to accept that position, it is because the minority were substantial and very vocal.

THE CHAIRMAN: Hon. delegates, we have now a report before us but for ease of reference, let us proceed on the basis that one is a majority view and the other is a minority view, otherwise, if we argue at great lengths as to what happened in Committee Four, and as to how they are coming this way or that way, we shall be wasting time.

PROF. NABUDERE: Mr. Chairman, if what the Chairman of the Committee has said is correct, that these Motions were passed by majority, both of them, then the proper thing to do, I would submit, Mr. Chairman, is that those Motions would have been sent to the Legal and Drafting Committee or the Technical Committee for synchronizing to remove any inconsistencies or contradictions in the wording. Then, it would have come as one Motion for us to debate on, but we cannot debate on a Motion as a minority, when in fact, it had received majority support.

THE CHAIRMAN: But then you see, what complicates the issue is that there is here, before the Chairman, a report purporting to be a minority report, bearing the signatures of Hon. members of this House.

PROF. NABUDERE: But it is being challenged by some members of the committee.

THE CHAIRMAN: Now, we have the Chairman of the committee confirming this position by reporting that there was a majority view on one matter and that the minority insisted on presenting their case ostensibly to come here. If we go behind and argue at great length as to what might not have happened in view, we are wasting time. We have two positions before us, is Swahili a national language or not? If it is not, what is the situation?

The minority view are saying it should not be called a national language, it should be in terms of the minority formulation; "*The State shall promote Kiswahili and indigenous languages for the evolution of a national language*". The other one said, there is also a majority view that the national language of Uganda shall be *Kiswahili*. So, what we do is this, let us come to a conclusion on this one. I would like a member of Committee Four who was a party to the minority report - because if you are not a member you cannot give us a report here - could any of the following members present this report. Dr. Okullo Epak are you a member of Committee Four? Hon. Okullo-Epak will present in brief terms the Minority Report, then we proceed from there.

DR. OKULLO-EPAK: Thank you, Mr. Chairman. The Minority Report is based on the following arguments. Mr. Chairman, Committee Four decided to introduce a new Article 6 and the first Clause to that Article stated that, "*The national language of Uganda shall be Kiswahili*". That was passed correctly by the majority.

Then another Member of the committee moved another Motion in Clause (2) stating that, "*The State shall promote Kiswahili and indigenous languages for the evolvement of a national language.*" So, Mr. Chairman, the committee ended up with a new Article 6, but with two conflicting Clauses. This is the basis of this Minority Report and Mr. Chairman, I would like to report that as soon as the committee passed the two conflicting Clauses, I sent a memo to the Chairman of Committee Four reminding him of the fact.

Mr. Chairman, you cannot have in the same Article one provision seeking to promote languages so that a national language is evolved when you have already stated that they prescribe that the national Language is Kiswahili. So, they are really contradictory, the members who have sponsored the Minority Report, Mr. Chairman, feel that whereas it would be good to have Kiswahili now or in future as a national language, they wonder that if we so say here in the Constitution, that Kiswahili be adopted a national language, what are the immediate implications? Are we able to immediately implement this provision requiring all Ugandans to adopt Kiswahili as a national language? Secondly, if you make this as a Constitutional provision and declare Kiswahili a national language, would it be any different from making it at the same time also an official language? So, are we not indeed going to end up by this provision with two official languages, one which we adopted in Article 5, Clause 1-, as English and one which would also become official language by virtue of being a national language?

So, Mr. Chairman, our view is that definitely, we would like to develop Kiswahili side by side with one or two or three national languages, then in the long run, whichever is widely spoken, written and read by Ugandans, should be accepted to be adopted as a national language and therefore official language. That is why, Mr. Chairman, we support the deletion of Clause (1) of the new Article which says national language shall be Kiswahili in favour of retaining Clause (2) of the new Article 6. I beg to move, Mr. Chairman.

MR. SEBI DATA (Koboko County): Thank you, Mr. Chairman. Mr. Chairman, what happened was that actually, the first Motion introducing a new Article, Article 6 was a Motion in itself, it was debated and passed. The next Motion seeking to introduce Kiswahili along with other languages was that, it should be transferred to Chapter 3 which deals with the national objectives. So, you can see that there are two Motions here.

AN HON. DELEGATE: Point of order! Mr. Chairman, my understanding is that you had made a ruling that we will proceed on the basis that there are two reports, a minority report and majority report. Is it in order for the Hon. delegate on the Floor to wish to refer us back to debate on how the two came about?

THE CHAIRMAN: I must say I am constrained to remove the Floor from Hon. Sebi on that account. I now would like to give the Floor to Hon. Karuhanga.

MR. KARUHANGA: Thank you very much, Mr. Chairman. Mr. Chairman, Hon. delegates, our Committee - I am a member of Committee Four, was presented with very difficult decisions to make on a number of issues as you saw yesterday. This one also came up and it became a very serious and difficult decision to make. You will observe that the Odoki report, the Draft avoids mentioning national language, it does not mention a national language. We who are members motivated by the spirit of a greater Uganda and East Africa as a region, felt that we should have Swahili recongised in our Constitution and they moved that it be a national language as a new article. The debate in our committee raged on like you can never tell and Mr. Chairman, if you allowed this debate to rage on, you would be very impressed.

Now, this situation which Hon. Malinga earlier on and Hon. Sebi was about to allude to when he was ruled out of order were all pertinent and correct. We tried to see how we can get out of this quagmire and we ended up with this report now called a minority report, but which received a majority vote in our committee. Only that, earlier on, we had also voted and if, with the permission of my Chairman, if I can even disclose the number of the votes, they were just separated by only about three votes in between. Now, of course, some members had moved out, who were four and against depending on who had come in at that time, may be they could have made a

difference. But this one, for all those who had voted Kiswahili, when they saw this, whether it was to go to the Objective, or whether it was to stay in as a minority report now as it is represented, it did receive an overwhelming support in our committee. What we have, the difference between the two is that, one states categorically a fact, while the other one states a development project - an evolution process to come to the end when Ugandans will join the rest of the East Africans, like we are not yet now members of one family in East Africa and this process might become revolutionary.

What is now before the House, is for us to make a reasoned judgement and find out whether we need to say that my mother should speak a national language today, or she should learn and in the school she should encourage her children or grand children to learn and even if she does not speak it we should accept that Uganda, for the benefit of national unity and statehood, we should come up to speak a language which unites us than divides us and we felt that the word Swahili should remain a component of this revolutionary process and should be encouraged and taught in schools. In fact, as a member of NRC, we did discuss the Kajubi Report. Now, I do not know whether the Kajubi report is Prof. Kajubi who is now a delegate, but on research, I know he is the one.

