**Thursday, 30 July 2015**

*Parliament met at 2.07 p.m. in Parliament House, Kampala*

PRAYERS

*(The Deputy Speaker, Mr Jacob Oulanyah, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I welcome you to this sitting. As you can see, we have a lot of business today. I will alter the Order Paper to bring forward immediately after item No. 3, item No. 6 to be followed by item No. 7 and then we see how to proceed from there.

There is a matter from the Chairperson of the Committee on Foreign Affairs.

2.10

**THE CHAIRPERSON, COMMITTEE ON FOREIGN AFFAIRS (Dr Sam Okuonzi):** I thank you, Mr Speaker. I rise on a matter of national importance regarding the distress of Ugandans abroad. I have been receiving many reports in my office and through email and social media, regarding Ugandans who are facing torture and unfair treatment abroad by the citizens, police and other authorities in those countries.

My committee has brought this matter to the attention of the Ministry of Foreign Affairs and Government but we have not seen any policy action or decision that has been made to protect our citizens abroad.

Mr Speaker, a case that is currently troubling me, my office and many other people who are affected, is that of a one Paul Kirwa Sunday who was brutally arrested by the police in Japan and yet, he was not resisting any attempt to be arrested. He was arrested with such unwarranted force just because he was riding a bicycle without lights. This may be a very grave mistake there but I think the force with which he was arrested by ordinary observation was beyond what would have been warranted.

Mr Kirwa was subsequently tortured with electric batons. He lost consciousness and was hospitalised for two months and later forcibly deported to Uganda. This 40-year-old man, his heart rhythm has been distorted and he has developed persistent hypertension and a condition called cardiomegaly, which is a huge swelling of the heart.

This man comes to my office every day and also to the Office of the Speaker and has been trying to chase for help for 16 months. His health is greatly compromised with hypertension and an enlarged heart and he is here in Parliament trying to seek our help. He has gone even to the Ministry of Foreign Affairs and has now decided to camp at the Embassy of Japan.

I have on many times brought this matter to the Ministry of Foreign Affairs but I have not received any definite response. I understand that the ministry has brought this matter to the attention of the Japanese Government to no avail.

Mr Kirwa is going to start camping at that embassy from tomorrow or next week. Let us pray for him. I also would like to pray to this House that we collectively request the Ministry of Foreign Affairs to contact the Japanese Government with a view of getting medical compensation, and that the Ministry of Foreign Affairs and the Ministry of Health help to finance the medical treatment of this man.

As a general policy, the Ministry of Foreign Affairs should develop general measures to help Ugandans who run into such trouble. I thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you. Does Government have a response on this matter?

2.15

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Dr Chris Baryomunsi):** I thank you very much, Mr Speaker. I would like to thank Dr Sam Okuonzi for raising that important issue.

As the Ministry of Health, this is coming to our attention for the first time here on the Floor but definitely, because it is about issues to do with health, we would arrange and have him treated. I can pledge that I will link up with Dr Sam Okuonzi and ensure that he gets treatment in Mulago and other hospitals around. The treatment cannot wait; I will link up with him to ensure that he gets appropriate care.

We shall also request the Ministry of Foreign Affairs to handle the issues of foreign affairs so that the man is handled properly so that there is communication between the Government of Uganda and the Government of Japan.

**THE DEPUTY SPEAKER:** I thank you very much. I think that is the way it is going to be handled. Dr Okuonzi, please, link up with the minister to see that this man gets some immediate medical attention to at least assist in the short term, while they look at the bigger issues.

**DR BARYOMUNSI:** I will immediately give him a referral note to Mulago Hospital so that they handle him this afternoon. *(Applause)*

MOTION SEEKING LEAVE OF PARLIAMENT TO INTRODUCE A PRIVATE MEMBER’S BILL (THE SEXUAL OFFENCES BILL, 2015)

2.17

**MS MONICAH AMODING (NRM, National Youth Representative, Female):** Thank you very much, Mr Speaker. I move a motion seeking leave of Parliament to introduce a Private Member’s Bill under rules 110 and 111:

“*WHEREAS Article 79 of the Constitution of the Republic of Uganda empowers Parliament to make laws on any matter of peace, order, development and governance;*

*AND WHEREAS Parliament enacted in its Rules of Procedure, pursuant to Article 94(1) and Article 94 (4)(b), Rule 110 which empowers a Member of Parliament to move a Private Member’s Bill;*

*AND WHEREAS the 1995 Constitution of the Republic of Uganda establishes institutions and mechanisms to prevent, detect and prosecute crime, support victims and survivors of crime and dispense justice and manage offenders in correctional settings;*

*FURTHER AWARE that the Penal Code Act Cap 120 generally prohibits and punishes several criminal acts including the sexual offences and that the sexual offence laws have for many years been the subject of intense scrutiny in the media and public discourse and sexual assault continues to change and evolve;*

*CONCERNED FURTHER that in spite of the elaborate provision on the law prohibiting sexual acts and the number of sex-related offences has continued to increase across the country over the years;*

*CONSIDERING that the law relating to sexual offences is outdated and falls short of the constitutional standards of Uganda and most especially, the development and expanding trends of commercial sexual exploitation of children, women and that the perpetrators often evade justice;*

*FURTHER considering that there is a wide spread agreement that many aspects of the laws on main sexual offences of rape, sexual assault, sexual offences against children and some other offences need reform;*

*WE ARE FURTHER appalled by the fact that in most instances the parents of the victims of defilement prefer marrying off victims to the perpetrators to reporting the matter to police and many victims of sexual offences are sometimes permanently injured;*

*CONVINCED that there is urgent need for improving the clarity and effectiveness of these laws on sexual offences in order to guarantee justice to victims and adequate punishment for perpetrators;*

*FURTHER convinced that there is an eminent call for amendment and consolidation of the laws on sexual offences to ensure protection of victims of crime and witnesses during criminal trials, successful prosecution of offenders and further to bring Uganda’s legal regime on sexual offences in conformity with international standards and human rights best practices;*

*RECOGNISING FURTHER that the Government of Uganda in 2000 introduced the Sexual Offences Miscellaneous (Amendment) Bill but there has been unnecessary delay despite several efforts made towards ensuring that the Bill is tabled before Parliament;*

*NOW THEREFORE, let it be resolved that this House grants me leave to introduce a Private Member’s Bill for an Act entitled, “The Sexual Offences Bill, 2015” a draft of which is hereto attached and do order the publication of the said Bill in preparation for its first reading*.”

Mr Speaker, I lay before the House the draft of this Bill.

**THE DEPUTY SPEAKER:** Let the records capture the draft. Is the motion seconded? Seconded by Serere District, Adjumani District, Agago District, Pallisa District, Rubirizi District, Kigulu, PWDs Central, West Moyo, Bukedea, Lwemiyaga, Mukono and Amuru. There are many honourable members in support. Would you like to speak to your motion?

**MS AMODING:** Thank you very much, Mr Speaker. In 2000, the Government of Uganda introduced the Sexual Offences Miscellaneous (Amendment) Bill. This Bill sought to amend the provision of various enactments on sexual offences especially, on issues of procedural and evidential requirements during trial of sexual offences and for other related matters.

However, in 2012 UWOPA began a process of tabling a Private Member’s Bill on sexual offences having realised that the government process had stalled and was extremely slow.

Upon consultations with the former Attorney-General, hon. Peter Nyombi, UWOPA was advised and agreed to harmonise its position with that of the government instead of pushing for a parallel arrangement.

UWOPA submitted proposals for amendment of the government sexual offences Bill. However, there has been a further delay up to now, despite our several efforts as UWOPA to lobby the Government to present the Bill before Parliament.

Therefore, Mr Speaker, we are asking that in view of that, sexual offences will continue to increase countrywide despite the several interventions by Government and non-governmental organisations and according to the Police Annual Crime Report, 2013 defilement is a leading sex related crime reported in the country with a total of 9,598 cases reported compared 8,076 cases reported in 2012 and 7,690 cases reported in 2011.

Therefore, this implies that nearly 26 girls, most of them adolescents are defiled every day in our country which further translates into two to three girls every hour that we have every day. Therefore, this is an alarming statistic and we are throwing the attention of the House to address this challenge.

Furthermore, the existing laws such as the Penal Code Act, the Defilement Act do not categorically address some of the sexual related issues such as aggravated rape, attempt to commit rape, the use of substance for purposes of committing a sexual act, sexual assault itself, sexual harassment in detail, sexual offences relating to the position of the person in authority especially teachers and medical professionals. This is especially people working in positions of authority and they have authority over the person they are assaulting.

We are also highlighting that crimes like a sexual act, in which a person is incapable of giving consent among others, be addressed in the proposed Bill. Even some of these punishments for such crimes are too lenient according to the existing legislation.

Mr Speaker, this Private Member’s Bill that we are seeking lay before this House seeks to consolidate laws relating to sexual offences into one law, which is easy work for the judiciary for reference to provide also appropriate punishments of perpetrators of sexual offences as well as to provide for procedural, evidential requirements relating to the trial of sexual offences and for other related matters.

In this Bill, we propose to address the sexual offences against children, which is currently not taken care of or sufficiently covered in the existing laws and such instances which affect children include aggravated defilement, failure to disclose offence of defilement for economic gain, which usually affects parents, child to child sex, householders permitting the acts of defilement and of course defilement or rape of a child who is under age. This is done by parents and those guardians with whom they live.

There is also an issue of supply of materials to children and child prostitution as well as child pornography.

Mr Speaker, this is, therefore, to request you that you grant UWOPA leave of the House to prepare the Bill and present it before the House in due course. I beg to move.

**THE DEPUTY SPEAKER**: Is there a seconder who would like to speak on the Bill?

2.08

**MS SAFIA JUUKO (NRM, People with Disability):** Thank you very much, Mr Speaker. I stand to support the motion. I had many concerns before this Bill came into being, for example, when you read the Penal Code on the sexual offences provisions, they refer to a person with a disability as an idiot - (*Interjections*) - and we have been crying to change this language but this Bill is actually going to address this issue and specifically talks about a persons with disability as person with disability.

The other issue is about a blind person being denied to give evidence but now, if, for example, a blind was defiled or raped this Bill will grant provision for him or her to give evidence in court.

Lastly, Mr Speaker, as the mover has said, the punishment which has been given to people who defile or rape in this circumstances like persons with disabilities have been let go because in some of our local languages, somebody would just say that it was a “*kiteta”* or maybe “k*asiru”* who was defiled. However, this Bill comes to say that a person who defiles or rapes a person with disability, that act can be classified as aggravated rape or aggravated defilement and the punishment is maximum. I second this motion.

**THE DEPUTY SPEAKER:** Honourable members, the motion before the House is seeking leave of Parliament to introduce a Private Member’s Bill, the subject of which is captured as an introduction of a Bill to be called, “The Sexual Offences Bill, 2015”. That is the motion I propose for your debate and debate starts now.

However, honourable members, I have taken up some issue with paragraph five of the recital “…concerned that in spite of the elaborate provision on the law prohibiting sexual acts….” I have not come across such a law. (*Laughter)* You may want to review that particular paragraph. There might not be a law of that nature. You may want to clarify - mover of the motion?

**MS AMODING:** Thank you, Mr Speaker, for that keen eye. I would like to make a correction that the law seeks to prohibit sexual offences acts not sexual acts. (*Laughter)*

**THE DEPUTY SPEAKER:** That is better. Honourable members, debate starts now and remember our debate is - is there a gap? Does a private member have a right to move a Bill? Is there a gap? Then we debate along those lines and see if we need to grant this member leave to present a Private Member’s Bill.

2.31

**MR MEDARD SSEGGONA (DP, Busiro County East, Wakiso):** Thank you, Mr Speaker. I am also the Minister for Justice and Constitutional Affairs on your left. (*Laughter*)

Mr Speaker, in future, we may even have to revise our rules on subjects like this one where a member is seeking leave to do a job that is constitutionally conferred. My view is that we would not even be debating whether to grant leave or not because this is a duty of a Member of Parliament to legislate and legislation includes processes of introduction of a Private Member’s Bill.

As to whether there is a gap or not, I think we can best decide that when we look at the text of the Bill because the person introducing the Bill would be able to point to those gaps that he or she is talking about. I, therefore, without reservation encourage my colleagues to be persuaded to grant leave and to add simply that this kind of spirit should cut across all subjects where we want to legislate.

Not many days ago, we sought leave to introduce a Private Member’s Bill on Presidential Transition Act and that was denied yet it was touching the core of our existence as politicians in this country - issue of governance. Therefore, I would call upon my colleagues across the divide that on all subjects, when members want to introduce a Bill which is our work, we should encourage them rather than shying away from our responsibility.

I, therefore, move, Mr Speaker, with permission and my colleagues that we proceed to grant the leave thought and the terms thought.

**THE DEPUTY SPEAKER:** In other words, you propose that the question be put?

**MR SSEGGONA:** I propose that the question be put. (*Mr Atiku rose\_)*

**THE DEPUTY SPEAKER:** Honourable members, I can see the Member for Ayivu ready to speak but there is this motion and it requires me to put the question on that motion without any further delay. Therefore, I will put the question to the motion that the question be put.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** I now put the question to the motion that the member be granted leave to introduce a Private Member’s Bill entitled, “The Sexual Offences Bill, 2015.” I put the question.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Leave granted and immediately, honourable member, you have the right to do this and all agencies of Government are directed to facilitate the member with all the assistance that she needs to bring this Bill before this House so that we can process it. Congratulations and thank you.

MOTION FOR A RESOLUTION OF PARLIAMENT URGING THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS TO WITHDRAW CLAUSE 4 OF THE CONSTITUTION (AMENDMENT) BILL, 2015

**THE DEPUTY SPEAKER:** Honourable members, you will recall that this motion was moved and when it was moved and spoken to, the Deputy Attorney-General requested the moment that he needed to consult and come back to the House and advise.

