



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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CONTENTS

MONDAY, 3RD OCTOBER 1994

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 2450]

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Monday, 3rd October, 1994.

The Assembly met at 8.30 a.m. in the International Conference Centre, Kampala.

NATIONAL ANTHEM

PRAYERS

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

The Assembly was called to order

REPORTS FROM COMMITTEES.

THE CHAIRMAN: Hon. Delegates, we had a meeting of the Business Committee on Friday, and delegates will recollect that I had said we would finish our work in the morning in the Committee and resume in Plenary in the afternoon to do work on Chapter 3. But as it turned out, the Business Committee took long and then we could not re-assemble in the afternoon in the Plenary. The Committee finished its work of recommending Members to various Committees and I think the Membership lists have been circulated. It was a job done in a very democratic manner and I am sure that we shall comply with the rules. The Rules say that Rule 37 of the Rules of Procedure - Rule 37, sub-rule 2. - But Sub-Rule 1 said that, *'the Assembly may appoint Select Committees as and when the Assembly considers it necessary'*. We went through that and sub-rule 2, says, *'each Select Committee shall consist of such delegates as the Assembly may appoint on the recommendation of the Business Committee'*

Before you are lists of the Membership to the five Select Committees and I would like us to adopt this Membership so that we proceed to the next item.

MR. SSEKWEYAMA WAGABA (MAWOKOTA SOUTH): Thank you very much, Mr. Chairman. Mr. Chairman, before we adopt these recommendations, I have been wondering what criteria was used in shifting names around, because you had advised us that we should register ourselves, according to priorities. And I personally, first registered on Committee 5, and I think I was No. 46 if I am not very mistaken. By the time I went there to register there were about 45 people who had registered and I was 46 or 47 and I also indicated two other priorities. I said, if I do not go to Committee 5, Committee 4 was my second priority and I think

Committee 3 was the other. But it is surprising I am appearing on Committee 1, and I am number 17 there. On the Committee of my first preference, the total number is not 60, they stopped at 57 - and even on the Committee where they put me, the number is not full. So, I do not know whether one's choice was taken into consideration and the order of his preference. I would like to be clarified. Mr. Chairman, I had drawn this point to the attention of my District Representative on Friday as well as to some Members of the Committee, but apparently, they may not have taken up the matter: since some of us feel strongly about some of the Constitution issues, I think our consideration - I mean our choices should be respected. Thank you.

THE CHAIRMAN: Let us not degenerate into a debate over this. Because really it is not necessary to waste our time on this one. We not only tried to take into account the choices, because as you know, some committees were over-subscribed. On Committee 5, actually, there is one name missing there and that is hon. Ntagboba to represent Kisoro. So, actually, the number is 60, even we have hon. Kawanga John and hon. Kaija John who had not been put down on NO. 5. We shall put down hon. Ntagboba to represent Kisoro district on that. But when it came to discussing who should be where, we found that not only were some committees over-subscribed, but the tendency was to have out of, say, 10 members of a district, you would find seven on one committee and some districts not represented at all.

So, what we did, was to go down district by district and asked the Member of the committee from each district to deploy the people from that district, so that if you have any problem, you should go and discuss it with your district member of the Business Committee. We took it as a guide, so that each district was represented on each committee, if they had enough numbers. Of course, some districts like Kotido, I think have four, so they could not be taken on all committees, they only appeared on four. Some others have many, so you find a few more in one or two committees, but one of the guiding principles was representation as far as possible on each committee by each district. That is how we did it.

MR. BABU (Kampala Central): Mr. Chairman, in view of that through and good explanation, I would like to implore the House that we approve what the Business committee has already brought to us and we continue with the Business. I beg to move.

MR. CHANGO MACHYO (Samia Bugwe South): Mr. Chairman, in your opening statement you said this thing was done very democratically. Now, I put my choice on Local Government and now, I find myself on Finance and Defence. Apart from the fact that I can dismantle an AK 47, I know nothing about defence and the little knowledge I have of finance, as a land economist is limited to monetary economics, otherwise I know very little about finance. Now, how come that I am put on a committee which I did not choose, without anybody taking trouble to consult me, whether I can serve on that committee or not? I therefore think the thing was not democratically done.

THE CHAIRMAN: Hon. delegates, as I said, we were guided by your district Representatives on the Business Committee. In this case, I specifically recollect hon. Byakika saying, Mr. Chango Machyo prefers to serve on Committee 3. Any Member of the committee who is here and has got memory can testify. Hon. Kawooya, do I tell lies on this one?

AN HON. DELEGATE: Mr. Chairman, it was even confirmed by the lady from the District, hon. Tezira Jamwa and hon. Kasajja, that Mr. Chango Machyo prefers to be on that committee.

MR. CHANGO MACHYO: Mr. Chairman, I must tell hon. delegates that they were misleading the committee; they never consulted me and I knew nothing about it. So, it was not a correct statement.

MR. CHAIRMAN: Anyway, that is a problem consultation for the Tororo delegation.

DR. KAMANDA BATARINGAYA (BWAMBA COUNTY): I very well recall when we started our meeting, you started calling district by district, you started with Apac. They made their corrections, then you went to Bundibugyo, up to the last district, which is Tororo and these people were saying, this one wants here, this one wants that. Then I wonder now, how members are coming to say, we were not consulted, we have been put in wrong place, which is not true. So, I suggest those people who have complaints to contact their representatives from their districts and clarify that matter, instead of just trying to bog us down in this House.

MR. SENTEZA KAJUBI (Kyadondo North): Mr. Chairman, I was shocked and disappointed to discover that my name was not included on Commit-

tee No. 4, which is the only one I signed for and I was among the first 10 to sign for it and everybody should know my interest in the federal system. This is the committee which is going to discuss Federalism and Local Government, the fact that I do not appear on this list as I said earlier, I suspect that some evil work has been done. Sorry for imputing improper motives, definitely, everybody will understand.

MR. AGGREY AWORI (Samia Bugwe North): Mr. Chairman, I would like to repeat what hon. Kajubi is saying in different words of substitution of the districts. Mr. Chairman, I personally signed for Committee No. 5, and I was No. 3 on the list. Now, when the list came out hand written, I was still on the list of Committee No. 5. Now on the type-written one, I found my name missing; I have been put on a committee I did not apply for. Furthermore, when the first hand written list came out, I checked with my district caucus Chairman and he confirmed that I was on the right committee. Now, suddenly, I find myself on a wrong committee, without consulting me, without my knowledge, - *(Interruption)*

THE CHAIRMAN: Can I ask any member of the Business committee to answer that. Hon. Kweronda Ruhemba, because it is really becoming ...

MR. KWERONDA RUHEMBA (Kajara County): I am a Member of the Business committee, but if we had any problem, it was with Tororo district. We spent about 20 minutes on Tororo and members were being reshuffled from here to there and the Representative for Tororo district was saying, that this is how their people have agreed they should be represented on the committees. Now, if the people of Tororo never sat to allocate themselves committees and then sent their wishes through their member of the Business Committee, then, really it is not a fault of the Business committee. The Business Committee was acting on instructions of district representation and then to come here and we are bogged down - I think it is bogging the House down.

MR. CHAIRMAN: Hon. delegates, we are going to waste time. As hon. Kweronda has just said, in the case of Tororo for instance - yes, hon. Aggrey Awori's name was on committee No. 5 - but the delegate from Tororo on Business committee, said after consultation, that they wanted him to be on a particular committee and he was transferred to that committee. For us, we were democratically following the principle of leadership from each district and

that is what we did. Now, if there are any changes that are required in membership, let the delegations go and sit down and re-deploy themselves on those committees. For us, what we should do, is let us adopt this present membership, subject to the re-deployment by the members themselves. Agreed? Okay, I think that is the decision. Thank you. No, the subject is finished, we are now going to the next item.

MR. OJOK B'LEO (KIOGA COUNTY): Thank you very much, Mr. Chairman. I have gone through all the lists and I do not find my name and the constituency in any of the lists. The only closest name to mine, is on the list of names on Committee 5, No. 30.

Unfortunately, Mr. Chairman, both the name and the constituency are foreign to me. I had however through my Chairman, that is the person who represents us all my interests in the Business committee, opted for Committee No. 5, so, I do not know whether the name on No. 30 of that committee is meant to be mine. If so, Mr. Chairman, then I wish to make a correction on the spelling of that name and also the constituency.

THE CHAIRMAN: Okay, I think it is a typing mistake. Let us get the correction from the Secretariat. Yes, I know you were deployed, but we find that correct. Definitely, that is not your Constituency. Thank you.

MR HASHAKA (Kibale County): Mr. Chairman, I wanted to raise an objection with due respect of your decision.

THE CHAIRMAN: No, no, we cannot go back to discuss what we have already resolved.

MR. HASHAKA: But Mr. Chairman, going back to committee, to districts and then again reshuffle people, it is going to bog us down again. Many of us wanted particular committees.

THE CHAIRMAN: Now, Clerk will you call the next item? Corrections can be made with the Secretariat.

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

Chapter 3, Article 23 - Food Security and nutrition.

THE CHAIRMAN: Hon. delegates, when we adjourned on Friday, I had said that we would start by electing Chairmen and Deputy Chairmen of Select Committees. But since the names have just come out, and it seems there is going to be dialogue within the district. I suggest that the Members consult today and then the elections of the Chairmen and Deputy Chairmen will take place tomorrow. The Deputy Chairman of the Assembly will be sending out a schedule indicating the times at which the various committees will meet and her Chairmanship to elect the Chairman and the Deputy Chairman of each committee tomorrow morning. But today, we continue with Chapter 3 and see how far we go with it.

MRS. NTABGOBA JENINAH (Women Delegate - Kisoro): There are some Schedules which are not included anywhere on the five committees and I would like to know in case I want to talk about them where to go. Schedule (2) and (4) are not shown on any of the committees. Mr. Chairman.

THE CHAIRMAN: I think that is another question of typing mistake, the Clerk will rectify all that, when they send out the lists. We are now still on Schedule 2, we are now at NO. 12, on the list of Amendments. We had done NO. 22 when we adjourned and so we have now to come to Article 23, *Food, Security and Nutrition*. Honourables Aggrey Awori and Byakika Kasajja have an Amendment.

MR. BYAKIKA KASAJJA (Bunyole County): Mr. Chairman, I move that Article 23, former Article 32 in the Draft be amended by inserting a new Clause (b), after Clause (a) to read as follows: *Establish a national food reserve*. Mr. Chairman, - (Interruption)

THE CHAIRMAN: Is it seconded? Now, you would like to insert a paragraph as (b) so that the other one becomes (c)?

MR. BYAKIKA KASAJJA: That is right. Mr. Chairman, the matter of a national food reserve has become a matter of national importance. It has often been said that Uganda is endowed with natural

resources, such as good rainfall pattern, good fertile soil, good climate, green vegetation all the year round; strong and energetic people. And these factors of production, Mr. Chairman, enable us to raise crops even beyond our domestic requirements, yet we experience famine and people have died of starvation in some parts of Uganda. Have we ever sat down to ask ourselves why it is so? Mr. Chairman, the truth is this, that although we harvest very good crops as we had this year, but because of lack of adequate national food reserve strategy all the harvested crops find their way to our neighboring countries.

Sub-Article (a), Mr. Chairman, provides for storage by individual peasant farmers who may construct grass-thatched granaries at the back of their homesteads. Mr. Chairman, storage of good crops such as maize, sorghum, beans, paddy, rice and processed rice, need a more specialised type of storage facility if they are to keep from insect, pests and weevils due to high moisture content.

Mr. Chairman, an ordinary peasant farmer, cannot have these facilities in his backyard and therefore, he hastens to dispose of his maize crop, sorghum, rice, beans, whatsoever, because they perish. The State should therefore have as its basic principles of fundamental policy to see how national assets can be best preserved. After all, Mr. Chairman, when famine breaks out, due to the out cry of the people, the State hastens to look around to see which organisation or friendly nation can come to our rescue. These organisations or friendly nations try to secure food stuffs, either by purchase from those who can supply or from their own reserve. We have known of cases of Yellow Maize being supplied to us by some friendly nations. This Yellow Maize is got from their national food reserves. Some of this Yellow maize has been stocked as livestock feeds, but since it is palatable, it has often become a favorite dish during the times of famine in Uganda.

Mr. Chairman, I am labouring on this point to illustrate the need for this nation to reduce the tendency on outside aid as far as food is concerned considering the fact that our production factors enable us to produce enough for our national consumption and even become national exporters of food to the outside world. Mr. Chairman, I know provisions are being made for the State to institute effective machinery for dealing with hazards or disasters arising out of natural calamities. We do not have to wait for hazards or calamities to happen in order to institute effective measures. The matter of

a national food reserve is a preventive measure for such hazards or calamities. We all know that prevention is better than cure. Why do we not institute effective machinery that will prevent famine from occurring in this country? Do we need to wait to be given reports that citizens are dying of hunger in Pallisa and Soroti and then take helicopters to go and prove that people are actually dying of hunger? Or do we need to be told that people are starving in certain areas so that we go and advise them to eat grass and mangoes?

Mr. Chairman, the matter of national food reserve is a very important matter. And I am asking this House, through you, Mr. Chairman, to give it its due consideration, because it is a matter that we should have taken up much longer before this. Mr. Chairman, let us have effective machinery to avert any possible happenings of famine. I beg to move.

MR. LUKWAGO GABRIEL (KOOKI COUNTY): Thank you, Mr. Chairman. I want to support the Motion. In supporting the Motion, Mr. Chairman, as we speak now, there is no food security policy in Uganda at the moment. The Silos and the modern stores constructed are not stocked with national food reserves; there is no Budget provision for food reserve in case of any calamity at the moment. It is necessary for the future Governments to have a policy of stocking enough food reserves for future calamities. I beg to support.

MR. BYARUGABA BAKUNDA ALEX (ISINGIRO SOUTH): I thank you very much, Mr. Chairman and I stand to support hon. Byakika's Motion - although I do not support this bit of helicopter business, it was not necessary. After all, the Prime Minister should not have gone on foot, or on a bicycle; he is a Prime Minister and we should accept that he has those facilities and I hope Mr. Byakika would have loved to use the same, he would have used the same if he was in that position. He has promised to withdraw that statement. Any way for purposes of - *(Interruption)*

THE CHAIRMAN: Hon. Byakika has put up his hand, is it in order to withdraw or not?

MR. BYAKIKA KASAJJA: Mr. Chairman, I appreciate the statement made by hon. Byarugaba and in good faith, I would like to withdraw this last sentence.

THE CHAIRMAN: Thank you, okay, go on.

MISS BYANYIMA (Mbarara Municipality): Mr. Chairman, thank you. On the contrary, I would like to encourage hon. Byakika to also withdraw the 'grass and the mangoes' business. Thank you.

MR. BYAKIKA KASAJJA: I think I stated that I am withdrawing the last sentence and those two are included in the last sentence.

MR. BYARUGABA BAKUNDA: Mr. Chairman, for purposes of food security, and as we have been explained to, this country needs food reserves to ensure at least that kind of security. I come from areas like Kabuyanda, Kikagati, Nyakitunda, which grow a lot of food, but no sooner have these people harvested these crops of theirs than these businessmen come. And of course you know the prices of these crops, especially the perishables like maize, beans - they do not last long before they go bad, before the weevils attack them. They are sold at a very cheap price just because there is no store at all, these stores were built in places like Lukaya, Kyazanga, leaving out places like Kabuyanda, leaving out places like Ntungamo, where they grow a lot of food and this food, Mr. Chairman, goes bad.

MR. MULINDWA BIRIMUMASO (Bukoto South): Point of Information. Mr. Chairman, I happen to be a delegate from that place. I want to inform the Speaker that we grow a lot of maize, beans and that is why we have those Silos there and they are well stocked. Thank you.

THE CHAIRMAN: I think the Chairman had some knowledge of the situation when they were being constructed. Please go on.

MR. BYARUGABA BAKUNDA: I would therefore like to support this Motion further to encourage Government to put up these Silos in very many parts of this country; so as even to increase the price of this produce. Prices are very low during harvest time, and you all know that! If only we could have these silos, even these big businessmen and World Food Programme would find it much easier to get food stuffs from this country. I get perturbed to see lorries and trailers, trains, full of nothing, but maize from Kenya, when our maize here in Kabuyanda is rotting; when our maize and beans in Kyazanga is rotting. It aches me and I think to put exactly what has always been said that *Uganda is a grain basket of Africa*, we should really have these - (*Interruption*)

Mr. Chairman, I am ending by strongly urging members to support this Motion because it is a necessity; it is clear, and we all need it very much. Thank you very much.

MISS ADIO WINIFRED (Women Delegate - Soroti): Thank you, Mr. Chairman. Mr. Chairman, I am in support of this Motion. While I was young, I used to hear Uganda being called a *pearl of Africa*. So, at one time I asked my teacher during Civic Education, and I said, 'why do they say Uganda is *pearl of Africa*?' And one of the reasons she gave was that, because Uganda is an agricultural country and we grow a lot of food that feeds Africa and therefore, that is why we are the Pearl of Africa. Mr. Chairman, - (*Interruption*) - protect me, somebody is harassing me from behind.

THE CHAIRMAN: Hon. Elyau, please, stop harassing the hon. Member.

MISS ADIO WINIFRED: Last year but one, Teso grew a lot of yellow potatoes, that were sold to Kenya, Rwanda, Somalia and because we have no food silos, and no food reservation chemicals, we could not store this food and therefore, we shall always continue selling these yellow potatoes because there is no food reservation for it. So, therefore, Mr. Chairman, as we talk of grain silos, we should also talk of food chemicals for reserving our food. For example, yellow potatoes cannot last long just like maize, before the weevils destroy them.

Mr. Chairman, during emergencies, like earthquakes and famine that have already been talked of, there is always this question of rehabilitation and food being taken to the affected area; the feeling has always been that this food does not reach people before it gets spoilt. Therefore, things like posho get there when already bitter and the encouragement of always buying food at a time of emergency, creates a feeling that it enriches a few individuals who are given the money for buying that food. Therefore, if we had the grain silos, there would be no question of looking for money for buying food and that money would be given to an individual from the management of buying that food and he uses the money the way he likes.

Mr. Chairman, I support the Motion by saying that the food we sell outside Uganda, usually comes back to us at a higher price. For example, during the emergency of famine, we had already sold a lot of maize to Kenya and this maize was brought back to

Uganda, re-sold to us at a high price. Therefore, Mr. Chairman and hon. delegates, there is great need for grain silos and preservation chemicals for food in our country. Thank you, Mr. Chairman.

DR. NYEKO PEN-MOGI (Presidential Nominee): Thank you very much, Mr. Chairman. I am of the view that this is a very straight forward Motion and the Assembly could save a lot of time, and I move that you put the question. Thank you.

THE CHAIRMAN: There is someone trying to effect an Amendment, let us see whether it improves on this.

MR. ERESU ELYANU (Kaberamaido County): The Motion on the Floor is restrictive, it only talks about food reserve, as if the problem of food in this country is only because we do not have food reserves. If you look at the original text in the Draft, I think part (a) says, *the State shall take appropriate steps to encourage people to grow and store more food*. I would think if reserves are food in storage facilities, then, that aspect of food reserve has been taken care of. I have an Amendment to the motion on the floor. I would like to amend the Motion by inserting the word 'policy', so that reserve is covered within the food policy. The issue here, Mr. Chairman, is, that we have food problems in this country, because of the general policy governing the food itself, which reserve is also part of it. For example, we need technology in the kind of crops we must cultivate; so that they become resistant to some of these pests; and whatever you can think of diseases like cassava mosaic, would be covered under a policy other than a reserve. I beg to move.

THE CHAIRMAN: Is that seconded?

MR. ATWOKI AMBROSE (Youth Northern): I duly second this Motion this Amendment, because I felt that the word food reserve, was a bit restrictive. Yet if we were to use a more general term like policy, it would encompass other sectors other than storage of food which is important to promote the availability of food in our country. So, I am in support of the word 'policy' rather than 'reserve' which is restricted to - *(interruption)*

THE CHAIRMAN: Hon. Eresu how does your Amendment now read together with that of hon. Byakika?

MR. ERESU ELYANU: Mr. Chairman, it should read: *"The State shall take appropriate steps: (a) to encourage people to grow and store more food and (b) to encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy state; and also (c) to establish a national food policy."*

THE CHAIRMAN: Hon. Eresu, are you cutting out the word reserve?

MR. ERESU ELYANU: Mr. Chairman, with the mood in the House and the support I have just seen in place including that of the delegate from Kwania, he has actually advised me that the word 'reserve' should not be removed, but should be included.

THE CHAIRMAN: So, in other words, it could read: *"establish a national food reserve policy?"* Now, we have to vote on this one. Will we accept to the Amendment or not? Let us ask the Mover of the original Motion. Hon. Byakika, do you accept the addition of the word policy at the end?

MR. BYAKIKA: Mr. Chairman, addition of the word policy on national food reserve does not differ very much from the text of my Motion. I think it widens it a bit. So, Mr. Chairman, I accept the Amendment. Hon. Tumukunde, do you have any strong reservations on that.

MAJ. TUMUKUNDE (Rubabo County): Mr. Chairman, this issue was brought to the Legal and Drafting committee. The interest of hon. Byakika was, that there is a problem of famine in the country and that he wants to redress it by creating - he had a long sentence about silos, stores and I do not know what. So, we sat together and agreed with him that we should rather say, the Government should create a national food reserve. By adding on policy, I do not seem to see a fundamental difference, Mr. Chairman. So, I was requesting that may be hon. Byakika revisits the area and he agrees that we keep our word because he is concise and on the point. That is all I have to say, Mr. Chairman.