THE CHAIRMAN: But do not forget that he takes instructions from Kyadondo North, not from his previous writings.

MR. KARUHANGA: The Hon. Kajubi representing Kyadondo North, happens to be Chairman also of a very big report on our educational system and in that report, a big component of it which was passed in the NRC, did encourage Swahili to be taught in schools and to evolve and members of Parliament also on the Cabinet White Paper. This came out and was supported and in NRC we also endorsed this and endorsed other national indigenous languages to also evolve. Now, the CA is confronted with this decision of making a pleasant - and I did in my contribution in the committee appeal and wished that we could all be united and support Swahili because it is such a wonderful thing to do. *(Applause)* However, it was not to be and since we are really trying to write a Constitution where everybody should feel happy, where we should accommodate all our interests and come to a good consensus, as we lawyers call it consensus idem, since Swahili is accommodated in

the indigenous - in this minority report as a revolutionary language, I think it would be only too prudent and wise of our statesmanship to accept the minority report now as it is described although it was really a majority decision and support that states that the State shall promote Kiswahili as a very important and indigenous language for the evolution of a national language.

I know, Mr. Chairman, that in this situation we really have people who have done research on Kiswahili. In fact, if you give Hon. Sebi the Floor, you will really say - Members to see the greatness of Kiswahili, but knowing also the extreme side of a certain section of our people who really cannot speak Kiswahili today, I think it is imperative and almost difficult to refuse this Amendment. This Amendment should have come as an Amendment in the National Objectives as an Objective of our country. We should promote Swahili and other indigenous languages. If we could find an example that Luganda or Luo is now spoken widely by all Ugandans, why can we not be proud about our own language and promote it? But Swahili has taken a definite step forward, now to put it in the National Objectives when Members want to have a categorical statement about the national language, is very important. Therefore, I appeal to Members, for the benefit of a consensus, to support this minority report which includes Swahili and other indigenous languages. In fact, the group which is opposed to - *(Interruption)* -

THE CHAIRMAN: Hon. Member, you are about to free-bust, I think.

MR. KARUHANGA: Thank you, Mr. Chairman.

PROF. KABWEGYERE: Thank you, Mr. Chairman. I also belong to committee four. I will not go into the details but I want to point out that Hon. Karuhanga tried to present the mood that led to the Motion being passed by the majority. Only that, towards the end, he veered away from the ground. Mr. Chairman, I am opposed to the minority position and the grounds are not even natural, they are very social. The ground, it is clear that we are talking of a language that can unite all of us without anyone of us feeling that it is his or somebody else's. Secondly, in the debate that we went through, if Members are democratic as we were in Committee Four, I can recall one of the argument was that, we are talking of Uganda in relation to other areas and that we are not talking of an insular nation, we are talking of a very

active nation, not only in region but in the wider context of Africa and that Kiswahili in the context of Africa has a high position compared to what any of the languages will attain in the next 20-30 or even more years. Therefore, the issue of the context of passing Kiswahili as a national languages was in that line.

Now, the promotion was also emphasised with regard to the majority support of the Motion that we know we are familiar with a situation that the majority of Ugandans do not speak Kiswahili, just as they do not speak the official language. They do not speak English and in fact, I think I am right that they are more people who speak Kiswahili possibly when they have not been to school.

PROF. SENTEZA KAJUBI: Point of information! Thank you, Mr. Chairman. I thank Hon. Kabwegyere for giving way. Mr. Chairman, I would like to seek clarification from the Hon. Member on the Floor to explain to me exactly what a national language is as distinct from the official language of the nation, or a regional language, what is it and what legal status will it have vis-a-vis the official language?

PROF. KABWEGYERE: Thank you, Mr. Chairman. We know the difference between what is official and what is national. The content Mr. Chairman, we know what is official need not mean the majority position. What is national is supposed to be majority position and we are saying - this is why I was coming to the next point of my contribution if only Hon. Kajubi had waited. We agreed, all of us, that Kiswahili is not spoken widely today as it should for it to transmit the national content. So the idea was that, the language will be promoted, Kiswahili will be promoted but rather than promote English to make it a national language, we are going to promote Kiswahili instead. Now, the reasons were clear that Kiswahili would unite us more than English or any other language and unite us not simply in Uganda but unite us in the wider context.

Now, finally, Mr. Chairman, the core group within those who were opposed to Kiswahili as a national language were a group of people who thought that Kiswahili was a foreign language, that it was not any different from English, that it was in fact - someone went to the extent of saying, it is a language of thieves, which obviously is a misrepresentation and those of us who support it know that Kiswahili is

much easier to teach, we should be able to get high proficiency in Kiswahili in a much shorter time than even some of the languages we all hold here. Mr. Chairman, I oppose this minority amendment, although because it talked of promotion of Kiswahili so that Uganda as a country would be constitutionally committed to promoting it, many of us, therefore, went for it as a second alternative. But certainly, the alternative of the majority of our committee was that we have Kiswahili as a national language. Thank you Sir.

THE CHAIRMAN: There were two for the Motion. I have heard one against the Motion. Can I hear another person who is against the Motion?

MR. MALIRO: Thank you, Mr. Chairman. Mr. Chairman, I oppose the minority report for the following reasons. It says that Kiswahili and indigenous languages shall be promoted for the evolution of a national language. I think if you analyse that one alone, you can see the impossibility. The import of it is saying that all the indigenous languages in Uganda have got to be promoted by the state on equal footing - Mr. Chairman, please protect me from these people.

THE CHAIRMAN: Order! Please continue.

MR. MALIRO: It means all the 50 languages in Uganda have got to be promoted by the State on equal footing until such a time when one language will be picked out as a national language. To me, I think that is an impossibility, to me, that is an impossibility. Now, Mr. Chairman, if you look at where this Article is, it is in Chapter Two and this chapter is enforceable. I am trying to find out how one can say, today you get one pupil in one class, teach him Kiswahili, teach him Luganda, Runyankore-Rukiga, teach him Luo, all those languages at ago so that at the end of the day, he can be able to communicate with another child from another part of the country, I think that is impossible. Mr. Chairman, I think we came here to represent the people, we came here to represent their views and our duty is to say what people want. We have got here the Odoki report and it is very specific. It stated that a national language must be adopted; it said that the national language must be adopted. According to the memoranda which were received, Mr. Chairman, only 0.4 per cent said, a national language is not necessary now. 99.6. *(Interruption)*

MR. KAWERE: Mr. Chairman and dear delegates, I heard the speaker holding the Floor telling us that Swahili should be taught because it is one of the 50 ethnic languages - *(Interjections)*

THE CHAIRMAN: That is not what he said, Hon. Maliro, continue.

