



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 7TH SEPTEMBER 1994

MOTION -

Consideration of the Draft Constitution of the Republic of Uganda [Pg 1946]

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Wednesday, 7th September, 1994

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

PRAYERS

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

The Assembly was called to order

THE CHAIRMAN: There is no Communication from the Chair, so, let us proceed.

REPORT FROM THE LEGAL AND DRAFTING COMMITTEE

THE CHAIRMAN: Is the Chairman of the Legal and Drafting Committee here? Oh! They are still in session. I understand they were meeting this morning. Now, we shall wait and when they come, maybe, we shall go back to that subject matter if they have a report to make. Let us go to the next item

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

CHAPTER 5. FUNDAMENTAL RIGHTS.

THE CHAIRMAN: Hon. Delegates, yesterday we referred aspects of Article 53 to the Legal and Drafting Committee, and then we agreed that today we should continue with the other Articles under Chapter 5, as we await the report of the Legal and Drafting Committee tomorrow. Now Article 54 has been called out, and this is respect for human dignity and protection from inhuman treatment. I do not know whether it is wise for us to proceed even without the Technical Committee. These are, actually, at other meetings as well. I will send someone to go and check how far they have gone. Until we get that feedback, I will suspend the proceedings for five minutes.

(Proceedings suspended for five minutes)

THE CHAIRMAN: Hon. Delegates, let us resume our seats. We have got the Chairman of Legal and Drafting Committee here with us and also a member of the Technical Committee. I think we are now fully constituted to go into the various provisions as recommended. We had moved beyond item 3, but I

think we should go back there and start with a report to us by the Chairman of the Legal and Drafting Committee, so that we process the Amendments as recommended. I give the Floor to the Chairman of the Legal and Drafting Committee.

PROF. KANYEIHAMBA: Thank you, Mr. Chairman. As I reported yesterday, the Legal and Drafting Committee considered the suggested Amendments on clauses 54 to 59 and did synchronise them with the movers and, ultimately, we came to present nine Amendments which I believe have been circulated and also including the movers of those Amendments. Mr. Chairman, we did not have any proposed Amendment on clause 54, everyone was satisfied that the way it is worded presently is complete and we should not add or subtract anything from it. Therefore, the Amendments, Mr. Chairman, which we have presented for consideration by this August Assembly are those relating to the subsequent clauses 55, 57 and onwards. Sir, I believe, Sir, you have the list of the Amendments which should be subject to debate and the movers are with you, Sir. I thank you, Sir

THE CHAIRMAN: The report is that the committee found no justifiable proposal to Amend 54, and therefore, we go ahead to pronounce ourselves on it.

MR. OKENY TIBERIO (Chua County): Thank you, Mr. Chairman. Mr. Chairman, I must apologise to the Chairman of the Drafting Committee that I have submitted my intended Amendment to Article 54, rather late. I was suggesting in that Amendment to insert a second Clause as to provide for the minority protection. Because when reading the Odoki's report, you will find that they have talked in a greater length about the protection of the minority group between our community. But it was not reflected in the Draft Constitution.

THE CHAIRMAN: But you did not submit this to the Legal and Drafting Committee?

MR. OKENY TIBERIO: That is what I am apologising for, that it might have reached them very late, this morning.

THE CHAIRMAN: You see, the Legal and Drafting Committee met the other day - or was it yesterday? They were given a whole afternoon to go through this so that the work is ready. Now this

matter was not brought to the attention of the committee, but if you could give a copy to the Chairman of the Legal and Drafting Committee, and he could give us an opinion as to its suitability, then we can proceed from there.

PROF. KANYEIHAMBA: Thank you, Mr. Chairman. I am rather surprised because Hon. Okeny did attend that meeting of ours when we considered these Amendments, obviously it must be an after thought on his part. Be that as it may, I myself have not looked at this proposed amendment, but I think he did indicate that the Vice Chairman, Ben Wacha, had either looked at it or had discussed with him, so maybe he could guide us on this new amendment, which really the committee has not seen. I thank you, Sir.

MR. WACHA: (Oyam County North): Thank you, Mr. Chairman. I am just seeing a copy of Hon. Okeny's proposed amendment. I think what the Hon. Chairman is talking about is another amendment which we discussed with Hon. Okeny and I tried to dissuade him from presenting it before the House. This particular Amendment deals with specifically new instances, which was not brought to my attention, Mr. Chairman.

THE CHAIRMAN: I do not know whether Members have a copy of Hon. Atwoma's Amendment. I am, myself, very doubtful whether it fits where the Hon. Member is trying to put it.

MR. KAGGWA (Kawempe Division South): Thank you, Mr. Chairman. In light of what you have said, I would want to advise Hon. Okeny to consider bringing his Amendment either under article 59 or 64. I think it is inappropriate at the place where he would want to bring it. But if you looked at either of those two articles, he may probably reconsider bringing it there.

THE CHAIRMAN: I would suggest - I think let us put a stop to this one. I would suggest that Hon. Tiberio discusses this one with the Legal and Drafting Committee as to its suitability and location. I do not think it fits where he is trying to put it really - as a direct word of advice. Then he can come back, maybe, later as Hon. Medi Kaggwa has suggested. Is it okay with you? Okay, that is fine. Article 54 has already been called by the Clerk, so I will - and you have had a report that there was no need to amend it. So, I will put the question that Article 54 do stand part of the Draft Constitution.

(Question put and agreed to.)

THE CHAIRMAN: We now go to Article 55. We have an Amendment recommended by the Legal and Drafting Committee, and sponsored by a number of honourable delegates: Hon. Teopista Ssentongo, Hon. Ssemala Kiwanuka, Hon. Emmanuel Kirenga, Hon. Cecilia Ogwal and Hon. Okeny Atwoma. I will give one of them a chance to present the Amendment. It is intended that Clause 55 be deleted and the write up appearing on the report be substituted. I give the Floor to Hon. Teopista Ssentongo.

MRS. SSENTONGO (NOTU): Thank you very much, Mr. Chairman. I have the pleasure to move this Amendment to the effect of deleting Article 55 clause 2, which reads: "*No person shall be required to perform forced labour except in circumstances prescribed by law and acceptable in a free and democratic society*". The Amendment that we want to move is in respect of inserting another Article, that is Article 3, after deleting "*except in circumstances prescribed by law and acceptable in a free and democratic society*". So, I beg to read it *(Interruption)*.

THE CHAIRMAN: Hon. Delegate, the Members have the text, is it not? If it is seconded, then you can give your reasons, and it is seconded of course.

MRS. SSENTONGO (NOTU): Okay, thank you very much, Mr. Chairman *(Interruption)*.

MR. BAGEYA: Point of information. I would like to inform the Hon. Member holding the Floor that she is referring to Article 3. I think she means clause 3.

MRS. SSENTONGO: Clause 3, thank you very much for your information. So, our reasons for moving this Amendment - one of them, if we left clause 2 to read as it stands now, it leaves a lot to be desired, because it looks ambiguous. Uganda being a member of the ILO - International Labour Organization and being a signatory to different conventions in regard to labour laws, if we did leave clause 2 to read as it is, it will give a lot of room and a lot of loop holes for the government to misuse it in a way to exploit people under the disguise of this very clause. So, in view of that, we thought that it would be wise if we stipulated the areas which could be considered, that would not be taken as forced labour. So, I beg to move, Mr. Chairman. Thank you very much.

THE CHAIRMAN: Thank you. I will give the Floor to Hon. Kirenga.

MR. KIRENGA (Mityana County North): Thank you very much, Mr. Chairman. I wish to inform the Members that this Amendment which appears as Clause 3 is taken from the 1962 and 1967 constitutions, so, it is not new. We thought that it was not wise for Odoki Commission to summarize the situation about labour in the present 2 or Article 55. So, we thought that it is better to outline the circumstances under which forced labour can be applied, and these are very clear, Mr. Chairman. So, I would urge Members to support this Amendment.

THE CHAIRMAN: I will now put the question that Article 55 be amended, first in Clause 2 which requires that we amend so that it reads: "*No person shall be required to person forced labour...*" and all the other words are left out and then a new Clause 3 be inserted in terms set out. Let us pronounce ourselves on the clause that it be amended as proposed.

(Question put and agreed to.)

THE CHAIRMAN: I put the question that Clause 3 be inserted as proposed.

(Question put and agreed to.)

THE CHAIRMAN: Now, I put the question that Article 55 as amended.

(Question put and agreed to.)

THE CHAIRMAN: Hon. Delegates, we have a proposed Amendment on Article 56. The proposed Amendment is by Hon. Grace Akello, and Hon. Sseruwu Bakojja. Are they in here? Hon. Grace Akello, I know she is out, but there is a co-sponsor, can I hear from the Chairman of the Legal and Drafting Committee, was this considered a worthwhile Amendment?

PROF. KANYEIHAMBA: Thank you, Mr. Chairman. The background to this Amendment was that there was a feeling that the law as presently practiced in Uganda has tended to discriminate against certain individuals from owning property, particularly, women and children, and this Amendment was connected with some other proposal that a person shall have the right to own and inherit

property. The Legal and Drafting Committee considered this proposal and felt that while it was in order to state that every person can own property, we should separate ownership from inheritance which is subjected to other laws like succession and so on and so forth. So, we agreed that this could be a matter for debate as a proper proposed Amendment.

MR. BABU (Kampala Central): Mr. Chairman, through you, I would like to get a clarification from the Chairman of Legal and Drafting Committee on the wording "*every person has a right to own property either alone or in the association with others*". If you put this here, does it not affect the protection of ownership of land in this country where we have been protecting the indigenous so that they never have to sell land to foreigners? Therefore, I would like to ask what would happen if we allowed this in the Constitution, would this not - could somebody not use this to argue that anybody, any person can own land in this country? I think I would like to - if I can be cleared here, Mr. Chairman, then it is acceptable. Thank you.

PROF. KANYEIHAMBA: Mr. Chairman, this provision would have no effect on that policy that non-Ugandans may not own land. The law as reflected in this Amendment will simply mean that whether they are Ugandans or not, of course, they will still be subjected to those other laws which have a provision against non-citizens owning land. The effect of it is that it would not affect that law, Sir.

PROF. NABUDERE: Point of information, Mr. Chairman, I want to remind the Hon. Member that this Motion was moved by Hon. Grace Akello to be placed under Article 50, and she was advised by the committee, and I remember giving some opinion that it comes properly under Article 56. So, it was actually moved last week and she was advised to bring it under this particular Article.

THE CHAIRMAN: Is it, therefore, being proposed? Let us get some clear situation before we proceed. Is it being proposed that we open Article 56 with the proposed Amendment, and then what is now 56 becomes Clause 2? Let us hear from Members of the Committee so that - yes, clarify.

MR. KARUHANGA: Mr. Chairman, there was also one other reason why we felt that Hon. Grace Akello's Amendment was a good one, and that we should use it to open - because as you realise, all these

- in the whole of this Chapter, we refer to no person, no person, or every person. It is the rights of human beings and yet in 56 we introduce no property. So, we thought that we should synchronise it with all the others and give the rights to people. Therefore, Hon. Grace Akello's Article was that every person has a right, so that we first of all establish that a person has a right and then we go on and explain about the others that follow in (a), (b), and therefore, we would like to retain her opening and then keep the rest

THE CHAIRMAN: Now, if we start with that as one. Hon. Babu did raise a fear whether it was not going to be so wide as to confer a constitutional right on any person found on the soil of Uganda who wants to own property

MR. KARUHANGA: Yes, the rest, of course, will follow with the necessary Amendments which have been introduced by Mulenga and others.

THE CHAIRMAN: Okay, let me hear from Ssabalangira who also doubles in some other role on this question of land.

MR. MULONDO: (Mityana County South): Thank you very much, Mr. Chairman. I wanted to support Hon. Babu on this particular issue because the Constitution is supreme, and if we were to leave "every person has a right", that will be an opening for everyone who is in Uganda to get land. I, therefore, would have wished, if this has to remain, that it reads that "every Ugandan" instead of every person, so that we are specific. Thank you, Mr. Chairman

MR. AWORI (Samia Bugwe North): Mr. Chairman, I would like to go along with the proposed Amendment with a proviso that instead of having just "person" we make it that "every adult citizen"

THE CHAIRMAN: Do you have to make it adult citizen?

