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PROCEEDINGS

OF

THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

TUESDAY, 14TH JUNE 1994

MOTIONS:-

Communication From the Chair [Pg 122]
Presentation of the Report of The Committee on Rules of Procedure [Pg 123]

Tuesday, 14th June, 1994

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

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

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: I start by welcoming you back from the recess. No doubt, you took advantage to consult extensively with your constituents and electing bodies. During that time expect that you also took the opportunity to read and exhaustively study the documents that were circulated, which will form the basis, if not part of the work which we are going to undertake here. The task before us as you know is a major one. We are required so far as the law stands, to have in place a Constitution of Uganda in a time frame of not later than seven months from the time we started. That time began ticking on the 12th of May and so two days ago one month went. So, we have six months within which to work to make sure that we have everything in place.

The Rules' Committee which you appointed before we adjourned, has been working; they are ready but administrative arrangements have made it difficult to have the Draft Set of Rules distributed but I shall return to that soon.

I would also like to report that during the recess, myself as Chairman, my deputy and the Secretariat took steps to resolve as you can see, some of the issues which were raised in relation to our sitting here. In the sitting arrangement as you remember, we had more people seated in the chairs at the back. It had been our hope that by today we would have enough seats and desks for all of you so that each one of you is seated at a table. The people who were given the job to do, have done a good one as far as I can see within a very limited space of time; but they were not able to deliver all the tables in time. I have interacted with them and they promise that by Friday they will deliver the remaining tables and when that is done, the other Delegates who are seated at the back will find themselves seats at tables.

We are also making arrangements to extend cables of some of the microphones so that nearly, if not all the Delegates will have access to the microphone without having to move from the places they are

seated in. That way we hope that we would have resolved the sitting question and we shall respect the alphabetical order, notwithstanding certain objections that people are put together on the basis of their villages because of the names they carry. To me, that is not a problem because we have made another arrangement to answer that.

One problem that was raised was one of lack of a place where Delegates could interact for purposes of consultations and other matters after work.

Working with the management of this complex, a room has been set aside exclusively as a lounge for Members and it will be exclusively for their use. Only staff of the secretariat will be permitted in there and we have also been able to negotiate down the price of food; hopefully to be able to keep you here during lunch time so that you do not wander off in the town and we lack quorum. That is not the only reason but it is only to make it possible for Members to be properly fed so that we do not have undernourishment during the proceedings which are so important. That lounge will be made available from today and those Members who would like to stay and taste the goodness of it are welcome. Other details will be available in communications from the secretariat. The lounge is on the next floor.

Members also did complain about lack of documentation facilities. They were suggesting we should have a Secretarial arrangement for the Members and so on and so forth. We have acquired a room called a Documentation room for exclusive use of the Constituent Assembly and the pigeon holes in there have been labelled and I am sure some of you may have already had access to it and your documents and other mail will be deposited there.

In that same room we have established typing facilities for urgent work by Members. We have set in there typists and typing facilities. We have also in that centre, placed photocopying machines for urgent photocopying by Delegates. We would like to stress that it is for urgent and C.A. related material. Commercial transactions can be done in the business centre which is somewhere in this building so that the photocopying and typing to be done at the Documentation Centre is to be on C.A. related matters and not otherwise.

During adjournment, Delegates will be requested to proceed to the Documentation Centre to collect bags for carriage of these documents which were given to

you. You remember we did promise that bags will be available. Yes, we have received them and Members should go and sign for them in the Documentation Centre when we adjourn.

We have also set up a research service. This was one other thing that was raised by the Members. The secretariat has appointed a number of researchers in the fields of politics, history, economics and law. For lack of office space in this building, the researchers are seated at the Post Office building commonly known as the Prime Minister's Office down at Kitante Road on the 11th Floor. As you also know we have got on the 11th floor a library consisting of reference materials which Members could have recourse to. We have appointed the coordinator of research and a deputy coordinator. We are in the process of locating an office for them on these premises so that Delegates can place their requests through the coordinator for any area of study they wish to be researched on for them and arrange for interaction with researchers if necessary so that you are helped in making informed submissions to the Constituent Assembly. I would like to urge Members to take advantage of this facility.

