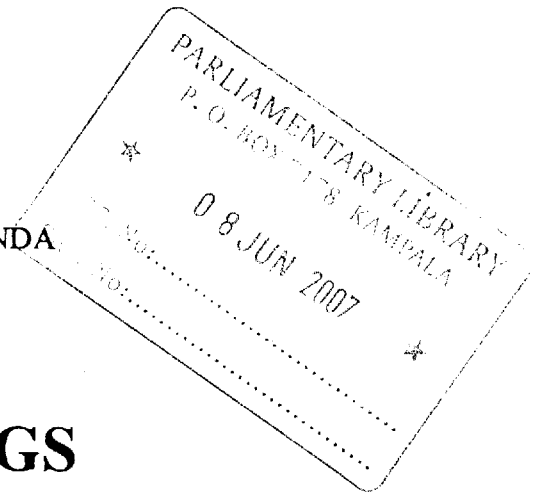




THE REPUBLIC OF UGANDA



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

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**OFFICIAL REPORT**

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**TUESDAY, 10TH JANUARY 1995**

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**Price Shs. 850**

Tuesday, 10th January, 1995

*The Assembly met at 2.30 p.m. in the  
International Conference Centre, Kampala.*

#### NATIONAL ANTHEM

#### PRAYERS

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

*(The Assembly was called to order)*

#### COMMUNICATION FROM THE CHAIR

**THE CHAIRMAN:** Hon Delegates, I would like to welcome you back from the Constituents that you represent; I trust that you have been fully re-inspired and are now ready to dedicate a further period of service to the people of Uganda to finalise the exercise that we started some time last year and continue to do.

The life of the C.A, as you know, was extended. The period granted was six (6) months. That is by the NRC in accordance with the Statute and the Minister responsible for Constitutional Affairs has in his discretion, given us, under the instrument empowering him to do so, four months during which we should complete our work; - four months commencing from the 12th of December 1994. So, let us try to see if we can do the job within that period. Should we not be able to do so, we will have to go back to the Minister, if he can, in his discretion, grant an extension not exceeding two months; because his power does not go beyond an extra two months. But I am confident that with improved work methods and serious attention, particularly to timing - time when we should come and start and time when we should finish - I am confident that the exercise will be completed within the maximum time allowed to us by the National Resistance Council. To that end, this morning the Business Committee started meeting and essentially the core subject of the meeting is how we can improve on our performance. For instance, we have already made a decision that one of the chapters under Committee I relating to Amendment to the Constitution and the Schedule relating to the oaths and Presidential Oaths, should be transferred to Committee III which had finished its work; so that, that particular chapter can be handled as quickly as possible, seeing that Committee I is going to be engaged on a very important subject, i.e. Land and

Environment and therefore, is likely to take quite a bit of time. It is not their failure to perform but the fact that the subject matter, we think, they are going to handle is so important that it may require a bit more time and so we are shifting this to another Committee; but essentially the point is that we are looking for ways and means of getting out of the Committees as quickly as possible so that most of the work is done in the Plenary. We will be making a full report on the recommendations and decisions of the Business Committee.

Unfortunately, because of shortage of time we had this morning to discuss this subject matter I have just referred to, so the Business Committee was not able to complete its work and yet we are anxious that we complete the consideration of those matters that will improve our work. Those matters will extend to issues such as arrival and departure of Members and indeed the question of how long we should keep the book outside there when it has been signed. The Business Committee is going to finalise these matters and we considered it appropriate that the Committee proceeds to do so this afternoon so that tomorrow afternoon, the chairman will be able to report the decisions taken to the plenary; so that we start work with no interruption under the new guidelines that we hope would be able to improve on performance and therefore, enable us to complete our work within the time frame set for us.

That being so, it was the proposed approach that the Members having assembled, having been welcomed back, that we adjourn the plenary and resume tomorrow in the afternoon to give the Business Committee the chance to continue. The Members of the Committee would then, continue straight from here to the Committee Room B and continue working until we finish the Agenda that is before us this afternoon and I do not see any dissenting views except for hon. Member from Budadiri East and hon. Member for Nakaseke. But I am sure they are putting up their hands to wish each other a happy new year, - *(Laughter)*- in which case, I will give hon. Kabugo a chance to wish the Members a prosperous New Year. Hon. Kabugo.

**MR. KABUGO (Nakaseke County):** Thank you very much Mr. Chairman. I congratulate everybody and I wish each Delegate a happy New Year - *(Applause)*- and welcome back. Mr. Chairman, before we leave this Hall, I would like to get clarifi-

cation from the Chair. When we are here, I take it that we are all equal and whatever we deliberate and discuss is a matter for this Assembly. It is not very long ago when we heard that some of our Delegates were given instructions never to take sides and yet we took oath but when it comes to *(Interjections)*

**THE CHAIRMAN:** Order! Order! Let the hon. Member make his point. Hon. Kabugo go on.

**MR. KABUGO:** Mr. Chairman, we have been following newspapers; that our fellow Delegates representing the army were given instructions never to take sides in the open and some of these Delegates were given directives to confess. So, in this case, Mr. Chairman, how do we go about to make sure that we have the good deliberations and useful contribution of these delegates, Mr Chairman?