MR. MALIRO: Thank you, Mr. Chairman. But for his information, I did not say that Kiswahili is one of our ethnic languages, I said that it says we have to teach Swahili and the other 50 languages which are ethnic, hence 51 to be taught to every pupil in Uganda concurrently and I said it is impossible. Now, Mr. Chairman, I was trying to give the statistics according to the views of the people of Uganda - what the people of Uganda actually said, and to see if it is exactly what we are saying here now. I said that 99.6 of the memoranda which reached Odoki Commission said we must adopt a national language now.

Now, when you go to regional analysis of the same views from the people in Western region, only 7.3 per cent said we could adopt Luganda, the rest said we could adopt Swahili. When you go to Northern Region, out of 251 memoranda, only one said we could adopt Luganda, the other 250 said we could adopt Kiswahili, that was 99.6 per cent. *(Applause)* When you go, Mr. Chairman, to Eastern Region, 37.8 per cent said we could adopt Luganda. Now, what I am trying to emphasis is that the people of Uganda:

- i) said they want a national language.
- ii) they said that the language they want is Swahili because the question was, if yes, you need a national language now, which national language? And then - *(Interruption)*

MR. LUBULWA MIGADDE: Point of order! Mr. Chairman, is it in order for the Hon. Member on the Floor to mislead this House to say that, the discussion is between Luganda and Swahili, when actually we are talking of national language and other languages?

THE CHAIRMAN: I think Hon. Migadde has a point. I think the Hon. Member should confine himself to stating what percentages favoured Swahili, because we are not - I mean if I asked you in this room, do you want to speak Swahili and then you can tell how many said "yes" and how many said "no". You do not know what else they wanted. So, he is taking us into a comparative study. For us, what we want to know, if you want to argue your case -

because our argument is, should Swahili be or be not? I think we should narrow our arguments, so that we are relevant.

MR. MALIRO: Mr. Chairman, what I was trying to emphasise was that the people of Uganda - the views of the people of Uganda, if they are to be respected, we must adopt Kiswahili because it is what the people want and I said that it is not possible to say that we promote all the languages because it is impossible to teach all the languages in every school at the same time. If I was to give a few reasons why we said we should have Swahili - *(Interruption)*

THE CHAIRMAN: But you are taking too long, I think you better summarise now.

MR. MALIRO: Mr. Chairman, the reasons which have been advanced are that we take the minority report because it is a compromise, I do not see who is compromising with who - because if Kiswahili as adopted as a national language, it is not a language which will affect any person, any ethnic group in Uganda. It is a neutral language. Mr. Chairman, I do not see any danger in having a language which can assist us to be able to communicate with our friends in any part of Uganda without having to talk through an interpreter. Thank you, Mr. chairman.

THE CHAIRMAN: Okay, we have had two in opposition to the Motion, I will take in support of the Motion.

MRS SPECIOZA WANDIRA KAZIBWE: Thank you, Mr. Chairman, my contribution is to support the minority report. *(Applause)* Mr. Chairman, the confidence that anybody gets in life, you get because you have opportunity to communicate with others and the way you communicate really is what you think and what you believe in. Mr. Chairman, I get surprised when we quote the percentages of people who contributed and supported Kiswahili. It is true they are there but who are the people who teach us confidence from the word go? These are our mothers, they are the ones who teach us language, they are the ones who give us confidence. In the report which - *(Applause)* - which was submitted by the Minister for women in Development to the Odoki Commission, a report which was collected from women leaders all over the country, they said, we support Kiswahili, but we do not want our local languages to die because those are the roots of our people *(Applause)* Mr. Chairman, countries all over - *(Interruption)* -

MR. CHEBET MAIKUT: Point of information! Thank you, Mr. Chairman. I thank very much the Hon. Member on the Floor for giving way to allow me to inform her. Mr. Chairman, the information I would like to give the Hon. Member on the Floor is that, the question of evolution of language cannot arise now because evolution of languages can only occur where there is opposition or suppression of certain interests. For example, people had to learn Kiswahili in some parts of Uganda - for example the elderly in Kapchorwa, because the Baganda agents were used by the imperialists to harass the people. Similarly, if we come to Kiswahili - I am sorry, I know the information may hurt some - if we come to the question of Kiswahili, we have got to make a start now, Mr. Chairman.

THE CHAIRMAN: No, no. You were to give information but not to begin the argument.

MR. CHEBET MAIKUT: Okay, in short, Mr. Chairman, I would like to suggest that it is very difficult to have evolution of a national language unless we make a start right now, here. Thank you very much.

MR. MULONGO: Point of information! Thank you, Mr. Chairman, I would like to inform the Speaker holding the Floor that, a national language, say Kiswahili, will not necessarily destroy the indigenous languages. *-(Applause)-* An example, Mr. Chairman, is in Kenya and Tanzania where indigenous languages are developed, books are written, but still the people are encouraged to use Kiswahili as a national language and this is doing very well. So, Mr. Chairman, I think she is not correct. Thank you.

MRS. WANDIRA KAZIBWE (DR): I think people are talking because I have not evolved my argument.

MR. KINTU MUSOKE: Point of information! Mr. Chairman, the question of a language of a country is vital - *(Interruption)*

THE CHAIRMAN: Is it information or argument, because she is still on the Floor.

MR. KINTU MUSOKE: She is still on the Floor?

THE CHAIRMAN: Yes.

MRS. WANDIRA KAZIBWE: Thank you Mr. Chairman - *(Interjections)-*

THE CHAIRMAN: She say she is not taking it. Why do you want to impose it on her? Hon. Kazibwe continue because you have a right to take it or not to take it.

MRS. WANDIRA KAZIBWE: Mr. Chairman, allow me to continue. Since you are talking in my favour, you will give your contribution in favour of supporting the Motion. Mr. Chairman, I am aware that in this country, we are trying to forge national unity, but if we are going to unite a people who do not think and believe that in the quest of forging an identity for themselves, our people have evolved a language, then I think we have a problem. Mr. Chairman, in small places like Papua New Guinea which I know you are very familiar with, Mr. Chairman, they are trying to un-bury languages that are spoken by not even more than three people. Why are they doing it? Because anthropologically, it is very clear for a people to understand their roots, to continue building on to how they have evolved over time.