In other words, we have put together a research facility, a secretarial facility and a documentation facility to answer the issues which you raised. I do not think there are many other things that require to be reported on. All other things that maybe necessary you will find in your pigeon holes in the Documentation Centre. But I wish to apologise to those Delegates who have not yet got a table and that by next week on Monday, hopefully all of you will be seated at a table. We tried our best but it was beyond our capability.

The Item called 'Communication from the Chair' ends there and now we go on to the next one and that is Item No. 2.

PRESENTATION OF THE REPORT OF THE COMMITTEE OF RULES OF PROCEDURE OF THE CONSTITUENT ASSEMBLY

THE CHAIRMAN: Delegates, this Item, as I mentioned earlier relates to the work of the Committee you appointed before we adjourned last time. The members of the Committee are seated here so that when the report is presented they will be able to consult each other as they answer the issues that you may raise. As I did indicate in my earlier remarks,

the Draft Report is ready but its processing was delayed due to a breakdown in the Photocopying machines last night. The Secretariat are doing their best and will have the Draft Report ready and distributed before the close of this morning.

Since this report constitutes the main business for today I would like to propose that we proceed as follows: Shortly, I shall adjourn to 2.30 p.m. so that the Distinguished Delegates receive the Draft Report and take time to study it so that at 2.30 when we resume, the Chairman of the Committee and his Committee will present their report to you of their work in preparation of the draft that will be with you and then after the presentation by the committee, we shall debate and hopefully adopt the rules and then proceed to do the substantive business that has brought us here.

I wish to urge Delegates that given that a lot of work was put in by the Committee you appointed, we should endeavour to adopt the rules today so that tomorrow we start with substantive business.

That it would take us a long time if all of us were to debate the rules but that if we appointed a Committee and gave that committee the mandate, it would ease our work and so I do expect that the Constituent Assembly will abide by their own word and we proceed speedily.

So, Distinguished Delegates, in absence of any dissenting voice, I take it that we are all agreed that I adjourn - *(Interruption)* Are you dissenting?

MR. A. MAYANJA: Mr. Chairman, I am not dissenting but I think it could be better if the report were to be formally tabled and distributed to the Members before we adjourn so that when we come, we just go to debate it.

THE CHAIRMAN: I think it will be difficult for us to do that. As I indicated, there was a breakdown in the photocopying machines. The report is being photocopied and put together right now but they will be in your pigeon holes this morning. My proposal was this - we have some administrative matters like collecting your bags from the secretariat in the Documentation room, we can attend to that from now, while we await the receipt of the Draft Rules and the Report; then by 2.30 p.m., you will read the Draft Rules. The Chairman of the Committee will report on behalf of the Committee and also table the

Report at that time and then we shall proceed to discuss it. It would have been better if the report had been ready to have the presentation of the Chairman this morning, you adjourn to read and we come back but it is not possible to do that. So, let us adjourn, attend to administrative matters, read the Draft Rules which will be availed to you this morning and then we resume at 2.30; and proceed with our work.

DISTINGUISHED DELEGATE: Thank you Mr. Chairman. Regarding the brief cases, I think it would be better if they were distributed from here rather than all of us going there to crowd in that small place. I think we will suffocate there Mr. Chairman. *(Applause)*

THE CHAIRMAN: That seems to be very popular but there is one problem -we would like members to sign for those bags. I will consult the Commissioner, meanwhile *(interruption)*

DISTINGUISHED DELEGATE: While you are giving us the briefcases, the ones we have been having have been taken away from the door. Can we be assured that these ones will be allowed in here.

THE CHAIRMAN: The Commissioner says there is no problem; the bags will be distributed here but I do not think the Chairman will sit in Session. I think they will be distributed out of Session. So, the Chairman will adjourn, take leave and then Members can stay behind and sign for their bags.

DISTINGUISHED DELEGATE: Mr. Chairman, I feel very insecure in the Pigeon Hole area. Could you make the privileged area for the Delegates only.

THE CHAIRMAN: I do not understand. What is insecure about it?

