



THE REPUBLIC OF UGANDA

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

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OFFICIAL REPORT

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Thursday, 9th February, 1995.

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

### P R A Y E R S

*(The Deputy Chairman, Prof. V.Mwaka, in the Chair)*

*(The Assembly was called to order)*

### COMMUNICATION FROM THE CHAIR

**THE DEPUTY CHAIRMAN:** Hon. Delegates, I have a message which I am requested to relay to you. It is from the Uganda Law Society. It reads as follows: *"The Ben Kiwanuka Memorial lecture on the 10th day of February, 1995 from 2.00 p.m. to 5.00 p.m. at the international Conference Centre."* I am just reading as it is. *"I have the honor to invite all the Members of the Constituent Assembly to a Seminar Organised by the Uganda Law Society in memory of the Late Ben Kiwanuka. The Seminar will take place on 10th February, 1995 between 2.00 p.m. and 5.00 p.m. at the International Conference Centre. Yours Faithfully, John Matovu, Secretary."* So, Members take note and oblige.

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

#### CHAPTER 4. CITIZENSHIP

#### ARTICLE 44 - THE NATIONAL CITIZENSHIP AND IMMIGRATION BOARD

**THE DEPUTY CHAIRMAN:** Hon. Delegates, I call upon Hon. Katenta Apuuli to introduce clause (b).

**MR. KATENTA APUULI:** Thank you, Madam Chairperson. Hon. Delegates, Committee 4 in its consideration of this article, discovered that aliens, many of whom live in Uganda were not catered for under the provisions of the functions of the Board, and the Committee requests the Plenary to allow the introduction of Paragraph (b) into the Draft Constitution to read *"Register and issue Identity cards for aliens"*. Many people come into Uganda and live in Uganda, sometimes known or unknown to the Government, some of them come as business people, others come as refugees, others as visitors, sometimes these visits extend to months and sometimes

years. So, the Committee felt very strongly that there should be a register for aliens in Uganda and these aliens should be issued with identity card, when the government issues Identity Cards for Nationals. Madam Chairperson, I beg to move.

**MR. TIGWEZIRE KASAIJA (Bunyangabu County):** Madam Chairperson, I note with concern the reasons given for issuing aliens identity cards. First of all, when you issue an identity card for an alien, it encourages that alien to stay around for much longer, and then begin trying to use other ways of acquiring citizenship. Now, I am asking, if he is an alien coming to stay here in Uganda, what are the reasons of his staying in Uganda? Is he coming as a worker? If he is coming as a worker, then he should be having a worker's permit. If he is coming to visit, then he should be catered for with a travel document. He should be cleared by the immigration department. So, I do not see any reason and it is going to be very dangerous, because somebody is going to be issued with an identity card, he will stay here for much longer and then start - you know - trying to twist the law, or trying to make his way into becoming a citizen. So, for that reason, I will oppose that, Madam Chairperson. Thank you, very much.

**MR. RINGWEGI (Padyere County):** Madam Chairperson, on the face of it, the intention of this provision appears to be harmless but, Madam Chairperson, I am a bit concerned about the issue of issuing aliens with identity cards. Can the Hon. Chairman of the Committee clarify to me, who will be responsible for meeting the cost of printing and managing the aliens identity cards? In practice today, Madam Chairman, if an alien comes as a refugee, he acquires a refugee status and he is taken care of by an international agency, the United Nations High Commissioner for Refugees would then issue such a refugee with an identity card. Then we have these business men coming in and going out of Uganda. At each point they enter, we should now give them Identity cards. Is that expense really necessary to be given on the shoulders of the burdened tax payers of Uganda? That is what I am wondering. Is it not enough Hon. Delegates, that we should only maintain a register of aliens as they enter the country? In my view, Madam Chairman, it would be enough for this provision to say that the Immigration board will maintain registers for aliens. But we should not go further to say we shall burden our tax payers with issuing aliens with identity cards. I thank you, Madam Chairperson.

**MR. PINTO:** I thank you very much, Madam Chairperson, I wish to support this amendment. Madam Chairperson, just at the face of it, if we looked at Uganda and its neighbours, there have been so many people who have entered Uganda - indeed aliens, who do not have any status at all, who would by this provision then be registered and the nation would then have information on their whereabouts. If they were going to be processed as refugees, then that process does take a bit of time, but in the mean time, they would have been registered, known as aliens, we have them on our records and they can then apply and if they satisfy the requirements, they could be accorded the refugee status. This is standard practice in many countries, it's nothing new. I support this provision because I think it also in assistance of the security system of people in this country, particularly, since we have so many neighbours who may want to visit. If I look at Sudan, if I look at Zaire, if I look at Rwanda and all these other countries, every so often, people would want to come to Uganda for various reasons, some of them seeking refugee status but which may take sometime before it's granted. So, I do support this amendment, thank you Madam Chairperson.

**DR. CHEBROT:** I thought I should share the little experience I had with the management of refugees and alien persons while I was in the Ministry of Local Government, to inform Hon. Delegates that, it is extremely vital that we make a distinction between the various kinds of refugees that we have. First of all, we have these ones here called the Conventional Refugees, and those who are mandated by the United Nations High Commission for Refugees. It is on the onus of governments and UNHCR to ensure that all aliens or persons who are not Ugandan Citizens are provided with identity cards immediately on arrival. Even those who come in big numbers like now we have got about 400,000 refugees who are in West Nile. We have not managed to give them identity cards because of some laxity which we have had in the past, but we must ensure that we have proper laws which will ensure that every alien or refugee must be given an identity card and that a record is kept of where that refugee is. When he gets tired of the camp, he must go with a letter and it is ensured that when he comes back to the camp, he is ticked that he has come back to the camp. But not to let the people walk up and down, because we have no present system of ensuring who is a Ugandan, we do not have National Identity cards, this has enabled many people who walk into the country even to claim

citizenship. How will you know? Somebody will walk in the market and buy an identity card and say that he was born in Kitagwenda. If he is found in the street by a Policeman, there is no way you can tell that this man is not a Ugandan. And you can even find documents. So, it is extremely vital that we embody in the constitution to ensure that everybody, every alien - especially so that since we know that we are a land locked country and if there is instability in the region, many refugees are still going to come in here. So, we must have a system of identifying who is who? And the most important part is to have identity cards for Ugandans themselves and then the refugees themselves must have identity cards. That is the information I wanted to give to the members. Thank you.

**MR. ELYAU:** Thank you, Madam Chairperson. Madam Chairperson, I get confused with the statement that we should leave unregistered the person who is not a Ugandan. *Now, what does the identity card mean? It means you know him and you have been with him.* Now if somebody does something bad and you identify him, then you are collecting people from nowhere. Why can't they accept that? Recently when we had a conference here and Dr Miiro addressed us that East Africa should now have identity cards. I would agree with the case of East Africa but any other people who come from nowhere and you are spending money to identify them, why don't you refuse them to enter from the entry point? Me I would take this one to an administrative matter, it is not to do with the constitution.

**MR. WANENDEYA:** Point of information! Thank you very much, my brother Hon. Elyau for letting me give him information. May I inform the Hon. Member that the passports which you get are not free of charge, we pay for those passports. And therefore, even those aliens would be called upon to pay for the registration cards and identity cards. Not only that, but it could go a long way to prevent some of the wrong characters who do come into our country and have planted that terrible rift in our life. I thank you, Madam Chairperson.

**DR. CHEBROT:** Point of information! Thank you, Madam Chairperson. I wanted to inform Hon. Elyau that, it is not the responsibility of Uganda government to meet the expenses for the identity cards for refugees and aliens. It is the responsibility of the UN Agency - The United Nations High Commission for Refugees. Uganda should not pay a cent towards these expenses. I thank you.

**MR. ELYAU:** I am still on the Floor, because I have not finished. Madam Chairperson, you see, it is going to be very careless at this stage when we are making a constitution. Yesterday we even talked about people coming, marrying our sisters for three years, after three years, they will be called this. Some people come here repeatedly for convenience after that, they make a lot of havoc. We shall see the practice in future, then our sons and daughters will blame us for being very careless. Although I agree that the Government will not meet the cost, but supposing there was an administrative element where an entry point for those who come to their country are checked like Malaba, like Busia, instead of people coming from nowhere? Why do we allow people here without permits? They should be having something in the original countries, this is what I am arguing. I thank you, Madam Chairperson.

**MR. WAMBEDE:** Thank you, Madam Chairperson. Madam Chairperson, let me go on to Hon. Elyau's and then maybe the other honorables maybe in other capacity as an Immigration Officer. The information is that, every foreigner who comes in here must fill a form or card specifying how long he is supposed to stay here, indicate areas where he is going to stay, and what he has come to do. If he is in a business, he must indicate he is a businessman. If he has come for official duties then he is in official duties and where he is going to stay and maybe a few areas one can contact. And these records are kept are followed. So, there is no point of saying you can give aliens identity cards, for what? Somebody is coming for a week, you are giving him an Identity card, for what? I do not think it is necessary. Thank you, very much.

**CHANGOMACHYO:** Thank you, Madam Chairperson. Can the Chairman of Committee Four clarify to us, that there is a difference between the aliens - *(Interruption)*- Madam Chairperson, can the Chairman of Committee Four clarify to us that what he is meaning are not refugees who are supposed to be given cards according to Hon. Chebrot, but those people who come in, other than as refugees but for other reasons. Can you please try to clarify to us?

**MR. KATENTA APUULI:** Thank you, Madam Chairperson. In considering these recommendations, the Committee was looking at the situation of resident aliens. There are many people from Africa and other parts of the world who live in Uganda, on a semi permanent or permanent basis. And therefore, it is

absolutely essential for those people to be identified. Uganda is one of the very few countries in the world where you can just walk in and live there and nobody bothers. We feel that, it is very important that these people be identified with some family or other. Now, whether they are going to pay for the cost, that is a detail really. What we are seeking to do here is state the principle that for us we seek to identify our own nationals. Those who are not our nationals but live in our country should equally be identified.

**MR. OGWEL LOOTE (Moroto Municipality):** Madam Chairperson, I would like to seek for clarification from the Chairman of the Committee about persons to whom you want to grant the identity cards. Now, in the first place, how do these people come into Uganda, and for what purpose? And before which, there should be an entry point where they have come into Uganda, whether they have come to visit friends, whether they have come to visit visitors, or there are those who are coming to work in Uganda or by economic means from their respective countries to Uganda. And then for the second clarification, I am also seeking from the Chairman is about the bordering areas - and I do not know, which provisions they have given. For example, if we went to Karamoja, you find some Western areas as far as Kenya, you find they are dry. But now, during the dry period, some of these persons enter into the country, now I do not know what provisions they have given to cater for those? Because they have come to graze for maybe two three months. I do not know what provisions have they given for such people when they are entering a country. Thank you.

**MR. BATEGANYA (Presidential Nominee):** Thank you very much, Madam Chairperson. I would like to assist my brother Loote with this information. If he can refer to article 43, clause 2, which we discussed the other day which says that every person married to a Ugandan citizen for three years or something, must apply for citizenship. That spouse who is not a Ugandan but is married to a Ugandan and who will register and will be granted a Uganda citizenship will benefit on that alien identity card. Another group of people, who would benefit from the alien identity card, would be those under (b): "every person who has legally and voluntarily migrated to and has been living in Uganda, for at least twenty years..." Now in those years, before they are granted citizenship, they will need to be identified and they would need these alien identity cards.

Similarly, under paragraph (c), those who have lived in Uganda, for at least 20 years, those also would require these identity cards.