Mr. Chairman, the minority report is indeed helping us to move ahead, we have already passed the Article 5, Clause (2), where we are saying that nothing in this Constitution prohibits the use of any other language. If you do not have a dynamic Government, this is a static provision. It will just tell Government that you can take your time to provide money to make sure that Samia is not dead. You can take your time to make sure that languages like Lunyoli are not promoted, you can take time as a Government to may be in 20 years' time come up with money and the expertise to promote Kupsabiny. Mr. Chairman, the minority report is charging Government and Parliament to provide for resources to make sure that every language in this country is preserved including Swahili. Mr. Chairman, in our quest to look for regional identity, that quest should not actually be at the expense of promoting the identity of our people in their languages, languages which they should think in and make sure that they do not die.

Mr Chairman, coming up with a provision like this one by the so-called minority in that Committee, makes sure that when Ugandans come up in this regional arrangement, they will have an identity before they go there. In actual fact, if we go without having promoted our languages, we shall be lost in

the sea and we shall be swimming in a pond where we actually do not know whether to use the back stroke or the breast stroke. So, the Amendment by the minority is the rooting powder for all of us Uganda, It is the rooting powder which will give us roots here in Uganda. Each one of us in our own languages, the language will emerge, it will evolve because Ugandans will be proud, that will not stop us from being united. We are trying to build a consensus between those who want a regional arrangement. This minority report is saying yes, let us have Kiswahili, and also build the consensus between those who say that their indigenous languages should be promoted. Together, this marriage will give us the laxity, the freedom and the unity that we are trying to build as Ugandans, each in his or her own way, in his or her own language while promoting the language that will marry us to the region, that is the East African region.

Mr. Chairman, I beg to support and I urge the Hon. Member not to kill our own identity here as Ugandans by promoting only one language Kiswahili and giving a lee-way to subsequent Governments to only take it upon themselves to do what they want. Let us charge Government here with the duty of promoting both Kiswahili and the indigenous languages. Thank you, Mr. Chairman. *(Applause)*

THE CHAIRMAN: I will have another supporter of the minority report.

MR. BAGEYA (Kigulu North): Thank you very much, Mr. Chairman. Mr. Chairman, if you remember correctly, during my contribution to the general debate, the instructions I had from Kigulu North was to absolutely refuse Swahili as a national language. I had been asked that the Bakigulu do not mind any indigenous language of Uganda to be introduced as a national language and regional languages are being mixed up. In the United States of America, where I have lived briefly, the blacks are up to today trying to find their own roots. Now, I would pose a question, why do we negate our won languages only to loose our identity and then perhaps another 100 years we try to trace our identity? After I had consulted with people at home, I told them - *(Interruption)*

MR. ONEGI OBEL (Jonam County): Thank you, Mr. Chairman. Mr. Chairman, let me try to say I am not in love with Kiswahili, that is why I originally proposed that the national language be English, but I was defeated, fine. But over here, Mr.

Chairman, we are talking about a national language and I get increasingly confused to hear the promotion of several or all indigenous languages and I wonder how all of these are going to develop into one national language. *(Applause)*

THE CHAIRMAN: Just a moment Hon. Kintu Musoke, do you seek clarification or you want to take the Floor? No, when he finishes - I remember I had given you the Floor before, but I took it away from you, I should have given it back to you, but Hon. Bageya, go ahead.

MR. BAGEYA: Mr. Chairman - *(Interruption)*

THE CHAIRMAN: Could you answer that.

MR. BAGEYA: I am talking in support of the minority report, that is what I want to assure Hon. Onegi Obel and also in support of indigenous languages for the evolution of a national language. Of course, I am aware of some people who would like to loose their identity and I do not happen to be one of them.

THE CHAIRMAN: Hon. Bageya, do not impute motives on the part of -

MR. BAGEYA: If I have hurt anybody, I regret.

THE CHAIRMAN: Order! Hon. Bageya, could you go and finish please?

AN HON. DELEGATE: Point of order! Thank you, Mr. Chairman. Is it in order for the Hon. Member holding the Floor to impute that in places like Tanzania and Kenya where people have adopted Kiswahili as a national language, they no longer have their mother tongues, whereas people know their Kikuyu, they can speak any other languages? Is it in order, Mr. Chairman, to impute like that?

THE CHAIRMAN: The Hon. Member did not, he only talked about - he said he knew people who wanted to lose their identity. I thought he was referring to Members here, and I ruled him out of order. So, the issue does not arise. Just proceed and wind up.

MR. BAGEYA: Thank you, Mr. Chairman. I am here speaking for Ugandans, especially those from Kigulu North and the instructions are very clear. After having consulted my people, they came up and

instructed me to strike a compromise in accepting the evolution of Kiswahili, without leaving the indigenous languages behind. The purposes were clear, not to lose our identity. You have heard arguments where a certain language was brought in as percentages were given, I was only wondering whether the percentages that were given were the percentage of the population of those areas or of the people interviewed. I will take information from Hon. Karuhanga.

THE CHAIRMAN: But you see *(Interruption)*

MR. BAGEYA: I need to be informed, Mr. Chairman.

THE CHAIRMAN: The Member who read out the statistics says they were submissions from RCs and other groups. So, we do not want to waste more time on that, you go ahead.

MR. KARUHANGA: I just wanted to assist the Hon. Bageya since he was making the point to read out the statistics for him.

THE CHAIRMAN: No, the statistics were read out by Hon. Maliro, the only thing he wanted to know was whether they were of voters, they were not correctly read out Mr. Chairman.

MR. KARUHANGA: They were biased because here, we have the statistics all the RC I said -

THE CHAIRMAN: No, that is not what he was seeking to know, he was questioning whether Hon. Maliro read out statistics of voters or of memoranda and I have clarified that. If you want to make a contribution with better statistics, that is a different matter. So, let us first of all get this one.

MR. BAGEYA: So, Mr. Chairman, in full support of this Motion, I would like to urge most of the members who feel Uganda is their own country to have some form of identity and when we come to a regional language, we can decide on any other language that can get out of Uganda. It would be very absurd if we go for international meetings like the Chinese do, and we have no common language that we can short circuit so that we reach a compromise with the other foreigners. It is good fun to have your own language, because if I am in London with somebody else from let's say, from West Nile, and we are discussing with an English man, and we do

not have a local language that we can discuss quietly or even in Kenya, for that matter, there is no local language that I can short circuit to strike a point with my counter part, it would be rather absurd.

THE CHAIRMAN: Hon. Bageya, you are making my work difficult. I gave you the Floor because you were supporting the Motion, but now you are opposing it. *(Laughter)*

MR. BAGEYA: No, I am in full support of the Motion. As I told you earlier on, I was vehemently opposed but as a matter of striking a compromise, I have been given way to accept this particular Motion. I, therefore, Mr. Chairman, call upon my Colleagues to appreciate it and take it up the way it is because we shall avoid conflicts elsewhere. I thank you.