However, honourable members, as a presiding officer I had had a challenge with entertaining any debate on this matter because you recall, the Thursday of last week, an objection was raised by the Member for Lwemiyaga about discussing particularly clause 4(a)(g); the amendment of Article 83, paragraph (1) (g).

The objection that was raised is that there was a matter in court on this issue and because of that, this House could not proceed because it would be in violation of rule 64 of *sub judice*.

I recall I stated that “*sub judice*” simply means under judicial consideration and I came to the conclusion by the mere fact with this definition of *sub judice*, since the matter is under judicial consideration, it would be *sub judice*.

However, I also explained that “**sub judice**” within the meaning of our Rules of Procedure would require us to interrogate whether a debate in the House would prejudice the right of the people in that matter, which is under judicial consideration. I said I had not yet addressed my mind to that extent.

On Tuesday this week, the same member who had moved the objection to discussion on clause 4 in relation to Article 83(1)(g), came with a motion that seeks to ask the Minister of Justice to withdraw this clause, which he had said was *sub judice*.

Honourable members, you now appreciate my dilemma. Can we debate this motion or we cannot? For us to debate it, I have to come to the conclusion first, that the matter is not *sub judice*. That is the only way I can proceed to allow debate on the subject. It is, therefore, that in the circumstances of this matter, my finding of facts was based on what I stated earlier. I cited the case of Harbour Group where people rushed to court in the morning, while proceedings of Parliament were in the afternoon. They came to try and stop the proceedings of Parliament because of a matter that was in court.

I also cited the case of Kipoi, where the matter being examined was whether the member should continue occupying a seat in Parliament. Lawyers filed papers and served on the Speaker that the matter was *sub judice* and, therefore, should not be considered.

I cited another case of Maracha District, where a similar issue was brought and the *sub judice* rule was cited to stop Parliament from making discussions.

There are some qualifications to this rule. There are also instances where cases were filed five years ago. Would it be in the interest of this Parliament that all works of Parliament must be stayed for five years because a matter is in court? Would that be fair to the legislative process of this country?

The two qualifications to the rule of *sub judice* is as to weigh – based on the jurisdiction of the Speaker, which must be exercised judiciously – how do we balance between avoiding interfering with matters before court but never in anyway, taking away the powers of this Parliament to legislate. That is a balance that we need to strike properly so that we do not create an absurdity in the procedures of Parliament.

As I said earlier, the rule is that Parliament has powers to legislate on any matter as per Article 79. However, the exception is that such powers should take note of what other agencies of Government are doing, particularly the court. Matters before the court should not be interfered with. That is also part of the Constitution, Article 126.

We cite these exceptions to prove the rule. The rule as I said is that we can do anything under the Constitution to make laws but we created the exceptions. In qualifying the exceptions, my finding, therefore, is that a discussion of the nature we are going to engage in would not prejudice the rights of the members who are in that case for following reasons:

1. The matter is on appeal. The matter in the Supreme Court now is not basically the facts of the case but whether the Constitutional Court properly directed its mind to the law. We are not going into that.
2. The application of whatever will happen in this decision or debate will not prejudice the members because it will not affect them. Even if the Supreme Court were to evaluate the evidence, it would direct its mind only to the evidence before it. Part of the evidence would be the law that was challenged – the law as it is at the time the challenge was made, not after.

Therefore, this particular decision would not apply to the case that is before the court because it would be applying prospectively and not retrospectively. Therefore, it would not affect the concerned parties in this case. (*Applause*) It will apply forward and the court will still decide on the basis that there was a law as it was at the time the challenge was made.

In the circumstances, therefore, I find that the matter of clause 4 which is the amendment proposed in Article 83(1)(g) would not be sub judice for the purposes of our discussion. That is my finding.

With that made, we can now proceed to entertain that motion the debate of which could only happen if a finding of this nature was made. Secondly, by the same member moving a motion to open debate on the subject, it means the original objection was also intended to be withdrawn. That is my finding and let us now proceed to listen to the response from the minister on the motion that was before the House.

2.45

**THE DEPUTY ATTORNEY-GENERAL (Mr Mwesigwa Rukutana):** I thank you, Mr Speaker. First of all, I would like to appreciate your wisdom in this very important ruling, which as you said earlier, sets the pace for all other such considerations once they arise. I am very happy. This Parliament could never get a more intelligent Speaker. (*Applause*) Thank you very much.

I undertook to carry out consultations with Cabinet and all the stakeholders and indeed, I carried out consultations. Without derogation from the spirit and content of the proposed amendment but taking into consideration the need to save time, move together and to be accommodative *–(Interruption)*

**MR KEN-LUKYAMUZI:** Thank you, Mr Speaker. We are hearing words from the Attorney-General, whose position in the Constitution is giant. He has had time to prepare the report from Cabinet.

Procedurally, is he in order to start talking without any formal presentation in terms of documentation? Are we serious? Is the statement on the iPad? It is not. This is a serious matter of a constitutional nature.

**THE DEPUTY SPEAKER:** Honourable member, the honourable Attorney-General undertook to come and respond to the issue whether to accept or reject it; then we open up the debate. There was no requirement for him to make a ministerial statement on this subject.

**MR RUKUTANA:** Once again, I am very grateful for your wise ruling. (*Laughter*)

The learned Attorney-General is very confident of his brains. I was saying I carried out consultations and without derogation to the spirit and intent of the amendment but in the spirit of saving time and the desire to move together, we are now conceding to the motion as is proposed by the movers.

That is to say and I would like to be specific that we are withdrawing clause 4 of the Constitution (Amendment) Bill, 2015 and two -

**THE DEPUTY SPEAKER:** Are you withdrawing the whole of clause 4? It is clause 4(a).

**MR RUKUTANA:** We are withdrawing clause 4(a) and in (g), the clause that refers to “…or otherwise, ceases to be a member of the political party or organisation for which he or she stood as a candidate for election to Parliament.” This means we are leaving the other provisions of clause 4(a)(g) as they are and we undertake that this matter will be referred -

**THE DEPUTY SPEAKER:** No, you are leaving clause 4(b) not clause 4(a). Clause 4(a) is what you are seeking to withdraw. Not so?

**MR RUKUTANA:** That is correct, Mr Speaker. We then undertake that this matter will be referred to a Constitutional Review Commission, which shall come out with specific grounds on which the clause could be invoked.

**THE DEPUTY SPEAKER:** Don’t you think that could be for your - ?

**MR RUKUTANA:** I am reading from the motion and I want the motion to be conceded to as it is. I beg to move.

**THE DEPUTY SPEAKER:** Okay.

**MR SSEGGONA:** Procedure.

**THE DEPUTY SPEAKER:** Even without going to procedure, you had raised the matter yesterday. Honourable members, you recall that when this matter came, we did not debate it because we stayed the debate to wait for the response from the minister. Given that we do not have time and if the minister conceded to this motion, there will be no need to debate. However, hon. Sseggona who is also the Shadow Minister of Justice and Constitutional Affair had an issue with the structure of the motion and he had raised it on the floor. Therefore, maybe, we could allow him to raise it now and see how to handle it so that we can conclude this matter and move forward.

2.52

**THE SHADOW MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Medard Sseggona):** Thank you, Mr Speaker. The issue I raised and still continue to raise relates to part (b) of that motion.

Before I go to it, first, I want to thank the Minister of Justice and Constitutional Affairs for conceding to that later part of “otherwise ceasing.”

My concern relates to part (b) of referring the matter to Constitutional Review Commission. I am a member of the Committee on Legal and Parliamentary Affairs and we have both the majority and minority reports. The sum total of the minority report is to the effect that we must do our constitutional obligation of handling the Constitution amendment, taking into account the views that we collected from the people of Uganda.

Previously, Mr Speaker, the government established two constitution review commissions. They were headed by Justice Benjamin Odoki and Prof. Sempebwa respectively. Both commissions presented reports. On both occasions, the government had the opportunity to present Bills extracted from the views collected from the people of Uganda. On those two occasions, the same views that continued to come up were incorporated in the reports but left out by government and, therefore, were not considered by Parliament.

Now, for the last four years, we have been urging Government to bring these Bills to amend the Constitution to provide for electoral reforms and etcetera and the government did not until the last minute when they decided to bring some skeletal amendment proposals.

An opportunity is before us as Parliament to do the work we are constitutionally obliged to do and we have been asking Government to provide us with the materials. The government has now provided the materials to us, and we want to still refer to the same executive processes.

Are we not abdicating from our responsibilities as Members of Parliament? Secondly, I seek your procedural guidance and direction. What happens to the entire Bill? If somebody is withdrawing this particular portion, what do we do with the rest of the Bill? It is because the Bill is before us and it is our Bill.

However, because as Parliament we brought this motion and urged them, what do we do with the Bill? My view is, Mr Speaker, we would have to deal with the Bill rather than refer it to the same commissions and yet, the process in the end will come back to us. Therefore, why do we have to keep work for tomorrow when we are here to do it?

Thank you.

**THE DEPUTY SPEAKER:** Honourable members, this is the structure of the motion and the Shadow Minister of Justice and Constitutional Affairs raised the issue on paragraph (b) and also raised a procedural point. There is a request on the drafting that the Minister of Justice and Constitutional Affairs be urged to refer this issue to the Constitutional Review Commission.

The Speaker is not aware of the existence of a Constitutional Review Commission as of now. We do not know whether we can refer a matter to an entity that is not in existence unless the Attorney-General can tell the House that there is a Constitutional Review Commission that is functional to which a matter can substantially be referred to. (*Laughter*) However, if there is no Constitutional Review Commission, honourable members, the spirit of what we are going to do is to dispense part (b) and then go to the next level and have the discussion go on. Is there a Constitutional Review Commission, Learned Attorney- General?

**MR RUKUTANA:** Mr Speaker, I chose my words very selectively. I did not say the matter should be referred to the Constitutional Review commission, no. I said to a constitutional review commission.

**THE DEPUTY SPEAKER:** But, honourable minister, you said you were reading from the motion. That is what you told me when I asked you.

**MR RUKUTANA:** I read and said the matter should be referred to a constitutional review commission. If I said “the” it would presuppose that there exists one. But if you read the majority report, it proposes - and we agreed - that after the passing of these amendments, Government should set up a constitutional review commission. That is why I said a constitutional review commission should be set up by Parliament as recommended in the majority report.

**THE DEPUTY SPEAKER:** Can we deal with that when we come to that report rather than in the motion?

**MR RUKUTANA:** That is number one, Mr Speaker. The other concern of the Shadow Attorney-General was: what happens to the Bill now? It is clear that the intended amendment, in effect, was to amend clause 4 (a) (g) by deleting sub clause (g) which says, *“…or otherwise ceases to be a member of the political party or political organisation for which he or she stood as a candidate for election to Parliament.”*

When I concede that we delete it, it means that the Bill stands amended in that particular area. There is nothing wrong with amending the Bill when it is before this august House.

**THE DEPUTY SPEAKER:** Honourable members, the proper way of handling this is that when we get to the committee stage, to now put it on the record, a formal motion will now be moved to extract it from the Bill and it will be expunged accordingly. This is because the motion has already set the pace. There will be no further action on this except to pronounce ourselves on the deletion of this particular clause 4(a) from the Bill so that it does not remain part of the Bill. That would be the way to proceed.

Is that okay now? That means honourable members, my guidance on this matter is that paragraph (b) of the prayers should therefore not constitute this since it is substantially in the main report, which we are going to debate now.

This now does not constitute part of the motion. So, I will put the question to the motion that has been conceded to by the learned Attorney-General. I will put the question to that motion without prayer (b). And I want to be clear that prayer (b) is not part of the motion as it stands now. Do I put the question to have it amended formally first? I put the question that the prayer of this motion be amended to delete paragraph (b). I put the question to that motion.

*(Question put, and agreed to.)*

**THE DEPUTY SPEAKER:** I now put the question to the adoption of the motion that the Minister of Justice and Constitutional Affairs be urged to withdraw clause 4 (1) (g) of the Constitution (Amendment) Bill, 2015. I put the question to that motion.

*(Question put, and agreed to.)*

BILLS

SECOND READING

THE CONSTITUTION (AMENDMENT) BILL, 2015

**THE DEPUTY SPEAKER:** Honourable members, I already proposed this question for your debate. The motion that I propose for your debate is that the Constitution (Amendment) Bill, 2015 be read the second time. Debate starts now. We agreed that each member will be taking seven minutes.

But before we do that, in the gallery this afternoon, we have a former Member of Parliament for Busiki County in the Eighth Parliament hon. Moses Mukose Mutabali. He has come to observe the proceedings of this House. Please join me in welcoming him. *(Applause)*

So, debate starts now with each member taking seven minutes. And, honourable members, the issue of amending Article 83 (1) (g) is off the debate because it is not there. In fact, the matter should be treated as if the space it occupies was empty. The amendment proposed in 83 (1) (g) is not there now. I ruled on sub judice, but now this is by motion. It has been removed by the motion, which has been seconded - but I am saying the debate is not there now. Let us proceed with the rest of the debate.

Honourable members, if you want to go to committee stage of the - I am asking for debate *-* you know that you cannot talk about putting the question because the standard of this decision is much higher than the ordinary. We have to do it by two-thirds of all Members of Parliament to be able to reach this part of the decision.

3.05

**MR IBRAHIM SSEMUJJU (FDC, Kyadondo County East, Wakiso):** Thank you, Mr Speaker. If only -

**THE DEPUTY SPEAKER:** Order!

**MR SSEMUJJU:** I would like to start with expression of disappointment in the Committee of Legal and Parliamentary Affairs, at least those who signed the majority report. This country had been promised severally that one day through its representatives, matters to do with elections will be debated and sorted out at least once and forever. It appears there is arrogance on some parties in this country. They think they own this country. Therefore, everything else becomes a concession. Even to hold free and fair elections, someone must sit there and say that they accept certain things and reject others.