MR. AWORI: Mr. Chairman, I know the qualification because citizen has aroused a bit of heat. So, I would like to delete the word "adult" and leave "citizen" (Applause)

MR. MULENGA (Democratic Party): Mr. Chairman, thank you. I think, Mr. Chairman, this Article

is being misunderstood. It is not suggesting that everybody shall acquire, it is saying that there is a right to own - and all types of property. We have a law that puts conditions for a foreigner to own land but we are encouraging them to do so, particularly, at this age when we are saying we are attracting foreign investors. I would see no inconsistency between the law on investment, the law that restricts foreigners from owning or acquiring land, any inconsistency between that law and this provision

MR. ELYAU (Kalaki County): Thank you, Mr. Chairman. I have a fear, in case of a Ugandan lady who would bring a white-man to the village, and then there are Articles claiming you can own land with somebody in company. Recently in the meeting, I want to clarify, Mr. Chairman, on this one, there was a terrible point of view in Teso (Interjection) - There was a point raised in a meeting seriously about land, because land is a crucial point in this country, where people feared that somebody who is married to a white-man coming to the village and then claiming ownership in connection with the woman, this one is terrible! Because it will give Ugandans some suspect other than only requesting to the owners of land as a Ugandan girl, there is nothing wrong!

LT. COL. GUMA: Thank you very much, Mr. Chairman. I would like to seek clarification because this question of investment may also be abused. What safeguards do we have to curb (Interjection) - how, do we curb the abuse of the so-called investors, and already we have had so many cases where some con men come here as investors and end up as being hoaxes. So, I am seeking clarification from Hon. Mulenga.

MRS. MATEMBE (Women Delegate - Mbarara): Thank you, Mr. Chairman. Mr. Chairman, as the Hon. Members have heard, the background leading to this Amendment was specifically that there is denial of one group of people in this country, denial to own property, and with that in mind, this provision came here. I would like to say that this provision is being misunderstood by the Hon. Members who relate it to land. The provision is saying that every person has a right to own property. It does not say that you must acquire property! And, Mr. Chairman, there are laws in this country which govern the transfer of land, or laws will be made which govern the transfer of land. There are certain provisions which prevent foreign-

ers from acquiring land unless they satisfy certain provisions. Therefore, the provision will be entitling people to own land, and in case of land which is given in accordance with certain conditions, and in accordance with the law, those condition will be satisfied. Therefore, I would like to allay the fears of the Members, certainly, that this provision will not affect or will not lead to sell out of our land to foreigners. As for the Hon. Member who was alluding to the white-man who marries a Ugandan woman, I think there is a provision, which we certainly will pass, to entitle people who marry non-Ugandans to become Ugandans and, therefore, once that person is married to a Ugandan and he is a Ugandan, then he will be treated like any other Ugandan, since we have already passed the provision on discrimination. I thank you, Mr. Chairman, but I really ask the Hon. Members not to have fears, because certainly they are not called for. I thank you.

THE CHAIRMAN: Okay, let us proceed this way. This Amendment was recommended to be brought under 56 by the Legal and Drafting Committee when Hon. Grace Akello sought to bring it under 50. Unfortunately, both co-sponsors are not with us now. We have been exchanging views on a preliminary point which was raised by Hon. Babu seeking clarification whether the writing as it is would not confer too much a right on people extending to foreigners. So, what we do is, get a Member on behalf of the sponsors to move this as a formal Amendment and then we debate it and decide whether we proceed with it or drop it. But the other one was a preliminary discussion on the other preliminary point which was raised.

MR. NYAI (Ayivu County): Thank you, Mr. Chairman. Article 56 *(Interruption)*.

THE CHAIRMAN: No, I wanted to know from you whether you intend to move the Motion.

MR. NYAI: Mr. Chairman, I intend to move the Motion, but before I move the Motion, Mr. Chairman, I would like your indulgence to make one clarification, in that the Motion was to provide for the ownership of property before it can be acquired by the state. I think this is an important move, because if we do not own property, then it is difficult for state to acquire what we do not have. I think we should see it in that light and, therefore, Mr. Chairman, I beg to move that immediately, at the beginning of Article 56, we insert: *"every person has a*

right to own property either individually or in association with others"

AN. HON. MEMBER: Seconded.

THE CHAIRMAN: Okay, Hon. Delegates, before we debate - before I give the mover the Floor to give his reasons so that we debate, I want to take this opportunity to recognise the presence in our midst of Hon. Moses Kigongo who is the Vice Chairman of the National Resistance Movement and National Resistance Council who is with us here. You are most welcome to have found time to come and join us in our debates today. We are discussing the question of property and the debate is about to start. You are welcome. I give the Floor to Hon. Dick Nyai to give reasons in respect of the Motion just moved. But just a moment.

MR. AWORI: Mr. Chairman, I am seeking guidance on the original Amendment, maybe, I missed your instructions earlier on. But what is the fate of the original Amendment by Hon. Grace Akello? I am just seeking your guidance, maybe I missed a point. Because what I have heard so far, what Hon. Dick Nyai read out as a Motion seems to have taken some kind of departure from the original Amendment. So, is it an Amendment or a different Motion?

THE CHAIRMAN: No, what happened was that the Motion as previously moved was referred to the Legal and Drafting Committee. In the process of exchange of views in that committee, we have received a report containing a proposed Amendment to be sponsored by two Members, Hon. Grace Akello who is not here and Hon. Sseruwu Bakojja who also is not here. The wording is no different from what those Members intended to move had they been here. All that we are doing is to comply with our procedures, another Member is moving the Motion and Hon. Dick Nyai has taken on the job of doing so without changing the wording.

MR. AWORI: He has changed, it is no longer the same.

THE CHAIRMAN: Let us hear from Hon. Dick Nyai first, if he is moving From this one, then it will not be -

MR. NYAI: Mr. Chairman, it is true in my moving the Motion, I did depart a little in the use of one word, the co-sponsors had used a word to own property

either alone or in association with others, you can not own property alone without life. So, I said to own property individually or in association with others. I am quite sure Members will go along with me that it makes a little more sense to own property individually or in association with others. Alone, is rather translating Lugbara into English and it is thoroughly dangerous.

AN. HON. MEMBER: Seconded.

THE CHAIRMAN: Now, does the formulation change the substance? No, it doesn't, only it improves on the wording. I think we can accept that. Okay, now the Motion is as you have heard it formulated by Hon. Dick Nyai and it is available for debate.

MR. NYAI: Mr. Chairman, thank you very much. I would like to say this that we are trying to write a Constitution which reads logically and is defensible. It must be reasonable. Article 56 intends to protect persons who own property from losing that property to the state without reasonable cause. But you can only lose what you have and, therefore, Mr Chairman, it is only reasonable that this Assembly provides for the ownership of property before that right can be denied to individuals. I would like us to be very careful in that if we only keep one thing in mind like my good friend Hon. Babu seems to have only land as property, we might tilt our thinking in this matter. I think there is a whole range of things which are property, and let us do that and when we come to the question of land, Mr. Chairman, I submit we shall make the necessary provisions which will make sure that non-Ugandans do not acquire land, and I am quite sure with that in mind, Mr. Chairman, I can see all my Colleagues are willing that this Amendment may be adopted. I beg to move.

MR. KABUGO (Nakaseke County): Thank you, Mr. Chairman. I am in to support the Motion, but I would like as well, if the Mover could allow us to change "every person" to read "every citizen", because we may have several people in Uganda who are non-Ugandan who might use this clause to own this property. But my way of supporting the Motion is that we have - especially, the women are denied having property in this country in some areas, and they are left beggars in their own country. So, I think, with the inclusion of this, they will not have that discrimination. Thank you very much.

MR. KAGGWA (Kawempe Division South): Thank you, Mr. Chairman. Much as I would ascribe to the right to own property, which word "property" is very wide, but I get the feeling that for many of the Members here, it refers to land. I would want to go along with that Motion save to add something for fear of everybody having a right to own by adding that "as shall be prescribed by law" so that we give a chance to Parliament to legislate for the details.

THE CHAIRMAN: But I thought the Mover said that when you come to the provisions relating to the subject of land there would be room for including -

MR. KAGGWA: Mr. Chairman, as I said, "property" is very wide. There may arise situations where we would want to limit even owning various properties, especially for non-citizens, in which we need even to limit it so that we do not leave it very open.

THE CHAIRMAN: Let me hear from that Hon. Member.

MR. OKWAKOL (Pallisa County): Mr. Chairman, I regret that the original movers of this Amendment are not here. My reading of this Amendment is that it really seeks to put the women in the same position as men because I think the complaint all along has been that there are some customs in this country which discriminate against women when it comes to owning property and I believe that the basis of this Amendment is to effect the equality between the sexes in ownership of property. I have, therefore, no quarrel at all with this Amendment and I would urge Hon. Members not to feel that this Amendment in any way introduces foreigners to take over our property. I support the Amendment.

MRS. LAGADA (Women - Apac): Thank you, Mr. Chairman and Hon. Members. Mr. Chairman, I had opportunity to discuss this very Amendment with Hon. Grace Akello when she was formulating it *(Interruption)*.

THE CHAIRMAN: Could you speak into the microphone and louder, please.

MRS. LAGADA: Mr. Chairman, I was saying that I had opportunity to discuss this very Amendment with Hon. Grace Akello when she was formulating it, and indeed the idea that Hon. Okwakol has just given to this House is what she had in mind. This

Article is intended to protect, especially, Ugandan women who have been disadvantaged as far as property is concerned. Mr. Chairman. I think Hon. Members here will all agree that the women of this country have suffered, especially, the widows, when a husband dies and most of our Ugandan men, including, I am sure, many Hon. Members in this House, do not like making wills *-(Interjections)* Protect me, Mr. Chairman. I am going to repeat that *-(Interruption)*.

THE CHAIRMAN: No, I do not think it is necessary for you to add the Members to that one.

MRS. LAGADA: No, I am now saying Ugandan men, Mr. Chairman, if the Hon. Members are objecting. I hope they made their wills, but many of our men are still shy of making wills, and when they die, the women face a problem. When a man is alive with his wife, the property belongs to "them". In quotes, because even the husband keeps on thinking that the property is his. The situation is more complicated when he dies without that will, because then the clan will automatically assume that the property belongs to the clan and not to the wife, although the wife is remaining there with the children to look after. So, Mr. Chairman, this Amendment will go along way towards protecting these women when their husbands are dead, and the women who mostly do not know that they are already protected by law, in the case of the death of a husband, when they are taught this, they will be able to know what to do and where to go when their husbands die. I beg Members that you do pass this Amendment and protect not only Ugandan women, but also your wives and wives of your relatives when the relatives die. Thank you, Mr. Chairman.

MR. D. LUBEGA (Rubaga Division South): Thank you very much, Mr. Chairman. I stand to oppose the Motion. Mr. Chairman, Chapter 5 of the Draft Constitution and all laws intended under or to be provided under the human rights section are not for provision for ownership. Ownership is assumed, for instance, when we say protection to liberty, to life, ownership to life is assumed. No constitution I know of under a Chapter like this one creates ownership in the way the Motion has been tabled. The purpose of the Chapter and all the provisions under it are for protection from deprivation. Ownership of property and other things is assumed, but once that ownership is assumed, the Constitution comes up and other laws to protect the ownership.

Otherwise, legislating for ownership in a Constitution - rather legislating for protection. I think is outside the purpose of this Chapter.

Now, extending myself to the gender issue, I know of no law even as far as particularly, concerning land which deprives a woman of owning land. I am talking about Land Law. There is no section of our Land Laws which deprive women from owning property. One can argue that there are customs - well, when the customs are repugnant with the provisions of any law, the court will always rule that such customary laws are enforceable and when you come to succession, of course, I know there are some disciplinary tendencies, as far as succession is concerned. I think it will be the statute or Acts of Parliament, for instance, Act by way of succession that can improve this situation that we should not legislate for ownership as such but we should legislate for protection from deprivation of what one owns. Ownership is a very wide concept and should not be legislated upon in these terms. So, I oppose the Motion.

MRS. MUKISA (Women Delegate - Iganga): Mr. Chairman, I stand to support this Motion. But you will realise, Mr. Chairman, that when we all looked at the words "every person" we started thinking about non-citizens or people outside Uganda and now we have been told by Members here that the idea behind this Motion was to protect the woman. So, Mr. Chairman, why do we not - to avoid confusion, because any other person reading this might also think of non-citizens, why do we not use the words men or women, so that it reads, Mr. Chairman, as follows: "Men and women have equal right to own property either individually or in association with others" so that there is no further misunderstanding of the word "every person". Thank you, Mr. Chairman.

CAPT. BABU (Kampala Central): Thank you, Mr. Chairman. First and foremost, Mr. Chairman, I am one of the greatest supporters of the women cause, but I would like to record this by asking you to look at Clause 61 for reference purposes, which protects the disadvantaged groups, and in this particular case, particularly women. I want to say this that we will protect women, but we are not going to protect women at the expense of the people in this country. I want us to be very clear *-(Interjections)*- Let us go on. Mr. Chairman, we are going to protect the women but then I go and say that *-(Interjection)* - Mr. Chairman, I will take the point of order but if

they waited. I would have landed with what I am trying to say. Mr. Chairman, we have given a complete section and clauses to the disadvantaged groups, and that argument which is being pushed, in my opinion, is a very unfair argument. Because, I am saying we can even move this one, if that is the argument, just below that Clause I am talking about. The next point - I am not against this Clause, but I am against where it is being placed, and I am saying that there is another point about investment that people have been quoting also. I would like to allay the fears of those, that even when we were making that Statute, we made sure that the indigenous people were protected on the point of land, and there is a reason, Mr. Chairman, most of our people are not rich, but most of our people own land, and that is the biggest capital they have in this country. In my opinion if you open any slight door that is going to threaten the ownership of land in this country, then you are living us totally naked. I want to say this, Mr. Chairman, that I am not against this Clause. I would like to find a right place to put this Clause and I am saying we should put it under 61 if we can find a space there to protect the women. Thank you very much.