MR. KINTU MUSOKE (Kalungu East): Mr. Chairman, the question of language which we have here should be considered very carefully by all of us because not only do we speak in a particular language but we also think in a particular language. When somebody is coherent in a language, his ideas are also coherent. If he is incoherent in a particular language, his ideas or thinking are also equally impaired. Mr. Chairman, Uganda has no National language because Uganda is not yet a nation. So, if you want to have a national language, you have to concentrate on building the nation and the nation will produce the language. *(Applause)* - Mr. Chairman, we should not also over emphasise the uniting factor, the uniting influence of a language to a nation because if this were so, our Rwandese friends would be the most united on the African Continent, the Somalis would be most united on the African Continent, the Arabs would be the most united in the world because they have a common language. So, we do not have to over emphasise this although it is a fact in uniting people.

I had the opportunity to live in India for 5 years. The Indians did adopt a language called *Hindi* as their national language. *(Interjections)* - Mr. Chairman, I lived in India for five years and during their constitution formation, the Indians adopted a language called *Hindi* to be a national language and they gave themselves 20 years to develop it into a national language. It is now about 40 years since they did this and *Hindi* has remained a Constitutional language and has not evolved into a national language. The more they tried to develop it, the more parochial the

people became and went back to their national language. That is why I am saying, Mr. Chairman, that we should move with care and with caution. To this, I will therefore, add that if you took an Acholi boy born in Nsambya Barracks in an Acholi home, he will be speaking Acholi in the home and probably Kiswahili in the barracks and more likely Luganda in the market and then English at school. If this child left school when he is aged - after P.7, he may not be coherently literate either in Acholi or in Kiswahili or in Luganda or even in English, although he will be better in English because it is taught at school. This is the predicament in which we are and therefore, I feel that we should be careful so that we allow ourselves time to allow the growth of a national language from whatever language we shall have adopted from either the official language - we could have even more than one official language which is in fact now obtaining in this country while allowing and giving time for the nation to develop and when our nation is united, then I am sure a national language will emerge out of this. - (Applause)

In conclusion, Mr. Chairman, therefore, I support the minority report and I emphasise the fact that we should allow an official language to develop, we should allow as many other languages as the Chinese say - "Allow many flowers to blossom and out of which you shall pick a rose when it actually develops." So, I support the minority report.

THE CHAIRMAN: Now, let me hear some people against because I have been hearing those for and I have had three against.

MR. OWOR (Aswa County): Mr. Chairman, I would like to add my voice to those against this Motion. One of my difficulties is this tendency to think that you can legislate the evolution of a language. That one is impossible. A language evolves by itself. It does not evolve according to legislation. - (Applause) - Mr. Chairman, you can however legislate the promotion of a particular language because then you can put in place structures and machinery to promote it. You can do that through school curriculum, you can do that through your national radios, you can do that through a number of ways and if a language, therefore, evolves from that which you have already legislated, then that is a different matter and the only opportunity we have, Mr. Chairman, is to take concrete steps towards the promotion of a particular language - (Applause) - and this provision that had earlier been proposed by the

majority report, it is not in any way saying no other language shall exist other than Swahili. It is saying exactly what the minority report is striving to say and I see it as completely redundant and ending in confusion. The only thing we should do, Mr. Chairman, is to take concrete steps as I said, to legislate through this Constitution to make Swahili a national language. I have known a place like India where they took concrete steps to make Hindi the national language and a number of other indigenous languages have coexisted and I would like also to say that in Kenya, Swahili has been the national language but currently another language is cropping up among the young people called Sheng which involves Swahili, involves Kikuyu, involves Hindi and involves English and that is what they call the evolution of another language and they could have never legislated that. Mr. Chairman, I would, therefore like to oppose the minority report. Thank you.

THE CHAIRMAN: Those opposing? Hon. Asoka.

MR. ASOKA (West Budama North): Mr. Chairman, Uganda seems to be the only country which is very well known for postponing major decisions of national importance. - (Applause) - This one is certainly one of them. Over the years, those who are the proponents of postponing the adoption of Swahili as a national language have been around in positions of decision making both in government and otherwise but they have never been able to help those 50 or so indigenous languages to evolve so as to be adopted, one of them, as a national language. The fact that, as one of the previous Speakers said - he was quoting statistics from the Odoki Commission which indicated very clearly the wishes of the people of this country, the majority to have a national language. I call upon the majority of the Members who support that position that now is the opportunity and we have the opportunity on behalf of the majority of the people in Uganda to give them a national language as Swahili today. - (Applause) - I would like to request those who say that now is not the time to do so, those who think that postponing decisions does not necessarily mean that we are actually doing anything more positive or effective, rather what we are doing is continuing to be indecisive to the extent that even after 30 years we would still be looking for a national language to evolve. Mr. Chairman, I support the majority report and therefore, I request that the majority adopt this report and today we pronounce ourselves on Swahili as a national language.

THE CHAIRMAN: You are opposing the minority report?

MR. ASOKA: I am opposing the minority report Mr. Chairman.

DR. KINYATA (Kikinzi County East): Mr. Chairman, I also oppose the minority report. Those hopefuls who think that one of their vernacular languages will evolve into a national language, they should now think in terms of time. How long can evolution take to produce a national language here? When we became independent 33 years ago, Mr. Chairman, the British Government saw it that we could not have a national language because we were still divided as we are divided today and they left it to us that maybe, during the course of time, be it two years, be it 10 years, we should now be able to take *-(Interruption)-*

PROF. SENTEZZA KAJUBI (Kyadondo North): Point of Order! Thank you, Mr. Chairman. Is Hon. Kinyata in order to impute that those who support the minority report do so because they want their indigenous languages to be the national language? Is he in order to impute that?

THE CHAIRMAN: Hon. Ssentezza has a point. I do not think any Member here has claimed that they are either supporting or opposing for hidden motives. Hon. Kinyata could you please withdraw the imputation?

DR. KINYATTA: Okay, I withdraw. Mr. Chairman, what I am trying to say is that the evolution takes a long time and we have been waiting for a national language up to now. Even now, over 33 years we are still waiting and you want us to extend to another 60, another 90 years to come before Uganda can have a national language. Mr. Chairman, we want to unite and join our neighbours and have a language where we can communicate and understand them.

THE CHAIRMAN: Hon. Kinyata are you taking information from your neighbour?

DR. KINYATTA: I will take it.