Now, you would ask why do we need to identify aliens? I think it goes without saying that, in this country we have so many people of dubious origins and as their numbers increase, the security of the country is also compromised. So, it is very necessary that, we keep track of these so that we can police them and ensure the security of all, including us the citizens. Another thing I would like to point out is that, in this country, like any other country, the resources are not so plentiful that they can satisfy all of us. We are considering scarce resources and when considering scarce resources, we would like to know who gets priority to these scarce resources - Land being one of them, and other such facilities. So, it is very important that, we identify aliens by giving them identity cards such that when they present themselves, to a big job or other facilities, they can get secondary positions to bona fide Ugandans.

Madam Chairperson, I would also like to point out that in this country, we are having a problem of - in politics, we have employed certain persons of doubtful origins, all getting themselves very high offices at the expense of indigenous persons not getting access to them. As I pointed out in my general remarks, in Bukooli we have never had a Cabinet Minister at all but it is on record that some aliens have held ministerial posts in this country. So, to avoid such occurrences in future, we want to make sure that we really give the posts to those who deserve them and those are the citizens of this country. But those aliens who fluke in by whatever means are chased and we ensure that they do not get the best jobs and facilities, affecting other citizens. Thank you, very much. Madam Chairperson.

**MR. CHEBET MAIKUT:** Thank you very much, Madam Chairperson. Madam Chairperson, I am surprised that at this time when we are writing this constitution, that we are not getting concerned with the question of documentation of the different categories of people - non citizens in this country. It has already been pointed out that, lack of documentation is one main disease that this country has been suffering from and may continue to suffer, if we are not careful in the question of documentation. The other day, I think two days ago, we did recognise this problem and we passed a certain clause giving amnesty for those persons who have been living in

this country for long without any authority knowing. So, in a nutshell, I would like to support the recommendation put forward by the Committee Four Chairman, and I think this was a very wise decision. Because, at one stage - Mr. Chairman, let me take you back to this small example: I had a friend from UK who was carrying out a research on the tourist potential of this country, Uganda. And in one of the areas in Eastern Uganda, we did get to an immigration office, and asked the officer responsible to give us an indication of the different categories of visitors who come to this country. And among the questions put was how many aliens do you have - does Uganda have, and the answer given was extremely very disappointing because the officer responsible did not seem to have an ready answer for the number of aliens in this country. So, Madam Chairperson, I was really perturbed. I support this recommendation very strongly because it will give us a basis of cleaning our house and providing a ready answer whenever and when government requires certain information for planning purposes. So, let us - and here I ask honourable Members to uphold this decision because if we throw it out, then the cases of people like was brought out by Hon. Abaliwano of some people in his constituency in Kamuli, which he did say that, they were from Kenya for the last 20 or so years, without any government knowing. I think will be throwing such fellows into the burden of the Ugandans. Because they will be forced to come may be as Ugandans as Hon. Doctor Chebrot has already pointed out. So, I strongly support this and I ask honourable Delegates to accept in principle. Thank you.

**MR. SABIITI:** Thank you, Madam Chairperson. This is a very important provision which I think Hon. Delegates should support. Madam Chairperson, it is high time we became very serious with the issue of citizenship in this country. We seemed to have been so much relaxed on this issue, and as we debate this issue, we should really give it the importance *it deserves*. We recall that we have already passed Article 42, Clause 2(c) giving amnesty to those people who have lived here without being registered as either refugees or immigrants. They should now take measures which will enable us to identify these aliens, we should issue identity cards and this method is the best which will enable government to clearly know who is who in this country. The alien cards for the information of all delegates, always contains, not only the name, but full details with all the particulars of this foreigner or alien. It is therefore, very, very

important that this amendment is supported so that we may continue identifying these aliens, know their particulars whenever government needs to know what is about these particular aliens. I therefore, support the recommendation of Committee Four that we should issue the alien cards. Thank you Madam Chairperson.

**THE DEPUTY CHAIRMAN:** Now, I would only want those people who are against it.

**MR. ERESU:** Thank you, Madam Chairperson. The amendment is good. It is good because we want to identify everybody in this country. But the question is, is this an administrative matter within the Immigration Board, or is it a constitutional matter? Because I believe part of the functions of the Immigration Board is to identify those people who come into this country.

**MR. KAGGWA:** Point of clarification. Thank you, Madam Chairperson. The Clarification I would like to seek from the speaker on the Floor, what is the difference or what purpose does the aliens registration certificate or card serve since it is different from national identity card which should be issued to the citizens? What is the difference in your view, so that one should be in the constitution and another should be an administrative arrangement?

**MR. ERESU:** I would reply this way. What the Member is referring to is simply to re-enforce my argument that, it is just because the Immigration Board has been weak - very weak indeed. That it is making us imagine that in failing to identify aliens in this country, the problem of lack of identification should elevate the problem to become a constitutional matter when in fact to me, I believe, it is an administrative within -

**DR. CHEBROT:** Point of information! Thank you, Madam Chairperson. I think Hon. Eresu is confusing two issues. Now, there are two types of people who can enter in to the country. There are those who come through the border post. Those ones can come, and then they are seen by the immigration officer. Now, if there is noway in Sudan, and people are moving *en masse* - half a million people - through the border, how does an immigration officer now become responsible? The question of refugees coming into Uganda is an humanitarian problem like when we had Ugandans in West Nile, when they had to cross over to Sudan *(Interruption)*- they were

given refugee status *en masse*, those were refugees, but the question of individuals coming in and out, definitely that one is a humanitarian problem, those who come through the border posts. *(Interruption)* - But there are a lot of other illegal people who enter into the country, without necessarily going through the border post. But I agree with him that those are immigration problems. *(Interruption)*-

**MR. ERESU:** Madam Chairperson, I think the member on the Floor is even more confused. The issue is, when people come in *en masse* as a result, as he pointed out in the case of Sudan and Uganda, I presume that is a refugee situation where people are coming to seek asylum and I believe relevant offices will respect that kind of situation and will respond accordingly to identify those people, including the United Nations. So the question of saying, we should identify them with identity card does not need to arise because the United Nations High Commission for Refugees give them identification cards. So, there is no reason therefore for the Uganda government to constitutionalise refugees coming into a country, which will become a burden of issuing identity cards to them. I should respect those who come in illegally, by introducing identity cards to the Ugandan nationals, that is by having Uganda national identity cards. It will create an automatic identification of those who come in simply without going through borders by the fact that they will not have identity cards.

So I think we are simply arguing on something which is not a very important issue. We should only provide in the constitutional framework, powers which make immigration offices much stronger to identify such anomalies. So that we do not have to be in detail and constitutionalise illegalities. Madam Chairperson, I want to point out this, if you allow this provision to go through - the risk of illegal entry into the country by individuals - then suddenly these people acquiring in one or the other such identification cards. In other words, criminals from foreign countries will come into this country, and when they get here, in one way or other, they get these foreign national identity cards, and that will legitimize them *(Interruption)*-

**MR. KASAJJA P:** Point of Clarification. Thank you very much, Madam Chairperson. Madam Chairperson, I want to get a clarification from the honourable Member holding the Floor. When he said that, when we issue identity cards, that it is going to encourage aliens to come to Uganda. Is he

meaning that, when these aliens come to here, they are going to stay here permanently? Don't they indicate in the cards, the time when they will be leaving Uganda? Because he seems to indicate that when they are given these identity cards, they are going to remain here forever. Could he clarify to me whether this is what he means?

**MR. ERESU:** Madam Chairperson, I cannot read the mind of every alien that comes into this country. But I believe, the fact that they have come into this country, they have come to stay, as to how long they stay, it depends on the position of the alien himself. But in most cases and by experience, a person leaves his country's origin to come to another country with a reason. There are those who come as transit people, there are those who come fearing criminal cases in their country, others come to seek investment opportunities, others even come to create confusion. Others come because they want to have convenience, others come for whatever you can think of. But the question is, we must only create a situation which makes it very adequate to make our Immigration Board strong rather than beginning to cover their weaknesses by constitutionalising this kind of situation. I beg to move.

**THE DEPUTY CHAIRMAN:** Before we proceed, I want to go back to Hon. Katenta Apuuli. Now, Hon. Katenta Apuuli, let me use your experience. What is the purpose of the Social Security card in USA?

**MR. KATENTA APUULI:** Madam Chairperson, the Social Security Card, is issued to everybody in the United States whether you are a National or not so long as you live there and you request for it. Everything else that you do is dependent upon that security card. For example if you go to hospital, your number is entered in the system, if you go to a bank, that same number is entered, if you are registering your children in school, that number is entered. It is a form of identity that you get in order to get certain services including those issued by the state and those issued by the private sector. For example, if you open a bank account, you have to have or indicate your social security number. It is a form of identity and it identifies you wherever you go and helps you to get certain rights because your pension - eventually your pension is dependent upon that number and upon that registration.

**THE DEPUTY CHAIRMAN:** So what will be the difference and similarities between what you are

talking about? Because I happen to have benefitted from being registered in USA *-(Interruption)*

**MR. KATENTA APUULI:** If I could add a little bit more on that Madam Chairperson, having gotten a social security number and Identity card, this is for everybody who lives in the US, whether you live there on a permanent basis and you are a citizen of that country, or you live there on a semi-permanent basis and you are an alien. However, the United States Government issues an alien identity card. It is for all aliens who live in the United States and it identifies you from the Nationals of the United States who do not have cards. Aliens have it, nationals do not have it. It is not only in the United States, take for example here in Kenya, those of you who were refugees in Kenya or stayed there not as refugees but on some form of arrangement for staying there, when we had troubles here. These alien Identity Cards were issued, many, many countries issue these Identity Cards. It is very important. I do not understand why my Colleague Hon. Eresu did not try to see this point. It is really very important for one to identify aliens in your country. What we are trying to tell you here is to admit that there are aliens in Uganda. And it is in our best interest for us to be able to identify them. We are not trying to ask aliens to come to Uganda, they are already there. And it is in our best interest therefore, to identify them, and one of the best ways to identify them is to issue them with these cards.

**CAPT BABU:** Thank you very much, Madam Chairperson. Whilst, I want to thank the Chairman of Committee Four, for his elaborate explanation, I think the question here is whether this is a constitutional matter or not. I think that is the question. The argument is not whether the aliens in the country may be given some sort of identification. I do not think that is the debate. I think the debate here is whether this provision that is being debated by us is a constitutional provision. Even in the United States, which we are talking about, the National Security Card and the green card are not part of the constitution. They are an immigration administrative measure which are included in the Immigration Act of the United States. And that is what some of us have been saying all the time. But whilst I agree that some of us would like a lot of things to be put in the constitution, really on some of them, we are splitting air because these should be in the Immigration Act and the Administration of the Immigration in the country should be improved so that they can carry out exactly the same thing that we are talking about.

So really, what we should be doing here is to improve  
- *(Interruption)*-

**THE DEPUTY CHAIRMAN:** Information.

**CAPT. BABU:** I think let me finish first. What we should be doing here is to strengthen the Immigration Board so that the Immigration Board can have the powers to carry out the functions that we want them to carry out.

**MR. KATENTA APUULI:** Point of information! I would like to inform Hon. Babu that the purpose why Committee Four sought to put this matter in the constitution, as it may appear, is to force the hand of government to go ahead and do it. Those of you who were here in Uganda as I was when the UNLF came to power here in 1979, one of the things they said they would do was to issue identity cards. Up to today, they have not. The NRM Government has tried, I have been given these assignments in the United States as the ambassador, I have identified people with capability to do these things, up to today, it is not being done. So, that is why we want to force the hand of government to do it.

**CAPT. BABU:** Madam Chairperson, whilst I thank the Hon. Member for the very good information, I would like to assure him, if this government had 300 million dollars and could get more money to register everybody in this country, if our economy could allow it, everybody today would have an identity card. The point is finance more than anything else. I would like to continue. Madam Chairperson.