MRS. MWESIGYE (Women Delegate - Kabale): Thank you very much, Mr. Chairman. First of all, I would like to recognise one of the Hon. Member's mention that the rights are assumed within this Draft and he quoted Article 51, and I would like - you know, that is Hon. Damiano Lubega, he quoted 51 and we have said that the right to life, for instance, were assumed and I would like to point out that under 51, in fact, it guarantees the right to life. Then obviously, we cannot talk of property - compulsory acquisition of property without talking about how that property - the right to own that property. So, I would like to support the Motion by saying that this Article should be where it is, in as much as it is giving the right to own property to the people. However, I would like to propose an Amendment so that it reads that "*men and women have the right to own property*" and that it ends there and we delete the words "*either alone or in association*" and my reasons are as follows, Mr. Chairman: The background to this proposed Amendment - (*Interruption*).

THE CHAIRMAN: No, but that one has not been seconded so you cannot push it.

MRS. MWESIGYE: Yes, Mr. Chairman. I am giving my reasons for supporting the right to own

property, then after that I would move my proposed Amendment. The background to that proposal was that so many people have been deprived of ownership of property in this country. It is not true that it is only women who have been deprived, even some men have been deprived of owning property and we know, Mr. Chairman, that the words "*every person*" has been misinterpreted to include men for a very long time. That is why you see us here really trying to push in clear and specific words. Since "*person*" includes men and women, to us it will not do harm if we clearly put "*men and women have the right to own property*" and why I was suggesting to remove these other words "*either alone or in association*" was that that right should be reserved to an individual, to choose the mode of ownership of that property, so that we do not have to put it here, to own with others or individually. Because it may even be in a company, this is very restrictive in my opinion and, Mr. Chairman, before I leave the Floor I would like to propose the Amendment and that this reads that "*men and women have the right to own property*" and I beg Hon. Members that, second this Motion and support it. Thank you very much.

THE CHAIRMAN: The Motion is seconded and, therefore, we follow the procedure that we dispose of the Amendment of the Amendment first, and it is an Amendment to the effect that men and women have a right to own property, full stop and you delete "*individually or in association with others*".

MRS. EGUNYU (Women Delegate - Kumi): Thank you, Mr. Chairman. I wish to oppose the Amendment that the present Amendment be worded to read men and women, because the right of children too to own property should be recognised - (*Applause*) - and children have been more disadvantaged than even the women, especially, when it comes to inheritance and other matters, Mr. Chairman, I also take this opportunity to talk to the Motion - (*Interruption*)

THE CHAIRMAN: No, but we have not disposed of this other one so you cannot then shift. You have opposed the proposed amendment of the amendment.

AN. HON. DELEGATE: Okay, Mr. Chairman.

THE CHAIRMAN: Okay, I will give the Floor to Hon. Byanyima to talk to the amendment of the amendment. Now, she has the Floor.

MISS. BYANYIMA: Thank you, Mr. Chairman. Mr. Chairman, I feel very much for the sentiments of Hon. Hope Mwesigye. I think that - I wonder whether her amendment could not be improved by a mere addition of "*regardless of sex.*" "*Every person, regardless of sex shall have a right on property*", so that children are included as well as the fact that we want women and men explicitly to own property.

THE CHAIRMAN: But I thought we passed a provision relating to non discrimination on grounds of sex?

MISS. BYANYIMA: Mr. Chairman, people, at least in my constituency, the women felt strongly that they wanted a constitution to state explicitly that they have a right to own property. And I think it was in this spirit that this amendment was moved. That we state clearly "*every person*" and we can improve it by saying, "*regardless of sex, has a right to own property*". I beg to amend Hope Mwesigye's Amendment. Thank you, Chairman.

THE CHAIRMAN: No, I think let us pronounce ourselves on the amendment. Let us pronounce ourselves on the amendment, by Hon. Hope Mwesigye to amend the amendment that we have before us, by simply stating that, "*men and women have a right to own property*". That is her amendment which would change the nature of the Motion moved by Hon. Dick Nyai. I want to put the question on this one, so that we go. Either we adopt it and we stop there, or we go to the original one. The question is in terms as I have just described, and now I put the question.

(Question put and negatived)

THE CHAIRMAN: Now, we go back to the original Motion. And I would like to put a question on that one. We have heard very extensive discussion of it - *(Interjection)*.

AN. HON. DELEGATE: Mr. Chairman, some of us have not got the opportunity.

THE CHAIRMAN: No! We have had a very extensive discussion of the Motion that reads "*every person has a right to own property individually or in association with others*". That is the Motion we have right now. There were attempts to amend it, and that did not succeed. We have spent enough time to discuss this one. I now put the question.

(Question put and agreed to)

THE CHAIRMAN: Now, Hon. Delegates, on Article 56, there is yet another amendment which goes to the provisions of 56 as they are now and this which has now become (2). And this amendment is sponsored by Hon. Joseph Mulenga, Hon. David Etuko Onyak and Hon. Elly Karuhanga. I give the Floor to Hon. Mulenga to move the amendment to 56.

MR. MULENGA: Thank you, Mr. Chairman. I move that Article 56 be amended by cancelling the current or the present text and inserting Clause (2) to read, "*No person shall be compulsorily deprived of property or of any interest in or right over property of any description except where the following conditions are satisfied. (a) The taking possession of, or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality, or public health*". Then Mr. Chairman, (b) would remain as in the draft. I beg to move.

THE CHAIRMAN: Seconded? Can you speak to the Motion please?

MR. MULENGA: Mr. Chairman, there are three amendments involved. First of all, the text in the draft is peculiar. Whereas it is intended to be protection from deprivation of property, it starts off as if we are protecting the property. Mr. Chairman, I wish to remind the Assembly that, the whole purpose of this Chapter is protecting fundamental rights. That is why, the sponsors thought it fit to say, no person shall be compulsorily deprived of property. This also tallies with a declaration under article 51 which has already been passed - 51 (E) reads: "*protection from deprivation of property without compensation*".

The second amendment, Mr. Chairman, is to provide or to substitute in the expression, "*public use*" in (a) for the expression, "*in public interest*". The reason behind this is, that it would not be proper for property to be acquired apparently in the public interest, yet it is not put to public use, and this has happened in actual life. But properties have been acquired in the past allegedly in public interest and then, well put to private use. Like a house, I can give examples. In Kampala, houses that were taken over under the compulsory acquisition law and they were put to private use of individuals who happen to be in power.

What's more, the moral behind giving state the right to acquire property from someone compulsorily is so that, the property may be used for the common good with a public use. So, emphasis is that, it is acquired in order to be used by the public as it were.

Mr. Chairman, the third point - or third amendment relates to the little word "or" substituted for "and". If I may read again to illustrate where it is. "The taking possession or acquisition is necessary for public use or..." This is what I am proposing, "or". Instead of "and". If you keep "and" the way it is put in the draft, it means that, before the property can be acquired, it must be first of all, in the public interest and then, it is limited to defence, public safety, public order, public morality, or public health. And this cuts out matters like - if a state wanted to construct a road, it may be for public use but it would not be for defence, for safety, for order, for morality or for health. That is why we thought it was proper to have that classification of "public use" in itself without having to be for health, defence, morality etcetera. Mr. Chairman, I think I would end there and urge Members to support.

THE CHAIRMAN: Okay! The question is in terms of the Motion *(interruption)*

MR. MULENGA: Some correction, Mr. Chairman, I am sorry.

THE CHAIRMAN: Okay, there is a correction to be made first.

MR. MULENGA: Mr. Chairman, a spelling mistake has been pointed out to me. Paragraph (A) on the proposed amendment should read, "the taking possession of or acquisition", not "requisition". That is a typing error.

THE CHAIRMAN: The question is in terms of the Motion as moved by Hon. Mulenga.

MR. ONEGI OBEL: (Jonam County): Mr. Chairman, I beg to support this Motion and hope that, deprivation being applied here in this clause includes deprivation through destruction of property. Mr. Chairman, I say this because, about five years ago, the army - the NRA and this is functional, destroyed 201 canoes belonging to the Jonam people. 201 valued arbitrarily at forty million, two hundred thousand shillings. On the average, the canoes belonged to over 201, but only 181 were compen-

sated for at the rate of 51 thousand shillings each. Amounting to 9,231,000 shillings, leaving, Mr. Chairman, a balance of 149 thousand, due to each canoe owner and therefore, a total balance of 30,969,000. In addition to that, Mr. Chairman, a number of cows were driven away from a division called Panyemuru, South of Pakwach by the army again. These animals have never been compensated for. I take therefore, the opportunity, Mr. Chairman, to correct a lie told here by *(Interjection)*

THE CHAIRMAN: I do not think Members tell lies here. I think they maybe not fully informed. But I do not think they deliberately come to tell lies. So, your language should be properly selected.

MR. ONEGI OBEL: Mr. Chairman, let me withdraw that word. But I think - okay that was not inside here. I was referring to the quotation of Hon. Maj. Ondonga who said all these statements, may be, were lies and we were not corrected here.

THE CHAIRMAN: Well, he was not talking in the House.

MR. ONEGI OBEL: Sorry, Mr. Chairman, I would say misinformation was given to this House that, the people of Jonam were very grateful to the NRM Government for compensating them for the canoes destroyed *(Applause)*. Mr. Chairman, I would have intervened then, but I did not. Because I wanted to check my fact. And I checked the fact, and found the people terribly annoyed and angry with whoever made that statement. That statement was made by Hon. Ester Dhugira who crossed two borders to say what I should have said on behalf of the people who lost those canoes.

THE CHAIRMAN: I think you should come to the Motion. You should now come to the Motion. You have talked about compensation and the need for it.

MR. ONEGI OBEL: Mr. Chairman, I come to the Motion by simply saying, I support it. But, also that, that correction made by the Hon. Dhugira be corrected, for the record. Because, Mr. Chairman, the canoe is a cultural asset to our people. It is not only financial but it promotes, it is a status symbol which promotes a young man with a canoe from the position of being very young, but to the position of being mature.

THE CHAIRMAN: I think you have made your point Hon. Member.

MR. ONEGI OBEL: Mr. Chairman, having said that, I wish to support that Motion.

THE CHAIRMAN: Thank you

MR. ONEGI OBEL: But knowing that, where destruction of property are made, compensation should not take five years to be made. So, I support the Motion on the hope that, people who suffer loss of property in whatever way, are compensated in time. And that, no one would assume compensation until they have actually been done. Thank you, very much, Mr. Chairman.

MR. SSENDAULA (Bukoto South): Mr. Chairman, I support the amendment as proposed by Hon. Mulenga and his other Colleagues. Mr. Chairman, there are areas where it is important that we retain the phrase, "public interest" but when it is over used, at times they can lead to a lot of temptation. And now when it reaches to property, I think it is important that this phrase "public Interest" should be got rid of, and it is in that, grace that I support the amendment. As this one is improving the position, to state clearly for public use. So that there is no temptation for any leader at any stage to move in and acquire people's property in public interest and just close it there - things are acquired in public interest. So this helps us to improve our accountability in general to the people that, if there is any need for compulsory acquisition, or for acquisition of any nature, it must be for public use and then, we state the areas where we really want to put that particular item that we have taken or that particular property we have taken from the people that this has been done in the interest of defence, this has been done in the interest of public safety etcetera. I support the amendment.

MR. ERESUELYANU (Kaberamaido County): I support the Motion, Mr. Chairman. But I think this amendment is only giving us the notion that, whoever would be acquiring that property is the state. But in this country, there are also individuals who acquire property from others illegally. During the general debate, it was made abundantly clear that, the Karamojong went and raided our cows in Teso, Pallisa and wherever they went. How do we protect in this amendment? And how do we compensate such people in the process? Others are saying it is theft but there have never been any

stress this here, there have never been any arrests made of the thieves, although the thieves are known. So, I think it is now a constitutional matter that we must also protect individuals who transcend borders to acquire property from other places. And I feel we should include it in this amendment. Thank you, Mr. Chairman.

