



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

TUESDAY, 14TH FEBRUARY 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 3065]

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14th February, 1995

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

P R A Y E R S

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

(The Assembly was called to order)

LAYING OF PAPERS ON THE TABLE

THE CHAIRMAN: Hon. Baguma Isoke the chairman of committee one has laid on the Table, the report of The committee on the Inspectorate of Government.

CONSIDERATION STAGE OF THE DRAFT
CONSTITUTION OF THE REPUBLIC OF
UGANDA

CHAPTER 15 - INSPECTORATE OF
GOVERNMENT

ARTICLE 257 - ESTABLISHMENT OF INSPECTORATE

THE CHAIRMAN: Before we go to that, we may have to have a variation in the agenda. We had some matter referred to the Legal and Drafting Committee on paragraph (c) of Article 41 of the Draft Constitution. I am informed that the committee's report is ready and I will give the Floor to the chairman of the Legal and Drafting Committee.

PROF. KANYEIHAMBA GEORGE (Rubanda East): Thank you Mr. Chairman. Yes it is true that the Legal and Drafting committee has considered the matter referred to it and I understand that our report has been circulated among the Hon. Delegates.

HON. DELEGATES: No, no.

PROF. KANYEIHAMBA: They have not. Well, it is a short report Mr. Chairman. I trust that the chairman has a copy of the report and with your permission Mr. Chairman, I will read the findings of the committee. Mr. chairman, it will be recalled that the Assembly did on the 7th of February, 1995, refer to the Legal and Drafting committee for consideration and advice, the formulation of paragraph (c) of Article 41 of the Draft Constitution as proposed by

Select Committee Four. The proposed formulation by the Select Committee Four reads as follows: "Every person born outside Uganda after the commencement of this Constitution, one of whose parents was at the time of the birth of that person, a citizen of Uganda otherwise than by virtue of this paragraph." The corresponding provision in the Draft Constitution Mr. Chairman, reads as follows: "Every person born outside Uganda, one of whose parents or grandparents was a citizen of Uganda at the time of his birth." The Legal and Drafting committee considered this referred paragraph at its meeting and it appeared that the Select Committee wanted to achieve two objectives namely; to drop reference to grandparents in the original provision and secondly, to make sure that a person born outside Uganda does not derive Ugandan citizenship from a parent who himself or herself derived citizenship by being born outside Uganda having a parent who was a Ugandan. In other words, for a person born outside Uganda to claim citizenship, the parent through whom the citizenship is claimed must himself or herself be a citizen under Paragraph (a) or (b) of Article 41 or any other method of acquiring citizenship other than under Paragraph (c) of Article 41. Mr. Chairman, these are the two objectives the committee wished to achieve. After considering the matter, the Legal and Drafting committee came to the following conclusions: (a), there is no need to expressly exclude a person from acquiring Ugandan citizenship under Paragraph (c) as intended by the select committee by the use of the words, 'otherwise than by virtue of this paragraph.' The above conclusion is based on the fact that since the constitution in Article 46 requires a Ugandan citizen who has dual citizenship to renounce the foreign citizenship at the age of 18 wherever he is or she is and this is on pain of forfeiting his or her Uganda citizenship by operation of law, there is no danger in a person acquiring Ugandan citizenship in the manner being prohibited by the Select Committee. Therefore Mr. Chairman, the Legal and Drafting Committee has recommended that there is no need to use this otherwise that by virtue of this paragraph. The Legal and Drafting committee however, agrees with the deletion by the select committee from paragraph (c) of Article 41 of the reference to grandparents. We believe that if reference to grandparents is removed as the committee suggests, then the other matter would be covered by operation of law and therefore, there is no need to include or rather to exclude the operation of the

paragraph as had been suggested. So that is on paragraph (c). Mr. Chairman, with your permission, there are one or two other areas in citizenship which the Legal and Drafting committee considered and felt that we should give advice on this same. On second, that is Article 43 Clause two, where the word that: *'The categories of persons who are described in that article, if they apply for citizenship, then citizenship may be granted.'* Those are the words used by the committee. We believe Mr. Chairman, that this was used inadvertently because the categories which we describe, this is a married person, who has lived in Uganda for three years, the other category are persons who have lived in Uganda for ten years and whom there are certain conditions attaching and the other category are people who may have come here illegally but are being granted amnesty and have lived in Uganda for 20 years. We believe that the intention of the committee and Mr. Chairman, I consulted with the chairman of the select committee and he agrees with our finding. That they intend to say that once these three categories of people have fulfilled the constitutional conditions, then if they apply, they shall be granted citizenship. Therefore additionally Mr. Chairman, the Legal and Drafting Committee would like to invite this hon. House so that this article 43 clause two, is revisited which allows persons to be registered as citizens when certain conditions have been fulfilled. We are saying that once these conditions have been fulfilled as decided by the Assembly, then if they are applied - it is for them to apply if they are applied then they shall be granted citizenship. That is our second advice on Article 43 Mr. Chairman. Then on 46 Mr. Chairman, regarding dual citizenship, we discovered Mr. Chairman, that Article one as amended - rather as approved if it stands on its own, it might create confusion. The article prohibits dual citizenship. We wish to draw your attention Mr. Chairman, to Article 46 on dual citizenship Clause one. Clause one of the article prohibits the holding of dual citizenship by any Ugandan of any age including even an infant. If you read it as it is, it prohibits any person from holding Ugandan citizenship with another. Yet clause two of the same article envisages a person who holds Uganda citizenship together with citizenship of another country and says that such a person must renounce the foreign citizenship at the age of 18 years. In other words, clause two visualises infants up to the age of 18 having dual citizenship until they are in a position to renounce. Secondly, it does also imply that a married woman might have dual citizenship on marriage and subsequently.

Therefore Mr. Chairman, we are subjecting the provisions of clause one to clause two both of which have been approved and we are saying that in Article 46 (1), we should say that subject to the provisions of this article ... then the rest will go as has already been proved. Then it would say: *'Subject to the provisions of this article, a Ugandan citizen shall not hold the citizenship of another country concurrently with his Uganda citizenship.'* And then after we have done that, we delete the words in Clause two which say: *'Subject to this article,'* so that everything - because that one is not necessary anymore once we have subjected clause one to this article, then the reference to this article in two is a matter of subsequent amendment and therefore it is rather a consequential amendment and therefore it is not necessary. Mr. Chairman, all these are technical tidying up of these provisions. They really do not need any debate and I beg to move that the Assembly accepts this report so that we can tidy up these various articles. I beg to move Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, I think you must thank the Legal and Drafting Committee for the good job done. With regard to 46, I did yesterday try to invite the attention of the House to the disparity between 46 (1) and 46 (2). I said it was essentially a drafting question really because you cannot say there shall be no dual citizenship and then you say that someone can have it until he is 18. Then renounce unless you have put in such a way that there is a way this one can hold it because you acknowledge certain circumstances until the person is able to renounce and adopt one of the two citizenship that he may have. That being so, I find that a useful amendment to the two so that they are consistent with each other. Even under 43, I think once you have fulfilled constitutional requirements it does not become a may. Really it should be a shall and for the reasons given, the long debate we had on 41(c) in my view finds a good solution. So the motion is that we adopt this report and that the technical committee effects the necessary changes with the various articles. I see no objection and I take it that it is duly adopted. Agreed?

(Question put and agreed to).

THE CHAIRMAN: Thank you. Now, that disposes of that matter and now we proceed to the business of the day. The business of the day is that we are on Chapter 15 - Inspectorate of Government. The report was circulated I think a week ago. If it

was yesterday, then Members have had over 24 hours to have read and understood it and for those who have not had the benefit, we shall read it together as we go along. I will call upon the chairman to present the report. I think the method we shall use is, he will make the introductory remarks and then we shall go article by article in the same way that we did with Hon. Katenta-Apuuli's report.

MR. BAGUMA ISOKE (Buyanja County): I thank you very much Mr. Chairman for giving me this opportunity to present the report of Select Committee One on Chapter 15 the Inspectorate of Government. Mr. Chairman, this is one of the chapters that was given to Select Committee One for consideration and it is one of the chapters categorised as non-controversial. In considering this chapter, Mr. Chairman, there was only one controversial issue whether to have the Inspectorate of Government or not to have it. The chapter is straight forward with only ten articles covering the Inspectorate of Government. How the Inspector of Government will be appointed and removed, the functions of the IGG and it elaborates some particular functions that need particular mention in the Constitution. Mr. chairman, if the committee had passed an amendment that sought to remove the first Article 257, that would have meant that the whole chapter would have been deleted. Now when we came to consider that amendment, we passed a motion that enabled us to invite for consultation the Inspector General of Government who came to the committee for one day and a half for consultation. The information we got from him and his institution enabled us to consider the Inspectorate of Government as a necessary and viable institution in the government of Uganda now and in the future. The decision to make the office a constitutional one has the following implications. One, the official name of the office will change from what we know it today as *Office of the Inspector General of Government* to *Inspectorate of Government*. This helps us to separate the identity of the office from the head of this office. Now the identity of the institution is clear as Inspectorate of Government- a public institution to manage some of the aspects of public affairs of Uganda. Two, the fact of making the office a constitutional one gives it a permanent character within the government structure. This means that even during unfavourable times for the office to effectively undertake its functions, it will remain in place ready for revival, conducive circumstances arise. The office has such a useful role in moderating the exercise of public

authority that select committee one found that the people of Uganda should never, never at any time lose it in the arrangement of the management of public affairs. Ombudsman offices as we know them of which the Inspectorate of Government is one, can be distinguished into two categories- the executive one and the legislative one. The legislative one is selected by Parliament whereas the executive one is selected by the executive. What do we mean? In Uganda, hitherto, the existing institution of IGG is an executive one because it was put in place by the executive. Select Committee One has transformed this institution into a legislative one by making the appointment of the top office holders a Parliamentary function as we shall see in the articles in the chapter and by making the office responsible, reporting to Parliament. Select Committee One addressed some of the weaknesses of the office by giving it power to issue orders and injunctions where necessary and to make its findings enforceable. Further, the committee recommends that the office should be able to effect arrests and prosecute its cases whenever that is necessary. I have here to point out that the institution does not have these powers. That is a weakness as the committee saw it. The Inspectorate of Government has been given the function to supervise the enforcement of the leadership code, another chapter which was given to us for consideration. Some of the recommendations in this chapter will lead to the enactment of enabling laws to fight corruption. The Inspectorate of Government for constitutionalisation, will now be a more effective institution and when the subsidiary enabling legislation come into place, we shall have in place a very strong office with powers to effect changes and sanity in the administration of public affairs. Mr. Chairman, that is the background information to this chapter. As I said, it contains only ten articles and I believe Hon. Delegates have already studied our report and within a day or two, we shall have no difficulty in passing the recommendations of select committee one.

THE CHAIRMAN: Thank you Hon. Baguma Isoke chairman of Select Committee One for that report. As I had said earlier, we shall proceed by way of article by article and we start with Article 257. I wish to draw the attention of Members to that and I think we should follow the report of the committee and accordingly. I ask Hon. Baguma to introduce their recommendation on 257.

MR. BAGUMA ISOKE: Mr. Chairman, Select Committee One recommends that Clause one to Article 257 reads: "There shall be an Inspectorate of Government." I beg to move.

THE CHAIRMAN: No, that is clause one. We do not have to vote on it unless really there is a dispute. Otherwise we approve that, then we go to the next one, so on and so forth. Hon. Aggrey Awori, I am sure you do not want to change the wording.

MR. AGGREY AWORI (Samia Bugwe North): Mr. chairman, I would like to make an amendment that we delete this whole chapter. Mr. chairman we delete first clause one.

THE CHAIRMAN: Just a moment. I think we did agree that we should not be working in circles. We sent this chapter to a committee. The committee debated the question of whether or not we should have this chapter and the committee came to the conclusion that we should have this chapter.

MR. AWORI: Without any minority report on it.

THE CHAIRMAN: Without any minority view as it is being said, being presented here in accordance with the rules. Should we really re-open a matter which was discussed and buried? I think we are working in circles. In any case, you have not been seconded, so you cannot. There is no seconder, so I have to take away the Floor from you. Now, let us go to the next article. Not article sorry, a clause.