**THE DEPUTY CHAIRMAN:** There is a point of order.

**MR. WANENDEYA:** Point of order! Thank you. Madam Chairperson. Madam Chairperson, is the Hon. Member on the Floor, Hon. Babu in order to give us information that if we could get 300 million dollars, our government could issue identity cards whereas in countries like Japan and some of the Far Eastern Countries, the machines - the systems for processing identity cards is definitely less than one million dollars? Is he, therefore, in order to tell us that it is only when we get 300 million dollars, when we are already getting that money as elaborated by our President some time here? And Bugisu alone - Mbale has contributed quite a big part of that money. I thank you.

**THE DEPUTY CHAIRMAN:** Perhaps that was his explanation.

**CAPT. BABU:** Madam, unlike Hon. Wanendeya, I do a little bit of reading, and this country has already done a study on identity Cards, and my information is authoritative. I would like to propose to Hon. Wanendeya to go to the Ministry of Finance and Economic planning and get that study instead of wasting my time and the time of this August House. Now, let me quote from the South African Constitution. Madam Chairperson, the South African Constitution goes with the treatment of non-citizens. *"Non-citizens will be treated in accordance with accepted International standards for the treatment of non-citizens recognised by international law."*

Madam Chairperson, there are certain measures of Keeping foreigners in a country. I am not refusing, we can give them an identity card, we can give them some sort of identity. I am not refusing at all, in fact I agree entirely with the Committee Four proposal. All I am saying, the question here is, is this a constitutional matter or is this an administrative matter like an honourable Member has just admitted? Now, the forcing of government by using this constitution we are making, when Government might not be able to carry out what we have forced them to do, the next question I ask, when the honourable Chairman of this Committee Four is a President of this country, and then we have forced him in this constitution to make sure that he issues these identity cards, and he cannot do so, what is next? Do we impeach him? I think time has come, Madam Chairperson, that we have to become realistic. We are saying, yes what we are saying is true. But tomorrow when the Hon. Member is the President of this country, and it is in the constitution that we must provide these services, and then he cannot provide them, what do we do? I think it is very important.

**PROF. KABWEGYERE(Igara West):** Thank you very much, Madam Chairperson. I think we need guidance here. The registration and issuing of identity cards for aliens is a function of the Board. We have already agreed that the Board should exist and that some of the functions should be mentioned. Are we really doing ourselves justice to be undermining the very institution that we have agreed to it that it exists and should have functions, and we are now debating one of these functions that it should not be mentioned? What are we about?

**MR. DIDI AGARD(Moyo West):** Thank you, Madam Chairperson. Following what Prof. Kabwegyere has just said, it says that this is not a serious matter.

**THE DEPUTY CHAIRMAN:** Okay, let him finish. But be brief, because it is becoming a dialogue between you and the House.

**CAPT. BABU:** Madam, I was not having a dialogue, I am contributing to a very important point. I think some of us are going a little bit overboard by trying to put everything in this constitution. We are saying that the next Parliament, the next Board, should have powers to do certain things even without putting them in the constitution. We have been told that we are forcing government, we are tying the hands of government that is the main reason given. I am saying, we should not tie the hands of government on certain issues. And I had even given you an example of the Chairman of Committee Four who might be the future president of this country whereby he will fail to implement the very clause that he has passed. All I am trying to say is that this particular clause is an important clause but it is an administrative clause. I am going to accept what you have recommended except that we must not include aliens in this particular clause but leave it for the Immigration Board and future Parliament of this country. Thank you, very much.

**MR. AGARD DIDI:** Thank you Madam Chairperson. As I was saying, the question of aliens in Uganda is not a trivial matter especially against accusations that in the past aliens have even hijacked power and Leadership of this country. So, when this August House decides that one should have a National Identity Card, what is the purpose of having a National Identity Card when the others who are there will not be identified? The need for an alien registrations is firstly as an identity and an address. It is necessary to know where people stay so that they can be traced whenever there is investigation. It is a must to trace everybody to where he stays. The people who come here with permission, either they have got a work permit, or they have got visitors passes, but now we are saying, the citizens should have addresses and identity card! Where now do we trace a whole bus of foreigners if we do not have a way to trace where they stay?

Only yesterday we allowed a category of people, who for so many years have been ignored. These

people should have qualified or something should have been done about them. Now, some of these people should be allowed to become citizens since it is going to leave a very small margin of people, who knows, they may be criminals. Now, if they did not have their identity, then how will you trace them? So, since the question of expenses arises, most of these people should be able to pay for these services of their identity if it comes to that. So, I believe the question is not one of money. Since we now have the National Immigration Control Board, this is going to be one of their functions. I think the matter very -*(Interruption)*

**MR. KASAIJA(Bunyangabu County):** Point of information. Thank you, Madam Chairperson. Madam Chairperson, the information I would like to give to the Hon. Member holding the Floor is that the reason we are issuing the National Identity Cards is precisely to make sure that the rest of the people who do not have identity cards are aliens. So, we shall ask them, why are you here? We need the reason why you are here? Either you are here as a worker, so that you give us your work permit, or you are here as a visitor in which case you give your travel documents. Thank you, very much.

**MR. AGARD DIDI:** Madam Chairperson, if today the Police found somebody who is an alien and there is no identity, how will Police be able to trace that person from where he stays? If he has been leased on bail or he has jumped bail, how do you trace him to where he stays? Well, may be you would like to recover some stolen items. So, the question of identity and an address is paramount. I did not understand any reason for somebody to regret the need for everybody to have some kind of identity. It is happening everywhere else. We have not come to solve this problem. Time will come for us now, to address ourselves fairly to it.

**MS.OPOTI:** Point of information. Thank you, Madam Chairperson. I would like to enforce the point put across by my neighbour. Madam Chairperson, with my experience on the Immigration Safety Board, there are many cases where we have even rejected an application from a candidate and when the message is passed on to this person who has not been accepted to come into the country, he will just transfer home or migrate his position of business or leave that house and go and stay in another place, or he will try to apply again, and with another identification, or he just disappears in the crowd and

nobody can follow him. And this has been one of the reasons why I personally support this amendment.

**MR. AGARD DIDI:** Finally, Madam Chairperson, data is a basis on which forward planning is based. So, if we have got people about whom there is no data for them to pay taxes, how are you going to fix up such people? With those few words, Madam Chairperson, I thank you.

**THE DEPUTY CHAIRMAN:** Hon. Delegates, I think we have really had enough discussion on this. So the issue is whether to accept the proposal by the Committee. The numbering has changed because we added in another provision that the alien should be registered and issued with identity cards. I now put the question.

*(Question put and agreed to)*

**MR. KATENTA APUULI:** Madam Chairperson, Clause (4). Now having passed that item - *(Interruption)*-

**THE DEPUTY CHAIRMAN:** Before you proceed Hon. Katenta Apuuli, Hon. Chebet Maikut has an intervention.

**MR. CHEBET MAIKUT:** Madam Chairperson, there is an amendment which I am seeking to introduce before you go to consider Clause (4) of Article 34, and this amendment was circulated. I do not know no whether it is already on your table. Madam Chairman, yesterday I did send out an amendment to establish a constitutional body other than the particular one to deal with immigration and citizenship matters of this country. And Madam Chairperson, having looked at all other constitutional commissions which are provided for in the Draft, I was inclined to make an amendment and I beg to move, therefore, that *"the Members of the National Citizenship and Immigration Board shall hold office for a period of four years subject to renewal."* I beg to move Madam Chairperson.

**THE DEPUTY CHAIRMAN:** Anybody seconding the Motion?

**AN HON. MEMBER:** Seconded.

**MR. MAIKUT:** Madam Chairperson, I know yesterday some few Hon. Members did point that the question of providing for term or tenure of office for

this constitutional body need not be mentioned here in the constitution. That it is a question of the legislature to provide for it. But Madam Chairperson, having looked at all our constitutional bodies in the Draft, the Odoki Draft did recognise this fact and in their wisdom recommended to establish autonomous constitutional bodies specifying as well, among other issues, the term of office. With your permission Madam Chairperson, I would like to cite a few examples of the bodies which are mentioned in the Odoki Draft. One, the Uganda Land Commission under Article 272, clause (4) provides for a term of office of its members for five years. The Judicial Service Commission in the Article 173, clause (3) provides for the term of office for the members for four years. The Public Service Commission in Article 192, clause (6) provides for the term of office for its membership of four years. The Teaching Service Commission under Article 194, clause (6) in the Draft gives a term of office of four years. The Electoral Commission under Article 85, clause (4) gives a term of office of seven years. The District Service Commission under Article 224, clause 2(b) provides for a term of office of four years.

Madam Chairperson, these are some of the few examples of constitutional bodies which the report accepts to establish constitutionally and in my view, in order to establish constitutionally and to maintain consistency, it will be naive of this House having agreed to establish a constitutional body, to leave the term of office hanging while other commissions provide for the term of office. So In that respect Madam Chairperson, I know the National Citizenship and Immigration Board is a very important body for this country, more so having gone through so many problems which we are now trying to rectify. Problems like the weaknesses of the Immigration Board itself, the existing one and other administrative general weaknesses in the different organs of the State. Therefore, I am praying this August House to see that wisdom clearly and maintain consistency in providing for the term of office of members in the National Citizenship and Immigration Board. So, Madam Chairperson, I beg to move and urge Hon. Members to support it in order to maintain consistency. I thank you very much

**THE DEPUTY CHAIRMAN:** Hon. Katenta Apuuli, what is your view? Why did you leave it out?

**MR. KATENTA APUULI:** Madam Chairperson, we were very much guided by the Draft in our

formulation and we feel that maybe the right thing to do with these matters of detail like this - because it is only introducing one detail - term of office. But there are also other details that we have not mentioned like terms of service, size of secretariat and all this kind of thing. The most appropriate place for those things really would be in the enabling Act. That is why we did not go into those kind of details. And Madam Chairperson, this is just a Board and most of the examples the Hon. Member quoted are Commissions which are at a higher level of organisation.

**MR. AMBROSE ATWOKI:** Madam Chairperson, thank you very much. I also want to give the impression that we cannot provide for all the details that Hon. Chebet is trying to insert in this Draft Constitution. Madam Chairperson, the functions of the Board, Article 44(3) says that "*the functions of the Board shall be prescribed by Parliament...*" I believe that when Parliament is giving the Board its functions, it will as well try to think and try to provide how these functions will be carried out or implemented. Madam Chairperson, it is also important to note that we cannot provide for the kind of details we have given to other commissions. We are saying that since other activities of the Board are going to be determined by Parliament, we should leave it to Parliament to determine the terms of service and then also to determine the emoluments which might arise as a result of need to implement the functions of the Board. So I think that there is no need really to insert this amendment which is being moved by Hon. Chebet into this Constitution because if we insert it, it will now force our hands to think of the emoluments which will be necessary to enable the Board to carry out its functions and I do not think that was the intention of the committee and I do not believe it is my intention as well. Thank you.

**MR. OKALEBO:** Thank you, Madam Chairperson. I note that from the establishment of the commissions that the Hon. Member has made mention of, the introduction of a term of office of a Board like this one would also entail a method of removal of a member of that Board even before the expiry of that term of office. So it is difficult to single out just the term of office which is not accompanied by other factors to make the matter complete. So I think here, let us leave out this one - the term of office and leave it to Parliament rather than singling out this one only in the Constitution. Thank you, Madam Chairperson.

**THE DEPUTY CHAIRMAN:** I think let us pronounce ourselves on this one.

*(Question put and negatived).*

**DR. MIYINGO KEZIMBIRA (Bukoto Mid-West):** Thank you very much Madam Chairperson. Madam Chairperson, I want to move an amendment before you continue, to the effect that the Board will issue national citizen identification numbers in the course of performing its work. I beg to move.

**THE DEPUTY CHAIRMAN:** Now the amendment is on what?

**DR. MIYINGO KEZIMBIRA:** Citizen identification numbers. It is a new clause (c). Madam Chairperson, I have reasons for this.