AN HON. DELEGATE: Mr. Chairman, can Hon. Kinyata inform us how long it took to evolve Kinyankole language that he speaks so that we know what it takes to make a language.

DR. KINYATTA: Mr. Chairman, I can tell him that it took Kinyankole to evolve up to the time I am speaking it. Since the word Nyankole - I do not know, before I was even born. What I am talking to you is that it will take you a hell of years or even centuries to get a national language established. Mr. Chairman, we would like to have a language which can unite us, we people of East Africa and a language which will not be costly to evolve. Some people are thinking that we should wait and the languages in Uganda which we have should evolve and one day we shall get one language which we shall call a national language. My question is, at what cost and for how long? Mr. Chairman, already in Uganda, we do have languages - those who think they have languages maybe more advanced than others, they cannot speak them even on boundaries, in the corner of Uganda *-(Interruption)-*

THE CHAIRMAN: But Hon. Kinyata, would you stop imputing motives on the part of some Members? Speak to the Motion.

DR. KINYATTA: Kiswahili, Mr. Chairman, is already spoken largely in many parts of Uganda. There is no single county in Uganda where you cannot get at least some people who do understand Swahili. Can anybody now tell me here, whose language can be spoken as largely as that of Kiswahili? Mr. Chairman, because of the cost involved in making an evolution of a language here, because of the time lag we have suffered, because of unity of East Africa and of Uganda, I would like that, Mr. Chairman, we support Kiswahili to be the national language. Thank you.

THE CHAIRMAN: Hon. Delegates, I can see there is a forest of hands in the air. We have heard three, two, two and so on. I would like us to pronounce ourselves on this question *-(Applause)* Now, if we go into clarification, Hon. Magezi, if we start with one - how do we end it? Because really I know what that means. There is clarification, information. It is all an attempt to take the Floor for further debate. I want to put the question on the minority report. The minority report, in their recommendation, states as that the House should adopt the following language that *"The State shall promote Kiswahili and indigenous languages for the evolution of a national language."* The position is this and should we carry this, then the recommendation of the majority falls by the wayside. That is the position. *-(Interruption)* On what? Point of order?

Against the Chairman, is it? You cannot have a point of order against yourselves. The procedure for censoring the Chairman is in the regulations.

DR. MAGEZI: No, Mr. Chairman, it is not a Point of Order against the Chair. It is a point of Order against the August House. Mr. Chairman, on Page 10, Chapter 3, Article 34 under Cultural Objectives, sub Article IV, we pronounced ourselves very clearly on the subject matter of the national language. Is it in order, Mr. Chairman, that now we pronounce ourselves again? Page 11, Cultural Objectives, 34 (IV): "*The state shall encourage...*" Is it in order, Mr. Chairman?

THE CHAIRMAN: Yes, it is in order because what we have done is that we have stated objectives and in some cases expanded on them in the main body to make them enforceable or justiciable depending on the situation as it arises in each context. Now, I will put the question. *(Interjections)*- Order! Order! I would like to caution Members against attempts to rig votes. I want to put the question.

(Question put)

THE CHAIRMAN: Let me be honest. The resonance was equal and I am going to have to resort to the rules and call a division on this matter. The procedure is very clear, those in support of the Motion will be on the Chairman's right and those opposing the minority report will be on the Chairman's left.

Order! Order! We are still in Session. Hon. Delegates, you will have to take your seats in the lobbies so that the whole thing is orderly. You have to take your seats in the lobbies. Please take your seats in the lobbies. Hon. Onegi Obel, if you are abstaining, you sit in the middle here. Anybody who is abstaining, you sit in the middle.

(The Assembly went in Division)

THE CHAIRMAN: The results of the ballot have come to hand. There are 200 Delegates in the House at the time of the count and let me refresh Members' memory as to the rules relating to division. We have divisions in two situations. One on procedural issues and one on matters relating to the Draft Constitution or Amendments thereto. This is no doubt not a procedural question, it is a matter relating to the Constitution and an Amendment thereto as proposed

to us by the Committee together with the minority report as envisaged by the rules. The Rules say that for a proposition, i.e. whether we should have Swahili together with other languages being developed together, for it to carry, it would require, therefore, to have obtained under rule 27, two thirds or more of the 200 members present. But this was not the case. But even if it fails to get two thirds of the Members present voting - so the Members present, even those in abstention are also to be counted but if it gets more than 50 percent, then that matter would become contentious.

I must say that we have just escaped it. *-(Applause)-* Those who are against the Motion are 114, those for the Motion are 85. Abstaining there was one. Because those for the Motion are less than half of the Members present, the proposition, i.e. the minority report has been defeated. *-(Applause)* But on the other side of the coin, it does not mean we proceed from there we have to go on to discuss the majority report. Let me assist the Members here. Either, if we voted now, and these numbers remain as they are - let us assume we transposed them the other way and said those for Swahili are 114 and those against Swahili are 85, we would be heading for a referendum because 114 is more than half of 200 but not large enough to be two thirds. Therefore, we would have an impasse, we would have to adjourn and go for consultations, come back and vote again and if we disagree, we would go for a referendum because I think the question of a language is a national issue. Now, my advice, therefore, would be that I think Members should consult further among themselves on this issue. *-(Interjections)* Yes, is it that we should go into a very expensive exercise on deciding on a national language or we should, through, our methods of caucuses and contacts agree and maybe come forward maybe with some compromise over which we can then all agree? Hon. Sentezza Kajubi, what do you suggest?

PROF. SENTEZZA KAJUBI: Thank you Mr. Chairman. I think it will assist us in voting rightly if from the Chair you could really clarify to us after we have decided on an official language, what is the difference between an official language and a national language? *-(Interjections)*

THE CHAIRMAN: No, give him a chance.

PROF. SENTEZZA KAJUBI: Mr. Chairman, I found difficulty because the word 'national lan-

guage' is very important but there is no definition of it in our Draft Constitution and it would assist us if you could please tell us the importance of the difference between Official language and a National Language and whether really the question of a national language is a Constitutional issue.

THE CHAIRMAN: Let me see if there is any Member on the Floor who can do it. Yes, Hon. Kagimu, you seem to have some idea.

MR. KAGIMU (Bukomasimbi County): Thank you Mr. Chairman. Mr. Chairman, well I happened to have learnt the language called Latin from where these words come. I will give the etymology of the word "National". Etymology means roots. "National" comes from the word Nation. Nation comes from Native. Native from Latin - Natar (to be born). Now, a native is someone who is born from an area. Now, 'National' from the word 'Natar' is something which is born from the area. So, the word 'National Language' must be a language which is born from the area itself, from the country. *(Applause)*- Now, when you talk of Swahili - well I am not campaigning -

THE CHAIRMAN: But I do not think I am giving you the Floor to open the debate; what I have given you the Floor to do, is to clarify the difference between 'National Language' and 'Official Language' as per Sentezza Kajubi's question.

