

Wednesday 17th February, 1999.

Parliament met at 2.15 p.m, in Parliament House, Kampala.

PRAYERS

(The Speaker, Mr. Francis Ayume, in the Chair).

BILLS
SECOND READING

THE UGANDA CITIZENSHIP AND IMMIGRATION CONTROL BILL, 1998

THE MINISTER OF INTERNAL AFFAIRS (Maj. Butime Tom): Mr. Speaker, I beg to move that the Uganda Citizenship and Immigration Control Bill, 1998, be read the second time.

In tabling this Bill, its purpose is to draw the following:
This Bill, as I have already said, is to be cited as the Uganda Citizenship and Immigration Control Act, 1998. When it is enacted into law, it is intended to repeal the substantive laws which regulate entry, exit and residence of aliens in the country, and acquisition of citizenship, passports and other travel documents.

The legislation is intended to further provide for citizenship registration and the subsequent acquisition of national identity cards.

The substantive legislation in these issues will include the Immigration Act No.19 of 1969 as amended by Act No.1 of 1984; the Aliens Registration and Control Act No.2 of 1984; the Control of Aliens Refuges Act, 1964; the Uganda Citizenship Act, Chapter 58 and the Passport Act No.6 of 1982.

The current legislation on immigration matters is obsolete and has been overtaken by the current constitutional provisions following the repeal of the 1967 Constitution. The fines provided for as penalties in the old laws have been overtaken by current monetary policies and need a total overhaul.

Whereas all the laws stated earlier seek to regulate the entry, exit and settlement of aliens in Uganda, they do not exist in a consolidated set, thus making coordination and enforcement difficult.

There is also need to harmonise Uganda's laws with her East African neighbours under the Regional Corporation Agreements. This is especially so with regard to national identity cards. Unlike the previous legislation, the proposed law is also intended to be accommodative and efforts were taken to obtain an input from institutions directly related and affected by implementation of the migration policy in the country. For example, the Ministry of Labour was consulted, Uganda Manufacturers Association and Employers Associations, the Non-Governmental Organisations in this country,

Trade Unions, Ministry of Foreign Affairs, Ministry of Finance and the Law Reform Commission.

The proposed law is also intended to ease the migration clearing processes undergone by aliens in the country, by centralising immigration activities. The new legal regime is required to facilitate the current privatisation and foreign policy investment policies which are among the country's top social economic priorities.

The objectives of the Bill are clearly laid out in the memorandum - which I can see most of the Members reading. Since they have the proposed Bill and they are referring to it as I continue, it is definitely there and they can look at the memorandum.

Part I, which is on page 5; the Members can refer to their Bills because this was circulated about six months ago. And I am certain that they have not forgotten those very important Bills at home. The first part of the Bill provides for the citation. It is just a citation and the mode of commencement for the proposed Act. Part I also includes the interpretation section.

Part II discusses the national citizenship and immigration code, which is on page 8. It is intended to give effect to Article 16 of the Constitution which establishes the national citizenship and Immigration Control Board. In addition to laying out the functions and other administrative matters of the board and Immigration officers, this part of the Bill also provides for general policy directions to the board, from the Minister.

The section further establishes procedures and avenues of appeal to the Minister in respect of immigration matters.

Part III is about citizenship, and that is on page 11. It gives effect to Articles 9 to 19 of the 1995, Uganda Constitution. The clauses under this part of the Bill provide for the different types of citizenship, that is by birth, registration and naturalisation.

The proposed law diverts from the position of the current registration - Chapter 58 - which caters for specific interest groups. That is to say, it provides for the registration of Commonwealth citizens of the Republic of Ireland and certain African States. However today, discrimination among race has been removed, and all foreigners regardless of origin are classified as aliens and the proposed law affects them equally.

The Bill also details the grounds upon which Ugandan citizenship by registration and naturalisation may be acquired and lost, and further lists the offenses in respect of citizenship.

Part IV is about the registration of citizens and the issue of national identification numbers in national identity cards - page 21. It also provides enabling legal provisions for Ugandans to

acquire national identity cards in line with Article 16(3) of our Constitution. It is intended that the acquisition of national identity cards by Ugandan citizens will be preceded by a national registration exercise in which all - and only citizens of Uganda - will be allocated national identification numbers as a basis for acquiring a national identity card and henceforth a passport.

The law imposes a duty upon all Ugandans to hold national identification numbers and consequently clear their offenses and penalties, upon defaulting. Every national identity card shall be acquired on payment of a nominal fee to be prescribed by the regulations.

Part V is about passports. It establishes a Passport Control officer and his or her deputy. These officers will be responsible for issuing and renewing passports on behalf of the National Citizenship and Immigration Control Board. Under this part of the Act and subject to certain conditions, the Board is vested with the powers to refuse, withdraw or cancel the Ugandan passport or travel document.

Part VI is on Immigration Control. This part of the Act is specifically applicable only to aliens entering, residing or leaving Uganda. The Bill in this respect provides for procedures, classes, categories and grounds upon which entry permits and certificates of residence may be granted.

The Bill further provides for avenues and grounds for the appeal against the National Citizenship and Immigration Control Board decisions. The section also seeks to regulate the activities of aliens in the country by establishing immigration inspectors and investigators who are responsible for monitoring and tracking down illegal activities by aliens in the country.

The Bill maintains the use of deportation against unlawful and prohibited immigrants. The position has however changed from the current law by creating an avenue for appeal by persons affected by deportation orders.

Clause 64 of the Bill seeks to eliminate financial constraints imposed upon the state in the deportation process by putting in place organised departure. The difference between deportation and organised departure is that in the former - in the current law - the state meets all expenses involved in departure of the alien who has been deported, while in the latter - in the law we are now seeking - the latter method is applicable for those aliens who, after being declared undesirable, willingly sponsor their departure from Uganda and the state does not suffer that expense.

The list of prohibited immigrants has been widened to include drug traffickers - whose activities are now rife in Uganda. The fines have been revised in accordance with prevailing social economic circumstances. The proposed legislation provides for currency

points which can be easily tallied with any changes in the country's monetary policy.

Part VII is about registration and control of aliens and that one is on page 42. This part of the Bill is intended to give effect to the compulsory registration exercise of aliens in the country. The period of registration has been revised to 90 days from the currently prescribed 30 days. Upon registration, every alien shall be allotted a registration identification number and shall thereafter be required to hold an alien identity card issued by the board.

The proposed law also obliges the registrar of companies to furnish the Commissioner for Immigration with a list of all registered businesses owned by aliens in Uganda. This is for purposes of assessing the nature and level of investment introduced in the country vis-a-vis the number of alien employees sought by the company.

Clause 78 under this part of the Bill seeks to introduce principles of natural justice involving the rights of the employees to be firm, that is, avoiding manipulation by the employers.

Part VIII is miscellaneous. It makes provision for a general offence and penalty in case of offenses not covered under the previous basic parts of the Bill.

Clause 81 rules out the defence of ignorance of the law in offenses involving the making of declarations, statements or returns which have been signed or marked by persons affected by the law. The Bill further provides for regulations to be made under each part of the proposed law and the matters for which the regulations may be made.

Clause 83 provides that the Minister may, with approval of Cabinet, amend the First Schedule on currency points. This clause seeks to repeal all previous enactments in the exclusion of the Refugee Act - which is currently a matter for the Ministry of Local Government.

The last part of the Bill comprises of five schedules covering the following matters: currency points, minutes and proceedings of the board, oath of allegiance, declaration concerning renunciation of citizenship of a country other than Uganda, declaration concerning residence, et cetera. Mr. Speaker, I beg to move.

THE SPEAKER: Hon. Members, we have in our Gallery this afternoon, distinguished Members of the Dutch Parliament. They are hon. Mrs. Dixima and Mrs. Carimia. They are accompanied by the Netherlands Charge D'Affairs, and they are here to watch our proceedings. You are welcome, hon. Members (*Applause*).

THE CHAIRPERSON OF THE SESSIONAL COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS (Lt. Col. Mudoola): Thank you very much, Mr. Speaker. I beg to present, for the House's consideration, the report of the

Sessional Committee on Defence and Internal Affairs, on the Uganda citizenship and Immigration Control Bill 1998.

I wish to report that this Bill attracted a lot of interest from the Committee, other Members of Parliament, the press and indeed the public. This would be explained by the fact that all over the world, citizenship and immigration matters are dear and a major concern to the population.

On Thursday 29th October, 1998, the hon. Minister of Internal Affairs who was accompanied by his technical team briefed the Committee on the Bill. Thereafter, the Committee held a series of meetings to study and raise issues concerning the Bill with the Minister.

Four meetings were held to solicit views from various individuals and bodies, either knowledgeable on the subject or who would be affected by this proposed law, once passed by Parliament. Subsequently the Committee held four meetings with the Minister and his team and exchanged views on the Bill.

On behalf of the Committee, I wish to thank the Minister and his technical team for their co-operation during deliberations on the Bill. I now wish to handle some specific clauses where the Committee felt the Bill should be amended for it to be a good law and stand the test of time.

Clause 4: Board Membership. The Bill proposes that the board shall consist of a chairperson and not less than four other persons appointed by the President with the approval of Parliament. The Committee however observed that the clause as it stands is open ended and should be amended so that the maximum number of members is not more than 7. The Committee felt that a small board could be better facilitated and therefore perform its functions effectively.

The Bill does not provide for the nationality of the members of the board. It is however the Committee's view that there is need to be specific and provide that the members of this board shall be Ugandan citizens, since immigration and citizenship matters are so important.

In sub clause (4), the Committee further observed that there was need for the term for members of the board to be limited to two terms, each covering four years. The Committee proposed this Amendment to avoid a situation whereby particular persons are pointed to serve indefinitely on the board.

Clause 9: Deputy Commissioner. The Committee noted that because of the functions of citizenship and immigration, the board had greatly expanded. There was need for the post of Deputy Commissioner to be created so that the operation of this institution can run smoothly, even during the absence of the Commissioner.

Clause 11: Appeals. The Bill provided that any person aggrieved by

the decision of the board may within 30 days after the decision is communicated to him or her, appeal to the Minister against the decision. The Committee felt that in sub clause (4), the Minister on receiving the appeal may refer the matter back to the board with any additional relevant information.

Clause 13: Citizenship by Birth. The Committee observed that there was need for Article 10 of the Constitution to be introduced so that any person who reads this law need not make any cross reference - since it could be cumbersome reading. The Article states that: *"The following persons shall be citizens of Uganda by birth - (a) every person born in Uganda one of whose parents or grand parents is or was a member of any of the indigenous communities existing and residing within the borders of Uganda as at the first day of February, 1926 and set out in the Third Schedule of this Constitution; and (b) every person born in or outside Uganda one of whose parents or grand parents was at the time of birth of that person a citizen of Uganda by birth."*

Clause 15: Citizenship by Registration. The Committee recognised the importance of citizenship by registration as enshrined in the Constitution. However, it sought to provide for some of the conditions for acquiring it. The Committee observed that like it is all over the world, acquiring citizenship is a tedious and rigorous exercise and likewise in Uganda, it should not be easy and simple to acquire.

In clause 15.2(a) which deals with acquiring citizenship through marriage, the Committee observed that three years is not long enough for a person to apply for citizenship by registration when he or she shows proof of legal and subsisting marriage with a Ugandan. The Committee was emphatic on discouraging marriage of convenience for purposes of acquiring citizenship.

The Committee proposes that the marriage should have lasted for at least five years before the person qualifies for citizenship. The Committee further observed that the dissolution of marriage should not be used as a ground for stripping a person of his citizenship, since it is not only against the spirit of the Constitution, but it is also undesirable - since normally, offsprings would have resulted from such a marriage.

In clause 15.2(b), the Committee observed that 10 years is not long enough for any person who has legally and voluntarily immigrated to, and has been living in Uganda to qualify for citizenship. The Committee therefore proposes 20 years.

Clause 17: Citizenship by Naturalisation. This clause should be read alongside the 4th Schedule. The Committee maintains that citizenship by naturalisation should only be granted by the board and not any other authority. It therefore proposes that the 4th Schedule be moved so that it forms a substantive clause. In other words, it means that Parliament through the Amendment of the Act

should be the only organ qualified to vary citizenship by naturalisation, unlike the stand in the Bill where the Minister is in certain special circumstances, granted authority to do so.