**THE DEPUTY CHAIRMAN:** Order, order! Hon. Miyingo, I think you are landing us into problems because according to our rules and our procedures agreed upon, any new amendment must be in writing and then passed through the Legal and Drafting Committee and your committee where you belong. You pass it on. Now, this is new, I do not have it and now you are just introducing it.

**DR. MIYINGO KEZIMBIRA:** The clerk has got it.

**THE DEPUTY CHAIRMAN:** Is this motion seconded?

**DR. MIYINGO KEZIMBIRA:** Yes, here, I am seconded. Madam Chairperson, allow me to speak to it. I am seconded.

**THE DEPUTY CHAIRMAN:** Okay, it is seconded.

**DR. MIYINGO KEZIMBIRA:** I am appealing to Hon. Delegates to listen because this is important. We have gone a long way to make sure that we identify aliens and we have gone very far away to make sure that we issue identity cards to citizens. But it will not be useful at all if we just issue identity cards and we cannot follow what these identity cards are really for.

**THE DEPUTY CHAIRMAN:** Hon. Miyingo, before you proceed, can you read 3(b). Is it any different from what you are proposing?

**MR. MIYINGO KEZIMBIRA:** Yes, it is.

**THE DEPUTY CHAIRMAN:** Would you have a passport without a number?

**DR. MIYINGO KEZIMBIRA:** Madam Chairperson, let me elaborate. The number I am talking about is the number that is taken specifically to be a number that identifies a citizen from the time of birth to the time of death.

**LT. COL. SSERWANGA-LWANGA:** Point of order! Madam Chairperson, is it in order for the Hon. Member to go on debating his motion or giving his views without moving his motion first and we hear it?

**DR. MIYINGO KEZIMBIRA:** Eh! the motion was seconded.

**LT. COL. SSERWANGA-LWANGA:** But what does the motion read? It has not been moved.

**THE DEPUTY CHAIRMAN:** He moved it and it was seconded.

**DR. MIYINGO KEZIMBIRA:** Thank you very much, Madam Chairperson. The motion was moved and it is that the *"Board will issue citizen identification numbers"* and the number I am talking about is not just the number on the card - on the surface of the card, but the number I am talking about will be a number inside which will establish the time, for example, when the citizen was born and this number is like the one on the United States Social Identity Cards and it is in all things that a citizen does and it is a point of identification.

**THE DEPUTY CHAIRMAN:** Let us hear from Hon. Kabwegyere as a sociologist.

**PROF. KABWEGYERE:** Thank you Madam Chairperson. I am wondering whether the Hon. Member on the Floor has looked at what we have just passed. *"Registration and issue of national identity cards to citizens."* I thought those identity cards would have a number and indeed for the non-citizens, they will also be given a number. So what number is he talking about? Is he in order to lead us into temptation of talking too much? *-(Laughter).*

**DR. MIYINGO KEZIMBIRA:** Madam Chairperson, the number I am talking about, I was illus-

trating but the Member did not listen. I said the number that I am talking about is a number which begins from the time of birth. When you are born, they cannot issue you an identity card at that time but the number is kept and this number is the very number that is going to be in your identity card. This system is being used in other countries. For example, in the Nordic countries, this number is used - *(Interruption)*

**MR BAGEYA:** Point of order! Thank you very much, Madam Chairperson. Is the Hon. speaker holding the Floor in order to delay us and take us in the workings and details of what the identity cards will be when in fact that is an administrative issue? Is he in order Madam Chairperson?

**THE DEPUTY CHAIRMAN:** Each Delegate is entitled to his own proposals. He has a chance, let him air it out and then we vote on it.

**DR. MIYINGO KEZIMBIRA:** Thank you very much, Madam Chairperson. Madam Chairperson, we are putting right citizenship at this particular time. We are saying that let each person be identified by a number and from today onwards, anybody who is going to be born when this Constitution comes into force, will get a number from the time of birth and that will form part of his identification number and this system is being used in other countries and it is working perfectly. So I wanted this system to be introduced here to positively identify citizens.

**MR. BATEGANYA:** Thank you very much, Madam Chairperson. First of all, I would like to point out that I oppose this motion on the following grounds. One, our rules, especially rule number 48 sub-rule 17 says that *"no amendment shall be made which is inconsistent with an article already agreed upon."* We have already agreed on issuance of identity cards for both citizens and aliens and in issuing these identity cards, serial numbers will be considered and I am sure that these serial numbers will be worked out by the issuing authority which is the Board. So it is not necessary for us at this stage to enter into all details that will be undertaken by the Board, for instance; the colour, the national flag will be there and all that. So, I would suggest, Madam Chairperson, that you put the question on this particular motion and we move. Thank you very much Madam Chairperson.

**THE DEPUTY CHAIRMAN:** I think we have had enough discussion.

*(Question put and negatived)*

**MR. KATENTA APUULI:** Thank you Madam Chairperson. Madam Chairperson, Committee Four considered Clause (4) of Article 44 and sought to make a slight amendment but Madam Chairperson, it must have been an oversight on the part of the committee because it was never our intention that every function of the Board should be decentralised. Only specialised functions were supposed to be decentralised and I would like to request that our amendment be disregarded and we go back to the original text in the Draft Constitution to read, Clause 4: *"The functions of the Board set out in paragraph (a) and (b) of Clause (3) shall be decentralised to the district level and the Board shall be accessible to all people."* Madam Chairperson, I beg to move.

**THE DEPUTY CHAIRMAN:** Are you changing the word "persons" to people?

**MR. KATENTA APUULI:** I beg your pardon Madam Chairperson. I was reading at an angle. It is "persons"

**MR. SEBAANA KIZITO:** Thank you very much Madam Chairperson. I beg to move the deletion of the entire Article. The reason I want to do that Madam Chairperson *-(Interruptions)-* Yes!

**THE DEPUTY CHAIRMAN:** Is it seconded? Your motion is not seconded Hon. Sebaana Kizito. Let us hear what Hon. Rwabiita has to say.

**MR. DEO RWABIITA:** Thank you very much, Madam Chairperson. Madam Chairperson, I stand to support this amendment, this recommendation by the committee *-(Interruption)*.

**MR. SEBAANA KIZITO:** Madam Chairperson, I still have the Floor.

**THE DEPUTY CHAIRMAN:** You were not seconded, so you could not continue. You see, when you are seconded then you can talk, otherwise you are wasting time.

**MR. SEBAANA KIZITO:** No, I am not wasting time Madam Chairperson.

**THE DEPUTY CHAIRMAN:** Hon. Sebaana Kizito, your motion is not seconded.

**MR. SEBAANA KIZITO:** Yes, that is not the one I am going to talk about.

**THE DEPUTY CHAIRMAN:** So, I am not giving you the Floor because it is not seconded. Hon. Rwabiita continue.

**MR. RWABIITA:** Thank you very much, Madam Chairperson. Madam Chairperson, it is human rights for everybody in Uganda to move within Uganda and to move outside Uganda wherever one wants to go. But the problem we have been having is that the acquiring of travelling documents in Uganda has been a very big burden for our citizens. The people doing business outside the country who are travelling, the students who want to go out for education or who are going for seminars, even our teams when they are going out to play football in Kenya, Cameroon, it happens that sometimes one has no passport. That has been a very, very big problem to get a passport at the right time and when you need it. Madam Chairperson, especially after we have got the identity cards, it will be very easy for our countrymen to get any travelling document they want because these identity cards will have serial numbers, addresses and it will be easy to identify a Ugandan. Therefore, by decentralising these services to the districts or other central areas apart from Kampala, we reduce the problem our people have been facing. You can imagine somebody coming from Kisoro to get a passport or from Koboko. He will spend not less than 300,000/= moving up, going back and sometimes he has to lubricate the pen that signs those documents.

And then Madam Chairperson, we have been undergoing a rigour of examinations by chiefs, RCs, DSO, CID as if we are criminals. I think it is high time that Ugandans are respected and get documents whenever they want to travel without any impediment. Therefore Madam Chairperson, with the identity cards we have passed now, if anybody is a criminal, the CID will have to trace such a person and therefore, when we have decentralised these services, these offices will facilitate the quick getting of travelling documents by people in all districts and therefore, with these reasons, I support the recommendation of the committee. Thank you very much, Madam Chairperson.

**MR. RWOMUSHANA:** Thank you, Madam Chairperson. Madam Chairperson, the recommendation of the committee is a liberating recommendation and I wholly support it. Madam Chairperson, to many Ugandans, first of all those who live in rural areas, a passport is heard of as gold. In fact many of them have even never seen them and this is because getting a passport is very tedious and this is because the process is too expensive. Notwithstanding the price of a passport, you even add there another cost to move from the village to Kampala to look for it and then the long costs of waiting for it. So it is very liberating, it is a very big relief if it is decentralised. And Madam Chairperson, the people at district level know who Ugandans are and if we decentralise it therefore, we shall be forestalling foreigners and refugees getting our passports. Therefore, Madam Chairperson, I wholly support this amendment and I beg that the question be put.

**THE DEPUTY CHAIRMAN:** Okay, now I put the question in respect of Hon. Katenta Apuuli's suggestion that we go back to the original clause in the Draft Constitution.

*(Question put and agreed to)*

**THE DEPUTY CHAIRMAN:** So now we pronounce ourselves on 44. That Article 44 as amended do stand part of this constitution.

*(Question put and agreed to)*

**MR. KATENTA APUULI:** Thank you, Madam Chairperson. Madam Chairperson, Select Committee four carefully considered Article number 45. However, after consideration, the Committee sought to seek the permission of this Plenary to delete this article. This request is being made. It is really a technical request because Uganda has already committed itself to the international conventions which prevent creating Stateless persons. The effect of revoking citizenship would result in Stateless persons as they would have, in acquiring Ugandan citizenship, renounced the citizenship of those other countries. Therefore, we are requesting that this item be deleted because it would go against the conventions we are already a party to. We suggest that those people who are found to be contravening the provisions as stipulated in Article 45 should be dealt with under the relevant law rather than revoking citizenship because if they are criminals, it is better to deal with them as criminals because nobody is going to

accept you off loading your criminals on their door steps. That is the rationale of our request that this item be deleted. Madam Chairperson, I beg to move.

**MR. WAGIDOSO MADIBO:** Thank you, Madam Chairperson, I want to say at the outset that I am totally opposed to the deletion of this item from the constitution because if you look at the grounds as specified in the constitution upon which registration may be cancelled, ground one says, *'where a person has voluntarily acquired citizenship of another country'* Madam Chairperson, I think it is, in the circumstances, fair and proper that if somebody has acquired voluntary citizenship of another country, then he or she can lose the citizenship of Uganda and this is perfect Madam Chairperson. Then if you look at (b), it says, *'voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda'* and I think in my understanding, Madam Chairperson, this is perfect because take an example, there is war between Uganda and a neighbouring country and somebody is in the forces of a neighbouring country serving and fighting Uganda and at the same time you say you should be recognised as a registered Ugandan citizen, it is inconsistent, Madam Chairperson. Thirdly, it says *'acquisition of Uganda citizenship by fraud'*. If somebody has fraudulently acquired Ugandan citizenship, I think it is proper and befitting that that person loses that citizenship. Then espionage against Uganda, all these grounds that are stated here, Madam Chairperson, are proper and befitting and therefore should be retained. I thank you, Madam Chairperson.

**PROF. SENTEZA KAJUBI:** Point of information! Thank you Madam Chairperson. Madam Chairperson, I would like to inform the Hon. Member on the Floor that if a Ugandan citizen voluntarily serves in the armed forces of another country hostile to Uganda or which is at war with Uganda, that is treason and if he is a citizen, he should be dealt with under the laws of treason. He should be hanged rather than just let loose. Acquisition of Ugandan citizenship by fraud, Madam Chairperson, if it is by fraud, he has actually not acquired Uganda citizenship and espionage against Uganda is also treason. If a Ugandan spies against Uganda, I think he should be tried and hanged rather than let loose to go to another country, to go back to the country for which he spies Madam Chairperson.