MR. KAGIMU: That is what I am doing - I started with National giving where it comes from. Now, something to do with National has something to do with being born from the area, a language which has to be born from the area. Now, "Official" - I will not take you very far to Latin but "Office" or "Officio" Officio means duty, again from Latin. But Official, that is the language which is used in Office, which is used for records - Office. Now, an Official language does not necessarily mean that it has to come from the area as National (Natar) - to be born. Office is for records. it is a language which can come from somewhere else like English to be used for records purposes and in Office but for nation, some can support the word National Language - Kiswahili but you support Kiswahili to be a National Language knowing the etymology I have given you. Thank you very much *(Applause)*

THE CHAIRMAN: My proposition was, if Members think that we should go on to vote, on the other

leg if we did, is it desirable given the statistics I have read that we drive ourselves consciously into an impasse and therefore, a possibility or a probability of a referendum? I would therefore suggest that we stand over this particular provision and allow the Members to consult on it. We can revisit it on Thursday. *-(Interjections)* Meanwhile, tomorrow we shall continue with the other Articles left on that, namely: The question of religion and so on and so forth and National Symbols as recommended by the Committee.

MR. SEKWYAMA (Mawokota South): Point of Clarification! This is to seek your guidance during our internal consultations. Mr. Chairman, I have followed this issue and I had hoped or I believed that what we have just voted on was a position of compromise. So, if we consulted ourselves, since we have voted on it, can we come back procedurally to that position or we consult in order to arrive at a different proposition other than this one? Because to some of us, this was a position of compromise.

THE CHAIRMAN: Nothing in our rules prevents us from revisiting some subject if we really have such wishes. The only thing we cannot do easily is bend the rules relating to voting because the rules relating to how you arrive at a deadlock or success of a proposition are part of the Statute, although we have reproduced them in our rules; but the rule saying that you may not reconsider a matter on which we have pronounced ourselves is within the rules which we can ourselves suspend if we so wish. Now, in my view, should it be necessary that we suspend so much as the rules would prevent us revisiting this question if that was a compromise? I think the House should be invited and could wisely so decide to suspend so that we reconsider the matter even if we have voted on it now rather than put the nation at the expense of millions of shillings trying to find out a national language from the people. I think the policy considerations are very clear.

MR. KATENTA APUULI: Thank you, Mr. Chairman. We thank you for allowing us to consider this matter, sleep over it over two days. However, we would like to request that a week will be more realistic than the two days because then, some of us who can go up-country over the weekend can consult more deeply over this matter and then be able to take this matter up again next Tuesday.

MR. AWORI (Samia Bugwe North): Mr. Chairman, I was just seeking your guidance on procedure. Having buried the Minority report, now we are faced with the majority report, we cannot pronounce ourselves on the majority report. You are giving us time of recess to reconsider it internally. Mr. Chairman, I am seeking guidance from your Chair. Is it too late procedurally to bring in an Amendment?

THE CHAIRMAN: Procedurally, there is no bar to any Amendment but of course, if an Amendment comes in, I would seek the guidance of the Chairman of the Committee if this matter was raised in the Committee and it was considered the subject of the Amendment. But otherwise, what I was suggesting was on the assumption because the Floor was more or less being interjected by suggestions that we vote on the original recommendation to us from the Committee and I was cautioning the Members that given the figures we have, if we voted and figures reversed, we would be actually inviting a deadlock and therefore, beginning the path towards a referendum. This is what I was trying to tell the House. Therefore, I thought standing over the matter may help Members to reconsider it, maybe work out a compromise. It is possible that the matter could be organized by Committee IV itself so that Members go back and see if they can come out of it with some kind of compromise position.

MR. OBUA OTOA (Erute North): Thank you Mr. Chairman. I am rising to support your position in this matter. I think it will be unfortunate for us to drive ourselves the way you have done it. I think going for a week to consult on this matter would tend to suggest that the matter is contentious already which it is not. We have just voted and our vote does not indicate that the matter is contentious because if it was contentious, we would have gone on recess according to our rules. Now, I therefore, support the position of the Chair that two days is sufficient for us to consult and then we revisit the majority report, Mr. Chairman. Thank you.

MR. MWONDHA (Bukooli North): Thank you Mr. Chairman. I would just add that maybe, we could also ask Committee IV to rethink the matter. *-(Interjections)* As a way of building consensus, it might be easier for us to do it at the Committee than at the Plenary. If Committee IV can rethink the matter and advise the Plenary - *(Interruption)*

THE CHAIRMAN: I think really Hon. Mwendha's proposal should not be dismissed out of hand be-

cause under what forums other than plenary are you going to consult and if we sit in plenary, 284 people to consult, it will just be conducting the normal plenary. He is saying, could we ask Committee IV to go back to the matter and Members are free to go and address the issues and come back with their propositions. Otherwise, the other alternative would be that we send it to a combined Legal and Drafting Committee and Committee IV.

MR. OGWEL LOOTE (Moroto Municipality): Thank you very much Mr. Chairman. I tend to concur with your proposal that we have two days of consultation so that we consult the 284 Delegates and I also request the Delegates, here if we could all report that day and take a decision. I think it will serve us better. Now, the suggestion that the thing be referred to the Committee IV again, to me I feel it is withdrawing from the plenary back to the Committee to go and reconsider their decision. So, I concur with your suggestion, we go for these two days to consult the majority of the Delegates so that they come and take a decision on this matter and once and for all.

MR. BATEGANYA (Bukooli Central): Thank you very much Mr. Chairman. I would like to appeal to the House to consult seriously on this matter among ourselves and save Committee IV further punishment. We have been on this matter for a long time. We really had a rough time to arrive at the decisions we have presented to the plenary today. So, sending us back to the same punishment is unfair and we suggest that we take a decision on ourselves - based on our own judgement in the Plenary after the two days we have been allowed. Thank you very much Mr. Chairman.