MR. BAGUMA ISOKE: Mr. Chairman, select committee one recommends to the Plenary that Clause Two to Article 257 reads: *The Inspectorate of Government shall consist of (a), the Inspector General of Government and (b), such number of Deputy Inspectors General as Parliament may prescribe.*

MR. DICK ODUR (Dokolo County): Mr. Chairman, I find that this article has got a number of related clauses. So I was suggesting that for us to maybe even understand the report better, it would be a good idea for the chairman to read the whole article and then we go back to approve the clauses one by one. Because they are interrelated and unless we read the whole article, we may not know what is coming next.

THE CHAIRMAN: No, I think the better way would be that we ask him to read the entire Clause

Two, I mean as they are recommending Clause Two. But otherwise Clause One is the establishment of the institution and the other one is of the offices and I think the best thing is to ask him to read. I think we can pronounce ourselves on whether we agree with their proposition here first and then go to the next. It is better that way. They are all separate clauses.

MR. WANENDEYA WILLIAM (Budadiri East County): Thank you very much Mr. Chairman. Mr. chairman, I would like the chairman of committee one to inform me and perhaps the Delegates as to whether or not they considered a trivet type of people who would make up such deputies. Mr. Chairman, the reason why I ask this is that in a place like Papua New Guinea, you have about three people who make up the trivet. That is, one is versed in accounts, another one is versed in law and the third in general knowledge. When a problem comes up before these three people, it is thoroughly discussed. With knowledgeable people involved in law if it is corruption we are trying to put right. Then these people would be in a position to advise the government and do their work in the best interests of the country. But for one man, and even the deputies who are not specified as to how many they will be appointed, Mr. chairman, if it is properly prescribed in the law or constitution, and you yourself have seen the Constitution of Papua New Guinea, to me as a developing country, it works out very well. Because Mr. chairman, here is Hon. Ruzindana and if it is one person making a decision, supposing he refuses to make a decision, well, that may be to the disadvantage of the country. Therefore it may make corruption to be continued in a manner which is unabated as it is today. Mr. Chairman, therefore, I want the chairman to clarify to us as to whether he considered those conditions as really having a good Constitution. Therefore whereby you will have checks and balances like you have in some of the appellate courts so that the whole system works quite well. I thank you Mr. Chairman.

MR. KITARIKO ROBERT (Democratic Party): Thank you Mr. Chairman, although Article 257 establishes the Inspectorate. I cannot believe that two or four people make Inspectorate. Therefore I believe Article two should read, the Inspectorate of Government should have such a number of deputies as and other officers as Parliament may prescribe. Because really two or four people cannot form an Inspectorate. I think there is something missing in (b).

THE CHAIRMAN: Okay, I am sure the chairman is taking notes.

MR. SEBALU KENNEDY (Youth Delegate - Central): Thank you very much Mr. Chairman. I wanted to inform Hon. Wanendeya that when you leave Clause Two to read as it reads, whereby we give Parliament power to prescribe, we are even catering for his worries because the Constitution cannot go into the details of prescribing specialised officers to man this office. But if we leave it to Parliament, it can have ample time to research and recommend the suitable officers to man the office in specialised fields. So this one cannot be catered for here but Parliament will have enough time to find out which specialised skills are needed to man this office. So, I do not think it is a constitutional matter. It is more of a legislative matter.

PROF. NABUDERE DANI (Budadiri West County): Mr. Chairman, I am asking for clarification as to why the committee recommended that the Head of the Inspectorate should be the Inspector General and the other two deputies Inspectors General when there is in fact no Inspector at all. The word 'Inspector' would imply that lower officers of inspectorate rank and that I think has relation to do with the question raised by Hon. Kitariko.

MR. ELYAU MIKE (Kalaki County): Thank you Mr. chairman. Mr. Chairman, all these fears especially from my Friend Mr. Wanendeya were catered for. There is a lot of room to look for lawyers, look for accountants, look for other different people who will help the Inspectorate to man the office. That is why we said Parliament will have time to decide on what - because somebody will propose in Parliament that requirement and he will have done a lot of research to what kind of people who will man the office. So we gave this area, so that Parliament has time to man this. According to what we did, we all went round to find out what can make the IGG stronger than the one today. So to make the IGG stronger than the one today, is to recognise it in the Constitution in the first place. That is why we have established the Inspectorate of Government. Now it is up to Parliament to do research on the officers required later on. So it is not necessary to put them all here. I thank you.

THE CHAIRMAN: Thank you, Hon. Eresu, did you want to say something or you have given up?

MR. ERESU ELYANU (Kaberamaido County): Mr. Chairman, I have little to say except that probably if Hon. Wanendeya was a bit patient, he would have seen it in part five which would be subsequently coming. So I gave up.

MR. ATWOKI AMBROSE (Youth Delegate - Northern): Thank you very much Mr. chairman. Mr. Chairman, I am not in disagreement with the substance in the committee report. But I also want to seek clarification Mr. Chairman, from the committee why they decided to separate Article 257 (1) into sub-clauses (a) and (b). I have a feeling that it was a better drafting in Article 257 (1) which reads that: "*There shall be an Inspectorate of Government consisting of the Inspector-General of Government and such number of Deputy Inspectors-General not being less than two as Parliament may by law prescribe.*" Mr. Chairman, I have a feeling that the provision in Article 257 is more precise and to the point. So I am seeking clarification from the chairman, why they decided to separate Article 257 Clause One into (a) and (b). I would have preferred that one in the draft. Thank you.

THE CHAIRMAN: Okay, I call upon the chairman but I think before he does, on the issue raised by Hon. Atwoki. I think it is simpler reading when you separate creation of the office or the institution from those who are going to be - and creating the offices in that institution. But as it is now, it creates the institution and then seeks to also indicate who will occupy. The only thing that I think is crucial here is whether if you take the formulation that appears in 2(b), such number of Deputies or Deputy Inspectors-General or maybe if we want to take in view of Hon. Nabudere and others would be such number of Deputies to the Inspector General. But the question is, does that mandate Parliament to create those deputies? Will it be mandatory for Parliament on the basis of this to create deputies? Because in the other one, they said not being less than two. In this one, we are leaving it to Parliament to exercise their discretion. Maybe we can get guidance from the interpretation of the Chairman of Legal and Drafting committee before the chairman of the committee answers some of the queries. The question is that there shall be an Inspector General no, that it shall consist of (a), the Inspector General and (b) such number of deputies as Parliament may prescribe. Does it make it mandatory for Parliament to prescribe any deputy? Can they keep quiet? Let us hear from the Chairman of the Legal and Drafting committee.

PROF. KANYEIHAMBA: Mr. Chairman, certainly it is not mandatory the way it is worded. I think that Parliament could take its own time. In other words, the constitution is not establishing immediately Deputy Inspectors-General. It is leaving to Parliament. All that the constitution is establishing is the office of the Inspector General of Government. Then it is leaving to Parliament presumably its own discretion to decide when to establish the Deputy Inspectors-General of Government. So it is not mandatory the way it is worded.

MR. BAGUMA ISOKE: Mr. Chairman, I am grateful to Hon. Delegates for the support they have for this institution. They support the substance but we only differ in presenting the form. Members of select committee one who spoke before me have already clarified the questions raised by honourables representing Budadiri East, Budadiri West and Atwoki, Youth North. I only have to add that the formulation on page 109 in the Odoki Draft Clause one is covering many things in one block. It is establishing the institution, it is also composing the offices and restricting the Deputy Inspectors-General to no less than two. Now, the committee considered all these matters and decided that the future Parliament should give more time to study the composition, of the numbers of Deputy Inspectors-General. Whether to have one versed in legal matters, another one in accounts, another one in human rights, another one in nuclear chemistry, fields of that kind and the offices also to change as society advances in future. It would not be good for us to restrict the number of deputies here in the Constitution. The chairman of legal and drafting committee explained why we split and the implications of splitting clause one to now clauses one and two. Of course the Inspectorate of Government will also be composed of other staff support staff, research people, investigators and analysts. That is a matter that will be prescribed by Parliament in future.

MR. RWABIITA DEO (Ibanda South County): Thank you very much Mr. Chairman. Mr. Chairman, I am a Member of this committee and one reason why we could not determine the number deputies is that before you will find that we were recommending that the work of IGG should be decentralised if necessary. Therefore, when you make a determination on the numbers of deputies, one day we might need more than four or five depending on the needs of the nation. So I think it is wise to leave it to Parliament so that they can decide on the numbers as needs arise Mr. Chairman.

THE CHAIRMAN: Okay, we agree on that? We cannot argue indefinitely on this one really. Now I think we have had enough debate on this particular one. We agree or we do not? I put the question that clause two as recommended be agreed to.

(Question put and agreed to).

MR. BAGUMA ISOKE: Mr. Chairman, select committee one recommends that clause two as it appears in the Odoki Draft be renumbered now to become clause three and retained without any amendment to read as follows: *"At least one of the persons referred to in Clause Two of this article shall be a person qualified to be appointed a Judge of the High Court."*

THE CHAIRMAN: Agreed? Next.

MR. BAGUMA ISOKE: Mr. Chairman, Select Committee One recommends that Clause Three as it appears in the draft constitution should be retained and renumbered to become clause four and consequentially amended to read as follows: *The Inspector-General of Government and Deputy Inspectors General shall be appointed by the President with the approval of Parliament and shall not while holding office, hold any other office of emolument in the public service.* Mr. Chairman, Select Committee One recommends to the Plenary that clause four as it appears in the draft constitution be renumbered as clause five and retained. Paragraph (a) thereto be retained to read as follows: *A person shall not be eligible for appointment as Inspector-General of Government or Deputy Inspector-General of Government unless he or she is a person of high moral character and proven integrity; and (b) possesses considerable experience and demonstrated competence and calibre in the conduct of public affairs."*

THE CHAIRMAN: I take it that to avoid she or he, you can say that: *"... unless that person is ...,"* so that you do not have to go into - but that is a drafting matter which we shall use to polish up.

MR. OGOLA AKISOFERI (West Budama South County): Mr. Chairman, there is one consideration I would like to put to you and with your permission I may put to the House for consideration Sir. This is the question of the eligibility of the person suitable for appointment as Inspector-General of Government or Deputy Inspector. There is a ques-

tion of the political inclinations of the individual so considered. In light of the fact that the position of the Inspector-General should be as we understand it, one of an ombudsman and an ombudsman should as far as possible be neutral politically and therefore discharge his duties with demonstrable neutrality. Therefore, I would like with your permission if I may move an amendment *-(Interruption)*

MR. BAGUMA ISOKE: Point of information. Mr. Chairman, this information is pertinent to what Hon. Ogola. We have got clause six to this same article appearing on page four of our report catering for political neutrality that whoever is a Member of Parliament or a local district council or a member of the executive of a political organisation shall not be one of those officers.

THE CHAIRMAN: Maybe Hon. Ogola, if you want to bring out that, you can polish up on the other one I think and then we come to that.

MR. OGOLA: Mr. Chairman, I stand to be guided and I accept that. Thank you.

MR. TIBERIO OKENY ATWOMA (Chua County): Thank you Mr. Chairman and I think the whole House. Mr. Chairman, I have served notice of my intended amendment to this report on paragraph (d) which requests this Hon. House to consider inserting the following words in between the words *experience* and which should now read: "...possesses considerable experience or at least five years, and demonstrated competence and calibre in the conduct of public service." I beg to move.

THE CHAIRMAN: Hon. Atwoma, has been seconded by Hon. Okula-Soroti. Hon. Atwoma is saying that we should *-(Interruptions)-* order, order. Just a moment. Hon. Atwoma has moved an amendment and he has been seconded to say or to insert the words: "... *experience of at least five years.*" after the word *experience*.