MR. OGOLA AKISOFERI (WEST BUDAMA COUNTY): Mr. Chairman, I would like to plead very much with the mover hon. Byakika, not to accept the word *policy*, because actually, policy as amended by hon. Eresu, puts the theme of this Motion far off in the future and policy can be in the

books without having to be implemented and yet, what we want is something that it must be implemented now. It is a different thing to say I have food to keep me through the next shortage of food: it is quite another matter to say, next year, I want to grow ten acres so that I may have reserve of food. We have food, it is how to keep reserve of it which is missing. Mr. Chairman, the Amendment is not closed at all as hon. Byakika might wish to think and I beg to him to reconsider the matter. Thank you very much.

MR. ADYEBO: I would urge my Colleagues the hon. delegates to understand kindly that, this word policy is to give direction and guidelines. In fact, when we are talking about establishing national food reserve policy, we are talking about wider perspectives, we are just not going stop with the silos in Jinja and Mbarara, or wherever they may be. These policies should go even beyond to the household. You will recall hon. Members, especially hon. Byakika, who at one time was also in Parliament, that in the past, almost every homestead had some kind of food reserve, a thing which we have more or less forgotten. Now, if you recall hon. Members, Mr. Chairman through you, you will find that this system is very well developed in Zambia. In Zambia, this system has even integrated early warning systems in that the country must be educated when unforeseen disasters like maybe rainfall deficiency, bad weather, pests, hailstorm, and any other disaster caused by natural calamities can strike the nation. So that the nation can be prepared and this policy if adopted will also guide the country to shift in time, from a surplus area to the deficient area which is actually not being done in the country.

Mr. Chairman, this statement is clear and I would not like to draw you into a long debate. What I am urging my hon. Colleagues, is to understand that, the word policy is to give us direction and this direction can be at short-term, at medium term, as well as long-term. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. delegates, I have some small problem here with the write-up. If we say, "*The State shall establish a national food reserves policy*", how does that read together with (a) in present text?

MR. BEN WACHA (Oyam County North): Mr. Chairman, we should be very careful about repeating the principle on which we want to write this Constitution. The way I look at it that, (a) is supposed to take care of what hon. Adyebo and the

others are talking about. The State should take appropriate steps in its policy to encourage people to grow and store adequate food. But what Hon. Byakika brought to our attention is that, after it has taken this policy into account, the State itself must make sure that it has adequate food reserves and those are two different issues. We should not be repetitive and I encourage hon. Byakika not to be intimidated into withdrawing his - you stick to your guts and we will support this Motion. Thank you.

THE CHAIRMAN: I do not think there were - I have not seen any attempt to intimidate the Mover. But the point being made which is important is this, we are writing a document which will have to be interpreted at one stage and in here, we have former judges and former magistrates on leave, maybe they will tell us even better. Courts do not normally leave words un-interpreted. So, when you repeat, first of all, there is nothing like legislating for emphasis as the courts will not fail to give meaning to each provision because each is supposed to be read and be given meaning. Now, if you have already said so in one part, to appear to repeat will actually cause more confusion when it comes to interpreting the document later on. So, if we are amending, we must be very careful to make sure that we do not appear to be repeating ourselves. Here is (a), talking about a policy to grow food and also to store food at the level of the *wananchi*. And then the other one, is trying to impose the duty on the State to make sure that there are food reserves.

MR. MR. OKWAKOL NATHAN (Pallisa County): Mr. Chairman, I wish to disagree with the contention by hon. Wacha, that 23 (a), actually does cover the policy aspect. I would like to suggest to the state, Mr. Chairman, that for instance, issues like food monitoring and food assessment which are important instruments of ensuring that there is food security are not covered under (a). I would agree with those hon. delegates who advocate for the use of the word policy, because that is more encompassing and broader in perspective. I therefore, encourage hon. Byakika not to think he is intimidated, but he is being persuaded to accept a broader word

MR. ABALIWANO BREWER (Bugabula County South): Mr. Chairman, I was proposing that maybe we can re-word this, to read: "*The State shall institute a national policy and take appropriate steps to encourage people to grow and store adequate food and establish a national food re-*

serve". So that we can encompass both the policy and the reserve which hon. Byakika is trying to place in this particular Amendment. As hon. Adyebo has said, I think policy is a much wider area and we are talking about policy which would include not only assessment and monitoring, as one Member has said, but what would include distribution, planning for it, and ferrying around the country. I feel that probably if the Committee could amend it to have those issues covered in (a), I think it would encourage us not to necessarily have another (c) which would include policy. It would include reserve and would include the encouragement of our people to grow and store food as well.

MR. BEN WACHA: Thank you, Mr. Chairman. I do not know whether we are making ourselves clear. Mr. Chairman, 23 (a), which we have no problem about, takes care of State Policy in full, in respect of the people. It might be the wording which is confusing the people. If you want the wording to be clear so that it shows that policy of the State in respect to food is taken care of, it can be handled by the Technical committee. But I do not want us Sir, to repeat the concept of policy which is clearly taken care of by (a).

In another Amendment, which is being brought by hon. Byakika, hon. Byakika's Amendment takes care of a completely different principle and that is that, the State must make sure that after establishing a policy, as indicated in (a) should go further and make sure that the State itself has food reserves for famine and these are two different principles. It cannot be taken care of by just repeating (a) in another Amendment. Thank you, Mr. Chairman.

MR. MULENGA (Democratic Party): Mr. Chairman, I want to add to what hon. Ben Wacha is saying, by drawing attention to the purpose of this Chapter. The Chapter is headed: *National Objectives and Directive principles of State Policy*. We should therefore, when we insert a Clause, give such a policy but not say that the State should make a policy. So, where we identify that there is need to direct or give guideline for the future, we ought to state it. So, what the Amendment to hon. Byakika's Amendment is to avoid stating the policy and saying, the State shall make the policy. With respect to the intentions of those who think policy is wider than what State is in hon. Byakika's Amendment, I think they are taking us away from giving a directive or guideline to the future Governments.

Mr. Chairman, it has been stated that there are other aspects where we may need to let those who feel strongly about whether we give a directive on distribution of food or research, let them formulate another Amendment, but this one, establishing National Food Reserve, I think is a good, clear, concise Amendment that we should support. Thank you, Mr. Chairman.

MR. KAGGWA MED (Kawempe Division South): Thank you, Mr. Chairman. I want to go along with the Speaker who has just left the Floor and I want to go on to say that, first of all, the Amendment as proposed by hon. Byakika is okay. He will be missing the rationale if he goes on to include policy.

Secondly, I have been asking myself a question. Before they built the silos - and if my understanding is correct, they are meant to store food - was there no food policy? Did they just get out of the blue and start building silos. There must have been a Food Policy! But the emphasis here, the experience is that, we have gone into starvation and we have no food reserves and that is the thing we want to address; and if it is a policy, I think it is proper and fitting and we should stick to that only.

Lastly, we know you can have policies and at times they are not implemented but that is not a matter for the Constitution. That can be dealt with elsewhere by Parliament. I beg to support the original Amendment as moved by hon. Byakika. Thank you, Mr. Chairman.

MR. AWORI (Samia Bugwe North): As part of the team which moved the original Amendment, I would like to re-emphasise the original position that we are not entertaining the additional word *policy*. We are sticking to the original. First of all, Mr. Chairman, the policy is more generic (*Interruption*)

THE CHAIRMAN: Well, I think for our record, we should - hon. Byakika at first said he did not mind the Amendment.

MR. AWORI: No, I do not think Mr. Chairman - if you ask him again, he has agreed to change and come back to (*Interruption*)

THE CHAIRMAN: So, we have to have our record correct - that the Mover has changed his mind particularly with encouragement from the co-sponsor.

MR. AWORI: Correct Mr. Chairman.

THE CHAIRMAN: Okay, go on.

MR. AWORI: As a cosponsor, I would like to re-emphasise our original position, that we stick to the reserve rather than adding the generic format of policy. I beg to move Mr. Chairman.

THE CHAIRMAN: Okay, now let us decide on this one. Let us decide whether we want to amend the thing and add policy or not. Hon. Eresu moved an Amendment to hon. Byakika's Amendment. It was seconded by a number of Members and we have spoken to it. So, now, let us put the question. Will those in support of hon. Eresu's Amendment say aye, to the contrary no.

(Question put and negatived)

THE CHAIRMAN: So, now let us put the question on hon. Byakika's Amendment to add paragraph (b) as proposed.

(Question put and agreed to)

THE CHAIRMAN: So, article 23 has been amended by inserting the new paragraph (b) between (a) and (b) - and (b) becomes (c). Now, I will put the question that Article 23 as amended do stand part of the Draft Constitution.

(Question put and agreed to)

THE CHAIRMAN: That disposes of article 23.

Now, there is an Amendment on article 24, proposed by hon. Dick Odur and hon. Ogola. Hon. Dick Odur, you have the Floor.

DR. ODUR (Dokolo County): Thank you Mr. Chairman. Our Amendment is a very simple one. Article 24 gives a list of various situations which the state is called upon to institute effective machinery for dealing with and what is missing in that list is famine and we propose that famine which we have just been dealing with, be added to the list on Article 24 so that it reads: '*A state shall institute an effective machinery for dealing with any hazard or disaster arising out of natural calamities including floods, earthquakes, volcanic eruptions, plagues, famine, drought or any situation resulting in general displacement of people or serious disruption of their normal life.*' I beg to move, Mr. Chairman.

THE CHAIRMAN: Is that seconded? Hon. Malinga, you want to talk to it?

MR. MALINGA (Usuk County): Thank you Mr. Chairman. I support the addition but in supporting it, there are also other calamities which befall some parts of our country from time to time. In some mountainous areas we also get landslides. In some areas in the arid north east, they also get shortage of water for both human and animal use. *(Interjections)* Okay, that is drought. So, really we had so many schools and homes which have lost roofs due to storms. We have had several instances where you get a hurricane, which sweeps an area and then we also get sometimes hailstorms which can do a great deal of devastation to an area. For example, if an area is heavily affected by hailstorm, it can destroy the cassava crop because it breaks down all the leaves and you get a problem. But anyway I support the Amendment as it addresses famine because we have just come out of one, such a serious one. Thank you.

THE CHAIRMAN: When one looks at the drafting of this, actually the more appropriate one would have been just ending at the word *natural calamities*. When you begin detailing them, you cannot decide whether you have really detailed all of them. The hailstorms and landslides, sorry - Order! Order! Let us hear from hon. Mwendha.

MRS. MWONDHA (Women Delegate - Jinja): Thank you Mr. Chairman. I was just concurring with you that if we go on enumerating - there are so many things that cannot be foreseen. So, if we enumerate we shall cause problems and I concur with what you suggested that we end at natural calamities because they are many. On that note, therefore, Mr. Chairman, I would like to move an Amendment that the Article now should read that '*The state shall institute an effective machinery for dealing with any hazard or disaster arising out of natural calamities*'. So, I move.

THE CHAIRMAN: Let us be careful. We have got an Amendment by hon. Odur seeking to insert the word *famine* after the word *drought* and we have not decided on that but I only pointed out that really detailing sometimes in terms of interpreting the law, gives you disadvantages. Other people can read it as if it is a very narrow thing but anyway - hon. Odur.

DR. ODUR: Mr. Chairman, I do agree with your observation but judging from our past experiences

and the recent ones, I think we need to at least mention earthquakes and famine, then any other natural calamities. I would be happy with having earthquakes and famine retained. Then we can qualify others.

MR. OCHYENGH (Kapelebyong County): Thank you Mr. Chairman. Mr. Chairman, I think I would not agree with you on the enumeration because here it talks of *natural calamities including* - it does not exclude others but these ones are specific natural calamities and these are specifically mentioned as most likely. My problem Mr. Chairman, is about manmade calamities because we have gone through a lot of problems including Luwero Triangle where people were displaced not by natural calamity but by manmade calamities. And I believe this is likely to happen again, given the history Africa is going through. I am not so convinced that we have now settled our things permanently. So, I am now, really not so sure how we should deal with those - (*Interruption*)

THE CHAIRMAN: I think you should go and draft a separate part to be added to Chapter 3, dealing with human calamities - manmade calamities. Otherwise here we are dealing with natural disasters. So, we should confine ourselves to that.

DR. ODUR: I was just raising Mr. Chairman, that there is something missing and I was saying I will not agree with you because *including* actually says specifically these ones.

PROF. KANYEIHAMBA (Rubanda County East): Thank you Mr. Chairman. I want to clarify the remark or two which tended to suggest that where you enumerate certain things and they are followed by general words like *or any other*; that, that actually covers everything. In law, it does not necessarily do so. I think many lawyers are aware of the Rule of Construction, which says that, *where you enumerate certain things and then they are followed by certain general words, those general words shall be limited to what you have enumerated*. Therefore, I wanted to agree with you Mr. Chairman, that ending at calamities would be a much more encompassing provision than if you enumerate them. Because judges have a tendency of saying - If Parliament had wanted or rather CA in this case - to cover everything then they should never have enumerated this. They should have said calamities, full stop. But since they enumerated them, they want to limit the effect of this

law to those enumerated and any other words used in general terms are superfluous. I wanted to clarify that position, Mr. Chairman. That even if you say *or any other* does not cure the defect. I thank you Sir.

MR. MALINGA (Usuk County): Mr. Chairman, this Article deals with two things. I wanted to give information to hon. Dan Ochyengh that this Article also deals with manmade calamities because at the end it says - after calamities it says, *or any situation resulting in general displacement of people or serious disruption of their normal life*. That could refer to manmade calamities which cause displacement to people. So, if we are to agree and say that we delete the numeration, we still would have to keep this other phrase or any other situation resulting in general displacement of people or serious disruption of their normal life. Thank you Mr. Chairman.

MR. LIIGA (Buvuma Islands): Thank you Mr. Chairman. I am also in agreement with the removal of these words *including floods, earthquakes, volcanic eruptions, plagues or drought*. Now, when you read the first part of it, *The state shall institute effective machinery for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or serious disruption of their normal lives* - the whole situation is taken care of. Both the natural ones such as floods and on the water we have water hyacinth these days - it has not been mentioned. Then, the particular situations which we find ourselves faced with - maybe in the north and other places like that. So, Mr. Chairman, I would move that we amend this particular article by removing all these words from *including floods* to the word *or drought* and we start with *or any situation resulting in general displacement of people*. Then, that would cover the whole situation and I think the lawyers and the judges will not have a problem in interpreting the Clause later. Thank you Mr. Chairman.

THE CHAIRMAN: Do not forget we still have hon. Odur's Motion on the Floor.

DR. ODUR: No, no Mr. Chairman. Actually we had reformulated this article taking care of your explanation so that it actually would have been reading like this now - *The state shall institute any effective machinery for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or serious disruption of their normal life*".

THE CHAIRMAN: So, the Motion is that we delete those words which are enumerated from *including* and then it will read as Dr. Odur has just read it out. So, I put the question.

(Question put and agreed to)

THE CHAIRMAN: Let me put the question that Article 24, as amended do stand part of the Draft Constitution.

(Question put and agreed to)

THE CHAIRMAN: Article 25. This is under Cultural Objectives and there are proposed Amendments by hon. Byanyima and hon. Dr. Nyeko. Hon. Byanyima you have the Floor.

MISS BYANYIMA (Mbarara Municipality): Mr. Chairman, I would like to remind the Delegates of the explanation that was given by the Chairman of the Legal and Drafting Committee when he was presenting these Amendments. Mr. Chairman, the Chairman of the Legal and Drafting Committee pointed out that hon. Nyeko and myself had proposed an Amendment part (a) and that part (b) and (c) were the result of the discussion of the Legal and Drafting Committee. So, Mr. Chairman, I will give my reasons for proposing the Amendment in Proposed Article 25 (a). And for (b) and (c), which I both fully support, maybe the Legal and Drafting Committee will want to give the explanations for it. I support it but I am not the Mover of part (b) and (c). So, Mr. Chairman, I should read out what I am proposing. I am proposing that in (a) *'That the state shall promote and preserve those cultural values and practices which enhance the dignity and well being of Ugandans'*.

THE CHAIRMAN: Is it seconded? Okay, go ahead.

MISS BYANYIMA: Mr. Chairman, I had two reasons why I moved this Amendment. The first reason was to remove what is proposed in Article 25 of Appendix 2 - *the term consistent with modern way of life.* Mr. Chairman, as we all know the term *modern way of life* would have many meanings to it. Mr. Chairman, we have known that as we try to propel ourselves from a pre-industrial society to a modern one and in the process of acquiring technology, we are constantly assimilating the culture that comes with technology. Technology is not a set of

tools, it is a social contract and as we acquire technology, we also assimilate the culture of the technology and it is my view that we have to be careful as we become modern, that we are constantly analysing and critically looking at what it is that we are using to reach that modernity. Mr. Chairman, what passes culture as a modern way of life is very often the culture of those who control all the tools of modernisation, capital and technology. These days when you ask about modern way of life, some people would tell you they associate it with the English language for example, and not with our traditional languages. In the pursuit of modern way of life, traditional religion has been neglected to a point that it is described as fetishism or animism - as often I hear the people in Southern Sudan being referred to as animist. So, Mr. Chairman, we should guard against the onslaught of modernisation on our cultures in the name of modern way of life. We have to assimilate what we think is useful and retain also that which is useful from our cultures. So, I was proposing that instead of *modern way of life* we substitute *enhance the dignity and well being of our people*.

The second reason was that - when we were debating human rights, we deleted Article 64, Clause 2 which was talking about customary practices which undermine the dignity or are injurious to the well being of a person to be prohibited. We deleted that because arguments were made by some people that this would disrupt the culture and the evolution of the culture in their communities. So, while I regretted that. I appreciated the reasons of those who wanted it deleted. I thought that if we now say that we will encourage that culture which enhances dignity and well being as an objective, we would not be getting in the way of the evolution of culture in those communities which felt threatened by article 64(2). So, those were my two reasons for moving that Amendment. I think it is fairly straight forward. It has very little to do with - I would also like to remind delegates: that in fact, even the most industrialised countries are also threatened culturally by those which are superior technologically. I would like to remind delegates that in the recently concluded Uruguay Round of negotiations, France was fighting very hard to protect its language and its film industry to the point of even threatening European cohesion of these issues. So, Mr. Chairman, we should be reminded that we need to protect our languages, protect the good that is in our culture as we modernise and as we industrialize. So, Mr.

Chairman, with those explanations, I urge the House to support this Amendment.

THE CHAIRMAN: Yes, hon. Kanyeihamba could you give us the context in which the other paragraphs appear in Clause (4).

PROF. KANYEIHAMBA: Thank you Mr. Chairman. As hon. Byanyima has rightly pointed out - actually her own Amendment is one she has spoken to. With regard to (d) and (c) - these are extracted from the original draft and we had originally, Sir, suggested that they should be retained as objectives. However, through an error of typing, the Committee which compiled our previous report had erroneously said that these should be deleted. After further consideration we spotted the mistake and we recommended that this particular Clauses in this Article should remain as now worded after the Amendment by hon. Byanyima; if that passes, then they remain (d) and (c) - Otherwise, we say that the original Article should be retained. I thank you Sir.

THE CHAIRMAN: Yes, article 25 has (1) and (2) - but here you are inserting (4). Clause (1) which is being amended, the Amendment seeks to delete Clause (4), which is not in appendix (ii) at Page 12.

PROF. KANYEIHAMBA: I am sorry Mr. Chairman, I do not have a copy of our report. Mr. Chairman, now I see my report which I was making without reference to in our original report - now it is clear. We had suggested Sir, that in original article 34(2) should be retained and then 4(a) and (b) - So, when I said (2) and (3) really I was referring to 4(a) and (b) which are reproduced now, in this latest Amendment. I hope that clarifies the position, Mr. Chairman.

THE CHAIRMAN: Yes, but the point is that when we are pronouncing ourselves, we are not following the old article 34, we are following your article 25 which appears at page 12 of the report. In it you find that there is *"The state shall encourage development of a national language"* and in the proposed insertion, we are saying, *"The state shall encourage development of a national language or languages"*

PROF. KANYEIHAMBA: Yes, Mr. Chairman, that would be what appears in the present Amendment 3(c) but we also are saying that the original 4 (b) should be retained namely: *"The Development, Preservation and enrichment of all Ugandan languages"* That also should be retained Sir.

THE CHAIRMAN: So, let us start. Number (1) is one being amended by hon. Byanyima so that Paragraph (a) on Page (4) should go towards - No, I think the position should be that we delete Clause (1) and replace it with what appears there. Not delete Clause (4). We delete Clause (1) on Page (12) and then insert -

"The state shall promote and preserve those cultural values, encourage development and preservation of all languages and encourage the development of a national language or language." And then does that means we then retain Clause (2)? So, what we are doing is really deleting (1) and (2) and replacing it with the formulation appearing on Page 4. So, the Motion should be that Article 25 be deleted and be replaced with the following: (I think that is really what we are debating). Do you follow me hon. Delegates?

DELEGATES: Yes Sir.

THE CHAIRMAN: So, the question which is now before us is that we delete Article 25 as it appears on Page 12 of the report of the Legal and Drafting Committee and substitute it with the formulation appearing at amendment 14 on Page (4) of the Amending Sheets. Okay? Can I put the question?