DISTINGUISHED DELEGATE: We feel a bit insecure having our documents there because it is almost a public room and I would feel better if it was made a privileged area.

THE CHAIRMAN: It is not a public room, the officers you see there are all members of the secretariat, the keys are kept by the secretariat. They were handed over by the management of this place and no other person other than those connected with C.A. work are going in there. So, Members should feel safe with their documents there.

MR ETYANG: Mr. Chairman, in my other capacity, I have received representations from the Members of the press that they have been barred from here. Could you clarify for their benefit and guidance please?

THE CHAIRMAN: That is not true, the members of the press have been allocated the area properly labelled Press Gallery up there. So, they are free to come in but what we have insisted on is that they should get identification and accreditation by various journals or radios or T.Vs so that we know who is here as a journalist. There is no restriction on their work and they have the whole press gallery put aside for them. We are going to use the small pool area for our messengers or people within here who can move papers from one side to the other and then we leave the upper area for the press. So, there should be no problem there.

DISTINGUISHED DELEGATE: Mr. Chairman, there is a question you never answered. You are talking about giving us briefcases but the ones we came with, we are told not to bring them inside. Now, are we sure that these ones they are giving us will be allowed inside?

THE CHAIRMAN: I think let us do it this way - you will have a chance to debate the rules when they come. We were only taking precautions. We are not suspecting any member or Delegate that they may sneak in here with dangerous things but there is also the unfortunate possibility that you may think you have been in control of your bag when in fact you have not and some ill-intentioned person can cause problems; but we intend to discuss this when we debate the rules because I have some recommendations to make. Can I leave it at that?

DISTINGUISHED DELEGATE: Thank you Mr. Chairman, I want to take you back to your communication. We are very grateful that you have reacted to our requests which we put to you last time like the arrangement of the seats and so on. We are also happy to hear that you have established a research department and also we have a library but Mr. Chairman, if it was possible, the library and research department be shifted to this place so that it is convenient for a member to sneak in to the library and also to liaise with researchers at any time; but down there it is very far and very inconvenient.

THE CHAIRMAN: I could not agree with you more but the problem is office space within this area and the cost of it. Secondly, we do not know whether this is our permanent home yet and so as we consult and concretise our position on this matter, we shall also be keeping that in mind but I agree and think the secretariat knows my views on this. It would have been better if we found space within these premises or wherever we shall make our home so that the researchers and the library are in proximity. I agree that down at Kitante is very inconvenient.

DISTINGUISHED DELEGATE: Mr. Chairman, like we are preparing to cope up with the programme of world cup and everybody maybe prepared to buy T.Vs and whatever it is. Like in the upcountry Mr. Chairman, people would like to see these things live and they would want to have a provision if the radio Uganda can actually be availed here so that they can cope and be abreast with what we are going to be discussing here.

THE CHAIRMAN: Dialogue is taking place between the Chairman and the Minister for Information to make all those arrangements.

DISTINGUISHED DELEGATE: Thank you Mr. Chairman. I am going to talk about one major issue for the back rows. I think if we continued to sit in here, we need microphones in the back rows so that we can have opportunities to speak. You will have noticed that nobody from the back rows had raised his arm because it is extremely inconvenient for people to be moving around to find where to speak from. So, either we get microphones fixed in these back rows or we get these codeless microphones so that we can hand them over among ourselves. Otherwise, it is extremely inconvenient for us to look for places where we can be able to speak. That is one.

Two, I think we will need some sort of tables - I have seen them in classrooms which are fixed on our seats
(*Interruption*)

THE CHAIRMAN: I think I will cut short the hon. Delegate. I know that you may have come in slightly late (*Laughter*) The point is that I had already explained and I will do it for the benefit of those who were not here.

Those who are seated in the back rows are going to do so and they will be inconvenienced only up to

Friday but by Monday we shall have tables and everybody will be at a table and we shall have endeavoured to extend microphones so that every one of the delegates can be able to speak on a microphone. I think we should finalise this so that we go to other things.

DISTINGUISHED DELEGATE: Mr. Chairman, I would like to raise one point with you. In your communication from the chair, you were silent about the further one week's adjournment which you made over the radio. I would have expected you to have said something about that and to assure us that we shall not have adjournments over the radio like Amin's style.

