OFFICIAL PROCEEDINGS

OF

CONSTITUENT ASSEMBLY OF UGANDA

FROM MAY, 1994 TO OCTOBER, 1995

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BY

L. J CHINERY HESSE

LEGISLATIVE DRAFTING CONSULTANT

29TH APRIL 2013.

THE REPUBLIC OF UGANDA

PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

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THURSDAY, 21ST SEPTEMBER 1995

Thursday, 21st September, 1995.

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

NATIONAL ANTHEM

PRAYERS

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

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. Delegates, I would like to welcome you back from recess. Today we are starting on a new session under which we shall consider important items. But essentially, the most important being the enactment of the Constitution of the Republic of Uganda. It is one of the most important steps, in the job that we were given to do by the people of Uganda. The other matters will unfold as we go down the agenda or the order paper, and therefore, I do not need to comment on them at this stage.

The only thing, I would like to say, which is on a sad note is that, last Monday, we lost a former Member of the Constitutional Commission, and a prominent lawyer in Kampala, Mr. Kateera. He passed away and he will be buried on Saturday, and I would like to suggest that, we rise in a moment of honour to the Late Member of the Uganda Constitutional Commission. May his soul rest in eternal peace.

PRESENTATION OF REPORT OF BUSINESS COMMITTEE

THE CHAIRMAN: We had a meeting of the Business Committee, but essentially, the business in the committee was to do with polishing up the text of the Draft Constitution working hand in hand with the Technical Committee. I do not think, we should bring it here, as a separate report, will be commenting on the method of work, that was adopted for purposes of arriving at the text which is going to be the subject of the next item on the agenda.

ENACTMENT OF THE CONSTITUTION

LAYING OF THE DRAFT CONSTITUTION ON THE TABLE OF THE ASSEMBLY.

THE CHAIRMAN: Hon. Delegates, I will draw your attention to rule 50 of the rules of Procedure of the Constituent Assembly. I would like to read this rule in full, so that we know exactly what is happening, and it is important to say that, after the consideration stage, the Technical Committee would assist the Assembly to incorporate and put together all the amendments approved, during the consideration stage.

Now, sub-rule 2 says; *The Technical Committee shall under sub-rule I of this rule assist the Assembly to ensure that, all provisions of the Draft Constitution are consistent with one another and that, the language used in whole Draft Constitution is as much possible uniform and conforms with the best drafting standards.*

In order to discharge this function, the Business Committee acting on behalf of the assembly worked with the Technical Committee, to go through the entire text, that came out of the reconsideration stage, to make sure that, everything that was to be incorporated by order of the Assembly is incorporated, and that the language was consistent, and the best, as far as drafting standards are concerned.

The committee that was appointed by the Business Committee consisted of the Chairmen of the Select Committees, and the Standing Committees of the Assembly, with their Deputies. We made a few changes in that membership; Hon. Katenta Apuuli was away on other duties and so Hon. Masalu Musene being Deputy Chairman of committee 4, acted in the position of Chairman, and the Business Committee asked Hon. Okullo Epak to come in a position of Deputy Chairman of committee 4, and therefore, acted in that capacity.

The Business Committee was also represented on this Vetting Committee, as we called it, and I asked Hon. Hope Mwesigye a Member of the Business Committee to be on that committee, and Hon. Dick Nyai was also asked to represent the Business Committee. The two members sat together with the 14 Chairmen and Deputy Chairmen and constituted the debating committee of 16 people. That committee worked and submitted its findings which were essentially of a technical nature to the Business Committee.

The Business Committee sat for two days, and found that, the proposals of the committee were reasonable, and therefore, asked the Chairman of the Technical Committee and his committee to go ahead and finalise the Draft of the Draft Constitution, and that explains why you find that, we did not start on the day that we had earlier appointed, we had to allow all these steps to be taken. Last night, I received from the Government Printers, through the hand of the Chairman of Technical Committee, a Draft Constitution, which was incorporating all the amendments and modifications.

But because time was required for Government Printer to have a continuous text ready, they printed out, what they call the replacement sheets, which indicated the sort of modifications, which had been made on various pages, and these were distributed, I am sure, to the Members this morning so that these could be read together with the one which had been distributed to the Members on the 19th.

I am happy to report that since that time, because they have been working overnight, the Government Printer has now produced for us a copy to be available to each member, now incorporating those modifications which appear in their amending sheets. That way, it may not be necessary for you to have to read the two documents side by side. These are now being distributed and when we come to the close of business today, Members will be able to collect copies which are continuous and incorporate everything now in your hands, in one copy.

But for purposes of today's ceremony, it was necessary that, one copy be printed or at least two copies. One for the Chairman and one that was going to be laid on the table, as required by the rules. In summary, that Delegates will find, in the pigeon holes after here, up to-date copies of the Draft Constitution *(applause & laughter)*. I would like to assure the Members that, they will have time to read before it is enacted. So, there will be a difference.

I will now read the provisions of sub-rule 3, of rule 50. It reads as follows: *After all the amendments have been incorporated in the Draft Constitution under subrule 1 and 2 of this rule, the Chairman, shall cause the Draft Constitution to be printed,* which has been done; *and laid on the table of the Assembly, and copies provided to each Delegate.* We had done the printing, we want now to comply with the requirement of laying on the table and as I said, Delegates will find in their pigeon holes, copies of the Draft Constitution.

I therefore, would like to call upon Hon. Kanyeihamba, the Chairman of the Legal and Drafting Committee, who also chaired the vetting committee, to lay on the table a copy of the Draft Constitution, of the republic of Uganda, as required by the rules.

PROF. KANYEIHAMBA: I thank you, Mr. Chairman, and it is with great honour and privilege, that I lay on the table, this historic document as the final text of what the Hon. Members of the CA have enacted, for today and the future of Uganda. I thank you Sir.

THE CHAIRMAN: The language is not enacted, but approved. *(Applause)* Thank you, Hon. Kanyeihamba, for having accomplished the requirements of sub-rule 3 of rule 50. That copy will now be the copy that has been laid, the Clerk will mark it to that effect, and the rest will be historical processing of it in due course.

I will now draw the members' attention to rule 51, subrule I of the rules of procedure. It reads as follows: *After copies of the Draft Constitution have been distributed to Delegates under rule 50* (and this is going to be done, actually it has been done, except that, we are going to have one continuous document later on) *the Chairman in consultation with Business Committee, shall appoint a time for the assembly to sit, and enact The Constitution which shall be not less than 72 hours, after the Draft Constitution is laid on the table of the Assembly under rule 50.*

We can take it, that the draft has been laid at 10.30 this morning. If we took that to be the position, under this rule, we would require 72 hours to elapse before we can proceed on the business of Enacting the Constitution. But I would like to point out that we have utilised nearly all our time, and if we take 72 hours, in fact moreless, our time here would elapse before we Enact the Constitution.

The Business Committee was mindful of this, and in accordance with the requirements of that rule, we discussed in Business Committee as to how we should proceed. The Business Committee took the view and more particularly since copies

were made available from Tuesday to Members, notwithstanding the minor modifications later on, that the time requirement of 72 hours, be reduced to 24 hours by suspension of the rules, so that we can then, finish our business within the time allowed.

I will, therefore, for purposes of proper procedure, call upon Hon. Omara Atubo Chairman of the Rules Committee, to lead us in this respect.

MR. OMARA ATUBO: Mr. Chairman, as you have very clearly explained to the Assembly, I beg to move that, rule 51, be suspended in accordance with rule 43 (1). Mr. Chairman, rule 43 (1) provides that, subject to The Statute, any of these rules may be suspended with the consent of the Chairman, or a majority of Delegates, present. Mr. Chairman, I think you have deemed it fit that, you democratically bring the issue to the House for a majority of Delegates present to decide. And the reason for the suspension has already been explained as being the short time that, The Assembly is left with before it expires. It is absolutely necessary that, we resume tomorrow and not, after the expiration of 72 hours. Mr. Chairman, I beg to move.

THE CHAIRMAN: The Motion is that, so much of rule 51, subrule I be suspended as would prevent us proceeding tomorrow, after 24 hours. I will put the question.

(Question put and agreed to)

THE CHAIRMAN: We, therefore, shall have the Draft Constitution laid on the table for 24 hours. In order to comply with those provisions, I would like to, therefore, adjourn the Constituent Assembly so that we resume tomorrow morning at 10.30 a.m. promptly to proceed with the process of enacting the Constitution. I hereby adjourn the House, to that time. We stand adjourned. Thank you.

(The Assembly rose at 5.30 p.m. and adjourned until Friday, 22nd September, 1995 at 10.30.a.m.)

THE REPUBLIC OF UGANDA

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OF

THE CONSTITUENT ASSEMBLY

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FRIDAY, 22ND SEPTEMBER 1995

Friday, 22nd September, 1995

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

PRAYERS

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

(The Assembly was called to order)

ENACTMENT OF THE CONSTITUTION

THE CHAIRMAN: Hon. Delegates, yesterday we laid on the table the Draft Constitution, as required by the rules, particularly rule 50, subrule 3, and we have complied with the requirements. I am sure, Delegates, you have received, the copies of your Draft Constitution as required by the rules after tabling.

I also wish to remind the House that, we did suspend so much of rule 51, subrule 1, so as to enable the House re-convene 24 hours after delaying, instead of the previous requirement of 72 hours. Now, I wish to draw the attention of the House, to the requirements of rule 51, subrule 2. By suspending the rules yesterday, we did appoint this morning to be the time for enactment of the Constitution.

I will proceed to read for the benefit of Members the requirements of subrule 2 of Rule 51. *At the time appointed under subrule 1 (the time for enactment) the Chairman, shall call upon a Delegate, to move a Motion that the Assembly enacts the Draft Constitution, as The Constitution of Uganda, as required by section 19 of the statute.*

Section 19, provides for the enactment of the Constitution, and thereafter, for the appointment of the date, by the President, for promulgation. I would, therefore, like to proceed in accordance with the Order Paper and the Rules, and to call upon Hon. George Kanyeihamba, to move a Motion for the Enactment of the Draft Constitution into the Constitution of the Republic of Uganda.

PROF. KANYEIHAMBA: I thank you Mr. Chairman. I beg your indulgence Sir, that before I move the Motion, I should say something which is not accorded in our rules namely: to express as Delegates, our heart felt thanks and those of the nation to you, Mr. Chairman, and your Deputy for the manner and the way in which you presided over and guided and managed the affairs of this assembly *(Applause)*.

Mr. Chairman, I know that through you and others who were officers of this assembly, you would like to extend your thanks to the Hon. Delegates for the courtesies that they expressed which determined the way that we proceeded in this assembly. Mr. Chairman, our thanks also go to the Chairman and Members of the Technical Committee and of the research team for the way they diligently assisted this Assembly in coming to the final draft of this document. *(Applause)*

Mr. Chairman, last but not least, I would like to extend on behalf of the Delegates our thanks to the members of the press, both Local and International, *-(Applause)* - in the manner they reported the proceedings of this Assembly, and whatever criticism they made, they were making in the name of our country and of course for God and our country. And therefore, they are also to be congratulated for keeping the nation informed of what was going on in this Assembly, and for reporting accurately and fairly, Mr. Chairman. *(Applause)*

I would like through you, Mr. Chairman, to thank the Nation not only for having placed responsibility in individual Delegates of this assembly, but having sacrificed both materially and financially, to assist this Assembly to reach this historical goal of Enacting a new Constitution for Uganda. For this, Mr. Chairman, our thanks go to every woman, man and child of this nation, for having been patient with us. *(Applause)*

Mr. Chairman, we would all like to place on record, our gratitude and thanks to the Constituent Assembly Commissioner and his Deputies and his staff for all the assistance that, they accorded us and accorded you, Mr. Chairman, in enabling us to do our duty, very comfortably *(Applause)*. Also, Mr. Chairman, we were all assembled here for more than a year, and during that time, we never had any problem with this Conference Centre and everything that goes with it. For that reason, Mr. Chairman, our thanks also go to the Conference Centre management for having done a good job, to enable us proceed *(Applause)*.

Lastly, Mr. Chairman., we also had the eyes and the ears of the International Community, particularly as represented here, by their Excellencies, the ambassadors and Charge D'affaires. We wish to thank them for having understood our task, and having appreciated the will and aspirations of the people of Uganda, and also for the assistance they have rendered or may have rendered to the work of this Assembly *(Applause)*.

Mr. Chairman, with those words, I wish to formally move a Motion that the Constituent Assembly sitting at the Uganda International Conference Centre Kampala, this day, 22nd September, 1995 enacts the Draft Constitution as the Constitution of the Republic of Uganda, as required by section 19 of the Constituent Assembly Statute number 6 of 1993. Mr. Chairman, I beg to move.*(Applause)*

THE CHAIRMAN: Yes, I have not put the question yet. But I presume by that you are saying, the motion is seconded. Fine. Let me draw the Assembly's attention to the manner in which we shall proceed upon this Motion. The Motion is for the Enactment of the Constitution and the presumption is that, the debate will be either you are for the enactment or not for the enactment. In otherwords, the rules do not permit us to go back to the provisions of the text, as if to re-open them for further reconsideration.

If you look at rule 49, it says: *"a Member is free to move that a provision or the entire Constitution be re-submitted for reconsideration, if at the time a Motion for enactment has not been moved."* That is the summary of 49 (1). *(Applause)* And so - a Motion having been moved and seconded, then we are precluded from talking on the provisions as if they are being re-submitted for further reconsideration. Therefore, I would urge Members who are contributing to the Motion, to bear that in mind.

On reading 49(1) together with 51, we are now limited to the consideration of whether or not, the Motion for enactment should be passed. Once it is passed, then other procedures as required by both the statute and the rules will be put in place. I, therefore, now commend the Motion to the House for Debate, before we pronounce ourselves on that Motion. And by the way, before we start, can we limit ourselves to five minutes or so, because one minute is not good enough.

MR. AWORI: Mr. Chairman, may I, in the first place take this opportunity to thank you for giving me this opportunity. It is probably the last time we shall contribute to this debate, to enact a new Constitution of the Republic of Uganda. Mr. Chairman, I would like to move that this Constitution be resubmitted for consideration. Mr. Chairman, -*(Interruption)*

THE CHAIRMAN: Hon. Aggrey Awori, I have just drawn the attention of the House to the rules, the very rules you are now breaching. The only way you can achieve what you are trying to say, is first move that the House suspends rules 49 and 50, so that you go back to reconsideration stage. In absence of that, you would be wasting our time.

MR. AWORI: Mr. Chairman, so I move that we suspend rules 49 and 51. Mr. Chairman, I would like to support my submission.

THE CHAIRMAN: Is it seconded?

MR. AWORI: Yes please. It is seconded.

THE CHAIRMAN: I do not see a seconder.

MR. AWORI: It is seconded.

THE CHAIRMAN: By who? *(Laughter)* Have you been seconded?

MR. AWORI: It is Eresu, Mr. Chairman. He put up his hand.*(laughter)*

THE CHAIRMAN: Hon. Eresu, are you seconding?

MR. ERESU: Mr. Chairman, I was not even clear of the Motion on the Floor being moved by Hon. Aggrey Awori. I did not raise my hand at any one time, to second any Motion on the Floor. I beg to state very categorically, that if my hand was up, it was not in support of the Motion moved by Aggrey Awori. Thank you.

THE CHAIRMAN: Okay, now let us proceed this way; Hon. Awori, you can make your contribution on the basis of whether you support the enactment or not, and stop at that, but to move a Motion otherwise, as you can see, you have not been seconded.

AN HON. DELEGATE: Hon Awori,do not talk for us!

MR. AWORI: Thank you Mr. Chairman. I do not support the enactment of this Constitution, at this juncture for some reasons. Mr. Chairman, as much as I appreciate the input of all the Hon. Delegates here, on various articles, particularly the articles pertaining to human rights, the rights of the women, special interest parties, the Judiciary, and Legislature. Mr. Chairman, I do hereby express the concern of my people that, this Constitution falls short of the expectations on the following articles. One, Mr. Chairman, the people of this area, especially Buganda expressed their interest -*(interruptions)*-

THE CHAIRMAN: Order, order! Hon. Aggrey Awori is entitled to state the way he understands the process.

MRS. MUKWAYA: Point of order. Mr. Chairman, with all due respect to Hon. Aggrey Awori, I respect the people of Samia where he represents, but is it in order to insult the people of Buganda who did not elect him to this House?

THE CHAIRMAN: I did not hear any form of insult. As far as I recollect, Hon. Aggrey Awori was advancing an argument which he had not completed when he was interrupted. It would be fair if you listened to him first, and then, if you have any counter arguments, you do so. But I did not hear him insulting Baganda. Another point of order from Samia Bugwe South. *(laughter)*

MR CHANGO MACHYO: Point of order. Mr. Chairman, is it in order for the speaker on the Floor to impute into the people of Samia Bugwe North, that they instructed him to come here and reject the adoption of this Constitution, when I was there last weekend and they assured me, that you go and enact the Constitution? Is it in order?

THE CHAIRMAN: Are you talking for South or North? *(Laughter)*

CHANGO MACHYO: Mr. Chairman, I met the elders from South and North, and the RC 4 Chairman of Samia Bugwe.

THE CHAIRMAN: Yes, but I think Aggrey Awori is entitled to carry the message of Samia Bugwe North. So let us hear it. Please could you come to the point you want to make, because as I said, you are taking longer than is necessary.

MR. AWORI: Mr. Chairman, thank you very much for your timely intervention, on my behalf. Mr. Chairman, with due respect, my contribution this morning is not supposed to be facetious nor insulting to members of any particular community. Mr. Chairman, today's contribution is at a national level. We are addressing ourselves today, to a Constitution for The Republic.

Mr. Chairman, my previous contributions representing the views of my people who elected me to this august House, have been made probably recorded in the Hansard. Mr. Chairman, you gave me the opportunity to move a Motion rejecting or accepting Enactment of the Constitution, and this matter, Mr. Chairman, is not a matter pertaining to any particular constituency. It is a national issue. So, I am supposed, and I can and I have the right to address myself to any part of the Constitution, pertaining to Samia Bugwe South, or North, or Buganda, or any part of this republic, Mr. Chairman.

Mr. Chairman, my argument about Buganda was essentially, a reference to a working document we were given by the Odoki Commission. Odoki Commission, among other things, had several recommendations pertaining to several issues, one of which was Buganda, and the Movement system of government. Mr. Chairman, my apprehension about this Constitution is that it is essentially Movement based, and not a people based Constitution. That is why I was expressing my concern.

I can support why I say, it is a Movement based Constitution. Mr. Chairman, the Movement has been given undue, and I underline undue, emphasis in the Constitution rather than the rights of the people. Mr. Chairman, the working document we were given to start this Constitution, among other things, referred to the wishes of the people of Buganda. Mr. Chairman, when you look at this Constitution, their wishes may not have been met.

Mr. Chairman, a number of people in this august House, were espousing a particular form of system of governance. Mr. Chairman, that particular note, has been ignored until the next five years. Mr. Chairman, these are issues which cannot be ignored. We all support The Constitution, but with

reservations Mr. Chairman. I appreciate the opportunity of expressing my concern, that this Constitution falls short of our expectations.