MR. DICK NYAI (Ayivu County): Thank you very much Mr. Chairman. Mr. Chairman, I would like to plead with Hon. Atwoma Okeny Tiberio to reconsider his formulation in light of the following Mr. Chairman. But I do not think that five years is what normally we would call considerable experience. Secondly, if people appointed to this grade of employment include High Court Judges who have more than 15 years of experience, I do not think it

would be sensible for us to start valuing criteria one against another. I think further Mr. Chairman, I would plead through you that Hon. Tiberio Atwoma considers that the rest of this is going to be subsidiary legislation and I think we should not do the work that Parliament is going to do inside this Constitution. Thank you Mr. Chairman.

THE CHAIRMAN: Okay, now Hon. Tiberio Atwoma, the problem we have is this, if one clause we have just approved says at least one of those people must be a person capable of being appointed a judge and then you look at provisions relating to appointment of judges and the requirements are higher than you are proposing. Are you trying to bring it down? Do you not think you should reconsider in light of that Hon. Atwoma?

MR. TIBERIO OKENY ATWOMA: Mr. Chairman, if that is the interpretation that the one who is going to be appointed a Judge of Uganda High Court is to have the experience of 15 years, then how will you then ask that 15 years to be inserted here than to leave it blank?

THE CHAIRMAN: No, you see, it does not work that way because once you have taken a standard based on I think in this case a judge, then you do not go on to prescribe the period within here. You let the other provisions relating to judges pick up the rest. I think the House is not very friendly to your motion. I think Hon. Atwoma, if I were you, I would abandon the project.

MR. TIBERIO OKENY ATWOMA: Well Mr. Chairman, with that explanation, knowing that all is going to be equivalent to the qualification and either you have given me to understand that at least for someone to become a judge, he will have to serve for more than 15 years. That one can be accepted and if that is the understanding, it was my worry that to leave it just for considerable experience and leave it at that and I thought to make it well understood - now if it is well understood, and it will be interpreted in our constitution, I have no problem.

THE CHAIRMAN: Thank you. Okay, the recommendation on clause four renumbered five is acceptable. Hon. Baguma Isoke, go to the next.

MR. BAGUMA ISOKE: Mr. Chairman (c): The Committee recommends that a new sub-clause (c) be introduced reading as follows: "That unless that

person is a citizen of Uganda.” Our reason for it is as indicated below that this IGG and the Deputies will be involved in a lot of research work in sensitive offices archives of Uganda. They will probe security organisations and other strategic areas of State like finances and reserves. Such areas should be preserved for Ugandan citizens. I beg to move.

MR. BAGEYA GEORGE (Kigulu North County): Thank you Mr. Chairman. Whereas I do not disagree with that change, I would have liked to see that the citizen should be a citizen of Uganda by birth specifically.

THE CHAIRMAN: Okay, the chairman of the committee will comment on it.

MR. TIBERIO OKENY ATWOMA: I have even the paper before you there Mr. Chairman to that effect that we add the words *by birth*

THE CHAIRMAN: I can hear a lot of talking on the Floor. We do not want to have many meetings in one hall at the time we are considering very serious matters.

PROF. KABWEGYERE: Thank you Mr. Chairman. I would like to oppose that amendment. Mr. Chairman, let us not be discriminatory too much against different categories of citizenship. I think the issue of Presidency, yes but if we are going to say that a high position in government, should not be occupied by a citizen who has acquired citizenship by registration or by decent, then we are, I think discriminating against the citizens. Mr. Chairman, it is even psychologically possible for a person who becomes a citizen to be more loyal than those born as citizens. It is known that a person who joins a group later may identify with a group more than the original ones. Secondly Mr. Chairman, the fact that a person chose to become a citizen say by applying, maybe that he had good reason to do so and if a person has also been considered and given the citizenship after he has applied, I do not see why we should go ahead now to discriminate against him if he has the competence that is required. I therefore oppose the proposal that we must specifically mention *by birth*.

MR. PATRICK KASAJJA (Bulamogi County): Thank you very much Mr. Chairman. Mr. Chairman, I strongly support the addition on the amendment that this citizenship should be by birth. Mr. Chairman, if we are aware, we gave in many reasons-

THE CHAIRMAN: Just a moment. It would appear there is a desire to debate this issue because I was informally trying to see how the ground is like. Hon. Atwoma has moved a motion seconded by Hon. Okula Charles that we should add the words: *by birth, a citizen of Uganda by birth.* by amending it to read that way. And Hon. Atwoma had not been given the chance. So I will take away the Floor from Hon. Kasajja for the time being giving it back to the mover and then I will come back to you.

MR. TIBERIO OKENY ATWOMA: Thank you Mr. Chairman. Mr. Chairman, I think this motion is a very simple one for any mind at all to understand that the purpose for us creating this Inspectorate... The country is to fight corruption, is to look after our affairs, public affairs and to make sure that it is properly run. Secondly, it is open, this department is open to any citizens and to any office, as to say to go to the archives, to go to the most secret parts of the country and we should always be mindful to entrust that kind of thing to our very born children. This is, Mr. Chairman, I am finding here some very grown up people trying to turn this to be a play thing - to say I am talking for Acholi and this is by Prof. Senteza Kajubi, the Hon. and this is very serious.

THE CHAIRMAN: Hon. Senteza Kajubi, please desist from harassing the Hon. Mover.

MR. ATWOMA: Well, Mr. Chairman, probably to make this House to realise the seriousness - *(Interruption)*

PROF. SENTEZA KAJUBI (Kyadondo North County): Point of order. Is Hon. Okeny on the Floor in order to drag me into his arguments when I have not said anything? *(Laughter)*

THE CHAIRMAN: Hon. Atwoma is in order, because I saw you addressing Hon - I saw you with your back turned to the Chair and addressing, either Hon. Lumala or Hon. Atwoma contrary to the Rules. Hon. Atwoma proceed.

MR. ATWOMA OKENY: Probably, to make this House realise the gravity of this Motion, this that we have before us here, this Paper here, which is of a big concern to Ugandans, some of us, those who are mindful of the welfare of this country. The amount of corruption that is taking place today, within the Governmental departments is appalling. Mr. Chair-

man and if we are sent to look after the welfare of our people. So, I need to be pressing. I would say, I am very sorry, that we are not serious enough. Mr. Chairman, *(Interruption)*

THE CHAIRMAN: I think let the member finish his submission. If you want anything, you can ask later, otherwise, continue.

MR. OKENY ATWOMA: Mr. Chairman, in this very paper that I am holding here, the Monitor, it is talking of something which is very serious of a very famous story today going on - the Hon. Rwomushana's case and which is involving even the whole very important person of this country, the President. You can see when we shall appoint an Inspector General, how difficult it is going to be for him to face such kind of personalities. Unless we have a person who has the country at heart. Mr. Chairman, and again even in this paper again, we are seeing a criminal escape. I think everybody has read this. These are concerning corruption going within our institutions in the country and we need a person of calibre as it is stated here, who will come out boldly to face the oddities of this country, to clear the extent of corruption that is really now killing this country.

Mr. Chairman, I would be very surprised to see that Hon. Members will not take this into account as a dear issue for them to clear once and for all. Mr. Chairman, I feel very sorry that some of the members are turning to be oppressing and now we urge them to be more serious for their country that this corruption has got to be cured. We can only cure it by selecting a very committed and dedicated son or daughter of Uganda. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. Atwoma has moved his Motion, that we add the words *by birth*. I will give the Floor to Hon. Patrick Kasajja.

MR. KASAJJA PATRICK : Thank you very much Mr. Chairman. Mr. Chairman, as I said earlier, I support the addition of the Amendment to read that this citizen should be birth for the following reasons which I am going to read. One, Mr. Chairman, we agreed that we have acquiring of citizenship in Uganda. One is by birth and that one of course, you cannot lose it irrespective of where you are, even when you go and get another citizenship in another country, still you remain a Ugandan here. Then, the other one is by registration. Now, I am

talking of - my reasons are going to be based mainly, Mr. Chairman, on a person who is a citizen by registration. If a person is a registered citizen, his allegiance to this nation is not divided. In fact, that person can easily come here when he has his own ambitions, maybe he comes here as a spy, he finishes spying and then he says well, I am now tired, then he goes back to his country, he can renounce this country. So, Mr. Chairman, if that person has been in a post like this and he has been handling many sensitive materials, if he goes back, that thing can be a security risk to this nation. So, on security, that one, we should take it serious that we need a person who is a citizen by birth.

Then, secondly, Mr. Chairman, responsibility. Okay, some people are saying that you tie responsibility - *(Interruption)*

MR. MULASSANYI DAVID (Rubanda West County): Point of information. Thank you, Mr. Chairman. I want to inform the hon Member on the Floor that when we were discussing the Defence and National security, I moved an Amendment that only citizens by birth should be recruited in our Army and the Police. This was rejected by the Legal and Drafting Committee. I was satisfied. But if we allow citizens who are not citizens by birth to become soldiers which is more risky, that office or the office of the IGG?

THE CHAIRMAN: I think if we go into - *(Interruption)*-

MR. MULASSANYI: Mr. Chairman, I think that one will be a consequential Amendment - *(Interruption)*

MR. KIGAYE-BILYAWO ERIYA (Budaka): Point of information. Mr. Chairman, I would like to inform the Speaker on the Floor, that he is one of the Directors of Revenue Authority and Uganda Revenue Authority is headed by the Commissioner General, who is not even a citizen, but he is doing a very good job for this country, better than the Ugandan citizens who are there.

THE CHAIRMAN: And Hon. Kasajja of course, is a Director with the Board of the Uganda Revenue Authority.

MR. MULASSANYI: Mr. Chairman, I do not deny the fact that the Commissioner of the Uganda

Revenue Authority is a foreigner, he is a Ghanaian, that is true and he is doing a good job, but he is here actually on a contract which soon will be ending and then he goes away. But there is not so much security involved in the question of revenue. However, Mr. Chairman, I will proceed if members allow me.

THE CHAIRMAN: Please conclude your remarks.

MR. MULASSANYI: Mr. Chairman, I was going to talk about the second point of justifying why we should have this person being excused. I was saying that if we have a person at this level of Inspector General of Government, being a citizen by birth. It is going to be important that he is Ugandan by birth because, to me, in my ranking, I find that person almost next to the President, because this is the man who can even investigate the Chief Justice if he has been involved in anything which is contrary to what he is supposed to do. So, how many people in this country can do such a job? And for me, because of that, I would rather that we get this person being a person who really is attached to this nation. Therefore, Mr. Chairman, I would strongly urge the members that in the light of the importance of this post that we should have a Ugandan by birth to take over this post. I thank you very much.

THE CHAIRMAN: Okay, we have heard Hon. Tiberio Atwoma's Motion, it was seconded and then Hon. Byakika has spoken in favour of it. I will have another person in favour of the Motion.

MR. SAKWA DARLINGTON (Bungokho South County): Thank you very much. I stand to support Hon. Tiberio's Amendment, because I think the office of the Inspector-General of Government is very sensitive indeed. Mr. Chairman, to be able to fully investigate issues of corruption, issues of human rights abuse, you may be required to have the Inspector-General visiting sensitive, security institutions or installations in the country. Now, if this person is not a Ugandan by birth, he may still have blood allegiance with his own original place where he came from. It is only human that he may find information which he would like to release to his original or a country of birth, because his allegiance to Uganda, I would call it as that of convenience. A citizen by registration for example, - *(Interruption)*:

MR. WAMBEDE SETH (Bungokho North County): Point of information. Mr. Chairman, I will thank my neighbour Hon. Sakwa for having given

way. Mr. Chairman, the information I want to give him is that. In the first instance we registered this citizenship and secondly, for one to be granted citizenship, it means he has no any single interest whatever in the previous country where he belonged. That means, he entirely has his allegiance to the present country which has granted him citizenship. So, you cannot deny him anything any right, even to the present by the way, he can even sue you. So, that is the information I want to give that he will not have powers.

MR. SAKWA: Thank you my neighbour Bungokho North. I would like to inform you that there is no measure you can use to determine whether or not a person has totally renounced his original citizenship.

Secondly, the fact that, that person renounced his original citizenship to acquire Ugandan citizenship, makes him actually more liable to denounce Ugandan citizenship than anybody else. He is therefore, a very unstable person who should be - *(Interruption)*

THE CHAIRMAN: I think Hon. Sakwa, that argument is being stretched, because there are those who may acquire Ugandan citizenship by birth not of being unstable, because they have become spouses of Ugandans.