(Question put and agreed to)

THE CHAIRMAN: Now article 26. There is no Proposed Amendment on article 26. I put the question that Article 26 - *(Interruption)* You see, what we have just done was to delete and replace the entire Article 25 but hon. Mazima had proposed an Amendment which is also being sponsored by hon. Byarugaba and hon. Kaheebwa, and he was seeking to add at the end of Paragraph (a) - at the beginning of the other one but he would like to add including *sign language* for the deaf. But you cannot put it under (b) because (b) says the government shall encourage the development, preservation and enrichment of all languages. Now, do we already have the language for the deaf in place?

MR. MAZIMA: Yes please. It is what they call a sign language. That is their language. It is a language.

THE CHAIRMAN: Hon. Eresu, what do you say?

MR. ERESU (Kaberamaido County): Whereas, I agree that there may be what we call a language for the deaf, I think when you read the new Clause now which reads that *'The government shall encourage the development and preservation of all languages'* - it includes the language for the deaf. So, now to bring it out, I would think it would become an administrative matter within the Parliament to say, let us encourage languages for the deaf. So that they begin to develop sign languages specifically. But constitutionally, I think this is covered under the present Clause in the Article.

MR. MAZIMA (NUDIPU): Mr. Chairman, I do not agree with the former speaker and I request that I move my Motion properly and explain.

THE CHAIRMAN: Let us hear from the Chairman of the foundation.

MR. KABUGO (Nakaseke County): Thank you, Mr. Chairman. I am the Chairman of the Uganda Society for the Deaf and the deaf as they stand now, do not have any specific language known to any person of this country. We need to have a sign language entrenched into the national Constitution so that it could be encouraged, taught and we get some interpreters. Without interpreters, these people will continue to be marginalised and live in a world of their own. In fact, so many countries have gone ahead to develop sign language and improve on the communication without the citizens of this country getting to know exactly what the deaf people are saying. Definitely, we shall go without knowing the ideas of the deaf. I have students who have already gone to University of Gallat in Washington to do the same and once they come back, they should come here and find a place where they could view and air their objectives when they have a specific Clause as brought by hon. Mazima. In fact, I support the Amendment to include this as a specific language to this Constitution and become part of the national objectives. Thank you very much.

THE CHAIRMAN: Yes, hon. Amandrua, I am finding it difficult if you are reading from the point of view of the wording, *development preservation and enrichment*. That means you are talking about a language which is already in use in some part of Uganda. But according to hon. Kabugo, it is not.

MR. AMANDRUA (NOTU): Thank you very much Mr. Chairman. What I am saying is that if we

were to enlist all these languages, including sign language - which I agree, then we should also consider the blind ones because they have also their sign languages and many others we should include them.

THE CHAIRMAN: Hon. Mazima, just a moment. Let us get the situation clear before we go -

MRS. MUKWAYA (Mukono South): Mr. Chairman, considering that the deaf have been marginalised for a long time, I would beg to move an Amendment on (b) - *(Interruption)*-

THE CHAIRMAN: No, someone is going to move an Amendment but we want to get clarified whether (b) is the correct home for it.

MRS. MUKWAYA: Yes, I wanted to suggest Mr. Chairman, that (b) reads, *'encourage the development, preservation and enrichment of all Ugandan languages including a sign language for the deaf'*.

THE CHAIRMAN: No, there is already an Amendment by hon. Mazima but I am trying to find out whether that would be the proper home for it.

MR. RUZINDANA (Ruhama County): Thank you Mr. Chairman. Though I sympathise with the Amendment which is being moved, there is a problem with it. Unless we tie it with a national language; it can only take place if we have a national language. Otherwise, developing a sign language for every single Ugandan language would be a bit of a problem. In England or in France where you have one language, you can have one sign language in either English or in French or in Italian or something like that but to develop a sign language for Luganda, for Alur, for Karimojong and so on is a bit difficult. So, the correct section where we can put it is the one about national language, not about encouraging all other languages; but together with a national language. If we have one national language, we can develop one sign language. But if we have five national languages, then we can only develop five sign languages. Thank you Mr. Chairman.

MRS. MASIKO (Women Delegate - Rukungiri): Thank you very much Mr. Chairman. I think something that we have got to get clear here is to know that there is only one sign language regardless of which language you belong to. So, it is good that

some of us have been able to attend the seminars for the deaf and the blind and we have discovered that whether you are from Russia or America or Uganda they only have one sign language. So, I think what is important here is to accept the fact that they have been marginalised and once we put it down and emphasise it, it will be of great help to the deaf. So, My idea is that at least for the sake of emphasis, we should somehow formulate a way of how we can put it there and I suggest that maybe after the development of the national language and other languages, we try to put it as hon. Mazima has formulated it. Thank you very much.

THE CHAIRMAN: Okay, we shall hear the last one and then call upon the Mover. Hon. Kasajja George.

MR. KASAJJA (Bulamogi County): Thank you very much Mr. Chairman. My problem with this Amendment of hon. Mazima is saying developing a sign language for the deaf but we have other types of disabled people like the blind. Now, what are we going to do? Because the sign language for the deaf, may not necessarily be the sign language for the blind. Therefore, I would like to suggest *-(interjections)*

THE CHAIRMAN: But the blind cannot see the signs?

MR. KASAJJA: No, Mr. Chairman, they do not. So, I would like to suggest Mr. Chairman, that instead of only leaving it to the deaf that it should read as we have it here because it says: *"The development of a national language that can unite the Ugandans"*. So, I think if we leave as it is in (b). I know it can carry more message, Mr. Chairman, than if we start identifying it with one group. So, Mr. Chairman, I would like to go with the original (b). I think original (b) gives more message than this one here, Mr. Chairman.

THE CHAIRMAN: Okay, hon. Delegates, what we did was that we approved the Motion by hon. Byanyima and others which has created 25 (a) (b), (c). Now, if I was to be asked to cater for the idea that hon. Mazima is seeking to include, I would seek to add Clause (2) by saying that for purposes of Clause (1), the Reference to language includes a reference to sign language for the deaf, or just language for the deaf and the blind. Hon. Mazima.

MR. MAZIMA: Mr. Chairman, first of all I would like to correct the information that has been given:

1) Blind people - their problem is writing it is not language. So, that one is wrong raised by one of the hon. Members.

2) Then the other issue raised by hon. Ruzindana. We have a sign language for deaf people; they communicate, whether a Munyakole, or a Luo or a Muganda - they communicate but the problem is that it has not been developed. So, it is not associated with so many languages. That is why we have the British and Ugandans meeting together - If their language is developed, they can communicate without knowing English and Runyankole.

THE CHAIRMAN: Are you saying that there is no such thing as language for the blind?

MR. MAZIMA: No, they speak Runyankole, they talk Luganda, they talk Lumasaba and so on.

THE CHAIRMAN: Are they just signs?

MR. MAZIMA: Yes.

THE CHAIRMAN: Hon. Ntabgoba, do you have any special knowledge of this?

MRS. NTABGOBA (Women Delegate - Kisoro): I thank you Mr. Chairman. I would like to say that the language for the deaf and blind exists. It is not new. These people in their homes communicate and to me, a language is loud or silent. Whether they utter out a sound or not, there is a language. What we need to do, is to develop it and make it known to everybody; even those who do not have blind people or deaf people in their homes. We develop it and encourage it to be known by everybody. Mr. Chairman, these languages exist already. I thank you.

MR. ELYAU (Kalaki County): Thank you Mr. Chairman. I happen to stay with people who do not hear but can see. There is a difference between a person who cannot hear and a person who cannot see. So, here we are talking about a sign. If I beckon a man who can see but does not hear, he will come. So, we are looking for development where these people can talk, even though they are white or they are Indians. They can still compromise. So, it is a matter of developing a sign which everybody can know that if one talked to a deaf person, either you

beckon him or you either show him that somebody is short. That is what we want to develop. I support.

THE CHAIRMAN: But I have seen situations where at traffic lights, there is some kind of language for the blind: or was it just signals? Hon. Bidandi Ssali.

MR. BIDANDI SSALI (Nakawa Division): My impression, Mr. Chairman, about what you are saying is equivalent to if we are talking of encouraging reading for the entire population, then you would include the method of reading by the blind. Otherwise, the blind in form of language, have their own language. They speak their own languages but if you are talking of a blind man requiring to read, then they have their own script which they learn specially. In this particular case, we are talking of communication through language and in fact, I would feel Mr. Chairman, that the Amendment which was carried earlier on, we can amend it further by adding a (d) to the effect that *the state shall encourage the development of a sign language for the deaf*. So that this is specific. We have catered for the languages of all Ugandans except the deaf and here we are singling it out because it is the only language which is not included in the family that is covered by what we have already passed. So, I would imagine that we should add a (d) to include the language for the deaf. Thank you Mr. Chairman.

THE CHAIRMAN: Hon. Mazima, I think you would like to pick up that proposal by hon. Bidandi Ssali - *(Interruption)*

MR. MAZIMA: Can I get it properly, Mr. Chairman

THE CHAIRMAN: And then it should be added as (c) so that (c) becomes (d).

MRS. MWONDHA (Women- Jinja): Thank you Mr. Chairman. We have been talking about a sign language for the deaf and I have listened to the hon. Members contributing and they have been talking of, of course, the language for the blind. I feel that in order to provide sufficiently for both these categories of people, I think the word *sign* should not be included. We should just urge to develop a language for the deaf and the blind because both of them are needy and we need their language.

THE CHAIRMAN: But I think it has been clarified that the blind's disability is that they do not see but

otherwise. they have got their natural languages. You can have a blind Musoga who speaks Lusoga.

MRS. MWONDHA: Yes, that is true, Mr. Chairman. That is why the word *sign* should not be there.

THE CHAIRMAN: No, let us give the Floor to hon. Mazima so that we go on in a disciplined manner.

MR. MAZIMA: Thank you very much Mr. Chairman. Before I move, I wanted to get the Amendment proposed by hon. Bidandi Ssali because maybe I wrote part of it. Can I get it correct and then I go ahead?

THE CHAIRMAN: Hon. Bidandi Ssali, can you repeat it please?

MR. BIDANDI SSALI: Hon. Mazima I am proposing that we amend Article (25) as amended and included. on the advice of the Chairman now. After (b) we put a (c) whose effect shall be that *the state shall encourage the development of a sign language for the deaf*.

THE CHAIRMAN: That is, you put there (c)

MR. BIDANDI SSALI: And then (c) becomes (d).

THE CHAIRMAN: So, it will be *encourage a sign language for the deaf*.

MR. BIDANDI SSALI: "*encourage the development...*" - yes.

THE CHAIRMAN: Would you prefer to use the word *promote*?

DELEGATES: Yes.

MR. BIDANDI SSALI: Promote the development of a sign language for the deaf.

THE CHAIRMAN: Have you heard it, hon. Members?

DELEGATES: Yes.

THE CHAIRMAN: Shall I put the question?

(Question put and agreed to)

THE CHAIRMAN: Now, we have added a (c) there and what is (c) now becomes (d). The rest will be drafted by the Technical Committee. Can I now put article 25 as Amended that, Article 25, as amended do stand part of the Draft Constitution.

(Question put and agreed to)

THE CHAIRMAN: Article 26. I have no Amendment on article 26 at least from the papers I have. So, let me put the question on article 26. That Article 26 do stand part of the Draft Constitution.

(Question put and agreed to)

THE CHAIRMAN: Article 27. I see some Amendments on article 27 -there are a number of Amendments. Could the Chairman of the Legal and Drafting Committee tell us whether these are such as can be taken one by one or some if taken, will negate the others so that we start with those which would give us the extreme result?

PROF. KANYEIHAMBA: Thank you Mr. Chairman. In accordance with the list which we had circulated earlier, hon. Komakec was proposing that the Article be deleted altogether and we thought that, that would take priority according to our rules.

THE CHAIRMAN: But does it appear on the revised list? It is not there. There is a proposal to amend Clause 1 by hon. Dick Odur. There is a proposal to replace Clause 2. There is a proposal to replace Clause 5. So, hon. Leander Komakec's Motion does not appear here.

PROF. KANYEIHAMBA: Yes, I have just realised Mr. Chairman. I think he withdrew his Amendments.

THE CHAIRMAN: So, we go on to hon. Dick Odur. You have an Amendment to make on Clause 1.

DR. ODUR (Dokolo County): Thank you Mr. Chairman. Ours is a very simple Amendment with Dr. Nyeko. When you read Article 27 (1), you realise that the state is being directed to create and protect a clean environment. To us, anything to do with environment must involve the citizens because they would be the main vehicle for protection of the environment. So, our Amendment is to add *and citizens* after the state then the new Clause would

read as follows: "*It shall be the duty of the state and citizens to create and protect a clean and healthy environment*". I beg to move.

THE CHAIRMAN: The Motion was seconded, no doubt, and we do not need to go very far with it, do we? I put the question that the Motion moved by hon. Dick Odur to insert the words *and citizens* after the word *the state* be agreed to. I put the question.

(Question put and agreed to)

THE CHAIRMAN: Clause 2 - hon. Tumukunde.

MAJ. TUMUKUNDE (Rubabo County): We sat in the Legal and Drafting Committee, Mr. Chairman and agreed that the Article as it stands in the Legal and Drafting Committee report, *poverty alleviation* was foreign and strange to the Clause. So, we agreed that it should get a proper home. Having consulted experts in the field of environmental law, we agreed and I hereby propose, Mr. Chairman, that we delete actually the idea to keep "*The state shall promote sustainable development*". According to these experts, sustainable development covers growth and then protection of environment. So this idea of adding on without undermining environmental protection, Mr. Chairman, is not relevant. I, therefore, move to delete Clause (2) in the first place and amend what is written here and keep "*The state shall promote sustainable development*". That is all Mr. Chairman.

THE CHAIRMAN: But if someone read it on its own without the Headnote, *the Environment*, could he know that he is making reference to environment? I do not think it is proper drafting. You were advised correctly but rather not fully. Hon. Sabalangira, what do you say about that?

MR. MULONDO (Mityana South): Thank you very much Mr. Chairman. I would have taken the original Amendment as it is on the Amendment Sheet that: "*The state shall promote sustainable development without undermining environmental protection*". Because we are now looking at environment which is quite serious, that we should not only end at sustainable development - because that would undermine the Article where we are looking at the environment as the most just and fundamental issue in this Article. So, I object to the exclusion of the last four words, Mr. Chairman.

MR. MULENGA (Democratic Party): Thank you Mr. Chairman. In view of hon. Tumukunde's now shaken confidence in his Amendment, I would rather support the original Draft by the Legal and Drafting Committee, and perhaps they leave out the expression poverty alleviation so that it reads '*The state shall promote policies of social and economic development which shall aim at achieving a balance between growth and environmental protection*'. Mr. Chairman, the point I get in this Clause is to say while the state should promote growth, there should be a balance between growth and environmental protection rather than just talk about the sustainable development. That is already covered under the Economic Policies. The essence is to ensure that while developing we should not unduly affect environmental protection, so, if the Amendment is being abandoned, then we should support the original one.

THE CHAIRMAN: I think he has not yet indicated that but I think what he was being attracted to is the modern environmental language which talks of sustainable use that is supposed to mean trees for timber but without destroying the forests. That is what the language is these days. Hon. Okullo Epak, would you like to clarify some thing before we go back to the Mover?

DR. OKULLO-EPAK (Oyam South): Thank you, Mr. Chairman. I wanted to suggest if hon. Tumukunde would not mind a fresh formulation which would read as follows: '*The State shall promote environmental sound and sustainable development*'. That is the most common formulation. It takes care of the fact that the word '*Environment*' at least appears in the text. It would read, '*The State shall promote environmental sound and sustainable development*'.

MR. TUMUKUNDE: Mr. Chairman, I want to reiterate my position. In the first place, Mr. Chairman, I am not about abandoning my Amendment. I simply begun by saying that my Amendment was, '*The State shall promote sustainable development*'. I have taken serious efforts Mr. Chairman, to ask experts on what you prefer to term modern language of environment and they told me that once there is sustainable and development it covers all about economic growth and environmental protection. Mr. Chairman, I do not see anything apart from wanting to add words for the sake of it, I do not see anything added specially by Dr. Okullo-Epak's new

Amendment. Mr. Chairman, we discussed this subject in the Legal and Drafting Committee and I made an effort to consult environmental experts and experts in the environmental Law. According to them, there are two words which are very vital in this description. Mr. Chairman, according to these experts they say that once you have the word sustainable and the word development, this covers smoothly and well the idea of promoting economic growth at the same time protecting the environment. They even said sustainable development can even include economic and industrial growth. So, in those circumstances, Mr. Chairman, I do not think we should add words to my already stated and moved Motion. I pray that, Mr. Chairman, we keep these few words, '*The State shall promote sustainable development*' and it covers all that was in the Legal and Drafting Committee proposal. And for sure apart from poverty, I did not see anything that is left out. So, Mr. Chairman, I insist and beg that I am supported in this very Amendment. Thank you, Mr. Chairman.

MR. CHEBET MAIKUT: I thank you very much Hon. Chairman. Mr. Chairman, I am standing here to support the Amendment moved by hon. Tumukunde in that the word 'sustainable' in itself is an embracing word. It includes all aspects of development. It will be recalled, Mr. Chairman, that in the past, emphasis on growth, was only focused on economic terms without taking due consideration on the need to conserve our environment. Now, the modern thinking the world over is that, the question of environment has got to be carefully taken if, and only if, we are to have meaningful development in all aspects right from economic, social and other spheres of development. So, to me, this sustainable development includes even what the hon. Okullo Epak has said, when he talked about environment and development. We would like to allay fears held by some members here and give emphasis that, the words 'sustainable development' includes all aspects of development in our modern language of environment. And so, this is a very good clause to me, and differs from the first one on the reports of the Legal and Drafting Committee. Because that is a language which is not in unison with the now modern way of tackling the environmental hazards which have become the concern of everybody the world over.

So, Mr. Chairman, I urge all hon. Delegates to support this amendment in that, it includes all aspects of our development, including the environment. All I want to do, if the mover of the amendment

accepts, is to change the wording slightly, by deleting the word protection in the last word. So that, it reads as follows: *'The state shall promote sustainable development without undermining environmental quality.'* Because when we talk about protection, it is already implied by the word sustainable development. It means that, we are already dealing with protection of the environment as such. So, perhaps what we will say, for purposes of emphasis is to accept the word environmental quality. We should not undermine it in any of our development that is carried out. Thank you, very much, Mr. Chairman. I beg to move.

THE CHAIRMAN: Well, can I make some proposition. Supposing it was to read, *'the state shall promote sustainable development without undermining the environment'*. Put the word *the* between undermining and environment, and cutting out the word protection.

MR. TUMUKUNDE: Mr. Chairman, I would support your contribution. However, I want to say that, I have taken special efforts to ask these experts if the word sustainable development covers all that. And they said yes. So, since you are saying, we do not have a heading - and I think that is very important - to make sure, a person will read this independently and know the meaning quickly, let us drop the very technical aspect of this amendment and adopt yours and say, *'the state shall promote sustainable development without undermining the environment'*. And I beg to move, Mr. Chairman.

THE CHAIRMAN: Thank you. Hon. Leander Komakec, do you have anything new. We should I think decide on that one.

MR. KOMAKEC: Well, Mr. Chairman, what I wanted to point out to the mover of the Motion is that, in spite of this very argument for dropping out this word, I would like to point out that, we do not want to be misunderstood. We do not want to be too technical, so that every time the courts or the government want to make a law, they have to go to the specialist. After all, these specialists, do change over time. I think I was just praying as she has already done that, he should admit that, we say *without undermining the environment*; it is clearer. Since he has already agreed, there was no need to do anything. That was the point I wanted to make.

THE CHAIRMAN: Hon. Tumukunde, if a Ugandan Primary Five student was looking at the constitution, and looked at the words *the government, or the state shall encourage or shall promote sustainable development*, do you think they would understand it to the extent to include industrial development, and growth in economic sector? So, now let us put the question that clause 2 of article 27 be deleted and replaced with a formulation that, the state shall promote sustainable development without undermining the environment.

(Question put and agreed to)

THE CHAIRMAN: There is a proposed amendment to clause 5, but before that, there is one on clause 4. I can see a proposed amendment by hon. Winnie Byanyima and hon. C.W.B. Kiyonga; I do not know whether it has been circulated. But the question is, did it pass through the Legal and Drafting Committee or would the Chairman think this is okay? Hon. Chairman of the Legal and drafting Committee.

PROF. KANYEIHAMBA: Thank you, Mr. Chairman. Although the full committee did not see this because I think it came late, a number of the Members did see it, and passed it for debate Sir.

THE CHAIRMAN: The Motion is to be moved.

MR. WACHA: Thank you Mr. Chairman. I am sorry this matter was not got to the attention of our Chairman because we have not had the opportunity to meet. But the matter came before the whole committee on Thursday when we last met and we discussed it exhaustively; and it was allowed to be brought for discussion today. I should have informed the Chairman, I am sorry about this.

MISS. BYANYIMA: Thank you, Mr. Chairman. Mr. Chairman, the amendment reads that, it is amending what is proposed as 27(4) in Appendix 2 of the Legal and Drafting Committee report. And it reads that, the state shall promote and implement such energy policy as it will ensure that the people's basic needs and the needs of the environmental preservations are made.

THE CHAIRMAN: Yes, is that seconded? Hon. Kiyonga you are cosponsor you can't second yourself. Okay, hon. Byanyima could you justify the Motion please.