MR. BASOGA NSADHU (Busiki County): Thank you very much Mr. Chairman. I am close but I have been evading your eyes. Mr. Chairman, initially I had wanted to oppose the whole concept of bringing in a new Clause but I was not given an opportunity. I think if it is within the provisions of our regulations, I would be moving an Amendment to say that we do not include a new Clause, we simply maintain what is here and partly what was recommended in the Commission report that the language may be important but not a priority now, it will evolve by itself. Thank you very much. *(Applause)*

THE CHAIRMAN: You see Hon. Basoga what you are suggesting will lead us to the same impasse we are trying to avoid because even if you were to

move that the proposed Article 6 be deleted and we voted on that and if it is defeated, fine; if it becomes contentious, it will lead us to the same path where we shall have to ask a question: Should we have a new Clause in the Constitution saying we should have Swahili as a National Language or should we not? So that will be the framing of the question again. So, in my view the question is, how do we go about it? Do we vote now?

MR. KARUHANGA (Nybushozi County): Thank you very much Mr. Chairman. My advice is based on the experience which I derived from being a Member of Committee IV. If there was anything which was so emotionally charged in our Committee, it was this. Therefore, I suggest that we do a bit of research to find out how actually the nation itself, if we went to the referendum would look like. What Hon. Maliro had tried to read out was an indication of what will turn up even if we went to the referendum. You use the RC I statistics - RC I being the closet to the homestead in Uganda which is found on Page 348 of the indices of the reports on the Constitutional Commission. You will be amused. When we tried to add all sorts of permutations which appear from RC I to the individual groups to RC II, RC III, RC IV, RC V, you find that the country is divided almost fifty fifty. When we voted in our Committee, we were divided almost fifty fifty. When you come in this Committee, if everybody had come, the same percentage as reflected at the RC I are likely also to come.

Now, my proposal to solve this problem is that we as national leaders should take responsibility for this and try as much as possible to avoid a referendum and I would like to ask that instead of sending this matter back to Committee IV, which I tell you - not only are we exhausted and have exhausted ourselves on it, we are really coming here for you to find a solution, you take the advice given to this House by our Chairman of Committee IV that we do as follows - *(Interjections)* - I withdraw the RC IV. That we do as follows, Mr. Chairman. That we take a week to think, not to consult, we continue with our business but we just pend this decision and we pend it for a week in order to have a weekend in between for individuals to consult our Constituents without using the rules - without using Rule 27.

That is one. Having come back next week, on a day which we should all know to come and vote, we should intensify the interactions of our decisions and

our meeting as leaders and then when we come to vote, we take absolute responsibility to try to convince each other about which course of action we should take on the National Language having had extensive consultations amongst ourselves and allowing other Members to be present because now we are 200 instead of 284 and it is possible that in fact, if you take responsibility, you will come with two-thirds majority on this. Now, in the one we have just voted on, in our Committee, it was a compromise position. We may find we will have to come back to it. We may find that we may have to do without it. You may find that we go for Swahili. After all, why not? The question is, we need a little time to do extensive consultation especially to have time so that when you are consulting at least, you know the mood in the country, in your Constituency. Thank you Mr. Chairman.

MR. ETUKU-ONYOK (Moroto County) Thank you very much, Mr. Chairman. I would like to concur first of all with your proposal. On a procedural matter, Mr. Chairman, I would like to move that you adjourn this Assembly on the understanding that we shall come to revisit this item on Thursday. I beg to move.

PROF. NABUDEERE: I am seconding but also I wanted to say one thing. If we are going to go away for a week - a proposal has been made for going out for a week, if we are to go away for a week, then we have to do it properly under the Rules so that Delegates are facilitated in the Consultation of the voters. Otherwise, it is better that we vote on the matter immediately and we come back after two days and we vote on it.

THE CHAIRMAN: I think we shall go on and on.

MR. KINTU MUSOKE: Mr. Chairman, I will go along with Delegate Etuku who has proposed that we go and come back on Thursday to revisit the issue without excluding ourselves to extending it that if it becomes necessary.

THE CHAIRMAN: Hon. Delegates, if we take five days, we have to make a choice, are we taking five working days to be working days or are we taking a week in accordance with our regulations? Which means then that we would have to put aside money and then do not count the five days towards the six months, that is the extension we have. Or, we take it that we go and come back on Thursday.

DR. MAGEZI (Jinja Municipality East): Thank you very much Mr. Chairman. I think we are going to make a few precedents here and they will be quoted, more so as we continue with our work but I have a suggestion, Mr. Chairman that this Article, even if it is not passed, the rest of the Chapter can be passed and finished later and we can delay pronouncing ourselves on the entire chapter but we note that among the issues to resolve, will be the issue of the language and we continue with our work. So, - *(Applause)*- when we go to the next chapter, we may also find that there is some hitch and there may be two positions - maybe this one will be on multi-party/ Movement. We note and if it does not affect the subsequent following business, we continue. Then, when we have maybe accumulated about three or four positions and consultations in the meantime have been going on with the Constituents because for me, my consultations are not so much with Delegates here because I assume Delegates are messengers. So, they are here on strict instructions unless otherwise stated. Therefore, we use that time to consult. In the meantime the work is going on especially on articles that do not necessarily impinge on subsequent Articles. So, I would beg that we move tomorrow expeditiously to finish those parts of the Chapter still remaining and we carry on until we have at least got three or four points so that we can really be seen to be making some headway, Mr. Chairman.

THE CHAIRMAN: That is okay, but I would like us to finish this Chapter. It is a small one and the only think that would hold us out as I can see could be the question of the National Language and whereas it is true that it is better to consult your Constituents, but also the rules do mandate Members. Had we voted on the principal recommendation and got a deadlock, what would have happened would be that the Members would go to recess and during recess, the Delegates may consult with other Delegates and with voters in their respective electoral areas so that the rules do envisage consultations among Members and I was taking the view that why do we not consult before we get deadlocked? to go and consult our voters and so given a chance, we go, you think about it tomorrow as we finalize the few Articles that are left on this one, then on Thursday, we come back and if there is a general consensus, we revisit the subject. Should it be appearing to be one of those we should postpone for future reference to the people, then we do so on Thursday. But for the time being, I think we do that. -*(Applause)*- Hon Delegates, we shall

otherwise, be going around in circles. Let us do it that way. We shall stand over that particular Article as recommended and we revisit it. Meanwhile we go on with the other aspects of that Chapter tomorrow. Meanwhile please do not forget to consult.

MR. MALINGA: Mr. Chairman, what I wanted to say was that if tomorrow we complete the only other Article which is left, we should be able to proceed to start on to a new Chapter so that our work continues. That is all I wanted to say. I do not want us to say that we are going to stop working until this matter is handled.

THE CHAIRMAN: That is understood. Okay, we adjourn until tomorrow, 2.30.p.m Thank you.

(The Assembly rose and adjourned until Wednesday 1st February, 1995 at 2.30 p.m.)