MR. SAKWA: Yes. Thank you Mr. Chairman for that information. I would further say that - *(Interruption)*

THE CHAIRMAN: No, I think let him finish his contribution.

MR. SAKWA: I would further say that, even in that case, Mr. Chairman, there are many people who have acquired citizenship through marriage for convenience purposes. We used to have here a very interesting phenomena amongst people who used to go to the Soviet Union in the past. I have a cousin as a practical example, who used to arrange to marry Russian ladies, in order to enable those Russian ladies to leave the Soviet Union those days when it was difficult for them to do so. As soon as they reached Uganda, and they acquired Ugandan citizenship, the marriage was dissolved conveniently and the lady was free to move. Mr. Chairman, the issue of allegiance is a natural one. I will quote an example of what used to happen when, although this is not as strong as a citizenship, but it shows you how

people still retain the allegiance of their originality. We used to have in those days Inter-University games and some of us who were in the University of Nairobi, noticed a very interesting phenomena. When we were playing games with Makerere University, we as students of the University of Nairobi, were supposed to really support our team, but you would find occasionally, when the Ugandan team scored, you would find even people from the Nairobi University cheering. Because at the back of their minds, they were Ugandans, they were belonging to Makerere University indirectly. So, Mr. Chairman, the issue of natural allegiance is very difficult to destroy and therefore to avoid getting into problems I would seriously urge members to support the Amendment that the person holding this office should be a citizen by birth. I thank you.

THE CHAIRMAN: Okay I will have two people speaking against the Motion.

MRS. LAGADA BEATRICE (Women Delegate - Apac): Mr. Chairman, I am opposing this Motion. Mr. Chairman, I want to begin by saying that the person who would be appointed to that office, we have already agreed would be a person of high moral character and integrity. We have already agreed that should be a person of considerable experience and should have demonstrated competence and calibre in the conduct of public affairs. Mr. Chairman, the arguments I have heard for this Motion is based on the question of patriotism. The argument is that, a Ugandan by birth is more patriotic than a Ugandan by registration or otherwise. Now, Mr. Chairman, I am not sure whether when a person is born a Ugandan automatically has more integrity than somebody else who is a Ugandan by registration. I think integrity is a quality that can either be in a person born a Ugandan or a person who has chosen to be a Ugandan. It depends on the sort of human being you are and if you have served in this country for 20 years or 15 years and you have proven that you are a person of integrity, why should you not be appointed to that office? We have said, Mr. Chairman, that other people will marry Ugandans and we shall register them and they will be Ugandans. Now, supposing some Ugandan man has married some woman, let say, maybe a Zambian or somebody, they have been married for 20 years, she has served here in public office for 20 years, she is respected. Now, should we bar that woman from appointment to that high office, because of where she comes from, yet she has proven herself, she is being

appointed somewhere else? Whereas in this country we have had very many examples of Ugandans who are born Ugandans, who are not patriotic at all. Mr. Chairman, I really think that we should base our choice of a person to that high office on the question of integrity and of their proven ability to serve this country. Even if you are born a Ugandan, you may not necessarily be patriotic, we have had plenty of examples of Ugandans who have not shown they are more patriotic than other Ugandans. Therefore, I beg to really oppose this Motion and ask the people to defeat it. Thank you.

CAPT. BABU EDWARD (Kampala Central Division): Thank you very much. Mr. Chairman, I oppose that Amendment on the basis that, first and foremost, by international law, once you admit somebody in your fraternity, and you accept him as your citizen, you again do not discriminate against him or her. That is international law.

The second point, Mr. Chairman, that I realise that is rising up in this House is self preservation. We should be very careful with this. The others are not good, we are good. I think we should be very careful when we are judging other people and we should be very careful, because we might even be sending the wrong signals outside, we are sending the signals that we are angels and high and mighty and other people are not good. I do not think this is correct. I think we should really become a little bit more serious. Once you have agreed to grant your citizenship, during the process of granting the registration, you cross-check the person, you use your intelligence system to make sure the man does conform to your requirements. If that person does not conform to your requirements and if that person does not conform to your requirements, you do not give them your citizenship. You must be satisfied beyond reasonable doubt that the person is sincere, he wants your citizenship. From that pretext alone, you cannot therefore refuse the man the right that you have bestowed on him of being a citizen of Uganda, and a proud citizen of Uganda. We cannot create first class citizens and second class citizens. If you do that, you will be creating an unworkable position in the Constitution and it is going to be dangerous. Once you have agreed to give your citizenship, please do give the citizenship, if you do not want to give the person citizenship, say, I will not give you my citizenship. I think it is better right from the onset for us to agree on the basis of this one. I do realise that in the Naturalisation Act, there is a process and

that process is, you must get as much information as you can on a person you are going to make your citizen. In fact, in some countries, they even go back from your country of origin to find out if you are not a criminal. Now, once you have agreed on that one, and you have come and given the man your citizenship and then you say, oh, you are very nice, but in certain areas we do not want you. You now go against the very declaration of human rights that you have signed, of discrimination. I therefore would like to go to another point of patriotism. Just to the ombudsman or the Inspector-General of Government, is because we are not very good ourselves. Otherwise, we would not need an Ombudsman. That means we are not patriotic ourselves, that is why we need another man to stand up and find out if we are not corrupt or not, and that is why we are creating the office of the Ombudsman. Therefore, since those angels who are not corrupt are not only among us, when somebody has become a citizen of this country, and he wants to stand up, you cannot refuse him. Let me give you the American Constitution thing. In American Constitution, apart from the presidency, you can stand for all the other posts. In fact, one of their best Secretary of State had just become naturalised, and that was Kissinger and he was more patriotic than a lot of Americans who went and sold the secrets of United States to then, Soviet Union. The biggest spies have always been citizens. Therefore, you cannot turn around and say only the people who become citizens are the bad ones. I think we better be very careful on this one. I therefore end by saying, Mr. Chairman, that this sectarian tendency which seems to be coming up in this august beautiful House. I would like to suggest that we kill that completely and we move above that level of sectarianism. Thank you very much.

THE CHAIRMAN: Thank you. Now, we have heard those for and against and I think we have exhausted them, because I do not see any better arguments arising from the Floor. Let us now pronounce ourselves. The Amendment is by Hon. Tiberio Atwoma seeking to amend a recommendation from the Committee that for a person to be our ombudsman or Inspector General, should be a citizen of Uganda. Hon. Atwoma seeks to make it a citizen of Uganda by birth, that is the Amendment. So, we vote on that one first and then come to the main recommendation. Let me put the question on Hon. Atwoma's Amendment.

(Question put and negatived).

THE CHAIRMAN: Yes, I take note of - now the question is on the recommendation, that we insert this new paragraph.

(Question put and agreed to).

THE CHAIRMAN: We have had an additional paragraph.

MR. BAGUMA ISOKE: Mr. Chairman, Select Committee 1, recommends the Plenary that a new Clause 6 be introduced to cater for the following situation, that the person who is qualified to be an IGG or Deputy, should be impartial and therefore, should not exercise political functions. This is in light with what Hon. Sam Ogola wanted to move at the beginning of this Session. So, Select Committee 1 recommends that a new Clause 6, reading as follows, be introduced. "A person is not qualified for appointment as an Inspector General of Government or a Deputy Inspector General if he is a member of Parliament, and:
b) if he is a member of a District Council or
c) if he is a member of the Executive of a political organisation." Here, Mr. Chairman, I will explain what the committee means by political organisation. These are political parties, including a political Movement.

THE CHAIRMAN: That is the Motion that we add a new Clause.

MR. BATEGANYA DICK (Bukooli Central County): Point of clarification. Thank you Mr. Chairman. I wish to get clarification from the Chairman of Committee 1. This particular sentence says, if he is. Does that include the 'SHEs' or they are excluded from...

THE CHAIRMAN: That will be polished up during the drafting. I think we shall decide whether we want to say he or she or we say that person, but that is the drafting thing.

MR. KATUREEBE BART (Bunyaruguru County): Point of clarification. Thank you Mr. Chairman. I am also seeking clarification from the Chairman. When you talk of a person if he is a member of Parliament. Now, what if she has been a member of Parliament and has lost and has ceased to be. Does that mean, the reason why I am asking this clarification is, if the idea is to remove political bias, someone who has lost, although he is not a

member of Parliament, is he still not capable of political bias?

THE CHAIRMAN: Okay, the Chairman will answer that. Hon. Zziwa George have you changed your mind?

MR. ZZIWA GEORGE (Kawempe North County): Mr. Chairman, I just wanted to contribute substantially to the Motion. Mr. Chairman, I strongly support this Motion in that, this office needs impartiality and this is the key word to this office and for one to be impartial. One as you have already said, must be of a high integrity, and again, not to be influenced by say, a political party or by belonging to a particular clique of political thought. One should not be a member of Parliament, and one should not be a member of a district Council.

In fact this one, with our present set of setup, is in fact, that a member of the Movement, as things stand at the moment, should not be an officer or should not take up this post. Mr. Chairman, being a member of the executive of a political organisation, one has a lot of influence and one is really bound to show impartiality, to have an inclination to his party. It is very, very important as I have said, Mr. Chairman, that impartiality should be maintained at all cost. Mr. Chairman, with those reasons, I do support that this recommendation be adopted by this Assembly. Thank you.

MR. SEBALU KENNEDY : Thank you very much, Mr. Chairman. I am a member of committee I and we decided to introduce this new Clause after a very thorough debate and analysis of the issue at hand. The mood in the committee was that it may not be possible to have someone who does not have political inclinations. But how one appears to use his inclinations in the execution of his duties was our main concern. You find that if someone for instance, is a Member of Parliament, although he may act impartial, but the conscience of other people judging him may look at him as someone who is trying to execute his duties with a view of biasing his side. When you look at the member of the executive of a political organisation, as the Chairman has explained that for a political organisation, we meant, political parties, a Movement and any other political arrangement that can be in place. But if you find that one is a member of the executive, in the execution of his duties, he may find it very difficult to portray himself in the public as someone who is impartial. So, for

avoidance of that kind of situation, we thought that, on top of being a person of high calibre and the other condition which we set aside, someone should not fall in any of these categories to appear to the public and to execute his duties with impartiality without considering any political feelings. So, Mr. Chairman, the Committee's recommendation is in very good faith, it caters for all the interests. We want someone who will serve the public without appearing to be politically motivated or otherwise. So, I support this recommendation and I beg that delegates to just see reason in it and just pass it.

THE CHAIRMAN: Let us hear a member of a political party executive.

MR. MULENGA JOSEPH (Democratic Party): Thank you very much, Mr. Chairman. Mr. Chairman, I do appreciate that while holding office as a member of Parliament or district Council or executive of a political party or organisation, there might have been conflicts of responsibilities. But to base this Clause on the assumption that these people are not capable of being impartial, I think he is wrong. Like Hon. Katureebe, I would pose the same question and say, those who come in and go out, while in oblivion, would they qualify? Would it not be better if we provide that if appointed IGG and you are an MP, you resign? Because I can be a very good MP who is capable of being impartial and a good IGG!

Recently, our IGG was elected to CA. If that was Parliament, he would be called upon to resign as IGG, if he wants to keep that electoral position. But does it make him a bad IGG or disqualified, because he has either had a history of being a member of Parliament or a member of executive a Party. Mr. Chairman, I - *(Interruption)*

MR. RUZINDANA AUGUSTINE (Ruhama County): Point of information. Thank you very much. Mr. Chairman, I am a member of Committee I and the information I want to give is that, the current ombudsman of France was a Minister for External Corporation until 1990 and he is the Ombudsman now.

The intention was not to bar all people that have been members of Parliament or people that have served in senior positions. The intention was to prevent them from holding these posts concurrently. In other words, if a member of Parliament is appointed Inspector

General, then he would have to relinquish his membership of Parliament. He would relinquish his post as chairman of a political organisation and that is the information I want to give, Mr. Chairman, but not to bar them from ...