MISS BYANYIMA: Mr. Chairman, the amendment seeks to correct the original text by stating clearly how energy is received by people or how people get energy. Mr. Chairman, in the original amendment, in the original draft it says that energy resources which meet their basic needs and the needs of the environmental preservation, Mr. Chairman, people do not use energy resources as such; people use energy supplies. Energy resources are like water, the water falls; energy resources are like the sun; energy resources can be trees. But the supply which people use are electricity; the supply they use is charcoal or wood fuel or petroleum. We talk of resources when we are talking about say oil in the ground but when we are talking about what you use, we call it paraffin or petrol or whatever and the way people receive these, the obligation that the government has is to put in place a policy that makes these supplies readily affordable by the people. So we talk about energy policy that meet basic needs of people because, for example, a government can have an energy policy that is not geared towards basic needs; it can have an energy policy that is geared towards providing for the needs of say big industrialists; and very rich people who would drive big cars. A government could have a policy that has a subsidy say on petrol for private cars but no subsidy say on paraffin, the fuel of the poor to light their lanterns.

So we talk about energy policies meeting basic needs. That a policy must be one that puts, for example, the subsidy on the fuel of the majority, an energy policy that meets basic needs. It can be say a policy which encourages the growing of fuel wood plantations so that in the end charcoal has a cheap price. So we talk of policies meeting the basic needs of people and not policies meeting, for example, the needs of those who are already very rich. And then, of course, energy policies must also meet the needs of environmental protection because, as we know, energy is backed very much on the environment. So the text was meant to correct, to put it very clearly that it is a policy that the Government must conceive, promote, implement and that these policies must be geared towards providing energy supplies at prices that people can afford and in a manner that will sustain our environment. I beg to move, Mr. Chairman.

PROF. KABWEGYERE (Igara County, West): Thank you, Mr. Chairman. I support the amendment but I would like to reduce the number of words used for the purposes of clarity. I do not know how

the Movers would feel if the amendment read '*the State shall protect and implement such energy policies*' - (Interruption)

THE CHAIRMAN: To promote or protect.

PROF. KABWEGYERE: "To promote".

THE CHAIRMAN: But you are using the word "protect".

PROF. KABWEGYERE: No, no. "*The State shall promote and implement such energy policies as will ensure that the peoples basic needs and the preservation of the environment*". So that one reduces the words they used, these words "the needs", the peoples basic needs, the needs of the environment and so on and so forth. I think it would be neater.

THE CHAIRMAN: Could you read it again?

PROF. KABWEGYERE: The State shall promote and implement such energy policies that will ensure the peoples basic needs and the preservation of the environment. Mr. Chairman, I think it covers both the needs of the people - the basic needs of the people and the basic needs of the environment. I would support that form, otherwise the way it is now - (Interjection)

THE CHAIRMAN: That will ensure or that will meet -

PROF. KABWEGYERE: Well, I think the debate may be on whether when you meet the basic needs or you are also ensuring them.

THE CHAIRMAN: I think the word is repetitive an "needs" and "needs of the environment" but does yours bring it out clearly?

MR. OKWAKOL (Pallisa County): Mr. Chairman, can I add on a little bit.

THE CHAIRMAN: Just a moment, he would like to polish up.

PROF. KABWEGYERE: Mr. Chairman the reason why I was coming up with this format was that when we dig into the earth and get copper, really we are doing something to the environment; we are not necessarily preserving the needs of the environ-

ment. We are serving our needs but protecting the environment by the method we process what we get out of the earth so that you do not pollute the environment in the process of meeting your needs. So the question is not so much as meeting the needs of the environment but meeting the needs of the people. Because you have taken out the copper, the environment is no longer the same but you continue preserving it in the form now you have made it.

THE CHAIRMAN: Hon. Malinga did you want to comment on the formulation?

MR. MALINGA (Usuk County): Yes, Mr. Chairman. I think really here I support the amendment let me say in principle but the formulation may perhaps have been better if we say *‘the State shall promote and implement such policies as would meet the peoples basic needs and preservation of the environment’* or environmental preservation so that we cut out the other words *‘ensure that’* and *‘the needs of the environment’*. I think, Mr. Chairman, that would bring out everything that we wish to bring out here. But having said that, Mr. Chairman, I would also-

THE CHAIRMAN: Could you read it out again, read it slowly.

MR. MALINGA: The State shall promote and implement such energy policies as will meet the peoples basic needs and environmental preservation. Mr. Chairman, while I have the Floor, I would also like to express my feelings about the original Clause 4 in Section 36 which the Legal and Drafting Committee say that we should delete. I only want to say that I am not happy with this deletion. Thank you.

MRS RWABYOMERE (Presidential Nominee): Thank you, Mr. Chairman. I have noticed that actually the formulation as it is, it is a bit shabby and if we can substitute the word *‘needs’* for *‘ensure that’* will be more ideal and I have quickly formulated the following, *‘The State shall promote and implement such energy policies as will meet the peoples basic needs and those of the environmental preservations’*. Thank you, Mr. Chairman.

THE CHAIRMAN: *‘...and those of...’* It is more or less that of hon. Malinga except for the addition of the words *‘and those of the environmental preservation’* by reference to the needs. That is how it

is formulated that, *‘the State shall promote and implement such energy policies as will meet the peoples basic needs and those of the environmental preservation’*. It is a combination of hon. Malinga’s, hon. Kabwegyere’s and hon. Rwabyomere’s formulation on the Floor. Hon. Atwoki do you want to add another formulation?

MR. ATWOKI (Youth Northern): Thank you very much, Mr. Chairman. I feel all the propositions which have been made still make the whole thing look clumsy. I would propose a shorter formulation that is to say, *‘the State shall promote and implement such energy policies to achieve peoples basic needs and environmental preservation’*. Thank you.

THE CHAIRMAN: I think that pushes it a bit in another direction.

DR. KABAYO (Kassanda South): Thank you very much, Mr. Chairman. I am in support of the amendment by hon. Byanyima and hon. Kiyonga but I also agree with the previous speakers that the formulation as it is, is awkward and I have also put my thoughts together and have come up with the following new formulation which I hope will be better, *‘The State shall promote and implement such energy policies as will meet the peoples basic needs and preserve the environment’*.

THE CHAIRMAN: But you see here there are these reference to *‘needs of the environmental,’* - the need to preserve the environment. That is why I think there is this amendment to read that not only the policy should ensure the peoples basic needs but also the need to preserve the environment.

MR. KABAYO: Yes, Mr. Chairman, that is what mine says as well.

MR. SSEMAALA KIWANUKA (Kyamuswa County): Thank you very much, Mr. Chairman. I support the amendment by hon. Winnie Byanyima but I suggest that since this is a matter of drafting, shouldn’t we push it back to the Legal and Drafting Committee and then they will do the re-drafting - unless we know what she wants and we agree.

THE CHAIRMAN: Yes, give him a chance. You are saying that we approve it in principle and the wording can be left to the Technical Committee.

MR. SSEMAALA KIWANUKA: Yes.

THE CHAIRMAN: I think that is what you are stating.

MR. SSEKANDI (Bukoto Central): Thank you, Mr. Chairman. I propose that the amendment should run as follows, *“The State shall promote and implement energy policy to ensure the peoples basic needs and preservation of environment”*.

THE CHAIRMAN: Thank you. Now, let us put it this way. We can draft this thing in many ways. I think what we do, let us vote on the proposition as read out by hon. Rwabyomere and then the Technical Committee has taken down the various formulations and they can then polish them up. I think the intention of Members is to reduce it and make it clear but I think we agree on the principle. So let us vote on this one which says, *“The State shall promote and implement such energy policies as will meet the peoples basic needs and those of environmental preservation.”* And then the other one can be polished up and the ideas can be taken to the Technical Committee from the various Members. I put the question.

(Question put and agreed to).

THE CHAIRMAN: Now, the Motion as originally moved and polished up on the Floor replaces Clause 4 on page 13. There is an amendment on Clause 5 and this is by hon. Odur and hon. Nyeko, it is on page 5 at number 18.

DR. ODUR: Thank you, Mr. Chairman. I would like to introduce the Motion and would like my Colleague, Dr. Nyeko to speak on Clause (a) while I will speak on Clause (b). Mr. Chairman, if you have a look at Clause 5 of Article 27, you will realise that the formulation there is rather confusing and we had to take quite a bit of time to reformulate the whole Clause into two subclauses. This will bring out the meaning that was intended in that particular Clause very much more clearly than it is with the present formulation. So Article 27(5), with our formulation will now read: *“The State including local authorities shall*

(a) create and develop parks, reserves and creation areas and ensure the conservation of natural resources; and

(b) promote the rational use of natural resources so as to safeguard and protect the bio-diversity of Uganda”. Mr. Chairman, I beg to move.

DR. NYEKO: Thank you, Mr. Chairman. I would like to thank hon. Odur for introducing this Amendment. We looked at the Proposals given by the Legal and Drafting Committee in Clause 27(5), we found that it was a bit confusing and what we present here is what we think is clear. Now, in the first Amendment, we are using the word, *‘State and Local Authorities’* in place of the organs of both Central and Local Government. I think this is quite clear. The State including local authorities is a much clearer presentation than the organs of Central and Local Government. Then the major point here is the creation and development of parks, reserves and recreation of areas which in our view are well catered for. Now, the local authorities of course can create say, golf courses, football fields and several other recreation areas within their municipalities or city boundaries or within their town boundaries. So, this is catered for and when you go down a bit you find, including animals, plants, and fish. This we deleted and this will be covered under the word, *‘bio-diversity’* which hon. Odur is going to present. And of course this goes alongside with the rational use of these resources.

So, hon. Delegates, our Amendment which is simple reads as follows: *“The state and local authority shall create and develop parks, reserves and recreation areas and ensure the conservation of natural resources”*. This is an important instrument and we have not left anything out.

The second aspect, as I said, hon. Odur is going to present will include both components of the animals, plants and fish. I beg to move.

DR. ODUR: Mr. Chairman, in Clause (b), we have included or used a new terminology which actually incorporates all those aspects of plants and animals that are tended to be described under Clause (5). Now, bio-diversity is a very important aspect of our natural resources in Uganda. In fact Uganda has got a very rich resource in that aspect. But there is a development under what is called *‘bio-technology’* which actually uses the bio-diversity as the raw material and if we as a country are not aware or careful in how bio-diversity is utilised, then we are going to deplete our resources as far as these are concerned.

So, Mr. Chairman, my Amendment therefore, is to take care of the following:

(1) To safeguard our rich plants and animals species together with genetic resources that they contain

from being unfairly depleted.

(2) To bring to focus the current trend in the biotechnology industry and particularly its implication for the peasant farming.

(3) To alert the State to lay down policy strategies which will protect our peasant farmers from economic exploitations by the biotechnology industry.

Mr. Chairman, I would like to emphasize that the use of biotechnology to develop, for example, new seeds is very beneficial because normally what is developed can yield much more and also grows much faster. But as we use these raw materials to constitute new varieties of seeds and may be animals we are actually depleting our natural resources in this regard. I am sure you are all aware that new varieties although economically very useful some of them will demand a different type of crop husbandry or animal husbandry; normally much more expensive and requiring application of fertilizers and may be use of drugs and other chemicals. So, we do not need to deplete our natural resources or our old types of seeds and animals because more often they have quite adapted to our environment. I will give you an example. In Zimbabwe which grows a lot of maize as most of you are aware, only two hybrid variety of maize seeds account for 90 per cent of what is planted in that country. Thus replacing what was there as traditional crops in terms of millet or sorghum. Of course this gives you higher yields as far as maize is concerned but if you completely replace your traditional source of genetic materials, you are leading yourself into some problems in future.

The other protection we seek for the peasant farmers is that actually in the modern industry of that sort now, the developers or the researchers seek protection and they develop or acquire monopolies for what they have invented so to speak. The new varieties therefore, are very expensive. They have not even stopped there - there are what they call 'international conventions' which protect the developers, but do not protect the peasant farmers. So, we are merely safeguarding our resources and also safeguarding the interest of our peasant farmers. Mr. Chairman, I beg to move.

THE CHAIRMAN: Hon. Members, the Motion by the hon. Member is that Clause 5 be replaced with the formulation which appears on page 5 of the amending sheets. Therefore the question is put.

(Question put and agreed to)

PROF. KABWEGYERE: Thank you very much, Mr. Chairman. In (b) when you read, 'promote the' I think 'the' should be replaced by 'a' because when you say 'the' you already specifying that, you know, you are already implying something is already given.

Lastly, when you talk of the State and then you have to put in that hanging Clause including local authorities - I thought when we say, State, we imply all those who have authorities from the State.

THE CHAIRMAN: But the formulation in Clause 5 as it appeared on page 14 was also looking at it that way. So, there is not much change.

MR. MAIKUT: Thank you very much Mr. Chairman. Now, Mr. Chairman, you remember some time I did circulate a minor Amendment which I thought is minor but introducing a very important concept in terms of conserving our environment namely in the report Article 27, (3) (a) and (b). My intention was to include a concept of minimising damage to land and air not only water resources. I thought this was a very important concept. If we are talking about environment conservation or protection, we should not only confine ourselves as a matter of policy to water resources, I thought we should make it broader and include water and air resources. Because in this country, Mr. Chairman, a lot of pollution is taking place which is a concern worldwide, both into the air and water resources and including land as you have already heard like dumping of waste.

So, with your permission, Sir, if it possible, I would seek only to add those two words in Article 3 (a) where it reads, 'To prevent or minimise damage and destruction'. Water resources I will say include the word 'air, land and water resources' resulting from pollution or other causes. The same applies to (b), Mr. Chairman, if it is agreed by the House. Mr. Chairman, I beg to move that Article 3 *-(interruption)-*

THE CHAIRMAN: The hon. Member is taking us back to Clause 3. He is saying that he would like to add the words, 'land and air' in 3 (a) and (b) - to prevent to minimise damage and destruction to land and air and water resources in a balanced and sustainable manner for present and future generation. It has been seconded by many.

(Question put and agreed to)

Article 27

THE CHAIRMAN: I now put the question that Article 27 as amended do stand part of the Draft Constitution.

(Question put and agreed to)

DR. KANYEIHAMBA: Thank you, Mr. Chairman. It was the view of the Technical Committee that our proposed Amendment of hon. Tezira and myself on recreation and sports which is a very simple one, that it should come immediately after the one we have just finished, Mr. Chairman. And I was seeking your permission whether I could propose it Sir.

THE CHAIRMAN: Now, you want to make it article 28 so that the former article 28 now becomes article 29.

DR. KANYEIHAMBA: Yes, Mr. Chairman.

THE CHAIRMAN: Go ahead.

DR. KANYEIHAMBA: Thank you Mr. Chairman. A number of hon. Members discovered that there had been an omission in the Draft Constitution in that there is no reference whatsoever to recreation and sports. Nevertheless, sports and recreation play a very big part in the lives of Ugandans. We have provided for the mental development, the health care of Ugandans but we have not provided for their physical development and recreation facilities. Mr. Chairman, this is a very, very important subject which all countries do encourage their states to promote. We know, for example, that we always come across these words when people are either having massage or have some physical training of some kind to improve their physique. But most important on sports, Mr. Chairman, Ugandans are very enthusiastic football players, tennis players, squash and all this. Occasionally we are represented at the international meetings where sometimes because the state has been slightly indifferent to our activities we perform very badly and usually to the embarrassment of the Ugandans and the audience.

Therefore, my Colleague hon. Tezira will talk about some other aspects which we have if the State does not promote recreation and sports. There may be

some query as to the difference between recreation and sports.

THE CHAIRMAN: But you see you have not been seconded.

DR. KANYEIHAMBA: I am Sir. Mr. Chairman, we are proposing a very simple guideline in the guidelines on the principles and objectives by simply stating that we propose a new article 28 to state that *'the State shall promote recreation and sports for the citizens of Uganda'*. I beg to move Sir.

THE CHAIRMAN: But how do you fit this under the environment?

DR. KANYEIHAMBA: Mr. Chairman, you will note that we have had the Clause on environment. The article which is going to follow this one is on Foreign Affairs. We are suggesting that this is an independent article 28 on recreation and sports, so that it becomes a sub-heading on its own. It is part of the environment Sir, in the sense that for example, recreation includes mountaineering, and jogging which is part of the environment. So, we think that it is directly involved with the preservation and protection of the environment, Sir.

THE CHAIRMAN: I do not know whether that is correct location.

MR. OBIGA KANIA MARIO: Mr. Chairman, I support the Amendment but then I would propose that it be a separate Article immediately after that of environment.

MR. KWERONDA-RUHEMBA: Thank you very much Mr. Chairman. Being a sportsman I support this Amendment. But I think where the hon. Mover wants to put it, will be misplacing it. Therefore, it would have certainly come in under the sub-heading 'social objectives' which is either article 26 or article 27. So, it could have been befitting if it came immediately after 'education or objectives for health service'.

So, Mr. Chairman, I wish to move that we pass this Amendment but we leave it to the Legal and Drafting Committee to find the home for it under social objectives. I beg to move Mr. Chairman.

MRS. JAMWA TEZIRA: Thank you, Mr. Chairman. Mr. Chairman, we believe very strongly that

this is an omission in the Draft Constitution as it has already been stated by hon. Kanyeihamba. Whereas we have provided for education, health, mental, but we have not catered for physical well being of the citizens of Uganda and this can only be realised through recreation and sports. Mr. Chairman, sports is very popular in Uganda. But because the Government has neglected this area, that is why we have often done badly in international competitions. One of the reasons why we have done so badly in sports, is that the State and its organs have failed to provide adequate finance; have also failed to identify talented men and women in sports and largely ignored their organisational structure and performance.

Mr. Chairman, we feel that if the constitutional mechanism is put in place to cater for this imbalance our country, Uganda, would excel in sports.

Finally, Mr. Chairman, we feel that it should be the responsibility of the Government to encourage full participation in the recreation activities and sports. If the Government does this, the social problems we have in this country like heavy drinking, immoral behaviour, and other vices would be greatly reduced because people would be occupied all the time. Mr. Chairman, I beg to move.

THE CHAIRMAN: The Motion moved is that we insert a new Article - the home will be found by the technical committee - but we approve the formulation if we see it fit. Therefore the question is put.

(Question put and agreed to)

Article 28.

DR. MUYINGO - KEZIMBIRA: Thank you Mr. Chairman. Mr. Chairman, before you move away from this, I had an Amendment which I have just thought of out now. Mr. Chairman, I have not seen anything talking about irrigation and my people have asked me to move an Amendment to that effect. So, I thought I could bring it now.

THE CHAIRMAN: I think we shall come to the reconsideration stage when you have formulated it properly.

MRS. CECILIA OGWAL: Mr. Chairman, I realise that the Amendment Aggrey Awori intends to move is in Article 28(3). But I would like to propose

an Amendment under article 28 or article 29(l) - if you can allow me, to introduce (c).

THE CHAIRMAN: Let us hear your formulation.

MRS. CECILIA OGWAL: Thank you, Mr. Chairman. Under (c), the Drafting Committee left out a very important element - that is, the State to refrain from interfering in the internal affairs of others states. Thank you, Mr. Chairman.

THE CHAIRMAN: Your formulation is that it should read that, *'the policy of Uganda shall be based on the principles of:*

(a) *settlement of international disputes by peaceful means,*

(b) *opposition to all forms of domination and other forms of operation and exploitation; and*

(c) *noninterference in internal affairs of other states'* - that is it is seconded.

HON. MEMBERS: Yes.

THE CHAIRMAN: Continue, Mrs. Ogwal.

MRS. OGWAL: Mr. Chairman, I feel that non-interference in internal affairs of other states is a very important principle in international relations. Mr. Chairman, I am moving this Amendment in recognition of the fact that Uganda, in conducting its international affairs Uganda shall do so in consonant with the accepted principles of international Law and international diplomacy. I therefore, beg to move this Amendment and pray that the Delegates would recognise the importance of this Amendment in our general objectives and directive principles of state policy. Thank you, Mr. Chairman.

MR. KAMURON: Mr. Chairman, with due respect to the Amendment made by hon. Cecilia Ogwal, I would like to remind the Delegates, through you, Mr. Chairman, that what she is trying to advance is well taken care of in Article 125 in this Draft Constitution. It was the recommendation made by the Legal and Drafting Committee that, that was left out because it was taken care of in Article 125 of this Draft Constitution. So, Mr. Chairman, it was taken care of in article 125 of this draft constitution.

So, I would like, Mr. Chairman, to seek clarification from the Mover as to whether there is any much difference between what she is moving now, and

what is taken care of in article 125. Thank you very much. If I may read, Mr. Chairman, article 125 says, (i), *the government shall conduct international affairs in consonance with the acceptable principles of international law, and diplomacy consistent with National interests of Uganda.* So I do not see any major difference, Mr. Chairman, therefore, I oppose the Motion.

LT. COL. GUMA: Thank you very much, Mr. Chairman. With all due respect and the problems we are having currently, I think when we talk of non-interference we should not at all for one minute forget that Uganda as a Nation has her own interests. And if those interests are trampled, by anybody wherever he may be, the people of Uganda have a right to defend those interests. So I am of the view that we should not go by sentiments. I know this comes out of the recent situations which I think have been construed because we do not see the truth for instance. I do not think by the fact we left Tanzania in 1979, that Tanzanian interfered into our internal affairs. They were defending their interests, and we wanted to come back home. So. I beg to disagree with my aunt Cecilia. Thanks very much.

MR. KISAMBA MUGERWA: Thank you, Mr. Chairman. I stand to oppose the amendment in light of article 125. I find that the way she has put it is so emphatic and crude.