MR. APUUN LONGOLI: (Bokora County): Thank you, very much, Mr. Chairman. As much as the Member has mentioned about cattle rustling and also people in that area, I have a different view to put across, Mr. Chairman. I do support the amendment, Mr. Chairman, on the grounds that the people of Bokora County lost a number of so many thousands of animals which were driven to Soroti. That was 1989, March. In 1989 March, the 97th Battalion which was in Katakwi, rounded up so many thousands of animals and they were driven to Soroti, including donkeys, goats and sheep. And during our consultation, the people told me that, what has happened with those animals, and that report, honestly in 1987, 1989 was sent to the Minister of State for Defence that was Maj. Gen. Tinyefunza who wrote to me that, the Minister for Defence was ready to compensate those animals. Since 1989 up to today, those animals have not been compensated. And they were taken on pretext that they were going to be given to Iteso, and nobody claimed those animals even that time in Teso, and the NRA ate those cows. So, Mr. Chairman, in this respect - *(Interjection)*-

THE CHAIRMAN: Can you come to the Motion

MR. APUUN LONGOLI: In this respect, I would say, I support the Motion that, no government should compulsorily deprive anybody with his property be it a Karamojong or be it a a Muteso *(Laughter)*. I support the Motion, Mr. Chairman.

THE CHAIRMAN: Thank you

MR. RINGWEGI (Padyere County): Mr. Chairman, I would like to support this Motion, and also I would like to draw the attention of the House to one fact, that this Motion - the principle behind this Motion is that, compulsory acquisition is usually by the state and the interest being protected is the public use as the amendment is seeking. And I would like to depart from what Hon. Eresu was trying to raise in this House. The question of rustling in Karamoja is not a question of compulsory acquisition for public

use. The Karamojong are only stealing cattle or the Iteso are also stealing cattle. Which ever way. So, that should not be confused with the Motion which is before the House. What the Motion here is seeking to put in place is the fact that, the state should not be rendered powerless.

There are incidences when the state may want to use particular property in the interest of the general public like acquiring a plot of land so that a school can be built, and that would be good to public use or acquiring a plot of land so that a health centre is built. So, I think Members should look at the spirit of this amendment in this light. For that reason, Mr. Chairman, I think this amendment is a good one and I support it. Thank you.

THE CHAIRMAN: Delegates, do you really need to go further debating this one? I think it has generated a lot of support and I will now put the question.

(Question put and agreed to)

THE CHAIRMAN: We come now to article 58. There are proposed amendments to article 58, but we shall do 56 first.

(Question as amended agreed to)

THE CHAIRMAN: Article 57, can I hear from the Legal and Drafting Committee? It would appear there is no proposed amendment. Some one is raising a point of procedure first. Yes.

MR. KIRENGA: Thank you, Mr. Chairman. Mr. Chairman, I had a further amendment to 56 which was considered by the committee and accepted, but then it has not been put on the list. It was accepted.

THE CHAIRMAN: I do not see it on our report, I think we are late, we have closed.

MR. KIRENGA: I would like a comment from them, why it has not been included when it was accepted at that time?

THE CHAIRMAN: Hon. Ben Wacha, do you have any memory of that?

MR. WACHA: Mr. Chairman, Hon. Kirenga's proposed amendment came before us and we had extensive discussion on the matter. The principle

behind the amendment was to go into further detail as to what usage the property compulsorily acquired should be put, and the committee, as I recollect, directed that it should be part (B) of Hon. Mulenga's amendment. It was accepted. The principle behind it was accepted by the committee. But it was not put in our sheet here. I think the confusion arose because the technical committee thought that by incorporating the word use after public, they would have catered for whatever Hon. Kirenga had wanted to put before the House. But I think Mr. Kirenga's proposed amendment goes further in trying to list, at least to specify that, the property which has been acquired must only be used for public use and nothing else. Therefore, catering for situations which Mr. Mulenga indicated to the House earlier on, that certain property are acquired purposely for public use, but then diverted for private use.

THE CHAIRMAN: I though Hon. Mulenga was saying that, property is acquired in the public interest and then applied to private use, but now, was seeking to include the word acquire for public use as a method of limiting that "public interest" to "public use". If that is so, would Hon. Kirenga still insist on his amendment given that, public use - really it is very difficult sometimes when you are drafting a document to anticipate all areas of use - called public use. But as long as they can be fitted within there. And in fact by this, one can go to court and seek the rejection of an attempt to use for an interest other than public use. Now, do we need to go into categorization? Can I hear from Hon. Mulenga please. No, no! Mulenga, how he interprets "public use" so that on the basis, we can then hear from Hon. Kirenga.

MR. MULENGA: Mr. Chairman, I thought that the use of the expression "public use" was clear enough, wide enough.

THE CHAIRMAN: Okay, Hon. Kirenga, do you insist?

MR. KIRENGA: Yes, Mr. Chairman. What I am envisaging is two situations; one is an intention by the government to acquire a property for public use, then there is a situation after it has been acquired for public use, when it uses it for another purpose at a later stage, say we want to make it unconstitutional at a later stage. So, that is why I was saying any property acquired by the state compulsorily for public use shall be used in the public interest and for

public purposes - for the public purpose for which it was acquired. So that, if it is used for some other thing which is unconstitutional -

THE CHAIRMAN: But would you envisage a situation where the government acquires land, builds a health centre and then eventually sells it to a private person?

MR. KIRENGA: Mr. Chairman, I had this experience in myself.

THE CHAIRMAN: Would you see how your amendment would restrict?

MR. KIRENGA: Mr. Chairman, in Obote II, we had a property situated at Kololo which was acquired by the then Minister for Lands for Public use but then it was used for his residence.

THE CHAIRMAN: That was for public interest.
• Hon. Medi Kaggwa, you want to comment on this? Anyway, I think really let us hear from Hon. Elly Karuhanga who was, maybe, at the committee as well. I would rather hear from Hon. Karuhanga than from intermediaries. Please go ahead.

MR. KARUHANGA: Thank you, Mr. Chairman. This matter which was brought to us by Hon. Kirenga was - he built his proposal on a particular case and I think he was more overwhelmed by that case, and wanted to have the facts of that case interpreted and summarized and brought into the constitution. This is the case of Hon. Chowdry when he was a Minister for Lands and he just used to acquire property and then take it. So, he thought that, we should limit the use, so that the Ministers do not abuse this power they have in acquiring property in public interest, but in point of fact, that was one of the things which generated the debate, where some of us who had amendments to that effect had to put them aside because we had words like "*purpose*", this was put off, and then we all aggregately agreed that the word "*use*", would suffice and would cut out all the lengthy amendments that Mr. Kirenga had brought and I appeal to him to see this in this light and not to be overwhelmed by the Chowdry case. Thank you.

THE CHAIRMAN: Okay, I think the Hon. Member has indicated, politely that, he withdraws. Now, 57 - Clerk will you call 57. I will put a question on this one.

MR. RWABITA (Ibanda South): Mr. Chairman, I do not have much problem with that, Article 57 but to me, it is one sided. It is okay to say that, "*no person shall be subjected to unlawful search of the person, property or entry by others on that person's premises*" but, Mr. Chairman, there have been cases, where there have been lawful searches by government agents and in the course, these people who want to victimize the owner of the property can even plant guns there or bombs, and then if they want to victimize him, although they have come officially, but if there is nobody to supervise them, something can be wrong. So, that is why I was suggesting that we add just a small clause that lawful search should be done in presence of local authorities so that people are protected from any person who wants to victimize them.

MR. MEDI KAGGWA: (Kawempe South): Mr Chairman, this Article was considered in the technical committee, but I am surprised that our Chairman has not reported on it. Because we discussed it and took a position. I request that he reports and then, it may properly avoid the debate we are likely to have.

MR. KARURANGA: Mr. Chairman, legally, there are some problems in this Article, only that they have not been properly formulated. So, we were wondering whether we should just pass it or leave it. For example, if you look at 57(2), "*no person shall be subjected to interference with the privacy of his home, correspondence, communication or other property*". Now, you realise that, if people come searching your home, they should follow up a different type of procedure from searching a commercial premises. Also, there should be just cause and this is clearly spelt out. People should just not - and they should actually have appropriate jurisdiction. There should be appropriate jurisdiction which has been relayed by court before they come running to the place.

THE CHAIRMAN: And what do you say of Clause 3?

MR. KARUHANGA: Clause 3 is too detailed also Mr. Chairman, can we refer this Article 57 to the Legal Committee?

THE CHAIRMAN: But it was in the Committee.

MR. WANJUSI: Thank you very much, Mr. Chairman. I will go along to support Article 57, but with

an amendment as suggested by Hon. Rwabita. Because there are some incidences when may be you have a conflict with the government, and when they want to get hold of you, when they have come to search your home with some motive, they can carry something to be dropped in your home in order to be arrested, so I will go along with Hon. Rwabita's amendment to this Motion so that we pass it now, since it has gone through the proper channels. Thank you, Mr. Chairman.

THE CHAIRMAN: I think Hon. Ben Wacha wanted to speak.

MR. WACHA: Thank you, Mr. Chairman. Sub-article (3), as we agreed in the committee, was supposed to be covered under the general Clause which we proposed to bring to the House later on. Now, the committee also agreed that, after discussing that, the whole article 57(1) and 57(2) should be restructured to take into account various situations which occur in such. And therefore, we were coming to report Sir, and you had asked me to comment on 57, but somehow, you, I think forgot, and then opened up a matter for discussion. I was going to report Sir, that this matter should be brought back so that we refer it to the technical committee for recasting and re-drafting to take into account all situations which might arise in such. Thank you Mr. Chairman. I think that is the position, Mr. Kagwa.

THE CHAIRMAN: Okay, 57 is referred to the Legal and Drafting Committee, and they will report back when the committee meets, so that it is re-written to take into account the situation. It would appear - but some comment in general report would have helped anyway.

Now, let us go on to 58. In 58, there is a proposed amendment in insertion of a new Clause which is sponsored by Hon. Mavombo, Maj. Ondonga, Hon. Amaza, Hon. Owinj Dollo, and Hon. Col. Serwanga Lwanga. If Hon. Mavombo is here, I give him the Floor.

MR. MAYOMBO: Thank you, very much, Mr. Chairman.

THE CHAIRMAN: Yes, Chairman of the Rules committee.

MR. KAVUMA: Mr. Chairman, before we go to Sub-clause (10) of Article 58, I had two small but

important amendments coming before us, which apparently the legal and Drafting Committee has not included in their report but I have circulated. Because I have got a total of 20 amendments which I have circulated on Fundamental Rights and Freedoms, these were circulated on 29th, last month. So, I have talked to Hon. Ben Wacha and apparently the amendment sort of slipped their attention. But I would like, Mr. Chairman, to let this House know about it. It is a non-controversial amendment, but it introduces slight inclusion to make certain provisions, to be consistent with what we have already passed, Mr. Chairman, or we are going to pass.

THE CHAIRMAN: This is in respect of which clause?

MR. KAVUMA: Mr. Chairman, if you look at article 58(1), it talks of a right to a fair hearing. And it says, "*in determination of civil rights and obligations or any criminal charge, a person shall be entitled to fair, speedy and public hearing before the court or tribunal established by law.*" Mr. Chairman, I wanted to include the words "*independent and impartial of court*". Mr. Chairman, this is important because apart from the fact that the two normally go hand in hand, - "*impartial and independent court*", if you look at Article 158(1), which deals with judiciary, page 67, it says, "*in the exercise of judicial power, the court shall be independent and not subject to the control of or direction of any person or authority*". So, Mr. Chairman, I think, this small inclusion of the words "*independent and impartial court*" is an amendment which is important. Thank you, Mr. Chairman.

THE CHAIRMAN: Is that, seconded? It is seconded by Hon. Wasswa Lule and others. And, does this need to be debated? It is normal language in these documents. Let us put the question.

(Question put and agreed to)

THE CHAIRMAN: Do you have another one?

MR. KAVUMA: Mr. Chairman, I am again in 58(3)(b), there is this phrase "*be informed as soon as reasonably practicable in a language that the person understands of the nature of the offence*". Mr. Chairman, in Article 53(2), which we have already passed, that is the old one, I think there is (1) or (2) which comes before. But there is this one which says, "*a person who is arrested, mistreated*

or detained shall be informed immediately... Shall be informed immediately - that is 53 - in a language that he understands the reasons for his arrest and so on. Now, in 58, we are talking about right to a fair hearing, and we are saying that a person shall be informed as soon as reasonably practicable in a language that the person understands of the nature of the offence. Now, for purpose of consistency in drafting, I think we should say, be informed immediately.

THE CHAIRMAN: That one was the position we took. In fact there was an attempt to add "*immediately upon arrest*" But we left it at immediately

MR. KAVUMA: It was an amendment by Sam Engola - it was proposed by Hon. Sam Engola who was absent, and we did not pass it. We left it as it is-

THE CHAIRMAN: The provision was left as it was. Hon. Sam Engola sought to add the words "*immediately upon arrest*" The other area where the Members are remembering that they use the word "*practicable*" is in relation to informing relatives and the spouses. But in relation to being informed of the reason for being arrested, the word "*immediately*" was used. So, Mr. Chairman, we should just be consistent really. And so, I put the question.