The Committee proposes that the qualification for acquiring citizenship by naturalisation be strengthened whereby in paragraphs (a) and 1(a) of the 4th Schedule, one should have resided in Uganda throughout the period of 24 months. Immediately preceding the date of application and paragraph 1(b), that the person should have resided in Uganda for a period of 20 years.

The Committee further proposes that paragraph two of the Fourth Schedule be deleted.

Clause 36: Legibility for Employment in Uganda. The Committee holds the view that for the sake of ensuring that as many Ugandans as possible are employed, it is necessary to limit areas where non Ugandans are legible for employment. The Committee therefore proposes that legibility for employment to non Ugandans be extended to cover the public service and the private sector.

Clause 39: National Identity Cards. Initially, the Committee had held the view that no fee should be levied for the national identity card. It had investigated that fees would only be paid when the cards are to be replaced, that is when lost or defaced. However on further discussion, the Committee was persuaded to the explanation given that the registration of Ugandans and the issuing of the national identity cards will be a costly exercise and that will require substantial resources.

The Committee agreed that citizens need to contribute by way of paying a fee so that the exercise can take off. The Committee recommends that a nominal fee be paid for a national identity card and that the modalities of this payment will be determined by the Minister.

Clause 40: Power to issue passports. The Committee was concerned that the process of acquiring a passport by an ordinary Uganda not only involved a lot of bureaucracy but also entails wasting a lot of time and money. The Committee recommends that the process be simplified to avoid corruption, without compromising security.

The Committee recommends that the law should clearly state that every Ugandan citizen has a right to hold a passport. The officers in the department should be made aware that they have a duty to provide citizens with passports, and are not doing them any favour whatsoever.

The Committee further recommends that the application form for the passports should appear in the Schedule in the Bill.

Clause 48: Offenses. The Committee was concerned that the penalties imposed for the various offenses under this clause were light and do not give the deterrent effects expected. The Committee therefore

recommends that persons who commit offenses be severely punished.

Clause 54: Entry Permits. The Committee was concerned by the influx of aliens into the country. It is observed that many of these aliens come into the country to either do petty jobs, or jobs that can be done by Ugandans. The Committee further observed that when foreign investors come into the country to establish industries, they are allowed - under the Investment Code - to recruit some staff including non credential foreign workers.

The Committee was however concerned that aliens who come to work here are not under study by Uganda, and there was a tendency for them to live in Uganda for many unnecessary years without passing on the skills to Ugandans. Other aliens parade as investors and yet in reality they are cash corrupt and can only afford to sell pancakes or deal in few bales of old clothes and shoes.

For the above reason, the Committee had thought of reducing the duration of work permits. The Committee was however persuaded that the validity of work permits should be left to the board to determine. The Committee was informed that investors may not necessarily release all their workers in exchange for Ugandans, because of the peculiar services they offer to the investors. The proposed Amendment to the Investor Code includes the recommended period for category (g) work permit. The Committee therefore proposes that the period for validity of entry permits will be determined by the Board.

Clause 55: Certificate of Permanent Residence. Mr. Speaker, the Committee observed that sub clause (8) in the Bill, which proposes that the board may reconsider any rejected application for an entry permit or certificate of entry permit or certificate of permanent residence on the basis of new facts presented to it, is uncalled for and should be deleted. The Committee notices that avenues for appeal are already entrenched in the Bill. If this sub clause remains, it would exacerbate corruption, because new facts would always be found.

Committee observations and recommendations: Mr. Speaker, when the Committee was reviewing the Bill, there were areas it felt are not addressed and it is pertinent that I point them out now and suggest some remedies.

Fund of the Board: the question of funds of the board needs to be mentioned. The Committee proposes that funds of the board should consist of money appropriated by Parliament to the board, and appropriation-in-aid.

The Committee observed that the operations of this board are greatly stifled due to lack of funds and facilities. The Committee now proposes that 90 percent of the total collection derived from the payment of fees, fines on work permits, certificates, passports etc, be retained by the board for its operations. The Committee was informed that last Financial Year 1997/98 approximately Shs 1

billion was collected by the immigration department. It is hoped that if this recommendation is approved, it will go a long way in improving the performance of the board to deliver services to the nation.

Offenses and Penalties: the Committee observed that in the course of performing their duties, the officers of this board commit offenses. The Committee further observed that it is necessary that these officers be penalised for their acts. In spite of the existence of the Penal Code, the Committee recommends that these offenses and penalties be reflected in the Bill.

Employment of the Immigration Department: the Committee observed that there is need to protect the employees currently working with the Immigration Department. The Committee recommends that the employees of the Immigration Department under the Ministry of Internal Affairs, be retained to work on the new board.

Commencement Date of this Proposed Law: the Committee was informed that all parts of this proposed law can be implemented after enactment, save for part 4 which deals with registration of citizens and issuing of national identity numbers and cards. Furthermore, the Committee was informed that approximately Shs 16 billion is required for this exercise. Mr. Speaker, the Committee recommends that Government finds this money, even if it means borrowing, because of the importance of the exercise.

Refugees: the Committee noted that people who come into the country as refugees are registered by the United Nations High Commission for Refugees. However, the Committee recommends that a parallel register be maintained in the Ministry of Internal Affairs.

Registration of Officials: Mr. Speaker, *Muluka* and *Gombolola* chiefs are used as gazetted officers to register births and deaths. The Committee strongly recommends that the above officials continue to render services in the national registration exercise, together with the local councils.

Work Permits: aliens who come to work or invest in this country are a major concern to all of us; notably classes (d) and (g) work permits which have been greatly abused. Much as the country needs investment, it is important that we do not compromise the employment of Ugandans. The Committee recommends that the new board be strict in ensuring that work permits are granted to genuine investors and that corrupt officials in the immigration departments must not be tolerated.

In conclusion, let me take this opportunity to thank Members of my Committee who showed up during the deliberations on this Bill. I wish to thank the hon. Minister of Internal Affairs and his technical staff for the cooperation they rendered to the Committee. The Committee wishes to thank the public, press and Uganda Investment Authority for their input in improving on the Ugandan

Citizenship and Immigration Control Bill, 1998.

Finally, I wish to thank the office of the Clerk to Parliament for the work rendered during the deliberations on this Bill and in the preparation of this report. I beg to commend this report to the august House and request for its adoption. At the appropriate time I intend to move various Amendments to this Bill. I beg to move, Mr. Speaker, and I thank you very much.

THE SPEAKER: Hon. Members, you have had the report of the Committee, and the matter is now open for debate.

MR. KIRENGA EMMANUEL (Mityana North, Mityana): Mr. Speaker, I welcome this report and the Minister's speech, in support of the motion, and I think this Bill is overdue. We should have passed it many months ago, because of its importance.

I strongly support the recommendation of the Committee at page 4 clause 1.9, on the national identity cards. Although they are costly, they should be issued as soon as possible because of their importance. Before the NRM Government came to power, when people were passing through road blocks, they were required to produce their identity cards, and sometimes they were harassed. But as a matter of fact, these identity cards meant nothing and even today, some of them mean nothing, because they can be issued by the bearers themselves. What the bearer needs to do is go to the veranda of Kampala Road, buy the identity card, fill it in and have it signed. It has no number which is regulated by the State or by any organised body.

So, today's identification cards do not mean much, except the ones I saw which are organised for Members of Parliament. At least, one can trace their origin, they have a number, they have a central issuing authority. But all the others can be issued by anybody who wishes to do so. It is high time that we had national identity cards for all Ugandans and if the money is not available, the citizens should contribute by paying, as the Committee says, a nominal fee of about Shs 1,000 or Shs 2,000. That will help the exercise so that it can take off.

The identity cards will not only help to identify citizens when they are moving about, but they will also ease the task of the Electoral Commission in identifying those who are entitled to register as voters. They will also help maybe the Army in identifying those who are eligible for enlistment as cadets or recruits in the army. It is very important that every citizen is issued with an identity card and I propose that the commencement of the exercise of the issuance of the cards should be immediately after the coming into effect of the Act, so that all these things which need identification cards start operating immediately.

I have seen something about non citizens not being allowed employment in the Public Service. Mr. Speaker, although I agree

that Ugandan citizens should be employed in the civil service, there may be cases where non citizens are needed in the service and where they should be employed with the approval, maybe of a Minister. I am thinking of specialised fields like judges. I think it was recently stated that we may need some judges to man the commercial courts; those who are experienced. If you say that only citizens can be employed, it would deprive us of such calibre of specialised persons. I think the Act should be amended so that the Minister gets power to exempt some non citizens in employment, both in the civil service and elsewhere.

About appeals, if somebody is aggrieved by the decision of the board, he is allowed to appeal to the Minister. But it seems that is the highest avenue open to him. If the Minister decides against him, I do not know what happens next. I would propose that the matter should also go to the High Court. I am not sure whether that is not in the Act, I do not have the Act here. But you might find a case where the citizen's right is violated by the board, he appeals to the Minister, maybe the Minister - who may have a grudge against him - also rules against him and the matter ends there. Mr. Speaker, I will propose when it comes to the committee stage, that the decision of the Minister should also be challenged in a higher place, maybe in the High Court.

I want to give notice of amendment that when we come to classification of citizens, I think there is need to fill in the gaps which were left by the Constitution. There are some clauses which are not clear. I think Parliament, when passing this law, should make everything - which was left vague by the Constitution - clear. I think when we come to the committee stage, we shall have to propose some amendments, so that the law is very clear.

About entry permits, it is proposed here that only experts should be allowed to be recruited by investors, when they are given licences by Uganda Investment Authority to invest here. But, Mr. Speaker, I have cases where the investors insist that they must be assisted by their own nationals in matters which are not of a specialised nature but which require trust.

For instance, an investor might need his financial controller to be somebody from his area, who can be trusted with money. I came across cases where an investor was unwilling to continue investing here, because whenever he employed Ugandans, they would cheat him. So, in the end he landed on somebody from his country of origin who was trustworthy and there was a problem in getting him a license. But in the end they gave it to him and the investor was happy. He was able to save his money rather than entrust it to some Ugandans who were always cheating him. He was about to go back to his country, because he could not trust some of the guys around here. So, Mr. Speaker, I think in some cases, if the investor insists that he needs somebody who is his relative or somebody from his country, whom he trusts, I think there should be a possibility for him to be allowed to employ that person, although he may not be an expert.

I wish to support the motion and the report - subject to the amendments we shall propose. Thank you.

MR. OKELLO-OKELLO (Chwa County, Kitgum): Thank you Mr. Speaker. I rise to support the motion.

It is true that we need investors to come and help us develop our country. But it is also true that some of these investors come here and abuse our laws and our people. For example, these days our graduates, our children who qualify from Universities, desperate for jobs, are taken on by some of these investors, without any appointment letters, without any stated salaries. And sometimes, they are given people who have no equivalent education to control them. If you ask about appointment letters, you are asked to leave the following day. I think this is unfortunate, and this law should address this kind of situation. I think our own people should not be mistreated in their own country while we look on helplessly, because the investors must be around any way.

It was alleged that in one of the new factories, until very recently, the gatekeeper was an expatriate. Mr. Speaker, I do not think we need an expatriate to be a gatekeeper in Uganda at this time. And these people are promoted from doing messenger jobs to some times controllers and managers. They have no papers, and our people who have got degrees are kept down there. I think the law should make a provision for this so that people who come here to insult our people can also be handled by the law.

I do welcome the idea of the national identity cards, but I am a bit worried. At the moment, in some areas the people of Uganda are so mixed up with all sorts of nationalities that I think sorting out people will be very difficult. In rural areas, this may not be a problem, but I see a problem in big places like Kampala, Mbarara and what have you. Mr. Speaker, I am saying this from experience.

Some time ago, when I was still in the Land office, a lot of people came to apply for plots. They were stating their citizenship: Ugandan, Ugandan. Later on, some of these people left and they are now in other countries. They are no longer here. But they had stated on their forms that they were Ugandans. And if we you are not careful, Mr. Speaker, we are going to repeat that kind of thing here. So, I think identification of the person must be taken very seriously so that we do not issue our national identity cards to non citizens, just like we have already done. It is alleged that so many of our passports are being held by non citizens.