MR. MULENGA: Mr. Chairman, I am grateful for the information. I would wholeheartedly support that if the Clause gave that meaning. It does not. It may need the services of the Technical Committee, but when you say the following person is not qualified, it means he will not be considered, that is my worry. If a member of Parliament is not qualified for appointment, he will not be considered. So, if there would be a way of couching it to show that meaning that Hon. Ruzindana has given, I would have no problem. Thank you, Mr. Chairman.

MR. SEBALU KENNEDY: Point of information. Thank you very much, Mr. Chairman. I appreciate the information by Hon. Ruzindana but my understanding is quite different. I am a member of Committee 1, too. But I believe that the information given in Clause 6 as it is, is what we passed in our committee. Because we even had a situation whereby a member of Parliament himself is a seating member of Parliament and he is interested in the office of IGG and the same Parliament is supposed to approve - you are going to have even conflict of interest, at that stage. So, we felt that the IGG should be appointed from other areas save for the ones that have been categorised here. I beg the Chairman to throw more light on that. But that is my understanding.

THE CHAIRMAN: It would appear the minds of some members of the committee did not meet, because Hon. Ruzindana says, it was intended that members of Parliament could be considered, but on appointment, they cease to be members. Then, Hon. Sebalu is saying, no. They should not even be considered, because they may influence the events of appointment. Now, that puts us in a difficult position. Can we hear from another member of Committee 1? Another member of committee 1, whether that is correct, because if the view by Hon. Ruzindana is the position, then we have to re-write this provision. That a person shall not be or remain, a person shall be or remain a person shall not be appointed or remain an Inspector General or whatever, if that person, then you go on, so that you bring out the meaning Hon. Ruzindana was saying, was understanding of the committee. But there are other views. Now, I am going to confine for a while to

members of the committee so that we undo, that Mr... Is Hon. Nsambu a member of the committee? Could we hear your interpretation of the situation, please?

MR. NSAMBU NSUBUGA (Makindye West County): Mr. Chairman, what is contained in our report, is the truth. Actually, we wanted to eliminate Parliamentarians, we also wanted to - members of District Councils and members of the executive of political organisations. Because we knew, if we allowed then they would use their influence, especially if the head of state was a member of the party to which they belonged.

THE CHAIRMAN: Okay, that being so, Hon. Ruzindana, what do you say to that? Does your memory now come back to the general line?

MR. RUZINDANA: Thank you, Mr. Chairman. Mr. Chairman, I would like to refresh the memory of my Colleagues in the Committee, that this arises from what we had passed in Chapter 12. It is not only in this Chapter and in Chapter 12, we had discussed at length and came to the conclusion that people who are elected to offices of this nature, relinquish the posts they were holding. This is what we carried over to Chapter 16, if I remember well. That was the concept we carried over from Chapter 12, with relation to the Public Service Authority and the other Commissions and then we incorporated it in this Chapter. That is if my memory serves me very well.

THE CHAIRMAN: I am at this juncture trying to come to what we should debate, because we cannot debate two concepts, because as it stands now, we have two concepts on the Floor. One which says, it was deliberate intention of the committee to bar politicians of the manner described here from even being appointed if they are members of those bodies. There is another view that, they are illegible, provided that on being appointed, they relinquish their offices.

DR. JAKOB ANIKU (Madi-Okollo County): Thank you, Mr. Chairman. I am a member of committee 1. The Amendment as it reads is correct. We meant to eliminate members of Parliament from qualifying to become an IGG, because these members of Parliament would be involved in selecting the IGG. As this person is a member of Parliament, he will lobby among his Parliamentarians to be elected. So, we meant a person who is a member of Parliament will not be considered.

Secondly, Mr. Chairman, we also felt members who are executives of a political organisation, like the NRM, like supposing somebody is a member of the Presidential Police or whatever Commission, if you appoint this person, and then you tell him to resign, I do not think this person is going to remain impartial. So, we meant that such people when identified, they will not be considered for this post. So, were the district Council members. So we disqualified all these people who appeared here, not on condition that they first resign. Thank you.

MR. SSEKWEYAMA ANTHONY (Mawokota South County): Thank you Mr. Chairman. Mr. Chairman, I was a member of the committee and during our deliberations as Hon. Ruzindana said, the over-riding consideration was whether - in regard to possible conflict of interest and responsibility and therefore our neutrality and impartiality. Mr. Chairman, as he says, while we were discussing Chapter 12, our initial tendency was to bar people of this category from being appointed members of the Public Service Authority. On second consideration, we thought it would be unfair for one to just to be disqualified because at the moment when they are considering the appointment of the body, he happens to be a Parliamentarian or a member of a body that would seem to be in conflict with that office. So, we said as long as that person would relinquish the office, he would be holding immediately, before he is considered, he can be appointed. I think, Mr. Chairman, this is a matter of drafting, because I think it did not come out as clearly as that, but I do not think that many of us who were in the committee were intending to bar for ever people who otherwise qualify, but who happen to be serving at that material time in these offices below here. That is what I also think that was the view of the committee. Thank you, Mr. Chairman.

MR. KASOLE BWERERE (Buwekula County): Thank you Mr. Chairman. Mr. Chairman, I am a member of Select Committee 1. Clause 6 does not really reflect what we intended to mean. It should have been consistent with Clause 4 on page 3, which reads as follows:

The Inspector General of Government and Deputy Inspectors General shall be appointed by the President, with the approval of Parliament and shall not while holding office, hold any other office of emolument in the Public Service. That is what we meant to say. Once appointed, the Inspector General, you have to relinquish other posts. That is what we meant. Thank you, Mr. Chairman.

THE CHAIRMAN: We have now got a position of three members, having the memory of Hon. Ruzindana and three members having the memory of Sebalu and so we have come to a draw. Who are the other members? Let us hear from the Chairman, because we have developed - let us hear from the Chairman as to what his committee....

MR. BAGUMA ISOKE: Mr. Chairman, I did chair the session that considered this new Amendment. Mr. Chairman, as pointed out by Hon. Ruzindana, we transplanted that particular Amendment from the ones we had earlier passed when considering the Public Service Commission, the Teaching Service Commission and the new Commission we created - the Health Service Commission. That those serving on those commissions, will be doing so on a full time basis and will also exercise impartiality in the execution of their duties. Now, members of Parliament and district Parliament and members of the executives of political organisations, in the mind of committee members, would not be seen to be impartial in executing their duties. For example, in instances where a District Authority is being probed or a political organisation is being probed for any fault that is brought before the office of the IGG. Now, we exhaustively discussed that matter in Chapter 12, because we had considered it under Public Service Authority, under Civil Service Authority, under Teaching Service Commission and Health Service Commission. When it came to the Inspectorate of Government, the debate was very short. However, Mr. Chairman, I do not think Select Committee 1, is now opposed to the position our very member Hon. Ruzindana, who is even the Mover of this particular Motion within the committee. We are not opposed to adopting that position, provided it comes out with a good formulation to cater for those who may be one of these categories to give up these offices in favour of new appointments, as IGGs or Deputies.

DR. MAGEZIDAUDI (Jinja Municipality East): Thank you very much, Mr. Chairman. Mr. Chairman, we have now listened to the Chairman of our committee and I beg to move that the question be put.

THE CHAIRMAN: But you see, Hon. Magezi, I will have followed up that point, but the Chairman of the Committee is saying that while he accepts the interpretation placed on what it is here, he does not mind if this also took into account the views expressed by Hon. Ruzindana. So, it would appear, -
(Interruption)

DR. MAGEZI: Mr. Chairman, the Chairman is now abandoning the report?

THE CHAIRMAN: In fact, I want to send it back to you. I would like to send this matter back to the committee, because the memory of the members of the committee is not one, right from the Chair down. So, we cannot now proceed speculating on key positions. So, what I propose and I think this is what we should do, that this matter goes back to the committee. Let them go and meet in their own committee, agree on a formulation, in consultations with the Legal and Drafting Committee and bring it back to us.

Meanwhile, we go on to the next one and anybody who needs to make any clarification, you go to the committee, because if we discuss the matter, be it by way of clarification, we shall in fact, be discussing the matter beyond what is necessary. No, with information can go to the committee, because if re-open the subject, be it by way of information or clarification, we shall be wasting time. The matter stands referred back to the committee, Hon. Chairman of the committee and your committee should come back with an agreed position for us to consider. Agreed?

MR. BAGUMA ISOKE: Mr. Chairman, the numbering of the Clauses should not bother us so much.

THE CHAIRMAN: That will be done by the Technical Committee.

MR. BAGUMA ISOKE: Select Committee 1, recommends that Clause 5, as it appears in the Odoki Draft, be amended by adding the words, 'only once' to it and should now read as follows:
The Inspector General of Government and Deputy Inspectors General shall hold office for a term of four years, but shall be eligible for re-appointment only once."

THE CHAIRMAN: And the rationale, it does not appear.

MR. BAGUMA ISOKE: It is appearing as Clause 5, on page 109. The Amendment introduces two words, only once, two terms, that is.

THE CHAIRMAN: Yes, we want to take your recommendation, but you have been giving us rationale in respect of other recommendations, that is why I was waiting for you to say why you think that,

he should serve eight years and no more.

MR. BAGUMA ISOKE: The reason for this recommendation is a simple one, that more than two terms would personalise such an institution.

MR. MASALU MUSENE (Manjia County): Thank you, Mr. Chairman. I have heard the reason given by the Chairman of committee 1. My only quarrel or my problem is that, we have to take into account the issue of continuity, because if you are lumping together the Inspector General and his Deputies and saying that once you are have been inspector General or Deputy, you cannot serve for more than eight years. Supposing we have a situation where we feel that one of the Deputies should take over from the substantive Inspector General who has may be served for eight years or so. Why should we lump them together because there is need for continuity, because now, if you say, this group goes, then you bring another new lot, I think there might be problem with continuity. So, I seek clarification from Chairman of Select Committee 1.

THE CHAIRMAN: So, you are saying that should they be appointed on the same day, and they serve their two terms, we should have a clean slate again and that may irritate against continuity. That is what you are saying.

DR. BYARUHANGA FABIUS (Kitagwenda County): Thank you very much, Mr. Chairman. Whereas the limitation of years in office in the case of holders of political offices, like the Presidency, is acceptable, because we know that when somebody personalises an office, he may make it impossible for others aspiring to come to that office to make it. In the case of the IGG, this problem does not arise because the IGG is not an elected official. He is appointed by the President with the confirmation of Parliament and therefore, if we accept that the term of office of the IGG will only be limited to the maximum of eight years, I think we shall be refusing to accept the benefit of experience in such an office that really requires a lot of knowledge and experience to get the work that comes to it done. Therefore, Mr. Chairman, I would like to request the Chairman of the Committee to reconsider this issue.

THE CHAIRMAN: Hon. Tigwezire.

MR. TIGWEZIRE JOHN (Bunyangabu County): Thank you very much Mr. Chairman. The office of the IGG, as the Speaker who was holding

the Floor has just told us, is not an office whereby you are going to appoint somebody for a certain period and such a period before it elapses, the appointed person tries to please the government of the day so that he can be re-appointed elsewhere. I want to urge the Members to revisit the terms and conditions of service of the Chief Justice - for example. It is very clear, it gives a retirement age, when the Chief Justice comes of that age then, the man can go but if the IGG is doing a good job and then the government of the day says that he can continue. I do not think we should lose such person. If you give him two terms, at the end of the second term, the man will want to get favours from the government of the day and he will not do a good job because he will want to get another job elsewhere. So, I want him to be left independent, Mr. Chairman.

MR. KIRUNDA KIVEJINJA (Bugweri County):

Thank you Mr. Chairman, I go in for those who want the IGG to serve two terms. The reasons I have is that he is not comparable to the High Court Judge because the other one is really serving a judiciary which has got its own terms and actually this question of Inspector General of Government, is pretty a very taxing job. Because the other one - the judge only judges cases that have been brought to him and he does not need to go and probe and step on other peoples' toes everyday because he wants to bring everybody in order. I think if he serves the first four years and he is then re-elected, the eight years is enough actually to be on that hot line. He should also give place to another one to experience it because it is not a profession - It is not that the longer he stays, the more he will be renown as a renown Judge being promoted to the International Court of Justice. So, I think this is a unique job and I think it is enough to keep somebody, therefore, two terms. Thank you very much.