Mr. Chairman, today is a very important day. Nobody is looking at it in a funny or joking manner. Mr. Chairman, you gave me the opportunity to express my concern as to why this Constitution today, should not be enacted. I wanted to suspend rule 49, and 51, but, Mr. Chairman, for lack of support from the Floor, I could not use that opportunity. Mr. Chairman, I will go back to why I am expressing concern about this Constitution. A constitution is a fundamental law of a country. It has to be respected and abided to by all citizens of the country.

Mr. Chairman, we are all passengers on this omnibus, heading for peace and unity. If I see that the omnibus is heading for a wrong destination, it is the responsibility of my people to call me to order. When I came to this House initially, my people told me, "please when you go their to represent our views, make sure that our wishes are reflected, both minority and majority. So, when I speak for the minority, Mr. Chairman, I am not off the track.

Mr. Chairman, I was called to order by my own grandson from Samia Bugwe South that my people did not tell me or did not instruct me to come and refuse enactment, and I am glad you rescued me. I am simply saying, it may not be the right time, because there are certain defects in the Constitution which must be put right. Mr. Chairman, if I do not express concern about the defects in the Constitution, I will be failing in my duty as a Delegate and as a concerned citizen. Mr. Chairman, I beg to move, that this Constitution be not enacted today, but be subjected to further scrutiny. I beg to move. Thank you Mr. Chairman.

MR. OBIGA KANIA(Terego County): Thank you Mr. Chairman. Mr. Chairman, I beg to support the Motion by George Kanyeihamba, as seconded by Fiona Egunyu, to enact this constitution. Mr. Chairman, today is one of the few days when I feel extremely happy. I feel extremely happy, because I believe we are coming to the conclusion of the Constitution making process in Uganda, that started a long time ago, in 1988.

The people of this country were appropriately consulted by the Constitutional Commission. The people of this country, were given an opportunity to elect Delegates freely and fairly to come and present their views. Those Hon. Delegates who indeed live to their honour in this House, came and presented the views of the people of Uganda. In the final analysis, they have come out with a document which in my view, reflects this generality, the cross sectional opinion of the people, of Uganda.

I am satisfied with the methods that were used to arrive at this document. I am satisfied with the performance of each and every Delegate here. I believe there is no single Delegate here, who would say, he has done his worst. All of us have done our best, and having done our best, and having been chosen in the best free and fair method, I can only say that the results that have come out here, are the best. The results are the contents in this Constitution which we are now about to enact.

For the people of Terego, we are extremely happy, that the wisdom of this House gave the power back to the people in the totality of this Constitution. When I read the entire document, I am satisfied that for the first time in Uganda, the people have the opportunity, to use their power for their benefit. Whether, in future, they will use that power, and use it correctly is a different matter, and that cannot stop me, and in my view, this assembly from enacting this great document into the Constitution of the Republic of Uganda. We all came to take, and I am sure, we have all taken something back to our people.

It is entirely up to us to take the most important thing which is that the nation as a whole has gained. The nation as a whole, has an opportunity to start completely new from the past, that has been disastrous in our history. I, therefore, look at this document, as a significant beginning. Therefore, my appeal to those in the House, and those outside, who may feel that they have not taken enough is, that they look at this document as a beginning document.

To those who say they have got something, but what they call a raw deal I say, go and make the raw into a cooked one, and we should be able to move ahead in a better Uganda. And to those who are absolutely satisfied that they have achieved everything in this Constitution, my advice is, everybody else should be able to catch up, and we move in total contentment.

Finally, Mr. Chairman, allow me to register my humble thanks to you and to the Delegates for the manner in which we have conducted the affairs of this Assembly.

Allow me to register the humble appreciation of my people in Terego, who all through, have followed with the greatest interest the Assembly deliberations. I can assure you, the little part that they might have played in this Constitution, they are happy to say they were able to participate up to this level. I, therefore, support the Motion to enact this Constitution today, the 22nd of September, 1995. I thank you Mr. Chairman.

MR. TIBERIO ATWOMA: Thank you Mr. Chairman. The House is all aware, because they have all received me very well, that I am going to contribute to this very important Motion. Mr. Chairman, this Motion is very important indeed to this country, because we are about to deliver a child. Whether it is going to be alive until the time of nine years, or it will be aborted who knows?

Mr. Chairman, I think every Delegate here has got the paper which I have supplied in their pigeon hole. It is headed by a question "Are we going to make an abortive Constitution again?" Mr. Chairman, here in this hall, we always start every Monday, by singing the ourselves National Anthem. Today, is the time to see whether Uganda is going to be upheld by God.

Mr. Chairman, from the start, I lament for our loving country, that it is being ditched into yet another political dilemma, and the question here is, who is to blame? My answer is, "the inept intellectuals, and the so called politicians in this House, who betray the people for their selfish ends. The people have confided in us, and mandated us to make a good Constitution, which will stand the test of time.

Some us, however, after coming here, have decided to form an artificial majority, to sabotage this Constitution, for it to become an NRM Constitution, and not a National Constitution. Yes, by refusing to learn our bitter history which we have here in this country. A history characterised by blood and political wars since our independence. It was, therefore, the hope of the people of this country, that the Constitution making should serve as a tranquillizer, to our turbulent politics as a result of the previous bad Constitution.

This expectation is now being dashed over the wall, and the writings on the wall are very clear enough, for even the blind to see which way the country is going. Mr. Chairman, in my previous contribution on article 94, 98 now as changed article 69, to 74, I said that the fundamental human rights and freedoms are the most central point and the main part of the Constitution, and I repeat it here now. This very point was also raised very ably and stressed by the Dean of Faculty of Law - Makerere University, in his recommendation, on request of Legal and Drafting Committee of this Assembly.

There in, Prof. Tumwine Mukubwa pointed out, that this disturbance by recommending us, alternatively, article 92 to 97, now 69 to 74, should be enacted into statute or being a transitory provision, should be transferred to Chapter 20. These are basically not constitutional issues. Article 94, now 72(1), is already catered for, by article 53(1)(e) and 61(2), now 29(1) and 28(2). This is found in the report of the Draft Constitution, as approved by Tumwine. Such wise counsel fell onto deaf ears of this Assembly, and was ignored at the reconsideration stage for no good reason and purpose, but for selfish ends to safeguard the *status-quo* of NRM. History will judge us right or wrong.

Mr. Chairman, if I may sound a word of warning, I would say that those honourable mothers, or mothers to be, who are instrumental to the inclusion of such abominable provisions in the Constitutions should re-think, for they will inevitably sooner or later, pay the price, very dearly, and with their dear ones who will have fallen victims of this epistle. I say so, because it is obvious that the human person by nature, is second to non here on earth, but God. That is found in Genesis 1: 26-27. Philosophically, man is a reasonable animal, in as much as he abides by God's commandments from number 4 to 10, in relationship with his fellow men. That is on human interaction. And theologically, in so doing, he is reconciled to God. Even as Jesus Christ put it, whatever you do to the least of my brothers, that you do unto me.

Therefore, attempting to negate such rights by malicing fellow men or human beings is engaging in a situation of no return, because he will certainly not succeed. It failed in America, in Russia, and in South Africa name it, all along. If NRM persists to retain such infamous provisions in the Constitution, then it will constitute an act of promulgation

which did not last. Mr. Chairman and fellow Hon. Delegates, we are now winding up, and shall soon be dispersing to our respective homes, but we have one thing in common to do; and that is to report to our people, what we have done for them; a commodity not easy to deliver but we are duty bound to do it.

All of us have been prophesying here in this assembly, that we go speaking for our respective people, and not for ourselves. And so, Mr. Chairman, I find it extremely difficult to support the enactment of this Constitution in its present form, without a referendum on articles 69 - 74; 179 - 169; and 271, which have distorted the whole Constitution in the making. Mr. Chairman, I am saying this, let not the entire document that we have been battling here for 14 months, be rendered useless. It is these particular articles that I have referred to, that have distorted this Constitution.

If I may give the example, when you are eating ground nuts, but there is one which is rotten and bitter to swallow in your mouth, you will find that, it is de-tasteful, and then you will spit it out. In spitting it out, you are not going to spit that very one, you are going to spit the whole now. Therefore, Mr. Chairman, these small parts are very vital to our Constitution. The articles tackling the human rights question and the system of governance in this country, are very vital in this Constitution, and if they are mishandled, then it means we have gone out with an abortive Constitution.

Mr. Chairman, with these very few remarks, I oppose the enactment of this Constitution in its present form. Thank you Mr. Chairman.

MR. ELIPHAZ MAZIMA(NUDIPU): Thank you Mr. Chairman. Mr. Chairman, I rise to support the Motion which has been moved by Hon. Kanyeihamba and seconded by Hon. Fiona Egunyu, that this House enacts the Constitution of the Republic of Uganda, as required by section 19, of the CA Statute, No.6 1993.

Mr. Chairman, before I move on, allow me to correct one connotation which has been raised by Hon. Tiberio Okeny from Chwa county that even blind people, see that the situation is going wrong in this country. I do represent blind people in this House, they are happy with the situation they have seen and they are praising it *(Applause)*.
Mr. Chairman, I have reasons as to why, I am supporting the enactment of this Constitution. I take politics as having power, I also take it as having control and I also take it as having the ability to make decisions. We were sent here by the people, how do I gauge the situation, vis-a-viz, the people who sent us. Do we have power or they have the power? Article 1 of this Draft Constitution, Mr. Chairman, says that, power belongs to the people, it does not belong to us the people who have made this Constitution; it does not belong to the President; nor does it belong to the Members of Parliament or other leaders.

We have also gone ahead to say that authority in this country, in the state emanates from the people. This is in article 2, and that they will be governed through their will, and consent. We moved on to say, in article 237 that land belongs to the people, and land is an economic wealth. Once you have given them power, and once this Constitution is giving them wealth, what else, why do we delay to enact, this Constitution! Mr. Chairman, my challenge and worry is, will these people know the power which this Constitution has given them? That is where my problem lies.

Will they be like the crested crane? Allow me to talk about the crested crane a bit. It was given glory and honour, it appears on our National Flag, on the Court of Arms, on the currency, and when the President and ministers are moving around or are visiting other countries and ambassadors, what appears first is a crested crane. But it does not know this. We eat and drink on its behalf, but it does not demand a single glass of soda, leave alone the beers and the sodas we take in its name.

Mr. Chairman, my prayer is that, it is the responsibility of everybody here to make sure that the people have been given the power, instead of saying that we delay the enactment of this Constitution. They should be taught the content of this Constitution. Mr. Chairman, we have also put in place a mechanism for the amendment of this Constitution, to cater for those who might not be happy with all the contents, and also to cater with changes. You know changes come with time, and come with environment. People in future might be having different values, different wishes and different aspirations, and we have put a procedure in place.

Whoever is complaining that this or that is not in place, should wait for the time to amend this Constitution. Mr. Chairman, what do the people I

represent say? First of all, they are happy because of article 221 (2), which is the anti discrimination article. We have been suffering because of lack of access to available services, and facilities in this country, we have been suffering because of lack of access to the available resources, and above all, social relationships within the society. This article solves our problems.

Delaying the enactment of this Constitution, Mr. Chairman, would be madness. I am sorry to use the word. Mr. Chairman, the second reason why they are happy is the representation in Parliament and Local Government Councils. The Banyankore have a saying, that *Owakukugahurha ab'akuheire okurya.* If somebody appoints you to serve certain people, he does not tell you that, you also need to put aside your share. It is automatic that, once you are given that ability to serve, you will be able even to serve yourself.

Now, what do I mean here? What I mean here is that, what is not covered in this Constitution will be covered by those people in Parliament, or those people in the councils. That is why my people strongly support the enactment of this Constitution. Allow me, Mr. Chairman, also to comment on the presentation once, again by Hon. Tiberio Okeny, and some time back, Hon. Omara Atubo and Hon. Wasswa Lule, were quoted in the press, and their comments carry two messages which I would like to bring out.

The first one is that it has been an abnormal situation for this country to have allowed marginalised groups to participate in the constitution making exercise; that is my own interpretation. I get it from what they said. Secondly, that the participation of marginalised groups has helped NRM to get a false and artificial majority here.

Now, what is the situation! I would like to argue that, first of all, I have read several constitutions and at least, there are over 20 countries in the world, I will circulate the list to all Hon. Members that, do allow special representation in Parliament. But what we have added here in Uganda is allowing the workers, youth and persons with disabilities. That is the only difference. Now, Mr. Chairman, this shows that, it is not an abnormal situation, it is a normal situation, since Uganda is not the first country to do it. Even if it was the first country to do it, there is a justification for it. There is a necessity for it.

I beg my friends, my colleagues to remove that mentality from their minds. And, Mr. Chairman, I do not want to talk about the directly elected Delegates. I want rather to talk about the directly elected Delegates who are 214 in this House. Now, where is the majority? And how has the false majority of the indirectly elected helped NRM. Mr. Chairman, our rules of procedure provided that for this House to deliberate, we will require half, which is 107.

The same rules of procedure, require that, when you are making a decision, we require two thirds, and this is approximately, 144 or 143, but when we were voting on that great day, I saw 68 Delegates supporting multi partyism. The point I would like to make here, assuming all of them were multi-partists, then this would leave us with 146, which is more than the required number, that would allow us, to make the decision. So, in this case, the point being raised by Hon. Omara Atubo, does not have weight.

Mr. Chairman, when I looked at the 68, there were 6 women. Apart from Hon. Cecilia Ogwal, the others were indirectly elected. So, I subtract five from 68; there was one youth indirectly elected, that is, I subtract that one as well from 68, there were also federalists who were NRM, who were supporting them, in that artificial alliance, so the number keeps reducing. When you analyse it, you find it is between 40 and 50. So, dear colleagues and Hon. Delegates, I would like to refute the issue that, we have helped NRM to create an artificial majority. With or without us, NRM would have maintained the majority, this is my stand.

THE CHAIRMAN: Hon. Mazima, you are going beyond your time.

MR. MAZIMA: Allow me, Mr. Chairman, to conclude that, according to the statements made by Hon. Mulenga and Hon. Rigwengi, they said that, 98 percent of this Constitution is acceptable. Now, how do we delay to enact 98 percent which is excellent. Mr. Chairman, I beg to support the Motion.

MR. MWONDHA(Bukooli County North): Thank you very much Mr. Chairman. Mr. Chairman, allow me to add my voice to the Delegates who have expressed their thanks to you, for the able stewardship you have given to the process of the

CA. In the same vein, Mr. Chairman, allow me to thank your Deputy, The Clerk and the Commission who have played their part most ably, to enable us fulfill our responsibilities. Allow me also, on behalf of the people of Bukooli North, to thank fellow Delegates, who most often have listened patiently to the views of the people of Bukooli North.

Mr. Chairman, I would like to take this opportunity to make a few observations. As we leave this Conference Centre, we will have taken on a life long responsibility as far as this Constitution is concerned. That we have been here for the last 14 months, scrutinizing, and debating provisions of this Constitution, by itself, should be sufficient to make us experts on this document. Therefore, I cannot be wrong, if I say that from time to time, I am sure the people of Uganda will always call upon us to assist in the interpretation of most of these provisions.

It is on that score that I get very worried, Mr. Chairman, that a good number of us, have started confusing and misinterpreting provisions of this Constitution. The other day, for instance, I was listening to a radio programme where the Deputy National Commissar was being asked, which movement had been given five years? Was it the NRM or Not? He did say, that it was not the NRM, it was a new Movement. How can it be possible that you extend something which is new?

Mr. Chairman, if it is not the NRM that was given the 5 years, then it is not proper to refer to the 5 years as an extension. You can only extend, that which is existent and in, any case, I have been disturbed by many persistent press reports, coming from all parts of the country, and all saying the extension of the NRM for 5 years, or even giving sole candidacy to some Ugandans. All these go to point, that neither have we become experts, nor are we willing to honestly, interpret the provisions of this Constitution. And if we Members of the CA, are not willing to interpret these provisions honestly, we will be giving a raw deal to this country.

It could be sufficient reason for us to say that, may be the Members of the CA need a seminar before we can enact this Constitution, to tutor them on what it provides. Because, for instance, there is nowhere in this document where it says the NRM has been given five years. There is even nowhere in this document, where it says any Movement, of whatever nature, has been given five years. Therefore, any attempt to allude to five years, is to intimidate the people of Uganda into believing that that is the case. I would like us to stop intimidating the people of Uganda.

Mr. Chairman, another matter was told to non, other than my constituents themselves. While in Bugiri, the National Political Commissar did say that, a corporate interest like the NRM interest exists; Which corporate interest is above personal interest. First of all, I do not want to disagree with the NPC, he may be right. A corporate interest like the NRM interest exists. But if it does, then that corporate interest, from Promulgation of this Constitution, will be given nine months, to manifest.

Therefore, there will be no point in binding any Ugandan to such an interest. Because, after nine months of promulgation of this Constitution, that interest, whether it exists or not, will expire.

I have heard Members saying that Ugandans whose aspirations have not been taken care of in this document should not be unduly worried. They say so because ostensibly there are provisions for amendment. If that is true, Mr. Chairman, it is unfortunate. This is a new Constitution unlike all new things. Imagine for instance, someone going out and buying a new car and rolling it out of the showroom and arriving home and his wife says that the car is wobbling and then the husband says, do not worry, the car can be repaired!

All new commodities normally should have guarantee and the guarantee one would have expected for this Constitution, is to stand the test of time. For Hon. Kategaya to say, like he did in Namayumba, that do not worry the Constitution has provisions for amendment is in fact resigning to the fact that the Constitution is defective.

Mr. Chairman, we have put in a lot of time, a lot of energy and indeed a lot of resources. The people of Uganda had hoped that this Constitution would provide a watershed, would provide a new chapter, would provide a new era where the peaceful transition of power can obtain. The people of Uganda, who sent us here, are tired of running day in day out because Kampala is falling, or Kampala is being captured by gunmen. There is very little hope that this Constitution will offer that possibility.

What the constitution has in turn done is to entrench a few individuals who are already holding power into even further hold to that power. But the people of Uganda are committed to constitutional governance, the people of Uganda are committed to the observance of law and order. Let me say this, that while we walk out of here, a number of issues have been resolved but a number of issues remain unresolved. We passed the mantle for resolving those issues to the people of Uganda. Let us hope that it will be possible for us in the very near future to hold a free and fair election, where the issues unresolved could be resolved.

On that score, I implore the NRM Government which has been given the responsibility to hold these elections, to do it with maximum despatch. Provide us with the electoral law, provide us with regulations so that we can be able to judge in good time, whether the NRM government is prepared to hold a free and fair electoral process. Thank you very much Mr. Chairman.

PROF. NSIBAMBI: Thank you Mr. Chairman. I would like to support the enactment of this Constitution for a number of reasons. First, it is home grown. It has been argued that the Constitution of 1962 was not entirely home grown. It had elements of significant external assistance if you like, but this one has been home grown in most respects. The Ugandans themselves have participated fully in the formulation of this Constitution.