Lastly, I have already said that something should be done about investors who misbehave. I wish to see in this law, actually a penalty provided for investors who breach our laws. We need them, but they should come here and behave themselves and practice their tricks in accordance with the laws of this country. Mr. Speaker, I do support the report. Thank you.

MRS. IKOTE ALLELUYA (Woman Representative, Pallisa): Thank you Mr. Speaker for allowing me to contribute to this important debate. I appreciate the Committee's report, but I would like us to be very wary of just imitating the behaviours and the laws of other countries while looking for guidelines to run ours.

In Article 1 (6), it is stated here that the Committee observed that like it is all over the world, acquiring citizenship is an arduous and rigorous exercise and likewise in Uganda, it should not be easy to acquire it. I think this should not be the criteria to use when we are making rules and guidelines for ourselves.

I want to bring the example of what I read in the papers last week, where Uganda is now also demanding that the British and the Americans line up for visas and pay US \$30 to get visas to come to Uganda. I do not know who needs the other more. Britain may not need Ugandans in Britain, but we still need - note my use of the word "may" - we in every way do still need people to come and join us in our development efforts. We need tourists to come to Uganda and enjoy our tourism. We are still marketing ourselves and when we decide to put stringent rules in place to stop or to sieve people who come here, I do not know whether really this is productive for us.

MR. KIKULUKUNYU: I just want to inform the hon. Member holding the Floor that in the contemporary world, people are looking for markets the world over. I do not think we should simply expose our market to foreigners because we want them. When we go to their countries, in a way, we are looking for what to do. Likewise, when they come to us, they are looking for a market for their products, and from the report we have been told that somebody - hon. Okello-Okello has just made a remark that the so called investors - *(Interruption)*.

PROF. KAGONYERA: Is it in order for the hon. Member to stand up and contribute to the debate in the guise of giving information, when in fact he could wait for his time and oppose the opinion of the hon. Members on the Floor? Is he in order, Mr. Speaker?

THE SPEAKER: I was still waiting for him to come to the next sentence, to understand whether he is really raising a point of order.

MR. KIKULUKUNYU: Mr. Speaker, thank you. I however still maintain that I did rise on a point of information and that there are certain important aspects that these people need from us. We should not simply expose ourselves to them.

I was trying to make an observation that hon. Okello-Okello pointed out that some of these people that come in here, certainly do not have managerial abilities to give to our people. We have graduands here, but some of these people are even below standard to hold managerial posts. What happens is that instead - *(Interruption)*.

THE SPEAKER: Hon. Member, you are treading on very slippery ground. You are making a contribution.

MR. KIKULUKUNYU: In short, the information I wanted to give is that the people that come here for employment, for markets, do not simply come because we want them. They come here because they need some things from us too. Thank you.

MISS. KIRASO: I wanted to inform hon. Alleluya Ikote that besides people who are interested in development, there are some people who come from foreign countries who indulge in criminal activities, for example, terrorism. There are also people who come and get employed in casual employment, or employment which could otherwise be given to our people who are educated and qualified in those aspects. So there is, in my view, a need for curriculum vitae. Thank you.

MRS. IKOTE: I thank hon. Members for their opinions. But I still maintain that Britain, the example I brought, may not need our tourism - *(Interruption)*.

MR. LOKERIS: I wish to inform the Member on the Floor that since this Government came to power, it has been moving round the world advertising the image of this country to the extent that as of now, everybody is scrambling to come here, including the Britons. After you have done a lot of cultivation and your garden is blossoming, it is time to reap. This is the time, now we are reaping.

The statistics have shown that we are alright and we should not be complacent with everybody coming here, especially those who come with dubious intentions like planting bombs. So we need to look into our security. We should be convinced that we are okay and the statistics have shown that.

MRS. IKOTE: I note from the information that Uganda indeed has been marketing itself. It wanted as many people as possible to come and invest, to come and enjoy whatever we have, our scenery, the peace which has been ushered in by the Government of this country, and then when the flow starts coming in, you put a tap! I think that we really should look at these two, the Citizenship and Immigration Control Bill as a tool for marketing ourselves. We do not market ourselves enough, Mr. Speaker. I think it is not investment friendly at all to start restricting people when we want investment to come into the country.

MISS KADAGA: I would like to thank hon. Ikote for giving way. I would like to inform the hon. Member that one, Kenya and Tanzania still have a visa regime. It has not stopped tourists from going to Kenya or to Tanzania.

Secondly, a serious investor or tourist will not be deterred by the payment of mere US \$20, US \$15 or US \$30. It is time for us to apply the same rules that apply all over East Africa. Thank you

very much.

MRS. IKOTE: I still insist that this is another guise of false nationalism; this mentality of 'because others have done this, I must also do it whatever the consequences, whatever the reasons the other country did it for, I must also do it.'

About false investors *-(Interruption)*.

MISS. NAMUSOKE KIYINGI: My information is in a form of a reminder to the hon. Member on the Floor that she is a Member of the Committee on Presidential and Foreign Affairs. The Committee made this recommendation to the Ministry of Foreign Affairs that since our people are being charged for visas when they are travelling to many of these countries, then there should be a reciprocal charge. In fact Britain, from whom she wants us to remove the visas, our people pay more than twice the amount of US \$30, they pay over US \$100.

Therefore, one of the reasons why we felt that visas should be reinstated was a source of income for our embassies abroad; to support our embassies to run effectively. Just like the British use that money to process your visa, we will use their money too. Their argument is that they need this money to process our visas; I think it is just as good. The Committee recommended this, and the hon. Member is a Member of that Committee. Thank you.

MR. KYEMBA: Thank you, Mr. Speaker and thank you hon. Alleluya for giving way. Just one additional piece of information that might assist the hon. Member.

Apart from the fact that the issue of reciprocity is considered very reasonable by most countries, in the case of Great Britain, it is not even reciprocity that this was instituted. Because as the hon. Member knows, for the British you pay the fee when just filing in a visa for. The money is not refunded even if the visa is not given. That one is not being attended to in this particular exercise. But I would suppose that if we are going to go for reciprocity, for those countries which take money without issuing visas, then we should also do the same when it comes to them, even if we reject their applications.

MRS. IKOTE: The Chairperson of the Committee on Presidential and Foreign Affairs is well aware that I did ask her for permission to be away from that Committee while I was working on another Select Committee. And therefore I was not aware that they had made this great mistake *-(Laughter)*. I would have corrected it in the Committee. But, Mr. Speaker, the way I see this charging of a fee for visas is like having a restaurant on top of Greenland Towers called Fang Fang and then you have a restaurant under the trees in City Council, and you want to charge the same because they are both eating places.

I still insist that we should look at our own situation, look at our own policies and then decide. But this business of saying that it happens in other parts of the world and therefore we should do it, I insist I do not go with it.

The abuse of our laws and our whole system by investors is because of the corruption of the Immigration Board and the Immigration Department, and the failure of our institutions to monitor and make sure that our laws are enforced and kept. Really, why do we have all these expatriates from a certain part of the world? In all the factories, the private investors we are talking about will come here. Who allowed them to come here, are there no restrictions, is there nothing in the Statute books which says these people should not be here? And who should be enforcing it?

Instead of coming here to Parliament everyday to mourn and groan about investors who are breaking our laws, we should know who is abusing our laws. Why does the person or the people supposed to make sure that they are either not here, or are here doing the right thing, do something about them? Why are Asians - I read here - still selling pancakes on the street and they have been given work permits; by who? Really we should blame the people who deserve the blame. These people would not be here if they were not being allowed in and this is part of the corruption which this Parliament must fight. The people responsible for enforcing, and making sure that these bad investors are not here, who are they?

For citizenship by registration, I see the Committee has proposed 20 years. But, Mr. Speaker, in other countries the Government goes out to attract people using these very laws. For example, if you have an investor who wants to come here and put here US \$1 million into treasury bills or put up a factory or whatever; and you know it is money which is going to stay here, why would you not want to give this man citizenship? Someone is setting up a manufacturing concern, he is going to employ 220 Ugandans with no qualifications, he is going to employ them, give them a wage and they survive. If someone like that asked for citizenship, I personally do not see any reason why we should not give that person citizenship.

Failing that, there is what is called permanent residence. If you do not want to give him your citizenship, let us leave the citizenship and think about permanent residence. In America they have what they call a green card and this is the middle ground between being a non citizen and a citizen. They give it to you, you can stay, you can work, you can do almost everything, but you are not a citizen. If we have people who want to come here to invest in our country, I do not see why we do not give these people such a consideration.

In America again, and other developed countries, they give cards of permanent residence to people who are intelligent. If you are in university and have excelled, they will come looking for you and offer it to you for you to stay in that country. So, if you have

people of a certain calibre who come here and you might need -
(Interruption).

MR. RWAKOOJO: I just wanted to give this information that while it is true that certain people or certain foreigners that go to United States are offered permanent residence, it is not true that they give it to all intelligent people. They give permanent residence to people who have special skills. If you are providing a skill that an ordinary American cannot provide, or very few of them can provide, they will give you a work permit to let you stay at work. But it is not to all intelligent people. Otherwise, some professors here would have stayed there and worked. Thank you.

MRS. IKOTE: I would like to thank hon. Rwakoojo for that information. I do not know where he got the word all, I am sure I did not use it. But people who have got special skills, were also part of my contribution. But, they do look out for people - I do not know how they measure intelligence - but those who are outstanding, they do indeed look for these people who have got potential to stay in their countries and they offer them this middle ground to permanent residence, a green card.

I do not see why we cannot look into this? Where someone can stay here, he has brought in his new investment, he is employing our people, we keep him here, he may not be able to vote, he may not stand for political office, he may not come into this House, but he can enjoy permanent residence here.

Clause 1.8 in the report, I just do not understand at all. The last sentence which says that, "*the Committee therefore proposes that eligibility for employment to non Ugandans be extended to cover the Public Service and the private sector.*" What were you trying to say? Because it seems you have covered everything. The public service, and then the private sector? Which other Sector is there? I think agriculture is private, industry is private. So they can work everywhere, this is what she was saying? I would like clarification on that, but I do not think that we need that clause if that is what it says.

If a board is not corrupt they should be able to contain whatever you are trying to stop here - which I think was to stop aliens or non Ugandans from working in certain sectors. We can look at regulations from time to time with the Ministry of Labour together with Immigration Control, to decide what labour is needed. Then you can draw up regulations accordingly, without making a substantive limit in the law which may need to be amended any time the need might arise.

What we need to ensure is to have stringent controls so that if an investor brings in skilled labour which he may not be able to get here, it is provided for that there will be training so that in the shortest time, Ugandans can take over from this labour which had to come from outside. Otherwise, I do not see the need for this

clause.

On the issue of national identity cards, I think that everybody should have a proprietary interest in his identity card and therefore, should pay a full amount for the cost of this card. The report is suggesting that he pays a nominal fee; where are we going to get the balance from? Taxes? But taxes come from us. And who is hurt most? It is not me, it is not you, Mr. Speaker, it is not hon. Mudoola. It is that person who cannot afford that we are telling to pay a nominal fee. Most of our taxes are indirect. You buy salt, there is a tax there; you buy paraffin, whatever. So, the money you say you are going to get from the Treasury - whether by lending or whatever - eventually you have to pay it back. It is tax payer's money, which you have got from those people. So, I think that let everybody pay. I do not think it is a big price.

You are saying here that every Ugandan citizen has a right to hold a passport - we are paying for passports. But the identity card is a lot cheaper, I believe, and everybody should pay a full price. You are only fooling those peasants; if you say they are paying a nominal and the rest is going to be supported by Government. It is their taxes still, at the end of the day, which will pay for them. So, give them the correct picture, tell them how much it costs. We have not got the cost here, but I do not think that it can be more than between Shs 5,000 and Shs 10,000.

MR. CHEBET MAIKUT: The information I would like to give to the hon. Member holding the Floor is in respect of people with disabilities. Could the hon. Member holding the Floor tell us, if we make it mandatory for every citizen eligible to get a national identity card, how will some of the marginalised members within our society - like some very disabled people, I know many of them - how are they going to pay for this kind of thing? I thank you very much, Mr. Speaker.