(Question put and agreed to)

LT. MAYOMBO: Thank you very much, Mr Chairman. I beg to move the Motion -

THE CHAIRMAN: Hon. Elly Karuhanga, I saw your hand before. I would like to give the Floor to Hon. Mayombo to move the amendment, unless it is urgent.

MR. KARUHANGA: Mr. Chairman, I have just observed in 58(3)(e), something that may escape our attention and it did escape the committee's attention and my attention before. But with your permission, could I just bring it out and you see whether it can be handled?

THE CHAIRMAN: Yes, could you proceed.

MR. KARUHANGA: Thank you. It is said that "*any offence which carries a death penalty, be entitled to legal representation at the expense of the state*". Now, Mr. Chairman, I note that - we could hear the assistance of counsel - it is so important for

a person who is going to serve a very long term imprisonment like life sentence where such a person should really be assisted, especially if such a person, an independent person - somebody who is too poor to afford a lawyer. I think the state should be able to extend its assistance for a person who is charged for death penalty and life sentence. So, I wanted to add the words "*life sentence*" and "*death penalty*" so that the state can, at least, afford legal counsel for such a person. That is in 3(e).

THE CHAIRMAN: It has been seconded. Yes, Hon. Medi Kaggwa, you are opposing that?

MR. MEDI KAGGWA: Is it in order, for Hon. Elly Karuhanga to propose something which we rejected in the Legal and Drafting Committee? We considered that, and we said we should only leave it on a death sentence because we thought extending it to life sentence will be too much on the state.

THE CHAIRMAN: That information was not available to the Chair. And the Hon. Member was not there. So, since it was rejected, in the committee do we proceed with it. There are mixed feelings. Hon. Abaliwano, let us get a management opinion.

MR. ABALIWANO:(Bugabula South): I think we should proceed with it. Mr. Chairman, on the understanding that it is even badly written. Everything is to be given, we should even change it. "*Be entitled to legal representation at the expense of the state, in any offence which carries a death penalty*". I think most of us believe that what we are discussing here are rights, whether the state can afford it or cannot afford it, that is not the issue. Because if what we are trying to do now is to legislate because the state is power, at this current moment, without or sacrificing the interest of the individual, I do not think that is really fair to our people. I would suggest, Mr. Chairman, that we should definitely include life sentence and we should put this matter of the expense of the state. Because most of our people really are too poor to be able to engage lawyers and therefore, there would be a lot of injustice if they are not given this assistance. Thank you.

MR. SEBAANA KIZITO (Makindye East): I want to answer your question, Mr Chairman. Because we appoint these committees, especially legal and drafting committee with confidence that they sit down and they shift through all the amendments which we propose, and then they bring those which

they think are correct or we should discuss here and we discuss them here. But if someone has presented an amendment and this committee has discussed it and has found that that amendment is not acceptable, to the committee, unless it is a vote of no confidence on the committee, we should, I think - in my opinion, we should have confidence. Because there are so many amendments which have not come here - on the Floor. And I think it would be futile and time wasting if we allowed everybody. Let the Hon. Member from Nyabushozi not use his membership of the committee to come here and bring things which -
(interruption)-

THE CHAIRMAN: Now, you are imputing an improper motive, he was not there

MR. SEBAANA KIZITO: If he was not there and they are supposed to be there, there are so many other people, he should have been briefed. So, I do not think, Mr. Chairman, you should allow this kind of thing to happen. Otherwise you are going to open things which have already been closed and we are going to reduce our speed to be disorganised if we are going to be impeded by repetitions, by opening things we have already closed, Mr. Chairman. Thank you.

THE CHAIRMAN: Hon. Otafire you have the Floor.

COL. OTAFIRE: Mr. Chairman, I beg to support the submission by Hon. Karuhanga in that - the fact that, the matter may have been disposed of by the Legal and Drafting Committee does not mean that their priorities could be different from our priorities. Hon. Chairman, you very well know that, normally death sentences are commuted to life imprisonment which indicates that, life imprisonment is an extremely harsh sentence. I beg this House to consider the fact that, somebody who does not understand, who is a lay man as far as the law is concerned, could be put away for the rest of his or her life because of lack of ability to defend oneself. The fact that the state may not afford a legal representation for all these people may be difficult now, but if we maintain peace and our country prospers, I am sure that, if this happens as a result of this constitution, I am sure that the state shall be able to afford representation. I think we should adopt Hon. Karuhanga's submission, and put this matter into consideration. Thank you, Mr. Chairman.

THE CHAIRMAN: Anyway, now let us proceed this way; instead of arguing whether or not we should proceed with it, let us proceed with it and dispose of it. It is proposed by Hon. Karuhanga that paragraph (e) be amended to insert the words "life sentence" and "death penalty". I will put the question.

(Question put and agreed to)

THE CHAIRMAN: Now, Hon. Mayombo - Hon. Ruzindana, you seem to have something to say?

MR. RUZINDANA: Thank you, Mr. Chairman. On that amendment which has been carried, there is one small thing missing about the expenses of the weaknesses of these other people, Mr. Chairman. If you only give him legal assistance, and witnesses do not turn up, then he will not be appropriately defended and I think we could add the expenses of those witnesses. These people have the whole of Uganda ranged against them as individuals and I think it is proper that, those witnesses - we want fair trial and fair trial demands that the witnesses should be there and therefore, we should include, among the expenses that, a state should make expenditure on the witnesses, Mr. Chairman.

THE CHAIRMAN: Hon. Mulenga, you seem to have some idea.

MR. MULENGA: Thank you, Mr. Chairman. The issue of witnesses seems to come under Clause 4 "Nothing done under the authority of any law shall be held to be consistent with..." and then it comes to paragraph (g) of Clause 3 of this Article to the extent that the law imposes conditions that must be satisfied to testify on behalf of the accused and to be paid their expenses out of public funds. So, in reality, it is catered for there except perhaps the Hon. Ruzindana may want to make it less restricted.

THE CHAIRMAN: No, but this one provides for a law that can allow payment of expenses. I do not think we should proceed with that one.

LT. MAYOMBO: Thank you very much, Mr. Chairman. Mr. Chairman, through you to Hon. Delegates, I seek to move an amendment - to move a Motion to delete the existing Article 58(10) which is an exception to the principle, Mr. Chairman, and we centred in article 9, and this amendment reads as follows "No law shall be taken in contravention of Clause 9 of this Article merely because it authorises

a court marshal or tribunal to take this very action against a member of the disciplined force for the said offence, the committal of which is manifested and evidenced with the trial and conviction of that member by an ordinary court not civil court I beg to move.

THE CHAIRMAN: Is it seconded? Okay, could you give reasons for -

LT. MAYOMBO: Mr Chairman, Hon. Delegates, the import of Article 58(9) is the principle that citizens should not be tried twice for committing an offence. The exception to that rule, which is existing in Sub-article (10) now is to the effect that a soldier who commits a criminal offence can be tried again, after he has served his sentence, by a civil court. You charge, convict and sentence a soldier in a military court, the civil court still has jurisdiction to try him again and sentence him. The only exception is that they put into consideration the punishment that he has served. Mr Chairman, I think this is double jeopardy. I seek the indulgence of this Assembly to remove this double jeopardy so that soldiers who are tried and convicted by a civil court or an ordinary court are not tried again by a military court.

In the same spirit, Mr Chairman, if you read section 68 of our existing Statute, Statute No. 3 of 1992, under this Statute, offenses under the Penal Code are categorised as service offenses. I find this description unfair and also bogs down the tribunals and court martials where all the time, they are involved in trial of offenses like theft or elopement. I feel Mr Chairman, that once we make this amendment, there will be need to re-define "Service" to be only those offenses which are related to the administration of the army - which are related to the running of the military. Offenses like cowardice in action, offenses like breach of concealment, offenses like mishandling of weaponry. Service offenses which are related to the running of the army. So I find that court martials will be relieved of the task of trying the common criminal offenses. This jurisdiction should be left to the civil and ordinary courts.

Mr Chairman, in the same amendment, I still wish to maintain that the jurisdiction of ordinary courts to try again, on the basis of the same facts, a soldier, who by committing a common criminal offence also commits a service offence - I want to give or quote an example, Mr Chairman. When a soldier leaves his unit, gets a gun, injures a citizen, that may amount

to causing grievous bodily harm but at the same time, that offence may also mean mishandling weaponry. So, I feel that the court martial should still have the right - after the ordinary court has tried him and sentenced him for causing grievous harm, the court martial should still have the right to try him for mishandling weaponry. This is what I intend to entrench and this is what I feel Members should entrench in the constitution. On this, I beg to move. Thank you Mr Chairman.

MR. OWINY-DOLLO: Thank you Mr Chairman, Mr Chairman, this proposed amendment seeks to defeat the practice of double jeopardy as my learned Friend and Hon. Delegate has stated. There are instances where a member of the disciplined forces may be tried by the civil court and after that, the disciplined force again retries him. All that we are saying is that the law should clearly provide that the disciplined court may only take recognition of sentence or order against a member of the force without having to try him again and then if for example, a criminal offence for which a member of the disciplined force has been convicted and sentenced also constitutes an offence. I will give an example, Mr Chairman, a soldier goes out of Lubiri Barracks at 8.00 p.m. comes to town and assaults somebody for which he is tried, convicted and sentenced. Now if the law says that no soldier may leave Lubiri Barracks at 8.00 p.m., now the disciplined court may take cognition of the fact that when this soldier was tried, evidence was laid and it was believed by court that he had actually committed this offence after 8.00 p.m. Now he could be disciplined for leaving the barracks at 8.00 p.m. He could also be disciplined for the assault. It will not amount to sentencing or convicting but now taking disciplinary action. This would now be double jeopardy but this would fit within the rules of the disciplined force, Mr Chairman.

THE CHAIRMAN: Should we vote? Who is seeking clarification?

MR. BEN WACHA: Mr Chairman, I am sorry I have to raise this matter although it can be before our committee, that the manner in which this matter has been drafted, I think it should be revisited by the sponsors of the motion. The way I look at it, I think they are seeking that the other court, the administrative court or tribunal should take into account what has already taken place if I understand them well, so that no further punishment should be meted on the

member of the disciplined force. But it is here, is almost authorising it. So I would rather ask that they look at the amendment again.

MR. OWINY-DOLLO: Mr. Chairman, we are saying the very reverse, the converse of what Hon. Ben Wacha is saying. We are saying, after the civil court has tried, convicted and sentenced a member of the disciplined force, the tribunal on the administrative court of that disciplined force will not try him again. But it may use this conviction and sentence to discipline him. That is what we are saying.

THE CHAIRMAN: And I think that comes out in the drafting as it is.

MISS. FIONA EGUNYU: Thank you Mr. Chairman. Mr. Chairman, I seek the following clarification. Hon. Noble Mayombo has presented this when he tabled a motion that the NRA Statute 1992 also makes criminal offenses service offenses and that being the case, it would mean that whether or not you are tried for a criminal offence, if again you are tried for a service offence, there is double jeopardy, you have been tried twice for the same offence. I seek that clarification. Furthermore, there are offenses like treason. In treason, the equivalent of a service offence arising out of treason will be releasing codified military information. So, whether or not you have already been tried for treason generally, you could also be tried by a tribunal court for a service offence such as releasing codified information which to me, still amounts to the same thing. You have been tried twice for the same offence. Mr. Chairman, furthermore, the NRA Statute of 1992 gives court martials and tribunals jurisdiction to try both Penal Code offenses and service offenses. I do not support this amendment because whereas they are saying that the civil courts have no jurisdiction to try service offenses and therefore, that is the ground on which they want the court martial, at a later date, to try such a person. It could be arranged that a person before a civilian court, who has also committed a service offence, could be transferred for trial in a court martial or a tribunal so that he is not tried twice. So Mr. Chairman, I seek that clarification from Hon. Noble Mayombo given that criminal offenses, as of now, are also service offenses. Thank you Mr. Chairman.

MAJ. GEN. TINYEFUZA: Thank you Mr. Chairman. Mr. Chairman, I have two clarifications first of all to make before I comment on the proposed

amendment. It is under discussion, I would like inform the Hon. Members within the army that we amended the Armed Forces Statute to limit the jurisdiction of tribunals and court martials to service offenses and we transferred offenses committed under the Penal Code to be tried under civil courts. Because we think this will ease out the problem of having two parallel judicial systems which, at times, even are not facilitated enough to carry out adequate trial based on good investigations and so on and so forth. So with this as background, this is in response to the Hon. Delegate from Soroti, what she was raising. But coming, specifically to this Mr. Chairman - (*Interjection*)

THE CHAIRMAN: I think she is from Kumi.