**THE CHAIRMAN:** Hon. Kawere, you were putting up your hand on a Point of Order. But he has finished!

**MR. KAWERE (Mukono North):** Point of Order. Is the hon. Speaker in order to start discussing matters when the Chairman has adjourned the House?

**THE CHAIRMAN:** No, that is not a Point of Order. I had not yet adjourned. In fact I gave the hon. Member the Floor but I think we should not waste time on this issue.

Hon. Kabugo is making reference to reports in the press which I have also read and I am sure all of you who are close to newspapers have read because we have been very far into the distant parts of Uganda. I would like to say, though, that really there is no need for us to discuss that issue. The point is simply this, that is how I see it here and he sought clarification from the Chair. The Constituent Assembly particularly the Chair does not determine the manner in which a delegate carries the mandate here. Each delegate represents a Constituency, be it geographical or institutional. *(Applause)* Alright? When we say consultations, you go back. Your people may tell you that Member for Nakaseke do not say anything and we are not in a position *-(Applause)-* and the Chair has no capacity or power to question that decision of the people of Nakaseke if they tell hon. Kabugo to say nothing for the rest of the Constituent Assembly. All what we can do here is to say that while you bring your message to us and the Constituent Assembly, you should do so in accordance with

rules which we have set ourselves. But whether you keep quiet throughout, you take no sides or you take many sides, is as is directed to you by the Constituent which you represent here; so that, that matter is not a matter for us to comment upon. If it has been so decided, let that dialogue continue where it was decided. If they change their minds - fine, if they do not - But for us here we have no capacity to comment on how you carry a message or know message.

**MR. WANENDEYA (Budadiri East):** Thank you very much Mr. Chairman. The Badadiri wish members a good 1995 and good Constituent Assembly deliberations. Mr. Chairman, having extended that greeting from the mountains of the East, I would request the delegates assembled here in 1995 not be swayed anywhere especially by people who are not Members of the Constituent Assembly; even if those Members were Members of the Constituent Assembly but if they are summoned by the Minister for the Constituent Assembly as an example, I think it is a disservice to the people of Uganda and this is the reason why this Constituent Assembly is taking longer because we invite people from different places to go and discuss with only some people. Why not all the Delegates? Mr. Chairman, that is my request for 1995 and Badadiri greet you. Thank you.

**THE CHAIRMAN:** Okay noted.

**MR. KIWAGAMA (Bunya West):** Thank you very much. Mr. Chairman, I am referring to the adjournment of the Plenary Session which you have just proposed. Basically, I am opposed to it but if it is your ruling, I will accept it. But I would like to suggest that the Business Committee should instead find their own time to meet and let the Plenary Session go on. Because in our time-table, I do not think the Business Committee is allotted time anywhere. Therefore, we have lost the whole of today.

Over the radio you advised us - even the Committees not to meet - because the Business Committee was meeting. So, we have lost a whole day. Now, tomorrow you are saying we come back in the afternoon for Plenary but you are not talking about the Committees. Will they also meet or the committees will not meet tomorrow also? So that we have only plenary tomorrow, Mr. Chairman.

**THE CHAIRMAN:** Okay, hon. Kiwagama, I do appreciate your concern. First let me clarify - the Select Committees will meet tomorrow morning as

usual and the reason why we thought that the Business Committee should continue this afternoon, it was essentially not to disrupt the work of the Select Committees so that they do their work tomorrow morning and the Plenary reassembles in the afternoon in accordance with the practice and the procedures we have given ourselves; but the fact that the Business Committee, should find its own time because there is no time allotted for it. Okay that may be so but I think it is not really in keeping with what the role of the Business Committee is. If you looked at Rule 32 Subrule (3) and see the functions of the Business Committee, the very first one is to prepare a work plan for the Assembly with the approval of the Assembly. So what we are doing in Business Committee is looking for ways of facilitating better work by the Assembly. In other words, it is the Committee that originates ideas for this Assembly on how to work and how it should improve on its work methods. I do not think it is a committee that is going to waste time. In fact, it is going to be a Committee that is looking for efficiency, apart from the other functions which are set out in that subrule. It is in fact to monitor the progress and follow up activities and resolutions of the Assembly. The Members only came back yesterday. We started work this morning and what I am saying is that we have not finished because the agenda is slightly bigger than we thought and I think it is only fit and proper that the Business Committee continues and finishes so that we get this out of the way, we get our work planned and our rules clear as to how we shall handle business from committees to the plenary and from then on we continue without any further interruptions. Hon. Bidandi Ssali you had some ideas? You have withdrawn. I see no further desire to take the Floor from the Members, I will therefore, first remind Chairmen of Select Committees that the Committees are on as usual tomorrow morning but that the Assembly will resume in the afternoon.

I wish to request the members of the Business Committee that from here, upon adjournment, we will resume - you will find me there in the chair in Committee Room B. With that let me adjourn the Plenary and we resume tomorrow. We stand adjourned. Thank you very much.

*(The Assembly rose and adjourned to Wednesday  
11th January 1995, at 2.30 p.m.)*