MRS. IKOTE: That question of the hon. Chebet Maikut begets other questions - how do these marginalised people get food, where do they get clothes from, how do they survive? There are different ways, I think, that it can be looked into, the modalities can be worked out. But, Mr. Speaker, I think we should have a different tariff for people in the cities and towns, and then for people deep, deep in the rural areas. I think that would help to subsidise the poor and disadvantaged people that hon. Maikut is worried about. Thank you, Mr. Speaker.

MR. MAO NOBERT (Gulu Municipality, Gulu): Thank you, Mr. Speaker. Of course this is still a general debate, we will make more specific contributions when the amendments are introduced. I have three brief submissions.

The first is that, in this modern era, most of our worries stem from the conflict between citizenship as an ethnic consideration and citizenship as a legal concept. That conflict is going to continue

for some time because we have to continue wrestling with those contending forces.

There are those of us who believe that to be a Ugandan you must be of a particular tribe. We must look at you and say, 'this one is for sure a Ugandan.' We are not very comfortable with the concept of a white man turning up and saying, 'I am also a Ugandan.' So, we have got to deal with that. It is going to continue to be in our debating arena for some time.

In many countries now, citizenship has become a legal concept. So, you can hear people saying, 'I am from Jamaica and now I am in the US Cabinet.' Somebody says, he was in Nigeria, but he is now holding a big position in Uganda. We still have some time to go, Mr. Speaker, and most of our worries come because we are tied to ethnic roots of citizenship and I do not know how we are going to resolve that. It is up to those who run this country to put these fears to rest.

When you look into our history, you know that there are cases where non citizens have held sensitive positions in this country and it creates some fear. These fears are well founded. It is up to those who run this country to put these fears to rest. I could give names, but let me state it just generally that it is in the hands of those who are in Government now to allay those fears that we express, that we do not like the record that the Uganda Government has of not distinguishing between what positions citizens should have, and what positions should be inaccessible to non citizens. However useful a non citizen is, you should not just promote him because he is close to you. When you are in a public office, you are serving the nation. Your consideration must be in the public interest, not how somebody is probably useful to you.

My second submission is on the question of visas. This is one issue where the recommendation of the Committee was influenced by practical considerations, not just theories. In the UK once, Ugandans had unlimited access. By 1986/87, Ugandans did not need visas to enter the United Kingdom. But as a result of practical considerations, and the influx of people who the Government of UK thought were unwanted, they had to put this kind of restriction.

In the same way, the submissions of those who have spoken before me point to the fact that our liberal policy has been abused. This restriction that is being proposed is a result of practical considerations and it was influenced by submissions of those who work at the Airport, submissions from those in Immigration Department, and also from our own observations as Ugandans. Our liberal policy has been abused and it is time to put this restriction.

My third and last submission is just to answer those who are saying that we are going to prevent tourists from coming to Uganda. I have also heard people saying that tourists want to come and enjoy the peace ushered in, blah, blah, blah - how the sentence ends, we all

know. I know that in Kenya - Kenya is obviously more stable than Uganda, they have visa restrictions. And the reason why their visa or immigration restrictions have not reduced the number of tourists is because of their relative political stability as compared to Uganda.

I would like to advise those who are worried that tourists will not come, to concentrate their efforts to the area of peace for the whole of this country. I know for sure, Mr. Speaker, that Uganda is still a better tourist attraction than Kenya in terms of genuine natural attractions. We have the Rwenzori Mountains which is now a no go area because these guys who are known as the Allied Democratic Forces will not allow anybody to go and see the wealth of nature which is there. So, I challenge those who are complaining that tourism is going to drop because of this restriction, to know that tourism has dropped because of the threat to the lives of those who want to visit those areas.

Four years ago, even the richest man in the world - Bill Gates - visited the forests of Bwindi. But now I do not think he would risk his life to come back. The Murchison Falls and other attractions in northern Uganda cannot be reached because of the armed conflict. I am proposing humbly, Mr. Speaker, that those who have fears that the tourists will not come to Uganda should join us in campaigning for a quick and peaceful resolution of the conflicts that have engulfed our country and the region, then tourists will come no matter how much you charge for visas. I thank you, Mr. Speaker.

PROF. MONDO KAGONYERA (Rubabo County, Rukungiri): Thank you, Mr. Speaker. I support the report, Mr. Speaker, with some few observations.

First of all, I want to partly agree with hon. Ikote when she talks about fair, liberal approach about the mission of people to a country, but with due consideration. Where I disagree with her is when she says that we should not be copying other countries on visas, but she spends the rest of her debate telling us how we should copy America in the way they do their things. I thought that was an interesting contradiction in her debate. But I do agree with her that a liberal immigration policy has made some countries strong.

MRS. IKOTE: I mentioned permanent residence and then I gave an example which you could look at or discard, as you may. What I am against is copying what is in one person's area and transmitting it directly into your guidelines. I do not think there is a contradiction in what I said. Thank you.

PROF. KAGONYERA: I thank the hon. Member for her information. But if she had listened very carefully to hon. Kyemba, he informed her that reciprocity is a standard norm in world diplomacy. There is no question about it.

But I want to say that a fairly liberal immigration policy has made some countries stronger. If you look at the United States, most of the men and women who have made her what she is, are people who have migrated to America. In contemporary terms, you can talk about the United State Secretary of State, Madelaine Albright - she is an immigrant; one of the most famous Secretaries of State, Henry Kissinger, is an immigrant to the United States. In the world of science, the Openheimers Enrico, all of those were migrants to the United States of America.

It is also good for the people of Uganda to realise that their country is craved for, but at the same time we must be extremely selective as to who we admit into this country. For example, we have been told by the Minister in Charge of Internal Affairs that drug trafficking is such a rampant practise that in this country, obviously everything must be done to control people with undesirable traits, who are entering our country. We must be very careful about who we admit. Yes, it is true we can attract good people, but certainly we must do something else to keep out the undesirable.

Of course, as a country we have a very serious problem. We are a land-locked country with very difficult borders to control. So, whether we like it or not, there will always be a lot of illegal people entering this country. The United States have attempted to keep aliens out by even building a fence all along their border with Mexico, and instead of regular Police, they have put military people to control this fence. This has not stopped Mexicans and other bad people who want to enter into the United States from entering that country. In fact as a contradiction, if we do not want anybody to come here, we must do something terrible and then these guys will not come here. But as long as we make a better Uganda, enjoyable to live in, these guys are going to come in. We have to work very hard to keep them out. Although certainly we must have a liberal policy that encourages good people to come here.

I want to make a few observations on the report of the Committee. First of all their recommendation about marriage. Mainly it is ladies who are affected by this, and I think three years is perfectly okay with me. I know in the United States there has been lots and lots of marriages by convenience - hon. Rwakoojo knows about it - and I do not remember what they have done about it. I do not mean he has been a participant, no. I mean he is aware that many people go there and they marry American girls, only to discard them as soon as they get their citizenship.

But most of the marriages we have in this country are not of that nature. People genuinely marry foreigners, they bring them to this country, and really people are inconvenienced, Mr. Speaker, when half of their family is foreign, and the other half is Ugandan. I think we should make it fairly easy for people who are married to Ugandans to become Ugandan citizens.

On these 20 years required for a resident to become a Ugandan

citizen, I think they are very few who are going to qualify. Because first of all, the majority of them will have died anyway before they get their citizenship. The whole thing is really pointless. The Committee recommends that it should move from 10 to 20 years. I think this is not very good and probably the provision in the Bill should be maintained. I am tempted to even make it less, because, Mr. Speaker, as some Members have submitted - many Ugandans by birth are the ones who have ruined this country. Talk about corruption, it is people who have got Uganda in their blood. So, it is not quite true to harass others who want to become Ugandans because you want to avoid robbers, you want to avoid wrong doers, it is not quite correct.

MR. KIVEJINJA: I just want to inform my Colleague that while it is true that the people who have raped this country are normally black, the habits have never been indigenous.

PROF. KAGONYERA: I did not quite get the information.

MR. KIVEJINJA: I can repeat it. I said that while the vices which have been committed by blacks on the African continent or in our country have been by indigenous people - we Ugandans - the vices are not anthropologically indigenous, they have been exotic.

PROF. KAGONYERA: I cannot agree with hon. Kirunda Kivejinja because after all, even this institution we are in is foreign - it is not part of our anthropological heritage.

The right to have a passport; I do not think it is enough to say that every Ugandan has a right to get a passport. I think everything possible must be done to make it easy for Ugandans to get passports. I was trying to read the Bill - which I read fairly long ago - and I cannot get where it is actually stated. But even the centres where passports are given should be decentralised. Coming to Kampala every time you want a passport is an arduous task. I think there should be other centres where passports in this country can be given out. Afterall we know very well that more often than not, if you want a fraudulent Ugandan passport, you do not have to come to Uganda - they are issued all over the world - you go to Kenya, you can get it. It is easy. So, to subject a good bona fide Ugandan citizen to harassment because they want a document to travel is absolutely unnecessary. In fact, it is even - I will not say it is ridiculous - (*Interruption*).

MAJ. BUTIME: It is not my wish to interrupt the hon. Professor, but today passports are not centralised, they are decentralised. And you can get a passport in Kabale, you can get a passport in Mbarara, you can get a passport in Fortportal, Mubende, Gulu, Lira, Jinja, Tororo, Mbale, Kampala Post Office. And I think in another two months you will be able get a passport from any Ugandan Mission abroad. I thank you.

PROF. KAGONYERA: Excellent. I am glad to learn of this information

from the Minister, and I hope that all Ugandans do know that it is actually possible to get their passports from these places.

MR. MAO: In line with what the Minister has just said, I wish to inform the Member holding the Floor that while the general principle of decentralisation may be operating, on the ground it is easier and even cheaper to come and get your passport in Kampala even if you live in Gulu. Speaking for Gulu, I know that those who apply for passports are required to contribute to what they call transport. I do not know whether those who represent the immigration department in Gulu are not facilitated. But if that is not a requirement, then I think the Minister should open his eyes and check those incidences which make it prohibitive for people to use those decentralised offices.

I am ready to provide information to show that there are some people who have been frustrated simply because they cannot give what they call transport to these people. It takes much longer to get a passport upcountry than it takes if you travel to Kampala, yet decentralisation should make it easier and faster. I thank you, Mr. Speaker. (*Miss. Babihuga rose*).

PROF. KAGONYERA: Can I not be allowed to finish?

THE SPEAKER: Well, the rule is very clear; if you give way that is it.

MISS. BABIHUGA: I thank the hon. Kagonyera for giving way. Mr. Speaker. I would like to contribute to the decentralised system. Whereas the practise could have been intended to be decentralised, there have been confessions that the information has first to come to Kampala to be synchronised and processed before the individuals can get their passports at the decentralised centres. Therefore, it still holds that the system is highly centralised and needs to be decentralised so that the powers of effect can be given to the sources. Thank you, Mr. Speaker.

PROF. KAGONYERA: While he was giving that information, the Minister of Internal Affairs put up the Constitution so I believe he has some interesting information.

But if I can respond to the information that hon. Mao gave me, I think when we decentralise power we literally mean it. I do not think it is right for the Minister of Internal Affairs to make sure that things are done properly in Gulu, in Kabale when we have Government representatives and also people's elected leaders there. What are they doing? Why should not the LC V Chairman of Gulu find out why it is difficult to get a passport in Gulu. What is his job? Has he not got the powers by the Constitution? He has of course. Therefore, Mr. Speaker, I think it is not fair for power to be divested to some leaders and at the same time people continue to imagine that all the power is at the headquarters. Surely the people must exercise the power they are given by the Constitution.

There are two short controversial items I want to talk about; one is this dual citizenship. I know many Ugandans, I can see the hon. Minister in charge of Primary Education shaking his head in complete disagreement with me, but I just want to put it to the people of Uganda to think about it. Hon. Mao was telling us about this ethnicity thing and I agree with him because when I heard hon. Okello-Okello contributing to the debate, he was doing nothing but talk about the ethnicity.