Mr Speaker, I remember you encouraged all of us, through our leaders of various political parties and civil society organisations, to go and appear before that committee. In fact, the committee was given funds to conduct public hearings, including moving out of Uganda to go beyond borders.

When the Tanzania Opposition complained that they were uncomfortable with the way Tanzania’s Constitution was being amended, the President organised a meeting with all the Opposition. They sat, mainly CHADEMA, and agreed on what to do. The trouble in this country is that there are people who think that they own the Constitution. I heard one leader saying: “My Constitution cannot be amended, there is no time.” Maybe, they are simply falling short of declaring that they own the country; if they want to create a district, they can go ahead and create it ; if they want to create a constituency, you go ahead and create it; if the oil has been discovered, it is yours; if the constitution is to be amended, you must sanction it.

You see countries do not die like human beings that you will see it paralysed and you take it to hospital, but they too die. Mobutu Tsetseko, at one time imagined that he owned Congo; his wife and children were going every weekend to do shopping in France; congolese did not know that their country was dying until long when the strong man had gone.

I would like to thank the President of America who addressed who addressed the African leaders in Ethiopia. He actually advised them if you overstay in power and say you are the only man who can hold the country together – it is just simple logic that you failed to build the country.

The reasons we have been clamouring is because we want to have free and fair elections. How many times do we have to fight? Contestants throwing basins and grabbing electoral officials; one of the candidate being the one to choose the Electoral Commissioners and then he pretends that it is a free and fair election.

These proposals were made to the committee on Legal and Parliamentary Affairs. Let us agree - in Kenya and this committee went to Kenya - the Chairman of the Electoral Commission and all the commissioners have to sit for public interviews for everybody to see. But here you simply have to be an NRM MP who losses an election and you are appointed a commissioner, or an NRM NRM Chairperson of a district, once you no longer have a job – I mean how can you hold the Electoral Commission with such contempt? Our demands remain the same that we must constitute the Electoral Commission together because we are all party to it.

I can see the arrogance. Paul Kawanga Ssemwogerere contested in the 1980 election and lost the election to UPC. The person who failed in the election is the one who caused us trouble for a full five years fighting, because the election was rigged; he had actually lost. His party had one MP, the hon. Dr Chrispus Kiyonga and I hope hon. Dr Chrispus Kiyonga will join me in demanding for free and fair elections in Uganda. You were the only – and you know the circumstances under which you went through. The DP candidate had to be killed otherwise you were going to get zero. But the group that got zero went to the bush and disturbed the country for five years.

I have read books of Maj. General Pecos Kutesa and Maj. Gen. Matayo Kyaligonza; they confess in their books that their major job was to do terrorism during the bush war. In fact if you want to look for terrorists; they should report themselves first.

Therefore, I would like to urge the Government side that for this country to have free and fair elections- it is not a gift, you are not helping anyone. We all have children; you may mess up this country and tomorrow we will be running away together; maybe we will meet at Entebbe Airport. Do not seek to serve one person that once that one person has said, therefore forget – then you starting meeting that we have now agreed and we will not allow anything else apart from what that particular person proposed. This country belongs to all of us. We should learn to listen to each other. If we do not, then prepare for the consequences and we will share them.

Therefore, my own proposal, Mr Speaker - we have a minority report - if the time to consider these proposals is not enough, we can then look for the time. The country cannot be told the same thing every time we have election: “We don’t have time; wait for the next year.” When I was still in the media, I saw the NRM when they were holding their own elections, quarrelling and kicking each other. They are now saying that all the trouble was caused by Amama Mbabazi; so he must be sacked. I hope this time round you are going to have free and fair elections within your own party*. (Laughter)*

3.13

**MR JACOB OBOTH (Independent, West Budama South, Tororo):** Thank you, Mr Speaker. I rise to support the work by the committee and I don’t want to begin by being apologetic or lamenting in anyway. If I can remember from the story of creation, God the Almighty had all the powers to create the whole universe in one day. But He chose to do certain things as recorded in the book of Genesis.

Mr Speaker, I would have loved to see another constitutional review and I believe the committee agrees to that. My honourable member from Kyadondo has also alluded to that. Time is a resource; how do we use it to the benefit of everyone else? I think we all agree that there is no doubt - both in the minority and the majority reports - that there is need to consider and re-consider our constitutional provisions.

I would like to rise and support the majority committee report in relation to the fact that the proposals made are merely a step or a few steps towards the bigger step, because the recommendations made are forward looking.

One man known and taken as one of the greatest Briton, Sir Winston Leonard Churchill, in 1904, he was on the Floor of Parliament but crossed- Twenty years later, he crossed back to where he had been and he had this to say on 10 November 1924. He said, “It takes anyone to rut but it takes the zeal of another person to re-rut.”

Mr Speaker, you are well aware - I am begging this Parliament – we have been this way; we have been held this way for a long time. We need a Moses to lead the children of Israel from this side, the Independent, back to the “promised land.” *(Laughter) –* the path – Mr Speaker, I seek to be protected. The “promised land” does not mean anywhere, it means everywhere. The “promised land” to myself - *(Interruption)*

**MR NZOGHU:** Thank you, Mr Speaker. I recall when this Parliament was commencing. The Office of the Speaker engaged the Office of the Leader of the Opposition to allow the Independents to sit on our side and to accommodate them. Mr Speaker, the then Leader of Opposition, hon. Nandala-Mafabi brought that matter for discussion by the Shadow Cabinet, and we gave the Independents green light to sit on our side. It defeats logic for hon. Jacob Oboth to allude that they need a Moses to help them get out of Egypt to the “promised land” –*(Laughter)–* yet we have successfully accommodated these colleagues for the last four years. *(Laughter)*-Is it therefore, in order for hon. Oboth to impute that they are sitting on a side which is oppressing them? *(Laughter)*

**THE DEPUTY SPEAKER:** Honourable members, my hearing of what the Member for South Budama said is a little different from what hon. Nzoghu interpreted it to be. The member started from the Bible, the Book of Genesis, and he talks of the “promised land,” and he said the “promised land” is everywhere - *(Laughter)* - including where he is. So, I do not see any insinuations as to where he is, is not where he wants to be; so please proceed and wind up.

**MR OBOTH:** Thank you, Mr Speaker, for the wise ruling. It could have caused us to laugh but the journey has not been easy. How we got to be Independent is not a matter that can come before this House for any debate. We as Independents - the constitution provides for us - but in this House, the Speaker only has the right and the left hands. *(Laughter)* I don’t want to refer to those who are in front of the Speaker; they could be the –*(Laughter)* Mr Speaker, I agree with all other proposals, including the proposal to create an opportunity, under Article 83, for a transitional provision.

Mr Speaker, an Independent Member of Parliament has no single Floor to cross. Little research indicates you are either in the Opposition or the minority or majority. Those are the two Floors to cross – we have no Floor to cross but that transitional provision would provide us a choice and associate with whichever political party of our choice. Mr Speaker –(*Member timed out\_)*

3.21

**MR NANDALA-MAFABI (FDC, Budadiri County West, Sironko):** Thank you, very much, Mr Speaker. I will start from why hon. Oboth-Oboth wants to cross. He is saying the things he does not want to talk here, and I think it was because of elections.He participated in the primaries of a certain political party and lost. He feels he never lost genuinely, and that is why he went and stood as an independent. If an internal election is not held well, what about external? And that is why we are saying we need an independent Electoral Commission because if you can steal from your brother, what about the outsider? What about the tenants? These are the things we were telling everybody to go to. If fact when we were working on the Public Order Management Bill, the then Prime Minister never wanted to listen to reasoning, now it is being applied on him.

The same to you who are saying you do not want to listen to reasoning because you are just interested in doing anything you want, which pleases you at that particular time, tomorrow it will catch up with you.

I would like to predict here and you will quote me in February next year that, 70 per cent of you will not appear here. *(Laughter)* I can assure you they are waiting for you. I can tell you –*(Interjections)* - anyway if you are not aware, my name is Nathan, I am a Prophet –*(Laughter)* and I am really predicting for you.So, if you do not make a law which is good for you, it is going to catch-up with you; and you should not run away. I have liked hon. Jacob Oboth for stating it like that. You can see how hon. Fox Odoi debates - he is very eager to cross any moment –*(Laughter)–* but one day things will turn.

Mr Speaker, in 2004 when they were bringing the amendments of the constitution, I remember by then the hon. Fred Ruhindi was just a Member of a committee, now he is Attorney-General. There were 107 Articles which were supposed to be amended, but they were basically escorting one article, and that was Article 105. Immediately we sorted 105 they said they are going to put the others to a constitutional review commission. There has never been a constitutional review commission ever since.

Today they were interested in that Article which has just been removed by the Attorney-General, otherwise, they are not interested in amendments of anything in this constitution, apart from what is only for their interests. It is very dangerous to make a law targeting a certain group of people thinking it cannot target you tomorrow. I would like to make proposals that we take the minority report very seriously, if you would like this country to develop and move further.

Hon. Abraham Byandala was a Minister for Works and Transport; as we talk he is in the cooler. You must make a law not assuming that you will not be there tomorrow – *(Interjections)* – is the point of order going to take off part of my time?

**MR MPONGO:** Thank you, Mr Speaker. I am really puzzled. We are debating constitutional matters that touch everybody and we are supposed to generate consensus in this House. If there is an issue not agreed upon, the other side is supposed to convince this side with reason, using good language. But it is as if we are quarrelling; as if something has already been pre-decided.

Mr Speaker, is the hon. Nandla-Mafabi in order to impute as if there is a side which has pre-decided not to have any debate; that has already taken sides about something; it is as if we are simply wasting time here?

**THE DEPUTY SPEAKER:** Honourable member, this House has mainly two sides, the Government side and the Opposition side . The member speaking is from the Opposition side and he is suspicious. (*Laughter*) Please proceed.

**MR NANDALA-MAFABI:** Thank you very much, Mr Speaker for your wise ruling. I am happy that my brother form Busiki stood up so that people of Busiki could see you talking. Otherwise, you have been missing. Mr Speaker, the issue of the Electoral Commission, I leave it to that.

Human rights, if you are saying that you want to assume those from out accepted for human rights then we should accept any protocol, agreement and treaty from out. If you only want to take for human rights, you are making a mistake. As Parliament, we have our own local laws. If we want something, we either ratify or domesticate it, not to do it selectively. Why are you only interested in human rights?

On the issue of 50 members from diaspora to sign on somebody’s form; why did many of the people go out? They go because of economic reasons; anybody who goes for economic reasons will already have an economic mind. One of them is that before I can put a signature on this, where is my benefit? If we allow our people outside the country to be citizens, there is no reason why we should look for 50 signatures. Let us have a due process, which is clear and known but not to say that you who is in London we need 50 signatures from diaspora; even criminals might sign for you. Why don’t we have a better thing for our people?

Mr Speaker, I have looked through these amendments seriously. I think the people who came from out brought better amendments to the Constitution. I ask the Attorney-General to agree with them because what the Attorney-General brought is lucking. You are not doing anything. If you believe we want to amend our Constitution, let us bring - if you want Parliament can become a Constitutional Assembly, review the whole Constitution and do something. But for you to bring a few Articles, which cannot do anything while you are looking for only one Article to deal with discipline of Members of Parliament, you are making a big mistake.

I would plead with you, Attorney-General, that when we go to the committee stage, if the amendments coming were not part and partial of yours, agree with them. Tomorrow you may not be the Attorney-General; you might be like me.

**MR RUKUTANA:** So what?

**MR NANDALA-MAFABI:** So you will need it. (*Laughter*) Mr Speaker, I have evidence on those lines. In 2004, Ministry of Finance wanted NSSF to go to them and one of the ministers who fought for it was hon. Mwesigwa-Rukutana. *–(Member timed out)*

**THE DEPUTY SPEAKER:** Honourable members, in the gallery this afternoon we have pupils and teachers from Chepyal Girls’ School, Kenya. They have come to observe the proceedings of the House. Please join me in welcoming them. You are welcome. (*Applause*)

We also have pupils and teachers from St. John Kama Education Centre Mukono, represented by hon. Kafero Ssekitoleko and hon. Peace Kusasira. They have also come to observe the proceedings. Please join me in welcoming them. (*Applause*) You are welcome.

3.31

**MR JOHN KEN-LUKYAMUZI (CP, Rubaga Division South, Kampala):** Thank you very much, Mr speaker. This is one of the most important chapters of our constitutional history. I am speaking in my capacity as a Member of Parliament representing Rubaga South and also President of the Conservative Party. The issues, the conservatives advocate on constitutionalism are real landmarks in history.

Mr Speaker, after looking at the two reports, I have an impression that Uganda needs a constitutional revolution similar to the advocacy of Prof. Calthine. We must put into action what we want by Government constitutional standards.

A lot of our efforts to make sure that we regain the beauty that Whinstone Churchill talked about Uganda being the Pearl of Africa has been wasted. I therefore tend to support the minority report especially as articulated on page 50 of the report.

Mr Speaker, in that proposal, it is said that the time is now for us to revisit the contents of Article 178 of the Constitution, especially by proposing a revision on the concept of federalism. The report says that a federal system of Government should be created out of the region and a district shown under the first schedule of the Constitution.

Mr Speaker, if we are fair, we should go back to the beginning of our country Uganda. Uganda was formed in 1962. Unceremoniously Milton Obote, abrogated the 1962 Constitution without the people’s consent and nobody has defended the act of that abolition. We are just seeing and looking. Go at the gates of Parliament and you see 15 units, which formed the framework of the Uganda Nation.

I know, Mr Speaker, that each Ugandan is proud of how we were formed. You are quiet. Why are you quiet when someone is dismantling you? Some action must take place and the time is now.