THE CHAIRMAN: Now, let me hear one for the proposition and one against the proposition. For the proposition - Hon. Eresu.

MR. ERESU : I would like first of all to dispel the imagination of some Delegates that if we have the Inspector General of Government and the Deputy Inspector General of Government to hold office only twice, there would be no continuity - that is wrong. In fact, if you look at the Amendment closely, it is only the Inspector General of Government who will only have strictly two terms of office but the Deputy Inspectors may be in the second re-appointment after

the second term of office be appointed to the office of the Inspector General of Government and that way there will be continuity. So, the imagination that there would be no continuity after eight years, actually is not correct. Secondly, I propose that this Amendment be carried because this Office is quite sensitive. There are certain government secrets that may land the individual into serious problems in the long run as a person even after he has left that office. If he stays there for a very long time, certain things may come which may impinge directly on his personality. So, for that reason, I do not have much to say. For that reason, I think two terms is good enough. Continuity is there through the Deputy Inspectors General of Government who will be promoted to Inspector General of Government on the appointment to the Office of the Inspector General of Government. So, I beg to move that we maintain this Amendment. Thank you.

THE CHAIRMAN: Now, I want to hear someone against the proposition. You had put up your hand for the proposition, now you are putting it up - Let us hear Hon. Byarugaba.

MR. BYARUGABA ALEX (Isingiro South County): Thank you very much Mr. Chairman. The current management trend is aimed at achieving results, not serving for years just for the sake of it. Mr. Chairman, the post of IGG should not be politicised. In other words tied to government. The moment Mr. Chairman, we give this office a term of office that is of eight years, will almost automatically mean that any government which comes in, will come in with its own IGG. The independence of that office, Mr Chairman *-(Interjection)* - will cease to exist. My strongest feeling about this position, Mr. Chairman, is that it should be made in similar fashion as a civil service post where you serve with continuity. Mr. Chairman, with continuity you will breed trust, you will breed confidence, you will breed experience as long as one is effective. We have got a lot of examples to draw from. We have a man called Kahooza who has been a life auditor and you know what good work he has done. The tiring argument by Hon. Kirunda does not carry any water. After all have we not seen Ministers and is not to run a ministry as a minister an equally tiring job? I have yet to see a Minister who has served in very many regimes *-(Interjection)*-

THE CHAIRMAN: There is a Point of Order. Hon. Byarugaba, give way.

MR. ERESU (Kaberamaido County): Point of Order. Is it in order, Mr. Chairman, for the Hon. Member holding the Floor to mislead the House by stating that in the appointment of the Inspector General of Government and Deputy Inspectors of Government we will be politicising the Offices by way of tying them to the terms of governments in question? When in fact, it is stated that - these offices of Inspectors of Government - Inspector General of Government and their deputies last four years and the terms governments of Uganda or political governments in Uganda last at least 5 years. Is it in order, therefore, for him to mislead the House by thinking that this appointments are equated to terms of government in the power?

THE CHAIRMAN: You see Hon. Member you are making a hypothetical point of Order because have we argued on five years in this Assembly? So, the issue does not arise. Please go ahead.

MR. BYARUGABA: Thank you very much for your very wise ruling. I knew you would do that. Anyway, as I was saying Mr. Chairman, it was my final point that we have seen ministers who serve regimes that come and go over and over again. The Ministry is not an easy thing to run and I am yet to see a minister, Mr. Chairman, resigning out of tiredness from a ministry. We should have this post as a continuous post to breed experience, confidence - *(Interjection)*-

THE CHAIRMAN: Are you taking information - he is not taking information.

MR. BYARUGABA: ...and effectiveness, Mr. Chairman. Thank you very much Mr. Chairman.

THE CHAIRMAN: Go on. Have you finished? You are taking information from your neighbour. The Chairman will choose who will inform you. I think Hon. Etonu had some information. Is it? Yes, go on.

MR. ETONU BENEDICT (Amuria County): Point of Information. I would like to inform the Hon. Member holding the Floor that the job of Inspector of Government and his Deputies is merely coordination. The officers who do the job, who will make the continuity like even the Ministers, are other aligned officers who are specialised. For instance, in the case of IGG, there will be maybe the police officers attached there. There will be High Court Judge as an

officer who is a learned friend, lawyers, there will be accountants and so on. Those are the people who will make the continuity and who will make the running of the office of the Inspector General of Government very smooth. It is not the head.

THE CHAIRMAN: Hon. Maikut. You wanted to inform him too?

MR. MAIKUT CHEBET (Kween County): Point of Information. The information I would like to give the Hon. Member on the Floor is that while ministers and other categories of civil servants which he has named like the Permanent Secretaries, are transferable, the officers at the Level of IGG and his deputies or her deputies, are not transferable. Because we all have one constitutional body and that is the IGG and nothing else where you can transfer that officer to another place. Thank you. *(Interjections)*

THE CHAIRMAN: No, let the Member continue. I can see a lot of hands. Could you conclude your remarks please?

MR. BYARUGABA: Mr. Chairman, I have heard a lot of information but the most latest was the most interesting because even in the civil service, I know of posts or positions held in the civil service and which are not transferable anyway - like Director of Medical Services. I do not where you would post that from Entebbe to where - I do not know! I think that one also has weakness but essentially we are trying to keep this man in a - to gain experience, to gain effectiveness, to create harmony in the country, to be very transparent, to go above politics, Mr. Chairman and above all to be impartial. Thank you very much.

THE CHAIRMAN: Now, let us decide this one. We are now at the decision stage. The recommendation - we have an Amendment which is suggested to add the words *only once* to the text as it appears. - *(Interjections)* What I want is to put the question. Unless the Members feel strongly that we should continue. I think the general view is that we resolve this matter. The proposition is that the Inspector General of Government and his deputies shall hold office for a term of four years but shall be eligible for re-appointment to add the words - *only once* i.e. they should serve eight years and no more and that is the proposition. I will put the question.

(Question put and agreed to)

THE CHAIRMAN: Hon. Baguma Isoke.

Mr. Baguma Isoke: Mr. Chairman, Select Committee I further recommends that Clause 6 as it appears in the Draft Constitution be adopted without any Amendment and it reads as follows: *'The remuneration and other conditions of service of Members of the Inspectorate of Government shall be prescribed by Parliament and the salaries and allowances of members of the Inspectorate shall be charged on the Consolidated Fund'*.

THE CHAIRMAN: Agreed? Now, I cannot put the question on that article because we have made a reference back to the Committee that one sum of the aspect when they come back, then we shall be reminded hopefully by the Chairman that we did not vote on that article to stand part of the Draft Constitution, then we shall decide upon agreeing on the question of membership of Parliament councils and political party executives. Now we go on to the next article. Article 258 and I call upon the chairman of the Committee.

MR. BAGUMA ISOKE: Mr. Chairman, Select Committee I recommends that Article 258 be amended to read as follows. This Article provides for the removal of the Inspector General and Deputy Inspectors General that - *'The Inspector General or Deputy Inspector General may be removed from office by the President with the approval of Parliament acting on the recommendation of a special tribunal constituted by Parliament only for the following reasons - a) Inability or failure to discharge the functions of his or her office or b) Misconduct, misbehaviour or Conduct unbecoming of the holder of the office'*

Our reasons are these, Mr. Chairman - This Amendment is really in line with what appears in the text except for formulation and for providing a special tribunal which shall as it were, try and the IGG decide one way that he or she be removed. Now, to make the removal of the IGG and his Deputy to have been done transparently, this special tribunal is recommended in this Amendment. This guards against arbitrary removal that could be interpreted as the action of the reigning president and the reigning Parliament but it will be Parliament to decide on the composition of this special tribunal which in the committee's understanding will be composed of judicial officers and non judicial persons. I beg to move.

THE CHAIRMAN: Hon. Zziwa George.

MR. ZZIWA: Thank you very much Mr. Chairman. I notice a lacuna here in that whereas, I do appreciate that the initiator of the setting up of the tribunal is the Parliament but it seems there is no set majority. Say, for example, if we say it is a 50 per cent majority in order to move the setting up of the tribunal. It so vague that maybe a few people could just rise and say we want a tribunal set up. Mr. Chairman, I probably, would like the chairman to probably plug this lacuna and give us a percentage of Members of Parliament who probably would move to set up the special tribunal. Thank you.

THE CHAIRMAN: But Hon. Zziwa, my experience with Parliament, is that Parliament acts subject to a quorum and once a quorum is there, then the rest is a question of whether the proposition before them has been carried or not. Unless you are saying that a mere resolution of the House by simple majority is not good enough, in which case, of course, the Chairman can answer.

MR. ZZIWA: Yes, Mr. Chairman, that is what I had in mind, that probably a simple majority is not good enough.

THE CHAIRMAN: Okay. Hon. Lubega Wagwa.

MR. LUBEGA WAGWA (Butambala County): Point of Clarification. Mr. Chairman, I am seeking clarification from the Chairman of Select Committee I as to why he is proposing the tribunal which has powers of Parliament? As to why he is suggesting that after the tribunal has been constituted by Parliament and it has recommended the removal, then it goes back to Parliament for approval. I think he is repeating. I want - I wish to suggest that Parliament once it gives powers to the tribunal, the president should not consult Parliament again for approval.

THE CHAIRMAN: Hon. Wagwa is suggesting that once Parliament has agreed to set up a tribunal and the tribunal so appointed finds that there is cause and recommends then the president should remove the Inspector General without having to go back to Parliament. That is what he is suggesting. Hon. Kalema, have we abandoned the project?

MRS. KALEMA RHODA (Kiboga East County): Thank you Mr. Chairman. I also want to support this Article and the proposal of the Commit-

tee. I particularly want to support the special tribunal and the reasons are these. Unlike in other cases, where the President can remove officers with the approval of the Parliament, this is a very special department which we are going to constitutionalise now. So this Inspector General of Government and his deputies, since they are to be removed due to inability or failure to discharge their functions and misconduct, there must be a body that can assist the president to scrutinise, to really find out the level of misconduct and the level of inability. So, I think it is necessary for this body to be there and advise the president, and because it is an office which is going to be very sensitive, it removes any misunderstanding by the public or the parliament believing that perhaps the president was prejudiced. Now, it gives these men and women a chance to be heard and to account for their inability or their misconduct, whatever the case may be and it makes it very clear to the public that if they are to be removed, they are removed because they are really found to have made very grave mistakes, what the president alone or parliament alone would not do. That is - Mr. Chairman, what I would like to emphasise is that the president must be advised on this matter and the tribunal is a very suitable body to advise the president. I would like after the tribunal has advised the President, still Parliament - since they approved his appointment, Parliament should finally be informed.

THE CHAIRMAN: You see - I think one Member had suggested the formulation which would have read that: "*The Inspector General or Deputy Inspector General may be removed from office by the president on the recommendation of a special tribunal constituted by Parliament.*" then you give the ground so that the Parliament takes part at the point of appointing a tribunal. They must be moved, of course, and be convinced that it is necessary and then that tribunal would then but that is for the Chairman to answer. Hon. Lukumu Fred you had put up your hand.

MR. LUKUMU FRED (Buliisa County): Thank you Mr. Chairman. I am opposed to the recommendation by the Committee whereby it involves Parliament in the removal of this very important official that is the IGG and his deputies. I believe this would mean tying the hands of the President because given that the IGG's duty will more or less involve monitoring almost all the departments of government. This office is so important that the President will always keep a watch on it using all the machinery at

his disposal. It would, therefore, be most unfair to the President if he feels it necessary to remove the IGG and his deputies from office and he has to be subjected to Parliament which may take such a long process with end the result that it may be too late to save the situation. I would, therefore, feel the President should be given a free hand at least, as far as removal is concerned. After all, in appointment, he has been subjected to approval of Parliament and therefore, this person, is supposed in the first place - his integrity and other qualities are not questionable but when it comes to performance of his duties. He is found wanting by the chief executive of government. Now, this may even involve some vested interests in some Members of Parliament whom we seem to assume that whatever they judge is appropriate. Mr. Chairman, if I may be allowed to develop my point, *-(Interjections)-* I would not like this executive that is the IGG, whose performance would determine the popularity or otherwise, of government to be allowed to challenge even the Presidential decision by subjecting this to Parliament. Given that this would involve long processes - investigations and yet it may be very necessary for the president to act expeditiously in order to save the situation. Mr. Chairman, while I highly acknowledge the importance of Parliament in voting appointments, when it comes to removal from office of such an office, I believe it would be making - Parliament will be stretching terms too far to the extent that the President may find it really very difficult to operate. Supposing the President was opposed, was not in favour of this officer to continue with his duties and then Parliament decides, takes a contrary view I believe this would make the operations of the Chief Executive so difficult that he may find himself crippled. With those views, Mr. Chairman, I wish to oppose the involvement of Parliament in the removal of the IGG and his deputies. Thank you Mr. Chairman.