In my own opinion really that is absolutely agonistic thinking. There are very few Ugandan tribes that do not have counterparts in countries neighbouring us. So, why should a Ugandan who is of Rwandese ethnicity not be a Ugandan? I am a Mukiga; more than half the Bakiga live in Rwanda and I am as Ugandan as any one of you people here. Yes! What we do not like is people all the time coming up you to say, 'you are from so and so.' Yet you do not talk about the likes of Aggrey Awori -(*Laughter*)- when his own true brother is a Minister in the Kenya Government! Why is he any more Ugandan than someone in Kisoro? I am asking the Speaker, -(*Laughter*)- I can only address the Speaker, I cannot address anybody else, so that is it.

The other one I wanted to mention is in clause 19; the reason why citizens can lose their citizenship. They are talking about disloyalty and disaffection to the Government of the day. I hope that one will get out of this Bill, because if that had been our law when the NRM was in the bush, some of us would not be Ugandan citizens. So, disloyalty to the Government of the day cannot be a good reason for anybody to lose his citizenship, it should not be. In fact, quite often it is proper and in order to be disloyal to the Government of the day if that Government does not deserve that loyalty.

With those few observations, I support the motion for adoption of the report of the Sessional Committee for Defence and Internal Affairs. Thank you.

CAPT. MIKE MUKULA (Soroti Municipality, Soroti): Thank you very much, Mr. Speaker. I rise to support the report with a few observations.

I would like first of all to thank the committee for this very elaborate report that they have presented. But, I would like to say that we are very concerned with the making of the laws of this country, for posterity purposes. However, we have the current laws on immigration which are being sustained. The problem right now, in spite of the new law that we are trying to initiate, is enforcement. If we come up with the appropriate laws and enforcement methods, and the methods of work are not correct, this law will be futile.

It is important for us to note that currently our neighbouring

countries like Kenya, every time you enter Kenya and every time you stay in Kenya, you are always made aware of the fact that you are a foreigner. And there are certain laws and procedures you must observe as a visitor in that country to ensure that you respect the laws of that country. In this country it has been very difficult to enforce the law and to ensure that those who enter this country follow those procedures that are laid down.

I would like to say that that is why you can have an Indian from either Dubai or Pakistan coming in here, and after some time the man is in Kabalagala selling general produce or general merchandise. Mr. Speaker, this is the inconsistency of the law. I would like to say that as we pass this law, I appeal more sincerely to those who are going to ensure that they preserve the good will of this law to ensure that it is enforced to the letter. Otherwise, it will be futile for Parliament to come here and sit and spend over Shs 21 million debating this law, only for it not to be enforced.

It is also important for us to note that as we pass the law, our people are watching us with keen eyes. Because you get people coming in here and working without work permits; this is the inconsistency of the law.

I would like to tackle a second point, and that is the image that we impose in the enforcement of this law. I would like us to reflect upon the head office of immigration in this country, as it is now. It is somewhere below the Minister's office - in his backyard - and, Mr. Speaker, somebody is going in, an investor coming with US \$5 million, US \$2 million, to open up a big plant. He is supposed to go down to the immigration office to report, as the law says, but finding this office is very difficult.

Even the people who are working in these offices are finding it very difficult because the facilities that they are using are minimal. I would like to support the recommendation that the Committee has in their report, to ensure that at least 90 percent is retained by this new board, for purposes of ensuring that there is efficiency and the capacity to reflect the good image of this country. And I hope the Minister will be able to ensure that bureaucrats are given the image that befits the immigration status of Uganda.

A third point I would like to raise is where we say that we are moving towards the East African regional co-operation. How does this new law propose to interface with the proposals of the East African Corporation? The law is silent about it, recommendations are silent about it, but I would like to possibly request the Minister to come up and guide this House on how he proposes to merge the intentions of Government and the East African Regional Corporation in this law.

Within the same context, we have the cross border trade. I hope this law can be able to ensure that it will not in any way stifle the cross border trade for example between Uganda and Kenya. I am

concerned about this because a number of our people still live on, and traverse the borders. We talked about hon. Aggrey Awori who has got his brother across in Kenya as a Minister and he is also here as a very serious nationalist who can be able to talk very effectively about the defence of this country. Mr. Speaker, I would like to say that it is important that we try as much as possible to synchronize this law with cross border trade so that the two neighbouring countries - as I said earlier on - can be able to trade effectively.

I would like to move on to a very important factor and that is citizenship. Under Article 12, section 2(b), the Constitution proposes 10 years as a minimum for you to qualify for citizenship. The recommendation by the Committee proposes 20 years. I think it is not fair to depart from the intentions of the Constitution, and the Bill itself. I would sincerely urge the Chairman of the Committee and the House to consider 10 years so that for all practical purposes, this country can be able to respect a number of issues.

I would like therefore to submit that in a country like the United States, if you show that you are carrying US \$500,000 - *(Interjection)*- it would not be cheap. If you are carrying US \$500,000 cash, in the United States you could also be considered to be a citizen of the United States of America, and one way or the other, you will given permanent residency in the United States. Because we are now in this global economy we must be able to understand that it is the economy which drives the politics of a nation. If somebody comes in with US \$1 million, that is a person - *(Interruption)*.

MR. KARUHANGA: I wish to inform the hon. Member holding the Floor that in the country called Monaco, if you pay US \$10 million on arrival, you become a citizen.

MR. MAO: I would like to inform the Member holding the Floor that money is not really the key consideration in citizenship. It is also subject to those other considerations. An example is the proprietor of the famous super stores, Harrods. Al-Fayed has up to now applied in vain to become a citizen of Britain and how would hon. Mukula explain that? He has all the money! I thank you, Mr. Speaker.

AN. HON MEMBER: Thank you very much, Mr. Speaker. I would like to inform my hon. Friend and the House that whereas the USA considers money among other considerations, it is not in my opinion applicable to a situation like ours, because USA allows dual citizenship while our country does not allow dual citizenship. Thank you.

CAPT. BABU: I would like to inform the hon. Member on the Floor that actually the problem of dual citizenship is a little bit more complicated. In America they have a special arrangement with certain countries only, they have for example a relationship with Israel, they do not have a relationship with Uganda. So, you cannot

have a dual citizenship with a country where you have no relationship; this is established. I thought this dual citizenship in America is not really a Government policy in America, it is only with certain countries with which they have a certain relationship. I just wanted to bring out this point out very clearly, thank you very much.

CAPT. MUKULA: I would like to thank my Colleagues for the very enriching information that they have presented to the House. I am very sure that this has rejuvenated our debate and that people will be able to come up with a very elaborate and impartial submission to ensure that we can be able to establish a law for this country which - will stand the test of time. Thank you.

MR. WAMBUZI GAGAWALA (Bulamogi country, Kamuli): Thank you Mr. Speaker. I must thank both the Sessional Committees on Defence and Internal Affairs for the work they have done, and in appraising this work, I must also thank the Minister of Internal Affairs for coming up with this Bill. It is certainly a step in the right direction.

However it is only a beginning I must say, because as we know, our grandfathers fought to keep out foreigners. They were not able to make it water tight because foreign ideologies came in and they accepted them. With them, we did accept technology and science; hence we are part of a global economy. We are right now at the crossroads for Uganda.

I need not remind this august House about what happened to the red Indians in America. When immigrants came in, the result was that there were no more red Indians. Look, this could happen here even tomorrow. Why am I saying this hon. Members of Parliament? I am saying this because way back in about 1985/86, if you read through the papers in the world, you could see what was being printed about Uganda on the issue of AIDS. Predictions were that these black men were going to perish and white men must prepare themselves to come and take over this land. You read through the papers and this evidence is there, that everybody was excited about the likelihood of all these black men dying. Thanks to God that it has not happened like that.

This gives us a lesson that we need draconian laws on immigration, Sir. This control is a step in the right direction, but I think it is just half a step. We need to take the full step so that we really gain control. Why am I saying this? Because we have heard from the President of this Republic that people have been importing drugs to finish off Ugandans; sub standard drugs. Sometimes even expired poisonous drugs have been brought in by people who were coming here as investors. This is really untenable and we have to do something about it.

I must thank the Minister of Internal Affairs for coming out with this Bill. But I am saying that a lot more has to be done. The borders have got to become more water tight than they are. Not only

the borders, but also what happens in our business circles here has to be well monitored.

Competitiveness; people are quarrelling and are worried about the likelihood of shortage of water for drinking, for animals and for plants. Uganda is an area which is likely to be a target for people to come and take over in a big way. So if our only resource are these particular things like fertile soils, unpolluted air and clean water, if this is what we should use while bargaining cheaply against the rest of the world, we need proper immigration laws; I mean draconian laws to control this situation.

I am saying that we are at the crossroads of the world economy. Our problem right now is poverty. The problem of all Ugandans - both inside this House and outside - is poverty. Poverty in two aspects, material and mental poverty. This is a very serious matter. Mr. Speaker, if we start importing people who are going to add on to our poverty, because the resources are already small; why should we allow other people to come and compete for them? We should put proper boundaries, and only import people who are coming to enrich our country.

What I am urging is that we do not want people to come and dump things here. A Mulamogi from eastern Uganda there wants a television, he wants shoes, he wants a bicycle but he has nothing to sell to Japan, he has nothing to sell to India. Even the medicines we are even using today is imported. Our local Balamogi have been made to forget their art of making their own medicine. We are now importing everything. What are our terms of trade? What are we trading across? People who are coming to make us poorer should not be allowed to come in here. The people who are going to cause us to export more rather than import more are the sort of people we should guard against.

The issue of poverty should be crucial in this Bill. It is the immigration department which is causing the greatest poverty in this country by allowing people who are totally useless to come here and make us even poorer. I thank you for allowing me to hole the Floor. Thank you.

MR. KIRUNDA KIVEJINJA (Bugweri county, Iganga): Thank you, Mr. Speaker. I support the report and congratulate the Chairman for the work done. I have come to only contribute on paragraph 1.8 of page five. Clause 36: eligibility for employment in Uganda; I find a big contradiction in this one. It reads: *"The committee holds the view that for the sake of ensuring that as many Ugandans as possible are employed, it is necessary to limit areas where non-Ugandans are eligible for employment."* That is a statement. But then, look at the recommendation. *"The committee therefore proposes that eligibility for employment to non Ugandans be extended to cover the public service and the private sector."* I think that one needs to be revisited to state that we should only allow people here to do things which Ugandans cannot do. That is very important. Otherwise, with our liberalisation, as we have already liberalised,

we have put investment guarantees, but we have to revise it to protect our workers.

LT. COL MUDOOLA: Thank you very much, Mr. Speaker and thank you very much hon. Kirunda. I think to understand the explanation on that page, please refer to your Bill. You will understand it better then.

MR. KIRUNDA KIVEJINJA: Anyway that one we shall come to when we are considering the Bill at the Committee stage, but the contradiction is here on the general report which we must first of all adopt before we go to the clauses.

I was just proceeding to say that we have liberalised the economy. We have put up investment safeguards and all sorts of incentives. So, in no time at all, many people will be coming here, but the people who are bringing in capital will need a compliment of the workers.

As we have not been able so far to put up the safeguards for the workers to work in a changed environment, we do not want a situation which will allow foreigners to come and do business here without protecting the poor - as hon. Wambuzi was saying - who are compliments in turning that capital into greater profits. I think in the immigration law, the specified categories that should only be open to foreigners should be clearly stated; or for somebody to come here and be given a work permit, he must only be given to work at a certain level. Once that is done, I think we shall have safeguarded our workers. Thank you.

MR. OMARA ATUBO (Otuke country, Lira): Thank you, Mr. Speaker. I consider this Bill as a very important law for this country. Indeed besides the Constitution of this country, I think the Bill dealing with Ugandan citizenship and immigration may be considered as the second most important law for this country. This law, together with the Land Act - which is also a very basic law for any country - must be looked at rather critically and we must prescribe certain philosophies that should guide us into why we are making this type of law.

While I appreciate the report of the Sessional Committee on this Bill, I think it has - in its second paragraph - tried to bring out, but missed a very important matter by simply saying, 'I wish to report that this Bill attracted a lot of interest from the Committee, other Members of Parliament, the press and indeed the entire public.' These could be explained by the fact that like it is all over the world, citizenship and immigration matters are dear and a strong concern to the population. Mr. Speaker, this is a statement of a fundamental nature.