Mr Speaker, under the regional tier, which this Government had proposed, they said that the regional tier would begin on 1 July 2006. Since that advocacy, we have never seen the regional tier, why because nobody wants the regional tier. You cannot coerce us when it comes to unity. Ugandans have rejected the regional tier because it is negative in political administration. For example, in the regional tier, the powers talked about are smaller than the powers under a district. That is why nobody is supporting the regional tier. It is a distortion of Government and democracy. What do I say? We would like this country to go back to the roots of a federal Government so that the regions can command power. Otherwise, why are you creating counties after counties? What sort of power line are you pursuing? Get autonomous regions so that you command the markets that would feed Uganda in Arusha. I am talking meaningfully in terms of economics. (*Laughter*)

Mr Speaker, under a federal Government, the districts feed the regions and the regions capably check the centre. Can anybody bring an example of a district with capacity to check the centre? You need autonomy in size, in terms of a region, so that you can check the centre; you can check State House. Year after year State House is stealing your money and you are quiet and silent. What are you talking about? Why do not you react and represent your people favourably?

Therefore, Mr Speaker, I can see a situation of a revolution in terms of international law. If people are coerced beyond coercion, they are internationally free to mobilise themselves and take action.

Right now, learned Attorney-general, I hope you are the proper person to answer me, if you have any answer at all. (*Laughter*) You have got quasi federations, which are voluntary units. You have Bunyoro, Busoga, Buganda, Tooro and others coming like Karamoja. Can you, at any one time, make a declaration that you do not want the quasi-federal Buganda is building? You cannot.

What is likely to happen is that if you do not give people chance to organise and coordinate themselves on how best they can be governed, they can invoke provisions of international law towards self-determination and who can oppose self-determination, in terms of International law. If a State comes up and says no enough is enough, the time is now for me to take my own business in terms of self-defence; can you make any noise about that? So, what am I saying, Mr Speaker -

**THE DEPUTY SPEAKER:** Honourable members do not make noise.

**MR KEN-LUKYAMUZI:** Mr Speaker, I apologise on that. (*Laughter*) I would like to make a very important point. The 1995 Constitution did not please us, it was unfairly done and when we reopen space for amendment every Ugandan should be free to cause fresh amendments in conformity with what they want. What am I talking about? About the 97 per cent of the people in Buganda called for a federal arrangement. About 65 per cent of the entire Uganda called for a federal arrangement. What happened? Federalism in the main Constitution went into oblivion. Those who are opposed and coerced, what do you expect them to do? You want them to just look at you –(*Member timed out­.*)

3.39

**MS MARIAM NALUBEGA** **(Independent, Woman Representative, Butambala):** Thank you, Mr Speaker. I am grateful for the opportunity to debate this very important matter. I would like to thank the committee, which exercised a lot good understanding while considering the proposals from the Attorney-General, especially on Article 72 where the Attorney-General proposed that a person seeking to contest as an independent should collect signatures.

This was unfair, discriminatory and limiting and it was not in conformity with the Constitution. I am glad that the committee leadership and Members realised this and dropped it. Indeed, Learned Attorney-General, you are not acting as a true Ugandan and democratic.

I would also like to thank the committee for dropping, again the proposal from Government by the Attorney-General to increase the tenure of office for the Members of the judiciary from 60 to 75 years. This was greed, Learned Attorney-General. We have so many educated Ugandans and young people and indeed these people you are telling to work up to 75 years need to rest so that the young people can also serve this country. I am glad the committee again rejected that proposal.

Mr Speaker, I need to be guided. There is a particular clause in Article 78(2) that establishes the representation of special interest groups. In clause 2 it says that, *Upon expiry of 10 years after the commencement of this constitution and thereafter, every five years-* this clause should be reviewed to ascertain whether there is need to have this representation. This representation is about women, Youth, UPDF, Workers and the people with disability MPs.

The committee, I thought would have looked further to examine what was required of its mandate and propose to this House that this particular clause be looked at. But there is silence about this clause and it will affect the representation of special interest groups.

Mr Speaker, we do not know now under which law we woman Members of Parliament are going to contest come 2016; even the youth MPs, do we have the mandate right now to include this particular clause as one of the amendments to handle in this process?

However, I also want to thank the committee and commend this Parliament that indeed we need a comprehensive Constitution amendment process. I would have wanted to see this Parliament revive the term limits for the President, including Members of Parliament. (*Applause*) I would like us parliamentarians to determine the future of this country by way of not being selfish to see that this country can move forward and beyond us.

I pray that that time will come and Ugandans and those who will be mandated to be here and make laws for the good governance of this country will put the country first and do something that will move this country to the greater heights and into transformation.

Mr Speaker, I support the rest of the recommendations and proposals in the committee report and in the Bill. Thank you very much.

3.43

**MR JACOB OPOLOT (NRM, Pallisa County, Pallisa):** Thank you very much, Mr Speaker. I join those who are agreeing with the committee and commending it for the recommendations on the requirements of signatures for anybody aspiring to stand as an Independent Member of Parliament.

Before, I deal so much into that I would also like to say that hon. Jacob Oboth said there must be away on how some of them became Independent Members of Parliament. But I would also like to ask who is an Independent Member of Parliament or an independent person?

I am, asking this because it is possible that very many of us who may say are Independent actually belong to political parties, because when you look at registers of political parties it is possible that some Members who are Independent in this House and the other councils are members of those parties.

I would have loved that the Constitution amendment clearly stipulates who an Independent person, whether a councillor or Member of Parliament, because it would be able to guide us so that even parties are guided to ensure that whatever processes they under take to select their flag-bearers ensure a clear and transparent process that does not put us in a situation where members of political parties change courts and become Independent Members.

Mr Speaker, when you come to the requirement for the 1,000 signatures, I would ask the Attorney-General: what is the rationale and justification? When you say, 1,000, it is a number, but you should have had some argument that this 1,000 means this in relation to someone who stands as an Independent. Otherwise, it would be away of discriminating against people who have their right to stand as they choose to be, after all if people are aspiring for a particular position they are all equal and therefore, I commend the committee for maintaining that.

I would also like to thank them for the recommendations on the proposals of somebody crossing the Floor putting it to a period up to the end of the term of Parliament. This is because when you say the period up to when the next election is done, it is not very clear because it is not constitutionally prescribed when the next elections will always be, except the dates that will be always fixed by the Electoral Commission.

I also support the main report but I still insist that I join those who are saying that the Independents should be considered in the same way as any other person aspiring for a similar position. Thank you.

3.48

**MR JOHN CHRYSESTOM MUYINGO (Independent, Bamunanika County, Luweero):** Thank you, Mr Speaker. I join my colleagues to thank the committee for a job well done and I support the proposed amendments.

Before I made a decision to join Parliament, I had read that constitution many times and I felt that there were very many areas that needed amendment. This is one of the reasons that forced me to join you, Mr Speaker, to see that those areas that needed to be amended are amended. Therefore, I fully support the idea of putting up a Constitution review commission because I believe that there are quite a number of areas that need to be put right, especially that prohibitive clause that was locking the Independents on the other side.

It is very clear that the framers of the Constitution wanted to help the political parties to instil a certain degree of discipline within their members. This is because there was a lot of talk about people crossing the Floor – and that was indiscipline. However, since 1995, quite a lot of water has flown under the bridge and a lot of things have happened; things like rigging within parties were not in the vocabulary of the political parties during that time and they are part of the factors that forced some people to become Independents – which did not exist in 1995; 20 years is quite a long time.

There are people like me who chose to be independent out of choice; five years down the road, somebody should have made up his mind to see where he belongs, where his political aspirations are. Locking him out is very unfair and so it is a clause that needs to be deleted.

On the other hand, there are also colleagues of mine on both sides –*(Interjection)*– Mr Speaker, I will not take the clarification. Many colleagues of mine on both sides of the House have shared with me that the rigging in the primaries forced them to be where they are. They would like to go back where they feel they belong – somebody called it the “Promised Land” – so, they also need to be saved from the discomfort they have been going through.

Therefore, Mr Speaker, I strongly support the amendment and I pray that we make the system transparent and convenient. Today it may be Muyingo locked out and tomorrow it might be you. That is why I fully support the amendment. Thank you.

3.51

**DR FRANCIS EPETAIT (FDC, Ngora County, Ngora):** Thank you, Mr Speaker. Today, there was indication from the Learned Attorney-General that there is envisaged an establishment of a Constitution review commission. It is true, Mr Speaker, that the desire to have these amendments came about as a result of the forthcoming general election to the extent that you also recognise that within our Constitution, there are several areas that would require amendment. Government tried her best to come up with this Bill which certainly falls short of a number of areas that would need to be reviewed. I appreciate the fact that we do not have enough time to consider amendments to all those areas that legitimately require amendment. To date, I only see part II of the Bill, which deals with the legislature as the most urgent.

Mr Speaker, I failed to see the relevance or the connection between the establishment of city land boards and the forthcoming election; the amendment of years of the judges of the High Court and the Court of Appeal and Supreme Court – I don’t see how related it is to the forthcoming general election. In any case, even the establishment of the Salaries and Remuneration Board and the plan to make the IGG a body corporate – those, in my opinion, are not connected to the forthcoming election. To me, those form part of other areas that would require a Constitution Review Commission to consider. In which case, I think, we would probably have to get some assurance from Government how soon they would hope to establish a Constitution Review Commission to look, in a comprehensive manner, on all those areas of the Constitution that would require amendment, including review of representation of special interest groups and some limits as another member put it – not just targeting one leader. If we have to talk about term limits, we should be talking across the board.

Mr Speaker, this gives me the impression that if we were to be more judicious – rather than reducing ourselves to a Constitution Review Commission – in fact the Attorney-General alluded that if we considered this amendment, when a Constitution Review Commission is established, they would again be referred to – I see as if we are going to do double work; that these amendments are considered and then the Constitution Review Commission also looks at them again after we have done it and bring back to Parliament.

Why don’t we deliberately deal with those clauses that touch on the next general election and leave out those general miscellaneous clauses that are included in the Bill? That is the concern that I have and I am not going to dwell so much on other specifics. Thank you, Mr Speaker.

3.55

**MR JACK WAMANGA-WAMAI (FDC, Mbale Municipality, Mbale):** Thank you, Mr Speaker. It is very unfortunate that Government is coming up with these amendments of the Constitution when it is late. I recall what Speaker Kadaga said some time back – she even complained that “Government, you are waiting until the last minute to come up with the constitution amendments.”It is very unfortunate because there are quite a number of issues which we should have looked at in the Constitution.

Having said that, I would like to thank the people who worked on the 1995 Constitution and came up with a number of issues that this country should have considered; for example, the issue of term limits. When you look at the reason that one was put in the Constitution – and some of us who were in the Foreign Service were convincing our friends outside that Uganda is a democratic country; we are going to have regular elections and two terms for a President.

It was not easy at all to win friends for this country in 1986; it was very difficult. However, we appealed to our friends, telling them we would have term limits of five years and there would be no need for anybody to take up guns to go to the bush because the Constitution would spell out a term of five years – whether one is a terrible leader, at least he should be given five years and an additional five years and he would go away. We would have regular elections.

I feel very bad that some people who are supposed to be called “honourable members of Parliament” were given Shs 5 million at Mosa Courts and they amended the Constitution, which is very unfortunate.

Mr Speaker, yesterday, while I listened to the news, I felt very sad. Before I came to Parliament, I used to admire members of Parliament – some who are not here - those eloquent members of Parliament. I felt so sad when I heard yesterday people complaining about members of Parliament taking bribes. What a sad story. They even said members of Parliament are more corrupt than the ones we are prosecuting or trying to investigate.

Now if members of Parliament had not taken the Shs 5 million then, the term limits would have been there –

**THE DEPUTY SPEAKER:** Order.

**MS NYAKIKONGORO:** I thank you, Mr Speaker. I sat down and really thought of how I could handle my friend for saying that members of Parliament in general, including himself, are taking bribes. Is he in order to generalise that members of Parliament take bribes? Can he substantiate and tell us exactly which Member of Parliament is taking bribes? Is he in order to keep alleging that?

**THE DEPUTY SPEAKER:** Honourable members, we owe it to the House to uphold the integrity of the House and its members. The statement is disparaging to the members and I ask the member to withdraw with an apology to his honourable colleagues.

**MR WAMANGA-WAMAI:** Mr Speaker, we all follow what goes on in this country. All those who listened to Madam Musisi and Mr Bigirimana – they were very clear yesterday when referring to Members of Parliament -

**THE DEPUTY SPEAKER:** They did not say it on the record of Parliament.

**MR WAMANGA-WAMAI:** They said members of Parliament -

**THE DEPUTY SPEAKER:** Well, they did not say it on the record of Parliament. Please withdraw.

**MR WAMANGA-WAMAI:** Well, I do withdraw that. Mr Speaker, if that had not been changed in the Constitution, then we would have a peaceful system and nobody would think of going to the bush because we would know that after two terms, somebody else would come to Parliament.

I will now talk about qualifications. I would like to appreciate what Ms Agnes Nandutu is doing with her programme, the *People’s Parliament.* When you watch how people are debating issues at the districts, I would recommend and agree with the minority report that councillors should at least have S4 qualifications and LCV chairpersons should at least have A’ level qualification.

For members of Parliament, it is obvious that for one to come on the Floor of Parliament, they must have at least a degree. Therefore, the recommendation from the minority report is that to become a Member of Parliament, you must at least have a degree to enter the august House. Our neighbouring colleagues across *–(Interjections -* can I be protected, Mr Speaker?

**THE DEPUTY SPEAKER:** Order, members.

**MS FLORENCE NAMAYANJA:** Point of information.

**MR WAMANGA-WAMAI:** I am not taking information because of time. The election of a Speaker to the House - I met members from the Parliament of Zimbabwe and they elect a Speaker from the outside and not from the House.

The position for Speaker of Parliament is advertised and people apply for it and are interviewed before becoming Speakers. What was suggested in the minority report that somebody from outside should become the Speaker of Parliament, we are in for that.