THE CHAIRMAN: Speak through the Microphone please.

MR. KISAMBA MUGERWA: All I was saying is that I stand to oppose the amendment as moved by hon. Cecilia Ogwal. Because in light of the one in article 125, it has put it in a more diplomatic way and it takes into account international relations and other laws where we have to comply.

Secondly, interference depends on which side of the game you are because they will maintain it when you need others to interfere. So to put it that, we should follow it as a principle - I think should leave a room where you can consult and the international law and see where we can interfere or we should not interfere.

DR. KIYONGA: Thank you very much, Mr. Chairman. I would like to believe that hon. Ogwal supports article 28 (i) (b) which says there should be opposition to all forms of domination and other forms of operation and exploitation. I find difficulty

to reconcile what she is proposing, suppose we identify racism in South Africa or some other place, or exploitation and oppression the Clause she is proposing would restrain our assistance to people who are suffering under such practices. Therefore, I also would like to oppose the introduction of a new Clause by hon. C. Ogwal.

MR. SSEKWAYAMA: Thank you, Mr. Chairman. I do sympathize with the mover, but I think the proposal is double edged. We have had in the past conditions where we thought that some international forces would come and rescue us from certain oppression. For example during Amin's time. So, I think it depends on the circumstances. We cannot prescribe that as a permanent arrangement and Mr. Chairman, these days you see the international trend is changing. I think where there is a real human calamity we would all welcome the international community to come in and avert some dangerous situations regarding the nation or the people.

And the third and last reason, Mr. Chairman, why I oppose it, is because foreign interference must be defined in certain respects. Normally we only think of it in terms of political and military; and I personally believe that we are having so many and possibly necessary foreign interferences in very many aspects of life. On that basis I think I would not support my sister's amendment. Thank you.

MR. ATUBO: Mr. Chairman, in principle of non-interference in the internal affairs of other states it is as old as the state themselves, and it is not a new concept in diplomacy and relations between states. I think what is bothering hon. delegates, is really whether we should very precisely and exclusively explicitly include these in our constitution; and two, whether it is not taken care of already in article 125 Clause (1). Mr. Chairman, the argument so far advanced, is that, this principle is double edged, and that it is already taken care of.

Mr. Chairman, the idea of non-interference in internal affairs of other states, springs definitely from the idea of sovereignty that people who have agreed to live under one state should as far as possible be allowed to resolve their internal affairs. And I think this is clearly understood now in diplomacy and in international relations that when Ugandans want to decide on what constitution we should have, that is really our internal affair. On what political system we should have, that is our internal affair. If the

people of Kenya, of Sudan want something this is really something more. But at the same time because of the global nature of our living, both of this internal affairs may actually affect the relations of neighbours or the relations of society globally like we mentioned the situation in Somalia, the situation in Sudan or the situation Rwanda. But when it comes to that, in most cases it is not wanting individual state deciding to interfere in the internal affairs. Most clever states do that through United Nations, the O.A.U.

MISS. BYANYIMA: Point of information. Thank you, Mr. Chairman, and thank you hon. Omara Atubo for giving way. Mr. Chairman, I wanted to inform hon. Omara Atubo that since the end of the cold war, the concept of sovereignty and international relations is under question. Increasingly states are giving up sovereignty to other wider and bigger organizations and increasingly foreign policies are being conducted through multilateral processes so that when for example, we give a team to go to Somalia to solve the internal conflict there, although we are interfering in the internal matters of Somalia, but through a multilateral process we have agreed at another level to stop the suffering in Somalia. So to the concept of non-interference, it is still under question just as much as foreign policy are all in a state of flacks now that the cold war has ended. So I was just informing hon. Omara Atubo that he is espousing a principle that is rather outdated. Thank you Chairman.

MR. OMARA ATUBO: Mr. Chairman, I do not think the concept of sovereignty is being rejected in national relations. What I think is being done is that, sovereignty is being modified to cope up with the new concept relations. And it is not being interfered with, so we must differentiate between Uganda being sovereign and Uganda allowing its sovereignty or other countries seeing that in order to relate yourself with others - therefore, are allowing yourself to give away that degree of sovereignty in order to live with others. This is really what I think is being debated at this level. But to come to the point of the proposal. I think what we are talking about is callous interference where a country would decide now to say, I am going to interfere in an aggression by one state against another. And I think when we are talking about these callous interference and aggressive, interference, it is really what we are talking about. That we should not have interference in the internal affairs, and I think there is enough definition of what we mean by internal affairs.

And then secondly, Mr. Chairman, there is this question of defence of national interest that, in the defence of your national interest you are allowed to interfere in the internal affairs of other countries. Mr. Chairman, I think when you are defending your national interest in most cases there is a justification, and the case of Tanzania interfering with the Amin's regime here has been quoted. That is no longer a case of interference in internal affairs of Uganda because Tanzania was defending its interests. It was Amin who invaded Tanzania; Amin was the enemy of Tanzania; Tanzania wanted to ensure that the enemy is eliminated first off its territory, and that aggression in future does not continue. So Tanzania was not interfering in the internal affairs of Uganda at all. It was defending first, if all its interests and secondly it was allowed under the concept of hot pursuit to get Amin wherever he may be.

So, Mr. Chairman, I think that we should not look at this concept in a narrow sense, I think it is a very good concept to include in our constitution, it will protect the very meagre resources of this third world country from those leaders who think they will be entitled to an aggressive interference in the internal affairs of other countries, and so we also hope that others will not interfere in our interest. Mr. Chairman. I beg to support the amendment. Thank you.

MR. KATENTA APUULI (Conservative Party): Thank you, Mr. Chairman. I would like once again Chairman to draw the attention of the House to an already made statement with regard to article 125. When we talk about International Affairs in the text - Let me read: *"The government of Uganda shall conduct international Affairs in consonance with accepted principles of International Law and Diplomacy"*. These International Laws and Diplomacy, Mr. Chairman are not talking in abstract. There clearly defined international treaties; and the issue of non-interference in the internal affairs of other states is part of that definition. Therefore, my sister's desire to make the emphasis here in another Clause, is not really called for because the provision is already made somewhere else. And as hon. Byanyima said, the issue of international diplomacy in the whole concept, is now becoming a dynamic issue and I would not want to see Uganda tie its hands when the rest of the world is moving in a different direction. Otherwise we would find ourselves as an Island. For example, recently Japan needed to send troops to Cambodia, they had to go back to Parliament in order to amend the constitution in order to

send their troops to Cambodia for purposes of peace keeping. In the same way Israel wants to send policemen to Haiti today, but they have to amend their constitution in order to do it. I do not think that Uganda should put itself in such a situation where our hands are permanently tied so that any time we want to move on with the rest of the world we have to amend the constitution. I think the law already provides for that, and there is a section that recognises other peoples interests together with our interests at International fora. And I hope that my sister Cecilia would be able to see that the provision is already made somewhere else, and therefore, maybe persuaded to give way. Thank you, Mr. Chairman.

MR. OWINY DOLLO: Thank you, Mr. Chairman. Mr. Chairman, I believe there is some point in the Motion moved by hon. Ogwal. My fears are that to bar the state of Uganda from interference in the internal affairs of any other country, is going too far. Because interference can be negative, or positive like my Colleagues have explained. For this reason I thought with the permission of hon. Ogwal her Motion could be amended to read: "*Uganda shall not take sides with any party or forces - with any conflicting or adversary interests in another country*" - I am trying to reflect the words such that we would bar Uganda from taking sides with any party in conflict within another country, but not to interfere because interference can be positive or negative. Thank you, Mr. Chairman.

DR. MUGYENYI: Thank you, Mr. Chairman. Mr. Chairman, we have had a good survey, and we have had from two diplomats explaining the principle we are trying to entrench in our constitution. It would be naive of us, Mr. Chairman, to put a principle in our constitution which is absolute and which most countries are trying to run away from.

Secondly, Mr. Chairman, if this article was in our 1967 constitution, probably we would still be with Amin here - who knows? I do not agree with hon. Omara Atubo who says that Tanzania says that Tanzania was actually defending itself. You cannot defend yourself from Tanzania up to Nimule or up to Karuma. Mr. Chairman, if they were defending themselves, they would have just stopped at the border with Tanzania. So, Mr. Chairman, I think with our history, we cannot entrench this particular provision. We cannot see our neighbours under carnage of a dictator and sometimes when we have the ability we do not come in. Or, Mr. Chairman, we

cannot see for instance, if there are rebels disturbing us and they have bases in a neighbouring country, they just come hit and go back, when we have the ability. So, Mr. Chairman, we cannot tie our hands: we cannot sell our country to the circumstances that have happened of recent and we say let us go sentimentally to make the constitution. Mr. Chairman, I strongly oppose this amendment. Thank you.

THE CHAIRMAN: Hon. delegates, I think we vote on this one. Hon. Cecilia Ogwal has proposed that we insert an additional paragraph in Clause (1) of article 28 to provide for non interference in internal affairs of other states. I will now put the question.

(Question put and agreed to.)

THE CHAIRMAN: Hon. Members, there is a proposed amendment by a panel of Pan Africanists and I give the Floor to hon. Aggrey Awori.

MR. AGGREY AWORI: Mr. Chairman:-

THE CHAIRMAN: Hon. Kitariko what would you like to read?

MR. KITARIKO: Thank you, Mr. Chairman. Isn't the proposal to amend that article contained in article 125, sub-article 2 in my view.

THE CHAIRMAN: To amend what?

MR. KITARIKO: The amendment proposed, is covered by article 125 (2).

THE CHAIRMAN: What you are saying is that the Motion which hon. Aggrey Awori is about to move - well he has not moved it yet so we could not have known the wording. Can we give the Floor to hon. Aggrey Awori, he moves his Motion then we proceed.

MR. AGGREY AWORI: Thank you, Mr. Chairman *-(interruption.)-*

MISS AKELLO GRACE: Thank you, Mr. Chairman. It is just that if that is proposed to replace Clause (2), I wanted to address myself, and point out to the House that there is a minor omission which I think is rather important on the old article 38(1) (f), which says, "*opposition to all forms of domination, racism and other forms of oppression and exploi-*

tion'. I thought we should include the word discrimination there, sir.

THE CHAIRMAN: No, we have already moved from there, we are now seeking to insert Clause (3) that is I think what hon. Aggrey Awori is going to move.

MISS AKELLO GRACE: But I am on Clause (1). But is it too late to include the word discrimination Sir, because it is rather important in this context.

THE CHAIRMAN: But this is foreign policy, how are we going to use the word *discrimination* in foreign circles? As a state policy?

PROF. KABWEGYERE: Thank you, Mr. Chairman. I would like the House to look at the original article 38.

THE CHAIRMAN: But we cannot do things that way. Let the Motion be on the Floor first, if you think it is misconceived because of other factors or the wording, then you can make references. But before we do that *-(Interruption)*

PROF. KABWEGYERE: No, Mr. Chairman, this one will come after. If I were to say what I am trying to talk about, I will be getting back, taking the House back. Because one of the principles that I thought should be upheld and should be reflected here is what is in (c) the principle of *peaceful co-existence and non-alignment*. But that was looked at in the proposed amendment of article 28.

THE CHAIRMAN: Let us hear the amendment. Now you if want to amend it, then you can.

PROF. KABWEGYERE: I have no problem with the amendment as proposed. But I am saying before we get that amendment, - but if I can come in later, Mr. Chairman, I am ready to *-(Interruption)*

MR. AGGREY AWORI: Mr. Chairman, having had some comments before, I present the amendment for closer integration of the region and Pan African concept. I would like to correct one misconception. There those of us who believe that cooperation is the same thing as integration. I would like to say in this amendment, that I am drawing a clear distinction. We are urging the government to move towards integration; integration is more than cooperation. Mr. Chairman, Uganda like all other African coun-

tries is just a creation of colonial power. We were nation states or some people call them tribal communities long before the British, the French, and Germans came to the Continent. We have been split and unfortunately when we preempted for independence, we picked and inherited the same territorial boundaries. As a result the O.A.U. has also accepted the colonial territorial boundaries that we inherited.

Mr. Chairman, there is no doubt, that when you look at the African scene some of our countries are actually not economically nor politically viable. This was as a result of this design in Berlin some hundred years ago. Mr. Chairman, this amendment is self explanatory. I do not wish to go into its historical details. All I am seeking are the following:

(1) As a way of moving towards integration, both economic and political, of our region and the continent, we may have to revisit our O.A.U. resolution which accepted the territorial boundaries. Mr. Chairman, since some of us are lost to the idea of revisiting these territorial boundaries that have created our new states, we may have to move to a second stage where we can make these boundaries less porous on our initiative towards closer integration.

Mr. Chairman, let me start off with economic integration first of all. First, the African Community was one concept which was snipped in the bad and yet it had a glorious future. Mr. Chairman, looking at the previous amendment of non interference, you could say, the East African Community could have resulted into East African Federation if there had not been external interference from those powers which saw African countries astray to their imaginations. Mr. Chairman, looking back again to our nationalities right now one of the hottest issues we are discussing in this Assembly is the federation. If I may recall sometime back when the federation was muted, I think Buganda was resistant towards the idea. Mr. Chairman, going to the question of federation as we said earlier, Buganda was not opposed to federation per-se but now I would say if we are going to look at the federation, may be we revisit these boundaries. Uganda could form one of the states within the East African federation, you never know we could also revive may be the Bachwezi Empire or territory. Or we may have to look at the Luo Empire, we may have to look at the Samia, Bagisu and Busoga territory and others as a possible nucleus for the East African Federation and possibly eventually the African government.

Mr. Chairman one of the early proponents of the East African Federation was hon. Julius Nyerere who was here with us recently. Not long ago he came up with an idea, - also another proponent of Pan Africanism, the Late President Kwame Nkrumah of Ghana had come with the idea of an integrated African government not just a cooperation of African governments. And for sure, Mr. Chairman, what he said, turned out to be true. He said that these small entities working as a closer cooperation, it is a matter of time before they disintegrate and this has indeed happened. Mr. chairman, the advantages of a closer working together which I would rather call integration, would lead to certain benefits. In the economic sector, Mr. Chairman, we have been looking at a wider market for the African countries. Mr. Chairman, the biggest problem right now we have on the Continent is security. Mr. Chairman, if it had not been for a neighbour to come to our rescue, this country may be would still be under yoke of a dictatorial military regime. I do not need to mention which one.

Nkrumah said, we should form an African High Commander, to take care of our needs. We failed do that because we were looking at our own little armies we can manipulate. Now look at what is happening on the continent, it takes an American to lift his war material to pass through Entebbe to create a state of peace in a neighbouring country. Mr. Chairman, even closer integration on the African scene, would not have been necessary, we could have handled it on the Continent.

Mr. Chairman, we have the problem of harmonization of our policies towards currency. We are unable to harmonize our currency (ies) simply because we are pursuing smaller markets and smaller non-viable economic units. It is a great pity, Mr. Chairman, that the have French would to take out a portion of Africa and create a currency for them the C.F.A. Mr. Chairman, the British have done that - Mr. Chairman, the British had done that for us in East Africa, but that has gone. Mr. Chairman, the Portuguese have tried to do it for Mozambique, Angola, and Cape Verde, that has also failed. Mr. Chairman, this lies on our back, it is us to do it; it does not take the British, the German and the French to do it. Mr. Chairman, I am making this amendment so that it is part of our national objectives that future governments not necessarily NRM, but the future governments, look at this as a challenge to see how Presidents of neighbouring countries can have a uniform

foreign policy, a uniform economic development policy, a uniform military policy towards external aggression. Mr. Chairman, I would be very pleased - Mr. Chairman, I was very pleased not long ago when one little country which was a creation of the British had internal difficulties, but free bigger neighbours walked in and put things to order. I am referring to Lesotho. When some people fought in Lesotho they could overthrow a truly and popularly elected government. South Africa under President Mandela, Zimbabwe and Botswana walked in and put things right within no time. Mr. Chairman, this is not interference, but it shows that under close integration we are capable of handling our own affairs on this continent without reverting to external forces.

Mr. Chairman, right now one of the most important institutions pertaining to security of the world, is the Un Security Council. We have made an attempt individually as African countries to secure a permanent seat but we were unable to do so. Only last night Nigeria was told that, "If you cannot look after your own affairs, how would you expect us to give you a permanent seat on Security Council". Mr. Chairman, in America right now, let me not mention specific names, but there is a country which is campaigning for South Africa simply because of South Africa's economic liability and military strength. I would say, Mr. Chairman, this attempt should be towards a Pan African seat on the security council, rather than individual African countries seats as such. We have had the O.A.U having at the UN Security Council permanent seat. This has not worked; Mr. Chairman, this cannot work until such a time that African countries decide not only to integrate their political systems but the economic systems, development plans, and projects as such.

Mr. Chairman, I do not want to go into details but would like to call up on this House, not only to support the amendment that Africa should have one government, one political system and if possible one economic system. Mr. Chairman, I beg to amend. I beg to move.

PROF. NSIBAMBI: Thank you, Mr. Chairman. I would like to support this Motion very strongly. When you speak of integration, essentially it is talking about national identity so that we have a larger unit which works together. And as hon Members will know, the world is becoming a little village based on an exchange of goods and services. What

has been worrying me is that, whereas this inevitable development has been fully grasped elsewhere in Africa we are busy fragmenting ourselves. (*Applause*) I do welcome the clapping I because it does illustrate that the message has sunk deeply. But the point I was making is that if we fragment ourselves then our children are going to be slaves. And we shall be judged very harshly by posterity. So, the point is first of all of course to have secure - and there is no question about it, - you need secure local routes, you need secure regional routes, national routes, and then secure international routes.

The second point I would make is that our boundaries are extremely porous; and it is meaningless to try even to police the boundaries - it is hazardous and meaningless. So what is the point? Why don't you remove these international boundaries and you unite. And the point about political integration is that, so many people would like to remain really big fish in the small ponds; and that has been the problem. But in the long run they also hurt themselves, and that is why it is necessary to come together and become more effective.

The last point is that we shall have the necessary clout to influence global events, meaningfully. As it is, they are tiny little entities which do not make any impact globally. But if united at that scale then we would make a great impact globally, and we will be able to shape our destiny more meaningfully. I beg to support very strongly the Motion. (*Applause*)

MR. KWERONDA RUHEMBA: Thank you very much, Mr. Chairman. I do not think any sane person would oppose the idea of integration, or would oppose the idea of international cooperation, or would oppose the idea of cooperation. However, Mr. Chairman, this idea is already spelt out in article 125 Clause (2) which states, '*In particular the Government shall promote international cooperation which is beneficial to Uganda and work towards regional cooperation and integration*'. There is nothing missing here, cooperation is there, integration is there, and regionalism is there. Mr. Chairman, if this principle is already catered for and enshrined in article 125 under international relations, is it necessary, Mr. Chairman to bring it again in this chapter of national objectives.

Mr. Chairman, if we are satisfied that the idea is already provided for, I wish to oppose repetition, and enlarging the constitution which we have already

said is very big and we want to reduce it. For that matter, Mr. Chairman, I wish to request movers and other Members of this House to reconsider and oppose this amendment. Mr. Chairman, I oppose the amendment and since it is already lunch time, I wish to propose that you a question.

MR. NJUBA: Mr. Chairman, I am feeling a bit uncomfortable. When we are on one point we talk about an article in future, which we have not passed and you say because of that we should not consider it. At another stage we say because it is there we should not discuss this one. I think that the problem is that we should address the article we are dealing with now. If it so happens that it is a repetition, and if it is carried at a next stage, then that article can be scrutinized by the technical committee. This should not be a reason for deleting a deserving amendment. I do support the amendment. Thank you.

MRS. KULANY: Thank you, Mr. Chairman. I support the amendment, Mr. Chairman. And the reason I support this amendment is that actually as the African Continent, the boundaries we have are actually artificial, and you find that some tribes as my Colleague has mentioned, are found across these boundaries. And it is not their fault. So we do not see why these people should, not integrate. And, Mr. Chairman, I would maybe put further amendment that it is not only integration but we should also include cultural integration on the region. Mr. Chairman, I support the amendment, Thank you.

DR. KIYONGA: Mr. Chairman, while supporting the amendment, I would like to move an amendment on this amendment by introducing two words; '*cultural cooperation*' so that the resultant Motion would be, Mr. Chairman. '*The state shall promote regional and Pan African cultural, economic and political integration and cooperation*'. I beg to move.

THE CHAIRMAN: The Motion should read, '*The state shall promote regional and Pan African cultural economic and political integration and cooperation*'. That is an amendment to the Motion by hon Aggrey Awori which says, '*The state shall promote regional and Pan African economic and political integration*'. So let us now talk to hon. Kiyonga's amendment, and I will give hon. Kiyonga the Floor to give his reasons, then we go on.

DR. KIYONGA: Thank you very much, Mr. Chairman. I have three principle reasons Mr. Chairman, for forwarding this amendment. First of all Colleagues here are aware, or hear, even in Uganda, of Uganda German cultural societies, Uganda-China cultural societies, and we hardly hear of a Kenya-Uganda cultural society or Zaire Uganda cultural society. These friends of ours from Abroad never do anything for no benefit. When you see them pushing cultural societies, they see this as a very important medium in transmitting and looking after their interests. Therefore if we want to do what hon. Aggrey Awori has ably put that we should cooperate in political and economic matters, it is only natural that we should also ensure that there is a cultural basis for doing so.