MAJ. GEN. TINYEFUZA: Oh! from Kumi. Thank you Mr. Chairman. Hon. Mayombo's proposed amendment basically has one basic component in that it tries to cure or remove the double jeopardy element in trying a soldier in two courts. The only problem is that it removes double jeopardy element on criminal offenses and puts it on service offenses. Now, this is the problem with this amendment and that is where I would want to - because I would give an example to Hon. Members. If a soldier goes with a gun and causes grievous bodily harm and he is taken to Luzira for four years, it means that upon his release after completion of his sentence, then he will go to the court martial again and be charged again for misusing a gun because misusing a gun is also a service offence and he will be put in Makindye, now under court martial and also imprisoned for another four years. Now this is very serious because if you are trying to cure a human being tried twice for the same offence criminally, and then subjecting him to face the same trial for a service offence, I think you do not solve the problem. So, Mr. Chairman, I agree with the spirit of the amendment of Hon. Noble Mayombo. There is no doubt that it is wrong to - as clause (10), Mr. Chairman, appears now, it is definitely a very unfair sub-article in that a soldier can be tried for the same offence twice and imprisoned for a number of years repeating. So, I would agree with Hon. Ben Wacha that maybe we refer this amendment for re-drafting and see that we cure the - if a person commits a service offence, then he should not be tried in the civil court, he should be referred to the court martial so that the case is finished there. So, Mr. Chairman, while I agree with the spirit of the amendment, I think we have not cured the problem of double jeopardy of

a soldier being tried twice for the same offence on the same facts and punished twice. So I beg that we move and defer this amendment Mr. Chairman.

THE CHAIRMAN: In view of the reservations that have been taken both to the wording and to the concept, it would be better if this was looked at by the Legal and Drafting Committee so that we do not go into debating it now but we shall debate what comes out of the Legal and Drafting Committee. Agreed?

HON. DELEGATES: Yes.

THE CHAIRMAN: That is referred.

LT COL. KIIZA BESIGYE: Thank you, Mr. Chairman. I am seeking clarification on procedure because I am getting rather concerned with the work of our Legal and Drafting Committee. These amendments were discussed fully by the Legal and Drafting Committee and approved in this form to come here. We are now recommitting them to the Legal and Drafting Committee, shortly after recommitting Article 57 which was similarly before the legal and drafting committee and submitted to us with no proposed amendments on the very recommendation of Members of the legal and drafting committee. I do not know whether our procedure is protecting us sufficiently from inconsistency by the Legal and Drafting committee. The fact that the Vice Chairman of the Legal and Drafting Committee is the same one who, having presented this report seeking for its recall, to take it back to the Legal and Drafting Committee. I do not know if the Legal and Drafting Committee is going to continue, acting that way, whether we shall be making progress in our work or otherwise. I am seeking clarification on this procedure.

THE CHAIRMAN: I think the Chair can also comment on this. The Legal and Drafting Committee, since they began their work as we went article by article, they have processed 122 amendments and reduced them from 122 up to the figure of 16 plus 8 to 24. So from that point of view alone, we cannot underestimate the work that committee is doing for us. We should actually be grateful (*Applause*). And as evidenced today, we have moved so well, essentially because of the work of the Legal and Drafting Committee. It is only two matters that have been referred out of a possible nine and this reference is because other matters arise as we go in dialogue and discuss here. The fact that they have discussed does

not preclude us from developing new ideas as we go along. So for me, I would not really seek to take the position that that committee is not assisting, or if it is assisting, not adequately. But let me hear from the Chairman of Legal and Drafting Committee.

PROF. KANYEIHAMBA: Thank you, Mr. Chairman. I am very grateful for those explanations you yourself have given. But I think there ought not to be any misunderstanding as to the function and role of the Legal and Drafting Committee. Our work is to consider, synchronise and discuss with people who have submitted amendments for purposes of reducing the work. But it is not our job to substitute a decision. What we say is that this proposed amendment is persuasive and therefore, a delegate should be allowed to submit and argue for it in the plenary session here. We are not making decisions for the CA. These decisions are for you. It is true that as individual members of the Legal and Drafting Committee, we can support or not in our individual capacities as Delegates. But on many of the amendments which come, we ourselves are divided, whether we should support it or not. Therefore, it is not incompatible with our work that the Vice Chairman comes here and either opposes an amendment which we have passed or supports it. So I wanted to make that clarification very clear, Sir. There will be certain legal amendments which, as a committee, we shall solidly support on legal grounds and that position, we always make it clear. For example, on Clause 54, we said that we - persuaded everybody and we all agreed that we could not better it and that was the recommendation from us. It was unanimous. So the point is that we do look at these amendments for purposes of saying that they are debatable in the plenary session. But we are not saying they should be adopted. We do not make that proposal. I thank you Sir.

THE CHAIRMAN: Now, I think let us go on to the other amendment on Article 58. There is a proposed amendment by Hon. Wasswa Lule and Hon. Cecilia Ogwal with regard to Clause (12).

MR. WASSWA LULE: Thank you, Mr. Chairman. We propose that in Article 58, we delete Clause (12) and insert the following new Clause. We shall state that "*no person being tried for a criminal offence shall be compelled to give evidence against himself or herself or against his or her spouse*". Article 58 Clause (12) as it stands is inconsistent with international standards. The qualification in the

article which says or talks about "circumstances as may be prescribed by law and acceptable in a free and democratic society" is an opening for the rights that are guaranteed there not to be taken away. The proposed amendment is more absolute and it meets international requirements under Article 14 Clause (3) paragraph (g) of the International Covenant of Civil and Political Rights and it is for those reasons that we propose this amendment.

THE CHAIRMAN: The amendment is that (12) be deleted and be substituted by the text that appears on the report we got from the Legal and Drafting Committee. I now put the question

(Question put and agreed to)

THE CHAIRMAN: We are not in a position to put the final question on Article 58 because we have made a reference to the Legal and Drafting Committee with regard to Clause (10) and when that comes through, then we shall put the final question on that which means we now go on to article 59. There is a proposal to delete the whole of Article 59 but the report does not indicate who the sponsor is.

MR. BEN WACHA: Mr. Chairman, this is the amendment which I had alluded to earlier on in our report. This is by Hon. Tiberio Okeny. Hon. Tiberio Okeny wants to remove Article 59 on the basis that it has already been adequately covered by 51. We tried to dissuade him from this course but he has insisted. So we thought that matter should be handled in the plenary. Thank you.

THE CHAIRMAN: 51 only enumerates and then the others elaborate. That is how I understood it to be. But Hon. Tiberio, you still insist that you want to delete and leave a vacuum on your conscience, the right to conscience.

MR. TIBERIO OKENY: Mr. Chairman, I am still insisting that this Article should be deleted and the provision that was provided for as a protection to this Clause in the 1962 constitution and which was repeated in the 1967 constitution is more of a meaning than this one which only stipulates the freedom of conscience, expression and movement and leaves it there, which is almost tantamount to the one already stated in Article 51. So I am intending, Mr. Chairman, to move before this House that as it stands at the moment in 59, it should be deleted and replaced. The extraction should be taken from 1962

which all the Members will look into article 25, 26 and 28. It provides for more or better protection which is really meant - I think this is the meaning of this article.

THE CHAIRMAN: Are you seconded?

MR. TIBERIO OKENY: Yes. *(Laughter)*.

THE CHAIRMAN: Is that by duress or by voluntary action?

MRS JANET OKORIMOE: Thank you, Mr. Chairman. The seconder is Janet Okorimoe - Kotido woman.

MR. TIBERIO OKENY: Mr. Chairman, I would really appeal to this Hon. House to look at this amendment I am submitting before them *(Interruption)*

THE CHAIRMAN: But could we get it clear first. The report which has come from the Legal and Drafting Committee is saying that your motion is to delete, full stop. Is that it?

MR. TIBERIO OKENY: Delete and insert, Mr. Chairman.

THE CHAIRMAN: Well, this does not say so.

MR. TIBERIO OKENY: I think it is under typing, the corrected one. But here before me, it is here, delete and insert the protections that were in stand in Articles 25, 26 and 28 of 1962 as it was also incorporated in the Constitution of 1967

THE CHAIRMAN: But that is not the report we got from the Legal and Drafting Committee. Could we hear from Hon. Ben Wacha on that one?

MR. BEN WACHA: Mr. Chairman, this matter received adequate attention but I do not seem to recollect that the proposed insertions were brought to our attention because then, it would have been almost the same like what I am going to propose. We could have reconciled it. Maybe the Chairman could help here.

PROF. KANYEIHAMBA: Thank you, Mr. Chairman. I think that the Legal and Drafting Committee tried to explain to Hon. Okeny that the way this Chapter is drafted and structured is in such a way

that the rights and freedoms which we are trying enshrine are divided into three categories. There are those which we call the rights of the first generation and that class of the second generation and third generation. In the first part, that is in section 51, this is only declaratory of these rights. Then in the second part, the constitution attempts to enumerate some aspects of each individual freedom or right that we have enshrined and this relates, actually, to section 59 which does elaborate further on the rights it has enshrined in section 51. If you look at all the freedoms and rights which we have talked about, that is how they are dealt with not only in this Draft Constitution but by any other Bill of Rights that you may examine. Whether it is derived from the United Nations Universal Declaration or the Organization of African Unity Charter on Human and Peoples rights and therefore to remove this Clause, would be upsetting the systematic way that this constitution has set out to describe, define and enumerate rights. So it was our unanimous decision of the committee that this section should stay but as I have said, the Hon. Member who has moved this motion did not see it that way. Thank you Sir.

THE CHAIRMAN: Now, while it is possible that the Member could proceed with his amendment as it appears on the report, the problem I am having is that here it is saying that he should delete. Now, he wants to insert but the insertion is not known to the Chair. I mean the details, the particulars so that it would be unfortunate if I was to put the question to vote on matters of which, as Chairman, I am not fully informed and then find that there are inconsistencies or conflicts. I really do not know how to proceed on this one. Hon. Member seeking to move, do you think that it would not be better if you went back to the committee to see what you intend to insert? No, no, it is not fair to say move your motion so that we may defeat it. I think the Member should be given a chance

MR. TIBERIO OKENY: Mr. Chairman, I seek for your protection. Mr. Chairman, I have really stated my reason for moving this deletion and insertion and I have spoken to the Chairman of the Legal and Drafting Committee this morning about this matter, and he promised he was going to look into it. Now, as he has answered some of your doubts, but he seems not to have remembered that I have put this matter before him. Well, we cannot now make here this Assembly a court. But I am still within my own rights Mr. Chairman. Whether the House will want

to throw this amendment out, it will provide for my own conscious freedom, that I moved it because here. Article 97 lumps all these concepts, expression and movement together. But what I am seeking to amend is really to put there systematically as it was stated by the chairman of the legal and drafting committee that the protection for the freedom is there laid out and protection for the movement which is lacking at the present state. So, Mr. Chairman, I leave the decision before this Assembly.

MR. OGWEL LOTE: Thank you Mr. Chairman. Mr. Chairman, I could see two things from the Legal and Drafting Committee and the mover Hon. Atworna Okeny. What I would like to appeal is that if this thing can be revisited as suggested - because the Legal and Drafting Committee has said that the amendment was seeking to delete the whole article and yet the mover says no. He was seeking to delete and insert what appears in the 1962 constitution. So I propose that let this be revisited - if he could accept so that they revisit it and they give us - and we shall also see the amendment in front of us. Thank you Mr. Chairman.

MR. JACKSON HASHAKA: Thank you Mr. Chairman. Mr. Chairman, since the Hon. Member has insisted that he moves on with his motion, I would propose that he goes ahead and perhaps at a later stage you put it to motion.

THE CHAIRMAN: Well, he has gone ahead.

MR. HASHAKA: Yes, then perhaps, after it has been discussed by Members, then you put it to question. Thank you.

MR. JOHN NDEGE: Thank you very much. With due respect to the mover of the motion, he does not really tell us what merits in his amendment are not included in this article 59. All he says, remove article 59 and have 62, he does not tell us why. Two, he goes ahead to agree with the Chairman of the Legal and Drafting Committee that actually it has been set out here - articles 59, 60, 61, 62, are interrelated. Unless he tells us that the other articles after the one of 62 are interrelated as we have them here. I think his argument really does not carry much weight. So, in my opinion, I think from my place they had nothing I think against the article. It is very clear, it protects all the people, it protects the women and the children and everybody and I think we reject this amendment of 1962 which I think even archaic and it must be out

of date with the present realities and we continue with the present position. So, I think I reject his amendment. First it was not clear, two, it does not really, in principle, change anything which is embodied here. So on those grounds, I think we go ahead and vote and continue as fast as we have been moving this morning.

MR. KITARIKO: Thank you, Mr. Chairman. I believe I have seen the rendering of the Articles 25, 26 and 28 of the 1962 constitution. Is it my understanding that the mover thinks that that is a better rendering than the Draft Constitution or have they missed some substance?