On the issue of the numbers in the House: Uganda is a developing country and we have a lot of things to do in this country. We propose that a House of 200 Members of Parliament is enough for this country – 100 female representatives in the House and 100 male representatives to make 200. This is enough for us to have in the House instead of having 486 Members of Parliament. When you look at the resources available, this country is not able to have a Parliament of more than 400 in the House.

I would also like to support what the minority report says. We must have a running mate and that should be in the Constitution. Once it is in the Constitution, you know that you are going to have a running mate who will be the Vice-President of the country. That should be put into the Constitution.

Mr Speaker, with those few points, I would like to support the minority report and say that it is very good for this country to have term limits and if we have term limits, we shall never have problems in this country because people can bear and withstand the 10 years of one president and then we can move on to another president. I beg to stop there.

4.03

**MR JOSHUA ANYWARACH (Independent, Padyere County, Nebbi):** Mr Speaker, I have no problem with the report. There are other serious issues in the Constitution that should have also been given time. However, we are limiting ourselves to the proposals in the amendments.

As hon. Dr Epetait has said and when I look through the proposed amendments on the salary board, the city land board, the Independent Electoral Commission being named but the content remaining the same, I think it would leave us with only one crucial provision, which is electoral in nature and that would be opening space for political crossing – an independent member crossing to a party, from one party to another party - which for me, as the general rule of political negotiations states, power cannot concede without demand. You cannot demand until when you have the bargaining power.

Therefore, the one year period for crossing over is good enough to empower anybody in a political multi-party dispensation to have a point of negotiation as you go into the next election, especially for us independents.

There was somebody struggling that we should define independents. I think the common sense definition in relation to electioneering and governance is that that person who did not bear the political party flag at the time of election – an independent is as simple as that. However, it may not affect your political belief or ideals that you believe in and that is why we talk about the independent-NRM-leaning, FDC-leaning or independent pure. That will always come in.

Mr Speaker, I have had issues with our Constitution right from when it says that power belongs to the people and it sounds very good. It however restricts us in that that power can only be exercised by the people at the time of election.

I have been to Switzerland and another very small country where they have empowerment of people in the Constitution in that it is not only at the time elections but also in matters of domesticating internal instruments. For example, if we decide to become a signatory to an international instrument, the people must sanction and that is through a referendum which may be mandatory – there is a provision for a mandatory referendum.

It even goes to when a parliament passes law and the President has appended his signature to that law – if there are 50,000 people in the country who are not happy with that law, they can therefore call for a referendum on that including those laws like the anti-gay Bill where the government is not ready to implement or re-introduce, the people can rise up and demand and that is where power belongs to the people.

With that line of argument, I think that when the right time comes for the Constitution Review Commission to do its work, we must look at all the loopholes in the Constitution and try to fix them so that Government and we, the top people, are managing affairs of governance. As Lenin said, in matters of governance the ordinary person does not have the expert attention; therefore, if we in the leadership are taking governance on behalf of the people who do not have the expert attention, we must do it while respecting their aspirations and welcoming their voices as we legitimise their views in this House.

To summarise, Mr Speaker, the spirit of this amendment is okay but we could just save the time of the House by simply looking at the amendments that are towards the election and the rest of the other amendments - because there are some questions. If you say there is going to be a city land board, which must be so independent of the Uganda Land Commission and it is not going to be subject to directive by any authority except the policy of government, that leaves a lot to be desired.

We should have gotten deeper like that picture of a dog that I always see on the computer when you are searching for a document; it goes deeper and searches for the document until it gets it. We should find reason why we should exempt or why we should make the city land so powerful that the Uganda Land Commission cannot have a say on them. With that said and done, I thank you, Mr Speaker.

4.09

**MR AMOS OKOT (NRM, Agago County, Agago):** Thank you so much, Mr Speaker, and I thank the committee for the report that they have presented.

I would like to start on a sad note; the time the committee took was not enough for them to reach almost all the districts. The day they were supposed to reach Pader so that the people of Agago and the neighbouring districts could give their views, they did not have enough time. We only realised that when they were almost leaving the place. Therefore, I think if the body is going to be put in place to review the Constitution, the time should be enough for them to reach everywhere such that people can give in their views.

However, I would like to support the motion they have presented. First of all, I got time to talk to the people of Agago, whom I represent, about these constitution amendments. They accepted the provision of putting up a salary and remunerations board because they feel this will help with the challenge that is in this country, especially during a time when we are debating and coming up with issues of the budget, salary and others. Therefore, we support the idea of putting up a committee that helps this country to review issues of salary.

On retirement age, majority of the people say no, let us retain the age of the judges as it has been stipulated in the Constitution. It should remain as it in the Constitution.

On the issue of changing the name of the Electoral Commission to the Independent Electoral Commission, the view of the people is that changing the name alone may not matter. The question that lingers in the minds of the people is that they believe the Electoral Commission, as we speak, is independent and that they are doing their work without any interference from anybody. However, if they are independent and they are doing their work, why then do we go to the extent of changing the name alone? They agree that a body should be put in place so that it can help to check on the Electoral Commission if they are not doing their work according to expectations.

On the point of crossing to another party either by an independent Member of Parliament or a member endorsed by a party in the House, there is some contradiction. They say that a political party does not have the ability to discipline a member that belongs to that party to the extent that if that member has misbehaved, then the party will not be in position to remove that member from the House. They said that it will not be meaningful for a Member to cross within 12 months to the end of a term of that Member in the House.

If you are going to open up for a Member to cross from one political party to another, it should not be restricted to independent members of Parliament alone. They object to the idea that an independent MP should collect 1,000 signatures for his nomination. It should be uniform and there should be no segregation. I thank you so much and I support the motion, except for what I have mentioned.

4.18

**MR ROBERT MIGADDE (NRM, Buvuma Islands County, Buvuma):** Thank you so much, Mr Speaker. I thank the committee for a job well done in such a short time.

I would like to interest myself in some key issues like the establishment of the city land board. Mr Speaker, many of our cities including municipalities are actually no longer public on land. In most cases, what these district land boards and city land boards are supposed to distribute is public land. In the proposal, they mentioned that the city land board should distribute land which does not belong to any person or authority. It is very rare to find land which does not belong to any person or authority. I do not think there is actually free land. It is very difficult because we are finding challenges in laws governing the Uganda Land Commission versus the laws of the district land boards, and then you have the city land board that is going to create other forms of confusion. I am actually against the introduction of city land boards; even those who have them are already creating problems.

Much as the Constitution says that land belongs to the people, it is also high time we had a limit on how much land a single individual should have because many people are failing to access land and a few individuals have big chunks of land. The land crisis is on the rise because you find one person who has 20 square miles also trying to get another plot because the land value will definitely increase.

Lastly, I would like to interest myself on the size of Parliament. We have heard proposals from some of our colleagues on whether there is still need to have this number of Members of Parliament. I support the proposal that each district should have two Members of Parliament - one female and one male - so that we have maybe 240 Members of Parliament. Therefore, I would be very comfortable if we had a male and a female Member so that a woman Member of Parliament cannot compete for a male Member of Parliament seat and a male Member of Parliament cannot compete for a female Member of Parliament’s seat so that we cut the size of Parliament. That is the only way; otherwise, this business of one district having 10 Members and the other having five should stop. That is my submission, Mr Speaker.

4.18

**MR BARNABAS TINKASIIMIRE (Buyaga County West, Kibaale):** Thank you very much, Mr Speaker. I would like to thank the committee for dropping the proposal of lifting the age limit for judicial officers, as it had been proposed by Government in Article 144. When you look at the population structure of Uganda, the largest number - I could say 65 per cent - are young people. When you go to the higher institutions of learning today as we speak, the most crowded faculties are those teaching law. If you set an age limit, it would take very many years for these young people to ever have access to the bench. I am glad that this proposal was dropped.

The other issue that we should all thank them for is on the lifestyle of judges. They live a literally reclusive lifestyle. A person is on the bench and he avoids going to bars with ordinary people, playing football with ordinary people and literally all public places because he is trying to avoid issues of pointing at his impartiality in adjudicating. When we give them time to retire, this gives them some time to go back and at least catch up and interact, which refreshes them. It is a very stressful job. I have interacted with one of the retired judges and he actually confessed that the time he has had after retirement has been one of his best because he was missing a lot of free space and that was really not be good.

The other issue that I congratulate them for is the dropping - and I thank the minister for accepting to drop – of the proposal of members ceasing - Thank you, honourable minister. I would like to remind you *–(Interjection)-* Ceasing to be a member of a political party. Tis matter was brought in the last constitution amendments and it was rejected -

**THE DEPUTY SPEAKER:** Honourable member, that matter is concluded.

**MR TINKASIMIRE:** Much obliged, Mr Speaker. I would be interested in seeing us adopt some of the minority report proposals like the restoration of term limits. Term limits regenerate the leadership of a country. There were many allegations that surrounded the proposal to remove term limits. It would equally give credence to Parliament if we would be the same people again to restore term limits. It was alleged that Members of Parliament were bribed with Shs 5 million. It would create credence that we did not, or Parliament never received money, or Parliament cannot be influenced by a mere Shs 5 million. Therefore, I wish we would decide and take up one of these proposals from this side of the minority report.

We are also interested in seeing some of the leadership that has been at the helm of Government rest - (*Interruption*)

**MR MWIRU:** Thank you, Mr Speaker and honourable colleague, for giving way. I would like to seek clarification. I thought the minority report is a report of the committee but you say that it is a proposal from this side. Do you intend to impute that this is a minority report of the Opposition or a committee report?

**MR TINKASIMIRE:** Well, I know that it is a committee report and it has been - (*Member timed out.*)

4.25

**MR KENNETH LUBOGO (Independent, Bulamogi County, Kaliro):** Thank you very much, Mr Speaker. I also join my colleagues to thank the committee for the report that you have submitted to us in such a short period of time.

To start with, I would like to say that I am one of the members who made some submissions to the committee for inclusion in the committee considerations. Yes, we have been advised that we should fix our minds on the Bill as it was brought, but I would like to extend this to say that I agree with the committee entirely that we need a constitutional review commission to accommodate the different areas that have not been squarely addressed with the Bill that we have today.

Mr Speaker, I feel that it is not proper for the voters who have the power to determine who should lead them to be denied the power to recall that person. I think this must be considered. When the constitutional review commission comes up, I think these are some of the things that we shall have to consider.

We have issues of the supplementary budgets. We passed the Public Finance Management Act here and we dealt away with the supplementary budgets but it remained in the Constitution. Therefore, until it is dealt with in the Constitution and removed, it will continue being an issue before this House.

Mr Speaker, we recently had an impasse where the Judiciary did not have a Chief Justice. It arose from a small problem when it should have been very clear that the President only appoints from the names of people that have been submitted to him. I think this is one of the many areas that need to be considered when we are looking at the entire review of the Constitution.

I have heard colleagues ask, “Why should we amend the Constitution in a piecemeal manner?” I think it is also not right for us to say we cannot amend it as need arises. One of our colleagues here, hon. Gerald Karuhanga, intended to bring a Bill here looking at only one clause. It was a one-clause Bill, specifically looking at the term limits for presidency.

The Constitution actually tells us how it should be amended, whether by local government councils, by referenda or by Parliament; it is provided for. We cannot say that because we are only looking at a few areas, we cannot amend the Constitution. In fact, that statement in itself is unconstitutional. The Constitution provides for how it should be amended and what we are doing is rightly catered for in the Constitution.

Mr Speaker, on page 40 of the report, there is a recommendation by the committee that Parliament shall prescribe ways as to how members of parties should be disciplined. I find this a bit disturbing. Political parties are created by the Constitution and they are a body corporate. People come together with ideas and form these political parties and they decide how they should run them. I do not find it fitting when we say that Parliament should prescribe how a member of a political party should be disciplined. I think the general provision in the Constitution is that the administration of the parties should conform to the main constitutional principles – there should be internal justice in these parties - but not for us to prescribe how the parties should discipline their members.

Mr Speaker, still on the same page, a provision has been made as to how independents can join a political party of their choice or members of a political party can leave the party and join another one within one year to the end of the term. I think this is very appropriate. After somebody has served in this House for four years, it is possible that somebody could have seen that there is some alignment, good areas or right association he should make with other parties. Therefore, to associate for the purpose of another election to come is an area that has to be supported by all of us.

I would like to conclude by saying that I support the salary review commission which was proposed. However, we would need to consider how well this commission should be expanded to include even Parliament. I think what we lack in this nation is educating our people to appreciate the role of a Member of Parliament. If that is done and the populace know what a Member of Parliament is supposed to do, they will reduce their demands on a Member of Parliament where they look at him as a donor who can fund any problem.

If that is done and the members can appreciate what we can do, then sincerely we can still extend the mandate of this commission to cover Parliament. However, as of now, we are only trying to fix problems in an ad hoc way. I think this is something that we need to consider in future. Thank you very much, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable members, it is now half past 4 o’clock. I was going to propose that there is a substantial matter on the Order Paper, which we also need to handle. We cannot complete this debate today but we have at least started it, which is important. So far, a few members have contributed. I have captured the members for Kawempe, Busongora North, Igara West, Adjumani District, Masindi District, Buikwe South, Ntoroko County, Mawokota North, Kyankwanzi District and Serere District. I will start with those members when we resume on Tuesday.

I think now we will suspend debate on this matter and resume it on Tuesday. There is a matter that, if we are willing, we can conclude today. We can get it out of the way and move to other business.

MOTION FOR A RESOLUTION OF PARLIAMENT MOVED UNDER ARTICLE 179(4) OF THE CONSTITUTION OF UGANDA PROVIDING FOR THE CREATION OF NEW COUNTIES

**THE DEPUTY SPEAKER:** Honourable members, you will recall that two reports were presented yesterday – the main report of the committee and the minority report. However, in the course of that presentation, there were issues that came up and caused some stir in the House.