Mr. Chairman, and hon. delegates culture is the way we do things; is the way we move. If we are going to have a meaningful and sustainable economic and political integration and cooperation, it needs a cultural basis if it is going to succeed. Finally, Mr. Chairman, as was ably demonstrated by hon. Nsibambi, the boundaries we have today on the continent were artificially created by our former colonial masters. You will find people who share similar culture living in different states, and adopting different cultures. You will have for example people in Zaire who have now adopted the French language, and a similar tribe in Uganda now speaking English, and then creating difficulties between the two otherwise similar entities. So, I believe that by adopting this Motion, Mr. Chairman, we shall be making the proposal here meaningful and more sustainable. Thank you.

MR. CHANGO MACHYO: Mr. Chairman, we wanted to Move an amendment to hon. Aggrey Awori's by add something. But since hon. Kiyonga has moved I think we should wait until he has finished. I do not know whether that will be proper, Mr. Chairman.

THE CHAIRMAN: How would yours read?

MR. CHANGO MACHYO: We are going to add after *integration*, "*and be prepared to surrender some of its sovereignty to achieve it.*"

THE CHAIRMAN: Hon. Chango Machyo's motion would not conflict with hon. Kiyonga's. He was going to suggest that the Motion would then read, *Uganda shall promote regional and Pan African*

cultural economic and political integration and co-operation and be prepared to surrender some of its sovereignty to achieve it. I think it needs a lot of polishing there. Let us first dispose off hon. Kiyonga's Motion first and then we see how we proceed on this side.

MR. MWAKA (Nwoya County): I would like to support the amendment by hon. Dr. Kiyonga because, by adding the word cultural there, it actually enriches that amendment or rather the motion hon. Aggrey Awori has brought forward. Because, Mr. Chairman, once we talk about internal cultural integration, we should also consider very seriously regional and Pan African cultural integration. I would like to say, Mr. Chairman, that in the world we live in today we can no longer afford to be indifferent to what is happening elsewhere because the action of one affects the rest. When we include culture, in this amendment which hon. Aggrey Awori has brought, and I would like to urge him to accept it. Culture plays a very important role. Somebody has said that we now hear of cultural corporation between Uganda, China-Uganda, and Korea. We must also encourage internal cultural intergration before we go outside Africa. We must encourage this integration with all neighbours and all African countries. I support the amendment, Mr. Chairman.

MR. BWAMBALE WALEMBA (Bukonzo County East): Thank you Mr. Chairman. Mr. Chairman, I beg to oppose the amendment and I am opposing it on principle. You will recall that on 18th May, 1994, when His Excellency was inaugurating this august House, he warned us not to copy other countries' constitutions, but rather to make a constitution for Ugandans Vis-Vis their cultural, economic, political and social background. And during the general debate I did mention that sometimes, we use loose language over serious matters. Here we are now just playing about with words like integration, cooperation, as if may be they are synonymous. These words really imply a lot, Mr. Chairman. When we talk of cultural integration or economic integration, that means that the different cultures of different countries will have to become part and parcel of each other, and I for one am not prepared for that.

Secondly, when we talk of say cooperation, this is just a matter of marriage of convenience. We have say Ambassadors in such certain countries, we have the P.T.A., for those who are talking of economic

cooperation. Mr. Chairman, I feel that this is going to be a very, very dangerous amendment if it is handled very slightly. So, I beg this august House to refuse this very amendment including that of hon. Awori - we should throw out the whole amendment.

MR. MULINDWA: Thank you, Mr. Chairman. Mr. Chairman, I want to support this Motion because it is only through integration that nations grow and become powerful. Mr. Chairman, I want to give you I want to give this House an example starting with Buganda. Buganda to be Buganda of today, was through the integration of Kooki, Baruli, Bavuma, Banabuddu, they all form now what is called Buganda. And in 1962 Buganda integrated with other parts to form what we have as Uganda today. Mr. Chairman, I am appeased to hear my friend Prof. Apollo Nsibambi that it is time now to even look beyond Uganda so that we aspire to have one common African state. This is because we have everything in common as Africans. First of all because of our colour, I have never been to a country which was practicing indirect racism; and by virtue of the fact that you are black, you are treated equally irrespective of whether you are coming from Uganda or Kenya.

Secondly, Mr. Chairman, something in common for Africans is that we are backward: we are the most backward continent. So we should strive to fight that enemy as a united front.

Thirdly, Mr. Chairman, unlike probably other nation we are been fragmented by external factors, and that is why probably we are weak. In Luganda we have a saying which can be interpreted in English that: "*United we stand*" and it says, "*Agalya Awamu Gegaluma Enyama*". So, Mr. Chairman, I would like to appeal to my fellow delegates to start looking forward towards the Pan African spirit. I remember we were seated here in the same Hall here during the Pan African congress and the resolution which was passed was that every nation now in Africa, every country should strive towards making one African country. Thank you, Mr. Chairman. I support the Motion.

THE CHAIRMAN: Hon. delegates, I think let us first of all decide on hon. Kiyonga's amendment. Then we look at the Motion as it is.

MR. AGGREY AWORI: Mr. Chairman, I was a bit apprehensive on the last part of the amendment;

cooperation. The cultural part of it I except wholly, but cooperation sounds superfluous because once you have achieved integration, cooperation is inevitable.

THE CHAIRMAN: What the hon. Member is saying is that, he is prepared to accept if the Motion read: "*The state shall promote regional and Pan African cultural, economic and political integration*" and corporation should be left out. Hon. Kiyonga what do you say? Hon. Kiyonga agrees that the words, "*and corporation*" can be dropped.

MR. DICK NYAI: Thank you very much, Mr. Chairman. Mr. Chairman, I would more strongly support this amendment if the hon. Mover could contain my indulgence and add there the following words, Mr. Chairman. (*Interjection*). No, I think hon. Kiyonga's Motion has been partly brought to add to the original one and I am talking to the original amendment moved by hon. Aggrey Awori and company. I would like it, Mr. Chairman, to read as follows "*the State shall promote national and pan African cultural, economic and political integration taking in mind at all times Uganda's national self-interest.*"

THE CHAIRMAN: I think they will put you down as opposing the Motion.

MR. DICK NYAI: Mr. Chairman, I was not opposing the Motion because in an integrated body the parts still remain and I think we would be behaving as if we have already achieved total African integration and that Uganda will therefore not be there. That is why, Mr. Chairman, I am guiding hon. Colleagues here to think about that. Uganda will continue to exist and it is not fair for us to behave as if tomorrow Uganda will not be there and therefore its national self interests will disappear.

THE CHAIRMAN: I think we shall take it as your comment and contribution to the Motion of hon. Aggrey Awori. Now let us hear hon. Agard Didi.

MR. AGARD DIDI (Moyo County West): Thank you, Mr. Chairman. When I agreed to cosponsor this addition I based my calculations on the need for market integration and even if other ideas like cultural integration and political federation are acceptable by Members, I would prefer that they are made specific provisions. Coming back to the need for market integration, if we just simply look at the

situation on the ground where at the borders today in Busia, in Malaba, in Moyo, there is a lot of traffic going on. We are saying that as a matter of policy the Government must put in measures which regulate and harmonize this position so that this question of unnecessary road blocks and other interferences are done away with in the belief that once the economy, once the market is being integrated, so much other cooperation is born whether in economic spheres, whether in cultural issues and so on. So I thought that to make it really strong, if Members would like to bring in the question of future political integration or even unity, why do you not make that a specific provision or a specific recommendation. So, although I was not opposing the amendment, I thought that sometimes it will have two good ideas. In an after thought addition it would not be better than if the provision did not provide for the need for cultural integration, for political integration, why don't we revisit and also provide (c), (d) and (e)? Because I think we should be emphatic about the need for market integration which is the main import in these proposals. Thank you.

THE CHAIRMAN: Well, we do not have you down as a cosponsor so that is just your contribution to the debate. The hon. Member who is propelling the matter has already conceded and I think the House is in general agreement that the Motion should read that, *"The State shall promote regional and Pan African cultural, economic and political integration..."* That takes into account the cultural aspect by hon. Kiyonga.

MR. KATEGAYA (Rwampara): Mr. Chairman, I agree in principle with the amendment but I think there are certain steps we ought to take to come to integration. I still believe cooperation is still needed if we are going to move to integration. Because before integration we must cooperate and you must start with certain steps as a country to come together with the neighbouring countries or any country you want to integrate with. So, to me I would think both cooperation and integration are still necessary because you start with cooperating, then you integrate after. But when you say integration it means you are really pushing people to come together and I think in this exercise we need to convince people about the big aim you are talking about. It is good but you are trying it very fast. Why not cooperate so that people understand us and then we can talk of integration even coming to the idea hon. Chango Machyo was trying to canvass here of surrendering part of our

sovereignty. So to me, Mr. Chairman I would still propose that cooperation should remain and integration should also remain.

THE CHAIRMAN: But I think the problem with hon. Kiyonga's formulation was that we put the word "cooperation" after the word "integration" which creates the problem of sequence.

MR. KATEGAYA: Mr. Chairman, we can start with cooperation then integration.

THE CHAIRMAN: That is only if hon. Aggrey Awori is agreeable and the House is agreeable that we introduce the words so that it would read, *"The State shall promote regional and pan African cultural, economic and political cooperation and integration"*. Is that agreeable? Hon. Aggrey Awori you have indicated no objection to that.

MR. AWORI: Mr. Chairman, I agree with the amendment so long as cooperation comes before integration.

THE CHAIRMAN: Okay, I think it was the sequence of events which was causing a problem. Hon. Ntabgoba you seem to have some problem. What do you want to be clarified?

MRS. NTABGOBA (Women - Kisoro): Mr. Chairman, when we talk of the word integration I am at a loss. I am asking myself whether we have the mandate of our neighbouring countries to use the word integration. Are they willing to integrate with us?

THE CHAIRMAN: No, these are principles of state policy. We are telling our Government that they should make it as part of their policy to pursue those goals. If our neighbours do not want - *(Interjection)*

MRS. NTABGOBA: Mr. Chairman, I was proposing the word "cooperation" instead of the word "integration".

THE CHAIRMAN: No, integration can also be an objective.

MRS. NTABGOBA: Thank you for the clarification, I now understand.

MR. NGOBI: Thank you very much, Mr. Chairman. While I support this amendment I would like

to ask the Mover Dr. Kiyonga to agree and hon. Aggrey Awori to agree to add one word which I think would enrich our aim of cooperation and that is education. I have been thinking about this very much and I know that education would help us in promoting the co-operation and integration. I know there are several other things that can be added but this particular one I am requesting the indulgence of hon. Members because as far as Uganda is concerned we have maintained good educational relationship between ourselves and Tanzania. We would like to promote that idea to pass to Kenya and other neighbours so that when you add, after the word "cultural" the word "educational" in order to make it comprehensive in our efforts to cultivate that cooperation that we need. I would not like to take up the time of the House, but only ask hon. Dr. Kiyonga and hon. Awori if that is okay. But if they feel that it is too much, well it will be up to them because if we promote cultural, educational, economic and political cooperation and integration I think that will be very good because education is basic to what we are doing and could be started at different levels. The other point for supporting this Motion is on a rather light point that it would also assist the integration of the family of Aggrey Awori. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Hon. Ngobi is suggesting that we add the word "education". I have seen these cultural agreements being signed between countries and I think they also tend to cover education but may be hon. Aggrey Awori ...

MR. AGGREY AWORI: Mr. Chairman, I do appreciate the views of the hon. Delegate on including education but as you have rightly observed education generally comes under cultural agreement or social services. Secondly, Mr. Chairman, I could also add defence, I could add agriculture, I could add health, all kinds of forms of cooperation excluding smuggling or including smuggling. Mr. Chairman, I do not think it is proper for us to go beyond the current arrangement otherwise it could be too big for an amendment.

THE CHAIRMAN: The Motion before us now is in the terms that I read out. We have brought back the word "cooperation" I think, so that it reads, "the State shall promote regional and pan african, cultural economic and political cooperation and integration."

MR. CHANGO MACHYO (Samia Bugwe South): And, Mr. Chairman, it is after integration that we wanted to add that "and be prepared to surrender some of its sovereignty to achieve it".

THE CHAIRMAN: Is it seconded? Sorry it is not seconded.

MR. CHANGO MACHYO: No, Mr. Chairman, it was seconded by Dr. Byaruhanga, Maj. Ondoga Amaza, Lt. Noble Mayombo.

THE CHAIRMAN: Let me hear from them. Okay, but make a brief presentation please.

MR. CHANGO MACHYO: Mr. Chairman, I think we have got to be very serious because - (Interruption).

MR. TIBAMANYA: Point of order. Mr. Chairman, I think we should first of all tune the Motion of hon. Aggrey Awori because otherwise if what hon. Chango Machyo is seeking to add is allowed to interfere with their Motion it will be lost and yet it is a good Motion. So let hon. Chango Machyo's Motion be defeated alone.

THE CHAIRMAN: No, the procedure is that it is not something that I think hon. Aggrey Awori has accepted as part of his Motion yet. What has happened is that through discussion we have reformulated not necessarily having to go through the policy of voting, a new formulation which I have just read to you. Now, hon. Chango Machyo is trying to amend it so that he adds the words "and be prepared to surrender some of its sovereignty to achieve integration and cooperation". And that Motion has been seconded by a number of people and one of them is hon. Ondoga Amaza and a number of others. So we shall have to proceed this way, after Mr. Chango Machyo has moved his Amendment the fate of that amendment will be decided. If it passes it will have added more words to hon. Awori's Motion. If it fails then we go on to decide whether we adopt hon. Awori's or not - so it does not affect its character. Mr. Chango Machyo could you briefly present yours because I am anxious that we finish this chapter so that we go for lunch and we do not come back.

MR. CHANGO MACHYO: Thank you, Mr. Chairman. The first point I would like to emphasize is that we have got to be serious and not just play with

words. The threat of decolonization of Africa is not just a mere theory it is a real. All this, Somalia, Rwanda - (*interruption*).

THE CHAIRMAN: Order, order. Would you please listen to him.

MR. CHANGO MACHYO: There are threats of decolonization and, Mr. Chairman, we are under this threat because we are divided, balkanised and therefore economically very weak. The whole of Africa is being controlled in parts and no single independent African country can actually have economic sovereignty and therefore genuine political independence. Without economic sovereignty Africa's independence is therefore meaningless. Only a united Africa will be able to pull together its vast resources in order to safeguard our independence and make development and progress meaningful. Let us not forget that our neo-colonial masters are uniting. We, the victims must seriously take note of that. Mr. Chairman, the break up of the East African Community was because it did not derive its authority directly from the people.

Another point, Mr. Chairman, is that you cannot achieve integration unless you surrender some of your sovereignty. The break up of the East African Community was that all the three countries in the Community retained their absolute sovereignty. The Constitution, Mr. Chairman, should therefore provide a clause whereby the people will democratically guarantee the achievement of African unity. Mr. Chairman, we should not stop at words only; we must work for the realisation and this is why we say we must be prepared, Uganda must be prepared to surrender some of its sovereignty in order to genuinely realise what hon. Aggrey Awori's Motion is proposing. As we say in Lusamya "*Bulala niko amaani*", as one hon. Member said, *divided we fall, united we stand*. So we move that our amendment will strengthen hon. Aggrey Awori's Motion. Thank you very much.

MR. MUSHHEMEZA (Sheema County South): I appreciate Mr. Chango Machyo's concern that we need to work hard to achieve cultural, economic, political integration but, Mr. Chairman, Mr. Chango Machyo's concern is well catered in the amendment that was moved by hon. Aggrey Awori which means that we shall be having a very long and unnecessary Motion. Because of that reason, Mr. Chairman, I oppose Mr. Chango Machyo's amendment. Thank you, Mr. Chairman.

MR. WAGIRA: I thank you, Mr. Chairman. Mr. Chairman, I would like to oppose the amendment and say that we stick to the original amendment of hon. Awori because of the following reasons. Firstly, Mr. Chairman, when we talk of a country surrendering part of its sovereignty I think we are just now trying to work out modalities of how this cultural, social, political and economic integration can take place. Mr. Chairman, I feel that the original amendment which goes to include the word 'cooperation' is okay and it is the amendment which we should support. Because cooperation as one hon. Member observed is a step towards integration and also it covers those areas where it is impossible to integrate. There are some things where total integration is impossible but cooperation can be there.

Mr. Chairman, the word cultural is well founded here because cultural integration is with us already. If you look at the method of dresses, if somebody is walking on the streets of Kampala he might be surprised that he is not walking in Dakar. Already we are cooperating. On the religious front, we have cultural attaches, some dishes from other African countries are being prepared elsewhere and we know that (*Interruption*)

THE CHAIRMAN: No. Hon. Wagira you are talking about cultural when in fact we are debating the Motion of Mr. Chango Machyo.

MR. WAGIRA: Mr. Chairman, I beg to take the advice and oppose the amendment that we stick to the original amendment as it is because it takes care of everything. I thank you, Sir.

THE CHAIRMAN: Now, let me pose one question. How can you integrate without losing some sovereignty?

MISS NABAFU (Women Delegate - Mbale): Mr. Chairman, I am seeking clarification from the Mover, Mr. Chango Machyo when he talks about getting ready to relinquish some of the sovereignty of this nation. I just want to cite an example, of a real situation whereby if Uganda happened to be sparsely populated and the neighbour, say Kenya, is overpopulated is he saying we should be prepared to let some Kenyans spill into Uganda in the move to cooperate and integrate and relinquishing some of our sovereignty? Mr. Chairman, that is the clarification I would like to seek from him otherwise I do not have any problem with the first part of his Motion.

THE CHAIRMAN: You are talking about the Motion by hon. Aggrey Awori?

MISS NABAFU: Yes, Mr. Chairman.

THE CHAIRMAN: I think let us move in a disciplined manner. We have a lot of time taken now. We have a Motion by Mr. Chango Machyo and others that we should add the words to the Motion by hon. Aggrey Awori so that it is amended and it would read that, *"The State shall promote regional and Pan African cultural, economic and political cooperation and integration"*. Mr. Chango Machyo wants to add, *"and be prepared to surrender some of its sovereignty in order to achieve them"*. Now let me put the question on Mr. Chango Machyo's amendment.

(Question put and negated).

THE CHAIRMAN: Now I put the question on the Motion of hon. Aggrey Awori as reformulated that, *"The State shall promote regional and Pan African cultural, economic and political co-operation and integration"*. I put the question.

(Question put and agreed to).

THE CHAIRMAN: That one adds to Article 28 a clause to be numbered Clause 3.

MR. OMARA ATUBO (Otuke County): Mr. Chairman, the recommendation of the Legal and Drafting Committee is that we retain (e) and (f) under the old Article 38 which appears in the Draft Constitution. That the *"Foreign policy of Uganda shall be based on the principles of: (e) settlement of international disputes by peaceful means; and (f) opposition to all forms of domination, racism and other forms of oppression and exploitation"*. In other words (a) to (d), according to the Legal and Drafting Committee should be left out and the reason, Mr. Chairman, is that they are already covered under Article 125.

Mr. Chairman, I beg to disagree with the recommendation of the Legal and Drafting Committee and I would urge this Assembly that one of the most important functions of this House is to put in a very clear and precise form especially on the Chapter dealing with the national objectives and State policy our foreign policy objectives. Mr. Chairman, for

somebody to look at Chapter 3 and then you say that the foreign policy of Uganda as now recommended is going to be based on the principles of (e) and (f) is a little bit of a mockery. If you just extract that and then somebody say the foreign policy of Uganda shall be based on the principles of (e) and (f) definitely this is not really what the foreign policy of any country should be.

THE CHAIRMAN: So what do you propose.

MR. OMARA ATUBO: Mr. Chairman, I believe that the way Article 38 is written and amended by hon. Aggrey Awori's Motion which is sort of (d) is what should remain and that is what we are talking about in article 125 which says: *"The Government of Uganda shall conduct international.."* that is the operative word *"The Government of Uganda shall conduct..."* Now in article 38 we are saying, *"The foreign policy of Uganda shall be based on the principles..."* Now, we are talking of the principles that should guide the foreign policy of Uganda or any institution for that matter. These are principles. Then you go to Article 125 and then you are saying the Government of the day in power shall conduct our foreign policy in this manner. So, one of the thing that we have *-(Interruption)*

THE CHAIRMAN: So what do you propose so that we know whether it is a Motion.

MR. OMARA ATUBO: Mr. Chairman, I beg to move that we retain Article 38 intact as it is. It protects our national interests, it talks of national interests of Uganda which is the interest of any foreign policy, (a), (b), (c), (d), (e). I propose that all this should be left as it is. If it is nicely drafted and if you look at the foreign policy booklet which is circulated by our Foreign Affairs, all these are normally included and even for other countries. So, I propose, Mr. Chairman, that we retain Article 38 as it is amended.

THE CHAIRMAN: But if we retain article 38 as it is - do you mean 38(1)?

MR. OMARA ATUBO: Yes, article 38(1) (a), (b), (c) and (d).

THE CHAIRMAN: But then if you take (d) what do you do with hon. Aggrey Awori's Motion we have just passed?

MR. OMARA ATUBO: Mr. Chairman, I have said as amended by hon. Aggrey Awori, (a) *promotion of national interests of Uganda*; (b) *respect for international law and treaty obligations*; and *peaceful coexistence and non-alignment*, especially (a), (b) and (c) Mr. Chairman. Sir, I beg to move.