It has also given us a new positive constitutional framework for handling the persistent intricate problems of Uganda. I shall indeed have occasion to show areas where it is superior to the existing Constitution.

There may be some people who may think that the enactment of this Constitution marks the end of political, cultural and constitutional bargaining. Far from it, this is the beginning of this bargaining, because a Constitution grows through amendment and interpretation by courts of law. That is why I would like to make an initial appeal that two critical issues which are still bedeviling us be considered.

I refer to the federal question; I must make a plea that the constitution be amended so that those who would like to have a federal arrangement have it. Those who would like to have a unitary arrangement may have it. I must also refer to the question of political parties; The question of referendum should be avoided, because there will be intricate problems of acceptance of the results of the referendum, and it would also be a very good way of meeting the multi partyists. Those are two critical issues which would require amendment and we must address these questions.

I said earlier on, that this Constitution is in many ways superior to what is obtaining and I must concretize this statement. If you take the Presidency for example, we have tamed it without crippling it. The senior appointments by the President have to be ratified by Parliament. We also know that Parliament can try the President if he misbehaves constitutionally, but we also know that the President can also fire those who do not perform their functions properly. So, there is a balance.

We have upgraded the legislature. It ratifies appointments, it can also impeach the President for committing vital constitutional ills if you like. But, of course, The Legislature must be given more infrastructure in order to perform the vital tasks given to it. The traditional leaders who were abolished in 1967 and who were restored in 1993 have been now entrenched under a separate chapter. *(Applause)*.

There is a plea that we can improve what is obtaining by making them ceremonial heads of elected governments. Those are some of the issues we can address. The freehold system which was abolished in 1975 has been restored. The kibanja holders and the owners of land, the registered owners of land will have to have a clear relationship, which has to be addressed and it is fitting that this matter be addressed. The question of fundamental human rights has also been addressed. For example, detention can only take place during emergency and one could go on and on citing these examples.

The point I am making, is that whoever says that this Constitution is inferior must take item by item and compare it with what is on the ground and then make a conclusion. Mr. Chairman, there is a persistent problem in this country. I refer to the intransigence of the majority and the minority. This persistent disease must be addressed by a number of measures which include the following: The resources must be allocated in such a way that we use objective methods so that all groups feel that they belong. We must also persistently refer to

experts whenever we have an intricate problem so that they can give us different options which we must then consider and resolve any existing problem.

Finally, Mr. Chairman, it is my duty and pleasure to thank you and your Deputy Chairman. I find difficulty to find appropriate words to thank you, but let me use these adjectives. You are dexterous, you are functionally versatile, you are diligent and you are accommodating. *(Laughter)*. These refer to both of you, and these are scarce resources. So we must treasure your presence and presence of your Deputy, because we must cultivate assiduously these credentials so that they spread throughout the polity.

It is also my pleasure to thank the political, the traditional and religious leaders because they have been empowered to make sober this country. To my fellow Delegates, it has been a great pleasure to interact with you, because initially we misunderstood each other but we now understand each other. Sometimes we also agree to disagree. I must also thank our friends the external donors who have assisted the entire constitutional process. They have done a wonderful job. We must continue the exercise of constitutional engineering in order to enhance, not only national unity, continental unity and global unity. I thank you. *(Applause)*.

MR. DICK NYAI(Ayivu County): Thank you very much Mr. Chairman. Mr. Chairman, allow me to start at the outset by adding my voice to voices of the many distinguished Delegates who have paid tribute to you, and your Deputy and to the Commission Secretariat which has made it possible for us to work effectively and smoothly. I would also like to extend my best regards to my fellow Delegates who while we were disagreeing, we still have tea, we still crack jokes and I think we have learnt to coexist. I am told, in this regard, Hon. Amama Mbabazi wants special mention and I give it to him.

But that, Mr. Chairman, is to me a very strong departing point. It is a strong departing point, in that whereas I would really love to enact this Constitution, Mr. Chairman, there are certain shortfalls which I think if we were not humbled by rule 49(1) could very easily be done. I am saying this, Mr. Chairman, because we have come a long way in 169 sittings in this House.

We have said there should be separation of powers, we have stumbled a little, instead of having a Presidential system, we have tied the President and Ministers to Parliament. I do not know whether we did this for self interest, because some of us wanted to become Ministers, but I think that Mr. Chairman should have been removed from our Constitution. New things should have been made meticulously without giving recourse to future generations to start saying, what went wrong with our fore bearers?

I believe we are very intelligent people, we have tried and I am quite sure given a little luck, we could have moved a little further. I know that God moves in mysterious ways and since wonders to perform may be in the case of Uganda, he needs to move a little further.

Secondly, Mr. Chairman, there are contents in this Constitution which passed as they are and enacted as they are will cause a lot of anxiety. Mr. Chairman, I refer to page eight chapter one article 1(2). It states and I read: *Without limiting the fact of clause one of this article, all authority in the State emanates from the people of Uganda and the people shall be governed through their will and consent.* That, to me, Mr. Chairman means they elect their leaders.

On page 29 you have article 69 which reads and I quote: *The people of Uganda shall have the right to choose and adopt a political system of their choice through free and fair elections or referendum.* Now where is the governance in here? We are concerned with governance. This anomaly I am quite sure Mr. Chairman, if the CA so addressed itself and saw it fit to suspend a few rules, I am quite sure these anomalies can be settled.

Let us also look at article 29 on page 18. Article 29(l)(e) reads: *Every person shall have the right to freedom of association which shall include, the freedom to form and join associations or unions including trade unions and political and other civic organisations.* Then you turn to article 269 on page 99 and it says- actually they should have correctly stated it with Hon. Amama Mbabazi's famous words notwithstanding; *On the commencement of this constitution and until parliament makes laws regulating the activities of political organisations in accordance with article 73 of this Constitution, political activities may continue except*; and imme-

diately in the Constitution, we are beginning to write derogations to article 29.

Mr. Chairman, these are matters which I believe are serious. These are matters which I believe could have been resolved here. You are a very distinguished lawyer, Mr. Chairman, in your career you have done constitutional law, I am quite sure that is why you have so ably brought us this far. I believe if we have the goodness of Uganda at heart, these small matters can be rectified. Other matters are in the transitional period saying that when the Movement is in power, nobody this way or that way giving yourselves four years, then five years.

Mr. Chairman, why are we insulting the intelligence of the people of Uganda? We are going to them to ask them to vote for us and before they vote for us, we are telling them what shall happen to them. Where is our honesty? Mr. Chairman, for these particular reasons, I would pray Members rethink, and if there is a way we can do it, let us amend these anomalies and give the people of Uganda a Constitution they deserve. I thank you, and I reserve my right over this Constitution.

MISS WINNIE BYANYIMA (Mbarara Municipality): Thank you Mr. Chairman. I support the motion moved by Hon. Kanyeihamba to enact that Constitution as a Constitution of Uganda. Mr. Chairman, when you had just arrived, in my first statement, I said that the process of making the Constitution was as important as the product and I still believe so. I think that this process has been a very successful process. We have worked very hard together, we have made important concessions to each other, we have worked in a democratic and free atmosphere. Indeed this process will be continued.

The process does not end here like Hon. Nsibambi has said. The process of constitutionalism goes on. In fact, Mr. Chairman, I could say that although the Constitution is done, the real challenge of constitutionalism is just beginning. Are we going to respect and uphold this Constitution? Will each of us individually respect it and implement it? These are the questions we have to address ourselves to in future, but we have begun on every good ground and we should be able to continue this process of democratisation.

Mr. Chairman, according to me, the most important chapter in this Constitution is the chapter on human rights. We have guaranteed the fundamental human rights of our people. Although indeed there are some areas where I, personally, was not satisfied like I do not believe in capital punishment, but then the majority felt and most of the Ugandans feel that the State should have a right to take life. I do not agree with that, but I have to work harder in future to convince more people that when the State takes life, it is inhumane.

Mr. Chairman, we addressed the question of land, but we did not resolve the problem of the dispossessed people, people who were dispossessed during colonialism of their land. Again we began and we said this liberation should be achieved by the next Parliament. I look forward to that. It is a challenge which we must address ourselves to.

Mr. Chairman, the Constitution we have just made, I would say, is thoroughly modern. It is modern because it is inclusive. This Constitution has given power to all the people including those who have never shared power; I am talking about women, I am talking about the youth, I am talking about the disabled and the minorities. It is thoroughly modern, because it addresses environmental concerns. This is a new phenomenon which we have addressed here in this Constitution. But above all, this Constitution explicitly states the equality of all people, men, women, rich or poor, the equality of all human beings. This is very important to me.

When we came to the political system where some people have very strong reservations, we made important concessions. I am surprised, because I see some people shifting all the time. When we were still in committee stage, I moved a motion to put the arrangements for the next five years, that is the Movement system in the transitional provision. At that time, I was defeated, but in reconsideration when the House reconsidered it in plenary, it has been put in the transitional provisions.

What we have in chapter six is the description of a political systems which are acceptable to Ugandans; the movement system, the party system and so on. I find it now difficult to understand why some people who have taken the Floor, who were in agreement with me at that time about the shift transitional provisions now seem to have new reservations. I think that we ought to be very principled about what we believe in. What we have now is merely that all systems, are systems which are acceptable for the next five years and I think that is a great compromise that all should accept.

Mr. Chairman, people should not throw away the baby with bath water. We should be careful. We have worked so hard on every part of The Constitution. I will be disappointed if some Colleagues here reject the entire Constitution, because they have reservations on one or two articles. It will be to let down the people of Uganda.

An important woman in the church called Thereza once said, that when God closes the door, he opens a window somewhere else. If the people of Uganda today have closed the door to multipartyism, they have opened other windows for it. They have not killed it. They have said, not today but for the future maybe because that is why we allow for a referendum and two years after the elections, we allow in the Constitution any person to campaign for the political system of their choice. What could be more fair? I think that is very fair. The question is how we are going to implement that and I believe we should be able to implement that justly.

Mr. Chairman, I was also happy that we were able to change the Presidency as Prof. Nsibambi has said, because it has been a source of trouble in the past. Now the power is shared better. Although I would have preferred the total separation of power between Parliament and the Executive, what we have come to agree upon the sharing, the balance, I think is also fair enough.

Mr. Chairman, I am happy to be alive at this point in time. Almost 30 years ago my father represented the very area I represent now. He was picked up from his home and taken by a police helicopter and dropped in the Parliamentary grounds. He was surrounded by soldiers. He was searched, stripped and taken right into Parliament, all the guns around him and his colleague and they were asked to enact a Constitution. I am proud to say that he and a few brave men refused to sign it, but others did under pressure, under duress with a gun.

Today in a free and peaceful happy democratic optimistic atmosphere I am going to sign the new Constitution on behalf of Mbarara Municipality. I am very, very privileged to be alive and to be honoured to do this task on behalf of those people.

Lastly, I thank you Mr. Chairman for being so patient with my contributions, for protecting me whenever I have been contentious and the House was rising. I thank you too for being tolerant to the views of everybody. I thank you very much for being sensitive about gender. Mr. Chairman, sometimes when we felt attacked, you have been there to protect us. I thank my Colleagues for the diversity that has been expressed here, the honesty, and the frankness with which we have exchanged our views. We have learnt a lot. This has been a great education and I go back with a lot of optimism. Thank you.

MR. BEN WACHA(Oyam County North): Thank you Mr. Chairman. Mr. Chairman Sir, when you were first elected to chair this Constituent Assembly, I had serious doubts on your ability to steer and clear off your role as a Cabinet Minister, and your ability to adopt the role of an impartial Chairman capable of reconciling diverse interests in this Assembly. I wish to note today that that nagging doubt has been completely erased by your able and unbiased handling of the debates and affairs of this Assembly.

I had not had the occasion to interact with your Deputy, but I wish to note too that I have been highly impressed by her cool manner, in which she has assisted you in reaching decisions in this House. Permit me, therefore, Mr. Chairman and your Deputy, to congratulate both of you and your staff for a magnificent job. Any shortfalls in this Constitution shall not have arisen because of your occupation of those chairs. It can at best have been, because of certain decisions that we ourselves have made.

Let me also join Hon. Kanyeihamba in thanking the Press for being part and parcel of this constitutional development of our country. Mr. Chairman, I wish to place on record that I took part in this constitutional making process. I wish also to put on record that I am proud of whatever small part I may have played in making this Constitution. Even where I disagreed with other Delegates, I am still proud that I took the action which I took on behalf of my delegation. I have no regrets whatsoever.

Iam saying this Sir, because certain ideas have appeared in the Press under the names of a Delegate of this House, which ideas sought to give the impression that having taken part in the Constitution making process, I am not entitled to hold views which differ from those that have been accepted by this Assembly.

I maintain Sir, that certain aspects of this draft measured to the expectations and aspirations of the people of Oyam North. However, certain aspects of the same document fall short of the people's wishes, and I am here on their behalf taking great exception to those aspects. Unfortunately for that Colleague of mine who would not wish any of us to raise a finger against any provision of this draft, the areas which I disagree with are those areas where my instructions were clearest.

Mr. Chairman, Sir, I am amazed that great minds in this House would wish us to measure constitutional acceptance on the basis of percentages. Words like 98 per cent of this Constitution was arrived at by consensus and only two percent has been disagreed with, have been stated in this House. I do not find any relevance in this, because a Constitution is an agreement for governance. It must be arrived at in total.

I am opposed Sir, to the derogation of the rights of the individual to freely associate as provided under the provisions (f) chapter six and amplified under articles 269, 270 and 271. The people I represent want it known, that the attempt to silence them and to coerce them into an amorphous arrangement is not in their concept of democratic constitutionalism. The incoherent nature of the provisions of article 70, which forms the background to the amorphous arrangement lends credence to the fears of the people of Oyam north that they are being duped into a deadly dictatorship.

This is a great derogation from the rights granted to them under article 29, and no one should, except certain individuals here, expect them to be grateful for such derogation. My electorate, Sir, also expected that the Constitution would provide for full devolution of powers to the people. The Constitution has come out with an administrative arrangement which purports to grant powers to the people, but which power could be withdrawn by the whims of the central government. A situation where one is free but at the same time not free, is not our idea of freedom.

Mr. Chairman, there are areas of this draft that I violently disagree with. To me, therefore, this process is incomplete and I shall continue in whatever fora to seek to eradicate those obnoxious provisions which have appeared in this Constitution, which binds my electorate to political slavery.

Finally, Mr. Chairman, as participants in this process, we have a duty to be truthful to the people of Uganda about the contents of the document. When Hon. Adyebo, a senior operative of the NRM, leaves this House and holds a meeting where he encourages endorsement of a resolution supporting the extension of the NRM for the next five years purportedly because the constitution provides so, when that Hon. Member should know that nowhere in this Constitution has the NRM or any other movement been given five years' extension, that to me, is constitutional fraud. It must be condemned by all of us in this Assembly. Mr. Chairman, I regretfully oppose this motion but I still thank you very much for your patience with me.

MR. AMANYA MUSHEGA: Mr. Chairman, I would like to join all those who have praised your capacity to handle this Assembly with great ability together with your Vice Chairman. I would also like to thank all fellow Delegates, whether they constitute the artificial or the real majority, whether they were directly or indirectly elected, that they came here constitutionally and legally for the great contribution we have made in polishing this Constitution for Uganda. We have moved a long way and we have all made good Friends.

I recall that when I came here, I had only heard of Hon. Dick Nyai as having been the editor of the People Newspaper during the Obote two regime, which I did not think of very highly. But I have found him to be an articulate contributor. At the beginning, I thought he had not been to school very much, but I discovered that he is a Budonian and a graduate of great repute, and I hope that he continues to improve in representing his people. *(Laughter).* Just as an example, Hon. Kania of Terego county has rightly stated that everybody has done his best. I have this morning read the treatise, and listened to Hon. Muzei veteran politician Tiberio Okeny of Chua county. For sure he was also doing his best.

Mr. Chairman, even in an examination, a student who gets 30 percent and the one who gets 99 percent may all have done their best, and we have all done our best according to abilities bestowed upon us by God, as Hon. Tiberio Okeny said. Mr. Chairman, there seems to be no new ideas or new arguments we are raising about the inherent rights to form parties, about the freedom of association, about this being an NRM Constitution, about the NRM hav-

ing an artificial majority here. We are really raising no new arguments. We are just rehearsing the old tested parts. Therefore I will not follow that.

I would like only to give a few words of advice within my own capacity. The English men have the saying that the goodness of the pudding lies in the eating. The Bible says you shall be seen by your fruits; and in one of the cultures in Uganda here, when people are quarrelling as to who has more cows than the other, they say, we shall count them at the watering time because all the cows must come for water especially in areas where there are no troughs within the paddocks.

So, what is the advice? We have provided in this Constitution provisions for amendment. We have also provided for free, fair elections by having a single ballot box, counting the votes on the spot and voting in the open, which was not characteristic in past practices. Let us go and inform the population and they make their own choice.

My advice to multi partyists, which is not your normal practice, is that get together as you have been trying to do in the recent past, sponsor single candidates for Presidential, Parliamentary, Archdeaconary, chairmen of the subcounties, chairmen of the districts, at all levels and if multipartyism is as popular as it is said here, surely we shall elect a real majority in Parliament, a real majority in the districts and subcounties, a Presidential majority and, of course, we can take advantage of the referendum because if you are many, why fear a referendum? This will be able to change.

When we have had the Presidential majority, we have a majority for a referendum. We have the majority in all districts who are at least two thirds of them. Then we shall by stroke of a pen amend the Constitution and provide for what the people of Uganda would have sent those Parliamentarians and district councilors and district Chairmen and the President to do. This is the precise advice I gave to my good Friend Presidential hopeful Semujju yesterday.

I said, instead of demonstrating with 12 people, start the campaign so that you are elected with overwhelming majority. If your party comes with a majority in Parliament, a majority in the districts, there will be no reason for you to demonstrate, because a lion does not always announce that it is a lion. When it roars, all animals know it. Let us stop being popular on the microphones, being popular on radios both domestic and foreign but weaklings in popular elections.

Let the people of Uganda decide, and the earlier we enact this Constitution, the earlier we shall all see and confirm who has more cows at the watering time. *(Applause)*. Let us enact and empower our people to decide. Mr. Chairman, and Hon. Delegates, the people may decide against us individually or collectively, but they can never decide against their own legitimate interests, and their own interests are not always in consonance with our own partisan interests, and we must learn how to live with that.

What lacked in the past Constitutions is this empowerment. The people have not been empowered. This Draft Constitution corrects this. My final major advice is that some multi partyists in this Assembly have the wrong impression that we, Movement supporters, in our representative capacities agree and are happy with every chapter, every clause and every provision. This is not true, that we are happy with every chapter, every clause and every provision. But, Mr. Chairman and fellow Delegates, we are happy with the draft as a whole because that is what is possible and achievable as a result of consensus and comparison of notes.

I am happy individually and on behalf of the people of Igara east, because this Draft Constitution empowers the people to do what they want through elections or referenda. It provides for change, it provides for improvement and it provides for amendments as and when the people of Uganda feel that change should be made not we who claim to represent them feel that change should be made. With that piece of advice, Mr. Chairman, I once again thank you very much for having steered us clear.