**MR. WAGIDOSO MADIBO:** Madam Chairperson, maybe I can clarify to honourable -

**THE DEPUTY CHAIRMAN:** There is a procedural problem from Hon. Tiberio Okeny.

**MR. TIBERIO OKENY:** Point of procedure! Madam Chairperson, I seem to be at a loss. While I have been served the old motion on this article since yesterday, it is before all us the Members here and I do not know whether serving the notice of motion to the clerk of Council is of any help to the Members.

**THE DEPUTY CHAIRMAN:** Hon. Tiberio, we are discussing Article 45 and the committee is proposing a deletion. The debate on the Floor is whether to delete or not. That is what Hon. Wagidoso is on.

**MR. TIBERIO OKENY:** Exactly that is what my motion is all about.

**THE DEPUTY CHAIRMAN:** I do not have anything. Okay, let Hon. Ringwegi clarify.

**MR. RINGWEGI:** I thank you, Madam Chairperson. Madam Chairperson, Hon. Tiberio Okeny is concerned because he had circulated some amendment seeking to retain Article 45 of the Draft Constitution. In view of the fact that the chairman of Committee Four has now moved a motion to delete it, I think we would still be procedurally right to debate that motion to delete and if Hon. Okeny feels strongly that it should be retained, he should then argue against the motion as tabled by the chairman of the committee. It will come to the same thing. I thank you Madam Chairperson.

**MR. WAGIDOSO MADIBO:** Thank you, Madam Chairperson. Maybe to clarify on the issue that was raised by Hon. Senteza Kajubi, there are basically two major ways by which one can acquire Ugandan citizenship. That is by birth and by registration. And of course it is very certain that a person who is a citizen of Uganda by birth cannot lose that citizenship by any means. It is only people who acquire citizenship by registration who are provided for under Article 45 and the grounds that are specified here necessitate renunciation of Ugandan citizenship to these people who have acquired it by registration if they commit or they happen to fall under any of the grounds specified here, Madam Chairperson and these grounds are very good. So it is my strong

proposal Madam Chairperson, that we retain this provision as it was the wisdom of the Commission that this article should be part and parcel of the constitution. I thank you Madam Chairperson.

**MR. MULENGA:** Thank you Madam Chairperson. My position is similar to that of the previous speaker that in fact we do not make these people Stateless necessarily if this provision is retained. But what I wanted clarified is whether the committee, having recommended and we have already passed that the Immigration Board will have power to grant and cancel citizenship by registration, how do we now turn round and say citizenship by registration cannot be cancelled? It contradicts -

**MR. KASAJJA:** Madam Chairperson, I do recognise the contradiction and I do not know how it escaped the scrutiny *-(Interruption)*

**THE DEPUTY CHAIRMAN:** Hon. Kasajja, just a moment. The Chairman is on the Floor, sorry.

**MR. KATENTA APUULI:** Madam Chairperson, I do realise the contradiction pointed out by my Colleague Hon. Mulenga and I do not know how that escaped our scrutiny. However, it has merit and if we have already pronounced ourselves on the other issue, this matter can only come up in - delete can only come up in consideration. So I think my committee will bear with me.

**MR. MALINGA:** Thank you, Madam Chairperson. Let me explain how this deletion came about. Committee Four is aware *-(Interruptions)*

**THE DEPUTY CHAIRMAN:** Wait, wait! Honourable Delegates, let us be reasonable. The Chairman works with other Members. Another Member is clarifying. So Hon. Malinga is in order. Let him continue.

**MR. MALINGA:** Okay, now the position is this. We are aware that the Board has power to cancel citizenship of a citizen who has acquired citizenship by registration. But let us look at the provisions which are put here one by one: "(a), *voluntary acquisition of citizenship of another country.*" This is already outlawed by Article 46(1) which prohibits dual citizenship. So we are providing for the same thing twice. Then "(b), *voluntary service in the armed forces or security forces of a country hostile to Uganda.*" If somebody is hostile to

Uganda, it is in Uganda's interest to have a right to bring that person to book and take him to court. Now if we deny that he is not a Ugandan citizen, we are disabling ourselves from getting him home for trial. So it is not necessary for us to provide for somebody who has been treacherous enough to fight against Uganda and then you refuse to bring him home for trial. So we say, no to (b). "(c). *Acquisition of Uganda's citizenship by fraud.*" As Hon. Prof. Senteza Kajubi has already said, if he did it by fraud, he never acquired it in the first place and that is the legal position. And then "(c). *espionage in Uganda.*" Again this, for the same reason, if somebody has been committing crime against Uganda, it is in our interest to retain him and bring him home and bring him to court for trial. But if we instead say he is not our citizen, then we are putting ourselves in a difficult position where we cannot ask for that person to be repatriated to come back to Uganda for trial. So this is why we have said, it is not that we are saying that the Board should not be able to cancel. No, you can cancel but these are not the right reasons, in our opinion, to cancel and most of these other things are provided elsewhere.

**MR. ABU MAYANJA:** Point of information! Madam Chairperson, if we retain this article, it will be almost impossible for people who acquire citizenship by registration to commit treason against this country. What I am saying is that they will be legalised to commit treason. When they commit treason and we take them before our court, then they say no, but we cannot be heard for treason because we are not citizens. Our citizenship has gone under Article 45. So it is right that we should hold these people, they retain their citizenship to enable us to deal with them in accordance with our laws. I just wanted to emphasize that point.

**MR. AGARD DIDI:** Thank you, Madam Chairperson. I wanted Hon. Abu Mayanja to help me believe that the loss of citizenship is a process which must follow trial because the evidence must be proved first. So I believe that the stripping of the citizenship will come after the trial for treason because unless there is proof of the act, you cannot condemn somebody before the act. I thank you.

**MR. KOMAKEC:** Thank you, Madam Chairperson. I happen to be a Member of Committee Four and although our Chairman had already withdrawn this one, I personally feel that we should retain this article for the reason that Ugandan citizenship has been abused so much by non-Ugandans that it is time

that we put something down that would frighten would-be adventurers who would come here and try to turn our hospitality into a chance to do something bad in this country. So Mr. Chairman, because of our bitter historical experience, it is, I think, right for this Assembly to protect this country from people who would abuse our hospitality and come here and acquire the citizenship of this country by default. There are many, I would imagine, if we go by Press reports, there are many people who got citizenship by dubious means and they have not been the holiest of people around here. They have played a big role in causing insecurity in this country. So I think really to protect ourselves, even at the cost of it being redundant, we should for emphasis purposes retain this article which will be a deterrent to people who would want to use this loophole to come here. And it is also good to get rid of those who got our citizenship by default, particularly those who got it through fraud and on that basis, I would urge that the Assembly agrees with the Odoki Commission for recommending that this provision be included in our Constitution. So I beg to support.

**MR. KAYONDE:** Madam Chairperson, I am a Member of Committee Four but on second thought, this Article is very, very important because having given the powers to the Citizenship and Immigration Board to grant and cancel citizenship by registration, that would mean that this article is only giving cases in which registration can be cancelled and I think it is a very important provision that the Immigration Board or the Citizenship Board will not simply cancel but these are the only areas in which the Immigration Board or the Citizenship Board can cancel citizenship by registration. So I think it is from that angle that it is a very important provision.

**THE DEPUTY CHAIRMAN:** Hon. Delegates, I think let us zero down ON some consensus. Our Chairman of the committee had proposed to consent to retain Article 45. Then there was a contrary view from another Member of the committee who made the explanation. So I now want to put the question on the report. I am putting the question on the deletion, as proposed by the committee.

**AN HON. MEMBER:** Point of order!

**THE DEPUTY CHAIRMAN:** Okay, let us look at it from another way. (*Interruptions*) Wait, wait! Let us look at it IN another way. We may look at it in another way that the proposal has been withdrawn.

by the Chairman. In which case, we have not pronounced ourselves yet and we can assume that the Chairman withdrew so that we go back to the original in the Draft. Then after that, we debate. - *(Interruptions)*- So now, we are going back to debate the original.

**MR. TIBERIO OKENY:** Thank you, Madam chairperson. My amendment to the original Article 45 be as it was already stated in my previous draft of motion.

**THE DEPUTY CHAIRMAN:** Unfortunately, I do not have that motion you are talking about.

**MR. TIBERIO OKENY:** May I read it Madam Chairperson?

**THE DEPUTY CHAIRMAN:** Okay, you can proceed.

**MR. TIBERIO OKENY:** Thank you, Madam Chairperson. My only amendment now is hinting on paragraph (b) where it reads that: "*voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda.*" My amendment is seeking to delete "*hostile to or at war with Uganda.*" I would say this phrase should be deleted and we stop at: "*voluntary service in the armed forces or security forces of another country.*" -*(Interruptions)*

**THE DEPUTY CHAIRMAN:** No, his motion was seconded. So he can proceed to elaborate.

**MR. TIBERIO OKENY:** Okay, Madam Chairperson, the rationale is this that Uganda would not want to be housing citizens who go yonder the borders and wage war in the service of armed forces of another country and yet retain also, at the same time, the citizenship of this country and anything that happens in that country will spoil the relationship of our country with the other countries. So it should remain that our citizens who voluntarily enter into armed forces of another country and to serve there, it means it will have to defeat even the Uganda citizenship because if we allow this, it will mean that our country will be turned to be a recruiting or training ground to go and invade other countries.

**LT. MAYOMBO:** Point of clarification! Thank you very much, Madam Chairperson. I would like to be clarified by Hon. Tiberio because this Assem-

bly passed an article which was 239 to the effect that Parliament shall make laws regulating, among other things, the payment of troops outside Uganda. Now, I would like to be clarified by Hon. Tiberio how that will be consistent with his thinking? Because we may, by Parliament, send troops to serve in another country. -*(Interjections)*. Liberia for example, Somalia, what happens? Thank you, Madam Chairperson.

**MR. TIBERIO OKENY:** Madam Chairperson, if I may clarify that, this is really deployment of Ugandan forces. But this one is talking of a Ugandan citizen being a mercenary in another country. *(Interjections)*- Yes, what do you mean it to be? -*(Laughter)*.

**LT. COL. SSERWANGA-LWANGA:** Point of information! I thank you Madam Chairperson. The information I want to give Hon. Tiberio Okeny holding the Floor is that being a soldier is a profession like any other profession. A doctor can go and serve in another country, a lawyer can go and serve in another country and also a soldier can go and serve voluntarily in another country, and he is given a job. I know of Ugandans, about three or four who are serving voluntarily in U.S. Army. Two are pilots, one is an infantry officer and they are there and they are earning money. Because that country allows even non-nationals or non-citizens to serve there professionally and they serve there professionally and when their contracts expire, they leave. So that is the information I wanted to give to Hon. Tiberio Okeny.

**MR. TIBERIO OKENY:** Madam Chairperson, if I may clarify on that point, with due respect to Hon. Lt. Col. Sserwanga Lwanga, I would say that I have never heard of such a thing that you join an army of a country when you are not a citizen and then you remain there while holding a citizenship of another country.

**LT. COL. SSERWANGA-LWANGA:** I think Madam Chairperson, I will give you more information when we are out because there is even somebody who comes from Kitgum whose sons, he is very aware, are in U.S. Army.

**MR. BAGEYA:** Point of information! Thank you very much, Madam Chairperson. I would like to inform the Honourable speaker holding the Floor that the country that has been mentioned, that is the

United States of America, does not bother whether you have ten citizenship or one or two. You can get jobs there openly when you hold other citizenship.

**MR. TIBERIO OKENY:** That is not in the army and again here we have already a provision prohibiting a Ugandan to have dual citizenship.