But my disappointment with the Committee is that they do not go far enough to reflect or to document - for record purposes for this Parliament, for *Hansard* and for the people who are going to work in

the Immigration Board itself, what it is that the people of Uganda are saying about this issue. I think that anybody who is going to be appointed to that board should acquaint himself not only with the Bill, but also with the debate which has taken place here. They should also have submissions which were made by the public, so that they know the concerns of the people of Uganda as far as the issue of citizenship and immigration is concerned.

This is a very unfortunate omission, and we are at an advanced stage. We may now not be able to have it, but I feel people were concerned simply because the issues of citizenship and immigration have been central to the stability and peace in this country.

Because of limited time, I may not be able to elaborate on this. But why is it that we want the issue of national identity now? One of the things we want to know is that people who should vote in this country are really genuine Ugandan citizens. We have had instances where allegations have been made - and have been difficult to verify - that certain non citizens took advantage of the laxity and voted in this country. These were very difficult to verify because we did not have things like national identity cards and I think the philosophy behind these national identity cards is central here, though not well brought out.

We have heard that Uganda is centrally placed in Africa, with very rich resources which my Colleagues have talked of. Other continents have destroyed their natural resources and are now running to Africa. They are running to Uganda, they are running to Rwanda, to Zaire. You go to Europe and look at the environmental destruction and then come back and land at Entebbe Airport! I think you can pray and say, 'thank God I am back in Uganda.' You simply have to go to one of these desert countries, very rich in oil but very dry, to know that you are very lucky to be like my good Friend hon. Butime who comes from the Rwenzori mountains.

The question now is, how do we protect these things? We have had abuse of these things yet other countries are so strict. Kenya has been given as an example. Some of us who had the misfortune of being in exile know how we were treated; even in the neighbouring countries. Those who went beyond the neighbouring countries know how they were treated. All over the world today, countries are becoming stiffer and stiffer in their immigration laws. Examples have been given, America, Britain and so on. It is not easy to just enter and say, 'I want to be a member of your nation.' So the guiding principle in citizenship is to know who is a true Ugandan, who can be protected, who can participate in the national affairs. The resources of this country if not exploited immediately, must be protected for our children.

I will have time to dwell on specific provisions. But for the time being, I would like the Minister responsible, and the Chairman of the Sessional Committee to go with three proposals from me so that possibly when we come back tomorrow, we do not waste much time.

The first one is about the commissioner of immigration being the secretary to the board. Mr. Speaker, this board is such an important board to me and it is not an ordinary parastatal. You are now going to make the commissioner - who to me is the manager - full time manager of this institution and at the same time the man who is facilitating the board with all these requirements like board meetings and papers. He is also going to facilitate the board on certain semi-judicial matters like complaints which are going to come in. They are going to appeal to the board and I am sure he is also going to write minutes for the Minister - where somebody lodges an appeal.

My view is that we should leave the commissioner out of board matters. The commissioner should concentrate full time on dealing with immigration as a bureaucratic institution. The secretary to the board should be somebody who is going to work full time, with the chairman and members of the board. That is going to give a better control measure of the fears that we may have in case the commissioner who is a secretary can hide certain things from the board members. The board may also find it difficult to work with a commissioner who may not be able to give it information that it needs all the time.

I also wish to reiterate the point which my learned Friend hon. Kirenga had already raised that in clause 11, when you have a problem with the decision of the board, you appeal to the Minister. Unfortunately, Mr. Speaker, after you have appealed to the Minister and the Minister rules, there is no automatic provision of where you go next in case you are aggrieved by the decision of the Minister. I think this is an omission because if I draw your attention to clause 60, sub clause 7, this is also an appeal from the deportation order of the Minister. Although I think the Minister would have no objection to the position that after you are not satisfied with the decision of the Minister, you should be given an automatic right to appeal to the Judiciary.

And finally, there is also clause 47(d). This is the question of withdrawal of passports. In clause 47, *"the Board may order the withdrawal or temporary seizure of a passport from any holder on the following circumstances: (a), (b), (c), (d)"*. And this is an outrageous sub clause, to me. (d) says, *"subject to the Constitution, any other circumstance which in the opinion of the Board would be prejudicial to the interest of the State or of the holder of the passport"*. Mr. Speaker, this provision has been abused in Kenya and I do not want it to be abused in Uganda. You cannot give a Minister or the board, a mere board, such substantial power of withdrawing a passport or seizing a passport of a member travelling out - at the airport.

And the grounds are not there, what do you mean by prejudicial to the interest of the State? If you think that "X" is travelling to Nairobi to meet Kony, you do not have to withdraw my passport. All

you have to do is arrest me and charge me in court. My fear therefore is that this clause is an open one which can be abused by anybody, any board. I am drawing it to the attention of the Government at this stage, that they should either expound on what they mean by public interest or if not, they should just abandon it. Otherwise - at the appropriate time - I will move for the deletion of this provision.

MR. KARUHANGA: The hon. Member is raising an interesting point on clause 47(d), on page 26 of the Bill. The clause - for the benefit of the Members - reads, "*the Board may order the withdrawal or temporary seizure of a passport from any holder on the following circumstances; (d) Subject to the Constitution, any other circumstances which in the opinion of the Board would be prejudicial to the interest of the State or of the holder of the passport.*" The hon. Member is saying he has difficulties with that.

My interest is to get a clarification from him. How would he treat a responsible Government in power at the time if; one, they were confronted with an application or they got hold of a passport belonging to Kony or to a person who is going to him and they have information that on arrival in a certain country, he is likely to be shot and killed and they cannot persuade him or her to stay? Would it not be in the person's his interest if the passport is withdrawn and then he is explained to later, or the Government should have no interest in the affairs of its citizens?

We have a case of Mr. Ocalan who has just come in from Kenya, and now so may embassies have been burnt down. If you had a chance to withdraw that person's passport, would you prefer to allow the person to go or to hold the passport? And remember the provision is for temporary seizure of the passport.

MR. OMARA ATUBO: Hon. Karuhanga thank you for seeking the clarification. My fear is very clear. You have given the beautiful side, but my other side is what I would like you to look at, that it is subject to abuse. We cannot give a Government such a blanket provision in the law when you know very well that you may be the next victim.

Assuming that Kony becomes the Minister of Internal Affairs and hon. Karuhanga would like to travel to Burundi, you may have a problem in such a situation. So I am only drawing your attention to an issue which can be a problem to anyone. Provisions which tend to violate rights of others should not at this stage appear in our law. But if we can word it properly, and put in certain safeguards, I have no objection.

THE SPEAKER: Hon. Omara Atubo, I am sorry to interrupt you. You are talking of giving a blanket provision, is that your submission? I am not debating, I am just drawing your attention to something which is subject to the Constitution -(*Interruption*).

MR. OMARA ATUBO: I know it is subject to the Constitution. But which provisions of the Constitution are you talking of? You are now talking of a lay man who is travelling and he might not have even seen the Constitution of Uganda. By the time the Minister uses it he is not even going to use the provisions of the Constitution, he is just going to say, 'I am seizing your passport.' All I am saying is, what are those provisions? We may have to put it here.

THE SPEAKER: Okay, that is why you said that you are simply drawing the attention of the Minister to it; you are giving him notice.

MR. OMARA ATUBO: I am giving him notice.

THE SPEAKER: And you have not exhausted your argument yet?

MR. OMARA ATUBO: Not yet. Thank you, Mr. Speaker. That ends my contribution.

MR. LUKYAMUZI KEN (Lubaga South, Kampala): Thank you very much, Mr. Speaker. This Bill which we are discussing right now, as has already been pointed out earlier on, is to me one of the most important Chapters of law in this country. I am on record as having proposed the aspect of an identity card; that each Ugandan requires an identity card.

I would like to argue - on top of what clause 31 says, "*that national identity cards shall only be issued to citizens of Uganda.*" These national identity cards should be given to Ugandans free of charge. We are paying so many taxes in this country and the time is nigh for us to reap the taxes out of the identity card, because most of the documentation we get including the passports, are paid for. And a national identity card is not a luxury. So those who were worried for the disabled people that, 'where should they get the money to buy the identity cards,' I propose that they be given to them free of charge.

MR. KIKULUKUNYU: Supplementary, Mr. Speaker.

THE SPEAKER: What is the intervention for?

MR. KIKULUKUNYU: Information. I am informing him in a form of a supplementary.

THE SPEAKER: No, No. He is contributing so it cannot be a supplementary.

MR. KIKULUKUNYU: I am giving him more information in line of what he is trying to say.

THE SPEAKER: Okay, you are informing him then?

MR. KIKULUKUNYU: I will not in any way divert from what hon. Lukyamuzi has said. I just want to put more information on that

aspect of a free card to the Ugandans. Mr. Speaker, there are certain things in our local council setting. There is the question of security fee which members on different councils have failed to collect from the Ugandans because members do not have money.

There is also the other aspect of some simple contribution that school teachers normally call for in the arrangement of UPE, but still these fees have not been respected by parents. Taking into consideration the underlying principle of having this identity card, it is quite important that the State comes up with an arrangement of issuing these cards to Ugandans on a free of charge basis.

THE SPEAKER: Hon. Kikulukunyu, I am still waiting for your information. You have not reached there yet, is that correct?

MR. KIKULUKUNYU: It happened that I wanted to give in this idea. But when hon. Lukyamuzi rose up and pointed out his other aspects, I saw it wise to have them brought in so as to enrich his point of having a free identity card to the Ugandans. I thank you, Mr. Speaker.

THE SPEAKER: My understanding of the situation is that you are agreeing with hon. Lukyamuzi's submission but you are not giving him any information.

MR. KIKULUKUNYU: Certainly, that is why I wanted to call it a supplementary.

THE SPEAKER: No, I will not allow you that one.

MR. KIKULUKUNYU: Thank you, please.

MR. LUKYAMUZI: Thank you very much, Mr. Speaker. I am happy with the support that I have been given by the hon. Members. On top of the proposal that the identity cards be given out free of charge to all Ugandans, I propose that the distributing point of the identity cards together with the passports should be carried out by a body free from Central Government influence. Governments come and go. We have had very queer experiences. For example in the recently concluded presidential elections, the number of registered voters as compared to the number of registered votes at both LC V and the Parliament, differed so much that one wondered where that big portion of people which never voted was. One would say -
(*Interruption*).

MR. KARUHANGA: I wish to inform my hon. Friend Lukyamuzi Ken that in all countries, presidential elections attract a bigger turn up than Parliamentary elections which in turn attract a bigger turn up, much bigger than the local elections. And the turn up of the elections of LC V Chairmen attracted a bigger turn up than those of LC III and LC I. I am sure that it is the same thing in Lubaga. That is why when people were voting for the President in Lubaga, more people voted than those who cared to vote for hon. Ken

Lukyamuzi. Because there is a substantial difference between hon. Lukyamuzi and His Excellency the President.

MR. KATURAMU: I thank hon. Lukyamuzi for giving way. The question of issuing national identity cards is not purposely for election purposes. There are other reasons why national identity cards are issued and most important is national security. It would therefore be a negative step if Government abdicated its responsibility to issue national identity cards. Thank you.

MR. LUKYAMUZI: Thank you very much for that bit of information. But for my particular personal interest in regard to the identity cards - *(Interruption)*.

MR. KARUHANGA: I feel that I should have given this information to hon. Lukyamuzi, knowing that he has spent a lot of time visiting the United States and he is always quoting United States as an example in this. He probably will know that one of the highest turn up in the United States elections was actually in the latest elections of President Clinton; where he got 30 percent of the votes. Before that, only 26 percent of the registered voters voted for the President and at the local level, 15 percent only cared to vote for congress and these other governors. Showing that this is an international aspect and I am sure hon. Ken Lukyamuzi knows that, that is one of the biggest weaknesses of a multi party system. Thank you.

MR. LUKYAMUZI: I do not know why hon. Karuhanga is so particular about defending the presidential big turn up as compared to the rest of the elections? Because if we were to relate the two polities, the United States and Uganda, I would like to assume that in Uganda people are much more interested in their area elections in terms of constituencies as compared to the United States.