I had said I would be considering referring the matter under our rule 82 to a committee. However, I was approached by the honourable member for Mukono Municipality that she had something to say on this subject, which I would now ask her to say – if it can help the process – so that we can move forward.

4.34

**MS BETTY NAMBOOZE (DP, Mukono Municipality, Mukono):** Thank you very much, Mr Speaker. Yesterday while presenting a minority report, I made a statement attributed to hon. Kahinda Otafiire. Since that time, I have reconsidered my position. For the good of this House and in order not to divert debate on this important motion, I wish to withdraw that statement. *(Applause)* Mr Speaker, in my culture, once you withdraw a statement that was contested, you do not repeat it. Therefore, I promise that I will not repeat it here. *(Laughter)*

However, Mr Speaker, because of the excitement in the House at that moment, there is an important matter that was meant to be part of the minority report that I left out. I now beg that you allow me present it in just three minutes. I give assurance that I have had a moment to meet hon. Kahinda Otafiire and we are good friends, as we have always been.

**THE DEPUTY SPEAKER:** Honourable member, you can conclude your presentation now. However, let me say this before you move to conclude. Honourable members, this should be the spirit of the House. Whenever in the heat of the moment some words pass and we have moments of recollection, we should come and make harmony in the House and do the graceful thing, just like the honourable member for Mukono has done. Thank you for that spirit. It avoids all these other issues. It also saves the honourable member for West Budama South from engaging in these matters when ordinarily we should have resolved them. Thank you very much.

**MS NAMBOOZE:** Thank you, Mr Speaker. I would like to add that section 7(7) that was cited as the basis for moving the motion should be read after reflecting on the headnote of the whole subsection of the Local Government Act. The headnote reads, *“Boundaries of local council units.”* It is, therefore, my opinion that this section implies that it is a section to lay out the procedure for creation of local government units other than providing for their existence.

Mr Speaker, in this case the local government units talked about are those listed down in section 45. However, with the amendment Act of 2013, counties are not one of them. In a case like this where Parliament abolished local government units but left the procedure for their creation in the law, there is need for Parliament to carry out further amendments in the Local Government Act either by reintroducing the counties or deleting section 7(7) because it is now redundant.

Mr Speaker, the other counties that can exist, in accordance with the law, are the cultural ones. This means that the Kingdom of Buganda, through its structures, can split the Buganda county of Kyaggwe into another county in accordance to the customs. Therefore, it is my contention that the Minister of Local Government is nowhere in this picture.

Mr Speaker, as I wind up, I would like to refer to Article 63 that provides for a fair and scientific method of creating counties as constituencies. Article 63(3) gives consideration for creation of a constituency based on population quota, for example. This is meant to provide for fairness where each constituency is almost equal to the other.

Mr Speaker, Article 63(6) also considers when constituencies are supposed to be created and operationalised. This is meant to ensure that constituencies are not created in the middle of an electoral process. The Electoral Commission Act provides that no electoral district can be created when elections have commenced.

The elections for 2016 did commence when we updated the voters’ registers and right now, we are displaying them. Since we are already carrying out nominations for special groups – in fact, even the various political parties have their nominations going on - we are indeed in an election period.

Mr Speaker, it is therefore wrong for the committee now to resolve that counties purportedly created become constituencies, moreover with immediate effect. According to the law, even if these proposed counties were to become constituencies, they cannot take immediate effect. Parliament will have to wait for the Eleventh Parliament for them to become fully fledged constituencies represented in Parliament.

Article 62 of the Constitution clearly provides that the Electoral Commission, *“shall, in the performance of its functions, not be subject to the direction or control of any person or authority.”* This therefore means that resolution (a) on page 16 of the committee’s report is unconstitutional. If indeed these counties are being created for administration, as we are being told here, why would a committee of Parliament go ahead to make a command to the Electoral Commission to make them electoral districts immediately?

Mr Speaker, I therefore wish to invite you, as the presiding officer, to find resolution (a) made by the committee in the main report unconstitutional. We cannot command the Electoral Commission. If indeed we are creating administrative units or whatever name we want to give these counties, we cannot command the Electoral Commission to make them electoral districts with immediate effect.

That is the addition I wanted to make. I still humbly call upon you to make a ruling on this matter. It is my opinion that we are not proceeding well and that Article 179 of the Constitution, under which we are proceeding, is not the right article to be used when constituencies are being created. The right article is Article 63 of the Constitution. That is my submission, Mr Speaker. I thank you very much.

**THE DEPUTY SPEAKER:** Honourable members, the Member for Mukono Municipality in concluding her presentation of the minority report asked the Speaker to give an opinion on the constitutionality of the motion and she prayed that I should find that it is unconstitutional.

I am conversant with the Constitution and Article 137 of the Constitution is clear: *“Questions as to the interpretation of the Constitution*

*(1) Any question as to the interpretation of this Constitution shall be determined by the Court of Appeal sitting as the constitutional court.”*

I am not sitting as a constitutional court here. (*Laughter*) I am unable to constitute myself into a constitutional court to make those findings. Therefore, honourable members, I propose the question for your debate and we start it -

**MR AMURIAT:** Mr Speaker, thank you very much. I rise on a procedural point. As I do this, I would like to declare that I am an interested party and a beneficiary in the creation of a new county carved out of Kumi, and that is Kanyum County where I intend to contest.

I have heard arguments brought up by my sister, hon. Nambooze, and Mr Speaker, I take note of the statement that you have already made about the interpretation of what is in contest between the committee report and the minority report. Now that it is your considered opinion that it will be difficult for you, as our presiding officer, to pronounce yourself on the legality of -

**THE DEPUTY SPEAKER:** No, not legality but constitutionality.

**MR AMURIAT:** Of the constitutionality of the report - Well, thank you for that correction. As you know, I am not a legal person but an expert in my own field.

Mr Speaker, wouldn’t it now be procedurally right for us to have this matter deferred to the constitutional court to determine whether we are proceeding well? I am saying this out of pain. I detest contesting tomorrow in Kanyum County and getting elected as a Member of Parliament and then somebody out there goes to court to contest the decision of this House. Where does that put me?

I would have struggled, won a seat, been sworn in and probably got some money out of Parliament and then I am flushed out together with the constituency. This would be a terrible thing and it would not only be terrible for me as a Member of Parliament for Kanyum County but also for the 69 or so other Members of Parliament. Look at the mess. It would not have been my fault to have contested as I would have been advised by a resolution of this House. I would suddenly find myself in muddy waters.

I would like to be sure where to contest, whether to contest in the old Kumi County or in the new county. I would like to play it safe and I believe that all the contending Members of Parliament who want to go to the new constituencies would like this assurance. I beg to submit and to seek your advice, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable members, the only way that you can access the constitutional court to interpret whether any action we have taken here is constitutional is when that decision is made. You cannot go to the constitutional court and say, “we are about to make a decision”. *(Laughter)*

In addition, a committee of this House can never make a decision; it can only make recommendations to the House. The centre of decisions is this House and not the committee. Therefore, it is this House to decide. It is only when we have decided that you can now ask court, “Did we proceed properly?” That does not mean that you cannot challenge an act of a particular person. If you want to challenge the act of somebody else, you can do that.

Certainly, this Parliament has not yet taken a decision so there is no cause of action, as we say, for you to refer a matter to the constitutional court. However, we are proceeding under the mandate and powers of the House, given under the Constitution, to take some of these decisions. Therefore, we are proceeding properly. Let us have this debate. Do not fear what will happen because that is anticipation.

**MR EKANYA:** Thank you very much, Mr Speaker. Your guidance calls for further guidance. I will give an example. Geoffrey Ekanya was elected as the Member of Parliament for Tororo County. Tororo County is among the list of counties in the *Gazette* issued by the Electoral Commission and approved by this House. I am also aware that a Member of Parliament cannot represent more than one constituency or county unless it is provided for in the Constitution. In this case, the proposal is to create two new counties out of Tororo County.

As Tororo County stands today, it has seven sub counties. The proposal is to divide three sub counties on one side and another three on another side. The new counties will be called Tororo County North and Tororo County South. This new proposal will take effect on 1st July. I am here as a Member of Parliament for Tororo County; where are the remaining lands for Tororo County because all the sub-counties are being taken?

Based on that, Mr Speaker, do you think that I should sit here and wait for this level of irreparable damage? This proposal dissolves my constituency. If we were handling legislation and there was a transitional provision, I would be comfortable. However, to sit here and say because the House has not taken a decision I should wait, it puts me in a very difficult situation. There is nobody I can seek guidance from apart from you before I seek an injunction from court to secure my Tororo County, which I swore to serve for five years until May 2016.

Mr Speaker and colleagues, it is not only me. Many of these colleagues are supposed to serve their constituencies until May 2016. I have looked at the details within the Constitution. In that - *(Interruptions)*

**THE DEPUTY SPEAKER:** Please, let the Member speak. He is on a procedural point.

**MR EKANYA:** The new Tororo County North is where the county headquarters are. Now they are calling it “new” with three sub-counties and that is where I come from. The old one is now Tororo County South. Tororo County, as in the *Gazette* and as is in the law approved by this Parliament, automatically ceases to exist. What do you expect me to do, sir? I am seeking for your guidance.

**THE DEPUTY SPEAKER:** Honourable members, Article 77(3) reads, *“Subject to this Constitution, the term of Parliament shall be five years from the date of its first sitting after a general election.”*

The honourable member for Tororo County was sworn in as a Member on 18 or 19 May 2011. According to the Constitution, his term is five years. This Constitution has not been amended to affect your term of Parliament, which is five years. You were elected and came into this House as a Member of Parliament for Tororo County. Therefore, that will subsist until five years elapse, under the Constitution. That is the time when the Ninth Parliament will be dissolved.

The point that needs clarification is whether there are going to be by-elections upon the creation of the new counties. I leave that to the Government. Are there going to be by-elections for the new counties and new constituencies, Learned Attorney-General?

As far as I am concerned, each of the Members who took oath as Members of the Ninth Parliament on either the 18th or 19th May have their term for five years for the respective areas that they represent. This is unless, of course, for some reason they cease to be Members of this House in which case, a by-election would be conducted for that particular place. The question that we need to find out is: what is going to be the process to handle these issues?

4.56

**THE ATTORNEY-GENERAL (Mr Fredrick Ruhindi):** Mr Speaker, you have guided so well. Taking hon. Ekanya as the example, his term is fixed under the Constitution as five years. He therefore remains in charge of his constituency until the five years expire. That means that what is being provided now can only be for the next election. That means that you remain in charge.

In any case, we are mindful of the provision and we are very much aware of the fact that you cannot have a by-election six months to a general election. Therefore, taking all these provisions into consideration, first of all your term of office in your constituency is safeguarded. Whoever will be preparing to assume office in the other constituencies that are being created will do so in the next term of Parliament –*(Interruption)*

**MR NZOGHU:** Mr Speaker, the motion moved by the Minister of Local Government, hon. Adolf Mwesige, is very clear; it says that these counties take effect from 1 July 2015. In regard to what the Attorney-General has explained, when you count from 1 July 2015 up to February 2016, that is more than six months. Legally, once the new counties take effect, Tororo County and other counties, which are affected, cease to exist. Where will you have it as it will not be gazzetted?

Mr Speaker, the clarification I am seeking from the Attorney-General is: what legal provision will protect the existence of Tororo County, which no longer exists after the creation of two counties from the original Tororo County?

**THE DEPUTY SPEAKER:** Honourable members, let us go on and debate these matters and see how to deal with them. According to the process of creating a county, a county does not become a constituency until the Electoral Commission makes it so. Therefore, there is still a process. It is not automatic that once a county is created, it is now a county and therefore a constituency. The Electoral Commission has to gazette it; so there is still a process. Let us leave these things and go on to the actual matter before us.

**MR NANDALA-MAFABI:** Thank you very much, Mr Speaker. Under our rules, there is a rule that talks about the public interest.

**THE DEPUTY SPEAKER:** Which rule is that?

**MR NANDALA-MAFABI**: Under the code of conduct for Members of Parliament on page 216. It reads, *“Members shall base their conduct on full consideration of the public interest…”*

**THE DEPUTY SPEAKER:** What rule?

**MR NANDALA-MAFABI:** It is under our code of conduct on page 216 of the Rules of Procedure. If you did not know, code of conduct is part of our rules. Just check No. 4 on page 216.

**THE DEPUTY SPEAKER:** Is it Appendix (f)?

**MR NANDALA-MAFABI:** Yes, it is Appendix (f) on page 216, No. 4. It says, “*Members shall base their conduct on full consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.”*

Mr Speaker, in this House there are beneficiaries and if you consider the conduct of a few Members who are making noise, they are the main beneficiaries. I happen to have gone to the committee. The committee had 18 members and one could see sharp differences. One of the areas that I would like to quote for you, before I seek clarification on conflict of interest, is on the page where the minister presented a county to be divided. This county is Okoro County.

Okoro County will be divided into two. The new one will be called Ora County and the other would be called Okoro County. This is from Zombo District. When they went to do the work, they changed Ora County to Okoro Mamalo. They left out the original name, which the minister proposed, and they have gone on to name it Okoro Mamalo. I never saw the committee going to Zombo to conduct an investigation to see what the members of that area wanted because I am sure the minister had been there and they had wanted Ora. I hear that the committee, without going to Zombo, changed the name.

That shows clearly –*(Mr Magyezi rose) -* It is a procedural point, hon. Magyezi.