MR. OGWEL LOOTE (Moroto Municipality): Thank you Mr. Chairman. I intend to concur with the suggestion that the Hon. gave that after the Parliament has constituted this tribunal and has given them the responsibility to investigate on the activities of the Inspector General. So I think the President can go ahead to fire the Inspector General instead of returning it again to the Parliament. So, once the Parliament has endorsed the removal and then given to this tribunal to carry out the investigations, then there is no need again of bringing back to parliament. I think we are giving the Parliament too much powers, we are becoming too generous every-

where in part of Constitution - once he has given that go ahead, I think there is no need again to return because it has already approved. So, once the tribunal has given out the findings and he -the President goes ahead to fire the Inspector General. So, I tend to go with that new concept than what the committee had already commended here. Thank you Mr. Chairman.

MR. OCHYENGHDAN (Kapelebyong County): Thank you Hon. Chairman. Mr. Chairman, I am inclined to go by the recommendations of Committee I for three basic reasons. First, Mr. Chairman, this recommendation is logical. I think the Committee has adequately taken care of the Security of tenure of office of the Inspector General and his deputies which was possibly of paramount concern to the Committee. Secondly, it has tried to depoliticise these appointments and the removal of the Inspector General and his deputies. Thirdly, Mr. Chairman, even if Parliament appoints a tribunal, I think it is common sense that tribunal should report to Parliament and parliament has to endorse their report in which case, it is obvious that even if the tribunal recommends to the president, it will be after Parliament has endorsed it. I think that is common practice. You do not just elect a tribunal and then it recommends to somebody without coming back to you to say that this is what we have done. So, I think the proposal as contained in the report of the committee is logical and straight forward. It caters for all that we need to protect this office and all the normal routines. I do not see any impediment of taking back the reports to Parliament and then onwards to the President to act on. Thank you Mr. Chairman.

THE CHAIRMAN: Let us hear from the custodians of jobs. Hon. Ssentongo.

MRS. SSENTONGO THEOPISTA (NOTU): Thank you very much Mr. Chairman. I stand to support the idea of instituting a tribunal to remove the Inspector General of Government for the reasons that this tribunal will play the role of neutrality. It will not have the bias. I disagree with the idea from one of the Hons. who says that the president should have a free hand to remove this person. First of all, we must understand that this IGG will be responsible to probe the President himself. So, giving him a free hand to remove him without consultation or without being advised by the tribunal or the Parliament for that matter, will force him to remove him at any time he feels he is being probed into and he does not want

to be exposed. So, for that matter, I think the idea of setting a tribunal is quite ideal and I support that idea. Thank you.

THE CHAIRMAN: Hon. Musekura.

DR. MUSEKURA THADDEUS (Bufumbira North County): Thank you Mr. Chairman. I would also like to join Hon. Colleagues who are supporting this good Amendment proposed by the Committee and I would urge Hon. Members really to join us so that it passes through. Mr. Chairman, the office of the Inspector General of Government is really crucial and very important as far as fighting corruption and abuse of office in this nation is concerned. So, Mr. Chairman, we should really make it much more difficult for the president or anybody to remove or tamper with such an office without justifiable reasons because this can easily happen if the IGG is working on cases or situations whereby the interests of a corrupt regime of the day are antagonised. So, Mr. Chairman, we should really allow the IGG to be truly independent and also to be impartial during the discharge of his or her duties. We also allow that office not to be easily intimidated by the politicians of the day. Also, since the office is so important and crucial for the nation, it should not be tampered with easily. There must be real, genuine justification and Mr. Chairman, Parliament normally works in the interests of the entire nation because the entire nation is represented. I really urge Hon. Members to support this Amendment so that this office is genuinely independent and impartial and cannot be interfered with anyhow by any regime of the day. Thank you very much Mr. Chairman.

THE CHAIRMAN: I will listen to two Speakers. Hon. Sabiiti, Hon. Byakika and then we see how to proceed from there.

MR. SABIITI JACK (Rukiga County): Thank you very much Mr. Chairman. As a student of Public Administration and a practitioner in this field, I would like to see a President or the Executive having enough powers to do his or her work. However, given the immense responsibilities that the Inspector General of Government and his staff is going to shoulder - duties of cleaning up this country, it is an immense responsibility of which I think if this office does its work properly, he is likely to step on toes of the Members of the Executive. If you look at the functions of this office, Mr. Chairman, he has to eliminate and foster the elimination of corruption,

abuse of authority in public offices. He is likely to face problems particularly in offices of senior members of the executive. Now, if we allow the president or give him a free hand to just fire any member of the Inspectorate of Government. I think it will be unfair to the holders of this office. Mr. Chairman, we must be seen to protect this office in order for the occupants of this office to do their work efficiently. This office should be independent. This is why we have peg their appointment to Parliament and to be responsible to Parliament. I, therefore, as a member of this Committee, firmly support the retention of this Amendment and its entrenchment in this Constitution. Thank you Mr. Chairman.

THE CHAIRMAN: No, there is no issue of procedure. We are discussing a report which is before us. Hon. Byakika.

MR. BYAKIKA SAMSON (Bunyole County): Thank you Mr. Chairman. I find it difficult to support the idea of a tribunal set up by Parliament just for the purpose of looking into the matter of the removal of IGG. Elsewhere we have said that these other officers like Inspector General of Police, Auditor General can be removed from their offices by president on approval of Parliament. The post of IGG is not any special post from those others. I think to maintain consistency, the matter should lie with Parliament. Parliament has got Standing Committees and Select Committees. Each of these Committees is charged with responsibilities. Now, I do not know in the case of Inspector General of Government - there should be a Sectoral Committee within Parliament which would be looking after the functions of IGG. When we talk of corruption, for instance, I cannot see how Parliament cannot assign the matter of corruption to one of the Sectoral Committees and therefore, the matter would have already been taken care of. Now, if there is need to remove IGG and the matter goes to Parliament, Parliament will definitely refer to the respective Sectoral committee to look into the matter. Then report to Parliament after which Parliament will decide whether to approve the removal, recommend to the President to approve removal or not. So, I do not see, Mr. Chairman, any need for a special tribunal. I think the Sectoral Committees we have in Parliament are enough to cater for this. I, therefore, Mr. Chairman, feel that this matter of asking Parliament to set up a special tribunal is uncalled for and we can go back to the original text of Article 258.

THE CHAIRMAN: Okay, we have had a very extensive debate on this one. In fact, we have gone beyond what we should - I will ask the Chairman to answer some of the issues raised and if his answers do not cover, then we could see how we proceed from there. Hon. Baguma Isoke.

MR. BAGUMA ISOKE: I thank you Mr. Chairman.

THE CHAIRMAN: There is this question raised as to whether we should retain your recommendation or we should formulate it in such a way that we say - it is on the recommendation of the tribunal set up by Parliament. If you could answer that.

MR. BAGUMA ISOKE: Mr. Chairman, I thank you. The Committee considered all the issues raised by Hon. Delegates now in the Plenary. First of all, the IGG and the deputies will be appointed by the President upon the recommendation of Parliament. Therefore, their removal is by the same authority - a recommendation of Parliament to the President. What does that mean? The instrument of appointment will be signed by the President. In our wisdom we did not see how Parliament could appoint and sign an instrument of appointment, even how in the case of removal Parliament can sign an instrument of removal of the IGG. We consider the IGG as a very high office in the Public service of Uganda. The IGG will rank somewhere in the cadre of Ministers protocol wise and to remove this person, to removal this public officer, there should be a Committee of Parliament. Now, this committee of Parliament may not have the expertise to handle all these cases enumerated in a) and b). Mr. Chairman, I invite Hon. Delegates to consider what do we mean by inability to perform. Inability includes sickness. We need a special committee - call it a special court constituted for that purpose - *(Interruption)*

THE CHAIRMAN: You have provoked a lot of...

MR. BAGUMA: If the information may pre-empt what am about to say - *(Interjections)*-

THE CHAIRMAN: Let us first of all hear what these people would like to say by way of information. Hon. Babu.

MR. BABU: Mr. Chairman, thank you. The information I have for the Hon. member on the Floor is about the Committee of Parliament and its inabil-

ity in the areas it might be working on. I wanted to inform the Hon. Member that having been the chairman of one of the committees in Parliament, you have the right to co-opt members experts to come and advise you on a particular area but you do not subject Parliament under a Committee from outside Parliament. It is totally unethical. It is the highest body of the country and therefore, if they require information, they can co-opt a medical board, they can co-opt technical people to come and explain to them but the committee is never subjected to a tribunal. Thank you very much Mr. Chairman.

MR. LIIGA ALOYSIUS (Buyuma Islands): Thank you Mr. Chairman. I am little bothered by one small point. When we were setting up complaints against the judiciary - or rather complaints against the judiciary we said that the Judicial Service Commission should receive these complaints and then pass them on after investigation them to the relevant authority for taking action. But looking at the office of the Inspectorate of Government, IGG, we have not yet set up that body to which the complaints would go before the President can be moved. I would like the Chairman of Select Committee I to give me some clarification on that. Thank you.

PROF. KANYEI HAMBA: Thank you Mr. Chairman. I wanted to give this information which I hope will assist the chairman and through you, Mr. Chairman, this august Assembly. As Hon. Liiga has referred in Committee 11, we have set up a Judicial Service Commission which is independent of anybody. It is independent of both the Judiciary, of Parliament and of the Presidency and its composition is mixture of lawyers and non lawyers brought to bear so that they investigate the same causes which the Committee has recommended, should be the grounds on which the IGG should be removed from office - inability to perform, profession misconduct - it is the same category. Similarly, the Committee has recommended that the IGG should have the status of a High Court Judge or somebody similar. So, Mr. Chairman, I was finding a solution here saying that - why can't the Judicial Service Commission not actually undertake the responsibility of investigating the inability and misbehaviour of the IGG with a view to recommending to the president for removal and then the president removes on the recommendation of Judicial Service Commission. If there are any complaints involving the office of IGG or concerning him as an officer, then those, could, as we have recommended be forwarded to the Judicial

Service Commission which would make up its own mind and if they are satisfied, there is a prima facie case against the IGG, they would recommend to the President that a tribunal should be set up. We have also set up a machinery how these tribunals will be constituted. I thank you Mr. Chairman. I thought that might assist.

THE CHAIRMAN: Hon. Kaberuka.

DR. KABERUKA WILLIAM (Ndorwa West County): Point of Clarification. Thank you Mr. Chairman. I just want to be clarified because in this Constitution we have more or less loaded everything on Parliament and we seem to have thought that the executive should not have any powers. Mr. Chairman, under the executive, we did say that the president will appoint ministers with approval of Parliament but I have not seen anywhere where we are saying that when he is firing them, he should go back to Parliament. So, really this aspect of referring to the fact that appointment, you have consulted so and so - so, in the disappointment so and so must be involved. I think we are tending really to glorify the Parliament, the Executive has no power. Parliament, in day to day running of these offices will not be in contact. So, I imagine the Executive who is always in contact with these officers who are below him will know the weaknesses and their strength and therefore, the Executive should be given power to disappoint those whom you find are unable to perform the duties. So, Mr. Chairman, I want to be clarified whether in everything that the Parliament will be consulted whether we are going to say that even in reshuffling, in-what not parliament should be involved because they are involved in appointment. So, with that, Mr. Chairman, at an appropriate stage after the Member has talked, I want to ask for an opportunity to move an Amendment which will remove those anomalies. I thank you.