Anyhow, I would like to add that those of us who are worried about vote rigging in this country, if we secured the national identity cards, I am sure the fears would be allayed. Because in Switzerland where I have lived for some time, a national does not require to renew his or her voters register. You only go to vote on presentation of the national identity card. So for those who are planning to rig elections in future, if we succeed in securing the national identity card, we would be in a better position to protect people's interests.

MISS. BABIHUGA: Is it in order for hon. Lukyamuzi to mislead this House that there are individuals in this country who have fallen into the habit of rigging elections, and he is trying to straighten that record? Is he in order and can he lay the facts on the Table?

THE SPEAKER: Sorry, I did not get it. Did he say that there are individuals in this country who are specialised in rigging elections? Is that what he said?

MISS. BABIHUGA: That is what he said, Mr. Speaker.

THE SPEAKER: Repeat your statement so that I can make a ruling.

MR. LUKYAMUZI: Let me repeat what I said. I said, if we adopt the method of national identity cards, we would be in a better position to stop those who intend to rig elections in the future. If that means what she says, it is up to you, Mr. Speaker, to rule.

THE SPEAKER: You see, the statement is with a lot of "ifs." I think it is innocuous and I do not think he is out of order.

MR. LUKYAMUZI: Thank you very much, Mr. Speaker. I am not happy with the Committee's remarks about the two basic criteria for acquiring a passport namely naturalisation and registration. Most of the people who attain their passports in this country fill in that they are citizens by descent. And we were looking forward to seeing specifics or dynamics in the report, which would control or direct this country in regard to how citizenship by naturalisation and registration respectively can properly be acquired. The Constitution was very general in these indications, and we thought an appropriate law from Parliament would be able to direct the future governors in charge of registration for passports and identity cards.

The rate at which Uganda's population is rising is sharply alarming, and I am very worried. Because when we talk about national independence and the sovereignty of a country among other things, this implies that Ugandans and the Governments which come in Uganda should jealously protect and guard the territorial boundaries, and integrity of our country. According to what is happening, I recently travelled by road to Kenya through Malaba, and the amount of laxity I saw among immigration officers was very worrying, as compared to related points in Cape Town, South Africa and Tanzania. There is so much laxity that any enemy of Uganda can enter through Malaba and Busia.

I would like the Minister of Internal Affairs, in the course of his submission, to tell this country what programmes he has got to ensure that the people we put at Malaba to guard the borders are responsible and concerned about stopping these people who simply enter our country without effective control.

One of the good things about Idi Amin, much as he was a bad President, in terms of commerce, was that he tried to reduce the Indian population which was dominating Uganda; I think he put there some restrictions. Since the Amin days, the number of Asians coming to this Country has gone down. I would like to request the Uganda Government, that much as it is necessary for us to improve investment by attracting people to come and invest here, we should not create an atmosphere where people, under of the guise of investment, simply come here without control.

The President in particular is accused for this. He talks very gloriously about investors and on a number of occasions we have seen quacks coming here under that guise, under the umbrella of investment only to see them moving in Kisenyi selling biscuits and *kabalagala*. That kind of practice must stop. Ours is not a country where people simply come and go as if there are no controls. We must jealously guard Uganda like our fore-fathers did. This is a country which must be guarded. The population has risen alarmingly, and I am very worried that in the next ten years or so, even this laxity where the people from Rwanda, Burundi simply come here at their will, might put us in a terrible situation. I would like to request the Uganda Government to start guarding these borders more seriously.

DR. ALIKER: Rwanda and Burundi have just been admitted into the East African Community, which will give them freedom of entry into all the East African countries. Thank you.

MR. KARUHANGA: I am grateful to hon. Awori because he reminded me of a word which I had wanted to use to give information to hon. Wambuzi when he was giving a similar speech against foreigners. I had forgotten what this phobia against foreigners is called. The word is xenophobia. It is a disease which you can actually acquire and if it is spread, it can be very dangerous.

I think that hon. Lukyamuzi - if he does not become a little bit more international, especially since he travels so much - he could develop it. If he went to borders and they made him wait there for eight hours - like one day when I was travelling with my family, I was stopped on the border of a certain country and I stayed there for eight hours because they suspected that my wife was a Rwandese. Although she is a Munyankole, her looks are like those of a Rwandese. I spent eight hours on the border. I have never forgotten that experience, seeing my children vomit because of this fear of foreigners.

If on Uganda's borders, visitors were to come and be subjected to the likes of hon. Lukyamuzi and my Friend Wambuzi who made that contribution, I think our country would not be a happy one to live in. We should be welcoming our guests. We should very much guard against - and I would like to ask hon. Lukyamuzi who travels so much and enjoys hospitality of many countries to stop - this disease. I think Uganda is a very nice country and we should try and accommodate our visitors. Thank you.

MR. LUKYAMUZI: I am very national in my approach on a number of things - that is why many people have once proposed that I may consider standing for the presidency of this country - (*Laughter*). Mr. Speaker, -(*Interruptions*)

MR. ATUBO: May I inform the hon. Member on the Floor that the issue of people travelling within East Africa whether it is Uganda, Kenya,

Tanzania, Rwanda and Burundi is simply that of travelling - it is not the issue of migration and settlement. Mr. Speaker, we have to be very careful that even if you are a member of the East African Corporation, or for that matter, a member of the European Union - which is even at the more advanced stage of corporation - you cannot move from Uganda and go to Nakuru and say, 'I am going to settle there on Kenyan land.' Travelling per se is okay, and if you want to come here with US \$1 million and invest in Kampala, you are welcome. But where you have 10,000 people who want to come and settle on free land some where in Kilyandongo, then it is different, Mr. Speaker.

THE SPEAKER: Well I heard hon. Lukyamuzi saying, 'Rwandese coming here.' He did not say, 'Rwandese coming to settle here.'

MR. LUKYAMUZI: The point which I came to address is very important. Without prejudice, this is the only Government which has tended to dilute the conception of citizenship because when you look at the Third Schedule of the Constitution, Uganda's indigenous communities as at 1st February, 1926, include among others the Banyarwanda, who are assumed to be an official ethnic group in Uganda.

I would have been very comfortable if a specific ethnic group namely the Tutsi or Hutu was brought up as one of the ethnic groupings known to be indigenously in existence in Uganda, but not the Rwandese. The totality of the Rwandese to qualify automatically as Uganda citizens by the Constitution is very, very absurd. I would like to assume that the Committee of Internal Affairs and Defence, in the next deliberations, because discussions are still going on I suppose, would bother to re-examine this constitutional provision. I still maintain that there is need for us to specify what type of ethnic grouping that would be seen to be indigenous in this country.

I am not comfortable with this proposed law with reference to clause 14, sub sections (1) and (2). I assumed that the Committee would have, through a private Member's Bill at one time, proposed that clause 14, sub section (1) be revisited. A child of not more than five years of age found in Uganda, whose parents are not known, shall be presumed to be a citizen of Uganda by birth. That to me is very unfortunate with reference to the regional wars we have had here in the recent past. I know that it is constitutional, but I am advising the Committee concerned to revisit that provision for future purposes of adopting a Motion or a Bill to fight it out.

LT. COL. MUDOOLA: I think as a Committee, we have no power to amend a Constitution. So, for the time being, let us follow the Constitution until we amend it; and we cannot wait to pass this law until this Constitution is amended.

MR. LUKYAMUZI: I can only recommend that the Committee, like the one you are heading, could bring up an amendment to the Constitution - which we are ready to support.

MISS. BABIHUGA: I would like to get clarification from hon. Lukyamuzi because he has touched a subject close to my heart, of a vulnerable child found on the soils of Uganda without any parentage. If he were the President - he has always been dreaming about becoming one - what would he do with that child?

MR. LUKYAMUZI: I would not mind qualifying that child for second class citizenship, but not citizenship by birth. Because to me, when you revisit the Constitution, that means that a child found on the street - assuming he came from Tanzania and he was dropped by somebody on the street - after qualifying through that category of first class citizenship, he automatically qualifies to become President of this country! This is where it becomes necessary for us to jealously guard what constitutes citizenship in this country.

MAJ. BUTIME: The clarification I am seeking from the hon. Member of Parliament and future President is, under what law would the category of second class citizen as a child be? Which law would cover that child? Would that be the law passed by the Parliament of Lubaga? I want to know.

MR. LUKYAMUZI: No, a child of that kind would qualify, according to my thinking, to become a citizen of Uganda by registration or naturalization, and I think it is fair enough.

Otherwise, I would like to end by thanking the Committee for the report it produced, but I also think that the remarks I have made are food for thought. Thank you very much.

MR. AWORI AGGREY (Samia Bugwe North, Busia): Thank you, Mr. Speaker. I do not have a substantive contribution per se, but I am just raising certain questions of inquiry from the Minister and the hon. Chairman of the Committee.

One; I would like to know from the hon. Minister and the hon. Chairman whether they recommend in the report and the Bill that the ID can carry certain information which could be vital in future. Take for instance, can we make that ID a more-or-less computer card where we can in future - in case somebody commits a serious crime - add it on the card? In other words, once you have been convicted in the courts of law, should the card be perforated by the computer so that after you have served the sentence, some information should be added so that wherever you go, that card would identify you as an ex-convict, or somebody of undesirable character?

Once you are a convict, your human rights are no longer -
(Interruptions).

MR. PINTO: I would like to inform my hon. Colleague that people commit crimes and when they have committed crimes, and have received sentence, after the expiry of the sentence, that is the end of the story. But there are certain crimes like murder, like terrorism, that pose a risk to the nation and this could significantly be recorded in the data-base of the computer such that if that

individual is known to be a habitual murderer, is a terrorist or such heinous crime. But they should not perforate the card. I believe this is what happened to the genocide in Rwanda because people would be known by their cards. So, if one had a perforated card which recorded that five years ago he or she had stolen a few million shillings from the Treasury, the man who served his sentence would be done a disservice. It will be a bad stigma if he carried this record throughout his life, especially after serving the sentence.

MR. AWORI: I thank you, Mr. Speaker and would like to thank the hon. Member for the information. Actually when I said perforation of the card, I meant the card going into the data bank that he is referring to. But definitely I am conscious of people's human rights.

I was also referring to the matter of the medical history of the person, especially the blood type. If there is a way of confirming through either the bank or the card that in the event I am unconscious, you can establish from my card that I am group B+ or something like that so that I am not subjected to wrong type of blood, or even die because nobody can establish what blood type I am.

But again, if that is to be included, it will have to be voluntary information - not compulsory information. In other words, I am free when putting the information on the form for the ID, to put certain information; I am not compelled to tell everything about me. It should be that I am carrying a card which has identified me first and foremost as a citizen of Uganda, and this other information like blood type is secondary. Mr. Speaker, this is some of the information I am seeking from the two hon. Members.

Two; I would also like to confirm what hon. Lukyamuzi has said, that a national ID should not be subjected to a fee, unless the original one is lost. The first ID is my birth right. I am just confirming that I am a Uganda citizen. Why do I have to buy that? Why do I have to pay a fee for it? It is a right, just like the passport. Why should I have to pay for it? I am not sick and getting medicine which I have to pay for. I am not seeking anything from the Government. It is the Government which is saying, 'we need to know, are you one of us in this country?' The State should pay for it, not me. The State of course, is the Executive arm of the Government. That is the one I am referring to.

MAJ. GEN. TUMWIINE: Thank you, Mr. Speaker and thank you, my Colleague and good neighbour. I would like to inform the hon. Member holding the Floor that either way, there must be a way that the State must fund the IDs. Even if it is that we do not pay for them, Government will have to find a way to bring it - through taxation or otherwise - and it will, in one way or another, still be paid for by the citizens.

Secondly, the need for contribution is in your own interest - the

individual - to have a card. Just like you go to any place, before you enter, you bring out a ticket. It is in the interest of the individual, it is also in the interest of the State. But more importantly, instead of having to say that the State imposes taxation on top of the already existing taxation on every body, it would be better if the fee is paid by whoever is picking the identity card.