**THE DEPUTY SPEAKER:** Can I listen to the procedural point and take the order later?

**MR NANDALA-MAFABI:** Mr Speaker, in the Eleventh Parliament or is it the Tenth Parliament -

**THE DEPUTY SPEAKER:** Please proceed.

**MR NANDALA-MAFABI:** Mr Speaker, for those Members who are not members of the committee and who could not raise issues for their areas, these were not raised. This clearly shows that the chairperson of the committee had an interest and this interest conflicts with the public interest. Would it therefore be procedurally right for the members of the committee and those who are interested to be in the House and make noise when we are trying to make something –

**THE DEPUTY SPEAKER:** Did you say Members are making noise?

**MR NANDALA-MAFABI:** Mr Speaker, they are making a lot of noise.

**THE DEPUTY SPEAKER:** No, no *–*

**MR NANDALA-MAFABI:** Mr Speaker, they are cheering. *(Laughter)* Would it be procedurally right for Members who have an interest, which has gone beyond public interest to personal interest, to debate here? An example is the chairperson and some of the Members who are interested.

**THE DEPUTY SPEAKER:** Honourable members, first of all, our Rules of Procedure do not allow members of a committee to debate their own report. None of the members of the Committee on Local Government and Public Service will participate in this debate.

Two, I have not seen any petition from any Member of Parliament here. My attention has not been drawn to a petition presented by a Member of Parliament for the creation of a county. All these have come from the districts and wherever else they came from, according to the minister.

Three, is it of personal interest to create a county? Honourable members, let us give respect to this House and proceed in the manner in which we are supposed to proceed. I think what we are debating here has come through a motion from the Minister of Local Government. That means that it is a matter that the public has expressed interest in. It has not come from an individual; I think it came through Cabinet. Therefore, it is a reflection of whatever is in the public domain.

Therefore, let us proceed and have this debate and take a decision the best way we can, honourable members. Let me propose the question again for your debate. The motion is for a resolution of Parliament, moved under Article 179(4) of the Constitution of Uganda, providing for the creation of new counties. The motion is that the counties proposed by the minister be confirmed by this House in the terms proposed by the minister. That is the motion that we should be debating and that is the motion I propose for your debate. Debate starts now with each member taking three minutes. There is a procedural point from -

**MR CHEMASWET:** Thank you, Mr Speaker. We have the motion that was presented by the Minister of Local Government and seconded by hon. Kiyonga. Later on, the Minister of Local Government sneaked in some amendments to include Bukono of Namutumba. In addition, the committee has made some proposals on counties that should be included.

How do we proceed after the Minister of Local Government sneaked in some amendments to the committee?

**THE DEPUTY SPEAKER:** If the honourable minister sent some amendments to the committee then the committee has reported on them so they are already in the committee report, unless they were not reported upon.

In the ordinary course of business, if there is a change of opinion and a matter has come and the minister would like to make some changes and has approached the committee, the committee would report on it. I am sure the committee has done just that. It must be contained in the report of the committee, which we will be debating and taking a decision on.

**MR MWESIGE:** Mr Speaker, I was reluctant to rise on a point of order against my distinguished colleague but he used the word “sneak” to say that the minister sneaked an amendment to the motion.

I rise to express an objection to that statement because I duly gave notice to the Office of the Speaker about the amendment I proposed to give and this notice was received. I served the notice for the amendment on the Committee on Local Government, which received it and the committee subsequently considered the amendment and reported on the amendment in their report.

I, therefore, wish to clarify to my brother that when I moved the amendment by giving proper notice to the right Office of the Speaker and the Clerk, and the committee duly received it, that is not what we call sneaking because I followed the right procedure, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable minister, what amendment did you propose?

**MR MWESIGE:** Mr Speaker, initially, I introduced 39 counties to this House by motion and the amendment I made was I added one county, that is, the county of Bukono to be curved out of Busiki County. The new Bukono County would comprise of Ivukula and Kibale sub-counties. The old county of Busiki would comprise of Nsinze, Madada, Bulange, Namutumba and Namutumba Town Council.

I did not include this county in the original motion because there were still disagreements on the boundaries of the new county among the leaders in Namutumba. I used the time between when I moved the motion and when I brought the amendment to carry out consultations, which I did personally.

The leadership of Namutumba, including chairpersons of sub-counties, speakers of sub-counties and the district councillors unanimously came up with this proposal. That is why I accordingly amended the motion and introduced it on the Floor of this Parliament.

I appealed to the Ministry of Finance, Planning and Economic Development to give me an amended certificate of financial implications to accommodate the additional county, which they did.

**MR WAFULA-OGUTTU:** Thank you very much, Mr Speaker. I have tried to understand what we are doing in the creation of these counties. I have tried to understand what criteria we are using to create counties. I have referred to the law; the Constitution and still, I do not understand the criteria that the minister is using.

It would have been procedurally right that we get clarification from the minister on what criteria he is using to create these particular counties and not others.

When you read the Constitution, which says that we should get a population quota whereby you get the population divided by the number of constituencies. I understand that the minister used 80,000 people to make a county or a constituency. If you used that approach, there are several areas, which qualify to be subdivided but they are not being covered.

If you used the constituencies as they are now, which are 238 and you divide, the number per quota should be 145,000 people. If you added the 40 counties that have been proposed, you would have 277 constituencies. If you still divided that, the quota would be 125,000 people.

What is this that we are doing? All this bickering that we are having is because we have no scientific way of determining what a county is and yet the Constitution offers a solution to save us from fighting amongst ourselves.

Why doesn’t the minister give us this and we use it? I have tabulated here a number of areas, which qualify to be constituencies either way. Either you use 125,000, 145,000 or 80,000 people and the current one, which has no figure. What we have now does not use the population quota.

We should use this chance to put it right and we shall not have to bicker because it will be clear that these are the figures and the boundaries and the geography and that will be it.

Therefore, isn’t it procedurally right that the minister gives us this first before we can delve into this debate?

**THE DEPUTY SPEAKER:** Honourable members, a motion was moved by the Minister of Local Government two weeks ago. He spoke to his motion; even the seconders supported the motion and it was referred to the committee. The committee has handled it and it has reported. It is time to debate.

Are we going to bog down debate by procedural issues or should we raise those issues as we debate so that we get appropriate responses from the minister? Then we can take a decision on whether to approve or not.

You are asking procedure - I think we are proceeding correctly because there is a report from the committee, which has been presented. It is time for the debate and I have proposed the question. The procedure is, we debate. Raise those issues in the debate and we move on. If the House should say that we are not going to create them, so be it. If the House says we create them, so be it. It is not the decision of the Speaker. Please do not involve the Speaker in taking decisions, which are not supposed to be his.

**MR WAFULA-OGUTTU:** Mr Speaker, I did not expect you to give the guidance. I expected the minister to assist us –(*Interruption*)

**MR ODONGA-OTTO:** Mr Speaker, I raise on a point of order. Some of us are ready to substantially debate the motion - on its merits. Is the Leader of the Opposition in order to continue delaying Members who have come far from rural constituencies to debate this particular matter? (*Laughter*)

**THE DEPUTY SPEAKER:** I had already given a procedural guidance on that matter that let us debate and all the concerns be raised in the course of the debate and then we take a decision whichever way. That would be my guidance. Please let us proceed and have the debate and I have already proposed the question for debate and each member will take three minutes. No, I have to change the time to two minutes going by the - honourable member, I have just ruled that debate begins now and I am going to start from Kashari.

5.19

**MR WILBERFORCE YAGUMA (NRM, Kashari County, Mbarara):** Thank you Mr Speaker. I would like to thank the government through the Minister of Local Government and the committee for accepting to sub-divide Kashari County into two counties. Right now, Kashari has a population of 194,000; nine sub-counties, and 401 villages. Therefore, I would like to thank the committee and the government.

Mr Speaker, allow me to draw the attention of the minister and the committee to the fact that in the composition, they made an error. Just look at county numbered 23; they say that Kashari South County now consists of Bukiro, Bubaare, Rwanyamahenbe and Rubaya. I would like to make a correction that this Kashari South which is old is where the headquarters of the county are. Therefore, it should read Kashari South County old consisting of Bukiro, Bubaare, Rwanyamahenbe and Rubaya. Then Kashari North County, which is new, will consist of the sub-counties of Rubindi, Kagongi, and Kashari sub-counties.

Finally, Mr Speaker, I would like to request, urge and beg my colleagues to approve the sub-division of Kashari County so that services can be taken nearer to the people. I would like to caution Government that taking services nearer to the people has become more or less a slogan. I would want in the subsequent budget to have a new health centre IV and a technical school in the new county so that people can know that services have actually come nearer to them. I thank you.

5.21

**MR ODONGA-OTTO (FDC, Aruu County Pader):** Thank you so much, Mr Speaker. I would like to support the motion with the biggest heart from the people of Pader and if it was not because of tolerance, I would ask that the question be put immediately after my submission. (*Laughter*)

Having said that, I would like to make two responses to the issues raised by the shadow minister, hon. Nambooze, yesterday and the Leader of the Opposition. One, that we are seemingly creating tribal constituencies. The Constitution of Uganda is very clear in the national objective VI and VII; if I may read it verbatim, objective VI says; *“The state shall ensure gender balance and fair representation of the marginalised groups on all constitutional and other bodies.”* (*Applause*)

If there is a small minority group in Aruu that has tried to come to leadership for the last 50 years and failed because of their number, these is the kind of motion that can attend to such needs *– (Laughter)* - and also national objective XII (iii) says: “*The State shall take special measures in favour of the development of the least developed areas.”*

Let me tell you, like in Aruu County, if you do not demarcate the constituency - some of us have stayed in five counties with only our relatives, friends and in-laws – (*Interjections*) - just hold on, I do not think I will need your information.

What I am saying is that, by dividing the constituencies, you are giving better opportunities for smaller groups that are seemingly marginalised in those constituencies to come up.

Therefore, I think the minister, hon. Adolf Mwesige, should move head and shoulders high; we are not creating tribal districts but taking care of those small groups that will never come here until Jesus comes back - this is their time. If Mukono Municipality was not curved out of Mukono, I think certain people would not be in this Parliament. (*Laughter*)

I would like to urge Members - this is a Government Bill and not a Private Member’s Bill like the tobacco law we passed last week. It has greater implications; it needs a certificate of financial implication. Therefore, I would like to warn ourselves; even if we urgently need constituencies in our districts - I know the need is big; but this is not the first or last. Let us first honour the content of this certificate of financial implications, so that the 40 constituencies that are being created are welcomed by this august House and then we shall be open-handed, waiting to monitor how to reciprocate in the other constituencies.

5.24

**MS KABAKUMBA MASIKO (NRM, Bujenje County, Masindi):** Mr Speaker, I thank you for this opportunity. I am here to congratulate those who have been given counties after requesting for them because this is a biblical philosophy “Ask and you shall receive”. However, I am also here to congratulate those who were given without asking, which goes beyond the biblical philosophy.

Mr Speaker, I am also here to support those who asked and were not given. The justification is all over in the report but also on the ground that there are constituencies that deserve to be given and yet they did request and qualify.

Therefore, because of time, I request that I move a motion that those counties in category A of the report be considered and added on the motion and be considered as counties and we pass this motion; they satisfy all the requirements. I am mindful that this is a government motion; therefore, once it is here, Parliament is free to give its input and even to amend it. Just last week, we did amend a motion – (*Interruption*)

**MR AMURIAT:** Mr Speaker, the hon. Adolf Mwesige, the Minister of Local Government brought a government motion here which he has amended to specify a certain number of counties. I have heard my dear sister from Bujenje attempting to amend that motion. Is it in order for her to amend a government motion on the Floor of the House? (*Laughter*)

**THE DEPUTY SPEAKER:** Honourable members, the motion that has been brought to this House is property of the House and the House can do whatever it pleases with it - (*Applause*) - subject of course to the provisions of the Constitution. There is no way this House can proceed without respecting the restrictions that are put in the Constitution.

So let us proceed that way, but the member is not prohibited from moving a motion because there is a possibility of Government conceding to it. When Government concedes to it, it is okay. If there is objection, they will raise it also. Therefore, those issues will come in.

**MS KABAKUMBA:** Thank you very much, Mr Speaker, for your wise ruling, I, therefore, wish to move that the motion be amended to include category A of the counties that is Busongora County South, Oyam, Buhweju –

**THE DEPUTY SPEAKER:** Honourable member, when you are moving that kind of motion, you need to see how to structure it properly because we have the provision of Article 93, which directly deals with issues that have financial implication being moved by private members. (*Laughter*)

**MS KABAKUMBA:** Mr Speaker, I am mindful that there is that restriction, but I am also mindful that this motion is brought before the House by the Minister of Local Government and as you did say, in the House, a member is not prohibited from amending that motion. However, I am going to structure my motion and hope I will be given time to come back and move it. Otherwise I do –

**THE DEPUTY SPEAKER:** You will propose an amendment at the stage when we are taking a decision, but let us debate. I will give you the opportunity to propose that motion when it is properly structured.

**MS KABAKUMBA:** Most obliged, Mr Speaker.

5.30

**MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja):** Thank you, Mr Speaker. Constituencies disguised as administrative units have an effect on the economy of this country. I have addressed my mind –

**THE DEPUTY SPEAKER:** Hold on, honourable member, because they have to record you on video and camera also.

**MR MWIRU:** Thank you, Mr Speaker. I am only wondering about the priorities of this country. I know for a fact that the Ministry of Health employs intern doctors to offer medical services to the people of this country. When you go to the health sector, the intern doctors play a big role. So to me, the question is; what is the priority of this country? To employ doctors to take over from the majority of the intern doctors or to create administrative units.

Secondly, when you go to universities in this country, which are producing the human resource which is the vehicle for development, all countries which have taken off in the world are developed in the area of human resource. Less than 50 per cent of academic teaching staff – all the universities in the country have less than 50 per cent academic teaching staff. I moved a motion in this House urging Government to take that as a serious matter and the answer was that Government had no money.

Mr Speaker, the same thing applies to Local Government in the country; the Auditor-General has produced a report that most of the districts for which a budget has been passed in this House have no staff and as such, they require money because that affects service delivery. What are we doing for this country? We are seated here today in this House creating another expense for the country, while ignoring service delivery.