PROF. KABWEGYERE (Igara County West): Thank you, Mr. Chairman. I am glad that we have been given a chance to come back because I believe that the objectives as outlined under the original Article 38 (1) are very pertinent and the amendment as given now in the new article 28, - we can take (a), (b), (c) and then adjust them accordingly so that really the import as outlined in (a) up to (f) is fully brought out. I thank you, Sir.

THE CHAIRMAN: At the moment we have got (e) and (f), we have got (d) in a form of a formulation that we have just passed.

PROF. KABWEGYERE: Yes, that was additional.

THE CHAIRMAN: Yes, but it is saying that, "*The State shall promote regional and Pan African, cultural, economic and political cooperation and integration.*" (d) is talking of cooperation with the neighbouring countries in the region. I do not know whether there are any non-African countries in the neighbourhood.

PROF. KABWEGYERE: Yes, (d) could be deleted, Mr. Chairman.

THE CHAIRMAN: Really (d) is taken into what we have just passed because I do not see any non African country around Uganda.

PROF. KABWEGYERE: It is (d) Mr. Chairman and I think our present (a) takes the consideration of (e).

THE CHAIRMAN: Is it a Motion being moved?

PROF. KABWEGYERE: Yes.

THE CHAIRMAN: By who?

PROF. KABWEGYERE: Well, hon. Omara Atubo, Mr. Chairman, moved and I seconded.

THE CHAIRMAN: No, he gave a long explanation. Hon. Omara Atubo, would you like to make

a formulation then we look at it?

MR. OMARA ATUBO: Mr. Chairman, I beg to move that Article 38 as re-numbered - I do not know what the number is - should read as follows: "*The foreign policy of Uganda shall be based on the principles of:*

(a) *promotion of national interest of Uganda;*

(b) *respect for international law and treaty obligations;*

(c) *peaceful coexistence and non-alignment; and then*

(d) *cooperation with neighbouring countries...*"

THE CHAIRMAN: No. (d) becomes (e).

MR. OMARA ATUBO: I think (d) is already taken care of under the same by Aggrey Awori, what you call accordingly *mutatis mutandis* amend as it is, taking into consideration of Aggrey Awori.

THE CHAIRMAN: What you should be moving really is that Clause (1) of Article 28 - we are following the text on Appendix 2. So you should move that we delete Clause (1) of Article 28 on Page 14 and substitute it with the following. Then you take the formulation under article 38(1) then it becomes article 28(1) (a) (b) (c), then we take (e) and (f). That replaces Clause (1) and then Clause (2) and then Clause (3) as we have just done. Now I can see some hands, I was just going to put the question. Hon. Ruzindana.

MR. RUZINDANA (Ruhama County): Thank you, Mr. Chairman. Whereas I agree with what has been proposed by hon. Omara Atubo, I do believe that (c) in article 38(1) is not really quite a relevant objective. Non-alignment is the language of the cold war and now we would be non-aligned - with whom?

THE CHAIRMAN: We still have the Non Aligned Movement, don't we?

MR. RUZINDANA: That is true, possibly it will be winding up in the very near future but I do believe that as an objective, this non-alignment is not a relevant one now.

THE CHAIRMAN: Hon. Basaliza did you want to say something?

MR. BASALIZA (Fort Portal Municipality): Thank you, Mr. Chairman. Although I agree with Omara Atubo's amendment I would like to say, Mr.

Chairman, that hon. Awori's amendment does not replace what we have as (d) here. It does not replace it because cooperation with the neighbouring countries and countries in the region on the basis of equality and mutual benefit is very important, it is significant and it is not reflected in hon. Awori's amendment. So, Mr. Chairman, I would like to suggest that hon. Awori's amendment should become an independent part of this Article rather than removing (d). And (d) should remain there.

THE CHAIRMAN: Hon. Aggrey Awori what do you think? I would think that really no State should negotiate itself in a position of non-mutual benefit - but first let us hear Ambassadors.

MR. AGGREY AWORI: Mr. Chairman, my original submission was that (d) should become No. 3, amendment 3 not part of Number (1).

THE CHAIRMAN: But you see hon. Basaliza is saying that the words "mutual benefits" and "on the basis of equality" are not in yours. And I am saying that it will be rare that you will find a country negotiating itself in a position of disadvantage.

MR. AGGREY AWORI: Mr. Chairman, I would still like to keep mine positively neutral the way it was.

MR. OBUA OTOA (Erute County North): I am being asked to introduce myself as Ambassador Obua Otoa. Mr. Chairman, let me say first of all that I was very surprised that we nearly omitted the most important foreign policy objective namely the promotion of national interest but I think that is now taken care of. I was simply rising to inform hon. Ruzindana who thinks that mutual co-existence and non-alignment is somehow irrelevant. I want to remind him and this hon. House that we are still members of the Non Aligned Movement and nobody knows what will happen in the future, may be Russia will become a world power again and the world become bipolar again. So you cannot say that non-alignment is a gone case and we shall never have a bipolar world again. So I think it is still quite in order for us to maintain our own foreign policy of being non-aligned. I thank you, Mr. Chairman.

THE CHAIRMAN: I think let us decide whether we carry the Motion by hon. Omara Atubo. The Motion is that we replace Clause (1) of article 28 with the formulation appearing under article 38 in

the Constitutional text less paragraph (d). The renumbering is just a drafting question really. I put the question.

(Question put and agreed to).

THE CHAIRMAN: Now, let me put the question on Article 28. That Article 28, as amended, do stand part of the Draft Constitution.

(Question put and agreed to).

THE CHAIRMAN: We have then the last Article, Article 29. There is an amendment proposed by hon. Maliro Gaston and hon. Dick Bateganya.

MR. MALIRO (Mwenge County North): Thank you, Mr. Chairman. I beg to move that the proposed Article 29, former Article 39, be amended by adding a new paragraph (d) to read: "To promote responsible parenthood" that is under "Duties of a Citizen". The whole provision would read as follows: "The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations and, accordingly, it shall be the duty of every citizen to promote responsible parenthood."

The whole paragraph, Mr. Chairman, seeks to give direction to the already passed two clauses, that is clause 3 of Article 60 and clause 2 of Article 62 relating to the protection of the family and the right of children respectively. The importance of this Clause is that it gives substance and direction to those Articles I have already talked about. I beg to move, Mr. Chairman.

THE CHAIRMAN: The Motion, I think you have heard it, seeks to add another paragraph to article 29 and the term to promote responsible parenthood as a duty of Ugandan citizens. Shall I put the question?

(Question put and agreed to).

DR. NYEKO (Presidential Nominee): Mr. Chairman, there was an amendment which I circulated earlier on this Article 29 (1). I had moved an amendment to insert the words "lawful" before gainful. I was proposing that Article 29 (b) reads as follows: "To engage in lawful and gainful work for the good of himself, the family, common good and to contribute to national development."

THE CHAIRMAN: You wanted to insert one word?

DR. NYEKO: Two words, 'lawful' and 'and'. Thank you, Mr. Chairman. If I could explain ...

THE CHAIRMAN: Yes, hon. Dr. Nyeko, are you seconded? I can see you have been able to convince the Member for Ayivu to second you. Please go ahead.

DR. NYEKO: Thank you, Mr. Chairman. This is a straight forward amendment, hon. Delegates. If we leave this Motion the way it is, to engage in gainful work we are going to encourage a lot of other activities which are very gainful but they are not lawful. Things like house breaking, things like highway robbery, things like pick pocketing and people who are doing it are actually self-employed, they are using this as a means of getting income and in most cases their actions are very profitable. So the way it is unless we put the words "*lawful and gainful work*" otherwise we are subjecting this Clause to abuse. Thank you, Mr. Chairman, I beg to move.

THE CHAIRMAN: Does hon. Amandrua agree that, that is how you interpret work in the Trade Union Movement - that highway robbery is also categorised as work?

MR. AMANDRUA (NOTU): Mr. Chairman, thank you very much for pointing at us but as far as we are concerned, people who do unlawful work are not acceptable in our society because stealing, I think, is not a gainful job in our opinion. It is an unlawful job and it is not acceptable as far as our society and particularly as far as workers are concerned. In many cases we have rules, codes in working places. If a worker is caught stealing he will be dismissed and union men will not actually sympathise with him. So, stealing does not fall within the definition of work. I think we had passed something in a previous Article, if I can remember, that all our activities will be lawful ones.

DR. NAKYANZI (Ntenjeru County South): Thank you very much, Mr. Chairman. Mr. Chairman, I want to oppose the amendment. I think that amendment is uncalled for. When you read the Article as it stands, "*To engage in gainful work for the good of themselves, the family and the common good*". Anything that is against the law cannot be honestly of common good. You cannot tell me that house breaking is for the common good but the Article as it stands caters for the common good. Therefore if you have to include things like house

breaking, they are against the common good so you do not need to qualify it any further. Mr. Chairman I think the proposed amendment is unnecessary and just cumbersome. I feel we should continue with the Article as it stands instead of adding on more words which are uncalled for. Since common good eliminates any illegal occupation such as high way robberies and armed robberies, therefore, Mr. Chairman and fellow Delegates, I would like to ask the Mover to withdraw that amendment. Because it is not necessary and the Clause as it stands caters for the illegal occupations which we do not have to again bring in here. Thank you.

MRS RWABYOMERE (Presidential Nominee): Mr. Chairman, from the technical point of view, when you are making a law you are presumed, the presumption of law is that you do not provide for illegality. Therefore the amendment to include the words "lawful" is superfluous because "lawful" does not help us at all. If it was to be acceptable it means for every aspect that we are providing for you would put before it either lawful or legitimate. Therefore we can drop the word "lawful". Thank you, Mr. Chairman.

MR. NYAI (Ayivu County): Mr. Chairman I did second the Motion. But now that you have very ably explained the difference between "work" and "gainful occupation", we beg to withdraw the Motion.

MR. KABAYO (Kassanda South): Thank you very much, Mr. Chairman. Mr. Chairman before you put the question on the Article, I have observed that Article 29 is a result of the surgical operation performed by the Legal and Drafting Committee with drastic removal and deletion of a number of clauses which were originally in the Draft Constitution without explanation. Mr. Chairman some of these sub clauses which are originally in the Draft Constitution were important as a policy or directives for the duties of a citizen. Could we at least get an explanation why for example upholding and defending the Constitution, fostering National Unity and living in harmony with others; protecting and safeguarding the environment and promoting democracy and the rule of law - these, in my view would be desirable objectives by an individual to follow as the duties of the citizen. I wonder why they were excluded, Mr. Chairman.

THE CHAIRMAN: Well, I think some of them can be explained. This morning hon. Odur moved an amendment at the area relating to environment and

imposed a duty in protecting the environment, not only on the State but also on the Citizens so that you do not then have to repeat it under this. Because the duties have been spread right through and I think because some of those have been spread through various other Articles relating to democracy and so on - but may be a member of the Legal and Drafting Committee, hon. Rwabyomere, can explain.

MRS. RWABYOMERE: Mr. Chairman, I can explain the reasons why we dropped some of the sub Articles that we recommended to the Assembly. The first reason you have just explained is to avoid repetition. The second reason hon. Delegates is to separate what is justiciable and what is not justiciable. So there are those areas like that one of safeguarding the environment, we felt strongly that it could be dealt with better if it is in that part of the Constitution which is enforceable - the same with the other two which we left out. So it was mainly for those two reasons that we left this out. Thank you Mr. Chairman.

THE CHAIRMAN: Hon Ochyengh you had wanted to say something. Have you changed your mind?

MR. OCHYENGH (Kapelebyong County): Mr. Chairman, I had wanted to raise the same issue because I felt that the Article as it is now could be misunderstood. It is not as explicit as it was originally because when you say to be patriotic and loyal to Uganda and to promote its well-being and you use it to say it combines to love the country, to be loyal to it and to promote its well-being; to uphold and defend this Constitution and the law; to foster national unity and live in harmony with others - I do not know whether that other one embraces all these. And I had also wanted to question as to what the criteria was for cutting out these areas and coming out with two.

MR. KATUREEBE (Bunyaruguru County): Thank you, Mr. Chairman. I wish to remind the hon. Members that some of the terms of reference that were given to the Legal and Drafting Committee with respect to Chapter 3 was among others to look at the justiciable part of the Draft Constitution and see which part of Chapter 3 could go there and those that could be retained as objectives. Now, in looking at this Article 2 we had in mind what is already provided for in Article 47 which details out the justiciable enforceable duties of a citizen in greater details like what he has raised: the duties of a citizen to honour, promote, the prestige and good name of

Uganda and so on. These are already detailed from (a) to (h) under Article 47. When you think of the duty of a citizen to protect the Constitution, we had already dealt with that one in Article 2 and 3 when we said that it is the duty of every citizen to defend the Constitution. So we had those in mind in saying what objectives have already been made justiciable provisions that bind every citizen and that is why we had a few left.

PROF. KABWEGYERE (Igara County West): Thank you, Mr. Chairman. I share the view presented by hon. Katureebe but I would like to insist that the original (h) in article 30 be reflected in this Article among the duties. I think although we have said earlier on, that power lies with the people, we must also say that it is the duty of the people to promote democracy and the rule of law as one of the objectives.

I would even like (c) to be reflected, that is the question of fostering unity and living in harmony with the others. Now this is not justiciable but it must be an objective of every citizen to live in harmony with others and to foster unity and it will be an objective to every citizen to promote democracy and the rule of law. I would plead that these two be reflected in this Article

THE CHAIRMAN: Hon. Katureebe, what do you say?

MR. KATUREEBE: Mr. Chairman, I am agreeable - to that we have no problem at all.

THE CHAIRMAN: Okay, it is not as easy as that. Someone must formulate the amendment and it must be consistent with the wording we have already passed.

MRS. RWABYOMERE: I would like to bring to your attention, Mr. Chairman, that although this is in principle a good proposal, for reasons of avoiding repetition it was already taken care of in Article 8 under political objectives where democratic principles are dealt with. Thank you, Mr. Chairman.

THE CHAIRMAN: Well, the proposal is that we add to the present article 29 the following - that after (a), (b), (c) we add the present (c) of article 39 to foster national unity and live in harmony with others and then that will be clause (d) of article 29. And also we add (h) to promote democracy and the rule of law which will be (e) of article 29.

PROF. KABWEGYERE Igara County West): Thank you, Mr. Chairman. I move that your formulation be adopted by the House. Mr. Chairman, sitting near a lawyer can be helpful. I accept the formulation you have presented and I move that, that be adopted by the House.

THE CHAIRMAN: Thank you. I put the question.

(Question put and agreed to).

THE CHAIRMAN: So now we have added to article 29 the present (c) of article 39 and (h) of article 39.

MR. LEANDER KOMAKEC (Aruu County): Thank you very much, Mr. Chairman. Mr. Chairman, I am seeking your guidance on this one. Earlier on about a week ago there was an amendment that was passed on to the Clerk and, I believe, to the Legal and Drafting Committee by hon. Dan Nabudere but he is not here. I happen to have been a co-sponsor of that Motion, it was a Motion that was seeking the home for this Chapter. It was saying that once we have gone through or they were passed by the House we should find a home for it and we had a Motion that was seeking to provide a home for this Chapter. Because the Legal and drafting Committee was not committed, it said they were not sure whether it should be in Chapter 3 or it should be somewhere else, either in the appendix or in the preamble, and we had suggested a Motion to where it should go. Now, when should this one should be moved, Mr. Chairman?

THE CHAIRMAN: What had you suggested?

MR. KOMAKEC: Well, we had suggested that this very important Chapter, because of the nature of the Chapter we said it should be in the appendix and not preamble, because it is quite too long for a preamble. I think the most comfortable place is really in the schedule.

THE CHAIRMAN: Anyway, the position that I know of is that in many constitutions that have similar provisions, and you can look at the Indian, the Papua New Guinea and others, they have it either in the preamble or at the beginning, but you do not put in the appendix.

MR. KOMAKEC: The word we used in that Motion was that it should be in the schedule.

THE CHAIRMAN: But you see the schedule is at the end of the text, then when does someone refer to it, when the other things are supposed to emanate from it? But I think let us do it this way, let us ask the Technical Committee to go and look at it and, maybe, come back with recommendations, then it can be brought up some time because they will also have to put together the whole thing and then we have a look at it and see where we can put it. But we cannot make that decision right now.

MR. HASHAKA (Kibale County): Mr. Chairman, you had said that former article 39 (c) becomes (d) whereas we had passed clause (d) brought by hon. Maliro Gaston to be (d)-*(Interruption)*.

THE CHAIRMAN: Oh, yes, anyway, the Technical Committee will take care of that. I was mistaken, because I did not look at the other page. Thank you very much for reminding us.

MRS. AKECH OKULLU (Women - Gulu): Thank you very much, Mr. Chairman. Mr. Chairman, I have been looking at the duties of a citizen and, especially, article 39(a). The citizen is required to love his country, to be loyal to it and to promote its well being. But I see no where the citizen is required to protect the country at large from external aggression. We have been told that the citizen is also supposed to protect the Constitution, but to my mind the protection of a Constitution is slightly different from the protection of the country from external aggression. So, I am wondering or I was trying to beg your indulgence if we could introduce in former article 39(a) also the protection of the country. Thank you, Mr. Chairman.

MR. KATUREEBE (Bunyaruguru county): Thank you, Mr. Chairman. As I had earlier said we were making cross references to what is already provided in the other text of the Draft Constitution. The question she has raised, if she will look under article 47.1(e) the duty of a citizen to defend Uganda and to render national service when necessary. Now, this is already provided for and it is something that is enforceable against every citizen. So, it is not something that you would then provide as a mere objective, it is already catered for.

THE CHAIRMAN: Okay, now I think she is satisfied.

MR. WANENDEYA (Budadiri East): Thank you very much, Mr. Chairman. Mr. Chairman, I beg your indulgence in this chapter and all the Members would really love to read something which I would want included in this chapter. Mr. Chairman, it goes like this, very briefly: *"The overriding national canon principles of the social sins to be avoided are:*

- (1) *politics without principles;*
- (2) *pleasure without conscience;*
- (3) *wealth without work;*
- (4) *trade without morality;*
- (5) *science without humanity;*
- (6) *religion without sacrifice;*
- (7) *is education without character".*

Mr. Chairman, I feel that these principles should be embodied in our Constitution, and also, Mr. Chairman, there are etiquettes by which nations are known and some of the etiquettes I am thinking of are: the animal to be Uganda Kob, the bird to be Crested Crane, the tree to be the Elgon Olive - you know very well the reason, the flower to be the African violet. I would like to ask the indulgence of Members so that they sleep over this and that when we conclude Chapter 3 we could get some of these things to be included in our Constitution. I thank you, Mr. Chairman.

THE CHAIRMAN: I am sure Members have taken note of that. I will not put the question on article 29 as amended *-(Interruption).*

MR. OMARA ATUBO (Otuke County): Mr. Chairman, clarification and guidance before we pass judgement on article 29. Mr. Chairman, the way article 29 is drafted is a bit of concern to me. It starts by saying that the exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations, yet, Mr. Chairman, what we are doing in this policy statement is that we are giving the duties and obligations to citizens. But the way we have drafted or the way we start that article is as if we are having a derogation clause on rights and freedoms. I would have been happier, Mr. Chairman, if the article was drafted in such a way that it could say, *"the duties and obligations of every citizen shall be..."* but the way we have opened that article is bringing in the derogation of rights and freedoms, yet really what we want to do is to state very clearly the duties of citizens. I seek your guidance on this and if the Legal and Drafting Committee can accept then I can move an Amendment in the way I have said it, Mr. Chairman.

MR. KATUREEBE: Thank you, Mr. Chairman. The formulation as drafted by Odoki's Commission is, actually, derived from what is already included in other international documents. For example, if you look at the Universal Declaration of Human Rights, you have something which starts with saying that, *"every person in the enjoyment of his rights and duties has corresponding obligations to the community in which he lives."* That was the spirit of this article here, it is nothing strange. It is only saying that you have rights and so on, but you have duties to the community hence the basis for drawing up duties of a citizen. You would have no other basis for providing for duties; I have no problem with it, it is not a derogation at all.

THE CHAIRMAN: I think what the Constitution says is that the Constitution confers on citizens the rights and freedoms, some of them cannot be conferred because they are inherent but maybe it pronounces them. And also it is saying that while you enjoy those rights and freedoms, you also owe duties and obligations, not only to your country but to the others who live together with you in that country, in this case Uganda. That is how I would understand it.

MR. KATUREEBE: No, the formulation that I was looking for, Sir, it says: if *"everyone has duties to the community in which the free and full development of his personality is possible."* Now, it is on the basis of that, that you proceed to provide duties of a citizen. I do not think it is meant to be a derogation in any way.

THE CHAIRMAN: Okay. So, I think hon. Omara Atubo we can pronounce ourselves on article 29. Now the question which I put is that article 29 as amended do stand part of the Draft Constitution.

(Question put and agreed to.)

THE CHAIRMAN: Now, that concludes our work on this Chapter 3.

DR. C. KIYONGA (Bukonzo County): Thank you, Mr. Chairman. Mr. Chairman, you will recall that the proposed article 11 on the report, page 9, had been referred back to the Legal and Drafting Committee, and all of us who had something to say about it have already appeared there. So, I was wondering whether we should not complete that before we say we have completed the chapter.

THE CHAIRMAN: Could I get guidance from the Members of the Legal and Drafting Committee. Did we refer any other matter other than article 11 to the committee? Does hon. Kiyonga intend to tell us what transpired from that?