I would like to thank Hon. Kanyeihamba for having moved this motion which I support, and I call upon fellow Delegates only really to compare notes for purposes of having a good ending, but not to rehearse all the tested and tasteless arguments that we have been treated to, since the beginning of the Odoki Commission. It is good Prof. Nsibambi has said he is happy, he is going to continue and I am happy that his students do not agree with him on some aspects. So, he must work hard because the future is not as bright for some of our ideas, as it looks at the present. I thank you very much.

MR. KITARIKO(D.P Delegate): Thank you Mr. Chairman. I believe in living in mutual society. I would be missing a point if I did not pay glowing tribute to you Mr. Chairman for the work well done, and the Constituent Assembly in expeditiously dispatching business before it. I also seize this opportunity Mr. Chairman, to record our appreciation for the work done by the Secretariat during the whole process of constitution making.

I must confess, Mr. Chairman, that when we came here, Mulenga and I, from the Democratic party; We had hoped that there would be a spirit of accommodation, and reconciliation for our survival in tomorrow's globalized society. I must say it was missing. The die has been cast, and history has been made. We have at long last come to the end of the Constitution making process, which will usher in a new constitutional order, but which in my considerable opinion has discounted future generations because of fundamental deficits in the Constitution.

Mr. Chairman, democracy does not mean the insensitive and capricious rule of the majority. That will be missing the point. Accommodation, and reconciliation for other people's views is paramount. Mr. Chairman, I believe that we shall as multi partyists continue to expose the spirit of liberalisation and to allow political parties to operate freely as stated in the constitution but which is derogated from. We have in this country liberalised the economy. Why can we not liberalise politics? What is the fear of liberalising politics? That too is a deficit in this Constitution.

Mr. Chairman, in the process of democratisation, you need to move monolithic structure like Movement to multiparty system. I believe The Constitution that we are going to enact today is an aborted transition to democracy, because Mr. Chairman, whatever people tell you now the provisions of The Constitution themselves are difficult to amend and secondly, the environment in which that amendment should take place is really controlled. How can you tell me that you put parties in limbo for the next five years and at the end of it go for a referendum and you can get majority? They are telling lies openly. That is allowing you, the people who want to kill parties, time to kill them softly.

Mr. Chairman, I believe the provision of article 269 and 271 then the derogation from article 29(l)(e) and the rest of article 69 70 71, 5(2), 176, 178 really are meant to kill political parties, and that we should accept, because Mr. Chairman as I said in the debate the article 269 is a replica of Amin's Decree of 1971 NO. 14. So, no one should pretend to say they want to promote political pluralism. I believe, my Colleague and I, do not suffer from our conscience, because I believe we have done very well in this Constituent Assembly and our performance is above reproach.

Mr. Chairman, as multi partyists, we invite lovers of peace and we hope that tomorrow we shall convince the sovereign people of Uganda to see our point of view. We also hope that we shall be given that environment in which we can also talk to the sovereign. For the time being, we are being denied access to the sovereign. The people who will determine whether in four years' time after the Constitution has come into force, will decide whether parties should be killed for ever or they come back.

Imagine a situation where parties are not allowed to have access to the sovereign for four years, and you are given only two years to come and say to the sovereign, I would like to be on the scene! Really that is intended to kill political parties and that spirit is not good for the Constitution, because, Mr. Chairman, if the people are sovereign and they can determine the manner of governance, why do you stop us going to the sovereign to put up our point of view which can then be able to change their decision when it comes to a referendum? Do you want to kill political parties for good? I wish you the best of luck.

Although we are peaceful and we have been peaceful as DP, no one should overtax our patience, because we are also human beings like anybody else. We do not have to go to the bush, Mr. Chairman. I hope these people will be reasonable, but we do not have to go to the bush. We can just have it on the street. There are many people who can fit on the street. Why should we go to the bush. Which bush? The one you went to sometime back will no longer be available to you. So we shall perhaps have it on Kampala street. Is that what you want Mr. lawyer?

Really, what we say is this, that there should be a spirit of understanding so that by tomorrow we all are given a chance to access the sovereign people of Uganda to campaign for our views. If, Mr. Chair-

man, tomorrow the CGRs or the DAs, the cadres stop us from accessing the sovereign, then you are sowing seeds of instability. You want to have a monopoly of the playing field, and denying the multi partyists the same thing. Are you democratic in that sense?

This is what this Constitution is entrenching, and I hope that my Friend Amanya Mushega was really meaning well and that we shall all go to the sovereign to seek opportunity to talk to them about what we want done. Mr. Chairman, I will live to cherish the company of Amanya Mushega, Basoga Nsadhu, Hon. Lagada, Faith Mwondha, Hope Mwesigye, Rukutana and Amama Mbabazi because they played a part in shaping the Chapter on Political Systems. I hope they were also well meaning. I thank you Mr. Chairman.

MRS. DHUGIRA OPOTI(Okoro County): Thank you Mr. Chairman. Mr. Chairman, I would like to join the others to support the motion as moved by Hon. Kanyeihamba. Mr. Chairman, the period we have spent in this House has been a very important time and it has also been useful for the people of Uganda.

THE CHAIRMAN: Order, order, I can see Members are getting tired. *(Laughter).*

MRS. OPOTI: Mr. Chairman, we came to this Assembly as individuals with different views from over 280 different constituencies, but over a time we have considered the issues as were presented to us by the Constitutional Commission and have come up with a particular document, which document I believe has been accepted by this House and also by the people of Uganda. It is rather unfortunate that some Members of this House, at this particular time still feel that something has not been done, and a lot has been left out.

Mr. Chairman, it is not a surprise that over time and again, there are recommendations and resolutions from counties, from districts, from different groups of people commending the work of the Constituent Assembly and accepting the transitional period of five years. Mr. Chairman, the people of Okoro county whom I represent do agree with the work of the Constituent Assembly. They are very, very happy that at least we have given them a chance to choose for themselves from the different political systems as entrenched in the Constitution.

Mr. Chairman, from independence, Uganda went through a lot of bad history, the history of wars, economic, social and political. I think we have used this time to open the wounds and provide for them to heal. As it has been mentioned earlier by some of our Colleagues, the process of healing the wounds which we opened over 30 years, cannot be completely accomplished in just one year. We are going to carry on with this work outside the Constituent Assembly, but in the long run, I believe, the people of Uganda will not regret the work we are enacting today.

Mr. Chairman, for the women of Uganda, we have a reason to celebrate. Our views have been positively considered by the Constituent Assembly. On this, Mr. Chairman, I thank the male Delegates who paid attention to our views, who considered the views of the women of Uganda and put them as part of the law in Uganda.

Mr. Chairman, with the enactment of this Constitution, I believe, together with the men folk in Uganda, the women will join hands and we shall look forward to a better Uganda, where the man and the woman are equal.

Mr. Chairman, on behalf of the people of Okoro, and on my own behalf, I congratulate all the members of the Constituent Assembly, I believe this is not going to be the last time we are going to be together, in one way or another we shall meet, may be in this Hall or other fora. Mr. Chairman, for you and your Deputy, you are going to be remembered not only by the members of the Constituent Assembly, but you are going to remain in the history of Uganda as a whole. Thank you. *(Applause)*

THE CHAIRMAN: Hon. Delegates, we shall hear two speakers. We shall hear Hon. Nsambu and Hon. Fiona Egunyu, the seconder of the Motion, and then we decide.

MR. NSAMBU NSUBUGA (Makindye Division West): Mr. Chairman, I oppose the Motion, and the reasons why I oppose the Motion are as follows:- In this Constitution making, we have gone too far to the extent of reducing the Kingdoms without hearing from the very people concerned. The Kingdom of Bunyoro has been reduced, the Kingdom of Toro has been reduced, the Kingdom of Ankole, and its King has been left in abeyance. We do not know whether there is really Ankole as a Kingdom, or there is an *Omugabe* at the time of writing this Constitution.

THE CHAIRMAN: Order.

MR. NSAMBU: The Constitution provides for one party system, namely the NRM. However, it is disguised that it is not a party. It provides for unitary Government, contrary to the needs and wants of the people according to recommendation of the Odoki report. It has failed to address itself to the question of past Presidents, some of them left and they are still calling themselves Life Presidents, others are hoping to come back and stand as Presidents; Some have been in office for more than 10 years, but they also want to come and stand. So, you find this Constitution is short of certain materials which should have been considered and solved once and for all.

The Constitution states that the power and authority is in the hands of the ordinary man, but unfortunately, when the Motion was brought to ask the public to decide on it, we denied. The public has not been given a chance to decide on this Constitution. It allows the present occupation to continue. The problems we have made in this Assembly have been transferred to the new Parliament to be elected and that means, the problems which have been left unsolved will remain unsolved for the next five years. So, the question of amending the Constitution will remain a very difficult problem.

Lastly, as far as the people of Makindye are concerned, they are sorry that they have not been able to regain the status of Buganda as a sovereign State. Not only that, they thought that Buganda should be treated as deemed, but unfortunately, Kampala is no longer part of Buganda and this is causing us a lot of concern.

The question of federo is still haunting them, a unitary Government which has been imposed on them is quite unacceptable, for those reasons, people of Makindye say, that they do not accept the Motion as stated. Thank you very much Hon. Chairman.

THE CHAIRMAN: The Chairman of NCD has requested to make an observation before we come to the conclusion. Hon. Sebaana Kizito please.

MR. SEBAANA KIZITO (Makindye Division East); Thank you very much Mr. Chairman. Mr. Chairman, I wish to join the long que of people who have praised you and your Deputy, and the Secretariat, on your exemplary performance in this endeavor of drawing up a Constitution for Uganda. Mr. Chairman, it is only those who have not worked with you or who have not known you for some time that are really surprised. I, for one, having known your ability elsewhere, I am not surprised that you are able to perform the way you did.

As you rightly pointed out, Mr. Chairman, I am making a statement in my capacity as Chairman of the National Caucus for Democracy and also in my capacity as Delegate for Makindye East. Members for the National Caucus for Democracy have decided that they will not endorse in total the new Constitution in its present form, they have decided to take this step, because we object to constitutionalising the Movement political system or any other political system in the Constitution.

We also disagree with the refusal by the Assembly to endorse a federo system of Government for regions which want this form of governance. For this reason, we have decided not to endorse those parts of the Constitution which have denied Ugandans their fundamental human rights and freedoms -

THE CHAIRMAN: Order!

MR. SEBAANA KIZITO: It will be recalled Mr. Chairman, that members of NCD undertook to press for reconsideration of certain fundamental provisions in the Draft Constitution which have been rejected by the NRM Caucus. We promised to work together Delegates, in a spirit of cooperation, hoping that our Colleagues will reconsider their positions and allow the re opening of discussions on federalism, multiparty democracy and election of Parliament and the President on the same day. Although Motions to re - open these Articles for reconsideration were moved, by our members, they were rejected outright.

Furthermore, the NRM Caucus introduced Motions which revised earlier agreed positions during the reconsideration stage and these were allowed to be debated. We also take exceptions to the Motion which was moved on the floor of this House, to deem the districts of Buganda to have agreed to cooperate, while at the same time, another Motion was moved again, on the Floor of this Assembly, that those districts which did not want to cooperate with the others could opt out of the deemed union.

This cynicism and arrogance exhibited by many members of the NRM Caucus in the Constituent Assembly, has revealed a fundamental flow of the whole Constitution making exercise. It has shown that Delegates representing special interests in this Assembly created an artificial majority which was used on many occasions to block achievement to consensus.

The use of various inducements to some Delegates from carrying out their mandate, has been characterised on many occasions. For example, many Delegates from Buganda who campaigned on the issue of federo, did abandon this issue and articulated other ideas.

There has also been persistent interference by higher authorities in the work of the Assembly. Many examples of this can be quoted if time allowed, but it does not.

Finally, Government media has been used to isolate some peoples ideas. Elected Delegates who hold views contrary to those which are held dear to NRM have suffered this. The National Caucus for Democracy, therefore, feels that the Constitution making process has been tailored to suit some sectional interests.

A Constitution is not a document where the majority imposes its positions on minorities; It is a document which should seek to accommodate all the views of the people. The NCD, therefore, has decided not to endorse the entire Constitution, because we object to Articles 69, 70 and 71 which deal with the Movement political system. We also object to Article 176 which rejects regions as units of federo governance, as well as Article 178 which deemed Buganda to have agreed to unite.

We also object to Article 269 and 279, 71 in the transitional provisions, because these provisions violate freedom of political parties to operate normally -a right which was guaranteed in Article 29 (i) (e) of the same Constitution.

In conclusion, Mr. Chairman, I wish to thank all Delegates who have supported the points or views in this Assembly raised and articulated by members of NCD. Many Delegates, some of whom belong to the NRM Caucus, have expressed support of our views even if they did not do so, publicly.

The NCD, Mr. Chairman, in its present form has been an organ of this Assembly. We have performed our duty following the rules and regulations of this Assembly. Therefore, the life of the National Caucus for Democracy whose aim was to bring together all Delegates to discuss important matters before bringing those matters to the Plenary Session cannot go beyond the life of this Assembly.

Finally, Mr. Chairman, I want to say that because of the objections which members of NCD have articulated in this document, I would request that their names be recorded as Delegates who have objected to the promulgation of this Constitution in total, and I wish to request you to cause a division of the House for this purpose. Thank you.

MRS. EGUNYU ASEMO (Women Delegate - Kumi): Thank you Mr. Chairman. Mr. Chairman, I would like to briefly start by making a comment on the position taken by the National Caucus for Democracy, to which at one time I was a General Secretary.

Mr. Chairman, the National Caucus for Democracy is not a known constituency in the Constitution making exercise, and its attempt has been to frustrate the aspirations of the people of Uganda by hijacking the Delegates and making them answerable to the National Caucus for Democracy instead of being answerable to their people. *(Applause)*

I would like also to point out what the whole Constitution-making exercise was about. In Uganda, it had become a habit for the people from whom the power to govern was derived, to be marginalised by the various governments. The country was besieged by political instability, and the people were yearning for a new Constitutional framework. In this light, the Constitution making exercise was aimed at uniting this nation and not wrecking it.

The Constitution making offered the people of Uganda the opportunity to shape their destiny, address pertinent political problems and governance and nation building. The Draft Constitution shall, therefore, be remembered when enacted as one of the most remarkable achievements of the people of Uganda since independence, and I say this because, this Constitution, has guaranteed the sovereignty of the people. It has protected the rights of the people.

We all know that the people of Uganda, mainly the peasants had felt insecure because of the habit of land grabbing and dispossessing it of them. To the women of this nation, it will always be remembered for guaranteeing them equality and dignity as mothers of this nation. The rights of the children have been addressed, the women, youth and the disadvantaged have been integrated into the main stream of political, economic and social strata and on the political front, the President and Government, have been made more accountable. The holding of elections -*(interruption)* -

THE CHAIRMAN: Order order.

MRS. EGUNYU ASEMO: Both the Movement and multiparty political systems have been recognised. The problem appears that some Delegates today, after having spent so much time here, on resources for the country, are now saying that the Constitution should not be enacted ostensibly, because the minority have been denied the right to immediate resumption of multiparty politics.

It has been said, that the Constitution making exercise was dominated by an artificial majority of the Movement sector. I would like to make a comment on majorities and minorities, especially within the context of the culture of constitutionalism. Minorities and majorities are transient. The situation today is, that the minority as they claim themselves to be, are trying to reject the will of the majority and that is bad. If we have this minority, over the years becoming a majority and they are given the same treatment, this country will never have full transition of Government.

It is, therefore, important in the culture of constitutionalism, good governance, and peaceful transition, that the minority should be able to work within and respect the Constitutional will of the majority of the time. Yes, because over the years, if they become the majority, they have a chance to a referenda, to effect their will and this will then will be respected. I would also like to say that, there is need for us especially those Delegates who are objecting to the enactment, to rise to *(Interruption)*

THE CHAIRMAN : Order, Order. Could we have less talking please?

MRS. EGUNYU ASEMO: To rise to the position of statesmen and states women because we cannot over the years cling to individual interests, to tribal interests; or regional interests, if we are to build this country. We must accept that our own interests as ethnic groups, as regions, must be accommodated within the national concept, and it is in that regard that I support this Motion, and I call upon even the dissenting Delegates to come forward as statesmen and states women, to move together with the rest of the country. Thank you very much.

THE CHAIRMAN: Hon. Delegates, I did indicate that we would have two speakers, and the last one, has been Hon. Egunyu. But I have a request from Chairman of the Rules Committee, he wants to make a comment on the rules issue I think.

MR. OMARA ATUBO: Mr. Chairman, I thank you for allowing me on a special request to say a few words as Chairman of Rules and Order - *(Interruption)*

THE CHAIRMAN: Order, Hon. Delegates, let us not waste time. Let us listen to the Chairman of the Rules Committee and then we proceed to the next stage.

MR. OMARA ATUBO: Mr. Chairman, I am very much aware that we have come to this important stage of the enactment of the Constitution, which is a mandatory legal requirement. But Mr. Chairman, I also wish to say, that had it not been for members to be in a hurry, we would also have used this occasion of the Enactment Motion for an important ceremony to say a few farewell words to our brothers and sisters.

Mr. Chairman, we have been here for over a year, most of us came here without knowing each other, and we are going to leave this House having known each other, met each other, and I believe, having been convinced that the Constitution we have made for this country will be for the good of this country.

Mr. Chairman, as the Chairman of Rules and Orders, I would like first of all to thank members for the confidence they gave me, even if some of them had not known me early enough, and I would like to recognise and observe, Mr. Chairman, that under this difficult job of Chairman of Rules and Orders Committee, the orderly manner in which this House conducted its business.

Mr. Chairman, the orderly manner in which we conducted the business could not have been achieved, had it not been for you personally, your

Deputy, and the supporting staff. I would definitely mention amongst the supporting staff the Secretariat, the Chairman the CA Electoral Commission and many others. But your work, Mr. Chairman, was made easy in a sense, because I believe that most of the members who are here, were distinguished Hon. Delegates and they wanted to be seen to be distinguished honourable and orderly.

Mr. Chairman, the people of Otuke who elected me to come here, are also very grateful that you bestowed upon me this status, this responsibility of being a Chair man of the Rules and Order. But while we talk of the Rules and Order here, Mr. Chairman, I believe that the greater of rules and order, will be that of constitutionalism when we leave here.

Therefore, I would like to use these few minutes you have given me to urge members that when they leave this Constituent Assembly, which they will, legally, after the enactment and more so after the Promulgation, to bear in mind the orderly manner in which they conducted themselves and to continue to do so, in the spirit of the newly born constitutionalism.

Mr. Chairman, members have had their achievements and failures and weaknesses in this Constitution, but I wish to recognise, Mr. Chairman, that there have been great innovations in this Constitution and that in particular I would like to mention the issue of human rights, the issue of the organs of Government, particularly Parliament, the President, and the Judiciary; Land and the affirmative action and gender issue.