THE CHAIRMAN: I think those of you who heard the announcement also heard the reason why and I guess it shows for itself. What happened was this - if I may for the benefit of members - when we had the two weeks, the Chairman was under the impression that we could be able to have chairs manufactured and tables manufactured within the period of the two weeks so that by the end of the two weeks we would have the sitting arrangement like we are doing now. Unfortunately we did not realise that there is a requirement to tender. You do not simply say so and so manufacture tables. So, the tender process took away one week, both for the secretariat and also for the management of this place. They had to go through a tender process - this is public money. Having lost that week, we have been pushing those who won the tenders to have the work within the space of time that was left. We realised that we would come back to same problem that we had before we adjourned and the Chairman, after consulting his deputy and also the members of secretariat thought it was better and more expeditious for our work if we had an extension of one week and then when we come, we would have resolved most of our problems on the Floor so that we do not have reason not to concentrate on the substance that has brought us here. There was no Amin's announcement or anything like that. It was for the benefit of the Constituent Assembly and its work. I hope members do agree with this.

DISTINGUISHED DELEGATE: Thank you Mr. Chairman. Before we adjourn, I have two things to say. One, having looked at the list of reading materials, I find that there is one material which I feel is missing. This is without underrating the understanding of the Distinguished Delegates -

that is a dictionary. Would you please avail some of the good dictionaries into the hall for use in case there is need. The library is far away from here.

THE CHAIRMAN: When the library comes it will have such material but for the time being, I trust that the Delegates are very proficient in English language and they can read and understand and also the Statutes.

So, Distinguished Delegates, with that I adjourn the Constituent Assembly to 2.30 this afternoon. Thank you very much,

(The Assembly rose and adjourned to 2.30 p.m.)

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

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

The Assembly was called to order

THE CHAIRMAN: No doubt you are aware of inability to have the documents which I promised to be in your pigeon holes by the end of the morning; in fact it is now not even morning and we do not have them yet. The magnitude of the work involved was under-estimated when I made the promise and the Secretariat are working around clock to see to it that we have the draft rules produced and placed in your pigeon holes today.

You have received the report of the Chairman but as you know his report cannot be represented in absence of the subject matter.

The Procedure which we shall use in considering the draft rules will be that tomorrow morning the chairman will lay on the table the rules under heading in the day's programme called '*Laying of Papers on the Table*'. There will be another item to be known '*Motion for Adoption of the rules as tabled*'. After laying the draft rules, the chairman of the Committee will present the rules and also move the motion for adoption of the motion. Then the motion moved will be seconded and then the Chairman will speak to it using what you now have as his report; those will be his remarks in moving the motion that the draft rules be adopted to become the rules of the Constituent Assembly.

I shall propose the question and invite debate and arising from the debates and comments will call up on the mover to wind up and having ascertained the position will proceed to put the question. On the basis of that we shall adopt the Rules of Procedure.

This is what I had hoped we will do this afternoon but in view of what I have just said in relation to the availability of the documents, i am afraid I have no choice but to proceed to another adjournment.

It is an unfortunate situation but we are working and the secretariat have been instructed to ensure that we do not have another re-occurrence in relation to this matter and delegates can be assured that tomorrow we shall have with us, come what may, in each

member's pigeon hole a copy of the draft rules so that we can proceed to adopt them and to proceed further to the substance of what has brought us here.

Out of these observations, the question as to whether we shall have read the rules by the time we resume tomorrow will be looked at tomorrow; but in order to give members a chance to quickly read through the rules, I will adjourn to ten (10.00 o'clock) tomorrow since the draft rules will be in your pigeon holes and if you arrive here as I am sure you will, before you can have the opportunity to read through. I do not think they take more than an hour and when we start at 10.00, we will go through the procedure I have just outlined so that we get the rules out of the way. In view of this, I now adjourn the Constituent Assembly to 10.00 O'clock tomorrow morning. Thank you.

The Assembly adjourned untill Wednesday, the 15th at 10.00 a.m