I rise in that respect to seek clarification from the minister on whether when Cabinet was approving these administrative units, they also gave due consideration to these areas, which are in dire need - (*Member timed out.)*

5.33

**MS** **ANNET NYAKECHO (NRM, Woman Representative, Otuke):** Thankyou, Mr Speaker, for the opportunity. I would like to begin on the note from where my brother hon. Ekanya ended that we needed a correction on Tororo County North because the current Tororo County has its headquarters in Mukuju Sub-County which should remain as the old Tororo County and not the new Tororo County. Therefore, I would like to move for a correction that Tororo County North be changed into Tororo old and then Tororo County South remains as the new Tororo County because the headquarters are in Tororo County North.

Mr Speaker, of course I am happy –(*Interjections*)- thank you. If you remember, years ago people in Tororo County ate rats because they wanted a district –(*Applause*)– but they thank Government at least for this county. However, they still continue pressing that they want their district. Despite the fact that they have been given at least the county, the demand for the district still stands.

The one-county districts in Uganda like Otuke would have also loved to be included. I know the problem is because of the population limitation, but that does not stop me from proposing to this House that time and again we are being criticised by the public over the size of this House, and here we are now legislating and moving for inclusion of more counties. What I am saying is that regardless – *(Interjections) –* okay, as I conclude, Mr Speaker, this Chamber needs to be expanded very quickly such that we have enough space to sit because as it is now, some of us are standing in the corridors. As we are moving for these counties, let us also think about the size of the House. I thank you.

5.36

**MS ROBINAH NABBANJA (NRM, Woman Representative, Kibaale):** Thank you so much, Mr Speaker. I have no problem with us debating the creation of these new counties. In 2012, this very House and the same minister brought a motion here for creation of other new districts and the government said they did not have money and we were patient.

The services in my district, Mr Speaker, sometimes I feel – why should we be treated like secondary citizens here? Mr Speaker, I feel hurt – the government which we have supported dearly; even our people died in support of this government. We have no roads; we have inadequate number of teachers – Mr Speaker, you were there last time when we failed to reach our destination. My people are at pains *-* I represent 800,000 people. The Minister came here some time back and said he would bring our motion back within three weeks; the three weeks ended yesterday but one. Mr Adolf Mwesige, the Minister for Local Government, why are you cheating Kibaale people? I demand an answer from you. *(Member timed out.)* I request for more time, Mr Speaker.

**THE DEPUTY SPEAKER:** I think, hon. Member, you have made the point. Let us have Ajuri County.

5.39

**MR DENIS OBUA (NRM, Ajuri County, Alebtong):** Thank you, Mr Speaker. I want to start by declaring my interests because in the Eighth Parliament, when the name of Moroto with a population of 240,000 then appeared to be divided into two and Ajuri County was proposed to be created, this Parliament stood with the people who had made a request and approved the creation of Ajuri County, which is now represented by none other than Obua Denis Hamson. *(Applause)*

Mr Speaker, basing on my experience and that of the people of Ajuri and Moroto County – then before it was divided – I want to put forward only three points:

1. In creating the proposed counties, we must ensure that the will and aspirations and interests of the people expressed through the respective resolutions from sub-county to the district are respected. *(Applause)* It must be respected, Mr Speaker, because once it is not respected, you will see political fire directed towards Parliament.
2. There must be equity and fairness in dividing these counties into two or three as proposed. *(Applause)* I want to give an example; when Ajuri County was created out of Moroto County, the population was roughly 240,000 people. Ajuri County now has 125,000 people - *(Member time out.)*

5.41

**MS JACQUILINE AMONGIN (NRM, Woman Representative, Ngora):** Thank you, Mr Speaker. I stand to support the motion with amendments.

In this report, when the Minister presented to this House the counties that were to be created, he also gave reasons for the creation of those counties. And they are the same reasons those counties that petitioned are also giving to justify their getting the counties.

Mr Speaker, I stand here on behalf of the people of Ngora; there was a resolution to have Ngora split into two – Ngora South and Ngora North. Based on the factors that the Minister stated here – he said that if a one-county district has a population of over 80,000 people, it automatically qualifies. And Ngora has a population of 144,000. That is a qualification, Mr Speaker.

The other advantage is the geographical location and the existence of minorities. In that district, we have the Balaalo, the Sabiny. We have all the reasons that the minister gave. So, based on those factors, I want to second – even if the 39 counties have got a certificate of financial implication, let us, as Parliament – because we have the mandate – *(Member timed out.)*

5.44

**MS RONAH NINSIIMA (Independent, Woman Representative, Kabale):** Thank you, Mr Speaker. I stand here to oppose this motion because – giving you an example of what the President on 15 January said to the people of Kabale whom he met in Kabale District regarding creation of districts; he pleaded with the leaders that had attended the meeting to be patient with him and to allow him and Government concentrate on ensuring that services are improved. He said, “I want to concentrate on these roads and health centres and schools. Give me chance because the cost of establishing a district is high and I cannot afford it at the moment.”

It is against this background, Mr Speaker, that I ask the Minister of Local Government to tell us why he has now come up with this cost; we need to leave selfishness aside; we have decided as Kabale to say that we shall wait for service delivery to be improved and for health centres to be equipped and for the people to be able to access better services. We have decided to sacrifice – *(Interjections)* – two minutes are few, hon. Otto.

We have decided to sacrifice our desire for the three districts to be considerate to this government and the people. It, therefore, defeats my understanding, Mr Speaker, that at a point where you are giving us only two minutes when we are 376, I wonder how many minutes we shall have when it comes to 415 members of Parliament. *(Applause)*

5.46

**MS OKETAYOT LOWILA (NRM, Woman Representative, Pader):** Thank you, Mr Speaker. I rise to support the motion moved by the Minister of Local Government. I want to say that the people of Pader district are very happy with the proposals made by the Minister in this motion and they are eagerly waiting for the time when this motion will be passed by Parliament.

However, Mr Speaker, I want to raise a concern on the report of the committee; on page 11, the committee observed rightly that what the district council resolved is not tallying with what the minister indicated in his motion – that is the name of the new county and then the composition of the sub-counties.

The committee observed rightly but again in the summary of their recommendations, they made the same mistake that was made when the minister was moving the motion. It does not tally with what the district council resolved. Therefore, the new county as was resolved by the Pader District Council, is supposed to be Aruu Sub-County and the composition would be Puranga, Awere, Obong, Pader Town Council and Pader Sub-County.

Since this does not tally with what has been moved in the motion, I will request to amend the motion so that it tallies with what was resolved by the district council. I thank you very much, Mr Speaker.

4.48

**MR PETER LOKII (NRM, Jie County, Kotido):** I thank you, Mr Speaker. I rise to support the motion as moved by the minister. I would like to extend gratitude to the Government of the Republic of Uganda and the NRM Government for thinking positively in giving the Teuso, popularly known as the Ik a constituency.

Mr Speaker, I would like to put the record right. Hon. Nambooze tried to demean the people of Ik yesterday by saying that they were just merely 6,000. As already alluded to by hon. Odonga Otto, it is the question of marginalisation.

The Teuso, for those of you who have been reading a book authored by an American in the early 1940s entitled, *The disappearing tribe* - The author was referring to the Teuso because of their numbers, identity in terms of language and their culture.

Mr Speaker, the Teuso only have one person who has gone to school who has even been proposed to represent them in this House. *(Laughter)*

In terms of schools, there is only one primary school in Teuso and the teachers who go there have to first learn the language. This means that when you go to the district council of Kaabong where they are represented –

**THE DEPUTY SPEAKER:** Order.

**MR NANDALA-MAFABI:** Mr Speaker, the Jie are part of Uganda. The Ik population is 6,225 people of whom about 400 are children. The Government of Uganda has taken a primary school there for 400 children. We must thank Government for doing that. *(Applause)*

Is it in order for a member to come and tell us that they need more schools for only 400 children? Is he in order when other places do not have schools? *(Laughter)*

**THE DEPUTY SPEAKER:** Honourable member, those are the people that the member represents and he has to speak for them. *(Laughter)*

**MR PETER LOKII:** I thank you, Mr Speaker. The school that the honourable member seems to refer to is just a primary four school and this means that the point of connection from the thematic language of Jie does not give them a comparative advantage to participate in the upper levels of education.

Giving these people an opportunity, as I said, is good because when you go to the district council, their representative comes with a translator in order to be able to make a contribution – *(Member timed out.)*

5.51

**MR MUDIMI WAMAKUYU (NRM, Bulambuli County, Bulambuli):** I thank you, Mr Speaker, for the opportunity. I also thank the committee members and I support the motion.

Bulambuli has been sub-divided into Elgon and Bulambuli. Elgon County, which is my constituency, borders Kitale in Kenya and Sebei. In terms of mobility, the terrain is so bad and much as we say that we bring services closer to the people, I urge Government to work on those roads. We do not have gravel and even if you construct a road, you cannot get good murram in my place.

Secondly, like hon. Odonga Otto said, since Independence, the people from the mountains have been the ones in power. We are here with hon. Muloni who is also from the mountains and those from the low lands have been marginalised. So it is good for Government to also come up with that policy for them to participate in democracy.

Three, I have been in this Parliament since the Eight Parliament and have realised that on the issue of administrative units, both sides of the House are always together. I, therefore, urge colleagues that we first deal with these ones and when they bring another batch, we also deal with that just like we have been doing. Members should support the motion and for those others that the minister is bringing, we shall pass them –*(Member timed out.)*

5.53

**MS HUDA OLERU (NRM, Woman Representative, Yumbe):** I thank you very much, Mr Speaker, for the opportunity. I would like to support this motion and thank the NRM Government for listening to people’s voices.

As a Member of Parliament representing the people of Yumbe District, Yumbe is a one county constituency that has 480,000 people. We have 102 parishes and 636 villages being represented by only two MPs.

We are grateful that the NRM Government through the Ministry of Local Government headed by hon. Adolf Mwesige, has decided to consider and hear the people of Yumbe because we requested for this constituency in the Eighth Parliament. We were let down but we were so patient and we are now happy that you have given us the two new counties. I thank you very much. Thank you NRM Government. *(Applause)*

Mr Speaker, I am aware that the NRM Government has tried to distribute these new counties equitably and I am also aware that we do not have sufficient resources. Otherwise all the Ugandans demanding for these new counties deserve to get them if we had the resources but it is unfortunate – *(Member timed out.)*

5.56

**MR SSEMUJJU NGANDA (FDC, Kyadondo County East, Wakiso):** I thank you very much, Mr Speaker.

I do sympathise with the Minister for Local Government because if he asks each one of us whether you want your constituency divided, I think all of us would say yes. What is the solution?

I think that what this Parliament will need to do is to spend some time discussing the formula of how territories become administrative units and places become constituencies. But if you bring a motion with MPs names engraved on those particular counties that you are creating, they will actually run away from very rural areas to come here panting that they want this motion passed even without debate because selfishly, every MP would like a smaller constituency.

I have been discussing with hon. Adolf Mwesige and I can understand Aringa County that has 480,000 people. The second biggest constituency is Busiro County East with 462,000 people and I represent the third biggest of 460,000.

Once you have a formula then we stop knocking at your door to create constituencies for ourselves - if you don’t; we have constituencies like Moroto Municipality with a population of 10,000; Ntungamo Municipality has a population of just about 10,000 - forty times smaller than what I represent and when we come, each MP is given only two minutes to debate; a person who represents 7,000 speaks for only two minutes and the one who represents half a million also speaks for two minutes - *(Member timed out.)*

5.58

**MS ALICE ALASO (FDC, Woman representative Serere):** Thank you so much, Mr Speaker. There is a category of districts that made submissions asking for constituencies and that includes Serere and they were not submitted to this House.

Serere County alone has 150,000 people; Kasilo has 120,000 - so they just gave me a simple instruction to get the hon. Adolf to tell them the criteria that they fell short of so that they don’t qualify even to be mentioned by the Ministry of Local Government.

Having said that, my own submission to the Government of Uganda is: you say you are creating these counties for service delivery. For the 300,000 people in Serere, we have only two doctors. Now that you do not want to give us the counties at least give us doctors or a few more teachers, an additional health facility and that will do for us far much better than giving us another MP since you have decided.

Lastly, this thing is very expensive. I would like to advise the Government of Uganda for free to settle on the criteria for deciding on counties. It is in the Constitution but nobody has settled for it. Choose to have clear criteria otherwise you will create these things every day at the expense of service delivery and you will come to the people of Uganda a few months from now without drugs, roads, schools but with counties. Thank you, Mr Speaker.

6.00

**MR JULIUS BIGIRWA (NRM, Buhaguzi County, Hoima):** Thank you very much, Mr Speaker. I want to thank the committee for the report and to say that I can only support the motion on condition that the minister adopts the report of the committee which agitates for the additional seven - group A category.

Mr Speaker, Buhaguzi County which I represent up to now cannot understand where we are and why the minister left us out. In 2010, we submitted a request to the ministry and I even petitioned the committee, the evidence is there; I can even lay it on Table if required.

We asked for the splitting of the county aware that it is one of the biggest counties in this country with a total population of 270,000 people. If you looked at the area in terms of geographical coverage, you are talking of 10,897 square miles. If you are talking of marginalisation, it reaches a point in two parishes in Kyangwali Sub-County that if I am to speak to people, I must have three interpreters – that is in the name of Pan-Africanism, because we have very many tribes everywhere. And on the challenge of reaching the population, I have to use a boat in my parish. There are escarpments with the discovery of oil. People who have visited that constituency –(*Member timed out­.)*

**THE DEPUTY SPEAKER:** Honourable members, it is 6.00 p.m., we can resume on Tuesday morning. This House is adjourned to Tuesday at 10 O’clock.

*(The House rose at 6.03 p.m. and was adjourned to Tuesday 4th August at 10 a.m.)*