Mr. Chairman, every thing has its time and I want members to recognise that as great statemen and leaders, what we have achieved today, could not have been achieved 30 years ago -*(Applause)* - just as Uganda, most likely, could not have achieved independence in 1952, when the great political parties came into existence, it had to be in 1962 and it could not have been earlier.

Mr. Chairman, just as slavery had to be abolished in the late 19th Century, and early 20th Century, it could not have been abolished in the 17th Century. So, I would like members to recognise that the great role they have played here, is because, it is timely and that we should go ahead, and build on what we have achieved.

Mr. Chairman, there have, of course, been weaknesses in this Constitution -

THE CHAIRMAN: Order! order!

MR. OMARA ATUBO: I believe that there are two areas which I would urge members to continue to resolve, to ensure that it does not become a time bomb to destroy the achievements we have made; These are the areas of political systems and areas of Local Government.

Mr. Chairman, we have a saying that a fly in a dish can spoil the good food that has been cooked, and that a small nail in an engine, can cause an engine knock.

Mr. Chairman, what next, is an urge to all of us that the provisions of this Constitution which some of us have very strong objections to, should be amended so that it does not cause another crisis for this country.

Finally, Mr. Chairman, the hope of the people of Otuke is not diminished, but their resolve to change is further strengthened. I also wish to request, as Hon. Sebaana Kizito has said, that the important decision on the enactment of this Constitution should be division. Mr. Chairman, I beg to so request you. Thank you very much.

THE CHAIRMAN: Hon. Delegates, we have now come to a point where we make a decision on the Motion moved by Hon. Kanyeihamba. The Motion is available to you and it is for the Enactment of the Constitution in terms of Rule 51 of the Rules and Section 19 of the Constituent Assembly Statute No. 6, of 1993. I draw the members attention to a request made and reiterated by Hon Omara Atubo, following a request by Hon. Sebaana Kizito, that we proceed by way of voting.

The Statute provides as follows: *Every decision of the Assembly shall as far as possible be by consensus; Where on any matter, consensus cannot be obtained, the Chairman may make a ruling, that the matter be resolved by voting; Or where the Chairman has not made such a ruling, a Delegate may propose that a Motion resolved by voting, and where that Motion is moved, supported by 50 or more other Delegates, then of course, we proceed by way of voting.*

It has been our practice all along that we try to go by consensus. The Chairman reads the general mood in the House and if he is satisfied, he can come to the conclusion that there is a consensus and, therefore, we proceeded on the voices and then the rules say in determining this rule 26 of the Rules, "*in determining whether or not there is a consensus, on any matter, the Chairman may put the question and the delegates who support the matter shall then answer aye, and those who oppose, shall answer no*".

So, really, the Rules guide the Chairman in determining a consensus i.e by first trying the voices. The tendency has been, that unless the Chairman is of the view that most likely the dialogue does not give rise to a likely majority saying aye; Then he can direct, right from the beginning, that we go to the votes. I would rather proceed as the Statute and the Rules say, that we take the consensus on the voices and that if the Chairman calls which ever side has the majority, those who are dissatisfied with Chairman's ruling can of course apply the provisions of Section 17 of the Statute and of the Rules, to challenge as required and then we can proceed to the lobbies accordingly if the numbers so justify.

So, I will proceed now to put the question and we try the consensus as defined by Rule 26, sub-rule 3; Subject to the rights of the members to challenge whatever position the Chairman may find to be in majority according to the voices. *(Interjections)*Order! order!

I now put the question as per Motion moved by Hon. George Kanyeihamba, that the Draft Constitution be enacted as a Constitution of the Republic of Uganda.

(Question put and agreed to).

THE CHAIRMAN: Order! order! order! Could Hon. Mulindwa Birimumaso not interrupt the freedom of Hon. Mulenga please. The Clerks will count. Order, order! I will ask the members of the Press to sit down if they are causing us confusion. Those standing are 47 and therefore the challenge is unsuccesful -*(Applause)*- please resume your seats, please resume your seats, order! -*(Applause)*- order, order. Let us now proceed to the next item on the order of business. Could the members please restrain themselves so that we may proceed?
I would like to announce that by virtue of that decision in terms of the Statute and the Rules of Procedure, the Constitution of the Republic of Uganda, the product of our process has been enacted -*(Applause and standing ovation)*

THE CHAIRMAN: Order! order! please resume your seats. Now, I draw your attention to the provisions of Rule 51, sub-rule 3. If the Motion under sub-rule 2 of this rule for the enactment of the Draft Constitution is adopted by the Assembly, the Clerk shall then read aloud out the Draft Constitution - the title of the Draft Constitution and any Preamble to it, which contains words of enactment; And there upon, the Constitution shall be deemed to have been adopted and enacted by the Assembly as a Constitution of Uganda. This is equivalent to the Third Reading in the Parliament.

I now call upon the Clerk to read the Title and the Preamble to the Constitution.

THE CLERK: Constitution of the Republic of Uganda.

The Preamble: We the people of Uganda recalling our history which has been characterised by political and constitutional instability;

Recognising our struggles against the forces of tyranny, oppression, and exploitation;

Committed to building a better future by establishing a social, economic and political order through a popular and durable national Constitution, based on the principles of unity, peace, quality, democracy, freedom, social justice, and progress;

Exercising our sovereign and inalienable right to determine the form of governance for our country and having fully participated in the Constitution making process;

Noting that a Constituent Assembly was established to represent and to debate the Draft Constitution prepared by the Uganda Constitutional Commission and to adopt and enact a Constitution for Uganda:

Do hereby, in and through this Constituent Assembly solemnly adopt, enact and give to ourselves and our posterity, this Constitution of the Republic of Uganda, this 22nd Day of September in the year 1995. For God and my Country. -*(Applause)*

THE CHAIRMAN: Hon. Delegates, after complying with that, requirement of the law, I would like not to draw your attention to further provisions, now that the enactment process has been completed, there is a requirement of certification, by the Chairman of the Certificate which is appended to the Rules and to be witnessed and the rules say, the Chairman shall sign a Certificate in the form specified in 3rd Schedule to these rules, and his signature shall be witnessed by the Deputy Chairman, the Commissioner, and the Clerk and also delegates, whether present at the enactment or not, who wish to append their signatures to the Certificate may sign the Certificate as indicated on the Form. The Procedure is going to be this. The Clerk and the Technical team, working with Government Printer, will now produce ceremonial copies for purpose of certification; these, those of you who are acquainted with the way Parliaments work, after a Bill has been passed, the Clerk certifies that the contents are what was passed and then the Government Printer produces what they call Hand maids, these are specially made copies with ribbons and blue, red and all that, for purposes of assent.

Our certification here, amounts to assent really and so the Government Printer could not proceed to produce those copies before you members enacting the Constitution, because it would have been presumptuous that you would so enact. Now, these will be prepared, the Chairman, witnessed by the Deputy the Clerk and the Commissioner, will certify and those copies will be available for signature by members who so wish until the eve of Promulgation date, because there are those who are here, others are away from the country, I have seen one member writing from very far - from Berlin, sending a message, please do not close signatures before I arrive back and so, the copies will be available for the purpose, But now, the Government Printer can proceed to prepare the necessary documents as I said in a formalistic sense, there will be copies on special paper which lasts a very long time; and then, there will be bound in special leather and these are the copies which it is proposed, when you come back here to approve the procedures for Promulgation, that, we will hand to the President back as the Constitution, having given us the working documents, we shall return the certified copies to the President on the day of Promulgation. Otherwise, my immediate job now, is within the terms of Article 53 of the Rules, which reads:

Upon the enactment of the Constitution under Rule 51 of these Rules, the Chairman shall immediately notify the President in writing through the Minister of the enactment for appropriate action to be taken to promulgate the Constitution under Section 19 of the Statute; the action envisaged under Section 19 of the Statute is one where it is said as it is provided in sub-section 1, the Constitution enacted by the Assembly under this Statute shall come into effect as a Constitution of the Republic of Uganda by law established on such day, as the President may by Statutory instrument appoint for its promulgation. I would also like to point out that the President does not have freedom all the time, the day to be appointed by the President under this sub-section shall not be later than 60 days after the day on which the Assembly enacts the Constitution. In otherwords, the President has not more than two months from today - order, the Constitution therefore, must come into force within 60 days from today; and it is also provided that the Promulgation of the Constitution by the Assembly shall be done in the presence of the President and the Members of the National Resistance Council.

In otherwords, we shall be in Session and we shall be witnessed by the President and the members of the National Resistance Council as we promulgate the Constitution, the job continues to be one of this House. We are more less out of time as far as the time allotted to us, whereas you do recollect the act the Statute was amended and Section 4 of the Statute says, that where the maximum term of the Assembly under Section 8, has expired, i.e. the term which has been given to us by the NRC, before the date appointed by the President under this section for Promulgation, definitely, that will be the case, if he does not say we should promulgate tomorrow and I do not see how we can do it, because as I said, we are going to have to go the Government Printer to produce the hand maids for certification purposes. The Assembly shall meet for the Promulgation of the Constitution not withstanding the expiry of the term and I would like to propose the following procedure. That today, we adjourn and go into recess until called, that the Chairman upon receiving a response from the President as to the date of Promulgation, that I call the Assembly back, to or three days before the Promulgation, and this is for a number of reasons. First, by that time, we shall have the hand maids ready for those members who wish to append their signatures it does not have to be done in ceremony here;

ii) the rules require that the Assembly shall determine the Promulgation procedures, and so we will have to sit here and get a proposal through the Business committee, as to what the procedures will be for Promulgation and because of the Statute, we are entitled to meet not withstanding the expiry of our term, because the activity now left will be the activity working towards the final Act of Promulgation of the Constitution and therefore we are not prevented to meet both as Committees as constituent Assembly. So, what we shall do is, the Chairman proposes to call the Business committee, one day ahead of the other members, then the rest of the Assembly will therefore be called may be as I said, two days before the date of promulgation; we receive the Report from the Business Committee regarding the procedures of promulgation, we approve them, and those become the procedures to be observed on the day of Promulgation, and the Assembly therefore will be in Session and members can attend to that business as well as certification or signature of the certificates which will be available in ceremonial copies; that will be available until the eve of Promulgation date, so that the following day, those copies will be used in ceremony here, when the House will be in Session but witnessed as required by the law, i.e. in presence of the members of the NRC who may sit in those lobbies and as well as the President and of course, I take it that we shall invite visitors who will be with us on that day; that I thought I should brief on what I suggest to be the procedures we should follow from now on. We cannot tell the exact date of Promulgation until we hear from the President and as I said, in terms of the Rules, rule 53, notification will be made as soon as possible so that the matters relating to determination of the date, can be fixed.

I am being told by the Clerk that - I think we took individual pictures of the members, at one time, those are being processed, but committees were not taken and so, the photographer is ready outside to take picture of standing committees and select committees. If this proves o inconvenient we can still arrange it such that we do it may be during the time of promulgation, I think that will be better, when all the members have come back and we are all assembled, then these copies can be made available to members in due course. I would like at this juncture, to thank you hon. members, for the job you have done on behalf of the people of Uganda. Today, is an important day, that we have arrived at a decision to give the people of Uganda a new Constitution. This Constitution is now not a Draft Constitution, but a Constitution of the Republic of Uganda, what is left is bringing it into force; it is now the Constitution of the Republic of Uganda. I would like to thank you for you cooperation with me and my Deputy, in this very important and noble job that we have all worked on together, I wish to also thank the Commissioner, the Clerk, and all their Staff for their work in supporting our work here, the Chairman of the Technical team and his team for the good job done, in helping us to produce a quality product. I would also like to thank the Press for having so diligently followed the proceedings and reported and made the people of Uganda keep abreast with these developments. I would like to say, that Press work is not easy, but I can says that the uneasy relationship with which we begun, as where we should sit, and how we should conduct ourselves eventually matured into a relationship of friends working together towards a noble cause.

We still shall meet here; we do not have to speak as if we shall not meet again, but at this juncture, I wish to thank you for having been so Cooperative and for your support. I am sure you have received the Chairman's invitation to a cocktail tonight at 6.30 p.m.; so that we can drink down the new Constitution -*(laughter)* in the language of Prof. Nsibambi, so that we may internalise the Constitution. Hon. Kintu Musoke, I saw your hand.

MR. KINTU MUSOKE (KALUNGU EAST): Hon. Chairman, I would like to propose that if you have finished with your announcements, that Delegates stand up and we sing the National Anthem in full, in appreciation of the work we have done today.

THE CHAIRMAN: That can only be possible - I hope- if Members have got copies of the Rules, but I can see Hon. Obua Otoa's hand before I accede to this request.

MR. OBUA OTOA (Erute County North): Thank you Mr. Chairman. I also want to take this opportunity to congratulate you, the Deputy Chairman -*(Interruption)*

THE CHAIRMAN: Order, order.

MR. OBUA OTOA: -for a job quite well done. Mr. Chairman, I rise only to remind you of a matter which I think might have escaped your mind, which was discussed in the Business committee namely what we do between now and Promulgation. We have a duty to explain the Constitution to our electorate and, therefore, it is cause to caution the role of CA Delegates between now and promulgation.

We have not yet, according to what I now understand, expired, we expire after promulgation and I think this is important to explain, because there are people down there in the villages or in the outlying districts - the LDUS, the CGRs and all those functionaries, who might think that, if we want to hold a meeting to brief our people, we are acting illegally.

I would like you Mr. Chairman, as agreed in the Business Committee, to make it abundantly clear to every body including all organs of Government that we are still very much alive, and that we have a duty to explain the Constitution to our electorates so that we are not unduly interfered with, whether by administrative bans. The Minister of Internal Affairs Hon. Kiyonga, should be restrained; so that he does not interfere with this important duty that we have to explain the Constitution to our people. Mr. Chairman, I rise only to remind you. Thank you very much.

THE CHAIRMAN: Well, before we come to an end, I think that is an important point. Whether or not you brief your members, that is a decision of every member according to his own arrangement and according to the laws of the country. But the provisions of Section 2 of the Statute say, *the Statute comes into force on a date determined by the Minister and shall remain in force until the day the new Constitution comes into force and on that day shall expire.*

Our time may have run out but the Statute itself continues us into force until the Constitution has been promulgated. Therefore, you will continue to be members of the Constituent Assembly, until the day the Statute shall expire and, therefore, we expire with it upon the promulgation of the Constitution. I thought I should make that clear.

Now, I would like to suggest that contrary to the request that we sing all the three verses of the National Anthem, we sing the first one and remember our motherland Uganda and before we sing, I would like to say that after we have sang the song, we shall have stood adjourned until the Chairman shall communicate with you and we resume at that time to be notified. Thank you very much. Let us sing the National Anthem.

NATIONAL ANTHEM

The Assembly rose and adjourned until Friday, the 6th of October 1995.

THE REPUBLIC OF UGANDA

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FRIDAY, 6TH OCTOBER 1995

Friday, 6th October, 1995

The Assembly met at 9.00 a.m. in the International Conference Centre, Kampala

NATIONAL ANTHEM

PRAYERS

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

The Assembly was called to order

REPORT FROM BUSINESS COMMITTEE

THE CHAIRMAN: Hon. Delegates, I draw your attention to the provisions of rule 54 of our rules of procedure. Delegates will recollect that when we enacted the Constitution and went into recess, we agreed that we shall come back to prepare for certification and promulgation. The certification process is still continuing, and the document will be available in committee room A until Saturday evening, then they will be retrieved for purposes of the promulgation ceremonies to take place the following day.

But for the time being, I wish to draw the attention of the House to the requirements of rule 54 of the rules of procedure which provides that subject to section 19 of the statute, the Assembly may determine the procedure for the promulgation of the Constitution. Essentially the procedure for the day of promulgation.

Through your pigeon holes, you must have received by now a gazette notice indicating that the President had in accordance with the law appointed the day for the promulgation of the Constitution as being the 8th of October, 1995 and, therefore, next Sunday is such a day. The Business Committee met yesterday and went through some of the items that had been recommended to constitute the procedures for promulgation of the Constitution and has made a report, and I have no doubt that copies have been made available. If they have not, they will be made available soon and that partly explains our delay in starting, apart from the fact that we have had Members at committee room A signing the Constitution.

I, therefore, wish to confirm whether Members have copies of the report? It is a simple two-page document. Now the position essentially is that this document is talking about what would happen here in the chamber rather than other aspects of the day. But those I can state briefly as follows: That on Sunday in the morning, there will be the laying of the foundation stone for the constitutional monument to be built in that square in front of the High Court.

Cabinet has approved that that square be re-named Constitutional Square. *(Applause)*. And that a monument be erected in commemoration of making and promulgation of the Constitution. Now there is only enough money to cover the starting and so, His Excellency the President will lay the foundation stone around 11.00 a.m.

The position is, that because of security requirements and movements backwards and forwards, it will not be possible to have all the Delegates at the Constitutional Square for this purpose. Those who have been arranging these ceremonies took the view, which I agreed to that the Constituent Assembly be represented at that brief ceremony by the Members of the Business Committee. As you know, the Business Committee carries representation from all constituencies and districts. And so it was felt and I hope you agree with us that, that would be sufficient for purposes of that brief ceremony.

To ensure smooth movement, a bus will be stationed in front of the Conference Centre at a time to be notified to you later today, so that Members of the Business Committee will be *bused* there, and when we finish the brief ceremony, they come and join the rest of us who will be seated here together with our visitors and Members of the National Resistance Council. It is at that point that now we come to the paper which has been circulated that the ceremony here starts at 12.00 p.m. or 12.00 noon.

The Delegates will have taken their seats in accordance with the time table that will be circulated on the cards. The Chairman will come in through the main door, preceding the President, and accompanied by the Deputy Chairman and Minister of State for Constitutional Affairs. As you can see, there will be a national anthem sung, there will be a band upstairs over there, and a choir which we are calling the promulgation choir.

Then there will be communication from the Chair and do not forget we shall be in session. The others will be only seeing us in accordance with the law. The law says we promulgate in the presence of the President, and Members of NRC. Members of NRC will not have any other role than being present as we promulgate The Constitution. And so the communication from the Chair will be our formal business as we normally do.

Because of the occasion, we shall ask or will propose that the Minister of State for Constitutional Affairs be given a chance to talk to us. We shall arrange a rostrum here, so that he does not talk as Delegate for Kyaddondo south. He has to come to the rostrum so that he is different from Kyaddondo South, and then he can join Kyaddondo afterwards, so that the roles are clearly distinguished.

Then I will read the promulgation Instrument. Now this instrument was approved by Members of the Business Committee yesterday and I do not know whether Members of the House would like to hear it. I thought the Business Committee had approved it on your behalf. Can I get the desired view of the House that we read over this? So, the problem is, do you not think that you would like to have a bit of surprise on that day? Do you want it to be published? *(Interjections)* The Business Committee approved it. Thank you.

Now the copies of The Constitution which have been certified and are being signed in Committee room A, more particularly the first four which have been printed on special paper and material, the other four are mere imitations for the smaller depositories. The more important ones are the first four.

It is proposed that since the President handed to us the working material consisting of the Draft Constitution as drafted by the OdoKi Commission, plus their report which were handed to us on the 18th of May Last year, the Chairman hands back to the President the completed material arising from our work of the last nearly one year and a half.