THE CHAIRMAN: I do not know. He said it is better rendering. I think we should pronounce ourselves on this one. I will put the question.

(Question put and negatived)

THE CHAIRMAN: We have an amendment on article 59 under the sponsorship of Hon. Ben Wacha.

MR. BEN WACHA: Thank you, Mr. Chairman. Mr. Chairman Sir, permit me to move an amendment under Article 59(1) and I seek to move that the words which appear in Clause (1) of Article 59 to the effect that, "*All persons shall have the right to*" be deleted and substituted by the following words: "*No person shall be hindered in the enjoyment of the following*" I beg to move Sir.

THE CHAIRMAN: Is that seconded? It is seconded by Hon. Mulenga and Hon. Leander Komakech. Could you speak to the amendment please.

MR. BEN WACHA: Thank you Mr. Chairman. Mr. Chairman Sir, the rights which are specified under Article 59(1) are what are commonly known as first generation rights. They are what are termed inalienable and inherent rights. Members will notice that the principle of inalienability of these rights is accepted by the Draft under the provisions of Article 12. Now, while Article 51 specifically Sir, article 51(1)(b) enumerates these rights, it is unfortunate that no other article protects these specific rights. The proposed amendment therefore, Mr. Chairman, deals with the protection of the rights specified. Further than that, it also re-emphasizes the fact that these rights are inherent, God-granted and they cannot be granted by the State. The State decides

protecting these rights and it must also see that the beneficiaries of these rights are not hindered in their enjoyment. Now, Mr. Chairman, Sir, I hasten to add that no right at all, is absolute. However, besides the hindrances as specified under what we propose to be the general derogation clause, it would be unwise to leave these rights otherwise unprotected. Having a right Sir, is okay but the right as specified, must be constant if the law leaves. Therefore, it is the intention of this motion Sir, to bring the protection of these unalienable rights under the very armpit of the protection of this constitution. I beg to move Sir.

MR. BAGEINE: Thank you, Mr. Chairman. I beg to support the amendment as the Article which is being amended stands. The idea of protecting these rights is only in the margin but in the statement in the clause, it is not there. So I would like to support the amendment because if someone is known to have rights, it is no guarantee that those rights are protected and since the idea is to protect these rights, I think we better be clear and specific that these rights are protected.

MISS. MARGARET ZZIWA: Thank you very much Mr. Chairman. I wish Mr. Chairman, to oppose the motion. Mr. Chairman, I have a problem with the new amendment as proposed, "*no person shall be hindered*". By who really? And this one as opposed to 59 as it stands, just plainly and clearly as it is put that "*all persons shall have the right*". This one is actually coming in to define who it should be and then even in the amendment, this person who is asked not to hinder is not defined. Maybe there is a pre-supposition which I do not know whether it can actually stand. The fact that it is mentioned that these rights are God-given, let it remain as God-given and we shall observe them and they will be protected. But I would not support the idea of introducing the element of being hindered or not being hindered because it may be very difficult for somebody to come out and jurisdiction on it. I beg to oppose Mr. Chairman.

MR. MAZIMA: Thanks very much Mr. Chairman. I stand to oppose the motion because I have a problem with the word "*hinder*". If you look at what we have been doing, we have been inserting the word "*except*". I am wondering whether that one is not hindering the full enjoyment of the law. So, because of that, Mr. Chairman, I stand to oppose the motion as proposed.

MR. ATWOKI: Thank you Mr. Chairman. First of all, I would like to define to the Hon. Members the meaning of the word "hinder". It refers to obstruct or hold back and in that respect therefore, we are looking at these rights as being inalienable but we are saying it can be hindered because of our past experiences and possibly the present. Therefore, I support the motion because I know in the past and the present, these inalienable rights like Press freedom and freedom in the media has always been obstructed or held back by the political leaders of this country. Thank you.

MR. OCHIENGH: Thank you Mr. Chairman. Mr. Chairman, I think it is only obvious that this amendment should be supported given the experience we have gone through. In article 51, we have guaranteed the right, the right is already provided. Now what is left is to protect and guarantee it and having gone through the experiences we have had, I know we are all politicians, we all have gone through various experiences where people have complained of having been rigged out, having been stopped at a road-block while going to campaign, having been stopped at a road-block while going to register and all sorts of experiences. When we look back, I think it should be only normal that we should all support this because it protects all the politicians, protects all the civilians who are interested in freely participating in the affairs of their country. If you really feel you want to contribute, nobody should have a right to hinder your free participation in the political affairs of this country and that is what this amendment seeks to enshrine that the right to participate should be guaranteed so that nobody, no individual or State organ or organisation should hinder anybody. So I beg to support the motion.

PROF. KABWEGYERE: Thank you, Mr. Chairman. I oppose the amendment mainly because of the non-technical usage that can be attached to the word "hinder". Mr. Chairman, among other things, I am a teacher. I want you to look at clause (b): freedom of thought, conscience and belief. We shall include academic freedom in institutions of learning. It is very possible if you use the word "hinder" in the opening of this article that a student could say that you have used this word or you have talked in this manner, you are hindering my academic freedom and it will be a constitutional matter. I have a feeling Mr. Chairman that in an effort to have a rich society in terms of enjoyment of freedom, we may in fact hamper or even hinder that enjoyment by using

words like do not hinder freedom of speech. Suppose somebody walks in here and he is free to speak to us according to him and you say no, no. You have hindered. It will be a constitutional question. So, the whole thing becomes really - I would say we reduce the whole matter or the clause to naivety. So I oppose the amendment.

MRS. MAVENJINA: Thank you Mr. Chairman. I beg to oppose the amendment moved by Hon. Ben Wacha. The reasons are that I find that hon. Wacha has just twisted the words here and there whereas the draft constitution is clearer than the amendment moved. Therefore I beg to oppose the amendment Mr. Mr. Chairman. Thank you. (Applause)

MR. BYAKIKA: Thank you Mr. Chairman. I support the amendment. Chairman, in the draft constitution under Article 51, the provision has been made and a list of these rights has been made. Now under 59, it looks as if they are just repeating the list of the rights that a person can have. I think what we need most is protection of those rights and the heading under 59 at the side of the article says, "Protection of freedom of conscience, expression, movement". So what we are looking for here now is protection rather than provision of the rights which are already there. So, I therefore support this amendment but by this amendment will make sure that we are implementing the rights that a person should have. So I support the amendment.

MRS. KAWOOYA: Thank you, Mr. Chairman. Mr. Chairman, I stand strongly to oppose the amendment on the simple basis that these rights are one of the most fundamental rights of modern life. Therefore, by inserting only the word "hindering" or whatever they want, to turn it around does not add any substance and these rights are essential to the individual's liberty, let it be social, moral or political. Therefore, as it has been provided for that all persons shall have the right, I strongly oppose the amendment of inserting "hindering". It should remain as it is and it is the person's right to have these fundamental human rights. Thank you.

MR. MBURA MUHINDO: At last, thank you Mr. Chairman. Mr. Chairman, I strongly oppose this amendment. I am opposing it because through our time of growth, there are certain rights we can have and those we cannot have through our growth - through our political development. There are certain rights we can have and those we cannot have.

And if you look at all these and then we say people cannot be hindered, we are just creating a problem and hanging ourselves while we are looking and we do not want this constitution to hang Ugandans. So, I oppose Mr. Chairman.

MR. NATHAN OKWAKOL: I thank you, Mr. Chairman. I would like to support this amendment most strongly for two reasons Mr. Chairman. Firstly, we need to attain consistency in our drafting of the constitution. If you look at all those provisions which have dealt with protection, the drafting is to the effect that you start with a "No". Nobody should do this, bra, bra, bra. I would refer you Mr. Chairman and Hon. Delegates to Article 53 which deals with the protection of personal liberty. That article, Mr. Chairman starts, "*No person shall be deprived of personal liberty*". 55. Protection from slavery and forced labour. "*No person shall be held in slavery servitude*" and 56 and so on and so forth. So Mr. Chairman, for the purpose of consistency, we need to state this and support this amendment.

Secondly, Mr. Chairman, this provision 59, Article 59 as it stands, 59(1), is simply declaratory. It simply states what the rights are and if we are going to protect them and prevent people from infringing them, then we must state that nobody should interfere with them or infringe those rights. I support the amendment.

MR. SEMAALA KIWANUKA: Thank you very much, Mr. Chairman. I strongly support this motion simply because all these rights that we have been talking about, we know and they exist but they have been violated in the past simply because NRM does not violate human rights. It does not mean they have not been violated before. What we are trying to do now is legislate for future generations to come, meaning that the violation of human rights might continue. Now we cannot stop here and say now we have peace, so it will not happen in future. Most of our senior citizens sitting in this hall - by that I mean all the people, they have been subjected to abuse of rights before but I am surprised to see that they are mostly the ones who are opposing this amendment. What we are trying to do here is to say, do not hinder these rights. We know they exist but what we are trying to say to these future generations to come is, they exist, they are unalienable like you say but we know you can violate them only just do not do it. So, Mr. Chairman, I strongly support this motion.

MR. RUKUTANA: Thank you very much, Mr. Chairman. I strongly oppose the motion on two grounds. One, I find it speculative and presumptuous. Why should the constitution speculate that there will be hindrance on human rights? Two, but importantly, these rights here are listed and defined. It is true they are fundamental rights but they are not all. If you say, nobody shall be hindered in the enjoyment of these and we list them, the danger will be that if any other situation arose which is not covered under this section, then somebody hindering or tampering with those rights will not be covered. It is a problem defining and numbering these rights because it would mean that something not covered here, one could tamper without any problem. So, whereas the proposers of the amendment think that they are actually widening the scope, they are in fact limiting it. Mr. Chairman, thirdly and lastly, I do not see any big addition or any big deviation apart from putting it in the negative. I think if we are to guarantee the rights, it must be in the positive, all persons shall have the right to all these. On those grounds, I oppose the amendment.

THE CHAIRMAN: Now, I think we can go on and on. I think we have had a very broad discussion of the subject really (*Interruptions*) I have covered all the wings (*Interjections*)

AN HON. DELEGATE: Clarification.

THE CHAIRMAN: No, no, I know that clarifications sometimes have been used - who is moving an amendment?

MR. DICK NYAI: Point of clarification, Mr. Chairman, I would like - on an amendment. Whereas I appreciate the spirit of the proposed amendment and having listened to arguments for and against, Mr. Chairman, I would like to propose a compromise. You cannot enjoy rights which you do not have and therefore Mr. Chairman, I would argue that we should have the rights first and then stop other people from hindering us and I would like to plead for the indulgence of the movers so that we marry the two and it comes as follows - and this is my proposed amendment Mr. Chairman. "*All persons shall have the right to and shall not be hindered from the enjoyment of the following*" I beg to move.

THE CHAIRMAN: It is not seconded.

AN HON. DELEGATE: It is seconded.

THE CHAIRMAN: It is seconded. Yes, that motion was seconded by Hon. Odur. I saw him second it. So we dispose of that one first. (*Interjection*). No, no, it is not a question of clarification. We have an amendment on the Floor, it has been seconded, we dispose of the amendment, then we go to the original. Now, Hon. Odur seconded the amendment that the words should be as suggested. All persons shall have the right and shall not be hindered. That is the proposed amendment. Now let me put the question on that one.

(*Question put and negatived*)

THE CHAIRMAN: I think we go now and pronounce ourselves - (*Interjection*) - by who? No, we have discussed the amendment, I now put the question.

MR. BEN WACHA: Mr. Chairman, Sir, is it in order for the seconder of the motion not to be allowed to speak?

THE CHAIRMAN: Who were your seconders? Okay, we can give him a chance to speak. No, we cannot go into all the seconders, the rules do not allow it.

MR. MULENGA (Democratic Party): Mr. Chairman, I have listened to those who are opposing this Amendment as well as those who have supported. What I have failed to see is that, they are listening to each other. Mr. Chairman, when Hon. Okwakol went through the Article to show that for consistency, we should adopt this Amendment. I thought everyone would be persuaded because - (*Interruption*) -

THE CHAIRMAN: Order, order! Hon. Basoga, would you please not heckle the speaker?

MR. MULENGA: - because, Mr. Chairman, I have said before that really we should see Article 51 as a declaration of the rights and the following Articles are protecting and that is why the language is used - nobody shall deprive another of his property, nobody shall be denied of the rights to life and so forth. Really, I would have thought this was a drafting matter, it is a drafting matter in the sense that all it does is substitute the expression - "*nobody shall be deprived of his freedoms*" instead of saying "*everybody has his freedom*". Some Members, some contributors, Mr. Chairman have at-

tacked the use of the expression "*hinder*" on the ground that in English, it means - okay, let us look for another one - let us look whether "*interference*" would be more appropriate, but the others have said, how can you hinder absolutely? We are forgetting that in Clause 3, there is a derogation. Clause (3) says, Mr. Chairman, "*The enjoyment and observance of these rights will be subject to*" that is what every protecting Clause or Article has. You provided the protection by saying, this right shall not be interfered with, then towards the end you say, however, the enjoyment of this right shall be subject. So, there is nothing peculiar about this Article, why we should not use the same format.