**MR. CHEBET MAIKUT:** Point of information! Madam Chairperson, with all due respect to the honourable Member on the Floor, I would like to inform him that a prominent Member of this Assembly is rumoured to have a son in the U.S. Army infantry and his citizenship to Uganda has not been revoked. I thank you. That is additional information.

**DR. CHEBROT:** Point of information! I would also like to inform him that in the Middle East, especially in the United Arab Emirates and Kuwait and Saudi Arabia, there are Pakistanis there and Indians who are serving in their army and there is no problem and they are even in the police.

**MR. TIBERIO OKENY:** Madam Chairperson, if I may answer all these things, they are giving a quotation of other countries. We are making a Ugandan Constitution. We are talking of a Ugandan Constitution. Madam Chairperson, we have already suffered at the hands of the people who go outside Uganda and serve in other countries' armies, then come back to Uganda to cause us a lot of upheavals and other things like this. This is what I am trying to ask this Honourable House to guide against. We are not going to have a soldier owing allegiance in another country and then coming still holding here also Ugandan passport and may even enter Uganda army. What confusion shall we have in Uganda here? So, Madam Chairperson, I beg to move this very strongly and if this August House is going to let the door so open for Ugandans to go into other countries and join the armies there, cause a lot of havoc there and then come back with that havoc into Uganda, we can never rest in Uganda. I beg to move.

**MR. KATENTA-APUULI:** Thank you, Madam Chairperson. Madam Chairperson, I would like to appeal - since now that we have decided to retain this article - I would like to appeal to the honourable mover of this motion to leave the word "*hostile*" in place because when you take the word "*hostile*" out, you create all sorts of other problems - problems of peace-keeping. Peace-keeping has become fashionable enough for Members of the United Nations and Uganda is one. Right now, we have peace

keeping forces in Liberia, we are about to send peace keeping forces in Somalia. It will create problems of training. I know for certain that when you send your students to other countries to train in the Army, they actually carry out service. I do not know what you are going to mean by service - going to war is not the only service in the Army. There are people who serve in the Army and they stay in the kitchen and they have never seen any front line, but they are still serving in the Army. Many of the students you send abroad do actually serve in the armies in which they are training.

So, this Motion, would mean that you would make it difficult for Armies to train abroad, because they would be serving in the Armies of other people who are training them. Therefore, I would like to appeal to my Senior elder brother, Hon. Atwoma, to let the word "*hostile*" stand. I thank you, Madam Chairperson.

**MR. MULONDO BESWERI (Mityana County South):** Thank you, Madam Chairperson. In view of that, I would like to bring a Motion, that the question be put.

**MR. WANENDEYA:** Point of procedure! Thank you, Madam Chairperson. May I appeal as a matter of procedure, if somebody, although I am against the Motion, but should it not be democratic that Motion is debated on for sometime, rather than someone to come and say, let the question be put, before the discussion is held on the Motion, Madam? Are we being democratic in this particular case? In fact, even if the best way of making sure that we minimise this dictators at home is to get some of the people to be trained in other Armies like we did in Tanzania, when we came here and routed Amin out of this country. So, procedurally, because of the way I want us to be democratic, we should really give Hon. Tiberio Atwoma an opportunity for those who want to contribute to the Motion. I thank you, Madam Chairperson.

**THE DEPUTY CHAIRMAN:** I think the Hon. Tiberio had given the Floor for the other Members to debate. Are you still on the Floor, Hon. Tiberio? Okay wind up.

**MR. TIBERIO ATWOMA:** No, I am not winding, Madam Chairperson. The point here is, it is not the question that I move a Motion and it is seconded and members are heard for and against this Motion and now, here is a member saying the question be

put. Is that fairness?

**THE DEPUTY CHAIRMAN:** I have made you regain your Floor, then what are you complaining about?

**MR. TIBERIO ATWOMA:** Those who want to contribute.

**MR. RINGWEGI(Padyere County):** Madam Chairperson, you may have noticed that I appear as a seconder to this Motion and I am thankful that you have given me the opportunity to contribute to the Motion. Madam Chairperson, I think Honourable delegates should not look at this thing as just a laughing matter. Here, we are looking at situations whereby a Ugandan citizen, voluntarily as an individual, leaves the country and then goes to join the Army in Sudan. Now, we do not know the motive why he has gone to join that Army in Sudan when actually he could even join the Uganda Armed Forces. He could have been motivated by profit or to earn a living or he could have been motivated by some other motives like to go to the Sudan and acquire some contacts and come back here and train people who will overthrow the Government of Uganda. So, we are looking at such a situation. We are saying, if that is a Ugandan who has acquired his citizenship by registration, then what should motivate him to leave a country for which he has fought to acquire citizenship and go to serve in another country? Such a citizen is - *(Interruption)*-

**COL. PECOS KUTESA:** Point of information. Thank you, Madam Chairperson, thank you Speaker for giving me the Floor. Please, can we try to be serious and stop discussing abstract situations! Which country can accept to employ an officer or man of a different country in its Armed Forces? That means that person must have escaped either as a traitor, that one whether you put it in the Constitution or not, if I am a traitor and I have to go to a country which is hostile to Uganda, you cannot stop me by the Constitution, you have to arrest me and execute me. But no country can just go on and recruit an officer or man of a different country in its Armed Forces. I do not think it is feasible. Thank you very much.

**MAJ. GEN. TINYEFUZA:** Point of information! Thank you, Madam Chairperson, and Hon. Ringwegi. My information really I think should go to Hon. Pecos Kutesa, my comrade in Arms. I rather find it interesting for him to assert that you cannot get employment in another country's Armed Forces.

Hon. Pecos Kutesa knows very well that an Army officer or Armed Forces work is a profession. A profession gains expertise and expertise can be utilised outside your country. For instance, if you are on retirement and you are a pilot, you can actually be employed as an expatriate in a country to train pilots. Now, I do not see how he can say that you cannot. If you were a soldier, and retired like Brig. Kyaligonza and he was there by registration and a country which has just got independence like Zimbabwe calls upon him to train its pilots, so if he goes there, should Hon. Kyaligonza cease to be a Ugandan citizen? I think it would be very absurd and then you will not be recognising an Armed Force as a profession. Once it is a profession, there you become like a Doctor, you become like a lawyer, you become like a teacher, if they should have your services as long as the country you are serving is not hostile to your country.

**COL. PECOS KUTESA:** Point of clarification! Madam Chairperson, what I wanted to clarify to Hon. David Tinyefuza is that, I am talking about serving in an Armed Forces of a country which is hostile to Uganda. Now, for a retired person, like Hon. Moses Ali, if he is to be employed by any country because of his profession, that I do not think would be of any concern to any of us here. I was talking of serving in a different country where it is at war with Uganda. In active service, there is a difference. Thank you Madam.

**THE DEPUTY CHAIRMAN:** Hon. Ringwegi, continue.

**MR. RINGWEGI:** Thank you, Madam Chairperson and I want to thank all the Hon. delegates who have given me information. Madam Chairperson, with the information that has been given, I am now well equipped to say the following. That earlier on, I had seconded this Motion because we had intended to move to the retention of the whole Article and now, with the information that the Assembly has got and me also I have benefited from that information, I now find that it will be necessary. Madam Chairperson, that the words "*hostile to Uganda*" should be retained in this Clause. I am saying this, Madam Chairperson, because I have also remembered that it is possible for a Ugandan and in fact we had cases of Ugandans serving in the Kenya Police, like the retired Band man Okello at one time served in the Kenya Police and if we had such a provision in our Constitution, we would have stripped him, maybe, of his citizenship immediately.

So, we would not like this kind of situation to happen. We would want therefore, the retention, Madam Chairperson, of the words "hostile to Uganda" to remain in the Clause. In that respect, Madam Chairperson, it would appear that our Motion seems to have been eroded too much, that we may have to withdraw it and I am talking to my Colleagues and I think I beg that we withdraw the Motion so that we proceed.

**THE DEPUTY CHAIRMAN:** So, the Motion is withdrawn which means, I put the question on Article 45 as it stands in the original Draft. I am putting the question, moreover, I can integrate it into two, that Article 45 do stand part of this Constitution as in the original draft. What is the problem?

**LT. COL. SSERWANGA-LWANGA:** Point of clarification! Madam Chairperson, I want to get a clarification from you, that if we approve Article 45 as it is, does it mean that from (a) up to (d), all have been approved?

**THE DEPUTY CHAIRMAN:** Ya, because there was no noise made, I mean nobody made any objection.

**LT. COL. SSERWANGA LWANGA:** If that is the case, then I beg to move that (b) be deleted and (d) also be deleted. I beg to move.

**THE DEPUTY CHAIRMAN:** Is the Motion seconded? Okay, it is seconded by *Kyamuswa*. Okay, you can elaborate on your Motion.

**LT. COL. SSERWANGA LWANGA:** Madam Chair, I agree with (a), because (a) talks of voluntary acquisition of citizenship of another country, which means that he will not be Stateless, he will have definitely gone to another State. So, it is alright, but (b), I think we are being unfair to the military profession. But you see, this business of "hostile" - doctors can serve in a country which is hostile to Uganda and lawyers can also serve in a country which is hostile to Uganda. So are the teachers, but these do not lose their citizenship, why soldiers?

**MR. BYARUGABA BAKUNDA:** Point of information! Thank you Madam Chairperson and thank you Hon. Sserwanga for giving way. I would like to inform the Speaker holding the Floor, that doctors go anywhere to serve and they serve to save a life not

to kill.

**LT. COL. SSERWANGA LWANGA:** Thank you for that information. Also soldiers save life. Recently, there was a commotion in Rwanda and thousands had to die - died in fact. One million people are estimated to have died, the UN had to send there soldiers, the Marines passed here, you saw them, to go and save life. They did not send doctors, they did not send lawyers, they sent soldiers. So, I think we are being unfair to the military to say that if they take their profession to be pilots in other areas, in other countries, that they should lose their citizenship.

Madam Chair, let me go to the issue of hostility. Who decides on the issue of hostility? - (*Interruption*) - The issue of hostility is decided by the Government of the day. When Museveni and Obote were in Tanzania training guerrillas to come and attack Uganda, of course Amin's Government was saying, Tanzania was hostile to Uganda, but when the Bayekera were advancing, when the Tanzanians were advancing, the population were saying come on and liberate us. By the time they arrived here, they were liberators and the citizens were clapping for them. So, hostility is relative and subjective and it is decided by the Government of the day. It should not enable me to lose my citizenship because Amin has quarreled with Nyerere, then I should lose my citizenship. I can get information from Hon. Mulondo.

**MR. MULONDO:** Point of information! Thank you Hon. Sserwanga Lwanga for giving me way to give this information. I see now he is trying to convince us that even those people who may be at one time hostile to a particular regime may be saving the population from the hostility of a particular Government. But the information I wanted to give him was this, those Army people who were sent in Rwanda for instance, were not from countries which were hostile to Rwanda at that particular time.

**LT. COL. SSERWANGA LWANGA:** Madam Chair, you see this accusation of hostility is as I said, subjective. Uganda has been accused of being hostile to Rwanda by that time. I think Hon. Mulondo was a Cabinet Minister.

**MR. RWOMUSHANA (Rujumbura County):** Point of clarification! I would like to seek clarification from Hon. Sserwanga Lwanga NRA Delegate. Supposing Sserwanga Lwanga honourable was a citizen by registration, and with all the military

expertise he has, he goes to serve a foreign country which is at war with Uganda, he knows all the best commanders we have, he knows all the strongest installations we have, surely, should he be allowed to wage war against Uganda and then he remains our citizen? Clarification from you.