THE CHAIRMAN: We have heard a number of proposals. One, that the proposed Judicial Service Commission should handle this. Another from Hon. Babu that it would be improper to require that Parliament is subject to a tribunal in its decision. Then you are saying that Parliament maybe should not have anything with removal except with the appointment. These are all ideas that have been put on the Floor and there is one of Hon. Byakika where they are saying that there should be no tribunal at all. It should just be the president and Parliament and so we have a whole spectrum of proposals. I want to know

from the Chairman - are you fascinated by any and if you are not, but in case you are. Will it be better if this matter was reconsidered by your committee in light of these proposals? Or you think that these have been fully canvassed in your committee and therefore, we should proceed and decide on the matter here and now. Let the Chairman answer first.

MR. BAGUMA: Mr. Chairman, in my preamble to the Clarification I am giving - I said our committee considered all the views that have been expressed by the delegates here in the Plenary. Now, the idea that is consistent with our committee's thinking is Kanyeihamba's idea. That in exercising the power to remove the IGG, Parliament should be assisted by an independent body. If the case is fraud, even a Commission of Inquiry - my friend/Colleague Hon. Babu should know that there is nothing unethical about a Commission of Inquiry Report being a guide to a decision of Parliament or the Executive. So, here we are not doing anything unethical or out of the ordinary. All the Committee wants is to be as transparent as possible. To give a hearing even where an IGG or a deputy is said to be mentally sick or physically unable to perform or incompetent, he is inadequate in his performance. He should sit before - should stand before an impartial body that will put him, or her on weighing scale to determine that really you cannot perform and according to our findings medical, criminal or otherwise. We recommend to the appointing authority that you be removed. So, what is the procedure? The procedure is - that in arriving at the decision to remove these people, Parliament will constitute a special tribunal. In our terms, or in the language of my Learned Friend here, Kanyeihamba, the other body but it is the considered view of Select Committee I that Parliament should not at the same time be a tribunal to judge. Because this is a very high office and its function is also para judicial.

THE CHAIRMAN: No, I thought that you were going to say that the IGG can investigate Parliamentarians. So, in which case they should not constitute the tribunal. I was helping you to develop the argument. That the more logical thing is the Parliament should not be the tribunal because it could - the Inspector General also is entitled to investigate parliamentarians.

MR. BAGUMA: There you are. So, the Committee's thinking is along the Kanyeihamba thinking.

THE CHAIRMAN: Hon. Abaliwano.

MR. ABALIWANO ALBERT (Bugabula South County): Mr. Chairman, I was only worried about the timing for the post of such an important person - who investigates a lot of people. He is not going to be a very popular person. If we go the Kanyeihamba way of referring the matter to the Judicial Commission first, then later the Judicial Commission will say - yes, let us appoint a tribunal. All that takes a long time and justice will simply be delayed 2) A lot of money will be spent on nothing. What I think the proposal of the Committee, the first proposal of an immediate appointment of a tribunal to look into this would be the best decision rather than referring from one body to another. I would like the committee actually to consider their first position rather than buying the Kanyeihamba alternative.

THE CHAIRMAN: Hon. Elyau.

MR. ELYAU: Thank you Mr. Chairman. Indeed, Mr. Chairman, the IGG which we are now trying to put in place is going to be different from the previous one because we want the IGG to handle the Leadership Code which involves leaders and leaders would be found in Parliament. So that Parliament does not have upper hand to suppress the person who has investigated them, exposed them out. We shall now lead a very special body like lawyers to see the truth - like doctors, so that by the time of the removal it is true that the proper channel and proper action is taken. So, people should not fear anything. We should allow this situation to happen because we want that action to be taken independently and freely so that nobody will say that this one was removed because of jealousy. Otherwise, I see that the IGG will be stepping on everybody's feet if he is to get the corruption out of this country. I thank you.

THE CHAIRMAN: Hon. Nankabirwa.

MISS NANKABIRWA RUTH (Women's Delegate - Kiboga): Thank you Mr. Chairman. I wanted to give further information or clarification on the composition of the Judicial Service Commission because what is in the 15 years standing and of high proven integrity. Then three Members being Lawyers of not less than 15 years standing, nominated by the Uganda Law Society. Then two Members nominated by the Public Service Commission who have excelled in Public Service. So, Mr. Chairman, I think this Commission the Judicial Service Com-

mission can do well rather than the Parliament to find another tribunal to then decide on this issue. Thank you very much.

PROF. NABUDERE: Mr. Chairman, I would urge the Committee not to rush in for the Proposal by Hon. Kanyeihamba for the following reasons. The Clause which we accepted only requires that at least one of either the Inspector General or one of the Deputy Inspectors General should be of the rank of the High Court Judge. It is possible that the other two may be either someone who is expert in the Account or someone who is expert in Criminal Investigation. Therefore, these people cannot be investigated by the Judicial Service Commission which will be oriented towards Law more than towards the other two professions I have mentioned. Therefore, I still think that they should go by their own proposal to have an independent tribunal.

MISS NABAFU ROBINA (Women Delegate - Mbale): Thank you, Mr. Chairman. Mr. Chairman, I am a Member of this Committee and we got a good amount of time to talk about this issue and to justify this Amendment. Mr. Chairman, we have looked at the history of this country and we are looking at the future of this country. We are looking at the present time and we are saying that the Executive- the President is in a vulnerable position of being used by a Parliament which is a majority his position. Mr. Chairman, you have ably put it that Parliamentarian stand to be the people to be probed by the IGG. For example, today's Parliament is full of Members of Boards, of Directors. It is full of Members of Councils of Universities and other very important Institutions of this country. Where the people have been decrying corruption, Mr. Chairman, and this IGG is bound to step on the toes of some of these people who constitute those bodies and therefore, we do not want to get them the ability to deal with him just like that without a tribunal. They would be given a lee way in their description and in their wisdom to choose the Members of Tribunal, some of the Members may be coming from Parliament but they should get some experts. People who are going to be independent to investigate an independent public officer. Mr. Chairman, a President who is unprincipled is bound to use his power in a wrong way to remove this man or woman who is doing a good job for the rest of the country. But you just never know human beings change at any time the IGG may be stepping on the toes of friends or relatives of this President and he may want to use his power to deal

with this man. Therefore, we want the man to go through proper channels of being disappointed. We also want to protect the President from being lobbied by people who need the IGG. We have seen situations where a leader of the country removes a person simply because he wants to put a person of his recent liking. Mr. Chairman and Hon. Delegates, let us protect the Executive from the lobbyists. We also want to protect the President from people who want to bring up personal conflicts into such offices. When somebody has been stepped on by the IGG he will go to the President. Particularly if he is a great supporter or close to the President, he may want to use him. We want to protect the President with this kind of tribunal. Like Hon. Capt. Babu said, Parliament, yes, will have to recommend the disappointment of this person, but we need expert information. It is easier to appoint than to disappoint, and therefore we want protect everybody by having a very independent way of disappointing this kind of person. Therefore, we want to close up any loopholes in this direction. I stand to support the Amendment.

MR. KWERONDA RUHEMBA (Kajara County): Mr. Chairman, the Amendment as proposed by Committee I is not bad. But it has got some weaknesses. For instance the first weakness is, and that is the main concern of this plenary. When the Inspector General of Government misbehaves as described here, and one wants to bring the matter to the attention of the President before the tribunal is appointed, where does one go? What is the first stepping stone in the case of the Chief Justice, as Hon. Kanyeihamba has pointed out? We said, the first stepping stone would be the Judicial Service Commission. But in the case of the Inspector General of Government, one does not know where to start from when he is trying to raise the matter concerning his misbehaviour and that is why I think Hon. Kanyeihamba was saying that maybe one should go to the Judicial Service Commission then the Judicial Service Commission would raise the matter to the President and the President would start on the way to removing the IGG.

I agree with those who have sentiments to the effect that the IGG is going to step on many feet of even Parliamentarians including Ministers and the President and the whole Executive. I also agree with those who are saying that a tribunal should be appointed. But the appointment of a tribunal is the last step. But there are first steps to reach that stage of a tribunal. So, the question is, where do we start from? Do we

walk to the State House and inform it that IGG is not doing well? Do we walk into Parliament and cause Parliament to act? Or do we start somewhere like in the Judicial Service Commission. Mr. Chairman, I want that clarification from may be the Chairman of Committee one so that I can proceed on debating this Motion.

THE CHAIRMAN: But is it not clear that if your complaints to the President about the performance of the IGG or if his lunacy becomes obvious then the President can move.

MR. KWERONDA RUHEMBA: Mr. Chairman, his misconduct may be obvious to everybody but where do we start, or report, and who initiates this move to the President?

DR. MAGEZI: Mr. Chairman, from that issue being raised by Hon. Kweronda, I think the matter is that we in the Constitution, we are spelling out responsibilities of Government. Subsequently, after this Constitution has been made, the Government is going to present Parliament Statute, and these final details will come out in what will eventually be the Law or the Act as established by Parliament. Therefore, those who will be part and parcel of that Legislature will be able to spell out in precise details who initiates what. But I can just say that there must somebody a responsible Minister appointed by the President who will be in charge really of initiating these matters to be presented. Having said that Mr. Chairman, and from what I have listened on the Floor, I do not know whether it is in order for me to move a possible Amendment to this recommendation from Committee 1. Because from what I have listened to the principle has been accepted. Except that Members feel that to subject this matter twice to Parliament is unacceptable. That is why I was suggesting that we amend the recommendation by removal of the words appearing immediately after '*the President with the approval of Parliament acting*' so that the matter becomes that: '*The Inspector General or a Deputy Inspector General may be removed from office by the President on the recommendation of a special tribunal constituted by Parliament.*' Then we can get out of this backlog Mr. Chairman. I propose to move.

MR. MALIRO GASTON (Mwenge North County): Seconded.

MR. WANENDEYA: Thank you, Mr. Chairman.

I would like the whole idea of getting the tribunal in place so that the IGG would also investigate Members of Parliament so that nobody would be spared. But Mr. Chairman, for that tribunal I would very much like the High Court Registrar to be the secretary of that tribunal. If he is the secretary, it makes the whole matter to have good checks and balances so that we can get this approval in a manner that will be audible to everybody. Therefore, the Chief Registrar of the High Court could also be the person where first steps could be reported if there is any malpractice by the Inspector General of Parliament.

MR. BAGEYA: Mr. Chairman, I would inclined to go along with Hon. Magezi's Amendment. I am however, not quite sure as to why we are constitutionalising how to defend the IGG. Because as far as I am concerned what we are dwelling on is protection. What would be important the appointing authority should have the power to disappoint. Now if the IGG finds himself aggrieved, they could easily take the necessary steps to follow up with the Law so that he can defend himself that way. But I do not see why we should start in a constitution to include when the IGG is found incapable of operating with reasons which would be very clear. Why we should find a way of getting a tribunal to defend him when he can actually if he is aggrieved to take up steps to defend himself. On the other hand if he said, the President would appoint the tribunal, if the President decides that he does not like this particular IGG, there is also a predicament whereby the President will appoint a group of people that will probably seem to have visa ideas and then get the fellow crucified. Whereas if it was left or that the Inspector General or a Deputy Inspector General may be removed from office by the President with the approval of Parliament, would be sufficed.

THE CHAIRMAN: There is a Motion on the Floor by Hon. Magezi, which would be to amend the preposition which came to us from the Committee. The Amendment to the preposition would be that: '*The Inspector General, Deputy Inspector General may be removed from office on the recommendation of a special tribunal considered by Parliament,*' only for and the rest remains as it is. If that carries then we forget all about the other one. The question of details, those can be supplied by statutes.

(Question put and agreed to)

THE CHAIRMAN: That being so, that is now the formulation of Article 258. Now I put the Question that Article 258 do stand part of the Draft Constitution.

(Question put and agreed to)

THE CHAIRMAN: I now adjourn the Assembly to Wednesday, the 15th of february at 2.30 p.m.

*(The Assembly rose and adjourned until
Wednesday 15th February, 1995)*