The Chairman, therefore, would hand over three copies of the signed ceremonial Constitutions; And those documents will be handed over to the other branches or organs of State; namely the Chief Justice as one organ of State and the other handed over to the Vice-Chairman of NRC to be kept in Parliament of Uganda. The third copy would be retained by the President on behalf of The Executive and at each handing over, there will be a roll of drums by the band which is up there.

At that stage, Members will get copies of the Constitution in A4 size. They are bound, and each Member will get a copy as will Members of the National Resistance Council. It is also proposed that as a method of giving the Constitution to the people; because even if we will be doing it in this chamber how do we want to disseminate this information or promulgation to the people?

It is proposed that the President hands over a copy of the Constitution to each of the 39 District Chairmen of the districts here in the chamber, and it is hoped that the Chairmen will rush back and on Monday at independence celebrations, they will exhibit by ocular proof to the various communities which they lead, of the fact that The Constitution has been promulgated and copies handed over.

Then after that, as you can see, the choir will sing a song. That song has been composed and I think there was some competition, a choice was made, there was also a poem arising from some competition which will also be recited and after that, I would invite the President to address the Constituent Assembly. We expect some visitors. I cannot say whether they will be there or not, because that is really State House matter and in the event they are there, we want to leave an option to the President, whether before or immediately after he makes his statement to ask his visitors also, if they have any message to the people of Uganda to deliver those messages here.

Now it is for this and because of the recitations and the singing of this song that this House will have to make a decision that we shall allow strangers not only to come into the precincts and Floor of the House, but also to be able to talk to us or sing to us.

As you know, under our statute, people who are not Members of the CA can only talk to us upon a motion approving that they do so by the House, and I would like to suggest that without going through much process or bureaucracy, that we resolve by acclamation, that so many as necessary of the strangers will be allowed to come here because we cannot name all of them. If that be acceptable, we shall take it as a decision of the House.

HON. MEMBERS: Aye.

THE CHAIRMAN: I take it that the ayes have it *(Laughter)* upon a motion moved by the Chair. Thank you very much for that. So, we shall take it that we can allow these people to come, and either talk to us or perform before us a song or recite a poem. Then we shall have the final closure of the promulgation ceremony. Essentially, really, it is the provisions of section two of the Statute, which provide that the Statute shall come into force on such date as the Minister may by Instrument, appoint and shall remain in force until the day the new Constitution comes into force and on that day shall expire.

Following the expiration of the statute, we would take it that by operation of the law, the CA will have been dissolved, not by the Chairman but by operation of the law and then shall arrange to meet in other fora and other places. This in summary really is the programme I wanted to put before you for approval. As I said, this was approved by the Business Committee, our most representative committee when it met yesterday. Can I allow some comment, and see how we proceed from there?

MR. KARUHANGA: Thank you very much Mr. Chairman. I should start by congratulating you for coming up to this stage and congratulate all my Colleagues for such a historical occasion. We all look forward to be present on Sunday as witnesses and participants on that important day. It will be as if we are present at creation.

Now Mr. Chairman, I have a proposal to make. I understand and I hear, I am sure we have no objection in getting the choir to sing the song that has been approved by the Constituent Assembly. But would it not be a great honour for us to invite the son of Uganda who composed the national Anthem to lead the National Anthem on that day by singing it in person, since now we have approved it and brought it into this Constitution as a National Anthem? *(Applause)*.

I understand the gentleman who composed this song maybe 33 years ago is still alive. Would it not be a great occasion for him and for all of us even to see him, and to ask him to lead the song by at least singing the first words, Oh Uganda! I propose that he too be invited and ask you kindly and the whole House to approve this proposal.

THE CHAIRMAN: You have heard the proposal from Hon. Elly Karuhanga. I presume our composer is not far from Kampala, I do not know. I think he can be traced. There is no problem. Is it the view of the CA that Mr. Kakoma should be invited and be given a role? It is so decided?

HON. MEMBERS: Yes.

MR. ABU MAYANJA: Thank you very much Mr. Chairman. There has been a way and I would like to congratulate you and the House on completing the work. Now on the motion which has just been adopted moved by Hon. Karuhanga, I understand Mr. George Kakoma who composed the National Anthem is in Kenya. So something should be done immediately. Is he back now here? I was just drawing the attention, because he can be reached even if he was in Kapsabiti where he used to be.

THE CHAIRMAN: Thank you for that observation. We shall get the Commissioner to adopt such a method so as to make it possible for Mr. Kakoma to be here.

MR. ABALIWANO: Mr. Chairman, I was just requesting if it is possible to make accessible some more copies of The Constitution, because as we have come from various constituencies, if you gave us one copy each and one to the District Chairman, I think we have a duty to go and tell our people what Constitution has been passed. I was wondering whether it is possible for the office to make more copies available to us, so that it is possible for us to distribute these at least at each sub-county level to begin with. If you cannot distribute them free, at least we can buy them.

THE CHAIRMAN: The position is as follows; The Constitution has been printed into the larger size which is being signed, then the A4 size and then a smaller size which is cheap. I cannot tell you the price, because that is really known by The Commissioner. But as soon as we get out of here, there will be enough copies available to be taken at a very reasonable price. Because of financial constraints, it will be very difficult for the Commission to hand out free copies. This was considered but was found not possible. Cheap copies will, however, be available so that a Member can take as many as his or her pocket can support.

MR. BAGEYA: Thank you very much Mr. Chairman. First of all, I want to thank you for having invited us for this reception together with our spouses. But if the Hon. Ladies and Hon. Gentlemen have had strong partners behind them, that is, husbands and wives; I would like to suggest that if it is within your reach, these spouses be invited to attend the promulgation ceremony here if it is possible. Because, without these partners, some of us would have found it very difficult to accomplish the job that we have done.

THE CHAIRMAN: Hon. Delegates, it would appear you are already tired and so we may have to proceed to adjourn, because you are now talking among yourselves in disregard of central authority. This is the total effect of decentralization I can see.

The point has been made by Hon. Bageya that we should have spouses invited to the promulgation ceremony. But I would like to tell you that our problem, is not that we did not want to invite your spouses. The problem id shear space. We are going to occupy the entire floor here as being in session. The Statute says, this we shall do, in the presence of NRC. NRC are about 300, so that between NRC and CA, we almost occupy 600 seats. If we were to bring a spouse for each Member, we would only be having a family affair here. There will be no other people coming to be with us.

So, having considered the matter, we felt that it is better to broaden the base of our promulgation beyond our families. We said, let the Members of NRC, Members of CA, diplomats and other invited Ugandans attend. If you look at the districts, each district is sending the chairman with two or three other people. So, if you take those apart from a few other people who have been called, there will be no space for spouses. So we took it that the spouses can be with us at the reception which will follow immediately from here.

MR. BIDANDI SSALI: Mr. Chairman, the other day we had the other reception at a certain moment in time, I found myself going to the floor on one of these very rare occasions, and I have cause to believe that the cause for such will even be more on Sunday. I wonder whether the Business Committee organised us a sort of band which can push us to about mid-night. Thank you Mr. Chairman.

THE CHAIRMAN: Order, order. I do appreciate that that party was a great inspiration, because many talents or many of the Members were not known until some of their talents became apparent only on that day. *(Laughter)*. We have a slight problem. The national independence celebrations are in Fort-Portal, and the reason why the party is taking off immediately after we come from here is because some of the Members of the CA will have to travel to Fort-Portal. It is hoped that they would take off from the reception - not driving of course- but being driven and stop in maybe Mbarara or Kasese or those who are able, go straight to Fort-Portal. That really influenced the arrangement, so that the kwasa-kwasa part of it was a bit found difficult to arrange in view of that. But of course this does not stop the Members from visiting nearby places and continuing immediately after the reception.

MR. ATWOMA: Mr. Chairman, mine is seeking clarification or information on three points. One, is that as soon as the promulgation is done, we stand dissolved. Now we have speeches which have been made in this House and how are we going to go about them in correcting them to form the Hansard? I would like clarification on that.

Secondly, there are certain overlapping views of the members in the administrative office, as we are dissolved, certainly we would like to go back home now to join our families. How or what are the arrangements underway to see that when we depart from this hall, we depart totally? Besides, is this document which you are going to hand over to us on promulgation, the constitution itself?

This is now the package of our work here. We are not very clear. How are we going to report back to our constituencies under all these difficulties that some of us have been going through during the consultation? Will it just end here in the hall and we do not take it back to the people who sent us? I would like clarification on this point too Mr. Chairman.

MR. OKWAKOL: I thank you Mr. Chairman. I wish to draw the attention of the Assembly, Mr. Chairman to the national Anthem. There are sheets which have been circulated bearing the national Anthem. But I think that the first stanza of that national Anthem has an error which can easily misrepresent the intentions of the composer. The second sentence states, we lay our future in *they* hand. I believe that it should be *thy* hand. That is the correction I wish to bring to your notice Mr. Chairman.

THE CHAIRMAN: Thank you. We noted that in the Business Committee yesterday, and we agreed that Members be encouraged to bring their copies of the rules, because appended to the rules, you have a proper reproduction of the National Anthem, so that when we sing it, we sing it from the correct copy.

The question raised by Hon. Atwoma, I would like to reply as follows: The other matters relating to views and correction of speeches, those were fully canvassed by the Business Committee, and I think it would be only fair that each leader of delegation briefs either the district members or their various constituencies and it would be apparent why this approach is better, when you talk to those delegates. I would like to suggest that Hon. Atwoma you will be in touch with Hon. Langoya, and he will give you a full brief on what took place here. I would encourage Members also to talk to their respective representatives in the Business Committee.

On the question of reporting back to the people, of course, the truth of the matter is that, from the day when the statute is repealed and we cease to exist, then the rest is in accordance with the New Constitution and the laws that govern the affairs of meetings and so on and so forth.

I would like to urge that Members get in touch with their respective authorities to make sure that they are given a chance to report back, because if you were sent as a delegate, of course you have to account. Now, for us the period is still on, but of course the time is now a constraint. So, we took it that there was a period for explaining, from enactment to promulgation as long as the statute is in force and I did make it clear that until that happens, we were Members and Delegates and, therefore, Delegates should be given a chance to report back on what they have done here.

Beyond that, it becomes the role of the new Constitution and the statutes that govern those things that you are referring to and I hope that within that legal framework, you should be able to be given a chance to go back and talk to the people about the Constitution.

MR. BASALIZA: Thank you very much Mr. Chairman. I would like to join all other Delegates to thank you and the Deputy Chairperson for the work you have done for us. But at the same time, Mr. Chairman, during our stay here, so many photos have been taken by the Constituent Assembly Commission office or by the officers from there with a hope that a book will be compiled about us or an album as to who is who in the CA. Mr. Chairman, I am trying to find out whether that will come out or it is coming out soon.

Secondly, Mr. Chairman, with your permission, I would like to request the CA Delegates, that after the adjournment, we have a meeting of the FOCAD caucus and all those who are interested should remain behind so that we can discuss some issues concerning the caucus. Thank you Mr. Chairman. Now those who do not know what the FO CAD is, that is the Forum for Constituent Assembly Delegates 1995 which we have already formed. Thank you Mr. Chairman.

THE CHAIRMAN: Can I now take it that we approve of the recommendations from the Business Committee as to the proceedings on Sunday? Thank you. It is so approved.

Now the other part of the programme which comes after most of it maybe has been said, but you may have received invitations to the reception which will be held immediately after here or not too long after we rise, and I would like to urge Delegates to come and be present and take part in the reception. Other matters that are relevant are the question of addresses in the Business Committee.

It was addressed and it was agreed that we encourage Members to deposit their contact addresses with the office of the clerk, so that not only would we want to know where each other is, but also there is need for correspondence between the Secretariat and the Delegates or Former Delegates as they may be in their respective places. Other details as to what will happen between now and then will be sent out.

The last announcement I would like to make is that committees did not take their pictures together and it was agreed in the Business Committee that this be done this afternoon starting at 2.00 p.m. outside here. The photographers will be on hand, so that we can have evidence of our participation in the various committees of the Constituent Assembly.

Unless there are any other matters, I would like to adjourn at this point and we resume one; for laying

the foundation stone, that is Members of the Business Committee and that the other Members or Delegates come and take their seats so that we carry out the procedures of promulgation that we have just approved. Finally, I would like to announce that Hon. Odoy-Asoka has got very interesting formulation of a memento using photographs, which were taken. I would urge Members to contact him so that you take advantage of his skills if you want to keep a permanent record of your participation here.

Otherwise for the committees, it is 2.00 p.m. for the photographs and with that, I would like to thank you for coming. I adjourn the House and we resume on Sunday at 12.00 noon, but arrive here in accordance with indicated times on your cards. Thank you very much. We stand adjourned.

(The Assembly rose and adjourned until 8th October, 1995 at 12.00 noon)

THE REPUBLIC OF UGANDA

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SUNDAY, 8TH OCTOBER 1995

Sunday, 8th, October, 1995.

The Assembly met at 12.00 p.m in the International Conference Centre, Kampala.

NATIONAL ANTHEM

PRAYERS

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

(Assembly was called to order)

PROMULGATION OF THE CONSTITUTION OF THE REPUBLIC OF UGANDA.

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. delegates I draw your attention to the order paper. We are now at the stage where I will make a small communication and then we shall proceed from there. I take this opportunity on behalf of the Constituent Assembly to welcome His Excellency the President and First Lady to this very important sitting of the Constituent Assembly. *(Applause)*

I also take this opportunity to welcome on behalf of the constituent Assembly, and indeed on behalf of all Ugandans, our honoured guest. His Excellency the Prime Minister of Ethiopia Hon. Zenawi. *(Applause)* I also wish to welcome the Members of the National Resistance Council whose presence here is as required by the statute under which we operate. *(Applause)* As you do recollect, under section 19 of our statute, it is required that the Promulgation of the constitution shall be done in the presence of His Excellency the President and in the presence of the National Resistance Council. It is in pursuance of this provision that we have the Members of the National Resistance Council in their own right to be present as we go through this important stage of our constitution making.

Your Excellencies, the proceedings of the Constituent Assembly begun in May last year; they have gone on for nearly 15 months now, and today is the last day when the constitution, the product of their work is to be brought into force. The constitution has been enacted as required by the law, by the House; it was done on 22nd of last month. It was duly certified by the Chairman and witnessed, as required by the rules and it is therefore as it is now, a complete document duly signed, and once we finish or we come to the appropriate moment, the constitutional order of Uganda will change in accordance with the new constitution.

I would like to take this opportunity to thank the people of Uganda for entrusting the delegates of the Constituent Assembly here present, with the function of having to do this very important job on their behalf.

I must pay tribute at this stage to the President of the Republic of Uganda and the government of the Republic of Uganda for the support they have given to this constitutional making process. *(Applause)* It is because of their unfailing support that we have been able to do our job. But I must also thank the NRC for having realized that 7 months was not sufficient to do the task which was given to us, and that therefore they were magnanimous in extending the time that enabled us to complete the work in a much more comfortable situation. *(Applause)*

I must pay tribute to the Commissioner, his deputies, and the staff of the Commission for the good job they did in supporting the work of the Constituent Assembly, and that extends also to the Technical committee who were responsible for drafting the technical document that came out of the various committees and also from the plenary. *(Applause)*

I thank the members of the diplomatic corp for the interest they showed in the exercise, in fact some of their Excellencies spent many hours with us and I am sure they got a good impression of the seriousness of the Uganda people in recreating their future through the Constituent Assembly. *(Applause)* We should not forget to pay tribute to our friends who supported us materially and morally, right through the government of Uganda and sometimes directly by coming to discuss with us; these friends also must be congratulated and thanked. *(Applause)*

Finally, let me thank the Members of the Constituent Assembly or the delegates for a good job done and also for having given me and my deputy the responsibility and honour of being the managers of the process that comes to the end today. I would like to thank my deputy for her support in the job that we shared right from May until today. *(Applause)* And finally, let me welcome all of you friends who have come in response to our invitation to be with us on this very important day as Uganda moves to a new constitutional order. I thank you all.

ADDRESS BY THE HON MINISTER FOR CONSTITUTIONAL AFFAIRS

THE CHAIRMAN: I call upon the Minister for Constitutional Affairs who happens to be sitting on the Kyadondo south chair to come and address us. Not as Kyadondo South but as Minister of state for constitutional affairs.

MR. KAVUMA(Minister of State for Constitutional Affairs): The chairman of the Constituent Assembly; Your Excellency the President of the Republic of Uganda, Yoweri Kaguta Museveni; Your Excellency the Vice President; Your Excellency the Prime Minister of Ethiopia; the honourable Vice chairman of the NRC; My Lord the chief Justice; the Right Honourable Prime Minister; our cultural leaders; honourable delegates to the Constituent Assembly; hon. Members of the NRC; your Excellencies the Members of the Diplomatic corps; religious leaders; ladies and gentlemen.

Mr. Chairman, as minister responsible for the constitution making process, and as the Constituent Assembly delegate for Kyadondo south, I have the honour to extend the warmest welcome to His Excellency the President of Uganda, Yoweri Kaguta Museveni, His Excellency the Prime Minister of Ethiopia and all other distinguished guests. Mr. chairman, indeed today is a great day as we meet to accomplish the mission the people of Uganda assigned us - assigned to us when they elected us to this august assembly, having the past 15 months scrutinised the constitutional text, using the draft prepared by the Constitutional Commission; and having on the 22nd of September, 1995 enacted the constitution of the Republic of Uganda. We now meet to promulgate the said constitution.

Permit me to say, Mr. chairman, that at the end of this important exercise, I am glad to note that we have successfully striven to ensure that we give ourselves and our posterity a constitution based on the principles of unity,peace,equality democracy, freedom,social justice and progress.

In short, Mr. chairman, and Your Excellency Mr. President, we have given ourselves a constitution that answers the call for nation building through national integration and the need for modernisation in all aspects of life in our society. Unlike in the previous constitutions, we have throughout the entire process of our constitution making based our work on the will and aspirations of the people of Uganda.

We recall with pride and with a deep sense of honour that this process had its strongest pillar in the armed struggle that was started in 1981, when 27 gallant sons and daughters of this country under what later became to be known as the National Resistance Army took it upon themselves to lead Ugandans in that occupationaly hazardous mission aimed at delivering Uganda from the evil of dictatorship among others, and ensuring that Ugandans would have another chance to sit down in a secure and free atmosphere to re-establish a firm foundation for constitutional governance. *(Applause)*

After the successful conclusion of the armed struggle, and at the very beginning of the National Resistance Movement Administration in 1986, the Ministry of constitutional Affairs was established with one of its main objectives being to ensure that the people are fully engaged in the making of their own constitution. The constitutional commission established by the constitutional commission statute of 1989 submitted its report and the draft constitution to government in 1992, but most importantly both these documents were the result of the most expensive piece of work of the commission in consulting the people and they were based on not less than 25,547 submissions from the people, through which they freely expressed their views and wishes on all constitutional matters.