**LT. COL. SSERWANGA LWANGA:** Madam Chairperson, my losing citizenship when I am serving in a country at war with Uganda does not solve the problem of the war. The war will continue because if it was espionage, I would already have passed over the information to them. What would help is may be to arrest me, extradite me and bring me here and then prosecute me. Secondly, Madam Chair even this business of being at war with Uganda, you may find that poor officer - he is already serving there, before even the war breaks out or even before the war is proclaimed by the Parliament, this poor officer is already in the Army. Should he desert? There is a law which even tells you that you should not desert. Why are you being unfair to the military? This thing is very, very unfair and in fact, Madam Chairperson, if I could read you the report, because this Article - I was part of the Commission, but when you read the Commission Reports, the detailed one, on page 124, paragraph 695 - that is why I was supporting our Chairman for deletion. The Article 15 of the Universal Declaration of Human Rights of 1948 clearly states, that "every one has a right to a nationality and a sense of citizenship and no one shall be arbitrarily deprived of his or her nationality." But now, you are saying that if I serve in a country where you the leaders of the country have got to quarrel with other leaders in another country and a war comes up, me the poor soldier shall loose my job. Is that not arbitrary? Was I the cause of the war? Because, me, I was just a serving officer. How can I loose my - *(Interruption)*

**MR. BAGEYA (Kigulu County North):** Point of clarification! I would like to be clarified in the first place, the kind of citizens we are talking about are those that this country has liberty to issue citizenship. I do not see anywhere where we are talking about those who have acquired citizenship by birth. If we have been able to give somebody citizenship and he goes and misbehaves, do we not really have a right to withdraw that citizenship?

**MR. BART KATUREEBE (Bunyaruguru County):** Point of clarification! In addition to what the Honourable there said, Hon. Sserwanga should

know that this Article is about discrimination for citizens who have become citizens by registration. A person who becomes a citizen by registration will have had some other citizenship before and will apply to be registered as a citizen and before registration, he swears an Oath of Allegiance to Uganda. Now, when he opts to go and fight in the Armed Forces of another country hostile to Uganda, it amounts to renouncing his Oath of Allegiance to Uganda. Now, that type of person can loose his citizenship. We are not talking about citizenship by birth.

**THE DEPUTY CHAIRMAN:** Hon. Sserwanga Lwanga, better wind up.

**LT. COL. SSERWANGA LWANGA:** Madam Chair, I wind up. Madam Chairperson, I am not convinced but we can use numbers, but the majority of today will be the minority of tomorrow. But Madam Chair, let me make my point clear, Madam Chair, shall we have citizens whose rights are not the same?

**MR. CHEBROT:** Point of Order! Thank you, Madam Chair person. Is Hon. Sserwanga Lwanga in order to threaten the House especially in view of the recent Armed Council resolution not to make statements to threaten people?

**THE DEPUTY CHAIRMAN:** I think he was overwhelmed by the opposition. So he was defending himself. But wind up, Hon. Sserwanga.

**MAJ. TUMUKUNDE (Rubabo County):** Madam Chair, I would want to create a scenario for this August House to sort of consider before we make this rather seemingly overwhelming decision. If for example, I was serving in the Sudan Army although I am a Ugandan. Voluntarily by registration and during the war and the hostilities, I am a very good supplier of information to this country Uganda. I do it so perfectly that I amount to a hero. After some-time, I am called back to Uganda and I find this law in place and therefore I cannot be a citizen because during my time when I was there, either Uganda was at war with Sudan with me in this or Sudan was hostile to Uganda. How would you handle this circumstance?

**MR. MULENGA:** Point of information! Thank you madam Chairperson. I think the answer to that is the way this Article is slouched. It does not say that

when you serve in a foreign Army you cease to be. It provides that your citizenship may be cancelled and all along it was pointed out that even in these two Clauses which Hon. Sserwanga Lwanga is opposing, there will have to be a trial to establish fact. So, before you can get such individual from Sudan coming here to loose his citizenship, he will have the opportunity to say, but while I was there, I was serving Uganda. That is very clear that no one would want to cancel his citizenship when in fact he was serving Uganda. As for the argument by Hon. Sserwanga Lwanga, Madam Chairperson, that we would be creating statelessness, I would like to refer to the passage he read to us, the question of human rights. That a person is entitled to nationality by way of citizenship. Yes, there are many human rights we have passed and we want to entrench, but at the same time, we have said that no human right is so absolute that it cannot be affected in a given circumstances. Now, the third point was on discrimination. It is admitted *-(Interruption)*

**MR. SENTEZA KAJUBI:** Point of clarification! Thank you, Madam Chairperson. Hon. Mulenga has stated that if you are serving in the Armed forces, let say in Sudan, you have to be brought back here and tried before you loose your citizenship. The clarification I am seeking is that for a Ugandan by registration, if he is serving in the Armed Forces of another country which is at war with Uganda, and the case goes against him, is the punishment just loss of citizenship or there is some other punishment?

**MR. MULENGA:** Should he be proved to have committed treason, the sentence is death - he would be convicted and sentenced to death, but he can loose citizenship after death *-(Laughter)*

**THE DEPUTY CHAIRMAN:** Order, order! Honestly, Hon. Mulenga let us zero down on something and we move.

**MR. MULENGA:** I was provoked, Madam Chairperson. So, I think on discrimination, I think there are times when we do admit discrimination, someone did talk about it earlier. For example, we are going to say in this Constitution - and I do not think it would be peculiar to Uganda - that holding office of President you must be a citizen by birth, that is a deliberate discrimination against those other types of citizenship and I do not think anyone is going to say, this is contravening any International Convention. So, there are circumstances where discrimination, I think, is permissible even internationally. I

thank you, Madam Chairman.

**MR. OGOLA (West Budama County):** Madam, I thought when I asked you, you then gave the Floor to Hon. Mulenga who has just spoken -

**THE DEPUTY CHAIRMAN:** No, his hand was up first. I have been monitoring who put up his hand first.

**MR. OGOLA:** Very well, I might as well now use the opportunity you gave and I say that actually the example Hon. Sserwanga Lwanga was talking about and Hon. Maj. Tumukunde, he was talking about areas of country espionage and double agency and mostly, especially in country espionage, and double agency, those people are on the Pay Roll of their Government, they are known, in fact, they are sent there with the mission that if you die there, we shall deny you but we shall nevertheless know how to reward you. So, basically, there is nothing mysterious about that. Those are not the people we are worried about, we are worried about a citizen who voluntarily goes to a country with which Uganda is at war and then plays acts which are hostile to Uganda. Those are the people we are targeting in this. But I would add that perhaps the difficult area is this that in modern times, these days you may find it very difficult to draw a line between hostility and friendship. That is somehow ironical - it is possible for a country to fight a war, complete it with diplomatic relations intact and at that point, you would not know whether they are hostile or they are friends because the exemplification of hostility between two countries - the breach of diplomatic relation is a demonstration that they are not friends, but the war may go on between these two countries while the diplomatic relation is on. So, is the other man who is in the other country with whom we are still friends but we are fighting a war, a hostile agent worthy to lose citizenship or not? I know that is a grey and twilight area which is very difficult but it can be handled. Thank you Madam.

**MAJ.GEN. TINYEFUZA:** Thank you, Madam Chairperson. I had actually wanted to get some clarification from Hon. Ogola but may be the people who are - let me put it just this way that morally speaking, once you grant me citizenship, I thought it is after serious scrutiny and that is why we put there a very long period, 10 or 20 years or something by registration and we specified even the conditions under which you may be registered. Now, I thought this is a very elaborate method to know who should

be citizen, and who should not be. In that spirit, we said previously when we were discussing another Article, we said we should not discriminate against these people by subjecting them to having not committed any offenses. Now, at the same time we are saying, if this man goes to a hostile country and wages war, he should be treated differently.

Now, I want to bring this scenario. I Tinyefuza, I am here and I am a Uganda citizen by birth - well, somebody is saying, are you? It does not matter really, it is a scenario. Now, my friend here is by registration, both of us go to a hostile country and wage war against Uganda. Now when I come, you tell me, me, the man who is a citizen of Uganda by registration, I am more guilty than this man who is a citizen by birth. I think this man who is a citizen by birth should be even killed twice than me who is by registration because he is more criminal, he is more criminal. So, I really do not - this is what I want to know, why do you want to punish this man?

**MR. BAGEYA:** Point of clarification! Thank you, Madam Chairperson. Before we go very far, I think I would like to be following quite closely. As far as I am concerned, sub-clause (b) and sub-clause (d), if one committed those crimes, the sentence there would be for treasonable cases. If you are under a treasonable case, it means when you are guilty, you are killed. Are we trying to take away citizenship from a person who has already been killed, after having executed him? Is it really necessary to have these Clauses in the Draft?

**MAJ. GEN. TINYEFUZA:** Thank you, Madam Chairperson. I thank Hon. Bageya really I think that strengthens my point I was making, because after all, in a way it is even double jeopardy really. Because first of all, once I am a citizen by registration, I am subject to the Uganda law. So, when you bring me to court here and try me and sentence me to 15 years and then thereafter, you say you also lose your citizenship, I find it rather too much of double standards, but therefore, Madam Chairperson, when you look at - me I think the only genuine point under 45 would be (a), "*voluntary acquisition of citizenship of another country.*" However, this (a) is covered under 46. "*Uganda citizens shall not hold the citizenship of another country concurrently...*" So it is covered really. Now, all the rest, voluntary service in Armed Forces of a hostile country, acquisition of Ugandan citizenship by fraud, deceit, and bribe and all this is because you would already have

gone to court as a fraudulent agent and be prosecuted and you are punished - how many years, I do not know. Espionage against Uganda, that is treason, you will definitely be hanged. Now, why should we go to say, to appear as if we are discriminating against these fellows whom it has taken them 20 years to get this citizenship? 20 years is a very, very, long time and then you the Government, think that I am a good person, then the burden of proof should be on you, the onus on you, the stupid Government which agreed to give me the citizenship. What were you doing, why did you not establish my long term motive before you gave me.

So, Madam Chairperson, me I think I would support the Chairman of Committee 4. We just delete this thing and allow 46 to cover 45 (a) and then hang all these fellows who wage war and engage in espionage. Hang them, that is all and forget about citizenship, instead of drawing citizenship from corpses, Madam Chairperson. Thank you, Madam Chairperson.

**MR. AWORI AGGREY:** Point of clarification! Madam Chairperson, I am seeking clarification particularly from the Legal and Drafting Committee and also probably from the delegates from NRA, on the full parameters of the word "*hostility*" or "*hostile to Uganda*". Madam Chairperson, from time to time, Uganda, like many other countries, gets into what they call Defence Pact for mutual protection or for mutual security. Now, should a country A declare war against country B which is friendly to Uganda and with which Uganda enjoys a mutual Defence Pact and then a Ugandan citizen by registration employed on behalf of country (A) to fight country (B), which is a member of mutual Defence Pact of Uganda, would that be also considered as hostile to Uganda or it has to be on Ugandan soil?

**THE DEPUTY CHAIRMAN:** Hon. Wagidoso has the answer?

**MR. WAGIDOSO MADIBO:** Madam Chairperson, I think the language in which sub-clause (b) is framed is really very, very, clear even to any lay person, because it says that "*citizenship by registration may be revoked where a person is involuntary in service in the Armed Forces or the security forces of a country hostile to or at war with Uganda*". So, it means that if Kenya is on a Defence Pact with Uganda and is at war with Sudan - Kenya is at war with Sudan and a person, a registered citizen

of Uganda is in Sudan fighting against Kenya. That clearly means that he is not fighting against Uganda, he is at war with a third country which may have a Defence Pact, but it is very clear, it stays at war with Uganda, not with any other country that may be in a Defence Pact with Uganda. Thank you Madam Chairperson.