THE CHAIRMAN: Have you finished?

MR. MULENGA: Mr. Chairman, I would wind up by saying that the reasons given for opposing are really not going to the root of why this slight Amendment is being made, it is a format, it is in order to be consistent, to do what we have done to the other Articles. Thank you, Mr. Chairman.

THE CHAIRMAN: I think we have reached - it has been a contribution by the Secunder - clarification is being used for different reasons. Now, I go to the putting of the question. The Motion is in terms of an Amendment by Hon. Ben Wacha, that the opening of 59 (1) (b) - "*no person shall be hindered in the enjoyment of the following*" in place of "*all persons shall have the right to*"

(*Question put and agreed to*)

THE CHAIRMAN: Hon. Delegates, there is yet another Amendment to Article 59 in paragraph (1)(c) by Hon. Charles Owor and Hon. Miyingo Kezimbira. Hon. Charles Owor please you have the Floor.

MR. OWOR CHARLES (Aswa County): Thank you, Mr. Chairman. Mr. Chairman, this is a very straight forward and simple Amendment and I think it should not be subjected to unnecessary opposition. Mr. Chairman, the Amendment simply seeks to bring sub-article (c) to the same spirit of sub-Article (a) and (b) and besides that, we also seek to make it more specific and the idea is that we want the protection of freedom to practice religion to be made clearer and less difficult to limit. The Amendment reads as follows: that we add after the word, "*religion*" in Sub-article (c), the following words, which

shall include the right to belong to and participate in the practices of any religious body or organisation in a manner consistent with this Constitution.

THE CHAIRMAN: So, there is a typing error somewhere.

MR. OWOR CHARLES: Yes! instead of "all", it should be "off" in the second line. I beg to move.

THE CHAIRMAN: Is that seconded? Yes it is seconded. Could you now speak to the Motion, then we debate it?

MR. OWOR CHARLES: Mr. Chairman, the reason behind this is that, our experiences have shown that there has been a lot of restriction from Governments - various past Governments on the freedom to practice religion. Many times, some people probably think as long as we say everybody is free to practice any religion, that covers the situation adequately. But I would like to say that sometimes when we talk about religion, our minds do not go to the fact in each religion, there could be various shades of denominations and yet Governments do not have any right to pontificate on the best way to practice different religions. For example, we have had times when governments have said there is freedom for anybody to practice Christianity, but then they go ahead to say, if you want to practice Christianity, you must either practice it through the Catholic Church, the Protestant Church, the Orthodox Church, and Seventh Day Adventist Church, and this is therefore limiting. But right now, we are aware that there are many religious denominations which are peacefully practicing Christianity without contradicting the freedom and rights of other people. We should protect these people from being - the restricted.

There are therefore, two aspects of this protection which I wanted to talk about. One is the freedom to practice your religion as an individual. The second one is the freedom for people of like minds to associate in groups under a religious organisation or body. That is why I have proceeded to include the word religious body or organisation so that these are protected from being restricted as long as everything they are doing is in agreement with the rest of this constitution. Thank you, Mr. Chairman.

DR. MUGYENYI: Mr. Chairman, I stand to support the Motion on the grounds that it guarantees the

right to practice or form any religious organization but it limits that practice to the provisions of this constitution which we agreed is the supreme law. Mr. Chairman, we have had religious organizations whose preaching have sometimes contravened provisions of the existing laws. We have also had religious organizations which have gone ahead to demobilize people, for instance, from taking the sick for medical care, we have also had various organizations which have gone ahead to discourage people from going to attend schools in the belief that their "God" does not allow people to go for education. Mr. Chairman, tomorrow or another day we will have another religious organization which may teach people according to their belief not to pay taxes. So, Mr. Chairman, we should make a constitution that will provide for any bad weather in case it comes. So, Mr. Chairman, I stand to support the Motion. Thank you.

DR. MIYINGO KEZIMBIRA: Thank you very much, Mr. Chairman. Mr. Chairman, as a co-sponsor to this Motion, I wish to support it and elaborate on it in the following manner, Mr. Chairman. Whereas article 51 of this constitution did enumerate the rights which an individual can enjoy, it did not detail out how these rights could be enjoyed. Article 59 does call into the expounding of these enjoyments, and part (c) of article 59 just again points out that one is free to practice religion and also manifests the practice, but does not say or give the person the authority to belong and also to form religious bodies. Mr. Chairman, however, I think a religious body - I am just having a little bit of a difference here that probably religious body would have been enough without putting the words "or organization". I would have preferred to have "any religious body" and we leave out the words "or organization". And then the constitution is brought in here, Mr. Chairman, to ensure that whoever practices this religion or belongs to this religious organization is not deprived of his right either by the state and constitutionally, or that person does not enjoy rights at the expense of others, and therefore, prejudice their own right. I, therefore, Mr. Chairman finally, move a little amendment to delete the words "or organization" to the amendment proposed by the two of us. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Is that acceptable to Hon. Owor - the attempt to remove the two words "or organization"?

MR. OWOR CHARLES: I think, Mr. Chairman, that it does not destroy the spirit of these amendments, so I have no objection. *(Applause)*

MR. KITAKA GAWERA: Thank you very much indeed, Mr. Chairman. Mr. Chairman, I strongly support this Motion, because this will give the opportunity to those members of the community and the entire world at large to hear the word of God. Because, Mr. Chairman, as we are experiencing now, the World is coming to an end almost, and therefore, *-(Laughter)-* Mr. Chairman, this is the most opportune time including even what the Hon. Members have said that you should have as much opportunity of sharing the word of God so that you become saved and you go to heaven. *(Laughter)*

MISS BYANYIMA: Mr. Chairman, I would have liked to support this Motion if only the last part could be removed in a manner consistent with this constitution and I will give my reasons. Mr. Chairman, most of us here may be subscribing to the Christian religions and we should be conscious that our law is derived from a Judeo-Christian culture. There are other religions that derive from other cultures like the Moslem religion, which is very well represented in my Constituency. The moslems in my constituency have told me several times that sometimes in the practice of their religion, they find that there is a cultural shock with the majority who subscribe to the Christian faith. They beg for tolerance, they would not like the question of which law comes first, the law of God or the law of Constitution to be brought here. They would prefer that we leave that out, since after all, the rights of the Constitution provides for a guaranteeing of all the rights of other people such that, if they practice their faith in a manner that was impinging on the rights of others, they would be violating other sections of this Constitution since the Constitution has to be read as a whole. So, I think in good faith, and in the spirit of tolerance, in order not to raise a question of which cultures our religions come from and this law comes from what we have inherited from the past, we should leave out the part that says *"in a manner consistent with this Constitution"* and then I will be able to support the Amendment. Thank you, Chairman.

THE CHAIRMAN: I think we proceed to vote on this one. The Motion by Hon. Charles Owor and Hon. Miyingo Kezimbira is to add the words as shown and eight, to paragraph (c) of Clause (1) of 59.

(Question put and agreed to).

THE CHAIRMAN: There was an attempt to rig from Hon. Kiyonga Francis, what would you like to say?

MR. KIYONGA FRANCIS (Upe County): Point of clarification. Thank you, Mr. Chairman. I am seeking clarification. The Clause I am seeking clarification in is Clause (1), (a) and (d). I would like to know when you talk of *"all persons shall have the right to freedom of speech, expression, which shall include freedom of press and other media"*, whether this kind of persons includes the rebels of the then Government and then the other one is on (d), whether *-(Interruption)*

THE CHAIRMAN: No, he is seeking clarification. We have agreed that we should not over unduly interrupt each other. I think let the Hon. Member seek his clarification and then we proceed.

MR. KIYONGA FRANCIS: - and then the other is, whether to have *"a right to assemble peacefully"* includes also to have a right to demonstrate peacefully. I am seeking clarification. If not so then, I shall beg to move an Amendment.

THE CHAIRMAN: No, I think that covers it all as - this is as it was explained, these are rights which are well known and you will find a lot of elaboration of this in various laws. So, really we should not go into any further details. There is a request by Hon. Musana Sophy and Hon. Musekura to seek an Amendment, 59 Clause 2, paragraph (c), to add the words *"and the National Identity Card"*. I do not know whether that would be - because I think the right to a Passport is different from a document of Identity. I would like that Members drop it, if they do not mind. They are two different concepts because the document of identity or an Identity document, if you make it a right, and the Government cannot print for the 17 million, it can cause other problems. But a Passport, you request it as you feel like wanting to travel or wanting to use it. So, the two apply in different situations.

MR. MUSEKURA NDARUHUTSE (Bufumbira North): Thank you, Mr. Chairman. According to your advice, we accept to drop the Amendment.

THE CHAIRMAN: Thank you, Hon. Kutesa, is that a very urgent matter?

MR. KUTESA SAM (Mawogola County): Mr. Chairman, you recall that at the beginning of this Chapter, when we got to Article 51 (2), there was an Amendment which I had moved relating to public interest and now we have said that by the time we get to 59, we may find an appropriate place for it as a general derogation Clause. I did not find it in these proposed Amendments largely because it had been in the previous ones. So, I am wondering, before we put the question on Article 59, Mr. Chairman, whether this is, in the view of the Chair and the Drafting Committee, the appropriate place to bring this general derogation Clause. Thank you, Mr. Chairman.

THE CHAIRMAN: Can I hear from the Chairman of the Legal and Drafting. It is correct and true that we did say that around Article 59, when we reach there, we may have to find a general derogation, but I think it was agreed that the general derogation is not necessarily the part of a particular article but may constitute an article in its own right. But that creates a problem about 59 as amended, but it also has a derogation in it. Of course, nothing stops us, if when we have a general derogation and it covers all these areas, to also move a subsidiary amendment to carry out consequential changes to various articles in view of that general derogation. But I think it was agreed that it would be a separate article and therefore, we do not have to stick to any particular one when it has been re-drafted and agreed upon by the movers and the Legal and Drafting Committee. Is that the correct understanding? Okay now, let me put the question on 59 as amended. That Article 59 as amended do stand part of the Draft Constitution.

(Question put and agreed to)

THE CHAIRMAN: Apart from the references we have made to the Committee in respect of 58 and part of 57 and also part of 58 in relation to the Military and Court Martial, we have exhausted the work that had come in to us from the Legal and Drafting Committee and at this juncture, let me give the Floor to the Chairman of the Legal and Drafting Committee to tell us how we should proceed.

PROF. KANYEIHAMBA (Rubanda County East): Thank you Mr. Chairman. The Legal and Drafting Committee is proposing to hold a meeting here in this Chamber at 4.00 O'clock today together with Delegates who have submitted or intend to submit amendments on Clauses 60 to 70, we shall be

meeting with those delegates to consider the work which, hopefully, we shall be able to finish and submit for consideration for the tomorrow Session.

THE CHAIRMAN: Hon. delegates, taking from our experience whenever the Committee has sat, and they have sat late and by the time we resume the following morning, the texts are not ready, I do not think it would be fair to imagine that we can start at 8.30 a.m. On the last occasions, we have started rather late because the Secretariat as well as the Committee has required more time to put together the texts. But as you can see, whether they have been put together and they have taken time, it has speeded up our work in handling various Articles. I would therefore like to suggest that we adjourn and we shall re-assemble at 11.00 a.m. There are objections - Hon. Wanendeya suggesting 9.00 O'clock.

PROF. KANYEIHAMBA: Point of clarification. Thank you, Mr. Chairman. In view of the Chairman's generosity that we move later, we were trying to amend that those also who have Amendments up to Clause 73 should also come this evening so that we can dispose of them all. So, from 60 to 73, all should come we discuss with them their proposed Amendments.

MR. OCHENGH (Kapelebyong County): Mr. Chairman, I had wanted to seek a bit of guidance, I am getting a bit lost because there are a number of things we have referred to the Drafting Committee, right from Chapter 1, Chapter 3 and then this one. I am failing to co-ordinate because I am not following up how far things are -as Hon. Kutesa raised. I do not know how that one now fits in. So, if we could get a brief on how far some of these things are going so that we properly co-ordinate our thinking also.

THE CHAIRMAN: The committee has a difficulty, they have to keep us fed, to continue, but at the same time, attend to the backlog we are giving them. I would remind the Members that the committee did come to say that they need a bit more time on Chapter 3 and also said that they need a bit of time to work on these matters we have referred to them. They are having a meeting today, maybe we should wait and hear from the Report when they come back before us tomorrow. That being so, I adjourn the Constituent Assembly to 11.00 O'clock, tomorrow morning.

(The Assembly rose and adjourned until Thursday, the 8th of September at 11.00 a.m.)