In 1994, the Constituent Assembly was elected in the first ever genuinely free and fair election this country has ever known, and it was this distinguished body of the true peoples' delegates which has debated,enacted and is now about to promulgate the new constitution. *(Applause)*

The reason I gave this short historical background was to emphasise the fact that Ugandans today have a cause to celebrate the promulgation of their own constitution since they have been the central factor in this exercise from beginning to end.

Mr. Chairman, on behalf of government and on behalf of fellow delegates let me express sincere thanks and gratitude to some people and institutions whose contribution to the entire process has been crucial in ensuring a happy and worthy conclusion of the constitution making exercise.

First and foremost, allow me to thank His Excellency, Yoweri Kaguta Museveni, our President, the President of the Republic of Uganda for his clear and foresighted leadership of the people of Uganda in the various phases of our political and constitutional development process; for his courage, patience, willingness and ability to listen to all views from all sectors of our society; for his guidance and above all, for his cool but firm approach to problem solving even where problems at hand appear too many to have an imaginable solution. *(Applause)* Your Excellency Sir, I am confident that all positive Ugandans feel greatly proud to have you as their leader in these most difficult periods leading to the completion of the constitution making process.

Mr. Chairman, I thank our gallant sons and daughters of Uganda, the departed and the living from a nucleus of 27 which later grew into the formidable NRA, for their sacrifice in the struggle to bring about what we are witnessing and celebrating today. Together with this group sir, we thank the original National Resistance Council which also later expanded into the current NRC. *(Applause)*

Next, Mr. Chairman,our gratitude goes to those men and women who constituted the Constitutional Commission commonly known or bearing the household name of the Odoki commission. *(Applause)* This is His Lordship Benjamin Odoki who was the chairman of that commission. We thank them for the excellent job they did in putting together the raw materials that the hon. delegates here have used in making our new constitution.

Our thanks and gratitude go to you, Mr. Chairman, and the Deputy Chairperson, for the rare skills, the high sense of humour, impartiality, commitment and a grasp of all the issues under discussion at all times and the excellent stewardship you have so ably exhibited in steering the constitutional boat ashore and safely too. *(Applause)*

Our thanks go to the Commissioner, Stephen Besweri Akabway, his Deputies namely Mr. Vincent Musoke Kibuuka and Mrs. G. Kabahuma Nduru, the Clerk to the Constituent Assembly, and all the staff of the Commission which has been a very effective secretariat to the Constituent Assembly - we sincerely thank all of you. *(Applause)*

Allow me, Mr. Chairman, to thank all fellow hon. delegates of the CA for a job well done. *(Applause)* We have sat and worked for long hours, we have freely and honestly debated all articles in our new constitution. Of course, we have had at times our ups and downs; we have at times had sharply differing views and ideas on some aspects of the constitution but at the end of the day, we were able to take all our decisions democratically, but most importantly, we have saved this country the cost and strain of going through a referendum on any matter in the constitution *(Applause)*

Mr. Chairman, this is no mean achievement, I cannot fail to mention that I admire, hon. delegates, your stamina and ability to stand firm against all forms of intimidation. *(Applause)*

My thanks sir, Mr. Chairman, go to all the chairmen and chairpersons of our various committees, both standing and sectoral for the good work each of them did.

To the Ministry of Information, the Press and all those in the Media, we say thank you for your efforts to keep the people informed about the proceedings in the CA. *(Applause)* The majority of you did a commendable job.

Sincere thanks go to our friends in the International community who have in one way or another supported and assisted us in this process. Mr. Chairman, I would be doing a great de-service to our people, the 17 or nearly 20 million Ugandans if I did not sincerely thank them. They have keenly participated in and followed all stages of our constitution making process; but most importantly they have exhibited a high degree of patience, trust in us as their delegates, and a high degree of political maturity throughout the entire process. *(Applause)* I say this because there have been many temptations from some elements in our society who fortunately have been unsuccessful in trying to destroy the strong bonds that linked the Constituent Assembly delegates and the population. The people rejected them completely, and by so doing, they proved beyond any doubt that the legitimacy of the constitution we are about to promulgate is unquestionable.

Lastly Sir, let me congratulate all Ugandans for having been able to come to this moment of joy when they receive for themselves their children and grand children both born and unborn a constitution that is wholly home made, made by them and not

merely by a group of people, chiefs and made for themselves. *(Applause)* Mr. Chairman, it now becomes our duty both the leaders and the led to acquaint ourselves with the constitutional provisions we have set for ourselves,to respect, adhere to the constitution and jealously guard against any person or group of persons that may wish to tamper with it and to effectively resist such person or persons, and to defend the constitution at all cost. The seed of the culture of constitutionalism we have sown through this constitution must be allowed to grow without any interruption from any quarter.

In the end sir, I say the mission the people of Uganda entrusted to us has been accomplished and accomplished very successfully. *(Applause)* To all Ugandans I say this phase is the beginning of another important phase in our struggle. I would therefore end with your permission, Mr. President, and Mr. Chairman, by saying that *Alluta continua. (Applause)*

PROMULGATION OF THE CONSTITUTION OF THE REPUBLIC OF UGANDA BY THE CHAIRMAN OF THE CONSTITUENT ASSEMBLY.

THE CHAIRMAN: I would like to inform and advise that upon the reading of the instrument I am going to read, the constitutional order of Uganda will change. *(Applause)* I will now proceed to read on behalf of the Constituent Assembly the instrument of promulgation.

I will now read: *Promulgation by the Constituent Assembly of the Constitution of the Republic of Uganda, enacted by the Assembly on 22nd September, 1995. Whereas the Constituent Assembly statute 1993 established a constituent assembly charged under section 8 of the statute with the following functions that is to say, (a); to scrutinise debate and prepare a final draft of the constitutional text prepared and submitted to the minister responsible for constitutional affairs under the provisions of sub-section 6 of section 6, of the Uganda Constitutional Commission Statute 1988, and (b); to enact and promulgate a new constitution of the Republic of Uganda; and, whereas this Constituent Assembly commenced its proceedings on the 12th of May, 1994; and whereas the Assembly on the 22nd September, 1995, enacted a new constitution of the Republic of Uganda in accordance with the Constituent Assembly statute 1993, and the rules of procedure of the Assembly; and whereas section 19 of the statute provides that the constitution enacted by the Assembly shall come into effect as the constitution of the Republic Uganda by law established on such day as the President may by statutory instrument appoint for promulgation; and whereas the President has by the Constituent Assembly appointment of date of promulgation of a new constitution of the Republic of Uganda instrument 1995, appointed this 8th day of October, 1995, as the day on which the new constitution enacted by this Constituent Assembly shall be promulgated by the Assembly under the Constituent Assembly statute 1993; and on which the constitution shall come into effect as the Constitution of the Republic of Uganda by law established; and whereas sub-Section 3 of Section 19 of the Constituent Assembly Statute 1993 provides that the promulgation of the constitution shall be done in the presence of the President and Members of the National Resistance Council. Now, therefore, know you all, Mr. President, Members of the National Resistance Council, and other representatives of the people of Uganda, and all others here present, and assembled, that in exercise of the powers conferred on the Constituent Assembly by sections 8 and 19, of the Constituent Assembly Statute 1933; this Assembly, on this 8th day October, 1995 hereby declares proclaims and promulgates the constitution enacted by the Assembly, on the 22nd day of September, 1995 as the Constitution of the Republic of Uganda and that the constitution shall in accordance with section 19 of the Constituent Assembly 1993 come into effect on this 8th day of October, 1995 as the constitution of the Republic of Uganda as by law established; made this day of October, 1995; signed, James Francis Wambogo Wapakhabulo, Chairman of the Constituent Assembly.* ***(Applause)***

Order! order! There will be another occasion when you can continue with the jubilation but let us go on with the business of the day now.

HANDING OVER OF THE THREE (3) UNITS OF THE CEREMONIAL COPIES OF THE CONSTITUTION TO THE PRESIDENT BY THE CHAIRMAN.

(The Chairman of the Constituent Assembly handed over 3 ceremonial copies of the Constitution to his Excellency the President of Uganda)

THE CHAIRMAN: Two things should be pointed out here. First as I indicated earlier,the constitutional order changed upon the reading of that instrument and two; now we have returned to His Excellency the President, the constitution. You will recollect that on the 18th of May last year the President gave us the report and the draft constitution of the text produced by the Odoki commission; now we have ceremonially returned to His Excellency the President a job completed and in accordance with the law under which we have operated. Thank you. We now go to the next item.

HIS EXCELLENCY THE PRESIDENT TO HAND OVER CEREMONOAL COPIES OF THE CONSTITUTION TO THE HEADS OF JUDICIARY AND LEGISLATURE

THE CHAIRMAN: The constitution we have made, your Excellency clearly sets out three important branches of our state. The Executive, the Judiciary, and the Legislature;and it was the view of the Constituent Assembly that each one of those branches receives a ceremonial copy, i.e copies that were certified and signed by the Members of the Constituent Assembly.

We shall start by asking you Sir, to hand over a copy to the Vice chairman of the NRC, hon. Kigongo on behalf of the Parliamentary arm of our state. *(Applause)*

(H.E the President handed over a ceremonial copy of the Constitutiton to the Vice Chairman of the National Resistance Council, Hon Moses Kigongo)

THE CHAIRMAN: His Excellency will now hand over a copy to the Chief Justice on behalf of the Judiciary. *(Applause)*

(H.E the President handed over a ceremonial copy of the Constitutiton to the Deputy Chief Justice, his Lordship Justice Manyindo)

THE CHAIRMAN: It was received by His Lordship the Deputy chief Justice on behalf of the Chief Justice and on behalf of the Judiciary.

The constitution came from the people so we have got another item involving the people.

HIS EXCELLENCY THE PRESIDENT TO HAND OVER COPIES OF THE CONSTITUTION TO DISTRICT CHAIRMEN OF R.C. V.

THE CHAIRMAN: We shall call each district in alphabetical order and as we call the district, the RC V chairman will come forward and receive a copy of the Constitution from the President.

(H.E. the President handed over copies of the Constitution to RC V District Chairmen of Apach, Arua, Bundibugyo,Bushenyi, Gulu, Hoima, Iganga, Jinja, Kabale, Kabarole, Kalangala, Kampala, Kamuli, Kapchorwa, Kasese, Kibale, Kiboga, Kisoro, Kitgum, Kotido, Kumi, Lira, Luwero, Masaka, Masindi, Mbale, Mbarara, Moroto, Moyo, Mpigi, Mubende, Mukono, Nebbi, Ntungamo, Pallisa, Rakai, Rukungiri, Soroti, Tororo.

THE CHAIRMAN: I thank your Excellency for the function you have performed; it was the view of the Constituent Assembly that this be performed as a means of handing of the Constitution back to the people and we hope that the chairmen will tomorrow exhibit these constitutions at the various cerebrations of independence in their respective districts. Thank you, your Excellency for having agreed to perform this function on our behalf.

DISTRIBUTION OF COPIES OF THE CONSTITUTION TO DELEGATES AND MEMBERS OF NRC

THE CHAIRMAN: Could the office of the clerk perform this quickly so that we may proceed.

(Copies of the Constitution were distributed to Delegates of the Constitutent Assembly and Members of the National Resistance Council)

THE CHAIRMAN: I now call the meeting to order. You will be able to have time to read your text and compare notes. Let us now go back to the business of the day. I call upon the Clerk.

BLESSING OF THE CONSTITUTION

THE CHAIRMAN: Hon, delegates, your Excellencies, and our visitors, it is only fitting that after we just changed our constitutional order ,that we also remember the spiritual side of the whole process and so it is proposed that we have a prayer

said by our religious leaders to bless not only the constitution we have just promulgated but also this occasion.

I would like to ask our four (4) religious leaders in the following order to come to the podium and say a prayer in the following order. We shall start with the Archbishop of Kampala, His Eminence Emmanuel Cardinal Wamala; followed by the Archbishop of Uganda, His Lordship Livingstone Mpalanyi Nkoyoyo; then His Eminence the Patriarch of Kampala, Archbishop Nankyama; and then His Eminence the Mufti of Uganda Sheik Ibrahim Luwemba. We thought that each of them should be given a chance and also to give us a blessing, today being a very important day.

PRAYERS

(Prayers were said by the Religious Leaders)

THE PROMULGATION CHOIR TO SING A SONG

(The Promulgation Choir sang a song)

A POEM TO BE RECITED BY PROF.TIMOTHY WANGUSA

PROF. TIMOTHY WANGUSA: Hon. Chairman, Your Excellency Mr.President, the Poem which I am going to read is not one of my own making, it was conceived, created and written by Mr. Mukundane Albert. He is a member of the Civil Service, he holdS a Diploma in Cooperatives, but he is prominently a Poet. The poem is entitled 'You are my guide and shield'.

The Supreme law of the land
The guiding principle
The focus of its citizens
The way to democratic right
You are my guide and shield.

You show the democratic right
You streamline the jungle law
You bind all institutions
traditional and religious together
You are my guide and shield.

The reflection of Uganda as a state
The directive principles of state policies
The moral righteousness of its citizens
The fundamental human rights and freedoms
You are my guide and shield.

The recognising of struggles against the forces of tyranny and oppression
The establishment of good governance
Committed to building a better future
You are my guide and shield.

The representatives of the people
The three organs of government
The separation of powers
The empowerment council
You are my guide and shield.

The financial management
The public focus
The local government
The guard of national security
You are my guide and shield.

The auditor of government
The leadership code of conduct
The land and environment
The reflection of Uganda
You are my guide and shield.

The political, economic, social joint
The interpreter of the Republic of Uganda
The associate of every sector
The feeler of every emotions
You are my guide and shield.

The decision makers
The valuable stone
The meaningful state symbol
The foundation for Uganda's future
You are my guide and shield.

THE CHAIRMAN OF THE CONSTITUTENT ASSEMBLY TO INVITE HIS EXCELLENCY THE PRESIDENT TO ADDRESS THE ASSEMBLY.

THE CHAIRMAN: Your Excellency, the delegates, Members of NRC and other visitors here present no doubt would like to hear from you as regards today's matter. After you have embarked on that, you may wish, in your discretion, either before or after you make your observations to call upon our honoured visitor and your guest also to talk to us. Your Excellency.

HIS EXCELLENCY THE PRESIDENT(Mr Yoweri Kaguta Museveni): Distinguished guest of honour, the Rt. Hon. Meres Zenawi, Prime Minister of Ethiopia, Mr. Chairman, all of you distinguished Delegates, Ladies and Gentlemen. First of all I would like to welcome the Hon. Meres Zenawi for having accepted to be our guest of honour on the occasion of promulgating our Constitution. *(Applause).*

Those of you who do not know Meres Zenawi or the history of Ethiopia, when you hear that he is Prime Minister, you may think that he is a type of Kintu Musoke. *(Laughter).* However, the Constitutional management in Ethiopia is different from ours. If you want to get the equivalent of Meres Zenawi, then I think since many of you know much about Britain, he would be a John Major. *(Applause).* This is because they run a parliamentary system, not a presidential system, so he is executive Prime Minister and there is a ceremonial President.

I have got to explain all this because I know you are very conscious of ranks and so on and I did not want you to lower the rank of my guest of honour. Besides that, Meres Zenawi, is a long standing freedom fighter. *(Applause)* You know in the 1960s Ethiopia was a by-word of feudalism and backwardness. Ethiopia is one of the most ancient nations in Africa and it is the one that was never colonised by the Europeans because they managed to defeat all the Europeans who tried to come including the Italians in 1896. *(Applause).* However, it is a country that was misgoverned and on account of mis-governance it went down; in fact, it was listed among the poorest countries in the world inspite of its most ancient and glorious history but these young people, like ourselves here, took up the call of struggle until they have got rid of all these ancient systems and now the whole of Africa has risen and it is growing. I can testify to this, whenever I go there I see a lot of changes and new direction.

Hon. Members, I recently told an audience of RCs at Mpigi and at Masaka just like I had told the Think Tank Session which took place in the Sheraton Hotel, that the political crisis of Uganda was already in existence by 1962 when the first Constitution was written. By that time, the political crisis of Uganda was comprised mainly of two elements. The first element, socioeconomic, under-development of the country and the population and the resultant sectarianism that under-development engendered or created. The socioeconomic underdevelopment resided in the fact as I told you - you remember in the Sheraton - that our society then like now had not metamorphosed into a society of the middle class and skilled working class like the societies of Europe.

You remember in the Sheraton I quoted some figures of the United Kingdom where 52 percent of the people are members of the middle class; 46 percent are members of a skilled working class and 2 percent are what they call the upper class, meaning the aristocrats.

The social configuration and picture here is very different. Here, 92 percent of the people according to the 1991 Census still live in the rural areas. They are mainly peasants. 92 people out of a 100. Only 8 percent according to this census of 1991 live in the urban areas. Of the urban dwellers only a very small portion are the real middle class. These are the people like Mulwana, the Sembules, the Madhvanis, the Methas, the Mukwanos and a few others. The rest of the urban dwellers are seasonal workers who oscillate between village and towns, others are hawkers, others are civil servants and other categories of public servants, and others are lower middle class - the people like small shopkeepers, teachers and so on.

I pointed out then that this social configuration, this social structure, this social picture has got consequences for both the economy and the politics as far as the economy is concerned, since historically, the middle class has every where in the whole world been the entrepreneurial class; its absence means low productivity, low economic activity as far as entrepreneurship is concerned.

As far as the politics is concerned, since the middle class are the most cosmopolitan minded social force in the history of man, in their search for profits, their absence is responsible for the narrow vertically polarised sectarian politics of Uganda and of Africa in general.

These problems were never addressed by the 1962 Constitution. The 1962 Constitution did not think it was wise or necessary to address the social configuration of the society. They were talking about which gets more powers; the Presidency, the Judiciary - you know these same factors we give the

Constitution today. Since they were never addressed, since these problems were never identified and certainly were never addressed, sectarianism was always rife and Obote in 1969 and 1970 started interfering with the minuscule, mainly the Asians middle class that had started emerging, by imposing on them pseudo leftist slogans like the 'Common Man's Charter' and so on and so forth. These were just pseudo leftist slogans not properly thought out, put out by the people with little understanding of the evolution of human society and all those concoctions complicated the political history of the country. But maybe in spite of all those problems which were never addressed or identified in 1962 Constitution, if only the political actors then had maintained the Constitution road maybe in good time the proper balance would have been found; the proper analysis would have been found and possibly solutions would have been found. Instead of maintaining the Constitutional road, Obote in 1966 abrogated the 1962 Constitution and therefore introduced three new elements in the political crisis of Uganda. This is my own view. You can always have your view but this is mine and I thought I should put it on record today.

You remember I have just told you that according to my analysis, the political crisis in 1962 comprised of two elements: one, a precapitalist social structure, a preindustrial social structure. Number two: a sectarian ideology.