**MR. ERESUELYANU: (Kaberamaido County):** Point of clarification! Madam Chairperson, I would like to be clarified by the Speaker who has just left the Floor or any other Member in the House. I am a little bit confused now. I would like to be clarified on the following two points. When a person is a registered citizen of Uganda according to this Clause, yet his country of origin has hostility with Uganda and that citizen so registered has gone back to his other country of origin to fight against Uganda. Are we implying that the laws which apply to a Ugandan naturally born citizen when he does such offence is going to be different from the laws which deal with that person who has been registered as a Ugandan citizen and has gone and joined Armed Forces against Uganda so that in the event of the two being treated, they will be treated differently in a case whereby this person will have to be deprived the citizenship apart from being charged for treason? If that be the case, Madam Chairperson, can I be clarified whether a person who is a registered citizen of Uganda, therefore, is a second rate citizen?

**THE DEPUTY CHAIRMAN:** Hon. Komakec, are you answering?

**MR. KOMAKEC:** Well, I am attempting. Madam Chairperson, I think the Hon. Elyanu who has just asked that question is not very far from the truth. The crux of the matter is this that when somebody who is a non-citizen applies to be a citizen of that particular country, there could be many reasons why he does this. If that same person who was granted citizenship misbehaves, it might have been that he acquired citizenship so that he could go and cause havoc to that particular country. So, I think the people who are born there, the original people who are there, have a right of saying that you acquired the citizenship so that you could get the secret here and come and fight us. I think this is probably the rationale behind it. It is true that the two, while committing crime, it is true that even the person who is a citizen by birth, will not escape punishment, should he be caught. The only thing is that, the punishment is being meted separately. One may have to be hanged

or go to prison while the other one loses his citizenship. That, I think, is the rationale behind it that to guard against it if you know that you are acquiring a citizenship for a wrong reason, you are likely - should you misbehave, you are going to become stateless.

**MR. OGWEL LOOTE (Moroto Municipality):** Thank you, Madam Chairperson. I have listened and analysed the contribution from Hon. delegates on this Amendment and it seems that we are all just repeating the same material. So, I suggest that or I propose you put the question, I mean we divide otherwise, we are going to use up the quorum in the House. So, I beg to move.

**THE DEPUTY CHAIRMAN:** Okay, we have on the Floor Hon. Sserwanga Lwanga's Motion that we retain (a) and (c) and do away with (b) and (d).

*(Question put and negatived)*

**THE DEPUTY CHAIRMAN:** I think we can pronounce ourselves on Article 45, that Article 45 do stand part of this Constitution as it appears in the Draft.

*(Question put and agreed to)*

**THE DEPUTY CHAIRMAN:** I think that at this juncture, we still have 30 minutes to go. Hon. Katenta Apuuli.

**MR. KATENTA APUULI:** Madam Chairperson, Article 46, deals with prohibition of dual citizenship. In considering this Article, Committee Four fell back on the debate - the general debate which took place on this Floor. Members who spoke on this item were overwhelmingly against dual citizenship. Therefore, the Committee Four after considering this whole Article decided that the Article should remain part of the constitution as it stands in the Draft.

Madam Chairperson, Article 46, Clause (1), as it is in the Draft Constitution reads: "A Ugandan citizen shall not hold the citizenship of another country concurrently with his or her Ugandan citizenship." Madam Chairperson, I beg to move.

**THE DEPUTY CHAIRMAN:** Okay, we are on 46 (1). Hon. Awori.

**MR. AWORI:** Madam Chairperson, is the Hon. delegate in order to move an Amendment contrary to Rule NO. 9, which says we cannot conduct business without a quorum! Prove it, I have challenged you.

**THE DEPUTY CHAIRMAN:** Okay, let me ask the Clerk to advise us. *(Interruption)* I have been advised that at exactly 2.30 p.m, in the Register One, 100 members registered for attendance; in Register Two, 103 members registered for attendance, giving us a total of 203; and possibly a lot more people could have registered after 2.30 when the count was made.

**MR. BAGEYA:** Madam Chairperson, I thank you very much. Madam Chairperson, the Chapter we are dealing with at this point in time, happens to be quite an important Chapter and if we overlook the quorum, we might be taking decisions arbitrarily and we take this country for a ride. The importance of this Chapter should be underlined because at times, I see that we may be making decisions for and on behalf of this country when actually we do not have the authority.

**LT. COL. ODONG: (NRA Delegate):** Thank you very much, Madam Chairperson. I wanted to remind you and the House that two days ago, in fact I circulated an Amendment to Article 46, and I was looking forward to moving that Amendment soon after the Chairman of the Committee Four has presented his report. So, I think I should be given this chance to move my Amendment which was circulated, actually to passed through the Legal and Drafting, I also consulted the Chairman of Committee Four. So, I would like to move that Amendment.

**THE DEPUTY CHAIRMAN:** Just hang on for the time being.

**DR. KABERUKA:** Thank you, Madam Chairperson. I want to observe that according to our Rules we are supposed to start at 2.30 p.m. and finish at 6.30 p.m. So, in case we have fallen short of a quorum, I beg to move that a Roll Call be taken.

**MR. CHEBET MAIKUT (Kween County):** I would like to take this opportunity, Madam Chairperson, to inform Hon. delegates that this is the month of Ramadhan in which some members of this Assembly are fasting, and therefore, we may not necessarily blame them when they leave this Assembly late to go and prepare to break the fast, since the

time is about to arrive.

**MRS. JANAT MUKWAYA:** Madam, Chairperson, I have been advised that any Motion raised must be seconded. But I did not read the Rules to say so. The procedural matter I was raising was that, when Hon. Aggrey raised that the quorum was not there - he was not sure whether we had a quorum which the Clerks would have gone ahead to count and we assert whether the quorum is here or not. That is what I understood the Rules to say, but if he was not seconded, I want to second him that we find out whether the quorum is - oh, you did? Then, procedurally, the Clerks should tell us whether the quorum is here or not.

**THE DEPUTY CHAIRMAN:** We are 107, but Hon. delegates, I remember one time, Hon. Katenta Apuuli was just introducing the issue, then Hon. Odur would move his Motion, then we go home when we know what Odur moved, and what Katenta has said, we come back with a clear mind. This is information, not debate. So, I do not see the problem of allowing Hon. Katenta Apuuli to complete, Hon. Odur brings his Motion, we adjourn, then tomorrow, we come when we know what we are talking about. So, Hon. Katenta Apuuli complete, Hon. Odur you move, then we adjourn, because we shall not be debating.

Hon. delegates, we have to be serious, we come at 2.30 p.m. by 4.00 p.m. you want to leave, to work only 30 minutes. I know, we are not debating, he is introducing the motion. Hon. Katenta Apuuli, introduce the motion then we go away.

**MR. KATENTA APUULI:** Thank you, Madam Chairperson. Clause 2. *"Subject to this Article, a citizen of Uganda shall cease forthwith to be a citizen of Uganda if, on attaining the age of 18 years, he or she by voluntary act other than marriage acquires or retains the citizenship of a country other than Uganda."*

Article 3. Clause (3). *"A person who (a), becomes a citizen of Uganda by registration and (b), is immediately after the day on which she or he becomes a citizen of Uganda also a citizen of another country, shall cease to be a citizen of Uganda unless he or she has:*

- i) *Renounced his or her citizenship of that other country,*
- ii) *Taken the Oath of Allegiance specified in the Third Schedule to this Constitution and,*

iii) *Made and registered such declaration of his or her intentions concerning residence as may be prescribed by law or;*

iv) *Obtained an extension of time for taking those steps and the extended period has not expired.*

Clause 4: *"A Ugandan citizen who loses his or her Ugandan citizenship as a result of acquisition or possession of a citizenship of another country other than Uganda shall on the renunciation of his or her citizenship of that other country become a citizen of Uganda."*

Clause 5: Where the law of a country other than Uganda requires a person who marries a citizen of that country to renounce the citizenship of his or her own country by virtue of that marriage, a citizen of Uganda who is deprived of his or her citizenship by virtue of that marriage shall on the dissolution of that marriage if he or she thereby loses his citizenship acquired by that marriage, become a citizen of Uganda. Madam Chairperson, I beg to move.

**DR. ODUR (Dokolo County):** Thank you very much, Madam Chairperson for giving me this opportunity to move what I consider to be a very important Motion. My Motion deals with inserting a Clause before Clause (1) of Article 46, to the effect that, all those conditions that have been read in that Article should apply only to a citizen of Uganda who is not a citizen by birth or descent except for Clause 5. Madam Chairperson, I think it should be interesting if Members could give me just a few minutes to give my reason for this.

**THE DEPUTY CHAIRMAN:** Hon. Odur, there is no Secunder on this paper. Be brief because we agreed that we would introduce, you inform Members, they go, ponder over it and then come tomorrow to make the decision.

**DR. ODUR:** Thank you very much. I will be very brief. Madam Chairperson, I am fully aware of the concerns and sentiments the population have about citizenship. In fact, our recent history has indeed made the question of citizenship both controversial and sensitive. I am also very much aware that currently, the identity of Ugandans as citizens, has not been properly regularised. We do not have national Identity Cards and we are not issuing Citizenship Registration Cards. Consequently, many persons mistakenly use our Passports as proof of citizenship. I therefore, expect that these irregular-

ties will be ironed out by implementing the provisions of this Constitution when it comes into force. It is for this reason that I find the Clause prohibiting Ugandans to hold dual citizenship, not fair to some category of Ugandans. Here, I mean, those Ugandans who have migrated and are living abroad since the early '60s. Many of these Ugandans and their children have since taken up citizenship of other countries.

The application of Clause (1), of Article 46, would bar such Ugandans from becoming Uganda citizens unless they renounce the citizenship of both countries, they are now residing in. Fellow delegates, these Ugandans who are now working in Europe and America are very useful members of our society and we stand to lose them for good if we do not make provisions for them to hold dual citizenship. These Ugandans took up those citizenship for convenience and for economic expediency. They have been useful to this country and they will continue to be so. Why should we lock them out? Will such persons enjoy the privileges of a citizen such as property ownership and legal inheritance? I doubt!

My Amendment is therefore to allow for Ugandans who are citizens by birth, I would like to underline that. My Amendment is to allow Ugandan citizens who are citizens by birth or descent to hold dual citizenship if they so wish. This, of course, does not mean granting of two passports as some people may think. This, in fact, is going to be very important when we introduce the issuing of national identity cards for Uganda. These particular persons would not benefit from issuing of national identity cards, unless, of course, they renounce the citizenship of the current country they are residing in.

Madam Chairperson, I am aware that many Ugandans fear that this provision could be abused by our neighbours. They could perhaps use the provision to commit crimes freely in Uganda as Ugandans, then dash off to other countries to avoid the due process of law. But fellow honourable Delegates, these criminal activities can never be eliminated by a mere Constitutional Provision. What we need are competent immigration administrators and people who are committed to Uganda as a nation state. I am also aware that some people are bound to raise the question of loyalty but Madam Chairperson, how can we judge the loyalty of a citizen? Is there any standard? Is there any measurement for this? To me, loyalty is a very weak reason to give for not granting

dual citizenship to a Ugandan who is a citizen by birth or descent. I have witnessed full grown Ugandan citizens who have sworn allegiance to this country looting billions of shillings thereby, causing misery to their fellow citizens. Are these people supposed to be loyal? Loyalty could also be tested at the time of war when citizens offer to go and fight for their country at the risk of losing their lives. But even in such situations, those people who go to war, they get paid for the work they do. Worse still, non citizens have fought very bravely for countries for which they owe no allegiance at all. So, Hon. Delegates, we have no justifiable reasons for not granting dual citizenship to our fellow Ugandans living abroad and have acquired citizenship of those countries. Madam Chairperson, I beg to move. Thank you.

**THE DEPUTY CHAIRMAN:** Thank you very much. Hon. Delegates you have heard what Hon. Katenta Apuuli had to say. You have heard what Hon Odur has said. Let us adjourn and then we resume tomorrow at 2.30, not 3.00 - so that we clear his Motion. So, we stand adjourned until tomorrow.

*(The Assembly rose and adjourned until Friday, 10th February, 1995 at 2,30 p.m.)*