It means the same thing in my opinion; the individual paying for the identity or Government imposing the extra tax. The difference, however, would be there if people who are getting higher income could pay higher amounts of money so that it facilitates those who might not be able. All those modalities, according to the report will be looked into. The information I wanted to give the hon. Member is that identity cards must be paid for, whichever way.

MR. AWORI: I would like to thank my hon. Colleague and neighbour, but I still do not buy his argument. If it is a matter of providing sources of funds in order to print these cards, we have got tarmac roads in this country, we have got all kinds of social services provided for by the State. We do not have to go for road tolls to justify the use of the road. If I can provide a free road for the motorists, why can I not provide free identification for a citizen, especially those who come from families that cannot afford them? I do not buy the argument that the people must contribute additional funds.

This same House realised not long ago, that there are certain organs of the State which must be funded. We agreed to give them one per cent, two per cent. Organisations like National Council of Sports, we are indirectly providing them with free taxation. When it comes to my own identification, you are saying I should pull money out of my pocket? What kind of discrimination is this? I do not think it is fair at all. The State also owes me something. Why should I be the one who owes the State money every time? I look left and right, to source the money; every time I go to any office, I pay money! Very soon, at the reception, I will have to pay Shs 5,000 to fill in the form to see hon. Minister in charge of propaganda, I mean hon. Basoga Nsadhu. Mr. Speaker I am being corrected without your permission, that he is not in charge of propaganda, but I know he is in charge of *-(Interruption)*.

THE SPEAKER: Hon. Members, surely you should not turn this serious debate into a dialogue between individuals. Hon. Awori, you are certainly protected and I would like you to take this into account when you winding up - which you are about do.

MR. AWORI: Thank you very much, Mr. Speaker. I am just at the end of my inquiry.

Another point is the question of deprivation of citizenship. I do not think it is correct for a Minister and a board of people to take away the right we had conferred upon a person to become one of us.

I think that is strictly a judicial matter and I am referring specifically to Article 19(2). I do not think it is fair. If a person who is a citizen of this country by naturalisation commits any of the offenses listed here, it should be the courts of law to decide what kind of punishment he deserves.

If it is a question of espionage, we have laws governing that. You go in for either capital punishment or life, but you should not take away somebody's citizenship. I think, Mr. Speaker, citizenship should be irreversible. Once conferred upon a person it shall never be taken away except when he dies. If he commits any offence, there shall be specific punishment from the courts of law, on matters in the Penal Code - *(Interruption)*

MR. KARUHANGA: Point of information.

MR. AWORI: I am not accepting any information, Mr. Speaker, because I am winding up.

THE SPEAKER: Proceed. *(Mr. Karuhanga rose_)*.

MR. AWORI: Mr. Speaker, would you protect me - I do not need to clarify because he has been - *(Interruption)*.

THE SPEAKER: You are protected.

MR. AWORI: Thank you for your protection, Mr. Speaker. I am expressing concern on this matter of judicial functions being reserved by the Ministry of Internal Affairs and his board. I think the Judiciary should spell out the right punishment for a person who has offended the state, not just taking away someone's citizenship.

Secondly, we are signatories to the Declaration of Human Rights and one of its Articles says you cannot take away someone's citizenship. Are we going to reverse it, are we going to pull out of the UN? Mr. Speaker, I find this particular item offensive - *(Interruption)* *(An hon. Member rose_)*.

THE SPEAKER: Hon. Member, by his conduct he has declined to give way.

MR. AWORI: Exactly. He is my good neighbour, I have given him many chances before. But because of the conditions and the conditionalities I have, I want to finish quickly. Next time I am sure I will give him the opportunity.

I will also take this opportunity to raise a matter of contemporary nature and I am putting it to the Minister of Internal Affairs, since we are discussing matters pertaining to immigration. I learnt with great concern from the press that there are people who are coming in from Kisangani, and entering this country without going through proper immigration procedure. They are using military aircraft. Now they are stranded here, I do not know under what conditions they entered here. I am even told that Ugandans are

going to Congo to do business without travel documents.

I know Eastern Congo is under our control but really - *(Interjection)*- it is under our control, do not deny it. We are in control; how could we have stationed our troop there unless we are in control? We are in control and Kabila is not able to challenge us. We are in charge of Kishangani , we are in charge of Bukabu, we are in charge of Bunia name them all; the whole east. We are in control and nobody can deny it in this House or elsewhere. *(Mr. Pinto rose_)*.

THE SPEAKER: Clarification from who?

MR. PINTO: From the hon. Member, Sir, he has laboured the point of, 'we are in control'. First of all may I ask him to clarify who are 'we'?

Secondly, the kind of control that he refers to us to understand, is it now taken that since we have an effective Government in place, is that part of our control? Could you please try to clarify?

MR. AWORI: Mr. Speaker, to cut the story short, when I said 'we', I mean the State of Uganda.

MAJ. BUTIME: Mr. Speaker, is it in order for hon. Member Awori Aggrey - wearing Mao Tsetung's shirt - to tell this House and the whole country at large that Uganda has occupied parts of Congo? That is really his implication. Is he in order to say that Uganda is in control, is in charge of Kishangani and Bunia? And if he maintains that kind of spirit, can he substantiate; if he cannot substantiate, can he withdraw?

THE SPEAKER: First of all he is in order to be wearing the Mao Tsetung's shirt.

Secondly, if what hon. Awori means is that we are there in Congo to protect our interests, he would be in order, but if by his statement means that we have taken over the control of a territory of Congo, he is not in order.

MR. AWORI: Thank you, Mr. Speaker. To put my Colleagues' minds at ease, when I said that we are in control, I meant that definitely it was in this House that the Government from time has stated that we have troops in DRC in order to protect our borders in the West. We are not protecting our borders in the West from Bundibugyo, we are protecting our borders from the other side of the border. And we have not done it with the permission of President Kabila. He is contesting it and he has invited his friends to come and push us out. Mr. Speaker, these facts speak for themselves, I moved a Motion here at one time, to that effect. So, with your permission I would like to wind up by *-(Interruption)*.

MAJ. GEN. TUMWINE: Mr. Speaker, you clearly ruled that if he meant control, referring to the question of demanding that there should be

travel documents to the Eastern Congo, or by whatever means, you had ruled that he was out of order. Is the hon. Member in order to continue and insist on holding a view that the Government of Uganda has taken over control of Eastern Congo? Is he in order, Mr. Speaker, first to disobey your ruling and second to continue insisting that we are in control of that whole country?

THE SPEAKER: Hon. Awori it is not in order to challenge my ruling.

MR. AWORI: Mr. Speaker, on your instruction I do apologize to the House and I honour your ruling. But I would like to continue by way of inquiry from the hon. Minister of Internal Affairs, is it true we have Congolese who have entered and stayed in this country through Entebbe old Airport without proper immigration procedure? That I would like to know. As for the other issues, as I said, I have ever introduced a Motion here before - *(Maj. Butime rose)*.

THE SPEAKER: Hon. Minister, I will give you enough time to respond to all these things.

MR. AWORI: In addition to my apology and accepting your ruling, I have the knowledge - through the media - that our Chief of Staff now resides in Kisangani. I know he resides in Kisangani for the purpose of protecting our borders in the west and that one I appreciate - *(Interruption)*.

THE SPEAKER: Hon. Awori you assured me you were winding up.

MR. AWORI: I was trying to wind up, but I know there is very interesting information coming from the Minister and from the hon. Member, that is why I am accepting it.

MR. KARUHANGA: Thank you hon. Awori Aggrey for accepting information. First of all, in the recent debate about security, hon Awori Aggrey said - and I remember him saying so - that on sensitive matters concerning our security, he now knows the channel which he is going to use to find out information. Now, here he is, the same hon. Awori Aggrey, using the same old ways he did before he asked those questions. It only means to me - and I want him to help me find out whether this is the case - that he is either looking to hit headlines and make news at the expense of our national integrity and security, or that hon. Awori is in possession of very serious information. He has been able to get this information through what he normally calls experience in intelligence affairs and he is now ready to come and spill the beans on the Floor of the House - having forgotten that he has a way of sorting out these matters.

People said earlier that the only person who is a Ugandan citizen from his family is him. All the same he should know that there are duties of a citizen and these include taking care of your nation and being patriotic. Where is hon. Awori Aggrey's patriotism in this instance? - *(Interruption)*.

THE SPEAKER: You want him to clarify on it?

MR. KARUHANGA: I want him to convince me so that in future I can share information with him as a Colleague. Otherwise what he promises us a week before, he breaks a week after and unless he is motivated by hitting headlines in newspapers, appear on BBC, and be quoted by Kabila that, 'even Parliament in Uganda is agitating that my country has been taken by them, an MP called Awori Aggrey has said so,' there must be another reason. I would like him to tell me what that reason is so that I can start dealing with him fairly as a patriot.

THE SPEAKER: Hon. Members, I have already made a ruling regarding the question of talking about our taking control over the territories in Congo. However, people seem to be insistent upon talking about it. That means you are challenging my ruling; that is my understanding and if you want to do that, you know the procedure. So, hon. Awori can you wind up?

MR. AWORI: I would like to apologize in the most sincere terms that at no time have I tried to challenge your authority. It is just that I yielded the Floor to the person who has decided to distort the interpretation or the ends of my question. I simply asked, Mr. Speaker, before I yielded the Floor to hon. Karuhanga that, would the hon. Minister confirm to this House - because I have read it in the newspapers - if there are people who are in this country illegally? I just wanted to know from the right source and that is the Committee that handles matters pertaining to immigration, security and Internal Affairs, I am just being honest.

But, Mr. Speaker, I am seeking your protection from my hon. Colleagues who think that whenever you challenge anything you are seeking to hit headlines. When they themselves hit headlines it is alright, but when somebody else sneaks in to challenge them it becomes difficult.

To wind up my point, I am only asking for clarification on the matter of judicial powers that are being usurped by the Ministry of Internal Affairs. I was also seeking clarification on a matter of removing citizenship from a person you have given it to.

The final point I was going to make but was curtailed by time, was a question of adoption of a child of Ugandan citizenship originally, by a foreigner. I am talking about a child who could become a citizen of this country by being adopted by a Ugandan or by the State itself - by granting him naturalisation. I am saying, what if a foreigner comes here, he goes to Sanyu Babies Home, finds a child who was born here and is presumed to be a Ugandan, and he or she decides to adopt that child as an English or German citizen. That procedure, Mr. Speaker, in accordance with the existing law, is too long. I think it is more than four years! The person who is trying to adopt that child must go through a procedure which in my

opinion dehumanizes that child who is seeking a home. The person who is going to adopt the child is trying to provide a home for the Ugandan who has no place to go, and you are making it extremely difficult for him to do so? I find that particular aspect of citizenship or removal of citizenship missing in this Bill and the Committee's recommendations.

THE SPEAKER: Hon. Awori, I am sorry to disturb you, but there is what we call the adoption law. I agree with you, the procedure there is elaborate and so on, but I think there is a purpose. Perhaps what we would want to do is for that particular law to be attended to or streamlined, or do you want the provision of that law to be written into this law?

MR. AWORI: Thank you, Mr. Speaker; that is the point. I am glad you read my mind correct. I am just trying to see how that can be built into this provision, because that is another way of taking away citizenship from a person we have provided for to become a citizen.

How about allowing that child to go away? Article 19(2) says that if you commit certain offenses, we take away your citizenship. What about that child who is saying, 'look, I am a citizen of Uganda but I have no home. Somebody who is not a citizen of Uganda would like to provide me accommodation and citizenship elsewhere - maybe free education to go with it, among other things - can you do that for me?' I am saying that law is so cumbersome and I think the only way to help that situation is to incorporate it as part of this particular aspect. And at the appropriate stage, I would like to move a Motion that we delete 19 (2) because we are usurping judicial powers which are not meant for this Ministry. Thank you, Mr. Speaker.

THE SPEAKER: Hon. Members, I know that many of the people who have contributed and who raised the issues which I was about to call the Minister to respond to are not here. I therefore propose that the Minister and the Chairman of the Committee responds tomorrow so that the response will be - if I may say so - to a full House, before the House pronounces itself on these issues you have raised. Thank you very much I adjourn the House to 2.00 pm.

(The House rose and adjourned until Thursday February 18, 1999 at 2.00 p.m).