I was glad when you were clapping for the Bishops when they prayed together, many outsiders may not know why these people were clapping but our people get very happy when they see a catholic and a protestant and a Greek Orthodox and moslem also - but first of all, only christians alone before we even talk about the moslems, when you see them praying together because they are all followers of Christ, so why not pray together. So when they prayed together, people were clapping because in the past the men of God have also added to the problems of man here in the case of Uganda. So when we see the men of God together, we have no alternative but to be happy. For the Moslems once we see Sheik Luwemba together with Sheik Mulumba then even more jubilation. *(Laughter).*

So I was saying that in 1962 in my view the political crisis of the country comprised those two elements, the social under-development and a sectarian ideology, either on the basis of religion or on the basis of tribe; but in 1966, Obote who had failed to identify these crucial shortcomings added new elements to the political crisis. Instead of maintaining the Constitutional role, to keep on electing and people come - and they may talk off the point alright but let us keep getting new people coming. Banyankole say *"Afa nagyenda amaguru tigamugaya"*; that means *"if you keep searching for something you may get, you may in the end be rewarded"*. So, instead of doing that, Obote in 1966 abrogated the 1966 Constitution and, therefore, introduced into the political crisis three new elements. The political crisis which had two elements, now had a total of five elements.

Which were the new elements introduced by Milton Obote? One: disenfranchising the people of Uganda. Obote said from now on you have no right of franchise, you have no right to vote - he disenfranchised the people of Uganda. Two: he over centralised power from the districts to the centre. The District Councils were to be nominated and so on and so forth. The regional governments like the one of Buganda were abolished and so on. Thirdly, he undemocratically abolished the traditional institutions, the kings and so on. Therefore, when we started debating this Constitution and even when Odoki was going round, my own view was that instead of being formalistic, I thought we could sit down and discuss in sometimes informal settings, the social economic issues which we were to address because a Constitution is an instrument,it is not an end in itself; it is a means to achieve an end. When this was not easy to arrange because he became very formalistic - but I was happy when you organised the Think Tank in the Sheraton and a few other occasions when we have been meeting as caucuses, we have been able to try and tussle out some of these matters in an informal way; but never-the-less, I have been monitoring what you have been doing and I have been mirroring it against my own socioeconomic goals which I have always in my mind. Therefore, I think that the Constitutional process which we started in 1986 - because this Constitutional process started in 1986, this is a culmination. You know when we came from the bush, straightaway our target was that we go back to the Constitutional road from where Obote had taken us in 1966. In 1966, Obote took us from the Constitutional road and put us on the non-Constitutional road. Any group of persons if they could band together and successfully conspire, they could be the legitimate rulers of Uganda. So the crucial thing was successful conspiracy; if you

conspire badly and you are caught you are hanged as a traitor. If you conspire successfully, then you become the legitimate government. Now, this was the rule of the jungle. We had to do the same because what else should we do because there was no more any Constitutional means. So we said that let us also engage in this extra Constitutional means of looking for solutions and in the end we got power. But when we got power, immediately we started working for taking Uganda back to the Constitutional road. Therefore, since 1986 when we got power, we started working methodically towards taking Uganda back to the Constitutional road. You know we started with RCs and so on and so forth until we expanded the NRC in 1989, until we had elections of the CA in 1993 and each time we were discussing and illuminating some of these problems more clearly. In all that process, we were trying to address these five elements that comprised what I regard as the political crisis in Uganda since Independence.

This Constitution we have promulgated today has addressed most of these problems, in my view. First of all, this Constitution has restored what Milton Obote took away from the people of Uganda and this is to re-enfranchise the people of Uganda which Obote interfered with in 1966. *(Applause).* The people of Uganda, at regular intervals, will be able to cast their votes in a secret ballot and change administrations in that way. This is very crucial; so we are back now to 1966, having wasted almost thirty years with Obote, Amin Dada and all those characters.

Secondly, this Constitution which you gave to me just now decentralises power again away from the centre to the regions which again amends the distortions created by Milton Obote in 1966.

Thirdly, this Constitution in more than one way opposes sectarianism by opposing the introduction of multiparty politics now and puts the task for introducing multi-partyism in future solely in the hands of the entire population of the people of Uganda through a referendum. I hear the multi-partyists are in mourning but for me I have nothing but jubilation. I have said so and I am willing to repeat it many times that now our social configuration does not permit unhealthy multi-party activities. We need to hold on and we recast the society then we can have our wonderful multi-parties when the time is ripe. So I think this one addresses one of the problems of 1962, opposing unhealthy divisions.

Fourthly, this Constitution restores the Traditional Institutions if the people concerned are interested in them. *(Applause).* These are the institutions like the kings. You know in philosophy, one of the things we talk about are two factors, objective factors and subjective factors. Like this table here is an objective reality. So it is an objective factor. But there are some factors which are subjective. Somebody may be sick but he does not know that he is sick; he thinks he is alright. Now what do you do with such a person? So when you are dealing with a social phenomena you must deal with the society as it is, not as it should be. This is politics. Politics should deal with the society as it is; so that is why sometimes I am very flexible when I go to people and I find that they think something is very important although I may think it is not important. I join them and say okay let us go ahead but the difference between opportunism, populism - there is a phenomenon we call populism - and inflexibility is that a populist when you go to the Banyankole and you find them drinking milk without boiling it you, also drink it and tell them that it is alright - that is populism. As for me, I would tell them that this milk should be boiled but if you insist on drinking it I will not put a law against unboiled milk, you can continue drinking it but it is not healthy and for me I will not drink it but you drink it if you want. So you combine flexibility with education. You do not push them to say, " it is alright, you can drink unboiled milk, after all, our ancestors were drinking it ", that is populism. We call it populism in political history and it is very dangerous. Populism has killed some countries in the world.

The other day I was receiving an ambassador from Argentina and we were talking among ourselves and I reminded him that according to the literature I have read, in the year 1900, Argentina was listed as number ten in the whole world in the rank of the most developed countries but by the 1970s, Argentina was I think in a hundredth place. What was the problem? Leadership and especially populism. Somebody who comes along, because there was a man called Peron in 1955 who came and just picked up emotions of the slum areas and bringing all sorts of wrong things but which to somebody who is not well informed appear good and that is how Argentina slid back; now they are coming up.

These traditional institutions are important for our people. At this time they are important to them. The other day I was in Kabarole and we installed a young boy as a king. So I was looking at these people falling down and standing up. The boy did not even know what they were doing.*(Laughter)* The boy was playing with his toys and he was also busy but I thought that phenomenon was very important in illuminating the social reality we need to deal with. According to the Batoro, this young boy is a symbolisation of the pride of their community. So when they are falling down and doing all sorts of things which I would not do myself - *(Laughter)* - they are not doing it for the young boy, they are doing it for themselves, for their identity. They are really using this boy for their own pride and their own sense of identity. I think those are the factors we need to take into account when we are dealing with these issues.

However, you hear that I have thanked you for solving the four elements of the five which I think constituted the political crisis in Uganda; but I have not mentioned the fifth. My view on that one is that, unfortunately this Constitution which you have given to me is ambiguous on the most crucial element of the crisis - creating conditions for the rapid metamorphosis of our society from a peasant society to a middle class society. Articles 26 of our Constitution, and Article 237 of our Constitution only allows the government to acquire land in the public interest but not for industrialisation. I think, even now I read through it again just in case I was wrong, I think this is a very serious omission. The Central Government must find it easy to get big chunks of land to give to industrial and real estate developers. This is my view. That talk of buying - the last time I heard of buying; I heard that the principle of buying is a willing seller, a willing buyer. You would buy from a willing seller. Now, suppose you do not get willing sellers or suppose you do not get willing sellers in the right places? Anyway, I think this is a serious omission. I repeat, the Central Government must find it easy to get big chunks of land to give to industrial and real estate developers and even that buying, the government must have power if necessary to compulsorily buy if necessary. It is industrialisation and developing the services sector that will abolish poverty. I am therefore disappointed that you did not resolve this most important issue.

There are other mis-emphasises in the Constitution. There is where you emphasize some things which I think will create problems but I will not address all these now. However, unlike some other elements, I will not say that because I am disappointed with the Constitution in the most crucial area as far as I am concerned, I will not accept this Constitution. We are compelled by the laws of democracy to welcome most enthusiastically this Constitution. *(Applause).* It is a good, legitimate, political *Ntandikwa;* besides it is amendable, it can be amended henceforth it will not be acceptable, it will not be thinkable to change administrations by using extra constitutional means as was the case in the past. Anybody who is not satisfied with any section of the Constitution will have to work politically until he gets the required majority to amend the section he finds obstructive like I find Article 237 and Article 26 in respect of land for industrialization and services development.

I, therefore, would like to congratulate all of you and the people of Uganda for resuming the legitimate road of Constitutionalism. Thank you very much.*(Applause)*

I would like to thank the National Resistance Movement and the National Resistance Army which has now when hon. Wapakhabulo read the Proclamation already changed to the new name - I am pleased you made it easy for me - of UPDF, Uganda Peoples Defence Forces; the other name was a bit of a problem, it was like one of the bad armies we had gotten rid of. I would like to thank the National Resistance Movement and the past National Resistance Army, the present UPDF who fought to bring about this change. *(Applause).* It is not because I took part in these battles but really it is a question of fact that had we not overthrown these dictatorships, we would never have had this moment here today. *(Applause)* And those who have not done it yet are not able to celebrate this occasion in other parts of Africa.

I would like to thank Justice Odoki and his Committee - *(Applause)* - for the painstaking job they did. I would like to thank the NRC. You remember according to the Legal Notice No.1 the NRC and the Army Council and some other people were supposed to deal with this Constitution but when we looked at the politics of the country we found that this would not be good; we thought that we would better have directly elected people to be the

ones to deal with this Constitution and you remember there was a hot debate in the NRC but in the end political wisdom prevailed and we amended that part of the Proclamation of Legal Notice No.1 and we were able to elect this House so that you deal with this matter specifically, with a fresh mandate. I really thank the NRC and the Army Council for not having obstructed our programme of using a new Assembly rather than themselves who had the task to do so when we took power.

I would like to thank all the people of Uganda for having participated in this exercise most enthusiastically right from the days of gathering views, to the days of electing the Delegates, and for following the debate in the House patiently without violence, without demonstrations which some people were trying to incite them to do, up to now when we have got a composite document that has been able to be agreed on by their Delegates. I thank them very much.

I would like to thank in a particular way the Chairman, the hon. James Wapakhabulo and his Deputy, Professor Mwaka for the good job they did in shepherding this House towards decisions and finishing the Constitution successfully. *(Applause)*. You may not know it but I selected these two people out of a very long list because of some ancient links I had with them. Wapakhabulo was my room mate in the university for many years and Prof. Mwaka is from Mugogo which is one of our villages in Luwero where we fought most of the time; and although she was not in the bush herself, her relatives were there and I think by infection, she was infected by the ideas from Luwero.

I have always looked at the Constituent Assembly and the National Resistance Council as important catchment areas for manpower. Many of you may wish to plunge in the unfolding political battles. However, I would like to point out that many of you could also be useful in the non-political areas that still act as bottlenecks for the rapid development of our economy because of the corruption on the part of their present staffing. These areas are the Revenue Authority, the Immigration Department, the DPP's Office, the Police - especially the CID - and many other areas. I was very happy in 1989 when I saw the new people who came in NRC. I thought they would have helped to fight these battles because you may do the political work like you have done now but this political work can be fettered by the professionals who are in these departments. So you must deal with the whole picture in a comprehensive way. Unfortunately, however, you know some of these confused ideas which we keep throwing around interfere with our work because when I was jubilating that we had got new manpower in the NRC in the 1989, very soon they passed a resolution; I think it was that they want to control the President, the President should have no freedom to act, they said now anybody who is in the NRC cannot be appointed for any other job except being a Minister. So all those 300 people have been sitting there, they cannot help us in all these areas which are rotten, even the ones who were D.As had to resign because you had to either be a D.A. or to be in NRC. I found all this not serious but as usual I accepted it because Banyankole say *"Owayemera okutega oyemera okushura"*. If you accept to lay traps you must accept to keep checking to see whether the trap has caught the animal. Sometimes I accept all these but I do not agree with them. I think they are quite a waste of time. So these corrupt people are in these areas; in the Immigration you find a little fellow can stop the whole process.

The foreigners have pledged to bring here two billion U.S. dollars in investment but they cannot operationalise this because of the immigration, Revenue Authority, Investment Authority, the CID, the Fraud Group. So for me our own view was that at this moment when we have got a shortage of manpower we should have flexibility to use anyone of us in any field instead of putting rigidity, this one is here, he cannot be there even when the house is burning, you cannot put out the fire because you are here. I think this is not serious.

I have been following you in your debates here. I think there is a lot of talent both here and in the NRC, so in case you do not want to join the political battles, I think you could help this country in some of these dead departments or quasi dead departments so that we really rout out corruption, we move quickly to industrialize the country - that is how we shall solve our problems.

The other day the doctors went on a strike and eventually - I was busy at first with other problems but eventually I called some of them and said what do you want and other groups were preparing to strike, the teachers, I do not know who. I said how many public servants do we have now - I think the figure now is about three hundred thousand if you

include teachers and soldiers and civil servants and so on, it is about 300,000, they want a living wage. For instance how much will be a living wage average, it is about one million per month, that will be the living wage and they are right; I think that is what one would need to live comfortably on average. I said okay, let us now give each one of you one million shillings per month. The public servants are 300,000. That means 300 billion shillings a month. Our total collection in the whole year now when we are celebrating that we have collected a lot, it is about 700 billion shillings but these ones want 300 billion shillings for one month. You multiply by twelve months and that comes to 3,600 billion shillings the whole year and you hear that our revenue collection now is 700 billion. That is about one-quarter of what they are demanding. How is that possible? You see the leaders will have to think about all this because otherwise you will cause a clash. For me I was not prepared - and I told the doctors that you are now like Amin. I told them that Amin was like them because he came and put himself in the - Obote is the one who put himself in the first place - in the part of our orderly development. If somebody came and said we blow up this house, I would not accept it, that is what can cause problems and I was not willing to accept the demands of those doctors, whatever the cost, because to do so meant to destroy whatever we have done. So we have got a very big battle first of all of understanding the battle we have got ahead of us and I told these doctors that there is no problem because 3,600 billion shillings, I think in US Dollars would be 3.6 billion U.S. Dollars approximately but you hear that our collection now is equivalent to about 700 million Dollars, that is our present collection but if we cleaned the Investment Authority of all the thieves there, if some of you who are good were willing to serve there, if we cleaned the Immigration, if we cleaned the Revenue Authority, if we cleaned the CID, the Police and then we could rapidly absorb these investors who are coming but are being frustrated, then we could move; because you remember I have been telling you many times that now British American Tobacco gives Uganda Government every year the equivalent of 40 million U.S. Dollars in tax revenue - just one company! So if we had a thousand B.A.T. like factories that means we would be getting each year 40 billion U.S. dollars. I do not want to count in Uganda shillings because I get lost. That would mean that our revenue would be 40 billion U.S. dollars. In that even then giving our public servants four billion U.S. Dollars will be nothing because it will be four billion U.S. Dollars out of Forty billion total revenue. It will only be about ten percent.

So please, while we are struggling for political battles, we are struggling for federal, we are struggling for multi-partyism, we are struggling for whatever we are struggling for, please could we remember that we need to live in the meantime while we are struggling for all those battles and all those glories and all those aims; we need to live in Uganda; we need to have a system which is operating. We need to pay public servants and we need therefore to increase investment and industrialisation. And since you are all political actors, each one in your different way, I would want you to help me with this Article 237. Because for me, you know banyankole have got a word they call '*Okuzagira*', which means to stagnate there. For me I do not believe in *Okuzagira*. I believe in movement. I do not want us to be here and we *kuzagira*, the investors are coming, we have no land to give them, we are negotiating with this one, he is not accepting, that will not be good. So I think a solution will have to be found so that we get public land. If we can get land for buying we should buy it, no problem but suppose we cannot, a solution should be found.

Finally, your excellency, the Rt. Hon. Prime Minister and all of you, I would like to declare the 8th of October of every year hereafter as Constitution Day. Thank you very much. *(Applause).*

May I, at this juncture, do two things. First of all present a copy of our Constitution to our guest of honour, the Rt. Hon. Meres Zenawi and then ask him to come and say a few words to you. Thank you very much. *(Applause).*

THE PRIME MINISTER OF ETHIOPIA (The Rt. Hon. Meres Zenawi): Mr. President, thank you for inviting me to this occasion and for the excellent gift of the new constitution. I feel very proud and honoured to participate in this occasion. Let me say that whatever the problems might be with article 237, this is a constitution that we can call on; this is a constitution that we can be proud of *(Applause)*. So, congratulations for having a constitution of your own.

I believe as the President and the Minister of Constitutional Affairs have said, this is a constitution which will change the rules of the game of

Uganda; from the rules of jungle to the rules of law, and that is a major achievement *(Applause)*. This is the end of the struggle to bring about the rule of law to another stage of the struggle, which is to implement the rule of law, and in this final stage of the struggle, I would like to assure you that we in Ethiopia will always stand behind you. Thank you *(Applause)*.

CLOSURE OF PROMULGATION CEREMONY

THE CHAIRMAN: Before we come to the last item, I would like to take this opportunity again on behalf of Constituent Assembly to thank His Excellency the President of the Republic of Uganda for having come to be with us, although it is a requirement of the law, and also for the address he had made to us and, of course, even pointing out the strength and weaknesses of the new document. Your Excellency, it was a result of compromise, but I think, the most important aspect is that it is amendable and that those who want to change it will have to pursue change in accordance with the provisions of the new constitution.

Your Excellency, we have more or less come to the end of our work, we have before us here a group of people who have been with us most of the time - members of the Press. I would like to assure you, Sir, that they did a commendable job depending on their biases, but all the same they did a very good job in informing the people and I would like to suggest that they continue by informing the people correctly about the contents of the Constitution so that they become part of the education required by the constitution to be made to the people of Uganda.

I would like also, on behalf of the Constituent Assembly to again thank our guest of honour who kindly responded positively to the invitation of our President to come and be with us - we are very much honoured Your Excellency *(Applause)*. Now, we come to the end, but before we do, I would like to make two small announcements. The first one is that when those of us here get out, His Excellency has agreed that he will be joined by Members of CA and Members of NRC to a joint photograph outside, on the steps of the Assembly; and so, if you wish to be part of the photograph, you will come out; others please remain seated for a few minutes while this takes place, then we shall let you know; and when we let you know, there is a social function to celebrate the Constitution at the grounds of the Nile Hotel, and those of you who are here are most welcome.

Now, let me draw the attention of the House to the provisions of section 2 of the Constituent Assembly Statute. It reads as follows: *'This Statute shall come into force on such date as the minister may, by instrument appoint and shall remain in force until the day the new constitution comes into force, and on that day shall expire "* ***(Laughter)***. I would, therefore, like to inform the House that as we come to the end of the Agenda of the day, the Statute is expiring and of necessity, therefore, the existence of the Constituent Assembly *(Applause)*. I would, therefore, like to declare that by operation of the law, the Constituent Assembly that has been in existence is hereby dissolved *(Applause)*.

Your Excellencies, I would like to now suggest as former Chairman of the Constituent Assembly that we end this occasion by having the National Anthem as a conclusion of our proceedings, and I thank you very much. Let us meet in other areas and spheres of life. Thank you.

NATIONAL ANTHEM

(End Of Proceedings of the Constitutent Assembly)