MR. C. KIYONGA: Yes, Mr. Chairman, you will recall when we started debating this particular article, first hon. Ssebaana Kizito had wanted to move an Amendment; secondly, I pointed out that it was not clear whether we were referring to state institutions or NGOs. So, when we went to the Legal and Drafting Committee, Mr. Chairman, we were allowed to move an Amendment which with your permission I would like to read out.

THE CHAIRMAN: Yes, could you read it out.

DR. C. KIYONGA: Thank you, Mr. Chairman. At the committee we were allowed to introduce a new sub-clause 11.2 which would read: *"The State shall guarantee and respect the independence of non-governmental organisations which protect and promote human rights."* The Motion was co-sponsored by hon. Winnie Byanyima.

THE CHAIRMAN: Now, we have to get guidance. Does article 11 then remain as it is? Because the real thing was that article 11 was not very clear. Can we get guidance from the Legal and Drafting Committee?

MRS. RWABYOMERE (Presidential Nominee): Mr. Chairman, when this matter was referred to the Legal and Drafting Committee it was discussed at length, and we felt that to have sub section 2 in article 11 was not very useful because we need not make this a constitutional matter. First of all there is a law in this country legislating for NGOs, and all those matters are taken care of under that legislation. So, we thought it will not be ideal to have it as subsection 2 in article 11. That was the main reason, Mr. Chairman. Thank you.

THE CHAIRMAN: So, now I think *-(Interruption)*.

DR. C. KIYONGA: Point of information. Mr. Chairman, obviously I would have no reason to fight the Legal and Drafting committee, I am not sure whether hon. Rwabyomere was there when we appeared before the committee *-(Interjection)* So, Mr. Chairman, I have been given a document here

which I believe is from the Legal and Drafting Committee. Besides admitting that we move this Amendment, it has other things on which it is reporting, which I think is in the interest of the committee to report to this plenary. They are reporting on the issue of unborn children, and it was also in that report that the Motion which was passed earlier on the environment was contained. So, I am surprised that hon. Rwabyomere is saying that this was not discussed.

THE CHAIRMAN: Well, the item I have here, from the technical committee I think, says that item 8 which must be the one which was referred to - no, that Amendment was approved. But hon. Byanyima and hon. Dr. Kiyonga sought to add something as clause 2. Now, we do not know what the attitude of the Legal and Drafting Committee was. One Member says they had said no and you are saying that it is not true.

MRS. RWABYOMERE: Point of clarification. Mr. Chairman, I would like to clarify. Of course, I was there and I attended this meeting, and both hon. Kiyonga and hon. Byanyima were with us. We gave the view of the committee, but where Members propose to move an Amendment when we advise against continuing with the said Amendment and the Movers feel very strongly that they should continue with the Amendment we let them come to the Floor of the Assembly, that is what happens.

Mr. Chairman, we were also given another assignment to find out the definition of the word 'state'. But when we came to this article, the Legal and Drafting Committee was not asked to report on the definition of the word 'state' but we were only asked to comment on the Amendment as proposed by hon. Kiyonga. Thank you, Mr. Chairman.

THE CHAIRMAN: Yes, but could we get guidance on one thing. Was article 11 referred to the Legal and Drafting Committee for redrafting?

MRS. RWABYOMERE: Mr. Chairman, what is not clear in article 11 as far as the Legal and Drafting Committee is concerned is the definition of the 'state'. But I remember after we had covered article 11 then hon. Kiyonga came with the Amendment, according to him, this had been carried forward it had not been dealt with at the time we dealt with article 11. So, we dealt with the Amendment after we had skipped article 11, Mr. Chairman.

THE CHAIRMAN: But was article 11 approved.

MRS. RWABYOMERE: Article 11 was approved.

MR. SSEBAANA KIZITO (Makindye East): Mr. Chairman, I want to confirm what my neighbour is saying that article 11 was referred to the Legal and Drafting Committee, and because of other work, we went ahead, but I think it is now time to come back to article 11 and finalise it.

THE CHAIRMAN: Anyway, what we shall do is this, I think the best way is to get the Clerk to note and check in our minutes - because those are there - as to what we decided on article 11. But recollection is that we referred it to the Legal and Drafting Committee, because the way it was written was not clear as to what it was intending the state to do. Then, let the Legal and Drafting Committee come back with a report and at some future session, we go back to 11 plus the proposed Amendments so that we do not make an Amendment to an article which is still hanging in the air. I think we leave it at that.

MR. RUZINDANA: Mr. Chairman, besides that one, I remember hon. Omara Atubo who is not listing now, but he had reminded the House that in the original article 12, (1) and (2) were missed out and they were also referred to the Legal and Drafting Committee to be included in article 11. Article 12.1 was about fundamental rights and freedoms being inherent and not granted by the state, and article 12.2 was about organs of government having a duty to promote human rights and freedoms as one of their fundamental responsibilities. That was referred to be included in article 11 among other things. At least, I took note of it in my own draft. Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you. It is not clear that the matter has been referred to the Legal and Drafting Committee, and I do not think we have received a report back yet on that one. So, there are a number of matters which may be pending on what was chapter 3; we have done most of the clauses. The Clerk and the Committee will liaise so that when we come back into plenary these are matters we shall clear first before we go on to other matters that will emerge from Select Committees. I think that we should end here. Hon. Eresu is this really so urgent?

MR. ERESU: Mr. Chairman, I would like just to

ask your indulgence if we could have in print some of these articles that we have passed so far, before we start Select Committee work. Thank you.

THE CHAIRMAN: Well, the Technical Committee has been working under a lot of pressure, but what they normally do is that when we finish a chapter they put it together, in this case of course they cannot put everything together because we still have some bits and pieces here not yet resolved and they are in the Legal and Drafting Committee, but I will, discuss it with the Chairman of the Technical Committee to see how they can have some of these drafts ready for Members to refer to as they discuss in the committees. I can see Members are getting tired - hon. Ngobi should be the last one.

MR. NGOBI (Presidential Nominee): Thank you very much, Mr. Chairman. I would like just to add one small thing. That when the drafting committee considers what has been referred to them, it should not be enough for them to say this is already provided for in the existing laws, because at the end the existing laws must conform with this Constitution. So, therefore, one should not leave out a matter simply because it is already provided for in the existing laws. Thank you very much.

THE CHAIRMAN: Well, hon. Delegates, that brings us to the close, as far as we can make it, except for the bits and pieces of what was chapter 3 and the report which came out of the Legal and Drafting Committee.

As we stated when we opened this morning, the committees have been set, any complication should be within district delegation and within the various constituencies that sent people to this House; otherwise tomorrow the programme will be that the Deputy Chairman will be chairing the five committees in sequence to enable the committees to elect their Chairmen. Rules of procedure say that at the first meeting where they elect Chairmen the committees, the Chairman and deputy Chairman will be doing that. The roster will come out in the morning from the Clerk's Office, they are going to work on it now; but I presume the starting time will be ten O'clock in the morning. This is to give Members overnight consultations from now until tomorrow morning so that they decide on possible candidates or lobby on behalf of possible candidates to stand for Chairmen. There are no special rules; it is an ordinary meeting and you decide by show of your

votes, and then the committees will be summoned by the various Chairmen who will have been elected, but I presume we shall start with committees 1, 2, and 3, because we have three committee rooms, we have already acquired them for the purposes of committees. We expect Members to be around so that they can go from committee to committee, we propose to leave this chamber free so that Members who are not in committees can come here and lobby each other or consult. Otherwise if we take up all the space Members will be forced to consult in corridors. So, we would like to leave this chamber free and use three committee rooms, then as work moves the other committees also will come in stream. The other details, of course, will be worked out by the various Chairmen.

Members are encouraged to hand in their Amendments so that they can go to the expanded Legal and Drafting Committee. Unfortunately the Chairman is not here with us to tell us whether he intends to be holding a single Legal and Drafting Committee or they will be broken up into three to service the various committees. But that method can be coordinated and agreed upon, between the Legal and Drafting Committee and the Chairmen of various committees who are going to be elected tomorrow. Now, until work has been generated, in other words until we have received information and once a chapter is ready then the Chairman will call the plenary, and I hope that they will be able to do so within a week if the Amendments can be sent to them. But to facilitate the work of this Assembly, I would like to urge the Members in their respective committees to move fast and also to work with the spirit of give and take. What we are doing is that we are setting up five small plenaries under five Chairmen and granting some kind of urgently needed leave for a while to the Chairman of the main plenary and the Deputy Chairman.

So, until we call you back into the plenary, I would like to adjourn the plenary and then our work will now be in the committees. And then as soon as I receive a report that a chapter is ready, I will call the plenary and then we shall be having plenary meetings running together with the committees preferably in the morning and then the committees working in the afternoons so that we clear chapters as they come from the committees. The Deputy Chairman will be constantly in touch with the Chairmen of the various committees to monitor the progress of each of the chapters accorded to them so that the information is

fed back. I do not think we need to debate or discuss this - hon. Mukwaya what do you want to clarify?

MRS. MUKWAYA: Yes, Mr. Chairman. Let me hope I trusted my ears. I heard you say that we are going to start with three committees, leaving out the two committees. So, I want some clarification what would the other two committees be doing and when will they start work? That bit, I did not get right.

THE CHAIRMAN: You see, the thing is, I took it that Members will be attending these committees since they are open-ended to make known their views about various articles which are being discussed in there. These are not to be members of that particular committee. Now, for lack of space we cannot run five committees at ago. So, we want to start with Committees 1, 2, and 3 and then when they have reported back then we can roll in the other committees and we go on. But also do not forget that we made a decision that we should dispose of matters which do not create a bit more tension yet and leave the other ones, and you know what I mean, to be discussed at the tail end of the business. I think that one we did agree informally. So, we want to push these three committees and then bring in the other one.

MR. BIDANDISSALI (Nakawa Division): With all due respect to the Chair and my tired Colleagues, I just want to make a passing observation that, that particular arrangement defeats the purpose of committee work. The idea was to break up into five committees and they are work concurrently. If there is no space then we would have broken into three instead of five, otherwise we are not gaining anything, Mr. Chairman, by waiting for the three to finish then the two start, it is not going to be long as if we were carrying on as of old. So, Mr. Chairman, personally I really urge you and maybe the Secretariat or whoever is responsible to arrange so that all the five committees can work at the same time, including if necessary using this very hall. Mr. Chairman, if all of us are working this hall is not necessary for the fellows who have nothing to do, because all of us will be in one committee or the other. In other words you will now need to find only one extra space for the fifth committee and that way we shall be able to gain what we wanted to gain by turning into committees. Thank you, Mr. Chairman.

MISS. BYANYIMA (Mbarara Municipality): Thank you, Mr. Chairman. Mr. Chairman, if I

understood you I thought that the problem was not one of space. Mr. Chairman, when three committees sit first it means that other Members who are not Members of those committees have an opportunity to bring their Amendments and so that the process of consensus building is started with the biggest number of people, and that when those committees finish their work, in fact, they will have the inputs of very many Members and when they come to the plenary it will be quicker to adopt such a report. In fact, if I take from my a little experience I have had in other fora this practice is very common, that before the plenary adopts the reports of committees, half the committees first sit and this gives a chance to other members of the plenary to participate in the other committee work and then the other half sits and again those who were in the other committees have a chance to come in and, in fact, that way you can reach a consensus faster than when you participate in only one committee and when the other four committee reports come and you are a total stranger to that consensus; you may probably oppose that consensus. So, I support your proposal, Mr. Chairman.

MR. MULONGO (Bubulo County East): Thank you, Mr. Chairman. Mr. Chairman, I would like to support the idea developed by hon. Bidandi Ssali because first of all we should give the mandate to the committees as proposed that they have to discuss the areas and report to the plenary, that one I think should be respected.

Secondly, Mr. Chairman, there are some chapters that are inter-related and there is no way you can develop one without the relationship of the other. If, for example, I am on the committee of finance, the principle issues that are to be passed in the finance chapter have to be related to that of the local government. The system of local government will certainly determine the principle of the financial administration. So, if this is left out what kind of financial administration system shall we recommend or develop without having seen the system of local government as proposed and passed by the other committee. So, Mr. Chairman, I think it is important that these committees move together, so that the plenary can discuss in sequence or as shall be accepted other than just leaving some hanging and others going ahead.

MR. RWOMUSHANA (Bujumbura County): Thank you very much Mr. Chairman. Mr. Chairman, even the plenary will discuss Amendments and

if one has got two Amendments one to be discussed by Committee 5, another one by Committee 1, when he is a Member of Committee 1 and all committees are in session, it will be difficult for him to go and defend his Amendment in Committee 5. Therefore, I support your view that three committees go in session and then others rest as they move around to support their Amendments. Thank you, Mr. Chairman.

DR. MIYINGO-KEZIMBIRA (Bukoto Mid-West): Thank you very much, Mr. Chairman. Mr. Chairman, the purpose of breaking up into committees was to try and beat the time that we have. In the best way possible giving as much attention to all the subjects. Mr. Chairman, now if you make two committees redundant for some time then we are slowing ourselves down and we foresee a time when we come back to plenary taking quite a reasonable time as you have seen with Chapter 3. We thought this would have been finished by the Legal and Drafting Committee and it is a chapter which is non-enforceable, but you can see how much time we have spent. So, Mr. Chairman, I think we should start all at one go. As hon. Bidandi has put it, it would require just one extra room, in fact, it does not even require an extra room because this place is wide enough that if one committee is on that side and another one on this side we could be able to work. Alternatively, Mr. Chairman, since this is an important piece of work that we are doing, I urge the Secretariat to look for an extra room so that we all move at ago. Thank you very much, Mr. Chairman.

MR. MALIRO (Mwenge North): Thank you, Mr. Chairman. Mr. Chairman, I seek some bit of clarification. I thought at the beginning you said that people who are not members of a committee will have a chance to attend any committee, present their views, argue, except for voting. Now, Mr. Chairman, I think I am supporting the method which you had stated of having three committees for a start so that the others - I have my reasons: - If we have five committees running at ago for people who think it will save time, I think, are mistaken, if you get five reports of five chapters completed at once which have got to be discussed in the plenary, it comes to the same thing, you will still start up with one and then you go another and another. Even if we have three committees reporting, each one bringing three chapters and another one three, we already have nine chapters which will be discussed in the plenary, meanwhile the other two are discussing the remain-

ing ones. And also it will give chance for Members to move from one committee to another to move Amendments or even to support them. I do not envisage how five of them running at once can be able to move and defend his argument.

THE CHAIRMAN: Hon. Dick Nyai can you give us your guidance, what did your committee think, and hon. Kavuma on these matters.

MR. NYAI: Thank you, Mr. Chairman. Mr. Chairman, I think I would like to go along with what has just been put on the Floor. I think what is happening, Mr. Chairman, is that some of us are forgetting our earlier decisions. This Assembly made a deliberate decision of categorizing the chapters into three sections. This same Assembly also adopted the methodology of work which meant our moving from the easy to the most difficult, and we were envisaging that if even two committees started meeting at once, then the first committee which can report on one chapter starts being discussed. That will still be saving on time while other committees are meeting in the afternoons. But the idea that all five committees can go, then other people cannot present and defend their proposed Amendments in all the five committees, and therefore, saving on time, Mr. Chairman, is a lie. Because we cannot discuss all the 12 or 16 chapters at once.

I think if the arrangement and the formulation you have made, Mr. Chairman, allows for all Members to be able to present their proposed Amendments to all the committees, to that extent, I would beg through you that my fellow Colleagues here bear this matter. We are going into an experimental stage, it may work faster and if it does not we will have to do something to improve the situation. Mr. Chairman, you have guided this House in that way; we have always revisited our approach and improved upon it. Thank you, Mr. Chairman.

MR. ADOKO NEKYON (Maruzi Country): Mr. Chairman, I listened to the proposals being put forward, and I would like to contribute as follows: I would like to marry the proposal by hon. Byanyima and the proposal being made by Dick Nyai and others. If the Business Committee did not see the problem of accommodation while making decisions then we should have five committees, then it is bad. So, I think the solution will be that instead of having two committees in suspense, allowing them to move as visitors to the three committees, we would instead

have now three committees only. That will mean dissolving the other two so that Members of the two will now go with full rights to the three committees so that they participate with the ability to vote, instead of just going to sit there to talk and then walk away as if they are not Members of the Assembly. So that when we come to the other two committees after completing the three, we now split into two all of us to deal with contentious matters. Half of the Assembly will go to one committee and the other half will go to the other committee. This will still save the time that we are fearing losing and it will also do the work of reaching of the consensus easier, instead of coming back here to debate the matter.

The other alternative will now be to have four committees instead of five because there is a spare room here, by combining the two last committees into one committee and giving all that work which is contentious, which will take long time until we come to finalise the matter.

THE CHAIRMAN: Okay, so if we take the proposition that we should run all the committees, and most activity shifts to two committees, then you see what will happen. The space can be found, but the question was do you say that the chapters which we said we shall discuss in plenary at the end when they have come from the committee should come forward - now suppose they begin to report? Hon. Kavuma, could you say something about this?

MR. KAVUMA: Thank you very much, Mr. Chairman. Mr. Chairman, I am glad that you have clarified that room can be found, that is not a big problem. Actually, we had in mind that Committee 1 should be able to come out with a report within this first week, and then they continue working and they produce reports on the other chapters they are considering, while the other committees are also working. So, Mr. Chairman, let us go into these committees and our rules are also flexible, they say that these committees will see how they will go about their business. I think we should go and start work in each committee. Then, Mr. Chairman, if there is a practical problem one or two committees can review their methods of work, but I think right from the beginning we should set ourselves to move as fast as possible.

THE CHAIRMAN: But in what sequence should the committees report to the plenary?

MR. KAVUMA: Mr. Chairman, Committee 1, will be under obligation to come out with a report, at least, on one chapter within the first week that they are going to be working and they will continue to work, because they know we want to discuss their work first before we go into other committees. The reports of other committees which come can be studied by the Members while waiting to contribute when time for contribution comes.

MR. OMARA ATUBO (Otuke County): Mr. Chairman, you will recall that when the Business Committee met, this issue was raised, and it was raised by the representative for Moroto District and I supported it. The idea was that we should try as much as possible to separate the meetings of the various committee with their sequence of reporting. This was to allow members under our rules who are not even members of those select committees to attend and participate in them so that when they come here there would be less contributions and that would be less time consuming in terms of trying to get your views at the plenary. I also recall, Mr. Chairman, that you even asked hon. Kavuma to try to draw a programme of how these committees should report. I think this is really what we agreed that Committee 1, should be able to finish its work within such a given time and to space it up to such a time that Committee 5 will even come towards November and so on. This means that committees will meet, draw up their programme, but Committee 1, will be having a greater demand to have its meetings and report earlier, because the business is going to be in that sequence.

So, Mr. Chairman, I would only urge you first of all that to discuss the whole procedure of committees in a plenary as we are doing now. It is a good thing but it is very time consuming and I would have hoped that you are going to follow what we more or less discussed in the business committee. Secondly, I do support the idea that we allow these committees to meet concurrently if there is space, but there is the question of their reporting. The programme should be drawn up and Members should be given time to attend, and hopefully that even Committee 5 should be asked to report around November when their report will be discussed in the plenary. Mr. Chairman.

MR. BABU: Thank you very much, Mr. Chairman. The committees are to have a lot of work and they are going to have to liaise with the Legal and

Drafting Committee at the same time. A lot of information will have to be collected and impression has been created that this is a one day affair, it is not. It is an on-going process where people will be going to different committees at their leisure, and the Chairmen of these committees can sit down after they have been elected and come out with a work plan, and that work plan will give different committees different days for members to attend. An impression has been created that they will be rigid, they will all be working at the same time on the same day. No, the Chairmen will be free to liaise and work out a timetable where people can go and attend the different sessions at different times. The collection of the Amendments will be brought to these committees before being taken to the Legal and Drafting Committee which will also have to sit down and consider them. So, the Legal and Drafting Committee will also make their own time-table according to the work that is more important at the time.

Therefore, I would like to propose that the five committees do elect their Chairmen. After, then probably the Legal and Drafting Committee can sit down, come out with the work programme and a method of work, and they will solve our problem, instead of sitting here, Mr. Chairman, and we talk at cross purposes.

THE CHAIRMAN: Okay, I think let us do it this way, tomorrow the committees elect their Chairmen and Deputy Chairmen, and the question will arise on the work programme of the committees and the reporting. I think, it is particularly the question of reporting to the plenary which has to be properly synchronized, so that we know how we are proceeding. I had earlier said that the Deputy Chairman of the Assembly would be liaising with the Chairman of the various committees as to the production. What they will do now, if we so decide, that the Deputy Chairman having known the Chairmen of various committees together with the Legal and Drafting Committee, will sit down, work out a work plan on how best to report to the plenary. I think that is the best way.

Meanwhile I will adjourn the plenary for one week so that we review the situation in one week's time. And the committees then will meet tomorrow and then work out their work plan under the Chairmanship of the Deputy Chairman. If there is need for us to come in the plenary to solve any problem, you can always be called, but otherwise I will adjourn the plenary to

that time. Meanwhile Members are urged to be around so that they can attend these committees, frame their Amendments, and in this case they could be assisted by the technical committee, and we could even bring in some of the lawyers from the research team so that these are available to assist Members in framing their Amendments. Then these Amendments, in accordance with the work plan, will be processed and the plenary will resume on the Monday 10th in the morning at 8.30 a.m. to review the situation.

With that I wish to adjourn the Constituent Assembly to Monday 10th meanwhile the committee process starts tomorrow. Thank you very much, we stand adjourned.

(The Assembly rose and adjourned until Tuesday, 18th October, 1994.)